

**IN THE CIRCUIT COURT OF HARDIN COUNTY
AT SAVANNAH, TENNESSEE**

ZACHARY RYE ADAMS,)	
PETITIONER,)	
)	
vs.)	No. 17-CR-10-PC
)	
STATE OF TENNESSEE,)	
RESPONDENT.)	

**MOTION REQUESTING THE COURT TO APPOINT COUNSEL
FOR JASON AUTRY**

Comes now the State of Tennessee through the undersigned attorneys and moves this Honorable Court to appoint an attorney to represent Inmate Jason Autry for the limited purposes of the above referenced case and in support thereof submits the following:

1. A Decatur County grand jury indicted Zach Adams (hereinafter “Petitioner) Dylan Adams and Jason Autry (hereinafter Inmate Autry) on **May 19, 2015**, for the rape, murder and kidnapping of Holly Bobo.
2. The State of Tennessee tried Petitioner in Hardin County in **September 2017**.
3. Inmate Autry testified for the State of Tennessee in said trial. (*See attached Exhibit A Trial Transcript*)

4. Petitioner was convicted on all counts by the jury and sentenced by Hon. Creed McGinley to Life Without the Possibility of Parole.
5. On **September 14, 2020**, Inmate Autry -represented at the time by Michael Scholl-pled guilty before Judge McGinley to reduced charges in light of his testimony against Petitioner. (*See attached Exhibits B and C Guilty Plea Paperwork and Sentencing Hearing Transcript*) He was released from custody following his plea.
6. On **December 2, 2020**, Inmate Autry was arrested on a gun charge in Benton County, Tennessee and prosecuted by both the federal government and State of Tennessee.
7. Inmate Autry pled guilty, represented at the time by Claiborne Ferguson- in federal court in **November of 2022** to being a convicted felon-in-possession of a Marlin, 30-30 caliber rifle, a Smith & Wesson .9mm handgun and several rounds of 30-30 Winchester ammunition. As part of the plea agreement, Inmate Autry stipulated that before he committed the offenses charged in the federal indictment, he had at least three previous convictions for violent felonies, as defined in 18 U.S.C. Sec. 924€(2)(b) which were committed on occasions different from one another. (*See Exhibit D Federal Court Guilty Plea paperwork*)

8. The United States Attorney's Office for the Western District of Tennessee filed a motion requesting the Western District Court Judge upwardly depart from the sentencing guidelines due to Inmate Autry's lengthy, violent criminal history.
9. Between Inmate Autry's federal guilty plea and sentencing, three different attorneys were appointed to represent him. Two of them (Mike Weinman and Kevin Whitmore) filed on separate occasions motions requesting the federal judge downwardly depart from the sentencing guidelines. Each cited as support for their request Inmate Autry's testimony at Petitioner's trial and assistance to the State of Tennessee. (*See attached Collective Exhibit E*). The dates of these filings and the attorneys who prepared them are as follows: **August 22, 2023**, Attorney Mike Weinman; **October 27, 2023**, Attorney Mike Weinman; **June 25, 2024**, Attorney Kevin Whitmore.
10. On **December 22, 2023**, Katie Spirko-working on behalf of Petitioner and Petitioner's attorney in various capacities-video-recorded a conversation in federal prison with Inmate Autry about his testimony during Petitioner's trial that was provided by Spirko to ABC News 20/20. This video is the foundation of Petitioner's pleadings before this Court.

11. Inmate Autry's attorney at the time of the recording and distribution, Mike Weinman, did not authorize the recording nor was he made aware of it until after the fact. These actions by Attorney Bates and Katie Spirko forced Attorney Weinman to file a motion to withdraw as counsel with the United States District Court for the Western District of Tennessee. The court granted Weinman's request and appointed new counsel-Kevin Whitmore- to represent Inmate Autry.

12. The State of Tennessee is aware through recorded jail calls of three statements made by Inmate Autry in reference to his recorded conversation with Spirko that are relevant to this motion: 1.) Inmate Autry advised Skylar Pinkley on **January 3, 2024**, that he was "high" on drugs while meeting with Spirko and being recorded. Specifically, Inmate Autry states the following about Spirko:

1. **JASON AUTRY:** She asked -- she -- she
2. looked at me and said, can I ask you a question. And
3. I said, what's that. She said, are you high. I sat
4. there for a second, I said, yeah. I said if this is
5. going to hinder you, you need to leave, you know what
6. I mean?
7. **SKYLAR PINKLEY:** Right.
8. **JASON AUTRY:** Yeah.
9. **SKYLAR PINKLEY:** Well, she told me -- she
10. told me that.
11. **JASON AUTRY:** Yeah. I don't know if that
12. played a part on the deposition or not.
13. **SKYLAR PINKLEY:** No, she said you done

14. fine.

15. **JASON AUTRY:** She got what she wanted;

16. didn't she?

2.) Inmate Autry advised his mother on **January 31, 2024:** “They going to fuck me in federal court. I’m fucking them in state court”. 3.) Inmate

Autry advised his mother on **February 4, 2024:** “They trying to give me 20 something years in the federal government. I gotta fight back.

That’s the only think I’ve got to fight with.” (*See attached Collective Exhibit F*)

13. **On April 5, 2024,** Katie Spirko notified former Assistant District Attorney General Jennifer Nichols that Dana McClendon would be representing Katie Spirko. Attorney McClendon was copied on said email.

14. **On April 8, 2024,** Spirko attempted to schedule another meeting with Inmate Autry at the same federal facility. She did this via an email on which Attorney McClendon was copied. She inquired whether the prison had a notary on site or whether she should bring one along. It is the State’s belief that Ms. Spirko intended to obtain an affidavit from Inmate Autry casting doubt on his trial testimony. Prison officials declined her request to meet with Inmate Autry. Neither Inmate Autry’s

attorney of record nor Petitioner Adams' attorney were copied on her email.

15. On **April 15, 2024**, Attorney McClendon filed notice with this Court that he represented Katie Spirko.
16. Inmate Autry was sentenced in federal court—represented at this time by Kevin Whitmore--- on **June 25, 2024**, and sentenced to 279 months (23.25 years) (*See attached Collective Exhibit G-judgment, transcript and exhibits*). Autry has appealed his sentence to the 6th Circuit and is represented as of this filing by Elizabeth Arrick—a federal appointed appellate attorney. The State has been advised by Attorney Arrick that her representation of Inmate Autry is limited solely to the appeal of his federal conviction.
17. Inmate Autry entered a guilty plea to state gun charges in Benton County Circuit Court on **July 19, 2024**—represented by Billy Roe--to run concurrent with his parallel federal conviction. (*See attached Exhibit H*)
18. Petitioner is hopeful that Inmate Autry will appear in Hardin County Circuit Court on his behalf and testify contrary to his trial testimony thereby casting doubt on Petitioner's guilt.

19. For the reasons stated above, the State requests that in the interests of justice, counsel be appointed to Inmate Autry to advise him of his rights under the 5th amendment and advise him of any possible consequences should he testify in the case at bar. Inmate Autry is currently housed in federal custody in Pine Knot, Kentucky.
20. In the interests of judicial economy and the victim's bill of rights, the State requests that if an attorney is appointed, he or she be advised that meeting with Inmate Autry can be accomplished in person or via video conferencing to make the initial determination of whether Inmate Autry will waive his 5th Amendment rights, testify and be subject to cross examination.
21. Given the conflict Petitioner's attorneys have in providing objective, unbiased advice to Inmate Autry, the State requests that Petitioner's attorneys be precluded from any contact with Inmate Autry until such time as an independent, objective, unbiased attorney can articulate to Inmate Autry the decision before him, the consequences of his decision and report such back to this Court.

Respectfully Submitted:

/s/ Amy P. Weirich /

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been emailed to Douglas Bates IV and Crystal Etue, attorneys for Petitioner Adams, on this 7th day of March, 2025.

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/s/ Amy P. Weirich /

Amy P. Weirich

Exhibit A

1 * * *

2 **JASON AUTRY,**

3 **was called as a witness and having first been duly**
4 **sworn testified as follows:**

5
6 **DIRECT EXAMINATION**

7 **QUESTIONS BY GENERAL NICHOLS:**

8 Q. Mr. Autry, you came in wearing what appears
9 to be prison guard?

10 A. Yeah.

11 Q. Where are you currently housed or staying?

12 A. I stayed last night in Henderson County Jail.

13 Q. And you are charged in the case that is on
14 trial this week?

15 A. Correct.

16 Q. You're charged with murder, kidnapping, rape?

17 A. Yes, ma'am.

18 Q. All right. I want to ask you some questions
19 about your background first, okay?

20 A. Yes, ma'am.

21 Q. Where did you grow up?

22 A. Parsons, Tennessee.

23 Q. And how long -- did you live there your whole
24 life, or did you move around that area?

25 A. I spent probably 16, 17 years in that area,

1 and then I moved into the city of Parsons, in the
2 city. I was raised in the country.

3 Q. And how old are you?

4 A. Ma'am?

5 Q. How old are you?

6 A. 44, fixing to be 44.

7 Q. Do you have family in that area?

8 THE COURT: Did you say, fixing to be 44?

9 THE WITNESS: Yes, sir.

10 THE COURT: Okay.

11 BY GENERAL NICHOLS:

12 Q. Do you have family in that area?

13 A. Yes, ma'am.

14 Q. Friends?

15 A. I have a father in the area, 1333 Bear Creek
16 Road.

17 MS. THOMPSON: I am sorry, Your Honor. I
18 can't quite hear what he's saying.

19 THE COURT: You got -- Mr. Autry, you got
20 a hot mic there, so you can speak into that a little
21 more directly or speak up, okay?

22 THE WITNESS: Okay.

23 BY GENERAL NICHOLS:

24 Q. Where do you want it? Is that good?

25 A. Right there.

1 THE WITNESS: Sorry.

2 THE COURT: You're all right.

3 BY GENERAL NICHOLS:

4 Q. They couldn't hear your answer. You have a
5 mother that lives there in the area?

6 A. I have a father --

7 Q. Father.

8 A. -- at 1333 Bear Creek Road.

9 Q. Is it fair to say that you've been in trouble
10 with the law on --

11 A. Multiple times, numerous times.

12 Q. Have you served time in prison?

13 A. I've been to prison four times.

14 Q. Okay. What are the four times for?

15 A. Theft and drugs.

16 Q. And now this?

17 A. This will be the fourth time here with the
18 kidnapping, rape, and murder.

19 Q. All right. So prior to this case, drugs and
20 theft?

21 A. Correct.

22 Q. On more than one occasion?

23 A. More than one occasion.

24 Q. You know a guy by the name of Zach Adams?

25 A. Yes, ma'am.

1 Q. Do you see him in the courtroom?

2 A. (Pointing.)

3 Right there sitting beside counsel.

4 THE COURT: For the record, the
5 defendant.

6 THE WITNESS: The defendant.

7 BY GENERAL NICHOLS:

8 Q. How long have you known Zach Adams?

9 A. Approximately 15 years maybe.

10 Q. Do you know other family members of his?

11 A. I know his brother. I knew his father.

12 Q. His father is deceased?

13 A. Yes, ma'am.

14 Q. What kind of a relationship did you have with
15 his father?

16 A. A drug deal. A drug connection.

17 Q. You said you knew his brother. Who is his
18 brother?

19 A. Dylan.

20 Q. And who is older, Zach or Dylan?

21 A. Zach.

22 Q. And between Zach and Dylan, who were you
23 closer to, or who did you have the most dealings
24 with?

25 A. Zach.

1 Q. Do you know an individual by the name of
2 Shane Austin?
3 A. Yes, ma'am.
4 Q. How do you know Shane Austin?
5 A. I'm first cousins with him.
6 Q. So you know where he lived?
7 A. 30 Yellow Springs.
8 Q. Was that a house or a trailer?
9 A. Trailer.
10 Q. And before he got that trailer, do you know
11 where he lived, like where his parents lived?
12 A. Yes. His parents lived 790 Pugh Road.
13 Q. Is that very close to where the trailer was?
14 A. Within a couple of miles. Approximately a
15 mile and a half maybe.
16 Q. I want to draw your attention back to 2011.
17 Did you have a job in 2011, the beginning part?
18 A. Yes, ma'am.
19 Q. Who did you work for?
20 A. Michael Douglas.
21 Q. What did you do for Michael Douglas?
22 A. I worked on a cattle farm. I was feeding, up
23 keeping, you know, just general labor.
24 Q. Okay.
25 A. Also, I was working with Marvin Taylor

1 Construction.

2 Q. All right. So you had two sort of jobs when
3 they needed you?

4 A. Yeah, I just -- neither one of them was
5 government jobs, they just paid general labor. They
6 were no tax jobs. They were just general labor jobs.

7 Q. Were there periods of time in the first half
8 of 2011 where you didn't have work from either one of
9 them?

10 A. Yes, ma'am.

11 Q. Did you have your own place to live at the
12 beginning part of 2011?

13 A. I lived at 310 Benco Hills Road with Angela
14 Smith Scott.

15 Q. Where did Angela Smith Scott actually -- you
16 gave us an address, but where is that?

17 A. That's in Benton County, Tennessee.

18 Q. Benton County is next to what county?

19 A. Decatur. It's north. It's actually north of
20 Decatur County on 641.

21 Q. And Parsons is in Decatur County?

22 A. It's -- yes, ma'am.

23 Q. Okay. What was Angela -- what was Angela to
24 you, girlfriend, relative, what?

25 A. Girlfriend.

1 Q. Do you remember -- I am not asking for dates,
2 but do you remember approximately how long you lived
3 with Angela Scott?

4 A. It started in 2010 and extended over into
5 2011.

6 Q. And did you all have sort of a routine about
7 working and what time you'd get home and what time
8 she'd get home and that kind of thing?

9 A. We did.

10 Q. Will you explain to the jury, please, what
11 your normal routine was with Angela, both if you were
12 working and if on a particular day you weren't
13 working?

14 A. All right. Me and Angela was in the middle
15 of maybe a decline. The relationship was declining.
16 And I was having to hide my vehicle to keep her from
17 getting in trouble with the children. She had some
18 children by two other men, and my past was causing
19 them to create trouble. And once she was arraigned
20 in court, I had to hide my car at the quick mart.

21 And when I wasn't working, she would be there
22 at 3:30 when she got off, 3:00, 3:30, 3:45, general
23 time, you know, to pick me up. We would leave my car
24 there. We would go on to her house, do our thing.
25 The next morning, she'd drop me off.

1 If I was working, and it was past what time
2 she got off, I would just call her and set up a time
3 to be there at that time. You know, if it was 4:30,
4 5:00 or 6:00, you know, just whatever time the
5 convenience was.

6 Q. All right. So this quick mart was how far
7 away from Angela's house? Doesn't have to be exact.

8 A. I want to say a mile. You could light a
9 cigarette in the driveway and be there before you
10 throwed it out the window.

11 Q. Okay.

12 A. I mean, it was quick.

13 Q. You said Angela had a job. So where did she
14 work?

15 A. She worked at Carhartt in Benton County.

16 Q. She went to work Monday through Friday every
17 day?

18 A. Correct.

19 Q. Okay. And you worked some, if either one of
20 those men had either work with the cattle or
21 construction work, then you worked?

22 A. Yeah. And if -- correct.

23 Q. Okay.

24 A. She always -- I never stayed there through a
25 day. You know, I didn't want to be stranded through

1 a day. So if I wasn't working, I had her to take me
2 on to the car where I could enjoy my day, you know,
3 away from the home.

4 Q. All right. Now, I've asked you some
5 questions about your background. I am fixing to turn
6 topics to why we're actually here today.

7 Are your -- are you represented by counsel in
8 this case that you're indicted for?

9 A. Two attorneys.

10 Q. Are they here today?

11 A. Yes, ma'am.

12 Q. All right. And who are they? Who is this
13 one?

14 A. Michael Scholl and Robert Parris.

15 Q. Over here?

16 A. Behind the defense counsel.

17 Q. And right here?

18 A. And right there (indicating).

19 Q. Those two men have been your lawyers for a
20 year or two, two years now?

21 A. Yes, ma'am.

22 Q. And before Mr. Parris and Mr. Scholl became
23 your lawyers on or in this case that you're indicted
24 for, you had other lawyers, right?

25 A. Correct.

1 Q. Those lawyers no longer practice law; is that
2 correct?

3 A. That is correct, yeah.

4 Q. Either one of them?

5 A. Either one of them.

6 Q. Both lost their licenses?

7 A. Both of them lost their license. Run off
8 with the money and all that.

9 Q. All right. What are your expectations,
10 because the jury needs to hear this? What are your
11 expectations, you know what I mean by that, for
12 testifying here today? What do you think is going to
13 happen?

14 A. I am hoping for leniency.

15 Q. What have I told you that you must do today?

16 A. Nothing that I recall.

17 Q. Okay. And I am speaking of telling the truth
18 or telling a lie.

19 A. Telling the truth.

20 Q. How many times do you think I've told you
21 that?

22 A. Multiple.

23 Q. And I've met with you four or five times?

24 A. That is correct.

25 Q. What about Mr. Hagerman? He told you the

1 same thing?

2 A. Every time.

3 Q. And this is the only time I am going to ask
4 you what your lawyers have told you. Have both, Mr.
5 Scholl and Robert Parris told you --

6 MS. THOMPSON: Your Honor, I object to
7 any hearsay coming in. I was allowing -- not
8 objecting to a little bit of it, but I object to
9 that.

10 THE COURT: It's not offered for the
11 truth, it's offered for his expectations. All right.

12 THE WITNESS: They've always said tell
13 the truth.

14 BY GENERAL NICHOLS:

15 Q. Tell the truth. Is that what you're going to
16 do today?

17 A. I am here to testify to the truth.

18 Q. So despite your background, which has
19 admittedly been bad, right?

20 A. Correct.

21 Q. Are you going to tell these 15 people the
22 truth?

23 A. Yes, I am.

24 Q. Then I want to draw your attention to April
25 13, 2011, and ask if you remember that day.

1 A. I do.

2 Q. All right. Actually I am going to back up to
3 the night before, April 12, 2013. Do you remember
4 the night before, that night?

5 A. I do.

6 Q. All right. Where did you spend the night of
7 April 12th?

8 A. 210 Benco Hills.

9 Q. Whose house is that?

10 A. Angela Smith Scott.

11 Q. Were you working at that time?

12 A. I was not.

13 Q. Do you remember what time you got up on the
14 morning of April 13th?

15 A. She had to be at work at 7:00, so
16 approximately 6:30.

17 Q. Okay. What did you guys do when you got up?

18 A. We got up and drank coffee, she took a
19 shower, got ready for work. We get in her Ford
20 Expedition, and she would carry me to the PT -- the
21 silver PT Cruiser, then she would go on to work.

22 Q. So the PT Cruiser was the car that you
23 were --

24 THE COURT: Is this the day before?

25 THE WITNESS: Yes, sir.

1 THE COURT: On the 12th?

2 GENERAL NICHOLS: No.

3 THE COURT: This is on -- we've come to
4 the 13th, you just asked him where he was the day
5 before?

6 GENERAL NICHOLS: The night --

7 THE COURT: Now we're following up with
8 the morning?

9 GENERAL NICHOLS: Yes, sir.

10 THE COURT: Okay.

11 GENERAL NICHOLS: This is the morning of
12 the 13th.

13 BY GENERAL NICHOLS:

14 Q. So this PT Cruiser, that's the car you were
15 driving at the time?

16 A. Correct.

17 Q. I mean, in that timeframe --

18 A. Correct.

19 Q. -- I don't mean that moment.

20 And that's the car that you were hiding, if
21 you want to call it that, at the quick mart?

22 A. That's correct.

23 Q. Okay. You just didn't want it parked in
24 front of her house?

25 A. That is correct.

1 Q. Okay. So after she dropped you off at the PT
2 Cruiser, what did you do?

3 A. I got in the PT Cruiser and went to Camden
4 bottom.

5 Q. What's Camden bottom?

6 A. It's a large refuge.

7 Q. Why did you go there?

8 A. I wanted to kill some time. I wanted to look
9 at the wildlife, view the ducks and the deer. I am a
10 country boy. I enjoy the sights and sceneries.

11 Q. Okay. But why -- for somebody who has your
12 history, that sounds a little odd, you wanted to go
13 look at ducks and deer. Is that a place you've been
14 to multiple occasions or not?

15 A. I fish there regularly.

16 Q. But it's fine to look at scenery, were you
17 actually trying to kill time before you could really
18 do what you wanted to do?

19 A. Yes, ma'am.

20 Q. Okay. Which was what?

21 A. I wanted to make a phone call and establish a
22 connection on Morphine.

23 Q. So that brings us to drugs again. Were you
24 using and addicted to Morphine?

25 A. Yes, ma'am.

1 Q. Any other drugs?

2 A. Methamphetamine.

3 Q. All right.

4 A. Hydrocodone.

5 Q. I'm sorry?

6 A. Morphine, Hydrocodone, and methamphetamine.

7 Q. Okay. You used all of them?

8 A. Yes, ma'am.

9 Q. So you said you needed to waste time, kill
10 time until you could make a connection. Who did you
11 start calling?

12 A. I started a volley of exchanges to Shane
13 Austin and Mr. Adams.

14 Q. You said I started a volley of exchanges --

15 A. I --

16 Q. Just listen to me. Did somebody answer you
17 when you started making these calls?

18 A. No.

19 Q. So by volley, do you mean you were calling
20 both?

21 A. Correct.

22 Q. Did you really care which one you made
23 contact with?

24 A. No.

25 Q. You just wanted to make contact with one of

1 them?

2 A. Correct.

3 Q. In order to do what?

4 A. To get a pill.

5 Q. Okay. And you -- did you have, I guess, a

6 particular drug or particular --

7 A. I did.

8 Q. -- process that you wanted to do that

9 morning?

10 A. I did.

11 Q. Explain it to the jury.

12 A. I enjoyed -- my DOC, maybe, was a cocktail of

13 Morphine and meth together.

14 Q. So you had -- did you have one of those and

15 didn't have the other?

16 A. I had the meth.

17 Q. So you started making phone calls to Shane

18 Austin and to --

19 A. Zach Adams.

20 Q. All right. At any point in the morning, did

21 you make contact with one of them?

22 A. I did.

23 Q. Did you -- which one?

24 A. Mr. Adams.

25 Q. Did he call you or did you call him?

1 A. He called me back.

2 Q. All right.

3 A. And said that he was busy. That when they

4 got to a location that he would call me.

5 Q. Other than telling you he was busy and when

6 he got to a location he would call you, did you ask

7 him any details about what he meant?

8 A. I did not.

9 Q. Did you have any idea of what time in the

10 morning this was?

11 A. It was after 8:00.

12 Q. Okay.

13 A. Probably 8:40, 8:50 maybe.

14 Q. All right.

15 A. Somewhere in that timeframe.

16 Q. Earlier you said you wanted to kill time

17 until you could make a phone call?

18 A. That's correct.

19 Q. How late were you wanting to wait before you

20 started calling them?

21 A. I made the first phone call -- at the river,

22 you can't get a signal. It's pretty tough to get a

23 signal there. It's real low. When I come out of the

24 river, I made the first phone call at approximately

25 8:00 beside Palmer's Tool and Die.

1 Q. So from 8:00 until you actually made contact
2 sometime within the hour, you had called both of them
3 more than once?

4 A. Correct.

5 Q. Hadn't gotten a response, and then he finally
6 called you back?

7 A. That's correct.

8 Q. So what did you do after he told you when I
9 get to the -- I am busy, when I get --

10 A. When I get to the location, we'll contact
11 you. I went that general way. I knew that -- I
12 headed in that direction.

13 Q. Okay. I am sorry. Nobody here but you knows
14 in what direction you're talking about. I went in
15 that direction.

16 A. Well, I left Benton County headed toward
17 Decatur County down Birdsong Road.

18 Q. And why the Birdsong Road area?

19 A. It was the easiest access from where I was to
20 get there, plus it would be a delay -- I mean, it was
21 just the easiest access to get there from where I was
22 other than going down the main road.

23 Q. Did you talk to him again?

24 A. I did.

25 Q. Who?

1 A. Mr. Adams.

2 Q. He call you or did you call him?

3 A. I believe he called me.

4 Q. What did he say?

5 A. He said we're at Cuz's.

6 Q. What did that mean?

7 A. That means that they were at 30 Yellow

8 Springs Road, Shane Austin's house.

9 Q. Your cousin?

10 A. He called him Cuz, too.

11 Q. But that's your cousin?

12 A. Correct.

13 Q. So did you go there?

14 A. I did.

15 Q. How far away were you -- how long did it take

16 you to get there?

17 A. Probably 20 to 30 minutes.

18 Q. Did he just say that we are Cuz's, or did he

19 ask you for something or indicate that he wanted you

20 to come there for some reason?

21 A. When he -- when he called me back, he said, I

22 need to see you, I need your help.

23 Q. And then told you -- is that the first time

24 or the second time?

25 A. The second time. I talked to him first, they

1 were busy. The second time, he told me where he was
2 at and needed my assistance.

3 Q. When he said, I need your help, what did you
4 think he meant at that point? What did you think the
5 problem was?

6 A. I thought a batch of meth was locked up.

7 Q. Meaning something in the cooking process
8 was --

9 A. Meaning it had gained moisture and stopped
10 making.

11 Q. Okay. And so was that fine with you to go
12 help him with a batch of meth?

13 A. I was under that assumption, and it was.

14 Q. Okay. So you headed to Yellow Springs Road?

15 A. 30 Yellow Springs Road.

16 Q. If you're standing on Yellow Springs Road,
17 can you describe for the jury, I guess, the way Shane
18 Austin's house, trailer sat? In other words, was it
19 a driveway down, could you see the trailer from the
20 street?

21 A. From Yellow Springs Road, say this is Yellow
22 Springs Road, there's a fence, gate, downhill into a
23 wooded area of pines, the trailer sat. Approximately
24 50 yards from the road, 40 yards from the road,
25 somewhere in that on the left-hand side.

1 Q. I want you to start at the moment that you
2 pulled into his driveway, and tell the jury what
3 happened.

4 A. Pulled into the driveway and I got out. The
5 first thing I noticed was a burn barrel that was
6 burning. The second thing was Dylan was standing in
7 the doorway with his shirt off. Shane was walking
8 around saying, y'all need to hurry up and get the
9 goddamn hell out of here, and holstered on his side
10 was a firearm.

11 MS. THOMPSON: I'm sorry, I didn't --

12 THE COURT: Can you repeat, please, your
13 last statement?

14 BY GENERAL NICHOLS:

15 Q. Can you say it again, holstered? She
16 couldn't hear.

17 A. Yeah. When I pulled in, there was a large
18 fire burning in the burn barrel. Dylan Adams was
19 standing at the door of the trailer.

20 Q. That's fine. I'm just moving it so you can
21 talk to me. (Attorney moves mic closer to
22 defendant.)

23 A. Dylan Adams was standing at the door of the
24 trailer with his shirt off. Shane was walking around
25 in the yard hollering, y'all need to hurry up and get

1 the goddamn hell out of here with a firearm holstered
2 on the right side. Zach was standing at the door of
3 a white 4x4 Nissan Frontier. I instantly got to Mr.
4 Austin and bought a pill, bought a Morphine, 100mg,
5 walked directly back to the PT Cruiser, broke it in
6 half, cooked it down, and shot it.

7 A few minutes later, I got out and walked
8 back to the 4x4 Nissan where Zach was standing in the
9 door, and he said, I need you to help me bury this
10 body. And I told him I said, goddamn, I hate that
11 y'all killed little Joe Joe. He said, Jason, he
12 said -- he said Train, he didn't say Jason. My
13 nickname was Train. He said, Train, that's Holly
14 Bobo.

15 Q. All right. Who's Joe Joe? Why did you think
16 it was Joe Joe?

17 A. Some days before that, Joe owed some money
18 for some pills. Him and Zach is enemies. They was
19 talking about killing him for the drug debt.

20 Q. Was there also another relationship between
21 or another connection between Joe and Zach?

22 A. Shane.

23 Q. Okay. Was there a woman connection between
24 Joe and Zach that you know of?

25 A. There's a child -- both of them have a child

1 with the same woman.

2 Q. Okay. So you knew there was bad blood about
3 a drug deal, you knew there was bad blood about --

4 A. Some stuff had happened, one of the child --
5 one child got abused maybe.

6 Q. When he said, that's not Joe Joe, that's
7 Holly Bobo, what did you do?

8 A. I was clueless. I didn't know Holly Bobo.

9 Q. You've since come to know who she was or is?

10 A. Well, pictures, TV pictures and stuff like
11 that.

12 Q. All right. So let's be honest, did you
13 really care one way or another about the body that
14 was in the back of the truck?

15 A. I did not.

16 Q. Describe for the jury where the body was and
17 what you did after that.

18 A. The body was laying in a multicolored farm
19 blanket, farm-styled blanket. It looked like
20 multiple colors. Wrapped in the blanket, laying up
21 against the back. So the truck was sitting here
22 (indicating), it's laying against the back. Instead
23 of laying long ways, it's laying this way
24 (indicating).

25 Q. From the moment you figured out that he

1 wanted help with Holly versus help with a batch of
2 meth, were you willing?

3 A. Yes, I was.

4 Q. All right. Tell the jury what happened, what
5 you said, what he said.

6 A. He asked me would I help him bury the body.
7 And I said, yeah. I said, I will. He said -- but I
8 said, under -- I want to leave my car somewhere else
9 besides here. I said, I don't want Shane or Dylan to
10 know that I got involved in this. So I told him, I
11 said, meet me at Yellow Springs Church, I'll park the
12 PT Cruiser in there, and I'll get in the truck with
13 you.

14 Q. So while you were having this conversation
15 with Zach, where was Dylan?

16 A. Dylan never came out of the trailer.

17 Q. Where was Shane?

18 A. Continuing putting stuff into the burn
19 barrel.

20 Q. And you say putting stuff into the burn
21 barrel, could you see what he was putting into the
22 burn barrel?

23 A. The smell, the smell was an appearance of
24 camp fuel and meth. It was a large blaze. You
25 could -- the area was tight, and you could smell the

1 smell of a meth lab burning.

2 Q. Okay. I understand what you could smell, but
3 could you see what he was putting in --

4 A. I could not see -- I never made it that far
5 down. I never made it past the door of that 4x4
6 Frontier.

7 MS. THOMPSON: The door -- I didn't hear.
8 The door of what?

9 THE WITNESS: I never made it past the
10 truck, past the truck door.

11 BY GENERAL NICHOLS:

12 Q. You said earlier that Shane was saying y'all
13 have got to hurry up and get out of here. Did he say
14 why?

15 A. He had a satellite -- he said there was a guy
16 coming to install a satellite, and he didn't know
17 what time he'd be there.

18 Q. So you had him saying a satellite guy, a
19 cable guy, whatever, is coming, and throwing things
20 in the burn barrel. You had Dylan first at the door
21 with no shirt on, and then never came out, correct?

22 A. That's correct.

23 Q. This conversation took place between you and
24 Zachary Adams there between his truck and your
25 Cruiser?

1 A. That's correct.

2 Q. Okay. So what happened?

3 A. I got in the PT Cruiser, I backed out, went
4 to Yellow Springs Church, pulled in. When I walked
5 out to the road, he was backing out of 30 Yellow
6 Springs Road. He picked me up, and I got in the
7 truck. And we go towards 641 down Pugh Road.

8 Q. All right. Mr. Autry, you've now gotten into
9 the truck with a guy who says there is -- Holly Bobo
10 is dead and wrapped up in the truck bed. So tell the
11 jury what you guys talked about.

12 A. As we got going down the road, I brought it
13 to his attention that there were no shovels or
14 pickaxes in the truck. How are we going to bury a
15 body with no shovel or pickaxes. He looks at me like
16 he's lost. And I said, I don't know of nowhere a man
17 can just pull up and get a shovel and pickaxes with a
18 dead body in the vehicle.

19 Q. All right. Keep talking.

20 A. Continue on?

21 Q. Yes.

22 A. We go across --

23 Q. Let me -- before you continue on, you say
24 there's nothing --

25 A. There's nothing to dig.

1 Q. So was an alternative suggested?

2 A. By me.

3 Q. All right.

4 A. I told him that some years back that I had
5 been underneath Interstate 40 bridge, and there was a
6 body floating, and I told him, I said, the only thing
7 holding the body up was the intestines.

8 Q. Okay.

9 A. And we set a course that direction.

10 Q. Why did you mention a body floating, what did
11 you talk about specifically? What was your plan of
12 disposing of Holly's body?

13 A. It was to gut her, put her in the deep end of
14 the slew. I told him, I said, you can put her in the
15 deep end of that slew, turtles and shit will eat it
16 up just like that.

17 MS. THOMPSON: Turtles and what?

18 THE WITNESS: Turtles, animals of
19 opportunity.

20 BY GENERAL NICHOLS:

21 Q. Did you all --

22 A. The only thing holding the other body up was
23 the gases and the guts. I mean, it was floating --
24 just like I am from the river. You see a dead fish,
25 the only thing holding it up is the gases in the

1 intestines. That's the same as it was. You get the
2 guts out, down it goes.

3 Q. So you had a good idea of how --

4 A. I understand, yeah. Yes, ma'am.

5 Q. All right. So where did you all go, and who
6 was driving?

7 A. Mr. Adams was driving. We went to 133, I
8 believe is the -- we went to 133 where the interstate
9 bridge crosses the Tennessee River underneath it.

10 Q. Tell the jury what happened.

11 A. We made a loop of the entire area to scope it
12 out to make sure no one was in the area. There's a
13 boat ramp a mile or so from there. Also there's a
14 beach. And we circled the boat ramp, down by the
15 beach, turned around, come back out. Not back out,
16 but back up to the bridge, made the circle and
17 stopped at a pile of rip-rap.

18 Q. What is rip-rap?

19 A. It's a large limestone rock generally about
20 this size.

21 Q. You're using your hands to make --

22 A. Rip-rap changes.

23 Q. All right. But you're using your hands to
24 show something larger than a dinner plate?

25 A. That is correct.

1 Q. And you said you stopped beside?
2 A. We backed into a pile.
3 Q. Is this an area that you had been to before?
4 A. That's correct.
5 Q. Is this an area -- do you know whether or not
6 Mr. Adams had been to that area before?
7 A. I believe he had.
8 Q. Well, did you tell him where to turn, or did
9 he know where to go?
10 A. He went on his own.
11 Q. Okay. And you said you backed --
12 A. Backed up to a pile --
13 Q. -- of rip-rap?
14 A. -- of rip-rap. There was a pile laying
15 underneath the bridge. The whole underneath of the
16 bridge was rip-rap, but there was some extra piled up
17 to one side.
18 Q. How close to the bridge were you all, did he
19 back his truck up? And I should have said how close
20 to being under the bridge.
21 A. Well, it was something like that
22 (indicating). I don't know footage-wise. I mean, it
23 wasn't directly under the bridge. If you're looking
24 at the bridge this way, if you just look straight
25 down off the bridge, it's probably 20, 30 foot off to

1 one side. We wasn't directly under the bridge.

2 Q. I am going to show you three pictures. You
3 got your glasses?

4 A. I do.

5 Q. Do you recognize what this is a picture of?

6 A. I do.

7 GENERAL NICHOLS: Wait a minute. Let me
8 show defense counsel.

9 (Handed the defendant a laser pointer.)

10 BY GENERAL NICHOLS:

11 Q. I've got three pictures, different views.
12 But I want you to look at the first one and tell me
13 what that's a picture of.

14 A. That's a picture of the Interstate 40 bridge,
15 the location of the pile of rip-rap.

16 Q. Okay. What is the next one? Is this --

17 A. This is the absolute spot.

18 Q. So a closer-up view?

19 A. That's correct.

20 Q. All right. And the third one?

21 A. I guess it's just a replica of the same one
22 you have there.

23 Q. Except for what? Is it even closer?

24 A. Yes, ma'am.

25 Q. Okay. Can you see a trail in the third one?

1 A. To the -- between the rip-rap pile and the
2 lake.

3 GENERAL NICHOLS: All right. Your Honor,
4 I'd ask these be marked as the next numbered
5 exhibits.

6 THE COURT: Be 177, 178, and 179.

7 (WHEREUPON, the above-mentioned
8 photographs were marked as Exhibit Numbers 177-179.)
9 BY GENERAL NICHOLS:

10 Q. I'm going to put the first one on there,
11 Exhibit --

12 THE WITNESS: Can I move this?

13 THE COURT: We'll have the lights down in
14 just a minute.

15 THE WITNESS: Can I move this over a
16 little bit where I can twist around and see?

17 THE COURT: Yes, sir.

18 THE WITNESS: It won't go, Your Honor.

19 THE COURT: Don't have enough cord, okay.

20 THE WITNESS: It will be all right.

21 We'll get 'er done.

22 GENERAL NICHOLS: Is this 177 or 9?

23 GENERAL RAGLAND: 177.

24 GENERAL NICHOLS: 177.

25 BY GENERAL NICHOLS:

1 Q. All right, Mr. Autry, I want you to use the
2 laser pointer and explain to the jury what they are
3 looking at in this photograph.

4 A. Right here (indicating) is Interstate 40 east
5 and west. Right here (indicating) is the Tennessee
6 River bridge. Right here (indicating) this gravel
7 road is the gravel road we entered.

8 Q. I am sorry, you said that's the gravel road
9 you what?

10 A. We entered on, entered.

11 Q. Okay. Okay.

12 A. I'm trying to get it to the mic and to the --
13 We come in in this fashion here (indicating)
14 down here, and this -- down in this general location
15 right here (indicating) is where the beach is that I
16 was telling you about. Over to this side
17 (indicating) is where the other boat ramp is. Right
18 here (indicating) this little white dot right there
19 (indicating) is the pile of rip-rap.

20 Q. I want to ask you: Have you driven over that
21 bridge your whole life basically?

22 A. I have, going to and from.

23 Q. Can -- if you're on that bridge traveling --

24 A. Right here (indicating).

25 Q. -- can you see -- even though it looks like,

1 can you see --

2 A. You cannot.

3 Q. And I didn't finish my question, I think you

4 knew where I was going. Can you see what's below you

5 there close to the rip-rap?

6 A. You cannot. You're lucky to see this right

7 here (indicating).

8 Q. And you're showing the water?

9 A. This would be the lake. This would be the

10 lake.

11 Q. Okay. Let me put the next one up.

12 A. I am sorry about the inconveniences.

13 Q. All right. What is this one?

14 A. This is a picture of Interstate 40, the

15 bridge. This is the rip-rap, and this is the trailer

16 that runs this way.

17 Q. All right. That gravel road that you showed

18 the jury that you came in on.

19 A. Right there it is (indicating).

20 Q. In the previous picture, it just showed that

21 it went further, correct?

22 A. That's correct.

23 Q. Okay. And the next one, sort of a close-up.

24 A. That is correct.

25 Q. In this picture, you see the edge of the

1 highway or the bridge; is that right?

2 A. That is correct.

3 Q. And there appears to be a barrier, in other
4 words, where you won't go off of it --

5 A. Right here (indicating).

6 Q. -- if you're traveling?

7 A. Right here (indicating).

8 Q. Okay. Is that part of what obstructs your
9 view if you're traveling down that road?

10 A. It is. That factored in with elevation.

11 Q. All right. So do you see the pile of --

12 Let me ask you this: Is this what it looked
13 like then, or does it look different now in this
14 picture?

15 A. It looks different than this picture.

16 Q. All right. What is missing or what is
17 different?

18 A. This right here (indicating) was bigger and
19 was green. Like that right there (indicating) was
20 green.

21 Q. What do you mean bigger?

22 A. There was more, more rock.

23 Q. Okay. Show the whole area of where there was
24 rock back when --

25 A. It looked -- you see -- you see how this

1 looks tall, it was all in that fashion running out.

2 Q. Okay.

3 GENERAL NICHOLS: We can take the
4 pictures down and get the lights back up.

5 BY GENERAL NICHOLS:

6 Q. So when Mr. Adams backed his truck up to the
7 pile of rip-rap that you just showed the jury --

8 A. That's correct.

9 Q. I want you to start there, please, tell them
10 what happened.

11 A. We backed up to that pile of rip-rap,
12 approximately the distance of this to that
13 (indicating). We didn't back all the way against it.

14 Q. When you say this to that, you just indicated
15 the witness box to the --

16 A. To the jury box.

17 Q. -- jury rail? Yeah.

18 A. Yes. Approximately five, six foot, room to
19 get out. I got out of the truck with the right hand,
20 and I grabbed the upper torso of Ms. Bobo. Zach come
21 around, let the tailgate down. I brought the upper
22 torso to the end of the tailgate where he grabbed the
23 legs, and I sat the head, the upper end on the
24 rip-rap pile.

25 Q. Did you notice anything about the blanket or

1 the truck, the bed of the truck, did you see
2 anything?

3 A. In the bed of the truck, there appeared to be
4 a small amount of blood.

5 Q. Can you use your hands to describe what you
6 mean by small amount?

7 A. (Indicating.)

8 The bed of the truck was ridged, like the bed
9 of the truck. It looked as if it just lightly
10 skidded over. And the blanket at the upper end of
11 the torso that I grabbed had a small blood spot,
12 maybe the size of an orange.

13 Q. Hold your hands up, because I don't think
14 they can see over here.

15 A. Maybe the size of an orange.

16 Q. Did you look inside the blanket?

17 A. Never.

18 Q. Did you unwrap Holly?

19 A. Never.

20 Q. How were you able to swing her body around
21 and you get the top part and Zachary Adams get the
22 bottom part without unwrapping the blanket?

