

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Appeal from Lexington County

Honorable Eugene C. Griffith, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TIMOTHY RAY JONES, JR.,

APPELLANT.

APPELLATE CASE NO. 2019-001008

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THE FOLLOWING DOCUMENTS ARE ON FILE WITH THIS COURT:

STATE’S EXHIBIT #177 (PHOTO-KNEE), STATE’S EXHIBIT #206 (BODY RECOVERY VIDEO), STATE’S EXHIBIT #207 (ELIAS BODY RECOVERY PHOTOS), STATE’S EXHIBIT #207A (PHOTO-ELIAS), STATE’S EXHIBIT #207B (PHOTO-ELIAS), STATE’S EXHIBIT #208 (MERAH BODY RECOVERY PHOTO), STATE’S EXHIBIT #208A (PHOTO-MERAH), STATE’S EXHIBIT #208B (PHOTO-MERAH), STATE’S EXHIBIT #209 (GABRIEL BODY RECOVERY PHOTO), STATE’S EXHIBIT #209A (PHOTO-GABRIEL), STATE’S EXHIBIT #209B (PHOTO-GABRIEL), STATE’S EXHIBIT #209C (PHOTO-GABRIEL), STATE’S EXHIBIT #209D (PHOTO-GABRIEL), STATE’S EXHIBIT #210 (ABIGAIL BODY RECOVERY), STATE’S EXHIBIT #210A (PHOTO-ABIGAIL), STATE’S EXHIBIT #210B (PHOTO-ABIGAIL), STATE’S EXHIBIT #211 (NAHTAHN BODY RECOVERY PHOTO), STATE’S EXHIBIT #211A (PHOTO-NAHTAHN), STATE’S EXHIBIT #211B (PHOTO-NAHTAHN), STATE’S EXHIBIT #211C (PHOTO-NAHTAHN), STATE’S EXHIBIT #211D (PHOTO-NAHTAHN), STATE’S EXHIBIT #212 (AUTOPSY-ELI), STATE’S EXHIBIT #212A (PHOTO-ELI), STATE’S EXHIBIT #212B (PHOTO-ELI), STATE’S EXHIBIT #212C (PHOTO-ELI), STATE’S EXHIBIT #213 (AUTOPSY-MERAH), STATE’S EXHIBIT #213A (PHOTO-MERAH), STATE’S EXHIBIT #213B (PHOTO-MERAH), STATE’S EXHIBIT #214 (AUTOPSY-GABRIEL), STATE’S EXHIBIT #214A (PHOTO BODY-GABRIEL), STATE’S EXHIBIT #214B (PHOTO SHIRT-GABRIEL), STATE’S EXHIBIT #214C (PHOTO SLIPPER-GABRIEL), STATE’S EXHIBIT #214D (PHOTO JOURNAL-GABRIEL), STATE’S EXHIBIT #214E (PHOTO DIAPER-GABRIEL), STATE’S EXHIBIT #214G (PHOTO BODY-GABRIEL), STATE’S EXHIBIT #215 (AUTOPSY ABIGAIL), STATE’S EXHIBIT #215A (PHOTO BODY-ABIGAIL), STATE’S EXHIBIT #215B (PHOTO BODY-ABIGAIL), STATE’S EXHIBIT #216 (AUTOPSY NAHTAHN), STATE’S EXHIBIT #216A (PHOTO BODY-NAHTAHN), STATE’S EXHIBIT #216B (PHOTO BODY-NAHTAHN), STATE’S EXHIBIT #216C (PHOTO ELBOW-NAHTAHN), DEFENDANT’S EXHIBIT #135 (CD DR. BIGLER-IMAGES), DEFENDANT’S EXHIBIT #137 (POWERPOINT), COURT’S EXHIBIT #90 (VIDEO-CYNTHIA TURNER)

1 worst is going to be in about 18 months to two years?

2 A Yes. There is, I mean, symptoms do not have to
3 develop immediately from the traumatic brain injury. And,
4 in fact, there's many cases, and I've worked with
5 neurologists who specialize in head trauma who see the
6 patients and they say sometimes the patients, for example,
7 will have a traumatic brain injury. And then they'll go
8 home and they'll rest, or they'll take it easy for a few
9 months, or they'll be, you know, kind of incapacitated.
10 And they think they're okay and then about six months
11 later they go back to work and they start trying to work
12 and they find they can't work, or they find they can't do
13 things they used to do. And so, they don't even realize
14 that they had the deficit. So it's how you measure this
15 can be a little bit, it's not straightforward.

16 Q Right. So it would be common for any deficits that
17 were going to show up to show up in about six months,
18 wouldn't it? That's what you just said, isn't it?

19 A Well, I was giving an example. But yes, as far as
20 when symptoms manifest from brain injury, mostly it would
21 be more immediately. But, I mean, there can be long-term
22 deficits like we discussed which are, which are not
23 uncommon.

24 Q Which is the dementia and Parkinson's that you
25 discussed?

1 A And other ones, too.

2 Q Like what?

3 A Well, everything that's on that slide. I mean,
4 someone could have a traumatic brain injury and could have
5 permanent deficits from those, from those injuries. So
6 someone could have permanent memory loss based on a
7 traumatic brain injury. They could have permanent
8 personality disorder. They could be, have emotional
9 problems that are permanent, so.

10 Q Right. But I guess my question is, and those are
11 may, not must?

12 A Correct, might.

13 Q But if they were going to show up, they would show up
14 shortly after the traumatic brain injury, within six
15 months, a year, 18 months or two years. Isn't that true?
16 Except for the two that you mentioned, Parkinson's and
17 dementia, they would show up early, wouldn't they?

18 A I think typically they would, but maybe not in every
19 case.

20 Q So you would agree with me that if, short of dementia
21 or Parkinson's, if Mr. Jones was going to have cognitive
22 issues, is it fair to say that it would have shown up six
23 months to a year later? It would have developed during
24 that time and gotten as best or as worst as it's going to
25 be during that time?

1 A I'm not sure we can say that with certainty. But it
2 would be, yes, most likely that would occur. But, I mean,
3 also, how was it measured. I mean, when he, if he was 15
4 when he had this, I mean, how was, was he evaluated
5 appropriately or was he tested. I mean, those are all the
6 questions that are kind of out of my, my scope.

7 Q Sure. Would it surprise you to know that
8 approximately 11 months afterwards he had Illinois Goal
9 Assessment Program and that he ranked in the 71st
10 percentile of application decision-making? Would that
11 surprise you?

12 A What was it? It was test or is a --

13 Q Some of the school testing during high school.

14 MR. YOUNG: Your Honor, I'd like to see a copy of it
15 before tendering to the witness.

16 A I'm sorry. The question was, oh, I'm sorry.

17 Q So, Doctor, what I'm asking you to look at is some
18 testing that came out of the state of Illinois
19 approximately two years, I believe, after his head injury.

20 A Okay.

21 Q Now, I know you don't know what his testing was
22 before. But looking at these scores, you would agree with
23 me that at least in application of decision-making he had
24 a 71 percentile related to everybody else?

25 MR. YOUNG: Objection, beyond the scope.

1 A Yes, that's what it says there. And yes, we don't
2 know what he was before. And also, as we said, not all of
3 the, I mean, not all of the symptoms from frontal lobe
4 injuries will occur in ever, in every patient. So he,
5 maybe he was doing pretty good in that, in that area, and
6 maybe he was --

7 THE COURT: Okay. I think we're getting beyond the
8 scope. So sustained as to a follow-up question on that.

9 Q Are you aware that he attended a community college
10 for two years and had a 4.0 GPA?

11 A No.

12 MR. YOUNG: Objection, beyond the scope.

13 THE COURT: I think we're getting beyond the scope of
14 his expertise in neurology, radiology.

15 Q Without going into them specifically, you would agree
16 with me, Doctor, wouldn't you, that if I have college
17 transcripts showing what his grades were in high school,
18 transcripts and things like that, that would deal directly
19 on his cognition, correct? One of the possible areas that
20 you describe that may have happened because of his TBI?

21 A Yes. I mean, cognition can be tested in different
22 ways and it can be different manifestations. But if he
23 was doing okay in school, then I guess it did not impact
24 the cognitive, or may not impacted the cognitive processes
25 involved with those activities.

1 Q So regardless of having a TBI, he could have done
2 well in school, possibly?

3 A Yes.

4 Q You don't know? It wouldn't surprise you?

5 A It's possible.

6 Q He could have graduated from college and got a good
7 job with a good company, couldn't he?

8 A It's possible.

9 Q And you're not here today to say because he had a TBI
10 that that's the reason he killed his children, are you?

11 A No.

12 Q You testified in a case in Texas with Billy Joel
13 Tracy back in 2017, I think. Is that correct?

14 A Yes.

15 Q And in that case didn't you testify that just because
16 someone has brain abnormalities --

17 MR. YOUNG: Objection, relevance.

18 THE COURT: I haven't heard the question yet, so let
19 me hear it.

20 Q Didn't you testify that just because someone has
21 brain abnormalities it does not mean there is a problem
22 and that the patient can be relatively normal? Aren't
23 those words that you used during that trial?

24 A That's--

25 THE COURT: I'm going to sustain as to relevance. He

1 has got to testify about this case. I don't think that's
2 relevant to his opinion here. I think you can ask that
3 question, but not --

4 Q You would agree --

5 MR. GRAHAM: I think I understand Your Honor's
6 ruling.

7 Q You would agree with me that just because someone has
8 a brain abnormality it does not mean that there's a
9 problem and that the patient can be relatively normal?
10 Isn't that a true statement?

11 A Yes, it's possible for someone that has brain
12 abnormalities to, to be relatively normal.

13 Q And you would agree with me that not all people with
14 abnormal brain scans are violent criminals who kill their
15 children?

16 A I would agree.

17 Q How much did you get paid to come here and testify
18 and review these, Doctor?

19 A Well, my, my billing records, so far I think I've
20 been paid \$4,200.00, \$4,270.00 so far.

21 Q And you're a clinician from Las Vegas?

22 A Yes. And also I should add that I don't take any of
23 that money personally. That money goes to our research, I
24 have a research company. And so, I don't get paid from
25 that company either. So this, the money I do for expert

1 witness, I mean, activities, they go to fund our research.

2 Q Which is, you said five percent of your practice is
3 research, I guess?

4 A Yes. Yes.

5 MR. GRAHAM: Thank you, Doctor.

6 THE COURT: Any redirect?

7 MR. YOUNG: Yes, sir.

8 REDIRECT EXAMINATION

9 By Mr. Young:

10 Q Your research is set up to benefit who?

11 A Well, patients with traumatic brain injury is the
12 goal, yes.

13 Q And are veterans most of the people that you're
14 dealing with in that?

15 A Well, the veterans, the research I'm doing with the
16 veterans is separate from, I don't fund that personally.
17 That's funded by --

18 MR. GRAHAM: Objection, Your Honor. I don't
19 understand the relevance and it's beyond the scope of what
20 I went into on direct or cross.

21 MR. YOUNG: He went into the money, Judge.

22 THE COURT: No, I don't think that's relevant. I
23 mean, everybody's entitled to be paid for what they do.
24 He's answered your question. I don't think we need to go
25 delve into any further. How about that.

1 MR. YOUNG: Sure.

2 Q Did the fact that you got paid affect, is there a
3 number to get paid and say, Tim doesn't have a traumatic
4 brain injury?

5 A No, there's not.

6 MR. GRAHAM: Objection, Your Honor, bolstering.

7 THE COURT: Sustained as to bolstering.

8 MR. YOUNG: Bolstering would be me asking him --

9 THE COURT: I know what bolstering is. Just rephrase
10 your question.

11 Q Did the fact that you got paid in any way affect any
12 of your opinions in this case?

13 A No, not a bit.

14 THE COURT: He can answer that.

15 Q I don't think we've talked about this. And I know
16 that Mr. Graham covered this a little bit. If somebody
17 had an initial injury to their brain and then had a
18 subsequent injury in the same area, what does that do?

19 A Well, if someone has a traumatic brain injury and
20 then they have a second traumatic brain injury then they
21 have worst outcome than someone without the first
22 traumatic brain injury. So someone that has multiple
23 concussions, they have, each one is sort of, they have a
24 worst outcome if they have multiple traumatic brain
25 injuries. And there's many studies that talk about that.

1 And the theory is that their functional reserve of the
2 brain is sort of decreased. So there's, you know, if you
3 damage it at first then, you know, you're damaged, and
4 then you have less of an ability to compensate or the
5 plasticity, neuroplasticity, the brain cannot compensate
6 as much because it's already been damaged from the first
7 traumatic brain injury. So people that have multiple
8 traumatic injuries especially tend to have poor outcomes.

9 Q Is there any question in your mind about whether or
10 not this is an old injury versus an injury that is
11 somewhere less than four years old?

12 A I think it would be very well known when this
13 occurred. I cannot imagine that there is any debate on
14 when this occurred, other, counsel was saying that it was
15 when he was 15, so.

16 Q Would, the skull fracture had refused. Is that
17 right?

18 A Sorry?

19 Q The skull fracture that was pushed into the front
20 lobe had sort of refused. Is that right?

21 A Well, it's healed but it's still depressed. It's, it
22 healed but it's pushed in kind of on the brain.

23 Q Could that have been treated? I mean, could, if it
24 had been treated at the time could it have been pulled off
25 the brain to prevent further damage?

1 A I don't, I don't, no, I don't think that would have
2 made a difference.

3 Q Okay. You were asked a lot of questions about
4 schizophrenia and traumatic brain injury. Schizophrenia
5 is, your understanding is schizophrenia is a brain
6 disease?

7 MR. GRAHAM: Objection, Your Honor, he's a
8 neuroradiologist.

9 THE COURT: Sustained.

10 Q Is it your understanding that schizophrenia can cause
11 changes in the brain?

12 MR. GRAHAM: Objection, leading.

13 THE COURT: Sustained as to the lead.

14 Q Can schizophrenia cause changes in the brain?

15 MR. GRAHAM: Your Honor, he's not a schizophrenic
16 expert. He's a neuroradiologist that reads MRI's.

17 THE COURT: I think he, if he knows subject to his
18 expertise which he testified to earlier were correlations
19 to, such as that, but not treating that. But if it's
20 correlated he can answer.

21 A Yes. There are neuro-imaging research articles and,
22 and peer reviewed literature that talks about the
23 neuro-imaging findings for schizophrenia as we've, and
24 schizophrenic disorder as we've, as we've discussed. And
25 Mr. Jones has some of those findings on his imaging.

1 Q Are you familiar with a term called, frontotemporal
2 dementia?

3 A Yes.

4 Q And is, can you tell us what that is?

5 A Frontotemporal dementia is, it's a type of dementia
6 and it's, on imaging you --

7 MR. GRAHAM: Your Honor, I'm going to object to the
8 leading, beyond the scope of anything that anybody's gone
9 into at this point.

10 MR. YOUNG: He talked about dementia. That was a
11 large part of the questions --

12 THE COURT: That's not part of this case.

13 MR. YOUNG: No. It's part of the questions from the
14 State as to what is dementia and people being at risk for
15 dementia, is this a specific type of dementia which he's
16 familiar with and caused by brain damage.

17 THE COURT: All right. But he's testified that that
18 was not relevant here. Not present here. So why do we
19 need to go into it? I thought that was other things, the
20 dementia and the Parkinson's. Both of those issues are
21 not present and other causes related to the injury he's
22 seen, why go into --

23 MR. YOUNG: The testimony was that Mr. Jones was at
24 risk for later dementia.

25 THE COURT: That's not relevant today.

1 MR. YOUNG: It is relevant today, Your Honor.

2 THE COURT: All right. Then for purposes of this, I
3 want a short break here.

4 So that now we're in-camera I want to hear your
5 question now. That way the jury won't be presented that
6 if I rule otherwise.

7 MR. YOUNG: Sure.

8 THE COURT: That's the only way I can figure to do
9 it.

10 MR. YOUNG: Understood.

11 THE COURT: With a long pause.

12 MR. YOUNG: Understood.

13 THE COURT: All right. Now ask your question,
14 proffer your question.

15 IN-CAMERA TESTIMONY

16 Q What is frontotemporal dementia?

17 A It's a type of dementia which is, it's different than
18 Alzheimer's dementia or other dementias. And it's, on
19 imaging it's manifested as atrophy of the frontal lobes
20 and the temporal lobes.

21 Q And is that a progressive illness?

22 A Yes.

23 Q Does it all happen at one time or do you get worse
24 over time?

25 A No, it is a, it's progressive. And it's, yes. I

1 don't, I don't think that Mr. Jones has frontotemporal
2 dementia.

3 THE COURT: Your objection is sustained.

4 Q Is he at risk of developing frontotemporal dementia?

5 A Not specifically frontotemporal dementia. He's at
6 risk more for general dementia. But that specific type of
7 frontotemporal dementia is, is, I mean, I would like, it's
8 more accurate to say he's, he's at risk for a general
9 dementia.

10 MR. GRAHAM: Your Honor, I would object to relevance.

11 THE COURT: I sustain as to relevance. It appears to
12 the Court that those questions, the Doctor's been very
13 clear on that, that that's not a, present in his imaging
14 review. And therefore I don't find it relevant in his
15 opinion for this case. I just don't think any of that's
16 relevant. I think we're going outside the scope of the
17 direct and the cross.

18 MR. YOUNG: So the Court's ruling is that I can't ask
19 him about the dementia, that Mr. Jones is at risk of
20 developing dementia from his brain injury?

21 THE COURT: All right. I'm going to make my ruling
22 and we'll take another pause and I'll allow you to ask is
23 he at risk for developing, if he knows. But the last
24 three questions I think I want redacted for the, I'm
25 ruling that that can't be presented to the jury.

1 MR. YOUNG: Yes, sir.

2 THE COURT: All right. Ask your question.

3 Q Is Mr. Jones at risk for developing dementia?

4 A Yes. And the study we talked about is a twofold risk
5 in patients with mild traumatic brain injury. And Mr.
6 Jones has a, at least a moderate traumatic brain injury,
7 if not severe. And so he would be definitely at risk for
8 developing dementia secondary to his traumatic brain
9 injury.

10 Q If you heard evidence that he had a significant drop
11 in his grades, began using drugs and alcohol and other
12 sort of risk taking behavior, would that stuff be
13 consistent with somebody who has a traumatic brain injury?

14 A It's possible that, given his injuries that the
15 electrical function of his brain was, was, was not working
16 properly. Areas of the brain were overactive or
17 underactive and, therefore, he was perhaps trying to treat
18 that with drugs or alcohol. That's, I don't think that is
19 that uncommon. But, I mean, I can't say based on imaging
20 that that would occur with more likely than not, but it's
21 possible.

22 Q Finally, is it possible for somebody who has a
23 traumatic brain, can traumatic brain injury cause
24 schizophrenia?

25 MR. GRAHAM: I'm sorry, Your Honor. I didn't hear

1 the question.

2 THE COURT: Can traumatic brain injury cause
3 schizophrenia.

4 A I don't believe there's a very high correlation
5 between that. There may be some theories, but I don't
6 think it's accepted medical fact that traumatic brain
7 injury causes schizophrenia. There may be some research
8 that, that talks about it. But yeah, it's, schizophrenia
9 does not have a known cause. It's multifactorial. Means
10 it could be some genetic. It could be some environmental.
11 It could be some factors. Potentially, I guess, it could
12 be trauma. But I don't think that's an accepted fact.

13 Q And are there any studies that show when somebody had
14 a traumatic brain injury at a young age schizophrenia
15 develops later in life. Is that your understanding?

16 A I'm sorry?

17 Q Schizophrenia sort of, positive symptoms of
18 schizophrenia develop later in life?

19 THE COURT: I think that's outside the scope. The
20 Solicitor's standing up. That's basically rephrasing your
21 last question. That's, he answered your question. I
22 don't believe that's a proper follow-up.

23 MR. YOUNG: I'll rephrase.

24 Q Is it possible for somebody to have a traumatic brain
25 injury early in life and then later develop schizophrenia

1 later in life?

2 MR. GRAHAM: Objection, Your Honor. Scope, Your
3 Honor.

4 THE COURT: Sustained as beyond the scope.

5 Q Are the images that you saw and the damage that you
6 noted consistent with somebody who had a traumatic brain
7 injury early in life and then later went on to develop
8 schizophrenia?

9 MR. GRAHAM: Objection, Your Honor. He doesn't know
10 whether that's a, it's calling for a conclusion that's not
11 in evidence.

12 THE COURT: Sustained. You've gone through that
13 enough. He testified he didn't know anything about his
14 other condition. He hadn't reviewed any of his other
15 records. He reviewed the images, wrote his report.

16 MR. YOUNG: Yes, sir. I'm just asking about --

17 THE COURT: Okay. You've delved into it enough, I
18 mean.

19 MR. YOUNG: So I'm not allowed to ask that question?

20 THE COURT: I sustained his objection. Ask you
21 another question. I'm kind of ready for a break, so I'll
22 tip my hat to that.

23 MR. YOUNG: Thank you. That's all I have.

24 THE COURT: All right. You can stop the video. All
25 right. We'll stand down for a few minutes. You can step

1 down.

2 MR. HUBBARD: Judge, can I ask for a clarification on
3 the exhibits but I was not clear how many Defense exhibits
4 we would have because I think one was premarked.

5 THE COURT: Three were marked, 1, 2 and 3 were all
6 marked. 2 and 3 were admitted without objection, the CV
7 was not admitted but it was marked as Court's exhibit 78.

8 MR. HUBBARD: So right now it is just two, 2 and 3.

9 THE COURT: Right. The first one, the first 2 is the
10 report and 3 are the slide images.

11 MR. HUBBARD: Thank you, Your Honor.

12 (Whereupon, a short break was taken.)

13 THE COURT: We have got two more issues to deal with
14 this morning before we recess for the lunch meal.
15 Solicitor, you had an issue with a search warrant. I am
16 told it needs to be resolved before we get any further.
17 It looks like Ms. Mayes is about to stand.

18 MR. HUBBARD: That's right.

19 THE COURT: Ms. Mayes, tell me the issue you have.
20 There was some mention to me yesterday, there were two
21 search warrants. One on the phone itself and one on the
22 extraction of the information off the phone I believe. Is
23 that right?

24 MS. MAYES: Well, Your Honor, the phone was
25 originally seized in 2014 and went to SLED. There was an

1 original extraction which was a logical extraction. Later
2 in 2018, in November of 2018 a search warrant to obtain
3 both the physical and a logical from the phone. That is
4 the search warrant that was done by Lieutenant Jesse
5 Laintz and executed by Mike Phipps. That is the
6 extraction that we are going to be using as evidence in
7 this case. So that is the search warrant that is being
8 challenged.

9 THE COURT: Mr. Secor, you are handling that issue,
10 the search issue and all of this ties back to the safety
11 checkpoint, does it not?

12 MR. SECOR: Certainly would be through the poisonous
13 tree under our argument but then we would challenge the
14 actual abrogated as well under State and Federal grounds.

15 THE COURT: Okay. Well, as to the fruit of the
16 poisonous tree, we have heard that and I have ruled that
17 it was a constitutional traffic safety checkpoint. The
18 Defense is protected on those issues, that that was done
19 properly, within the bounds of the Constitution. Do you
20 now want to be heard on the sufficiency of the affidavit?

21 MR. SECOR: If that is what the State would like.
22 Whatever Your Honor says.

23 THE COURT: Okay. Let's do that.

24 MS. MAYES: The State calls Lieutenant Jessie Laintz.
25 Jessie Laintz, being

1 first duly sworn, testified as follows:

2 CLERK OF COURT: State your name and spell your last
3 name.

4 MR. LAINTZ: Jessie Laintz, L-A-I-N-T-Z

5 DIRECT EXAMINATION

6 By Ms. Mayes:

7 Q And, Lieutenant Laintz, can you tell us how you
8 became involved in the investigation involving the
9 Defendant, Timothy Ray Jones, Jr.?

10 A I was involved once it became missing report and it
11 came to me to crimes. And I actually happened to be the
12 on-call Sergeant when we got the call from Mississippi.

13 Q Can you tell us whether or not you became aware of a
14 black T-mobile Samsung Galaxy Note Three cell phone that
15 was collected as evidence in this case?

16 A Yes, ma'am.

17 Q And can you tell us in what year the cell phone was
18 originally obtained as evidence?

19 A The cell phone was originally obtained into evidence
20 in Mississippi 2014, it was in the suspect's vehicle.

21 Q And then I want to take you to 2018 and I want to
22 start by asking you whether or not you have a forensic
23 expert on site or who works in conjunction with the
24 Lexington County Sheriffs Department?

25 A Yes, we have a person who does electronic forensics.

1 Mike Phipps, he is actually works for the sheriffs
2 department and he is a liaison or works with the Secret
3 Service doing electronics.

4 Q All right. And as a result of his role can you tell
5 us whether or not he has software which is continually
6 involved?

7 A Yes, ma'am.

8 Q And can you tell us whether based on your job
9 responsibilities within the major crimes unit, whether or
10 not you are familiar with both the term, physical
11 extractions and logical extractions?

12 A Yes, I am familiar.

13 Q And are you familiar with whether or not Detective
14 Phipps, as of 2018, had software which would allow both a
15 physical and logical potentially for this cell phone,
16 Samsung Galaxy Note Three?

17 A Yes, that is correct.

18 Q As a result can you tell us whether or not it was
19 determined that a physical as well as a logical extraction
20 of this phone may be relevant to evidence in this case?

21 A Absolutely.

22 Q And as a result what action did you take?

23 A Well, the first search warrant that was done on this
24 phone, it was a logical that was done. So physical and
25 the advanced technology and almost five years, another

1 search warrant was done on this same phone to get a
2 physical and actually collect the deleted data. Its range
3 of collecting is much farther.

4 Q Okay. And just to clarify, has Detective Phipps
5 within your agency obtained new and is he in the process
6 of obtaining new software through the course of his job
7 there?

8 A Yes. Since this incident actually happened in '14,
9 to date, he was over in our office in 2014 where he did
10 most of his work. Now he is over to the service office
11 and his access to the newest technology has ever grown.
12 the Secret Service gets a lot more stuff than we do. So
13 his access is just, they have the new high fancy stuff
14 that we don't.

15 Q Evolving software?

16 A Exactly.

17 Q I am going to show you a document and ask you whether
18 or not you are familiar with it?

19 A Yes, ma'am.

20 Q How so?

21 A This is a search warrant I obtained on November 26th,
22 2018.

23 Q And I want to start at the front of the affidavits.
24 First of all, let me ask you, I know you said you obtained
25 it but who actually prepared the affidavit in this case?

1 A The affidavit was prepared between Sergeant Creech
2 and I, both worked on it at the same time.

3 Q And you ultimately you submitted this to a
4 Magistrate?

5 A Actually to Your Honor.

6 Q Okay. And on what date did that occur?

7 A On November 26th, 2018.

8 Q I am going to start with the description of the
9 premises. If you could tell us what is noted on that
10 search warrant?

11 A It says a Black T-mobile, Samsung Galaxy Note Three
12 cell phone bearing serial number RB8F30J9M5N which was
13 retrieved from the vehicle of Timothy Ray Jones, Jr. in
14 Smith County Mississippi by the Mississippi Bureau of
15 Investigations on September 7th, 2014. The device is
16 currently located in the evidence building at the
17 Lexington County Sheriffs Department located at 521 Gibson
18 Road in the area of Lexington, South Carolina.

19 Q And can you tell us whether or not the description of
20 property would include, include internet searches,
21 internet history and things of that nature?

22 A Yes. The property we are looking for is in array,
23 the phone is now a handheld computer so it has everything
24 under the sun on it. So, yes.

25 Q And I think you mentioned regarding the physical

1 extraction, it could potentially recover any deleted data?

2 A That's correct.

3 Q Now, I want to move forward to the reason for your
4 belief that the property sought would be held within the
5 data of the phone?

6 A All right. And the probable cause for it was, is
7 that what you are looking for?

8 Q Yes.

9 A On Wednesday, September 3rd, 2014, Timothy Ray Jones,
10 Jr. was placed in NCIC as a missing person along with his
11 five juvenile children by the Lexington County Sheriffs
12 Department. On the evening of Saturday, September 6th,
13 2014, Timothy Jones, Jr. was stopped in Smith County
14 Mississippi at a public safety checkpoint. It was
15 discovered that Jones and his children had been reported
16 missing, however Jones was alone. On Monday, September
17 8th, 2014, Timothy Jones, Jr. made statements to law
18 enforcement officials admitting to maliciously killing his
19 five children within his home located at [REDACTED]. Southlake
20 Drive. This home is located within the Red Bank area of
21 Lexington County, South Carolina. This is also the home
22 that had been reported missing from. Following the
23 statements on Tuesday, September 9th of 2014, Timothy
24 Jones, Jr. then led law enforcement officers to a location
25 in Wilcox County, Alabama where the bodies of his five

1 children were located. This is supported by physical
2 evidence and various witness statements. Timothy also
3 worked in the computer industry and had numerous
4 computers, flash drives and cell phones in his possession
5 at the time of his apprehension in Smith County,
6 Mississippi. It is believed the contents of this device
7 may collaborate the physical evidence and testimony by
8 Timothy on this case regarding his actions between
9 September 3rd, 2014 and September 6th, 2014. It is also
10 believed the contents of this device may shed light on
11 Timothy's state of mind and other actions by Timothy
12 leading up to and during the timeframe that are currently
13 unknown to law enforcement. Search warrants were
14 previously obtained for this device but pursuant to these
15 physical extractions of large, I am sorry, physical
16 extractions of the target device were not performed which
17 would entail the potential recovery of deleted data
18 pertaining to the above. Forensic analysis has since
19 indicated that a physical extraction is possible on the
20 target device model. An additional search of this device,
21 the SOPPS performed the physical extraction in order to
22 locate and serve any, excuse me, relevant information
23 located on the device to lead, for storage or other
24 memory.

25 Q All right. And you recognize your signature there on

1 the search warrant?

2 A Yes, ma'am.

3 Q And, again, the date which it was obtained?

4 A Yes, ma'am. It is November 26th, 2018.

5 Q All right.

6 MS. MAYES: And, Your Honor, we would mark this as a
7 Court's exhibit.

8 THE COURT: That will be 79.

9 (Whereupon, Court's Exhibit 79 was marked for
10 identification only.)

11 Q Now, Lieutenant Laintz, it was mentioned there in the
12 probable cause section of this search warrant that this
13 particular extraction would potentially be able to be
14 classified as a physical extraction. At the time you
15 obtained the search warrant did you believe that was
16 potentially out there?

17 A Yes, ma'am.

18 Q And ultimately did you know whether or not Detective
19 Phipps was able to execute an extraction of this phone
20 including a physical extraction?

21 A Yes ma'am, he was.

22 Q And do you have with you a copy of his return?

23 A Yes, I do.

24 Q And what was the date of his return?

25 A It says physical and file system images of the phone,

1 phone's memory and a logical image of the SIM card.

2 Q So this extraction did include the physical and file
3 system images which you were seeking through this 2018
4 search warrant?

5 A That's correct.

6 Q And what is the date in which that return was filed
7 by Detective Phipps?

8 A It was on November 30th, 2018.

9 MS. MAYES: I beg the Court's indulgence. Nothing
10 further at this time, Your Honor.

11 THE COURT: Mr. Secor?

12 MR. SECOR: I have got no questions, thank you.

13 THE COURT: You can step down.

14 MS. MAYES: We have no further witnesses on this
15 issue, Your Honor. Lieutenant Laintz has summarized the
16 State's position regarding the search of the phone in 2018
17 for a physical extraction.

18 THE COURT: Mr. Secor.

19 MR. SECOR: Thank you, sir. I have, it is already if
20 I can look at my computer to make my argument.

21 THE COURT: Don't read it though. You may do that,
22 since you asked nicely. I appreciate it more than you
23 know.

24 MR. SECOR: I may just need to refer to my notes as I
25 go through it. And there is a few things that I would

1 like to address specifically but as a general matter and
2 this is pertaining to the third page which includes the
3 reason for apprehending the property sought on the subject
4 premises. And I would state that the entirety of the
5 affidavit, that paragraph, the reasons, consist of hearsay
6 without establishing in any way the basis for the belief.
7 As Your Honor obviously knows pursuant to Illinois versus
8 Gates, the warrant affidavit has to include information
9 about the voracity basis of knowledge of the person
10 supplying hearsay information. If you review that
11 paragraph there is no information whatsoever about who
12 relayed the information to the Lieutenant.

13 THE COURT: Which information, so I can distinguish,
14 about the road check and looking for the children or the
15 information about cell phone or analytical advancements.
16 Which information?

17 MR. SECOR: The information contained in that
18 paragraph, the four corners of that paragraph which begins
19 on Wednesday, September 3rd, 2014, going to end, there is
20 nothing in the warrant affidavit that indicates what the
21 source of that information is. There is nothing about the
22 voracity and basis of knowledge of the people supplying
23 that information.

24 THE COURT: He is the lead investigator.

25 MR. SECOR: He testified today that it was, the

1 information was put together in consultation with
2 Investigator Creech, I believe he said. But it doesn't
3 say anything in the warrant affidavit about that. It
4 doesn't say that there was told that this information, it
5 doesn't say that he reviewed information, these are just
6 conclusory statements put into a paragraph without any
7 information whatsoever about where they came from.

8 MS. MAYES: I can elaborate, Your Honor. Of course,
9 hearsay is permissible in a search warrant, it is
10 routinely used across the State and well accepted. But
11 aside from that, the record is already complete from
12 previous hearings we have had in this case about the role
13 Lieutenant Laintz as well as the role of Sergeant Creech.
14 Sergeant Creech was the lead Investigator at that point
15 and time, Lieutenant Laintz was the Sergeant of major
16 crimes, he was the first person, one of the first people
17 notified of Mr. Jones arrest down in Mississippi. And the
18 testimony in the previous hearings has been that he was
19 present and participating through the sheriffs department
20 with those authorities down in Mississippi. He took part
21 in numerous aspects of that including coordinating efforts
22 here in Lexington County to search for the children where
23 they were missing and ultimately he was the one who was
24 notified by Mississippi authorities that that vehicle was
25 stopped and the BOLO hit. Again, there is no need for us

1 to keep revisiting this information which is already part
2 of the record in this case.

3 THE COURT: Yes, sir.

4 MR. SECOR: The problem is there is not a shred of
5 evidence in the warrant affidavit which is required to
6 establish the veracity, basis of knowledge of the affiant
7 and the sources of hearsay upon which the affiant is
8 relying. All of those things Ms. Mayes just said should
9 have been in the warrant affidavit. That is what gives
10 the Judge the ability to know whether or not probable
11 cause exist based on the information being relayed to him
12 or her by the affiant.

13 MS. MAYES: Your Honor, I think it goes without
14 saying that at the time this search warrant was obtained
15 in 2018 the Defendant had already placed, had already been
16 stopped, had already confessed which is noted in the
17 probable cause aspect. And this is information known to
18 the Lexington County Sheriffs Department, there is no need
19 for additional information other than what is already set
20 forth in that probable cause paragraph.

21 THE COURT: I don't, Mr. Secor, I understand you are
22 looking for some sentence of aspect. But I don't
23 understand, explain it to me one more time.

24 MR. SECOR: In Illinois versus Gates, United States
25 Supreme Court case, it said when hearsay is used in a

1 warrant affidavit, that the voracity and basis of
2 knowledge of a person supplying the hearsay information
3 needs to be established in the warrant affidavit. If you
4 read this paragraph it is entirely hearsay. It doesn't
5 say where it comes from, who it comes from, why it is
6 reliable, why the Court should take into consideration,
7 why law enforcement believes that it is valid. It is
8 merely conclusory statements, if the Lieutenant had stated
9 all of the information about being involved in the case,
10 coordinating with Investigator Creech, communicating with
11 people in Mississippi, naming the people in Mississippi,
12 stating why they had personal knowledge, all of that would
13 be relevant. And that is what the Fourth Amendment
14 requires. And to suggest that something in regards to the
15 Fourth Amendment goes without saying is completely
16 contrary to Fourth Amendment law. Nothing goes without
17 saying, that is why we have warrants, is you can't do
18 things without saying. And when it comes to hearsay, you
19 have got to say who gave you the information, how do you
20 know it is legit, why should I believe you. That is the
21 whole purpose of the four corners of a warrant affidavit.
22 And this warrant affidavit is absolutely devoid of any
23 information pertaining to--

24 THE COURT: That also doesn't take any of the aspect
25 that the Detective appeared in front of me, in front of

1 me--

2 MR. SECOR: Yes, sir.

3 THE COURT: And the voracity and all of that had
4 already been repeated to me numerous times in prior
5 hearings that things have happened, that this was done and
6 that was done. He explained to me the phone has been
7 seized, it was seized during the safety checkpoint. I
8 don't understand how you can challenge, I am not following
9 you because it doesn't seem logical to me that it would be
10 a, this is not like tipster information. I mean, these
11 are, I am not sure how to characterize it.

12 MR. SECOR: May I say something?

13 THE COURT: It is not hearsay that he was arrested in
14 Mississippi.

15 MR. SECOR: It is, Your Honor. I mean, it doesn't
16 say where the information comes from.

17 THE COURT: From public record. Public records
18 aren't hearsay. I mean, his arrest warrant was, he was
19 taken into custody in Mississippi, how is that hearsay.
20 It was filed with the lead Investigator and spoke on the
21 phone with, the report was the Sergeant on duty. How is
22 that hearsay to him when he is an actor involved in this,
23 retrieving information to get, to communicate with the
24 Mississippi folks. He has got firsthand knowledge.

25 MR. SECOR: Well, and in being hearsay is not what is

1 prohibited. Of course, hearsay can be in a warrant
2 affidavit but what can't be is hearsay that doesn't, isn't
3 supported with any reason for why a Judge should believe
4 it. That is the things that Ms. Mayes said are relevant
5 and should have been included in the warrant affidavit
6 indicating the Lieutenant's involvement in the
7 investigation, his consultation with other investigators
8 in the case and the source of information upon which he
9 based his warrant affidavit. I agree with Your Honor, in
10 most cases the receiving Judge is the Judge who knows
11 nothing about a case. And that is why these issues come
12 up more. Obviously this case is unique because Your
13 Honor, as you stated, was familiar with the case in a lot
14 of ways at the time that this was presented.

15 THE COURT: I don't find it hearsay that he was
16 arrested in Mississippi. Somebody in Mississippi, hey, he
17 is arrested. Well, Jones is already back in South
18 Carolina, has been moved to several different, I mean that
19 is not hearsay in 2018. I mean, that is not hearsay.
20 Now, may be a different story, if he is sitting there the
21 day after the safety checkpoint, I have got a little bone
22 with the guy. That is a little different. But that is a
23 long way down the road for it to be hearsay. I mean, I
24 understand your argument, make your record but I think it
25 is sufficient for a probable cause to search that phone

1 with advancement in the computer software to do the two
2 separate types of extractions and analyzing that. I don't
3 quite understand the, your hearsay argument. It doesn't
4 seem like to me--

5 MR. SECOR: In the event I have been unclear, if you
6 read this paragraph there is virtually no information
7 about where this information comes from. It does not
8 indicate where this information comes from. They are
9 conclusory statements, no information about where or what
10 the source of information is which is required by the
11 Fourth Amendment.

12 THE COURT: Well, considering I heard, had knowledge
13 of, been presented in prior hearings, I had knowledge of
14 aspects of the case which had been repeated numerous
15 times. The lead Investigator in front of me says, this
16 phone has been in possession since a day or so, since the
17 search of the vehicle in Mississippi. I don't see that
18 that is, having the lead Investigator in my presence
19 giving me information that the phone needs to be,
20 basically reimaged with newer software, considering what I
21 knew, my background, what I had already been presented, I
22 don't find that there is a voracity issue for me.

23 MR. SECOR: I understand and you being the issuing
24 Judge, you are in a unique position to know that. I mean,
25 obviously I don't know what Your Honor knew so.

1 THE COURT: I had been participating in pretrial
2 work, pretrial hearings, conferences, funding orders, all
3 sort of things with all aspects of this case. And so I
4 don't think that is, the voracity of him being arrested in
5 Mississippi and being transported back and they were
6 looking for him wasn't an issue for me. So make certain
7 your record is complete.

8 MR. SECOR: Yes, sir. And I am just going to go over
9 a few additional points, if I may. If Your Honor
10 continues further down that paragraph there is a sentence
11 that states, "On Monday, September 8th, 2014, Timothy
12 Jones, Jr. made a statement to law enforcement admitting
13 to maliciously killing his five children." Your Honor, I
14 would just to point out to Your Honer that that sentence
15 includes a material misrepresentation in that, people
16 involved in this case, had they reviewed the evidence,
17 would know that Mr. Jones never admitted to killing
18 Nahthan. And the affidavit says that he admits to
19 maliciously killing his five children. So that would be
20 material misrepresentation in the four corners of the
21 warrant affidavit. And Mr. Jones had specifically told
22 officers, including Investigator Creech, that he had, did
23 not know how Nahthan died. And so based on the Fourth
24 Amendment jurisprudence I would say that the warrant
25 affidavit contains all of the information either

1 intentionally included or included to the reckless
2 disregard for the truth. And I would also state in that
3 same sentence, omits some exculpatory information. It
4 does not state, in fact, that Mr. Jones said that he
5 didn't know how Nahtahn died and that would be
6 exculpatory.

7 THE COURT: I agree with you on that. Now, that will
8 be presented to the jury but not, for purposes of the
9 search warrant I don't find that relevant of that
10 distinguishing semantics of maliciously killing five
11 versus four and one, I am not sure. But I appreciate your
12 argument, understand it but I don't believe that that
13 would impact the, whether it was a probable cause for that
14 phone to be reimaged and researched the second time.

15 MR. SECOR: Yes, sir. And I would like to put a
16 couple of cites on the record if that is all right with
17 you.

18 THE COURT: Sure.

19 MR. SECOR: The first case is State versus Missouri,
20 337, SC 548 from 1999. And in that case the South
21 Carolina Supreme Court recognized, Franks versus Deleware
22 applies to acts of omission in which exculpatory material
23 is left out of the affidavit. And the Missouri Court went
24 on to state that when an omission is combined with an
25 affirmative falsehood it reveals that the affiant not only

1 believed the omitted information is critical but that
2 statement in the affidavit to the contrary was necessary
3 for establishing probable cause. That is the conclusion
4 of my argument regarding that point. And I have just a
5 few others that I will go through.

6 THE COURT: Let's go, keep going.

7 MR. SECOR: I believe Your Honor's prior ruling will
8 apply to this as well. The sentence that begins,
9 following these statements on Tuesday, September 9th,
10 2014, Timothy Jones, Jr. then led law enforcement officers
11 to a location, Wilcox County, Alabama where the bodies of
12 his five children were located. This is supported by
13 physical evidence and various witness statements. And the
14 affidavit doesn't state what physical evidence is. It
15 doesn't say which various witness statements were reviewed
16 to make that conclusion. It doesn't say who the witnesses
17 are, it doesn't say what the witness' base of knowledge
18 was. And it doesn't say anything about how, who the, the
19 witnesses were reliable. So I would say that these are,
20 that portion of the affidavit is conclusory and fails to
21 establish the affiant's basis of knowledge. And I would
22 cite State versus Smith, 301 SC 371, 1990 stating that
23 mere conclusory statements which give the Magistrate no
24 basis to make a judgment regarding probable cause are
25 insufficient.

1 THE COURT: And I can tell you this, on September 9th
2 it would be my understanding that Mr. Jones did not have
3 his phone and his information leading to going to recover
4 the bodies, whatever that was, the search of the phone
5 would not be impacted as to any behavior by Mr. Jones
6 during that time period because he is in custody. He
7 doesn't have his phone. So that is a, it is superfluous
8 information, information of his whereabouts leading up to
9 his arrest and the reimaging, researching the phone the
10 second time is what I understood the probable cause needs
11 to research the phone. I mean, I agree with you, that
12 sentence is in there. It is superfluous information.
13 There is nothing on the phone or, I don't know that, I
14 didn't see the information but it would seem to me it
15 would be very likely that if Mr. Jones doesn't have his
16 phone and he is in custody there is no information on the
17 phone that would be utilized by the State that would be
18 harmful or prejudicial to Mr. Jones at all because he is
19 in custody. That, I understand your argument but I don't
20 see that would aid me in deciding probable cause or not.

21 MR. SECOR: Yes, sir.

22 THE COURT: It did not.

23 MR. SECOR: Yes sir, I understand. Further down the
24 same paragraph, Your Honor, it states, "It is believed the
25 contents of these devices may corroborate the physical

1 evidence and testimony by Timothy on this case." And I
2 would just state that the affidavit does not say how it
3 may corroborate or why it may corroborate. And that that
4 statement, it may corroborate, it is speculative and does
5 not establish a nexus between the activity investigated.
6 And without that nexus established probable cause does not
7 exist pursuant to United States versus Lalor, L-A-L-O-R,
8 996, F2d, 1578, 1993. Lastly, Your Honor,--

9 THE COURT: You want me to rule on that one too?

10 MR. SECOR: I am sorry, yes sir.

11 THE COURT: I happened to be trained, I went to 2016
12 or '17 to the National Computer Forensics class for Judges
13 down in Alabama at the, Homeland Security puts it on.
14 Fascinating, I enjoyed it but with that training, my
15 understanding is, there is lots of information on the
16 phone, there is lots of ways to utilize. I don't find it,
17 searching a cell phone has become must more prevalent and
18 very common in just about every case presented to the
19 Court, more and more and more. It is almost an exception
20 that there is no cell information presented by either side
21 to exculpatory and culpatory. Cell phones are personal
22 computers, personal diaries, personal information, phone
23 calls, all sort of records. The Court was aware of that,
24 that a cell phone in anybody's possession triggers all
25 sorts of information that is available. So I was aware

1 that was a connection between a person and his cell phone,
2 just from my understanding and all the cases that I have
3 heard and my training is to how phones work and the
4 imaging. I am not going to say I am an expert in the
5 field but I understand the technology to some degree as to
6 how it works and the tracking and the information that we
7 have done. I don't think I needed a tie to the nexus.
8 All right.

9 MR. SECOR: I understand. Lastly, towards the end, I
10 think it is the last sentence, Your Honor. It says, "The
11 search of this device is sought to perform physical
12 extraction in order to locate and preserve any relevant
13 information located on the device." Again, the Fourth
14 Amendment requires specificity regarding what type of
15 evidence law enforcement expects to find in the specific
16 location search. I would argue that the phrase, any
17 relevant information with specificity requirement. And I
18 would cite Marron versus United States, that is
19 M-A-R-R-O-N, 275, US 192 from 1927 stating, "Requirement
20 that warrants shall particularly describe the things to be
21 seized makes general searches under them impossible and
22 prevents the seizure of one thing under a warrant
23 describing another as to what is to be taken, nothing is
24 left to the discretion of the officer executing the
25 warrant." So I would argue at this point the discretion

1 was left entirely to the executing officer in violation of
2 the Fourth Amendment, it says any relevant information
3 without describing it.

4 THE COURT: I think it, has described it very
5 specifically with saying, deleted data. They didn't know
6 exactly what deleted data would be there until they imaged
7 the phone. So potential deleted data is very specific and
8 it certainly doesn't mean it is admissible but deleted
9 data would be information, data secured on that phone that
10 could be retrieved and perhaps utilized in the future. So
11 that older case I don't think applies. I mean I think the
12 search warrant description of the deleted data is very
13 specific.

14 MR. SECOR: Yes, sir. And I would just, for purposes
15 of that same point I would just also cite, Maryland versus
16 Garrison, 480 US 79 at 84 from 1987 stating that the
17 particularity requirement ensures that the search would be
18 carefully tailored to its justifications that will not
19 take up character of the wide-ranging exploratory searches
20 that the framers intended to prohibit. And I would just
21 argue that a warrant allows officers to search for any
22 relevant information provides too much discretion to the
23 executing officer, even if its, even if it is paired down
24 to deleted information because deleted information on
25 electronic devices can be incredibly vast and immense.

1 And there is no guide updated to what type of deleted
2 information is sought and why it would be relevant to
3 this.

4 THE COURT: I disagree with your analysis. Searching
5 a phone, one device that is held in a singular hand, that
6 is a small device. Certainly advanced technology, with a
7 lot of information there, that is a very narrow search,
8 that I would like to search this cell phone. They named
9 it with specificity with its IME number or serial number,
10 whichever it is, which distinguished that phone from any
11 other phone in the whole world. So searching one phone
12 found in his possession on the date of his stop is very
13 particular, very reserved. I don't find it to be vast, I
14 don't characterize it that way in my mind.

15 MR. SECOR: And I wasn't trying to put words in--

16 THE COURT: I understand, I want to give a ruling and
17 I have in the past and distinguish, I think of these
18 things and not put them on the record and then later on I
19 get reviewed and they, this way, and I was thinking
20 exactly those things. So I am putting on what I am
21 thinking. So you understand where I am thinking from.

22 MR. SECOR: I am trying to do the same thing.

23 THE COURT: I understand where you are coming from.
24 And I am not suggesting you are thinking that I was not
25 doing it properly, just you suggesting these are arguments

1 and will argue. Very well.

2 MR. SECOR: Exactly correct. And lastly, I would
3 just state, Your Honor, that South Carolina Courts had to
4 use the Leon good faith exception as a reference to United
5 States versus Leon, 468 US 897 from 1984. And I would
6 just state, despite the obvious existence of a good faith
7 exception in South Carolina Courts, have occasionally
8 utilized. The Leon Court indicated suppression still
9 remains an appropriate remedy where the warrant is so
10 facially deficient and failed to particularize a place to
11 be searched or things to be seized. And I understand,
12 that would be the basis of our argument, that all of the
13 information from the phone should be suppressed under the
14 Fourth Amendment.

15 THE COURT: Okay. I understand your argument,
16 respectfully denied for reasons I have outlined.

17 MR. SECOR: Yes, sir.

18 THE COURT: All right. Anything else.

19 MR. YOUNG: Can my Paralegal be let back in now?

20 THE COURT: She may. Any other issues we need to
21 take up. I want to take up the Blair issue for the
22 record. Anything else before I do that?

23 MR. YOUNG: No, sir.

24 THE COURT: All right. On, Ms. Mayes, do you have
25 anything else?

1 MS. MAYES: No, sir.

2 THE COURT: Regarding the competency issue that was
3 raised, under State versus Blair, competency has not been
4 challenged or even requested by the Defense but the Court
5 did issue orders having Mr. Jones evaluated by Dr.
6 Frierson. An evaluation was conducted. I am going to
7 mark this as a Court's exhibit, a copy of the report of
8 Dr. Frierson, the form and all of the lengthy report. The
9 Court has reviewed it three times as recently as last
10 night. And the Defense has not read the competency?

11 MR. YOUNG: No sir, we objected to the competency
12 evaluation at the time and may take that objection.

13 THE COURT: And certainly that is, the Court's
14 performance on evaluation and had a evaluation done to
15 assist with competency. Dr. Frierson will testify. His
16 report found Mr. Jones to be competent. Since the last
17 Monday, when did we start, what was the day?

18 CLERK OF COURT: The 29th.

19 THE COURT: The 29th, April 29th, I thought it was
20 the week before.

21 CLERK OF COURT: We started on April 29th.

22 THE COURT: We had another hearing before that, the
23 week before, did we not?

24 CLERK OF COURT: Yes.

25 THE COURT: Since the 29th, at a minimum, I have been

1 present in the courtroom. Mr. Jones has been present in
2 the courtroom twelve court days, I may be a day off, maybe
3 eleven and the Court has observed him in and out of the
4 courtroom, coming to and from, interacting with his
5 attorneys, interacting with the Court, also asking him a
6 couple of questions during jury qualifications, he
7 interacted appropriately, he has been attentive. He has
8 spoken with the attorneys, very much interacted with them
9 in a quiet and very appropriate manner and courtroom
10 protocol. The Court was aware that the transportation
11 team from the Sheriffs Department has interacted with him
12 and the Court has been apprized of no issues regarding his
13 competency, his behavior, other than the more stimulus in
14 the courtroom has been different than he has been in the
15 past. And so wanted to make certain that that was
16 addressed because we have been in the courtroom, eight,
17 ten hours a day since then. But the Court's observation,
18 considering everything I have observed in my interactions
19 with Mr. Jones as well as considering Dr. Frierson's
20 report, he has appeared every bit competent to me and I
21 believe the lawyers would have a duty to raise that if
22 they had concern, they have not. So per Blair, the Court
23 finds him competent to proceed with this trial this
24 afternoon. Did I leave anything out, anybody else wants
25 on the record or not. Mr. Young?

1 MR. YOUNG: Your Honor, it just occurred to me, I
2 know I sent it to the Court and the State, I didn't know
3 if Your Honor had any intention of offering any
4 introductory remarks prior to--

5 THE COURT: I do, I have an intention of doing that.
6 And I read yours, your suggestive one. I don't think I am
7 going to go as far as saying what y'all are going to do
8 and tell them what they are going to do. Y'all's
9 respective roles, they go first, you go second,
10 preponderance, beyond a reasonable doubt, address those
11 two things. The process of the whole trial will go and
12 the court breaks, that such of a thing. I am not going to
13 the extent of your suggestion in that memo. What I have
14 outlined is what I am going to do. So is that sufficient?

15 MR. YOUNG: Any chance can we get sort of a review of
16 or you don't have it written down.

17 THE COURT: You just got it.

18 MR. YOUNG: Okay.

19 MS. MAYES: Your standard instructions?

20 THE COURT: Yes, ma'am.

21 MR. YOUNG: Do you have a copy of your standard?

22 THE COURT: I stand up and talk. You get to hear, I
23 mean, I just gave you an outline and that is how I am
24 going to go with it, just like I did.

25 MR. YOUNG: Yes, sir.

1 THE COURT: It is going to be real similar, I just
2 hit the high points, I am going to explain those things,
3 my role, their role, who goes first, who has got the
4 burden, you go second, y'all have got a burden in this
5 case, four verdicts, take notes, they can keep their
6 notes, that kind of thing.

7 MR. YOUNG: Yes, sir. Your Honor as a proposed
8 instruction regarding not guilty by reason of insanity.
9 Is that going to be charged through the Court's charge,
10 initial charge to the jury?

11 THE COURT: Would you like me to or not. Both sides,
12 same question, what I read yesterday, two sentences.
13 Would you like me to instruct that or not.

14 MR. HUBBARD: At this point I think it is premature.

15 THE COURT: I was kind of leaning--

16 MR. HUBBARD: I think it would confuse them if you
17 did it at this point.

18 THE COURT: I was kind of leaning on not doing that
19 but using it when it came up. I want the jury to know
20 that that is my instruction in the beginning so they won't
21 feel like they are not getting the question asked. So
22 when we get to that point I will tell the jury, this is
23 the instruction, this is the rule handed down by the
24 Supreme Court and that issue is not before you and
25 therefore the lawyers aren't allowed to ask those

1 questions even though--

2 MR. YOUNG: -- they really want to.

3 THE COURT: Sure. I won't say that, the lawyers are
4 not allowed to ask those questions because of the Supreme
5 Court rules.

6 MR. YOUNG: Even though we would really like you to
7 know what happens, they are not allowed that. We renew
8 our motion to have those instructions pursuant to the
9 statute.

10 THE COURT: Motion renewed, motion consistently
11 ruled, denied. Is there any objection to my copy of Dr.
12 Frierson's report being marked as a Court's exhibit.

13 MR. HUBBARD: None from the State. In fact, I think
14 that is appropriate.

15 MR. YOUNG: Your Honor, yes, we maintain our
16 objection to that.

17 THE COURT: That will be Court's exhibit 80, I
18 believe.

19 (Whereupon, Court's Exhibit 80 was marked for
20 identification only.)

21 THE COURT: Now we are done until 1:00.

22 MR. HUBBARD: Yes, sir.

23 THE COURT: See y'all at 1:00.

24 (Whereupon, a lunch break was taken.)

25 THE COURT: I want everybody in the courtroom to kind

1 of know the ground rules for management of the courtroom.
2 Folks, so y'all know, everybody has not been part of the
3 preliminary jury selection process before right now.
4 Because of the necessity to keep the jury secure, they
5 have a security detail, additionally it is very
6 distracting to the jury, to the lawyers, to me and the
7 court people getting up and moving around. So the
8 bailiffs and security has been instructed to limit
9 movement in the courtroom while the jury is in the
10 courtroom. So if you, witness is on stand, lawyers are
11 doing some work and the jury is in the courtroom I am not
12 going to allow going to and from the courtroom while that
13 is going on. If we take break, and you can come and go as
14 much as you want while we are down. I want everybody to
15 know that and the lawyers know that because we have been
16 managing that pretty well. So I want to let y'all know
17 that before I bring the jury in because I am going to tell
18 them I have restricted movement when they come in. So you
19 need to get up, and you can't make it, I am going to say
20 an hour, you better leave now. All right. Are y'all
21 ready to go. Anything to put on the record? Solicitor?

22 MR. HUBBARD: No, sir.

23 THE COURT: All right. Did y'all, I had a discussion
24 with myself about limiting y'all on openings but I decided
25 to let y'all be the judge of your own opening length. It

1 is up to y'all, I don't care. Do we need to take up
2 anything before I get the jury in?

3 MR. YOUNG: No, sir.

4 MR. HUBBARD: No, sir.

5 THE COURT: Bring the jury in, please.

6 (Whereupon, the jury came into open court at
7 approximately 1:00 p.m.)

8 MR. HUBBARD: Can we approach?

9 THE COURT: Yes. One of the jurors sent a note out,
10 do we need to address that before they come in?

11 MR. YOUNG: I wouldn't do it now because if you want
12 to address it today--

13 THE COURT: How about do it after we finish these
14 openings.

15 MR. HUBBARD: That will be fine.

16 THE COURT: Okay.

17 MR. YOUNG: And I think, my understanding of the
18 issue, is her boss spouse, works at Rob's office. That
19 person has been out and is out on maternity leave through
20 the rest of case.

21 THE COURT: I don't see it as an issue.

22 (Whereupon, a bench conference was held while the
23 jury came into the courtroom.)

24 THE COURT: All right, good afternoon. A few opening
25 comments and then the lawyers are going to speak to you.

1 I wanted to come over and welcome you. As I told you, I
2 like to eat a piece of hard candy occasionally, I brought
3 that hard candy. I find that jurors like it a good deal
4 and so there is plenty more. I don't want to put it all
5 out here because sometimes the bailiffs get into it. I am
6 aware of that so I don't put it all out there in front.
7 Now, that is true. Folks, I want y'all to relax and to
8 know it is going to be okay. We have got a trial to deal
9 with, we are going to get through it, it is going to be a
10 little lengthy but we will have breaks, there will be some
11 times when we take a break because it is time to take a
12 break and there will be other times we will take breaks
13 because a legal issue comes up. And the best I can
14 explain to you, a legal issue comes up that is a cue for
15 me to do my job. Put something on the record with Ms.
16 Holston and hear the lawyers argue more in depth on the
17 law, like, Judge rule 403 says thus and so and thus and
18 so. And the other side will get up and say, Judge, we
19 think the rule means that. That will happen from time to
20 time, so when the lawyers have a legal issue and say,
21 Judge, I have got a matter of law, that is the cue for
22 y'all to step out because it is like a sporting event,
23 here is the replay. So we have got to do it in reverse
24 because ask a question, get the answer. Well, that wasn't
25 a fair question and that was an unfair answer. And so

1 then we can't go back and unplay it. So I have got to
2 preview it and say, fair or not. That is how it works so
3 I preview it legally and say, it is okay to ask or not
4 okay to ask and my reason. Then the lawyers make their
5 arguments to me in full and it is just really not for
6 y'all to sit here and listen to all of that. It is a good
7 time to take a break. Now, I am going to do my best, I am
8 going to try to be punctual with y'all. The only hurtle
9 we have is there are 18 of you and so when I send you out
10 of the courtroom to the jury room y'all got a fairly
11 lengthy walk, it takes a few minutes. So we will take
12 fifteen minutes at a minium probably to get y'all out and
13 let y'all take a break and use the restroom, whatever you
14 need to do and not be rushed right back in here. But I am
15 aware of the inconvenience and y'all having to serve and
16 get to serve on jury duty. Very appreciative of it and I
17 will be mindful of that trying to schedule things with
18 you, like, are we going to do another witness and work a
19 little late this afternoon. That is going to be our
20 decision, trying to get convenience. Sometimes we get in
21 the middle of the witness, I like to go ahead and get the
22 witness finished and the testimony ended so that witness
23 can go on his own way because they are all kind of lined
24 up, cued up so this one is first and this one is third and
25 then we get to 4:30 and will take about an hour, I like to

1 get them done. And it is a problem for the Court to
2 manage the witnesses if we break up between the State's
3 the Defense's questions. It is easier to let them both
4 have their turns, all at one time and then we break. By
5 reason with that in mind y'all understand why I make some
6 of my rulings like I do as far as when to finish on a
7 witness. I like to finish at the end of a witness. That
8 just makes things easier for me and for y'all and for the
9 witness and for the parties, that way they know we end and
10 the next morning they are calling in fresh witnesses. So
11 I will try to manage that also. But like I said, I don't
12 know, I have been given a list of witnesses, y'all read
13 the list of witnesses, they present what they want to
14 present in the order they want to present it. It is their
15 job to present their case. Their job to be here and
16 respond. So their case, not mine, but we get to consider
17 it. So, understanding that, I told you before that the
18 State brought five indictments, they have got the
19 responsibility to proving the five indictments beyond a
20 reasonable doubt. I will define that at the end of the
21 trial also. But, cause a person to hesitate to act is the
22 legal definition but you will be more familiar with it
23 through my instructions. That is the State's
24 responsibility of proving the case. Now, Mr. Jones is
25 presumed innocent right now and all the way through the

1 trial until y'all reach a verdict. So, he is presumed
2 innocent. Now, also one aspect that makes this trial
3 slightly different is, he has entered the plea of not
4 guilty by reason of insanity. It is his responsibility to
5 presenting evidence on that. Normally a Defendant has
6 nothing whatsoever to prove. He made that plea of
7 insanity, he has got to prove that, it is his burden of
8 showing that, to proving it to a jury is more likely than
9 not which is lower than beyond a reasonable doubt. I will
10 explain those more as you go but Mr. Jones has a
11 responsibility of proving that defense. Y'all will hear
12 plenty of testimony in regards to those issues. It will
13 be plenty. Now, notwithstanding that, the State still has
14 got to go first, they are presenting on their case first
15 and Mr. Jones presents back on his and then perhaps the
16 State gets a possibility of reply. So all through that I
17 will be here ruling on the law, that is my job is to rule
18 on the law. Y'all's job is to answer questions of fact.
19 It is the lawyers job to give y'all those questions. I
20 bring the candy, they bring the witnesses, y'all do the
21 listening. Now, I want y'all, as far as your notebooks
22 go, I got those books for you. Mark it somehow so y'all
23 know which one is yours and keep it with you throughout
24 the trial. At the end of the trial if you want to take
25 them home I will let you, if you don't we will shred them.

1 As I told you, you are not required to take notes, if you
2 want to jot down anything, do as you please. I need you
3 to pay attention, that is the main thing. Pay attention,
4 y'all judge the credibility of the witnesses. That is
5 what the jury's job is, is to evaluate testimony and
6 evidence. So that will be your job. Now, if I have a
7 quick issue with the lawyers and I go over here because I
8 want to keep everything on the record, I will talk
9 privately with the lawyers but just loud for Ms. Holston
10 and I can hear and maybe get a quick ruling if it is going
11 to be short. If it will be long I will send y'all out and
12 we will have a little more lengthy presentation. But if
13 it is quick question, over here and I can do it inside a
14 minute I will do it here and the white noise will come on.
15 I always tell the jurors this, I am getting up and walking
16 around like that and I am talking with the lawyers and the
17 white noise is on, y'all can stand up, move around,
18 stretch, whatever. If you need a break let somebody know.
19 You have got SLED detail plus the bailiffs, get somebody's
20 attention and if they say, Judge, the jury needs a break,
21 done. I will get you out of here and you get a short
22 break. It won't be a problem. Now, important, in a few
23 minutes the Clerk is going to give you the oath again,
24 part of that is in concert with the request I made each
25 and every single time you left here is, independent

1 research, talking about the case, not letting anything
2 outside the courtroom influence your decision. It is so
3 important to everybody, given a fair trial for doing that.
4 I have no control, I have control in here about what is
5 presented to you. No one else can give me that promise
6 because no person on the street corner, no one has any
7 responsibility for doing, you can't ask that question;
8 yes, you can; is that information true or false;
9 everything you hear from in here is testified under oath.
10 Everything outside the courtroom, I have no idea. It is
11 kind of you get what you pay for. I am imploring you,
12 under your oath, you are to consider what you hear in here
13 under oath and anything you get outside the courtroom, no
14 help whatsoever in deciding this case. Because of this
15 too, y'all are sitting here, 18 of you, we took nine days
16 to select you. And the lawyers had extra jurors, y'all
17 were more or less agreed on, y'all are a wonderful jury,
18 nice and mixed, top to bottom of the community of
19 Lexington County. And I want the case decided on what
20 y'all hear in here, what y'all see in here, the voice
21 inflection of people on the witness stand, how they act,
22 all of that stuff you can consider in deciding what y'all
23 have got to decide. You read a article or something you
24 don't get that. Y'all are getting the best evidence there
25 is right here and that is why I don't want something

1 outside of here that is not that to influence you in
2 making this decision. So, first thing is first. The
3 first trial is phase one like I described to you. It is
4 y'all's job to listen attentively and we will do our best
5 from there. I will instruct you from time to time on
6 certain issues but I need y'all to not talk about the
7 case. I will remind you at every break, please, remember
8 don't discuss the case even during breaks. Y'all can't go
9 back there and say, you know, that witness, I really think
10 he is on to something and, you can't do that. I am
11 instructing y'all to not do that. I will remind you every
12 evening before we go home, that is part of our
13 responsibility to be fair and impartial and decide the
14 case on what we hear in here. Y'all stand and the Clerk
15 will place you under oath.

16 (WHEREUPON, the jury was sworn at 1:15 p.m.)

17 THE COURT: Mr. Graham.

18 MR. GRAHAM: Thank you, Your Honor. A child should
19 be safe in a father's arms. A simple statement and it is
20 a true statement. But Tim Jones' five children were not
21 safe in his arms. Merah Gracie Jones, eight years old,
22 murdered by her father August 28th, 2014. Alias Jones,
23 her brother, seven years old, murdered by his father with
24 his hands. Nahthan Jones, six years old, killed at his
25 father's hands, August 28th, 2014. Gabriel Jones, two

1 years old, killed by his father's hands, August 28th,
2 2014. And the baby, Abigail, one-year-old, murdered by
3 her father, August 28th, 2014. A child should be safe in
4 a father's arms. Thursday, August 28th, 2014 was a normal
5 day, started off normal for the Jones' family. Mr. Jones
6 was divorced from his, the mother of the children, Amber.
7 He had custody of the children, he lived in Red Bank, he
8 worked at Intel as a Validation Engineer, a good job. The
9 three oldest went to Saxe Gotha Elementary School and he
10 took them there and he brought them home. The two
11 youngest, the two babies went to a babysitter. And it was
12 a normal day. After work he picked up his children, he
13 picked up the three from an after school program, Boys and
14 Girls Club at Saxe Gotha Elementary and he picked up the
15 two babies from the baby sitter and they went home. That
16 is the last time the children were seen alive was when
17 they left school and they left the babysitter. It was a
18 Thursday night. The only thing we know and there will be
19 testimony for sure of one of the children being alive was
20 from Amber, the mother. There was a telephone call early
21 that night, 7:00 or 8:00 o'clock and you will hear the
22 exact time. She will tell you that she heard that
23 Defendant, the father to the children in a rage, screaming
24 and yelling at the middle child, Nahthan, the six-year-old
25 on speaker phone with the mother because she could hear

1 it, screaming at him about electrical outlets being blown
2 saying, you could have killed yourself, son. You could
3 have killed yourself, son. Amber didn't hear anything
4 more. Then she got into a conversation with the Defendant
5 and he hung up on her. That was the last the children
6 were known to be alive. Friday, the 29th, the children
7 don't go to school, they don't go to the baby sitter.
8 Memorial Day weekend, Monday, that Monday the children
9 don't show up at school on Tuesday. On Wednesday the
10 police start to get involved. The Principal from Saxe
11 Gotha called law enforcement and asked for a welfare
12 check. She and law enforcement go over to the Jones
13 resident in Red Bank, no children are present, no Tim
14 Jones is present and no Cadillac Escalade which is the car
15 that he drove. The same day the Defendant's father, Tim
16 Jones, Sr. called law enforcement and asked them to help
17 him find his son and the children. Based on that law
18 enforcement begin to look, they contact Amber, they talk
19 about when she last had contact with the children, what
20 she has heard, if she has had contact with Tim Jones and
21 what he said. Based on all of that information the
22 Lexington County Sheriffs Department entered all five
23 children and the Defendant and his vehicle and license
24 plate in what they call NCIC which is a National Crime
25 information Center. That way if those children's names

1 pop up in some other place or his name it would alert the
2 Lexington County authorities. That was on the 3rd which
3 was Wednesday. Friday, September 6th, 2014, about 9:00
4 o'clock Tim Jones is driving his Escalade is stopped at a
5 traffic safety checkpoint in Smith County Mississippi. He
6 is arrested for driving under the influence and possession
7 of synthetic cannabis. The children are not with him and
8 the car smells like death. He is taken in custody and
9 over the course of a few days he is interviewed and
10 ultimately he leads the police to the bodies of his
11 children. Each one wrapped in a garbage bag on the side
12 of the road in the middle of no where. He is charged with
13 five counts of murder. He has plead not guilty by reason
14 of insanity as you heard Your Honor say. For you all to
15 find, that you have to find that the Defense has to prove
16 to you by a preponderance of evidence that when he killed
17 his children he did not understand the legal right from
18 the legal wrong or the moral right from the moral wrong at
19 the time he killed his children. They are going to do
20 that by presenting experts. And I am expecting you will
21 hear testimony from a bunch of experts to tell you pieces
22 and parts about why he is not responsible. Maybe it is
23 because of somehow of him using the drugs, the voluntary
24 drug use. Maybe it is because he had a traumatic brain
25 injury because he had a car wreck when he was a kid.

1 Maybe they are going to say he has some kind of mental
2 illness. But even any of those are true, even if you
3 believe any of those it doesn't mean he is insane. That
4 is not insanity, there is more to it. Every expert, I ask
5 you all, have to think about two questions when they are
6 testifying, whether they are ours or whether they are the
7 Defendant's, is that expert searching for the truth, are
8 they trying to give you the truth or are they looking for
9 a defense or an excuse. Ask those hard questions in your
10 head, listen to their answers. Is the information they
11 are providing you, is it coming from verifiable facts,
12 things we know, things we can see or is it only coming
13 from what Tim Jones tells. Those are the two things that
14 I ask you all remember every time an expert testifies.
15 You will also hear from a Court appointed independent
16 psychiatrist from the State. He will tell you that Tim
17 Jones was sane, he knew right from wrong when he killed
18 his children. You will hear from people who knew him and
19 saw him and they tell you what they observed in his
20 behavior. We have, the State has the burden of proving
21 the unlawful killing of another with malice aforethought.
22 Killing of another with malice. And the Judge will tell
23 you all what malice is. It could be hostility, it could
24 be hatred, it could be ill-will, it can be a wicked or
25 depraved spirit, evilness in your heart. That is what you

1 are looking for and that is what we have to prove beyond a
2 reasonable doubt to you. How are we going to do that.
3 How are we going to prove to you that he had evil in his
4 heart and evil on his mind when he killed those children.
5 It will be from the words that he told the police and
6 listen for the truth in the words. It will be his actions
7 in killing and how he killed his children. It will be the
8 fact that he ran and he tried to hide. It will be in the
9 way that he thought of to dispose the bodies of his
10 children and how he actually did it. It will be in the
11 deception, the way he lies to people to cover up his
12 crimes. It will be his thoughts and you will actually get
13 to see his thoughts in the cell phone because it recorded
14 his web searches, his internet history. You will get to
15 see what he was doing and what he was thinking about
16 starting on the 28th. You are also going to see it on the
17 clip board, it was found with writing in the car when he
18 was stopped by the police in Mississippi. A detailed list
19 of how he planned to dispose of his children's bodies.
20 You will see evidence of this, be on the lookout for it.
21 Every time Tim Jones made a choice starting on August 28th
22 of 2014 with his son, Nahthan, it was all about him. What
23 was going to happen to Tim Jones, how was it going to
24 affect him, what did he need to do to protect himself. No
25 thoughts for the children. He killed a six-year-old child

1 in a rage, six years old.

2 MR. MADSEN: Your Honor, we have an objection. May
3 we approach?

4 THE COURT: You may.

5 (Whereupon, a bench conference was held in the
6 presence of the jury but out of the hearing of the
7 jury.)

8 MR. GRAHAM: A six-year-old child. The words of Tim
9 Jones, he PT'd his son, physical training. We don't know
10 the truth, that is what he says. Pushups, squats, jumping
11 jacks, whatever that entails, forty-five minutes to an
12 hour. And he sends him to bed, he says he goes to check
13 on him and he collapses in his arms. He also tells the
14 police that he puts his hands on him. Nahtahn Jones, six
15 years old died at his father's hands in a fit of rage.
16 Did Tim Jones, when he saw his son collapse, did he call
17 911, did he call for help. No, he didn't. Did he call
18 the children's mom and tell her. No, he didn't. Did he
19 call his father. No. Did he call anyone. No. What he
20 did was he, no one is going to believe this was an
21 accident. And what did he do next. He strangled his son,
22 Elias, seven years old to death with his bare hands. He
23 strangled his daughter, Merah, eight years old with his
24 hands. He took a belt to the babies, across their throats
25 and taking the life away from them and strangled both of

1 them, Gabe and Abigail to death. He knew what he did was
2 wrong. That is why he didn't call 911. He knew what he
3 did was wrong, that is why he ran. He ran and tried to
4 save himself and he hated his ex-wife so much that he
5 killed the children so she would never see them again. A
6 child should be safe in a father's arms. A father is
7 suppose to love his children, Tim Jones loved himself
8 more. A father is suppose to protect his children. Tim
9 Jones was worried about protecting himself. Timothy Ray
10 Jones, Jr. is not a father, he killed his five innocent
11 children, he did it with malice, with an evilness in his
12 heart, he is not insane, he is a murderer. Thank you.

13 THE COURT: Mr. Madsen.

14 MR. MADSEN: May it please the Court.

15 THE COURT: Yes, sir.

16 MR. MADSEN: You can't judge the health of a forest
17 by only looking on a few trees. You can't judge the
18 health of a forest by only looking at a few trees. I have
19 got a friend who works at the Forestry Commission and he
20 always says, you can't judge the health of a forest by
21 only looking at a few trees. That is what the State is
22 going to ask you to do in this trial, is just to look at a
23 few trees. They are not going to ask you to look at the
24 seeds that the forest is planted with. They are not going
25 to ask you to test the soil to see if a foundation of that

1 forest is poor. They are not going to ask you to go to
2 the right and see the disease has decimated the forest.
3 They don't want you to go to the left and see that Kudzu
4 has overtaken that part of the forest, destroying it.
5 They certainly don't want you to sniff the air because you
6 might get a whiff of smoke and realize the back of that
7 forest is on fire. You heard the Judge say that Tim has
8 plead not guilty by reason of insanity. That was not a
9 defense that Tim picked out like when you were in voir
10 dire and the Judge read you a list of defenses. That is a
11 defense that the lawyers in consultation with experts, a
12 full examination of Tim and a review of his family
13 history. Tim has schizophrenia, something he wasn't
14 diagnosed with prior to his arrest. Tim's mind is broken.
15 In deciding whether Tim knew the legal or moral right from
16 wrong you need to look at the full forest, not just a few
17 trees. Tim was genetically loaded from mental illness.
18 Children come into this life with genetic predispositions.
19 Some genes determine your hair and your eye color, other
20 genes can influence diseases such as diabetes or heart
21 disease. Other genes can determine vulnerability to
22 psychiatric conditions such as addiction, bipolar disorder
23 or schizophrenia. Tim's mom has schizophrenia. She has
24 been institutionalized for the last two decades. You will
25 hear about major mental illness on both the paternal and

1 maternal side of Tim's family, the seeds for Tim's brain
2 aren't healthy. You will hear about Tim's environment,
3 the ability to have a healthy brain, that development can
4 be hurt. His development of his brain was negatively
5 impacted by his environment. You will hear from numerous
6 witnesses about his childhood, about the violence,
7 substance abuse, the mental illness and the abandonment
8 that he was constantly subjected to. You will gain an
9 understanding from experts as to how an environment such
10 as that can damage the foundation of someone's mind. In
11 other words, Tim's forest was growing in bad soil. You
12 will hear how a genetically at risk in a negatively
13 impacted brain is further damaged by a traumatic brain
14 injury. Tim suffered a traumatic brain injury when he was
15 a teenager when he was in a car accident. You are going
16 to hear from experts, you are going to actually see scans
17 of the damage, you are going to hear about the frontal
18 lobe damage that still exist today, the blood that is
19 still there. You will actually see the divot that is
20 still in his skull all of these years later from a
21 depressed skull fracture. Tim's unhealthy seeds that were
22 grown in bad soil were damaged by a traumatic brain injury
23 and all of this was through no fault of his own. You will
24 hear that when Tim was a teenager he started using mood
25 altering substances to deal with that emotional

1 instability. Exposure to sustained emotional trauma, head
2 injuries and substance abuse can have an effect on the
3 developing brain. As Tim's forest developed it was
4 malnourished, without an understanding of the later
5 devastating impacts that this might have. Despite all
6 these problems Tim was determined to make something of
7 himself, he joined the Navy, he wanted to be a Navy Seal.
8 After a month and a half he was separated in boot camp for
9 a depressive disorder. A mental health disorder that was
10 diagnosed by the United States Navy. Tim was devastated,
11 he went back to using drugs and alcohol, he got in trouble
12 and he went to prison. In prison he found religion. To
13 Tim a love of Jesus was unconditional. It helped soothe
14 his emotional instability and his feelings of abandonment.
15 To Tim the Bible is the literal and infallible guide on
16 how to live your life. The answers to all questions can
17 be found in the Bible, no matter how extreme those views
18 can be. Scripture was a way for Tim to try to gain
19 control of his life. He has a phenomenal memory, he could
20 memorize vast amounts of scripture. But social and
21 emotional abilities are such that he even thought he could
22 read the scripture he couldn't understand for its meaning
23 or its meaningful application. Once Tim got out of prison
24 he met Amber McCalluey, they met at a place called an
25 Enchanted Castle in Chicago. It is a place very similar

1 to Frankie's Fun Park. It was love at first sight and
2 they got married months later. They moved around for a
3 little bit but they eventually followed Tim's dad down to
4 Mississippi. Tim started working down there and going to
5 school, supporting Amber. Tim was good at school,
6 specifically math and computers. Those trees in his
7 forest looked good. They had their first daughter, Merah.
8 Following a year later their son, Alias. The following
9 year after that they had their son, Nahthan. Tim
10 transferred from a community college to Mississippi State
11 where he graduated Summa Cum Laude. Tim enjoyed school
12 but he loved his wife and he loved his children. He got
13 good enough grades that he was offered a job with Intel in
14 South Carolina and so they moved. Once they moved here
15 they had their son, Gabrielle. You talk to the people at
16 Intel they can't tell you a lot about Tim's personal life
17 except for his children. Intel was over in Blythwood but
18 Tim moved his family to a trailer in Leesville, intent on
19 homesteading where they had thirty chickens, four geese,
20 three ducks, three rabbits, two turkeys, two dogs and a
21 number of cats. Amber was going to home school the
22 children even though she never graduated from high school.
23 Intel can be a tough place to work with high stress and
24 long hours. You will hear about Tim's strict observance
25 of the scripture. To Tim it wasn't spare the rod, spoil

1 the child, it was that the rod was loved. They regularly
2 attended Sunday services and Tim would often speak in
3 tongues in church. And you will hear about their nightly
4 Bible studies at home. Not long after moving to South
5 Carolina Tim suspected Amber was having an affair with a
6 neighbor. She was pregnant with their last daughter,
7 Elaine. Soon after that they separated. Tim's forest was
8 devastated. The emotional instability and abandonment
9 from his youth came back. Amber agreed that Tim was
10 better suited to raise the children so Tim got custody.
11 Initially Tim, the children went to live with Tim's dad
12 and step-mother in Mississippi. Tim would leave Intel on
13 Friday night, drive all the way to Mississippi, turn
14 around on Sunday, drive back to South Carolina arriving at
15 Intel on Monday morning to start his job. And Tim would
16 utilize baby sitters to help him with the children. Tim
17 knew that there was a problem but Tim did not want to be
18 like his mother, institutionalized. That is a fear that
19 he would always have. He is a man, he thought he could
20 fix himself. You will hear he went to a counselor and the
21 kids to a separate counselor because he loved them and
22 because he was worried about growing up without a mother,
23 how that would affect them that their mother wouldn't be
24 in their every day life as it affected him. Tim would
25 self-medicate himself and starting using drugs and

1 alcohol. In 2014, in May, he started using synthetic
2 marijuana or Spice. Tim felt like it was an
3 anti-psychotic and an anti-depressant all in one but it
4 was just masking the problems. Struggling to juggle his
5 job, his kids and the emotional devastation of his wife's
6 adultery, Tim's forest had been held together for ten
7 years by the love of his life, his abstinence from drugs
8 and alcohol, his children, his job and religion. That all
9 came crashing down at the same time. You will hear about
10 the summer of 2014 how Tim took the kids to Disney World.
11 He was trying to hold it together, he was trying to be a
12 good father, to get his kids to love him the Bible told
13 him they would. He knew something was wrong, he was
14 trying to fix himself. You are going to hear about his
15 purchases on Amazon, self-help books, religious books.
16 You will hear about ways he was trying to make money off
17 the internet. Spent \$4,000.00 dollars on how to be a
18 millionaire and he didn't have the money. You will hear
19 how he applied to St. James Medical School in the
20 Caribbean and was accepted. Applied in July, accepted in
21 August. One of his coworkers asked, what are you going to
22 do for money. Tim wasn't concerned, the lord would take
23 care of him. The disease in Tim's forest was getting
24 worse. Tim's work was deteriorating. Coworkers at Intel
25 saw that he was missing days and he was losing weight and

1 he had started smoking. There had always been a divide in
2 Tim's functioning who had this academic side where he
3 could perform, achieve and be an expert. Those trees were
4 good but always struggled with a social and emotional
5 life. You will hear how his paranoia is growing, internet
6 searches at all hours, how he thought Amber being
7 prostituted, how he his kids were colluding with DSS, how
8 Nahthan has a suspicious fascination with electricity.
9 The children's behavior issues that were a normal product
10 of a stressful divorce, to him it was failure of faith.
11 He must not be doing what the Bible told him to do because
12 if it was it would all be good. Does this sound like a
13 man who had a healthy forest. On August 28th of 2014 he
14 picked up the kids for the last time at the Boys and Girls
15 Club at Saxe Gotha, the three oldest one. He picked up
16 the two younger ones at Day Care at the neighbors and he
17 fed them. At some point and time he became convinced that
18 Nahthan had intentionally blown the outlets. He began
19 exercising and trying to find out what the truth was. Tim
20 was unsuccessful in giving what his delusional belief was
21 out on Nahthan for reasons that are still unknown to this
22 day, we don't know why Nahthan died. Tim's forest was on
23 fire, it was burning out of control. Over the next couple
24 of hours he did strangle his children, he wrapped them in
25 sheets and blankets and placed them in his Cadillac

1 Escalade where they stayed for nine days. He wasn't ready
2 to let them go. He thought that was his way of spending
3 time with them, he even played them songs. You will hear
4 about his disorganized driving pattern. Bishopville,
5 Camden, Spartanburg, Folly Beach, Charleston, Mississippi,
6 Georgia, Alabama. It was a man who didn't have a healthy
7 forest. You will hear eventually how Tim was on a country
8 highway in Alabama and he pulled off on a logging road.
9 He tried to cut off one of Nahthan's legs, one of the many
10 notions that the voices told him and he wrote it down but
11 he couldn't bring himself to do it. He took the remains
12 and placed them in garbage bags, he said a prayer and told
13 them goodbye. He was stopped at a safety check point in
14 Mississippi later that same day. Since Tim's arrest he
15 has been diagnosed with schizophrenia, a major mental
16 disease. You will not hear testimony from anyone who says
17 that when Tim killed his children that he wasn't
18 psychotic, even the State's psychiatrist. You will hear
19 how over the last four years the State of South Carolina
20 has given Tim a variety, and a plethora of psychotropic
21 medications. But they want you to believe he is fine,
22 they want you to look at a few trees. Tim's forest was
23 diseased, decimated and burned. He had a few good trees
24 but they don't want you to see the whole forest. On
25 August 28th of 2014, because of a disease Tim could not

1 appreciate legal or moral right from wrong. After you
2 hear all of the evidence you will find Tim not guilty by
3 reason of insanity, not guilty by reason of insanity.

4 THE COURT: Folks, I couldn't just say how long this
5 would take, the lawyers would take. I planned, the
6 lawyers did, they presented their openings to you. For
7 planning purposes all witnesses will be here first thing
8 in the morning so we are done for the day. We didn't do
9 very much and hear very much. I was trying not to start
10 at 3:00 this afternoon, not knowing exactly what was going
11 to be presented in their openings, the amount of time.
12 The first witnesses will be called tomorrow. That is my
13 planning, that is what we get. What I want you to do, go
14 back to the jury room, put your notebooks up, go home for
15 the evening and do not talk about the case. I would like
16 to start no later than 9:00 tomorrow, would anybody be
17 unhappy at 8:30 or do you have -- you would be. Good
18 enough, we will start at 9:00. That will be fine. Be in
19 the jury room by 9:00 and I will try to start promptly at
20 9:00. See you in the morning. Don't talk about the case,
21 see you in the morning.

22 (Whereupon, the jury was excused from open court for
23 the day.)

24 THE COURT: Do we need to put anything on the record
25 before we recess for the day?

1 MR. YOUNG: Yes, sir.

2 THE COURT: Let's do it.

3 MR. MADSEN: Judge, we objected, we had a sidebar
4 conference at that time. It appeared that Mr. Graham was
5 crying, you could hear it in his voice, I believe the
6 Court could also hear that. We objected at that time and
7 we moved for a mistrial and we renew that objection.

8 THE COURT: At the sidebar, that is the substance of
9 our conversation. Mr. Graham, remarks were he was not.
10 This is a very emotional subject matter, I am very aware
11 of that. The Court is looking at him, I didn't see, I
12 didn't see tears in his eyes. I don't believe that was
13 his intent. Despite, I agree with you the voice was
14 shaky. There is going to be some latitude on that but
15 respectfully I think we handled it appropriately and I
16 sustained your objection that that wasn't allowed and I
17 did not notice anything of the sort after that. But
18 respectfully I am not going to grant a mistrial on that
19 basis at this time. Anything else.

20 MR. HUBBARD: Your Honor, I just want to say, this is
21 going to be very emotional. Everybody in here is a human
22 being and if they are going to object when we hit an
23 emotional point, even the lawyers in this case are going
24 to be touched. We have been carrying a lot on our
25 shoulders and in our soles.

1 THE COURT: On both sides.

2 MR. HUBBARD: And I know Your Honor understands that
3 so, you know, if they are going to stand up every time one
4 of us gets choked, Judge, we might as well stop right now.
5 I know Your Honor is going to handle it well and I trust
6 Your Honor to do that. But if it comes to that process
7 where every time something happens, Judge, it is going to
8 be a long, slow trial.

9 THE COURT: And we are going to be diligent in our
10 efforts to present the case. I will do my best to keep
11 everything in order. Anything else?

12 MR. HUBBARD: No, sir.

13 THE COURT: I will be here at 8:30 tomorrow to put
14 anything on the record before we bring the jury in. I
15 would like anything that needs to be premarked done
16 before, Joy is always here early. I will let the jury in
17 the courtroom at 9:00 so y'all be aware of that. Don't
18 come in at 8:59 and say, let me mark some exhibits. Have
19 those marked before 9:00, Joy is here without fail thirty
20 minutes ahead of time. So fair warning.

21 (Whereupon, the trial will resume the next morning at
22 8:30 a.m.)

23 May 15, 2019.

24 THE COURT: Y'all may be seated.

25 MR. HUBBARD: Judge, I will get--

1 THE COURT: I told y'all I would be here at 8:30 in
2 case we had something, I told the jury to be here at 9:00.

3 MR. HUBBARD: Just so what we are doing, we are still
4 doing some pre-marking.

5 (Whereupon, the attorneys and the Court Reporter
6 marked exhibits.)

7 THE COURT: Let's bring the jury in.

8 (Whereupon, the jury came into open court.)

9 THE COURT: All right, I know, I am still organizing.
10 Here we are ready to begin. I hope your evening was well.
11 The State's going to begin to call witnesses. If
12 something comes up, somebody with a matter of law, we'll
13 excuse you unless I can deal with it relatively rapidly
14 over there. Another reason I cut the white noise on
15 yesterday is those conversations I want on the record but
16 I don't want them published either. It cuts off the sound
17 to the media too. So sometimes that's just something I've
18 got to deal with. So just so you know. Okay? All right.
19 Ready to begin. Call your witness.

20 MS. MAYES: May it please the Court.

21 THE COURT: Yes, ma'am.

22 MS. MAYES: The State calls Jan Wise.

23 THE COURT: Come forward and be sworn.

24 JAN WISE, being
25 first duly sworn, testified as follows:

1 MADAM CLERK: Once you are seated, Ma'am, state your
2 full name spelling your last.

3 THE WITNESS: My name is Ivral Jennette Wise. W-i-s-e
4 is my last name, and I go by Jan.

5 MS. MAYES: Your Honor, may I approach?

6 THE WITNESS: Am I not close enough?

7 THE COURT REPORTER: You're close enough, just talk
8 loud.

9 DIRECT EXAMINATION

10 By Ms. Mayes:

11 Q Ms. Wise, good morning. Can you tell us a little bit
12 about yourself? Where are you employed?

13 A I'm currently retired from the Boys and Girls Club of
14 the Midlands for two years now.

15 Q Okay. I'm going to need you to pull that microphone
16 up a little bit more. All right. And then we're --

17 A Okay.

18 Q -- going to need you to speak loud enough so that
19 even this last Juror can hear you.

20 A Okay.

21 Q How long have you been with the Boys and Girls Club?

22 A Twelve years.

23 Q Tell us a little bit about what services the Boys and
24 Girls Club offers for students here in Lexington County.

25 A Okay. In elementary schools we have a B Grade

1 Program, and it's an after-school program that begins when
2 the bell rings and ends at 6:30 every day the school's
3 open.

4 Q All right. And can you tell us whether or not Saxe
5 Gotha Elementary in Lexington County also participates
6 with the Boys and Girls Club after school program.

7 A Yes.

8 Q As part of your job with the Boys and Girls Club did
9 you know the Jones' children?

10 A Yes.

11 Q Specifically which children were involved with the
12 Boys and Girls after-school program?

13 A Merah, Eli and Nahtahn Jones.

14 Q And you said Eli. Tell us a little bit about Elias.
15 What is his full name?

16 A Elias.

17 Q Okay. And you called him Eli?

18 A Yeah, I called him Eli.

19 Q And of those children which was the oldest?

20 A Merah.

21 Q And then of the boys?

22 A And then Nahtahn was six and Eli was seven and Merah
23 was eight.

24 Q All right. Now, regarding the school year that would
25 have began in the fall of 2014?

1 A Uh-huh. (Indicated in the affirmative.)

2 Q So we're talking about August of 2014. Can you tell
3 us whether or not you were working in that capacity at
4 Saxe Gotha Elementary with the Boys and Girls Club?

5 A Yes. I was the Director of the program at Saxe
6 Gotha.

7 Q And approximately how long had you all been in that
8 after-school program from the start of that fall semester?

9 A I believe -- how many years we had been in there?

10 Q For the fall 2014 semester how long had that been
11 going on --

12 A That had been going on for -- from the 18th, I
13 believe. A couple of weeks.

14 Q So August 18th would have been your approximate start
15 date?

16 A Right.

17 Q For that school year of fall --

18 A Yes.

19 Q -- 2014?

20 A Uh-huh. (Indicated in the affirmative.)

21 Q Now, again, how late into the day does the program
22 normally run?

23 A 6:30 was pickup time.

24 Q Where in the school at Saxe Gotha did the program
25 take place?

1 A Okay. Our main center of operation was the
2 cafeteria, and that's where we had our sign-out tables and
3 we would have snacks. And then we used the computer lab,
4 the gym and other facilities there at the school.

5 Q All right. And did children do homework and things
6 of that nature?

7 A Yes. We had a structured program. We provide a
8 healthy snack for them, after roll call. And they'd have
9 their snack and then they'd go into what we call Power
10 Hour and they would have help with their homework, and
11 then usually go outside or to the gym for recreation. And
12 then we had structured programs for them in character and
13 leadership and game time in the gym.

14 Q All right. Now, you mentioned the sign-out table.
15 Take us through the rules or guidelines that were in place
16 there in terms of who could sign children out once the day
17 was over.

18 A Okay. The only people who could sign out the
19 children were those that were on their hard copy list who
20 were authorized parents or guardians. And we had a hard
21 copy list, plus we had it on our MTS, our Member Tracking
22 System. And it would tell us who was authorized or not
23 authorized to check-out the children.

24 Q And who normally worked or supervised that sign-out
25 table there in the cafeteria?

1 A I did.

2 Q That was your primary responsibility?

3 A Safety and accountability.

4 Q All right. Now, specifically as to the Jones'
5 children, who was authorized to pick them up at the end of
6 the day?

7 A Tim Jones.

8 Q And as a result of that did you have the opportunity
9 to interact with Timothy Jones, Jr., the Defendant in this
10 case, on multiple occasions there?

11 A Yes. Each day he would pick the children up.

12 Q Did that include in engaging in conversations with
13 him?

14 A Yes, conversations. And one time I was having
15 trouble with my little laptop and he offered up some
16 information. He was, seemed very knowledgeable of
17 computers and offered, told me about a program that might
18 help my SmartPad that I was using.

19 Q All right. And did that conversation with Mr. Jones
20 occur there in August of 2014?

21 A Yes.

22 Q During your interaction with Mr. Jones did he
23 communicate with you normally?

24 A Yes.

25 Q Did he appear to understand all communications

1 between the two of you?

2 A Yes.

3 Q Was he able to converse with you in a clear and
4 rational manner?

5 A Yes.

6 Q I want to take you specifically, Ms. Wise, to the
7 date of August 28th, 2014. I'm going to show you a
8 calendar which is premarked State's Exhibit 1.

9 MS. MAYES: And, Your Honor, if I may approach.

10 THE COURT: You may.

11 Q Looking here at the calendar, Ms. Wise, what is the
12 last date that you recall seeing the children in the
13 program?

14 A The 28th of August.

15 Q And you mentioned that you man or oversee that
16 sign-out table?

17 A Yes.

18 Q Are there any official records or documents that go
19 with that process?

20 A Yes, there are.

21 Q I'm going to show you what is marked State's Exhibit
22 2 and ask you whether or not you recognize this.

23 MR. MADSEN: No objection.

24 Q I'm going to show you what is State's Exhibit 2 and
25 ask you whether or not you recognize this document and, if

1 so, how?

2 A This is a hard copy sign-out sheet for parents or
3 guardians when they would come to get the children from
4 the Club, and this is the sign-out sheet --

5 Q Is this --

6 A -- for that week.

7 Q Okay. Is this document maintained in the ordinary
8 course of business?

9 A Definitely.

10 Q And you're familiar --

11 A Yes.

12 Q -- you're familiar with it for that reason?

13 A Uh-huh. (Indicated in the affirmative.)

14 Q And I'm going to show you this page and ask you
15 whether or not it reflects the names that you mentioned of
16 the three Jones' children that were part of the program.

17 A Yes. It has all three of the children on the list.

18 Q All right.

19 MS. MAYES: Your Honor, at this time this would be
20 State's Exhibit 2 for evidence.

21 THE COURT: Without objection?

22 MR. MADSEN: No objection.

23 THE COURT: State 2's admitted.

24 (Whereupon, State's Exhibit number 2 was admitted
25 into evidence.)

1 MS. MAYES: All right. And so, State's Exhibit 2 is
2 in. And, Your Honor, I believe State's Exhibit 1 was in,
3 also, being the calendar without objection.

4 THE COURT: It was. One was the big calendar without
5 objection.

6 (Whereupon, State's Exhibit No. 1 was admitted into
7 evidence.)

8 MS. MAYES: All right.

9 Q Now, you mentioned that the Jones' children are on
10 here.

11 A Yes.

12 Q And can you tell us what dates are covered in this
13 particular sign-out sheet for the children?

14 A The dates are for the week of August the 25th, 26th,
15 27th, 28th and 29th.

16 Q So that sign-out sheet would cover that entire week
17 that began August 25th?

18 A Correct.

19 MS. MAYES: And, Your Honor, may I publish at this
20 time?

21 THE COURT: You may.

22 Q So, Ms. Wise, looking here, we see both Elias and
23 Merah, and then also Nahtahn.

24 A Uh-huh. (Indicated in the affirmative.)

25 Q Who is the person --

1 A Yes.

2 THE COURT: Thank you.

3 THE WITNESS: I know not to say uh-huh. Okay.

4 THE COURT: Thank you.

5 Q Who is the person who signed out Eli, Merah and
6 Nahtahn on August 25th, August 26th and August 27th?

7 A Their father, Timothy Jones.

8 Q Then on August 28th?

9 A Their father, Timothy Jones.

10 Q Here we see the date of August 29th. Did you ever
11 see Merah, Eli or Nahtahn again after the 28th?

12 A No.

13 Q That area of the cafeteria that you testified to
14 where the after-school program takes place and where your
15 table is located, is it also the subject of video
16 surveillance?

17 A Yes, it is.

18 Q And are you familiar with that video surveillance?

19 A Yes.

20 Q Have you had an opportunity yourself to review the
21 video surveillance from the date of August 28th, 2014, the
22 last date that you saw the children alive?

23 A Yes, I have.

24 Q Can you tell us whether or not that video
25 surveillance is a fair and accurate representation of the

1 events as you remember them?

2 A It is.

3 Q Did it appear to have been altered in any way from
4 the point where Mr. Jones enters the building to the point
5 where he leaves the building?

6 A No.

7 MS. MAYES: Your Honor, if I may approach.

8 THE COURT: You may.

9 Q State's Exhibit 3.

10 A Uh-huh. My initials.

11 Q All right. I need you to speak up a little bit
12 louder.

13 A My initials are on the tape.

14 Q Okay. And did you initial it acknowledging that this
15 is a fair and accurate representation of that video
16 surveillance?

17 A It was the video of the sign-out of the three
18 children.

19 MS. MAYES: And, Your Honor, this would be State's 3
20 for evidence.

21 MR. MADSEN: No objection.

22 THE COURT: State's 3 is admitted without objection.

23 (Whereupon, State's Exhibit number 3 was admitted
24 into evidence.)

25 MS. MAYES: And, Your Honor, if Ms. Robinson may

1 assist.

2 THE COURT: She may.

3 (Whereupon, State's Exhibit No. 3 was published for
4 the jury.)

5 Q And, Ms. Wise, again this would be the cafeteria
6 there at Saxe Gotha?

7 A Yes.

8 Q And what is located here at this area?

9 A Our sign-out table --

10 Q All right.

11 A -- and a door that the parents would enter. It was
12 kept locked and we'd have to open the door and the parents
13 would come in.

14 Q All right. And on this tape we hear a male voice
15 here through the doorway. Who is that person?

16 A The male voice? I heard a child say, Daddy.

17 Q Okay. And you've seen the video. Do you recognize
18 the male figure in the videotape?

19 A Yes, Tim Jones.

20 (Whereupon, State's Exhibit number 3 is resumed.)

21 Q Now, you mentioned that the guidelines that were in
22 place, Mr. Jones was the authorized person to pick the
23 children up.

24 A Correct, yes.

25 Q Had the mother of the children, Amber Jones, ever

1 been to pick them up?

2 A No.

3 Q And what, if anything, did the Defendant say to you
4 in that regard?

5 A Well, towards the beginning of the school year he had
6 let me know that he was the only one who was to be able to
7 pick them up and that never his wife, or their mother.

8 Q So he stated he was the only authorized person to
9 pick up the children?

10 A Yes.

11 Q Ms. Wise, after that date of Thursday, August 28th
12 when the children did not come back to the program what,
13 if any, action did you take?

14 A Okay. They were absent on the Friday, and then on
15 the third day afterwards -- well, the following week on
16 Tuesday when they weren't there I -- all three of them had
17 been absent for three days. And so, it alarmed me and I
18 went to the administrative office and I believe I told Ms.
19 Ricard, the assistant principal, that they had not been at
20 the Boys and Girls Club after-school program for three
21 days, all of them.

22 Q All right. Now, on this video where you identified
23 the male figure, are you also depicted on this video --

24 A Yes.

25 Q -- at one point?

1 A I am.

2 Q Having observed the Defendant interact with his
3 children on this day, August 28th, 2014, did he ever
4 appear to be afraid of his children?

5 A No.

6 Q Having observed him interact with his children on all
7 the previous days, did he ever appear to be afraid of his
8 children?

9 A No.

10 Q Based on your observations, did you have any reason
11 to be concerned about the Defendant's mental health or
12 well-being?

13 A No, I did not.

14 Q And if you did have concerns would you have allowed
15 the children to leave with him?

16 A No.

17 MS. MAYES: Nothing further at this time, Your Honor.

18 THE COURT: Mr. Madsen.

19 CROSS-EXAMINATION

20 By Mr. Madsen:

21 Q How are you doing, Ms. Wise?

22 A Hello.

23 Q So how long were the Jones' children in the Boys and
24 Girls Club of America?

25 A Two of the children had been there the previous year,

1 and then they had been at the beginning of the school year
2 of that 2014-'15 year.

3 Q And so, if I understand correctly, the Boys and Girls
4 Club is kind of like a after-school daycare?

5 A No, it's not a daycare. It's an after-school
6 program. It's structured.

7 Q It's a place for the kids to go after school?

8 A Right.

9 Q So Tim wouldn't have dropped them off, they would
10 have just, I guess just ended classes?

11 A We -- no. We had -- the students would line up
12 according to their grades in the hallways and we would
13 have a staff that would meet each group by their grade
14 group, and they would come to the cafeteria for roll call
15 and the staff would do a roll call.

16 Q And while the Jones' children were there did you ever
17 have any disciplinary issues with them?

18 A No disciplinary issues with the Jones children.

19 Q And this shows one day where Tim picked them up.
20 That was your usual interaction with him was for that
21 period of time?

22 A No. I would say it was usually longer. I was in the
23 back room putting up art supplies and I was summoned to
24 the table when he -- he had come in. They were the last
25 three children that were there that day.

1 Q And you all being an after-school program, that makes
2 you all a mandatory reporter, correct?

3 A Yes.

4 Q And you never saw anything that caused you any
5 concerns with the Jones children?

6 A Never.

7 Q And it appeared that the kids were excited to see
8 him?

9 A Yes, it does appear.

10 MR. MADSEN: That's all I have.

11 MS. MAYES: Briefly, Your Honor.

12 THE COURT: Yes, ma'am.

13 REDIRECT EXAMINATION

14 By Ms. Mayes:

15 Q And just to clarify. On this particular day you said
16 they were the last children to be picked up that day?

17 A Correct.

18 Q And is the date and time reflected on this video
19 accurate?

20 A Yes.

21 Q So we're talking about 6:16 p.m.

22 A 6:16.

23 Q And you said this particular day you had been working
24 on some art supplies?

25 A Correct.

1 Q What was your normal level of interaction with Mr.
2 Jones when he would pick the children up?

3 A I primarily worked with the parents, and it would be
4 to check his ID and make sure he was on the sign-out list,
5 and then have him sign the sign -- the hard copy. And
6 then with the MTS I would enter the date and time that he
7 had exited with the children.

8 Q All right. And you mentioned the occasion in which
9 he offered you computer advice.

10 A Uh-huh.

11 MR. MADSEN: I'm going to object. This is improper
12 redirect because I didn't ask about the computer.

13 THE COURT: I'll sustain the objection.

14 MS. MAYES: Nothing further.

15 THE COURT: All right. Ma'am, you may step down.

16 MS. MAYES: The State calls Janet Ricard.

17 JANET RICARD, being
18 first duly sworn, testified as follows:

19 MADAM CLERK: Once you're seated, state your name,
20 state your full name spelling your last.

21 THE WITNESS: My name is Janet Ricard. Last name is
22 spelled R-i-c-a-r-d.

23 DIRECT EXAMINATION

24 By Ms. Mayes:

25 Q Good morning.

1 A Good morning.

2 Q Can you start by telling us a little bit about
3 yourself and where are you employed.

4 A I am an educator of 21 years. Taught third grade for
5 my student teaching, taught first grade for 13 years, and
6 I have been a school administrator now in Lexington One
7 for eight years. I am currently employed as assistant
8 principal at Pelion Elementary in Pelion.

9 Q All right. And prior to your role as assistant
10 principal in Pelion, what school were you affiliated with?

11 A I had served as assistant principal at Saxe Gotha
12 Elementary in the Red Bank community for seven years.

13 Q Ms. Ricard, how is it that you knew the Jones
14 children?

15 A The Jones children enrolled in Saxe Gotha in August
16 of 2012. At that time Merah enrolled in first grade and
17 Elias, or Eli, enrolled in kindergarten. Nahtahn was not
18 school age at that time. So when they enrolled it was
19 always a priority of mine that I get to know my students
20 by name, so I began to interact and get to know them from
21 that point.

22 Q Did you know each of them individually?

23 A Yes, ma'am.

24 Q As a result of that did you also know the Defendant
25 in this case, Tim Jones, Jr.?

1 A Yes, ma'am. I did.

2 Q Ms. Ricard, I want to take you to the time period of
3 August of 2014. At that point in time in August of 2014
4 how old was Merah?

5 A Merah was eight-years-old. Her birth date was
6 actually May the 15th.

7 Q Today is her birthday?

8 A Today is her birthday. She was born in 2006 and she
9 was in third grade at that time. Eli was seven, and his
10 birth date was August 20 -- excuse me, April 22nd of 2007
11 and he was seven-years-old, second grade.

12 Q Second grade?

13 A Yes, ma'am. And then Nahtahn was in first grade, and
14 his birth date was April the 11th of 2008.

15 Q He was how old?

16 A He would have been six.

17 Q What was the start date for that school year in the
18 fall of 2014?

19 A That would have been August 18th, 2014. That was the
20 first day for students.

21 Q You mentioned that you had communications with the
22 Defendant, and I want to take you back even to when you
23 said Merah first started.

24 A Okay.

25 Q Merah first started school before Eli got there. Eli

1 started school before Nahtahn got there. Did you have the
2 opportunity to interact with Mr. Jones on more than one
3 occasion?

4 A Yes, ma'am. On numerous occasions.

5 Q Can you tell us during the course of your
6 interactions with Timothy Jones, Jr., did he communicate
7 with you normally?

8 A Yes, ma'am. He did.

9 Q He appeared to understand all communications between
10 the two of you?

11 A He did.

12 Q Was he able to converse with you in a clear and
13 rational manner?

14 A Yes, ma'am.

15 Q If you needed to contact him for any reason regarding
16 any one of the children, how did he normally respond?

17 A I would frequently contact him by phone if I had a
18 reason to, and if he didn't answer immediately he would
19 call me right back. We had several face-to-face
20 conversations. So either by phone or face-to-face.

21 Q Now I want to move forward to the date of August
22 28th, 2014. What, if anything, raised your concern about
23 the Jones children after that date?

24 A August 28th was that Friday before Labor Day weekend
25 and we noticed that the students were not in school, and

1 at that point we weren't terribly alarmed because we
2 thought, you know, perhaps they were taking a day to -- to
3 maybe make a longer weekend of it. So that date we
4 weren't particularly alarmed, but we noticed that all
5 three students were absent.

6 Q And so, after the 28th and then to the 29th, and then
7 you mentioned the weekend. Monday, September 1st was
8 Labor Day. Then by Tuesday, September 2nd, when the
9 children are not in school, what --

10 A We became very alarmed at that point, because we've
11 gone from not seeing them since Thursday evening at
12 roughly 6:30 and they're not back on Tuesday morning after
13 Labor Day Holiday. So at that point we did become
14 concerned. That was a stretch from Friday through
15 Tuesday. So that was -- that was a concern.

16 Q What, if any, action did you personally take?

17 A On Tuesday, September 2nd, I reached out by phone to
18 Mr. Jones. I called his cell phone number. And the first
19 time I called I did not leave a voicemail. It did go to
20 voicemail. And typically if I called he would usually
21 make a quick return call if he couldn't answer at the
22 moment. So I called again, and at that point I did leave
23 a message just basically letting him know that, you know,
24 we were reaching out because we were concerned that all
25 three students had been absent now since the Thursday

1 before Labor Day weekend. Just let him know that, you
2 know, it was kind of a courtesy call for us to call and
3 make sure that they were okay.

4 Q All right. And you've had an opportunity to review
5 phone records in this case?

6 A Yes, ma'am.

7 Q In addition to those two calls that you yourself made
8 to Mr. Jones, which number were you calling? Specifically
9 what type of phone?

10 A His was a cell number. 271-██████ I think, was his
11 number. Close to that, maybe, ██████. The number that I
12 was calling from was 803-821-██████. That was my desk
13 number at the time. And then there's another call from
14 one of the office phones at the front that was made around
15 the hour of 6:00 o'clock on, I believe, that same day.
16 And that was very likely either myself or Ms. Houck. At
17 that time all of the office staff would have been gone.
18 So that was likely a call where we were trying to call
19 back to see if we could get an answer at that point.

20 Q All right. And you mentioned Ms. Houck. Who is Ms.
21 Houck?

22 A Ms. Houck is my school -- or was my school principal
23 at the time.

24 Q No principal at Saxe Gotha?

25 A Yes, ma'am. She is.

1 Q So between yourself making two calls and another
2 person -- staff member making a call on the 2nd, that
3 would be three calls to Mr. Jones' cell phone on that
4 date?

5 A Yes, ma'am.

6 Q Were any of those calls returned?

7 A No, ma'am. They were not returned.

8 Q And you mentioned that you left a cell phone message
9 on his voicemail?

10 A Yes, ma'am. I did.

11 Q I'm going to show you an audio recording and ask you
12 whether or not you recognize it.

13 A Yes, ma'am.

14 Q Does it bear your initials?

15 A It does.

16 Q Having listened to that audio recording is it a fair
17 and accurate representation of the message that you left
18 for him?

19 A It was the -- it was the message that I left.

20 MS. MAYES: And, Your Honor, this is State's 4 for
21 identification only at this time.

22 THE COURT: All right. Marked for identification
23 purposes.

24 (Whereupon, State's Exhibit number 4 was marked for
25 identification only.)

1 Q What message did you leave for Mr. Jones on the 2nd?

2 A I basically just let him know that I was calling out
3 of concern. That the children had been out the Friday
4 before Labor Day weekend, they didn't return on Tuesday,
5 and I was just, you know, checking in to see if maybe they
6 were ill or if, you know, for some other reason they were
7 not in school. And just basically letting him know that
8 we were concerned.

9 Q In addition to the calls that you made to the
10 Defendant, Timothy Jones, Jr., what, if any, other avenues
11 did you explore to try to locate the children?

12 A Well, the next day, I believe, Wednesday, we did try
13 to contact some emergency contacts that were in the Power
14 School system, and we were able to speak to two people
15 that were in that contact list.

16 Q All right. I'm going to ask you a little bit more
17 about that.

18 A Okay.

19 Q Was the mother of the children, Amber Jones, in the
20 contact list or --

21 A No, ma'am.

22 Q -- the children?

23 A She was not.

24 Q And who provides the information for that contact
25 list?

1 A Mr. Jones would have given us that information.

2 Q So without having contact information for the mother,
3 Amber Jones, do you recall the identities or the
4 relationship between the people that were listed in the
5 contact --

6 A Yes, ma'am. There was a Kevin McKinney, who was a
7 coworker at Intel, and then there was also -- she would
8 have been the children's great-grandmother. It was
9 Rebecca Thornsberry, I believe. Roberta Thornsberry.

10 Q Okay. So those two contact -- contacts were a
11 coworker of his at Intel --

12 A Uh-huh. And then the relative. The
13 great-grandmother.

14 Q -- and then a relative that would be the
15 great-grandmother of the children?

16 A Correct.

17 Q And contact was made with both of those persons?

18 A Yes, ma'am.

19 Q As a result of that contact were -- were you able to
20 locate the children's whereabouts?

21 A No, ma'am. From the conversation with Mr. McKinney
22 he indicated that he had not had contact from Mr. Jones,
23 and he had actually been out kind of riding the roads
24 looking for him himself. And Ms. Thornsberry indicated
25 that she was very alarmed because they were supposed to

1 come for a visit over that long weekend and they had never
2 shown up.

3 Q All right. So what is the next step that you and
4 other staff members at the school took in an attempt to
5 locate the children?

6 A So at that point our concern was greatly increased.
7 So we thought that it was appropriate to go ahead and
8 contact the Lexington County Sheriff's Department to ask
9 them to perform a welfare check.

10 Q All right. And when you called -- the call was made
11 to the Sheriff's Department to request this welfare check,
12 did you advise them that all three children, in your mind,
13 were missing?

14 A Yes.

15 Q And were arrangements made to meet law enforcement?

16 A Yes, ma'am.

17 Q Where ultimately did you go to meet law enforcement
18 for that welfare check?

19 A They were living in a mobile home park on South Lake
20 Drive, [REDACTED] South Lake Drive, I believe was the address.
21 So Ms. Houck, my principal, and myself went out there to
22 meet the Sheriff's Deputies.

23 Q I'm going to show you what is State's Exhibit 6, 7
24 and 8.

25 MR. MADSEN: No objection.

1 (Whereupon, State's Exhibit numbers 6, 7 and 8 were
2 marked for identification only.)

3 Q And ask you whether or not you recognize those
4 photographs.

5 A Yes, ma'am. This is the residence, and I do -- I
6 recognize the front porch, and this is the front door that
7 we went to and knocked.

8 Q Is that a fair and accurate representation of the
9 home in September 2014 when you were there?

10 A Yes, ma'am. It is.

11 MS. MAYES: This would be 6, 7 and 8 for evidence,
12 Your Honor.

13 THE COURT: Without objection?

14 MR. MADSEN: Without objection.

15 THE COURT: Without objection, 6, 7 and 8 are in.

16 (Whereupon, State's Exhibit numbers 6, 7 and 8 were
17 admitted into evidence.)

18 Q Who went with you, Ms. Ricard, to that residence?

19 A Ms. Houck and myself went out there that afternoon.

20 Q All right. So that's you and -- we're looking here
21 at State's Exhibit. That's you and the Saxe Gotha
22 principal?

23 A Yes, ma'am. That's correct.

24 Q Ms. Houck. Who met you here at this location?

25 A We actually arrived first, and shortly after that

1 there was a female deputy that met us and an older
2 gentleman that they said was a constable that was riding
3 along with her.

4 Q All right. And as you were waiting for law
5 enforcement to get there what, if any, action did you
6 take?

7 A Well, we probably shouldn't have gotten out of our
8 vehicle, but we did. I mean, I felt comfortable. I knew
9 Mr. Jones, so I did get out. We walked to the front door
10 and we knocked. There was no answer. It was very quiet.

11 Q Looking here at State's Exhibit 8. So you go up on
12 the porch and knock on the door?

13 A Yes, ma'am.

14 Q Could you hear any indication of anyone inside that
15 residence?

16 A No, ma'am. It was eerily quiet to know that five
17 children lived there. It was obvious that no one was
18 there.

19 Q And what was your response to that?

20 A I became extremely concerned. My heart dropped,
21 because at that point we had had absolutely no contact
22 since that previous Thursday and -- and in my mind they
23 had disappeared. They had vanished.

24 Q And that following day after this Wednesday do you
25 have personal knowledge as to whether the school continued

1 in its attempt to make contact with Mr. Jones?

2 A Well, at that point we did confirm with our district
3 office personnel as to what we could and should do. Ms.
4 Thornsberry had asked Ms. Houck if we would report it, but
5 we weren't able to do that because our district said that
6 that needed to come from a family member. So we informed
7 her of that, and that's when the chain began.

8 Q And, Ms. Ricard, it goes without saying, did you ever
9 see the children again?

10 A No, ma'am.

11 Q Based on your observations and communications with
12 Timothy Jones, Jr., did you ever witness anything that
13 would lead you to believe that he was not of sound mind?

14 A No, ma'am.

15 Q Can you tell us, based on your observations,
16 interactions between he and his children, did he ever
17 appear afraid of any of his children?

18 A He never appeared afraid of any of his children.

19 MS. MAYES: Thank you.

20 THE WITNESS: Thank you.

21 CROSS-EXAMINATION

22 By Mr. Madsen:

23 Q Ms. Ricard, how are you doing?

24 A Doing well, thank you.

25 Q Had you ever been out to the Jones' residence before?

1 A I had not been out there previously, no. I had been
2 to that neighborhood but not to their home.

3 Q Did you know that Tim worked at Intel?

4 A Yes, I did.

5 Q Were you surprised that when you went out that
6 someone who worked at Intel was living in that trailer?

7 A You know, honestly, that area, we teach students of
8 high poverty. So it was shocking that someone who worked
9 at Intel would live there, yes. But we see students that
10 live in places like that all the time, so it really was
11 not that remarkable to us.

12 Q And you said that the emergency contacts were Kevin
13 McKinney and Roberta Thornsberry?

14 A Yes, sir.

15 Q And I think at some point in time you knew the birth
16 dates of the children --

17 A Yes.

18 Q -- and his phone number?

19 A Yes.

20 Q Was that just preparing for Court?

21 A Well, I -- I did go back and review those birth
22 dates, and it's kind of hard to get some of those things
23 out of your mind actually.

24 Q Did the children's mother, Amber, did she ever show
25 up at the school?

1 A I have never seen her in person.

2 Q She never called you?

3 A Never -- never spoken with her. No, sir.

4 Q And in fact, I guess, your job at Saxe Gotha back
5 then, you handled some of, I guess, the disciplinary
6 issues with students?

7 A I did.

8 Q And you were familiar with the Jones children because
9 of that?

10 A I was familiar with the Jones children because they
11 were my students and I had a personal relationship with
12 many of my students. But yes, I did have some interaction
13 with them with some disciplinary issues.

14 Q I think in kindergarten Eli got in trouble?

15 A There was an incident where he brought an item to
16 school that he did --

17 Q A pocketknife?

18 A It was a pocketknife that he had apparently taken of
19 his dad's and we had to take a course of action.

20 Q And he got in trouble for that?

21 A He did.

22 Q And at some point in time, I guess, Eli also stole
23 some pencils?

24 A That was, I think, from his classroom teacher. That
25 was pretty minor.

1 Q Was that Ms. Stephens, (phonetic)?

2 A Yes.

3 Q And when he got in trouble of that you informed Tim
4 about that.

5 A Yes, sir. I did.

6 Q And his response to that seemed awful extreme, didn't
7 it?

8 A Well, I try to use those moments as teachable moments
9 --

10 Q Sure.

11 A -- to help the child understand. But it was a -- it
12 was -- I guess you would say that he wanted me to be a
13 little bit harsher in my discipline.

14 Q When you say that, he wanted Eli to go to jail for a
15 day, didn't he?

16 A That was one of the requests that he made.

17 Q That seems awful extreme for -- what grade was he in?

18 A At that time he was in kindergarten.

19 Q And at some point in time Merah got in trouble for
20 stealing a cookie?

21 A Uh-huh.

22 Q Is that a yes?

23 A Yes.

24 Q And Tim knew about that?

25 A Yes, he did.

1 Q And his response to that was -- let me ask you this.

2 What grade was she in then?

3 A At that time I believe she was in second grade.

4 Q And he had a pretty extreme response to that, too,
5 didn't he?

6 A He wanted her to work and clean in the cafeteria,
7 basically, which --

8 Q And he also wanted an in-school suspension?

9 A Uh-huh.

10 Q And, in fact, at some point in time if they got in
11 trouble you decided to quit contacting him because you
12 thought he was kind of overboard and excessive, didn't
13 you?

14 A Well, I did continue to contact but, you know, I was
15 -- I guess that I was a little bit less inclined to maybe
16 share the details.

17 Q Because you were worried about his responses?

18 A I just felt like some of the -- the suggestions he
19 gave for discipline were just not appropriate for that age
20 child.

21 Q And I think at some point in time you were doing a
22 graduate school project --

23 A Yes, sir.

24 Q -- and you involved Eli in that, didn't you?

25 A I did.

1 Q And I guess that was Eli reading?

2 A Yes.

3 Q And there might be a video of that?

4 A Yes, there is.

5 Q And part of that was you had some concern about not
6 having a maternal influence and that's kind of why you
7 picked Eli?

8 A Well, we had to choose a Focus student for a Read to
9 Succeed course that I was taking, and he immediately came
10 to my mind because he and I had a good rapport with one
11 another. We had, you know, dealt with each other in
12 little situations of his mischievous, and I knew that he
13 was having some difficulties with reading and I felt like
14 he would be a good child to work with. I knew that he was
15 in a single parent setting with four siblings and I knew
16 that it was probably impossible for Mr. Jones to be able
17 to give ample time to all those children in the evening.
18 So I did choose him based on that. And I felt like I
19 could also give him maybe a bit of that maternal influence
20 that he was missing.

21 Q That's obviously important to children, correct?

22 A Yes, sir.

23 Q I think he also -- Eli got in trouble once for
24 bringing a turtle in his pocket.

25 A He brought a turtle in his pocket. Yes, he did. It

1 was one of those little silver dollar turtles and it
2 belonged to the sitter and he brought it to school in his
3 pocket and his teacher didn't discover it until almost the
4 end of the day. I don't know how it survived. But yes,
5 sir, he did.

6 Q And you had some worry about some questionable
7 babysitters at times, correct?

8 A At times, yes.

9 Q And, in fact, I think one of them -- so when you're
10 picking up kids, a lot of times right after school, there
11 can be a long line for what, I guess, what we would call
12 car riders?

13 A Right. Car rider line.

14 Q And you became aware at some point in time that the
15 babysitter was going in and checking the Jones kids out
16 early so she wouldn't have to wait.

17 A They were missing instruction. So that was the
18 problem.

19 Q And you contacted Tim about that?

20 A Uh-huh.

21 Q And he --

22 THE COURT REPORTER: Is that a yes?

23 THE WITNESS: Yes. I'm sorry.

24 MR. MADSEN: Sorry. She's got to get it down.

25 THE WITNESS: I'm nodding, but yes, ma'am.

1 Q And he immediately got a new babysitter?

2 A That's correct.

3 Q And at some point in time, I wouldn't say that Eli
4 got in trouble, but there was something about he got a
5 ripped lunch box?

6 A Yes, sir.

7 Q And apparently he had told his dad that he had been
8 bullied and it got ripped.

9 A Yes, sir.

10 Q And Tim immediately contacted you concerned about
11 that.

12 A Yes.

13 Q And you got to the bottom of that?

14 A I did.

15 Q And found out that Eli had done that?

16 A Yes, sir.

17 Q And so, that was one of those teaching moments with
18 Eli, not to lie even though it could get you in trouble?

19 A Yes, sir. And I, even at that point, I had -- I was
20 going to give him a lunch box of my own that had still --
21 you know, was in good condition, not been used, but he was
22 not allowed to keep it.

23 Q And at some point you got concerned, you all even
24 contacted DSS on Tim?

25 A I did not make that call. But yes, there was a call

1 made.

2 Q But you were familiar with that?

3 A Yes, sir.

4 MR. MADSEN: Beg the Court's indulgence.

5 THE COURT: Yes, sir.

6 Q And actually, when DSS was contacted they were out
7 that day, right?

8 A The students?

9 Q Well, DSS came out --

10 A DSS. I'm sorry.

11 Q -- to the school?

12 A Yes. Yes, sir.

13 Q And they spoke to the students that day?

14 A Yes, sir.

15 Q To the Jones children?

16 A Yes.

17 MR. MADSEN: That's all the questions that I have.

18 THE COURT: Any redirect?

19 MS. MAYES: Yes, sir, Your Honor.

20 REDIRECT EXAMINATION

21 By Ms. Mayes:

22 Q I just want to follow-up a little bit more. He asked
23 you some specific questions about Eli.

24 A Sure.

25 Q Ms. Ricard, did you ever consider Eli a discipline

1 problem at all?

2 A Eli was a mischievous little boy. He was not -- I
3 mean, nothing out of the ordinary. Even the turtle. I
4 mean, we've had -- we've had other live animals come into
5 the school unknown before. So he was just a very curious,
6 mischievous little boy.

7 Q And the interactions that you had with the Defendant,
8 Timothy Jones, regarding discipline, I think the words
9 that Mr. Madsen used were overboard and excessive. Did
10 you have concerns about his reaction?

11 A It was more -- it was -- I mean, he didn't react in
12 like an outwardly angry way. It was just more like
13 wanting the resource officers to speak to them, or asking
14 if there was, you know, some way that he could tour a jail
15 cell, which are things that, obviously, I'm not going to
16 -- you know, I'm not going to be able to do in an
17 elementary school setting. Those are just -- if it had
18 been a middle schooler, you know, perhaps. But I just
19 thought that that was a little bit extreme for that type
20 of discipline to be requested. We typically, like I said,
21 make it a teachable moment. They might have -- you know,
22 they might have a restricted recess, or maybe come have
23 lunch in the office so we can kind of have a working lunch
24 and talk through the situation and hopefully prevent it
25 from happening again.

1 Q Based upon your observations can you tell us whether
2 or not Mr. Jones appeared controlling over the children?

3 A I would say yes.

4 Q Mr. Madsen asked you specifically about DSS.

5 A Yes.

6 Q The Department of Social Services. They were called
7 by your school.

8 A Yes, ma'am.

9 Q You were assistant principal at the time, so you were
10 aware of those reports?

11 A Yes, ma'am.

12 Q Which child was the subject of that DSS report?

13 A That was Nahtahn.

14 Q The six-year-old?

15 A Yes, ma'am.

16 Q And Mr. Madsen was asking you specifically about your
17 communications or contact with the Defendant over the
18 course of that DSS investigation. Was he made aware that
19 you and your staff made that report to DSS?

20 A As mandatory reporters we report the situation to DSS
21 and from that point it's their job to investigate and see
22 if it's founded. We are supposed to be not identified.
23 It should be anonymous. So he may have assumed. I don't
24 know that the caseworker, you know, shared that it came
25 from the school. They say that they don't. They're not

1 supposed to, but apparently he -- he figured that it must
2 have come from the school.

3 Q Okay. So I want to ask a little bit more about that.

4 A Okay.

5 Q When you say mandatory reporter, what are you
6 referring to?

7 A So anyone that is directly working with children,
8 anyone in the school setting, bus drivers, cafeteria
9 workers, teachers, any other staff, we are all required by
10 law to report anything that looks like suspected physical
11 abuse, mental abuse, emotional abuse. We are mandatory
12 reporters for the State of South Carolina to the
13 Department of Social Services. It's not our job to prove
14 it or see that it's true or not. We have to just report
15 it.

16 Q And what is the timeframe in which that report was
17 made to DSS regarding Tim Jones?

18 A Timeframe? I think it was made one morning. I don't
19 -- I truly don't recall the year that that was made
20 because I did not -- I did not make the report.

21 Q Do you know whether or not it was the previous school
22 year?

23 A I think it was, because if -- if I'm not mistaken --
24 yes, I know it was. It was the year that Nahtahn was in
25 kindergarten. So yes, it would have been the previous

1 year.

2 Q Okay. And that year that Nahtahn was in
3 kindergarten, after the DSS report, how would you describe
4 Mr. Jones' reaction and response with you after that
5 report had been made?

6 A He was not quite as eager to communicate with me, and
7 he even said that he was going to withdraw them and
8 homeschool them. Less -- you know, less willing to
9 communicate.

10 Q All right. So after the school, as mandatory
11 reporters, made that DSS report, he communicated to you
12 directly that he wanted to homeschool his children --

13 A Uh-huh. (Indicated in the affirmative.)

14 Q -- because that report had been made --

15 A Yes.

16 Q -- regarding Nahtahn?

17 A Yes, ma'am.

18 MS. MAYES: Nothing further at this time, Your Honor.

19 MR. MADSEN: Just a few follow-up questions, Your
20 Honor.

21 RECROSS-EXAMINATION

22 By Mr. Madsen:

23 Q So she had asked you his -- his ideas of discipline,
24 were those unusual as compared to other parents?

25 A You know, I guess in my mind they were unusual. I

1 don't typically have a parent ask if a child can go tour a
2 jail cell. I'm married to a middle school principal and
3 -- and that's a common request, you know, that they have
4 the resource officer talk to the students. But that's
5 middle school, and we're talking about elementary school,
6 so yes.

7 Q Especially that age of a child?

8 A Right.

9 Q And we talked about -- so we got the DSS report,
10 we've got the unusual and extreme discipline. Were those
11 the red flags that when they were missing that kind of
12 brought something up?

13 A Well, it did bring things to my mind.

14 MR. MADSEN: Those are all the questions that I have.

15 THE COURT: You may step down.

16 THE WITNESS: Thank you.

17 MR. MADSEN: One second, Your Honor.

18 THE COURT: Yes.

19 Q And as a mandatory report, if you had any information
20 or thought that he was on drugs, you would have had to
21 report that?

22 A If -- if I had -- if I had face-to-face evidence that
23 I felt like he was intoxicated or under the influence,
24 yes.