23 A. I grabbed the blanket just like you would
24 this shirt right here. The body didn't weigh very
25 much. I was in pretty good size shape. I am a

1 pretty good size guy. I grabbed the blanket just
2 like that right there (indicating) and walked to the
3 tailgate of the truck.

4 At that time, he grabs the legs, and we sat
5 the body down with the upper torso on that pile of
6 rip-rap that y'all just shown that we just discussed.

7 Q. After you put Holly's body down on the
8 rip-rap, what happened?

9 A. Mr. Adams goes to the driver's side of the
10 pickup, and I am standing -- I am standing over the
11 top of her with my hands up on my knees. She being
12 right here (indicating). And at that time, I see the
13 foot move, a movement, and a sound of distress that
14 sounded like "hmm" come out of her voice, come from
15 the blanket.

16 At that time I walked to the door, the
17 passenger side door of the pickup. Mr. Adams was
18 digging in a fanny pack. I told him, I said, this
19 fucking bitch is still alive. We just stopped for a
20 second. I walked to the front of the truck, and I
21 told Zach, I said, she's heard my named called and
22 heard me talking and all.

23 At that time, he wheels around, walks back to
24 the driver's side pickup. Out of the floorboard of
25 the pickup, he pulls a pistol. The same pistol that

1 was holstered on Mr. Austin's side at 30 Yellow
2 Springs Road. And I said, whoa.

3 Q. Let me ask you -- you can stop here. Did you
4 say whoa because you thought you were going to save
5 her life and stop him from doing something bad, or
6 did you say whoa for another reason?

7 A. I said whoa for another reason, to go look.

8 Q. Where did you go look?

9 A. We showed you on them three pictures.

10 Q. I am going to put you back Exhibit 177 up
11 there.

12 A. I said, whoa, and I run all the way across
13 here (indicating) to about this area (indicating) and
14 looked that way to see if anything was coming.

15 Q. How far could you see down there?

16 A. Maybe 250 yards. This is a long, pretty long
17 stretch from right here (indicating) to the next
18 curve. I looked around, and when I looked back
19 around, Mr. Adams was standing.

20 Q. Let me stop. You said you looked around, did
21 you stay down there at the corner, or did you come
22 back?

23 A. I stayed right here (indicating) working back
24 and forth, watching.

25 Q. What about looking the other way?

1 A. There was nothing coming. I looked back this
2 way, and I told him there was nothing coming.

3 Q. When did you look back the other way, the way
4 that you came in on?

5 A. Just shortly after I noticed, I looked down
6 here and wasn't nothing coming.

7 Q. Okay. You can get the lights. Hang on.

8 All right. You can keep going.

9 A. I looked around and I told him that there was
10 nothing coming, coast was clear, something to that
11 effect. And at that time, boom, a gun sounded -- a
12 gun went off. And it sound like to me that it shot
13 three or four times underneath that bridge. I had
14 done made it back. I had done started my way back
15 this way. And it sound like boom, boom, boom
16 underneath that bridge. It was just one shot, but it
17 echoed underneath that bridge all the way down that
18 damn river bottom. When that gun went off, there
19 was -- martins went everywhere.

20 MS. THOMPSON: I am sorry. I didn't hear
21 that.

22 THE COURT: Martins.

23 THE WITNESS: Martins, bridge birds.
24 Birds went everywhere, just all up under that bridge.
25 And it just dead silence for just a second. I was

1 still in this general location right here
2 (indicating). And I heard a boat, boat crank up, a
3 boat running somewhere either here (indicating) or
4 over here (indicating), somewhere there was a boat,
5 or either down -- the Tennessee River was right here
6 (indicating). I took off running. Run back over to
7 the truck. And I told him, I said, goddamn, we have
8 been seen or heard.

9 And at that time, Mr. Adams grabs the feet, I
10 grab the same spot at the upper torso. The blood
11 spot was probably the size of a grapefruit at that
12 time. We loaded the body back into the truck in the
13 same fashion, shut the tailgate, and tore out of
14 there like wild Indians, just driving erratic. And I
15 told him, I said, this is a federal refuge. There's
16 no firearms supposed to be allowed down here. If
17 they see us driving like this, we're going to be the
18 suspects. So we slowed down.

19 BY GENERAL NICHOLS:

20 Q. Now, are those the exact words you used? Did
21 you say it that calmly, this is a federal refuge, we
22 will be suspects?

23 A. Of course not. I mean, that's --

24 Q. So what did you say?

25 A. I mean, word for word, I can't -- probably

1 can't, you know, it's over six years ago, you know.

2 Q. Gotcha. All right. But you told him to slow
3 down?

4 A. Told him to slow down, yeah.

5 Q. I want to -- before we go any further about
6 where you went. I want to back up just a little bit.
7 When you looked and saw -- and said nothing is
8 coming, you said you turned around and saw Mr. Adams
9 over Holly?

10 A. That is correct.

11 GENERAL NICHOLS: Your Honor, may this
12 defendant come over here (indicating) and demonstrate
13 what he saw?

14 THE COURT: Yes. Yes.

15 GENERAL NICHOLS: Mr. Autry --

16 THE COURT: Step down.

17 GENERAL NICHOLS: -- and come over here.
18 I want you to stand here facing the jury and show
19 them the position of Holly's body and where Zachary
20 Adams was standing.

21 THE WITNESS: This is the rip-rap. The
22 pile of rip-rap right there (indicating) that we
23 pointed to. I sat the body down with the upper torso
24 inclined, like you would sit like this right here
25 (indicating). When I was standing over here, Mr.

1 Adams was standing at the upper torso at this
2 fashion.

3 BY GENERAL NICHOLS:

4 Q. So he was standing?

5 A. I could not see him below the vegetation.
6 The vegetation right in here (indicating) is pretty
7 high. I mean, it's not mowed and kept up or nothing
8 like that. I mean, it's pretty high vegetation.

9 Q. All right. So you said he was standing here
10 like this (indicating). You mean he was up on the
11 rip-rap looking down on her?

12 A. That is correct, like this (indicating).

13 Q. All right. Did he have anything in his hand?

14 A. Yeah, the pistol.

15 Q. You can sit down.

16 A. He got the pistol out of the truck. He got
17 the pistol out of the truck before I ever went to
18 here (indicating).

19 Q. Right.

20 A. And didn't put it up over here (indicating).

21 Q. So you loaded Holly back up in the white
22 Nissan Frontier?

23 A. That's correct.

24 Q. You told the jury, you take off back down the
25 road?

1 A. Come out this way right here (indicating),
2 get back on this road, back on this little gravel
3 here (indicating). We driving just erratic, just
4 panicking, just pretty much, right?

5 Q. What happens from there?

6 A. We travel back.
7 Do you want this back?

8 Q. Not yet.

9 A. We travel back. We set a course back. I
10 look at my cell phone, and I told him, I said, man, I
11 said, I need to get the hell to Benton County and
12 meet Angela for lunch.

13 Q. When I ask you about your kind of routine
14 with her, when you weren't working, was that part of
15 the routine?

16 A. When I wasn't working, she expected me to be
17 at Benton County Health Department for lunch -- with
18 lunch to spend with her through her lunch period.

19 Q. She had, what, half an hour or so?

20 A. She had half an hour, but she wanted me to
21 get her something to eat and meet her there.

22 Q. Let's be honest, is that the only reason you
23 wanted to get away at that point? You said --

24 A. No, no, no, no. When I realized -- keep in
25 mind, a few minutes before that, I had just shot with

1 one hell of a load of dope. And when I realized and
2 heard the gun go off, I come pretty much to my
3 senses. I realized that this old boy has made some
4 bad mistakes, some bad judgments, and his ass was in
5 a bind. And I was looking for a way to put some
6 distance between me and that situation.

7 Q. All right. So other than telling him to slow
8 down so you guys didn't get caught on your way out of
9 the refuge, did you have any discussion about what
10 had just happened or what had happened before you got
11 to Shane's trailer that morning?

12 A. I did. Approximately -- just a briefly -- I
13 mean, after the most intense part of it got gone, I
14 asked him how did she get here, how did you know her.
15 And he said that Natalie Bobo was working at a strip
16 club at North 40 prostituting for drugs and stuff
17 like that. She had been coming down there fucking
18 him and left the idea that victim, Bobo, was going to
19 be in a threesome with him. Been showing him
20 pictures of her and stuff like that. He also said
21 that the victim had been to his house before.

22 Q. He said all this -- he said all of this from
23 the time y'all left headed back?

24 A. That's correct.

25 Q. Did he tell you how she ended up in the

1 truck, because that doesn't answer that question?
2 How did she end up wrapped up in a blanket in Zach
3 Adams' truck?

4 A. Days later, he did.

5 Q. All right.

6 A. Not that day. It was days later.

7 Q. Okay. So where did you go at that point?

8 A. We went back -- I went back to the PT Cruiser
9 and got back out. Got in the PT Cruiser, went to
10 641, realized that I didn't have enough time to make
11 it to her lunch. And I sat north of Interstate 40
12 texting her through her lunch period. When I pulled
13 out, Zach was pulling back in 30 Yellow Springs Road,
14 which was Austin's.

15 Q. So he dropped you off at your PT Cruiser at
16 the church?

17 A. Back at the PT Cruiser, where at that time, I
18 made an attempt to go to Benton County.

19 Q. Okay. You said when you came around, he was
20 pulling in? So I don't understand.

21 A. He was pulling back in at 30 Yellow Springs
22 Road back where Dylan and Shane was.

23 Q. All right. So he dropped you off at the
24 church, and then he goes back to Shane's?

25 A. That's correct.

1 Q. What's the distance from the church to
2 Shane's?

3 A. Less than a mile.

4 Q. All right. When is the next time that you
5 saw or spoke to Zach Adams that day if you did?

6 A. At approximately 2:15, I established contact
7 again.

8 Q. That's mighty big words, I established
9 contact. Who called who?

10 A. I called. I called. I initiated the call.

11 Q. Tell the jury about it.

12 A. I asked him did -- was they together, could I
13 get another pill. And he said, yeah, that Dinsmore
14 was over at Dottie's, Victor Dinsmore was over at
15 Dottie's. We would run over there and get the pill.
16 And I told him, I said, we're going to have to hurry
17 up, because I got to be back over here at the quick
18 mart at 3:30. This was approximately 2:30 when I
19 arrived back at 235 Adams Lane.

20 Q. All right. So you called him, wanted more
21 Morphine?

22 A. That's correct.

23 Q. All right. He said okay. Y'all were going
24 to go to Dottie's. Who's Dottie?

25 A. Dottie owns the -- she owns a BP and Marine.

1 Victor was working at her home remodeling some
2 cabinets, I believe was what -- don't take -- he was
3 working in the home.

4 Q. Okay. Was Zachary your connection to Victor
5 Dinsmore? Is that why --

6 A. I had two connections to Dinsmore. It was
7 Zach and Shane.

8 Q. Okay.

9 A. At that time me and Dinsmore was not -- I had
10 never purchased nothing directly from him, and I was
11 having to go secondhand to get the stuff.

12 Q. All right. So you said -- where did you meet
13 back up with Zach?

14 A. 235 Adams Lane.

15 Q. Okay. Who lives there?

16 A. Mr. Adams.

17 Q. And is there another house there at the top
18 of the driveway real close?

19 A. Grandpa.

20 Q. Okay. And you had been over there before?

21 A. Yes, ma'am.

22 Q. When you pulled up at Zach Adams' house that
23 afternoon, you said around 2:30?

24 A. That's correct.

25 Q. Who was there?

1 A. Shane, Dylan, and Zach were standing outside
2 the front of Dylan's Silverado pickup.

3 Q. Was the white Nissan Frontier there?

4 A. No.

5 Q. So the car that you had been in -- the truck
6 that you had driven with him to the bridge, it wasn't
7 anywhere to be seen?

8 A. That's correct.

9 Q. What did you see or hear as you --

10 A. When I pulled up, the area was just thick
11 with animosity. You could tell that there had been
12 some fighting and anger amongst them.

13 MS. THOMPSON: I am going to object about
14 any kind of speculation, Your Honor.

15 THE COURT: He can say what he observed.

16 THE WITNESS: Continue on?

17 THE COURT: You may.

18 THE WITNESS: We got in the -- we got in
19 the truck. I got on the passenger side, Austin got
20 in the middle, Mr. Adams got on the driver's seat.
21 There wasn't a word said for just 30, 45 seconds.

22 BY GENERAL NICHOLS:

23 Q. Let me stop you. You talked about two Mr.
24 Adams. Which Mr. Adams was in the driver's seat?

25 A. Zach. Dylan was in the back. It was an

1 extended cab Chevrolet pickup.

2 Q. So all three of y'all were in the front?

3 A. Three in the front, one in the back.

4 Q. Okay.

5 A. From Zach's house to Dottie's house where we
6 was headed is less than two miles. I mean, it's --
7 you can be in there -- I mean, it's less than two
8 miles, probably a mile and a half. I don't know
9 exactly. We got in there and we pulled out of the
10 driveway, him and Shane started arguing.

11 Q. Who is him?

12 A. Zach and Shane.

13 Q. Okay.

14 A. We pulling in --

15 Q. Arguing about what? Finish that thought.

16 A. Yeah. Shane told him, he said, you didn't
17 have to kill her. And Zach told him, said, you're
18 just as damn guilty, you hit it. And Zach told him,
19 said, you shut your fucking mouth. I am sick of it
20 being discussed. We're here. We pulled up, and he
21 told him, he said, I'll whoop your goddamn ass. They
22 got out of the truck at Dottie's and one lick was
23 exchanged. Zach hit Shane. Dinsmore pulls up. I
24 mean, Dinsmore comes outside and this unidentified
25 lady and stops it.

1 Well, Dinsmore comes out, and the fight
2 stops. I look to my right, which is inside the
3 carport, and there's this unidentified lady standing
4 there. I didn't know who she was. They get back in
5 the truck, Dinsmore walks up there. We purchase the
6 pill, Dinsmore said your wife said she spoke to you.
7 And Zach said, I moved four rims in your shop to get
8 my truck in. And he said, Jason, is in a hurry,
9 Train is in a hurry. He didn't call me Jason, he
10 called me Train. He said, Train is in a hurry. We
11 got to get him back over here, and I'll talk to you
12 later.

13 Q. Did Dylan ever get out of the truck?

14 A. He never got out of the vehicle.

15 Q. All right. So let's back up a little bit
16 about the conversation between Zachary Adams and
17 Victor Dinsmore, who said something about somebody's
18 wife?

19 A. Dinsmore said that his wife had spoke to
20 Zach.

21 Q. Okay. My wife spoke to you?

22 A. Yeah. My wife said she talked to you earlier
23 today. Dinsmore said, yeah, I went over there, and I
24 moved four rims out of your shop, and I pulled my
25 truck in.

1 Q. Who said that? Who said, I moved four rims?

2 A. Zach said, I moved four rims out of your
3 shop.

4 Q. Watch hitting the microphone, because it
5 makes a lot of -- I know you got some -- a tight
6 space there.

7 A. Well, I am trying to talk in it and be heard.

8 Q. I know. So you went there to get a pill, did
9 you get a pill?

10 A. I did.

11 Q. Directly to you or through Dinsmore to Zach?

12 A. Dinsmore walked up to the window, we paid,
13 they paid the money, my money, and the pill just come
14 across from one hand to the other to me.

15 Q. Okay.

16 A. And that was kind of the gateway that day
17 that broke the ice that lead into the future of me
18 and Dinsmore being quote, unquote friends. Once I
19 made a drug deal with him, you know, he realized --

20 Q. I want to back up to the part where they were
21 arguing about Holly, and I want you to use names
22 instead of he said or him. Who said what about you
23 didn't have to kill her, and then you're just as
24 guilty, you hit it? It's unclear to me who said
25 what.

1 A. Okay. Mr. Austin said, you didn't have to
2 kill her. And he looked at him. Zach looked at him,
3 he told him, he said, you're just as guilty, you hit
4 it.

5 Q. Are you using the word, you hit it? You hit
6 it?

7 A. Yeah.

8 Q. What does that mean? What does that mean?

9 A. Fucked her.

10 Q. So he said you're just as guilty as I am, you
11 hit it?

12 A. Yeah.

13 Q. Then what happened after that?

14 A. They get into the fight. They get out of the
15 truck, go to the front of the truck, Mr. Adams drills
16 him a good lick, and that ends it. By the time he
17 lands that lick, Dinsmore is running out there
18 saying, y'all can't have this shit going on. Stops
19 the -- basically stops the damn fight.

20 Q. Did you notice whether or not Shane's glasses
21 were broken or whether he had any marks around his
22 eyes or face?

23 A. He got -- two days later, I seen him with a
24 black eye. From the -- from the moment of impact, I
25 wasn't around long enough to see the blackening. I

1 mean, it was red when I got out two days.

2 Q. So you all left Dottie's house; is that
3 correct?

4 A. That's correct. Went straight back to 235
5 Adams Lane.

6 Q. When you got back to Adams Lane, was the
7 white Nissan Frontier back there? Was it still gone?

8 A. It was -- it was not there.

9 Q. Did you hang around, or did you leave when
10 you got back?

11 A. I did not. As I testified, I had to be in
12 another county at 3:30. And that was -- from where
13 Zach lived to where I had to be, it's a 35- to
14 40-minute drive if you pushed it. You really have to
15 go.

16 So I didn't have enough dope -- I didn't have
17 enough meth left to supply, so I wasn't going to stay
18 anyway. I didn't have enough to get everybody high.
19 I just had enough for me. I was an addict. I was
20 looking out for me.

21 Q. You used a phrase a minute ago that that
22 opened or broke the ice, you're talking about what
23 had happened earlier on the 13th?

24 A. With Dinsmore, is that what you're saying?

25 Q. Well, no, I am saying that what you heard on

1 the way to Dinsmore's and at Dinsmore's, sort of --
2 okay. So you're saying that broke the ice with
3 Dinsmore?

4 A. Yeah.

5 Q. Okay.

6 A. As I testified, I didn't -- the reason that I
7 didn't go directly to Dinsmore to buy the meth is
8 because -- I mean, to buy the Morphine is because I
9 had never purchased nothing directly from him.

10 Q. So tell me after you left the afternoon of
11 the 13th, when is the next opportunity you had or the
12 next time you talked to any of the three of them
13 about what had happened on the 13th. I am not asking
14 for a day unless you remember. I am more asking
15 for --

16 A. Two days later.

17 MS. THOMPSON: Your Honor, I am going to
18 object if they're going to get into 404(b) evidence
19 that's not related to these charges. The other thing
20 is I am going to object to hearsay as to what
21 somebody else may have told Mr. Autry and not
22 specifically Mr. Adams.

23 GENERAL NICHOLS: My question was simply
24 when is the next opportunity he had. I didn't ask
25 him what anybody said.

1 MS. THOMPSON: Well, I'm just -- in
2 advance, Your Honor. I am anticipating --

3 THE COURT: Be cautious, please.

4 GENERAL NICHOLS: I will.

5 BY GENERAL NICHOLS:

6 Q. So, Mr. Autry, I want you to listen to my
7 questions very carefully. If I don't ask you what
8 somebody said, don't volunteer it.

9 A. Gotcha.

10 Q. You understand?

11 A. Yes, ma'am.

12 Q. All right. When is the next opportunity that
13 you had to speak to Zach Adams, Dylan Adams, or Shane
14 Austin?

15 A. Two days later.

16 Q. That would have been Friday the 15th?

17 A. That's correct.

18 Q. On that day, which of the three of them did
19 you talk to?

20 A. Zach.

21 Q. Where were you?

22 A. I was in Benton County.

23 Q. All right. And did he come to Benton County,
24 or were y'all talking over the phone?

25 A. He called me, and we agreed to meet behind

1 the Marathon at Interstate 40.

2 Q. Marathon Station at Interstate 40?

3 A. That is correct. Where 641 and Interstate 40
4 crisscross, there is a Marathon.

5 Q. Is Adams Lane right off of 641?

6 A. From that -- from there, it's a mile or so.
7 It's close.

8 Q. Okay. So my question was is Adams Lane --
9 does it run directly onto 641?

10 A. Yes.

11 Q. So it's their driveway. They're on 641, they
12 just have an Adams Lane?

13 A. That is correct.

14 Q. Okay. Did you agree to meet him?

15 A. I did.

16 Q. When you got there, who was there?

17 A. Dylan and Zach.

18 Q. And did y'all just pull up in front of the
19 store, or did you meet somewhere else?

20 A. At the Marathon, there's a side road that
21 cuts back behind it. We met in a wooded area, maybe
22 a quarter of a mile from the Marathon.

23 Q. Is that an area that you had been to before?

24 A. That is correct.

25 Q. All right. What was back there in the

1 thicket?

2 A. Marijuana.

3 Q. Whose plants?

4 A. Mine.

5 Q. Had Zach Adams been in that location with you
6 before, like when you said meet at the Marathon?

7 A. I don't -- he's never been in there with me
8 before.

9 Q. Okay. So y'all -- you pulled up, he pulled
10 up, correct?

11 A. I was there first, and he pulled in behind
12 me.

13 Q. What vehicle were they in, and who was
14 driving?

15 A. They were in Dylan's Chevrolet extended cab
16 pickup.

17 GENERAL NICHOLS: Your Honor, at this
18 time, we need to approach.

19 MS. THOMPSON: Your Honor, I'd ask for a
20 jury-out hearing if there's going to be any kind of
21 evidentiary discussion, so we can get it on the
22 record.

23 GENERAL NICHOLS: There will be.

24 THE COURT: Okay. Take the jury to the
25 jury room, we'll send for them.

1 (WHEREUPON, the jury left the courtroom,
2 after which the following proceedings were had:)

3 THE COURT: Has their food arrived?
4 Let's just take our lunch recess for an hour.

5 GENERAL NICHOLS: We're going to need
6 him -- if we're going to have the 404(b) hearing,
7 we'll need him for a few minutes.

8 THE COURT: All right. Be seated.

9 GENERAL NICHOLS: As Your Honor is aware,
10 the State filed a 404(b) motion earlier, and we are
11 at that portion of the trial where we are seeking to
12 introduce evidence that could very possibly fall into
13 the 404(b) category. Another school of thought is
14 that it actually does not, it is merely contextual
15 for what happened in the aftermath of Holly Bobo's
16 murder. But just in case you find it to be -- fall
17 within 404(b), I didn't want to start it without...

18 THE COURT: Okay.

19 GENERAL NICHOLS: So I think the better
20 outline for you, what I believe, and then I would
21 like to put on proof through Mr. Autry. Once they
22 were parked in the parking lot of this Marathon,
23 there was a conversation between Mr. Autry and Zach
24 Adams. A request was made by Zach Adams, and that is
25 the testimony I am going to ask the witness.

1 THE COURT: Okay. Go ahead.

2 BY GENERAL NICHOLS:

3 Q. So, Mr. Autry, lean forward, make sure the
4 judge can hear you.

5 When you guys -- you were there first, you
6 said, and he pulled up in Dylan's extended cab; is
7 that correct?

8 A. That is correct.

9 Q. All right. Did you get out of your car?

10 A. I did not.

11 Q. Did somebody come to your car?

12 A. Zach come to my car.

13 Q. Okay.

14 A. We proceeded to --

15 Q. Did he get into the car?

16 A. Got into the car, yeah.

17 Q. Okay. He's on the passenger side, you're on
18 the driver's side?

19 A. That is correct.

20 Q. Did you have a conversation?

21 A. That is correct.

22 Q. Would you tell the judge the entire
23 conversation that you had?

24 A. Whenever he got in the car, I handed him a
25 meth pipe. He took a couple of hits off of it, and I

1 asked him, I said, what did you ever do with the old
2 girl. He said, we threw her out over near Kelly
3 Ridge. He said, that's not the main reason I'm here.
4 He said, fucking Dylan ain't been to bed and won't
5 stop talking about it. He said, I want to see if
6 you'll get rid of him, kill him for me. At that time
7 he made an offer for me to get rid of Mr. -- uh,
8 Dylan.

9 GENERAL NICHOLS: Your Honor, it is the
10 State's position that that 404(b) statement of Mr.
11 Adams falls directly into the category of his motive,
12 his intent, his plan to get away with this crime,
13 because at that time, because Dylan Adams hadn't been
14 to bed and wouldn't quit talking, he was afraid --
15 he, being Zach Adams, was afraid Dylan Adams was
16 going to implicate him and that he would be caught.

17 And I truly don't believe it's 404(b). I
18 think truly it's statements made directly after the
19 murder took place and the kidnapping and the rape,
20 but we do seek to offer it.

21 MS. THOMPSON: First of all, Your Honor,
22 this is something that's happening two days later, so
23 it is not directly related to statements directly
24 after the murder, the alleged murder of Holly Bobo.
25 Second of all, it's irrelevant as to whether at that

1 point the crime, the murder of Holly Bobo is
2 completed, it is finished, what happens next is
3 irrelevant, Your Honor. So it's not relevant to
4 whether or not Mr. Adams was involved in shooting
5 Holly Bobo, he shot Holly Bobo, he kidnapped her, or
6 he raped her. It's independent of that.

7 Next, it's highly prejudicial because it
8 paints Mr. Adams out to be a killer of his own
9 brother, somebody -- I mean, that's a second murder,
10 a second attempted murder that they're trying to pull
11 in here. And then after that, it's just -- if you
12 give it any kind of 404 analysis, it's just highly
13 prejudicial, and the prejudice of this outweighs the
14 probative value of whether or not this is, you know,
15 probative value that it has as to whether or not Mr.
16 Adams killed Holly Bobo.

17 We've already heard that. The whole murder
18 is complete. We've already heard all the murder
19 information, and at this point these are just
20 additional crimes and wrongs that they're trying to
21 bring in. It doesn't show a pattern, because it
22 doesn't show anything about the murder. The murder
23 is completed, allegedly, if you're going to believe
24 Mr. Autry. The murder is completed. It's final.
25 And now what they're trying to introduce doesn't go

1 to show anything about the murder.

2 GENERAL NICHOLS: And we, of course --

3 THE COURT: It's contextual. If it's
4 true, then it's showing an attempt to cover a crime
5 by further doing things to keep it from being
6 undetected by other people.

7 MS. THOMPSON: But he's not charged with
8 that crime, Your Honor. He's not charged with trying
9 to cover up the murder.

10 THE COURT: It's part of the context,
11 though. The Court finds that it is particularly
12 probative in this case. And it doesn't really go to
13 a character trait. It goes to an attempt to keep
14 something from being discovered, and the Court finds
15 that its probative value does outweigh the danger of
16 unfair prejudice. So even if it's 404, which I am
17 not sure it is, I think it's contextual. The Court
18 finds nevertheless it would be admissible, okay?
19 Clear and convincing evidence, Court finds.

20 All right. Take lunch. Let's take until
21 1:00, till 1:00, let's just round it off.

22 (Lunch break.)

23 THE COURT: Be seated. Let me say this
24 before we get started: She said I didn't say
25 material. If I didn't, I certainly implied that that

1 particular evidence was material. I said it's
2 relevant as to the entire complete story, and we got
3 a limiting instruction if he so testifies that I will
4 give to the jury immediately afterwards.

5 (WHEREUPON, the jury returned to the
6 courtroom, after which the following proceedings were
7 had:)

8 THE COURT: Be seated. We're still all
9 right time-wise. I want to let you know that, okay?

10 All right. Let's bring Mr. Autry back in to
11 give further testimony. Mr. Autry, you may have a
12 seat. We're going to continue with your testimony.
13 You can proceed.

14 GENERAL NICHOLS: Thank you, Judge.

15 BY GENERAL NICHOLS:

16 Q. Mr. Autry, I want to back up a little bit to
17 the place we left off before lunch. I want you to
18 begin with Friday, two days after Holly Bobo was shot
19 in front of you --

20 A. (Nodded head affirmatively.)

21 Q. -- when you met Zach Adams at the Marathon
22 Station, okay?

23 A. Correct.

24 Q. That's where I want to pick up. If you'll
25 back up just a little bit about you showing up and

1 him showing up and then go forward from there, okay?

2 A. So that evening I received a phone call, and
3 he asked me to meet him, at no set location, but I
4 decided -- I named the location, and we met at the
5 Marathon at 641 and Interstate 40 in a pine thicket.

6 Q. What happened?

7 A. I got there early first, Zach and Dylan
8 pulled in behind me in an extended cab Chevrolet
9 pickup. Zach come to the front seat of the car, sat
10 down. I handed him a meth pipe. I asked him a
11 question, I said, what did you do with that girl. He
12 said, we throwed her out near Kelly Ridge. He said,
13 that's not the reason I am here today. He said, I am
14 here over Dylan. Dylan hadn't been to bed, won't
15 stop running his damn mouth about this shit. He's
16 going to get us in trouble.

17 Q. When he told you that, how did you respond?

18 A. I asked him what he wanted done.

19 Q. Okay. Tell the jury what was said.

20 A. He said his grandpa, Dick, would probably
21 pass in a few years, and if I killed Dylan, he'd give
22 me a portion of the money and let me live in one of
23 the houses. I did not make an agreement. I told
24 him, I said, it's something I need to think about,
25 and I am not prepared to do this today.

1 Q. And did he indicate to you how he wanted it
2 done or when he wanted it done?

3 A. He did not.

4 Q. When you said that to him, what did he say?

5 A. He told me if I decided to do that to let him
6 know. And I told him, I said, when I get done with
7 that, you'll probably be next.

8 Q. Meaning what?

9 A. Meaning I was going to kill him, too.

10 Q. What did he say or do after you said that to
11 him?

12 A. He hit the pipe a few times, and I asked him,
13 I said, what's going on with Shane. He said, I
14 hadn't seen him. And I said, well, I am fixing to go
15 visit him.

16 THE COURT: All right. Let me stop just
17 a minute. Ladies and gentlemen of the jury, you have
18 heard testimony that the defendant, Zachary Adams,
19 allegedly attempted to engage this witness to harm
20 Dylan Adams, as well as other potential bad acts.
21 You may not consider such testimony to prove his
22 disposition to commit the crime for which he is on
23 trial, but rather the testimony may only be
24 considered by you for the limited purpose of
25 determining whether it provides the complete story of

1 the crime. That is, whether such testimony in the
2 charged offenses are logically related or connected
3 so that the testimony of the other tends to prove the
4 one charged or is necessary for a complete account
5 thereof. Okay.

6 BY GENERAL NICHOLS:

7 Q. Why did you make the statement that you did
8 to Zach Adams, that if you decided to do it that he
9 would be next?

10 A. I felt like after I had sat and evaluated the
11 situation and the circumstances and the reality and
12 the scope of the situation had fell on me, I felt
13 like in my heart that he should have notified me and
14 let me know before you bring me into a situation like
15 that. Meaning, the day that I called trying to set
16 up and buy the Morphine and you said you needed to
17 see me, you should have said you had a dead body
18 there. I felt that in my heart. I felt that I was
19 brought into that. And I felt that -- that's what I
20 felt.

21 Q. You asked about Shane and then made the
22 statement that you were going to go check on him; is
23 that right?

24 A. That is correct.

25 Q. Okay. So did you do that?

1 A. I left there, stopped at the store at
2 Dottie's, and got two beers, two quarts, two quarts
3 of Bud Light. I proceeded to Shane's house where I
4 ran into a road block at 790 Pugh Road. The officer
5 was Jeremy Inman. I pulled up, and he looked in the
6 car and seen the alcohol. He said, Jason, he said,
7 there's search parties and shit all the over the
8 place down through there. He looks through the car,
9 through the front PT Cruiser, looks in the back in
10 the hatchback, and he said, you need to be careful if
11 you're going to drive through there drinking. And I
12 left, went to Shane's house.

13 Q. And that's the trailer on Yellow Springs
14 Road?

15 A. 30 Yellow Springs Road.

16 Q. And is that the first time you had been back
17 to the trailer since?

18 A. That's the first time I had been around any
19 of them or back to Decatur County since the 13th.

20 Q. All right. Now, you're not going to be able
21 to say what Shane said, but I want you to describe
22 what you did when you got to his trailer and what you
23 observed?

24 A. When I got to the trailer, he was highly
25 inebriated, and he said -- no, I can't say.

1 Q. Right. He was --

2 A. He was highly inebriated, and I took him away
3 from that situation. There was --

4 THE COURT: We're talking about Shane?

5 THE WITNESS: That's correct.

6 THE COURT: Okay. All right.

7 BY GENERAL NICHOLS:

8 Q. Were there search parties all in and around
9 where his trailer was, the road in front of his
10 trailer, the woods?

11 A. There was -- there was maybe a command post
12 set up at Yellow Springs Church, and people just
13 everywhere in that area.

14 Q. And again, you can't say what he said, but
15 you can describe his demeanor for the jury. Was he
16 agitated, was he calm, was he concerned? How would
17 you describe his demeanor?

18 A. Frantic.

19 Q. Frantic. As a result -- because you went
20 there to check on him, right?

21 A. That's correct.

22 Q. So as a result of pulling -- you, yourself,
23 passing a road block, pulling in and seeing all the
24 search parties, you said you wanted to take him away
25 from that situation?

1 A. I did.

2 Q. So what did you do?

3 A. I loaded him in -- got him into the PT
4 Cruiser and left that general location. I noticed as
5 we were going down the road when I turned and hit the
6 brakes that he would go over, nod out and hit the
7 dash. I was having to catch him with my hand. So I
8 thought, I'll take him and feed him. At that time, I
9 took him to Johnny's Bar and Grill and fed him.

10 Q. During the course of your meal with him, did
11 he at any time or did his demeanor change, did he
12 calm down, did he sober up, did you become less
13 concerned?

14 A. You know, we were in a bar, and he was not
15 drinking, so he naturally sobered up a little bit,
16 but there was numerous people in the bar, and we left
17 there and went to another bar. He did kind of sober
18 up after he eat, but he never really come to just
19 complete sobriety.

20 Q. Again, not asking what he said, did you have
21 a conversation with him about what had happened to
22 Holly?

23 A. I did not.

24 Q. Not that night?

25 A. Not that night.

1 Q. Okay. So after taking him to eat and then to
2 another bar, did you take him back home?

3 A. I did. I did. And at that time, dropped him
4 off, went back to 310 Benco Hills to Angela's house.

5 Q. To Angela's?

6 A. Yeah.

7 Q. Okay. So that's the conversation that you
8 had with Zach two days after Holly was killed.

9 When is the next opportunity that you had to
10 talk to Zach about any of this? And I am not asking
11 for a date. I am more asking for an event or --

12 A. I called him, and I told him, I said, I've
13 thought about that, about the offer you made, and I
14 said, I am looking into it. Meaning Dylan. At that
15 time, day or so after that, I loaded Dylan up in the
16 truck with a bass boat and carried him to the
17 Tennessee River.

18 Q. All right. Let me back up. When you called
19 him and said you're looking into it, did you ask him
20 anything about whether his offer was still good?

21 A. I did. Yes.

22 Q. Okay. Tell the jury --

23 THE COURT: Maybe we ought to identify by
24 name rather than pronouns, okay, to make it clear.

25 BY GENERAL NICHOLS:

1 Q. When you called Zach Adams, did you talk to
2 Zach Adams about the offer that he had previously
3 made to you?

4 A. I did.

5 Q. Would you tell the jury the whole
6 conversation?

7 A. It was a brief conversation. I asked him if
8 the offer still stood. He said, yeah, when Pappaw
9 passed and the land and money transfers hands. And I
10 said, all right, I am thinking about going through
11 with it. And I did set up a date to take Dylan to
12 the river.

13 Q. Did you set up a day to take Dylan to the
14 river with Zach, or did you set up a day to take
15 Dylan to the river later on, did you set that up with
16 Dylan?

17 A. I surprised Dylan. I knew that he was home
18 and his pappaw was at the water plant. And I showed
19 up with a boat and a little marijuana and lured him
20 into going.

21 Q. All right. So what did you tell him? And
22 again --

23 A. I asked him if he wanted to go bass fishing.

24 Q. Did he get in the car with you to go bass
25 fishing?

1 A. Just -- yes.

2 Q. Tell the jury what happened after that.

3 A. We go to the Tennessee River, put in the
4 boat. We run to Cubb Creek. We start bass fishing
5 up a bank. Dylan catches a little ole grinnell.

6 THE COURT: A little ole what?

7 THE WITNESS: A grinnell.

8 THE COURT: Okay.

9 THE WITNESS: Asked me to come back there
10 and take it off, he was scared of the teeth that it
11 had. By that time, we had been there maybe an hour
12 or so drinking, smoking pot. I was trolling down the
13 channel looking for a place to put him. And a little
14 ole Jon boat come up, pulled up beside of us that
15 knew -- pulled up beside us and asked if we were
16 catching anything, and he knew Dylan's grandfather.
17 At that point, that stopped everything. We had been
18 spotted. There was no -- you know, he positively --
19 he positively identified him. And I bought the boat
20 from Cherokee Boat Dock, and he knew the owner of the
21 boat that I bought the boat from. So he did not know
22 me, the guy didn't. But he knew the owner of the
23 boat, and he knew Dick Adams.

24 BY GENERAL NICHOLS:

25 Q. So you had a conversation with him and you

1 realized at that point he knows your boat, he knows
2 Dylan, he knows Dick Adams, you've been seen?

3 A. That's correct, been seen. So we finished
4 the day with the portion of the day fishing and just
5 enjoying it, so to speak. He gets inebriated,
6 drinking, and starts talking. And I asked him, I
7 said, man, I said, at any given time, I said, you
8 could have done like me and walked away, because in
9 my mind the last time -- the last time he seen me, I
10 was leaving 30 Yellow Springs Road, and he did not
11 know about the bridge and all that, and he stayed
12 there. So I am thinking that he thought, that he
13 didn't know Jason was involved in anything.

14 Q. What happened?

15 A. He said --

16 MS. THOMPSON: Your Honor, I am going to
17 object.

18 THE COURT: He can't say what he said.

19 THE WITNESS: Huh?

20 THE COURT: You can't say what Dylan said
21 to you.

22 GENERAL NICHOLS: You can't say what he
23 said --

24 THE COURT: You can say what you did in
25 response to it or what you said to him, okay? But

1 you can't say what Dylan said to you.

2 BY GENERAL NICHOLS:

3 Q. Let me see, did he give you certain
4 information?

5 A. That's correct. He give me information as to
6 whereabouts the rape --

7 MS. THOMPSON: Your Honor, I am going to
8 object. He's saying --

9 THE COURT: All right. Hearsay.

10 GENERAL NICHOLS: Understood.

11 BY GENERAL NICHOLS:

12 Q. Okay. It's tricky. So just listen to me
13 carefully, okay?

14 Did he give you certain information about
15 April 13th?

16 A. That's correct.

17 Q. Okay. And after hearing that information,
18 about April 13th and what happened, did you take
19 certain actions, did you do something in response to
20 that information?

21 MS. THOMPSON: Your Honor, I want to make
22 sure they're not trying to back door any hearsay in
23 by then --

24 THE COURT: She knows what my ruling is.

25 MS. THOMPSON: Okay.

1 BY GENERAL NICHOLS:

2 Q. So you can answer that. Based on -- or after
3 hearing that information, did you go somewhere, did
4 you do something?

5 A. I did. After hearing that information, I
6 went to where the alleged rape was occurred --

7 Q. After hearing that information, did you go
8 somewhere?

9 A. I did.

10 Q. Where did you go?

11 MS. THOMPSON: Your Honor, I think now
12 he's saying wherever he went is where the alleged
13 rape occurred. He's now saying that --

14 GENERAL NICHOLS: Judge, I --

15 THE COURT: You'll disregard what he
16 said. Just see if we can get more directly to the
17 point.

18 BY GENERAL NICHOLS:

19 Q. Where did you go?

20 A. I went to my grandmother's barn.

21 Q. Okay. So let's talk about your grandmother's
22 barn. First of all, is your grandmother and Shane
23 Austin's grandmother the same person?

24 A. That's correct.

25 Q. Where was her barn located?

1 A. Yellow Springs Road.

2 Q. Where was her house located?

3 A. 200 yards across the road.

4 Q. All right. So you've got a house on one side
5 and a barn on the other side?

6 A. That's correct.

7 Q. And are they -- I mean, can you -- if you're
8 standing on her front porch, can you see across the
9 road to the area where the barn is?

10 A. You might see the roof in the fall.

11 Q. Okay. Where in relation -- and let me ask
12 you this, had your grandmother recently passed away?

13 A. Grandmother and grandfather.

14 Q. Was the house vacant at that time?

15 A. That is correct.

16 Q. Was the barn being used at that time?

17 A. No, ma'am.

18 Q. All right. So you go to this barn, and
19 again, without saying, without repeating what Dylan
20 told you, what were you doing at the barn?

21 A. I was there to clean up any possible evidence
22 left behind.

23 Q. Did you see any evidence that needed cleaning
24 up?

25 A. I did not.

1 Q. Would you describe for the jury what the
2 inside of that barn looked like?

3 A. It was an old corncrib with hay. If you
4 walked in the front door, there was hay laying to the
5 right with 85 percent probably of the roof blown off.
6 It was in severe deterioration.

7 Q. Did you actually go into the barn to look for
8 evidence?

9 A. From the door, you could see the scope of the
10 entire, you know -- I mean, it was no -- it was no
11 huge barn.

12 Q. Did you move anything, did you clean anything
13 up, or did you just turn around and leave?

14 A. The area looked normal, and I turned around
15 and drove off.

16 Q. How far after the 15th when you were first --
17 when Zachary Adams first proposed that you kill his
18 brother on the 15th, how long a period of time until
19 you were at the barn? In other words, was it May,
20 June, July, August, do you remember?

21 A. It was some months.

22 Q. Weren't marking them on your calendar, were
23 you?

24 A. Absolutely not. In fact, I was just in the
25 area and the idea, thought popped into mind.

1 Q. Popped into mind as a result of getting
2 certain information that we can't talk about?

3 A. That's correct. That I might need to look,
4 and if there's anything out there, dispose of it.

5 Q. Okay. Did you ever have another conversation
6 with Zachary Adams about killing Holly, raping Holly,
7 kidnapping Holly?

8 A. I did.

9 Q. When was that?

10 A. The day that we got caught with the deer
11 stand.

12 Q. All right. Let's talk about the day you got
13 caught with the deer stand.

14 A. Well, the day -- that day we were out riding
15 around.

16 Q. Okay. When you say we?

17 A. Me and Zach.

18 Q. Okay.

19 A. We go to Eagle Creek, Camden, Tennessee in my
20 pickup. Go into this hunting club, he steals a deer
21 stand, and I steal a camera.

22 Q. A what?

23 A. A camera.

24 Q. Okay.

25 A. Trail cam.

1 Q. Gotcha. Trail cam.

2 A. Hot, hot summer day. We stop --

3 Q. Let me ask you this: Is it a hot summer day
4 the year -- the same year, 2011?

5 A. It's not.

6 Q. Okay.

7 A. No, this was August of 2012.

8 Q. Okay. Keep going.

9 A. Carry on?

10 Q. Yes.

11 A. It was a pretty good walk in there. On the
12 way out, we stopped and sit down where a road had
13 been pushed through and the bank, sit on the bank.
14 Took a couple hits off a meth pipe, and I looked at
15 him, and I said, looks like we got by with this shit.

16 Q. Were you talking about the deer stand and the
17 trail cam, or were you talking about something else?

18 A. Talking about the kidnapping, rape, and
19 murder of Holly Bobo. I told him, I said, Dylan
20 said --

21 MS. THOMPSON: Objection, Your Honor.

22 BY GENERAL NICHOLS:

23 Q. Oh, no, actually, you can. This is a
24 statement you made to Zach?

25 A. That is correct.

1 Q. All right.

2 MS. THOMPSON: Your Honor, it's still
3 hearsay. It's double hearsay. It's hearsay within
4 hearsay.

5 GENERAL NICHOLS: May we approach
6 briefly?

7 (WHEREUPON, a conference was held at the
8 bench between counsel and the Court.)

9 GENERAL NICHOLS: I'm offering this for
10 the truth.

11 MS. THOMPSON: Of course she is.

12 GENERAL NICHOLS: Wait, let me finish,
13 no, I'm not. I'm offering it for Zach's response.

14 THE COURT: Okay.

15 MS. THOMPSON: It's still a way that she
16 can get in hearsay by not having done it. If she
17 comes in and says all this stuff, then it's a way to
18 get in hearsay. She is offering it for the truth.
19 She is saying that Dylan said this and that Dylan
20 meant this, and now he's wanting to know what Zach's
21 response is, saying that the statement that Dylan
22 said is true.

23 GENERAL NICHOLS: I am not offering it
24 for the truth. And I do think Your Honor ought to
25 give them a curative instruction, but because I'm not

1 offering it for the truth, this has crippled our
2 case. This is Zach's response.

3 MS. THOMPSON: Of course it's for the
4 truth. She's trying to show through a back door what
5 it is that Dylan said.

6 (WHEREUPON, the following proceedings
7 continued within the hearing of the jury:)

8 THE COURT: All right. Ask the question.

9 GENERAL NICHOLS: You want me to ask my
10 question?

11 THE COURT: Yes.

12 BY GENERAL NICHOLS:

13 Q. You're at this hunting club; is that right?

14 A. That's correct.

15 Q. You made a statement, looks like we got away
16 with this shit?

17 A. That's correct.

18 Q. Then what did he say?

19 THE COURT: All right. Ladies and
20 gentlemen, as I told you the other day, this is not
21 being offered for the truth of what he said. It's
22 offered to as far as follow-up response. So you
23 shall not consider what he said for the truth of it,
24 okay. All right.

25 BY GENERAL NICHOLS:

1 Q. What did Zach -- or how did Zach respond?

2 A. He said the real -- he said the real reason
3 that we were there was to show Clint how to
4 manufacture meth. He said, we got there early. She
5 come outside screaming and raising hell, and we took
6 her.

7 THE COURT: All right. That's not
8 offered for the truth of it. Besides that, it's
9 allegedly a statement of the defendant, not a third
10 party, okay.

11 BY GENERAL NICHOLS:

12 Q. All right. And how did you respond to that
13 information?

14 A. Just -- I just listened to it. I mean, I did
15 not -- in fact, I brought up the issue that we had
16 been there long enough, let's go. My truck was
17 sitting -- my truck was sitting in plain view down at
18 the locked gate on private property. So I mean, once
19 the -- once the -- once the breath was caught and a
20 few minutes of rest, it was time to go.

21 Q. Time to take the trail cam that you stole and
22 hit the road?

23 A. That is correct.

24 Q. Did y'all do that?

25 A. That is correct.

1 Q. Took the deer stand and the trail cam and
2 left?

3 A. That is correct.

4 Q. Did you have any other conversations with
5 Zach about what happened to Holly?

6 A. I have not.

7 Q. At any point in time, did you go -- you told
8 us about the barn. Did you go look somewhere else
9 because of information you received?

10 A. I did.

11 Q. Okay. First of all, who gave you the
12 information?

13 A. I obtained the information from Zach two days
14 after the 13th, the 15th in the wooded area.

15 Q. So you mentioned earlier that Zach told you,
16 we dumped her at Kelly's Ridge?

17 A. Near Kelly's Ridge.

18 Q. All right. So what is Kelly's Ridge? Where
19 is Kelly's Ridge?

20 A. Kelly's Ridge is in Benton County, Tennessee.
21 It's a hunting club, maybe. It's a long -- there's a
22 gate there and a grate road (sic) that runs down
23 through the property for a long ways. It's just back
24 woods as far as -- you know, for a long ways, yeah.

25 Q. At some point, did you go to Kelly's Ridge?

1 A. I did.

2 Q. Or try to?

3 A. I tried. I come through there one day, and I

4 noticed some birds sitting near a pond bank.

5 Q. You mean like sparrows or some other kind of

6 bird?

7 A. Buzzards.

8 Q. Buzzards.

9 A. This was within a week of the disappearance.

10 Q. Okay.

11 A. I thought that that's where the body was, so

12 I stopped at the house and asked the people could I

13 go --

14 Q. Slow down. So you had the information about

15 Kelly's Ridge?

16 A. That's correct.

17 Q. Did you drive -- you said I was driving

18 through there, did you drive through there on purpose

19 to look around, or did you just happen to be driving

20 through there? If you remember.

21 A. I mean, I wasn't purposefully looking.

22 Q. Okay.

23 A. When I -- when I seen that, it all flashed

24 before the mind.

25 Q. The whole Kelly --

1 A. Yeah, I never -- I never went out with the
2 search parties or --

3 Q. No, I understood that. I'm saying, did you
4 go to -- did you go to that area because Zach Adams
5 had told you we dumped Holly near Kelly's Ridge?

6 A. I rode through there, yeah --

7 Q. Okay. Okay.

8 A. -- looking to see what I could see.

9 Q. All right. You said that you saw buzzards
10 close to a lake?

11 A. There was two ponds there on the property at
12 the entrance of Kelly Road at Kelly's Ridge. I seen
13 buzzards sitting in an old dead tree in the back side
14 of one of the ponds.

15 Q. What did that mean to you?

16 A. Death, something dead.

17 Q. You said you walked up to the house. So is
18 there a house close to those ponds?

19 A. There is a house at the entrance of Kelly
20 Road. I got out and I knocked on the door, and I
21 asked the person living there if I could go fishing
22 down there.

23 Q. You said you asked the person, so somebody
24 answered the door?

25 A. There was -- yes.

1 Q. What did they say?

2 A. They told me, no, that there had been some
3 river otters or creek otters come through there and
4 wiped all the fish out. They didn't want nobody on
5 the property. At that time, I got back in the
6 vehicle and left.

7 Q. And this person that you talked to, was it a
8 male or a female?

9 A. I am not sure. I think there was both people
10 there.

11 Q. But they wouldn't let you?

12 A. They would not -- they would not let me up to
13 the door. I mean, I was met from a distance. Just
14 as soon as I pulled up, they come out to the screen
15 door.

16 Q. Gotcha.

17 GENERAL NICHOLS: May I have one moment,
18 Your Honor?

19 BY GENERAL NICHOLS:

20 Q. I want to back up to the day when you were
21 stealing the trail cam and Zach was stealing the --

22 A. Deer stand.

23 Q. -- deer stand.

24 You said y'all sat down there after --

25 THE COURT: Let me stop just to clarify

1 something, what I told them earlier about hearsay. I
2 thought it was a third party. He said that was what
3 Zach told him. Hearsay doesn't apply to a statement
4 of a defendant. You can disregard what I earlier
5 said about it wasn't offered for the truth, you not
6 to take it for the truth, okay.

7 GENERAL NICHOLS: So if I understand your
8 ruling correctly, they may take it for the truth?

9 THE COURT: They may, because I thought
10 it was a third party at the time. I think he started
11 off saying what a third party said.

12 GENERAL NICHOLS: He did. And then he
13 skipped what Dylan said.

14 THE COURT: That's when we had our
15 conference, and I decided to instruct them, but when
16 he started back, he said that Zach had told him.

17 GENERAL NICHOLS: He skipped the Dylan
18 part.

19 THE COURT: Hearsay ruling would not
20 apply to the statement of a defendant, and they can
21 consider that and give it any weight that they feel
22 it deserves.

23 BY GENERAL NICHOLS:

24 Q. I want to go back to that day, okay?

25 A. Yeah.

1 Q. The trail cam day. You -- before our bench
2 conference you started to tell the jury what you said
3 to Zach. You started the sentence, Dylan said, but
4 then you didn't finish it when we came back?

5 A. That is correct.

6 Q. And I don't know if you misunderstood the
7 judge's ruling, but I want to go back to that. Tell
8 the jury exactly what you told Zach.

9 A. I asked him --

10 Q. You started it with "Dylan said".

11 A. That's correct.

12 Q. That's the part that I'm asking about.

13 A. Dylan said --

14 THE COURT: Now, I don't want Dylan said,
15 though.

16 GENERAL NICHOLS: But this is what he
17 said to Zach. This is what the conference was --

18 THE COURT: Oh.

19 THE WITNESS: I'm telling him --

20 THE COURT: You said Dylan said so and
21 so?

22 GENERAL NICHOLS: Yes.

23 THE WITNESS: That's correct.

24 THE COURT: So we don't need to go into
25 what Dylan said, but then you said Zach had said so

1 and so.

2 GENERAL NICHOLS: Two different things,
3 Judge. And we haven't gone over the part that we had
4 the conference about that does need the curative
5 instruction.

6 THE COURT: All right. If it's something
7 that someone other than the defendant said, it's not
8 offered for the truth of that statement, and you
9 cannot consider it for the truth of that statement.
10 It's to simply show what transpired thereafter.

11 MS. THOMPSON: We don't need to hear what
12 Dylan said, because Zach -- he says what Zach said,
13 and he explained the statement. What Dylan said is
14 irrelevant unless we're offering it for the truth.

15 THE COURT: I think they're offering it
16 for what Zach said.

17 MS. THOMPSON: But we have what Zach
18 said. We know what Zach said. Zach says Clint --

19 THE COURT: I've made my ruling, thank
20 you.

21 BY GENERAL NICHOLS:

22 Q. I want you to go back to that conversation
23 that you had with Zach.

24 A. Okay.

25 Q. You started to tell the jury that, but you

1 haven't finished.

2 A. That's correct.

3 Q. You said, I looked at Zach, and I said,
4 Zach --

5 A. Yeah.

6 Q. -- Dylan said, and then we had an objection.

7 A. That's right.

8 Q. So I want you to finish that statement.

9 MS. THOMPSON: We also have proffered
10 issues, Your Honor. Confrontation. We cannot
11 confront Dylan. He's not here today. I can't
12 confront Dylan about what it is that he said.

13 THE COURT: Let's just go ahead and move
14 along.

15 GENERAL NICHOLS: You mean you don't want
16 me to go back over that part?

17 THE COURT: I'd rather you didn't. We're
18 more interested in Zach's statements.

19 BY GENERAL NICHOLS:

20 Q. During the course of that conversation,
21 something that you said to Zach, something Zach said
22 back to you, was Holly Bobo's rape discussed?

23 A. Yes.

24 Q. Did Zach admit that he raped Holly Bobo?

25 A. Yes.

1 Q. What did he say? And again, you can't talk
2 about what Shane said, you can't talk about what
3 Dylan said. What did Zach tell you about raping
4 Holly?

5 A. He said that it was a brief encounter. And
6 that Brian Vitt was out mowing the yard. And I asked
7 him at that time, I said, how does a man prepare
8 himself to rape someone with two other men. He said,
9 Dylan sucked them off, got them hard. And I told
10 him, I said, that's sick, nasty, man.

11 MS. THOMPSON: I object to the hearsay
12 about what Dylan said.

13 GENERAL NICHOLS: There was no hearsay.

14 THE COURT: He's saying what Zach said.
15 Zach is saying that Dylan took certain actions --

16 THE WITNESS: That's correct.

17 THE COURT: -- not that he said
18 something.

19 BY GENERAL NICHOLS:

20 Q. Did Zach say that all three of them raped
21 her?

22 A. Yes.

23 Q. Did he tell you how they raped her?

24 A. Not really. They didn't -- no -- no -- no
25 fine details. I let it be known that I don't stand

1 for that shit.

2 Q. Did he tell you anything else they did to
3 maintain control of over Holly besides -- or in order
4 to allow them to rape her?

5 A. Dylan was the one that provided that.

6 Q. And you can't talk about what Dylan said.

7 A. Yeah.

8 Q. So you didn't --

9 A. He was the one that provided the information
10 on the -- how the situation unfolded.

11 Q. Okay.

12 A. He understood -- Zach understood that -- that
13 I really wasn't down with it, then the conversation
14 was very abrupt.

15 Q. You've talked about today, on the 13th,
16 seeing a gun holstered on your cousin, Shane's hip?

17 A. First when I pulled in 30 Yellow Springs
18 Road.

19 Q. Had you ever seen that particular gun before
20 that day?

21 A. Yes.

22 Q. Were you present when that gun was first
23 bought, traded, obtained?

24 A. Yes.

25 Q. And whose gun was it?

1 A. Before it was bought or after it was bought?
2 Q. Both?
3 A. Before it was bought, it was um --
4 Q. If you don't remember, you don't remember.
5 A. I don't remember his name.
6 Q. Were you present when it was purchased?
7 A. I was.
8 Q. Who purchased it?
9 A. Shane.
10 Q. All right. And between the time he purchased
11 it and the next time you saw it or -- excuse me.
12 Between the time he purchased it and the 13th, had
13 you seen it any other times?
14 A. I had not. I only seen it the day it was
15 purchased. I was only -- I had no actions of the gun
16 other than just watching the transaction, just a
17 brief transaction.
18 Q. Shane had a lot of guns; didn't he?
19 A. That's correct.
20 Q. I want to show you a gun. Put on your
21 glasses.
22 A. That's the gun minus the aging.
23 THE COURT: Minus the what?
24 GENERAL NICHOLS: The aging.
25 THE WITNESS: The aging.

1 THE COURT: Okay.

2 BY GENERAL NICHOLS:

3 Q. So what do you mean by that, minus the aging?

4 A. Meaning when I seen the gun, it was in good

5 working order. Shining, black.

6 Q. Black. Was the whole gun black?

7 A. Yes, ma'am.

8 Q. Does that appear to be the gun that --

9 A. It does.

10 Q. -- that you saw holstered on Shane?

11 A. That's correct.

12 Q. Now, you indicated that -- you indicated that

13 when you left Shane's trailer, when you left, you

14 pulled out, Shane had the gun on his hip?

15 A. That is correct.

16 Q. When is the next time that you saw this gun?

17 A. When I got in the Nissan Frontier 4x4, laying

18 in the driver's side floorboard.

19 Q. Car driven by whom?

20 A. Mr. Adams.

21 Q. And after seeing it in the floorboard, when

22 is the next time that you saw that gun?

23 A. In his hand right before he shot her.

24 Q. And after -- after the 13th, did you ever see

25 this gun again?

1 A. I did.

2 Q. When is the next time that you saw that gun?

3 A. When me and Austin sold it to Dinsmore.

4 Q. When you say me and Austin, you mean Shane
5 Austin?

6 A. I was with Shane when he traded Dinsmore the
7 gun for meth -- for Morphine.

8 Q. And that was later on that same summer?

9 A. It was approximately four to five months
10 after the incident.

11 GENERAL NICHOLS: Your Honor, at this
12 time I'm going to ask that the gun be marked as the
13 next numbered exhibit. And the --

14 THE COURT: Be 180, is that where we are?

15 THE REPORTER: Yes, sir.

16 GENERAL NICHOLS: There are some live
17 rounds that are separate in a baggy, I'd like those
18 to be marked for ID only.

19 THE COURT: All right. That will be 181.

20 (WHEREUPON, the above-mentioned gun was
21 marked as Exhibit Number 180.)

22 (WHEREUPON, the previously mentioned live
23 rounds were marked for identification as Exhibit
24 Number 181.)

25 BY GENERAL NICHOLS:

1 Q. In the weeks and months that followed Holly's
2 disappearance, at that time nobody knew where she
3 was, were you questioned by law enforcement, actually
4 beginning in July of the same year?

5 A. I was.

6 Q. Were you questioned on more than one
7 occasion?

8 A. I was.

9 Q. Two times?

10 A. (Nodded head affirmatively.) Yes, ma'am.

11 Q. At least?

12 A. At least.

13 Q. In addition to being questioned by law
14 enforcement, were you questioned by Karen Bobo?

15 A. Yes, ma'am.

16 Q. Was her husband there?

17 A. Yes, ma'am.

18 Q. During any of those interviews, either with
19 the Bobo family -- you see them here; don't you?

20 A. Yes, ma'am.

21 Q. Any of those interviews, either the one by
22 the Bobos or the two by the Bobos or law enforcement,
23 did you ever tell the truth about what you knew?

24 A. I did not.

25 Q. Why? Probably pretty obvious, but why?

1 A. One was self preservation. Two, I had family
2 in it. Three, I had a relationship I was trying to
3 save that I didn't want to get destroyed.

4 Q. You lied?

5 A. Plain and simple.

6 Q. And after you were actually arrested for this
7 crime, did you continue to lie?

8 A. I did.

9 Q. Did you grant interviews? Did you grant
10 interviews to the media? And let me say, before --
11 before you were represented by Mike Scholl and Robert
12 Parris?

13 A. That is correct.

14 Q. Who were your lawyers then?

15 A. Mr. Fletcher Long and John Herbison.

16 Q. Were they aware that you were going to grant
17 interviews to the media?

18 A. They set it up, yeah.

19 Q. And you did that from the jail?

20 A. From state prison through Channel 5.

21 Q. State prison. That's just where you're being
22 held on this case, correct?

23 A. That is correct.

24 Q. All right. And you're actually doing some
25 time right now, aren't you, on something else?

1 A. That is correct. Nine -- I believe it's
2 922G.

3 Q. Did you, in addition to granting interviews,
4 and let me just ask you: Did you proclaim your
5 innocence of all knowledge to whoever happened to
6 watch Channel 5?

7 A. I did. I was told by Fletcher -- Fletcher
8 Long sent word --

9 MS. THOMPSON: Objection, Your Honor.

10 THE COURT: He can't say what Fletcher
11 said.

12 BY GENERAL NICHOLS:

13 Q. Let me ask you this: Was it your goal to
14 proclaim your innocence?

15 A. That is correct.

16 Q. Did you do that constantly?

17 A. I did.

18 Q. Did you write letters to various people?

19 A. I did.

20 Q. What did you say in your letters?

21 A. That I did not kidnap, I did not rape, and I
22 did not kill Ms. Bobo. And I did not. But I lied
23 and said that I didn't have no details to it.

24 Q. That was my next question. Did you kidnap
25 her?

1 A. I did not.

2 Q. Did you rape her?

3 A. I did not.

4 Q. Did you kill her?

5 A. I did not.

6 Q. You were involved in it, though; weren't you?

7 A. I was.

8 Q. And that's the part you lied about?

9 A. That is correct.

10 Q. Did you write letters to all sorts of people

11 with the knowledge or not that somebody was reading

12 your mail?

13 A. In the beginning, no. But it was determined

14 shortly after. Meaning, after being there a month or

15 so with correspondence with other people saying the

16 letters had been opened, I figured it out.

17 Q. And that law enforcement or jail personnel --

18 A. Were scanning.

19 Q. -- had a mail cover, they were reading

20 everything you wrote, right?

21 A. Had a subpoena on the mail scanning it.

22 Q. And so did you, with that knowledge, continue

23 to proclaim your absolute lack of knowledge about

24 anything?

25 A. I absolutely did.

1 Q. When you got -- let me just ask: You have
2 given this jury a lot of information today. What
3 made you go from telling the world, I didn't have
4 anything to do with it and don't know anything about
5 it to the things that you have admitted today?

6 A. I told the previous attorneys the very first
7 court date when I asked the judge for a session after
8 court, and he allowed us to go back there. I told
9 him that I had information on the case.

10 Q. You can't say what --

11 THE COURT: That you what?

12 THE WITNESS: That I had information --

13 THE COURT: Okay.

14 THE WITNESS: -- on the case.

15 BY GENERAL NICHOLS:

16 Q. You can't say -- you can't say what your
17 lawyer said, but you told them then?

18 A. That is correct.

19 Q. And I don't want to go too deep into what
20 your -- what they said. But after giving those first
21 lawyers the information, was anything set up between
22 yourself or any request made between yourself and the
23 DAs that were assigned to the case at that time?

24 A. There was not.

25 Q. When you got new lawyers, again, did the

1 situation change?

2 A. It did.

3 Q. Approximately -- sometime last fall, did the
4 situation change for you?

5 A. There did. There was.

6 Q. And since that time, were you driven from
7 state prison in Nashville to a location under the
8 bridge with your lawyers both present?

9 A. Yes, ma'am.

10 Q. With Mr. Hagerman?

11 A. Yes, ma'am.

12 Q. Mr. Ragland, Mr. Christensen, me?

13 A. Yes, ma'am.

14 Q. Did you show all of us in the presence of law
15 enforcement and TBI agents exactly what happened to
16 Holly under the bridge on the 13th?

17 A. I did.

18 GENERAL NICHOLS: Your Honor, I am going
19 to put something up.

20 BY GENERAL NICHOLS:

21 Q. First of all, did I show you this map and
22 this poster this morning?

23 A. You did.

24 Q. Do you recognize the areas depicted on it?

25 A. I do.

1 Q. What area is depicted on it?

2 A. Interstate 40, the Tennessee River bridge,
3 the crime scene, the route there, the route out, the
4 road in.

5 GENERAL NICHOLS: Your Honor, I'd ask
6 this be marked as the next numbered exhibit.

7 THE COURT: Be 182.

8 (WHEREUPON, the above-mentioned document
9 was marked as Exhibit Number 182.)

10 GENERAL NICHOLS: With the Court's
11 permission --

12 THE COURT: I also told the parties that
13 post-trial, I want your big sketches, I want to
14 substitute maybe an 8 by 10 of them. In other words,
15 I don't want the clerk to have to --

16 GENERAL NICHOLS: After deliberation?

17 THE COURT: Yes, yes. After the case is
18 finally concluded, okay?

19 GENERAL NICHOLS: Yes, sir. May Mr.
20 Autry step down again?

21 THE COURT: He may.

22 GENERAL NICHOLS: Sort of a tight
23 squeeze.

24 BY GENERAL NICHOLS:

25 Q. Mr. Autry, are you -- do you see this map

1 with the blue roof sort of mapped out here?

2 A. I do.

3 MS. THOMPSON: I am sorry, I can't see.

4 GENERAL NICHOLS: You might need to come
5 up here.

6 THE WITNESS: This is the route we took.

7 BY GENERAL NICHOLS:

8 Q. When you say, this is the route we took, this
9 is the route who took?

10 A. Me and Zach.

11 Q. On what day?

12 A. The 13th of April.

13 Q. Where did you start?

14 A. (Pointing.) 30 Yellow Springs Road.

15 Q. Okay. This is doesn't appear to be exactly
16 30 Yellow Springs, but it's in this area, correct?

17 A. That's correct.

18 Q. Okay. And show them the route that you all
19 took. Use that so you're not blocking it.

20 A. We traveled Pugh Road to Duck Farm Road.

21 THE COURT: Can you step back a little
22 farther and still show it?

23 THE WITNESS: I can, Judge.

24 THE COURT: Thank you.

25 THE WITNESS: We traveled Pugh Road, Duck

1 Farm Road, Dry Branch Road, Morgan Creek Road, Warren
2 Hill Road, to the location right here (indicating).

3 BY GENERAL NICHOLS:

4 Q. All right. Now, you are using -- keep your
5 pointer there. You're using your pointer from where
6 these red lines meet to the furthestest right point on
7 the right side?

8 A. Yes. This right here (indicating) is this
9 location right here (indicating).

10 Q. And the line goes to what?

11 A. Pile of rip-rap.

12 Q. Show them where you backed the truck in,
13 where Zach Adams backed the truck in?

14 A. Right here (indicating).

15 THE COURT: All right. Lean back just a
16 little. All right. Show again, if you can.

17 THE WITNESS: Right here (indicating).

18 BY GENERAL NICHOLS:

19 Q. Is that where he shot her?

20 A. That is correct, on that pile of rip-rap
21 right there (indicating).

22 Q. And these other pictures?

23 A. This is the route that we take that I showed
24 y'all earlier.

25 Q. On the little one?

1 A. That is correct. That's the bridge. This is
2 where we looked down at the sandy bar (indicating),
3 the Tennessee River. In fact, let's see, right here,
4 right here (indicating) is the actual -- right here
5 (indicating) is the actual river right here
6 (indicating). Right there is the location where she
7 was killed. Right there is the actual Tennessee
8 River. This looks like the river right here
9 (indicating), but that's not. That's a slew. It's
10 on both sides. That's back water. The actual river
11 is right here (indicating).

12 Q. Is there a place or a picture on here that
13 you can show the jury where your intention was to gut
14 her and put her in the water?

15 A. This location right here (indicating) is the
16 channel in this slew. Channel meaning the deepest
17 point.

18 Q. That's where you were going to put her?

19 A. That's where he was going to put her, or we,
20 however you want to say it.

21 Q. All right.

22 A. That -- determining who was going to do what
23 was never made at that point.

24 Q. I understand. But that's where you guys were
25 headed?

1 A. That's correct.

2 Q. You can be seated.

3 GENERAL NICHOLS: Your Honor, I don't
4 have any further questions at this time. Pass for
5 cross.

6 THE COURT: I am assuming that you'll
7 require some time for cross-examination?

8 MS. THOMPSON: Yes, Your Honor.

9 THE COURT: All right. Let's go ahead
10 and take a break. Take 15, follow the rules I gave
11 you at the outset, okay.

12 (WHEREUPON, the jury left the courtroom,
13 after which the following proceedings were had:)

14 (Short break.)

15 (End of Volume VIII)

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1 **VOLUME IX**

2 **DAY 5**

3 **THURSDAY, SEPTEMBER 14, 2017**

4
5 (WHEREUPON, the jury returned to the
6 courtroom, after which the following proceedings were
7 had:)

8 THE COURT: Be seated.

9 You want to bring Mr. Autry back in? Have a
10 seat, please, sir.

11 THE WITNESS: Yes, sir.

12 THE COURT: Cross-examination for the
13 defendant.

14
15 **CROSS-EXAMINATION**

16 **QUESTIONS BY MS. THOMPSON:**

17 Q. Mr. Autry, I am a Jennifer Thompson. I think
18 we've been in court together before.

19 A. That is correct.

20 Q. I want to go back over this story with you.
21 And I think that one of the first things you did was
22 you began to explain to the jury that you were from
23 the Parsons area.

24 So you -- your mother is actually from the
25 Parsons area, also; isn't she?

1 A. That's correct.

2 Q. And her name?

3 A. Shirley King.

4 Q. Okay. And she has some sisters that live in

5 the area?

6 A. That's correct.

7 Q. And does she have a brother, also?

8 A. She does not.

9 Q. What -- and you said your maternal

10 grandmother lived in the area?

11 A. That is correct.

12 Q. So you have an Aunt Rita who lives actually

13 on Pugh Road?

14 A. 790 Pugh Road.

15 Q. You have an Aunt Judy that lives there?

16 A. 900 Yellow Springs Road, I believe, is the

17 exact --

18 Q. She's actually moved into your grandmother's

19 house?

20 A. That is correct.

21 Q. And then you have another aunt that lives

22 there. Can you tell the jury?

23 A. Carrie Hickerson that lives in Holladay.

24 Q. Okay. Holladay, which is very close to the

25 area, right?

1 A. That is correct.

2 Q. Holladay being just north of Interstate 40 --

3 A. That is correct.

4 Q. -- is that right?

5 And actually, Rita and Jimmy Austin, is their
6 mailing address Holladay?

7 A. That is correct.

8 Q. And your Aunt Judy, her mailing address would
9 be Holladay?

10 A. That is correct.

11 Q. So your other aunt, Ms. Hickerson, she's in
12 Holladay?

13 A. I believe her actual last name is Christian.

14 Q. Christian?

15 A. Yeah.

16 Q. And your grandmother, what was her name?

17 A. Juanita Hickerson.

18 Q. Juanita Hickerson.

19 Do you remember exactly when she died?

20 A. The day, I don't.

21 Q. Okay. Did she die around the first of March?

22 A. I don't recall the date.

23 Q. Okay. She died that spring of 2011; isn't
24 that correct?

25 A. If you say so.

1 Q. Well, I thought you testified on direct that
2 she had died --

3 A. She had died before -- she had died before
4 April 13th.

5 Q. Okay.

6 A. I don't know the date or the month. I didn't
7 visit them probably not like a grandson ought to.

8 Q. Okay. It's just a fact you don't quite
9 remember now; is that right?

10 A. I don't recall the exact date.

11 Q. Okay. And you said you don't recall the
12 exact month your grandmother died either; is that
13 right?

14 A. That's correct.

15 Q. And your father, he's from the area, too;
16 isn't he?

17 A. 1333 Bear Creek Road.

18 Q. His name is Gary Autry?

19 A. That is correct.

20 Q. Matter of fact his -- his mother was from the
21 area; wasn't she?

22 A. She lived in the same house he does now.

23 Q. Okay. A little white house on Bear Creek
24 Road?

25 A. Brick house, brick house on Bear Creek Road.

1 Q. At one time your grandmother had lived in a
2 white house on Bear Creek Road; hadn't she?

3 A. That is correct.

4 Q. And Bear Creek Road actually runs into Five
5 Forks Road; doesn't it?

6 A. That's correct.

7 Q. So it's over there close to the Bobo home?

8 A. That is correct.

9 Q. Because the Swan Johnson Road runs into Five
10 Forks Road; doesn't it?

11 A. That is correct.

12 Q. And your father's mother, her name is Sooty
13 Autry?

14 A. That is correct.

15 Q. Sooty Autry's sister happens to be Ruby Bobo;
16 doesn't she?

17 A. Half sister.

18 Q. Half sister. Half sister is Ruby Bobo?

19 A. That's correct.

20 Q. Ruby Bobo happens to be Dana Bobo's mother?

21 A. That is correct.

22 Q. When you were a kid, you spent a lot of time
23 with your grandmother, Sooty Autry; didn't you?

24 A. That's correct.

25 Q. At one point your mom and dad lived in that

1 little white house that she had moved out of on Bear
2 Creek Road?

3 A. No. Yeah, yeah, you're right. You're right.

4 Q. Okay.

5 A. They lived there and in a trailer there on
6 the place.

7 Q. Okay. Because they had split up when you
8 were pretty young, right?

9 A. Real young.

10 Q. Okay. So I'd like to go back through your
11 version of events that day. You say the night before
12 you spent the night at Angela Smith Scott's house?

13 A. I believe I testified to that, yes.

14 Q. Okay. And you started driving down that
15 morning, you said -- what time did you begin -- do
16 you remember what time you made your first phone call
17 that day?

18 A. To Mr. Adams?

19 Q. No. Just the first phone call. You were so
20 clear about your times that you were making phone
21 calls. Do you remember what time you made your first
22 phone call that morning?

23 A. I believe I made my first phone call to Mr.
24 Adams, I believe.

25 Q. Okay. And so your first -- now, would you

1 agree with me there's a little difference between
2 text and telephone calls, right?

3 A. Yes.

4 Q. And, I mean, when you testified on direct,
5 you were pretty clear about the phone calls that you
6 had made to Mr. Adams; isn't that right?

7 A. That's correct.

8 Q. I mean, you testified like that was a clear
9 memory you had and not anything that you were
10 confused or fuzzy in your mind; didn't you?

11 A. The two conversations were clear.

12 Q. Clear. Okay. So that morning you actually
13 spoke to Angela Scott before you spoke to Mr. Adams;
14 doesn't that sound about right?

15 A. It's possible I sent a text.

16 Q. No. I am talking about a telephone
17 conversation. You had a 2 minute, 32 second
18 telephone conversation with Angela Scott that
19 morning?

20 A. If your records reflect that, that would be
21 true.

22 Q. So it's something you don't quite remember,
23 the phone call you had with Angela Scott?

24 A. No, you're right.

25 Q. Okay. And then you called Jay Taylor that

1 morning?

2 A. I did.

3 Q. You called Jay Taylor before you called Zach
4 Adams; didn't you?

5 A. If your records show that, that's true.

6 Q. Jay Taylor is one of the guys you said you
7 did cattle work for; isn't that right?

8 A. Construction.

9 Q. I'm sorry, construction work for Jay Taylor.

10 A. That's correct.

11 Q. And when you said that you had jobs that
12 weren't government jobs, does that mean they were
13 jobs you weren't paying taxes on?

14 A. That's correct.

15 Q. Okay. You didn't mean that you were actually
16 working for the government?

17 A. That's correct.

18 Q. You just kind of got paid here and there.
19 Was it usually cash or checks?

20 A. Contract labor.

21 Q. Okay. And you didn't get any kind of 1099 on
22 that contract labor; did you?

23 A. I paid no taxes.

24 Q. Okay. Of course, you're aware you're
25 supposed to be paying taxes; aren't you?

1 A. I suspect so.

2 Q. And so that morning, you also sent -- you had
3 some text messages going on. The first time you
4 texted Angela Scott, it was at 6:50 in the morning;
5 does that sound about right?

6 A. If your records show that.

7 Q. Okay. And then you texted her a second time
8 at 6:51 in the morning?

9 A. If your records show that.

10 Q. Okay. And then she texted you back at 6 --
11 scratch that.

12 Then you text -- you are the one that first
13 texted Zach at 8:19 in the morning. So you made the
14 first contact with him; is that right?

15 A. I believe that's what I testified to.

16 Q. But the first contact you had with him was
17 not a telephone call, it was a text message; wasn't
18 it?

19 A. If your records reflect that, that's true.

20 Q. That's a fact that you don't remember quite
21 so clearly?

22 A. I was reaching to establish contact.

23 Q. Okay.

24 A. I don't think the State asked every call that
25 I made that day. She asked -- she was precise in

1 what she asked.

2 Q. Explain to me, again, why you were going to
3 make contact with Zach Adams?

4 A. I was looking to purchase a Morphine pill.

5 Q. Okay. So you -- why didn't you then just
6 contact him at 6:50 in the morning.

7 A. As I testified I went down in the river,
8 river bottom to give everybody time to wake up and
9 get to moving.

10 Q. But if you really wanted some Morphine that
11 morning, why didn't you just go ahead and call him,
12 he might have been awake, right?

13 A. I guess it's possible, but that's how it
14 played out.

15 Q. You would agree with me that a lot of times
16 people that are on methamphetamines are awake at all
17 times of the day and night?

18 A. That's true.

19 Q. So your idea was to get a Morphine pill. How
20 much did you usually pay for Morphine pills?

21 A. \$50 for 100 mg.

22 Q. Okay. How long would a 100 mg pill last you?

23 A. I got two shots out of it, two shots.

24 Q. So what does shots mean? You had two, like,
25 servings?

1 A. Cocktails.

2 Q. Cocktails of methamphetamine.

3 A. That is correct.

4 Q. So if you took one cocktail of

5 methamphetamine, how long would that last? Not

6 methamphetamine, Morphine.

7 A. It depends on your tolerance. If you're a

8 beginner, it lasts longer. If you're a heavy user,

9 it lasts less.

10 Q. Okay. Well, I'm talking about you.

11 A. I was a heavy user.

12 Q. So how long would it last?

13 A. The intensity probably an hour.

14 Q. Okay. And then --

15 A. Maybe less. The effects would carry on, but

16 the intensity of it was probably 45 minutes to an

17 hour.

18 Q. Okay. And you shot these up? You shot up

19 your Morphine?

20 A. That is correct.

21 Q. Did you have your own needle that you used,

22 syringe?

23 A. That is correct.

24 Q. Did you reuse the same syringe each time or

25 did you get a fresh one?

1 A. I just -- I did it as -- if I had access to a
2 new one, I'd use it. If I had a used one, I used it.

3 Q. Okay. So your goal was to shoot up. You
4 said you had some methamphetamine already?

5 A. That's correct.

6 Q. Where had you gotten your methamphetamine
7 from?

8 A. Richie Pinkley.

9 Q. Okay. And when had you got your
10 methamphetamine?

11 A. Maybe a day or so before that.

12 Q. So when you would buy methamphetamine, how
13 much would you usually buy?

14 A. Depend on the amount I had in my pocket.

15 Q. At that time when you bought methamphetamine,
16 how much did you have to buy?

17 A. Maybe a 16th.

18 Q. A 16th?

19 A. Meaning half an eight ball.

20 Q. Half an eight ball. How much did that cost
21 you?

22 A. \$150.

23 Q. \$150?

24 A. That is correct.

25 Q. Okay. So -- and how long would that last

1 you, a quarter of an eight ball, half an eight ball?

2 A. It depend on how much you give away or how
3 much you done in one day. Generally speaking, two,
4 three, four days if I was greedy with it, sometimes a
5 week.

6 Q. Okay. Your methamphetamine, you shot that up
7 also?

8 A. Mixed with the Morphine.

9 Q. Okay. So would you do it in the same shot?
10 You'd mix them together and do it in the same shot?

11 A. That's correct.

12 Q. Yes?

13 A. That's correct.

14 Q. So where was it that you had your
15 methamphetamine with you that day? Where did you
16 keep it?

17 A. In my pocket.

18 Q. Wrapped up in plastic?

19 A. In a sack in my pocket, in my shirt pocket,
20 pants pocket.

21 Q. So what were you wearing that day?

22 A. Well, I was wearing a pair of Levis, pair of
23 Red Wing boots, and a Levi shirt.

24 Q. Now, did you say probably, or do you know for
25 sure?

1 A. I pretty much dressed the same. I knew what
2 I wore.

3 Q. So you have a good memory of what you were
4 wearing that day?

5 A. Yes, ma'am.

6 Q. You're saying you dressed the same, that mean
7 you wore the same shirt and pants every day?

8 A. I dressed the same, not with the same
9 clothes, but in the same fashion. I wore Levis
10 shirts, whether they be cut off or long sleeve for
11 the winter, Levi pants and Red Wing boots all the
12 time working.

13 Q. Okay.

14 A. So it just become accustom that that's what I
15 wore throughout the day.

16 Q. So if you called Jay Taylor that day, that's
17 because you were looking for work with him; isn't
18 that right?

19 A. If he testified to that, yeah. I mean --

20 Q. I am asking you why would you call Jay
21 Taylor.

22 A. Maybe just to have a conversation with him,
23 to see when the next job, see when the next -- see
24 when we were going to work maybe.

25 Q. Would you agree with me that your meth habit

1 and your Morphine habit were fairly expensive habits?

2 A. I would.

3 Q. If you have a Morphine habit and one pill
4 costs \$100 and you get two sessions out of it, it
5 wears off after one hour, then basically each \$100
6 pill only lasts you a couple three, four hours?

7 A. I testified that the pill cost \$50.

8 Q. Oh, I'm sorry.

9 A. It was 100 mg pill.

10 Q. Okay. So a \$50 pill is going to last you
11 just half a day; is that fair to say?

12 A. A day.

13 Q. One day?

14 A. That's correct.

15 Q. Okay. So -- so it was important for you to
16 work so that you could keep the money coming in to
17 support your drug habit; is that right?

18 A. That's correct.

19 Q. So that morning you sent a text to Zach
20 Adams -- let me find it -- at 8:19, and then you
21 texted him again -- you texted Angela Scott at 8:30.
22 And right after that, you got a text back from Zach
23 Adams.

24 GENERAL NICHOLS: Your Honor, I am going
25 to object. If she's asking a question, allow him to

1 answer.

2 BY MS. THOMPSON:

3 Q. Is that right? Does that sound right to you?

4 A. If your record reflects that, that's true.

5 Q. Okay. So at 8:37 Zach Adams texted you back;
6 does that sound right to you?

7 A. If your records reflect that.

8 Q. And then you texted Zach Adams at 8:38; does
9 that sound right?

10 A. If your records reflect that.

11 Q. So what was the contents of those text
12 messages that you had -- when you first texted him,
13 what would have been the content of your text message
14 to him?

15 A. I was trying to get a location to meet him
16 where I could get a pill.

17 Q. Okay.

18 A. Trying to get a fixed location as I
19 testified.

20 Q. And you said that then -- when he texted back
21 to you at 8:30, 8:37, do you have any memory at all
22 of what it is he said to you?