25 MR. MADSEN: Those are all the questions.

1 THE COURT: Now you can step down.

2 THE WITNESS: Thank you.

3 THE COURT: Good time for a break?

4 MR. MADSEN: Yes, sir.

5 THE COURT: All right. Between witnesses I'm going
6 to take a break now. You all step into the jury room.
7 Don't discuss the case. I'll have you back in here in
8 probably 15 minutes. All right?

9 (Whereupon, the jury was excused from open court for
10 a break.)

11 (Whereupon, a short break was taken.)

12 THE COURT: Let's bring them in.

13 (Whereupon, the jury came into open court at
14 approximately 10:35 a.m.)

15 THE COURT: You all can sit in any seat you like.
16 You don't have to sit in the same seat every time if you
17 don't want to. People kind of find their little comfort
18 zone and kind of end up in the same area. You can pass
19 that all around, if you like. What I've decided -- the
20 Clerk's going to get your lunch. We're going to work
21 about an hour, take a break, let you all pick a sandwich
22 or whatever, work about another hour while they go get it.
23 So we'll break about 12:30 to eat. So if that makes
24 sense. So are we ready to go? State, call your next
25 witness.

1 MR. HUBBARD: The State calls Jim McConnell.

2 JIM MCCONNELL, being

3 first duly sworn, testified as follows:

4 MADAM CLERK: Have a seat, sir. Once you're seated,
5 state your full name spelling your last.

6 THE WITNESS: James McConnell, M-c-c --

7 THE COURT: She's got to look at you. You're talking
8 for her benefit. All right. Now.

9 THE WITNESS: James McConnell, M-C-C-O-N-N-E-L-L.

10 DIRECT EXAMINATION

11 By Mr. Hubbard:

12 Q Mr. McConnell, where do you work?

13 A I work at Intel Corporation.

14 Q How long have you been at Intel?

15 A Twenty years.

16 Q What are your duties at Intel?

17 A It's varied. I've been anything from design engineer
18 developing hardware component to management, and today I'm
19 back to design engineer.

20 Q Back in 2014 what were your duties?

21 A I was manager.

22 Q Manager. And you work at the Columbia plant?

23 A Yes.

24 Q Has that the plant since closed and then -- or been
25 moved?

1 A Yes. They shut it down and relocated a lot of
2 people.

3 Q And do you still work --

4 A I do.

5 Q -- for Intel, just offsite?

6 A Yeah. The site is in -- actually up in Cary, North
7 Carolina, but I still stay here.

8 Q Go ahead and just speak up a little bit more. That
9 would be great. Okay? As a manager back in 2014 -- I
10 want to ask you this. Back at that time how long had you
11 been a manager by 2014?

12 A I would -- I don't know exactly. I'm thinking maybe
13 about three years.

14 Q During that time as a manager did you happen to know
15 Tim Jones?

16 A I did.

17 Q And how did you know him?

18 A Tim actually reported to me.

19 Q So he was an employee there?

20 A Correct.

21 Q I want to show you what's been marked State's 9. Do
22 you recognize that?

23 A I do.

24 Q What is this?

25 A That would be an Intel badge with Tim Jones' picture.

1 MR. HUBBARD: Your Honor, I offer State's 9 into
2 evidence.

3 THE COURT: Any objection?

4 MR. SECOR: No objection.

5 THE COURT: No objection. State's 9 is in.

6 MR. HUBBARD: Thank you, Your Honor.

7 (Whereupon, State's Exhibit number 9 was admitted
8 into evidence.)

9 Q Mr. McConnell, what did the Columbia office do back
10 in the office when they had a plant here?

11 A We were primarily responsible for what they call
12 server chip validation, which the server chip in this case
13 was a CPU which is the main brains of the computer. And
14 we did the hardware validation of that looking for
15 internal flaws prior to shipment and making sure it worked
16 as expected, or specification.

17 Q As a manager, about how many people would you have
18 under your care?

19 A About that time I had about 20.

20 Q And did you have them broken up into groups or teams?

21 A I did, yes.

22 Q Did Tim Jones belong to a team?

23 A He did. He was on a team of, I think at the time,
24 was four people.

25 Q So he and three other people?

1 A Correct.

2 Q What were his responsibilities?

3 A Tim, as part of the team, Tim was responsible, let me
4 back up. The team was responsible for validating
5 something in what they call coherenting, ability to share
6 data without error if possible. And he was part of that
7 team. And I don't remember his specific role in that
8 other than they each kind of supported each other and
9 collectively responsible for delivering that part of the
10 product.

11 Q Let me ask you this. When you talked about these
12 chips, in layman's terms, was the job to try to find if
13 there were bugs in them before you ship them out?

14 A Right. So when -- when silicone first showed up,
15 chips first showed up, we had a test plan. We executed
16 that test plan, which meant we would develop software to
17 test it. And then we had the ability to validate, just to
18 make sure it worked as expected. And we would look for
19 flaws. And then we would actually debug down to the
20 component level of the flaw and work with other teams to
21 get it resolved.

22 THE COURT: Hold on, they are having technical
23 problems. We will stand down real quick. They can
24 resolve their issues and we're going to continue on.
25 Sorry for that interruption. All right. Mr. Solicitor.

1 MR. HUBBARD: Thank you.

2 Q Mr. McConnell, backing up. You were over
3 approximately 20 people. You had teams and Mr. Jones was
4 on a four-man team?

5 A Correct.

6 Q Part of the task was to look for bugs in these chips
7 before you ship them out to corporate customers?

8 A Yes.

9 Q Now, your responsibility as manager can you tell me
10 what your roll was at the plant at that time with these
11 individuals you supervised?

12 A So my roll was to have, you know, regular scheduled
13 meetings with them to talk about, you know, any issues
14 they were having with work, anything they need, anything I
15 can help with. I did yearly annual reviews. I represent
16 the team in most of the management meetings. So I would
17 go and present data, status and roll that up to the next
18 level management up or I also represented them in the
19 vertical teams or horizontal teams so that, you know, they
20 -- they focused on being engineers. And I focused on
21 primarily being the manager and the person who is the
22 leader, if you will, who kind of disseminated their status
23 and information.

24 Q Did you end up having, or did you have as part of
25 your responsibilities one-on-one meetings with people on

1 your team that you were supervising?

2 A Yes.

3 Q About how often would you do that?

4 A I tried to have it every two weeks.

5 Q These were one-on-one meetings?

6 A Yes.

7 Q So that included you sitting down with Mr. Jones at
8 times?

9 A Correct.

10 Q Were you also responsible or the person they'd go to
11 if they went on vacation and were sick, all that personnel
12 stuff?

13 A Yes.

14 Q You mentioned performance reviews. How often would
15 you do those?

16 A Yearly.

17 Q Those reviews, would those come in play whether you
18 kept somebody and whether somebody would do well enough to
19 be qualified for a raise?

20 A Yes.

21 Q I'm going to talk to you a little bit more about that
22 in just a minute. As someone who was supervising, what
23 type of qualities did you look for in employees and did
24 Intel look for? What were you looking for in an
25 individual?

1 A So we primarily hired almost exclusively engineers.
2 So people who had typically computer engineering degrees.
3 If we needed somebody with software skills we might go
4 after somebody who had a computer science degree. I think
5 the bulk of engineers we hired were probably computer
6 engineers. We looked for people who could work well in
7 teams, who were autonomous, who could -- self-motivated,
8 self-driven, and obviously, you know, their -- if they're
9 graduating with a degree in engineering they're already
10 intelligent. And I know based on the type of degree they
11 have primarily what their school background was. So we
12 would use all of that to make the determination of hiring.
13 And then based on what they want to do when they showed up
14 we would try to meet their goals as engineers and
15 employees to push them to an area that they wanted to
16 focus on.

17 Q Does it sound right Mr. Jones was hired on around
18 2014 -- 2011?

19 A I believe so, yes.

20 Q Did he appear to you to meet the qualities you were
21 looking for in an Intel employee?

22 A I did not interview him, but after he was working for
23 me, absolutely.

24 Q And you mentioned his education. I want to show you
25 what's been marked State's ID 10. From Mississippi State,

1 you see course catalog and grades for Timothy Ray Jones,
2 Jr.?

3 A Yes.

4 Q Okay. Have we gone over these just briefly?

5 A We have.

6 MR. HUBBARD: Your Honor, I offer these into
7 evidence.

8 MR. SECOR: No objection.

9 THE COURT: Without objection, admitted State's 10.
10 (Whereupon, State's Exhibit number 10 was admitted
11 into evidence.)

12 MR. HUBBARD: Thank you, Your Honor.

13 Q Mr. McConnell, and you're going to have to make sure
14 you speak in that microphone. I might draw you away. The
15 course description, and more particularly the type of
16 classes he took, classes like on algorithms and computer
17 architecture, and data communication networks. Were those
18 types of classes that your employees as computer engineers
19 and electrical engineers would take?

20 A Yes, that would be consistent.

21 Q And going through this were you aware when he was at
22 Mississippi State he graduated Summa Cum Laude?

23 A Actually, I did not know that. I mean, I saw his GPA
24 on there, yes.

25 Q You weren't part of the interview team that hired

1 him?

2 A Correct.

3 Q But as far as the team that you all would gather at
4 Intel, you all weren't looking just for any engineer, is
5 that safe to say?

6 A That's safe to say.

7 Q Mississippi State, you all had a number of hires from
8 there?

9 A We did.

10 Q Did you also have some from Clemson and other
11 regional schools as well?

12 A Correct.

13 Q And based on your interaction with Mr. Jones, did he
14 seem equipped intellectually to do the job?

15 A Yes.

16 Q Now, when you would get somebody in with an
17 engineering background, you all didn't just dump them out
18 on the floor of the plant?

19 A No.

20 Q What did you all do?

21 A Typically we gave them a mentor. So collectively as
22 a management team we would bring in new hires so we would
23 understand the places that we need, we needed help or new
24 engineers would role into. And then we would identify
25 those, give them a buddy or a mentor. And then that

1 person would then be responsible for kind of bringing them
2 into the team atmosphere. So they -- sometimes people
3 wouldn't always come to a manager, but they always could
4 go to this other person and that person stayed with them a
5 lot and guided them through the process of coming to Intel
6 or working at the Columbia site.

7 Q Is that also how new employees were educated on their
8 role in that plant?

9 A Yes.

10 Q And Mr. Jones did fine with that?

11 A He did.

12 Q Now, you mentioned you were in charge of evaluations.
13 Would that have included evaluations of Mr. Jones' work?

14 A Yes.

15 Q I'm going to show you what's been marked as State's
16 ID 11. Job evaluations. These were done by you --

17 A Correct.

18 Q -- for Mr. Jones?

19 A Yes.

20 Q And I want to look at three separate years. There's
21 2011. You see that?

22 A I do.

23 Q 2012?

24 A Yes.

25 Q And 2013?

1 A Yes.

2 Q And I'm going to get about the salary information,
3 but you see that, too. That's from Intel as well as to
4 Mr. Jones?

5 A Yes. It looks like salary information. I don't know
6 very much about his salary in terms of --

7 Q We'll get to that.

8 A Okay.

9 MR. HUBBARD: Your Honor, I offer this into evidence,
10 State's 11.

11 MR. SECOR: No objection.

12 THE COURT: State's 11 without objection is admitted.
13 (Whereupon, State's Exhibit number 11 was admitted
14 into evidence.)

15 MR. HUBBARD: Thank you.

16 Q Mr. McConnell, I'm going to have you hold that and
17 I'm going to go back here and look off another copy, if
18 that's all right. That 2011 evaluation, what time range
19 does that cover?

20 A That covers June through December.

21 Q So approximately when he was hired until the end of
22 the year?

23 A Yes.

24 Q The evaluations were done when?

25 A We did -- they were given around April. They were

1 done, obviously, before that in terms of my writing them
2 and having, you know, meetings and stuff about them. But
3 it was for the year previous. So for this one through
4 December of 2011, he would have received that sometime in
5 March probably of the next year.

6 Q Very good. That first six month period that he was
7 there -- let me ask you this. Your rating system. Can
8 you give us an idea of the categories that individual, how
9 you would rate them?

10 A Yes. We have, I guess, four categories. There's IR,
11 which is improvement required, which is very infrequently
12 given, very low percentage. Some years maybe not at all.
13 We have satisfactory, which is where the majority of the
14 people fall, we have exceeds expectation, which is one
15 level above that and then an outstanding.

16 Q The satisfactory you say is the majority. Do you
17 know roughly a percentage that --

18 A It's probably 70 or 75 percent.

19 Q That first six month period, how did you rate Mr.
20 Jones?

21 A Satisfactory.

22 Q The following year, December 2012, how did you rate
23 him?

24 A He's rated satisfactory.

25 Q And December of 2013 how did you rate him?

1 A He was rated exceeds expectations.

2 Q Looking at that rating, you've got some comments in
3 there as well. I just want to make sure your comments,
4 because you're the evaluator, correct?

5 A Yes.

6 Q Now, in that form there's some -- there's a number I
7 see occasionally, 360. Can you explain what that means if
8 somebody sees that?

9 A Yeah, if they see 360 -- it probably says 360
10 feedback. That typically comes from peers. So either
11 unsolicited or solicited, often if an employee worked a
12 lot of time with somebody I would maybe ask them, hey, why
13 don't you give me your opinion of how they did, what you
14 saw, how they performed. And that helps me because I
15 can't see everything. So that was good feedback that
16 oftentimes made it into focal's or reviews.

17 Q Looking at that final evaluation, and it probably
18 should be the last page under written comments. You have
19 on there what Intel looks for, and you have, "We believe
20 we have the best prized people in the industry."?

21 A I do.

22 Q And as to Tim Jones do you have in there where you
23 have written as a grade three engineer, "Tim exceeded
24 expectations of delivering results in 2013 and has been
25 promoted to a grade five."?

1 A I do.

2 Q So he got a promotion?

3 A He did.

4 Q You have also in there, Tim is always willing to take
5 on challenges and help others. Tim has demonstrated that
6 in challenging times he can work hard and deliver quality
7 results?

8 A I do.

9 Q You also have in there, "Throughout the year Tim has
10 taken on additional work and is part of a highly
11 functional team that has met all milestones throughout the
12 year."?

13 A Correct.

14 Q And those were your comments about --

15 A Yes.

16 Q -- justifying the exceeding expectation grade?

17 A Exactly.

18 Q And I mentioned earlier to you about a raise. Let me
19 ask you this. Would you agree that when he was hired,
20 based on what you have there, that when he was hired he
21 was making approximately \$69,000?

22 A I don't know if that -- that's certainly within the
23 realm of what a starting engineer would make for his grade
24 level.

25 Q And you were aware that following this evaluation he

1 got a promotion?

2 A Yes.

3 Q I believe it went into effect in April of 2014?

4 A Yes.

5 Q His final pay range was approximately \$81,000?

6 A That sounds correct.

7 Q I also want to show you what's been marked State's
8 Identification Number 12. Do you recognize this?

9 A Yes, I recognize the recommendation letter.

10 Q A recommendation letter to -- was it to a school or
11 company?

12 A It was to school, to Georgia Tech.

13 Q On whose behalf?

14 A On Tim's behalf.

15 MR. HUBBARD: Your Honor, I offer this into evidence
16 as State's 12.

17 MR. SECOR: No objection.

18 THE COURT: No objection, State's 12.

19 (Whereupon, State's Exhibit number 12 was admitted
20 into evidence.)

21 MR. HUBBARD: Thank you.

22 Q And I'm going to let you hold that. Did Mr. Jones
23 come to you and ask you to give him a recommendation?

24 A He did.

25 Q Based on your time working with him or him working

1 with you, Tim Jones, did he come to you a number of times
2 seeking advancement of degrees and education, or talking
3 about opportunities?

4 A He did talk about opportunities, yes.

5 Q And was this an opportunity for a class or a course
6 he could take at Georgia Tech?

7 A Yes.

8 Q And you wrote a recommendation for him?

9 A I did.

10 Q Looking at State's 12 on what you wrote, following
11 that final page, did you write, "My experience with Tim
12 has shown that he demonstrates the ability to take
13 requirements, making times, (phonetic), and provide
14 quality output to management oversight."?

15 A I did.

16 Q "He has received positive feedback from multiple
17 teams for his effort and commitment to the job."?

18 A Yes.

19 Q Did you also write, "Tim should do great as a student
20 at Georgia Institute of Technology. He is clearly
21 intelligent and has many traits that would make him
22 successful in his career."?

23 A Yes.

24 Q "He provides well in group settings. He is not
25 afraid to speak his mind. Tim is also fun to work with,

1 which is an important trait of working long hours either
2 at a job or at school."?

3 A I wrote that.

4 Q Finally, "Tim has the initiative and support that
5 should enable him to be successful working towards an
6 advanced degree."?

7 A Yes.

8 Q Were you aware if he followed through with that
9 opportunity?

10 A I am not aware.

11 Q Let me talk to you a little bit more about what you
12 knew on a more personal level. Were you aware that at
13 some point while he was in Intel's employment that he
14 became divorced?

15 A I was aware.

16 Q Were you aware that he had as many as five kids?

17 A I was.

18 Q Did he ever explain to you why he got divorced?

19 A I believe so. I think at one time he had talked
20 about the fact that his wife had -- had an affair.

21 Q Did he also indicate he had no support, or is that
22 something that you deduced?

23 A More of I think I deduced that.

24 Q Tell me what an Employee Assistance Program is?

25 A Yes. Intel has what they call EAP, Employee

1 Assistance Program which allows anonymously people to call
2 in and get support for various activities or life events
3 that they're going through, and that's made available to
4 all Intel employees. I'm not part of it. It's outside
5 the scope of my management role. I just make sure that
6 the employees know that there's -- there's this number and
7 opportunity they can take advantage of.

8 Q Did you discuss that with Tim Jones?

9 A I did.

10 Q What was he primarily looking for?

11 A If I remember correctly, he was asking about a nanny,
12 and I -- I believe that actually that resource even had
13 the ability to help with that. They could prescreen based
14 on your -- your requirements and give you a list of names.

15 Q Did you also suggest this program for another reason?

16 A I did also mention the fact that if he wanted just to
17 talk to somebody the program was free. At least initially
18 I think you could get five counseling visits for free and
19 that he certainly should take advantage of those if he
20 needed to.

21 Q Was this when he was going through the divorce or
22 right after the divorce?

23 A It would have been around that time, I believe.

24 Q And is that why you suggested it?

25 A Yes.

1 Q As far as sick leave and vacations, how much time was
2 he afforded in vacations?

3 A For his grade level he was given three weeks. Intel
4 is about three weeks.

5 Q Did he take advantage of that opportunity?

6 A Yes.

7 Q And as far as sick leave, would you say he took more
8 time or less time than the average employee?

9 A I would say he was on the high end.

10 Q Did that cause you any concern as a manager?

11 A No.

12 Q Why is that?

13 A He continued to do his job. You know, we work in a
14 pretty high, it is a high tech area and we're expected to
15 do our job. So if he needed time, like lots of employees,
16 could go to a doctor's appointment with their child, they
17 came back, they did their job. They might work in the
18 evening, maybe, you know, after hours, whatever it took.

19 Q Let me ask you since I mentioned the five kids.
20 Would that also account for sick leave, sick time, taking
21 the kids to doctors, things like that?

22 A Yes.

23 Q Knowing that he had those kids and he was single, was
24 it any concern for you if he called in sick or said there
25 was a doctor's appointment?

1 A No concern.

2 Q How would you describe Intel's policy for its
3 employees that had kids and needed time off?

4 A I can speak for the Columbia site. I think we're
5 quite, it was quite good. I mean, we -- everybody -- lots
6 of people had families and kids and we all made time and
7 effort to attend as much as we could of our child's things
8 during work hours, and Intel's management, myself
9 speaking, I supported it.

10 Q Now, you mentioned earlier something about a Georgia
11 Tech application, that he was always exploring
12 opportunities. Can you tell me a little bit about that?

13 A He mentioned a few opportunities or -- yeah,
14 opportunities. He went to -- let's see. He told me about
15 he was looking at medical school. He had told me about
16 the online Master's degree here. He told me he was
17 talking to an Intel manager overseas, I believe it was in
18 Penang, about maybe a software job. So he definitely was
19 looking at other opportunities.

20 Q In Penang. Is that South Korea?

21 A Correct.

22 Q Intel had a plant over there?

23 A They did, or do.

24 Q And medical school. Were you aware that he actually
25 applied for medical school?

1 A I can't recall. I know he talked about it. I don't
2 remember him saying he followed through with the
3 application.

4 Q So you are not aware that he actually got accepted or
5 not at the school?

6 A I was not.

7 Q In the discussion about medical school, at least in
8 talking about it, is that towards the end of time he
9 worked for you all?

10 A I honestly don't remember exactly when we had the
11 discussion.

12 Q Not so much -- let me ask you this. The information
13 you have, is that within the last few months of him being
14 employed with y'all, as opposed to early on in his career
15 with y'all?

16 A I'm not sure I understand the question. Sorry.

17 Q I tell you what, I'll move on. You just knew he was
18 talking about it, you weren't aware if he got accepted?

19 A Correct.

20 Q Okay. Good enough. At some point did you begin to
21 see and notice some changes in Mr. Jones?

22 A Yes.

23 Q When about did this take place?

24 A I'd say the summer of '14.

25 Q The summer of '14? So June, May, somewhere in there?

1 A Yeah, somewhere in there probably. Yeah.

2 Q What did you notice?

3 A I noticed that he had been -- he looked like he was
4 definitely losing some weight. He had started smoking.
5 He looked a bit tired, I think, is the way I would phrase
6 it. And kind of, maybe a little haggard, like he was, you
7 know, had a lot on his mind, a lot to do.

8 Q Knowing he was a single father of five, did that
9 raise any red flags with you?

10 A It did not.

11 Q You knew he was on his own at that point?

12 A I do.

13 Q As far as work what, if anything, did you notice?

14 A Again, about that same time, I remember that -- you
15 know, he -- he was pretty diligent about his on time
16 deliverable's and during that time some of them started to
17 slip. He still continued to do work. His work was still
18 good, it's just that it was coming in later than expected.

19 Q The quality of what he was doing at Intel was still
20 there, he just slipped out on his delivery?

21 A Yes.

22 Q At one time I think you had mentioned the words
23 maybe, and out of sorts. What do you mean by those words?

24 A I think for out of sorts he was distracted. He
25 would, I mean, he was coming to work and I think looking

1 like he was, I guess, tired, that he was, occasionally he
2 would come in a little later than normal. We didn't have
3 a fixed start time. But when he was there he seemed
4 distracted that he was either thinking of something else,
5 and I think I attributed that somewhat to his family life.
6 And it also showed itself in that his work was starting to
7 slow down in terms of how fast he was getting it done.

8 Q But even with that, the quality was still there?

9 A I believe so.

10 Q And you mentioned smoking. Did you see him smoking,
11 or how did you know he was smoking?

12 A No, I never saw him, but he definitely smelled like
13 smoke. And I actually gave him kind of a hard time about
14 it.

15 Q Because he had kids?

16 A Because he had kids, yeah.

17 Q August 28th of 2014, is that the last day you all had
18 Tim coming into the office?

19 A Yes.

20 Q That weekend, was that Labor Day weekend?

21 A Yes.

22 Q So that Monday the 1st, was that a Holiday for your
23 office?

24 A It was.

25 Q So September 1st?

1 A Yes.

2 Q That's a Holiday?

3 A Yeah.

4 Q Now, him not showing up on the 29th -- Friday the
5 29th, August 29th, did that cause you any concerns, or did
6 you even know at that time?

7 A Actually, as of that day I didn't even know.

8 Q September 2nd, which is a Tuesday, day after Labor
9 Day, were you all working again?

10 A We were.

11 Q And did he show up that day?

12 A He did not.

13 Q What, if anything, did you do at that time?

14 A That day I texted him and asked him -- so it's common
15 when employees decide not to come in. They typically just
16 send an email. We have a calendar. They send a calendar
17 invite that says I'm going to be out, say, Friday or
18 whatever, and I hadn't received any of that. So I sent
19 him a text asking if I had just missed it or if he had
20 forgot to send it.

21 Q Had he always been diligent in letting you know where
22 he was in the past?

23 A I would say yes.

24 Q He always communicated?

25 A I believe so.

1 Q Do you recall ever having to go find him or text him
2 to figure out where he was?

3 A No. I don't recall.

4 Q But on this Tuesday, September 2nd, you sent him a
5 text, did I miss an email?

6 A Correct.

7 Q Do you recall if you sent him yet another text that
8 same day a little later?

9 A I did.

10 Q And did you get a response to either of your text
11 messages?

12 A I did not.

13 Q September 3rd, Wednesday, did you see Mr. Jones at
14 work?

15 A I did not.

16 Q What did you do?

17 A I think in the morning I sent him another text, and
18 maybe even at least one more throughout the day, all the
19 way until the evening asking him to give me a call.

20 Q Did you hear from him?

21 A I did not.

22 Q Did you send him another text that same day?

23 A I did.

24 Q Do you remember what you had asked?

25 A I don't.

1 Q Let me show you a printout. Do those look like the
2 substance of the texts you sent on the 2nd and the 3rd?

3 A Yes, they do.

4 MR. HUBBARD: Your Honor, I'd like to offer these
5 into evidence. This one has not been premarked, Your
6 Honor.

7 THE COURT: Okay.

8 THE COURT REPORTER: Judge this will be number 49.

9 THE COURT: 49?

10 THE COURT REPORTER: Yes, sir.

11 THE COURT: I understand.

12 MR. HUBBARD: It's my fault.

13 THE COURT: And that's without objection?

14 MR. SECOR: Yes, sir.

15 (Whereupon, State's Exhibit number 49 was admitted
16 into evidence.)

17 THE COURT: All right. Folks, you all know some of
18 the exhibits are kind of planned. They get prenumbered
19 because Joy asks them to do that. And so, it makes it
20 move a little faster when they have been done. Because
21 there's already so many stickers already used that's why
22 this is 49 and the last one was 12. She keeps track of
23 all that, what comes in, just so you know why they're out
24 of order. It's just the way it comes in. All right?

25 MR. HUBBARD: Thank you, Your Honor.

1 Q So, Mr. McConnell, again, I'll let you have that
2 microphone. September 2nd, do you see the time of your
3 first text?

4 A I do.

5 Q What time is that?

6 A 1:19 p.m.

7 Q And what did you send Mr. Jones?

8 A I said, "Hey, you coming in to work today? Did I
9 miss an email or other?"

10 Q At 1:53 p.m. that same day what did you send him?

11 A I texted him just there with a question mark.

12 Q September 3rd, which is that Wednesday of 2014, how
13 many texts did you send?

14 A I sent three.

15 Q What time was the first one?

16 A 8:11 a.m.

17 Q 11:00 a.m.?

18 A Sorry, 8:11 a.m.

19 Q 8:11 a.m. Okay. I may have misheard you. What did
20 you ask him at that time?

21 A I said, "Hey, I've been trying to get in touch with
22 you. Please give me a call when you get this."

23 Q Okay. Did you send a second one?

24 A I did at 12:11.

25 Q So four hours later, and what did you ask?

1 A "Hey, are you there?"

2 Q And then when was your final one?

3 A At 7:02 I sent one that says, "Please give me a call.

4 Q 7:02, that's p.m.?

5 A P.M.

6 Q Is that after work hours?

7 A Yes.

8 Q Did you ever hear from Mr. Jones?

9 A I never did.

10 Q On the 4th, that Thursday, did he come in?

11 A No.

12 Q What action did you take along with Intel?

13 A I believe that we started the process of getting him
14 terminated.

15 Q Was it clear to you he wasn't coming back?

16 A It was pretty clear.

17 Q He had always responded to your -- or had always
18 communicated with you in the past?

19 A Yes.

20 Q Do you recall when you heard about Tim being arrested
21 in Mississippi?

22 A I don't know exactly when, no.

23 Q Was it soon thereafter?

24 A If it wasn't that week, could have been earlier the
25 week after.

1 Q Had law enforcement been out to Intel looking for Mr.
2 Jones as well, to your knowledge?

3 A I believe so.

4 Q Were you at some point made aware that he was charged
5 with killing his five children?

6 A I was.

7 Q How did that strike you?

8 A Shocking, difficult to hear.

9 Q As someone who had had many one-on-ones with him, did
10 you ever see that coming?

11 A Never.

12 Q Did you ever think he was capable of doing what he
13 did?

14 A I did not.

15 Q As someone who supervised people that come to you
16 with concerns and complaints, did anyone ever come to you
17 and say something's going on with Mr. Jones?

18 A Never.

19 Q What was the, what was the feeling at that Intel
20 plant in Columbia when this news was broken?

21 A Just like myself, I think everybody was shocked. It
22 was, they couldn't believe that it happened.

23 Q What did Intel do to deal with this situation?

24 A Intel brought in a number of counselors for everybody
25 to meet with. They brought them in, I believe, for the

1 entire week. And people were just -- they were made
2 available. Anybody could schedule an appointment, one or
3 more if you needed, to just sit down and talk to somebody.
4 Make sure that every employee had the option, opportunity
5 to talk to somebody.

6 Q In your dealings with Tim Jones, did you ever observe
7 anything in him or in his behavior that caused you to be
8 concerned as to his mental status?

9 A No.

10 Q Was there anything in his job performance that raised
11 a red flag about his mental status?

12 A No.

13 Q Again, as a supervisor, did anybody come up to you
14 prior to this and say they had concerns about his mental
15 status?

16 A No.

17 Q After this occurred, after this news broke did
18 anybody come up from Intel and say, "Jim, I probably
19 should have told you, I had concerns for Tim's mental
20 status."?

21 A Nobody did.

22 Q Is it fair to say no one saw this coming?

23 A That's a fair statement. Mr. McConnell, thank you.

24 THE COURT: Mr. Secor.

25 CROSS-EXAMINATION

1 By Mr. Secor:

2 Q Hello, Mr. McConnell.

3 A Howdy.

4 Q I just want to go over a couple of things the
5 Solicitor talked to you about.

6 A Okay.

7 Q Tim worked for you for three years. Is that about
8 right?

9 A That's about right.

10 Q And you were his direct supervisor?

11 A Yes.

12 Q And your desk was literally right around the corner
13 from his?

14 A Yes.

15 Q So close that you could hear him when he was talking
16 on the phone for the purposes of Intel work?

17 A Yes.

18 Q The other people on that team were Todd Schelling, is
19 that right?

20 A He's one.

21 Q And Brice Mankowski?

22 A Yes.

23 Q And was there a fourth?

24 A There was, the changes sizes over, I mean, it is kind
25 of common. There was a John Curreri.

1 Q Right.

2 A That's probably the four that were there then.

3 Q And as you've told the Solicitor he was a good
4 employee, met expectations, at least early on for the
5 first years that he was there, right?

6 A He met expectations, yeah.

7 Q And you enjoyed working with Tim?

8 A I did.

9 Q You didn't know anything really about his personal
10 life though, right?

11 A I did not.

12 Q And some of the things that were unusual, at least,
13 in the circumstances or the context of -- you didn't know
14 where he lived?

15 A I did not.

16 Q You found out later that he used a P.O. Box and that
17 was unusual to you for a coworker?

18 A Yes.

19 Q And I assume you didn't know at all that DSS was
20 involved in the Jones family's lives during that period of
21 time?

22 A I did not.

23 Q After Tim's divorce you -- you knew that he had
24 considered moving back to Mississippi where his family
25 lived, right?

1 A I did.

2 Q And that was because you assumed he was wanting help
3 with being the sole parent of the five children?

4 A I did, yes.

5 Q And then that's when you referred Tim to Intel's
6 Employee Assistance Program?

7 A I don't totally remember the dates but, yeah, I would
8 put those two pretty close together.

9 Q Okay. And he did take your advice and stayed on? He
10 did stay on at Intel?

11 A He did.

12 Q And he also was -- in addition to his work at Intel,
13 he was also volunteering at a local high school, right?

14 A I did hear about that, yes.

15 Q And what was that? If you could just tell the jury
16 what that program was.

17 A It was the Robotics Club. So he would volunteer with
18 high school students to build a robotic device. I'm not
19 totally up to speed on it, but I'm going to guess it was
20 probably capable of, you know, going to a course and he
21 probably helped them write the software, maybe design a
22 little hardware, and get the product -- or get it done.

23 Q And that's something that other people at Intel did
24 as well, right?

25 A There were a few, yes.

1 Q But did Intel put any pressure on people to do those
2 things?

3 A No.

4 Q So Tim was doing it totally on his own?

5 A Absolutely.

6 Q Compared to other people who worked under you at
7 Intel, Tim had a lot of irons in the fire in terms of his
8 ideas about his life, right?

9 A I would say it's fair.

10 Q And what I mean by that is looking for additional
11 opportunities outside of his job?

12 A Right.

13 Q But your understanding is he was happy in his
14 position at Intel, right?

15 A That was my understanding.

16 Q But he came to you with ideas about other things,
17 including jobs overseas, right?

18 A Right.

19 Q Different jobs within Intel?

20 A Yes.

21 Q Medical school?

22 A Yes.

23 Q And graduate school?

24 A Yes.

25 Q And no one else on your teams or that you worked with

1 was coming in with those kinds of ideas on such a regular
2 basis?

3 A Yeah. Probably the most common would maybe be
4 somebody that can go to graduate school, but none of the
5 others. Sorry. I should be careful. There's obviously
6 people move around inside of Intel. But it would be like
7 they've made a decision and they're going to have that one
8 choice, if you will.

9 Q Right. You were his direct supervisor?

10 A I was.

11 Q So was it a little bit unusual for one of your --
12 somebody working underneath you coming to you to talk
13 about different jobs?

14 A Not until they were pretty firmly entrenched in the
15 fact that they were going to go.

16 Q And you talked to the Solicitor about him being out
17 sick more than most people, and you attributed that to
18 childcare reasons, right?

19 A And five kids bringing home sicknesses. So it
20 wouldn't surprise me if Tim got -- was exposed to a bit
21 more bugs than most people.

22 Q And that's why you gave him a little bit more leeway
23 than you might have given somebody else?

24 A I would have given anybody leeway, but he definitely
25 got it.

1 Q Right.

2 A Yeah.

3 Q From the time that he started in 2011 -- that's when
4 he first started at Intel, right?

5 A Yes.

6 Q Until August of 2014, you definitely noticed
7 significant changes in Tim?

8 A I noticed the summer of '14. Prior to that I would
9 honestly say I didn't think I noticed any changes.

10 Q Okay. And I just meant from the time that he started
11 until the time that he ended there were changes, but the
12 changes were close to the end of his time?

13 A Correct. Yes.

14 Q And those changes would include losing weight, right?

15 A Yes.

16 Q Lagging a bit getting his work done?

17 A Yes.

18 Q Being out of sorts or distracted?

19 A Yes.

20 Q Haggard, as you said?

21 A Yes.

22 Q Taking up smoking?

23 A Yes.

24 Q And he missed six days of work in June of 2014. Do
25 you recall that?

1 A Yeah. I think that was just in the last three
2 months, if I remember right.

3 Q Yeah, I believe it was -- yeah, in June it was six
4 days.

5 A Yeah.

6 Q And then he was on vacation at the end of June.

7 A Yes.

8 Q And you understood that to be him taking the kids to
9 Disney World?

10 A Disney World, yes.

11 Q And then he told you in August 25th, 2014 he couldn't
12 come to work because his eye had been scratched?

13 A Yes.

14 Q And you saw him the next day and he looked a little
15 bit tired and out of sorts as you said, right?

16 A Right.

17 Q But despite all those things he was promoted in 2014,
18 right?

19 A Correct.

20 Q And that was in spring of 2014?

21 A Right.

22 Q And despite all of those changes that you saw in his
23 physical appearance and in the work that he was doing, you
24 never at any time suspected that he was on drugs?

25 A I did not.

1 Q And if you had at any time suspected that he was on
2 drugs, you obviously would have done something about that
3 within Intel, correct?

4 A I would have, yes.

5 Q Overall your opinion of Tim was that he was a good
6 worker but he had a lot of responsibility in his home
7 life. Is that fair to say?

8 A That's fair.

9 Q And he didn't have much support, as far as you knew?

10 A As far as I knew.

11 Q And that you felt that his transition from
12 Mississippi to South Carolina had been difficult?

13 A Yes, from the support aspect.

14 Q Yes, sir. But your impression of him was that he was
15 somebody that loved his children very much, right?

16 A Yeah, he -- he didn't talk about that a lot with me,
17 but the few conversations, one, he showed me a picture.
18 Yeah, I got that impression very much.

19 Q In the picture -- the time he showed you the picture
20 was very close in time to the kids' deaths, right?

21 A It was.

22 Q And his demeanor when he showed you the pictures,
23 that he was proud and happy?

24 A Yeah. He's going to show them off a little bit.

25 MR. SECOR: May I have just a moment?

1 THE COURT: Sure.

2 MR. SECOR: Thanks, Mr. McConnell, I appreciate it.

3 THE COURT: All right. Anything else, Mr. Hubbard?

4 MR. HUBBARD: I'd like to follow-up.

5 THE COURT: Sure.

6 REDIRECT EXAMINATION

7 By Mr. Hubbard:

8 Q You were asked about spotting all these changes. The
9 changes that you discussed began in the summer of 2014,
10 right?

11 A Correct.

12 Q And his last day was in August -- August 28th of
13 2014, correct?

14 A Correct.

15 Q You've not seen all this, the smoking and the haggard
16 look, prior to sometime that summer?

17 A Not to my recollection, no.

18 Q When Mr. Jones showed you his photos of his kids did
19 he ever say he was scared of his kids?

20 A He did not.

21 Q Did he indicate any kind of fear of Nahtahn or any of
22 his boys, or his girls?

23 A He did not.

24 Q And, Mr. McConnell, I didn't ask you this. But
25 obviously that plant is closed down; is that correct?

1 A That's correct.

2 Q When did it close?

3 A They shut the doors at the end of 2017.

4 Q Was there talk about it closing as early as 2014, or
5 when did that start?

6 A No. They made the announcement in April of 2016.

7 Q So had there been any talk about it prior to that?

8 A Prior to that we thought the site would actually grow
9 some.

10 MR. HUBBARD: Mr. McConnell, thank you.

11 THE COURT: Okay. You can step down. All right.

12 I'm going to let the jury go to the jury room for the
13 purpose of ordering lunch and take a short break. As soon
14 as you all have gotten your order selected we'll get you
15 back in here. So you all let me know, Madam Clerk, when
16 you all get that done. We'll get back in here and call
17 our next witness. So, lawyers, we're going to be done for
18 about 10 minutes, maybe more. But when they're ready
19 we're going to come back in. Okay, all right. Don't talk
20 about the case.

21 (Whereupon, the jury was excused from the courtroom.)

22 THE COURT: Let's bring the jury in.

23 (Whereupon, the jury came into open court at
24 approximately 11:41 a.m.)

25 THE COURT: All right. I'm going to ask you another

1 question about comfort. Cool in here, warm in here? I've
2 got on an extra layer. I like it cool. Whitney has a
3 blanket over her legs. Everybody does their own thing. I
4 want you all comfortable. How is it? Is it okay? If you
5 need a blanket, you can bring one. It's perfectly okay to
6 do that. I saw you, that's when I thought about it is
7 when I saw you. You want to borrow Whitney's blanket?
8 She's a law clerk. I'll give it to you. Okay. I want to
9 make sure you all know we can adjust a little bit. With a
10 big room with a lot of people it moves slow. So we'll
11 just keep going. You may bring blankets in here if you
12 want to, little lap things. Make yourself comfortable.
13 Call your next witness, please.

14 MS. MAYES: The State calls Christina Ehlke.

15 CHRISTINA EHLKE, being
16 first duly sworn, testified as follows:

17 MADAM CLERK: Once you're seated, state your full
18 name spelling your last.

19 THE WITNESS: My name is Christina Ehlke. My last
20 name is spelled E-h-l-k-e.

21 DIRECT EXAMINATION

22 By Ms. Mayes:

23 Q Can you tell us a little bit about yourself. Where
24 are you employed?

25 A I work for United Cerebral Palsy with special needs

1 adults.

2 Q How long have you been in this role, Ms. Ehlke?

3 A I've been with that company since December of 2015,
4 so almost three years.

5 Q All right. And you mentioned that you work with
6 adults who are special needs. How long have you been in
7 the role of a caregiver in that field?

8 A Many, many years. Yeah.

9 Q Before you started working with adults --

10 A Uh-huh. (Indicated in the affirmative.)

11 Q -- who had special needs, what type of work did you
12 do?

13 A I was a childcare provider. I worked in several
14 childcare centers and I also kept children in my home.

15 Q All right. Ms. Ehlke, as a result of that job,
16 childcare --

17 A Uh-huh. (Indicated in the affirmative.)

18 Q -- how is it that you knew the Jones children?

19 A I watched the Jones children -- actually, I lived
20 next door to Tim and the children. And I also babysat all
21 five children in the late summer. And when the three
22 older returned to school I had the babies, Gabe and
23 Elaine.

24 Q I'm going to ask you about this.

25 A Okay.

1 Q Where you're seated, can you see the board over here?

2 A Yes, ma'am.

3 Q You can see Merah and Eli and Nahtahn's name?

4 A Yes.

5 Q You mentioned the babies?

6 A Yes, Gabe and Elaine.

7 Q And you took care of them?

8 A I did.

9 Q Tell us a little bit about Gabe. Gabriel, but you
10 call him Gabe.

11 A Okay.

12 Q How old was Gabriel in the summer of 2014?

13 A He was two, I believe.

14 Q All right. And then Elaine --

15 A Yes.

16 Q -- is what you called her. Are you aware of what her
17 birth name was?

18 A Abigail. Yes.

19 Q And Abigail who you called Elaine, how old was she?

20 A One.

21 Q And you mentioned when the older kids were in school
22 you would take care of Gabe and Elaine?

23 A Yes.

24 Q But at what point in time did you care for all five
25 children together?

1 A The end of the summer up until school started back in
2 August.

3 Q All right. Tell us how it was that you came to be a
4 childcare provider for the Defendant in this case, Timothy
5 Jones?

6 A Initially I had an ad on Craigslist, I believe, to
7 keep children. Yeah, it was Craigslist. But I also -- my
8 friend, Joy, was keeping the children prior to me. And
9 she referred them back to me when she decided to stop
10 keeping them and Tim asked me if I could.

11 Q All right. I'm going to stop you right there and
12 follow-up a little bit more.

13 A Okay.

14 Q You mentioned your friend, Joy.

15 A Yes.

16 Q And what is Joy's last name?

17 A Lorick.

18 Q Okay. And Joy had previously kept all five children
19 --

20 A Yes.

21 Q -- for Mr. Jones?

22 A Yes.

23 Q And then you mentioned that there came a point in
24 time where she no longer was taking care of his children?

25 A Right.

1 Q And approximately when was that, Ms. Ehlke?

2 A Approximately mid-July of 2014.

3 Q Okay. So we're talking a period of the summer of
4 2014, roughly six weeks or so before they were killed?

5 A Yeah. Yes, ma'am.

6 Q And you mentioned that you lived next door.

7 A Yes.

8 Q I'm going to ask you a little bit about that as well.

9 A Okay.

10 Q I'll move this over. I'm going to show you a
11 document and ask you whether or not you recognize it.

12 MS. MAYES: And this would be State's 5 for evidence.
13 No objection, Your Honor.

14 THE COURT: Okay. State's 5 is going to be admitted
15 without objection.

16 (Whereupon, State's Exhibit number 5 was admitted
17 into evidence.)

18 Q Can you tell us whether or not you recognize what's
19 depicted in this photograph?

20 A Yes, I do.

21 Q Looking here at this photograph, Ms. Ehlke --

22 A Uh-huh.

23 Q -- what roadway is this within Lexington County?

24 A Highway 6.

25 Q All right. And did you have anything in your home or

1 around your residence that the children liked to play in?

2 A Oh, yeah. I had a trampoline and I had blowup
3 swimming pools in the back.

4 Q Whose residence is this right here on the aerial
5 photograph?

6 A Mine.

7 Q Okay. And then whose residence is here?

8 A That's Tim and the children.

9 Q And again, just to clarify. This would be your
10 residence here?

11 A Yes.

12 Q And then this is Mr. Jones here?

13 A Yes.

14 Q South Lake Highway over there?

15 A Yes.

16 Q So take us through, Ms. Ehlke, that summer. How
17 often was it that you would see and communicate with Mr.
18 Jones during the time that you were caring for all five
19 children before they started school in August?

20 A In the mornings when he dropped them off, and in the
21 evenings when he picked them up.

22 Q All right. And then --

23 MR. YOUNG: Ms. Mayes, I don't mind to interrupt. Do
24 you mind if I move that so I can get --

25 MS. MAYES: Of course not.

1 Q And then would you also have communications with Mr.
2 Jones regarding things such as your payment, childcare
3 arrangements, everything that involved children?

4 A Yes.

5 Q During the course of those communications with Mr.
6 Jones, can you tell us whether or not he communicated with
7 you normally?

8 A He did.

9 Q Did he appear to understand all the communications
10 between the two of you?

11 A He did.

12 Q Was he able to converse with you in a clear and
13 rational manner?

14 A Yes, ma'am.

15 Q And then once the older children started school,
16 Merah, Eli, Nahtahn --

17 A Yes.

18 Q -- what were the arrangements for Gabe and Abigail
19 who you called Elaine?

20 A They just stayed with me the same amount of time as
21 they always did, just without their siblings.

22 Q So in the mornings when he would go to his job as
23 Intel, who would bring Gabe and Elaine to your residence
24 over there next door?

25 A Tim would.

1 Q And then in the evenings after he's home from work
2 and after the three older kids had been picked up from
3 school, who would pick up Gabe and Elaine?

4 A Tim.

5 Q On Thursday, August 28th, 2014, it was a school day
6 for Merah, Eli and Nahtahn. Who brought Gabe and Elaine
7 to your residence?

8 A Tim -- Tim did.

9 Q And that night?

10 A He picked them up.

11 Q Tim picked up Gabe and Elaine?

12 A Yes.

13 Q What do you remember about that day, the last time?

14 A Nothing out of the ordinary. The children were happy
15 to see him and he got them and left, just as always.

16 Q Did he appear afraid of those two babies?

17 A No, not at all.

18 Q Ms. Ehlke, that was a Thursday. Thursday the 28th.

19 That next day, Friday, were you expecting Gabe and Elaine?

20 A Yes, ma'am.

21 Q What happened?

22 A They didn't show up. I text him and asked where they
23 were or if they were coming and he said no. He didn't
24 elaborate and I didn't ask any more questions.

25 Q I want to follow-up a little bit more about that.

1 You knew that he worked at Intel?

2 A I did.

3 Q When you needed to communicate about the kids and it
4 wasn't in person, how would you normally communicate?

5 A Through text.

6 Q Did you have a cell phone at the time?

7 A I did.

8 Q Did he have a cell phone at the time?

9 A Yes.

10 Q Was he -- Tim Jones saved in your contacts?

11 A Yes.

12 Q What name did you have him saved under in your
13 contacts?

14 A Tim.

15 Q How commonly would you text one another to speak
16 about the children or make arrangements for them?

17 A As commonly as needed. Any time that there was a
18 question or I needed diapers or anything I would text him.

19 Q I'm going to show you what's marked as State's
20 Exhibit 50 and 51 and ask you whether or not you recognize
21 these documents.

22 A Yes, I do.

23 Q And I'll need you to speak up loud enough for the
24 court reporter to hear you.

25 A Yes, I do.

1 Q And you've reviewed these documents prior to today?

2 A Yes, ma'am.

3 Q Can you tell us, Ms. Ehlke, if these documents in
4 State's 50 and 51 are a fair and accurate representation
5 of the text messages between yourself and the Defendant,
6 Timothy Jones, Jr., on or between August 29th, 2014 and
7 September 2nd, 2014?

8 A Yes, ma'am.

9 MS. MAYES: And this would be State's 50 and 51 for
10 evidence, Your Honor.

11 MR. YOUNG: No objection.

12 THE COURT: 50 and 51 admitted without objection.

13 (Whereupon, State's Exhibit numbers 50 and 51 were
14 admitted into evidence.)

15 Q You said he is saved in your contacts?

16 A Yes.

17 Q And I'm going to ask you to review these exhibits
18 which are State's 13, 14 and 15, and 16, and ask you
19 whether or not you recognize them.

20 A Yes. Yes.

21 Q Is that --

22 A Uh-huh.

23 Q Is that a fair and accurate representation of your
24 Pro phone?

25 A Yes.

1 Q Your phone number?

2 A Yes.

3 Q Your contacts list?

4 A Yes.

5 Q And the name Tim in your contacts list?

6 A Yes.

7 Q And that person that you had in your contacts list
8 saved as Tim is who?

9 A Tim Jones.

10 MS. MAYES: And, Your Honor, these would be State's
11 13 through 16 for evidence.

12 MR. YOUNG: No objection.

13 THE COURT: No objection, 13, 14, 15, 16 are in.

14 (Whereupon, State's Exhibit numbers 13, 14, 15 and 16
15 were admitted into evidence.)

16 Q Now, you mentioned that on August 29th, that Friday
17 when the kids didn't show up, you sent him a text. Do you
18 recall whether or not he responded to that?

19 A Yes, he did.

20 Q I'm going to show you what is marked as State's 17
21 and 18 and ask you whether or not you recognize these?

22 A Yes.

23 Q Are these messages a fair and accurate representation
24 of the exact messages sent to you by Tim Jones?

25 A Yes, ma'am.

1 Q And sent to your cell phone?

2 A Yes.

3 Q Next I want to ask you whether or not you
4 communicated with him on September 1st, which would be
5 Labor Day?

6 A Yes.

7 Q I'm going to show you what is State's 19 and 20.

8 A Yes, those are accurate.

9 Q Is this a fair and accurate representation of the
10 text you received from Tim and the one you responded back
11 to?

12 A Yes, it is.

13 Q Then that following day on the 2nd, the day after
14 Labor Day, did you continue to communicate with him by
15 text messages?

16 A I did.

17 Q All right. Then I ask you to take a look at what is
18 State's 21, 22, 23, 24, 25, 26, 27 and 28. If you can
19 look at these and tell us whether these are a fair and
20 accurate representation of the communications you had with
21 Mr. Jones.

22 A Yes, it is.

23 MS. MAYES: We would ask to publish at this time,
24 Your Honor.

25 THE COURT: Has 17 through 20 been offered?

1 MS. MAYES: Yes, sir, Your Honor.

2 THE COURT: I think 17, 18, 19 and 20 are there for
3 you, Mr. Young, and Ms. Mayes has 21 through 28 in her
4 hand, I believe.

5 MS. MAYES: Yes, sir, Your Honor.

6 THE COURT REPORTER: I don't have that being entered.

7 THE COURT: I don't either. Mr. Young will want to
8 see them first.

9 MS. MAYES: We have 29 as well, Your Honor.

10 THE COURT: 29 as well. They're all text to and from
11 on the 2nd?

12 THE WITNESS: Yes, sir.

13 MS. MAYES: Yes, sir, Your Honor.

14 THE COURT: Any objection?

15 MR. YOUNG: No, Your Honor.

16 THE COURT: For the record, 17 through 29 are the
17 screenshots from -- text messages back and forth are all
18 admitted without objection, and that's inclusive 17
19 through 29.

20 (Whereupon, State's Exhibit numbers 17 through 29,
21 were admitted into evidence.)

22 Q I want to start here, Ms. Ehlke. August 29th, that
23 Friday. It's 9:38 a.m. When the children have not shown
24 up next door or been dropped off as they normally would on
25 a Friday morning what text did you send to Tim?

1 A "I'm just wondering if the kids are coming."

2 Q Did you get a response back for that?

3 A Yes.

4 Q And it was sent to Christina Ehlke?

5 A Yes.

6 Q That's your number?

7 A It is.

8 Q And who sent that response back to you?

9 A Tim.

10 Q His response was what?

11 A "Don't worry about this morning. I'll see you later
12 next week."

13 Q So this had been unexpected?

14 A Yes.

15 Q What did you say or do in response?

16 A I said, "So are they coming Monday, or when?"

17 Q And you're referring to Monday, Labor Day, or
18 thereafter?

19 A Right.

20 Q And did he respond to that message?

21 A He did.

22 Q What was his response?

23 A "Tuesday."

24 Q He's telling you not today, on Friday, but they'll be
25 there Tuesday?

1 A Yes.

2 Q What did you say in response to that?

3 A I said, "Okay. Well, have a good Labor Day."

4 Q Now, Labor Day comes around. Did you see any sign of
5 activity next door?

6 A Nothing. No vehicle, nothing.

7 Q And you're still expecting the children to come in on
8 Tuesday, the 2nd, because he had told you that they would
9 be in on Tuesday?

10 A Yes.

11 Q So in response to expecting them on Tuesday what, if
12 any, message did you send to Mr. Jones?

13 A I sent him a reminder. "Just a reminder, please
14 bring some diapers tomorrow."

15 Q And what did you mean in reference to that?

16 A Tomorrow being Tuesday when they were supposed to
17 return.

18 Q Okay. And was it normal with you keeping the two
19 babies, Gabe and Elaine --

20 A Yes.

21 Q -- that you may need diapers?

22 A Yes.

23 Q And what was his response to that?

24 A "Busy, question mark."

25 Q So you're reminding him to bring diapers and his

1 response back to you was --

2 A Busy and a question mark, yeah.

3 Q What did you say back?

4 A I said, "Okay." I didn't quite understand what that
5 meant, busy.

6 Q All right. What happened next, Ms. Ehlke?

7 A He called.

8 Q All right. So when we see this here -- now we're not
9 looking at messages anymore. We're looking at a call log.
10 We see a call to Christina Ehlke that's 17 minutes and 34
11 seconds. Who made that call?

12 A Tim Jones.

13 Q Take us through that phone call, Ms. Ehlke.

14 A He said that he had left South Carolina. That he
15 needed a fresh start, he and the kids, and they would not
16 be returning. He said that he -- he knew he owed me money
17 and -- for babysitting, and that he had taken everything
18 he needed from the home and I was free to get whatever I
19 needed out of the home to compensate for what he owed me.
20 He mentioned the washer and dryer, his computer, things
21 that, I guess, were of value, or he thought that I could
22 sell to make the money back, I guess. And that was it.

23 Q It was a 17 minute conversation. Who's doing most of
24 the talking in that phone call?

25 A I would say him.

1 Q Did he ever say anything in the course of that phone
2 call to lead you to believe that the children were in
3 jeopardy?

4 A Never.

5 Q How convincing was he in telling you this story?

6 A Perfectly convincing. Never once did I have an
7 inclination that anything was wrong.

8 Q You had no idea on the day that you received this
9 phone call, September 1st, you had no idea that anything
10 happened to the children?

11 A No.

12 Q So by him making these representations to you, were
13 you even alarmed at that point?

14 A No.

15 Q It appeared normal?

16 A It did, for him.

17 Q And you believed him?

18 A I did.

19 Q During the course of that phone call that was 17
20 minutes what, if any, arrangements were made for his
21 residence?

22 A Yeah, I just don't recall exactly. I know that
23 through text I told him that I'd hit His House to pick up
24 -- oh, he did say something, clean up his residence. He
25 did ask me if I would clean up. I assumed because he --

1 and I think -- I don't remember correctly, but I think it
2 was, he made it seem like that he needed his deposit back,
3 you know. And that maybe I could help clean up while I
4 was over there.

5 Q And you said that he still owed you some outstanding
6 fees --

7 A Yes.

8 Q -- for childcare?

9 A Yes.

10 Q In the course of that conversation, the 17 minute
11 conversation, what, if any, arrangements were made in that
12 regard concerning any belongings --

13 A Yeah. He was telling me that I could get the washer
14 and dryer. He specifically mentioned the washer and
15 dryer, the computer, and I believe that was it. Oh,
16 clothes. He said he had kids stuff. If I wanted any kid
17 stuff that he didn't need. He'd gotten everything he
18 needed out of the home.

19 Q All right. And at that point in time how many
20 children did you have?

21 A I had two girls; a teenager and a -- I can't
22 remember. She was eight or nine, I think. And I was also
23 pregnant with twins.

24 Q All right. And you knew at that time that you were
25 pregnant with twins?

1 A Yes.

2 Q Did he offer any clothing of the children?

3 A Yes.

4 Q That had been left behind?

5 A Yes.

6 Q So as you're having this conversation about going
7 into the home, taking anything that he may have left
8 behind. Did he tell you anything specific about what his
9 plans were other than he was moving away and getting a
10 fresh start?

11 A No.

12 Q Did he indicate that the children were alive and
13 well?

14 A Yeah. I mean, there were no indication of anything
15 out of the norm.

16 Q I'm going to take you now to the next day, which is
17 going to be Tuesday, September 2nd. What, if any,
18 communications did you have with Mr. Jones at that point?

19 A Texting.

20 Q All right. And what concerns did you have?

21 A I just -- we rented from the same landlord, and I
22 didn't know if it was okay for me to go into his
23 residence, you know, being that it actually is my
24 landlord's residence, and didn't want to have any
25 complications behind that.

1 Q All right. So what message did you send?

2 A I said, "Can you send me a text saying I have
3 permission to enter the house and clean and keep what I
4 want just so I don't get in trouble."

5 Q All right. And did he respond to that?

6 A He did. He said, "Sure, go ahead and clean up."

7 Q All right. And this is just four minutes after you
8 sent that text?

9 A Yes.

10 Q So he read it and responded right away?

11 A Yes.

12 Q Go ahead and clean up. And then that's at 11:03.

13 A Uh-huh. (Indicated in the affirmative.)

14 Q The following -- or within a minute later at 11:04
15 what, if any, message does he send to you?

16 A "Everything is going okay."

17 Q And your response to that?

18 A "Okay." I didn't quite understand what that meant
19 either.

20 Q And at this point around the residence, living next
21 door, was -- this only September 2nd. At this point in
22 time had you seen any police?

23 A Nothing.

24 Q As far as the neighborhood was concerned, had anybody
25 in the neighborhood learned yet that the children were

1 missing?

2 A No.

3 Q Then what message do you send to him shortly
4 thereafter?

5 A "I haven't done anything because I want to make sure
6 you don't want any of your stuff." I guess give him time
7 to see what he might -- if he'd come back and get it. I
8 didn't know.

9 Q Okay. And then what message do you send after that?

10 A I said, "I will call His House Charity to pick up the
11 stuff I don't want."

12 Q Okay. And what is His House?

13 A His House is just a charity organization for people
14 in need.

15 Q Okay. So you were making arrangements for anything
16 else in the home that may have been abandoned?

17 A Yeah. And my point, I think, was versus cleaning up,
18 I'll just send your stuff to charity.

19 Q Now looking at State's 51. After you advised him
20 that anything left behind would go to charity, what is his
21 response just seconds later?

22 A "Okay."

23 Q And then you say?

24 A "Is that okay?" And he said, "Yeah, all yours."

25 Q And your response back to him?

1 A "Thank you and take care."

2 Q And did he respond back to that?

3 A He said, "You, too. Same to you."

4 Q He ends that conversation with you on Tuesday,
5 September 2nd by wishing you well, just as you had wished
6 him?

7 A Yes.

8 Q You had no idea the children were dead?

9 A No.

10 Q Ms. Ehlke, I'm going to show you some photographs and
11 ask you if you recognize what's depicted in them. State's
12 34, 35, 36, 37, 38, 39, 40, 41, 42 and 43. Do you
13 recognize that location?

14 A Yes.

15 Q Whose residence is that?

16 A Tim and the children.

17 Q Can you tell us whether this is a fair and accurate
18 representation of that residence when you entered it after
19 having those communications with him?

20 A Yes.

21 MS. MAYES: 34 through 43 for evidence at this time,
22 Your Honor.

23 MR. YOUNG: Your Honor, I'd like to see them.

24 THE COURT: Okay. Any objection?

25 MR. YOUNG: No, Your Honor.

1 THE COURT: 34 through 43 inclusive are admitted
2 without objection.

3 (Whereupon, State's Exhibit numbers 34 through 43
4 were admitted into evidence.)

5 Q Now, you had mentioned, Ms. Ehlke, about the laundry
6 room. There had actually been a discussion with Mr. Jones
7 about outstanding money owed to you --

8 A Yes.

9 Q -- for the childcare. And ultimately what
10 arrangement was made regarding the washer and dryer?

11 A He said that I could have it.

12 Q Okay. And what room are we looking at here inside
13 the Jones' residence?

14 A The laundry area.

15 Q Okay. And the washer and dryer and not depicted in
16 here. Did you ultimately remove them?

17 A Yes, we did.

18 Q Pursuant to your discussions with the Defendant?

19 A Yes.

20 Q I'm going to show you State's 35 and ask you what
21 area of the home we're looking at here?

22 A The kitchen area.

23 Q State's 37? What are we looking at here?

24 A Oh, the kitchen area.

25 Q And then State's 36?

1 A The living room when you walk in the front door.

2 Q Now, I know you said you were pregnant with twins.

3 A Yes.

4 Q Ultimately were any clothing items removed from the
5 Jones' residence after having that communication with him?

6 A Yes, ma'am. A couple of items out of the closet.

7 Q And the closet of which room?

8 A The babies, Gabe and Elaine.

9 Q Gabe and Elaine. I'm going to show you a photograph
10 and ask you if you recognize it. This is State's 38.

11 A I do.

12 Q Whose room is that?

13 A Gabe and Elaine.

14 Q 39, is that the same room?

15 A It is.

16 Q What are we looking at here?

17 A That's their closet. There were a couple of things
18 hanging that we took -- or that I took for my babies.

19 Q The babies you were pregnant with?

20 A I'm sorry?

21 Q The babies you were pregnant with?

22 A Yes.

23 Q Did you go in the next room?

24 A I'm sorry?

25 Q Did you go in the next room?

1 A No. I went to the door of it. I saw the bed and
2 just looked in the next room.

3 Q 41, this is a photo. When you say you went to the
4 door, this area here?

5 A Yeah.

6 Q Were you able to look into the room without actually
7 going in?

8 A Yeah.

9 Q This is 43. Whose room was this?

10 A Merah and Nahtahn and Eli.

11 Q Did the boys have a bunk bed?

12 A I'm assuming, yeah.

13 Q I'm going to show you a diagram. This is State's 30,
14 and ask you whether or not you've seen this before.

15 A Yeah, I have. Yes.

16 Q Does that appear to be a fair and accurate
17 representation of the layout of that Jones' residence?

18 A Yes.

19 Q The one that you went into after you had those
20 communications with Mr. Jones?

21 A Yes.

22 MS. MAYES: No objection, Your Honor.

23 THE COURT: Any objection?

24 MR. YOUNG: 30 is in without objection.

25 (Whereupon, State's Exhibit number 30 was admitted

1 into evidence.)

2 Q If you can see from where you are, take us through
3 this. When you come in the front door what are we looking
4 at in this area here?

5 A The living room and the kitchen.

6 Q All right. And over to the left?

7 A That's his room.

8 Q Referring to the Defendant?

9 A Yes.

10 Q And this bedroom here?

11 A The babies, Gabe and Elaine.

12 Q And this bedroom here?

13 A The older three, Merah, Elias and Nahtahn.

14 Q Ms. Ehlke, when did you become aware that the
15 children were not safe?

16 A When, I'm sorry. I didn't hear you. When they were
17 -- when did I become aware of what? That they were
18 missing? When I got a knock at my door at 3:00, 4:00 a.m.
19 by an officer that was looking for them.

20 Q Did you share with him any information that you
21 shared with us today regarding those text messages with
22 the Defendant during that period of time when the children
23 were --

24 A Yes.

25 Q -- considered missing?

1 A Yes, I did.

2 Q Throughout that entire period of time that you worked
3 taking care of those five children, did you at any time
4 have any concerns for Mr. Jones' mental status?

5 A None at all. In fact, I thought that he was very
6 intelligent.

7 Q So his communications with you appeared to be
8 rational?

9 A Yes.

10 Q Clearly expressed?

11 A Yes.

12 Q Anything about him that would lead you to believe he
13 was not of sound mind?

14 A Not at all.

15 Q Ms. Ehlke, at any point in time did he appear to be
16 afraid of his children?

17 A No.

18 Q That last day after 6:00 p.m. on August 28th did you
19 see any fear in him whatsoever when he picked up his
20 babies?

21 A None at all.

22 MS. MAYES: Nothing further.

23 MR. YOUNG: Your Honor, can we take 10 minutes. If
24 the Court wants to take lunch now, that's fine.

25 THE COURT: That's what I was going to ask the jury.

1 What were you guessing, estimate of time for testimony,
2 20, 30?

3 MR. YOUNG: Twenty-five.

4 THE COURT: Twenty minutes? Eat lunch now. Take a
5 lunch break for about an hour and 20 minutes, he's got 20
6 more minutes of questions, or do his 20 now? Eat, get it
7 done?

8 (Whereupon, the jurors responded to get it done.)