23 A. I don't know if I read the text or not.

24 Q. Okay. So then the next thing you do is you
25 call him at 8:50?

1 A. That's correct. If your records reflect
2 that, yeah.

3 Q. Okay. 8:52 you call him. And at this point,
4 you're already in the Coxburg area?

5 A. The where?

6 Q. I'm sorry. You're already south of
7 Interstate 40 at that point; aren't you?

8 A. If your records say so.

9 Q. I mean, you recognize that with the cell
10 phone records, the cell phone records in this case
11 can show the cell tower that your particular phone
12 was using on that day and time, you know that, right?

13 GENERAL NICHOLS: Your Honor, I am going
14 to object. My objection is unless she can establish
15 that Jason Autry understands cell phones and that he
16 has some knowledge of what -- how phones bounce off
17 of towers --

18 THE COURT: She can ask.

19 BY MS. THOMPSON:

20 Q. So you're aware that the records in this case
21 can give some information about which cell phone
22 towers the phone was using that day?

23 A. I don't understand the workings of towers.

24 Q. Okay.

25 A. I mean, if you say so, I'm not one to argue

1 it. I mean --

2 Q. Okay.

3 A. Maybe you're more knowledged of it than I,
4 but I am not knowledged of it (sic).

5 Q. Okay. Well -- so that morning you were also
6 communicating a lot with your girlfriend, Angela
7 Scott. That's correct; isn't it?

8 A. If your records reflect that, that's true.

9 Q. Okay. And then so tell us -- you get a --
10 you speak with Zach Adams on the telephone, and I
11 think you said on direct that he said he would call
12 you back when he got to a location?

13 A. That's correct.

14 Q. Okay. Do you remember his exact words that
15 he said?

16 A. He said that he needed to see me.

17 Q. So you called him, and what did you tell him
18 when you called him?

19 A. I called him trying to establish a buy on
20 Morphine and figure out where they was.

21 Q. Okay. So tell me --

22 A. He told me that they were busy at the moment,
23 that he would call me back, I believe is what I
24 testified.

25 Q. You said he would call you back?

1 A. Text back, you know.

2 Q. Okay.

3 A. You said that there was a volley of texts.

4 Q. But it's clear in your mind that there was a
5 telephone conversation between the two of you?

6 A. That's correct.

7 Q. You said, I need to see you?

8 A. That is correct.

9 Q. And he said he would telephone you back?

10 A. That's correct, that they were busy.

11 Q. Okay. And he was busy, and you tell them --

12 A. That he needed to see me.

13 Q. He needed to see you?

14 A. That is correct.

15 Q. Okay. And then you called him back again.

16 If that was at 8:40, you called him -- that was at
17 8:52, you called him --

18 GENERAL NICHOLS: Your Honor, I am going
19 to object. If that's a question, then ask the
20 question instead of just making a statement, that was
21 at 8:42. He hasn't answered whether he knows the
22 time. She's reading records.

23 THE COURT: Rephrase your question.

24 BY MS. THOMPSON:

25 Q. So the next phone record shows that Mr. Adams

1 called you at 8:53 that morning, but he reached
2 voicemail, does that sound right to you?

3 A. If your records reflect that.

4 Q. Okay. Then the records reflect, would you
5 agree with me, that the next phone call is you to Mr.
6 Adams at 8:55 a.m.?

7 A. Yes.

8 Q. Now, is that the phone call that you're
9 saying he called you -- okay. What happened in the
10 second phone call then that when --

11 A. Maybe the voicemail picked up, and I dialed
12 right back.

13 Q. Okay.

14 A. Possibly that.

15 Q. Okay. So what happened in this second phone
16 call that you had that morning at 8:55?

17 A. That's when they told me they were at Cuz's,
18 meaning 30 Yellow Springs Road.

19 Q. Okay. Did he say anything else besides he
20 was at cousin's?

21 A. Said he needed to see me.

22 Q. Again he said he needed to see you?

23 A. That's correct.

24 Q. And --

25 A. And I headed that direction.

1 Q. Okay. So it's your testimony then that after
2 8:55 you headed that direction. Do you remember
3 where you were when you had that conversation with
4 Mr. Adams?

5 A. Probably -- probably in the general location
6 of the interstate, somewhere in that -- maybe not
7 directly sitting at the interstate but in that
8 general location.

9 Q. Okay. So how long would it have taken you to
10 get to Shane Austin's trailer?

11 A. I am not directly sure. I mean, precisely
12 the minute, I -- you know, 10, 15 minutes maybe.

13 Q. Okay. 10 to 15 minutes?

14 A. Maybe.

15 Q. You've driven it before?

16 A. That's correct, but this is six years ago.

17 Q. Right. But you have a good memory of a lot
18 of things that happened in this case?

19 A. That's correct.

20 Q. There were many times that you went to Shane
21 Austin's trailer?

22 A. That's correct.

23 Q. And many times you went there from your
24 mother's house?

25 A. That's correct.

1 Q. And from Angela Scott's house?

2 A. That's correct.

3 Q. So once you get to the interstate, you can

4 guesstimate how long it would take you to get from --

5 and when you say the interstate, you're talking about

6 641 and I-40 --

7 A. Well --

8 Q. -- isn't that right?

9 A. Well, I was coming from Birdsong.

10 Q. So --

11 A. I come down Birdsong Road.

12 Q. Okay.

13 A. Coming that direction.

14 Q. Explain that to me then. Where would you

15 have been in Birdsong Road?

16 A. As I testified, around 8:00 of making the

17 call at Palmer's Tool and Die, I got on Birdsong Road

18 and proceeded south over to what you said was Coxburg

19 Road.

20 Q. Okay. So where would you have been at this

21 wildlife refuge? Where is it?

22 A. That's in Camden.

23 Q. Okay. Is it on the river?

24 A. It is.

25 Q. And so it's north of Interstate 40?

1 A. It is.

2 Q. Is it directly up 641?

3 A. It's off Highway 70, I believe it's west
4 going into New Johnsonville.

5 Q. Okay. And if I were to provide you with a
6 map a little bit later, you would be able to point
7 out on the map where this area is that you were that
8 morning?

9 A. That is correct.

10 Q. And then you said you traveled down Birdsong.
11 So tell me how is it that then you went over -- what
12 direction would you have -- what route would you have
13 taken to get from the wildlife refuge to Shane
14 Austin's trailer?

15 A. If you leave the refuge, you have to get on
16 70 east to turn by Palmer Tool and Die, which is --
17 that's not Birdsong Road right there. That's a cut
18 through over to Birdsong Road. Birdsong Road runs
19 south from Benton County to Decatur County.

20 Q. Okay. So where is Palmer Tool and Die?

21 A. It's on 70.

22 Q. And is it at the intersection of another
23 highway?

24 A. It's not.

25 Q. Okay.

1 A. Its intersection of -- there's a road beside
2 it.

3 Q. Okay.

4 A. That cuts through to Birdsong Road.

5 Q. Okay. So you would cut through there, and
6 then where would you have gone next?

7 A. South on Birdsong Road.

8 Q. Okay.

9 A. Toward Decatur County.

10 Q. Okay. And then where would you have gone
11 after that?

12 A. At some point in there it was determined
13 where they was, and I proceeded to make my way to 30
14 Yellow Springs Road.

15 Q. How did you make your way over there?

16 A. Maybe through Coxburg west, comes through at
17 Eagle Creek.

18 GENERAL NICHOLS: Your Honor, at this
19 point I am going to object to when the witness says
20 probably, if he doesn't know, I am going to object to
21 him just guessing and speculating about which way he
22 went. He said that several times --

23 THE COURT: If you don't recall, you can
24 say, I don't recall, okay?

25 THE WITNESS: Yes, sir.

1 BY MS. THOMPSON:

2 Q. Do you recall that bit of information that
3 morning about how you got to 30 Yellow Springs Road?

4 A. At Eagle Creek on Birdsong Road, I cut
5 through and headed toward the interstate at 641.

6 Q. Okay.

7 A. At Eagle Creek, that's Coxburg Road.

8 Q. Okay.

9 A. There's a Coxburg Road North, there's a
10 Coxburg Road West. There's several Coxburg Roads.

11 Q. Okay. So you cut through and you got on 641.
12 Then from 641 how did you go?

13 A. Coxburg Road comes over to -- is it McIllwain
14 Road, I believe. McIllwain Road runs into 641, 641
15 crosses the interstate bridge to -- I can't think of
16 the name of the road. It comes out beside my
17 grandmother's, Hohammer Road, it may be. Hohammer
18 Road comes out at Yellow Springs Road, take a right,
19 30 Yellow Springs is one mile away. That's the
20 route.

21 Q. Okay. Very good. And so do you have an
22 estimate of what time you reached Shane Austin's
23 trailer?

24 A. After 9:00.

25 Q. After 9:00?

1 A. (Nodded head affirmatively.)

2 Q. When you got there, you said you see the
3 white Nissan pickup truck parked down by the trailer?

4 A. That's correct.

5 Q. And you said there's a gate there. I am
6 assuming the gate is closed, because they have a dead
7 body on the other side?

8 A. The gate was open.

9 Q. The gate was open, okay.

10 You have a specific memory of that?

11 A. I mean, the gate was open.

12 Q. Okay.

13 A. I mean --

14 Q. And so you go in, what do you do next?

15 A. I pull up behind the white Nissan 4x4, step
16 out, I view a fire burning, large fire, Dylan Adams
17 standing at the door without a shirt on. Shane
18 Austin running around hollering, y'all need to hurry
19 up and get the goddamn hell out of here.

20 Q. I don't want you to say any hearsay.

21 GENERAL NICHOLS: Your Honor, she --
22 there's no -- she asked the question.

23 MS. THOMPSON: No, I didn't. I didn't
24 say -- ask what people say. I said, what did you do
25 next.

1 THE COURT: He's generally describing the
2 scene. He can't go into hearsay.

3 BY MS. THOMPSON:

4 Q. Okay. And then you said -- describe this
5 burn barrel to me.

6 A. Describe the burn barrel.

7 Q. Yes.

8 A. 55 gallon barrel with all the paint off of it
9 with flames shooting out the top of it, three to four
10 foot high.

11 Q. Flames are three to four feet high?

12 A. With a strong smell of fuel and the
13 components of meth burning in the air.

14 Q. Okay. So what do you do next?

15 A. I purchase the pill.

16 Q. Who did you purchase the pill from?

17 A. Shane Austin.

18 Q. And how much did Shane Austin charge you for
19 the pill?

20 A. \$50.

21 Q. So what did you say to Shane Austin to
22 purchase the pill?

23 A. Can I buy -- I am here. Can I buy a pill?
24 Can I get the pill? I am ready to get high.

25 Q. Did you know for sure he would have one?

1 A. I did.

2 Q. How did you know he would have one?

3 A. In the conversations that we had --

4 Q. With Zach?

5 A. -- with Zach, and I may have even had some

6 conversations through texting back and forth with

7 him.

8 Q. So you think --

9 A. I knew that they were together --

10 Q. Right.

11 A. -- is what I am getting at.

12 Q. So you have a memory of texting Shane Austin

13 that morning about pills?

14 A. That's correct.

15 Q. Okay. And so you knew one would be

16 available?

17 A. Once I was told that they were at Cuz's

18 house, I mean...

19 Q. Now, you notice --

20 A. Self-explanatory.

21 Q. Okay. You notice the body in the back of the

22 truck right when you pulled up; isn't that right?

23 A. That's incorrect.

24 Q. So you didn't notice that there was a body in

25 the back of the truck?

1 A. I purchased the pill and went and got high.

2 Q. Okay.

3 A. And then come back, and asked Mr. Adams what
4 he needed assistance with. At that time, he said
5 burying this body. And I told him that I hate -- I
6 said, goddamn, I ain't know about little Joe. He
7 said, Jason, it's not Joe Joe, it's Holly Bobo.

8 Q. I want to pass up a piece of blank paper to
9 you. Can you please sketch for me what it would have
10 looked like that day? I can get you a pen.

11 THE COURT: What it?

12 MS. THOMPSON: What the scene looked like
13 that day, where the trailer was.

14 THE COURT: Okay.

15 MS. THOMPSON: Where the car -- let me
16 get you a smaller pen. Where the Nissan truck was,
17 where the burn barrel was.

18 THE WITNESS: You want my view from the
19 road?

20 BY MS. THOMPSON:

21 Q. Yes. What you see when you pull up from the
22 driveway.

23 A. Do you want this in great detail or just a
24 sketch?

25 Q. Yes, I'd like it in enough detail that it

1 includes where the burn barrel is, where the gate is,
2 where the cars are.

3 A. Wait a minute. The trailer, burn barrel,
4 truck, what else, gate?

5 Q. Where is your car?

6 A. Gate?

7 Q. Gate, yes.

8 A. PT.

9 Q. Yes. Your PT Cruiser. Where is your PT
10 Cruiser?

11 A. What else do you want on there?

12 Q. Where is the front door to the trailer?

13 A. All right. Let me get caught up right here.
14 (Drawing.) You said the front door?

15 Q. Yes, the front door to the trailer.

16 A. Trailer, burn barrel, gate, PT, 30 Yellow
17 Springs Road, burn barrel.

18 Q. Did you label these things?

19 A. I did.

20 Q. Very good, okay. Mr. Autry --

21 A. It's in a rough. It's in a rough. I done as
22 fast as I could.

23 Q. Now, Mr. Autry, you're aware that I had
24 wanted to meet with you before trial; aren't you?

25 A. No, I wasn't aware of that.

1 Q. You weren't aware that I had requested
2 through your attorneys to meet with you?

3 A. I was not. If they brought it up, I don't
4 recall it.

5 GENERAL NICHOLS: Your Honor, I am going
6 to object to any conversations --

7 THE COURT: He said he wasn't aware, and
8 then he --

9 THE WITNESS: Which attorneys did you
10 make an attempt through?

11 BY MS. THOMPSON:

12 Q. Mr. Scholl and Mr. Parris.

13 A. All right.

14 THE COURT: He said he wasn't aware,
15 okay?

16 MS. THOMPSON: Right.

17 THE WITNESS: I mean, forgive my artwork
18 there.

19 BY MS. THOMPSON:

20 Q. So here's the road, Yellow Springs Road right
21 here (indicating)?

22 A. That is correct.

23 Q. And then here's the gate, it blocks the
24 driveway.

25 A. That was open.

1 Q. Okay. Here's where you parked your PT
2 Cruiser is the last --
3 A. That is correct.
4 Q. And then here's where the pickup truck is.
5 A. Generally -- that is correct.
6 Q. So the pickup truck would have been somewhat
7 sideways to you; is that right?
8 A. I guess.
9 Q. If you're parked behind it, and if the road's
10 turning, you're almost looking at the pickup truck
11 from an angle not from straight behind it?
12 A. Yeah.
13 Q. Okay. Is this -- this little round circle
14 right here is the burn barrel?
15 A. That's correct.
16 Q. And then this is the trailer and the front
17 door?
18 A. That is correct.
19 Q. Okay. So when you go to shoot up, you're
20 going to mix up the Morphine. How do you mix up the
21 Morphine in order to shoot it up?
22 A. You crush it and squirt water on it, heat it,
23 pull the liquid off.
24 Q. Where did you do this activity?
25 A. In the front of the PT Cruiser, in the

1 driver's side seat.

2 Q. That PT Cruiser belongs to your mother; is
3 that right?

4 A. I believe it's registered to Steven Duprist
5 (phonetic).

6 Q. Okay.

7 A. Titled to Steven Duprist. Perry County,
8 Tennessee.

9 Q. So where did you get the water to mix up the
10 Morphine?

11 A. I had it with me.

12 Q. Okay. You mix up the Morphine. And then how
13 long do you have to cook it?

14 A. 30 seconds.

15 Q. Okay.

16 A. You just heat it in a metal spoon. It
17 releases whatever, I don't know the chemical or how
18 it releases, but once it comes to a boil, you throw
19 the cotton on it, and you can pull the fluid off.
20 The Morphine becomes liquid. The cotton screens away
21 the buffering or whatever is in the...

22 Q. Okay. And then you put it in the syringe?

23 A. You use a syringe to pull it with.

24 Q. Okay.

25 A. You pull it in the same syringe you're going

1 to use.

2 Q. Did you have an arm that you usually use to
3 shoot up the Morphine with?

4 A. Yeah, I did.

5 Q. Which arm?

6 A. Right arm.

7 Q. So you've said it makes two shots worth. So
8 does that mean you just use half of the syringe at
9 the time?

10 A. I used half of the pill.

11 Q. Okay. So you have the other half still left
12 for later?

13 A. That is correct.

14 Q. So how long do you sit in your car now once
15 you've had -- you've injected the Morphine?

16 A. The entire process, less than 10 minutes.

17 Q. Do you cook the Morphine and the meth
18 together in the spoon?

19 A. You do not.

20 Q. So you load the Morphine into the syringe and
21 then --

22 A. Just either way you want to -- either way --
23 you can go either one. There's no scientific method
24 about which way needs to go first. Either way you
25 want to do it.

1 Q. So then you -- do you remember that day which
2 one you did first?

3 A. I do not. My goal was to get it in the arm.

4 Q. So how long did you say you sat there after
5 you injected yourself?

6 A. I think I testified that the entire process
7 lasted about 10 minutes.

8 Q. So can you estimate for me now about what
9 time it is that you're finished sitting there and
10 getting high?

11 A. Once that -- once that euphoria kicked in,
12 you could probably say that my track of time was
13 affected, altered.

14 Q. So you're saying that this -- these drugs
15 affect your mind and your thinking?

16 A. Yeah, yeah.

17 Q. So you get back out of your car. What's the
18 next thing you do or say?

19 A. I get out of the car, PT Cruiser, Zach
20 standing at the door.

21 Q. Who's standing at the door?

22 A. Zach is standing at the door of the Nissan
23 4x4. I asked him what he needed my assistance in.

24 Q. I didn't hear that.

25 A. I asked him what he needed my assistance in.

1 Q. Okay. What did he respond?

2 A. To bury the body.

3 Q. Okay. Is that when you notice that there's a

4 body in the back of the truck?

5 A. That is correct.

6 Q. What is that body -- you said it's wrapped up

7 in something. What is the body wrapped up in?

8 A. Multi-colored, maybe like an old farm,

9 handmade quilt.

10 Q. Do you remember what colors it is?

11 A. Multi-colored.

12 Q. Okay.

13 A. There was multiple colors.

14 Q. Is there one color that was predominant over

15 the others?

16 A. I mean, I don't recall if there was one color

17 present more than the other.

18 Q. Okay. So it's a fact you're not clear on?

19 A. It's a fact that I don't know which color was

20 dominant.

21 Q. Okay. So he says he needs help getting

22 rid -- burying a body?

23 A. That's correct.

24 Q. What was your response?

25 A. I made a statement that I hated little Joe

1 Joe had been killed.

2 Q. Okay. So you just jumped to the assumption
3 that this is little Joe Joe?

4 A. Prior to that it was being discussed.

5 Q. Well, but you jumped to the assumption,
6 because he didn't say it was little Joe Joe that he
7 needed help burying?

8 A. He did not say that. He said he needed help
9 burying the body.

10 Q. Okay.

11 A. Burying the body.

12 Q. How did you reply?

13 A. I said, damn, I hate that little Joe Joe got
14 killed.

15 Q. And he responded?

16 A. It's not Joe Joe, Jason, it's Holly Bobo.

17 Q. And then, what was your follow-up response?

18 A. I said -- I agreed. And I said, we're going
19 to have to leave here, because I don't want Shane or
20 Dylan knowing that I am involved.

21 Q. So you said -- I thought at some point you
22 said who is Holly Bobo?

23 A. (Shook head negatively.) That was on the
24 ride back from the river when I asked how she got --
25 who.

1 Q. So there is a person, a female in the back of
2 the car. He says I need help burying this body, you
3 are all in at that point. You're like, okay, I don't
4 want Shane and Dylan to know I am involved, but I am
5 all up for helping you bury the body of an unknown
6 female to me?

7 A. That is correct.

8 Q. Okay. And so do you whisper to him meet me
9 up at the church?

10 A. Talking like I am talking here.

11 Q. How do you keep Shane and Dylan from knowing
12 what you were doing?

13 A. They were not -- Dylan was inside the house,
14 he never came out. Shane was throwing shit in the
15 barrel. He was over here.

16 Q. Okay. So at that point you get in your car
17 and you --

18 A. I tell him that I want to take the car to
19 Yellow Springs Church. At that time, I parked at
20 Yellow Springs Church.

21 Q. Okay.

22 A. When I got out of the car, walked out to the
23 road, he was pulling out of the driveway heading my
24 direction.

25 Q. Okay. And so he's -- and Yellow Springs

1 Church is just a very short distance from Shane's
2 trailer; isn't it?

3 A. Less than a mile.

4 Q. But now when you park at Yellow Springs
5 Church, because the church is on a hill and there's
6 all those built-in tables around it, you can't park
7 in the back where no one can see the car, can you?

8 A. I parked right beside the pavilion.

9 Q. But it's clear -- and Yellow Springs Church
10 actually sits on a corner; doesn't it?

11 A. The car was in plain view.

12 Q. Plain view right there.

13 A. Excuse me.

14 Q. So you parked the car there. How further
15 behind you is Zach Adams?

16 A. When I got out of the car and walked to the
17 road, he was pulling out of 30 Yellow Springs Road
18 coming this way.

19 Q. Okay.

20 A. Coming toward Yellow Springs Church.

21 Q. So you could see all the way down the road,
22 see him coming?

23 A. From the church, you could see the driveway.

24 Q. Okay.

25 A. During the fall when the leaves is off there.

1 Q. Okay.

2 A. You can see a vehicle down there.

3 Q. Okay. So he comes up, does he even pull into
4 the driveway, or are you just standing on the road
5 and get in?

6 A. I am at the road.

7 Q. Okay. You get in the truck. I am assuming
8 it's an extended cab, right, front seat, back seat?

9 A. Nissan 4x4 extended cab, white in color.

10 Q. So you get in the --

11 A. Passenger side.

12 Q. Passenger side, okay.

13 You say that's when you notice that there's a
14 gun riding around on the floor?

15 A. In the floorboard on the driver's side.

16 Q. At some point did you think it was dangerous
17 riding with a gun floating around on the floorboard?

18 A. In my line of life, it's quite common.

19 Q. Okay. So you all start heading, and you're
20 going to go bury this body. Is there any talk at all
21 before he pulls out, because he doesn't even pause at
22 the church, you're in the road, he stops, you get in.
23 You don't even sit and park and discuss anything for
24 a minute, do you, you start driving?

25 A. Yeah, you're correct.

1 Q. Okay. And you've got a body in the back,
2 just wrapped up in a quilt?

3 A. Holly Bobo is what he said.

4 Q. Yes. So you start driving, and you're headed
5 towards the river?

6 A. Not in the beginning.

7 Q. Okay.

8 A. I raised the question that there were no
9 shovels or pickaxes. When I looked in, I seen
10 nothing to dig with.

11 Q. Okay.

12 A. A conversation ensued about I didn't know
13 where you could go with a dead body and find stuff
14 like that.

15 Q. What about Shane's house, Shane's trailer?

16 A. What about it?

17 Q. Did you try to get a shovel or pickax from
18 Shane's trailer?

19 A. I did not.

20 Q. Did you consider at that time sending Zach
21 back to go get a shovel and pickax at Shane's
22 trailer?

23 A. No, I mean, I did not.

24 Q. Okay. I'd like to look at the route.

25 MS. THOMPSON: Your Honor, at this time,

1 can we take this diagram that he's made and have it
2 marked as an exhibit? I'd like to --

3 THE COURT: Be 183.

4 MS. THOMPSON: -- have it admitted.

5 (WHEREUPON, the above-mentioned diagram
6 was marked as Exhibit Number 183.)

7 BY MS. THOMPSON:

8 Q. Okay. So as you're leaving the -- I'd like
9 to just show here, show you a map here. This is a --
10 starts with Pugh Road. After you leave the church,
11 where do you go next?

12 A. Let me find my location here.

13 Q. I think -- I don't think the church is going
14 to be on there.

15 A. Do you want me to trail that with a pen --

16 Q. Sure.

17 A. -- that you gave me?

18 Q. Sure, yes.

19 A. To the best of my ability. Where -- can I --

20 THE WITNESS: Your Honor, can I ask a
21 question?

22 THE COURT: Yes.

23 THE WITNESS: Where do you want me to
24 start?

25 BY MS. THOMPSON:

1 Q. Here I found one right here.

2 A. I don't understand where north, south, east,
3 and west. I believe I've got a pretty good idea.

4 Q. How about we start with this map, because
5 this map is going to have Yellow Springs Road on it.
6 Yellow Springs Road is going to be around over in
7 here (indicating).

8 A. Whereabouts?

9 Q. (Indicating to the witness.)

10 Here's Yellow Springs Road and here's Pugh
11 Road, so the church would be right there at that
12 intersection.

13 A. So you're saying right here is the church at
14 the forks of the road?

15 Q. Well, because it's at the corner of Pugh Road
16 and Yellow Springs Road, right, where the road kind
17 of forks there?

18 A. Well, no. We're actually at 30 Yellow
19 Springs Road right here (indicating) if that's where
20 you said, because Charley Daughtery runs into Pugh
21 Road and Yellow Springs Road. So this mark that I've
22 got where you pointed is 30 Yellow Springs Road. The
23 church is -- if you'll step back over here, I'll show
24 you.

25 Q. Okay. Sure.

1 A. The church is actually right in here
2 (indicating). This is the road.

3 Q. Okay. Right.

4 A. You know there's three roads right there.

5 Q. Right, right. Where it --

6 A. Yeah, correct.

7 Q. -- kind of forks there, yes.

8 A. So right there would be the church
9 (indicating).

10 Q. Okay. Can you just put a C there then.

11 Okay. And put -- for Shane's trailer, why don't you
12 just put a SA for Shane Austin.

13 GENERAL NICHOLS: Judge, I think at this
14 point we need to not have a conversation there
15 allowed. If she wants him to make certain marks,
16 let's do it in the form of a legit request.

17 MS. THOMPSON: Would it be possible for
18 him to sit over by the projector, and he can make
19 marks on the map as the jury can see?

20 THE COURT: Any problem with that?

21 GENERAL NICHOLS: None.

22 THE COURT: Mr. Autry, you can step down.

23 THE WITNESS: Yes, sir. I've got what --

24 THE COURT: There's a chair right there
25 by the projector. You put the piece of paper on the

1 projector, it will reflect in the same direction as
2 put on.

3 THE WITNESS: Right there is the route,
4 the house, the church.

5 MS. THOMPSON: If you'll just sit down,
6 you can even point.

7 THE WITNESS: Where is the pointer?

8 MS. THOMPSON: No, I mean point with your
9 finger even.

10 GENERAL NICHOLS: Mr. Autry, you can
11 point on the overhead. You can actually use your
12 finger on the overhead.

13 THE WITNESS: Okay. I'm sorry. I am
14 confused.

15 MS. THOMPSON: That's all right.

16 BY MS. THOMPSON:

17 Q. You don't even have to look at the screen,
18 you can just look right there on the paper.

19 A. Okay.

20 Q. So will you point to Shane's trailer for me?

21 A. (Pointing.)

22 Q. Okay. And then point to the church.

23 A. (Pointing.)

24 Q. So when you're in the pickup with Mr. Adams,
25 which direction do you go from there?

1 A. (Pointing.)
2 Q. It's down Pugh Road. So you go straight
3 across. When you get to 641, would you point to 641
4 for me?
5 A. (Pointing.)
6 Q. Right here. So you're going to go straight
7 across 641, and that's Duck Town Road; isn't it?
8 A. Duck Farm Road.
9 Q. Duck Farm Road.
10 So when you're on Duck Farm Road, then my map
11 runs out, and I have an extension of that.
12 A. I believe you're looking where Duck Farm runs
13 into McIllwain Road maybe.
14 Q. Sure. So here I have a second map. If you'd
15 look at the second map, it's -- kind of picks up
16 where that map left off going east with Duck Farm
17 Road.
18 A. Let's locate Duck Farm Road, somewhere here.
19 Q. In this area?
20 A. Right here (indicating).
21 Q. If you can move that all the way onto the
22 screen where the jury can see where you're pointing.
23 A. Can I go ahead and map out the route on this
24 page, Your Honor?
25 Q. Sure.

1 A. (Marking.) What is -- I gone over here
2 (indicating).
3 Q. Now you're at Sugar Tree.
4 A. Well, right here (indicating), take this way
5 here, this being the center of Sugar Tree where the
6 three roads connect, right?
7 Q. Yes.
8 A. Is that what you're saying?
9 Q. Yes.
10 A. Okay. (Marking.) We head this way.
11 Q. Let me pass you the next map. What road are
12 you on now? Are you on Morgan Creek Road?
13 A. I believe you're correct, because Morgan
14 Creek runs to 133. Do you have that?
15 Q. I believe so. 133 being -- you're talking
16 about the Birdsong Road exit?
17 A. Morgan Creek running right -- nah, we -- this
18 right here (indicating) is the 133. I'm assuming
19 this probably ends at our destination.
20 Q. Okay. So now, can you start with the first
21 sheet on the bottom, and then --
22 A. I am sorry.
23 Q. We've already gone on this one. You were on
24 Duck Creek Road (sic). So now let's start with --
25 A. We're right here (indicating).

1 Q. Yes, just right there. If you'll just show
2 the jury where you were on Duck Creek Road (sic). If
3 you'll point down here. All you have to do is look
4 down here.

5 A. These arrows reflect the route.

6 Q. That you took, okay.

7 So tell me what road you were on, Morgan --
8 you're Duck Farm Road, you said?

9 A. Well, I think we got off Duck Farm Road and
10 got on McIllwain Road.

11 Q. McIllwain Road is next. And then where do
12 you go next?

13 A. Let's see here. We come to Sugar Tree, take
14 a left. We go over to Morgan Creek Road over to
15 Birdsong Road.

16 Q. Okay. And then let's see the next sheet of
17 paper.

18 A. This is Morgan Creek, runs into Birdsong,
19 Birdsong runs into 133, which is the interstate
20 bridge.

21 Q. Okay.

22 A. This being the location of the murder, and
23 this being the Tennessee River.

24 Q. Okay.

25 A. There's no -- absent of your maps, the

1 details of the gravel roads.

2 Q. Okay.

3 A. This being -- this being the slew that I am
4 talking about, the rock pile right here (indicating).

5 Q. So I'll pass you this. This is a satellite
6 image.

7 A. It's probably a little better.

8 Q. So you can see the -- it's Ward Hill Road
9 that you turn on to get over to the river, right?

10 A. Well -- well, you see this road right here
11 (indicating)?

12 Q. Yes. That's Ward Hill Road; isn't that
13 right?

14 A. I don't know. According to this map, it's
15 not. If you see right here, it's Ward Hill Road on
16 this map. So right here on this map is Ward Hill
17 Road according to what you got.

18 Q. Would you agree with me that right around in
19 this area (indicating) on Ward Hill Road, there's a
20 big gate and a road that goes off to the left-hand
21 side?

22 A. I would.

23 Q. And that gate is closed actually between
24 November 15 and March 15. They don't allow you to go
25 down there in the wintertime; do they?

1 A. That is correct.

2 Q. And so you have to turn there, you go left,
3 and that's when you snake around through the water
4 right there (indicating). You kind of go over this
5 way, and then you meet up with this road right here,
6 and you snake around; don't you?

7 A. That's incorrect. 133 right there on the
8 bridge, the gravel road runs parallel to the road.
9 It doesn't snake around off on Ward Road. You go to
10 Ward Road when you get to the bottom and take a
11 right, I am assuming.

12 Q. Right.

13 A. This road right here (indicating) --

14 Q. But I meant --

15 A. -- runs all the way -- this road right here
16 runs all the way parallel all the way up to 133.
17 Ward Road back up here, snakes off and goes to the
18 boat ramp.

19 Q. Okay.

20 A. This is just -- you're really too far -- you
21 really should have drew down a little bit further if
22 you wanted to be precise in my opinion.

23 Q. There's an even closer one.

24 A. That's correct. Right here would be -- this
25 is Interstate 40, Tennessee River bridge, where Jason

1 stood, looked down the straight, pulled the truck,
2 pulled around, we're unloading the body, where the
3 shot went (indicating).

4 Q. Right. So -- and this area right here is all
5 water. It's -- like you said, it's a slew, right?
6 This area here is water slew?

7 A. This is a slew. This is a slew, and the
8 Tennessee River bends right in here (indicating).

9 Q. There's actually a small area, a small pipe
10 that goes under the road right here, you can drive
11 over --

12 A. Exactly right.

13 Q. -- between these two slews?

14 A. Right there (indicating).

15 Q. Okay. And then if you go down further over
16 here, there's more rip-rap over in this area; isn't
17 there?

18 A. This whole bank underneath this green is
19 rip-rap.

20 Q. Yes. And then --

21 A. Even all the way around.

22 Q. Yes. More rip-rap there?

23 A. Yeah.

24 Q. And --

25 A. Even rip-rap over here for flood control of

1 the washing.

2 Q. Sure. And that's because the water levels
3 there vary a lot. It can flood that area, and
4 sometimes in the winter when they let the water down,
5 the whole area is dry; isn't that right?

6 A. This is never dry. I've never seen this dry.

7 Q. But it's closed in the wintertime?

8 A. You said from September to April?

9 Q. November --

10 A. You said November to --

11 Q. -- to March.

12 A. November to March, I'm sorry.

13 Q. And then even if you go further on that
14 little road right there, you go -- here's where --

15 A. Hey, there's --

16 Q. -- you're saying everything occurred. You
17 can actually go further. You can actually get all
18 the way to the deep part of the channel over here;
19 can't you?

20 A. That's correct. Right here is where I said
21 we turned around, looked at the beach, headed back
22 this way. Right here (indicating) is where the
23 murder occurred.

24 Q. Okay.

25 A. Right here is the culvert that you

1 testified -- that you stated. Right here's rip-rap,
2 here's rip-rap, here's rip-rap. Right here is this
3 (indicating).

4 Q. And this is all slew. Matter of fact, you
5 can see some tree stumps sticking out over here;
6 can't you?

7 A. You're absolutely correct, both sides.

8 Q. Both sides, tree stumps where it's been
9 flooded, and initially there had been trees; is that
10 right?

11 A. Originally there was a tie yard there back in
12 the day.

13 Q. Yes.

14 A. That's the name of it is tie yard.

15 Q. Yes. And so this whole area has one road in
16 and one road out, would you agree with me on that?

17 A. 100 percent.

18 Q. So it's -- and that road that we're looking
19 at, this whole gravel road, it is a very narrow
20 gravel road. It's not a wide --

21 A. It's wide enough for two vehicles to meet.

22 Q. But they have to go slowly when they meet.
23 If you're coming down there and you meet another car,
24 you have to go pretty slowly, because you would agree
25 with me, there's not any shoulder on either side of

1 the gravel road?

2 A. You're correct.

3 Q. Okay.

4 THE COURT: That was kind of a compound
5 question where you made a statement followed by a
6 question. You might break things up and ask direct
7 questions, please.

8 MS. THOMPSON: Yes, Your Honor.

9 BY MS. THOMPSON:

10 Q. So there's no shoulder on that road, is
11 there?

12 A. No, ma'am.

13 Q. Okay.

14 A. This is a better view of it right here. You
15 can see there's very little room. There's enough for
16 two cars to pass safely without scrubbing mirrors,
17 doors, boat. You can pull a boat trailer through
18 there. There's enough room for safe passage.
19 There's no, you got to stop and get out and watch or
20 nothing like that. There's enough room for safe
21 passage.

22 Q. Okay. So you said you were in the car. Now
23 that we got the map down on how you got there, you
24 say that you're in the car, and you are -- at first,
25 you take note, you're back at the church, you're

1 leaving the church, you take note that you have no
2 pickax or shovel?

3 A. Now wait a minute.

4 THE COURT: Is he done with the map? Is
5 he done with the map?

6 MS. THOMPSON: Okay. If you're done with
7 the map, let's -- will you hand them to me, and let's
8 get them, kind of, in order so that we can -- I'll
9 pass them to you just real quick, and we're going to
10 identify them.

11 So, Mr. Autry --

12 THE COURT: Probably stay there until you
13 identify them.

14 MS. THOMPSON: Yes.

15 THE COURT: She wants to file them as
16 exhibits. So once we get them filed as exhibits, you
17 can return back up here. But she's going to be
18 handing those to you, so just stay put.

19 THE WITNESS: Yes, sir.

20 BY MS. THOMPSON:

21 Q. I am going to start with this first one that
22 you have. That's the one with Shane's trailer on it.
23 Would you just mark that as a number 1 and put your
24 initials on it? Then the second map is the one that
25 goes across Duck Town -- Duck Farm Road.

1 A. Initial it?

2 Q. Yes, please.

3 A. (Complied.)

4 Q. The third one is the one that goes from Duck
5 Farm Road or Sugar Tree to the lake. Then we have
6 our satellite pictures.

7 First is the overall view of the satellite.

8 A. What number does this need to be?

9 Q. This will be four. Four is a big view of the
10 satellite picture.

11 Three is somewhat closer up.

12 A. Is this number five?

13 Q. That's -- right. Sorry. Number five is
14 somewhat closer up. Six is even closer. And then
15 seven shows where the road dead ends.

16 A. (Witness writes numbers on all maps.)

17 Q. Thank you, sir.

18 THE COURT: Are you done with him down
19 there?

20 MS. THOMPSON: Yes, sir.

21 THE COURT: All right.

22 (WHEREUPON, the defendant returns to the
23 witness stand.)

24 MS. THOMPSON: If I can pass these
25 forward and have them marked as exhibits.

1 THE COURT: Let's -- you want to make
2 them collective since they've got individual numbers?

3 MS. THOMPSON: Yes, Your Honor, that's
4 fine.

5 THE COURT: All right. Be Collective
6 Exhibit 184.

7 You got a clip?

8 THE REPORTER: I do, yes, sir.

9 (WHEREUPON, the above-mentioned document
10 was marked as Collective Exhibit Number 184.)

11 BY MS. THOMPSON:

12 Q. Mr. Autry, would you agree with me that it
13 takes a good 30 minutes to get from Shane Austin's
14 trailer using the back roads to get over there to the
15 river?

16 A. No, I wouldn't agree to that.

17 Q. Would you agree it takes 25 minutes?

18 A. You would have to factor in time, speed. And
19 I mean, how fast was we going? I mean, I don't know,
20 you know? I would agree that the time span was 15 to
21 30 minutes.

22 Q. Okay. 15 to 30 minutes?

23 A. I would agree to that.

24 Q. Okay. So we have you back at the Yellow
25 Springs Church. It's the Yellow Springs Methodist

1 Church; is that correct?

2 A. That's correct.

3 Q. Okay. We have you there, you're driving away
4 from there, and you're discussing the fact that
5 there's no shovel and pickax, but Mr. Adams is
6 driving, you haven't discussed yet where you're
7 going?

8 A. No, ma'am.

9 Q. Okay.

10 A. I am assuming your client had done figured
11 that out, under the assumption.

12 Q. But I thought it was your suggestion that you
13 could gut a body and put it in the river to float.
14 You're the one that came up with that idea?

15 A. It was. It was not my idea to dig a hole or
16 bury it.

17 Q. Okay. So was there discussion between the
18 two of you that you were going to initially bury the
19 body at the Tennessee River?

20 A. That was the -- no.

21 Q. No, okay. What was the discussion initially?

22 A. The question was: Will you help me bury this
23 body?

24 Q. Okay.

25 A. There was no destination set, no place or

1 nothing else. I assumed that I was getting into a
2 vehicle and going to a predestined location.

3 Q. Okay. So how soon after you start driving do
4 you realize there's not a predestined location?

5 A. Are you saying time-wise?

6 Q. Yes.

7 A. Shortly. Shortly meaning before we made it
8 to Duck Farm Road. Duck Farm Road -- go ahead.

9 Q. I am fine for you to explain.

10 A. Before we made it to Duck Farm Road.

11 Q. Where were you going to say Duck Farm Road
12 was?

13 A. That's across from Pugh Road. We went across
14 from Pugh Road.

15 Q. So can you remember the best of your memory
16 what that conversation is like?

17 A. Which conversation?

18 Q. That you have in the car with Mr. Adams and
19 you say -- do you say, where is the shovel?

20 A. Yes.

21 Q. Okay.

22 A. I mean, you confused me. I'm sorry.

23 Q. I am not trying to confuse you. I'm trying
24 to understand.

25 A. I testified that I told him that I did not

1 see no pickaxes and shovels in the back of the truck.

2 Q. Because that was going to be pretty clear
3 from the moment you got in the truck, you knew there
4 wasn't a pickax or shovel in the bed of the truck;
5 isn't that right?

6 A. That's correct.

7 Q. Okay. And so clearly --

8 A. I recalled that from viewing the body at 30
9 Yellow Springs Road when I was asked.

10 Q. Okay. So at some point you drove by Mr.
11 Adams' house or very close to Mr. Adams' house, did
12 you think about going there to get a shovel or
13 pickax?

14 A. I wasn't driving.

15 Q. Did you make that suggestion?

16 A. I did not.

17 Q. So before you get across 641 and the road
18 name changes from Pugh Road to Duck Farm Road, what
19 has been the conversation at that point that now you
20 know you're not going to go bury the body?

21 A. That was the conversation. I mean, that's a
22 short -- that's a very short drive.

23 Q. Okay. So tell me the best of your memory
24 what that conversation is?

25 A. I told Mr. Adams that I did not see a shovel

1 and pickax in the back of the truck, and I did not
2 know to where we could go and get one --

3 Q. Okay.

4 A. -- with a dead body in the back of the truck.

5 Q. Okay. Did he respond?

6 A. I am not sure.

7 Q. So then what did you say next?

8 A. I started telling him about the body at the
9 river that I had seen in the past.

10 Q. So you're saying that in your past --

11 A. That -- that -- go ahead.

12 Q. In your past you saw a dead body at the
13 river?

14 A. Right there where you said the bushes were
15 that looked like they were flooded.

16 Q. Okay.

17 A. Floating.

18 Q. So when was that that you saw a dead body
19 there?

20 A. Early 2000.

21 Q. Okay. Did you report that body to anybody?

22 A. I did not.

23 Q. Did you ever hear in the news what happened
24 with that body?

25 A. Never did.

1 Q. And so one day you just happen to be at the
2 river, that same spot where you took Holly's body?
3 A. No. Where we.
4 Q. I meant you plural. Where you two took
5 Holly's body, happened to be a spot that 11 years
6 earlier you had also seen a dead body there?
7 A. That's correct.
8 Q. So when you had seen the dead body there
9 before, the body was floating?
10 A. That's correct.
11 Q. And clearly the turtles had not eaten that
12 body by the time you saw it; had they?
13 A. They were working it over.
14 Q. But there was enough of the body left from
15 the turtles that you were able to see it?
16 A. Determine, you're correct.
17 Q. Determine it was a body.
18 And right there in that slew, you would agree
19 with me that there's not a direct river current there
20 because it's a little slew off to the side; wouldn't
21 you?
22 A. It's still water, yes.
23 Q. Still water. Okay.
24 So what do you say -- you have this memory
25 that comes to you, how do you communicate this memory

1 to Mr. Adams?

2 A. How did I tell him about it?

3 Q. Yeah. How did you tell him about it?

4 A. I proceeded to tell him that back years ago
5 that I seen a body floating down there, and the only
6 thing holding it up was the guts and the gases. I
7 proceeded to tell him about the days on the Tennessee
8 River that I had spent multiple times seeing old dead
9 fish floating belly up, that the guts and gases until
10 that -- that was what was holding them up.

11 Q. Okay. And so what did you say next?

12 A. We begin a course that direction.

13 Q. So --

14 A. There was never -- there was never, let's go
15 down there and do it type of moment. That's just
16 where we ended up.

17 Q. So he just naturally began to drive towards
18 the river?

19 A. I guess. I can't read his mind, but I
20 assumed that he thought that was a good idea.

21 Q. So you have a conversation with him, you say,
22 listen, back in 2000, I saw a body floating in this
23 still water of this slew, and I've seen a lot of dead
24 fish, the fish are dead and the one thing I know
25 about them is they all float to the surface?

1 A. That's correct.

2 Q. Because of the gases in the -- inside of the
3 fish, so my suggestion is we go put a body in this
4 same spot?

5 A. I never made no suggestion that we go.

6 Q. Okay.

7 A. We just naturally --

8 Q. Go there?

9 A. Worked our way that way.

10 Q. Okay. And so when you get there, is there
11 other conversation in the car as you're driving
12 there?

13 A. There is. We talk about -- what was that?
14 The one road that you were -- Ward Road, Ward Road
15 runs to -- Ward Road runs over to a boat ramp.

16 Q. Yes.

17 A. We drove over there to make sure there was
18 nothing over there. We come back. We were
19 discussing -- we were discussing not being seen,
20 making sure that quote/unquote coast is clear.

21 Q. Let me show you another satellite photo.

22 A. Do you want me to come over there?

23 Q. I'll show it to you first.

24 THE COURT: I tell you what, let's take a
25 break. It's stuffy in here. Hopefully it will be a

1 little cooler up there. We will take an afternoon
2 break of 15 minutes.

3 (Short break.)

4 THE COURT: Call the court to order. Be
5 seated. Okay.

6 MS. THOMPSON: Your Honor, I'd like to
7 ask for Jenks material on Mr. Autry. I know the
8 government says that they've provided Jenks. But
9 there was a proffer session, I believe it was January
10 18th, 19th, and 20th. It took place without any law
11 enforcement there, but between the District
12 Attorney's Office and Mr. Autry, and I would like to
13 have copies of those notes, Your Honor, because Mr.
14 Autry has given so few statements, the notes that the
15 district attorney took are absolutely critical in
16 this case because of the fact that they are material
17 to me doing an effective cross-examination. Prior
18 inconsistent statements is what we have to impeach
19 Mr. Autry with.

20 I recognize that many times notes are
21 considered to be the work product of the District
22 Attorney's Office. However, there's actually case
23 law that says in special cases, it is possible that
24 they would be discoverable. I say that because the
25 District Attorney's Office set this meeting up

1 without law enforcement, because normally law
2 enforcement would be there and would write up, you
3 know, notes and reports from any encounter they had.
4 Because the District Attorney's Office set it up this
5 way, that they intentionally made their notes into
6 discoverable material.

7 If the Court is inclined to deny having the
8 District Attorney's Office turn over their notes from
9 the three-day proffer session, then I would ask that
10 those -- and those notes can be redacted in case
11 there's any work product like impressions that they
12 have of the witness or anything. But if not, I would
13 ask that those notes be filed under seal and made
14 part of the record, so that on appeal the Court of
15 Criminal Appeals could determine whether or not those
16 notes, in fact, were discoverable.

17 GENERAL NICHOLS: Whether they're
18 discoverable or not, we don't have notes.

19 THE COURT: Okay. End of it.

20 GENERAL HAGERMAN: To be clear, we didn't
21 take notes. It's not like --

22 THE COURT: All right. That's even more.
23 We don't have notes. We didn't take notes. I would
24 assume they're talking to every witness is just my
25 feeling. I am ready for the jury if they're ready.

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

4 THE COURT: Okay. Be seated. Get Mr.
5 Autry, please.

6 Who else had a birthday? I know you did.
7 Who else? Somebody had one this week. Who was it?
8 The attorney. I thought there was another juror.

9 A JUROR: Somebody this week.

10 THE COURT: I don't have one tomorrow.

11 A JUROR: You do. You get some golf
12 balls if I can go back home.

13 THE COURT: Not going to happen, okay.

14 My daughter went off to school, of course,
15 any time she played in a tournament, she'd win
16 something. There were two dozen Pro Vs on the coffee
17 table, and I told her mother, I said I am taking them
18 with my stuff because they'll be dry rotted before
19 she gets to play again when she's going off to
20 medical school.

21 All right. Let's continue.

22 BY MS. THOMPSON:

23 Q. Mr. Autry, I've put a map up there in front
24 of you. I believe it's another satellite picture.

25 A. Give me one second here.

1 Q. You were talking about the boat dock off of
2 Ward Hill Road?

3 A. That's correct.

4 Q. Do you see Ward Hill Road on that map?

5 A. I do not. I do not. This map is not big
6 enough. It's not like the -- can you show me?
7 There's -- is that Ward Hill? I thought that said
8 that's Stinson Hollow. This map says Stinson Hollow.

9 Q. Okay. Is that down -- do you see where the
10 boat dock is that you were talking about?

11 A. Is this right here where your -- is this what
12 you're calling the boat dock right here?

13 Q. Well, I am asking you if you see the boat
14 dock that you were talking about.

15 A. I can't testify that that being the boat dock
16 right there (indicating).

17 Q. You can't?

18 A. Not on this map, I can't. I can't see a boat
19 dock here.

20 Q. Okay. Let me pass up one other map. This is
21 not a satellite picture, but this is a map with some
22 roads labeled. See if up in that upper-right corner
23 you see a road marked Ward Hill.

24 A. I do.

25 Q. Now, if you look at that map and compare it

1 to the one, the satellite picture, can you tell in
2 the satellite picture with that same --

3 A. If this is the -- if this is the location
4 where the state or federal, whatever it is, boat ramp
5 is, if this is it, then that's where it is. I mean,
6 I cannot see a boat ramp here.

7 Q. Right. But do you see where a road is marked
8 Ward Hill?

9 A. I do.

10 Q. Now, when you look at the other map, on the
11 other map can you see where that same road is but
12 enlarged?

13 A. It says Stinson Hollow.

14 Q. Okay. Does it look like it's the same road
15 there?

16 A. Maybe.

17 Q. Um.

18 A. I don't know if this is --

19 Q. Well, that's fine. If you can't identify it,
20 that's fine.

21 A. I will say this, it's in the general
22 location, but the names is different. There's no
23 boat dock visible.

24 Q. That's fine. If I can --

25 Next -- we had talked earlier about the -- if

1 I could just have those maps back since you weren't
2 able to recognize them.

3 A. I think that --

4 Q. Let me just pass a map up to you. Now, I am
5 not familiar with this Camden Wildlife Refuge that
6 you were talking about. Is it anywhere on that map?

7 A. I believe, not 100 percent sure, that it's
8 Camden Landing Road that runs into 70 --

9 Q. Yes.

10 A. -- before you cross the Tennessee River --

11 Q. Yes.

12 A. -- is the general location of where that is.

13 Q. Okay. So that morning when --

14 A. It's not marked. This is not marked refuge,
15 Camden. I mean, this -- I am assuming that Camden
16 Landing Road is the road, and I don't know. I mean,
17 this is not --

18 Q. I don't want you to assume. I want you to
19 tell me where you were that morning. Let me pass you
20 this map, see if that map says it a little clearer.

21 A. This is just a replica of the one you sent up
22 here that has no more information than it did.

23 Q. Okay.

24 A. This has 70 road with Camden Landing Road,
25 except it's just in a different location on the map

1 is all it is.

2 Q. Okay.

3 A. There's no identifying factors to it.

4 Q. What is the first road that you hit that
5 morning when you were making your way from the
6 wildlife refuge to Shane Austin's trailer?

7 A. You would have to know the name of the road
8 beside Palmer Tool and Die.

9 Q. Okay. Do you know the name of the road
10 beside Palmer's Tool and Die?

11 A. I do not.

12 Q. There's a road on there, Palmer Road off of
13 interstate -- off of Highway 70. Do you see Palmer
14 Road?

15 A. I do.

16 Q. And Palmer Road goes down to Birdsong Road,
17 is that how you said you were going?

18 A. Capps Road also makes that. There's a couple
19 different roads there. I am assuming that Palmer's
20 Tool and Die is on Palmer Road. I mean, if that's
21 what -- if that's what you're looking for. I am
22 testifying that I don't know the name of the road
23 that runs beside Palmer Tool and Die, but there is
24 two routes here. One is Capps Road and one is Palmer
25 Road. So I took one of those roads.

1 Q. Okay. You took one of those roads. So you
2 don't even have a memory that morning of which road
3 you took?

4 A. I do have a memory of which road I took. The
5 road that runs beside Palmer Tool and Die.

6 Q. Okay.

7 A. What I don't know is if it's Palmer Road or
8 Capps Road.

9 Q. And you can't find it on that map?

10 A. I pointed to both of them right here
11 (indicating).

12 Q. Okay. Will you mark them?

13 A. Do you want me to mark it?

14 Q. Yes, please.

15 A. Can I have a pen? Is this number 8 and
16 initial it?

17 Q. Yes, it's number 8.

18 A. (Writing.)
19 Do you want me to mark Palmer's Road and
20 Capps Road?

21 Q. Yes, because you know -- you know you took
22 one of those two roads.

23 A. Well, on this map, they're right beside each
24 other, like they run parallel, adjacent to each
25 other. So what sign do you want me to put me on

1 there? Just a mark?

2 Q. How about P for Palmer Road and a -- what was
3 the other one, started with a C?

4 A. Capps Road. PR and CR.

5 Q. I think this map should be number 7.

6 A. No, we entered number 7 over there. This is
7 number 8.

8 Q. Okay. Would you finish marking your route
9 that you took that morning?

10 A. To Birdsong Road?

11 Q. To get to Mr. Austin's house.

12 A. On this map?

13 Q. Yes. If you'll mark it on that map.

14 Do you need a second part of a map to
15 continue?

16 A. I do. And the southern part of this map
17 would be 191. No. Yeah. I need 191 South, Birdsong
18 Road.

19 Q. So then if that's number 8, we'll mark this
20 one number 9.

21 A. This is -- this is not consistent with what I
22 am needing.

23 Q. Okay. How about this one? This one is even
24 south.

25 A. Do you want this one as number 9?

1 Q. No. The one -- the next one that is going to
2 be helpful is going to be number 9.

3 A. Oh. Nah, nah. We're all off here somewhere
4 or another. Okay. We have a great distance missing
5 from one map to the other.

6 Q. Let's try this one.

7 A. We're missing Birdsong. We're missing a
8 large portion of Birdsong Road.

9 Okay. Now this looks like right here. Maybe
10 this is number 9. Yeah, okay, okay. We're on target
11 now. To Eagle Creek Road, Eagle Creek to Coxburg,
12 Coxburg to Rockport, Rockport to 192. 192 to --

13 We need -- if we're going all the way to
14 Austin's, we need more maps. This one ends.

15 Q. Can you look at the other two I gave you?

16 A. We need to go further south to get to
17 Austin's.

18 Q. The other two I gave you, do they --

19 A. These are all coming south from Benton
20 County. These are coming from Benton County to
21 Decatur south, Birdsong Road. You need south of
22 Interstate 40 is what you need next.

23 Q. Here's one there. See if that one helps.

24 I'm sorry, I don't know which way you went,
25 so that's why it's hard for me to --

1 A. No problem. You're not bothering me. This
2 is not what you need.

3 Q. Then let's go back to the maps.

4 Did you retrace part of your steps that you
5 did?

6 A. I am here. I am here. I've made my way from
7 the refuge to North 40 right now. I need from North
8 40 to Shane Austin's house maps.

9 Q. Oh.

10 A. That's -- that's -- that's -- that's north of
11 all of this.

12 Q. Well, then let's get the exhibits that I put
13 in already.

14 THE COURT: 184 Collective.

15 MS. THOMPSON: Yes. Oh, I see where you
16 are now. Yes, those are already in. It's the 184
17 Collective, it's the little maps, the sheets.

18 THE WITNESS: We need Hohammer Road over
19 to Yellow Springs Road, that's what we need. We
20 need. South of Interstate 40.

21 BY MS. THOMPSON:

22 Q. Let me pass you up what you marked as number
23 2.

24 A. Okay. This is after we got in the vehicle
25 and headed toward the alleged, quote, dumpsite. This

1 map is -- is our tracks after I got in with --

2 Q. Yes. But you can make a mark on that map,
3 too. That's going to take you down over to Shane
4 Austin's house, right?

5 GENERAL NICHOLS: Can we maybe at least
6 make it a different color, Judge, since it's already
7 in evidence?

8 THE WITNESS: No, it doesn't. You need
9 Hohammer Road, Pugh Road, and Yellow Springs Road, is
10 what you need. We're right here, you see
11 (indicating). This is Duck Farm Road.

12 BY MS. THOMPSON:

13 Q. But you can get from here, you can go over to
14 here to Pugh Road, and then I'll hand you the second
15 map.

16 A. But I stopped on this map right here. We
17 need --

18 Q. Okay. So you can get to Pugh Road from here,
19 and then I'll hand you the next map.

20 A. Where is Pugh Road at on here?

21 Q. It's right there across from Duck Farm Road.

22 A. But see -- but you got to go down Hohammer
23 Road. I went down Hohammer Road before I got to Pugh
24 Road.

25 Q. Let me hand you all the maps.

1 A. Okay. Thank you.

2 Q. Do you see it?

3 A. I do not.

4 Q. Okay. We have part of the route marked out.

5 A. Hold on. I don't know your -- if you had --
6 if you had the east view of this map right here, the
7 eastern view, meaning this portion here (indicating).

8 Q. Western view?

9 A. Western view, eastern view, I am sorry.

10 Q. Okay.

11 A. That would be what we need to pinpoint the
12 exact location.

13 Q. Okay. Let's go over what you have. Map
14 number 8, this is from that morning before you spoke
15 with Zach Adams. And you're saying that you start --
16 you were over here somewhere by the river; is that
17 right? And let me focus it more.

18 A. I believe --

19 THE WITNESS: May I stand up, Your Honor?

20 THE COURT: You may.

21 THE WITNESS: Wait a minute. You're
22 about -- I believe that this is where you're speaking
23 right here (indicating). Can I have that pointer? I
24 just hate blocking everyone's view, including yours.

25 That is what we determined or decided or you

1 agreed to went down to the refuge.

2 BY MS. THOMPSON:

3 Q. Let me be clear. I don't know where the
4 refuge is. I'm asking you.

5 A. We never determined this being a refuge. We
6 decided that Camden Landing Road went to the river.

7 Q. Okay.

8 A. This is not marked the national refuge on
9 this map. We're just in joined agreement that this
10 could or possibly could be the spot.

11 Q. So next you are on Highway 70, is that right,
12 going west?

13 A. That's toward Terry Bill, that's back toward
14 Camden?

15 Q. Yes.

16 A. Yes, that's west.

17 Q. Okay. And then you turn -- you're going to
18 turn left on one of these roads, either Palmer Road
19 or Capps Road?

20 A. Or Capps Road. Yeah, if you see them right
21 there, they run adjacent right to the same location
22 right there. Palmer Tool and Die, Palmer Tool and
23 Die is in this general location right here
24 (indicating). Both of them roads runs to Highway 70.

25 Q. Okay.

1 A. As I testified, I do not know the name of the
2 road that I went down.

3 Q. Right.

4 A. I assumed, being as it was beside Palmer that
5 that was Palmer Road, but that's all an assumption.

6 Q. What you know for sure is next you get on
7 Birdsong Road; is that right?

8 A. That's right. Both of these roads run to
9 Birdsong Road. Actually Capps Road is real clear
10 about it. But I think you ought to make out some
11 type of detail there. It's not a very good map.
12 Over to Birdsong Road, and then we went south down
13 191.

14 Q. Okay.

15 A. That being in this direction here
16 (indicating).

17 Q. So next you travel down, further down
18 Birdsong Road?

19 A. Well, I am lost now.

20 Q. So you end up down here (indicating)?

21 A. Well, we're looking for 191 South.

22 Q. So this is 191 South.

23 A. Okay. Down to -- okay. Down to Eagle Creek,
24 as I testified, and over to Coxburg then to
25 McIllwain.

1 Q. Then after you get on to McIllwain?

2 A. Over down to 641, down to the interstate, and
3 this is where we run out at (indicating).

4 Q. Okay. Then once you get to the interstate,
5 you keep going down 641, further down the interstate?

6 A. That's incorrect.

7 Q. So you cut over on this little side road over
8 here (indicating)?

9 A. If you cross 641 South.

10 Q. Yes.

11 A. If you crossed going south --

12 Q. Yes.

13 A. -- there's a road, the first road to the
14 right.

15 Q. That's this little Spence Store Loop Road?

16 A. And it cuts over to Hohammer Road. Hohammer
17 Road runs to Yellow Springs Road. Yellow Springs
18 Road runs to Pugh Road. It's all in the location.
19 It's very small. It's just (indicating) you know,
20 just minutes on each road and it's the quickest way.

21 Q. So it's --

22 A. The roads ain't what they look like on here,
23 like long travel. Some of them ain't -- like down
24 Spence Road ain't 150 yards before you cut off on
25 another road.

1 Q. So Hohammer Road cuts over, are you saying it
2 runs along the interstate right here (indicating)?

3 A. Hohammer Road -- yeah, Hohammer Road runs
4 alongside the interstate down to --

5 Q. Right here (indicating) where my finger is,
6 it's running along the interstate, and then it goes
7 down over here to Yellow Springs Road?

8 A. I don't know that's Hohammer Road there
9 (indicating). I mean, that may be it right there, I
10 don't know. That may be it right there (indicating),
11 I --

12 Q. Because it's running all the way from up
13 here, it's going all the way from up here
14 (indicating).

15 A. That's correct.

16 Q. It follows the interstate until it finally
17 veers away and goes over to Yellow Springs Road.

18 A. I don't see the name of it, but I'll agree
19 with you if that's what -- I mean, I don't see no
20 name on there, Hohammer Road, Yellow Springs Road,
21 Pugh Road.

22 Q. Well, would you agree with me that sometimes
23 roads may have country names that don't necessarily
24 make the maps?

25 A. Yeah, I guess so. Yeah. I mean, I thought

1 every road was named and was on a map. I mean, the
2 little roads around the river there were, and you
3 know, they're --

4 Q. Yeah. I'd like to have --

5 A. This is State County Road. I mean, it should
6 be named, right?

7 MS. THOMPSON: I'd like to have these
8 maps 7, 8 -- I mean, 8, 9, and 10 made a collective
9 exhibit.

10 THE COURT: Let's just add them, 8, 9,
11 and 10 to the Collective Exhibit Number 184, part of
12 a continuing series more or less.

13 (WHEREUPON, the above-mentioned maps were
14 added to Collective Exhibit 184.)

15 BY MS. THOMPSON:

16 Q. So last week when we were in the process of
17 you telling your story, you had arrived at the river.
18 Now, you didn't go on the interstate, because you
19 wanted to go the back roads; is that right?

20 A. What? What?

21 Q. To go to the -- to the river that morning --

22 A. Explain. By myself, or are you talking about
23 Camden bottom?

24 Q. No, I am talking about when we were last
25 telling your story, you were telling your story

1 step-by-step about what happened on the morning of
2 the 13th. And before we took the break, you had got
3 to the point where you had got to the river that
4 morning with Mr. Adams, and there's a body in the
5 back of the truck.

6 A. What are you wanting to know?

7 Q. I am just pointing to you where we were.

8 A. Okay.

9 Q. So at that point you say that you arrive, and
10 you were telling us that you had driven down to the
11 boat dock. Did you drive to the boat dock?

12 A. I wasn't driving. I wasn't driving.

13 Q. You rode down to the boat dock?

14 A. That's correct.

15 Q. Which is actually the -- go off to the right
16 to get to the boat dock there, as you're going in
17 towards Ward Hill Road? Would that be yes? Can you
18 answer out loud?

19 A. Yes, yes.

20 Q. So tell me what did you do down at the boat
21 dock?

22 A. Made a circle and come back. Made a
23 circle -- made a circle and seen no one was there and
24 started the trip back.

25 Q. Okay. So what happens next?

1 A. We drive over to the location of the murder.

2 Q. Okay. And your -- because this is where
3 you've seen a body before, you clearly then at some
4 point communicate to Zach Adams where you think the
5 best location is; is that right?

6 A. I told him where the deepest part of that
7 slew was, the channel is what I testified to, the
8 channel.

9 Q. What's your testimony where the deepest part
10 of the slew was?

11 A. Do you got a map?

12 Q. Let's get the map back out.

13 A. I mean, I can sit here and say, but nobody is
14 going to -- I mean, I've pinpointed it once to the
15 State, but you're going to need a map that has --
16 probably going to need your map to be honest with
17 you. Them maps right there (indicating).

18 Q. Let's try first with this close-up that we
19 have here that we looked at earlier. Let me zoom out
20 some.

21 A. Just a little bit more.

22 Q. Would it help if the lights were down, could
23 you see better?

24 THE COURT: Go ahead and try it.

25 THE WITNESS: The jury can't see and

1 neither can I, the location that the State had drawn
2 up. Your map is not -- if --

3 BY MS. THOMPSON:

4 Q. Well, this is water up here.

5 A. I understand that.

6 THE COURT: This is number 6 on
7 Collective Number 184.

8 THE WITNESS: Are you in agreement that
9 there is a patch of land right there with a channel
10 through it? That's what I testified to. That map
11 just ain't -- there you go.

12 THE COURT: All right. Lights back up.

13 THE WITNESS: Right -- I believe right
14 there (indicating). I can't see it, but I believe
15 that's the one right there (indicating).

16 Your Honor, may I approach?

17 THE COURT: You can step down.

18 BY MS. THOMPSON:

19 Q. Will you put just a little X where you see --

20 A. Right there (indicating).

21 Q. -- the deepest part of the channel is? Get a
22 pen, just make a small X there.

23 A. Somebody going to have to give me one. They
24 come and got it.

25 This is the deepest part of that.

1 Q. Okay.

2 A. The water runs this way (indicating), and the
3 flow of it, the silt is all back down on this end.
4 It's all marsh on this end. This is the --

5 Q. The deepest part.

6 A. -- bluff side, so-to-speak. If you looked at
7 it, it's straight off bluff.

8 Q. Okay. So make a mark right there where you
9 say the deepest part is.

10 MS. THOMPSON: Okay. Very good. Next.

11 THE COURT: What exhibit number is that?

12 THE REPORTER: 182.

13 THE COURT: All right. He just made an X
14 on 182.

15 BY MS. THOMPSON:

16 Q. You don't still have a map up there; do you?

17 A. I do not.

18 Q. So you suggested to Mr. Adams where the
19 deepest part of the channel was; is that right?

20 A. That's correct. That's correct.

21 Q. So what happened next?

22 A. Excuse me. Where was we at? We were coming
23 down -- what happened next. I mean, we were coming
24 back that direction from Ward Road, right?

25 Q. Yes.

1 A. Is that where we was?

2 Q. Yes.

3 A. We pulled down that long gravel road that I
4 testified that I run out there and looked at. Went
5 underneath the bridge, went down to the river,
6 circled by the river bank, come back up, pulled in,
7 made a circle, backed into the rock pile, got out of
8 the vehicle. At that time, I grabbed Ms. Bobo by the
9 upper torso. Mr. Adams let down the tailgate, we
10 brought her out.

11 Q. You haven't mentioned your saying that you
12 needed to gut her. So where are you along the trip
13 when you mentioned that she'll need to be gutted?

14 A. I never told him that she needed to be
15 gutted.

16 Q. Okay. You just said that other things
17 floated --

18 A. Yeah.

19 Q. -- because of --

20 A. Yeah. I never once -- he was not acting
21 under my direct command.

22 Q. So you don't know for sure that he was going
23 to go get a knife and gut her?

24 A. When I walked away from the upper torso, he
25 was digging in the fanny pack in the back extended

1 cab of the truck.

2 Q. Okay. So you don't know what he was doing?

3 A. He was digging in the fanny pack in the back
4 seat of the extended cab truck.

5 Q. And then at some point you said, you all sat
6 her down on the rip-rap. How steep is that rip-rap
7 there?

8 A. Degrees-wise?

9 Q. Yes.

10 A. 25.

11 Q. 25 degrees?

12 A. Incline like this (indicating).

13 Q. Okay.

14 A. I don't know if that's 25 degrees, I mean, to
15 be honest.

16 Q. Okay. So you sat her down there. He walks
17 back. He's digging in the trunk, what do you observe
18 next? Not in the trunk, in the back seat of the
19 truck.

20 A. He goes around to the truck, I observe a foot
21 move, and I hear a sound.

22 Q. Okay.

23 A. A sound of distress.

24 Q. Okay.

25 A. What I believed to be a right foot. I then

1 walk to the passenger side of the 4x4 Nissan and say,
2 this fucking bitch is still alive.

3 Q. You said, this fucking bitch is still alive?

4 A. Those exact words.

5 Q. Okay. What did you say next?

6 A. It's -- everything stopped, and we met at the
7 front of the truck at the hood. And I looked at him,
8 and I said, she's heard my name and us speaking. At
9 that time --

10 Q. How would she have heard your name at that
11 point? She's in the back of the truck the whole time
12 this is going on.

13 A. We were discussing burying the corpse at
14 Shane Austin's.

15 Q. No, you didn't, because I specifically -- you
16 said he said he needed your help --

17 A. Burying the body.

18 Q. And I asked you specifically what was said.
19 You never said he said your name.

20 GENERAL NICHOLS: Your Honor, I object.

21 THE COURT: You can cross-examine, but
22 you can't make statements.

23 BY MS. THOMPSON:

24 Q. So far you have not mentioned at what point
25 he called out your name; have you?

1 THE COURT: That's a statement. All
2 right.

3 MS. THOMPSON: Have you?

4 THE COURT: Ask a question.

5 THE WITNESS: I don't think that I
6 testified to that. You're correct.

7 BY MS. THOMPSON:

8 Q. Okay. So now you're saying that there are
9 some things that you left out of your testimony,
10 conversation that was had, that you've left out;
11 aren't you saying that?

12 A. No. No, I am not.

13 Q. Okay.

14 A. No, I am not, I am just -- I am telling you
15 what a 6-year-ago conversation was in the best manner
16 that I can.

17 Q. Okay. I am trying to go slowly.

18 A. The truth.

19 Q. So can you then tell me at what point your
20 name was said?

21 A. No, I cannot.

22 Q. Okay. So you say you moved to the front of
23 the truck. She's over on the rip-rap. How far would
24 you say the truck is parked from where she's on the
25 rip-rap?

1 A. Like I testified to the jury, the distance
2 between this wood and the jury box.

3 Q. So --

4 A. Approximately.

5 Q. For the record, can you see in feet?

6 A. 4 to 6 foot.

7 Q. 4 to 6 feet from the front of the truck?

8 A. No. From the tailgate, from the back of the
9 truck. We backed in there.

10 Q. Right. But I thought you said you all moved
11 around to the hood of the truck to talk.

12 A. We did.

13 Q. So now how far is she from where you are at
14 the hood of the truck?

15 A. Whatever the length of a 4x4 Frontier Nissan
16 pickup is added to that footage.

17 Q. Well, I don't -- will you please --

18 A. 24, maybe 24, 22, 23 foot maybe. I don't
19 know the length of the truck.

20 Q. Okay. So you think you're maybe between 22
21 to 24 feet away from the body?

22 A. I suspect that's the amount. I am not just
23 100 percent sure how long that truck is.

24 Q. Okay.

25 A. I know the distance that we backed up to the

1 rip-rap. I don't know the length of that truck.

2 Q. So you've just said she's heard my name.

3 What else do you say? Can you be as --

4 A. I said she's heard me talking and heard my
5 name.

6 Q. Okay. Did you say anything else at that
7 point?

8 A. I did not.

9 Q. What was Mr. Adams' response?

10 A. Just a dead look. Just a thousand yards
11 stair, silence.

12 Q. So he says nothing?

13 A. Says nothing. He turns, goes around to the
14 driver's side -- to the driver's side door, gets the
15 pistol out of front floorboard. At that time, I tell
16 him hold up, let me go over here and look. I run to
17 the curb that I testified to.

18 Q. You testified earlier that at this point you
19 were angry; is that right?

20 A. I did not.

21 Q. I thought you said you were yelling at him?

22 A. I did not.

23 Q. The fucking bitch is still alive.

24 A. That's incorrect.

25 Q. Okay. So at this point you're not angry,

1 you're not upset?

2 A. I was on my way to the straightaway to look
3 and see if anything was coming.

4 Q. Okay.

5 A. Continue?

6 Q. Continue.

7 A. I looked down the straightaway, which was
8 approximately 200, maybe 250 yards, you could see
9 that way. I looked back, told him nothing was
10 coming. And at that time, the pistol went off
11 (indicating). I was underneath the bridge, and it
12 sound like multiple shots, boom, boom, boom, boom,
13 boom, down the river bottom like that.

14 And I looked up, because that stunned me. I
15 looked up, and Martins flew out from under my side of
16 the bridge. At that time, there was like dead
17 silence. I heard a boat, took out running back over
18 there, and I said somebody has seen us or heard us.
19 At that time, we placed Ms. Bobo back in the pickup
20 and proceeded to leave.

21 Q. Saying nothing else between the two of you?

22 A. Not until I said something about driving
23 erratic, and we need to slow down.

24 Q. And that's at the same point when then you
25 suddenly recognized that this could be a possible

1 federal offense?

2 A. Correct. I knew from previous experience
3 firearms are not allowed.

4 Q. So what was your previous experience?

5 A. I mean, I just was born and raised in the
6 south. I understand the rules and regulations of
7 federal property. Plus, it's posted on the entrance,
8 no firearms for everyone to see. Gun with a cross in
9 it.

10 Q. So where is that entrance where it's posted?

11 A. Generally at the entrance of a federal
12 property it's posted.

13 Q. Are you saying it was posted on that
14 particular property?

15 A. I don't know.

16 Q. Okay.

17 A. I know from previous times before at other
18 places, this ain't the only refuge I've ever been on.

19 Q. Where is another refuge you have been to?

20 A. Camden Bottom is a refuge. Duck River Bottom
21 is a refuge. Eagle Creek is a refuge. Bustletown is
22 a refuge. Mousetail is a refuge. I mean, the
23 government has property all over the state of
24 Tennessee. Each one you have rules and regulations
25 that they expect you to obey.

1 Q. And so you would have known all of this
2 before you headed out that day towards the river, is
3 that right, because you say it's all from past
4 experience?

5 A. I knew this before -- yes.

6 Q. So in trying to calculate what time you would
7 have gotten there that day, you said you arrived at
8 Shane Austin's house after 9:00 a.m.?

9 A. Sometime, yeah.

10 Q. You said it took you about five minutes to
11 get your pill and cook it up; is that accurate?

12 A. I think I testified to about ten minutes
13 inside the vehicle.

14 Q. So that would put it at about 9:10 to 9:15?

15 A. (Nodded head affirmatively.)

16 Q. Then you get out of the vehicle, you have a
17 short conversation?

18 GENERAL NICHOLS: Was there an answer? I
19 was looking down.

20 THE COURT: He nodded his head.

21 MS. THOMPSON: Can you answer out loud?

22 THE WITNESS: I'll agree with you.

23 BY MS. THOMPSON:

24 Q. So then you get to the river, would you agree
25 with me you get to the river no later than 9:35 or

1 9:40?

2 A. I would say -- I would say between 9:40 and
3 10:00.

4 Q. Okay. 9:40 and 10:00?

5 A. Would be my -- I believe that that's the
6 time. Keep in mind, I was high. So I mean, the
7 exact -- the exact minute I am not clear on.

8 Q. So being high then, does that affect your
9 memory?

10 A. That time I guess so, yeah. We're discussing
11 an event that happened six years ago.

12 Q. Okay. So in the middle of all this, you were
13 able to take a telephone call from your mother,
14 Shirley King, that morning at 9:42; weren't you?

15 A. If your records reflect that, that's true.

16 Q. You had an approximately 40-second call with
17 your mother; didn't you?

18 A. If your records reflect that.

19 Q. Your mother has a telephone number with an
20 area code of 901; doesn't she?

21 A. That's correct.

22 Q. And the last four digits are 5662; aren't
23 they?

24 A. That is her husband's -- her boyfriend's
25 sister's phone.

1 Q. Okay. But it's a phone you can call her on;
2 isn't that right?

3 A. That's correct.

4 Q. And then that morning at 10:35 you called
5 Angela Scott; didn't you?

6 A. If your records reflect that.

7 Q. And then at 10:36 Angela Scott called you
8 back?

9 A. If your records reflect that.

10 Q. So what time do you think you left the
11 Tennessee River that morning?

12 A. We were there less an hour. I would say
13 somewhere between 40, 35 to 45 minutes.

14 Q. Okay. So if you're there 9:45 to 10:00, then
15 if you're there 45 minutes, you're then leaving about
16 10:30; is that right? Is that the earliest you would
17 have left, 10:30?

18 A. Maybe. I don't know.

19 Q. Now, did you take the interstate to go back
20 home, back to Yellow Springs Church?

21 A. No, ma'am.

22 Q. Okay. So you took -- did you take the same
23 route you came to go back to Yellow Springs Church?

24 A. No, ma'am.

25 Q. Is there a different route you took?

1 A. Yes, ma'am.

2 Q. Okay. Can you tell me -- let me get the maps
3 back. Let's see if we can go through which way you
4 went back.

5 It's going to be using the same maps that we
6 already have; isn't it?

7 A. No.

8 Q. No, okay.

9 A. At some point we're going to run back into
10 one of the roads, though.

11 Q. Okay. Well, I am going to pass you back map
12 number 3, because it's the map where we ended up.
13 Let me see if I can get you a pen of a different
14 color. Back then was blue that you were using. Here
15 is a green pen.

16 A. Thank you. All right. You actually handed
17 me the right map. Thank you.

18 This is going to be rather simple. Do you
19 want me to date and sign? Do you want me to sign
20 this new route back to --

21 Q. No. For the record you're looking at map
22 number 3.

23 A. 3.

24 Q. And putting it in green pen.

25 A. That's correct.

1 Q. If you'll just draw arrows back the way you
2 came.

3 A. We -- yeah.

4 Q. Next let me hand you map number 2.

5 A. Okay.

6 Q. See if on map number 2 you can see where you
7 went.

8 A. We're -- we're -- this -- this same -- this
9 is good all the way back to -- I don't know what
10 starting point we had here marked, but to wherever
11 this ended, this is the path back. So ever where the
12 arrow points one way, the arrow pointing the opposite
13 way is the path back.

14 Q. So that part --

15 A. The only difference is is where the other
16 exhibit you had looped back around to Morgan Creek
17 Road.

18 Q. So what you're saying, instead of taking the
19 north route up here to go back, you took the north
20 route to go to the river, you took a southern route
21 to go back?

22 A. We took a route over to Morgan Creek Road on
23 that map that I marked green right there, down Ward
24 Road over to -- what was the other road? Over to
25 Morgan Creek Road.

1 Q. It goes over to Morgan Creek where
2 Birdsong --

3 A. And then back down the same path. All we
4 done, we bypassed the 133 exit. Instead of going
5 back up by the interstate and the same way we came
6 in, we went down back around by the landing out.

7 Q. Okay. So you meet up back over here again
8 where Birdsong Road runs into Morgan Creek Road?

9 A. Is that -- okay. Let me see here. Okay. If
10 you'll -- Nick's Landing. Ward Road is where we
11 decided maybe or maybe not the boat ramp was.

12 THE WITNESS: Your Honor, may I approach
13 the --

14 BY MS. THOMPSON:

15 Q. Do you not have your pointer?

16 A. Yeah, I do. I am sorry. Forgive me.

17 This road right here (indicating) marked down
18 through here, and I think -- what's the name of it,
19 Nick's Landing. Nick's Landing runs around to Morgan
20 Creek where it joins back in right here. And that
21 joins right there (indicating). What that is is it's
22 just a shorter path over to the -- just a different
23 route in, different route out. Different route out.
24 Quicker path out is what it is.

25 Q. Can I see the map in your hand?

1 A. That's traced back to, I believe, Interstate
2 40. I believe that's what we got marked on there.

3 Q. So this one, you're just going back the way
4 you came?

5 A. Yeah. Once we hit Morgan Creek Road, the
6 same roads we tracked in, we tracked out.

7 Q. Okay.

8 A. The only difference was was the shortcut
9 along the river road over to Morgan Creek Road
10 instead of the --

11 Q. Okay. And so does it take approximately the
12 same amount of time to get back using the --

13 A. Might even a little less.

14 Q. Little less, okay.

15 A. Maybe. I don't know the exact mileage, but I
16 know that one -- that the path back was shorter than
17 the path there.

18 Q. Okay. How much shorter would you say?

19 A. I don't know.

20 Q. Okay. So that morning then, 10:35 -- you
21 said on direct that you checked your phone and you
22 realized you were supposed to go have lunch with
23 Angela Scott?

24 A. That's correct.

25 Q. What time did you usually eat lunch with

1 Angela Scott?

2 A. 11:00.

3 Q. 11:00. And where would you go to eat lunch
4 with her?

5 A. Benton County Health Department.

6 Q. Benton County Health Department. Where is
7 that? What road is that on?

8 A. Maybe Hospital Lane. There's a hospital
9 there. Maybe it's called Hospital Lane. I don't
10 know.

11 Q. Why would you --

12 A. I don't know the road. I mean, I know where
13 it's at.

14 Q. Why were you eating lunch at the health
15 department?

16 A. Health department was about an eighth of a
17 mile from her job.

18 Q. Did you bring a lunch, or were you buying a
19 lunch at the health department?

20 A. I generally brought her lunch. I wasn't
21 buying no lunch at the health department. I bought
22 lunch at other places and met her at the health
23 department.

24 Q. Okay.

25 A. I've never met a --

1 Q. You never what?

2 A. I never bought lunch at the health
3 department.

4 Q. Okay. But this is up in the city of Camden;
5 is that right?

6 A. I don't know if it's the city limits or not.

7 Q. But it's kind of close to where the main town
8 is?

9 A. Yes, ma'am. It's off of 641 just precisely
10 right there off 641.

11 Q. Okay. And then at 11:40 you called Jay
12 Taylor again; don't you?

13 A. If your records reflect that.

14 THE COURT: What was the name I heard?

15 MS. THOMPSON: Jay Taylor.

16 THE WITNESS: Jay Taylor.

17 THE COURT: Okay. There was a chair
18 creaking about the time I was trying to hear.

19 BY MS. THOMPSON:

20 Q. 11:40 you called Jay Taylor; didn't you?

21 A. If your records reflect that, that would be
22 true.

23 Q. You had a 45-second telephone call with him?

24 A. If your records reflect that, that would be
25 true.

1 Q. And then at 12:06 Angela Scott called you?

2 A. If your records reflect that, that will be
3 true.

4 Q. And at 12:08 Angela Scott called you again.

5 A. If your records reflect that, that will be
6 true.

7 Q. And then Jay Taylor called you back at 12:09?

8 A. If your records reflect that, that will be
9 true.

10 Q. So you had multiple contacts with Angela
11 Scott during this day; didn't you?

12 A. I testified to the State that I didn't have
13 time to get there and take her lunch, and that we
14 spent the lunch hour talking and texting, that's
15 correct.