9 CROSS-EXAMINATION

10 By Mr. Young:

11 Q Good afternoon, Ms. Ehlke.

12 A Good afternoon.

13 Q Going back to when you went into Tim's house, these
14 foggers that were out, did you put those out?

15 A No, sir.

16 Q And the cabinets that were open, did you open the
17 cabinets?

18 A No.

19 Q The couches that had been flipped over, did you flip
20 over those couches?

21 A No.

22 Q It was pretty obvious that nobody had packed to move
23 out of state. Is that fair to say?

24 A Yeah, I guess. Yeah.

25 Q Most of the kids clothes were still there?

1 A Yeah, there were clothes. There were toys.

2 Q Toys, books?

3 A Right.

4 Q All of Tim's stuff was still in his room? The
5 computer?

6 A I guess, yeah.

7 Q His futon, all that stuff?

8 A Yeah.

9 Q There were still dishes in the sink?

10 A I can't say for sure. I don't remember exactly that
11 part.

12 Q You didn't check?

13 A I didn't check that part, yeah.

14 Q That's not what you were looking for?

15 A Right.

16 Q Okay. I'm going to back up a little bit. You knew
17 -- prior to becoming Tim's neighbor you already knew Tim
18 and the kids. Isn't that right?

19 A Yes.

20 Q Was that a place called White Knoll Daycare, is that
21 where you were working, or was it another daycare?

22 A No. I met him through the ad on Craigslist. He
23 called me to keep his children. The babies, Gabe and
24 Elaine. Elaine at this time was a hand baby. This was my
25 prior residence. He brought them to me for maybe about a

1 month, and then just all of a sudden one day said he no
2 longer needed me. I moved maybe a year, approximately a
3 year later, to this residence and he just happened to live
4 next door.

5 Q Okay.

6 A So that's --

7 Q So when he saw you he was like, hey--

8 A -- right. We knew -- we were familiar with each
9 other, yeah.

10 Q And you knew Joy Lorick who was keeping the kids at
11 the time that you moved there, right?

12 A Yeah, I knew Joy. No. I think Joy didn't start
13 keeping them until after I moved there.

14 Q Okay.

15 A Yeah.

16 Q I understand.

17 A Right.

18 Q Trying to keep the time straight.

19 A Yeah.

20 Q There was -- somebody else was keeping the kids, then
21 Joy kept the kids for a couple of weeks --

22 A Uh-huh.

23 Q -- and then you started keeping them?

24 A And then I started.

25 Q And she was the one who took the kids to the beach

1 and to --

2 A Disney World.

3 Q -- Disney World?

4 A Yes.

5 Q And then left.

6 A Yeah.

7 Q And you knew that they -- that Tim and Ms. Lorick did
8 not leave on good terms?

9 A That Tim and who?

10 Q Ms. Lorick, Joy.

11 A I knew that she had some concerns. I didn't know
12 what. She didn't mention too much to me. But I knew that
13 she had some concerns and she just no longer was willing
14 to keep them basically.

15 Q You knew that her and Tim were having a fight about
16 money?

17 A Yeah. I knew that there was some money issues. I
18 don't recall exactly, I'm sorry, what went on with Joy.

19 Q You knew that they were having a fight?

20 A Maybe some tension there, yes. Yes.

21 Q Now, you gave law enforcement a statement on
22 September 9th of 2014?

23 A Yeah. I guess, yeah. I don't remember the date. I
24 did. I did. That's correct.

25 Q And have you reviewed this statement?

1 A Yes.

2 Q Okay. I'm going to ask you a couple of questions
3 about it.

4 A Okay. Let me just -- to refresh my memory.

5 Q Yes, ma'am. Is that a copy of your statement?

6 A It refreshed my memory a little, yeah. That's
7 definitely my statement, yes.

8 Q You were keeping all five children from mid-July
9 until they started school back on August 18th?

10 A Yes.

11 Q And during that time you were asked by law
12 enforcement to describe Tim. Is that right?

13 A Right.

14 Q And you described him as a weird guy but seemed to
15 love his children?

16 A Right.

17 Q And you said he had strong religious beliefs but they
18 were hard to understand?

19 A Yes.

20 Q Can you tell me what -- what you mean by that?

21 A I just remember one particular incident where he was
22 talking about God, or his God that he worshiped, and he
23 just -- I don't remember word for word, but whatever God
24 he described wasn't the God that I worship. So it didn't
25 really make sense to me.

1 Q When you say not the God you worship, you're not
2 talking about Allah versus --

3 A Yeah, something like maybe his -- his reminded me
4 more of a Allah type Muslim maybe religion. Something
5 that I'm not familiar with.

6 Q Okay. Would you describe him as sort of a
7 fundamentalist?

8 A What's the definition of that exactly?

9 Q Sort of like somebody who has a really strict
10 interpretation of the Bible?

11 A Yeah, possibly.

12 Q Okay. You said he seemed like a strict father but
13 not overbearing --

14 A Right.

15 Q -- is that right?

16 A Right.

17 Q But he would -- when he picked up the kids everybody
18 would go jump on the trampoline, they would all hug him?

19 A Every day.

20 Q Sometimes on the weekend he would ask you to keep the
21 two younger kids, Gabe and Elaine, so that he could take
22 the older children to a movie or do something else?

23 A Right. He mentioned that a couple of times, but I
24 only actually kept them one time for him to do that.

25 Q And you thought that that, to you, indicated that he

1 was trying to be a good parent?

2 A Right.

3 Q As far as you were concerned, you did think that he
4 was a good parent?

5 A I did.

6 Q Around August the 14th --

7 A Uh-huh.

8 Q -- DSS came to your house?

9 A They did.

10 Q And they asked to observe the children and take
11 pictures of the children. Is that right?

12 A Right.

13 Q And they did -- they did all that?

14 A They took pictures of all of the children except for
15 one.

16 Q Except for Nahtahn?

17 A Nahtahn.

18 Q He didn't want his picture taken?

19 A He didn't want to, and no matter how much we asked he
20 just wouldn't do it.

21 Q And as far as your observations, you never saw the
22 kids with something -- with bruises that would indicate
23 that they had been abused or beaten or anything like that?

24 A No, I did not.

25 Q They were five kids and just each one they were sort

1 of rough and tumble?

2 A Oh, yeah.

3 Q They naturally got bruises from playing and stuff
4 like that?

5 A Right.

6 Q But nothing out of the ordinary, correct?

7 A No.

8 Q At points in time Tim talked to you about his
9 ex-wife?

10 A He mentioned her. I just can't, can you ask me like
11 a direct question about it, because I just can't remember?
12 I remember he mentioned her and he just was bitter. He
13 seemed bitter towards her and the separation. I remember
14 that.

15 Q And I think what you said was your impression was
16 that he missed her very much?

17 A Yes. That he missed her. Yes.

18 Q That he was still longing for her?

19 A Right.

20 Q You described -- you also described he was a very
21 private person?

22 A Uh-huh. He didn't talk much. It was very, you know,
23 about the kids and that was it. We didn't converse.

24 Q His house is sort of at the end of the road, right?

25 A Uh-huh.

1 Q And they had to drive past your house to get to his
2 house?

3 A Yes.

4 Q And you knew that your landlord, Mr. Jackson, had
5 cameras up around the houses?

6 A No.

7 Q You never saw anybody going to Tim's house other than
8 --

9 A Right, uh-huh, (indicated negative.)

10 Q No family ever visited?

11 A No, not that I --

12 Q No friends --

13 A No.

14 Q -- no friends ever visited? Nobody from work ever
15 visited?

16 A Not that I saw, no.

17 Q And anybody who would visit would have to go right
18 past your place to get to him?

19 A Yes.

20 Q At one point in time he took your daughter to school
21 some?

22 A He did. He took my daughter to school for a little
23 while. They all went to Saxe Gotha, and he offered,
24 because the bus stop was right on the busy highway and I
25 wasn't comfortable with it. And I was pregnant, and I was

1 also keeping children. So he said she can ride with us.

2 And I allowed it and he took them.

3 Q And that was when they started school on the 18th?

4 A Yeah, I guess. I don't recall exactly.

5 Q Around about that time?

6 A Yeah.

7 Q And around about that time there was an incident
8 where Gabe left the house?

9 A He did. He and another child were napping in the
10 living room. I was in the room -- in my room across from
11 them doing homework, and they were both asleep. Went back
12 to check on them. Gabe had gotten up and opened the
13 backdoor, which was not far from where he was, unlocked it
14 -- unlocked the bolt lock and everything and went out. I
15 assumed -- this was the first day that Merah, Eli and
16 Nahtahn had gone back to school. So I assumed that he was
17 looking for his siblings. I thought, well, maybe he went
18 home. I started over there looking for him. The grass
19 was really high, and I just wanted to make sure that he
20 wasn't in the grass somewhere. And I didn't see him, so I
21 started up the dirt road and he had walked up the dirt
22 road doing -- I guess looking -- I'm thinking looking for
23 his siblings.

24 Q And you talked to Tim about that, I assume?

25 A I did. I called him.

1 Q And his version was, well, Gabe is trying to go to
2 school --

3 A Yeah.

4 Q -- to look for his --

5 A Exactly, yeah.

6 Q -- siblings?

7 A He agreed that that had to be what he was doing.

8 Q I'm getting a little bit ahead of myself. I talked
9 to you about this briefly. I'm going to show you what's
10 been marked as State's numbers 4, 5 and 6 --

11 A Okay.

12 Q -- and ask you if you recall this incident where -- I
13 think these are from you to Tim, and this is from Tim to
14 you, and these are the texts that go with the --

15 A Okay.

16 Q -- that are after the images. So if you look at
17 these.

18 THE COURT: What's the exhibits, please?

19 MR. YOUNG: This is 6, exhibits 4, 5 and 6.

20 THE COURT: Oh, I thought you said State's and I was
21 thinking wait a minute, I've got something mismarked.
22 Those are yours?

23 MR. YOUNG: Yes, sir.

24 THE COURT: Okay. Defendant's 4, 5 and 6.

25 Q I'm just going to ask you. Was there an incident in

1 early August where Eli got hit with a doorknob?

2 A He did. Him and Merah were going back and forth
3 arguing and Merah, when she pushed the door, it hit him --
4 the knob hit him in the eye and gave him a black eye.
5 That happened at my house.

6 Q And then a cut -- a cut above his eye?

7 A Yeah. Like a little gash there.

8 Q And you sent Tim a picture of that cut?

9 A I did.

10 Q And then later that night Tim said, "I hate to bother
11 you but can you watch the kids? I might need to take Eli
12 to the doctor."

13 A Uh-huh.

14 Q Is that right?

15 A Uh-huh. I guess. I don't completely remember that.

16 THE COURT REPORTER: It's a yes. I can't do uh-huh,
17 huh-uh.

18 THE COURT: She's taking down everything everybody's
19 saying.

20 THE WITNESS: Okay.

21 Q Around 6:47 in the afternoon did Tim say, "Sorry to
22 bother you," and then he said --

23 A If that's what this shows, yes. I just don't
24 remember exactly. But I do remember the black eye
25 incident.

1 Q And do you remember Tim sending you a picture of --
2 back after they got --

3 A Uh-huh. I remember that picture.

4 Q Back from the doctor's office?

5 A Yeah.

6 THE COURT: Which exhibit, Mr. Young?

7 MR. YOUNG: The picture's four. Your Honor, at this
8 time the Defense would argue -- offer 4, 5 and 6 into
9 evidence.

10 THE COURT: Any objection, Ms. Mayes?

11 MS. MAYES: No objection.

12 THE COURT: 4, 5 and 6 are admitted without
13 objection.

14 (Whereupon, Defendant's Exhibit numbers 4, 5 and 6
15 were admitted into evidence.)

16 Q Now, when DSS came in on the 14th that injury was
17 healing?

18 A I guess. I honestly don't remember.

19 Q Okay. That was something that they were concerned
20 about?

21 A I don't remember that either. All I remember was
22 them wanting to take pictures of the children's bodies.

23 Q Do you remember explaining to them like how that cut
24 happen, saying no, no, that happened --

25 A I'm sorry. I don't.

1 Q That's okay. Did the DSS caseworkers ask you about
2 the children's food?

3 A They did. I do remember that. They did ask me did
4 the children seem overly hungry ever and I told them no.

5 Q Right. And Tim usually fed them breakfast before he
6 brought them over to your house?

7 A I don't know. I always made breakfast anyway, so I
8 never really asked that question. He did come with donuts
9 several times from Krispy Kreme that he would get for them
10 and bring with them.

11 Q Tim had talked to you a little bit about -- towards
12 the middle of August about getting into med school and
13 that he was going to move to the --

14 A Uh-huh.

15 Q -- Caribbean --

16 A Uh-huh.

17 Q -- and he was going to take the kids and that's where
18 they were going to live?

19 A Mentioned it several times. He said it was cheaper
20 to go to medical school over there.

21 Q You said -- when Tim talked about that stuff you said
22 what may be odd or strange behavior for the average person
23 wouldn't be for Tim because he was strange himself?

24 A He was. He was very socially awkward. He seemed --
25 he was very highly intelligent, and I'm just kind of a

1 down to earth regular girl, so our -- we didn't have much
2 in common, I guess.

3 Q Finally you were asked the question from the
4 investigator about during your interactions with Tim Jones
5 did he appear to have any mental issues or defect in your
6 opinion. And you're response was, "Yes. I'm not a
7 doctor, but he was a bit scatterbrained and changed his
8 mind a lot. He seemed to have bouts of ups and downs
9 where he would be quiet and possibly sad or hyper and
10 happy."

11 A Right. All of that, it was in relation -- what I was
12 feeling was that the separation from his wife. That he
13 may have suffered from some depression or, you know, being
14 upset because of that split up. And again, I do think
15 that he missed her.

16 Q And in addition to being depressed, you also saw him
17 hyper and happy?

18 A Oh, yeah. He sometimes just, "Hey, how you doing."
19 You know, you could tell he had a good day or whatever.

20 Q And that he changed his mind a lot?

21 A I do remember him changing his mind. Like, for
22 instance, him wanting me to keep the kids on the weekend.
23 Okay. Well, I'm going to take them this weekend, and he
24 may change his mind for whatever reason.

25 Q Okay. And scatterbrained?

1 A I don't really remember what I meant by that.

2 Q When you --

3 A Maybe forgetful. I know I feel like I'm
4 scatterbrained, and that means like forgetful or, you
5 know, just has a lot on my plate. A lot of
6 responsibility.

7 Q Sometimes he would start a thought and then change it
8 to something else?

9 A No. Not like conversationally. Just seemed to be.
10 Yeah.

11 Q When he was hyper would he speak really fast?

12 A Not that I noticed.

13 Q You never saw any indication of any drug use or
14 abuse?

15 A No, uh-uh.

16 MR. YOUNG: Beg the Court's indulgence. Thank you,
17 Ms. Ehlke. That's all the questions I have.

18 MS. MAYES: Briefly, Your Honor.

19 REDIRECT EXAMINATION

20 By Ms. Mayes:

21 Q Ms. Ehlke, I just want to follow-up on a couple of
22 those points.

23 A Okay.

24 Q He was asking you about the plans for medical school.
25 Is that something that Mr. Jones expressed to you?

1 A Oh, yes, several times.

2 Q And what did he tell you was the reason that he was
3 -- of course he had an undergraduate degree. What is the
4 reason he explained as -- that he wanted to go to medical
5 school in the Caribbean as opposed to someone in the US?

6 A He said it was a lot less money. Lot less expensive.

7 Q Okay. So it was for financial reasons?

8 A Yes.

9 Q And Mr. Young was asking you about him being
10 forgetful about certain things.

11 A Uh-huh, (Indicated in the affirmative.)

12 Q Had he fallen behind in his payment --

13 A Yeah.

14 Q -- to you?

15 A Yes, he did.

16 Q Even in those situations were you all able to
17 follow-up with one another and make arrangements?

18 A We were. I was under the impression he was a very --
19 you know, a struggling single father with five kids. So I
20 worked with him any way I could.

21 Q Okay. At that point in time you knew he worked at
22 Intel, but did you know he was making \$80,000 a year?

23 A No. I knew Intel had something to do with computers,
24 but I had no idea what his status was with them.

25 Q And I think Mr. Young was asking you -- asking you

1 about some of the communications you had with him
2 concerning Eli. I'm going to show you these documents and
3 ask you if you recognize them. State's 31 and State's 32.

4 A Yes.

5 Q Is that a fair and accurate representation of
6 communications you had with Mr. Jones?

7 A Yes, it is.

8 Q About the children?

9 A Yes.

10 Q And about him being behind on payments?

11 A Yes.

12 MS. MAYES: 31 and 32 for evidence, Your Honor.

13 THE COURT: Any objection.

14 MR. YOUNG: No objection.

15 THE COURT: Admitted without objection.

16 (Whereupon, State's Exhibit numbers 31 and 32 were
17 admitted into evidence.)

18 Q All right. So here he has sent you a message on
19 August 25th. And, of course, that's three days before the
20 children disappeared.

21 A Uh-huh.

22 Q What was the content of that text message?

23 A He said, "Left you \$140 with Merah. I'll bite the
24 bullet and give you money on Mondays."

25 Q All right. And who is Merah that he's referring to?

1 A Merah is my oldest daughter.

2 Q Okay. So he's talking about he gave her \$140 for
3 your payment --

4 A Right.

5 Q -- and now he's going to plan to pay you every
6 Monday?

7 A Yes.

8 Q All right. And then what about this message that he
9 sent to you on August 22nd, six days before the children
10 disappeared?

11 A He said, "Going to have to grab a pair for Gab."

12 Q What were you all talking about?

13 A Swimsuits so the kids could swim in the pool.

14 Q The pool in your yard?

15 A Yes, the pool in my yard.

16 Q Mr. Young was asking you about their mother and about
17 the consequences of the divorce.

18 A Uh-huh.

19 Q Did the children ever speak about their mother in
20 your presence? And I'm not asking you what they said, but
21 did they ever speak about her in your presence?

22 A Yes. Seems like they might have mentioned her here
23 and there.

24 Q All right. When the Defendant was around would they
25 speak about their mom?

1 A There was one time that Tim was saying, "Tell -- tell
2 Christina what your mom said," to Merah. And Merah said
3 that she -- I don't remember exactly, but something to the
4 -- something like she didn't want us anymore, or she
5 didn't want to be bothered with us. Didn't want us to
6 live with her. Something like that. I remember that.

7 Q And he said that to the children with you present?

8 A Yes.

9 Q And he was speaking --

10 A He was talking to Merah.

11 Q Now, you got some questions about DSS coming to your
12 house. Did you know they were coming?

13 A I had no idea that they were coming. I was in shock.

14 Q I'm going to show you --

15 A I didn't know what was going on. Yeah.

16 Q And they wanted to photograph the children?

17 A Right.

18 Q You mentioned that they did look at all of the
19 children except for one?

20 A Nahtahn.

21 Q Were you present during that entire DSS visit?

22 A I was.

23 Q Did DSS ever look at Nahtahn's body?

24 A They did not. They did not. They did not make him
25 show any -- pull his clothes down or anything like they

1 did the others.

2 Q And you got a question about you had referenced Mr.
3 Jones as weird. Tell us what you meant by that in
4 layperson's terms.

5 A Socially awkward. Different from me being a very
6 outgoing, friendly person. He was just not like that. He
7 was to himself and to his work, I guess. I don't know.

8 Q And with that stated did you ever have any reason to
9 believe that he was not of sound mind?

10 A No, never.

11 MS. MAYES: Thank you. That's all I have.

12 RECROSS-EXAMINATION

13 By Mr. Young:

14 Q When you were talking to Ms. Mayes, it was Tim who
15 said to Merah, "Tell Christina what your mom said"?

16 A Correct.

17 Q And it was Merah's response to you that mom said she
18 didn't want us anymore?

19 A I don't --

20 Q Something along --

21 A Yes. Yes. I don't know exactly, but something along
22 those lines. She didn't want us anymore or she didn't
23 want us to live with her anymore. Something like that.

24 Q And Merah was telling you that's what her mom had
25 told her?

1 A Right.

2 Q Is that right?

3 A Right.

4 MR. YOUNG: Thank you.

5 THE COURT: All right. You may step down.

6 All right. You all can go to lunch. Enjoy your
7 lunch in the jury room. After you finish if you want to
8 step outside, get some fresh air, make a phone call.
9 We'll help you all get downstairs and do whatever you
10 need. So anyway, enjoy your lunch. Don't talk about the
11 case. Have you back in here probably shortly after 2:00,
12 no later than 2:15. I've got something else to put on the
13 record, too.

14 (Whereupon, the jury was excused for a lunch break.)

15 THE COURT: All right. Before we go to lunch, Mr.
16 Young, you said you had one issue, matter. I am not
17 exactly sure what it was, but go ahead.

18 MR. YOUNG: Your Honor, and I may have, I may have
19 messed this up. Because of the fact that there were two
20 different sets of phone records as far as was, were these
21 records from the physical extraction versus from the first
22 logical extraction. We had maintained, you know,
23 regarding our objection to the physical extraction and I
24 didn't want to inadvertently have waived that objection by
25 agreeing to records that were entered into. We knew that

1 there were multiple sources for those records and I think
2 Ms. Mayes had pictures of the actual text and then the
3 summary records. But I think the summary records were
4 from the physical extraction and didn't want to have
5 waived any objection on those.

6 THE COURT: You have not waived any objection. I
7 ruled on that. So your objection is preserved. And some
8 of the records, it seems to me as I was reading along,
9 gave the source, whether it was physical or not, is what I
10 was able to read along. And I've not had it in my hand,
11 but on the overhead that's what I noted.

12 MR. YOUNG: Your Honor is more well trained in that
13 than I am.

14 THE COURT: So you're protected on the record for all
15 those regarding both suppression motions we did yesterday.

16 MR. YOUNG: Thank you, Your Honor.

17 THE COURT: Very good. All right. We'll be back
18 shortly after 2:00. I'd like to get the jury back in here
19 by 2:15, so I want to be mindful of that.

20 (Whereupon, a lunch break was taken.)

21 MR. YOUNG: Your Honor, with the subsequent
22 statement, so Mr. Jones, at the risk of beating a dead
23 horse we are, we are relying on our previous objections,
24 motions, arguments and briefing that the Court has ruled
25 on and protected us on and made final rulings on those and

1 everything will be subject to our previous objections.

2 THE COURT: And that was in that four, four and a
3 half days hearings we had on all the Jackson/Denno issues
4 and the constitutionality road block?

5 MR. YOUNG: Yes, sir.

6 THE COURT: Y'all are so protected. Bring me the
7 jury.

8 (Whereupon, the jury came into open court at
9 approximately 2:15 p.m.)

10 THE COURT: Are we ready to continue on? Mr. Graham?

11 MR. GRAHAM: Thank you, Your Honor. The State calls
12 Jesse Laintz to the stand.

13 JESSE LAINTZ, having first been duly sworn,
14 testified as follows:

15 MADAM CLERK: Once your seated, state your full name
16 spelling your last.

17 THE WITNESS: Jesse Laintz, L-a-i-n-t-z.

18 DIRECT EXAMINATION

19 By Mr. Graham:

20 Q Lieutenant Laintz. Isn't that correct?

21 A Yes, sir.

22 Q Where are you currently employed, Lieutenant?

23 A I work at the Lexington County Sheriff's Department
24 in the major crimes unit.

25 Q How long have you been in law enforcement?

1 A I've been in law enforcement almost 14 years now.

2 Q And how long of that was the Sheriff's Department?

3 A All of it.

4 Q Back in August of 2014 what was your rank and your
5 job duties at that time?

6 A Back when this incident happened I was a sergeant in
7 major crimes, and during this time I was overseeing a team
8 of four -- five investigators and some victim assistant
9 officers.

10 Q This case ultimately ended up being under your
11 supervision. Is that correct?

12 A That is correct.

13 Q What I wanted to talk to you about is a step through
14 the Sheriff's Department's notification of when the fact
15 that the children were missing came to light.

16 A Okay.

17 Q If you would start with Wednesday, September 3rd,
18 2014, I believe, is that the first time that the Sheriff's
19 Department was made aware?

20 A It is.

21 Q Can you tell the jury how that came about?

22 A So you heard a little bit about it before with Saxe
23 Gotha. So at around 4, 1600, what we call 4:00 o'clock in
24 the afternoon, they went out to the house and some of our
25 deputies went out there and met them for what we call

1 welfare check. They were just checking on the welfare of
2 the people at the house. They actually went there. The
3 car was not there and they didn't make contact with
4 anybody. So they departed and wrote a welfare check
5 essentially.

6 Q In addition to a welfare check report was there also
7 a missing persons report filed that day?

8 A So after that, around what we'd call 1800, around
9 6:00 p.m. there was more phone calls coming in from
10 Timothy Jones, Sr. about the children possibly being
11 missing. And when that happened it was a phone call
12 request. A deputy took the phone call request, get some
13 information and was trying to call the mother of the
14 children and ended up talking to another deputy over the
15 phone. And that deputy goes to the mother of the children
16 and talks to her. And through conversation with the
17 grandfather of the children, Timothy Jones, Sr., and with
18 the mother, they were decided to put on NCIC as missing.

19 Q When you say NCIC, what does that mean?

20 A So NCIC is a National Crime Information Center. It
21 is a hub. It's the lifeline for law enforcement. A lot
22 of things. It's actually a giant computer base in West
23 Virginia where everything from missing persons, wanted
24 people, people that have been listed as terrorists, stolen
25 property. It's where our dispatch would run information

1 through to find information out nationwide about somebody.
2 So they were put on a nationwide computer database, so if
3 the children or Timothy were ran by name or date of birth,
4 we would be notified that they were out with some other
5 law enforcement agency.

6 Q Now, between the time that they were put into NCIC
7 over the next several days what, if anything, did the
8 Sheriff's Department do in an attempt to locate the
9 children or Mr. Jones?

10 A So how that essentially works is a report is written,
11 then an investigative sergeant will read that report.
12 When that investigation sergeant reads the report, and we
13 read anywhere from -- a slow night would be 50 or to 120
14 reports, and we would assign those reports. And this
15 report was actually assigned to a detective in our unit,
16 Detective Creech, and he started following up with it. In
17 that following up process he tried getting a hold of Tim
18 -- the Defendant by phone, tried to talk to Amber, talked
19 to Tim Jones, Sr., talked to his work, and he was just
20 trying to find anybody to reach out to talk to about this
21 incident.

22 Q And did he have any luck as far as you knew?

23 A He did not. And we didn't have anything until
24 Friday.

25 Q So what was the next thing that happened on this

1 case?

2 A The next thing that happened on this case was when we
3 actually got notified from an agency in Mississippi that
4 they were out -- because we -- also in NCIC we can put
5 vehicles. So we put the Escalade and the tag inside NCIC
6 as well, and we were notified that, by Undersheriff
7 Patterson in Smith County, Mississippi, that they were out
8 with the vehicle and the Defendant.

9 Q And what was the date and time that the Sheriff's
10 Department received notification?

11 A It was that Friday which, I'm sorry, that Saturday at
12 9:00 p.m. So it would be September 6th at 9:00 p.m.

13 Q The address for Mr. Jones' house, I believe, is
14 [REDACTED] South Lake Drive. Is that correct?

15 A That is correct.

16 Q And that is in Lexington County?

17 A Yes.

18 MR. GRAHAM: Thank you, Lieutenant. Please answer
19 any questions for the Defense.

20 THE WITNESS: Yes, sir.

21 CROSS-EXAMINATION

22 By Mr. Madsen:

23 Q Lieutenant Laintz, you did, I guess, an incident
24 report in reference to this case, correct?

25 A I did a supplemental report in reference to this

1 case.

2 Q Same thing but different names?

3 A So an incident report is the very first person that
4 actually goes and takes the information. A supplemental
5 report is what you would do to add to that original
6 information report, supplemental. You're supplementing
7 the report.

8 Q A report basically, correct?

9 A A supplemental report, yes.

10 Q Okay. And I guess at the time Detective Creech would
11 have worked under you?

12 A Detective Creech was one of the detectives in the
13 major crime scene, yes.

14 Q And so, when he gets assigned a missing person's
15 case, you don't necessarily know what each of your people
16 are doing at that point in time, correct?

17 A I can't say I know what ever, all the detectives were
18 doing at one point in time, no. They have a lot of cases
19 that they're working and they could be working an array of
20 different things.

21 Q But if it gets to a point where something big comes
22 up or something that is going on, you are known as kind of
23 the on-duty sergeant, correct?

24 A That is correct.

25 Q And I think you all probably rotate that at the

1 Sheriff's Office where you might be the on-duty sheriff
2 for major crimes and then when you're off, someone else?
3 You all rotate like that?

4 A That is correct. Actually during this time we have
5 three sergeants. No, during this time we actually had
6 four sergeants. So once a month. Essentially once every
7 four weeks we were on night call.

8 Q And when did you actually become involved? Is it the
9 6th where you kind of became notified?

10 A So a little bit abreast of what was going on before,
11 but it was more in passing, hey, I got this case. This is
12 what's going on. And then Under Patterson -- Undersheriff
13 Patterson got involved. Then that's when I really started
14 getting more involved, yes.

15 Q So you didn't know anything about it until, I guess,
16 the 6th of September?

17 A I wouldn't say I didn't know anything about it.
18 There was nothing that was causing a lot of my attention.
19 Does that make sense? There was -- there was not a whole
20 lot that was making me drive to this case and start
21 working heavily on it.

22 Q And what caused or kind of caught your attention was,
23 I guess, an email that you received from Detective Creech
24 on the 6th kind of giving you an update on the case?

25 A That did help with the situation. That and

1 Undersheriff Patterson calling and saying that they're out
2 with the car and out with the Defendant, but with no kids.

3 Q And he gave you a run or -- and, I guess, Detective
4 Creech at the time kind of gave you a rundown of what he
5 had been doing?

6 A He did.

7 Q And so, you knew he had been interviewing witnesses,
8 Jim McConnell that we've seen, maybe Beth Houck?

9 A Yes.

10 Q I guess Ms. Ehlke that we had talked to, maybe
11 another babysitter?

12 A I think he talked to Ms. Ehlke, yes.

13 Q Once you got back, that looks like that was later in
14 the day, at some point in time you went out to Rawl Road
15 and tried to find the children's mother, correct?

16 A Yes. We went out there and did talk to Amber, yes.

17 Q You remember about what time that was, that would
18 have been after the email?

19 A So it was after I talked with Undersheriff Patterson.
20 That was the first place, essentially I called another
21 detective, called the other detective in. We worked in
22 twos, so me and another detective went out to the house.
23 So I'm guessing, and this is a complete guess. I would
24 say 10:30.

25 Q And she seemed unconcerned about not knowing where

1 the kids were at that point in time?

2 A It wasn't uncommon for him to leave the state or for
3 him to leave the kids with other women, according to her.

4 Q And based on your email from Detective Creech, were
5 you worried at all about an undiagnosed mental illness
6 with him?

7 A No.

8 Q That wasn't something that came up in the email?

9 A So there might have been talk about it, but was I
10 worried about it, no.

11 Q Well, that wasn't something you were looking at in
12 investigating?

13 A At that point in time at 10:30 at night on a Saturday
14 night, no sir.

15 Q Later were you?

16 A Likely, yes.

17 MR. GRAHAM: Your Honor, can I ask that he show
18 whatever email he's talking about?

19 THE COURT: Sure.

20 MR. MADSEN: You want to see it?

21 THE WITNESS: Yeah, that would be nice.

22 MR. MADSEN: You should have a copy of that.

23 THE WITNESS: Okay.

24 Q And that is the email that you received?

25 A That is.

1 Q And part of that was information about a diagnosed
2 mental illness, potentially?

3 A Of the page and half of the email there was three
4 lines about possible diagnosed mental illness, and that
5 his mother was in New York with mental illness. I would
6 have to read it verbatim though.

7 Q Okay. And part of -- you get assigned other aspects
8 of things that you have to follow through, I guess, based
9 on what's called lead sheets?

10 A Correct.

11 Q And I would assume as a supervisor you would give
12 people lead sheets saying, hey, Detective Creech, you need
13 to go do this?

14 A So how that would essentially play out, so right now
15 we're in the infancy of this. This is at 10:30 at night.
16 I'm waking up and having another detective come out with
17 me and we're going to talk to people. As this progresses
18 we have -- we called more and more people out. When more
19 and more people are working it, I take a more of a
20 overhead view of everything so I can see everything that's
21 going on. So when it comes to those lead sheets it's
22 essentially my way of being able to track what everybody's
23 doing. And then once it's done I get a lead sheet back
24 saying this is completed. So as this progressed and as we
25 moved forward, not the night of the 6th, more into the day

1 of the 7th and 8th and going forward, I was a much -- I
2 stood back further and kind of managed people instead of
3 being in-depth involved with the case.

4 Q And was one of the things that you were assigned to,
5 after talking with the Undersheriff and receiving
6 additional information, you were assigned basically to
7 document or somehow come up with a travel path based on
8 receipts?

9 A That is correct. Well, so my plan of that is a lot
10 different than someone who's -- has the ability to do
11 stuff with computers. Mine's the old way with a pen on a
12 map and I put it there. So that's what I was doing as we
13 advanced and we had people that were very good with
14 computers get involved. They did a better mapping of it.

15 Q And you said kind of old school. Did you use -- it's
16 not a chalkboard, it's a --

17 A It's a white board.

18 Q A white board.

19 A Uh-huh.

20 Q Did you actually do that and track that path?

21 A I was involved with that. My writing is like a
22 two-year-old, so I don't write a lot.

23 MR. MADSEN: That's marked for ID.

24 (Whereupon, Defendant's Exhibit number 7 marked for
25 identification.)

1 Q I'm going to show you what's been marked as -- I'm
2 going to show you State's Exhibit number 7.

3 THE COURT: It's the Defense or State?

4 MR. MADSEN: It's Defense, I'm sorry.

5 Q Are you familiar with that?

6 A Yes.

7 Q Is that the white board that you're talking about?

8 A It is.

9 Q Okay. You didn't write it, but that information, I
10 guess, came through you in coordination with someone else?

11 A So that information was done with a group of people
12 sitting there looking at emailed or text pictures that
13 we'd received of receipts.

14 Q Okay. And that's the information that you had at
15 that point in time, correct?

16 A Let me see it one more time. I'm trying to see what
17 this underline is here. The best I can tell, yes.

18 Q Okay.

19 MR. MADSEN: Your Honor, at this point in time we
20 would move State's Exhibit for ID 7 into evidence.

21 THE COURT: Any objection?

22 MR. GRAHAM: Not for ID, Your Honor.

23 THE COURT: No. I think we want to move it into
24 evidence.

25 MR. GRAHAM: You participated in it?

1 THE COURT: I did.

2 MR. GRAHAM: No objection.

3 THE COURT: Yeah. He was -- he testified that the
4 was involved in summarizing information, but denied that
5 he could write that well.

6 THE WITNESS: That's correct.

7 (Whereupon, Defendant's Exhibit number 7 was admitted
8 into evidence.)

9 Q And that was just based off information that you had
10 at that point in time. That wasn't necessarily based off
11 phone documents or anything else that could be
12 supplementing locations later, correct?

13 A So that was very early in our investigation when we
14 started doing that white board. I don't know if that was
15 from everything inside the car. I don't know if that's
16 something that we added onto as we went. But we did start
17 a timeline of events that we got from the receipts from
18 the vehicle that we got from Undersheriff Patterson. The
19 next day we started that.

20 Q And I believe at some point in time it was your job
21 to request or try to get Tim's military records. Is that
22 correct?

23 A Yes. We found out that Tim was involved with the
24 military, being former military. I called the NCIS. I
25 was able to talk to somebody and got a copy of his -- I

1 actually don't know what the whole thing was, but it was
2 his military records.

3 Q And that was done, I guess, later? Not necessarily
4 that night?

5 A No, that was definitely not done that night.

6 MR. MADSEN: That's all the questions I have.

7 REDIRECT EXAMINATION

8 By Mr. Graham:

9 Q Lieutenant, just a follow-up question or two about
10 the information you had. I guess this would have been the
11 night of Saturday, September 6th from the email that you
12 received from Detective Creech at the time?

13 A Yes, sir.

14 Q Mr. Madsen was questioning you about undiagnosed with
15 a potential, it says, "May suffer from undiagnosed mental
16 illness." Correct?

17 A Yes, that's what it says.

18 Q Where does it say that that information came from?

19 A Tim Jones, Sr., his father.

20 Q As far as what -- Detective Creech spoke with Amber.
21 What did Amber tell him?

22 MR. MADSEN: Judge, I'm going to object to hearsay.

23 THE COURT: Rephrase your question. It may be
24 hearsay. It sounds like it is.

25 MR. GRAHAM: Can we approach for a sidebar, Your

1 Honor?

2 (Whereupon, a bench conference was held in the
3 presence of the jury but out of the hearing of the
4 jury.)

5 Q Did Mr. Madsen, and I can't remember, Lieutenant, did
6 he ask you about any specific mental illness? Did he ask
7 you any questions about the Defendant's mother?

8 A He did not.

9 Q So all that you knew was from Tim's father, that he
10 had reported that Tim, Jr. may suffer from some
11 undiagnosed mental illness and that's all he knew at the
12 time?

13 A That is correct.

14 MR. GRAHAM: Thank you.

15 MR. MADSEN: One follow-up.

16 THE COURT: One follow-up, that's it.

17 RECROSS-EXAMINATION

18 By Mr. Madsen:

19 Q And at that point in time no one knew that the
20 children were dead?

21 A No.

22 MR. MADSEN: That's all the questions I have.

23 THE COURT: All right. You can step down. Yes, sir.

24 MR. HUBBARD: The State calls Linda Watkins.

25 LINDA WATKINS, being

1 first duly sworn, testified as follows:

2 MADAM CLERK: Have a seat, please, ma'am. Once
3 you're seated, state your full name spelling your last,
4 please.

5 THE WITNESS: Linda Watkins, W-a-t-k-i-n-s.

6 DIRECT EXAMINATION

7 By Mr. Hubbard:

8 Q Ms. Watkins, where do you live?

9 A I live in Fort Deposit, Alabama.

10 Q Alabama?

11 A Uh-huh.

12 Q Back in September of 2014 where were you working?

13 A I was working at the Bypass Liberty in Greenville,
14 Alabama.

15 Q Okay. You might want to pull that microphone to you
16 just a little bit.

17 A Okay.

18 Q That's fine. And you were working where?

19 A At the Bypass Liberty in Greenville, Alabama.

20 Q What was the Bypass Liberty, or what is it?

21 A It's a gas station.

22 Q Convenience store and gas station?

23 A Yes.

24 Q I'll show you a picture and see if you recognize
25 this. State's ID 52.

1 A Yes, sir. That's it.

2 Q All right.

3 MR. HUBBARD: Your Honor, if I could offer this into
4 evidence.

5 THE COURT: Any objection?

6 MR. MADSEN: I think that's the one you showed me,
7 right?

8 MR. HUBBARD: Huh?

9 MR. MADSEN: That's the one you showed me, right?

10 MR. HUBBARD: Yeah.

11 MR. MADSEN: Yeah, no objection.

12 (Whereupon, State's Exhibit number 52 was admitted
13 into evidence.)

14 Q What part of Alabama is Bypass Liberty Station
15 located in?

16 A It's Greenville.

17 Q Okay. Now, back in September, do you recall a time
18 when a Lieutenant from Alabama came by? An officer came
19 by to see you?

20 A Yes, sir. I do.

21 Q Do you remember about when that was? Was that -- let
22 me ask you this. Was it on Labor Day or after Labor Day,
23 or was it a week after Labor Day, or do you --

24 A Yeah. It was after Labor Day, I believe.

25 Q Do you remember what he was looking for?

1 A Yes. He asked, first he asked if, he needed to see
2 who was working on Saturday, the 6th of September. I told
3 him that would be me. And he proceeded to ask me that he
4 needed to -- to know about a customer that I would have
5 had that is being held in an investigation.

6 Q When he asked you that, Ms. Watkins, what did you
7 tell him?

8 A My mind went straight back to a gentleman that come
9 into the store that Saturday morning and I proceeded to
10 tell him the full interaction that I had with -- with the
11 gentleman.

12 Q Okay. And the gentleman that had come in the store,
13 what day was that?

14 A It was on Saturday.

15 Q Saturday. So September 6th?

16 A 6th, that's right.

17 Q It might help if I get the map that we've got here --
18 I mean, the calendar. So I'll step behind you. How about
19 that?

20 A Okay.

21 Q We have August and September.

22 A Uh-huh.

23 Q So Labor Day's the first, but you're looking at
24 Saturday the 6th?

25 A That's right. That's right.

1 Q About what time in the morning did he come by, this
2 gentleman?

3 A It was after my like, busy, busy morning rush. It
4 was a little after 8:00. I don't know the exact --

5 Q That's all right.

6 A -- down to the minute.

7 Q But sometime after 8:00 in the morning?

8 A Uh-huh.

9 THE COURT REPORTER: Is that a yes?

10 THE WITNESS: Yes.

11 Q Do you remember what this individual was driving?

12 A I do. He was driving a black Escalade with tinted
13 windows.

14 Q If you could, Ms. Watkins, can you just walk us
15 through what happened and why that just stuck in your
16 head.

17 A I seen him when he pulled into the driveway and
18 pulled up to pump three.

19 Q I am going to walk over here to this photo that I
20 still got up here.

21 A Okay.

22 Q Would pump three be one of these pumps over here?

23 A It's going to be on the inside. The one on the
24 outside is pump four. The one on the inside is pump
25 three.

1 Q So this pump went on the inside?

2 A Correct. He pulled in. He sat there for five or six
3 minutes without getting out. That initially drew my
4 attention. And when he walked -- when he finally got out
5 of the vehicle he walked inside. And when he walked
6 inside there was this smell that come in behind him, like
7 I got a whiff of, that was awful. It was awful. And he
8 proceeded to walk into the store. He walked from side to
9 side inside the store. He was steadily looking out the
10 windows to his vehicle. He proceeded to get his
11 purchases. He come up to the counter and began to
12 checkout and he asked me if I knew of a place that was out
13 of town that he could camp at. I proceeded to give him
14 really quick directions to our Sherling Lake Campgrounds,
15 the only campground that we have. It's about three or
16 four miles from where we was. It's outside of town just a
17 little bit. I proceeded to tell him that. And he had --
18 right before he asked me for those directions, when he
19 walked up to the counter, he asked me for three or four
20 cartons of Newport Red 100's. Then he asked me the
21 question about the campground. Once he -- I gave those
22 directions, I proceeded to tell him that I didn't have
23 that many, I didn't, cartons.

24 Q Okay.

25 A You know, that I may be able to piece together a

1 carton, and which I did. And I run up the purchase. He
2 paid with his credit card. I asked for his ID. He had
3 glasses on. I asked him, I said, I'm going to need you to
4 remove your glasses. He didn't, but they were down like
5 this (demonstrating), and he looked over --

6 Q Could you see his --

7 A -- the glasses. And I did. So I didn't push it. I
8 seen his eyes and I proceeded to check him out and he
9 exited the store.

10 Q Okay. Let me ask you this. Do you remember what he
11 bought that day?

12 A I do.

13 Q What did he buy?

14 A He bought the carton, Newport Red 100's. It was
15 actually six packs of the 100's and it was actually four
16 packs of the shorts to make the carton. It was one bottle
17 of water, one gallon of water, and one of these Starbucks
18 double shots energy drinks.

19 Q I'm going to show you a receipt and see if you
20 recognize this. State's 53.

21 A Yes. Yes, sir.

22 MR. HUBBARD: And I offer this into evidence.

23 MR. MADSEN: No objection.

24 THE COURT: And that's 53?

25 MR. HUBBARD: Yes, sir.

1 THE COURT: Entered without objection.

2 (Whereupon, State's Exhibit number 53 admitted into
3 evidence.)

4 Q Now, as far as a cashier named Donna, you're not
5 Donna?

6 A No, sir. That was -- it was never changed in the
7 system. At the time we were going to get new systems in
8 the store and they just didn't want to spend the money to
9 go taking that out to put the correct operator name in.

10 Q Right. As far as the purchaser what name do you see?

11 A Jones, Jr., Timothy R.

12 Q Okay.

13 MR. HUBBARD: Your Honor, I'm not too good with
14 technology, so I might need a little help.

15 Q Now, you mentioned one of the things that struck you
16 was he sat out in that Escalade for a while, and you
17 mentioned the smell. Was that the other thing that struck
18 you?

19 A Yes, sir.

20 Q Now, let me ask you about that. Was it a smell just
21 when he opened the door, or was the smell -- did it -- was
22 it him?

23 A It was him. Yes, sir.

24 Q Can you tell me what that smelled like?

25 A It was awful. It was -- it was like the worst case

1 of BO that I've ever smelled. And it had like a chemical
2 smell to it that kind of -- it would like burn your nose.
3 It was awful.

4 Q I want to show you something -- thank you. I want to
5 show you the DVD. See if you recognize this. State's 54.

6 A Yes, sir.

7 Q What is this a DVD of?

8 A From the time that Mr. Jones entered into the parking
9 lot until the time that he left.

10 Q Okay.

11 MR. HUBBARD: I offer this into evidence.

12 MR. MADSEN: No objection.

13 THE COURT: Admitted without objection.

14 MR. HUBBARD: State's 54, Your Honor.

15 THE COURT: Yes, sir.

16 (Whereupon, State's Exhibit number 54 was admitted
17 into evidence.)

18 MR. HUBBARD: Your Honor, this is a little slow.

19 (Whereupon, State's Exhibit 54 was published to the
20 jury starting at 2:50 p.m.)

21 Q Now, Linda, while that's being pulled up, do you see
22 the gas pumps looking out the glass windows?

23 A Yes, sir.

24 Q That's the gas pumps you were just talking about a
25 while ago?

1 A Yes, sir. It is.

2 Q You say at some point a black Escalade pulls up
3 there?

4 A Yes, sir, on pump three.

5 MR. HUBBARD: Again, Your Honor, the software on this
6 is kind of hard to--

7 Q Ms. Linda.

8 A Uh-huh.

9 Q Ms. Watkins.

10 A Yes.

11 Q I've been calling you Linda. Is that you out there?

12 A Yes, sir. It is.

13 Q What are you doing out there?

14 A I was smoking a cigarette and --

15 Q Is that the vehicle we're talking about?

16 A Yes, sir. It is.

17 Q And you were on a smoke break when he pulled up?

18 A Yes, sir.

19 Q At some point does he pump gas?

20 A Yes, sir. He does.

21 Q But does he stay in the car for quite a while before
22 he does it?

23 A Yes. It's a good five, six minutes, I would say.

24 MR. HUBBARD: Rhonda, If you could move it ahead
25 about a few minutes.

1 Q Linda, while we're waiting. Lieutenant Disney came
2 by to see you?

3 A Yes, sir.

4 Q The receipt that we put in evidence, did you give him
5 that receipt?

6 A I gave him --

7 Q Did you use that receipt to help find the video?

8 A Yes. I located the receipt first and then I
9 proceeded with the video.

10 Q And then he was able to watch this and then they
11 ended up getting a copy of this?

12 A Yes, sir.

13 Q Now we're back to the screen. This are all cameras
14 within that -- within that store?

15 A Yes, sir. It is.

16 Q Okay. And the bottom right one, that was the one
17 that we had enlarged looking outside?

18 A Yes, sir.

19 Q You still see the black Escalade?

20 A Yes, sir. I do.

21 Q I'll speed it ahead a little bit. Was there somebody
22 working outside?

23 A Yes, sir. The owner of the store. He was blowing
24 all the leaves and everything from the parking lot.

25 Q Is that him coming there?

1 A Yes, sir. It is.

2 Q You see him in the lower corner. And the upper right
3 -- upper left, is that him coming in right there?

4 A Yes, sir.

5 Q Okay. And you say the minute he walked in what did
6 you notice?

7 A The smell. It -- like when you walk behind somebody
8 and you get that whiff of them. That's what it come
9 across, and that was my first smell of it.

10 Q He's looking there. What do you keep there?

11 A That was all of our energy drinks.

12 Q What he's getting right there, is that --

13 A Yes. It's a Starbucks Doubleshot energy drink.

14 Q In the upper left-hand corner right there. What do
15 you keep over there?

16 A The gallons of water.

17 Q Is this where you're explaining where -- what was the
18 name of the campground?

19 A Sherling Lake Campground. And yes, sir. This is
20 where I'm telling him the directions.

21 Q How is he acting as far as how he spoke?

22 A He spoke really low. He was -- he was very nice and
23 polite. He said thank you. Yes, ma'am. No, ma'am. He
24 was acting like normal. I mean, I didn't -- there was
25 nothing that popped out at me about --

1 Q About that?

2 A Right.

3 Q Now, he used his credit card?

4 A Yes, sir.

5 Q Those are the cigarettes you were just talking about?

6 A Yes, sir. It is.

7 Q When he goes outside does he leave immediately?

8 A No, sir. He gets back in his vehicle and he
9 continues to sit there for a few minutes.

10 Q That's him walking past the pumps?

11 A Yes, sir.

12 Q And looking out that way, to the right of those pumps
13 as you look out the window --

14 A Uh-huh.

15 Q -- is that the driveway to get out?

16 A Yes, sir.

17 Q Which way would he turn to go to the campground you
18 were talking about?

19 A He would turn right.

20 Q That's him waving?

21 A Yes, sir. It is.

22 Q Again, which way to the campground?

23 A Right.

24 Q That's the way he's turning now?

25 A Yes, sir. It is.

1 Q Now, while he was talking to you --

2 A Uh-huh.

3 Q Was his speech slurred in any way?

4 A No, sir. It wasn't.

5 Q Let me ask you this, having worked there. How long
6 have you been working at this store?

7 A I've been in that store since September of 2013.

8 Q Had you worked in other stores like this before?

9 A Yes, sir. I've got over 20 years under my belt doing
10 this kind of work.

11 Q Have you ever had an opportunity to deal with people
12 who are under the influence when they came in?

13 A Yes, sir. I have.

14 Q How did he appear at the time?

15 A He was not acting in any shape, form, fashion like he
16 was drunk. He wasn't being jumpy, jittery. He wasn't --
17 he wasn't any of that. He was calm. Like I said, he had
18 mannerism. He was just -- he just appeared real dirty and
19 had that odor.

20 Q Was that anything about -- now, let me ask you this.
21 In all those years have you dealt with some people who
22 walked in who you thought might have something wrong with
23 them, other than drugs? Mental health?

24 A Yes, sir. If somebody come in like that I would call
25 the police. I have done that on more than one occasion.

1 If somebody come in drunk, agitated, high, I would
2 definitely call the police without a doubt. I've done it
3 several times.

4 Q In this case with this gentleman, you didn't see any
5 of that?

6 A No, I didn't.

7 Q The things that stood out where he took a long time
8 out in the vehicle?

9 A Uh-huh. That's right.

10 Q And that smell that you said--

11 A Yes, sir.

12 Q I want to show you a few snapshots from the video
13 since it's a little easier to look at it that way.
14 State's 55, 56, 57.

15 A Yes, sir.

16 Q Are all those taken and captured from the video we
17 just watched?

18 A Yes, sir, they are.

19 MR. HUBBARD: Your Honor, I offer these into
20 evidence.

21 MR. MADSEN: I have no objection.

22 THE COURT: No objection. So that was 55, 56, 57?

23 MR. HUBBARD: Yes, sir.

24 (Whereupon, State's Exhibit numbers 55, 56 and 57
25 were admitted into evidence.)

1 Q 55, is that the same gentleman up at the counter?

2 A Yes, sir. It is.

3 Q 56, does that show you giving directions?

4 A Yes, sir. It does.

5 Q He was able to ask you for directions, was able to
6 listen and carry on that conversation?

7 A Yes, sir. He was.

8 Q 57, that energy drink. What kind of drink was that?

9 A It was a Starbucks Doubleshot energy drink.

10 Q I'll show you an item, State's ID 58. Does that can
11 look familiar to you?

12 A Yes, sir. It's just identical.

13 Q Okay. Everything you've told us today you told that
14 to Lieutenant Disney?

15 A Yes sir, I did.

16 MR. HUBBARD: Ms. Watkins, I believe that's all I
17 have for you. I believe Mr. Madsen might have some
18 questions for you.

19 MR. MADSEN: No questions, Your Honor.

20 THE COURT: No questions. You may step down.

21 THE WITNESS: Thank you.

22 MR. HUBBARD: Your Honor, if she may, can she be
23 excused and go home to Alabama?

24 MR. MADSEN: Yes, sir.

25 THE COURT: You're free to go.

1 THE WITNESS: Thank you.

2 THE COURT: Thank you.

3 MS. MAYES: Your Honor, may we approach?

4 THE COURT: You may. We need a break, y'all take a
5 break, we will take fifteen minutes.

6 (Whereupon, the jury was excused from the courtroom
7 for a break.)

8 (Whereupon, a short break was taken.)

9 THE COURT: You all ready?

10 MS. MAYES: Yes, sir, Your Honor.

11 THE COURT: We're ready. All right. They're coming.
12 (Whereupon, the jury came into open court at
13 approximately 3:25 p.m.)

14 THE COURT: All right. Who's next?

15 MS. MAYES: Thank you, Your Honor. May it please the
16 Court.

17 THE COURT: Yes, ma'am.

18 MS. MAYES: The State calls Charles Johnson.

19 CHARLES JOHNSON, being
20 first duly sworn, testified as follows:

21 MADAM CLERK: Have a seat. Once you're seated, state
22 your full name spelling your last name.

23 THE WITNESS: Charles Johnson, J-o-h-n-s-o-n.

24 DIRECT EXAMINATION

25 By Ms. Mayes:

1 Q I'm going to start, Mr. Johnson, by asking you a few
2 questions. I'm going to get you to pull that microphone
3 just a little bit close to you. And then speak loud
4 enough so that even the last Juror can hear you. Tell us
5 where you currently reside. What state do you reside in?

6 A Mississippi.

7 Q And you came here for purposes of this trial?

8 A Yes.

9 Q Tell us back in 2014, Mr. Johnson, where were you
10 employed?

11 A I was working with Smith County Sheriff's Department.

12 Q And tell us what your job description was with the
13 Smith County Sheriff's Department?

14 A I was the investigator, slash, deputy.

15 Q And where is Smith County located?

16 A In Mississippi.

17 Q And what is the town seat there in Smith County?

18 A It's not that big.

19 Q Okay. What is the general population of Smith
20 County?

21 A I have no, I can't, I have no idea exactly how many
22 people.

23 Q Okay. And what's the closest big city that you all
24 would be near?

25 A Well, you got Taylorsville and Raleigh and all that

1 around the area.

2 Q And where is Smith County in relation to Jackson,
3 Mississippi?

4 A It's in between Jackson and Jasper County.

5 Q Let me ask you, were you working with the Smith
6 County Sheriff's Department back, September 6th of 2014?

7 A Yes, I was.

8 Q And you told us a little bit about your job
9 description there. Can you tell us whether or not in a
10 rural county like that like you were working, you
11 sometimes conduct what's known as traffic safety
12 checkpoints?

13 A Yes, we do. We do a safety checkpoint. We have to
14 notify the supervisor that's on duty and see can we do a
15 checkpoint.

16 Q All right. And I'm going to take you specifically to
17 Saturday, September 6th of 2014.

18 A Okay.

19 Q Were you working on that night?

20 A I was.

21 Q And can you tell us whether you and any other
22 officers with the Smith County Sheriff's Office were
23 involved in a traffic safety checkpoint?

24 A Me, myself, and Deputy Wayne Thompson was doing a
25 checkpoint. We had got permission from Undersheriff Marty

1 Patterson.

2 Q And whereabouts in the Smith County was this
3 checkpoint located?

4 A We conducted our checkpoint on Highway 18 East.

5 Q All right. What time of night are we talking about?

6 A Roughly around about 7:00 or 8:00. It was getting
7 dark.

8 Q All right. Now, you mentioned that you had to have
9 the permission of a supervisor?

10 A Yes, ma'am.

11 Q And in this particular case you mentioned
12 Undersheriff Marty Patterson?

13 A Yes, ma'am.

14 Q Who is your sheriff in Smith County?

15 A Sheriff Charley Crumpton.

16 Q All right. Where was Sheriff Crumpton on this
17 particular weekend?

18 A He wasn't around at the time. Sheriff, I mean
19 Undersheriff Marty Patterson was the supervisor that
20 Friday night.

21 Q Okay. So if Sheriff's Crumpton steps out or is away
22 from the office for business or other reasons on a weekend
23 Undersheriff Patterson would be your supervisor?

24 A Yes, ma'am.

25 Q And also take over that role of sheriff?

1 A Yes, ma'am.

2 Q Now, in conducting the traffic safety checkpoint what
3 are some other guidelines -- guidelines involved in that?

4 A In order to do the safety checkpoint you must have
5 two or more people present to do the safety checkpoint.

6 Q And you mentioned that Deputy Wayne Thompson was
7 there with you?

8 A Yes, ma'am.

9 Q And did you, were you in the same vehicle or you both
10 had separate patrol cars?

11 A We had separate patrol cars.

12 Q And then can you tell us in terms of cars coming
13 through, are there any guidelines about how many of those
14 cars you must stop as part of the traffic safety
15 checkpoint?

16 A Doing the safety checkpoint you must stop every
17 vehicle that comes through the safety checkpoint.

18 Q So that's part of the guidelines is to stop every
19 vehicle?

20 A Yes, ma'am.

21 Q And in general, what is it that you're looking for to
22 ensure the traffic safety of your citizens?

23 A We look for, check for driver's license, make sure
24 the child restraint and insurance.

25 Q All right. So those are the main things that you're

1 looking for?

2 A Yes, ma'am.

3 Q On the night of September 6th can you tell us whether
4 or not a Cadillac Escalade came through that safety
5 checkpoint in Smith County, Mississippi?

6 A It did.

7 Q What do you recall about that?

8 A At the time it was a black Cadillac Escalade
9 approached the checkpoint. At the time he got to the
10 checkpoint he let the window down, I shined the light up
11 in there. And as he's come up the checkpoint where we was
12 at, by me being narcotics, I would smell burnt smell of
13 marijuana coming from the vehicle. So basically, you
14 know, as I was getting his, asking for his driver's
15 license and I was getting his driver's license from him,
16 and the more I talked with him I got another smell and it
17 was an odd smell and I asked him what was that. And I
18 said it smelled like garbage, you know, and he said that's
19 what it was. It was trash that he had inside the vehicle.
20 And at that time I recall Deputy Thompson saying what kind
21 of person will have garbage all like this.

22 Q All right. So when the person comes through the
23 checkpoint, a normal procedure would be to roll down a
24 window?

25 A Yes, ma'am.

1 Q And in this particular case you were able to walk up
2 and the window was down?

3 A Yes, ma'am.

4 Q And you said the first smell you noticed smelled like
5 marijuana?

6 A Yes. Yes, ma'am.

7 Q You were a narcotics officer?

8 A Yes, ma'am.

9 Q You're referring to cannabis?

10 A Yes, ma'am.

11 Q And then in addition to that you said there was
12 another smell that you could detect?

13 A Right. It was, it was an odd smell. And I asked him
14 what it was and he said it was garbage.

15 Q Now, what do you recall next about this individual?
16 Let me ask you this. Did you observe anyone else in the
17 vehicle other than this subject?

18 A No, it was not.

19 Q And ultimately did you ask for a driver's license on
20 this subject?

21 A I did. Once I got the driver's license, by me
22 smelling the smell that was coming from the vehicle, I
23 asked him did he mind pulling up on the side of the
24 shoulder of the road and he said yes. He pulled up on the
25 shoulder of the road. And once he pulled up on the side

1 of the road I asked him did he mind stepping out. So he
2 stepped out and walked to the back of the vehicle.

3 Q And having made the observation of the smell of
4 marijuana what, if anything else, did you observe about
5 this person in terms of his behavior or demeanor?

6 A Well, actually, once I had my flashlight I was
7 constantly shining it on him and his eyes was red and
8 glassy. His speech was slurred. You know, normally with
9 a person like that, they're under the influence of some --
10 something. Some type of controlled substance or alcohol.

11 Q So having seen his eyes in that condition and having
12 observed what you termed to be slurred speech did you
13 consider it a situation where this subject was impaired?

14 A Yes, ma'am.

15 Q And when you have an impaired driver such as this,
16 what is the -- and you can smell marijuana that you
17 believe is fresh, what is the next step in pursuing this?

18 A The next step, when I got -- when he was in the back
19 of the vehicle, I asked him did he mind if I searched the
20 vehicle. He advised me yes, I could. Got ready to search
21 the vehicle. Walk up there. And as I got ready to walk
22 up to the vehicle he's still walking in behind me. I
23 turned around and asked him to stay to the back of the
24 vehicle. He went back again. I started to walk back off
25 again and he started coming up behind me again. And then

1 at that time Deputy Thompson had came over and advised him
2 to stay at the back of the vehicle like -- like Deputy
3 Johnson advised him. So I went on up to the vehicle,
4 started searching the vehicle, and as I looked in the
5 vehicle I looked down on the floor. It was a small bag
6 which it had Scooby Snax. It's a Scooby Snax with yellow,
7 which is spice that we call it. I go to the back of the
8 vehicle. I asked him, I said, "I thought you said you
9 hadn't been smoking anything tonight? It's spice right
10 here." He told -- he advised me that it wasn't spice. It
11 was potpourri? Then he started -- once he said that he
12 advised that it had different type of chemicals in it
13 which he started spitting off different, the different
14 numbers and letters of the chemicals that was in the
15 spice.

16 Q All right. So as you're searching the vehicle you
17 find the substance that as a narcotics officer you're
18 familiar with and you used the term spice?

19 A Yes, ma'am.

20 Q This is 2014. So was this a fairly new drug in terms
21 of being recognized by narcotics?

22 A Well, yes, ma'am. It was. It was.

23 Q And this particular drug, you said, was packaged how?
24 Under what type of name?

25 A Scooby Snax they call it.

1 Q Scooby Snax?

2 A Right.

3 Q And when you found that and you confronted Mr. Jones,
4 his statement was that it was potpourri?

5 A Yes, ma'am. He did.

6 Q And then he gave you all the components involved in
7 it?

8 A Yes, ma'am. He did.

9 Q Can you tell us whether or not he advised that it was
10 legal?

11 A He did. He said -- like I said, that's when he was
12 trying to convince me that it wasn't anything in there for
13 him to be under control of, under the influence of any
14 type of controlled substance by, I guess, by spitting off
15 them chemicals, different chemicals that was in there.

16 Q All right. You being a narcotics officer in the
17 State of Mississippi in that period of time in 2014 was a
18 synthetic form of cannabis, such as spice, considered an
19 illegal substance?

20 A Yes, it was.

21 Q And did you also have training and knowledge to know
22 that it could lead to impairment?

23 A Yes.

24 Q Based upon your observations and the signs of
25 impairment which you mentioned, did Mr. Jones appear to be

1 too impaired to be operating that vehicle?

2 A Yes, he was. He was too impaired.

3 Q What did you do next?

4 A At that time I placed him under arrest for DUI other,
5 which is under controlled substance, possession of
6 paraphernalia, which I had went back to the vehicle and
7 found -- the paraphernalia come from a can that I found
8 inside the vehicle with another bag of the Scooby Snax.
9 So he was charged with possession of paraphernalia, and
10 also the DUI other.

11 Q Driving under the influence other, meaning it's some
12 other substance other than alcohol?

13 A Correct.

14 Q And I want to take you back to the paraphernalia
15 charge that you mentioned. You told us about the first
16 package of Scooby Snax that you found during the
17 consensual search of the vehicle.

18 A Correct.

19 Q And then you said as you continued the search of the
20 vehicle what else did you discover?

21 A I found another bag of the spice laying next to the
22 can that, it was a Starbuck energy can. What they do is
23 they -- it was bent down in the middle with little holes
24 poked in it what most people use to inhale smoke off of
25 it. And when I reached down and got the can, the can was

1 kind of warm.

2 Q All right. So that indication that the can is still
3 warm, it's cut to be used as a smoking device, did you
4 consider that to have been a smoking device?

5 A Yes.

6 Q So that also contributed to the paraphernalia charge?

7 A Yes.

8 Q I'm going to show you what is State's Exhibit 58 and
9 ask you whether or not you recognize the items contained
10 in this bag? Take your time.

11 A Yes, that's it.

12 Q All right. And when you say yes, that is, Mr.
13 Johnson, what is it that you recognize specifically in
14 this bag as coming from that traffic safety checkpoint
15 that you conducted that night on September 6th, 2014 in
16 Mississippi?

17 A It was the two bags of spice, which is the Scooby
18 Snax with the emblem on it and the energy drink can.

19 Q All right. And the holes in the can, where do you
20 remember them being cut to be utilized as a smoking
21 device?

22 A It was in the middle of the can.

23 MS. MAYES: This would be State's 58, Your Honor, for
24 evidence.

25 MR. MADSEN: Subject to the previous objection.

1 THE COURT: Subject to the previous objection it's
2 admitted.

3 (Whereupon, State's Exhibit number 58 was admitted
4 into evidence.)

5 Q So the Scooby Snax are individually packaged and it
6 has that brand name on it?

7 A Yes, ma'am.

8 Q And that contained a substance that you're referring
9 to as the spice?

10 A Spice. Yes, ma'am.

11 Q The synthetic cannabis?

12 A Yes, ma'am.

13 Q And then the Starbucks espresso, Doubleshot espresso
14 energy can had been maneuvered to be a smoking device?

15 A Right, which is paraphernalia.

16 Q I'm going to show you some photographs and ask you
17 whether or not you recognize them. This will be State's
18 44, 45, 46, 47 and 48.