16 Q. So she usually only had a 30-minute lunch; is
17 that right?

18 A. That's correct.

19 Q. So if you met her, you said at 11:00 usually?

20 A. That's correct.

21 Q. So you'd only need from 11:00 to 11:30 to
22 have lunch with her; wouldn't you?

23 A. That is correct.

24 Q. So what time are you saying then that you saw
25 Zach Adams again?

1 A. I think I testified 2:30, around 2:30.

2 Q. How is it that you got back in touch with him
3 at 2:30?

4 A. I am not exactly sure. I believe that I made
5 the phone call.

6 Q. Well, let's -- that you called him?

7 A. I believe that's correct. I just -- I can't
8 remember the exact --

9 Q. So on the way back, it's your testimony that
10 Zach Adams had shot Holly Bobo. You've heard --
11 birds flew, you heard a boat start up. You never saw
12 the boat that you heard; did you?

13 A. That's correct.

14 Q. You hear a boat start up that you don't see.
15 You put the body back in the pickup truck, and Zach
16 starts driving fast. You tell him, whoa, whoa, you
17 need to slow down. And then as he's driving, you
18 look at your phone and you say, I need to go, I need
19 to meet Angela for lunch. Does that sound right?

20 A. That's correct.

21 Q. Okay. Can you tell me specifically how that
22 conversation went? Was there anything else to it?

23 A. There was not.

24 Q. No?

25 So he -- do you say, please take me back to

1 my car at some point?

2 A. I did not.

3 Q. So he just naturally took you back to your
4 car?

5 A. That's correct.

6 Q. You got out of the car, no conversation when
7 you got out of the car?

8 A. We had the conversation on the way back about
9 how allegedly -- how she -- how he knew her and how
10 she got back here.

11 Q. So tell me how that conversation unfolded.

12 A. I asked.

13 Q. You said, how did you know her?

14 A. That is correct.

15 Q. Were you more specific in your question or --

16 A. That's --

17 Q. Can you tell me --

18 A. -- as specific as it gets.

19 Q. Can you tell me as best you can word for word
20 what Mr. Adams said?

21 A. I can't tell you word for word.

22 Q. What's the best you can remember?

23 A. What I testified to.

24 Q. Can you tell me again, please?

25 A. Mr. Adams said Natalie Renfroe -- Natalie

1 Bobo was stripping at Interstate 40, prostituting,
2 selling her body for drugs and shit. She had been
3 coming down there to his house, having sex. And she
4 had showed pictures to Zach of victim Bobo, left the
5 impression that she would join them, or -- he also
6 said --

7 Q. Did Zach say that --

8 GENERAL NICHOLS: Your Honor, I object.
9 He was still talking.

10 THE COURT: Let him finish.

11 THE WITNESS: He also said that the
12 victim had been to his house.

13 BY MS. THOMPSON:

14 Q. Okay. So did Mr. Adams say it that way? Did
15 he say, Natalie Bobo left me with the impression that
16 the victim would have sex with me?

17 A. I testified that I didn't know exactly word
18 for word, but what I could remember of the
19 conversation. As I told you before, I couldn't
20 rehearse word for word. You asked me that. I can't.

21 Q. Okay. So that's the best you can remember?

22 A. That's my testimony, the truth.

23 Q. Okay. And you knew at that point that Zach
24 Adams had a girlfriend, Rebecca Urp?

25 A. That's correct.

1 Q. And you knew that Rebecca and Zach had been
2 living together for quite a while?

3 A. That's correct.

4 Q. And you knew that she lived there in his
5 house on Adams Lane?

6 A. That's correct.

7 Q. Had you ever had sex with Natalie Bobo?

8 A. Never.

9 Q. Had you ever had any contact with Natalie
10 Bobo?

11 A. Never. I couldn't -- I couldn't -- if you
12 showed me a picture of her, I couldn't testify to
13 that being her or not.

14 Q. And so he said that he had the impression
15 that Holly Bobo would join Zach and Natalie Bobo; is
16 that right?

17 A. He said she left the impression.

18 Q. Okay. And then what did he say next?

19 A. The conversation ended.

20 Q. So that's all he said is I was having sex
21 with Natalie Bobo. Did he say he was actually paying
22 for sex with her?

23 A. He said that she was working at the strip
24 club at Interstate 40, prostituting for drugs, just
25 as I testified to. And that victim Bobo had been

1 showed -- he'd been showed pictures of her, and the
2 impression had left that she was going to join them.

3 Q. Okay. But he said nothing else after that?

4 A. He also said that the victim had been there.

5 Q. At his house?

6 A. That's correct.

7 Q. Did he tell you when Holly Bobo had been to
8 his house?

9 A. I did not ask.

10 Q. Okay.

11 A. By this time we were -- the ride was just
12 about over. I mean, I was just about --

13 Q. So when you pull up at the church and you get
14 out, nothing further is said at that point; is that
15 right?

16 A. That's incorrect. No, you're correct. Yeah,
17 nothing said.

18 Q. Okay. So you got out of the car, got into
19 your car and you drove off?

20 A. When I pulled out, I seen him pulling in 30
21 Yellow Springs Road.

22 Q. Okay. So you saw him going back down over to
23 Shane's?

24 A. That's correct.

25 Q. Okay. So 2:00 or so you call Mr. Adams.

1 What do you say to him at 2:00?

2 A. I tried to establish -- excuse me. I tried
3 to establish a buy through Victor. I tried to get
4 another pill. I had done the other half, and I was
5 looking to re-up.

6 Q. When did you do the other half?

7 A. The time that I spent alone.

8 Q. Where were you during that time?

9 A. North of Interstate 40.

10 Q. So where north of Interstate 40?

11 A. I mean, you would have to get the maps back
12 out for me to show you probably every road I went
13 down. I spent a large portion of that day riding
14 around.

15 Q. So you're saying you're just driving around
16 north of Interstate 40?

17 A. That's correct.

18 Q. And while you're driving around, you shoot up
19 the methamphetamine, Morphine combo?

20 A. The rest of it.

21 Q. The rest of it?

22 A. The rest of that pill that I purchased
23 earlier.

24 Q. And you continued to drive around while you
25 were high?

1 A. That's correct.

2 Q. Okay. So you didn't pull over and stop
3 anywhere to shoot it up?

4 A. Well, yeah. Forgive me, yeah, I did. I
5 mean, obviously I had to stop to do it.

6 Q. Where did you stop to do it?

7 A. I am not exactly sure. Maybe -- maybe near
8 my trailer, mom's trailer, there's a back road that
9 cuts through. And a lot of times I got high in
10 there.

11 Q. Okay. So then you drive around. So it's
12 your testimony you never saw Angela Scott that day
13 during lunch?

14 A. That's correct.

15 Q. Okay. At 2:00 you call Mr. Adams, and you
16 try to arrange a buy. What does he say to you?

17 A. Come on.

18 Q. Okay. Come on. What do you do then?

19 A. I go to his residence.

20 Q. Okay. How long does it take you then to get
21 to his residence?

22 A. I arrived at his residence around 2:30.

23 Q. Okay. And so when you're at his residence,
24 what do you do there?

25 A. I parked -- when I pulled in to 235 Adams

1 Lane, Austin, Dylan Adams, and Zach Adams were
2 standing in front of Dylan's Silverado pickup. At
3 that time, we got in the Silverado. Me on the
4 passenger side, Shane in the middle, Zach driving,
5 Dylan in the extended cab.

6 Q. So why would you then call him at 2:35 if you
7 were already at his house?

8 A. Well, maybe I arrived at 2:38. I mean, I am
9 testifying that I got there around 2:35.

10 Q. So why would you call him if you were already
11 about to be there, why did you call him a second time
12 and talk to him? Why did you try to call him a
13 second time?

14 A. I don't recall that, but if your records
15 reflect that, I'll agree that I made that call.

16 Q. So how long does it take you to get over to
17 Dottie's?

18 A. Minutes.

19 Q. Okay. How long are you there before you get
20 your next pill?

21 A. Minutes.

22 Q. And do you use the pill there?

23 A. I do not.

24 Q. So then you -- as soon as you get the pill,
25 you leave?

1 A. We leave.

2 Q. Okay. And at that time there's no discussion
3 between you, Dylan, Shane, and Zach as to what
4 happened, is that right, not between you?

5 A. No. I testified about an argument and a
6 fight.

7 Q. Okay. But that wasn't involving you; isn't
8 that right?

9 A. That's correct.

10 Q. Where do you go when you leave there?

11 A. To Angela's.

12 Q. Okay.

13 A. To the quick mart, quick stop.

14 Q. What time did Angela usually get off work?

15 A. 3:30.

16 Q. Now, at some point that day you also texted
17 Michael Douglas; didn't you?

18 A. If your records reflect that, that would be
19 true. It's my boss. One boss I had.

20 Q. Did you ever work for Michael Douglas in the
21 evenings?

22 A. I worked when his schedule wanted me to work.
23 I mean, when he said work, I worked.

24 Q. So sometimes you would work for him in the
25 evenings?

1 A. I've worked all day for him many days into
2 the evening.

3 Q. Do you have any specific memory about what
4 your texting him was about that day on the 13th?

5 A. Work. I mean, he's a prominent man. He's
6 not into no criminal stuff. It would be clearly
7 work. Clearly work related. Any discussion that
8 pertains to him would be work related.

9 Q. Okay. So let's talk about the Birdsong Road
10 exit that you went to. You're saying that day you
11 went to the Birdsong Road exit for the purpose of
12 dumping a body; isn't that right?

13 A. Yeah, I guess so, yeah.

14 Q. But you'd also been to that same Birdsong
15 Road exit or the Tennessee River, you were also at
16 the Tennessee River on April 6th at 12:13 p.m.;
17 weren't you?

18 A. I don't know.

19 Q. It's possible you were there on April 6th at
20 12:13 p.m.?

21 A. I don't know.

22 Q. Is it possible that you were still there at
23 Birdsong Road exit at 2:00 p.m. or 1:56 p.m. on April
24 6th?

25 A. I don't know. I don't recall April 6th.

1 Q. April 9th, is it possible you were at the
2 Tennessee River area at 5:03 p.m.?

3 A. I don't recall that.

4 Q. Do you remember being there on April 9th as
5 late as 8:13 p.m. on April 9th?

6 A. I don't recall that. There obviously wasn't
7 nothing dramatic that happened that I would -- that I
8 would recall. I mean, if you got proof I was there,
9 I was there.

10 Q. Do you remember being there in the Tennessee
11 River location on April 11th with Zach Adams at 9:55
12 a.m.?

13 A. That's correct.

14 Q. So this is two days earlier you were there at
15 the river?

16 A. Well, two days earlier, there wasn't -- there
17 wasn't a murder, so I have no reason to -- I mean, if
18 your records show I was there, I was there.

19 Q. And there with Mr. Adams?

20 A. If the records reflect that, that's true.

21 Q. And do you remember being over there at the
22 Tennessee River on April 14th at 6:44 p.m.?

23 A. That's at 133, is that what you're saying.

24 Q. No. I am saying on April 14th, the next day,
25 you were over there at the Tennessee River at 6:44

1 p.m.

2 A. Where this occurred?

3 Q. In the Tennessee River area, yes.

4 A. Okay, yeah.

5 Q. You were there with Mr. Adams on that day?

6 A. That's incorrect.

7 Q. So if the records show you were both over by
8 the Tennessee River, that would be incorrect?

9 A. I am not saying he wasn't over there, but he
10 wasn't with me.

11 Q. Okay. So on the 14th, you weren't there from
12 approximately 6:44 p.m. until 10:30; does that sound
13 right?

14 GENERAL NICHOLS: Your Honor, I am going
15 to object to this point. I waited, but we've heard
16 four dates. She keeps saying, were you there.

17 THE WITNESS: I don't know.

18 GENERAL NICHOLS: I don't know -- I don't
19 understand the question. I don't understand how he
20 can know what there is. Somewhere by the river is a
21 big, big area. If she wants to ask him specifically,
22 you know, about a place.

23 THE COURT: Be more specific on your
24 dates and places.

25 MS. THOMPSON: Okay.

1 BY MS. THOMPSON:

2 Q. Being specific on the day, I'm saying on
3 April 14, 2011, were you in the -- by the Tennessee
4 River, Birdsong Road exit area, right there, and I am
5 talking about east of Birdsong Road? Were you over
6 in that area on the 14th at 6:44 p.m.?

7 A. If your records reflect that, that would be
8 true. If you have facts of that, that's true.

9 Q. Okay. And then you stayed there that evening
10 until quite late. You were there on the 14th until
11 at least about 10:30 p.m. at the Tennessee River area
12 off of Birdsong Road exit. That would be true;
13 wouldn't it?

14 A. If your records reflect that, yeah.

15 Q. And then on the 15th at 1:26 p.m. you are
16 back over there at the Birdsong Road exit area near
17 the Tennessee River?

18 A. There's one thing that you need to realize is
19 there's a bar less than a mile from there. So it's
20 possible that I am at this bar. I mean, I visited
21 Sunset Bar quite often. I don't recall all these
22 days sitting at the river that you're allegedly
23 saying I am there. Is it possible I am Sunset Bar?
24 Possibility. Got a lot of friends in that area. I
25 mean, I don't know -- just because you say I'm on the

1 river, I don't know where you're saying I am at. I
2 am lost.

3 Q. So it's possible you were over there at the
4 bar some of these times?

5 A. That's correct, yeah.

6 Q. That doesn't explain why you would be there
7 at 10:00 in the morning. The bar wouldn't be open at
8 10:00 in the morning; would it?

9 A. That's an old, redneck bar. It runs as long
10 as you got money.

11 Q. So then that might explain why you would be
12 over there on April 16th at 5:30 p.m., you could have
13 been at the old, Tennessee, redneck bar?

14 A. That's correct, yeah.

15 Q. The same with April 22nd at 1:58 p.m., you
16 could have been at the old, Tennessee, redneck bar;
17 couldn't you?

18 A. That's correct, yeah.

19 GENERAL NICHOLS: I'm sorry, what was the
20 last date?

21 THE WITNESS: I don't know.

22 MS. THOMPSON: April 22nd at 1:58 p.m.

23 BY MS. THOMPSON:

24 Q. It's possible you were there that day with
25 Zach Adams at that old, redneck bar, April 22nd?

1 A. That's incorrect.

2 Q. How about April 27th at 2:53 p.m.? It's
3 possible you were there at this redneck bar that day?

4 A. Yeah. It's possible, yeah. I mean, you're
5 discussing stuff that I don't even have a clue what
6 was going on April 27th. I mean, if your records say
7 that I was in that area, then I was in that area. I
8 am not going -- I am not going to sit and try to
9 argue the facts if you have facts. I mean, I don't
10 know. You're not presenting nothing to me where I
11 can see them.

12 Q. It's true that Terry Lynn Renfro used to buy
13 stolen goods from you or trade you stolen goods and
14 give you drugs in exchange; isn't it?

15 A. That is correct.

16 Q. And a lot of times you would meet Terry Lynn
17 Renfro off of the Birdsong Road exit to exchange
18 drugs for stolen items; isn't it?

19 A. That's incorrect.

20 Q. And you talked about the deer stand and when
21 the deer stand was stolen. And you said Zach Adams
22 stole a deer stand, and you stole the trail cam that
23 was there at the same place; isn't that correct?

24 A. That's correct.

25 Q. And now where you stole that from, that was

1 off of the Birdsong Road there by -- north of
2 Interstate 40; wasn't it?

3 A. That's correct.

4 Q. It's over by the Tennessee River?

5 A. It's on Eagle Creek.

6 Q. Is Eagle Creek right there by the Tennessee
7 River?

8 A. It's within five, six miles from it.

9 Q. And it's right there off of the Birdsong Road
10 exit?

11 A. There's multiple ways to get to it, but you
12 can get to Eagle Creek from 133.

13 Q. Okay. I'd like to ask you some questions.
14 First, let me -- I have a picture here.

15 GENERAL NICHOLS: Judge, I got a mugshot,
16 looks like of a younger Mr. Autry. I guess I need to
17 ask what the relevance would be. Generally, if she
18 wants to ask him about his record, you don't
19 introduce his mugshot. I don't know what she plans
20 to do with it.

21 MS. THOMPSON: I want to introduce how
22 tall he is, that he's 6 foot 7.

23 THE COURT: You can ask.

24 GENERAL NICHOLS: With that, which is
25 generally the way you do it without trying to

1 introduce a mugshot.

2 THE COURT: Yes.

3 BY MS. THOMPSON:

4 Q. So, Mr. Autry, how tall are you? You're 6
5 foot 7 inches tall; aren't you?

6 A. That's pretty close.

7 Q. And how much do you weigh about?

8 A. I guess about 250.

9 Q. And your hair is dark brown; is that right?

10 A. I thought it had a little gray in it.

11 Q. Its original color was dark brown; is that
12 right?

13 A. Yeah, I guess so.

14 GENERAL NICHOLS: Judge, we got to have a
15 jury-out.

16 THE COURT: All right. Take the jury
17 out. Let's give them about 10 minutes.

18 (WHEREUPON, the jury left the courtroom,
19 after which the following proceedings were had:)

20 GENERAL NICHOLS: Judge, I am going to
21 ask for the hearing to be outside the presence of the
22 media.

23 THE COURT: Y'all approach up here just a
24 minute.

25 (WHEREUPON, a conference was held at the

1 bench between counsel and the Court.)

2 GENERAL NICHOLS: I would like to have a
3 hearing on the relevance, but I don't want it on
4 television, because this is a letter from Jason Autry
5 to Ms. Thompson praising the Lord for the
6 representation of Mr. Adams, saying that Jennifer
7 Nichols is a hired assassin and talking about
8 somebody I have sitting on death row from 2011,
9 that's fixing to be overturned because I forged
10 documents. All of which, of course, is not --

11 THE COURT: That's not relevant to this
12 trial.

13 MS. THOMPSON: It is relevant, Your
14 Honor.

15 THE COURT: Wait, wait.

16 GENERAL NICHOLS: Before we go any
17 further, I don't believe it's relevant, but if it's
18 determined to be relevant, that's one thing. But if
19 the Court thinks it's not relevant, I would prefer
20 that kind of thing not be out there, because it's --
21 has absolutely no bearing on this case.

22 THE COURT: All right. So it's a letter
23 praising her.

24 GENERAL NICHOLS: From him, calling me an
25 old snake.

1 THE COURT: And criticizing you.

2 MS. THOMPSON: It's more than that. He
3 says --

4 GENERAL NICHOLS: Let the judge read it.
5 Please take your time.

6 THE COURT: (Reviews document.)
7 For what purpose are you offering?

8 MS. THOMPSON: If I can see the letter
9 again, I'll be -- maybe we can reach a solution by
10 redacting.

11 THE COURT: I don't see anything relevant
12 in this letter, his praises of you, nor his
13 assertions or criticism of her. I know that I said
14 assertions and hearsay, the inmate that was
15 criticizing or whatever.

16 GENERAL NICHOLS: Somebody that I put on
17 death row.

18 MS. THOMPSON: He talks about --

19 THE COURT: I don't care if he likes you
20 or dislikes you. I don't care if likes her or
21 dislikes her.

22 MS. THOMPSON: But he talks about how Mr.
23 Adams is innocent. I think that's important. He
24 says, please allow me to thank you for your firm
25 stance to continue to take on Mr. Adams --

1 THE COURT: His opinion whether he is or
2 is not --

3 MS. THOMPSON: It is because now he's
4 testifying he's guilty.

5 GENERAL NICHOLS: The solution here is to
6 ask him has he ever asserted all of their innocence,
7 which he has. This is almost comical. And what I
8 want is a copy of it.

9 THE COURT: His interview, I think that
10 they smuggled into Riverbend, he was saying
11 innocence.

12 MS. THOMPSON: Well, that's the next
13 thing I want to put in.

14 THE COURT: No.

15 MS. THOMPSON: So at the top he says
16 that --

17 THE COURT: You can ask him if he's ever
18 said that Zach Adams is innocent. That is it.

19 MS. THOMPSON: How about if he wrote to
20 me and said Zach Adams was innocent?

21 THE COURT: You can ask him if he did
22 that. This is not going to be -- it can be filed as
23 an offer of proof.

24 MS. THOMPSON: Okay. I'd like to file it
25 as an offer of proof.

1 GENERAL NICHOLS: Can it be filed under
2 seal?

3 THE COURT: It's not going to be passed
4 to the jury.

5 GENERAL NICHOLS: I don't want it sitting
6 out there where anybody with the media can come look
7 at it.

8 THE COURT: All right. It will be filed
9 under seal.

10 GENERAL NICHOLS: For my own reputation.

11 THE COURT: This will be Exhibit 184.

12 THE REPORTER: 185.

13 THE COURT: 185, I mean. It will be
14 filed under seal. Can you get this?

15 MS. THOMPSON: Can I get a copy of it?
16 Keep a copy of it.

17 THE COURT: Yeah. This is not to be
18 disclosed to the media.

19 MS. THOMPSON: I haven't disclosed it so
20 far, Your Honor. I've had it since 2015.

21 THE COURT: All right. Let's get that --
22 just show filed under seal, and she can put an
23 exhibit number on it.

24 All right. You got about five minutes.

25 (WHEREUPON, the above-mentioned document

1 was marked as Exhibit Number 185 under seal.)

2 (Short break.)

3 THE COURT: We'll bring the defendant in
4 and take up your Motion in Limine.

5 All right. We're going to take up outside
6 the presence of the jury. The State indicated
7 they've got a Motion in Limine that probably needs to
8 be addressed. I simply made inquiry. Do you really
9 intend to try to bring that up? She said she did.
10 The Motion in Limine will prohibit her from eliciting
11 any response from him concerning possible membership
12 in the Aryan Nation being incarcerated. Is that
13 essentially?

14 MS. THOMPSON: Yes, Your Honor. I'd like
15 to raise the issue of Jason Autry being in the Aryan
16 Nation, because part of what the Aryan Nation is is
17 they have these 88 truths, Your Honor. And one of
18 their mantras that they go by is that you're not to
19 rape any white women. And so based on the fact that
20 they're not to rape any white women, it gives Jason
21 Autry a motive to have concocted this story just as
22 he has, where he's concocted that he's present for
23 the murder, he's even complicit in the murder and a
24 responsible party in the murder, but yet at the same
25 time, he has exculpated himself from the rape of

1 Holly Bobo. I say he has a motive to do that,
2 because being in the Aryan Nation, if he's found to
3 have raped a woman, he would suffer these horrible
4 consequences in prison including possible death.

5 So that would be his motive for creating a
6 lie like this, Your Honor. I say that because we
7 have a right in a criminal case, it's a
8 constitutional right to put -- present a complete
9 defense. This is an element of our defense in that
10 we have all kinds of motives for Jason Autry to do
11 what he's doing, and because we're talking about --
12 we're using the third party defense in this case,
13 that is Mr. Adams is not guilty and another person
14 has done this, we have a right to bring this
15 information in.

16 THE COURT: Hear from the State.

17 GENERAL NICHOLS: In our opinion, Your
18 Honor, it's just an attempt on the part of the
19 defense to throw at Mr. Autry anything that they
20 think will cast some light. Being a member of this
21 horrible organization is, of course, something that
22 is bad, but it doesn't go to his credibility. It
23 doesn't going to truthfulness, untruthfulness. This
24 is not a case that involves race issues in that the
25 people accused are Caucasian, the people charged are

1 Caucasian, the investigators are Caucasian, and the
2 witnesses, for the most part, are all Caucasian.

3 I understand this leap that she's trying to
4 make. He can be asked all of these questions about,
5 you know, doing it, not doing it and all that without
6 getting into his membership or ex-membership, I
7 guess, in that organization.

8 THE COURT: The Court deems it irrelevant
9 whether or not he is or is not a member of Aryan
10 Nation, has nothing to do with the case of Zach Adams
11 that is on trial today. I don't see it as something
12 that should tarnish his credibility. You can ask him
13 things to impeach his credibility, but whether or not
14 he's a nation, that's a totally collateral issue.
15 We're having enough trouble concentrating on this
16 case without trying collateral cases, which is
17 exactly what that would be. So no, it's not coming
18 in.

19 MS. THOMPSON: Your Honor, for the record
20 it's my understanding the Court intends to go tonight
21 until I finish with Jason Autry.

22 THE COURT: I would like to, yes.

23 MS. THOMPSON: But I would like the
24 record to reflect, it's very hot in here. Right now
25 I'd say it's 80 degrees in here. I see the jury

1 sweating. Different people in the courtroom fanning
2 themselves.

3 THE COURT: I am hot, too. Everybody --
4 I've been watching this jury. They're ready to bring
5 this thing to a conclusion.

6 MS. THOMPSON: I recognize that, Judge,
7 and so by making us go late at night, the jury is
8 only going to be harboring ill feelings towards me.

9 THE COURT: I hope we don't go late at
10 night.

11 MS. THOMPSON: Well, I still have quite a
12 bit.

13 THE COURT: If you continue to go through
14 this, you do so at your own peril. Ask legitimate
15 cross-examine questions, but let's focus. We spent,
16 I guess, well over an hour on these maps. Certainly
17 that could have been done in a more succinct manner.
18 So let's try to focus. And I am not against you
19 bringing up legitimate points, but let's don't be
20 redundant. Let's don't be repetitive. I think it's
21 in everyone's best interest that we finish this
22 witness today.

23 Let's bring our jury in.

24 MS. THOMPSON: I would like to do an
25 offer of proof as to the Aryan Nation information,

1 Your Honor.

2 THE COURT: You need Mr. Autry out to do
3 that?

4 MS. THOMPSON: Yes, Your Honor.

5 THE COURT: All right. Bring Autry in.
6 (Witness returns to courtroom.)

7 THE COURT: All right. Go.
8

9 **DIRECT EXAMINATION ON OFFER OF PROOF**

10 **BY MS. THOMPSON:**

11 Q. Mr. Autry, you're a member of the Aryan
12 Nation; aren't you?

13 A. I was.

14 Q. One of the rules of the Aryan Nation is
15 you're not to rape white women; isn't that correct?

16 A. That's true.

17 Q. And so if you were found by members of the
18 Aryan Nation to have raped Holly Bobo, it would -- it
19 could bring you great harm in custody; isn't that
20 right?

21 A. That's correct.

22 Q. And so --

23 MS. THOMPSON: That's all my questions,
24 Your Honor.

25 THE COURT: Any follow-up?

1
2 **CROSS-EXAMINATION ON OFFER OF PROOF**

3 **BY GENERAL NICHOLS:**

4 Q. Isn't it also a tenet that you're not
5 supposed to be doing this this week?

6 A. That's correct.

7 Q. And to do so, you're doing so at your own
8 peril?

9 A. That's correct.

10 (End of Offer of Proof.)

11 THE COURT: All right. Bring the jury
12 in.

13 THE WITNESS: Do I need to stand?

14 THE COURT: It would be a show of
15 respect, yes.

16 THE WITNESS: Okay. I'm sorry, Your
17 Honor.

18 THE COURT: No, that's fine. Bring the
19 jury in, please.

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

23 THE COURT: Be seated, please. Ladies
24 and gentlemen of the jury, I would like if at all
25 possible for us to conclude the testimony of this

1 witness today. As a result, we'll be running a
2 little later. Defense counsel has an absolute right
3 to cross-examine the witness to cover any areas that
4 she feels appropriate. I've told both sides to
5 please try to focus their examination. So hopefully
6 we'll pick it up a little, but I would like to finish
7 this witness.

8
9 **CROSS-EXAMINATION CONTINUED**

10 **QUESTIONS BY MS. THOMPSON:**

11 Q. Mr. Autry, I wanted to review -- when you
12 said that you and Mr. Adams set the body of Holly
13 Bobo down on the rip-rap, I wanted to understand
14 exactly how you sat her down. You were holding the
15 quilt. You said the quilt is wrapped up, and you
16 just grabbed the quilt with your two hands?

17 A. That is correct.

18 Q. And you just lifted the quilt up and sat it
19 down on the rip-rap?

20 A. I drug the upper torso to the end. He let
21 the tailgate down. I proceeded out the tailgate, he
22 grabbed the feet. And at that time, we sat the body
23 down on what we decided was a 25-degree angle.

24 Q. As you lift it up, I am assuming that as you
25 lift up the body, the feet on one end, and you're

1 grabbing the torso on the other end and sat it over,
2 it's kind of folding in the middle; is that right?

3 A. That's correct.

4 Q. Then you sat it down. And you believe you
5 sat it down so that the torso is towards the top of
6 the rip-rap?

7 A. That's correct.

8 Q. The body, I guess, was kind of bending in
9 just a little bit with the feet down at the bottom?

10 A. That's correct.

11 Q. Near the ground; is that correct?

12 A. That's correct.

13 Q. Now, Mr. Autry, you are a prolific letter
14 writer; are you not?

15 A. That's correct.

16 Q. So if I had ten notebooks full of letters
17 that you've written while you were in jail, that
18 would sound about right to you; wouldn't it?

19 A. If that's what you got, yes, ma'am.

20 Q. I mean, you write a letter, two every day;
21 don't you?

22 A. That's correct.

23 Q. You're aware that the TDOC has been
24 collecting all your letters to give -- they've been
25 making copies of them?

1 A. That is correct.

2 Q. Matter of fact, your attorney has received
3 some copies of your letters; hasn't he?

4 A. You're asking me if I've ever mailed the
5 attorney a letter?

6 Q. No. I am saying, you know that your attorney
7 has got copies of letters you've written to other
8 people while you were in jail as part of discovery?

9 A. I suspect he has access to discovery, yeah.
10 I guess he has access to every letter I've ever wrote
11 if he wants it.

12 Q. Matter of fact, when talking about access to
13 discovery, when Fletcher Long was representing you --

14 GENERAL NICHOLS: Your Honor --

15 BY MS. THOMPSON:

16 Q. He even gave you a copy --

17 THE COURT: Wait just a second.

18 GENERAL NICHOLS: I have an objection as
19 to his prior representation, statements made between
20 the two. In fact, it was objected to when I wanted
21 to go into something about that earlier, and I don't
22 think it's fair at this time.

23 MS. THOMPSON: She hasn't let me ask the
24 question yet, Your Honor.

25 THE COURT: Ask the question.

1 MS. THOMPSON: He gave a copy of the
2 entire discovery disk to your mother; didn't he?

3 THE WITNESS: Answer?

4 THE COURT: You can answer.

5 THE WITNESS: Not that I am aware of.

6 BY MS. THOMPSON:

7 Q. You remember when you were arrested on this
8 case in March of 2014; don't you?

9 A. I think that I was just carried to a room at
10 Riverbend and given the warrants by two, maybe three
11 TBI agents. I don't think they ever arrested me.

12 Q. Okay. Well, they handed you a copy of the
13 indictment, I guess?

14 A. That is correct.

15 Q. And even before that, they had -- Jeff
16 Jackson had come to see you in Carroll County and had
17 taken you in for inquiry at that time; hadn't he?

18 A. That's correct.

19 Q. At that time you had complained to your
20 mother, because you said that they had almost broken
21 your fingers when they did that; didn't they?

22 A. That's correct.

23 Q. Your -- two of your fingers on your right
24 hand; didn't they?

25 A. That's correct.

1 Q. At that time, Jeff Jackson told you --

2 GENERAL NICHOLS: Objection, Your Honor,
3 hearsay.

4 THE COURT: Hearsay.

5 MS. THOMPSON: I am not offering it for
6 the truth that what Jeff Jackson said is true. I'm
7 just offering to show what effect it has on him.

8 THE COURT: You're not to consider it for
9 the truth.

10 BY MS. THOMPSON:

11 Q. Jeff Jackson told you that Zach Adams and
12 Shane Austin had already signed complaints or had
13 signed statements against you saying that you were
14 guilty; didn't he?

15 A. That's correct.

16 Q. And at some point Jeff Jackson told you that
17 the whole reason that this case started was that Zach
18 Adams and Shane had showed up at Clint Bobo's house
19 to make meth; didn't he tell you that?

20 A. That's incorrect.

21 Q. So if you wrote that in a letter to your
22 mother, that would not be accurate?

23 A. That's correct.

24 Q. So you would have lied to your mother about
25 that story?

1 A. That's correct.

2 Q. And what about a telephone call with your
3 mother?

4 A. As I testified earlier, I denied any
5 involvement until Mr. Parris and Mr. Scholl come on
6 board.

7 Q. They came on board in 2015; didn't they?

8 A. Yes, ma'am.

9 Q. They came on board about the time the State
10 filed the notice of intent to seek death penalty
11 against you; didn't they?

12 A. I guess so, yeah. I am not for sure the
13 exact date.

14 Q. You do remember giving an interview with Nick
15 Beres; don't you?

16 A. That's correct.

17 Q. In the interview with Nick Beres, you
18 specifically said that you were not a killer?

19 A. That's correct.

20 Q. You said that you had -- you were a drug
21 addict and a thief but not a killer; didn't you?

22 A. That's correct.

23 Q. You said you didn't want to speculate or make
24 any kind of rumors of what happened to girl --

25 A. That's correct.

1 Q. -- referring to Holly Bobo?

2 A. That's correct.

3 Q. He asked you, did you kidnap and kill Holly
4 Bobo, were you a part of that. And you said, by no
5 means, Nick, did I bother that girl.

6 A. That's correct.

7 Q. And you said I can't figure out why I've been
8 done like this; didn't you?

9 A. I don't know if I said them exact words or
10 not.

11 Q. Okay.

12 A. Do you have a transcript that says that?

13 Q. Yes. If I have a transcript that says that,
14 then would that be accurate?

15 A. If that's what the records reflect, I guess
16 so.

17 Q. And referring to Dylan Adams, you said that
18 he was lying to get out of trouble. He's down there,
19 he's waited all this time, you know, he ain't been
20 seen. He got himself in a little bit trouble. He's
21 down there in Obion County, and he don't want this
22 time, and he's making stuff up to get out of it.
23 Didn't you say that?

24 A. That's correct.

25 GENERAL NICHOLS: I'm sorry. Can we read

1 that one again? I missed the question.

2 THE COURT: All right. Do it again.

3 BY MS. THOMPSON:

4 Q. Okay. You said, and you were referring to
5 Dylan Adams, first of all, he's lying to get out of
6 trouble; didn't you say that?

7 GENERAL NICHOLS: That wasn't the whole
8 question.

9 MS. THOMPSON: I was just going to go
10 through it piece by piece.

11 THE COURT: Just do the whole question,
12 okay. We're trying to focus.

13 BY MS. THOMPSON:

14 Q. Okay. First of all you said, he's lying to
15 get out of trouble. He's down there and he's waited
16 all this time. You know, he ain't seen that. He's
17 got himself in a little trouble, and he's down there
18 in Obion County, and he don't want to do his time,
19 and he's making stuff up to get out of it. Didn't
20 you say that?

21 A. That's correct.

22 Q. And you said at the time that it was a try to
23 be to -- let me -- sorry.

24 You said, it was a try to be a forced move to
25 get me to bear false witness against Zach Adams;

1 didn't you?

2 A. If your records reflect that, I said that.

3 Q. Because at the time you were objecting to the
4 fact that the State was trying to get you to
5 cooperate; weren't you?

6 A. I had not spoke to the State at no time
7 during that period.

8 Q. You said --

9 A. Nor made any suggestions that would link
10 anybody to believe that I wanted to cooperate with
11 the State.

12 Q. Right. But you knew that there was pressure
13 to have somebody cooperate; didn't you?

14 A. I was under the assumption it was dealing.

15 Q. You knew law enforcement -- they tried to get
16 you to cooperate directly; didn't they?

17 A. When?

18 Q. Jeff Jackson came and talked to you and tried
19 to get you to cooperate before you had an attorney?

20 GENERAL NICHOLS: Is this before the
21 charges or during the investigation?

22 THE WITNESS: Yes, before the charges.

23 THE COURT: Interview process, I think,
24 is what she referred to earlier.

25 THE WITNESS: Before the charges, yeah.

1 Jeff Jackson wanted to know where the body was. That
2 was his focal point.

3 BY MS. THOMPSON:

4 Q. Right. And you said, I mean, I would have
5 taken five years and \$280,000 for my freedom if I
6 knew. If I knew, Nick, I'd tell them. You said that
7 in your interview; didn't you?

8 A. If your records reflect that, that's true.

9 Q. You said, no, sir, right hand before God, the
10 Father, Son, and Holy Ghost, I did not bother that
11 girl in no form or no fashion; didn't you?

12 A. And that's a fact.

13 Q. And you were asked, do you know who did. You
14 said, no, sir.

15 A. That's a lie.

16 Q. But didn't you say that?

17 A. That's correct.

18 Q. You said it had caused you a lot of sleepless
19 nights; didn't you?

20 A. If your records reflect that, that's true.

21 Q. And you told Nick Beres that you were kin to
22 Holly Bobo through your dad and her dad; didn't you?

23 A. I think that's correct.

24 Q. And you said that growing up, her mother was
25 your school teacher; didn't you?

1 A. I believe I said that. If your records
2 reflect that, that's true.

3 Q. And you said, it never dawned on me, you know
4 that some day I was going to be falsely accused of
5 this. Didn't you say that also?

6 A. If the records reflect that, that's true.

7 Q. And you've had a lot of telephone
8 conversations with your mother, Shirley King; haven't
9 you?

10 A. Numerous.

11 Q. And you know those telephone conversations
12 are recorded?

13 A. It tells you every time you pick up the
14 phone.

15 Q. You know that those telephone conversations
16 are being provided to everybody in discovery; don't
17 you?

18 A. It tells you that it's being recorded, yeah.

19 Q. You told your mom, mama, I didn't. I swear
20 right hand before -- you said, I mean, I'll testify
21 to what I know. I mean, and I am going to, but,
22 mama, I am innocent. That's right hand before God, I
23 am innocent. That's what you told your mother on the
24 telephone; isn't it?

25 A. I reckon that's what I am here doing.

1 Q. But you told your mother that on the
2 telephone specifically?

3 A. Yes.

4 Q. I mean, not just -- that's just one instance,
5 but you told your mother that time and time again;
6 didn't you?

7 A. That's correct.

8 Q. And you have actually a lot of people that
9 you are pen pals with in prison; aren't you? A lot
10 of people you're pen pals with in prison.

11 A. Yeah, I have a lot of them.

12 Q. A lot of women that write you letters, and
13 you write letters, too; don't you?

14 A. That's correct.

15 Q. I mean, you've always had a girlfriend in the
16 past; haven't you?

17 A. That's correct.

18 Q. Matter of fact, at the present time you're
19 still married to Lisa Autry?

20 A. That's correct.

21 Q. Recently you wrote letters to Lisa Autry or
22 last January saying that you would be home by this
23 Christmas; didn't you?

24 A. If your records reflect that, that's true.

25 Q. Okay. You said that initially you were going

1 to get back together with Lisa and go back home and
2 be a family by next Christmas; didn't you?

3 A. If the letter reads that way, I said that.

4 THE WITNESS: Your Honor, may I explain a
5 little bit to that?

6 THE COURT: You may.

7 THE WITNESS: A prior letter coming into
8 that was -- a response to that letter was -- it was
9 Christmastime, and the kids was feeling some kind of
10 way. And, you know, maybe that was an exaggeration.
11 I mean, it's difficult. It was a difficult position.
12 If your letters reflect that, that's what I did say.
13 I am not denying any if you have that on the mail.
14 In fact, I believe I recall writing it.

15 BY MS. THOMPSON:

16 Q. Your kids are grown. I mean, they're over
17 18.

18 A. That's correct.

19 Q. And you also have a relationship with a woman
20 named Linda Wallace, Linda Kimble Wallace; don't you?

21 A. That's correct.

22 Q. I mean, at this current time are you all
23 still planning on getting married when you get out of
24 prison?

25 A. I mean, you know, love letters have wild

1 endings, wild twists to them.

2 Q. But you've been writing to her saying she's
3 going to be a preacher's wife, and you all are going
4 to get married; haven't you?

5 A. I have told her that.

6 Q. And that you're expecting to get out of jail
7 soon, haven't you told her that?

8 A. That's correct.

9 Q. And right now I heard you say you're serving
10 a sentence. Has your federal time started currently?

11 A. I don't know.

12 Q. Okay.

13 A. I have no -- I assume it's running.

14 Q. You have a federal sentence that you're
15 facing?

16 A. 922g.

17 Q. That's a felon in possession charge; isn't
18 it?

19 A. 30.06 deer rifle.

20 Q. Okay. What kind of time do you have on that
21 sentence?

22 A. I don't know at what -- I don't know at what
23 period I am in. I don't know -- I've not been in
24 contact with a Federal Bureau of Prisons to know if
25 the clock's running or the clock's not.

1 Q. What did you get initially, how much time?

2 A. 100 months.

3 Q. And 100 months is?

4 A. 85.

5 Q. What?

6 A. 85 percent.

7 Q. Right. But 100 months is like eight years
8 and a third?

9 A. Well, it's 85 percent. 85 percent of a 100
10 would be 85 months, right?

11 Q. That's because prison has no parole?

12 A. Federal prison doesn't.

13 Q. Federal prison has no parole. And so if you
14 get a sentence, you have to serve at least 85 percent
15 of it; isn't that right?

16 A. (Nodded head affirmatively.)

17 Q. Can you answer out loud for the court
18 reporter?

19 A. Yes.

20 Q. And so if you have a 100-month sentence, you
21 still have that to serve at some point?

22 A. I assume I am serving it. I mean, a day is a
23 day. That's the way I've always understood it.

24 Q. In December you actually wrote to the federal
25 court asking --

1 GENERAL NICHOLS: December of what year?

2 BY MS. THOMPSON:

3 Q. December of 2016 you wrote to the federal
4 court asking how much time did you have remaining on
5 your sentence; didn't you?

6 A. If your records reflect that, that's true.

7 Q. Because in December, it became pertinent as
8 to when you might be getting out of custody; didn't
9 it?

10 A. I am curious after 60 -- 60 months how long
11 I've got and if the time is running for the
12 purpose of writing -- the purpose of writing the
13 letter was to find out if the clock was running or if
14 the clock wasn't running.