19 THE COURT: It's number 45 -- 44, 45, 46, 47, 48?

20 MS. MAYES: Yes, sir, Your Honor.

21 Q Can you take a moment to take a look at these and
22 tell us whether or not you recognize them.

23 A Yes, ma'am. I do recognize them.

24 Q Can you tell us whether or not these photographs are
25 a fair and accurate representation of the Cadillac

1 Escalade that you stopped in Smith County, Mississippi --

2 A Yes, ma'am.

3 Q -- on September 6th?

4 A Yes, ma'am. It is.

5 Q And you indicated that there was a male subject

6 driving, but I wanted to clarify. Did you have an

7 opportunity by the time you were writing that ticket to

8 confirm the identity of this individual?

9 A Well, at the time I ran the driving license it came
10 back as Timothy Jones, Jr. But once I ran the tag number,
11 the tag number came back as a hit, which is on NCIC. It
12 came back a hit that it's supposed to be Mr. Jones and
13 five kids inside the vehicle and there wasn't five kids
14 inside the vehicle. It was just him by himself.

15 THE COURT: What pictures?

16 MS. MAYES: 48, Your Honor.

17 THE COURT: Yes, ma'am. Any objection to the
18 photographs?

19 MR. MADSEN: Subject to the previous objection.

20 THE COURT: Subject to previous objection they're
21 admitted, 44, 45, 46, 47 and 48.

22 (Whereupon, State's Exhibit number 44 through 48 were
23 admitted into evidence.)

24 Q State's 47, same Escalade?

25 A Yes.

1 Q And you mentioned the tag on the Escalade. Looking
2 here on State's 44.

3 A Yes, that's it.

4 Q So you had placed him under arrest for being
5 impaired, having the drug paraphernalia and you confirmed
6 his identity?

7 A Right.

8 Q What identity did you confirm specifically?

9 A Confirmed -- like I said, I confirmed that the hit
10 came back that it was supposed to be Timothy Jones, Jr.
11 and five kids inside the vehicle.

12 Q And that's when you ran that tag right there?

13 A Yes, ma'am.

14 Q When you learned that there was supposed to be five
15 children in the vehicle what action did you take?

16 A Well, actually, as I was searching the vehicle I had
17 went to the back of the vehicle and opened the back and I
18 saw it was different types of chemicals inside the
19 vehicle. And at that time I thought it was going to be a
20 meth lab, because the majority of all the chemical stuff
21 that was in there, they use it for making a meth lab. At
22 that time I notified Undersheriff Marty Patterson to come
23 out to the location, which it only took him about five
24 minutes to get there because he was at the office. As I
25 -- when he arrived on the scene he was across the road

1 from the vehicle. And as I was continuing to search the
2 vehicle he asked what was the smell, and I advised him
3 that the smell was coming from inside the vehicle. He
4 advised me that -- advised us that it smelled like blood.
5 And at the time when he said that I had picked a bag up
6 and I told him it looked like blood up under the bag. And
7 when he was getting out of the vehicle, that's when the
8 dispatcher had gave back the NCIC hit, and I advised him
9 that there wasn't no kids in the car with the Jones
10 subject, and that's when Undersheriff Marty Patterson told
11 us to stop. And that's when he notified the dispatcher,
12 talked to the dispatcher, and he -- he told her that there
13 wasn't five kids, to notify South Carolina, and then it
14 went from there.

15 Q So as you indicated, you did the initial search
16 around the driver's area. And where specifically in the
17 vehicle was that Starbucks can that was then used as a
18 smoking device located?

19 A The can was on the driver's side. It's like this is
20 the driver's seat. It's like he had reached down and put
21 it right down once he seen us. When he approached us.

22 Q It was in the floorboard area on the driver's side?

23 A Yes, it was.

24 Q And then after that you indicated that you continued
25 to search the vehicle?

1 A Yes, I did.

2 Q And you became alerted to what, at least in your
3 observations, appeared to be some type of chemical?

4 A Yes, ma'am.

5 Q Specifically what type of chemical smell did you
6 detect or see in your search of that vehicle?

7 A Well, actually it was different types of chemicals
8 that was up in there, which I can't recall all the
9 chemicals that was in there. But I do know it was the
10 chemical smell that I was smelling was the bleach, which
11 was bleached poured over on the floor. Stain on the
12 floor. On the back middle seat, on the floor there.

13 Q So now we're talking this area here?

14 A Yes, ma'am.

15 Q All right. So now we're talking this area here?

16 A Yes, ma'am.

17 Q And when you looked at the floorboard you could
18 actually see bleach stains?

19 A Yes, ma'am.

20 Q Along the bottom of that floorboard?

21 A Yes, ma'am.

22 Q And you could smell the bleach?

23 A Yes.

24 Q And you indicated that the Undersheriff arrived at
25 the scene at your request?

1 A Yes.

2 Q Marty Patterson?

3 A Yes, ma'am.

4 Q And he also observed that odor?

5 A Yes, ma'am. When he was stepping out the vehicle
6 getting ready to walk over, he advised -- he immediately
7 asked what was that smell, and I advised him that it was
8 coming from the vehicle.

9 Q At that point when he became aware of what was going
10 on, and he observed that smell, he advised you to do what?

11 A He advised us to stop. And the stuff I had took out
12 of the vehicle I put it back in and we closed the doors.

13 Q Now, once he was placed under arrest, whose vehicle
14 did he go to, if you recall?

15 A Once I placed him under arrest I placed him in my
16 vehicle, right behind his, where he continue -- can
17 continue to watch us search the vehicle, what's going on.

18 Q You mentioned that when you ran that tag there was an
19 NCIC hit from South Carolina --

20 A Yes.

21 Q -- on the welfare of five children that were supposed
22 to be in that vehicle?

23 A Yes, ma'am.

24 Q You identified the vehicle?

25 A Yes, ma'am. I did.

1 Q You were able to identify the Defendant, Timothy Ray
2 Jones, Jr.?

3 A Yes, ma'am. I did.

4 Q But you could not locate the children?

5 A Correct.

6 Q And as a result of that what action did Smith County
7 Sheriff's Office take?

8 A Like I said, at the time Undersheriff Marty
9 Patterson, he advised us to stop and he pretty much took
10 over everything from there by contacting South Carolina.

11 Q So at that point contact was made with authorities
12 here in Lexington County to advise him that the children
13 were not located within the vehicle?

14 A Correct.

15 Q Now, State's 58 that I showed you that is currently
16 in evidence, once that was confiscated here from the
17 vehicle what is the process for securing that evidence
18 within the Smith County Sheriff's Office?

19 A The process is to put it into an evidence bag and
20 turn it over to the chain of command.

21 Q All right. And did you do that in this particular
22 case?

23 A I did.

24 Q And ultimately once it was placed into an evidence
25 bag was it sealed?

1 A It was.

2 Q And where was it logged or entered within the Smith
3 County Sheriff's Office?

4 A You log it on the bag. And plus, it's also logged in
5 a logbook.

6 Q Okay. And ultimately who received that from you?

7 A Jamie McClellan --

8 Q McClellan?

9 A Yes.

10 Q And he was also an employee of the Smith County
11 Sheriff's Office?

12 A Yes, ma'am.

13 Q And his contact with that evidence was for what
14 purpose? Was it submitted to the Mississippi Bureau of
15 Investigations?

16 A Yes, ma'am. It was.

17 Q For drug analysis?

18 A Yes, ma'am.

19 Q And the vehicle itself, Mr. Johnson, once he was
20 arrested there at the scene, we see here in these
21 photographs the vehicle is in an indoor area. Tell us
22 what happened to the vehicle and how it was secured as
23 evidence in this case?

24 A At that time when Undersheriff Marty Patterson told
25 us to stop we advised dispatch to give us a wrecker out.

1 The wrecker service took the wrecker -- I mean, took the
2 vehicle and another deputy followed the vehicle down to
3 the multipurpose building, which is in Smith County which
4 is a closed building, to secure the truck. And that
5 deputy stayed with the vehicle.

6 Q And that's the actual indoor facility that we're
7 looking at here, the Smith County multipurpose facility?

8 A Yes, ma'am.

9 Q And this item being the Cadillac Escalade seized from
10 Mr. Jones on the night of September 6th remained in the
11 custody of Smith County from that point on?

12 A Yes, ma'am.

13 Q And the Mississippi Bureau of Investigation?

14 A Yes, ma'am.

15 MS. MAYES: Nothing further.

16 THE COURT: Mr. Madsen.

17 CROSS-EXAMINATION

18 By Mr. Madsen:

19 Q Mr. Johnson, is it fair to say that when you searched
20 the car the interior of it seemed to be extremely
21 disorganized?

22 A It was.

23 Q And then you had mentioned something about the
24 chemicals for a meth lab.

25 A Right. When I looked in the back of the vehicle

1 there was a bucket with different types of chemicals in
2 it. Like I said, normally when it has different types of
3 chemicals like that they use it to make meth, and I --

4 Q You were a narcotics officer and know the chemicals
5 to make meth?

6 A Right.

7 Q Pseudoephedrine?

8 A All different types of chemicals.

9 Q Ether?

10 A Yes.

11 Q Lithium?

12 A Yes.

13 Q Did you see those in the car?

14 A Can't recall. Like I said, it was a lot of chemicals
15 and stuff. And I just stopped and called Undersheriff
16 Marty Patterson.

17 Q Coleman fuel?

18 A I can't recall.

19 MR. MADSEN: That's all the questions I have.

20 MS. MAYES: Briefly, Your Honor.

21 MR. MADSEN: One second. I have just one more.

22 THE COURT: Okay.

23 Q You've testified at a previous hearing, correct?

24 A Say it again?

25 Q You've testified at a previous hearing?

1 A Yes.

2 Q And wrote a report?

3 A Right.

4 Q And today is the first day that you've ever testified
5 the can was warm. Isn't that correct?

6 A No. I said it the last time, I think. If I'm not
7 mistaken.

8 Q You said that the last time?

9 A Whenever, I can't, I can't recall. I'm not going to
10 say. I can't recall if I did or not.

11 Q It's not in your statement that you wrote.

12 A Okay. All I know, I found a can, Starbucks can, with
13 holes punched in it used to smoke off of.

14 REDIRECT EXAMINATION

15 By Ms. Mayes:

16 Q Officer Johnson, to your memory was that can warm
17 when you retrieved it from that vehicle?

18 A It was.

19 Q And then I want to follow-up on a question that -- or
20 response you gave to Mr. Madsen just a few moments ago.
21 You said that inside that vehicle you saw a bucket.

22 A Yes, ma'am.

23 Q And there was something in the bucket.

24 A Yes, ma'am.

25 Q What was in that bucket?

1 A It was all different type of chemicals inside the
2 bucket. I think, if I recall, it was some tape -- some
3 type of tape. It was different type of stuff in there,
4 you know.

5 MS. MAYES: Nothing further.

6 THE COURT: Okay. You may step down.

7 MR. GRAHAM: The State calls Jamie McClellan.

8 JAMIE MCCLELLAN, being
9 first duly sworn, testified as follows:

10 MADAM CLERK: Once you're seated, state your full
11 name spelling your last.

12 THE WITNESS: Jamie McClellan, M-C-C-L-E-L-L-A-N.

13 DIRECT EXAMINATION

14 By Mr. Graham:

15 Q Mr. McClellan, where are you employed, sir?

16 A Smith County Sheriff's Department.

17 Q What is your rank there?

18 A A Deputy Sheriff Investigator.

19 Q And how long have you worked for the Smith County
20 Sheriff's Department?

21 A Since 2010.

22 Q 2010?

23 A Yes, sir.

24 Q Back on September 6th of 2014 what were your job
25 responsibilities then?

1 A Deputy Sheriff Investigator.

2 Q That night at approximately 9:00 p.m. were you on
3 duty or off duty?

4 A On duty.

5 Q Do you remember what you were doing?

6 A I was actually at the Sheriff's Office on dispatch.

7 Q At some point did you hear about any traffic stop of
8 an Escalade that was identified by the officers running a
9 traffic safety checkpoint?

10 A Yes, sir.

11 Q What, if anything, did you do?

12 A Undersheriff Patterson received the phone call from
13 Deputy Johnson, so he went out to the scene. The
14 dispatcher advised that she had got a hit from NCIC and I
15 was actually there. She wanted me to look over the
16 paperwork to help her to see what the hit was for.

17 Q So you helped -- when the hit came in you actually
18 looked at it and helped her read it?

19 A Yes, sir. Yes, sir.

20 Q Okay. Once you have that information what did you
21 and the dispatcher do?

22 A I believe they notified the officers on the scene and
23 I left the office and went out to the scene.

24 Q When you arrived on scene what was going on?

25 A When I arrived on the scene the vehicle had already

1 been closed up. Timothy Jones was in the back of a patrol
2 car, and I believe at that time Undersheriff Patterson may
3 have even been on the phone with Lexington County
4 officials.

5 Q Was Mr. Jones under arrest at the time?

6 A Yes, sir. Yes, sir.

7 Q And did you confer with Undersheriff Patterson and
8 the other officers on the scene?

9 A I did, about the welfare check of the five kids.

10 Q All right. After you talked with Undersheriff
11 Patterson about the welfare check, the NCIC hit that you'd
12 gotten and you saw what, if anything, did Undersheriff
13 Patterson tell you to do?

14 A He told us to speak with Mr. Jones and ask where his
15 children were.

16 Q After Undersheriff Patterson told you to go do that,
17 what did you go do?

18 A I went and asked him where his children were.

19 Q So you went over to the back of the patrol car where
20 Mr. Jones was?

21 A Yes, sir.

22 Q Was the door open or closed?

23 A I believe at that time the door was closed.

24 Q Did you open the door or did somebody else do it?

25 A I opened the door.

1 Q And when you opened the door tell the jury what
2 happened next?

3 A I asked Mr. Jones where his children were and at that
4 time he advised that he did not have any children.

5 Q So you asked him where his children were and his
6 answer was, "I don't have any children."?

7 A Yes, sir.

8 Q Is that correct?

9 A I believe so.

10 Q Based on that, what did you do?

11 A Spoke again with Undersheriff Patterson. Advised him
12 what Mr. Jones said. Undersheriff Patterson advised to
13 ask him again. At that time returned to the car and asked
14 him again, and I believe at that time he said he had three
15 kids.

16 Q So Undersheriff Patterson said go back and ask him
17 again?

18 A Yes, sir.

19 Q How much time is there between the first time you
20 asked Mr. Jones and the second time?

21 A Probably a matter of seconds.

22 Q The second time you asked him how many children you
23 have and he said?

24 A Three.

25 Q Three. Did you ask him anything else about the

1 children?

2 A I don't recall if we asked him where they were or if
3 he volunteered the information, but the comment was made
4 that they were in South Carolina.

5 Q So was that on the first --

6 A The second time.

7 Q -- or the second when he said --

8 A Yes, sir. Yes, sir.

9 Q He said the children were in South Carolina. Did he
10 say where the children were?

11 A I don't recall if he said where they were or if he
12 just said that they were in South Carolina.

13 Q Your conversations with him, were they --

14 A Very brief. Very brief.

15 Q Very brief. Did you threaten him in any way to get
16 him to answer those questions?

17 A No, sir.

18 Q Did you make any promises to him?

19 A No, sir.

20 Q Did you notice whether he appeared to be under the
21 influence or did you have enough time to tell?

22 A I did not. I didn't have enough time. My whole
23 interaction there with him was asking those questions.

24 Q In addition to those, was that the only contact that
25 you had with Mr. Jones that day --

1 A Yes, sir. I believe so.

2 Q -- on the scene?

3 A Yes, sir.

4 Q Deputy Johnson testified about securing the Scooby
5 Snax and the energy drink can from the car?

6 A Yes, sir.

7 Q My understanding is that bag came to you. Is that
8 correct?

9 A Yes, sir.

10 Q Okay. The bag inside the bag is --

11 A Oh, yes. Yes, sir.

12 Q Okay. When you got the bag from Deputy Johnson it
13 had the Scooby Snax and the can that was in there,
14 correct?

15 A Yes, sir. That's correct.

16 Q And the bag was sealed so it would have been tamper
17 proof. Is that correct?

18 A Yes, sir. The bag would have been sealed and
19 initialed.

20 Q What, if anything, did you with that bag?

21 A Once I took possession of it, it would have been
22 placed in an evidence locker and then taken to the crime
23 lab.

24 Q And did you personally take it to the crime lab?

25 A I did.

1 Q In the time that you had it did you go inside the bag
2 or manipulate the contents of the bag any?

3 A No, sir.

4 Q Did you break the seal?

5 A No, sir.

6 Q When you go to the crime lab, the crime lab is not in
7 Smith County, it's somewhere else, right?

8 A Yes, sir. It's in Meridian.

9 Q Where?

10 A Meridian.

11 Q Meridian. How far away is that?

12 A Probably an hour.

13 Q And at some point did you take the sealed bag with
14 the drugs and the can to Meridian?

15 A I did.

16 Q And explain to the jury how that process goes with
17 you dropping that sealed bag off.

18 A We would have taken the sealed bag, drove it to the
19 crime lab in Meridian. Once we turned it over to them
20 they will sign and we will sign a form showing that we
21 turned that evidence over to them, and then they start
22 process. They may even put it in another bag, which
23 they'll then again seal. Everything will be initialed.

24 Q Let me show you Court's Exhibit 81 for ID and ask if
25 you recognize that document?

1 (Whereupon, Court's Exhibit 81 was marked for
2 identification only.)

3 A Yes, sir. I do.

4 Q And is that the form that you're talking about?

5 A Yes, sir. That's actually our chain of custody on
6 the -- on that evidence.

7 Q So talking about State's number 58, it's the chain of
8 custody letter --

9 A Yes, sir. Yes, sir. The Scooby Snax and the can.

10 Q And you recognize your own hand signature on there?

11 A Yes, sir.

12 Q And that says that you've got the item from who?

13 A Charles Johnson.

14 Q And that you -- what date was that?

15 A 9/17 -- 9/7 of '14.

16 Q And then it says that you turned that over to who?

17 A The Mississippi Crime Lab.

18 Q On what date?

19 A 9/11 of '14.

20 Q And it gives a time, doesn't it?

21 A Yes, sir. 1:47 p.m.

22 Q Okay. In addition, Deputy McClellan, to handling
23 item 58, the drugs and the can and taking those to the
24 lab, did you also have -- did you also hold, the blood
25 draw, taking blood from Mr. Jones?

1 A Yes, sir.

2 Q And what was the name of the hospital?

3 A Yes, sir.

4 Q And what was the name of the Hospital?

5 A Magee General Hospital. Magee General Hospital.

6 Q Magee. And were you present when the blood was
7 actually drawn from Mr. Jones' arm?

8 A Yes, sir.

9 Q And did you -- so you saw the blood come out into the
10 tubes?

11 A Yes, sir.

12 Q And you took possession of the tubes?

13 A Yes, sir.

14 Q And then did you take -- how do you package those up?

15 A When we do a blood draw there's a specimen kit. It's
16 sealed up. That seal is not broken until the nurse or
17 doctor, whoever draws the blood -- there's some paperwork
18 inside of it that you fill out. And once the blood has
19 been drawn and the specimen is back in the box there's a
20 seal that you seal the box up with and it's not opened
21 again until it gets to the crime lab.

22 Q So in your presence you yourself sealed that or
23 somebody else did?

24 A I can't recall if I sealed it or if the medical staff
25 that drew the blood actually sealed it. But it would have

1 been myself or the medical staff.

2 Q And once you have the sealed bag or box --

3 A It's a box.

4 Q Once you have the sealed box with the blood samples
5 inside where it's seal taped up, can't be tampered without
6 somebody handling it, correct?

7 A Yes, sir. That's correct.

8 Q And then you took that item at some point to the lab
9 as well?

10 A Yes, sir. I did.

11 MR. GRAHAM: Your Honor, my understanding is that at
12 this point that the Defense stipulates on the chain of
13 custody from that blood draw from Deputy McClellan until
14 it gets to the MSI Lab who actually does the analysis.

15 MR. BOYD: That's correct.

16 THE COURT: The chain is stipulated to?

17 MR. BOYD: Yes, sir.

18 THE COURT: Okay. Fair enough.

19 MR. BOYD: Without waiving any of the other --

20 THE COURT: Without waiving any of the other
21 objections previously made.

22 MR. BOYD: Yes, sir.

23 THE COURT: What that means is normally when
24 something is taken into custody and it's handed off to
25 someone, to someone, to someone, there's a chain of hand

1 to hand, to hand. The parties can agree to it, when the
2 medical staff people analyzing, the chain is agreed to in
3 times like this, and that's what -- that's what the
4 attorneys have done. They've agreed, connection of the
5 dots who had possession of it until it was tested.

6 MR. GRAHAM: No other questions, Your Honor. Please
7 answer any questions Defense has.

8 THE WITNESS: Yes, sir.

9 CROSS-EXAMINATION

10 By Mr. Young:

11 Q Good afternoon, Deputy McClellan. You doing all
12 right?

13 A Yes, sir. Yes, sir.

14 Q If I could just ask you a couple of questions. When
15 you went to the patrol car to talk to Tim did you have a
16 body camera on?

17 A No, sir. I did not.

18 Q Was that interview recorded in any way?

19 A No, sir. It was not.

20 Q Was there any dashcam in that car?

21 A No, sir. There's not.

22 Q Did you write a report about your conversation with
23 him?

24 A I did not.

25 Q So it was just your memory that you're relying on as

1 far as your questions and what his answers were?

2 A Yes, sir.

3 Q After Mr. Jones was booked into the Detention Center
4 or the Smith County Jail on the 6th he was placed into a
5 suicide cell? Suicide watch cell?

6 A He was placed in a cell and put on suicide watch.

7 Q And, I'm sorry. And I -- it's been some time since I
8 went to the Smith County Detention Center. We met there a
9 couple of years ago?

10 A Yes, sir. Yes, sir.

11 Q And we met there a couple of years ago.

12 A Yes, sir. Yes, sir.

13 Q And this was the old jail, right?

14 A Yes, sir. It was the old jail.

15 Q And so, you had your cells upstairs with the bars on
16 them like we see in the old movies. That's where the
17 cells were?

18 A Yes, sir.

19 Q And there was a person who sat outside the cells and
20 watched him constantly?

21 A He wouldn't have been watched constantly on a suicide
22 watch. Sometimes you'll put a person on suicide watch not
23 necessarily because they're thinking of committing
24 suicide. Just to be able to keep a check on that person
25 to make sure that they're all right. And the way we do

1 that is we have a log and every 15 minutes someone checks
2 on that subject, that way you got a timeline of somebody
3 actually putting eyes on them and making sure that they're
4 fine.

5 Q Okay. So you all had information that led you to
6 believe that he might be suicidal?

7 A I personally did not.

8 Q Okay.

9 A Or I did not have any direct conversation with Mr.
10 Jones as to the effect.

11 Q Undersheriff Patterson had talked to Mr. Jones'
12 father?

13 A Yes, sir. I believe, yeah.

14 Q Okay. He was placed in a cell, checks were made on
15 him every 15 minutes?

16 A Yes, sir. I believe that's correct.

17 Q He spent the night there?

18 A Yes, sir.

19 Q Around 11:00 a.m. the next day you made contact with
20 Mr. Jones again?

21 A I did.

22 Q And that was for the purpose of asking him for
23 consent to give blood, hair and DNA?

24 A Yes, sir. That's correct.

25 Q And he said no, he wasn't giving consent?

1 A He didn't -- his words were not no, he refused, but
2 his words were, "I'm just worried about my --" something
3 to the effect that, "I'm just worried about my spice
4 charge. I just want to get that taken care of and get out
5 of here." But he did, in effect, did -- did refuse.

6 Q He in effect?

7 A Sir?

8 Q He in effect?

9 A Yes, sir. Yes, sir. He did. He did.

10 Q And you went to a Judge and asked for a warrant to
11 forcibly collect those things?

12 A Yes, sir.

13 Q And the Judge signed the warrant?

14 A He did.

15 Q And then you went back to the jail and you took Mr.
16 Jones out of the cell where he was on suicide watch?

17 A Yes, sir.

18 Q And you put him in your car?

19 A Yes, sir.

20 Q And you drove him about 25 miles to the hospital?

21 A About that. Yes, sir.

22 Q And you all didn't have any conversation?

23 A No, sir. To the best of my knowledge, he didn't say
24 anything on the way over there.

25 Q And you went into the hospital where you met with a

1 nurse?

2 A Yes, sir.

3 Q Or a doctor. Do you remember which?

4 A I believe it was a nurse.

5 Q And you and the nurse went through the warrant with
6 Mr. Jones?

7 A Yes, sir.

8 Q And explained the procedure that you all were getting
9 ready to do? That you were going to pull out some hair --

10 A Yes, sir.

11 Q -- draw some blood? He didn't appear intoxicated in
12 any way?

13 A At that point he didn't to me, but we didn't have any
14 conversation either. We loaded up and went to the
15 hospital and came back.

16 Q And he told you he was scared of needles?

17 A Oh, yes, sir. Yes, sir.

18 Q So you all -- and there was some dialogue there.

19 A That was once we got to the hospital he said he was
20 scared of needles.

21 Q When he was talking to the nurse about the blood
22 draw?

23 A Yes, sir. Yes, sir. Yes, sir.

24 Q So, I mean, he was talking to people?

25 A Yes, sir. He was talking to them.

1 Q Okay. And he didn't appear intoxicated?

2 A I don't recall him appearing that way at that time.

3 Q Okay. The nurse or the doctor didn't say this guy
4 can't give consent. I can't --

5 A No, sir. They did not.

6 Q They didn't have any concerns about collecting his
7 blood or his hair or his DNA?

8 A Not that I recall.

9 Q You loaded Mr. Jones up and took him back to the
10 Smith County Detention Center?

11 A Yes, sir.

12 Q Where he was placed back in that same cell?

13 A Yes, sir.

14 Q And he was again put under watch for suicide
15 conditions or put under a 15 minute watch?

16 A I believe so.

17 MR. BOYD: One second.

18 THE WITNESS: Sir?

19 MR. BOYD: Hang on one second. I think that's all
20 the questions I have.

21 THE COURT: Do you got any questions?

22 MR. GRAHAM: No, Your Honor.

23 THE COURT: No questions. You can step down. And
24 we'll take another short break. We've got to get another
25 witness done, and then we'll be done for the day, I

1 believe. So step in the jury room, don't talk about the
2 case.

3 (Whereupon, the jury was excused from the courtroom
4 for a break.)

5 (Whereupon, a short break was taken.)

6 THE COURT: Bring the jury in.

7 (Whereupon, the jury came into open court at
8 approximately 4:30 p.m.)

9 THE COURT: All right. Thank you for that. We had
10 to get some things organized. Just by way of explanation,
11 so the lawyers don't have to explain it. I had several
12 pretrial hearings to make some legal rulings to make
13 things run smoother now. In those hearings we started
14 numbering exhibits, for my benefit, 1 through -- I don't
15 know how -- what the number is now, 100 maybe. As they
16 work with those same exhibits they're going to renumber
17 them depending on who uses it, State or Defense. They'll
18 have two numbers. The Court's exhibit for the hearing
19 I've already had. State's Exhibit. State picks the same
20 exhibit up to be renumbered, so there'll be two numbers.
21 My number, their number. My number, their number.
22 Whatever is admitted into evidence you all get to review.
23 All right? Call your witness.

24 MR. HUBBARD: Thank you, Your Honor. The State calls
25 Marty Patterson.

1 MARTY PATTERSON, being
2 first duly sworn, testified as follows:

3 MADAM CLERK: Once you're seated, state your full
4 name spelling your last.

5 THE WITNESS: Marty Patterson, P-a-t-t-e-r-s-o-n.

6 THE COURT REPORTER: And you spell your first name
7 with a Y?

8 THE WITNESS: M-a-r-t-y.

9 DIRECT EXAMINATION

10 By Mr. Hubbard:

11 Q Officer Patterson, where are you currently working?

12 A I'm currently retired.

13 Q Where did you retire from?

14 A I retired as Undersheriff from Smith County Sheriff's
15 Department in Raleigh, Mississippi.

16 Q After how many years of law enforcement?

17 A Thirty-eight years.

18 Q How much of that time was with Smith County?

19 A Twenty-three years.

20 Q Let me ask you this. We keep hearing the term
21 Undersheriff. We don't have that in South Carolina. Is
22 that kind of like a chief deputy?

23 A Yes.

24 Q The number two guy in the Sheriff's Department?

25 A That's correct.

1 Q Now, are you currently running for office?

2 A I am. I'm running for sheriff.

3 Q Now, the current sheriff, what's his name?

4 A Charlie Crumpton. He's retiring.

5 Q He's retiring. You're not running against him?

6 A No, most definitely not.

7 Q You all worked together for many, many years?

8 A Yes, sir.

9 Q I just want to clarify this. Now, I want to ask you
10 to go on back to November -- I mean, September 6th -- I
11 don't even know my dates now. September 6th, 2014. Do
12 you remember that day?

13 A I do.

14 Q Was the Sheriff in town that day?

15 A He was not.

16 Q What was the policy when the Sheriff was out of town,
17 who would run the department?

18 A When the Sheriff was out of town I would step up into
19 the Sheriff's shoes and be in charge of the department.

20 Q We heard earlier today about the roadblock that was
21 set up, or a road stop checkpoint?

22 A That's correct.

23 Q What was the process of Smith County for setting up
24 checkpoints?

25 A Our policy for setting up safety checkpoints is that,

1 first of all, you have to have a safe place in order to
2 stop the vehicles. You have to have your blue lights on.
3 You have to have two or more officers at that checkpoint.
4 You must check every vehicle that comes through that
5 checkpoint. You must have your safety clothing on, and
6 what we used was reflective vests. And you must first
7 have -- get permission before any of that takes place.

8 Q Who do they -- who do the officers typically get
9 permission from?

10 A Particularly the Sheriff or myself.

11 Q On this particular day, since the Sheriff was out,
12 did you give approval for that safety checkpoint?

13 A Yes, I did.

14 Q And do you remember what road that was on?

15 A That was Highway 18, just east of Raleigh, about the
16 Raleigh City limits in Raleigh, Mississippi.

17 Q How would you describe that particular Highway 18.
18 That stretch of road?

19 A It's more or less a straight stretch of road, even.
20 At the particular checkpoint there was a place that you
21 could pull the vehicles off to the side and be safe, and
22 it was -- it was a good place to set up a checkpoint --

23 Q I'm going to show you --

24 A -- as far as safety.

25 Q -- State's 59 and 60. Does that look like where --

1 where about that checkpoint was?

2 A It does.

3 MR. HUBBARD: Your Honor, I offer these into
4 evidence.

5 THE COURT: That's 59 and 60?

6 MR. HUBBARD: Yes, sir.

7 THE COURT: Any objection to 59 and 60?

8 MR. SECOR: I'm sorry?

9 THE COURT: 59 and 60. The two photographs of kind
10 of the area where the checkpoint was done?

11 MR. SECOR: Yeah, no objection except from the
12 previous objection from previous hearings.

13 THE COURT: Very well, except the previous hearing
14 objection made.

15 (Whereupon, State's Exhibit numbers 59 and 60 were
16 admitted into evidence.)

17 MR. HUBBARD: I'm slowly learning how to use this
18 thing.

19 Q This sign, welcome sign, what, is Raleigh the main
20 town in Smith County?

21 A Raleigh is the County Seat of Smith County, yes.

22 Q Is that where the Sheriff's Office is?

23 A That's correct.

24 Q I'll show you State's 60. Is that the paved portion
25 where you pull cars off of the side of the road?

1 A That's correct.

2 Q That evening who asked permission to set up the
3 checkpoint, the safety checkpoint?

4 A Officer Charles Johnson contacted me on my cell phone
5 and asked permission to set up, he and Officer Wayne
6 Thompson, and they were granted permission to do that.

7 Q Do you know about what time that was?

8 A It was about 10 or 15 minutes prior to 8:00 o'clock
9 in the afternoon.

10 Q And at some point you get a second phone call?

11 A I did.

12 Q And who was that through?

13 A It came through dispatch from Charles Johnson.

14 Q What was the request?

15 A They requested that can I come to the area where they
16 had the safety checkpoint set up, that they believe they
17 may have a meth lab.

18 Q When you got there, about what time are we talking
19 now?

20 A It was probably -- probably around a little after
21 8:00. It took me approximately two to three minutes to
22 get there.

23 Q And was it light or dark outside?

24 A It was dark.

25 Q When you got there how many vehicles did you see?

1 A It was three. Two patrol cars, a black Escalade.

2 Q When you got out of your vehicle -- did you park on
3 the same side of the road as those vehicles?

4 A No. I parked on the opposite side of the road. I
5 would have been heading West. Correction. I would have
6 been headed East.

7 Q When you got out of your vehicle at some point, your
8 patrol car at some point what, if anything, did you
9 notice?

10 A As I was walking up to the black Escalade I noticed a
11 foul odor coming from somewhere and I asked -- or made the
12 statement, probably to one of the deputies, what is that
13 smell. And they said it was coming out of the vehicle, in
14 reference to the Escalade. As I approached the Escalade I
15 could smell it more strongly. The driver's window was
16 down, and immediately I knew it wasn't a chemical smell
17 from what they thought it was. The chemicals to make
18 crystal methamphetamines. It was the smell of
19 decompensation (sic).

20 Q Decomposition?

21 A Yes.

22 Q Decay?

23 A Yes.

24 Q Being in law enforcement 38 years you've smelled that
25 smell before?

1 A I have. It's a smell that you don't forget.

2 Q That's the smell you smelled that night?

3 A That's correct. And I call it the smell of death.

4 Q The smell of death?

5 A Correct.

6 Q So that short walk across the street you determined
7 it wasn't meth, it was death?

8 A That's correct. Immediately.

9 Q Did you take a look inside that Escalade?

10 A I did. I didn't open any doors or anything. I said
11 it was already dark. I had a flashlight and I walked
12 around the Escalade. I saw what looked like some trash
13 bag, maybe some clothing. I saw some chemicals. There
14 was some bleach. Maybe a little can of muriatic acid.
15 There was several cans of bleach. Some charcoal lighter
16 fluid. I saw a five gallon -- looked like a five gallon
17 bucket in there that looked like it had a roll of tape and
18 a saw and maybe a mask or something. And then as I
19 proceeded around the vehicle looking in I saw spots, a
20 pretty big area behind the driver and passenger seat on
21 the carpet that appeared to be where they'd poured bleach
22 onto that carpet. So, you know, that ran a flag up for
23 me. You know, why would anybody pour bleach in a Cadillac
24 Escalade ruining the carpet. And while I was looking
25 through there I saw a spot behind the driver's seat of

1 what appeared to be blood and was later determined to be
2 blood.

3 Q While you were out on the side of the road looking in
4 that vehicle where was the driver?

5 A The driver was in the backseat of one of the patrol
6 vehicles.

7 Q The driver, Mr. Timothy Jones, who's sitting in this
8 courtroom?

9 A Yes.

10 Q So he was still on scene but he was in a patrol car?

11 A Yes.

12 Q While you were on the side of the road did you have
13 an opportunity to have a conversation with law enforcement
14 back in South Carolina?

15 A I did. Deputy Johnson advised me that they had had a
16 hit on the vehicle through NCIC, which is the National
17 Crime Information Center, and I believe he explained that
18 earlier. Deputy Laintz. Well, when we first got the hit
19 the first thing that happened was our office contacted
20 Lexington, and they were conversing and I told them to ask
21 the Deputy to call me on my cell phone because I was on
22 the scene. Deputy Laintz called me and we talked a few
23 minutes and he asked about some -- the children and --

24 Q I'm going to ask you right there. So you're on the
25 side of the road on your cell phone?

1 A Correct.

2 Q Talking to Deputy Jesse Laintz and you heard earlier?

3 A That's correct.

4 Q This officer right here?

5 A That's correct.

6 Q At that point you'd never met him before?

7 A No.

8 Q That's who you were talking to that night --

9 A Correct.

10 Q -- on the side of the road?

11 A Correct.

12 Q What information was South Carolina, Lexington,
13 looking for from you?

14 A They were worried about the safety of the children
15 and the well-being of the children, if the children were
16 with him, and I told him I didn't see any children. I
17 told him to hang on.

18 Q How many children were they looking for?

19 A Five. So I sent Officer McClellan back to the
20 vehicle to ask him about his children and --

21 Q Asked who?

22 A Asked Mr. Jones about the whereabouts of his
23 children.

24 Q What was the response from Mr. Jones?

25 A The response was that he didn't have any children.

1 So immediately I told Officer Laintz that he advised he
2 didn't have any children. And I told my officer to go
3 back and ask him again.

4 Q What was Mr. Jones' response the second time?

5 A The second time he responded that he only had three
6 children and they were in South Carolina with their
7 mother. So I relayed that to Lieutenant Laintz and he
8 advised me that they weren't with their mother because
9 they had already been looking for them.

10 Q So let's stop right there for a minute. You're on
11 the side of the road. Lexington County is looking for
12 five kids and you don't see them?

13 A That's correct.

14 Q You put that question to Mr. Jones twice that night?

15 A That's correct.

16 Q The first response zero, no kids?

17 A No children.

18 Q Second response three kids, they're with the mother?

19 A That's correct.

20 Q And now you know they're not with the mother?

21 A That's correct.

22 Q Red flags for you, Officer Patterson?

23 A Yes. I have the smell of death. I've got five
24 children that are unaccounted for. I've got bleach poured
25 into the back of a Cadillac Escalade. I've got this --

1 you know, the odor. So yes, it run up a flag pretty,
2 pretty quick.

3 Q Now, when you got out was he already under arrest?

4 A Yes. I assume that he was.

5 Q But you know that night he was placed under arrest?

6 A Yes.

7 Q Is that the DUI and the spice?

8 A That's correct.

9 Q Was he transported back to headquarters?

10 A He was.

11 Q And did you have an opportunity to walk him through
12 booking?

13 A I did.

14 Q That's the process you go through to go to the jail?

15 A Yes, with everyone.

16 Q Let me ask you this --

17 A Prior --

18 Q Well, go ahead. Go ahead.

19 A Prior to that I had stopped our deputies from doing
20 any search of the vehicle. And I wanted to take this off
21 of the side of the road where it was safer for everyone
22 and take it back to our Sheriff's Department where we
23 could sit down and talk and have a conversation to see if
24 we couldn't figure all this out.

25 Q All right. Let me ask you this. The vehicle, what

1 did you direct for the vehicle?

2 A I called our dispatch and got them to send a local
3 wrecker and the wrecker came. We were still on the scene
4 waiting on the wrecker. We loaded the Escalade onto the
5 wrecker, and I sent another deputy to the location that we
6 sent it, which was the Smith County multipurpose building,
7 to stay with it and to not let any -- anybody touch it or
8 get around it or anything else to it.

9 Q So you directed somebody to sit on that vehicle 24/7?

10 A That's correct.

11 Q Now, let me ask you. When you walked him through
12 booking what, if anything, did Mr. Jones say to you?

13 A Okay. We went through the booking process and got
14 through and I told him that I wanted to talk to him about
15 the children and he said, "All you need to know is in the
16 SUV."

17 Q Everything -- any question you had you'd get your
18 answer in that car?

19 A That's correct.

20 Q Who actually did the search on that Cadillac
21 Escalade?

22 A It was the Mississippi Bureau of Investigation.
23 Their crime lab team.

24 Q Is that kind of like South Carolina SLED?

25 A Correct.

1 Q And were you there when they were going through that
2 vehicle?

3 A I was. That was the next morning.

4 Q So this would be on the 7th?

5 A That's correct, when they arrived.

6 Q Do you recall taking photos of receipts pulled out of
7 the vehicle?

8 A I did, and I sent them to Lieutenant Laintz.

9 Q Can I ask you what was the purpose of doing that?

10 A The purpose of that was to get him locations, stops
11 that Mr. Jones had made to where he could put together
12 some type of map or try to follow so, you know, maybe we
13 could locate the children. We were still concerned about
14 the children. They hadn't turned up and, you know, we
15 didn't know if some of them were hurt, if they needed
16 medical attention. We didn't know.

17 Q I'm going to show you photographs, State's 61 through
18 69. Do these look like the receipts that you took photos
19 of that morning?

20 A Yes.

21 MR. HUBBARD: Your Honor, I offer these into
22 evidence.

23 THE COURT: Subject to your objection.

24 MR. SECOR: Yes, sir.

25 (Whereupon, State's Exhibit numbers 61 through 69

1 were admitted into evidence.)

2 Q Just going through these -- are those two receipts
3 from Dunkin Donuts?

4 A That's correct.

5 Q The date on these is September 1st?

6 A That's correct.

7 Q And I want to show you the receipt from RaceTrac,
8 which is State's 62, which is September 2nd in Athens,
9 Georgia?

10 A That's correct.

11 Q State's 63, a receipt from Walmart on Augusta Road
12 here in Lexington County, September 3rd. Do you see that?

13 A That's correct.

14 Q I'm using my pointer. I can't use that other thing.
15 Now, this other receipt, Community Neighbor Bank, that's
16 in Camden, Alabama. That's --

17 A That's correct.

18 Q -- on the 6th? That's the day of the stop, right?

19 A That's correct.

20 Q The time is 13:06.

21 A That would be 1:06 in the afternoon.

22 Q Okay, 1:06. So that's sometime before you guys got a
23 hold of him?

24 A That's correct.

25 Q You got Advanced Auto Parts from September 3rd, and

1 then an Exxon Station in Camden, South Carolina September
2 4th, State's 64. You pulled those as well and took those
3 photos?

4 A That's correct.

5 Q State's 65, a receipt from the Dollar General Store.
6 It looks like it's on the 4th of September. And that's in
7 Orangeburg which is in South Carolina. You found that in
8 the vehicle as well?

9 A That's correct.

10 Q September 4th, two receipts from Federal Credit
11 Union?

12 A That's correct.

13 Q There's two more from 67?

14 A Correct.

15 Q State's 68, a Taco Bell from the day of this incident
16 --

17 A Correct.

18 Q -- September 6th at 6:09. State's 68, you found that
19 one and took that one?

20 A Correct.

21 Q State's 69, a receipt from Greenville, Alabama from
22 Bypass Food Mart. You took that one as well?

23 A That's correct.

24 Q And then the one next to it again is that Camden,
25 that bank?

1 A Bank, correct.

2 Q From, 1:06?

3 A It was about seven hours prior to the stop.

4 Q All those were found in his vehicle?

5 A They were.

6 Q And what did you do with these receipts?

7 A I took photographs of them and I sent them to -- text
8 them to Lieutenant Laintz in South Carolina, Lexington.

9 Q Now, later that day on the 7th, September 7th, did
10 the Sheriff come back in town on the 7th?

11 A He did.

12 Q Did you all have an opportunity to conduct an
13 interview with Mr. Jones?

14 A We did.

15 Q Do you remember someone from MBI coming to help
16 conduct that interview?

17 A Yes. It was Lieutenant Eric Johnson.

18 Q Who else showed up for that interview?

19 A It was Tim Jones, Sr.

20 Q Now, do you know -- if you don't, that's fine. But
21 do you know how he got involved in this process?

22 A I believe Lieutenant Johnson had contacted him by
23 phone.

24 Q And did he live in Mississippi?

25 A He did.

1 Q So he was present for this interview on the 7th?

2 A He was.

3 Q Do you all typically take in an interview a parent of
4 a suspect before you question them?

5 A Correct.

6 Q Have you all -- do you all generally do that, or was
7 this unusual for him, having a father of someone --

8 A It was unusual.

9 Q What was your main concern, you had a spice charge, a
10 DUI charge. Officer Patterson, did you really care about
11 those charges?

12 A Never asked him about those charges. My concern was
13 five children that were unaccounted for.

14 Q Well, let me ask you. You smelled what you called
15 death out on that scene?

16 A That's correct.

17 Q Why didn't you just stop and say these kids are dead,
18 we've just got to find bodies?

19 A Well, very simple. I didn't know if maybe one child
20 was dead, four of them were still alive. If he had put
21 them out beside the road. If the wild dogs, the coyotes
22 had got them. If one of them was injured, needed medical
23 attention. We didn't know.

24 Q So you had to look?

25 A I had to look. That's my job. That's my job. I had

1 to look, and I'm a father and a grandfather.

2 Q Is that part of wearing that badge?

3 A That's part of wearing that badge, sir.

4 Q Mr. Jones, the father, Mr. Jones, Sr.

5 A Yes.

6 Q Did you all have to twist his arm to get him to come
7 down and assist?

8 A No, sir. He was very cooperative. Very cooperative.

9 Q Did he want to know where those children were as
10 well?

11 A He did. He was a caring grandfather, and father.

12 Q Where did you all conduct this interview?

13 A We conducted the interview in the Circuit Court Court
14 House.

15 Q Is that just right near in the Sheriff's Office?

16 A Yes. It's adjacent to the Sheriff's Department, yes.
17 We had more room over there.

18 Q Where did you all go in the Court House?

19 A It was upstairs into one of the break rooms that we
20 have there.

21 Q A place where you would kind of have some privacy to
22 have a talk like this?

23 A That's correct.

24 Q Before any questions were asked what, if anything,
25 did Lieutenant Johnson do and go over with Mr. Jones?

1 A Lieutenant Johnson began to go over reading him his
2 Miranda rights, what his rights were, and Tim, Jr. took
3 the Miranda form and began to read it aloud, and he read
4 the whole thing.

5 Q When he read it out loud did he read it -- just read
6 it to himself?

7 A He read it aloud to us.

8 Q Had you ever seen that before?

9 A Never have.

10 Q How was he acting?

11 A He was acting -- I don't know really how to say it.
12 He was bouncing off the wall just everywhere.

13 Q Emotionally?

14 A Emotionally. And from him talking, I was under the
15 impression that he thought that he was, his intelligence
16 was superior to ours.

17 Q Was that part of that reading the Miranda form to
18 you?

19 A It was.

20 Q Let you know he knew how to read?

21 A It was.

22 Q When he, you said bouncing off the walls. But is he
23 moving around or is he just -- are you all siting down
24 talking?

25 A Well, it was just, you know, his head motions and

1 talking, and every now and then he'd blurt out and go up
2 here and then he'd come back down to here.

3 Q How did he appear, appearance-wise?

4 A He was sweating. And I didn't --

5 Q When you say sweating --

6 A Sir?

7 Q When you say sweating, was it just like he's kind of
8 hot?

9 A No. He was more or less profusely sweating. It was
10 kind of odd because it was cool. I mean, we had the air
11 conditioner on. It was cool in there and he was just --
12 just pouring sweat. And, you know, I really haven't, I
13 have since, but spice was something that was relatively
14 new to us. He wasn't acting like someone that was on
15 marijuana, and he wasn't acting like someone that was on
16 crystal methamphetamine.

17 Q Since this case did you have an opportunity to deal
18 with other folks on spice?

19 A Yes, I have.

20 Q Would you say his behavior was consistent with
21 theirs?

22 A Yes, very much so.

23 Q Including the sweating?

24 A Yes, very much so.

25 Q Now, let me ask you. When the Miranda form was read

1 did he seem to understand his rights? He read it back to
2 you.

3 A Oh, he very well understood his rights.

4 Q And when a question would be asked, you say he's
5 bouncing off the walls emotionally, but is he able to
6 answer questions?

7 A He was answering directly, yes.

8 Q So there is a conversation?

9 A Yes.

10 Q You're not just talking to somebody who's so out of
11 it they don't understand you?

12 A Oh, no. No. He was very well aware of what he was
13 doing.

14 MR. HUBBARD: Beg the Court's indulgence.

15 THE COURT: Yes, sir.

16 Q Officer Patterson, I just want to ask you. Who was
17 the primary interviewer, as far as law enforcement is
18 concerned, in this interview?

19 A Lieutenant Johnson.

20 Q He's here?

21 A He is.

22 Q Did Tim Jones, Sr., the father of Mr. Jones, did he
23 participate in it?

24 A He did.

25 Q He actively asked questions?

1 A He did. He was very concerned. He was trying to
2 help us to locate the children, the whereabouts of them.
3 If they were safe. He was very, very helpful to us.

4 Q At the end of this interview had Mr. Jones given any
5 information about where these kids were?

6 A No.

7 Q What, if anything, does Tim Jones, Sr. ask his son in
8 your presence when this interview has ended?

9 A He asked his son, I can't tell you verbatim what he
10 said, but he asked him, "Son, what -- where are the
11 children. What has happened to the children. Are the
12 children okay. Have you done something to the children,"
13 and Tim, Jr. reached over to his father and put his hand
14 on his throat, and then he took it down. Not choking his
15 father, but he --

16 Q The following day did an officer from Lexington
17 County and another officer from South Carolina come down?

18 A They did.

19 Q Along with an FBI agent?

20 A They did.

21 Q Did they interview him on that day?

22 A That's correct.

23 Q So this would be -- you talked to him on the 7th.
24 But on the 8th, that's when they conducted an interview?

25 A I believe that's correct, yes. The next day, yeah.

1 Q The next day when you saw Mr. Jones did he look
2 anything like he did on the 7th?

3 A Oh, no. No.

4 Q What was the change?

5 A His demeanor. He wasn't sweating. Like he -- he'd
6 come down off the spice is what I'm saying, or whatever he
7 was on.

8 Q On the 7th when you were talking to him and he was
9 sweating, did you see anything like foaming at the mouth,
10 or frothing?

11 A Yes, frothing, and his hair was soaking wet. And
12 like I said, it was cool in there. And again, we had
13 never seen a lot of spice and --

14 Q But you have since?

15 A But we have since, yes. It was fairly new at that
16 time.

17 Q The next day though he looked fine?

18 A He looked fine, yes.

19 Q September 9th, do you remember taking a trip to
20 Alabama?

21 A I do.

22 Q What was the purpose of that trip?

23 A He had told us that he would take us to the bodies of
24 the children, and that's what we done.

25 Q How far was that trip?

1 A About 200 miles from where we were, from Raleigh.

2 Q When you left did you have any idea it was that far
3 away?

4 A No, absolutely not. It was in a rural area where we
5 found the bodies.

6 Q Let me ask you this about that rural area. When you
7 were traveling all that distance did you all at any time
8 make -- take any wrong turns?

9 A Yes, we take, took one wrong turn. Timothy, Jr. was
10 with us, and he indicated that a road that we needed to go
11 up and we went up that road. And just about the time we
12 got on the road he said no, this is not it. This is not
13 it. So we came back to the main highway and continued on,
14 and probably the next road, or not very far down the road,
15 he said this road right here, and we went up that road and
16 he said there. The bodies are right there, and they were.

17 Q About how far from that wrong turn to the -- to the
18 right, proper turn? Was it a mile or less?

19 A It was a little over a mile, but it wasn't that far,
20 I don't think, because I was lost to begin with.

21 Q When you say a road that you turned off on, was it
22 really a road?

23 A It was a log road.

24 Q When he took you all that long distance he only took
25 one wrong turn?

1 A That's correct, and he immediately --

2 Q And he corrected himself?

3 A -- and he immediately knew that that wasn't the road.

4 Q When you found those children what, if anything, were
5 they in?

6 A They were in black plastic garbage bags.

7 Q Were they right on the side of the road?

8 A No. They were laying in a -- apparently they had
9 been doing some logging there and it looked like a brush
10 top, and the bags were thrown over in the brush top.

11 Q By that point was SLED from South Carolina on the
12 scene?

13 A They were.

14 Q What did you all do with Mr. Jones at that time once
15 you all located the bodies?

16 A Once we located the bodies we carried Mr. Jones back
17 to Smith County.

18 Q You all didn't keep him on scene for any time?

19 A No. No. And we done that for his safety, too,
20 because we didn't know. So we carried him on back.

21 Q Let me ask you this. Were there a lot of officers
22 showing up from all over the place at that point?

23 A There was a lot of officers showing up --

24 Q Was it part of your job --

25 A -- from everywhere.

1 Q -- part of your job was to actually protect Mr.
2 Jones?

3 A Yes, that's part of our job is to protect Mr. Jones.

4 Q You took him back to his cell?

5 A That's correct.

6 MR. HUBBARD: Officer Patterson, I think that's all
7 that I've got at this point. Your Honor, at this time I
8 think I'm just going to stop there.

9 THE COURT: Okay. Mr. Secor?

10 CROSS-EXAMINATION

11 By Mr. Secor:

12 Q Good afternoon, Undersheriff.

13 A Good afternoon, Mr. Secor.

14 Q Is it all right if I still call you Undersheriff?

15 A Yes, sir.

16 Q Thank you. Undersheriff, I'm just going to first ask
17 you to identify a couple of documents for me, if you
18 would, that you've identified before at the previous
19 hearing. I'm just going to show you what's been marked
20 for -- just for identification purposes as Court's Exhibit
21 19 and 20 and just ask you if you'd just look at them and
22 ask you if you recognize them?

23 A I do. This is a booking sheet for the Smith County
24 jail and our inmates. It's number 19.

25 Q Okay. And just tell the jury, this is a, it's from

1 Smith County jail, your facility?

2 A That's correct. It's a booking sheet.

3 Q Okay. And for what inmate?

4 A It's for Timothy Jones, Jr.

5 Q And which dates?

6 A Where are the dates at on here? 9/6 of '14.

7 Q Okay. That was the day he was arrested.

8 A The light's a little dim in here.

9 Q Yes, sir. And then this is the same booking sheet
10 for what date?

11 A 9/9.

12 Q Okay. And it's for, also for Tim?

13 A Timothy Jones, Jr. Yes, sir.

14 Q Okay. And that one's 9/10?

15 A 9/10. That's correct.

16 Q And that's also for Tim?

17 A Correct.

18 Q All right. And these are the actual booking forms
19 used by your department for when an inmate comes into the
20 jail. Is that right?

21 A That's correct.

22 MR. HUBBARD: Can I see those?

23 MR. SECOR: Oh, I'm sorry. Yeah.

24 MR. HUBBARD: Thank you.

25 Q Undersheriff, I'm just going to ask you to hold this

1 for a second. Those are the booking sheets for Tim. And
2 the purpose of those booking sheets is that anytime
3 somebody comes in and out of the facility somebody does
4 one of those sheets. Is that correct?

5 A That's correct.

6 Q It's filled out by law enforcement who is a member of
7 the Smith County Sheriff's Department, right?

8 A That's correct.

9 Q Okay. Thank you. And then I just ask you if you
10 recognize, that's Court's Exhibit 20.

11 A I do recognize this.

12 Q Okay. And those -- those are logs for the suicide
13 watch cell at your jail?

14 A This is a log, let me try to clarify something, Mr.
15 --

16 Q Yes, sir.

17 A -- Mr. Secor. When we have someone in, that we put
18 in our jail that's on some type of narcotics or whatever,
19 we put them on a watch.

20 Q Yes, sir.

21 A Not necessarily a suicide watch. Suicide watch, yes,
22 we do that, but it's only if somebody -- we think they're
23 a threat to their self.

24 Q I understand.

25 A So we only have one form.

1 Q I understand.

2 A So, but to answer your question, that's what this is.

3 Q Okay. Thank you. And it would be for Timothy Jones,
4 right?

5 A That's correct.

6 Q And it would be for the entire date of the 6th of
7 September, 2014, the 7th of 2014 -- I mean, September 7th
8 of 2014, and September 8th, 2014?

9 A Correct.

10 MR. SECOR: And, Your Honor, might I get these marked
11 as Defendant's Exhibits?

12 THE COURT: You may.

13 THE COURT REPORTER: They will be 8 and 9. 8 will be
14 the booking sheet and 9 will be the logs.

15 THE COURT: And those will be admitted?

16 MR. SECOR: Yes, sir.

17 THE COURT: Any objection?

18 MR. HUBBARD: No, sir.

19 THE COURT: They're admitted without objection.

20 MR. SECOR: 8 and 9?

21 THE COURT: Yes, sir.

22 MR. SECOR: Thank you, sir.

23 (Whereupon, Defendant's Exhibit numbers 8 and 9 were
24 admitted into evidence.)

25 Q Undersheriff, I'm just going to ask you to review a

1 few things that are on this form. This is the form we
2 were talking about, right?

3 A That's correct.

4 Q And this is a form that's filled out by an officer
5 from the Smith County Sheriff's Department when somebody's
6 brought into the jail, right?

7 A Correct.

8 Q And I just wanted to point out a couple of things.
9 Obviously this is for Tim Jones on the 6th of September,
10 2014, right?

11 A Correct.

12 Q And if you go to question two there --

13 THE COURT: Mr. Secor, is that in focus anymore? I'm
14 -- maybe I'm blind.

15 MR. SECOR: Let me zoom in.

16 THE COURT: I don't know if you've got to zoom in,
17 but it's got an auto focus that I've seen work from time
18 to time. Can you see it?

19 THE WITNESS: I can now.

20 Q And I just want, I just want the jury to see,
21 Undersheriff, it says that, the question there that's
22 being asked of the officer filling out the form, "Does
23 this inmate appear to be under the influence of drugs or
24 alcohol," and that appears to be checked yes, correct?

25 A Appears to be, yes.

1 Q And that's the night that he was -- that he was
2 arrested at the -- at the checkpoint and brought to Smith
3 County for the first time?

4 A Correct.

5 Q Now, also if you go down to question number seven,
6 "Does the inmate appear to have any psychiatric problems,"
7 that appears to be checked no, right?

8 A That's correct.

9 Q And that's by the officer who's bringing him into the
10 facility that night?

11 A I don't know if it was the officer that brought him
12 in or if it may have been one of our ladies there that
13 dispatches.

14 Q Yes, sir.

15 A We're a real small department and we were in our old
16 jail, and when they come in, you know, our dispatcher is
17 sitting right there --

18 Q Yes, sir.

19 A -- and sometimes they help fill out the paperwork.

20 Q I understand.

21 A But it was filled out by someone in our department,
22 yes.

23 Q And these, this form that we have that's for the 6th,
24 and we also have a form for the 9th and for the 10th,
25 obviously Tim was with you all on the 7th and 8th?

1 A Correct.

2 Q Is that correct?

3 A Yes.

4 Q And you don't have any idea where the intake forms
5 might have been for the 7th or the 8th?

6 A No.

7 Q And I just bring that up to say that you don't know
8 what happened to the forms on the 7th and the 8th. I'm
9 not -- I'm not saying there's anything wrong with that.
10 We just never got them and you don't know where they are,
11 right?

12 A No, I don't.

13 Q I just want to point out, this is the form for the
14 9th, right, and he was still with you, right?

15 A That's correct.

16 Q And if we can just go to the same questions that we
17 went to before. Does he, "Does the inmate appear to be
18 under the influence of drugs or alcohol," and it would be
19 checked no there, right? Just the opposite of what it was
20 on the 6th --

21 A Correct.

22 Q -- correct? And on the 7th the question is, "Does
23 the inmate appear to have psychiatric problems," and it's
24 checked yes. And before on the 6th it had checked no. Is
25 that right?

1 A That's correct.

2 Q This is the form for the 10th, and he's still with
3 the Sheriff's Department there. And if we go to those two
4 same questions again, "Does the inmate appear to be under
5 the influence of drugs or alcohol," no. That would be
6 consistent with the day before, correct?

7 A Correct.

8 Q But inconsistent with his first day there?

9 A Correct.

10 Q And then question number seven, "Does the inmate
11 appear to have psychiatric problems and it's checked yes
12 again, correct?

13 A That's correct.

14 Q So based on these forms that are filled out by law
15 enforcement, it seems like the person who's taking this
16 information in feels like he's getting less high over
17 time, which would make sense.

18 A Correct.

19 Q But more mentally ill, potentially?

20 A Yes. But it could have been one or more persons
21 filling those out.

22 Q I understand that. But that's what the forms
23 indicate, right? Undersheriff, when Solicitor Hubbard was
24 talking to you he said that Tim Jones, Jr. -- you know Tim
25 Jones, Sr.? You've known him for a while, haven't you,

1 correct?

2 A Yes.

3 Q You see him here today, right, with his wife, Julie?

4 A He is.

5 Q The Solicitor said that he showed up in Smith County.

6 A Uh-huh.

7 Q He was asked to come to Smith County, correct?

8 A Yes, he was.

9 Q By Eric Johnson?

10 A That's correct.

11 Q An officer with the Mississippi Bureau of
12 Investigations?

13 A I believe that's correct. They talked. I don't -- I
14 don't know what the conversation was. But I seen that,
15 yes.

16 Q But Agent Johnson called him -- called Big Tim, Tim,
17 Sr., because he wanted Big Tim's help?

18 A Correct.

19 Q You all wanted Big Tim's help, right?

20 A Correct, we did.

21 Q And on the 6th when you had Tim at the jail, Big Tim
22 was ready and willing to come from Amory? Amory was about
23 three hours from you. Isn't that about right? Amory is
24 about --

25 A That's correct.

1 Q -- a three hour drive? And he was willing to come
2 that night, even though it was late that night?

3 A He was.

4 Q And as a matter of fact, he even started on his way
5 to Raleigh that night?

6 A That's what I understand.

7 Q But somebody told him at some point don't bother
8 coming tonight, come tomorrow?

9 A That's correct.

10 Q And the next day Tim, Sr., Big Tim, came to Raleigh
11 with his wife Julie, right?

12 A That's correct.

13 Q And these are the father and stepmother of Tim, the
14 person you have in custody, right?

15 A Correct.

16 Q And they are also the grandparents on their father's
17 side of the five little kids, little children, you
18 eventually find out had been killed, right?

19 A Correct.

20 Q And they're there because they want to help?

21 A Correct.

22 Q And you told them when they arrived that Tim had not
23 been cooperative with you in terms of talking to you at
24 that point, telling you, wanted to know, right?

25 A I can't remember if I said that or not. I'm not

1 saying I didn't.

2 Q I understand.

3 A But I don't remember.

4 Q But you tried to talk to Tim on the night of the 6th
5 when he was arrested?

6 A Correct.

7 Q And that didn't get -- it didn't get anywhere?

8 A That's correct.

9 Q And you didn't try to talk to him again until after
10 Tim and Julie arrived --

11 A Yes, sir. Correct.

12 Q And they were actively trying to help you?

13 A They were.

14 Q And they wanted to know what had happened to their
15 grandbabies?

16 A Yes.

17 Q And they wanted to know what was going on with Tim?

18 A Yes.

19 Q And in helping you, and in their willingness to work
20 with you and other officers, they never asked for anything
21 in return for that assistance, did they?

22 A No.

23 Q They just did it because they wanted to?

24 A That's what I feel like.

25 Q At least that's your impression, right?

1 A That's what I feel like.

2 Q That night on the 7th, this is the second night that
3 Tim -- I'm trying to distinguish between Big Tim and
4 Little Tim.

5 A Tim, Sr.

6 Q Tim, Sr. Thank you. The 7th is the second night
7 that Tim, Jr. was with you as an -- as an inmate, right?

8 A Correct.

9 Q And Tim, Sr. and Julie are there, and you go, or you
10 bring Tim, Jr. to the Court House to interview him,
11 correct?

12 A Correct.

13 Q And present for that interview was you, Sheriff
14 Crumpton, Special Agent Johnson, and Tim, Sr., and Tim,
15 right?

16 A That's correct.

17 Q And during the course of that interview Tim was, as
18 you said, bouncing off the walls?

19 A Yes.

20 Q And he was foaming at the mouth?

21 A Somewhat, yes.

22 Q I'm sorry?

23 A Somewhat, yes.

24 Q And sometimes screaming and crying?

25 A He was.

1 Q And sometimes not making any sense at all?

2 A Sometimes he probably wasn't making any sense, to me.

3 Q And you made notes about the interview. You were
4 there taking part in it, but you made notes, right?

5 A Yes. I was in and out.

6 MR. SECOR: May I approach, Your Honor?

7 THE COURT: Yes, sir.

8 Q Undersheriff, I'm just going to get you a copy of
9 your handwritten notes. And if you don't, if you don't
10 need them, don't bother with them. And the reason why I
11 bring those up is because some of the things that you have
12 in your notes seem important to me for the jury to know
13 about what was being said by Tim during that conversation.

14 A Uh-huh.

15 Q During that interview.

16 MR. HUBBARD: I would ask for a question.

17 MR. SECOR: I'm getting there.

18 MR. HUBBARD: Ask a question.

19 THE COURT: Ask your question, sir.

20 Q He said during that interview that there were voices
21 in his head that his mother had put into his head, right?

22 A He did.

23 Q And his mom was crazy and that he one time seen her
24 fighting with a dead person, right?

25 A Correct.

1 Q And he compared himself to his mother, who is
2 mentally ill?

3 A He did.

4 Q And in your notes you wrote, and this is what you
5 wrote, "He thinks the kids want to kill him," right?

6 A That's correct.

7 Q He talked about electrical outlets in his trailer in
8 South Carolina and about his son, Nahtahn, maybe getting
9 electrocuted by it, right?

10 A Yes.

11 Q Something about Nahtahn maybe sticking his tongue
12 into an electrical socket in the trailer in South
13 Carolina, right?

14 A Correct.

15 Q And that kind of stuff, I assume, didn't make a whole
16 lot of sense to you?

17 A No.

18 Q And you didn't write in your notes this sounds made
19 up or he sounds like he's lying? You never wrote that in
20 your notes, right?

21 A No.

22 Q Now, when Solicitor Hubbard was talking to you he
23 said something -- something along the lines of how Tim
24 didn't really say anything to you during that interview on
25 the 7th about what happened, or didn't make any kinds of

1 admissions. I'm not sure of, I can't remember the exact
2 words. But it was something --

3 A Correct.

4 Q -- like that, right? But isn't it true that things
5 were said by Tim, Jr., when talking to Tim, Sr., that
6 indicated to you that the kids were dead?

7 A Indicated that maybe one of them might be, some of
8 them might be. We just didn't know.

9 Q But at one point Tim, Sr. said to him, "Did you hurt
10 the kids," and Tim said yes and then said no, right?

11 A I don't recall.

12 Q Then at one time didn't Tim, Jr. say, "I'll take you
13 to them."?

14 A Yes.

15 Q Now, you attempted to talk to Tim the night that he
16 was arrested at the checkpoint. That didn't go anywhere.
17 And then the next, the 7th, after about -- approximately
18 24 hours had gone by.

19 A Correct.

20 Q The only real difference in terms of those two
21 interviews from Tim's perspective was that his dad was
22 there for the second one, right?

23 A That's correct.

24 Q Because on the night of the 6th there was a bunch of
25 sheriff deputies and undersheriff that he didn't know?

1 A That's correct.

2 Q Same on the 7th, except his dad was there then?

3 A Yeah.

4 Q And you give Tim, Sr. and Julie a lot of credit for
5 the strength that they showed that night, don't you?

6 A I really do.

7 Q A couple of things I wanted to just try to clarify,
8 but let me do this first, if I may.

9 MR. SECOR: Your Honor, I just ask for permission to
10 publish Defendant's Exhibit 9, if I may.

11 THE COURT: Sure.

12 Q Undersheriff, this is the form we were talking about
13 earlier that's called the suicide watch cell log form. I
14 understand your description to the jury, but that's what
15 this is?

16 A Yes.

17 Q And this would be for Tim Jones and dated up there
18 the 6th of September. That's the night he's arrested,
19 right?

20 A That's correct.

21 Q And if you look down there at the bottom, it looks
22 like he gets in there about 10:15 p.m. Is that about
23 right?

24 A Correct.

25 Q And it's checked off by an officer that he's seen

1 every 15 minutes, right?

2 A Yes.

3 Q And then the following day, that's the 7th of
4 September, 2014, and it's checked there. And I think the
5 line through, it started about 11:45 is when Tim was taken
6 to the hospital for the blood sample and things, I
7 believe? Does that sound right?

8 A That's what it appears, yes.

9 Q And other than that it's checked every 15 minutes
10 until 6:15 when it says Court House. That's when the
11 interview occurred with the Sheriff and Eric Johnson and
12 Tim, Sr., right?

13 A Correct.

14 Q And then the 8th, the same form. Checked every 15
15 minutes by an officer of Smith County Sheriff's Department
16 with, I guess, some sort of description about what he's
17 doing at those times. Is that correct?

18 A That's correct.

19 Q When you were talking to Solicitor Hubbard you were
20 talking about how the way that Tim was acting on the 7th,
21 the second day he's there. To you, based on your
22 subsequent experience, that is indicative of somebody
23 who's on spice, right?

24 A Yes.

25 Q That's what you told the Solicitor. And certainly, I

1 mean, he'd been there for about 24 hours at that point in
2 time, right?

3 A Correct.

4 Q And certainly having been on suicide watch, or being
5 monitored every 15 minutes, he wasn't smoking any spice at
6 the Smith County jail, right?

7 A No.

8 Q Okay. And the night he was arrested, the 6th, Deputy
9 Johnson testified that that night that the can was found
10 in the car was warm. Did you, did you know that?

11 A No.

12 Q The inference being that obviously it had been
13 freshly used, right? That's why somebody was saying a can
14 like that has been modified to smoke out of because it had
15 been freshly used?

16 A I would agree with that.

17 Q Yeah. But on the night of the 6th when you
18 interviewed him, he was not frothing at the mouth,
19 screaming, crying, hysterical like he was on the 7th,
20 right?

21 A No, uh-uh.

22 Q Thirty-eight years in law enforcement, right?

23 A Correct.

24 Q I imagine in that time you've seen practically
25 everything you could imagine?

1 A Pretty much.

2 Q Hope to never see, I would assume. And you
3 interrogated -- interrogated or interviewed or questioned
4 suspects in a variety of different types of incidences,
5 correct?

6 A Correct.

7 Q And you have certainly interviewed people who were
8 drunk?

9 A Correct.

10 Q And you've certainly interviewed people who were
11 high?

12 A Correct.

13 Q And you've certainly interviewed people who are
14 mentally ill?

15 A Correct.

16 Q And you've certainly interviewed people who were
17 mentally ill and high and drunk all at the same time?

18 A Correct.

19 Q And it's still fair to say that you have never and
20 have never seen anything like you saw in Tim Jones on the
21 night of September 7th, 2014?

22 A No. I had not seen anything prior to that, but I
23 have since then.

24 Q You've seen behavior the exact same?

25 A Pretty much, yes.

1 MR. SECOR: Can I have just a moment, Your Honor?

2 THE COURT: Okay.

3 Q Undersheriff, the warrant that Smith County got for
4 Tim to be brought to have the DNA or blood sample, DNA
5 swab and hair sample taken was based, let me back up.
6 When a law enforcement entity wants to take those types of
7 samples from a suspect they ask a Judge?

8 A That's correct.

9 Q And they have to give the Judge information about why
10 they want that and sort of the -- you call it probable
11 cause for wanting that?

12 A Correct.

13 Q And in the application for that warrant some of the
14 information that's in that application was based on
15 information that you've got to relay to other people in
16 your department, right?

17 A Could have been, yes.

18 Q Okay. I'm just going to show this to you after I
19 show it to the Solicitor. This is from September 7th. Is
20 this, well, let me show it to you first. And you can look
21 through the other pages, obviously, to make sure of what
22 it is. But just tell me if you recognize that.

23 A I recognize the form, yes. That's the underlying
24 facts and circumstances.

25 Q Okay. And will you just read that highlighted

1 portion of that?

2 A "Undersheriff Patterson contacted the authorities in
3 South Carolina and Jones' father, Timothy Jones, Sr., both
4 indicated that they were afraid Jones had harmed the
5 children and he was on his way to take his own life."

6 Q Thank you sir. I appreciate it. There's one other
7 thing that I'd like to talk to you about, Undersheriff, if
8 I may. I'm just going to show you three, actually just
9 two. I'm going to show you two maps and just ask you if
10 you think that those are fair representations of a trip
11 from Raleigh, Mississippi to Greenville, Alabama, and then
12 the second one from Camden, Alabama to Greenville,
13 Alabama.

14 A I would say it is. I've never been from there to
15 there.

16 THE COURT REPORTER: I can't hear.

17 A I've never been from Camden to Greenville that I know
18 of.

19 Q Well, I think that night you went --

20 A From Raleigh to --

21 Q -- from Raleigh to Greenville, which is through
22 Camden, right?

23 A Okay. I guess, yeah.

24 Q All right.

25 MR. SECOR: And I just want to, I'm going to ask that

1 these be marked, Your Honor, so I can publish for the
2 jury.

3 MR. HUBBARD: No objection to them being entered into
4 evidence.

5 THE COURT: Is there three of them?

6 MR. SECOR: Two. Two for the time being.

7 THE COURT: This will be 10 and 11?

8 THE COURT REPORTER: Yes, sir.

9 (Whereupon, Defendant's Exhibit numbers 10 and 11
10 were admitted into evidence.)

11 Q Undersheriff, when you collected the receipts from
12 the vehicle, that was an important part of this puzzle for
13 law enforcement, was it not?

14 A Correct.

15 Q And the reason was is you were trying to figure out
16 where it was that the bodies of the Jones children might
17 be, right?

18 A Correct.

19 Q And then you utilized the receipts to try to figure
20 that out. When you were talking to Tim and saying, "When
21 you stopped at this place, were the bodies still with you
22 or were they not," and this -- this, of course is after he
23 started telling you what you wanted to know?

24 A I don't believe I talked to him about that myself.

25 Q You don't? Okay.

1 A No.

2 Q But it would make sense that somebody did in terms of
3 trying to figure out what --

4 A Possibly, yes.

5 Q And this is the map that we just talked about. And
6 you agree with me that that's Raleigh, Mississippi there
7 on the inside of the map just Southeast of Jackson?

8 A Correct.

9 Q Can you see that well enough?

10 A Yes, I can see it.

11 Q And then the end of that blue line is Greenville,
12 Alabama, right. And that is the town where the, where the
13 Jones children's bodies were found, right?

14 A Correct.

15 Q And I misspoke there. It was between Camden and
16 Greenville where they were found. That was my mistake. I
17 apologize. And the reason it was narrowed down that way
18 is because there were receipts from both Camden and
19 Greenville. So you remember that?

20 A I didn't have anything to do with putting that map
21 together.

22 Q I understand you didn't. But you got the receipts
23 out?

24 A I did.

25 Q Do you remember there were receipts from Camden --

1 A I did.

2 Q -- and they were -- go ahead.

3 A I did, but I didn't do anything with making the map.
4 I merely took the pictures and sent them to South
5 Carolina.

6 Q I understand. This map was not made by law
7 enforcement. I'm not trying to say that. I'm just trying
8 to give the jury an idea of where we're talking about.
9 But this is Defendant's Exhibit 11. It just narrows down
10 that map a little bit more with Camden, Alabama on the
11 right, Greenville, Alabama on the left -- Greenville,
12 Alabama on the right. There's a Pine Apple right there in
13 the middle which is where the children's bodies were
14 found. Would you agree with me on that?

15 A I agree with that.

16 Q And you had receipts from Greenville, Alabama and you
17 had receipts from Camden, Alabama in the car, right?

18 A I believe that's correct, yes.

19 Q And Timmy had told you -- Tim, Jr. had told you that
20 he had had the bodies in the car in Greenville and he made
21 a stop, not when he was in Camden when he made a stop?

22 A I don't recall him telling me that. He may have told
23 some of the other investigators.

24 Q Okay. I'm sorry. These are questions I have to ask
25 somebody else. It's my fault not yours.

1 MR. SECOR: Thank you, sir.

2 THE WITNESS: Thank you.

3 MR. HUBBARD: A few follow-up.

4 THE COURT: Yes, sir.

5 REDIRECT EXAMINATION

6 By Mr. Hubbard:

7 Q I'm going to ask you a few questions. Let's go back
8 to the booking real quick.

9 A Okay.

10 Q September 6th you all booked him in, he appeared to
11 be high, correct?

12 A Correct.

13 Q You say it's not suicide watch, but that's where you
14 put Tim because you only have one facility for that,
15 correct?

16 A That's correct.

17 Q Now, you were shown two other booking sheets. I
18 think it was September 9th and September 10th.

19 A Correct.

20 Q At that point you all were watching him, correct?
21 Continued watching him?

22 A Yes.

23 Q He had to confessed to killing his babies by then,
24 hadn't he?

25 A Yes.

1 Q He wasn't high at that point, was he?

2 A No.

3 Q But you all were concerned for him at that point,
4 right?

5 A That's correct.

6 Q When he had his father in the room September 7th, the
7 interview you talked about --

8 A Correct.

9 Q -- was he extremely emotional with his father?

10 A Yes.

11 Q Was his father concerned he might commit suicide?

12 A Not that I know of.

13 Q Or do you remember that he conveyed that to you? Nor
14 to you?

15 A I don't recall that. Not to me.

16 Q Okay. Now, the log. You saw that log, all those
17 notations, okay, okay, okay. Do you remember ever seeing
18 anything on there saying he's acting strange or acting,
19 you know, psychotic? We need to take him to the hospital?

20 A No.

21 Q No notations like that?

22 A No.

23 Q In the statement we were talking about on the 7th
24 when he's in there with his father --

25 A Correct.

1 Q -- what did he say he did with those kids?

2 A I don't remember that he said he done anything on
3 that day. That was when he put his --

4 Q Hand to his father's --

5 A -- hand to his father's throat.

6 Q Do you remember anything about Walmart?

7 A Oh, he had said that he had put them out at Walmart a
8 few miles from his house.

9 Q Here in Lexington?

10 A In Lexington. And that he had kicked one of them out
11 while the vehicle was rolling.

12 Q So he gave you all these different stories?

13 A He gave several different stories.

14 Q But he never told you that night what he did with
15 those kids?

16 A No.

17 Q And when his dad at the very end said, "Son, what did
18 you do with the kids," is that when the hand to the
19 throat?

20 A That's correct.

21 Q But he didn't try to hurt his dad?

22 A No.

23 Q Going to this map. It looks like about an hour
24 distance between Camden and Greenville. Greenville is in
25 Alabama. Is that right?

1 A Correct.

2 Q That's where that Bypass store, you remember hearing
3 Ms. Watkins --

4 A I do.

5 Q -- talk about the Bypass?

6 A I do.

7 Q And then there was a receipt you found from Camden
8 when he went to a bank?

9 A That's right.

10 Q So based on this, we know that the bodies were found
11 around Pine Apple, correct?

12 A I believe that's correct.

13 Q An old logging road?

14 A Yes.

15 Q Is that a rural area?

16 A Yes.

17 Q So when Ms. Watkins saw him looking out at that car
18 in the parking lot, saw that Escalade in her parking lot
19 and saw him looking out while he's in the store at that
20 car in the parking lot, those kids were still in that car,
21 weren't they?

22 A I would think so.

23 Q So while she was serving him, talking about that
24 smell --

25 A The smell.

1 Q -- those babies were in that car?

2 A I believe they were.

3 MR. HUBBARD: Thank you, sir.

4 THE COURT: Anything else?

5 RECROSS-EXAMINATION

6 By Mr. Secor:

7 Q And they were not in the car in Camden, right?

8 A I beg your pardon?

9 Q They were not in the car in Camden, right?

10 Obviously, because if they were found in Pine Apple.

11 A If they were found prior to Camden, that would be
12 right.

13 Q And how many roads connect Greenville and Camden?

14 A Sir, I'm not familiar with that area. I can't tell
15 you that.

16 Q Based on this map there's only one, right?

17 A According to that map there's one major road.

18 Q Right. And that's the one you took, right? That's
19 10? That's the road along which the Jones children's
20 bodies were found, right?

21 A I believe that's correct.

22 Q The Solicitor was talking to you about his ability to
23 bring you right to the location, right?

24 A Yes.

25 Q You knew it was between Greenville and Camden, right?

1 A No, sir. I didn't.

2 Q Based on the receipts. Based on the fact that --

3 A We had the receipts, but yeah, I couldn't speak to
4 that.

5 MR. SECOR: Thank you, sir.

6 MR. HUBBARD: I have no more questions, Your Honor.
7 Thank you.

8 THE COURT: All right. Undersheriff, you may step
9 down.

10 THE WITNESS: Thank you, sir.

11 THE COURT: All right. Based on what I told the
12 jury, we're done for today time wise?

13 MR. HUBBARD: Yes, sir.

14 THE COURT: Okay. I told you about 5:30. We went a
15 little bit over. That's just how it goes, but we got done
16 with the witness. Go home, enjoy, get you something to
17 eat, get some rest. Get you back here in the morning and
18 start at the same time. So be here before 9:00. Get you
19 here at 9:00. Remember, don't talk about the case. Not
20 with your spouse, not with your family, not with anybody.
21 No independent research. Do not peruse any of the media
22 articles. There's plenty of attention out there. You all
23 are getting it firsthand right here. It's going to be
24 better than anything else out there. Please do not do
25 that. I don't want that influencing you making a decision

1 on this case. I want your decision influenced by what you
2 hear in here. Nowhere else. See you in the morning.

3 (Whereupon, the jury was excused from open court for
4 the day.)

5 THE COURT: For in the morning, I'm going to be here
6 by 8:30. Joy will be here shortly after 8:00 like she was
7 this morning. Help her, help you all by getting them
8 premarked, both sides. She'll be here. Utilize her
9 earlier.

10 MR. HUBBARD: Yes, sir.

11 MR. YOUNG: Yes, sir.

12 (Whereupon, the trial will resume the next morning at
13 9:00 a.m.)

14 May 16, 2019

15 THE COURT: All right. Here's the challenge.
16 They've exchanged, looked at, handled, examined
17 everything, whether it came from this place or that place
18 or another place. The Defense, handle, examine, look at,
19 but everybody has an idea of what they want to show you,
20 but nobody's that sure where it is. It could be in that
21 box or the next box. It may take a while for them to look
22 for this piece of paper that says such and so. But after
23 they handle it, they handle it. And if they handle it,
24 they rehandle it. It's very similar to what Joy's
25 frustrated with. She had these kept in numerical order.

1 The lawyers come up here and shuffle them through and out
2 of order. She has to reorder them and make sure she's
3 still got them all. That's what's happening here. And
4 so, it's going to a process, and you all be patient with
5 them and so will I. That's kind of what's going on is
6 they're trying to organize it. As disorganized as much as
7 it is it's a process. So you all be patient with them.
8 That's my explanation. All right?

9 (Whereupon, a short break was taken.)

10 THE COURT: All right, Solicitor.

11 MR. GRAHAM: Thank you, Your Honor. The State calls
12 Stacy Jones to the stand.

13 THE COURT: All right. Stacy Jones.

14 STACY JONES, being
15 first duly sworn, testified as follows:

16 MADAM CLERK: Once you're seated, state your full
17 name, spelling your last.

18 THE WITNESS: Yes, ma'am.

19 THE COURT REPORTER: Just go ahead and state your
20 name and let me see how you sound.

21 THE WITNESS: My name is Stacy Jones. Spelling,
22 S-t-a-c-y, common spelling of Jones.

23 THE COURT REPORTER: And you can move that around
24 however you want to.

25 THE WITNESS: Okay. Thank you.

DIRECT EXAMINATION

By Mr. Graham:

Q Stacy, I'm going to ask you to speak up so I can hear you.

A Yes, sir.

Q Currently where are you employed and what do you do?

A I am currently employed with the Simpson County Circuit Clerk's Office in Mendenhall, Mississippi as a Deputy Circuit Clerk.

Q Back on September 6th and 7th of 2014 where were you employed then?

A I was employed by the Mississippi Bureau of Investigation, which is the investigative division of the Mississippi Highway Patrol.

Q And what did you do for that agency?

A I was a forensic scientist who specializes in crime scene analysis.

Q In general terms, would you explain to the jury what a forensic scientist who specializes in crime scene analysis does?

A Sure. We respond when we're called to -- whether it be state, municipal, federal, whatever law enforcement agency that needs help with -- with forensic evidence. Predominantly ninety percent of those calls are violent homicides. So once we get on the scene, then we use our

1 skills in each discipline of forensics to examine, to
2 document that scene, and to prepare a forensic report,
3 like one that would be used here today, in order to
4 explain our actions and findings.

5 Q On September 6th of 2014 at approximately nine
6 o'clock in the evening did you get a telephone call
7 relating to this case?

8 A I did.

9 Q And would you explain to the jury what your
10 understanding was of what you were asked to do?

11 A I was called by Lieutenant Eric Johnson with the
12 Mississippi Bureau of Investigation and was informed that
13 the Smith County Sheriff's Department had requested
14 assistance with processing a vehicle. I further talked
15 with the Undersheriff Marty Patterson of the Smith County
16 Sheriff's Department and he explained to me that there was
17 a vehicle that was accounted for in a traffic roadblock in
18 Smith County and that there was a disturbing odor, and
19 that there was information received that the driver of
20 this vehicle had some connection with some children, that
21 there was -- and there was a concern, and they asked would
22 I come and examine this vehicle. We made arrangements
23 then to lower the windows in the vehicle because of the
24 chemical, the chemical exposure. And he secured that
25 vehicle inside a very large multipurpose building there in

1 Smith County, Mississippi, and it was under lock and key
2 and it was guarded until my arrival at 8:30 the next
3 morning.

4 MR. GRAHAM: Your Honor, it's my understanding that
5 the Defense has stipulated as far as the security of the
6 vehicle and the maintenance of it from the time of the
7 traffic stop until Ms. Jones arrived.

8 THE COURT: Is that correct?

9 MR. MADSEN: Yes, sir.

10 THE COURT: Okay. That evidence is stipulated.

11 Q Ms. Jones, when you arrived on the morning of the 7th
12 what did you do? What happened that morning?

13 THE WITNESS: Your Honor, may I look at my notes?

14 THE COURT: You may.

15 A The morning of my arrival, which like any, like any
16 scene, I would start with photographing in a completely
17 unaltered state. And what that means is it's photographed
18 and documented where it is at the time of my arrival and
19 in what condition it's in at the time of my arrival. So
20 we start with that overall view and that photography. And
21 then we just started looking at the different layers of
22 processing that needs to -- that needs to happen in order
23 to obtain the forensic evidence.

24 Q Let me ask you to pull that microphone up a little
25 bit, please.

1 A Okay. Sorry.

2 Q That's all right. So generally you look at the car
3 and you began to photograph the car. Is that correct?

4 A I did, yes.

5 Q I'm going to hand you what's already in evidence,
6 which is State's 44 through 48, and ask if you recognize
7 those photographs.

8 A I do.

9 Q Okay. And are those photographs that you took?

10 A They are.

11 Q And they fairly and accurately depict what you saw
12 that morning?

13 A Yes, sir. They do.

14 Q Now, when you go into the car you actually had a
15 search warrant that allows you access to the vehicle,
16 correct?

17 A The search warrant had been obtained by the Smith
18 County Sheriff's Department and with the assistance of
19 MBI.

20 Q And then you would be executing the search warrant by
21 actually doing the search?

22 A Correct. My search was actually under the authority
23 of Smith County Sheriff's Department.

24 Q I'm going to hand you another stack of photos and ask
25 you to look through those and see if you recognize those

1 as photographs that you took.

2 THE COURT REPORTER: Have we got those marked
3 already?

4 MR. GRAHAM: I think they start at 80, they end at
5 131 but there's some that are missing.

6 THE COURT: That's 80 through several?

7 MR. GRAHAM: It's 80 through 131 is the last one, but
8 I think there's some that were removed.

9 THE COURT REPORTER: So we'll have to go through them
10 and do that right quick.

11 MR. GRAHAM: Or as we publish them.

12 Q Do you recognize those photos?

13 A I do recognize these photos. The photos of the
14 vehicle are, in fact, photos that were taken by me, as
15 well as some photos of the contents. But there are some
16 that are in here that were photographs that were taken
17 after they were processed in South Carolina, but they are
18 of items that I collected and packaged from the vehicle.

19 MR. GRAHAM: Would you like me to go through the
20 numbers with the Clerk, or how would you like me to handle
21 this?

22 THE COURT: Yes. Are they going to be admitted
23 subject to the objection of the pretrial?

24 MR. MADSEN: Yes, sir.

25 THE COURT: Look through and make certain they come

1 in. I will go through the numbers and then all the
2 numbers to Joy so there will be a record of numbers and
3 admission or objection.

4 MR. MADSEN: Subject to previous--

5 THE COURT: That packet of photographs would come in
6 subject to the pretrial hearing and objections already on
7 the record.

8 THE COURT REPORTER: That is, we don't know yet what
9 numbers they are.

10 THE COURT: I am going to let y'all go through them.
11 There's a few numbers missing. There's one or two in
12 there without numbers. They're all in. We just need a
13 number.

14 (Whereupon, the Court Reporter marked exhibits.)

15 THE COURT: All right. For the record, the State has
16 identified and shown photographs of the vehicle, have been
17 numbered. The witness identified them. The Defense,
18 subject to pretrial hearing objections, the photos will be
19 admitted of the vehicle. And those numbers that are
20 admitted subject to that objection are 80, 81, 82, 83, 84,
21 85, 86, 87, 88, 89, 94, 96, 97, 125, 127, 129, 100, 101,
22 102, 103, 104, 105, 106, 107, 95, 93, 90, 99, 91, 108,
23 109, 110, 111, 98, 112, 113, 114, 115, 116, 117, 118, 119,
24 120, 121, 122, 130, 92, 123, 124, 126, 128 and 131,
25 admitted subject to objection.

1 (Whereupon, State's Exhibits 80, 81, 82, 83, 84, 85,
2 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98,
3 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109,
4 110, 111, 112, 113, 114, 115, 116, 117, 118, 119,
5 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130
6 and 131, were admitted into evidence.)

7 Q Ms. Jones, after you began processing the vehicle you
8 took photographs, and I think one of the things that you
9 were asked to do was to look and see just for the presence
10 of human blood. Is that correct?

11 A That's correct.

12 Q Can you explain to the jury what you did in regards
13 to that and what you found out?

14 A The first step to that was to examine the outside of
15 the vehicle and just do, just consistent of a visual exam
16 for the presence of any stains or -- or anything that
17 might appear to give us a profile of any kind. The
18 vehicle I documented as having a light layer of dust
19 throughout the vehicle. So I would have looked for -- for
20 several things before entering the vehicle. We try to
21 make sure that the forensic exam is done so to where the
22 first exam does not contaminate the second. So everything
23 is done in an order. In a particular order. So the
24 second step would have been to examine the exterior of the
25 vehicle and then field test any -- any stains that field

1 tested positive.

2 Q As far as the odor, can you describe to the jury what
3 the odor was of the vehicle, inside the vehicle?

4 A The odor was very, very distinct. It was absolutely,
5 based on my professional opinion, a decomposition of
6 sorts. There was what I described a decomposition, as old
7 blood. If you're familiar with that smell. And then a
8 chemical bleach type smell. It's kind of all combined
9 together. It was very, very strong and it almost --
10 almost burned the nostrils to work inside that vehicle.

11 Q So once you took out your camera and you photographed
12 the exterior of the car, did you then begin to photograph
13 the interior of the vehicle?

14 A I did. And I photographed the interior of the
15 vehicle in the same manner, unaltered, showing everything
16 as it was when I opened the door of the vehicle. Now, of
17 course, those items were then, it was pretty much of let's
18 peel it back like an onion. Let's take all of these --
19 start taking these things out so we can get to, basically
20 down to the bottom of the vehicle. It was a lot of items
21 stacked up in boxes and buckets and bags and just a huge
22 amount of stuff throughout the entire vehicle.

23 Q Let's start with some of the photographs and we'll
24 start at the top, State's exhibit number 80. Do you
25 recognize --

1 A This is a photograph taken from the, from the
2 driver's front door. Again, you're going to see
3 photographs that are just simply, overall, they are not of
4 any particular item. But in this particular photograph it
5 is taken from the driver's side front door. It's a
6 photograph shooting in the area of the top of the vehicle.
7 It shows the driver's side sun visor. It shows a pair of
8 sunglasses on top of the sun visor and it shows all the
9 way over and across to the passenger side and out the
10 window.

11 Q State's 81 is another shot, I believe, from the
12 driver's side as well?

13 A This is a photograph from the -- from the same
14 position. It's just a lower photograph. And it shows a
15 portion of the steering wheel and it shows the top portion
16 of the console. It shows that the console, the center
17 console itself is open. And then you can see that there's
18 a box in the passenger seat and there's a bottle of
19 cleaner on the floorboard.

20 Q When you say bottle cleaner, do you know what that
21 was?

22 A Bleach.

23 Q State's number 82. And I believe now we're shooting
24 from the front passenger side. Is that correct?

25 A That's right. This is a photograph from the

1 passenger front door. And again, you can see the box
2 that's, that's there on the front seat. And then that
3 photograph goes across over towards the driver's side.

4 Q I know one of the things, can you see the, was there
5 a clipboard inside that box?

6 A There is.

7 Q State's number 83, can you describe what we see
8 there?

9 A This photograph again is taken from the same
10 position. It's just a lowered photograph that includes
11 the passenger front floorboard. Again, the photograph
12 shows -- now you can see some of the interior of the door,
13 but you also again see the cardboard box that's present,
14 and then there's multiple items in the floorboard.

15 Q State's number 84. I believe, is it correct, that
16 that's coming from the driver's side back door?

17 A That's correct.

18 Q What do we see here?

19 A This photograph is taken from the, from the doorway
20 of the driver's side rear door. And it shows the presence
21 of a bag and some, again, some cleaners, Clorox wipes and
22 a jug of water. And you can also begin to see in this
23 photograph the reddish stains there toward the bottom
24 right that are present on the carpet.

25 Q Next, State's number 86. I think that's shooting

1 across that same seat. Is that correct?

2 A It is. It's from the same position, which is the
3 driver's side rear door. It's just a more position to
4 show across the backseat. And again, you can see the top
5 of the cleaners from the other one. The plastic bag, as
6 well as now a bucket and another box that's present on the
7 passenger side.

8 Q Switching to State's 87 now. What are we looking at,
9 at this time?

10 A That's a photograph from the passenger side rear door
11 shooting back toward the previous photograph. It now
12 shows clearer that there is that blue bucket that's
13 visible in the other photograph. There's a black bag.
14 There is -- there is also, if you look behind that blue
15 bucket there is a silver foldout window sun, sun
16 protector.

17 Q State's number 88. Is that about the same area?

18 A It is. It's just another closeup of as it presents
19 itself in the vehicle unaltered.

20 Q State's 89. Is this still a closeup, even more close
21 up. Is that correct?

22 A This is an additional photograph of the, of the
23 bucket and just showing some of the things on the top of
24 that bucket.

25 Q Inside the bucket, what do you see at least in the

1 photograph?

2 A Those are trash bags.

3 Q And then--

4 A There is a gas can and some cleaner containers. Just
5 -- just various items in there that can be seen without
6 moving them yet.

7 Q State's number 94. What are we looking at now?

8 A This is a photograph actually of the -- I shot it
9 from the driver's side rear door. But it's kind of
10 shooting over into -- there's a third row seat in this
11 vehicle. And it's just showing some items in that,
12 stacked up in that third row seat.

13 Q State's 96. Where are we looking at now on 96?

14 A This is the very back. This is from the hatchback of
15 the vehicle. This is as items were when I opened the
16 door.

17 Q There are multiple bottles there. What are those?

18 A That's correct. There is, there's lighter fluid,
19 that the bottle with the blue and the red top, that is
20 actually muriatic acid.

21 Q Do you remember whether that bottle was full, empty
22 or had anything in it?

23 A If I may refer to my notes? It was an empty bottle
24 labeled muriatic acid.

25 Q State's 97.

1 A It's just another picture of the same, of the same
2 area. I'm just getting a little bit closer and the view.

3 Q Earlier we had talked about the clipboard that was
4 contained in the box in the front driver's seat. Do you
5 remember that?

6 A I do. Correct.

7 Q When you looked on the clipboard were there several
8 pieces of paper that were attached to it?

9 A There were.

10 Q Let me show you State's 79.

11 MR. MADSEN: Just subject to the previous objection.

12 THE COURT: Subject to the previous objection.

13 Q Looking at State's 79, do you recognize that as the
14 top sheet of paper that was on the clipboard in the front
15 seat, in the box, of the vehicle? The Cadillac Escalade?

16 A I do. It was.

17 MR. GRAHAM: Your Honor, State would move 79 into
18 evidence.

19 THE COURT: It's admitted subject to previous
20 objection in the pretrial hearing.

21 (Whereupon, State's Exhibit number 79 was admitted
22 into evidence.)

23 Q Ms. Jones, I want to hand you what's already in
24 evidence, which is 125, 127 and 129. And those are
25 actually photographs of the item?

1 A That's correct.

2 Q All right. I'm going to publish those to the jury
3 and ask your help in what you're able to make out.
4 Looking in the upper left top corner.

5 A The paper says number one. It says, "Head to
6 campground." It says, "Melt bodies." It says, "Saw and
7 bones to dust or small pieces." And then there's a word I
8 can't make out, and it says by something, and it looks
9 like "plant". The next section number two on the list,
10 there's several that I just can't make out. But the first
11 one appears to say, "Loose ends." I'm not sure about the
12 second and third. There's a Jim -- Jimmy, and in
13 parenthesis it says, "Intel." And then there's initials,
14 SGE maybe or SG5 and then there's a BG something maybe.
15 And the word "pediatrician," and there's the word "Amber".
16 And I'm not sure what that last word is.

17 Q Continue on down the page.

18 A The further down it starts again at a number one that
19 says, it has a dollar sign and it says "fidelity". There
20 are initials, RU, KR and R maybe, then with a circle.
21 Inside the circle is an LV. There's an arrow from the
22 right-hand side that also has Mississippi in a circle,
23 then campground in a second circle, and then "Lex", L-e-x.
24 There is in that area boxes that says "Day 1. Burn up
25 bodies. Day 2. Sand down bones." And "Day 3," there's

1 an "MB," a smiley face, and it says, "Dissolve and
2 discard." At the bottom of the page there are boxes again
3 that say -- there's a box that says "CP", there's an
4 arrow. Next box "MB", there's an arrow. There's initials
5 "LV" continuing to the next box with a dollar sign on top
6 of it and the initials "KR," and there's an arrow to "RV"
7 and an arrow to "B2". I don't know if that word is
8 tribels. I'm not sure. I can't make out that word.

9 Q If you look on the overhead on this side, there are
10 stickers on here that say SLED.

11 A Yes. That's for --

12 Q Those weren't on there when you collected this?

13 A No, they were not. This item was processed for
14 fingerprints after he was returned to South Carolina, nor
15 was it in that plastic bag. That plastic bag is simply
16 there to keep us from getting fingerprint powder
17 everywhere. It was just simply the piece of paper itself
18 with the writing on it.

19 Q Ms. Jones, if you would look at the upper right
20 corner as well. Can you tell the jury what is written
21 there?

22 A Yes. There was two lists. The first list says
23 "bills" and it's underlined. The next bolded item says
24 "TWC". The next item is "SCEG". An item that says "post
25 office," it says "car", and it says "bank accounts". To

1 the right of that is an additional list that says
2 "tattoos, glasses". I'm not one-hundred percent sure of
3 what that says. It starts with a C. And the last one is
4 "hunting gear", is what I make it out to be.

5 Q Ms. Jones, one of the things that you had testified
6 earlier, I think, when we were on the backseat, you were
7 talking about a sun visor.

8 A Correct.

9 Q The silver sun visor.

10 A Yes, sir.

11 Q Let me show you State's 131. Is it your
12 understanding that that is a picture of the sun visor?

13 A It is.

14 MR. GRAHAM: Your Honor, as far as some physical
15 evidence, it's my understanding that some of these items
16 were going to be sent to SLED for DNA analysis and that
17 the Defense is stipulating to their collection and to
18 their chain actually to the analyst.

19 MR. MADSEN: Subject to the previous --

20 THE COURT: Subject to the previous hearing. All
21 right. They've stipulated the chain in the analysis
22 subject to the pretrial hearing.

23 (Whereupon, State's Exhibit number 131 was admitted
24 into evidence.)

25 Q That was 131. That's the unfolded sun visor that you

1 found?

2 A That's correct.

3 THE COURT: 131 came in.

4 THE COURT REPORTER: Yes, right.

5 Q Now, there was some paperwork that you found dealing
6 with the Defendant graduating from Mississippi State. Let
7 me show you 101 and ask if you recognize that as a
8 document that you collected?

9 A I did. It is.

10 Q And publicize and tell the jury what it is.

11 A This is a photograph of a diploma and it's issues
12 from the Mississippi State University and it reads that
13 it's a Bachelor of Science degree for Timothy Ray Jones,
14 Jr.

15 Q Does it have a date on it?

16 A April the 13th of 2011.

17 Q State's 102. What are those documents?

18 A Yes, sir. This is a photograph of six Social
19 Security cards that I recovered from the vehicle starting
20 with Abigail Elizabeth Jones -- do you want their numbers?

21 Q No, just their names.

22 A Okay. Merah Gracie Jones, Gabriel Asher Jones, Elias
23 Xavier Jones, Nahtahn, I can't pronounce the middle name,
24 Jones, and Timothy Ray Jones, Jr.

25 Q And in addition to the Social Security cards did you

1 also find birth certificates?

2 A I did.

3 Q Looking at State's 103, who does that birth
4 certificate belong to and what's the date of birth?

5 A This birth certificate belongs to Merah Gracie Jones,
6 and her date of birth was May the 15th of 2006.

7 Q State's 104 is another birth certificate. Who does
8 that birth certificate belong to and what was the date of
9 birth?

10 A This birth certificate belongs to Elias Xavier Jones,
11 and his date of birth was April the 22nd of 2007.

12 Q State's 105, another birth certificate.

13 A This birth certificate is for Nahtahn, again I can't
14 pronounce that middle name, Jones, and his date of birth
15 was April the 4th of 2008.

16 Q State's 106.

17 A This is a photograph of a Certificate of Birth for
18 Gabriel Asher Jones, born on the -- December the 5th of
19 2011.

20 Q And 107, Ms. Jones.

21 A This is a birth certificate for Abigail Elizabeth
22 Jones, and her date of birth was December the 12th of
23 2012.

24 Q State's 111 was a receipt that you found in the
25 vehicle?

1 A It is.

2 Q Are you able to read that receipt from there?

3 A Yes, sir. This is a, it's a Walmart receipt. And
4 it's a receipt from -- from 2401 Augusta Road in West
5 Columbia, South Carolina.

6 Q And looking down at some of the items. The ones that
7 you can easily read. For instance, are you able to say
8 what that is?

9 A Yes. There is an item listed for dust -- dust masks,
10 there was 3M goggles, there was two Jab Saw blades, and it
11 looks like one was voided, like they meant to only ring up
12 one. And an item that -- here it says multi-saw, but it's
13 referring to a package of multiple saw blades. That's
14 just shortened down. And there's also the KSG m-u-r-i
15 acid, would be for muriatic acid.

16 Q And a five --

17 A And a five gallon pail.

18 Q And the date on that receipt?

19 A The date is September the 3rd of 2014.

20 Q State's number 98. Now, the black on there, that's
21 the fingerprinting later. That wasn't there when you
22 collected it?

23 A That's correct. This is the empty bottle of muriatic
24 acid that was collected from the vehicle. And then it was
25 packaged and transferred to, here to South Carolina where

1 they fingerprinted it after they received it.

2 Q State's 112.

3 A The same situation. It was packaged -- this is the
4 bucket that was taken out of the vehicle in Mississippi
5 and it was packaged and sealed and it was transported here
6 to South Carolina, and it was processed here.

7 Q State's 113.

8 A That's just a view of the -- of the bar code of that
9 item to match to the receipt.

10 Q State's 114.

11 A This is the package that's listed on the receipt
12 under Jab Saw. And again, the black on it is from latent
13 print processing here in South Carolina.

14 Q And I know earlier when we were looking at the
15 previous photos we were able to see the bucket. Can you
16 tell the jury where the Jab Saw was found, or the saw that
17 you see here on 114? Can you tell from your report where
18 it was found in the car?

19 A Yes, absolutely. The Jab Saw was in -- it's in the
20 photograph that you saw in the passenger side rear seat
21 where you see the bucket and the black bag and all. It
22 was in that -- in that group of stuff.

23 Q State's 115. Would that just be back of the saw that
24 we just saw?

25 A That's correct. Photographed in order to match to

1 the item numbers on the receipt.

2 Q State's 116.

3 A That is what I have listed and described in my notes
4 as a package of saw blades with one missing.

5 Q So when we look on here, there is a blade here. This
6 appears to be empty?

7 A That's correct.

8 Q State's 117.

9 A And again, that's the backside of that. That's how I
10 know that although the receipt said multi-saw, this bar
11 code number matched that receipt. So it is just shortened
12 down for multiple saw blades on the receipt.

13 Q State's 118.

14 A This is the goggles that were listed on the receipt.

15 Q State's 119?

16 A That's just a back view of those goggles, I believe.

17 Q State's 120?

18 A That's a photograph of an empty plastic bag that is
19 labeled protective masks.

20 Q State's 121?

21 A The reverse side of that photograph.

22 Q State's 122.

23 A And this is a white face mask that was recovered.

24 Q All those items that we just discussed were items
25 that were found in the vehicle which were, vehicle which

1 you processed?

2 A They are.

3 Q Going back to the State's 110. Just so the jury can
4 see. That's actually the clipboard with the piece of
5 paper that we discussed earlier, correct?

6 A It is.

7 Q So as you took everything else out of the car and
8 documented what you found, did you then go back and take
9 additional photographs?

10 A I did.

11 Q And what was the purpose of doing that?

12 A Well, the -- I wanted to get everything out of the
13 vehicle and get it documented as to where it was. Again,
14 with the -- with the documentation process of a crime
15 scene, not only are you documenting in notes, but we're
16 documenting in photography just for human error. If we
17 miss it in one place, we catch it in another. So once
18 this process was done, and there was a lot in that
19 vehicle, then it was emptied out where I could then start
20 looking for my biological evidence.

21 Q Looking at State's number 85, would you describe what
22 part of the vehicle we're seeing in that photograph?

23 A This is a photograph taken from the driver's side
24 rear door and it shows in the photograph the interior of
25 the door. You can see that the rear seats are flipped

1 forward in this photograph. You can begin to see some --
2 some discoloration on the carpet. And I don't know how
3 well you can see it from your view, but you can just
4 barely see that center -- that center console that's in
5 between those two front bucket seats.

6 Q Now, the center console, you've referenced that for a
7 reason. Why is that?

8 A There was a stain on the back of -- on the backside
9 of that center console that was, it tested positive,
10 tested presumptive positive for the possibility of blood.
11 So it was collected from that area. And my attempt with
12 that is I was, I'm attempting at this point to locate and
13 find biological stains that are not on the floor, if you
14 will. And that will be explained soon. But I'm trying to
15 find the least contaminated evidence that I can find at
16 this point.

17 Q In looking at the center console, you've talked about
18 collecting something. Did you actually bring something to
19 demonstrate to the jury how you collect?

20 A I did.

21 Q And would you explain that process to them, please?

22 A Sure. The process of testing blood in the field --
23 and again, it's a presumptive test, because one thing I
24 can't tell you in the field is if it's human or not. So
25 we have to collect it and identify it and preserve it in a

1 manner where it is intact and it is still viable for
2 examination in a laboratory by a bio-scientist. And what
3 I do to do that is I, it's not rocket science, I promise.
4 It's sterile, I start with sterile Q-Tips and I simply
5 find the area. I use a distilled water which is an H2O2,
6 and I dampen this swab, or one like it. And then I will
7 use a, what's called, it's called a Hemastick. And it
8 reacts to hemoglobin if present on that sample. It's a
9 lot, a lot in comparison to like a urine stick, if you
10 will. But when I touch the Q-Tip to this, if it is hema
11 present it will immediately pop to a green color. So if
12 that happens and in doing that, let me say too, that I
13 will only sample a very tiny portion of whatever stain I'm
14 looking at, because then I don't want to collect what I've
15 just touched to the chemicals on this Hemastick. So I
16 always will leave a portion of the sample for me to go
17 back and again wet another sample, collect the remaining
18 part of the stain. And then I put it into a cardboard box
19 just like this that is aerated and it will dry and is
20 packaged in a brown paper bag so that it can breath.

21 Q So specifically on the back of the center console did
22 you see something?

23 A I did.

24 Q And did you do a presumptive test?

25 A I did.

1 Q And what were the results of the presumptive test?

2 A It yielded positive.

3 Q And once you got a positive presumptive test result
4 what did you do?

5 A Then I collected the sample in this same manner and
6 placed it into a brown paper bag. I labeled it and sealed
7 it.

8 Q Let me show you State's number 78 and ask if you
9 recognize that.

10 A I do.

11 Q How do you recognize it?

12 A This is a brown paper bag that is labeled by my
13 handwriting, number seven. And the description is one
14 swab box containing two swabs of suspected blood collected
15 from back of center console by Stacy Jones on September 7,
16 2014 at 10:54 hours.

17 Q And once you collected it you put it in the bag and
18 you sealed the bag. Is that correct?

19 A That's correct. And then I initial and date the seal
20 itself.

21 Q And that would be so to preserve the integrity of it?

22 A That's correct.

23 MR. GRAHAM: Your Honor, the State would move 78 into
24 evidence.

25 MR. MADSEN: Just subject to our previous objection.

1 THE COURT: Subject to your previous objection it'll
2 be admitted, 78's admitted.

3 (Whereupon, state's Exhibit number 78 was admitted
4 into evidence.)

5 Q So we have talked about the silver in color
6 windshield sunblock.

7 A Yes, sir.

8 Q You collected that and that was passed on to SLED.
9 And we have talked about swabs taken from the center
10 console just now. There was also a pillow, I believe,
11 that was found in the vehicle. Do your notes reflect
12 that?

13 A Yes, sir. That's correct.

14 Q And where was that pillow found?

15 A On the third row seat of the vehicle.

16 Q Let me show you photographs 124, 126 and 128 that are
17 already in evidence. Do you recognize those as being, 124
18 is a package containing the pillow you have. And then 126
19 and 128 is the pillow itself.

20 A That's correct. I do. The photograph in 124 is
21 actually a photograph of a bag that is labeled by me in my
22 handwriting as number 11. And the description is one
23 white in color pillow with suspected blood, collected from
24 the third row seat on the driver's side by Stacy Jones on
25 7 September of 2014 at 14:58 hours.

1 Q State's 124 on the overhead. That's what you were
2 just referring to in the reading?

3 A That's correct. Yes, sir.

4 Q And you recognize your handwriting on the outside of
5 that bag?

6 A Yes, I do.

7 Q State's 126, that's a photograph of that bag?

8 A That's a photograph of the contents of the bag, yes.

9 Q The pillow?

10 A Yes, sir.

11 Q Now, there's black writing on there. That black
12 writing was not there when you collected the pillow,
13 correct?

14 A It was not.

15 Q And the hole that appears to be in the pillow, was
16 that there when you collected the pillow?

17 A No. That's examinations that was done at SLED.

18 Q State's 128 is just another photograph of that
19 pillow, correct?

20 A Yes, it is.

21 MR. GRAHAM: Your Honor, my understanding is Defense
22 is, again, stipulating from the chain of custody from Ms.
23 Jones collecting the pillow from the car to the analyst at
24 SLED.

25 THE COURT: And that was the same stipulation,

1 subject to the objection?

2 MR. MADSEN: Yes, sir.

3 THE COURT: It is so stipulated.

4 MR. GRAHAM: And I believe, Your Honor, if I didn't
5 say it, the five gallon Walmart bucket would be the same,
6 that they stipulate to the chain of custody from the
7 vehicle to the DNA analyst.

8 THE COURT: Is that stipulated on the same terms
9 subject to objection--

10 MR. MADSEN: Yes, sir.

11 THE COURT: -- the chain.

12 Q Let me show you 109. Do you recognize that?

13 A I do.

14 Q What does that show?

15 A It's a white plastic bag that it contained trash, and
16 in that bag there's what appears to be like a Slim Jim
17 wrapper, along with a white face mask.

18 Q State's 108. What is that?

19 A It's photographs of cell phones that were collected.
20 I was instructed by the investigators to collect any and
21 all electronics that were present and to hold them
22 separate for examination.

23 Q Now, do you remember where that phone was found in
24 the vehicle?

25 A I do. It was in the -- in that box of things on the

1 passenger front seat.

2 Q That would be the same box as the clipboard?

3 A That's correct.

4 Q Were the, is the battery in it or was the battery
5 removed from it when you found it?

6 A No. It was just as -- just as is.

7 Q So it was taken apart like this when you found it in
8 the box?

9 A Yes. The battery was taken out.

10 Q State's 91. Let me ask if you recognize that.

11 A Yes, sir. I do.

12 Q How do you recognize it?

13 A It's a brown paper bag that's labeled by me as number
14 16 with a description of one Samsung Galaxy Note 3 cell
15 phone, serial number RV8F30J95, that's a correction, M5N,
16 collected from the passenger front seat area of the
17 vehicle by Stacy Jones on 7 September 2014 at 16:55 hours.

18 Q Again, that's your handwriting?

19 A It is.

20 Q And that's the phone that you found that had the
21 battery removed? You put it in a bag and you sealed it
22 for security?

23 A That's correct.

24 Q Okay. And I believe that you took that phone and you
25 handed it directly to Lieutenant Eric Johnson. Is that

1 correct?

2 A Correct.

3 MR. GRAHAM: Your Honor, the State would move this
4 into evidence and --

5 THE COURT REPORTER: That's 91?

6 MR. GRAHAM: 91.

7 MR. MADSEN: Subject to the previous objection.

8 THE COURT: Admitted subject to the previous
9 objection.

10 (Whereupon, State's Exhibit number 91 was admitted
11 into evidence.)

12 Q I think one of the questions that I'd asked earlier
13 when we got sidetracked at the very beginning was one of
14 the things that you were asked not only to photograph and
15 collect but actually look at the moment, and do a quick
16 test to see about the presence of blood in the vehicle.
17 Is that correct?

18 A That's correct.

19 Q And as you were processing the vehicle, did you take
20 samples and send them off?

21 A I did.

22 Q And are you aware of what those results were?

23 A Yes. They were positive.

24 Q Positive for?

25 A For human blood.

1 Q After you removed the items from the vehicle, then
2 you went back and photographed again, correct?

3 A I did.

4 Q Looking at State's 93, can you tell the jury what
5 we're looking at?

6 A This is a photograph taken now with all the items
7 removed all the way down to the floor. The photograph was
8 taken from the driver's rear door. And it just, now you
9 can see what appears to be the bleach stains, quite a bit
10 of reddish brown stains that are actually running from --
11 from the back area down to the door track well. There's
12 actually, that's actually a pooling there on the track of
13 the, on the bottom edge of the photograph.

14 Q The white areas that we see, what were those?

15 A Just discoloration. There's -- I had in my notes
16 that there's a presence of maggots. So there was a lot
17 going on there.

18 Q State's 90. I should have shown that one first.

19 A It's just an additional photograph taken from the --
20 from the same area, just showing a little bit more of the,
21 this goes all the way across to the passenger side.

22 Q State's 95.

23 A That's a photograph taken from the passenger front
24 door area. And it's a photograph shooting all the way
25 back to the, I believe, that's actually in between the

1 second and third row, if you will. But it just, the
2 photograph is showing a huge discoloration where, in my
3 opinion, it was use of bleach.

4 Q Moving to the rear of the vehicle, State's 99. What
5 are we looking at?

6 A That's a photograph after items were removed from the
7 very back that, in the hatchback area if you will. And
8 that's just an overall photograph of that empty area.

9 Q In the middle of the picture right there near the end
10 of the tailgate in the cargo area, what is that?

11 A Correct. There's a presence of what I collected that
12 appeared to be human tissue with hair. And it was
13 collected and sent to bio for examination.

14 MR. MADSEN: Your Honor may we approach?

15 THE COURT: You may.

16 (Whereupon, a bench conference was held in the
17 presence of the jury but out of the hearing of the
18 jury.)

19 THE COURT: Let's take about a 15 minute break. I
20 was looking for an appropriate opportunity and this is the
21 perfect time. So don't discuss the case. Have you back
22 in here in about 15 minutes.

23 (Whereupon, the jury was excused from open court for
24 a break.)

25 (Whereupon, a short break was taken.)

1 MR. GRAHAM: Judge, I know that Mr. Jones, I mean,
2 excuse me, Mr. Madsen just handed a bunch of photographs.
3 We're flipping through them real quick. There are some
4 records in there that indicate, I believe, his conviction,
5 being on parole. So I would like somebody from the
6 Defense to say that it's a tactical decision and they want
7 to put that in.

8 MR. HUBBARD: The Defendant, himself, probably needs
9 to say that as well, Your Honor.

10 MR. YOUNG: I can say it. We are putting it in.

11 MR. HUBBARD: Your Honor, for PCR purposes, I'm
12 requesting this Court to inquire of Mr. Jones if he's
13 consulted with his attorneys and he's fine with that.
14 This is the guilt phase.

15 MR. YOUNG: It's my decision, not.

16 MR. HUBBARD: He won't be the lawyer in five, ten
17 years from now.

18 MR. GRAHAM: The other similar item that would go
19 along with those, Your Honor, is that there are two DSS
20 safety plans that were found inside the vehicle that I was
21 planning on introducing. It's my understanding they were
22 planning on introducing them as well. And I guess that
23 would be the same type of concern is if they don't have an
24 objection and then they would want to put it in as well.

25 THE COURT: But if you're putting them in--

1 MR. GRAHAM: -- I was going to, but it was my
2 understanding they were going to as well.

3 MR. MADSEN: We can have that marked as a joint
4 exhibit.

5 THE COURT: Solicitor, I have a question for you on,
6 a PCR question on the convictions. I guess I'm having a
7 hard time drawing the line as to what decision is being
8 made, or joint decision, what decisions are made or ones
9 that need to be weighed personally or acknowledged by Mr.
10 Jones, and that's kind of a broad line. I know you're
11 asking for the PCR protection. So I guess I want to, it
12 puts me in a difficult situation to have to do that each
13 time. But I don't want, and I don't think that the
14 Defense team would do anything to intentionally create a
15 PCR issue. They shouldn't.

16 MR. HUBBARD: I can make it maybe a little clearer.
17 The DSS stuff they've already gone into. That's out
18 there. It's clear strategy and it's clear and I
19 understand why. This is guilt phase, mentioning prior
20 convictions from Illinois at this point. Judge, I think
21 that typically, as you know, it does not come in. DSS,
22 you can relate to their claim of insanity. Prior
23 convictions a much, much grayer area. All I'm asking on
24 that point, one point, Mr. Jones, have you talked to your
25 lawyers. Do you agree. Are you okay with this. Then I'm

1 fine. It can come in all day. But, Your Honor, you know
2 how --

3 THE COURT: Mr. Young, why do you object to that
4 question being asked. I mean, what's the harm to you and
5 your client?

6 MR. YOUNG: It doesn't do anything to protect for the
7 PCR. Mr. Jones says, I'm not a lawyer, I don't know.
8 They tell me this is what they're going to do. I trust
9 them, they know what they're doing. That's his response.
10 You can put that on the record but that doesn't mean I
11 agree with their strategy or anything like that. I don't
12 know. I'm not a lawyer. I trust my lawyers. This is
13 what they're doing.

14 MR. HUBBARD: But it shows there's been a discussion.
15 That's all I need.

16 THE COURT: All right. But certainly this discussion
17 is being held in the presence of Mr. Jones right now.

18 MR. HUBBARD: Yes, sir.

19 THE COURT: So if he's not aware of it, the Court
20 indicates by my conversations during this miniature
21 hearing right now on that particular issue, he is aware
22 that normally a conviction doesn't come in. But it can if
23 he so chooses, but it's generally a Defense move.

24 MR. YOUNG: We talked about it in the opening.

25 THE COURT: I think I remember that. I'm not saying

1 I do definitively. But if you say you did, I trust you on
2 that one, your mentioning of that. So it is the intent of
3 the Defense to place the prior convictions of Mr. Jones
4 into the record?

5 MR. YOUNG: His time in prison is relevant to our
6 defense of insanity.

7 THE COURT: That's good enough. All right. Are we
8 ready for the jury?

9 MR. YOUNG: Can I have one minute? I apologize. I
10 am just going ask Ms. Jones if she can review, because I
11 think the State's probably got a better procedure with
12 putting all this stuff in through all this stuff and
13 through pictures rather than physical stuff, if she had
14 the physical stuff available. I have a jump drive that,
15 of all of Ms. Jones' photographs. I'd like to just put in
16 the jump drive right now. And then I will have hard
17 copies of pictures available to put into the record
18 tomorrow. But they would all be stuff that was just off
19 the jump drive. Does that make sense?

20 THE COURT: You mean, the jump drive is a culmination
21 of all the photographs Ms. Jones made during her --

22 MR. YOUNG: Yeah. I'd just ask her to look at it and
23 if she agrees that this is all the pictures that she took.
24 She could just go through it real quick. I mean, she
25 doesn't have to look at each one. She can just sort of

1 look at it and agree that that's all the pictures that she
2 took and then I can put that jump drive into evidence.
3 And then I would be able to print pictures that are on the
4 jump drive and that are already in evidence for
5 publication. Does that make sense?

6 THE COURT: It does. Are those in addition to the
7 ones, the 75 or so that have already come in?

8 MR. YOUNG: Yes, sir.

9 THE COURT REPORTER: I've marked 78 Defense exhibits
10 so far.

11 THE COURT: State's exhibits.

12 THE COURT REPORTER: I mean, you're talking about
13 putting that --

14 THE COURT: He wants to put in a jump drive that has
15 numerous photographs, and then individually printing off a
16 couple of them to use.

17 MR. YOUNG: Rather than me having to dig through each
18 one of these and pull out the specific piece of paper that
19 I'm looking for and I can just have pictures. We'll know
20 that the specific pieces of paper are in here, and if the
21 jury for some reason needs them we'll take them out. But
22 we'll have, you know, the picture of each page.

23 THE COURT REPORTER: But what about the 78 I've
24 already marked this morning on Defense? You still want
25 those marked?

1 MR. YOUNG: Yeah. We still need them into evidence
2 and available.

3 THE COURT: Do you all understand his request, Mr.
4 Graham, or Solicitor?

5 MR. GRAHAM: I guess I'm still trying to understand
6 what --

7 THE COURT: What I understood him to say is he wants
8 to mark a jump drive which has all the pictures from Ms.
9 Jones and admit that. And then as he needs to, if he
10 wants to highlight half a dozen in particular, he'll print
11 those off and mark them. But it'll be a portion of that
12 jump drive that's --

13 MR. GRAHAM: I think what we need is our witness to
14 actually go through that jump drive --

15 THE COURT: He said that part of it, too. She could
16 make sure that those are her photographs, he would agree
17 to it. But it would be her validating her pictures.

18 MR. GRAHAM: So he just basically wants to put in
19 every picture that she took?

20 THE COURT: Pretty much.

21 MR. GRAHAM: That's fine.

22 THE COURT: Okay. Mr. Young, we'll try that. I want
23 her to have the opportunity to identify her jump drive and
24 the photographs on there.

25 MR. YOUNG: As I understand, she has a, you have a

1 contact sheet of, done with all your photos?

2 THE WITNESS: Yes, sir. I do.

3 MR. YOUNG: I mean, is it okay if I approach the
4 witness and do this outside the presence of the jury --

5 THE COURT: Sure.

6 THE WITNESS: It would be 1 through 345.

7 (Whereupon, a short break was taken while Mr. Young
8 and the witness went over photographs on a jump
9 drive.)

10 THE COURT: Defense 79 is marked for identification
11 purposes. Any pictures which will be entered, they'll be
12 printed off and marked separately. Ms. Jones has
13 confirmed, Ms. Stacy Jones, Investigator, confirm those
14 are her photographs.

15 (Whereupon, Defendant's Exhibit number 79 was marked
16 for identification only.)

17 THE COURT: Bring the jury in.

18 (Whereupon, the jury came into open court at
19 approximately 11:05 a.m.)

20 THE COURT: All right. You ready to continue, Mr.
21 Graham?

22 MR. GRAHAM: Thank you, Your Honor.

23 THE COURT: Very well.

24 CONTINUE DIRECT EXAMINATION

25 Q Ms. Jones, when we left off we had on the overhead a

1 photograph that you took which was State's number 99.

2 It's in evidence.

3 A Yes.

4 Q And I think that you were describing that it's the
5 cargo area with the third row seats removed. Is that
6 correct?

7 A Yes, correct.

8 Q You were beginning to tell me when I was asking you,
9 I think, what that object was that we see near the
10 tailgate area.

11 A Okay. At this -- at this state of my examination I'm
12 looking for some biological evidence or any evidence, if
13 any, that I can find of presence of decomposition. That
14 appeared to me to be a rather dehydrated piece of tissue.
15 There was hair present. So that item was collected -- was
16 documented and collected and was submitted to a biological
17 laboratory for examination by bio-science.

18 Q State's 100. Is that a closeup of what you're
19 describing?

20 A It is. It's the same object. It's just a closeup
21 view of that object.

22 Q State's 123. You talked about being boxed up. Is
23 that correct?

24 A That's correct, that's correct.

25 Q So you, this is the envelopes that we had shown

1 earlier through with writing on it, there had been a box
2 that you had sealed up to prevent it from being tampered
3 with?

4 A That's correct.

5 MR. GRAHAM: Your Honor, it's my understanding the
6 Defense will stipulate to the chain of custody--

7 THE COURT: -- that's consistent with the other
8 stipulation as well as the continuing objection?

9 MR. MADSEN: Yes, Your Honor.

10 Q Let me ask you specifically, Ms. Jones, did you find
11 any set or group of black belts?

12 A I did. Yes, sir.

13 Q Where in the vehicle were those belts found?

14 A My report states that in the third row seat there was
15 a black in color trash bag that contained a white in color
16 shorts, three black in color belts, along with two pair of
17 men's size shoes.

18 Q Let me show you two photographs. And I realize you
19 didn't take these photographs and there's writing on them
20 that was done by people after you. Do you recognize those
21 two photographs, State's number 30 and 92, as being one of
22 those three belts that you just discussed?

23 A Yes. It is a black in color belt that's
24 photographed.

25 Q And additionally, you took this item, along with the

1 other items that you collected from the vehicle and turned
2 them over to a member of the Lexington County Sheriff's
3 Department, I believe. Is that correct?

4 A I did. I turned them over to Mr. Keith Sprinkle with
5 the Lexington County Sheriff's Office Crime Scene Unit on
6 September the 11th, 2014 at 07:27 hours in the morning.

7 Q Are you familiar with the name of Brittany Burke who
8 is a SLED agent?

9 A Just from since I've been here yesterday.

10 Q State's 92. That's part of the belt. Are you able
11 from which end it's coming from, from--

12 A -- that's correct. That's coming from the, from the
13 bottom end, I guess you would call it. The, not the
14 buckle side.

15 Q State's 130.

16 A That would be the buckle end of the belt.

17 Q And when you found this, if you'll look here at the
18 buckle end, the buckle is broken. Do you see that?

19 A Yes, sir. I do.

20 Q Is this the condition that you found it in?

21 A Yes, it is.

22 Q In addition, did you find a identification bearing
23 the name of Tim Jones in the vehicle?

24 A Yes, sir. I did. It was an Intel ID badge.

25 Q And I think that that is State's number 9 that's

1 already in evidence. Let me show you the badge itself and
2 the lanyard and ask if you recognize that.

3 A Yes, sir. I do.

4 Q And do you remember where in the vehicle that was
5 found?

6 A I do. It was in the passenger front seat. It was in
7 that, you remember the large cardboard box. It was in
8 that area. It's a lanyard with the identification card
9 labeled Intel, is how I have it documented in my report.

10 MR. GRAHAM: Your Honor, if I forgot it, I will bring
11 it up now. As far as the photograph of the belt, my
12 understanding is, again like the other items, the Defense
13 would stipulate to the chain of custody on that belt to
14 the analyst at SLED.

15 THE COURT: The chain is stipulated subject to the
16 objection.

17 Q Just a few more things to discuss. There was a lot
18 of things in the car. Is that correct?

19 A I'm sorry?

20 Q There were a lot of things in the vehicle?

21 A A lot of things.

22 Q And you went through and actually photographed in
23 general, some of them we saw and obviously there are a lot
24 more photos that you took. But you tried to itemize as
25 best you could the items you found in the vehicle. Is

1 that correct?

2 A I did. I laid everything out. We gathered up all of
3 the receipts, for example, and we placed them in date
4 order and photographed them and things like that before we
5 packaged them up to be transported to South Carolina.

6 Q And you wrote a report documenting what you found and
7 where?

8 A I did.

9 Q Let's go through some of the items. If you'll go to
10 page two. You started in the front area?

11 A Yes, sir. I did.

12 Q As far as the driver's side front area, was there
13 anything of importance that you saw?

14 A Driver's side front seat. Is that where you're at?

15 Q Yes, ma'am.

16 A Everything in this report I had it broken down to
17 every individual area, whether it was in the seat or
18 whether it was the floorboard or the door pocket. It just
19 makes it a little bit easier when there's so much stuff in
20 this area. In the driver's side front seat I have labeled
21 as a fabric refreshener and a plastic bag that contained
22 garbage.

23 Q Underneath the driver's side seat did you also find
24 some more evidence?

25 A Yes. In the -- underneath the driver's side rear

1 seat, the seat was folded up, it's notated in parenthesis,
2 and there was water, there was yellow and green containers
3 of Clorox wipes, there was a can of refreshener, or
4 refreshener, and a black in color garbage bag that contained
5 underwear, black boy jeans, a pink in color toy monkey, a
6 pair of child sized blue in color gloves and a pink in
7 color child sized white shoe.

8 Q Just one shoe?

9 A Just one shoe.

10 Q In the rear seat center floor area, can you tell the
11 jury what you found there.

12 A The rear seat center floor area, my report states
13 that there was Pennzoil motor oil, there was Ajax, there
14 was Glass Plus cleaner, a pair of socks, a brown in color
15 belt, a plastic bag, a sock with what appeared to be
16 bleach stains.