15 Q. So when you initially came into custody, you
16 came into custody in 2012; is that right?

17 A. September 22, 2012.

18 Q. At that time you got a state sentence to
19 serve; didn't you?

20 A. It was run concurrent with the federal
21 sentence.

22 Q. What was the state sentence to serve? How
23 long was that?

24 A. I believe it was three years for the theft of
25 the deer camera. Is that what you're speaking on?

1 Q. Yes.

2 A. I believe it was a three-year sentence run
3 concurrent with the federal sentence.

4 Q. Did you have any parole violations or
5 probation violations that were put into effect also?

6 A. I did not.

7 Q. Okay. So while you were at Riverbend, you
8 had complained bitterly about your treatment there;
9 haven't you?

10 GENERAL NICHOLS: Objection, relevance.

11 MS. THOMPSON: It's relevant because if
12 he's getting really bad treatment, that gives him a
13 motive to try to do a deal, Your Honor.

14 THE COURT: Ask the question.

15 BY MS. THOMPSON:

16 Q. You had real complaints about your treatment
17 while you were at Riverbend; didn't you?

18 A. That's correct.

19 Q. Matter of fact, they have had you in solitary
20 confinement; haven't they?

21 A. Yeah, that's correct.

22 Q. Solitary confinement is very hard to take;
23 isn't it?

24 A. I mean, I would rather be there than
25 Henderson County Jail. I have a TV, a radio, can go

1 outside. It's -- I don't know how you would -- I
2 mean, it's --

3 Q. So Henderson County Jail is also hard to
4 take; isn't it?

5 A. I think jail in general can be difficult.

6 Q. Okay. I mean, certainly if you were
7 considering spending a lifetime in jail, that could
8 be very difficult; couldn't it?

9 A. Yeah, I guess so.

10 Q. There's a lot of stress that comes knowing
11 that you have a potential death sentence hanging over
12 your head; isn't there?

13 A. That's correct.

14 Q. I mean, that has to bother you and eat at you
15 every day; doesn't it?

16 A. No, it doesn't. It actually doesn't, because
17 I bear a clear conscience. I know in my heart that I
18 did not kidnap her, I did not rape her, and I did not
19 kill her.

20 Q. You were right there wanting Holly Bobo
21 killed; weren't you?

22 A. That's correct.

23 Q. So it was your intent to see that she died
24 according to your story; isn't it?

25 A. It was not my intent to see that she died.

1 Q. Well, after you got there and you realized
2 that she had said your name or heard your name, it
3 was your intent then to make sure she was eliminated
4 as a witness against you?

5 A. That's incorrect. I was under the impression
6 that she was dead before I got in the truck, and we
7 never established that she heard my name. Remember
8 we had a -- we said it is possible.

9 Q. Oh, I remember that, but --

10 A. I mean, I'm just --

11 Q. But you're saying at the time when you
12 thought that she heard your name, you knew Zach
13 Adams, according to your story, was getting ready to
14 shoot her, you never said, stop, don't do it; did
15 you?

16 A. That's correct.

17 Q. You said, wait a minute, let me make sure
18 nobody's coming?

19 A. That's correct.

20 Q. So you did something to help him kill her
21 according to your story; didn't you?

22 A. I did, and I have lots of remorse for that.

23 Q. So -- but at the time, you were there,
24 according to you, to assist him in killing her;
25 weren't you?

1 A. No.

2 GENERAL NICHOLS: Your Honor, I object.
3 That is a mischaracterization of what he said.

4 THE COURT: We've been over and over and
5 over and over. Let's move on.

6 BY MS. THOMPSON:

7 Q. You've written letters where you said, they
8 don't have a case, I am innocent; didn't you?

9 A. If your records reflect that, that's true.

10 Q. You've written where you said, up front, I
11 have nothing to do with Holly Bobo, no form, no
12 fashion, right hand before God, that's the truth.
13 You said that; didn't you?

14 A. I testified earlier that I had lied multiple
15 times in the mail and on the phone calls.

16 Q. And you said, Mr. John, there is no way they
17 have a case. I am an innocent man. It's awful
18 funny, man, Ms. -- my attorney still hadn't got no
19 motion of discovery. 11 months and still no
20 evidence. Did you say that? At some point you did;
21 didn't you?

22 A. If your records reflect that, that's true.

23 Q. Okay.

24 A. I never -- I never got no portion of
25 discovery from Fletcher Long and John Hirsch.

1 Nothing.

2 Q. But it changed after you got your new
3 attorney, because he began to send you your
4 discovery; didn't he?

5 A. He sent me a small portion of them letters
6 that you're reflecting to.

7 Q. But he sent you -- he was printing for days
8 and days all kinds of materials to send you?

9 A. He did not.

10 Q. So --

11 A. He sent a very, very small portion.

12 Q. So you had materials of your discovery in
13 your cell; didn't you?

14 A. For probably a month or so. I was taken out
15 of the cell for painting and cleaning for about four
16 hours, and when I come back, a large portion of it
17 was missing. Over a month or so later, some guys
18 from TDOC come in and seized another large portion of
19 it. And that was sent, what wasn't kept, to Mr.
20 Scholl's office. So what I ended up with was a stack
21 of letters that I had wrote.

22 Q. So sometimes when your Aunt Rita and Uncle
23 Jimmy would come to visit you, you would bring them
24 portions of your discovery and show them through the
25 glass different areas you had highlighted; wouldn't

1 you?

2 A. I don't recall that.

3 Q. It's possible you did that?

4 A. What was it I showed them?

5 Q. Different items in your discovery where you
6 would highlight different things and show them
7 different --

8 A. I mean --

9 Q. -- different pages where people had made
10 statements, evidence that you thought was false.

11 A. I don't recall that.

12 Q. So in this case you have two agreements,
13 immunity agreements; don't you?

14 A. I do not.

15 Q. Okay. So you have an immunity agreement
16 through the federal courts from the Department of
17 Justice; don't you?

18 A. That's correct.

19 Q. And initially the prosecutor in this case was
20 a woman named Beth Hall, do you know Beth Hall?

21 A. I do.

22 Q. She was a State prosecutor when Hansel
23 McAdams was the district attorney; wasn't she?

24 A. I believe you're correct. I am not really
25 sure who the --

1 Q. She was your federal prosecutor when you had
2 your gun charge; wasn't she?

3 A. That's correct.

4 Q. You're aware that if you testify in a helpful
5 manner in this case, it would be possible for the
6 federal case, the sentence you've already received,
7 it would be possible to get that sentence reduced or
8 completely obliterated using a Rule 35 motion;
9 wouldn't it?

10 A. I am not familiar with what Rule 35 is.

11 Q. Are you familiar with the fact that if you
12 testify in a beneficial way to the State, they could
13 make a request that your federal sentence be reduced?

14 A. I don't know. You would ask my attorney
15 that. I am not aware of Rule 35 and how state and
16 federal stuff operate. I am sorry.

17 Q. So you're testifying here today, you're
18 telling the jury today that you have absolutely no
19 knowledge that what you do here might affect the
20 federal sentence that you have to serve of 100
21 months?

22 A. I do not. I have immunity with the federal
23 government, other than that, there's no deal. Plain
24 and simple.

25 Q. Right. But there's a potential deal. It

1 remains out there --

2 A. You're saying that, not me.

3 Q. I am asking you if you're aware that there is
4 a possible deal that could be made in the future.

5 A. Have you ever heard of it happening before?

6 Q. Yes. Have you?

7 A. Just then.

8 Q. So your federal deal, they -- you --

9 A. I thought there was a difference between
10 state court and federal court. Obviously I was
11 wrong.

12 Q. In your federal case -- I am sorry -- you
13 face a potential death sentence in a federal case if
14 this killing occurred on federal property; isn't that
15 right?

16 A. No, I've been given immunity.

17 Q. Well, that's what you were given immunity
18 from were any federal charges.

19 A. I don't know what I was given immunity for.
20 You'll have to ask Mr. Scholl. He's -- he's the
21 counsel that -- I did not handle that.

22 Q. And you have a federal immunity agreement?

23 A. I've never seen it. I mean, nor was I
24 present when it was worked out with the federal
25 government. That was -- that information I was

1 privileged enough to get through Mr. Scholl and Mr.
2 Parris.

3 Q. Well, I would like to pass this up to you and
4 have you look at this document and see if you
5 recognize it.

6 A. What is this?

7 Q. That's your federal immunity agreement. Is
8 that your signature on the second page along with Mr.
9 Scholl's signature?

10 A. It is.

11 Q. So you've signed that federal immunity
12 agreement?

13 A. That's correct.

14 Q. Now do you recognize it that you've looked at
15 it?

16 A. That's correct.

17 MS. THOMPSON: Your Honor, I would like
18 to offer that as an exhibit.

19 THE WITNESS: Do you want me to sign it?

20 MS. THOMPSON: No, you've already signed
21 it.

22 THE WITNESS: Who do I give this to?

23 THE COURT: Give it to the bailiff, give
24 it to the court reporter. That will be 186, correct?

25 THE REPORTER: Yes, sir.

1 (WHEREUPON, the above-mentioned immunity
2 agreement was marked as Exhibit Number 186.)

3 MS. THOMPSON: I'd like to pass up the
4 next one, too.

5 GENERAL NICHOLS: The next is his proffer
6 agreement with the State. It's not any kind of an
7 immunity. It's just saying he has to tell the truth
8 when he's talking to us. I don't really have an
9 objection I don't guess, but it's not an immunity
10 agreement. It's just him saying --

11 THE COURT: They said they have no
12 objection, you want it in?

13 MS. THOMPSON: Yes.

14 THE COURT: File it 187.

15 (WHEREUPON, the above-mentioned proffer
16 agreement was marked as Exhibit Number 187.)

17 BY MS. THOMPSON:

18 Q. This agreement that you have with the State
19 -- did you get a chance to look at it? Your
20 signature is on it. Do you have any reason to
21 believe it's not your signature on this agreement?

22 A. I do not.

23 Q. What this says is that anything --

24 GENERAL NICHOLS: May I ask what this is?

25 MS. THOMPSON: This immunity -- this --

1 THE COURT: Proffer.

2 MS. THOMPSON: -- proffer letter that you
3 have with the State of Tennessee.

4 GENERAL NICHOLS: And the proffer is for
5 the interview that we had with him. That was for --
6 that was an agreement between his counsel and my
7 office that we could talk to him. Period.

8 BY MS. THOMPSON:

9 Q. Yes. So what this says is anything that you
10 said, and it doesn't specifically say it's only for
11 one session. It just says the things that you tell
12 the State during a proffer session will not be used
13 directly against you; isn't that right?

14 A. If the letter reads that, that's correct.

15 Q. So -- well, you went over it with your
16 attorney, didn't you, Mr. Scholl and Mr. Parris?

17 A. I looked over it, that's correct.

18 Q. And so you understood that by going into that
19 proffer session what you say in that meeting, they
20 could not then turn around and use it directly
21 against you?

22 A. That's what the agreement states.

23 Q. Yes. And -- but what it does depend on is
24 you testifying honestly and cooperating with the
25 State from that point forward; doesn't it?

1 A. That -- me signing that paper wasn't
2 agreement to testify.

3 Q. No. It specifically does require that you
4 need to be honest in what you do; doesn't it?

5 A. That's correct.

6 Q. Matter of fact, it says, third, in the event
7 if your client becomes a witness in any judicial
8 proceeding, including the prosecution of him in any
9 criminal case, and offers testimony materially
10 different from any statements made during the
11 proffer, the State may -- may not cross-examine
12 concerning those statements made during the proffer.
13 However, if he's called to testify at trial against
14 any or both of his codefendants, then the substance
15 of this proffer and material differences shall be
16 disclosed to the other defendant or defendants.
17 Doesn't it say that?

18 A. Yes. I mean, if you -- you read it right off
19 there. Yeah. If that's what it reads, yes.

20 Q. It also says that they can take the
21 information that they get from this, and they can
22 make derivative use of it. Meaning, they can go out
23 and do their own investigation and then use that
24 information against you; doesn't it?

25 A. I guess so, yeah. I mean, I am not

1 understanding the full scope of what you're saying.

2 I am not disagreeing either. I mean, I am not an

3 attorney. I don't understand the language.

4 Q. So what happens to you in the future really
5 depends now on how your case goes; doesn't it?

6 A. That's an answer for the DA and counsel.

7 Q. But you recognize that if the district
8 attorney decided that you were quote, lying, they
9 could come back and continue prosecuting you; don't
10 you?

11 A. If you say so.

12 Q. And you're really expecting that you're going
13 to do little or no additional jail time after this
14 case is over; aren't you?

15 A. I testified at the beginning that I was
16 hoping for leniency.

17 Q. But by leniency, you wrote to your family
18 saying you were hoping to get out by Christmas;
19 didn't you?

20 GENERAL NICHOLS: May I ask the date of
21 that.

22 THE WITNESS: We all know that that's not
23 going to happen.

24 THE COURT: We've already crossed that.
25 He's answered that earlier. He actually offered a

1 further explanation. He wanted to explain it.

2 MS. THOMPSON: If I can have a minute.

3 BY MS. THOMPSON:

4 Q. Now, initially during your proffer session,
5 you specifically said that the gun that Shane Austin
6 had was a .38 or a .357; didn't you?

7 A. That's correct. That's what I was under the
8 impression of it being.

9 Q. That's before they found a gun in a creek;
10 isn't it?

11 A. The gun.

12 Q. And the gun they found in a creek is a .32;
13 isn't it?

14 A. If you say so.

15 Q. You don't know what caliber that gun is?

16 A. I do not.

17 Q. So you just eyeballed that gun, and you're
18 just pretty sure even though it's rusted, it's the
19 same gun?

20 A. That is the same gun.

21 Q. It's the same gun, but you have to admit it's
22 much rustier than it was when you claimed to have
23 originally seen it?

24 A. The blueing is off of it, and it's aged.

25 Q. So not only did you give an interview to Nick

1 Beres with Channel 5, you also wrote him some
2 letters; didn't you?

3 A. That's correct.

4 Q. You wrote him letters saying that Lisa Autry
5 was a wolf in sheep's clothing and lying; didn't you?

6 A. That's correct.

7 Q. And you knew that she was lying and a wolf in
8 sheep's clothing, because you had seen the discovery
9 that included reports of what she had told the
10 police; didn't you?

11 A. That's incorrect. I mailed her a letter. I
12 mailed Nick Beres a letter that Lisa had written me.
13 I've never seen nothing that links Lisa to the
14 discovery. Lisa wrote me a letter, a series of
15 letters claiming that she had --

16 Q. I don't want to hear what she said in the
17 letter. That would be hearsay.

18 So basically what you want this jury to
19 believe here today is that you're facing a death
20 sentence in this case, and that you've now come in
21 and you've testified before them about the, quote,
22 truth of what happened that day, but you only hope
23 for leniency, and you have no other expectation as to
24 what's going to happen to you?

25 A. I've come in here and admitted my wrongs.

1 Admitted where I've lied, testified to the truth, and
2 I hope for leniency, that's correct.

3 MS. THOMPSON: No further questions.

4 THE COURT: Further direct?

5

6 **REDIRECT EXAMINATION**

7 **QUESTIONS BY GENERAL NICHOLS:**

8 Q. When you got to Shane Austin's house on April
9 13, 2011, you were asked to draw two cars in that
10 diagram for Ms. Thompson?

11 A. That's correct.

12 Q. What other cars were there or trucks?

13 A. Behind the house was a black S-10.

14 Q. Whose truck was that?

15 A. Mr. Austin's.

16 Q. What about Dylan's truck?

17 A. It was not there.

18 Q. You were asked what you were wearing on April
19 13, 2011, what was Zach Adam's wearing?

20 A. Camouflage.

21 Q. What was on his feet?

22 A. I don't recall.

23 GENERAL NICHOLS: Thank you. Nothing
24 else, Your Honor.

25 THE COURT: Anything else?

1 MS. THOMPSON: No, Your Honor.

2 THE COURT: All right. Going to recess
3 for the day. We're about an hour later than what I
4 would like to, but I wanted to finish this witness.
5 Follow the rules I gave you at the outset. Leave
6 your notebooks in here. They'll be secured. I'll
7 see you folks in the morning. Thank you.

8 (WHEREUPON, the jury left the courtroom,
9 after which the following proceedings were had:)

10 THE COURT: Let me see counsel.

11 (WHEREUPON, a conference was held at the
12 bench between counsel and the Court.)

13 THE COURT: I just don't want the press
14 overhearing this. I don't know after this testimony
15 if the State is willing to renew any offers.

16 GENERAL NICHOLS: I'm sorry.

17 THE COURT: Well, I particularly don't
18 want the press to hear it, but after the testimony
19 all day long of Mr. Autry, I didn't know if the State
20 is willing to renew any negotiations or if the
21 defendant wishes to entertain any. If you do, I want
22 no part of it, but that's up to y'all to discuss,
23 okay?

24 (WHEREUPON, the following proceedings
25 continued within the hearing of the courtroom:)

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THE COURT: All right. We're in recess.
(END OF VOLUME IX)

Exhibit B

State of Tennessee
vs.

Defendant: JASON WAYNE AUTRY Alias: _____ Date of Birth: 10/10/74 Sex: M
Race: W SSN: 0966 Driver License #: _____ Issuing State: _____
State ID #: _____ County Offender ID # (if applicable): _____ TDOC #: _____
Relationship to Victim: _____ Victim's Age: _____
State Control #: _____ Arrest Date: _____ Indictment Filing Date: 5/19/15 (SUPERSEDING)

JUDGMENT ☒ Original ☐ Amended ☐ Corrected

Come the parties for entry of judgment.

On the 14TH day of SEPTEMBER, 2020, the defendant:

- ☒ Pled Guilty
☐ Pled Nolo Contendere
☐ Pled Guilty - Certified Question Findings
Incorporated by Reference
☐ Dismissed
☐ Nolle Prosequi with costs
☐ Nolle Prosequi without costs
Is found: ☐ Guilty ☐ Not Guilty
☐ Not Guilty by Reason of Insanity
☐ Jury Verdict
☐ Bench Trial Merged with Count: _____

Indictment: Class (circle one) 1st ☒ B ☐ C ☐ D ☐ E ☒ Felony ☐ Misdemeanor
Indicted Offense Name: ESP AGG KIDNAPPING
Indicted Offense TCA §: 39-13-305
Amended Offense Name: FAC: ESP AGG KIDNAPPING
Amended Offense TCA §: 39-11-403
Offense Date: APRIL 13, 2011 County of Offense: DECATUR
Conviction Offense Name: FAC: ESP AGG KIDNAPPING
Conviction Offense TCA §: 39-11-403
Conviction: Class (circle one) 1st A ☒ C ☐ D ☐ E ☒ Felony ☐ Misdemeanor
Sentence Imposed Date: SEPTEMBER 14, 2020

After considering the evidence, the entire record, and in the case of sentencing, all factors in Tennessee Code Annotated Title 40, Chapter 35, all of which are incorporated by reference herein, it is ORDERED and ADJUDGED that the conviction described above is imposed hereby and that a sentence and costs are imposed as follows:

Offender Status (Check One)	Release Eligibility for Felony Offense (Check One)
<input type="checkbox"/> Mitigated <input checked="" type="checkbox"/> Standard <input type="checkbox"/> Multiple <input type="checkbox"/> Persistent <input type="checkbox"/> Career	<input type="checkbox"/> Mitigated 20% <input type="checkbox"/> Mitigated 30% <input checked="" type="checkbox"/> Standard 30% <input type="checkbox"/> Multiple 35% <input type="checkbox"/> Persistent 45% <input type="checkbox"/> Career 60% <input type="checkbox"/> § 40-35-501(j) 100% <input type="checkbox"/> Multiple Rapist 100% <input type="checkbox"/> Child Rapist 100% <input type="checkbox"/> Agg Rapist 100% <input type="checkbox"/> Child Predator 100% <input type="checkbox"/> § 39-13-518 100% <input type="checkbox"/> Agg Rob 85% <input type="checkbox"/> Agg Rob w/Prior 100% <input type="checkbox"/> § 39-17-1324(a), (b) 100% <input type="checkbox"/> Mult § 39-17-1324(j) 100% <input type="checkbox"/> Agg Assault w/Death 75% <input type="checkbox"/> Att 1 st Deg Murder w/SBI 85% <input type="checkbox"/> Agg Child Neg/En 70% <input type="checkbox"/> Agg Child Neg/En 85% <input type="checkbox"/> Agg Vehicular Homicide 60% <input type="checkbox"/> Carjacking 75% <input type="checkbox"/> § 40-35-501(u) 85%

☐ 1st Degree Murder
☐ Pre 1989
☐ Reform Act 1989
☐ Drug Free Zone
☐ Gang Related
☐ Repeat Violent Off

Concurrent with: <u>COUNT 8; USDC WD TN</u> <u>1:12-CR-10070</u>	Pretrial Jail Credit Period(s): From _____ to _____ From _____ to _____ From _____ to _____ From _____ to _____ From _____ to _____ From _____ to _____ It is not the intent of the court for duplication of Jail Credit to be applied to consecutive sentences
Consecutive to:	

Sentenced To: ☒ TDOC ☐ County Jail ☐ Workhouse
Sentence Length: 8 Years _____ Months _____ Days _____ Hours ☐ Life ☐ Life w/out Parole ☐ Death
Mandatory Minimum Sentence Length: _____
§§ 39-17-417, 39-13-513, 39-13-514, or 39-17-432 in Prohibited Zone
§ 55-10-401 DUI 4th Offense
§ 39-17-1324 Possession/Employment of Firearm
§§ 40-39-208, -211 Violation of Sex Offender Registry
Meth §§ (39-17-434, -417, -418)
Period of incarceration to be served prior to release on probation or Community Corrections: _____ Months _____ Days _____ Hours
Minimum service prior to eligibility for work release, furlough, trusty status and rehabilitative programs: _____ % (Misdemeanor or Split Confinement Only)
Alternative Sentence: ☐ Sup Prob ☐ Unsup Prob ☐ Comm Corr ☐ Prob Sup By Comm. Corr (CHECK ONE BOX)
_____ Years _____ Months _____ Days Effective: _____
WAS DRUG/RECOVERY COURT ORDERED AS A CONDITION OF THE ALTERNATIVE SENTENCE? ☐ Yes ☐ No
C. CREED MCGINLEY
Judge's Name Judge's Signature

Document Seq: 8057395 Document Title: JP-Guilty Plea-Autry.pdf
IN THE CRIMINAL/CIRCUIT COURT FOR JEFFERSON COUNTY, TENNESSEE
C:\Users\Libby\Desktop\Attachments\JP-Guilty Plea-Autry.pdf
Case Number: 17-CR-10 Count # 3
Judicial District: 14-30th Judicial Division: 00

State of Tennessee

vs.

Defendant: JASON WAYNE AUTRY Alias: Date of Birth: 10/10/74 Sex: M
Race: W SSN: -0966

CONTINUATION OF JUDGMENT ☒ Original ☐ Amended ☐ Corrected

Court Ordered Fees and Fines: \$ Court Costs \$ -0 Finc Assessed \$ Traumatic Brain Injury Fund (68-55-301 et seq.) \$ Drug Testing Fund (TN Drug Control Act) \$ CICF \$ Sex Offender Tax \$ Other:	Costs to be Paid by <input checked="" type="checkbox"/> Defendant <input type="checkbox"/> State	Restitution: Victim Name _____ Address _____ Total Amount \$ _____ Per Month \$ _____ <input type="checkbox"/> Unpaid Community Service: ____ Hours ____ Days ____ Weeks ____ Months
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- ☒ The Defendant having been found guilty is rendered infamous and ordered to provide a biological specimen for the purpose of DNA analysis.
☐ Pursuant to 39-13-521, the defendant is ordered to provide a biological specimen for the purpose of HIV testing.
☐ Pursuant to 39-13-524 or 39-13-518, the defendant is sentenced to community supervision for life following sentence expiration.
☐ Pursuant to Title 68, Chapter 11, Part 10, 71-6-117, or 71-6-119, the clerk shall forward this judgment to the Department of Health.

Special Conditions:

THIS INDICTMENT ORIGINATED IN DECATUR COUNTY, TN CIRCUIT COURT UNDER 14-CR-20. A SUPERSEDING INDICTMENT IN DECATUR COUNTY, TN CIRCUIT COURT WAS THEN ASSIGNED 15-CR-30. THAT SUPERSEDING INDICTMENT WAS TRANSFERRED TO HARDIN COUNTY, TN CIRCUIT COURT AND ASSIGNED 17-CR-10. DEFENDANT IS ENTITLED TO PRETRIAL JAIL CREDIT SINCE HIS ARREST ON THESE CHARGES ON 14-CR-20.

C. CREED MCGINLEY

Judge's Name

Judge's Signature

9-14-20
Date of Entry of Judgment

Counsel for State / Signature (optional)

Defendant / Defendant's Counsel / Signature (optional)

I, Heidi Kuhn, Clerk, hereby certify that, before entry by the court, a copy of this judgment was made available to the party or parties who did not provide a signature above.

IN THE CRIMINAL/CIRCUIT COURT FOR Hardin COUNTY, TENNESSEE
Document Seq: 2057365, Document Title: JP Guilty Plea Autry.pdf

C:\Users\libby\Desktop\Attachments\JP Guilty Plea Autry.pdf The State: PAUL HAGERMAN
Judicial District: 24-20th Judicial Division: 08 Counsel for the Defendant: MICHAEL SCHOLL

Co-Counsel for the Defendant: ROBERT PARRIS
☐ Retained ☐ Pub Def Appt ☒ Private Atty Appt
☐ Counsel Waived ☐ Pro Se

State of Tennessee

vs.

Defendant: JASON WAYNE AUTRY Alias: _____ Date of Birth: 10/10/74 Sex: M

Race: W SSN: ████-██-0966 Driver License #: _____ Issuing State: _____

State ID #: _____ County Offender ID # (if applicable): _____ TDOC #: _____

Relationship to Victim: _____ Victim's Age: _____

State Control #: _____ Arrest Date: _____ Indictment Filing Date: 5/19/15 (SUPERSEDING)

JUDGMENT ☒ Original ☐ Amended ☐ Corrected

Come the parties for entry of judgment.

On the 14 day of SEPTEMBER, 2020, the defendant:

- ☒ Pled Guilty
☐ Pled Nolo Contendere
☐ Pled Guilty - Certified Question Findings Incorporated by Reference
☐ Dismissed
☐ Nolle Prosequi with costs
☐ Nolle Prosequi without costs
Is found: ☐ Guilty ☐ Not Guilty
☐ Not Guilty by Reason of Insanity
☐ Jury Verdict
☐ Bench Trial Merged with Count: _____

Indictment: Class (circle one) ☒ A ☐ B ☐ C ☐ D ☐ E ☒ Felony ☐ Misdemeanor
Indicted Offense Name: MURDER FIRST - PREMEDITATED
Indicted Offense TCA §: 39-13-202
Amended Offense Name: SOL: MURDER FIRST - PREMEDITATED
Amended Offense TCA §: 39-12-102
Offense Date: APRIL 13, 2011 County of Offense: DECATUR
Conviction Offense Name: SOL: MURDER FIRST - PREMEDITATED
Conviction Offense TCA §: 39-12-102
Conviction: Class (circle one) 1st A ☒ C ☐ D ☐ E ☒ Felony ☐ Misdemeanor
Sentence Imposed Date: SEPTEMBER 14, 2020

After considering the evidence, the entire record, and in the case of sentencing, all factors in Tennessee Code Annotated Title 40, Chapter 35, all of which are incorporated by reference herein, it is ORDERED and ADJUDGED that the conviction described above is imposed hereby and that a sentence and costs are imposed as follows:

Offender Status (Check One)	Release Eligibility for Felony Offense (Check One)	
<input type="checkbox"/> Mitigated	<input type="checkbox"/> Mitigated 20%	<input type="checkbox"/> § 40-35-501(i) 100%
<input checked="" type="checkbox"/> Standard	<input type="checkbox"/> Mitigated 30%	<input type="checkbox"/> Multiple Rapist 100%
<input type="checkbox"/> Multiple	<input checked="" type="checkbox"/> Standard 30%	<input type="checkbox"/> Child Rapist 100%
<input type="checkbox"/> Persistent	<input type="checkbox"/> Multiple 35%	<input type="checkbox"/> Agg Rapist 100%
<input type="checkbox"/> Career	<input type="checkbox"/> Persistent 45%	<input type="checkbox"/> Child Predator 100%
	<input type="checkbox"/> Career 60%	<input type="checkbox"/> § 39-13-518 100%
		<input type="checkbox"/> Agg Rob 85%
		<input type="checkbox"/> Agg Rob w/Prior 100%
		<input type="checkbox"/> § 39-17-1324(a), (b) 100%
		<input type="checkbox"/> Mult § 39-17-1324(j) 100%
		<input type="checkbox"/> Agg Assault w/Death 75%
		<input type="checkbox"/> Att 1 st Deg Murder w/SBI 85%
		<input type="checkbox"/> Agg Child Neg/En 70%
		<input type="checkbox"/> Agg Child Neg/En 85%
		<input type="checkbox"/> Agg Vehicular Homicide 60%
		<input type="checkbox"/> Carjacking 75%
		<input type="checkbox"/> §40-35-501(u) 85%

☐ 1st Degree Murder
☐ Pre 1989
☐ Reform Act 1989
☐ Drug Free Zone
☐ Gang Related
☐ Repeat Violent Off

Concurrent with: COUNT 3; USDC WD TN
1:12-CR-10070

Consecutive to:

Pretrial Jail Credit Period(s):

From _____ to _____ From _____ to _____
From _____ to _____ From _____ to _____
From _____ to _____ From _____ to _____

It is not the intent of the court for duplication of Jail Credit to be applied to consecutive sentences

Sentenced To: ☒ TDOC ☐ County Jail ☐ Workhouse

Sentence Length: 8 Years _____ Months _____ Days _____ Hours ☐ Life ☐ Life w/out Parole ☐ Death

Mandatory Minimum Sentence Length: _____ §§ 39-17-417, 39-13-513, 39-13-514, or 39-17-432 in Prohibited Zone

_____ § 55-10-401 DUI 4th Offense

_____ § 39-17-1324 Possession/Employment of Firearm

_____ §§ 40-39-208, -211 Violation of Sex Offender Registry

_____ Meth §§ (39-17-434, -417, -418)

Period of incarceration to be served prior to release on probation or Community Corrections: _____ Months _____ Days _____ Hours

Minimum service prior to eligibility for work release, furlough, trusty status and rehabilitative programs: _____ % (Misdemeanor or Split Confinement Only)

Alternative Sentence: ☐ Sup Prob ☐ Unsup Prob ☐ Comm Corr ☐ Prob Sup By Comm. Corr (CHECK ONE BOX)

_____ Years _____ Months _____ Days

Effective: _____

WAS DRUG/RECOVERY COURT ORDERED AS A CONDITION OF THE ALTERNATIVE SENTENCE? ☐ Yes ☐ No

C. CREED MCGINLEY

Judge's Name

Judge's Signature

State of Tennessee

vs.

Defendant: JASON WAYNE AUTRY Alias: Date of Birth: 10/10/74 Sex: M
Race: W SSN: -0966

CONTINUATION OF JUDGMENT ☒ Original ☐ Amended ☐ Corrected

Court Ordered Fees and Fines: \$ Court Costs \$ -0- Fine Assessed \$ Traumatic Brain Injury Fund (68-55-301 et seq.) \$ Drug Testing Fund (TN Drug Control Act) \$ CICF \$ Sex Offender Tax \$ Other:	Costs to be Paid by <input checked="" type="checkbox"/> Defendant <input type="checkbox"/> State	Restitution: Victim Name Address Total Amount \$ Per Month \$
<input type="checkbox"/> Unpaid Community Service: Hours Days Weeks Months		

- ☒ The Defendant having been found guilty is rendered infamous and ordered to provide a biological specimen for the purpose of DNA analysis.
☐ Pursuant to 39-13-521, the defendant is ordered to provide a biological specimen for the purpose of HIV testing.
☐ Pursuant to 39-13-524 or 39-13-518, the defendant is sentenced to community supervision for life following sentence expiration.
☐ Pursuant to Title 68, Chapter 11, Part 10, 71-6-117, or 71-6-119, the clerk shall forward this judgment to the Department of Health.

Special Conditions:

THIS INDICTMENT ORIGINATED IN DECATUR COUNTY, TN CIRCUIT COURT UNDER 14-CR-20. A SUPERSEDING INDICTMENT IN DECATUR COUNTY, TN CIRCUIT COURT WAS THEN ASSIGNED 15-CR-30. THAT SUPERSEDING INDICTMENT WAS TRANSFERRED TO HARDIN COUNTY, TN CIRCUIT COURT AND ASSIGNED 17-CR-10. DEFENDANT IS ENTITLED TO PRETRIAL JAIL CREDIT SINCE HIS ARREST ON THESE CHARGES ON 14-CR-20.

C. CREED MCGINLEY

Judge's Name

Judge's Signature

9-14-20
Date of Entry of Judgment

Counsel for State/Signature (optional)

Defendant/Defendant's Counsel/Signature (optional)

Diane Polk
I, Heidi Kuhn

clerk, hereby certify that, before entry by the court, a copy of this judgment was made available to the party or parties who did not provide a signature above.

IN THE CIRCUIT COURT OF HARDIN COUNTY, TENNESSEE
FOR THE TWENTY-FOURTH JUDICIAL DISTRICT
AT SAVANNAH

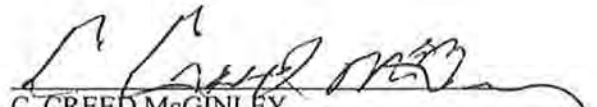
STATE OF TENNESSEE,)	
Plaintiff,)	
)	
vs.)	Case no. 17-CR-10
)	
JASON WAYNE AUTRY,)	
(DOB: 10/10/1974))	
Defendant.)	

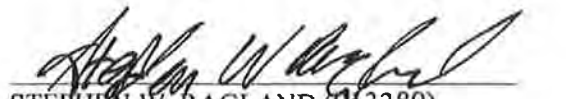
ORDER OF NOLLE PROSEQUI OF CERTAIN COUNTS

This case came before the Court on the announcement of the State that it opted to nolle prosecute without costs certain counts of this Indictment based on Defendant's convictions in counts 3 and 8.

WHEREFORE, the above premises considered, counts 1, 2, 4, 5, 6, and 7 of this Indictment shall be shown as nolle prosecute without costs based on the convictions in counts 3 and 8.

SO ORDERED this 14th day of September, 2020


C. CREED MCGINLEY
Circuit Court Judge


STEPHEN W. RAGLAND (013389)
Assistant District Attorney General Pro Tempore

FILED 14th DAY OF Sept 2020 AT 1:12 AM PM
BY DIANE POLK, CLERK
Schneberger

Exhibit C

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IN THE CIRCUIT COURT
OF HARDIN COUNTY, TENNESSEE

STATE OF TENNESSEE

v.

No. 17 CR 10

JASON WAYNE AUTRY
DEFENDANT

TRANSCRIPT OF GUILTY PLEA

SEPTEMBER 14, 2020

CHRISTINE KIRK, LCR
P.O. BOX 1061
JACKSON, TENNESSEE 38302
(731) 935-9750

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APPEARANCES

Before the Honorable:

JUDGE CREED MCGINLEY

For the State:

MR. PAUL HAGERMAN

MS. JENNIFER NICHOLS

Assistant District Attorney General

For the Defendant:

MR. MICHAEL SCHOLL &

MR. ROBERT PARIS

200 Jefferson Avenue

Suite 1500

Memphis, TN 38103

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TABLE OF CONTENTS

CERTIFICATE OF THE REPORTER	Page 18
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1 - - - - -

2 This cause came for hearing and
3 was heard on the 14th day of September,
4 2020, where the following proceedings
5 were had:

6 THE COURT: I'm far enough away.
7 I'm going to uncover a little where you
8 all can hear me.

9 First of all we're a little bit
10 over two hours late starting. That is
11 what is known as a snafu. Ya'll know what
12 a snafu is? Situation normal: all F up,
13 the actual acronym that it stands for. We
14 had some disparity between the
15 transportation. I told them I've got all
16 day, it created absolutely no problems.
17 You folks have been with us throughout
18 the day.

19 I was advised early on in this
20 case after Mr. Scholl and -- got
21 involved, one of you said, "Judge we will
22 not be needing a trial date." That was
23 fairly early in the process. We were
24 still in Decatur County at the time I was
25 told that. Prior to that I had actually

1 said and this was in Decatur County -- we
2 have got Ms. Nichols with us today who is
3 the Commissioner of Children's Services
4 and she was lead prosecutor which reminds
5 me I'm going to get Susan Jones face time
6 because they're basically -- they have
7 been through this case throughout and I'm
8 going to let them follow it to the end so
9 I will be --.

10 (MS. SUSAN JONES WAS ADDED TO THE
11 COURT PROCEEDINGS AT THIS TIME:)

12 THE COURT: We just started the
13 hearing. I opened court and we just now
14 started the hearing. I briefly addressed
15 just a few preliminary matters about I
16 was informed by defense counsel fairly
17 early on and they didn't tell me
18 something had been worked out. They just
19 said, "We will not be needing a trial
20 date." And I had said prior to that -- we
21 were still in Decatur County. That's when
22 I looked back and saw Ms. Nichols and you
23 guys were both there. You guys as well as
24 all of the other attorneys were there and
25 I think you probably remember me saying

1 if I was involved in this case from a
2 defense standpoint it would be a race to
3 201 Poplar. You remember me saying that
4 and apparently you folks won the race.
5 And then sometime after that the
6 attorneys got together with the
7 prosecutors. There was a proffer in this
8 case. Actually Mr. Autry met with
9 attorneys and prosecutors and went
10 through the route of what he testified to
11 at the trial, is that correct?

12 MR. SCHOLL: Yes, sir.

13 THE COURT: So we're ready to
14 proceed now? Do you want to announce the
15 basic terms of this plea agreement?

16 MR. HAGERMAN: Yes, sir. Are we
17 far enough away?

18 THE COURT: You are -- I don't
19 know about him but you are far enough
20 from me.

21 MR. HAGERMAN: I can talk -

22 THE COURT: I can hear you. Make
23 sure the court reporter can hear you.

24 MR. HAGERMAN: I will talk as loud
25 as I can. Actually three years ago to

1 this day Mr. Autry testified in this
2 courtroom and told the jury and I guess
3 the world as it were what happened April
4 13th of 2011.

5 In this courtroom then and in
6 this courtroom today, Karen Bobo, Dana
7 Bobo, they're here.

8 THE COURT: I saw them earlier.

9 MR. HAGERMAN: And they are in
10 support and agreement with this guilty
11 plea which takes into account the
12 realities of the prosecution before Mr.
13 Autry cooperated and then takes into
14 account the importance of his cooperation
15 and his credible, truthful testimony at
16 trial.

17 THE COURT: I addressed earlier at
18 the motion for new trial on the co
19 defendant his testimony was some of the
20 most credible, persuasive testimony I've
21 ever hear given in a courtroom.

22 MR. HAGERMAN: It answered many
23 questions that were left open, factually
24 in the investigation, it answered many
25 questions that Karen and Dana had about

1 what happened to their daughter and it
2 was a very important piece in getting
3 justice for Holly.

4 This guilty plea is to 17 CR 10,
5 counts three and count eight of the
6 indictment. On Count three Mr. Autry will
7 plead guilty to a B felony, facilitation
8 to especially aggravated kidnapping. An
9 eight year sentence as a range one
10 offender.

11 Count eight of the same
12 indictment he will plead guilty to
13 solicitation to commit murder in the
14 first degree, a class B felony. Eight
15 years confinement as a range one standard
16 offender, the two sentences to run
17 concurrent with each other and also
18 concurrent with a federal sentence which
19 is noted on the judgment sheets.

20 The other counts by separate
21 order are asked to be nol pros without
22 cause. Mr. Autry will serve the sentence.
23 There will be no petition hearing. May I
24 approach?

25 THE COURT: Yes.

1 Mr. Autry can you hear me well?

2 MR. AUTRY: Yes, sir.

3 THE COURT: I'm going to go
4 through your rights at this time.

5 You have the right to plead not
6 guilty. If you enter a plea of not guilty
7 you are entitled to a speedy and public
8 trial by a jury or by judge sitting
9 without a jury.

10 At a trial you would have the
11 right to assistance of counsel.
12 The right to confront and cross examine
13 witnesses testifying against you and the
14 right to compel witnesses to appear and
15 testify on your behalf. At a trial you
16 cannot be compelled to take the witness
17 stand and incriminate yourself.
18 If your plea of guilty is accepted there
19 will not be a trial and this case is at
20 an end other than the imposing of the
21 sentence upon you. In accepting this plea
22 of guilty the Court can ask you
23 questions, require that you answer those
24 questions under oath on the record with
25 the assistance of your attorney and your

1 answers could later be used against you
2 in a prosecution for perjury. You need
3 to understand that if you should ever be
4 found guilty of another criminal offense
5 at a later date the judgment of
6 conviction in today's case could be used
7 to enhance the punishment for that
8 later offense. You need to understand
9 that by the entry of a guilty plea today
10 that you're waiving your right to appeal
11 your case to a higher court.

12 I want you to stand with your
13 attorneys. I will put you under oath.

14 Do you solemnly swear that the
15 testimony you are about to give is the
16 truth, the whole truth and nothing but
17 the truth so help you God?

18 MR. AUTRY: Yes, sir.

19 THE COURT: You are Jason Wayne
20 Autry?

21 MR. AUTRY: Yes, sir.

22 THE COURT: In case 17 CR 10 it is
23 indicated that you may wish to enter a
24 plea of guilty. Are you doing this freely
25 and voluntarily?