17 Q And you said, how long have you been a crime scene
18 analyst?

19 A This is my 23rd year.

20 Q Have you ever been qualified as an expert as a crime
21 scene analyst?

22 A Yes, sir. I have.

23 MR. GRAHAM: Your Honor, the State would offer Stacy
24 Jones as an expert in the field of crime scene analysis.

25 THE COURT: You need voir dire?

1 MR. MADSEN: No, sir.

2 THE COURT: Let the record reflect she's so
3 qualified. What that means, she's qualified as an expert
4 and not only allowed to offer testimony as to what she did
5 or what she observed and saw, but offer opinions in a
6 field of expertise. She is now qualified crime scene --
7 Solicitor, what was it?

8 MR. GRAHAM: Crime scene analysis, I believe.

9 Q Is that correct?

10 A Yes, sir. Crime scenes.

11 THE COURT: So in the field of analyzing a crime
12 scene, Ms. Jones has been qualified as an expert in that
13 field to offer opinions as to what she believes based on
14 her training, experience and specialized instruction, what
15 she can offer opinions in that particular field. So you
16 may consider those as well.

17 MR. GRAHAM: Thank you, Your Honor.

18 Q The driver side sun visor area, I think in the
19 photograph, you found a pair of sunglasses?

20 A Yes, sir.

21 Q Moving on to the passenger side front door, what did
22 you find there?

23 A The passenger side front door pocket contained a
24 black in color umbrella.

25 Q The passenger side dash, what did you find?

1 A A pack of Newport cigarettes and a plastic bag that
2 contained multiple packs of Newport cigarettes.

3 Q The passenger side front floorboard?

4 A A black in color pack that contained toothpaste, Old
5 Spice, a black in color pouch that contained the suspect's
6 passport, a black in color bag that contained dental
7 supplies, a My Passport electronic device, hand sanitizer,
8 multiple chargers, a blister pack of Mucinex, a medicine
9 bottle labeled Tim Jones, Omeprazole of multiple pills and
10 a medicine bottle labeled Naproxen, a medicine bottle
11 labeled Ibuprofen, a visit summary labeled Elias Jones,
12 contacts, various toiletries, nail clippers, a mirror, lip
13 balm, a bottle of orange juice and a black in color bag
14 that contained shaving supplies. Also in the floorboard
15 was a plastic bag containing wipes, two Gatorade bottles,
16 a bottle of water, motor oil, a bleach bottle containing
17 coins and bills, a Tide container that contained various
18 cords, an oil filter, a box labeled Microstick that
19 contained multiple flash drives and a green color case
20 containing a Kindle and a floor mat.

21 Q Let me back up for a second. You went through -- I
22 think one of the first things at the beginning you talked
23 about was a passport. I think you said it was the
24 suspect's passport?

25 A It's a -- it was a electronic device of sorts that

1 was -- the name of that electronic device was My Passport.

2 Q In addition to the My Passport electronic device, you
3 actually said the suspect's passport. Do you remember
4 that, remember seeing that?

5 A Yes, that's correct.

6 Q And do you remember what that item was?

7 A It contained the suspect's passport. It was -- that
8 was Tim Jones, Jr.'s passport.

9 Q For traveling outside the United States?

10 A Correct.

11 Q The passenger front seat, what did you find there?

12 A In the passenger front seat it was a large cardboard
13 box containing a black in color case that contained a
14 Bible, a blue bag that contained stamps and a checkbook
15 labeled Tim R. Jones, Jr. that, the number ranged of the
16 checks from 1254 through 1274, and another book labeled
17 Tim R. Jones, Jr. continuing from 1275 to 1299. A mason
18 bag labeled Tim Jones. A white in color plastic basket, a
19 clip -- the clipboard with multiple papers, receipts. An
20 HP laptop serial number 5C, Charles, B, boy, 3010C,
21 Charles, H, Henry, T, Tom. A small Windows laptop serial
22 number 2, correction, 024298331553. A second HP laptop
23 serial number C, Charles, N, Nora, U, Union, 14007N, Nora,
24 H, Henry. There was multiple clothing, multiple towels
25 with what appeared to be bleach stains, hangers, a road

1 Atlas, a plastic bag, school supplies, a checkbook labeled
2 Tim R. Jones numbered 1251 through 1260, multiple pens.
3 There was a Blue Cross insurance card labeled Tim Jones, a
4 lanyard with identification card labeled Intel, body
5 spray, a black in color plastic bag that contained garbage
6 and mail, various packages of cans of food, kernel
7 popcorn, multiple papers, school papers, plastic door
8 panel. Part, probably which means a part from the plastic
9 door panel, a lighter, a plastic bag that contained
10 multiple receipts, a Mason book and a Mason Bible, a
11 movie, multiple cassette tapes, duct tape. A Galaxy Note
12 3 serial number R, Robert, V, Victor, 8F, Frank, 30J,
13 John, 9M, Mary, 5n, Nora. Cellular phone with the battery
14 taken out, two dust masks, a book, a lanyard with Disney
15 World cards attached, a green in color folder that
16 contained birth certificates and Social Security cards of
17 the suspect and five children, income tax papers, multiple
18 DVDs, plastic bag with multiple DVDs, a hard drive, legal
19 divorce papers, a spindle of DVDs, photos of the children,
20 needle nose pliers, letters addressed to the children, an
21 empty stamped envelope, a child's book, one spoon, one
22 fork, contacts and nail clippers.

23 Q Skipping down to the passenger side rear seat, if you
24 could continue.

25 A The passenger side rear seat was a blue and color

1 bucket with a red in color dirt type substance inside that
2 contained a black in color plastic garbage bags, nail,
3 duct tape, an empty plastic bag labeled "plastic mask",
4 goggles, trash bags, plastic bag that contained vice
5 grips, a screw, a black in color case that was empty, an
6 empty bleach bottle, a gas canister with liquid, black in
7 color trash bag with hangers, multiple clothing and a
8 black in color towel, insulated blue jeans, a windshield
9 -- windshield sun block, a sock, a green and brown in
10 color bag that contained a red in color clipboard that was
11 empty, an empty photo book, fireworks, two extension
12 cords, cable wire, various papers, an adaptor, a metal
13 clip, a plastic interior car part and batteries, a towel,
14 socks, a bag of zip ties, a plastic cup, shampoo, red and
15 black in color shorts, black in color pants, a white board
16 eraser, a white in color towel, a plastic bag that
17 contained one baby shoe and one diaper, a plastic
18 container with a remote control toy, a child's size shoe,
19 a toy remote, photos, a white and blue in color empty bag,
20 plastic bag that contained a pacifier, various papers,
21 data cords, power cords, an empty black in color bag, a
22 green in color sandwich bowl that contained various sewing
23 items, plastic bag that contained multiple mail, an empty
24 box, a plastic bag that contained trash, a shots record,
25 school pictures, keys, miscellaneous papers, a blue folder

1 that contained college papers, a diploma labeled
2 Mississippi State University, gum. Multiple checkbooks
3 labeled Timothy Jones, Jr. that number ranged from 1203 to
4 1230, 1261 to 1290, 1291 to 1320 and 1330 to 1350. A
5 tassel, and multiple cellular phones including one Samsung
6 serial number R, Robert, 31D, David, 70C, Charles, N,
7 Nora, N, Nora, 4Z, zebra. One AT&T serial number L,
8 Lincoln, 6X, x-ray, 7N, Nora, B, boy, 12A, Adam, 2522742.
9 And one Verizon, serial number H, Henry, T, Tom, 15F,
10 Frank, M, Mary, A, Adam, 06055 without a battery. Also
11 present was body wash, multiple clothes, a hat, a Jab Saw,
12 a plastic bag containing rope, a package of saw blades
13 with one missing, a screw driver set and a red knife. A
14 belt, a shirt, a book, a child size shoe, socks and a
15 plastic interior car part.

16 Q Moving back to the third row seat.

17 A A black in color trash bag that contained white in
18 color shorts, three black in color belts, two pairs of
19 men's size dress shoes, an electric screw driver, a hard
20 drive, plastic cup, children's papers, a Spanish
21 dictionary, a plastic bag, multiple receipts, hairbrush,
22 tape, multiple car chargers, writing pens, a butter knife,
23 a plastic bottle with liquid, contact case, a comb, a
24 hitch pin and clip, a screwdriver, multiple coins, broken
25 eyeglasses, a manila envelope that contained school

1 paperwork, shampoo, a child's size shoe and a lock with a
2 key. A blue in color bag that contained clothing items,
3 and a plastic bag that contained various clothing and a
4 towel. A plastic blue in color bag with multiple
5 clothing. A plastic bag containing books, toilet paper, a
6 gray in color therapy band, a six volt battery, a bag with
7 underwear, towels, a pink in color cup, a flashlight,
8 house shoes, a white in color pillow, a comforter and a
9 sock. A large clear plastic bin that contained a plastic
10 box of pens, a stapler, pencil led and an eraser. A
11 hanger, baby wipes, three Bibles, a Sony Electronic
12 Reader, child size shoe, a pink in color photo book,
13 multiple receipts, papers. A plastic box labeled
14 resisters, a silver in color hairbrush, a baby book with
15 photos and study papers, a plastic bag containing trash
16 and receipts, data cords, a computer mouse, cassette
17 tapes, a medicine bottle labeled Tim Jones. Omeprazole,
18 spelling O-m-e-p-r-a-z-o-l-e with pink in color pills. A
19 box with bags of glitter, school pictures and papers, a
20 baseball, a key, a Step Counter, and a fuel reward card.

21 Q And finally in the rear hatchback area behind the
22 third row seat what did you find?

23 A In the rear hatchback area behind the third row seat
24 was Spectra vitamins. A box with a computer mouse, a hard
25 drive, flash drives, a knife, batteries, black in color

1 scarf, black in color gloves, a red in color fur hat, a
2 book, a data cord, kids body wash, cards and Post-It
3 notes. A purple in color latex glove, an empty bottle
4 labeled muriatic acid, lighter fluid, three charcoal
5 bottles with liquid, two sets of jumper cables, a funnel,
6 a black in color blanket with what appeared to be dirt and
7 grass. A red in color roadside assistance bag with an air
8 pump, a jack stand, cotton balls, coins and cleaning
9 wipes.

10 Q All of those items you collected and documented out
11 of the car?

12 A That's correct.

13 Q Those are the ones you talked about and the ones that
14 you had listed, you put them in boxes and sealed them up?

15 A I did.

16 Q And then you personally handed those sealed boxes to,
17 I think you said, Keith Sprinkle --

18 A Keith Sprinkle.

19 Q -- at the Lexington County Sheriff's Department?

20 A Yes, sir. On September the 11th of 2014 at 07:27
21 hours in the morning we labeled and packaged 12 large
22 boxes and released them to Keith Sprinkle who drove down
23 to Mississippi to pick them up.

24 MR. GRAHAM: Thank you, Ms. Jones. Please answer any
25 questions the Defense might have.

1 THE WITNESS: Yes, sir.

2 MR. MADSEN: Can we have a quick break?

3 THE COURT: We're going to take a 10 minute break.

4 You all step in the jury room and we'll have you back in
5 here in about 10 minutes.

6 (Whereupon, the jury was excused from open court for
7 a break.)

8 (Whereupon, a short break was taken.)

9 MR. GRAHAM: Thank you, Your Honor. I was unable to
10 find the passport on my direct examination of Ms. Jones.
11 During the break I did. So the State will introduce the
12 passport as State's 73. The passport of Tim Jones.

13 THE COURT: And at sidebar, it's admitted subject to
14 prior objections and the chain was stipulated by the
15 Defendant.

16 (Whereupon, State's Exhibit number 73 was marked for
17 identification and admitted into evidence.)

18 MR. GRAHAM: That's all I need. Thank you, Your
19 Honor.

20 (Whereupon, the jury came into open court at
21 approximately 11:40 a.m.)

22 CROSS-EXAMINATION

23 By Mr. Madsen:

24 Q How are you doing this afternoon?

25 A Fine, thank you.

1 Q So you started processing the vehicle at what time?

2 A I started my examination on September the 7th of 2014
3 at about 8:30 in the morning.

4 Q And what time did you leave?

5 A Bear with me. The last item that I collected in the
6 examination was item number 42 and it was labeled at
7 19:59.

8 Q So I guess --

9 A Which would have been that afternoon -- which would
10 be 8:00 o'clock.

11 Q A little bit under 12 hours?

12 A Yeah. Just a couple minutes before 8:00 o'clock p.m.
13 So a little over 12, between 12 and 13 hours.

14 Q Of the stuff in the car, I think in the end did you
15 put it in, did you say, 12 boxes?

16 A That's correct.

17 Q And everything that you got out of the car went into
18 those boxes, correct?

19 A Yes, sir. It did.

20 Q There wasn't anything that you got out that you threw
21 away?

22 A I don't recall if we discarded like the contents of
23 trash bags. Like, for instance, if it was food wrappers
24 and things like that. I don't, I honestly don't recall if
25 we kept those or if those were included in those 12 boxes.

1 If they were not in those 12 boxes, then they were not --
2 then it was likely that it was trash and discarded. But I
3 can't tell you that with absolute certainty.

4 Q And you took photographs of everything that you took
5 out of that car?

6 A Yes, sir. We laid everything out on multiple white
7 tables. Just laid everything out and photographed them in
8 general.

9 Q I'm going to show you what's been marked for ID as
10 State's, (sic), 80 and State's, (sic), 81 and ask you if
11 you recognize those.

12 A Yes, sir. I do. This is photographs of just the
13 length of the table and the things that we sorted through
14 and laid out. At this point we were working with items
15 that came out of the vehicle. Not necessarily for
16 forensic evidence but for investigative purposes as well,
17 and that's what you're seeing as the organization of that
18 stuff.

19 MR. MADSEN: We would move Defense 80 and 81 into
20 evidence.

21 THE COURT: Those two pictures in?

22 MR. MADSEN: Yes, sir.

23 MR. GRAHAM: No objection, Your Honor.

24 THE COURT: 80 and 81, two photographs admitted
25 without objection.

1 (Whereupon, Defendant's Exhibit numbers 80 and 81
2 were admitted into evidence.)

3 Q So, Ms. Jones, kind of looking at this. It appears
4 -- let me see if I can figure it out. That appears, like
5 in Defense Exhibit 80, that those are mainly paperwork and
6 pictures?

7 A That's correct. We're just sorting things by what
8 they are and laying them out for easier examination.

9 Q And it looks like those are tables, I guess similar
10 to that white table kind of stacked end on end?

11 A That's exactly what it is. Yes, sir.

12 Q And that's some more paperwork, I guess, on those
13 same tables?

14 A Yes, sir.

15 Q Including the bottom down there. Are those, they
16 appear to be like insurance cards?

17 A Yes, sir.

18 Q Let me show you what's been marked for Defense ID 82
19 through 86 and ask if you recognize those.

20 A Yes, sir. These are photographs, again, that I took
21 of additional items that are laid out on the table that we
22 were sorting.

23 MR. MADSEN: Judge, we would move Defendant's 82
24 through 86 into evidence. I believe it's without
25 objection.

1 MR. GRAHAM: No objection.

2 THE COURT: Without objection, 82, 83, 84, 85 and 86
3 in.

4 (Whereupon, Defendant's Exhibit numbers 82 through 86
5 were admitted into evidence.)

6 Q And these appear on this part to be photographs in --

7 A Yes, sir.

8 Q -- Exhibit 82, kind of a little bit down from those
9 papers?

10 A That's correct. These are just multiple photographs
11 that were recovered from the vehicle and were just laid
12 out for documentation.

13 Q And that's what's on 83?

14 A Yes, sir.

15 Q And then I think 84 kind of gets to the end of that
16 table?

17 A Yes, sir. That's correct.

18 Q I believe 85 is just a little bit closer shot?

19 A Yes, sir.

20 Q And then I believe it looks like 86 is kind of
21 working it's way back towards the front. Is that correct?

22 A That's correct, it is.

23 Q And you actually took quite a number of photographs
24 of the vehicle inside and out, correct?

25 A Yes, sir.

1 Q I think, was it 300?

2 A 345, I think.

3 Q And when you do that, you're not using a Polaroid,
4 are you?

5 A No, sir.

6 Q It's a digital camera?

7 A That's correct.

8 Q And let me show you what's been marked for State's --
9 or, excuse me, Defendant's ID 79. That is a thumb drive.
10 Have you had a chance to review that?

11 A I have, sir.

12 Q And does that include all of the photographs that you
13 took?

14 A Yes, sir. It does.

15 Q And that fairly and accurately represents your
16 documenting that scene?

17 A Yes, sir. That's correct.

18 MR. MADSEN: Judge, we would move Defense 79 for ID
19 into evidence.

20 MR. GRAHAM: May we approach, Your Honor?

21 THE COURT: You may.

22 (Whereupon, a bench conference was held in the
23 presence of the jury but out of the hearing of the
24 jury.)

25 THE COURT: All right. 79's admitted subject to our

1 sidebar discussion.

2 (Whereupon, Defendant's Exhibit number 79 was
3 admitted into evidence.)

4 Q Ms. Jones, let me show you what's been marked as
5 Defendant's Exhibit number 12 for ID purposes and ask you
6 if you recognize that.

7 THE COURT: They cannot hear you, you walked over
8 into that corner.

9 A Yes, sir. I do.

10 Q That would have been all the items that you
11 collected?

12 A That's correct.

13 MR. MADSEN: Judge we would move Defendant's Exhibit
14 12 in, I believe without objection.

15 THE COURT: 12 subject to our sidebar discussion?

16 MR. GRAHAM: Correct, Your Honor.

17 THE COURT: It's in. Defendant's 12 is in.

18 (Whereupon, Defendant's Exhibit number 12 was
19 admitted into evidence.)

20 Q I'll show you what's been marked for Defendant's
21 Exhibit 15 for ID purposes.

22 A Yes, sir. I'm familiar with this.

23 Q And that appears to be a DSS safety plan?

24 A That's correct.

25 MR. MADSEN: Judge, we would move Defendant's 15 for

1 ID into evidence, also, I believe, without objection.

2 THE COURT: 15 is in.

3 (Whereupon, Defendant's Exhibit number 15 was
4 admitted into evidence.)

5 Q Let me show you what's been marked as Defendant's
6 Exhibits 87 through 91 for ID purposes and ask you if you
7 recognize those.

8 A Okay. Yes, sir. I do.

9 MR. MADSEN: Judge, we would move Defendant's 87
10 through 91 into evidence also.

11 MR. GRAHAM: No objection, Your Honor.

12 THE COURT: 87 through 91 are all admitted without
13 objection, photographs.

14 (Whereupon, Defendant's Exhibit numbers 87 through 91
15 were admitted into evidence.)

16 Q So this is something that you would have taken a
17 photograph when you got it out of the car?

18 A Yes, sir.

19 Q And this appears to be a letter to Elias dated March
20 7th of 2014 and it's from his mother?

21 A Yes, sir.

22 Q And Defendant's 88 appears to be similar letter but
23 dated to Nahtahn from his mother?

24 A That's correct.

25 Q I'm going to jump to Defendant's 91. That appears to

1 be a letter that says "Dear Daddy, I'm sorry for causing
2 this mess and not doing what I am supposed to do and want
3 to be --

4 A -- awesome.

5 Q -- awesome," thank you, "and a good sister. And I
6 love you, Daddy, very much. And you, Daddy, are awesome."
7 And that's something that you collected also?

8 A Yes, sir. And that's written in what appears to be a
9 child's handwriting.

10 Q And then Defense Exhibit 90 appears to be some type
11 of, drawing, words?

12 A That's correct.

13 Q And then Defendant's Exhibit 89 appears to be a
14 letter to Merah from her mother. Is that correct?

15 A Yes, sir. It does.

16 Q And you collected that also?

17 A I did.

18 Q And all of those items, were they found together? Do
19 you recall?

20 A I don't recall without searching through the notes.

21 Q I'm going to show you a few, see if you recognize
22 Defendant's Exhibit 93 for ID, 95, 92 and 94.

23 A Yes, sir. I do.

24 Q And it appears that in this or each one of those is
25 -- so there's four pictures. But it looks like it's two

1 pieces of paper. One piece of paper that you took --

2 A That's correct.

3 Q -- I guess, the photo up top and a photo --

4 A That's correct.

5 Q -- at the bottom?

6 A Just so it can be --

7 Q And so, the way they're numbered, I guess, 93 and 95
8 go together and 92 and 94 go together?

9 A They do, and you can tell that by the bottom of the
10 one, of the word electricity matches up, as well as the
11 overlap. And 94 being the top portion of 92.

12 MR. MADSEN: And, Judge, we would move Defense for ID
13 92 to 95 into evidence.

14 MR. GRAHAM: No objection subject to the sidebar,
15 Your Honor.

16 THE COURT: Subject to the sidebar, 92, 93, 94, 95
17 are also in.

18 (Whereupon, Defendant's Exhibit numbers 92 through 95
19 were admitted into evidence.)

20 Q I'll show you 93 first. And I guess that's the top
21 part of the paper?

22 A Yes, sir. It is.

23 Q And it looks like down the side they're numbered 1
24 through 11 down to, I guess, 12 --

25 A Yes, sir.

1 Q -- down at the bottom. And then 95 starts at kind of
2 13. So that's that bottom half of the page?

3 A Yes. That's the bottom of the previous photograph.

4 Q And then, I guess, is 92 the top half of another
5 page?

6 A Yeah. There's a layover, where you see where it
7 starts payrolls there at the top. You see the payroll on
8 the photograph below that one.

9 Q And I'll show you Defendant's Exhibit 94. And the
10 last two Defense Exhibits, those appear to be, I guess,
11 financial plans, for lack of a better word?

12 A The writing on it. Yes, absolutely.

13 Q And, in fact, I think that there's a date, 5/15 of
14 '19?

15 A That's 19/19. Is that what it says? You'll have to
16 forgive me. My glasses are over here.

17 Q That looks like, line six, \$1,000 a month until Merah
18 is 13.

19 A Yes, sir. Yes, sir. And then in parenthesis it says
20 day 5/15 -- I can't tell if that's an '18 or a '19.

21 Q And that date, the 5/15 of '19, that was yesterday?

22 A Correct.

23 Q And did you have, where their birth certificates,
24 that's Merah's, that was Merah's birthday, correct?

25 A I don't recall off the top of my head. It's the ones

1 that you handed, I just handed them back to you in the
2 envelope.

3 Q Let me show you Defense 77 for ID and see if you
4 recognize that.

5 A Yes, sir. I do.

6 MR. MADSEN: We would move --

7 Q What that is, what is that?

8 A It's a wine in color case that contains multiple
9 cassettes, cassette tapes.

10 Q What are the cassettes?

11 A The cassettes appear to be an ongoing series labeled
12 A Godly Home, and they are with various different
13 ministry. It says Charity Gospel Tape Ministry.

14 MR. MADSEN: Judge, we would move Defendant's 77 into
15 evidence.

16 MR. GRAHAM: No objection, Your Honor.

17 THE COURT: 77 is in without objection and its
18 contents will stay in there.

19 (Whereupon, Defendant's Exhibit number 77 was
20 admitted into evidence.)

21 MR. MADSEN: Just got, I want to publish just one of
22 them.

23 THE COURT: I thought you meant you wanted to play
24 it.

25 MR. MADSEN: No, no, no, no. No, no, no. Not right

1 now.

2 THE COURT: All right.

3 Q So this is, I guess, tape 6A out of that, and that
4 appears to be a tape series by Danny Henson?

5 A Yes, sir.

6 Q And that tape is entitled The Rod is Love?

7 A Yes, sir.

8 Q And as you said, that's from Charity Ministries?

9 A Charity Gospel Tape Ministry.

10 MR. GRAHAM: No objection to any of that, Your Honor.

11 Q Starting with Defense Exhibit 76 for ID, what is
12 that? Do you recognize that?

13 A It is a cassette tape that's labeled the Smithton
14 Outpouring Revival for a Heartland, and it contains a
15 cassette tape that's labeled, What's Everybody Screaming
16 About by Dr. Phil Kidd.

17 Q And that's something you collected also?

18 A Yes, sir.

19 Q I ask you to take a look at Defense number 55 for ID
20 purposes and see if you recognize that.

21 A The -- if I may.

22 Q Sure.

23 A These envelopes were made here in South Carolina, so
24 the envelopes themselves are not --

25 Q You would have just collected them and placed them in

1 the box?

2 A What they're saying is in box 11 of 12.

3 Q Box 11 of 12.

4 A That this was removed from that box.

5 Q Yes, ma'am.

6 A And that would be my box. These are, this is the
7 lanyard in my report that we talked about that had the
8 Disney, I think, park pass maybe thing.

9 Q Something you throw around your neck?

10 A Correct. And there's multiple movies, including
11 Tinker Bell. The Best of Dr. Seuss, The Reef, Willie
12 Wonka and the Chocolate Factory, and Tinker Bell. Another
13 Tinker Bell.

14 Q All children's movies?

15 A Yes, sir. But all children's movies.

16 Q And I'm going to show you Defense for ID 57. Do you
17 recognize that?

18 A This is another lanyard with the same type Disney --
19 Disney park, Walt Disney World.

20 Q I think the other one was like a Minnie Mouse as
21 compared to --

22 A To Mickey Mouse. That's correct. That's correct.

23 Q And that's something you also collected?

24 A Yes, sir. And this was removed from box 12 of 12.

25 Q I'll show you again and see if you recognize Defense

1 59 for ID.

2 A Yes, sir. These are diplomas of --

3 Q They just all appear to be educational related?

4 A That's correct.

5 Q From Mississippi State. Is that correct?

6 A Uh-huh, yes. Yes, sir. And these were also removed
7 from the vehicle.

8 Q I'll show you Defense Exhibit 8 for ID.

9 A Okay. Yes, sir.

10 Q And you recognize that?

11 A It was removed from box 6 of 12, and it's a --

12 Q And what is that?

13 A It's a marriage certificate.

14 Q Of who?

15 A It says Tom, Thomas Jones and Christy Sutton, well,
16 Amber Marie McCauley, I apologize.

17 Q I think that was the, Christy Sutton is the witness.

18 A Thank you. Yes, that's right. It says Timothy Ray
19 Jones, Jr. of Elmhurst, Illinois, and Amber Maria McCauley
20 of Elmhurst, Illinois.

21 Q And that's something you collected from the vehicle?

22 A Yes, sir.

23 Q And if you'd take a look at Defense -- I think, is
24 that 56?

25 A 56 for ID. Yes, sir. It is.

1 Q And those are all items that you took out of the
2 vehicle?

3 A They're all items that we read on my report,
4 including the checkbooks and miscellaneous letters.

5 MR. MADSEN: Judge, I would move, to move Defense 55
6 through 59 and 76 into evidence.

7 THE COURT: And there's --

8 MR. GRAHAM: No objection.

9 THE COURT: No objection to that. So it's 76, 55,
10 56, 57, 58, 59 all are in without objection.

11 (Whereupon, Defendant's Exhibit numbers 55 through 59
12 and 76 were admitted into evidence.)

13 Q And out of, 57, I guess, that is the lanyard you were
14 talking about?

15 A The lanyard with the Minnie Mouse park card.

16 Q And 57 is the one with the lanyard with the --

17 A -- with the Minnie Mouse for Walt Disney World.

18 Q 58 is the marriage certificate that you mentioned?

19 A Yes, sir.

20 Q And it's, the names are on top?

21 A Yes, sir.

22 Q And then you had mentioned Christy Sutton --

23 A I read the witnesses, yeah, that was the signature.

24 Q Can you read the name on the--

25 A -- that looks about right.

1 Q And that looks like it was, Illinois?

2 A Yes, sir.

3 Q I think as you said, 59 was just some documents from
4 -- you indicated from Mississippi State?

5 A Yes, sir. Educational documents.

6 Q And then Defense 56, I guess, a variety of
7 checkbooks?

8 A Yes, sir.

9 Q It looks like they haven't -- most of them haven't
10 been used?

11 A Yes, sir.

12 Q And here's a child's drawing?

13 A Yes, sir.

14 Q This is another child's drawing with a sticker on the
15 bottom of it?

16 A Yes, sir.

17 Q And then a check to Timothy Jones. It appears to be
18 from Amber Jones dated 2/8 of 2013 for \$250?

19 A Yes, sir.

20 Q I don't think that we have it here, but you also got
21 some fireworks, I guess, out of the vehicle?

22 A Yes, sir. There's fireworks listed in my report.

23 Q Like sparklers, bottle rockets, things along those
24 natures?

25 A I don't recall--

1 Q -- nothing gigantic?

2 A No, sir. No, sir. I just have them labeled as
3 fireworks.

4 THE COURT: Mr. Madsen, how much more time do you
5 think you have?

6 MR. MADSEN: The rest of that table.

7 THE COURT: So it would be a good time for a lunch
8 break while Mr. Graham goes through that at this time.
9 All right. We're going to break for lunch. You all got
10 plans, you all got rides. You all enjoy. Don't talk
11 about the case. See you back shortly before 2:00. I'm
12 giving you a lengthy lunch break so they can get some of
13 this organized.

14 (Whereupon, the jury was excused from open court for
15 a lunch break.)

16 (Whereupon, a lunch break was taken.)

17 MR. YOUNG: I want to mark this as a Court's exhibit.
18 The Defense's preliminary instructions to the jury. I
19 want to make this a part of the record. We had requested
20 the ones we emailed out, you said I am not going to do
21 that.

22 THE COURT: I remember I told you I wasn't going to
23 do that.

24 MR. YOUNG: And I said, I request to do this.
25

1 (Whereupon, Court's Exhibit number 83 was marked for
2 identification only.)

3 THE COURT: Bring the jury in.

4 (Whereupon, the jury came into open court at
5 approximately 2:42 p.m.)

6 THE COURT: I am not sure what time you all got back,
7 but it was a little delayed. They're doing some
8 organizing and some of Joy's paperwork. We're trying to
9 organize it for you. So my apologizes for holding you all
10 up. So are we ready to continue on?

11 THE WITNESS: Yes, sir.

12 THE COURT: Ms. Jones is still on the stand and Mr.
13 Madsen should still be with her.

14 CONTINUE CROSS-EXAMINATION

15 Q Ms. Jones, let me, I think you've already reviewed
16 State's Exhibit 13 and 14 for ID and determined those came
17 from the car?

18 A Yes, sir.

19 MR. MADSEN: Judge, I believe we're -- without
20 objection, we're moving these into evidence.

21 MR. GRAHAM: That's correct, Your Honor.

22 THE COURT: It's 13 and 14?

23 MR. MADSEN: Yes, sir.

24 (Whereupon, Defendant's Exhibit numbers 13 and 14
25 were admitted into evidence).

1 Q Same thing for 16 through 42, marked for Defense for
2 ID you've reviewed. These are items that you pulled out
3 of the car, also?

4 A I have.

5 MR. MADSEN: Judge, we would move these into
6 evidence, I believe, without objection.

7 THE COURT: Basically, we've kind of
8 compartmentalized most of -- well, everything that came
9 out of the truck, SUV?

10 MR. MADSEN: Yes, sir.

11 THE COURT: In the respective envelopes as to,
12 perhaps, categories.

13 (Whereupon, Defendant Exhibit numbers 16 through 42
14 were admitted into evidence).

15 Q The same thing for Defense 44 through 48. These all
16 came out of the car you reviewed and things are things
17 that you collected?

18 A Yes, sir. They are.

19 MR. MADSEN: Judge, we would move Defendant's 44 for
20 ID through 48 into evidence.

21 THE COURT: 44 --

22 MR. MADSEN: 44 through 48.

23 THE COURT REPORTER: Awhile ago, you did -- awhile
24 ago, you did through 42. Okay.

25 THE COURT: Did you just go through 42 and you're

1 missing 43?

2 THE COURT REPORTER: Yeah. That's what I was saying.
3 We didn't have a 43.

4 MR. MADSEN: Yes, sir.

5 THE COURT: So 43 is the only number of that sequence
6 from 13 --

7 MR. MADSEN: Yes, sir. I'm trying to keep them in
8 sequence, but there were some other --

9 THE COURT: -- 16 through 48 with the exception of
10 43?

11 THE COURT REPORTER: I have 43.

12 (Whereupon, Defendant's Exhibit numbers 43 through 48
13 were admitted into evidence).

14 Q I'm going to show you Defense for ID 49 through 51.
15 These are Bibles that you collected out of the vehicle?

16 A Yes, sir.

17 MR. MADSEN: Judge, we would move Defendant's 49
18 through 51 into evidence.

19 THE COURT: Without objection?

20 MR. GRAHAM: No objection, Your Honor.

21 THE COURT: No objection.

22 (Whereupon, Defendant's Exhibit numbers 49 through 51
23 were admitted into evidence).

24 Q And, Ms. Jones, Defendant's 49 appears to be a Bible?

25 A Yes, sir. That's correct.

1 Q Are you familiar with that symbol there? What that
2 is of?

3 A If I'm not -- is that a Gideon Bible?

4 Q I think it's -- is it Masonic?

5 A Is it Masonic? I'm not, I'm not familiar with that.
6 My apologies.

7 Q On the front of it, it looks like it comes from the
8 Sinclair Lodge. Is that correct?

9 A Yes, sir.

10 Q This is Defendant's 50. This appears to be a Bible
11 to Nahtahn Jones. Is that correct?

12 A That's correct.

13 Q And Defendant's 51 appears to be another Bible to
14 Merah Jones?

15 A Correct.

16 Q And these are Bibles that you collected out of the
17 vehicle?

18 A Yes, sir. They are.

19 Q Let me show you Defense for ID 73 and 74. Those are
20 items you collected out of the vehicle, also?

21 A Yes, sir.

22 MR. MADSEN: Judge, we would move Defense 73 and 74
23 into evidence, I believe, without objection.

24 MR. GRAHAM: No objection.

25 THE COURT: No objection. 73 and 74 is entered.

1 Also, additional the scrap booking of another Bible. Is
2 that right?

3 THE COURT REPORTER: That's right. Yes, sir. A baby
4 book and Bible.

5 (Whereupon, Defendant's Exhibit numbers 73 and 74
6 were admitted into evidence).

7 Q Ms. Jones, Defense 73 appears to be a baby book. Is
8 that correct?

9 A Yes, sir. It's a book and on the front it says, "A
10 Baby is a Treasure".

11 Q And does it -- it indicates on there the name of the
12 baby? Where it says, "We named the baby". Do you see
13 that?

14 A Is it Timothy Ray Jones?

15 Q Yes, ma'am. And Defense 74 appears to be another
16 Bible?

17 A Correct.

18 Q And you also collected Defense for ID 52, 53 and 54.
19 Is that correct?

20 A Yes, sir. We did.

21 MR. MADSEN: Judge, we would move these items into
22 evidence, also.

23 MR. GRAHAM: No objection, Your Honor.

24 THE COURT: 52, 53 and 54 admitted without objection.
25 (Whereupon, Defendant's Exhibit numbers 52 through

1 54, were admitted into evidence).

2 Q Let me show you what's been marked for ID Defense 60,
3 61 and 62. Again, these are items you took out of the --

4 A Yes, sir. They are.

5 MR. MADSEN: Judge, we would move Defense 60, 61 and
6 62 into evidence.

7 THE COURT: 60, 61 and 62.

8 MR. GRAHAM: No objection, Your Honor.

9 THE COURT: No objection.

10 (Whereupon, Defendant's Exhibit number 60 through 62,
11 were admitted into evidence).

12 Q In the front of this appears to be a Constitution and
13 Code of the Grand Lodge AFM, 275th anniversary. Is that
14 correct?

15 A Yes, sir.

16 Q And Defense 62 appears to be another Bible?

17 A Yes, sir.

18 Q It looks like this one is to Eli Jones. Is that
19 correct?

20 A Yes, sir. It is.

21 Q I think you have reviewed everything on this table
22 here.

23 A That's correct. I have.

24 MR. MADSEN: And this is Defense for ID 63. Judge,
25 we would move everything on the table into one as Defense

1 63.

2 MR. GRAHAM: No objection, Your Honor.

3 THE COURT: So tabletop, would be put into box number
4 63 and admitted without objection altogether for the
5 convenience of the courthouse.

6 MR. MADSEN: Yes, sir.

7 (Whereupon, Defendant's Exhibit number 63 was
8 admitted into evidence).

9 Q And I'm going to show you Defense 64 through 72. All
10 of these items were collected by you, also?

11 A Yes, sir.

12 MR. MADSEN: Judge, we would move Defendant's 64
13 through 72 into evidence. I believe it is without
14 objection.

15 MR. GRAHAM: That's correct, Your Honor.

16 THE COURT: All without objection.

17 (Whereupon, Defendant's Exhibit numbers 64 through 72
18 and 72A were admitted into evidence).

19 Q And Defendant's 64. It appears to be military
20 discharge paperwork?

21 A That is correct.

22 Q Defendant's 66. It appears to be a South Carolina --

23 A It's a pamphlet labeled, "South Carolina Department
24 of Social Services".

25 Q And in Defendant's 72, it appears to be a variety of

1 school pictures?

2 A That's correct. Packages of pictures taken at
3 school.

4 Q And these school photos were photos that you --

5 A Yes.

6 Q -- pulled out of that Cadillac Escalade?

7 A Yes, sir. They are.

8 Q I believe Defense for ID 75 was a diploma that you --
9 from Mississippi State?

10 A Yes, sir. That's correct.

11 MR. MADSEN: Judge, we would move Defendant's 75 into
12 evidence.

13 THE COURT: Any objection to the diploma?

14 MR. GRAHAM: No, Your Honor.

15 (Whereupon, Defendant's Exhibit number 75 was
16 admitted into evidence).

17 Q And 78 was some medicine --

18 A Yes.

19 Q -- that you had retrieved, also?

20 A That's correct.

21 MR. MADSEN: Judge, we would move Defendant's 78 into
22 evidence.

23 THE COURT: Without objection?

24 MR. GRAHAM: No objection, Your Honor.

25 (Whereupon, Defendant's Exhibit number 78 was

1 admitted into evidence).

2 Q And, Ms. Jones, your understanding was -- you got
3 there and started, I think you said, at 8:30 on the 7th.
4 So that car had been there about 12 hours?

5 A I received a call about the vehicle at eight minutes
6 after 9:00 the night before.

7 Q So a little bit under -- well, yeah. A little bit
8 under 12 hours --

9 A Yes.

10 Q -- is that correct?

11 A Uh-huh.

12 Q And when you got there the windows were down?

13 A At my -- at my instructions. Yes.

14 Q And had -- so, apparently, been down almost 12 hours?

15 A Yes.

16 Q And the smell was still -- as such, you said it was
17 burning your nostrils?

18 A Absolutely.

19 Q Is it fair to say it's the worst thing you've ever
20 smelled or the strongest?

21 A It was strong.

22 MR. MADSEN: That's all the questions I have.

23 REDIRECT EXAMINATION

24 By Mr. Graham:

25 Q Ms. Jones, I'm going to show to you Defendant's

1 Exhibit 54.

2 A Yes, sir.

3 Q And that was an item that you said that came out of
4 the car?

5 A Yes, sir.

6 Q Could you cut that open and publish to the jury
7 what's inside, please? Just open any of the envelopes
8 that you need to.

9 A These are Unites States savings bonds. There is an
10 unopened envelope of a savings bond issued to Merah Jones.
11 It is a savings bond in the amount of 50 -- \$50. It was
12 issued June 22nd of 2010. There was also an unopened
13 envelope of a savings bond issued to Nahtahn Jones in the
14 amount of \$50 on the same day, June 22nd of 2010. There
15 is a \$50 savings bond to Elias Jones same day, June 22nd
16 of 2010. There is a \$100 savings bond to Elias Jones from
17 January the 7th of 2010. There is a \$100 savings bond
18 issued to Elias Jones, again, on January the 7th of 2010.
19 There is a \$100 savings bond to Merah Jones on January the
20 7th of 2010. Another one to Merah Jones on January the
21 7th of 2010. A \$100 savings bond to Nahtahn Jones,
22 January the 7th of 2010. A \$50 savings bond to Nahtahn
23 Jones on April the 10th of 2009 and a \$50 savings bond to
24 Nahtahn Jones on April the 10th of 2009.

25 Q And all those items were found in Mr. Jones' vehicle

1 when you processed it?

2 A Correct.

3 Q Defendant's Exhibit 81. That was one of the
4 photographs that you put in earlier that had a lot of
5 things put on the table when you began sorting documents.
6 Is that correct?

7 A Yes, sir. That's correct.

8 Q Let me show you what's been marked -- it has not been
9 marked yet.

10 (Whereupon, State's Exhibit number 132 was marked for
11 identification only.)

12 Q Let me show you State's Exhibit 132 and ask if you
13 recognize that document as being one of the ones in the
14 photo that you took from the car.

15 A Yes. It is.

16 MR. GRAHAM: Your Honor, the State would offer 132
17 into evidence.

18 MR. MADSEN: No objection.

19 THE COURT: No objection. 132 is in, except the
20 preliminary.

21 MR. MADSEN: Yes, sir.

22 (Whereupon, State's Exhibit number 132 was admitted
23 into evidence).

24 Q Are you able to read that, Ms. Jones?

25 A Yes.

1 Q Starting in the handwritten -- well, start over here.
2 What's the date that's showing up?

3 A It's a sales flier for August the 20th to September
4 the 2nd, Wednesday through Tuesday.

5 Q Starting with the handwritten notes in the upper
6 left-hand corner, for what you are able to, would you
7 please read that?

8 A It reads -- I believe that says, "Needs", and it's
9 underlined, and it says, "cash", and I'm not one-hundred
10 percent sure. "SPP". I'm not one-hundred percent sure
11 about that one. There's number one and it says, "3,500",
12 and there's, and "Wednesday". There's a question mark.
13 "401K". And then number two has, "6,000K", written with
14 three question marks. Number three is written, "clothes",
15 and a slash, "papers". I believe that's what that says.
16 And then there's a scribble and four. I can't make that
17 out, out beside I think it says, "garbage". It looks
18 like, "Eight socks --", oh, I think that's, "Four pants,
19 eight socks, underwear, two shorts". I'm not sure about
20 that one, "10 shirts". I'm not one-hundred percent sure
21 what that says. "Electronics", maybe. I'm not sure.

22 Q Moving over to the middle. What does that say?

23 A The second portion of writing is a list, again. It
24 says, "Camping supplies". It says, "gas and jug", then
25 the initials that I think stands for muriatic acid. It

1 says, "Tent, charcoal, steaks, grill", I'm not one-hundred
2 percent sure what that says. And I'm not sure I can make
3 that out.

4 MR. GRAHAM: Thank you, Ms. Jones.

5 THE COURT: You may step down.

6 THE WITNESS: Thank you, Your Honor.

7 MR. GRAHAM: The State calls Eric Johnson to the
8 stand.

9 ERIC JOHNSON, being
10 first duly sworn, testified as follows:

11 MADAM CLERK: Thank you, sir. Once you have a seat,
12 stand your full name spelling your last on the record,
13 please.

14 THE WITNESS: Yes, ma'am. My name is Eric Johnson.
15 Spell the last name, J-o-h-n-s-o-n.

16 DIRECT EXAMINATION

17 By Mr. Graham:

18 Q Mr. Johnson, where are you currently employed?

19 A I am currently the Director of Investigations for the
20 Mississippi Department of Human Service in the State of
21 Mississippi.

22 Q Can you describe what that job entails and how long
23 you've been doing it?

24 A I've been with the Mississippi Department of Human
25 Services about four months. I am the Director of the

1 State investigations. We have about 10 to 15
2 investigators around the state and they primarily deal
3 with the Mississippi Department of Human Services, day in
4 and day out functions.

5 Q Prior to that, what was your job duties? What did
6 you do before and where did you work?

7 A I am retired from the Mississippi Department of
8 Public Safety where I served seven years as a State
9 Trooper and the later part of my career of 25 years was
10 spent in the Mississippi Bureau of Investigation, which is
11 much like your SLED here. It's a state police agency. I
12 obtained the rank of lieutenant, or regional supervisor.

13 Q Back on September 6th of 2014, did you become
14 involved in the Jones case?

15 A I did, Counselor.

16 Q And would you tell the jury how that happened?

17 A On the date in question, I received a phone call that
18 night from Undersheriff Marty Patterson in Smith County.
19 Smith County was within my geographical region for the
20 State of Mississippi. I had nine counties and Smith
21 County was one of those counties. I had four other agents
22 that were working out of my MBI office, or the Department
23 of Public Safety Trooper Office. And Marty Patterson,
24 Undersheriff Patterson, called me that evening and briefed
25 me on what he had. He had two deputies out on a driver's

1 license checkpoint. They had a vehicle on the shoulder
2 with South Carolina plates. The driver was alone. There
3 were five children that were unaccounted for and he would
4 like MBI's assistance and MBI Crime Scene Unit assistance,
5 as well.

6 Q Based on his request, did you help mobilize the
7 Mississippi Bureau of Investigations' resources to support
8 Smith County?

9 A Yes, sir. I did do that.

10 Q And did that include having Stacy Jones go down there
11 as a crime scene analyst to process the vehicle?

12 A I did. That night, after I spoke to Undersheriff
13 Patterson, I contacted Ms. Jones and involved her with
14 what we had. In turn, she also talked to Undersheriff
15 Patterson and we agreed that the vehicle should be taken
16 and secured in an indoor facility to preserve any evidence
17 that may be in the vehicle. And we also requested that a
18 law enforcement officer or a deputy sit on that vehicle
19 and preserve the integrity of anything that may be found
20 in there.

21 Q As Ms. Jones, Crime Scene Analyst Jones, was
22 processing the vehicle, did you speak with her throughout
23 that day?

24 A The next day was the 7th.

25 Q I'm sorry. Yes. On the day -- the morning of the

1 7th.

2 A On the morning of the 7th, I believe it was a Sunday,
3 Stacy had agreed that she would report over there. When
4 she got there, it was some 40 miles from my residence on
5 the weekend. And she called me and she said, I think you
6 need to come over here and look at this vehicle yourself.
7 So that's when I traveled to Smith County to meet Ms.
8 Jones and examine the vehicle myself.

9 Q And she briefed you on what she was finding in the
10 car?

11 A That's correct, Counselor. She was.

12 Q Did you actually go and look at the car yourself?

13 A Immediately.

14 Q One of the things that she testified that she found
15 out of the car was State's Exhibit number 91, which was a
16 cell phone. Do you recognize that item?

17 THE WITNESS: Your Honor, may I refer to my notes?

18 THE COURT: Sure.

19 THE WITNESS: Thank you, sir.

20 A Counselor, based on my documentation that I made,
21 that should be a Galaxy Note 3 cellular telephone, black
22 in color, with a serial number indicative of what is
23 written by Ms. Jones' handwriting on this piece of
24 evidence.

25 Q And do you remember receiving an item from her that

1 was sealed up, labeled like that?

2 A I do, Counselor.

3 Q And did you go into it or mess with the contents of
4 it or manipulate it in any way?

5 A No, sir. I did not. The only -- the only thing that
6 I would have done is I would have confirmed the serial
7 number on this device so we could accurately log what we
8 had. So I would have obtained that prior to Ms. Jones
9 sealing and labeling the piece of evidence.

10 Q And once you took that item from her, which we're
11 talking about the phone, State's number 91, what, if
12 anything, did you do with it?

13 A As I recall, that day became very busy, as you could
14 imagine, with us coordinating with South Carolina in
15 trying to ascertain the whereabouts of these children and
16 their well-being. One of my functions and roles that I
17 took on is I prepared search warrants. Based on the
18 electronics retrieved from the black SUV driven by Mr.
19 Timothy Jones, there was a possibility that there could be
20 forensic value that could have some sort of clue. I
21 immediately began to draft search warrants. And in turn
22 contacted our Jackson field office FBI agent that I had a
23 contact for to see if the FBI could immediately start
24 analyzing some of this to see if there was any type of
25 value of evidence that we could pull up, whether it be,

1 you know, a GPS internally in the phone that could show
2 where it's been, if there was any other possible evidence
3 that could be beneficial and helpful in locating the
4 children.

5 Q Specifically, do you remember who you turned the
6 phone over to?

7 A I do. I turned the -- this particular phone over to
8 Special Agent Cynthia Opie with the Jackson field office
9 FBI.

10 Q In addition to taking that phone and other
11 electronics as well, did you also have an opportunity to
12 review some of the receipts that Ms. Jones found in the
13 vehicle?

14 A I did, Counselor.

15 Q And did you also have a chance to review the notes or
16 see a photograph of the notes that was on the clipboard?

17 A I did, sir.

18 Q And specifically, that's the one that was labeled
19 "Head to Camp"? Do you remember the one I'm referring to?

20 A I do. I do.

21 Q You're also --

22 A If I could refer to my notes, I would be glad to.

23 Q Sure, if you would.

24 A Yes, sir. Reading on page two of my report that I
25 wrote for this case. At the bottom, it says, "Some

1 documents found in the passenger seat inside of the
2 Cadillac. It appears to be handwritten notes on a
3 clipboard that stated, "Head to campground, melt bodies
4 down -- " correction, "melt bodies, sand to dust or small
5 pieces. Day one, burn bodies. Day two, sand down bones.
6 Day three, MB", initials, and "dissolve and discard".

7 Q Let me show you State's 125.

8 A Yes, sir.

9 Q Is that the document that you're referring to?

10 A It is, Counselor.

11 Q In addition, you also looked at a Walmart receipt.
12 Is that correct?

13 A I did, sir.

14 Q And what, if anything, important did you notice about
15 the Walmart receipt? Why was the Walmart receipt
16 important to you?

17 A As I recall, on that Walmart receipt, there were
18 certain items that I noted that appeared to be of some
19 concern to me. If I had a copy of that -- and I may have
20 one in my file. Muriatic acid, as I recall off the top of
21 my head, a saw, jab Saw, maybe.

22 Q Let me show you --

23 A Do you have a copy?

24 Q Let me show you State's 111 --

25 A State's 111. Thank you, Counselor.

1 Q -- and ask if you recognize that.

2 A I do recognize this Walmart receipt.

3 Q And is that the Walmart receipt that you were
4 referring to that you saw that day?

5 A It is, sir. This, is indicative of the dust mask,
6 the 3M goggles, the Jab Saw, the saw blades, the multi-saw
7 pack, muriatic acid, a five gallon pail. This is a
8 photographic copy of the receipt that I saw on the day in
9 question in Smith County, Mississippi.

10 Q And you had actually, have been to the vehicle itself
11 and seen the condition of the vehicle, correct?

12 A I have. I had seen the condition of the vehicle
13 after Ms. Jones, our crime scene analyst, had arrived
14 there and looked at it and contacted me. As I stated
15 previously, I immediately went to the Smith County area
16 where the vehicle was at.

17 Q Is it fair to say that you and law enforcement had
18 concerns about the welfare of the children, that you did
19 not know if any of them were still alive or, in fact, if
20 any of them were actually dead? Is that a fair statement.

21 A That is a correct statement, Counselor. We had, you
22 know, we had great concerns for the welfare of the
23 children, and at that point we didn't know if the children
24 were dead or alive.

25 Q In planning -- you were asked to come help, correct?

1 A I'm sorry?

2 Q You were asked by Smith County to come help?

3 A That's correct, sir.

4 Q And did you actually get an opportunity to meet with
5 both Undersheriff Patterson, who was involved with the
6 traffic stop on the 6th, and also, at this point, the
7 Sheriff down there?

8 A Yes, sir.

9 Q So in the three of you meeting, did you make a
10 decision to reach out to the Defendant's father?

11 A We did, Counselor. And it's been almost five years,
12 ladies and gentlemen, and I don't remember if I called
13 him, how that got started. But at some point I did talk
14 to Mr. Timothy Jones, Sr. who resides in Amory,
15 Mississippi.

16 Q And Tim Jones, Sr. came down, correct?

17 A He did, along with his wife.

18 Q And you all's plan was to include him in when you
19 attempted to interview Mr. Jones on the night of the 7th.
20 Is that correct?

21 A Yes.

22 Q Besides you four, yourself, Tim Jones, Sr., Sheriff
23 Crumpton and Marty Patterson, were there any other law
24 enforcement agents who were involved in the interview or
25 attempted interview?

1 A No. Those were the only persons in the room at the
2 time of the interview.

3 Q So can you tell me, approximately, what time the
4 interview was attempted? When did that approximately
5 start?

6 A I can, sir. On Sunday, September the 7th of 2014, we
7 sat down with Timothy Jones, Jr. at approximately 18:04
8 hours, 6:04 p.m. in the afternoon.

9 Q Let me show you two documents that have been
10 previously marked and ask if you recognize these documents
11 and if they would assist in your explanation of the
12 interview that occurred on September 7th of 2014.

13 A Yes, sir. I'm looking at Exhibits 24 and 26.
14 State's Exhibits.

15 Q Those are Court's Exhibits.

16 A Court's Exhibits. Okay. Yes, sir. Both of these I
17 am familiar with, sir.

18 MR. GRAHAM: Your Honor, the State would move both of
19 these into evidence at this time.

20 THE COURT: They need to be marked. State's 133 and
21 134?

22 THE COURT REPORTER: Yes, sir.

23 (Whereupon, State's Exhibit numbers 133 and 134 were
24 marked and admitted into evidence).

25 Q I was going to call you Lieutenant. What's your

1 current title? I'm sorry.

2 A Yes, but it doesn't matter now. It has nothing to do
3 with --

4 Q I'm going to call you Lieutenant Johnson. How about
5 that?

6 A That would be fine. Yes, sir.

7 Q Lieutenant Johnson, looking at what is State's 133,
8 can you tell the jury what we're looking at?

9 A I can, Counselor. In Smith County, in Raleigh,
10 Mississippi, it's an old county seat Court House. I'm not
11 sure how old it is, but a two-story building. And in the
12 upstairs in the Court House on either side of this
13 facility is kind of a conference room, break room. And
14 this was the break room on the second floor of the Smith
15 County Courthouse located in Raleigh, Mississippi. Kind
16 of an out of the way area to sit down and talk. The jail
17 is just mere feet away from the Court House.

18 Q State's 134 is a diagram of that room that you
19 actually drew, correct?

20 A I did, sir.

21 Q It's not to scale, correct?

22 A That is correct. Not to scale.

23 Q So in general -- can you read it from there or do you
24 want to step down?

25 THE WITNESS: May I step down, Your Honor? I can't

1 see it that well.

2 (Whereupon, the witness stepped down from the witness
3 stand.)

4 Q Let me hand you a laser pointer and I'm going to let
5 you explain the rooms to the jury.

6 A The room is approximately 14-by-20 in size, shape and
7 size. And in there is one door in, a table area, a couch
8 along this area, a center conference table in the break
9 room with some chairs around it, a sink on this end, and
10 then a couple of windows, like I said, on the second
11 floor.

12 Q You can have a seat.

13 A Thank you. Do you need to, shall I?

14 Q I don't want to lose it, thank you.

15 A Thank you, sir.

16 (Whereupon, the witness returned to the witness
17 stand.)

18 Q Lieutenant, do you remember how the four of you that
19 I mentioned before and the Defendant came together? In
20 what order or who was where first or anything like that or
21 do you know?

22 A Counselor, are you referring to the actual interview
23 with Mr. Tim Jones, Jr. and where we were at in proportion
24 to the room?

25 Q Yes.

1 A Okay. We were already in the room. Tim Jones Sr.
2 and his wife and the Sheriff and I, I believe, and
3 Undersheriff Patterson, we all talked about it. And,
4 quite frankly, that's not a common tactic that you would
5 take a parent or a friend or someone else with someone in
6 there. But under the circumstances that we were dealing
7 with, we felt that maybe he would be more comfortable, he
8 would at least give us some information that would be
9 beneficial to law enforcement either in Mississippi or
10 South Carolina or in between that could give us some sort
11 of a direction of where these children were and how we
12 could attend to their needs and get to them -- find them,
13 in essence. So we talked to Mr. Jones, Sr. and he was
14 more than willing, helpful, concerned grandfather, very
15 much so, and he accompanied us to the room. And I think
16 we were already in the room when Timothy Jones, Jr. was
17 brought into the room.

18 Q When the Defendant was initially brought into the
19 room, do you remember what happened first?

20 A As I recall, he had a few moments to talk to his,
21 naturally, he sees his father there. So he talks with his
22 father some. And after a few moments of, you know,
23 chit-chat and talking, letting them talk, I began to talk
24 to him. And one of the first things that I had to do as a
25 law enforcement officer was advise him of his

1 constitutional rights, his Miranda rights.

2 Q Let me show you a document and ask if you recognize
3 this document.

4 THE COURT: Is this a good time for a break? I need
5 a break, are you at a good breaking point. I need a
6 break. Step in the jury room. Don't talk about the case.

7 (Whereupon, the jury was excused from open court for
8 a break.)

9 (Whereupon, a short break was taken.)

10 THE COURT: All right. We ready?

11 MR. GRAHAM: The State's ready, Your Honor.

12 THE COURT: All right. Bring the jury, please.

13 (Whereupon, the jury came into open court at
14 approximately 3:45 p.m.)

15 THE COURT: All right. Mr. Graham, continue on.

16 MR. GRAHAM: Thank you, Judge.

17 DIRECT EXAMINATION

18 By Mr. Graham:

19 Q Lieutenant, where we left off was the beginning of an
20 interview with Mr. Jones on September 7th, 2014 a little
21 after 8:00 p.m., correct?

22 A That's correct, sir.

23 Q And I show you a document that has not yet been
24 marked and ask if you recognize that.

25 A I do, Counselor. This looks like the original

1 Miranda form that I read to Mr. Jones on the night in
2 question.

3 Q And you recognize that by your handwriting and
4 signature?

5 A I do, sir.

6 MR. GRAHAM: Your Honor, the State would move this
7 form into evidence.

8 THE COURT: That should be 135?

9 THE COURT REPORTER: Yes, sir.

10 MR. YOUNG: Subject to previous objection, Your
11 Honor.

12 THE COURT: Subject to previous objection.

13 (Whereupon, State's Exhibit number 135 was admitted
14 into evidence).

15 MR. GRAHAM: So, Your Honor, can I have the
16 Lieutenant step down with me to go over the Miranda form
17 with the jury?

18 THE COURT: You may.

19 THE WITNESS: Thank you, Your Honor.

20 (Whereupon, the witness stepped down from the witness
21 stand.)

22 Q All right. I'm going to give you that laser pointer.

23 A Yes, sir.

24 Q So in general terms, what is a Miranda form?

25 A A Miranda form is an advice of rights form. Every

1 law enforcement agency in the nation uses it. Basically,
2 it's your constitutional rights as a private citizen and
3 it protects us as law enforcement to makes sure that we do
4 our job correctly and by the law. It's something we read
5 to advise them of their constitutional rights, as seen
6 here.

7 Q In the upper left-hand corner, there's some
8 handwriting. Whose handwriting is that?

9 A That's my handwriting.

10 Q And what did you write down?

11 A As you can see, ladies and gentlemen, I entered the
12 suspect -- the Defendant's name, Mr. Timothy Ray Jones,
13 Jr., the address he provided, his Social Security Number,
14 his date of birth, his educational background, and that
15 would be our Mississippi Bureau of Investigation case
16 number.

17 Q The handwriting, now, to the right --

18 MR. YOUNG: Your Honor, may we approach real quick?

19 (Whereupon, a bench conference was held in the
20 presence of the jury but out of the hearing of the
21 jury.)

22 THE COURT: We're good.

23 Q Moving down the list where it says, "Your rights",
24 with the place, date and time.

25 A That's my handwriting as well. We were at the Smith

1 County Sheriff's Department. This is the date and this is
2 the time that I started the advice of rights.

3 Q Now, the rights themselves, explain how you advised
4 Mr. Jones of his rights.

5 A In reference to this case of Mr. Jones, I began
6 reading these advice of rights. There's two parts to a
7 rights form. You have the advice of rights and you have
8 the waiver of rights at the bottom and on our Mississippi
9 Bureau of Investigation form that we use in Mississippi,
10 you can sign it just at the bottom. But in this
11 particular form, there's no different. I began to read
12 the rights to him, as you can see, "Before we ask any
13 questions, you must understand your rights. You have the
14 right to remain silent. Anything you say can be used
15 against you in court." And at some point, as I was
16 advising Mr. Jones of his rights, he took the page from me
17 and said, "I can read", and read it very loudly to us in
18 the room. He read the entire form from top to bottom to
19 include the waiver of rights. And then, this scribble was
20 what he produced as a signature regarding the advice of
21 rights form. As you can see, I signed it as read by, and
22 then witnessed by Sheriff Charlie Crumpton and the time,
23 about two minutes to inform. But Mr. Jones took the form
24 and read it top to bottom to us.

25 Q You can have a seat, Lieutenant. Thank you.

1 A Thank you, Counselor.

2 (Whereupon, the witness returned to the witness
3 stand.)

4 Q At that time in the advisement of rights, other than
5 him taking the form out of your hand and reading it out
6 loud, what, if anything else, did you notice about his
7 behavior at that time?

8 A In reference to Mr. Jones --

9 Q Yes, sir.

10 A -- Jr.? We were in a relatively cool room and
11 environment. In this time of year in South Mississippi,
12 and I'm assuming in South Carolina it's pretty warm, too,
13 in the summertime, as well. We had the air turned down
14 pretty cool. He had on a orange jumpsuit, which is policy
15 of the Sheriff's Department there. If someone's booked
16 in, they have the orange jumpsuit, the flip-flops and
17 things of that nature. And his hair wasn't real long.
18 Maybe, my length. Maybe, a little longer, but he was
19 sweating profusely. To the point that I have never seen
20 just beads of sweat that appeared to be on the end of
21 every hair on his head. Very sweaty.

22 Q As you began to read his rights to him and as he then
23 took the paper and read his rights to him, how do you go
24 about seeing if he waived his rights? How do you know he
25 understood his rights?

1 A Well, is this particular case, and anytime -- anytime
2 and every time I've ever dealt with someone regarding
3 their Miranda rights, I've always emphasized on a few
4 things. And one of the things that I always emphasize
5 with someone to make sure that it's clear that they
6 understand their rights is just above where you read
7 "Waiver of rights", you'll see, "If you decide to answer
8 questions now without a lawyer present, you will still
9 have the right to stop answering at any time. You also
10 have the right to stop answering at any time until you
11 talk to a lawyer". I always emphasize that to someone
12 just to make sure they understand it and say, look, you
13 know, if you talk to me, you can still stop at anytime,
14 just to kind of -- to do my job and make sure they
15 understand their rights. And then, at the bottom -- in
16 his particular case, he read the form top to bottom, but
17 at some point I got it back and I continued and said,
18 okay, let's go over this with me now, and advised him of
19 his rights and the waiver of rights that I'm referring to
20 now and that he was not threatened or pressured or coerced
21 in any way and that he did not want a lawyer at this time,
22 he was willing to make a statement and he understood that.

23 Q So any question that -- from your dealings with him
24 as far as the Miranda rights, did he understand his
25 rights?

1 A I think he did, Counselor.

2 Q And did he waive his rights?

3 A He did.

4 Q Did he appear to be under the influence of alcohol or
5 drugs at the time of this interview?

6 A I wouldn't say alcohol, but in my experience in law
7 enforcement, I would say that he was, probably, coming off
8 something.

9 MR. YOUNG: Objection, speculation.

10 MR. GRAHAM: Your Honor, The State would cite Rule
11 701 as opinion testimony by this witness, it is
12 presumption and would be admitted.

13 THE COURT: I think his personal observation can be
14 given. Subject to the objection, it will be allowed.

15 A I think he was under the influence of something,
16 coming off something. I don't know. But he was acting in
17 such a manner I'd never dealt with before.

18 Q Regardless, did it still seem -- any question that he
19 understood what you asked and was responsive to your
20 questions?

21 A No. Mr. Jones made it perfectly clear that he was
22 educated and he could read and understand and comprehend.

23 Q Did you or anybody else in the room promise him
24 anything if he would talk with you?

25 A No. We did not.

1 Q Did you or anybody else in the room threaten him in
2 any way to get him to speak with you?

3 A We did not.

4 Q At any time, did he ask for an attorney?

5 A He did not.

6 Q At any time, did he say, I don't want to talk?

7 A He did not.

8 Q Did he ever ask to speak with his father alone?

9 A He did not.

10 Q Who was doing the questioning?

11 A As I recall, mostly me, but a lot of the interaction
12 during that period of time regarding this interview with
13 Mr. Jones, a lot of the interaction was between his father
14 and he, and myself and Sheriff Crumpton would interject
15 questions at some points in the conversation. And
16 Undersheriff Patterson was making some notations of things
17 that could possibly prove to be useful in the
18 investigation. But myself and Sheriff Crumpton would
19 interject questions, but he and his father were in
20 dialogue a good bit of the time.

21 Q Would you explain to the jury, then -- after the
22 Miranda form was done, he signed and he waived his rights.
23 Can you tell the jury about the beginning of the interview
24 and how it happened and go from there?

25 A Like I said, as best I recall, he and his father

1 began to talk and I would interject, you know, Tim, we
2 know that you have five children. That's no question.
3 We've been on the phone with authorities in South Carolina
4 and they're not with their mother. And your father, their
5 grandfather, wants to know where they are at. Where are
6 these kids. And I've never -- maybe, one other time in my
7 career there was someone acting this erratic, but he would
8 be from one extreme to the other. Extremely loud and
9 teary and crying and talking about Cindy put this in my
10 head. And we later learned through listening that Cindy
11 was his mother who'd had some mental issues in the past,
12 based on our understanding. The only way you can stop me
13 is put a bullet in my head. Just crazy, you know,
14 sounding talk, like that's not the law here. He'd comment
15 and he'd talk just a minute, and then he would yell over
16 here, and just one extreme to the other. Very high and
17 low, up and down emotions.

18 Q Specifically referring to your report, what did you
19 document that he said?

20 A Let me refer.

21 Q I'm on page three.

22 A Of my report, Counselor?

23 Q Yes.

24 A Page number, again, sir?

25 Q Three.

1 A Three.

2 Q At the bottom.

3 A Referring to my notes, Jones began to speak with his
4 father. Would you mind if I read some of this to --

5 Q No. Please do.

6 A -- convey it to the jury?

7 THE COURT: Please do.

8 THE WITNESS: Thank you, Your Honor.

9 THE COURT: Read slow.

10 THE WITNESS: Thank you.

11 A Regarding to the report that I wrote in reference to
12 this interview. "Jones, Jr. began to speak with his
13 father. Jones, Jr. was acting in such a manner that I've
14 never seen. He was sweating profusely in a cold room with
15 beads of sweat dripping from his hair. He would scream
16 out that it was Cindy who put these voices in his head and
17 that Cindy passed this on to him." We discovered Cindy
18 was Jones, Jr.'s. mother who had apparently spent time in a
19 mental institution. Jones continued, "She put this poison
20 on my head. Jones, Sr. expressed to his son that he loved
21 him and that he would do whatever he had to in order to
22 get Jones, Jr. the mental help he needed. Jones, Jr.
23 stated the only way you can help me is to put a bullet in
24 my head. That is the only way you can stop me. The only
25 way you can fix me to is kill me." Jones, Jr. continued,

1 "After Amber left me --", and we learned later that was
2 the ex-wife, "-- it just came out of me. I couldn't
3 control it. Voices are in my head. Jones, Sr. asked
4 Jones, Jr. where the kids were. Jones, Jr. said the kids
5 were in South Carolina." Jones said, "I left the kids for
6 a reason. I will never go back to them. Someone stick a
7 needle in my arm and get me out of it. My mom gave it to
8 me". Continue, Counselor?

9 Q Please do.

10 A "Jones, Sr. asked why he didn't come see him this
11 weekend along with the kids, as he had planned to do.
12 Jones, Jr. stated, I didn't come to see you because of all
13 this stuff in my head. Once, again, Jones, Sr. asked
14 where the kids are. Jones, Jr. said, when I tell you, I'm
15 going to hang myself. Then Jones, Jr. indicated an
16 address of [REDACTED] South Carolina and said that was where
17 the kids are. He also indicated that if we loaded him in
18 a car, he would take us to them. Jones, Jr. continued by
19 saying that he put the kids out of the vehicle on the road
20 between his residence and the Walmart nearby in South
21 Carolina. Jones, Jr. said that one of his sons, Nahtahn,
22 threatened to kill him by cutting him up and feeding him
23 to the dogs. Jones, Jr. said that this ain't -- this is
24 not normal for a child to tell his parents that sort of
25 thing. Jones, Jr. continued to indicate that he had

1 pushed the children out of the vehicle between his
2 residence and the Walmart in South Carolina". Continue,
3 Counselor?

4 Q Please.

5 A "He even indicated he had kicked the kids out of the
6 vehicle in that vicinity. Jones, Jr. stated it was a two
7 minute drive from his house on South Lake Drive in
8 Lexington, South Carolina, and that police should look on
9 the path. He also said he put all of them out at one time
10 beside the road near Walmart. When I asked him about the
11 muriatic acid discovered in his vehicle, Jones, Jr.
12 explained that was a technique used in his work in
13 building and making computer boards. Jones said he wasn't
14 worried about the kids because they want to kill him.
15 Jones, Jr. indicated he had encountered a police officer
16 within the past few days. Jones, Jr. continued by
17 explaining he had been traveling smaller roads and
18 avoiding the major highways and interstates. Jones, Jr.
19 said he had pulled over one evening, possibly in Alabama,
20 to look at a roadmap. As he began to pull off, his front
21 tire on the passenger side fell into a deep hole or ditch,
22 which caused him to be stuck. Someone who lived at a
23 residence up the hill from where he had stopped came to
24 his aid and stated they would call him a tow truck to pull
25 him out. As he waited on the tow truck, a white male

1 police officer wearing a dark blue uniform and driving a
2 white marked SUV type police vehicle stopped to see if he
3 needed any assistance. According to Jones, Jr., the
4 officer ran his driver's license, and then left. Jones,
5 Jr. said he paid the tow truck operator \$110 and departed
6 the area. When asked where he would stop and sleep,
7 Jones, Jr. said hotels were too expensive and he would
8 just stop at roadside parks and sleep in the vehicle".

9 Q Let me stop you right there for a second.

10 A Yes, sir.

11 Q During the time of this interview, you had the
12 Walmart receipt. Is that correct?

13 A That's correct.

14 Q And you confronted him with that?

15 A We did.

16 Q And what on the receipt did you confront him with and
17 what was his response?

18 A As I recall, the muriatic acid and he stated it was
19 used for the computer boards, and whether that's true or
20 not, I don't know. That was above my pay grade on that.
21 And the other items, he just kind of nonchalantly
22 discarded as unimportant or nothing like that.

23 Q Now, you also had knowledge of the clipboard that had
24 the day one, two, three that you had discussed earlier, as
25 well?

1 A Yes, sir.

2 Q Did you confront Tim Jones with that information?

3 A I don't recall if we brought that out during that
4 interview or not. That might have been some hold back
5 information that we didn't want him to know we had or knew
6 about until we maybe had ascertained some more
7 information. I don't know if we brought that out,
8 Counselor.

9 Q Continue on with your report. Mr. Jones, Sr. asked
10 his son a question. What did he ask him?

11 A "Timothy Jones Sr. asked his son, did you hurt the
12 kids. Jones, Jr. blurted out yes, and then he said no.
13 Mr. Ryder showed Jones, Jr. copies of the handwritten
14 notes -- ". We did show him. We did, based on this -- on
15 our report. I showed him the day one plans and so forth
16 of the, "Head to campgrounds", that we covered earlier.
17 We did go over that. "And Jones, Jr. screamed, oh, God,
18 what did I do. I don't know what I might have done.
19 Jones, Jr. continued by saying the kids were fine and he
20 never wanted to see him again. At one point during the
21 interview, Jones, Jr. held his arms up to his father's
22 throat as to indicate a choking manner, but he did not
23 attempt to put any pressure or harm his father". He'd
24 actually gotten up from the table from the previous sketch
25 and walked around the small room. And his father was

1 seated on the couch right here, and he walked over to his
2 father and leaned over and did like a choking manner to
3 his father.

4 Q And I believe your notes reflected that was the end
5 of the interview. Is that correct?

6 A That's correct. Shortly after that, the interview
7 ended.

8 Q Approximately what time was it did you note that the
9 interview ended?

10 A It would have been around 7:25 p.m. based on my
11 notes.

12 Q So if I'm looking at State's Exhibit 135, the time
13 that the Miranda form was witnessed was -- it says, 18:08.
14 That's 6:08 p.m?

15 A Well, that would have been the time the waiver and
16 everything was completed and there's about a -- if you
17 look at the time at the top, Counselor, it should be
18 18:06, 6:06 p.m. But the time he had read the Miranda to
19 me, he had Mirandized me and we looked back over it, it
20 was 6:08 p.m. So approximately two minutes on the Miranda
21 form, but the length of time on the interview would have
22 been from around 6:00 p.m. to 7:25, if that answers -- I
23 think I see where Counselor is going.

24 Q And then once, how long--

25 A -- about an hour and 20 minutes on the interview.

1 The first interaction with Mr. Jones.

2 Q Now, your report notes -- and you discussed some, or
3 documented some observations that you witnessed during the
4 time of the interview. Can you share that with the jury,
5 please?

6 A I did. Profuse sweating. Kind of foaming at the
7 mouth actually. I noticed that. Yelling or screaming
8 out, bursts of anger and fear of the children based on
9 some of the statements he'd made in the interview with
10 him.

11 Q The next day, September 8th, Mr. Jones was
12 interviewed again, correct?

13 A He was interviewed again on the 8th, Counselor. Yes.

14 Q Looking down on your report on page five in the
15 middle. You were not actually present during the
16 interview on the 8th, but you were present to observe Mr.
17 Jones interact with his father after that interview. Is
18 that correct?

19 A Yes. As I recall, based on my notes, officials from
20 Lexington County Sheriff's Department, SLED and an FBI
21 agent came over once -- after the interview the previous
22 night. And actually we're on the phone with South
23 Carolina saying this is what we've got, this is what he
24 said, this is how he's acting. What do you guys have over
25 there. So we're working together. So they said, we're

1 making plans to head that way. So they came over the next
2 day. There was plenty of them in that interview. So I
3 did not go into the interview room. I was in the adjacent
4 room.

5 Q Specifically, after that interview was over, did you
6 have a chance to overhear a conversation between Mr. Jones
7 and the Defendant?

8 A I did.

9 Q And what did you hear Mr. Jones say to his father?

10 A Bear with me just a moment, Counselor. Okay. After
11 this interview had concluded, Timothy Jones, Jr. had
12 admitted to harming the children. So we began to work a
13 concerted effort, okay, where are the children. He agreed
14 to take us back to where the children were. So I was in
15 and out of that room, along with other investigators, and
16 we were trying to narrow down the stretch of highway where
17 he believed it was somewhere in Alabama. So I had maps, I
18 had computer screens pulled up with maps, we're looking at
19 this, we're looking at that. And while I was in the room,
20 Timothy was allowed to speak with his father and he
21 requested to speak to his father who was present at the
22 Sheriff's Department. But his father was not in this
23 interview with -- the subsequent interview. The second
24 one we're talking about now. So we allowed him to speak
25 to his father. He stated, "He was sorry for what he'd

1 done to the children and there was no way his father could
2 love him now. Jones, Jr. indicated he strangled the
3 children in his residence in South Carolina on or about
4 the 28th of August of 2014. Jones, Sr. maintained his
5 composure and was able to communicate with his son. The
6 two discussed a memorial service for the children and
7 Jones, Jr.'s. financial situation, referring to the need to
8 hire an attorney for representation".

9 Q In relation to the way he acted on the 7th when you
10 interviewed him compared to the 8th, can you tell the jury
11 about what, if any, differences you observed about his
12 demeanor?

13 A On the second interview, which was conducted by the
14 South Carolina authorities and SLED and Sheriff Crumpton,
15 I believe, was present in that interview, he was as
16 different as night and day. His demeanor was down lower.
17 He was calmer. He was more consistent in his answers. He
18 was more consistent in his speech. He wasn't the same
19 Timothy that I initially met the day before.

20 Q So when I ask that question, we're talking about two
21 different times now that you've interacted with him,
22 correct?

23 A That's correct, Counselor.

24 Q The first would have been the interview on the 7th
25 when you interviewed him, which would have been about 6:00

1 p.m. on September 7th? That's the first time you
2 encountered him?

3 A That's correct, sir.

4 Q The second one that we're talking was after another
5 interview that the FBI and the Lexington County Sheriff's
6 Department had with him on the following day. Is that
7 right?

8 A That's correct.

9 Q And then, your interaction with Mr. Jones would have
10 been after that interview was over?

11 A That's correct.

12 Q You also had contact again with the Defendant the
13 following day, we're now on Tuesday, September 9th. Is
14 that correct?

15 A Yes, sir.

16 Q And, again, did you have an opportunity to Mirandize
17 Mr. Jones?

18 A I did, Counselor.

19 Q And let me show you a document and ask if you
20 recognize it.

21 A This is another Miranda form that is dated the 9th of
22 September, 2014 and the time is indicated here. This
23 appears to be the original form and I advised him of his
24 constitutional rights, the same as the form we previously
25 went over. And it was signed, read by me and witnessed by

1 Special Agent Dave Mackey with the FBI.

2 Q This form is the same as the form that's on the
3 screen. Is that correct?

4 A It is, identical. The same form. Just different
5 date, time and witness.

6 MR. GRAHAM: Your Honor, the State would offer the
7 Miranda form from September 9th of 2014 into evidence.

8 MR. YOUNG: Subject to previous objection.

9 THE COURT: Subject to previous objection, 136
10 admitted.

11 THE COURT REPORTER: Yes, sir.

12 (Whereupon, State's Exhibit number 136 was admitted
13 into evidence).

14 Q Lieutenant Johnson, did you, again, on September 9th,
15 advise Mr. Jones of his rights?

16 A Yes, sir. I did.

17 Q In the same manner -- did he seem to understand them
18 this time, as well?

19 A He did, sir.

20 Q The time -- what time was it that the rights were
21 administered?

22 A If I may expound just a moment. Regarding this date,
23 this was the date that we were preparing to go to Alabama
24 and search for the children and we advised him of his
25 rights simply because of anything that's said will be used

1 in court. The exact same form. This time, it was at
2 11:13 a.m, in the morning, witnessed and signed at 11:14.
3 The same form, different date.

4 Q Did he understand the rights --

5 A He did.

6 Q -- that morning?

7 A Yes, sir.

8 Q Did you or anybody else threaten him to get him to
9 either speak with you or to take you to the children?

10 A We did not.

11 Q Did you or anybody else make any promises to him to
12 get him to speak with you or take you -- law enforcement
13 to the children?

14 A We did not.

15 Q Did he appear to be under the influence of alcohol or
16 drugs on that day?

17 A No. He did not.

18 Q Comparing his demeanor on the morning of the 9th to
19 the time you saw him on the 8th, to the erratic behavior,
20 for a better word, that you've talked about on the 7th,
21 would you describe what you saw on the 9th?

22 A Two different people. Again, he was -- the next two
23 days of interaction was as different from the first as
24 night and day. He was much more calmer, speaking calmly,
25 answering questions, assisting.

1 Q After the advisement of the Miranda rights, were you
2 and other law enforcement agencies involved in attempting
3 to locate the children?

4 A Yes. Multiple agencies were involved in this
5 endeavor.

6 Q And do you remember who you rode with?

7 A One of my other agents out of my office, Trent Weeks
8 and I were the two representatives from MBI.

9 Q And Mr. Jones would have been transported by somebody
10 else?

11 A Mr. Jones was transported -- because he was in the
12 custody of the Smith County Mississippi Sheriff, he was
13 transported in a deputy's car, along with the Lexington
14 County Investigator Adam Creech and another investigator
15 from the Smith County Sheriff's Department, as I recall.
16 There was, basically, a caravan leaving the Smith County,
17 Mississippi, area traveling back to Alabama. During this
18 time of looking at maps and narrowing down and looking at
19 receipts and trying to get a timeline of where he had
20 been, I had contacted the Alabama Bureau of Investigation
21 and spoke with agents there along with some sheriffs in
22 some of the lower lying counties along the route that we
23 believed, at that time, that he'd probably taken. So
24 there was multiple agency assistance.

25 Q What time did you and the other officers leave the

1 Smith County Sheriff's Department?

2 A About 12:30 on the date in question, the 9th. We
3 left at 12:27, actually, based on my notes. We left the
4 Smith County Sheriff's Department in route to the Alabama
5 area, Alabama Highway 10.

6 Q Did you have -- how long of a drive was it from the
7 Smith County Sheriff's Department to where the children
8 were ultimately found?

9 A It was -- I would say it was about three hours. It
10 was about three hours. It was 160 or, 160 or 70 miles
11 from Smith County. It was deeper into Alabama than we
12 anticipated at first.

13 Q Did you know exactly where you were going that day?

14 A No, we did not. As I stated previously, we had an
15 idea based on the timeline that we had -- the rough
16 timeline that we established and communicated with Jones,
17 Jr., Timothy, and looking at maps and talking to
18 authorities over there, you know, we realized how far it
19 was.

20 Q As far as the drive there, do you remember how many,
21 for lack of a better word, wrong turns you took that you
22 had to take, and then undo?

23 A We only took one misguided turn and it wasn't really
24 a turn.

25 Q What was it?

1 A According to Timothy, he had given us information
2 that he had discarded the children in black garbage bags
3 at an old dirt road. Well, I'm not real familiar with
4 South Carolina, but in Old Mississippi and Alabama and
5 down through that area, we have a lot of rural areas and
6 timberland and we have a lot of logging, and on these
7 logging sites you have loading zones. They'll go up there
8 and they'll clear a big area and that's where the skidders
9 will drag the logs out to. And we were traveling on 10
10 and, like I said, we were in several vehicles. So we're
11 communicating via cell phone and watching mirrors and I
12 think Trent, my agent and I, were out front. We saw them
13 stop, slow down and pull in one area just off the main
14 highway up a hill, red dirt area, a little logging loading
15 site. Well, in just a moment, Timothy -- I said Timothy.
16 I may have said that wrong. Timothy said, this is not the
17 place, pull back out, and we continued east on Alabama 10
18 for several more miles. And the next spot -- like I
19 stated, the old loading zone, the log landing zone that
20 they pull them to, that was the spot. The second spot we
21 stopped at was it.

22 Q Would you describe the area of the last stop that you
23 had before finding the children?

24 A Yes, sir. Along Route 10 in Alabama, it's a wooded,
25 it's a hunter's paradise. It's a wooded area, rural

1 Alabama, a lot of timberland, and as we were traveling
2 onto Highway 10, we turned left back north, I was looking
3 at a map, and just went up just a -- just a few yards.
4 Just maybe 50, 100 yards from where the log trucks would
5 enter out onto the highway. You know, you always get,
6 when you see trucks entering highway area. We pulled
7 right up in there in the big loading zone and that's where
8 it was at. It was up a slight hill, red dirt area, clear
9 cut area. And then, they'll have different routes for the
10 skidders that pull timber up to the loading zone where
11 they delimbed them and things of that nature. And off one
12 of the skidder runs was where the garbage bags were. The
13 children.

14 Q The children in the garbage bags?

15 A Yes, sir.

16 Q After the children were found, would you describe
17 what your role was and what you did?

18 A Once we had located the children, it wasn't the --
19 the calvary came in at that point. The Alabama Bureau of
20 Investigation, I can't say enough about how good they did,
21 and the local sheriffs down in those counties. Those two
22 counties that we had kind of narrowed things down to were
23 just a tremendous help. But when we radioed or phone
24 called and said, look, we're at this location, here's our
25 GPS, the calvary came rolling in. Alabama secured the

1 area. They had three choppers in the air and a bunch of
2 Alabama Bureau of Investigation, State and narcotics
3 agents and, basically, the area was quarantined off,
4 tapped off, as I recall. And Mr. Jones, Timothy Jones,
5 Jr. wasn't kept there but maybe a period of 10 minutes or
6 less. And then Sheriff Crumpton, since he was in the
7 custody of the Smith County Sheriff and Sheriff Crumpton
8 was responsible for him, he told his deputies to go back
9 to Mississippi with him. Take him and get him out of this
10 area right here right now and all these people. No need
11 to leave him there.

12 Q At some point, did members from the South Carolina
13 State Law Enforcement Division come to that crime scene?

14 A They did and Agent Weeks and I, I think, we remained
15 on-scene until South Carolina may have gotten there. We
16 stayed there quite a few hours.

17 MR. GRAHAM: Lieutenant, thank you. Please answer
18 any questions the Defense has for you.

19 THE WITNESS: Yes, sir.

20 CROSS-EXAMINATION

21 By Mr. Young:

22 Q Afternoon, Lieutenant Johnson.

23 A Good afternoon, sir.

24 Q We've met before.

25 A We have, sir.

1 Q I came to Mississippi and we met at the Smith County
2 Sheriff's Department?

3 A We did, sir. Yes.

4 Q And then, you came here and testified in March of
5 this year and we talked then?

6 A We did, Counselor. Yes, sir.

7 Q And we've talked a couple times while you've been
8 here, right?

9 A Yes, sir. We have.

10 Q Okay. You gave your testimony with Mr. Graham by
11 saying that you had great concerns when you got to
12 Mississippi -- or got to Smith County and you didn't know
13 if the kids were alive or dead, is that, that's your
14 testimony?

15 A Yes, sir.

16 Q So if you had great concerns about knowing their
17 condition, then you immediately called Mr. Tim Jones, Sr.,
18 sitting right back here, and asked him to come help. Is
19 that what happened?

20 A You know, and respectfully, and, Counselor, I don't
21 recall who called who or at what point. But at some
22 point, I did communicate with Tim Jones, Sr., and it would
23 have probably been that very day before we did the
24 interview with Tim, Jr. Yes. So at some point we --

25 Q You didn't call him on the 6th when you got called

1 from --

2 A Was that the original stop?

3 Q That's correct.

4 A No, sir. I did not. You're right, Counselor.

5 Q When you got notified that night, you didn't call him
6 then?

7 A No. I didn't even know his name at that point.

8 Q Right. And you didn't call him when you arrived at
9 Smith County in the -- when you got the phone call, like
10 you need to come see this car. You didn't call him then?

11 A No, sir.

12 Q You went and saw the car, right?

13 A I did.

14 Q You took notes and had a notepad with you during your
15 investigation?

16 A Yes. I did.

17 Q And you took notes during your interview of Timothy
18 Jones, Jr.?

19 A Yes.

20 Q And you used those notes to prepare your report?

21 A That's correct.

22 Q And then, you shredded those notes?

23 A That's correct.

24 Q But while you were looking around after we came, you
25 found some old notes that you still had, right?

1 A That's correct. I found some other handwritten
2 notes.

3 Q And you turned those over?

4 A Absolutely.

5 Q I'm going to show you a page and ask you if those are
6 your notes.

7 A These are, Counselor. Yes, sir.

8 Q Okay. And does it indicate on here a time where you
9 called Tim Jones, Sr.?

10 A It does. That's correct.

11 Q Okay. So that was you that called him?

12 A That's -- based on my notes, that is correct. It
13 says here at 13:15 hours, or at 1:15 in the afternoon,
14 that I had spoken -- it says, "Spoke with Jones, Sr. at
15 1:15 hours there. It didn't say I called, but I did speak
16 to him. I don't remember how that happened. It may have
17 been me that called him.

18 Q Okay. So you're saying -- well, when you spoke to
19 him, it wasn't via radio?

20 A No, sir. It would have been a cell phone.

21 Q It was on a phone?

22 A A telephone. Yes, sir.

23 Q Okay. You just don't know if you originated the
24 call, is that what you're saying?

25 A Yes, sir. That's correct.

1 Q But that's when --

2 A But I did speak to him, based on my notations.

3 Q But that's when you asked him to come help?

4 A I don't know if I asked him or he said I'm coming
5 anyway, but they were on the way in and we welcomed them
6 to coming.

7 Q Okay. And that was after you had seen the car?

8 A That's correct.

9 Q That was after you had smelled the car?

10 A That's correct.

11 Q That was after you had seen the receipts?

12 A That's correct.

13 Q You knew that the meals purchased were for one
14 person?

15 A That's correct. It appeared that way.

16 Q You knew that there wasn't any luggage in the car?

17 A There was a lot of stuff in the car, but I didn't see
18 any suitcases, like let's go on vacation. No.

19 Q Right. You knew that there weren't toothbrushes in
20 the car?

21 A I didn't have -- I didn't have a list of what all was
22 in the car, but there was a lot of stuff in the car. If
23 this answers the Counselor's question, there was no
24 suitcases as if you were going on a trip, there was
25 miscellaneous clothing. There could have been -- there

1 was so much stuff in there, there could have been a
2 toothbrush in there is what I'm saying. I didn't itemize
3 it.

4 Q You knew there weren't any car seats in the car?

5 A That's correct. There were no car seats in the car.

6 Q You knew that the car smelled like death?

7 A I knew it had a very foul odor. Yes. I would
8 associate it with decomposition.

9 Q All right. Now, when Mr. Tim Jones, Sr. got there,
10 you met with him, right?

11 A And his wife. Yes, sir.

12 Q And you see them here today?

13 A I do.

14 Q Can you point them out for the jury?

15 A I can. Mr. Jones, Sr. is in a gray shirt about three
16 rows back, and then his wife, Julie, right there.

17 Q You didn't tell him about what you had found in the
18 car?

19 A No.

20 Q You didn't tell him that there was a piece of scalp
21 with hair in the car?

22 A No.

23 Q You wanted him to help you try and find his
24 grandchildren?

25 A He was a concerned grandfather and, yes, anything

1 that would make Timothy, Jr. feel more comfortable that
2 would help us maybe find a location where the children
3 were. And, sincerely, it was a well-being concern. We
4 didn't have a body to say we've got a death or multiple
5 deaths. We had a father with no children. Where are the
6 kids.

7 Q Moving forward to when you and Tim, Sr. went to speak
8 with Timothy, Jr. Okay? That was on the 7th?

9 A Yes. The first interview?

10 Q Right.

11 A Yes, sir.

12 Q And that was in the evening about 6:00, right?

13 A Correct.

14 Q And you knew that Timothy Jones, Jr. had been in
15 custody at the Smith County Detention Center for about 24
16 hours at that point in time?

17 A About. I think the stop, based on information that I
18 ascertained, was around 8:00 o'clock. So, yeah. At least
19 22 hours, Counselor.

20 Q And you knew that he had been transported to meet
21 with medical professionals to draw blood, hair and DNA
22 earlier that day?

23 A I don't know that I knew that at that time.

24 Q Okay.

25 A It's possible, but I was working on other things and

1 that wasn't -- that wasn't my lane, at that time.

2 Q You knew that he wasn't upstairs in the jail sweating
3 profusely, screaming, crying, carrying on?

4 A I can't answer that. He wasn't in my presence.

5 Q Okay.

6 A Yes, sir.

7 Q So when you got in there to speak with Mr. Jones --
8 and I know you've read your entire interaction from your
9 report. It took you about five minutes to read that,
10 right?

11 A Yes.

12 Q And that was an hour and a half worth of conversation
13 that you summarized in your report?

14 A Yes, sir.

15 Q So it wasn't like Tim said, Cindy put this poison on
16 me and put it in my head? That wasn't how it went, was
17 it?

18 A No, sir.

19 Q It was, Cindy put it on me, Cindy -- the voices in my
20 head. I can't get rid of them. You've got to put a
21 bullet in me to get it out?

22 A I would agree with the way Counselor presented that.
23 Very loud, very yelling, very outspoken.

24 Q And he went from that to crying?

25 A That's correct.

1 Q And he would spend time crying?

2 A Yeah. He would get -- yes. He would get emotional,
3 he would cry, he would have outbursts. Yes.

4 Q He said, when Amber left me, it just came out. I
5 couldn't control it. The voices are in my head?

6 A That's correct.

7 Q And you didn't ask him, like tell me more about the
8 voices?

9 A Well, at that time, he would change gears, change
10 subjects, things of that nature, and I don't really -- I
11 didn't tape record it, so I don't know verbatim. But my
12 notations and what I read to the ladies and gentlemen of
13 the jury is my recollection based on my notes that I took
14 of how he acted. But I couldn't tell you word for word
15 what he said.

16 Q Well, that wasn't what you were focused on, was it?
17 You weren't worried about the voices?

18 A Our focus was where are the children.

19 Q Right.

20 A Are they okay.

21 Q Right. That's what you wanted?

22 A Yes, sir.

23 Q Like where are the children?

24 A Correct.

25 Q And he said, I'll take you to them?

1 A He did say that.

2 Q And then, later on, he went on to say that they were
3 in South Carolina?

4 A That's correct.

5 Q Right. And you knew that that wasn't true?

6 A Yes. Well, let me rephrase. We didn't think they
7 were in South Carolina.

8 Q Well, you were, you were talking, you had talked to
9 South Carolina, right?

10 A Right.

11 Q You knew that the Walmart was five minutes from his
12 house?

13 A I can tell you where they weren't. They weren't at
14 home, they weren't with their mother, they weren't
15 somewhere between the residence and Walmart.

16 Q Right.

17 A Outside of that, I didn't know where they were.

18 Q Right. You knew --

19 A Yes.

20 Q So you knew that that wasn't true?

21 A I knew that wasn't true. Yes.

22 Q When you got towards the end of your interview, you
23 started, you asked him, and I know you said this, but you
24 asked him if he was sleeping in hotels or where he was
25 stopping?

1 A Where he would stop and sleep.

2 Q And he told you that he was sleeping in the car,
3 right?

4 A He did. That's what he said.

5 Q He was sleeping in the car with the bodies of his
6 children, right?

7 A He didn't say that, but I see what you're saying.
8 You're saying that the bodies were, obviously, in the
9 vehicle. Is that what you're saying, Counselor?

10 Q It is.

11 A Yes, obviously, so. At some points, he was.

12 Q He was sleeping in the car with the children for
13 about nine days?

14 A Yes. It appears so based on the timeline.

15 Q And based on the receipts that you had, he was
16 traveling all over the Southeast?

17 A That's correct.

18 Q You described this behavior as something you've never
19 seen before?

20 A One other time and one other case, it was similar,
21 but this was extreme behavior that Mr. Jones, Jr. was
22 exhibiting.

23 Q Right. And I think that was your previous testimony.
24 This was really extreme?

25 A It was extreme behavior. Yes, sir.

1 Q And you've seen people drunk and high before?

2 A I have, Counselor.

3 Q You've seen people who are brain damaged before?

4 A I've seen people injured. Yes.

5 Q You've seen people who are mentally ill before and
6 talked to them?

7 A I have.

8 Q You've seen people who are brain damaged, mentally
9 ill and on drugs?

10 A At points in my career, I'm sure I've run across all
11 of that.

12 Q And you don't know if this behavior was one or some
13 combination of all those things?

14 A No. I do not know what it was.

15 Q You mentioned that -- moving forward to the next day,
16 which was the 8th, right?

17 A Yes, sir. May I digress just a moment, Counselor?

18 Q Well, you're going to. So --

19 A On the question you had previously asked, I didn't
20 think it was alcohol, and it was more similar -- his
21 behavior was more similar to some sort of substance abuse
22 to me based on my experience and training and what I had
23 seen, to be clear on what I thought.

24 Q Sure.

25 A Okay.

1 Q Voices in my head. She put voices in my head. The
2 voices in my head came out. That sounds like that's,
3 that's just to you, that's just drugs?

4 A Well, I've seen people hallucinate and say things of
5 that nature.

6 Q It's psychotic, right?

7 A It would be something along those lines.

8 Q It's a break from reality?

9 A It sounded like it.

10 Q Right.

11 A Yes, sir.

12 Q Moving forward to the next day after agents from the
13 FBI and Lexington had interviewed Timothy Jones, Jr.
14 That's when you were talking about his conversation with
15 his father, right?

16 A Yes, sir.

17 Q And he apologized to his dad and he said, you'll
18 never be able to love me after what I've done?

19 A Uh-huh. He --

20 Q And his dad said, no, that's not true. We're going
21 to help you. We're going to get you the mental health you
22 need?

23 A That's exactly what was said, sir, that I heard.
24 That I heard. Yes.

25 Q And you mentioned that his dad talked about hiring

1 Tim a lawyer, right?

2 A He talked about arrangements for the children and
3 legal counsel.

4 Q Okay.

5 A Yes. That's correct.

6 Q And you know that I'm a Public Defender?

7 A I do now. I wasn't sure, but I do now.

8 Q You know Mr. Madsen's a Public Defender?

9 MR. GRAHAM: Objection, relevance.

10 THE COURT: Sustained.

11 A I knew someone on that table was, but I wasn't sure
12 who.

13 Q You know that they didn't hire lawyers?

14 MR. GRAHAM: Objection, Your Honor, relevance.

15 A I don't know, Counselor.

16 MR. YOUNG: He's brought it up, Your Honor.

17 THE COURT: No. I sustain it.

18 Q On the next day is when you went with law enforcement
19 officials with Timothy Jones, Jr. to locate the children's
20 bodies that you were talking about --

21 A Yes, sir.

22 Q -- is that right?

23 A Yes, sir.

24 Q And when you got there and Tim Jones, Jr. got out of
25 the car and he showed you where the bags were, right?

1 A He did.

2 Q And you saw them?

3 A I did.

4 Q And there was some animal activity and you could see
5 bones sticking out of the bags?

6 A That's right.

7 Q And Timothy Jones, Jr. was screaming and crying. Is
8 that right?

9 A I can tell -- I can tell you exactly what he said.

10 Q Well, you can tell me -- in your report, you wrote,
11 "He appeared visibly upset, screaming and crying".

12 A That's correct. And what he said.

13 Q What?

14 A Okay. He was cuffed in the front. He had an orange
15 jumpsuit on, as per incarceration. He got out of the car.
16 You could smell the odor of what would be related to
17 decomposition. He was crying and he yelled, "They're over
18 there", and he pointed like that with his hands. I walked
19 over the knoll several yards, 60, 70 yards, and observed
20 the bags on the side. That's what he said.

21 Q Okay. That was what he screamed? Because you wrote,
22 he was screaming and crying out.

23 A He screamed. Screamed it, said it very loudly, yes.
24 Yes sir, he did.

25 Q He was visibly upset?

1 A He appeared to be.

2 Q But, ultimately, he did the right thing, right?

3 A If you're referring --

4 Q -- by taking you to --

5 MR. GRAHAM: Objection, Your Honor.

6 Q -- taking you to the bodies.

7 MR. GRAHAM: That's an improper question talking
8 about what's --

9 THE COURT: I understand. Rephrase it. You
10 mentioned he took you to the bodies.

11 Q He cooperated, he eventually cooperated?

12 A He did, sir. Yes sir, he did.

13 Q He told everybody what happened?

14 A He did.

15 Q And he took you to where the children's remains were?

16 A He did also do that. Yes.

17 MR. YOUNG: Beg the Court's indulgence.

18 Q When you went to interview Tim Jones on the 7th --
19 back in your initial interview, right?

20 A Yes, sir.

21 Q You with me? Sorry. Just wanted to make sure we're
22 on the same page.

23 A I know it does get confusing --

24 Q It does.

25 A -- with the dates and it's been so long ago. But,

1 yes. That was the first encounter that I had with him,
2 Counselor. Is that the day you're referring to?

3 Q I am. And you had --

4 A Yes.

5 Q -- been meeting with Smith County law enforcement for
6 most of that day?

7 A In and out. Yes, sir. That's correct.

8 Q Right. You were drafting warrants for electronics,
9 you had talked to the Undersheriff, and you were in
10 communication with the people from South Carolina?

11 A The FBI.

12 Q Right.

13 A Yes.

14 Q And you talked about when you went through the
15 Miranda rights form, right?

16 A Yes, sir.

17 Q And how it was important to know that even if he
18 wanted a lawyer, he could stop talking at any point in
19 time and request a lawyer, right?

20 A Yes.

21 Q And nobody from Smith County had ever told you that,
22 on the previous day, he had said he wanted a lawyer, that
23 he's taking the Fifth?

24 A I don't even remember --

25 MR. GRAHAM: Your Honor, may we approach?

1 THE COURT: Yeah.

2 (Whereupon, a bench conference was held in the
3 presence of the jury but out of the hearing of the
4 jury.)

5 THE COURT: I need to put something on the record.
6 So I'm going to send you all to the jury room and have you
7 right back in here.

8 (Where upon the jury was excused from the courtroom.)

9 THE COURT: All right. Mr. Graham.

10 MR. GRAHAM: Your Honor, previously, we have had
11 hearings about what was admissible or not, it is my
12 understanding regarding any statements other than what
13 we've discussed.

14 THE COURT: I thought that was my ruling, too, and,
15 Mr. Young, what's your position?

16 MR. YOUNG: That, ultimately, voluntariness is a
17 determination for the jury and I'm not asking anything
18 about any of the statements. They've gotten in the
19 statements they want to. My question for Lieutenant
20 Johnson is, was he made aware that Mr. Jones had invoked
21 on the 6th and earlier that day had said that he wanted a
22 lawyer. And, of course, there was a lot of testimony
23 about he said he was taking the Fifth when he walked in
24 there with his father, which was reflected in some notes
25 but not others. And this is a subject that was brought up

1 by the State during their direct.

2 MR. HUBBARD: I don't know what he's talking about. I
3 know when we had that hearing, Your Honor --

4 THE COURT: All right. Wait a minute. Let's put Mr.
5 Graham to work on this so we don't get two lawyers and two
6 lawyers.

7 MR. HUBBARD: Well, I think he was referring to one
8 of my witnesses.

9 THE COURT: I thought, if that was -- again, the
10 statement you're talking about, the one where his father
11 walked in, he was part of that interview.

12 MR. YOUNG: He was present for it. Yes, sir. They
13 brought up that he was going to get -- hired -- they were
14 going to hire a lawyer. They brought it up.

15 THE COURT: It's part of the statement.

16 MR. YOUNG: What, no, it's not part of the statement.
17 It's part of something that he overheard Tim's father
18 telling him, we'll get you a lawyer. And they didn't need
19 to bring it out, but they did and I've got to deal with
20 it.

21 THE COURT: By talking about a statement which was
22 off-limits. I thought there was, you made a comment just
23 now that there was conversation before the interview on
24 the 8th, no, the 7th. The 7th was the interview without
25 the South Carolina people. The interview before the 7th,

1 which walked in about getting a lawyer. You just said
2 that. So how was he without knowledge of Mr. Jones'
3 request, maybe, that he wanted a lawyer?

4 MR. YOUNG: How was he -- he was not told that Mr.
5 Jones had invoked on the 6th and had invoked earlier that
6 day on the 7th.

7 THE COURT: Which he heard. He heard that or did he?
8 You just said he did.

9 MR. YOUNG: I don't think that he was told. I'm
10 thinking he was intentionally not told.

11 THE COURT: All right. Now, since that's another
12 witness I'm going to hear from Solicitor Hubbard on that,
13 because we are switching witnesses because kind of a
14 combination of several different people in the interview.

15 MR. HUBBARD: Your Honor will remember, Marty
16 Patterson's the one that testified at the initial hearing
17 on this issue.

18 THE COURT: Yes.

19 MR. HUBBARD: Which we didn't go into it at all
20 yesterday. Now, here's how he described it at that time
21 in the hearing. That he was the one standing near Mr.
22 Jones, Sr. and the Defendant, Tim Jones. He heard Tim
23 Jones talk about the day before, something about the
24 Fifth, he had asserted the Fifth, but he did not assert it
25 that day on the 7th. He did not speak about it at all to

1 law enforcement, there was nothing hidden, they went right
2 into it. And then the Miranda was given by this MBI
3 agent. And you heard the whole thing about how he took
4 the sheet --

5 THE COURT: Yeah. Yeah. I remember that.

6 MR. HUBBARD: And read the whole thing.

7 THE COURT: I remember.

8 MR. HUBBARD: And so, yesterday, when Marty Patterson
9 was on the stand on cross, they started going into that
10 statement on the 6th.

11 THE COURT: I noticed that.

12 MR. HUBBARD: And I left it alone because, as far as
13 that jury knows, that was a discussion on the side of the
14 road and in booking.

15 THE COURT: Right.

16 MR. HUBBARD: We left it. Your Honor, they are
17 digging to try to get in there. They're trying to get in
18 there and, Your Honor, it's a poison pill in this case --

19 THE COURT: It is.

20 MR. HUBBARD: And that was way out of line.

21 THE COURT: Yeah.

22 MR. YOUNG: The poison pill in this case is not
23 telling the jury when they bring up the lawyer issue. And
24 not telling the jury that he had invoked when, ultimately,
25 the jury has to make the determination as to the

1 voluntariness of the statement, which they can't do with
2 partial information that was brought out through the
3 State.

4 THE COURT: I think it was brought out by the
5 Defense. You all want that by virtue of questioning the
6 Undersheriff. The State tried to avoid it. What do you
7 all want to do? My suggestion is, the question becomes
8 did you have any knowledge that Mr. Jones invoked the
9 Fifth prior to you interviewing him.

10 MR. YOUNG: That was the question.

11 MR. HUBBARD: Your Honor --

12 THE COURT: No, that wasn't the question.

13 MR. HUBBARD: Here's what I would like. There was an
14 objection made. I'd like Your Honor to say, sustained,
15 disregard. Counsel, move on. That's what I would like.
16 Anything else or continuing to wallow in something you've
17 already ruled on and that we haven't brought up, but I'd
18 like the objection sustained. Counsel, move on. Jury,
19 disregard.

20 THE COURT: What do you want?

21 MR. YOUNG: I want to be allowed to ask the question.

22 THE COURT: I want to know your question because your
23 questions go back and say in some previous interview you
24 weren't told -- because he wasn't there. So the question
25 is, was he aware.

1 MR. YOUNG: Were you aware that he had previously
2 invoked his rights?

3 MR. HUBBARD: And I think that's absolutely out of
4 bounds because you ruled on that issue and that whole
5 statement was taken out. So it is not in play right now.
6 They've re-approached him, properly so, 22 hours later and
7 Mirandized him. This witness speaks to that statement.

8 MR. YOUNG: Your Honor, I'd just add that the State
9 elicited testimony from Lieutenant Johnson that all of
10 these statements were free and voluntary. Everything was
11 free and voluntary. He did everything voluntarily when
12 Lieutenant Johnson didn't know that he had previously
13 invoked. And that would make a difference to the jury in
14 determining the voluntariness of the statement and the
15 tactic of bringing Mr. Jones' father into the interview.

16 MR. HUBBARD: Your Honor ruled on that.

17 THE COURT: I don't believe the State opened the
18 door. I don't believe they did. I think, based from our
19 pretrial hearings back in March, that that's out of
20 bounds. So I'm not going to allow you to ask that
21 question.

22 MR. YOUNG: May I proffer it?

23 THE COURT: You should.

24 PROFFER TESTIMONY

25 By Mr. Young:

1 Q Mr. Graham asked you if Tim ever said he didn't want
2 to talk or if he said he wanted a lawyer. You said Tim
3 never said these things. Did anyone at Smith County tell
4 you that he'd invoked his Fifth Amendment constitutional
5 rights several times the night before inside the Smith
6 County jail and that those invocations were ignored by law
7 enforcement?

8 THE WITNESS: Is that a question I'm to answer, Your
9 Honor?

10 THE COURT: Yes.

11 A No. I had no prior knowledge of any discussion,
12 interview or -- with Mr. Jones, Jr. I had no prior
13 knowledge of anything like that. Whether that occurred --
14 did or did not occur, I cannot advise.

15 Q And you didn't know or weren't aware that he had
16 invoked earlier that day when asked to give hair, DNA and
17 blood?

18 A I did not. I was not privy to that information
19 either.

20 MR. YOUNG: That would be the extent of my proffer,
21 Your Honor.

22 THE COURT: Okay. Fair enough.

23 MR. YOUNG: Do I need to object, I don't know how to
24 object to the objection or--

25 THE COURT: All right. We'll be at ease a couple

1 minutes. I've got to, I'm going to step off. Be back in
2 a minute.

3 THE WITNESS: May I step down, Your Honor?

4 THE COURT: You may.

5 (Whereupon, a short break was taken.)

6 THE COURT: Solicitor, let me ask you a question.

7 The second question to the Detective was, were you advised
8 that he'd refused to give hair samples and saliva samples
9 earlier that day. I think that's a fair question. That
10 wasn't part of the night before.

11 MR. HUBBARD: That was fair, but a search warrant was
12 obtained.

13 THE COURT: Right.

14 MR. HUBBARD: He didn't invoke. So if it's anything
15 about, were you aware that he invoked his rights, no. He
16 just said he refused and they got a search warrant.

17 THE COURT: I think that's fair and I think that he's
18 allowed to ask that question.

19 MR. HUBBARD: Yes, sir. As long as it's not invoking
20 his, you know, right to remain silent and all that again.
21 Somehow -- that implication.

22 THE COURT: I agree.

23 MR. YOUNG: Just to complete the record, our position
24 would be that the State opened the door when they had
25 Lieutenant Johnson come off the stand and go into great

1 detail about the circumstances of the Miranda waiver on
2 September the 7th without -- our argument at the previous
3 hearing. And I'm not trying to reargue the case, was that
4 Mr. Jones consistently invoked and eventually, through a
5 tactic of putting his father in his room, his -- all of
6 his invocations were ignored and his will was overcome by
7 the presence of his father. Those arguments the Court has
8 heard and ruled on and I'm not trying to reargue them, but
9 I think the State opened the door to the jury learning
10 about that by going through how voluntary and cooperative
11 Mr. Jones was without telling them what had happened
12 before.

13 THE COURT: I don't believe that's opening the door,
14 but you've made your record.

15 MR. YOUNG: Thank you.

16 THE COURT: Okay. So you can ask about refusing to
17 give hair samples and search warrants obtained --

18 MR. YOUNG: Okay.

19 THE COURT: -- and whether he knew that.

20 MR. YOUNG: Yes, sir.

21 THE COURT: All right. Let's have the jury, please.

22 (Whereupon, the jury came into open court at
23 approximately 5:00 p.m.)

24 THE COURT: All right. For the record, the objection
25 is sustained. Ask your next, your next question.

CROSS-EXAMINATION

By Mr. Young:

Q Lieutenant Johnson, you were not aware that Mr. Jones had invoked earlier that day when asked to provide hair, DNA and blood samples?

A I was not privy to that interaction or conversation with Mr. Jones, at that point. I hadn't even met him, at that point.

MR. YOUNG: Thank you.

THE WITNESS: Yes, sir.

MR. GRAHAM: Object.

THE COURT: Come up here.

(Whereupon, a bench conference was held in the presence of the jury but out of the hearing of the jury.)

REDIRECT EXAMINATION

By Mr. Graham:

Q Lieutenant Johnson, have you ever been involved with attempting to secure consent from somebody to obtain blood, hair or DNA?

A I have, many times.

Q And during that process, you are just asking them if they will do it, correct?

MR. YOUNG: Objection.

THE COURT: I'm going to overrule.

1 A Yes, sir. And I refer back to -- I can give you a
2 quick example, Counselor. I refer back to when I worked
3 the road as a trooper. We might get someone that was
4 injured in an automobile accident and they may not be able
5 to give you a breath sample, or someone refused to give a
6 breath sample, but would give you a consent for blood in
7 the forms -- in the boxes that are used in Mississippi, it
8 has a consent form in there. We explain it to them and
9 they have a right to refuse it, they can give you consent
10 and you can take them to the hospital and have a nurse or
11 doctor draw it.

12 Q So they can either agree to cooperate or not?

13 A Yes. They have the right to refuse.

14 MR. GRAHAM: Thank you.

15 THE COURT: All right. You may step down.

16 THE WITNESS: Thank you, Your Honor.

17 THE COURT: Safe travels.

18 THE WITNESS: Thank you, Judge.

19 THE COURT: Do you want to stop there?

20 MR. HUBBARD: It's up to you. I can tell you who
21 I've got next.

22 THE COURT: Who you got next?

23 MR. HUBBARD: Sheriff Crumpton, it is up to Your
24 Honor.

25 THE COURT: Do you all want one more witness or do

1 you want to adjourn for the day?

2 (Whereupon, the Jury indicated to adjourn for the
3 day.)

4 THE COURT: Adjourn for the day. Fair enough. All
5 right. Have a good evening. Enjoy your supper.
6 Tomorrow, hopefully, will be a full productive, I hope.
7 But sometimes, with all the vast physical evidence, it
8 just took more time to organize it. Don't discuss the
9 case. Don't do any independent research. Now, has any of
10 you all -- has anybody tried to contact any of you all
11 about anything going on in the case? Anybody? Okay. If
12 they have -- if anybody approaches you, asked you or
13 suggests to you, emails you, texts you, please let one of
14 the officers know. And then I'll send further inquiry to
15 you about it. I'll inquire about it and I want to know
16 about that. But nobody's communicated with you in any
17 way? If you've ever seen any of the media things and any
18 of that changed or impacts you, you can follow my
19 instructions. Please, do so. Is that what you wanted?

20 MR. YOUNG: Yes, sir.

21 THE COURT: All right. Good enough. See you all
22 tomorrow morning. Same time.

23 (Whereupon, the jury was excused from open court for
24 the day.)

25 THE COURT: All right. I want everybody's assurance

1 we're going to be more efficient tomorrow. Yes. Good.

2 Thank you.

3 MR. HUBBARD: 9:00, Your Honor?

4 THE COURT: Yes, sir. We're starting at 9:00.

5 MR. YOUNG: Yes, sir.

6 (Whereupon, the trial will resume the next morning at

7 9:00 a.m.)

8 May 17th, 2019

9 THE COURT: Let's get the jury in.

10 MS. MAYES: Can we approach?

11 (Whereupon, a bench conference was held.)

12 (Whereupon, the jury came into open court at

13 approximately 9:00 a.m.)

14 THE COURT: Any issues with anything, outside
15 influence? Still good?

16 MADAM FORELADY: Yes, sir.

17 THE COURT: All right. Thank you very much. Now,
18 I'm not pointing out the Juror, but I've gotten word from
19 one of the jurors that we need to adjourn by -- shortly
20 after 5:00 this afternoon.

21 MADAM FORELADY: Yes, sir.

22 THE COURT: No later. Okay? And I told him I was
23 fine with that. All right. Call your witness.

24 MR. HUBBARD: Thank you, Your Honor. State calls
25 Sheriff Charlie Crumpton.

1 CHARLIE CRUMPTON, being
2 first duly sworn, testified as follows:

3 MADAM CLERK: If you'll have a seat over there,
4 please. State your name and spell your last for the
5 record.

6 THE WITNESS: Okay. My name is Charlie Crumpton.
7 Spelling C-r-u-m-p-t-o-n.

8 DIRECT EXAMINATION

9 By Mr. Hubbard:

10 Q Sheriff, where are you -- where are you Sheriff?

11 A In Smith County, Mississippi.

12 Q How long you been sheriff down there?

13 A Soon to be 24 years.

14 Q How long you been in law enforcement?

15 A For about 24 years.

16 Q You have a family history in law enforcement?

17 A I do, sir.

18 Q You have some relatives that have been sheriff as
19 well?

20 A I had two uncles that were sheriff prior to me being
21 sheriff.

22 Q Are you getting ready to retire?

23 A Yes, sir.

24 Q Thank you for being here today.

25 A Yes, sir.

1 Q I want to ask you, back in September of 2014 do you
2 remember the encounter your agency had with Mr. Tim Jones?

3 A I do, sir.

4 Q The evening of September 6th were you present at the
5 Sheriff's Office that day?

6 A I was not. Was that on a Saturday?

7 Q Yes, sir. I believe it --

8 A I was out of town with my family. Sure was.

9 Q Now, the following day on the 7th, did you come back
10 in town?

11 A Early. Yes, sir. I was notified that night and I
12 was here early the next morning, which was on a Sunday.

13 Q Do you recall getting together with Lieutenant Eric
14 Johnson with MBI and your Undersheriff Marty Patterson and
15 conducting an interview of Mr. Jones?

16 A Yes, sir.

17 Q About how long after the arrest of Mr. Jones was that
18 interview?

19 A Probably close to 20 hours. Close to that.

20 Q Did you all have somebody else in that interview?

21 A We did.

22 Q Who was that?

23 A We had Tim Jones, Sr. was also with us.

24 Q The Defendant's father?

25 A The Defendant's father.

1 Q Was that a normal course of business for you all?

2 A No, sir. That was unusual for us to do that. We
3 actually never done that before.

4 Q What -- what was your hope with that?

5 A Well, you know, we already realized that there was a
6 major problem because, you know, some -- some samples in
7 the car had proven to be blood at that time. And we were
8 hoping for the -- sort of hoping for the best. We didn't
9 know. We were just judging by what was found in the car
10 and that there was -- you know, there was probably a
11 problem. And the father was very, very concerned, as any
12 father would be, and as a grandfather he was certainly
13 concerned, and --

14 Q What was he concerned for?

15 A He was concerned for the five children.

16 Q Was that your concern, too?

17 A That was very much our -- our concern. That was,
18 that was, that was very much our concern. Yes, sir.

19 Q Now, as to the father of Mr. Jones, Tim Jones, Sr.,
20 did you all have to twist his arm to get him to assist?

21 A Certainly not. Certainly not. That was the most
22 cooperative man I've ever dealt with. The most -- that
23 man was -- he went through a lot. He sure did. But no,
24 sir. He was very cooperative and -- and at that time,
25 sir, we hoping for the best. We had reason to think

1 possibly that at least four of the children might be alive
2 at that time. Possibly five, but certainly four of them
3 might be.

4 Q You all just didn't know?

5 A We did not know.

6 Q And until you knew, what did you see your job as a
7 law enforcement officer?

8 A My job as a law enforcement officer was to find those
9 children. That was my main objective.

10 Q Did you have any idea where they might be at that
11 time?

12 A No, sir. Not at that time.

13 Q Now, you heard Lieutenant Johnson testify yesterday,
14 who gave the Miranda rights?

15 A Lieutenant Eric Johnson.

16 Q Did Mr. Jones seem to understand those rights?

17 A Yes, sir. It's kind of unusual. I don't know
18 whether he was trying to show me his intelligence or -- or
19 I didn't, I never seen it done. He actually got the paper
20 from Mr. Johnson and read the Miranda himself.

21 Q Let me ask you, Sheriff. Did he ask for that paper
22 or did --

23 A No, sir. He -- he actually grabbed it out of his
24 hand.

25 Q And did he just read it to himself, or how did he

1 read it?

2 A No, sir. He read it out loud and then took a pen and
3 scribbled, I supposed, what would be a name. And after
4 that, a few minutes later Officer Johnson did read them
5 again to him. But the first time he read, he read them
6 himself.

7 Q How did Mr. Jones appear that evening when you were
8 questioning him?

9 A Actually, I've been in this for a long time. I saw a
10 man like I've never seen before. Never seen anyone what I
11 believed to be strung out, high, whatever words you want
12 to use. I never seen one in quite that condition. I'm
13 sure he was, he would go from screaming, back down to
14 crying, to yelling, to very just odd, odd behavior. He
15 was, and at my time, it was a tough jail. It was an old,
16 old jail. And that day it was, it was extremely hot, but
17 we were in a 65 to 68 degree Court House at this time,
18 which to me ought to be shivering after coming out of that
19 hot jail, but this man was sweating unbelievable.

20 Q So even during the interview he just continued to
21 sweat?

22 A The whole time. I've never seen that. Sure haven't.

23 Q Let me ask you this. At that time did you all have
24 much in the way of dealing with spice?

25 A No, sir. That was relatively -- we dealt with a lot

1 of methamphetamine, a lot of crack cocaine, you know, in
2 the past, but I'd never dealt with a whole lot of spice.
3 I sure hadn't. I sure hadn't. I didn't know a whole lot
4 about the -- I knew this was something different.

5 Q After this incident with Mr. Jones and this interview
6 with him, have you had occasions as sheriff, as a law
7 enforcement officer, to deal with people who are on spice?

8 A I have. I have.

9 Q How would you say kind of with those people compared
10 to what you saw September 7th?

11 A Very similar. That's kind of the way we knew what we
12 were dealing with on the next several that -- that we had
13 gotten for possession of spice and being high on spice.
14 That's kind of the way we -- we realized that that's what
15 they were doing. It's just different.

16 Q These other individuals you had following -- or
17 subsequent to Mr. Jones, did they have profuse sweating?

18 A Yes, sir. They had those characteristics.

19 Q Were their emotions and reactions up and down?

20 A Yes, sir.

21 Q Hard extremes?

22 A One extreme to the other.

23 Q Even though you'd never seen anyone like this that
24 night, when you would ask questions, or when questions
25 were posed to Mr. Jones, could he answer those questions

1 back?

2 A Yes, sir. I would say he could.

3 Q He was responsive?

4 A Yes, sir.

5 Q Now, I'm not talking about what his answers were.

6 A I understand that. Right.

7 Q But could he -- you had communication with him?

8 A Yes, sir.

9 Q A question, answer, question, answer?

10 A Right.

11 Q He appeared to know what he was doing that day, why
12 he was there?

13 A I believe he did.

14 Q His father, Mr. Tim Jones, Sr., did he just watch or
15 did he participate in asking him questions?

16 A No, sir. He participated in -- he was a lot of help
17 to me, because at that time we, you know, I didn't know
18 whether these children may even be in our county in
19 Mississippi. We just, we didn't know. And so, like I
20 said, our concern was for the children. And Mr. Jones,
21 Sr.'s concern was certainly for those children. But yes,
22 sir. He was a lot of help.

23 Q When you were questioning him, at one point did you
24 ask about one of his son's?

25 A I did.

1 Q Which son was that?

2 A I think he's the middle one. It was kind of odd. I
3 called him -- I just mispronounced his name. I thought it
4 was Nathan, and he got very emotional, very angry with me,
5 screamed that that was not his name. His name was
6 Nahtahn. It was just something about that name that
7 triggered him.

8 Q Throughout that interview did the name of that young
9 child, Nahtahn, come up again and again?

10 A Yes, sir. Several times.

11 Q What was his reaction every time that name came up?

12 A Well, every time that particular child's name come up
13 it was a burst of anger. He just became like a different
14 person when that particular name would come up.

15 Q Did he do that with his other kids?

16 A No, sir. He did not.

17 Q Just with Nahtahn?

18 A Yes, sir.

19 Q Based on that reaction what concern did you have as
20 an officer, and also based on what you were hearing from
21 that car search?

22 A Well, again, from the car search and what I was
23 hearing, I knew something had happened to some of the
24 children. I didn't know it had happened to all of them,
25 but from the search and from what we were gathering in

1 that interview, he had definitely done something to some
2 of the children, at that point in the interview. Early in
3 the interview we realized that, you know, something had
4 happened to at least part of the children.

5 Q Did you have concern for any particular child in
6 special?

7 A Yes, sir. Just from my observing him and from my
8 interview and the anger and my opinion that he showed
9 toward Nahtahn, I was assuming it might be -- what they
10 found in the car might possibly been Nahtahn's and not any
11 of the rest of them possibly, because there was just an
12 anger there toward that one particular child.

13 Q Did he in this interview talk about having kicked the
14 kids out of the car?

15 A Yes, sir. We were -- we had been in constant contact
16 with South Carolina authorities and he told us that the,
17 in that interview that he had put the children out. I
18 think his community is Red Bank where he lived. I believe
19 it was Red Bank. That he had put him out between his
20 house and a Walmart, which I suppose there's a Walmart
21 there. I don't know. But we got in touch with South
22 Carolina authorities and they -- they did a diligent
23 search. They searched every road, every trail.
24 Apparently this is a mobile home community out there, but
25 they, they did. They searched everywhere, and they were

1 convinced that the children were not there where they were
2 saying. He even told us that he put them out on the side
3 of the road, and then later they interviewed him, he
4 actually said he pushed them out of the car rolling.

5 Q While it was moving?

6 A While the car was moving. Yes, sir.

7 Q Very end of that interview did you notice Mr. Jones,
8 the Defendant, do anything with his father?

9 A I did. Like I say, his father was -- I can't express
10 that enough. His father was a concerned father and
11 grandfather, not only for the grandchildren, and also
12 concerned for his son. Which I've got children. I know
13 how that -- I hope I never know how that severe opinion
14 would be. But I know he had feelings towards his family.
15 And he asked him, "Son --" I believe the words are -- I'm
16 not a note keeper, now. He said, "Son, did you hurt the
17 children," and he jumped up. He was sitting at a table.
18 The father was sitting at a couch at the end of that
19 table, which would be on the west side of that table in
20 the courtroom. Not the courtroom but actually the lounge
21 up in the floor of the Court House. He got up, went over
22 there and grabbed his father and just said, he grabbed him
23 by the throat. Never squeezed him. Because I -- I had
24 already gone up, because it's a two-story. You know, it's
25 an old Court House. And I actually went over and was

1 sitting in the window, which is a chair right there at the
2 window, which is where I normally sit during -- when we
3 got court going and breaks, that's where I always go to
4 anyway. But I was there because I didn't know what the
5 man might -- Jr. might would try to go out the window or
6 whatever. So I had just, didn't make any emotions about
7 it. I just eased over there and that's where I was
8 sitting. But he got the father, and I think he said -- I
9 believe he said -- the father asked him had he hurt them
10 and he said yes, and then he grabbed him and said no. And
11 that was a sign to me. Again, that was my impression of
12 it, that he was basically showing what he had done to some
13 of the children. That's the way I -- that's the way I
14 read that anyway.

15 Q But on that night of the 7th did he ever tell you,
16 Eric Johnson or his father what he did to the kids? Did
17 he ever say, "I strangled my kids"?

18 A No, sir. Not to my knowledge. I don't remember that
19 he did. No, sir.

20 Q Did he ever say, "I dumped them in bags in Alabama"?

21 A No, sir.

22 Q So that wasn't that night?

23 A No, sir.

24 Q After that interview was over was he brought back the
25 next day for another interview?

1 A He was.

2 Q Who conducted that interview?

3 A South Carolina and one of their investigators there,
4 Adam Creech, David Mackey, FBI through the Columbia
5 office, I believe, is where he's out of here, myself and
6 Lieutenant Eric Johnson.

7 Q Let me ask you. Did you actively participate or were
8 you in and out as an observer?

9 A I was in and out as an observer, because that's, you
10 know, from what I knew, the children were missing from
11 this state. At that time we didn't, they were the lead
12 agency in that part.

13 Q Yes, sir. How would you describe Defendant Tim
14 Jones' demeanor, behavior on the September 8th versus what
15 you had seen the night of the September 7th?

16 A I guess you could say a totally different person.
17 Totally different person.

18 Q Was his hair sweating?

19 A No, sir.

20 Q Was his body sweating?

21 A No, sir.

22 Q Did he have the real big emotional ups and downs?

23 A None of that.

24 Q At some point did he say what happened to those kids?
25 What he did with those kids?

1 A Did he ask that question?

2 Q No. Let me ask you this. At some point did he tell
3 both the FBI and Lexington County --

4 A He did.

5 Q -- what he did with those kids?

6 A Yes, sir.

7 Q You were in and out of the room?

8 A Yes, sir. Yeah, I was in there for that -- that
9 particular part of it. I was in there when that happened.

10 Q When that interview was concluded did law
11 enforcement, including you, ask for his assistance in
12 finding those kids?

13 A I'm sure we did. Like I say, I was in and out of
14 there. But I'm sure that -- well, we had to have his
15 assistance to find the children, if he would cooperate.
16 Yes, sir.

17 Q September 9th. So now we're talking --

18 A Talking about Tuesday now probably, I remember better
19 the day than I do the dates.

20 Q September the 9th would be -- you're right, Tuesday.

21 A Tuesday. Okay.

22 Q Is that the day that you all went to look for the
23 bodies?

24 A Yes, sir. We went, we went, midday we left out, a
25 little after noon, I believe, actually when we left out.

1 Q When you left out did you know what state you were
2 heading to?

3 A Yes, sir. He had told us a location pretty close to
4 -- I've never been in that part of Alabama. I actually
5 thought we were going just south of Meridian, Mississippi
6 is the way I was kind of reading it, but we were a long
7 way from Meridian, Mississippi. We sure were. But we
8 were -- we were in rought to Alabama.

9 Q Do you remember about how long it took to get there?

10 A We were probably in route -- probably somewhere
11 around three hours it took us to get there. The best I
12 can remember I -- my odometer showed, I believe, 179 miles
13 by the time I left the jail to the time I got there, to
14 the best of my knowledge. That's what I remember. I
15 think it was 179 miles.

16 Q Did you have a convoy?

17 A Yes, sir. We had, I believe, Eric Johnson and one of
18 his agents from MBI were leading. I had one of my
19 investigators and another deputy, and Officer Creech here
20 with South Carolina was in the backseat of that car. And
21 the suspect was in the backseat of that car as well. And
22 I believe myself and Undersheriff Marty Patterson
23 followed. And I believe some -- maybe a SLED officer may
24 have followed with a -- I believe Major Mackey was with
25 him, I believe. Now, there was four or five vehicles of

1 us. Yes, sir.

2 Q You say it took a while to get there. How fast were
3 you all going?

4 A We were probably in excess of 100 miles an hour all
5 the way there. And the purpose for that was we were
6 trying to -- we were trying to save as much daylight as we
7 could. I know when we got to the Alabama line the Alabama
8 authorities did a great job. They had every road -- it
9 was either I-Highway 19 or I-Highway 39. I can't
10 remember. They run together right in there. But it
11 turned into Alabama 10, and he -- the sheriff from that
12 particular adjoining county that joined Mississippi, he
13 had every road blocked in that county. I don't know how
14 many counties we went into Alabama, but they did a great
15 job of getting us there. But our purpose for that was to
16 try to beat darkness. Even though we -- we had daylight,
17 but we didn't know what we were going to find. How many
18 searches we were going to have to do. We were just trying
19 to beat darkness.

20 Q Were you all in a rural area or did you all go
21 through some suburban areas?

22 A Very rural. I'm from a rural area. We were from --
23 we were halfway between Laurel, Mississippi and Jackson,
24 Mississippi. We were in a rural area. And, but this was
25 a very rural area. A lot of -- lot of timber industry