1 MR. AUTRY: Yes, sir.

2 THE COURT: Nobody forcing you to
3 enter a plea against your wishes?

4 MR. AUTRY: No, sir.

5 THE COURT: Do you fully
6 understand what you are doing today?

7 MR. AUTRY: Yes, sir.

8 THE COURT: Have you consulted
9 fully and thoroughly to -- discussed the
10 case fully and thoroughly with your
11 respective attorneys?

12 MR. AUTRY: Yes, sir.

13 The court: Talked with them about
14 the nature of the offenses as well as any
15 possible legal defenses?

16 MR. AUTRY: Yes, sir.

17 THE COURT: You are pleading
18 guilty to count three, especially
19 aggravated kidnapping. The range one
20 offender could get fifteen to twenty five
21 years and the charged offense on count
22 eight is first degree murder that could
23 be life, life without parole or death.

24 If the court accepts your plea,
25 plead guilty to facilitating especially

1 aggravated kidnapping. That's an amended
2 charge. It would be an eight year
3 sentence as a range one standard
4 offender. Thirty percent classification.

5 Count two, you would be pleading
6 guilty to solicitation to murder one and
7 receive an eight year sentence, range one
8 standard offender and thirty percent
9 classification. They will run
10 concurrent. Do you understand what that
11 means?

12 MR. AUTRY: Yes, sir.

13 THE COURT: They're also running
14 concurrent with a federal sentence.

15 MR. AUTRY: Yes, sir.

16 THE COURT: Do you want to give me
17 a statement of facts or does he want to
18 stipulate a factual basis exists?

19 MR. SCHOLL: If, Your Honor,
20 please we would stipulate that a factual
21 basis exists for the plea and ask that
22 you accept the negotiated plea.

23 I do want to say one thing for
24 the record that we discussed, Your Honor.
25 There was no formal agreement in this

1 case between defense counsel and
2 prosecution until about one month ago,
3 within the last month. So no offer was
4 conveyed or given to Mr. Autry until just
5 a few weeks ago when I did set up the
6 skype with the TDOC. I wanted to get that
7 clear for the record.

8 THE COURT: No formal agreement
9 because they would have been -- the other
10 co defendants would have been entitled to
11 that. I think everybody suspected the
12 agreement would be forthcoming but no
13 formal agreement was reached until you
14 say about thirty days ago.

15 MR. SCHOLL: We did not start
16 having our conversations for the formal
17 agreement until about thirty days ago.

18 THE COURT: Okay. Let the record
19 so reflect. Anything else?

20 MR. SCHOLL: That is all, Your
21 Honor.

22 MS. JONES: Sir?

23 THE COURT: Yes.

24 MS. JONES: What is he pleading to
25 in count eight?

1 THE COURT: solicitation of first
2 degree murder.

3 MS. JONES: Judge?

4 THE COURT: Yes.

5 MS. JONES: Is that not a class A
6 offense?

7 MR. SCHOLL: I believe it's class
8 B, Your Honor. It's two levels down.

9 THE COURT: solicitation is two
10 levels down.

11 MS. JONES: It goes down one just
12 like facilitation does.

13 THE COURT: They said they thought
14 solicitation went two, facilitation went
15 down one.

16 MR. HAGERMAN: It does.

17 MS. JONES: They might want to
18 double check that before they finish.

19 THE COURT: I think that both
20 sides said that they had finished. I will
21 stick around a few minutes after we
22 recess this hearing. Double check and
23 make sure.

24 `Mr. Autry I accept your plea.
25 You are sentenced as I earlier announced.

1 MR. SCHOLL: Judge, it was our
2 intent in the plea for exactly what Your
3 Honor stated for the first degree murder
4 for that to go two levels down and on
5 that kidnapping, especially aggravated
6 kidnapping for that to go one level down.

7 THE COURT: It goes down one.

8 MR. SCHOLL: Judge, we also talked
9 to TDOC. He has over two thousand days of
10 credit available. We wanted to make sure
11 that was reflected on the record which is
12 enough time that that would cover this
13 offense.

14 THE COURT: So they will
15 essentially enter that into what is TOMIS
16 or whatever.

17 MR. SCHOLL: Correct, Your Honor.

18 THE COURT: He has probably got
19 his sentence built.

20 MR. SCHOLL: That is correct.

21 THE COURT: they have to run it
22 through the computer to make sure.

23 MR. SCHOLL: They have to process
24 it, Your Honor, but we have been assured
25 that he will get credit for this. The

1 offense that was in Decaturville and all
2 of the credit over two thousand days.

3 MR. PARIS: Judge the only reason
4 I ask Mr. School to put that down there
5 is because our case numbers changed and I
6 don't want any confusion about where you
7 get pre trial jail credits and which case
8 numbers because the case numbers changed.

9 MR. SCHOLL: And he actually --

10 THE COURT: He has pre trial
11 credit was the time that the indictment
12 was entered. .

13 MR. SCHOLL: The first indictment
14 at the time of arrest. I think we spelled
15 it out in the judgment sheets Your Honor.
16 The scenario of how the case numbers
17 changed.

18 THE COURT: Okay. Mr. Autry do you
19 feel like you have been treated fairly by
20 the Court?

21 MR. AUTRY: Yes sir.

22 ' THE COURT: All right. I try to
23 treat everybody with dignity and respect.

24 MR. AUTRY: Thank you.

25 THE COURT: All right, anything

1 else? As I said I'm going to recess. You
2 all double check and make sure where we
3 are suppose to be going on that and if
4 need be before they take him away let's
5 make sure we have got everything nailed
6 own, okay..

7 MR. HAGERMAN: That's fine, Your
8 Honor.

9 END OF REQUESTED PROCEEDINGS.

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CERTIFICATE

I, the undersigned Christine Kirk,
Court Reporter for the 24th Judicial
District of the State of Tennessee, do
hereby certify that the foregoing is a
true, accurate and complete transcript,
to the best of my knowledge and ability,
of the requested proceedings had in the
captioned cause, in the Criminal Court
for Hardin County, Tennessee, on the 14th
day of September, 2024.

I do further certify that I am
neither of kin, counsel nor interest to
any party hereto.

CHRISTINE KIRK

DATE

Exhibit D


WESTERN DISTRICT OF TN

FILED IN OPEN COURT:

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

DATE: 11-22-22

TIME: 10:37am

INITIALS: 

UNITED STATES OF AMERICA,

Plaintiff,

v.

JASON WAYNE AUTRY,

Defendant.

Cr. No.: 20-10063-STA

PLEA AGREEMENT

COME NOW the parties herein, the defendant, JASON WAYNE AUTRY, being represented by his counsel, MEGGAN BESS SULLIVAN, and the United States of America, being represented by WILLIAM JOSHUA MORROW, Assistant United States Attorney for the Western District of Tennessee, and hereby agree as follows:

1. The following plea agreement constitutes the entire agreement between the parties, and the parties agree that any issues not specifically addressed by this plea agreement shall be resolved by the Court in accordance with the applicable statutes, guidelines, rules, and case law.
2. The defendant agrees to plead guilty to Counts 1-3 of the Third Superseding Indictment in the above-styled cause because he is guilty of the charges contained therein, as outlined in the attached statement of facts. (See Attachment A attached hereto and filed under seal). The defendant also agrees to pay a \$300.00 special assessment in this case following sentencing.
3. The defendant agrees and stipulates that before he committed the offenses charged in Counts 1-3 of the Third Superseding Indictment, he had at least three previous

convictions for violent felonies, as that term is defined in Title 18, United States Code, Section 924(e)(2)(B), which were committed on occasions different from one another.

4. The defendant agrees to abandon any claim he has filed in any civil or administrative forfeiture proceeding as a result of the conduct to which he is pleading guilty to under this plea agreement, and he also agrees to forfeit his interest in any and all property seized from him upon his arrest and during search of the residence located at 1066 Morris Road, Holladay, Tennessee, as well as all vehicles located at that property; on or about December 3, 2020, including the firearms and ammunition listed in the Third Superseding Indictment in this case.

CONCESSIONS BY THE GOVERNMENT

5. The parties agree that the Government will recommend that the defendant receive a full reduction for acceptance of responsibility under Section 3E1.1 of the United States Sentencing Guidelines, provided the defendant does not commit any new criminal offenses and continues to demonstrate an affirmative acceptance of responsibility in this case, including acknowledging his guilt in open court to the allegations set forth in Counts 1-3 of the Third Superseding Indictment, and the facts set forth in the Statement of Facts, which is attached hereto as Exhibit A. However, the defendant understands that the issue of whether credit for acceptance of responsibility is awarded will be determined by the District Court, and that any failure of the District Court to award acceptance of responsibility credit would not be a basis for the defendant to withdraw his guilty plea or to appeal his sentence.

BREACH OF PLEA AGREEMENT BY THE DEFENDANT

6. Should it be judged by the Government that the defendant has committed or attempted to commit any additional crimes, if he engages in any conduct constituting obstruction of justice within the meaning of Section 3C1.1 of the United States Sentencing Guidelines, if he does not truthfully admit the conduct comprising the offense of conviction in this case, if he fails to truthfully admit or falsely denies any additional relevant conduct for which he is accountable under Section 1B1.3 of the United States Sentencing Guidelines, if he fails to make any court appearances in this case from the date of his signing of this plea agreement to the date of his sentencing hearing, or if he attempts to withdraw his guilty plea, the Government will be released from its obligations set forth in this plea agreement and would become free to argue for any sentence within the statutory limits. Such a breach by the defendant would not release him from his plea of guilty.

WAIVER OF APPEAL AND § 2255 ACTIONS

7. The defendant is aware that 18 U.S.C. § 3742 affords him the right to appeal the sentence imposed in this case. Acknowledging this, and in exchange for the undertakings made by the United States in this plea agreement, the defendant hereby waives all rights conferred by 18 U.S.C. § 3742 to appeal any sentence imposed, including any restitution order, or to appeal the manner in which the sentence is imposed, unless the sentence in this case exceeds the statutory maximum or is the result of an upward departure from the guideline range that the Court establishes at sentencing. The defendant further understands that nothing in this plea agreement shall affect the Government's right and/or duty to appeal as set forth in 18 U.S.C. § 3742(b). However, if the United States appeals the defendant's sentence pursuant to 18 U.S.C. § 3742(b),

the defendant shall be released from the above waiver of his appellate rights. By signing this agreement, the defendant acknowledges that he has discussed the appeal waiver set forth in this agreement with his attorney. The defendant further agrees, together with the Government, to request that the Court enter a specific finding that his waiver of his right to appeal the sentence to be imposed in this case is knowing and voluntary.

8. The defendant understands that 28 U.S.C. § 2255 provides an additional method by which to challenge his conviction or the sentence imposed by the Court in this case. Acknowledging this, and in exchange for the undertakings made by the Government in this plea agreement, the defendant knowingly and voluntarily waives his right to challenge his conviction and sentence under § 2255, except concerning claims relating to prosecutorial misconduct or ineffective assistance of counsel.

PLEA AGREEMENT CONSTITUTES THE ENTIRE AGREEMENT

9. There are no other agreements between or among the parties to this plea agreement. The defendant is satisfied that all acts and/or any omissions of his counsel have been the result of reasonable professional judgment and that he has been provided adequate legal representation in this case. The defendant enters this agreement freely, knowingly, and voluntarily, and upon the advice of his counsel.

Respectfully submitted,

KEVIN G. RITZ
United States Attorney

WILLIAM JOSHUA MORROW
Assistant United States Attorney
100 South Highland, Suite 300
Jackson, Tennessee 38301
(731) 422-6220

MEGGAN BESS SULLIVAN
Counsel for the Defendant


JASON WAYNE AUTRY
Defendant

November 22, 2022
Date

United States v. Jason Wayne Autry
Case No.: 20-10063-STA
Attachment A

The defendant is pleading guilty because he is in fact guilty of the charges contained in Counts 1, 2, and 3 of the Third Superseding Indictment.

The defendant understands that a violation of Title 18, United States Code, Section 922(g)(1), has the following elements:

- (A) First: That the defendant was previously convicted of a crime punishable by a term of imprisonment exceeding one year.
- (B) Second: That the defendant, following his conviction, knowingly possessed the firearms (or ammunition) specified in the Third Superseding Indictment.
- (C) Third: That at the time the defendant possessed the firearms (or ammunition), he knew he had been convicted of a crime punishable by imprisonment for a term exceeding one year.
- (D) Fourth: The specified firearms (or ammunition) crossed a state line prior to the defendant's possession of the firearms (or ammunition).

The defendant further understands that a violation of Title 18, United States Code, Section 924(e), has the following elements:

- (A) First: Before the defendant committed the offenses charged in Counts 1-3 of the Third Superseding Indictment, he had at least three previous convictions for violent felonies, as that term is defined in Title 18, United States Code, Section 924(e)(2)(B).
- (B) Second: At least three of the defendant's previous convictions for violent felonies were committed on occasions different from one another.

The defendant agrees and stipulates as part of this plea agreement that had this case proceeded to trial, the United States would have offered evidence to prove the following facts:

Facts of the Offense

On December 3, 2020, Deputy Stacey Bostwick with the Benton County Sheriff's Office encountered the defendant, Jason Wayne AUTRY, who was known by Deputy Bostwick to be a convicted felon and thus prohibited from possessing firearms under state and federal law, in Benton County, Tennessee. Deputy Bostwick initially observed a male subject, who was later identified as AUTRY, lying down in a field located in Holladay (Benton County), Tennessee, and wearing pajamas during the early morning hours of December 3, 2020. Concerned for the health and safety of the male subject, Deputy Bostwick called out to the man and asked if he was alright. Deputy Bostwick then identified the subject as AUTRY, patted him down for weapons, and

conducted a check for active warrants. Deputy Bostwick did not find any weapons on ATRY's person, and the warrant check revealed no active warrants. ATRY then left the scene on foot.

After ATRY left the scene, Deputy Bostwick viewed the immediate area where ATRY had been lying on the ground in the field, and he saw a Marlin, Model 336-RC, 30-30 caliber rifle. Deputy Bostwick seized the firearm, returned to his patrol vehicle, and followed ATRY, who was located running down the driveway to the residence located at 1066 Morris Road, Holladay, Tennessee. When ATRY saw Deputy Bostwick's patrol vehicle, he fled on foot toward the residence. Deputy Bostwick got out of his vehicle and ordered ATRY to stop, and ATRY complied. Deputy Bostwick then asked ATRY about the rifle that he found in the field where ATRY was seen lying on the ground, and ATRY said he had been attempting to shoot a deer with the gun, and that he had laid down in the field when he observed Deputy Bostwick's patrol car. ATRY was arrested and, after being advised of his *Miranda* rights and waiving those rights, he admitted to investigators that the Marlin 30-30 rifle belonged to him. ATRY also provided information to the investigators as to when he purchased the gun and who sold it to him (Danny Joe Ivy).

Officers also obtained and executed a state search warrant on December 3, 2020, at 1066 Morris Road, where ATRY had been residing, and on ATRY's truck. This is the home of ATRY's girlfriend, Skylar Pinkley. During the search of ATRY's truck, officers found and seized a box of Winchester 30-30 ammunition wrapped in blue tape and a gun case that had several rounds of 30-30 cartridges inside of it. During ATRY's post-arrest interview at the jail, he also admitted that he bought a box of ammunition from Danny Joe Ivy when he bought the rifle from him. ATRY indicated that the box of ammunition was wrapped in blue tape.

Subsequent investigation, including witness interviews and a review of the video footage recorded by a surveillance camera from Pinkley's home at the 1066 Morris Road address, revealed that during the afternoon/evening hours of December 2, 2020, ATRY was in possession of a Smith & Wesson, Model M&P Shield, .9mm caliber pistol. The surveillance footage from Pinkley's home shows ATRY holding the pistol when he met with Ivy and Brandon Rogers at Pinkley's home on December 2, 2020. The footage also shows Rogers retrieving a camouflage gun case from Ivy's vehicle and all three men walking into Pinkley's home. ATRY is then seen walking out of the home several times holding the rifle. Investigators interviewed Ivy and he admitted that ATRY traded him the Smith & Wesson .9mm pistol for the Marlin 30-30 rifle and a box of ammunition wrapped with blue tape on December 2, 2020. Ivy also told investigators that he had sold the .9mm pistol to another individual. Investigators later contacted that individual and retrieved the .9mm pistol.

Investigators also interviewed Brandon Rogers and he corroborated Ivy's account that ATRY traded the Smith & Wesson .9mm pistol to Ivy for the Marlin 30-30 rifle at Pinkley's residence on December 2, 2020. Investigators later interviewed ATRY's former girlfriend, Linda Kimbel, and she stated that she bought the Smith & Wesson .9mm pistol from a gun show in Paris, Tennessee before ATRY was released from state prison in September 2020. Kimbel further stated that ATRY had taken the gun from her without her permission (they broke up several weeks before ATRY's arrest on December 3, 2020).

As noted above, AUTRY is a convicted felon and was so on the date of his possession of the previously mentioned firearms and ammunition. He has the following felony convictions:


- Evading Arrest – Decatur County, TN – 02/24/03.
- Manufacturing a Controlled Substance (Schedule II) and Possession of Anhydrous Ammonia – Decatur County, TN – 02/24/03.
- Forgery – Decatur Co., TN – 02/24/03.
- Aggravated Burglary (Three counts) – Benton Co., TN – 02/09/04.
- Aggravated Burglary – Decatur Co., TN – 02/23/04.
- Theft over \$10,000 (Two counts) – Decatur Co., TN – 02/23/04.
- Burglary – Decatur Co., TN – 08/15/07.
- Felon-in-Possession of a Firearm – United States District Court for the Western District of Tennessee (Eastern Division) – 09/24/13.
- Aggravated Assault – Decatur Co., TN – 11/14/13.
- Facilitation: Especially Aggravated Kidnapping – Hardin Co., TN – 09/14/20.
- Solicitation of First-Degree Murder (Premeditated) – Hardin Co., TN – 09/14/20.

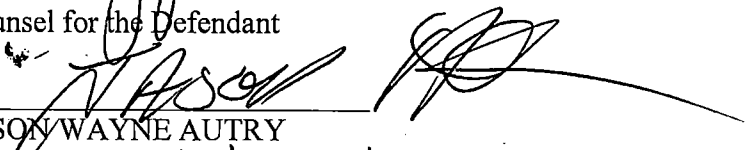
Based on the nature of AUTRY's prior felony convictions, including a prior federal felon-in-possession of a firearm conviction in this district, and the sentences imposed in those cases, AUTRY knew he was a convicted felon, that is, he knew he had been convicted of crimes punishable by imprisonment for a term exceeding one year, on and before December 2 and 3, 2020. In addition, AUTRY admitted during his post-arrest interview on December 3, 2020, that he knew he was not supposed to possess a firearm. AUTRY was also on supervised release for his prior Western District of Tennessee felon-in-possession of a firearm conviction at the time he possessed the firearms and ammunition in this case. He had been released from Tennessee state prison on September 16, 2020, 78 days prior to the instant offense.

As noted above, before AUTRY committed the offenses charged in the Third Superseding Indictment in this case, he had at least three previous convictions for violent felonies, as that term is defined in Title 18, United States Code, Section 924(e)(2)(B), that were committed on occasions different from one another.

Special Agent Josh Lunn with the ATF, an Interstate Nexus Expert, reviewed the Smith & Wesson, Model M&P Shield, .9mm caliber pistol unlawfully possessed by AUTRY on or about December 2, 2020, and the Marlin, Model 336-RC, 30-30 caliber rifle and Winchester 30-30 ammunition unlawfully possessed by AUTRY on or about December 3, 2020, and he determined that they meet the applicable federal definitions of firearms and ammunition, and were all manufactured outside the state of Tennessee, and thus traveled in, or affected, interstate or foreign commerce.

As noted above, Holladay, Tennessee is in Benton County, Tennessee, which is in the Western District of Tennessee.


MEGGAN B. SULLIVAN
Counsel for the Defendant


JASON WAYNE AUTRY
Defendant

Date

11/22/22

UNREDACTED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
VS)	NO.1:20-cr-10063-STA
)	JACKSON, TENNESSEE
)	
JASON WAYNE AUTRY)	

CHANGE OF PLEA HEARING

NOVEMBER 22, 2022

BEFORE THE HONORABLE S. THOMAS ANDERSON,
UNITED STATES DISTRICT JUDGE

KRISTI HEASLEY, RPR
OFFICIAL COURT REPORTER
U.S. COURTHOUSE, SUITE 450
111 SOUTH HIGHLAND AVENUE
JACKSON, TENNESSEE 38301

UNREDACTED TRANSCRIPT

1 APPEARANCES

2

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EXAMINATION INDEX
NO TESTIMONY OFFERED

UNREDACTED TRANSCRIPT

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EXHIBITS

NO EXHIBITS MARKED

UNREDACTED TRANSCRIPT

1 (Defendant Present.)

2 THE COURT: This is United States versus
3 Jason Wayne Autry, No. 20-10063.

4 Is the government ready to proceed?

5 MS. BOSWELL: We are, Your Honor.

6 THE COURT: Ms. Sullivan, are you ready to
7 proceed?

8 MS. SULLIVAN: Yes, Your Honor.

9 THE COURT: Is there a plea agreement?

10 MS. SULLIVAN: Yes.

11 THE COURT: Do you have it, Maurice?

12 THE CLERK: Yes, sir.

13 THE COURT: Okay. Are you Jason Wayne
14 Autry?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: All right. Scoot up to that
17 microphone, Mr. Autry, and speak up so that we can hear
18 you clearly.

19 It's my understanding that you have
20 decided to enter a plea of guilty to Count 1, Count 2 and
21 Count 3 of the third superseding indictment.

22 Is that correct?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: I'm going to be asking you
25 several questions. I want to be sure that you understand

1 the questions before you give me an answer. If I ask
2 anything that's not clear or you would like for me to
3 repeat, you let me know.

4 Will you do that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Also if I ask you a question
7 and you like to discuss your answer with your attorney
8 Ms. Sullivan before you give it to the Court, you can do
9 that. But again, you will need to let me know.

10 Do you understand?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: All right. Stand and raise
13 your right hand.

14 (Defendant was sworn.)

15 THE DEFENDANT: I do.

16 THE CLERK: Thank you.

17 THE COURT: All right. Mr. Autry, you are
18 now under oath. All of your answers to my questions must
19 be honest and truthful. If you give any answers while
20 you are under oath that are not honest and truthful, then
21 you could be prosecuted for perjury, for giving a false
22 statement under oath, or obstruction of justice.

23 Do you understand? Answer out loud.

24 THE DEFENDANT: Yes, sir.

25 THE COURT: How old are you?

1 THE DEFENDANT: Forty-eight.

2 THE COURT: How far did you go in school?

3 THE DEFENDANT: Twelfth grade.

4 THE COURT: Did you complete the 12th
5 grade?

6 THE DEFENDANT: Yeah.

7 THE COURT: Did you get a degree or a
8 certificate from high school?

9 THE DEFENDANT: Yeah.

10 THE COURT: Roughly what year did you
11 receive that?

12 THE DEFENDANT: '96.

13 THE COURT: 1996?

14 THE DEFENDANT: I think so.

15 THE COURT: What kind of medications are
16 you currently taking?

17 THE DEFENDANT: Psyche medicines.

18 THE COURT: And how long you been taking
19 those medications roughly? Several months, several
20 years?

21 THE DEFENDANT: Two, three years.

22 THE COURT: Two or three years?

23 THE DEFENDANT: Two years at least.

24 THE COURT: You take them every day?

25 THE DEFENDANT: Twice a day.

1 THE COURT: And how many medications are
2 we talking about?

3 THE DEFENDANT: Four.

4 THE COURT: Okay. So you take four psyche
5 medications every day?

6 THE DEFENDANT: Yeah.

7 THE COURT: And you've been doing that for
8 roughly three years?

9 THE DEFENDANT: Yeah, and before that too.

10 THE COURT: Okay.

11 THE DEFENDANT: There was a period there
12 where I medicated myself, so to speak, with other drugs,
13 but I came back to them.

14 THE COURT: All right. But the
15 medications you're currently taking, those are prescribed
16 by a doctor?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And you said you've been
19 taking those for roughly three years?

20 THE DEFENDANT: Pretty close.

21 THE COURT: Okay. Any other medications
22 that you take for any other conditions?

23 THE DEFENDANT: No.

24 THE COURT: Just the psyche meds?

25 THE DEFENDANT: Yeah.

1 THE COURT: Okay. Other than the
2 medicines that you take, have you ever been treated for
3 any kind of mental health or emotional type problems?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: When was the most recent time?

6 THE DEFENDANT: San Diego, California,
7 about six months ago maybe --

8 THE COURT: Okay.

9 THE DEFENDANT: -- four months ago.

10 THE COURT: Ms. Sullivan, do you want to
11 say something?

12 MS. SULLIVAN: Your Honor, if you
13 remember, the last time we tried to change his plea to a
14 plea of guilty he was referred on the Court's order and
15 my motion for competency evaluation. And he was
16 transferred to a facility in San Diego.

17 THE COURT: Well, Mr. Autry, when you were
18 transferred for the evaluation, did you actually receive
19 treatment or did you just undergo an evaluation, or both?

20 THE DEFENDANT: I suppose both.

21 THE COURT: Okay. And had you received
22 any kind of treatment before that, before you went to San
23 Diego, back years ago, or recently?

24 THE DEFENDANT: Yeah.

25 THE COURT: And how many times would you

1 guess that you have been treated for any kind of
2 psychiatric type issues?

3 THE DEFENDANT: Approximately four to five
4 times, four to six times.

5 THE COURT: Were those inpatient or
6 outpatient, or both?

7 THE DEFENDANT: Both.

8 THE COURT: So roughly four times over the
9 course of your life that you've been treated for
10 emotional type or psychological type issues, some
11 inpatient, some outpatient, some both.

12 Is that correct?

13 THE DEFENDANT: That's correct.

14 THE COURT: Okay. Have you ever been
15 treated for any kind of addictions? Drug addiction or
16 gambling or anything like that?

17 THE DEFENDANT: I've been -- no, not
18 really.

19 THE COURT: Okay.

20 THE DEFENDANT: I didn't stay, I left.

21 THE COURT: Well, Mr. Autry, the reason
22 I'm asking you these questions is it's important for me
23 to be sure that you understand what you're doing in court
24 today and the consequences of what you're doing.

25 Do you believe that you do understand?

1 THE DEFENDANT: Fairly well.

2 THE COURT: What do you mean by fairly
3 well? What is it you are concerned that you don't
4 understand?

5 THE DEFENDANT: Just the form of speech.
6 I understand you pretty clear.

7 THE COURT: All right. Well, if there is
8 anything that -- as we're going through all of this, if
9 there is anything that you don't believe that you
10 understand, will you let me know?

11 THE DEFENDANT: Yeah.

12 THE COURT: If there is anything, like I
13 told you earlier, that you want to discuss with your
14 attorney, we can take a break and give you a chance to
15 talk to her. So if there is anything as we go through
16 this process that you don't understand or is confusing to
17 you, you let me know.

18 Will you do that?

19 THE DEFENDANT: Yeah.

20 THE COURT: All right. Have you had an
21 opportunity to discuss your case fully and completely
22 with Ms. Sullivan?

23 THE DEFENDANT: Yeah.

24 THE COURT: Has she been able to explain
25 to your satisfaction what the facts of the case are, what

1 the law would be that applies to your case, and what your
2 options are about whether to enter a guilty plea or
3 proceed to trial?

4 THE DEFENDANT: Yeah.

5 THE COURT: Are you satisfied with Ms.
6 Sullivan's representation of you in this case?

7 THE DEFENDANT: Yeah.

8 THE COURT: All right. Then, Mr. Morrow
9 is this your case?

10 MS. BOSWELL: I'll be handling it today,
11 Your Honor.

12 THE COURT: All right. Ms. Boswell, if
13 you would, review the relevant counts and the maximum
14 penalty range.

15 MS. BOSWELL: I will, Your Honor.

16 Mr. Autry is charged in a three count
17 indictment.

18 As to Count 1, it was on or about
19 December 3rd of 2020, in the Western District of
20 Tennessee, he had -- knowing he had previously been
21 convicted of a crime punishable by imprisonment for a
22 term exceeding one year, he knowingly possessed a
23 firearm, which was a Marlin Model 336 RC 30-30 caliber
24 rifle, that had been shipped and transported in
25 interstate commerce, in violation of 18, United States

1 Code, Section 922(g)(1).

2 Before he committed that offense charged
3 in that count, he had at least three previous convictions
4 for violent felonies that were all committed on occasions
5 different from each other, in violation of 18, United
6 States Code, Section 924(e).

7 Count 2 and Count 3 are also 922(g)
8 counts.

9 Count 2, from December 3rd of 2020, Count
10 3, from December 2nd of 2020.

11 THE COURT: Ms. Boswell, slow down just a
12 little --

13 MS. BOSWELL: I'm sorry, Your Honor.

14 THE COURT: -- so we can get everything
15 down accurately.

16 MS. BOSWELL: As to Count 2, that date was
17 also December 3rd of 2020. Him being previously
18 convicted and knowing that he was, and he had been
19 convicted of a crime punishable by imprisonment for a
20 term exceeding one year. This was for possessing
21 ammunition, which was several rounds of Winchester 30-30
22 that had the head stamp Winchester 30-30 Win.

23 Those also had been shipped and
24 transported in interstate commerce.

25 And also, before committed the offense

1 charged in Count 2, he again had at least three previous
2 convictions for the violent felonies that were committed
3 on occasions different from one another.

4 And as to Count 3, that one is
5 December 2nd of 2020. Knowing he had previously been
6 convicted of a crime punishable by imprisonment for a
7 term exceeding one year, he knowingly possessed a
8 firearm. This one was a Smith & Wesson Model M&P Shield
9 9mm caliber pistol, that also had been shipped and
10 transported in interstate commerce .

11 And before that count, as well he had at
12 least three previous convictions for violent felonies
13 that were committed on occasions different from each
14 other.

15 As to all three of these counts, Your
16 Honor, the penalties would be not more than 10 years in
17 prison, not more than \$250,000 fine, or both, not more
18 than three years of supervised release, along with a
19 mandatory special assessment.

20 But if the defendant has three prior
21 convictions for violent felonies or serious drug
22 offenses, this would be not less than 15 years
23 imprisonment, not more than life imprisonment, not more
24 than \$250,000 fine, or both, not more than five years of
25 supervised release, again with any special assessment.

1 THE COURT: Mr. Autry, you just heard the
2 Assistant United States Attorney review the charges
3 contained in Count 1, Count 2 and Count 3 of the third
4 superseding indictment.

5 Is that what you understood you were being
6 charged with?

7 THE DEFENDANT: Yeah.

8 THE COURT: And you understand that had
9 you decided you wanted to go to trial, rather than
10 entering a guilty plea, then what we call the burden or
11 the responsibility would have been on the government to
12 come into court and prove your guilt beyond a reasonable
13 doubt.

14 Do you understand that, sir?

15 THE DEFENDANT: Yeah.

16 THE COURT: Had you decide you wanted to
17 go to trial, and I know that's not what you decided, but
18 had you decided you wanted to go to trial, then we would
19 have picked a date, come to court, selected a jury to
20 hear and decide your case.

21 The government would be required to put on
22 whatever evidence they had against you. It's what's
23 called their case-in-chief.

24 Ms. Sullivan would have the right to
25 cross-examine any witnesses that the government called.

1 You would have the right to be represented by an attorney
2 through all phases of this process.

3 Ms. Sullivan could issue what we call
4 subpoenas that would require witnesses to come into court
5 and testify in your behalf, if she thought that would be
6 beneficial for you.

7 I would tell the jury at the very
8 beginning of the trial that you start out with what we
9 call a presumption of innocence. And that means that at
10 the beginning of the trial, we presume you are not
11 guilty. And the only way a jury can find you guilty, is
12 if the government can come forward with enough evidence
13 to prove your guilt beyond a reasonable doubt.

14 Do you understand, sir?

15 THE DEFENDANT: Yes.

16 THE COURT: Also I would have instructed
17 the jury that you would have an absolute right not to
18 testify at trial if you did not want to testify. If you
19 wanted to testify at trial, you could. If you didn't,
20 you don't have to give a reason, you just say I don't
21 want to testify. And I would instruct the jury that the
22 fact you decided not to testify at trial could not be
23 held against you, it couldn't be discussed, it couldn't
24 be considered in any way in deciding whether you were
25 guilty or not guilty of the charges contained in the

1 third superseding indictment.

2 Do you understand?

3 THE DEFENDANT: Yes.

4 THE COURT: Do you have any questions
5 about what you're charged with?

6 THE DEFENDANT: No.

7 THE COURT: You also heard Ms. Boswell
8 review what we call the maximum penalty range.

9 Did you understand that as she went over
10 it?

11 THE DEFENDANT: Yes.

12 THE COURT: Well, Mr. Autry, again, what's
13 going to happen, if you plead guilty today, and I accept
14 your guilty plea, then in the next few weeks you're going
15 to meet with a probation officer. The probation officer
16 is going to obtain a lot of information from you about
17 your background, your work, your health, your criminal
18 history, your family, just a lot of information.

19 The probation officer takes the
20 information you provided, as well as other information,
21 and prepares what's called a presentence report. Both
22 attorneys, all the attorneys get a copy of the report,
23 and I get a copy.

24 Ms. Sullivan will go over the report with
25 you to see if there is anything in that report that you

1 either disagree with or you think is incorrect.

2 Ms. Sullivan can also file objections, if
3 there are legal issues that I need to consider.

4 We'll come back to court in roughly 90
5 days for sentencing. When we come back, the government
6 can argue for whatever sentence it believes is
7 appropriate for you. Ms. Sullivan will argue on your
8 behalf.

9 You will be allowed to make any
10 statements. If there is anything you want to tell me,
11 you can do so when we come back.

12 Ms. Sullivan can also bring in witnesses,
13 if she thinks I need to hear from witnesses as far as
14 your sentence is concerned.

15 Are you familiar with the term sentencing
16 guidelines? Do you know what I mean by that?

17 THE DEFENDANT: Yeah.

18 THE COURT: Well, I would image Ms.
19 Sullivan has told you that under the sentencing
20 guidelines there is the low end of the range and then
21 there is an upper end. I'm required to consider that.

22 Also I'm required to consider what we call
23 the 3553 factors. Which that's a list of items that the
24 law says I'm required to consider in deciding what I
25 believe would be a fair and appropriate sentence in your

1 case.

2 Do you understand?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Do you have any questions
5 about how the Court will be deciding your sentence?

6 THE DEFENDANT: No, I don't.

7 THE COURT: Do you understand it?

8 THE DEFENDANT: I believe pretty well.

9 THE COURT: All right. Let's see, the
10 plea agreement, do you have it, Mr. Bryson?

11 THE CLERK: Yes, sir.

12 THE COURT: Mr. Autry, this is the plea
13 agreement that's been passed up to the Court.

14 If you will, look at -- well, it appears
15 that your signature, on the copy I have, is on page five.
16 Is that what you're showing?

17 Is that your signature on page five of the
18 plea agreement?

19 THE DEFENDANT: Yeah.

20 THE COURT: When did you sign that?

21 THE DEFENDANT: Right there, back there in
22 the cage.

23 THE COURT: This morning?

24 THE DEFENDANT: Yeah.

25 THE COURT: Did you have an opportunity to

1 meet with Ms. Sullivan, and go over the plea agreement
2 before you signed it?

3 THE DEFENDANT: Yeah, I believe we went
4 over it a couple of times before.

5 THE COURT: All right. Scoot up close to
6 that microphone.

7 Repeat what you just said.

8 THE DEFENDANT: I believe we've had time
9 to go over it a few times.

10 THE COURT: Okay. And are you satisfied
11 that you understand everything in the plea agreement
12 before you signed it?

13 THE DEFENDANT: Yeah.

14 THE COURT: Okay. Now turn over -- there
15 should be maybe a separate document that's title
16 Attachment A.

17 Do you have that also?

18 THE DEFENDANT: Yeah, I believe so.

19 THE COURT: All right. Look at, looks
20 like it's on page four of the Attachment A.

21 Is that also your signature on Attachment
22 A?

23 THE DEFENDANT: Yeah.

24 THE COURT: Did you also sign that this
25 morning?

1 THE DEFENDANT: Yeah.

2 THE COURT: Did you have an opportunity to
3 review Attachment A fully and completely with
4 Ms. Sullivan before you signed it?

5 THE DEFENDANT: Yeah.

6 THE COURT: And are you satisfied, and do
7 you believe that you understood everything that's in this
8 Attachment A, and that you did so before you signed it?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Okay. All right. Pass that
11 back up to Mr. Bryson.

12 And, Ms. Boswell, if you will, review the
13 plea agreement.

14 MS. BOSWELL: I will, Your Honor.

15 This is the agreement between Jason Wayne
16 Autry and his attorney Ms. Sullivan and the government.

17 As to paragraph 1, states this is the
18 entire agreement. If there are any issues that need to
19 be resolved, the Court will do that in accordance with
20 all applicable laws.

21 Paragraph 2, that Mr. Autry is pleading
22 guilty to all three counts, because he is guilty. He
23 agrees to pay his special assessment.

24 Paragraph 3. He does agree and stipulate
25 that before he committed the offenses in Counts 1 through

1 3, that he did have three previous convictions for
2 violent felonies that were committed on occasions
3 different from one another.

4 As to paragraph 4, he is abandoning any
5 claim or any proceeding as to forfeiture. He agrees to
6 forfeit any interest in either property that's been
7 seized from him out of this case.

8 As to paragraph 5, this has to do with
9 acceptance of responsibility. And the government will
10 recommend that he receive full acceptance of
11 responsibility under 3E1.1, as long as he continued to
12 demonstrate that, acknowledges his guilt here today, and
13 admits to the facts in Attachment A.

14 As to paragraph 6, this deals with a
15 breach of the plea agreement by the defendant.

16 If he attempts to commit any additional
17 crimes, or engages in any conduct that constitutes
18 obstruction, doesn't truthfully admit his conduct, or if
19 he were to attempt to withdraw his plea, we would be
20 released from any obligations. Any breach by him does
21 not release him from his plea.

22 Paragraph 7 and 8 cover waiver of appeal
23 in 2255 actions.

24 As to paragraph 7, he is waiving his
25 appellate rights under 18, 3742 knowing and voluntarily.

1 And this states he discussed this is with his attorney.

2 As to paragraph 8, that's the 2255, which
3 would be another way for him to challenge the conviction.
4 And he's waiving that, unless it's prosecutorial
5 misconduct or ineffective assistance of counsel.

6 And paragraph 9 covers that he is
7 satisfied with Ms. Sullivan's representation. He's been
8 provided adequate legal representation.

9 He's entering this agreement freely,
10 knowingly and voluntarily, and with Ms. Sullivan's
11 counsel.

12 THE COURT: All right. Go ahead and
13 review the Attachment A also, if you will.

14 MS. BOSWELL: I will, Your Honor.

15 As to Attachment A. It does set out the
16 elements of the 922(g), which were just previously read
17 as part of the third superseding indictment.

18 It also lists out the elements concerning
19 his three previous convictions for violent felonies that
20 were committed on occasions different from each other.

21 As to the facts of the offense. On
22 December 3rd, 2020, a deputy with the Benton County
23 Sheriff's Department did encounter Mr. Autry, who was
24 known by this deputy to be a convicted felon and would be
25 prohibited from possessing firearms under state and

1 Federal law.

2 This did occur in Benton County. The
3 deputy saw a male subject who was laying in a field early
4 in the morning in Holiday, Tennessee, and was --

5 THE COURT: Slow down just a little, Ms.
6 Boswell.

7 MS. BOSWELL: I'm sorry, Your Honor.

8 THE COURT: That's okay. Go ahead.

9 MS. BOSWELL: Usually Kristi gives me the
10 look.

11 So they saw him laying in the field in
12 pajamas in the early morning hours. In concern for
13 health and safety of that person, they stopped to find
14 out if the person was all right. That's when the deputy
15 was able to identify the subject as Jason Autry. Patted
16 him down for weapons, checked for active warrants,
17 neither of which existed.

18 He let Mr. Autry begin to leave the scene
19 on foot. After he left the scene, the deputy did view
20 the immediate area where Autry had been lying on the
21 ground. That's when he found the Marlin Model 336 RC
22 30-30 caliber rifle. He seized the firearm. Got in his
23 car. Continued to try to catch up to Mr. Autry, who was
24 running down the driveway at that point.

25 When he saw him coming, he began to flee

1 on foot. But when the deputy got out and ordered Autry
2 to stop, he did comply.

3 Autry made the statement that he was
4 attempting to shoot a deer with the gun, and that he had
5 laid down in the field when he saw the deputy's patrol
6 car.

7 He was arrested. And after being
8 mirandized, he admitted that the Marlin 30-30 belonged to
9 him. He provided information that he purchased the gun
10 from Danny Joe Ivy. Officers also got a -- obtained and
11 executed a search warrant on that same date there at 1066
12 Morris Road, which was where Autry had been residing.

13 They did it on the home and on Autry's
14 truck. The home was where his girlfriend at the time,
15 Skyler Pinkley, was living, as well as Mr. Autry.

16 During the search of Autry's truck, they
17 found a box of Winchester 30-30 ammunition that was
18 wrapped in blue tape and a gun case that had several
19 other rounds of 30-30 cartridges inside it.

20 During Autry's post-arrest interview, he
21 admitted that he bought the box of ammunition as well
22 from Danny Joe Ivy at the same time he got the rifle. He
23 admitted that the box of ammunition was wrapped in blue
24 tape.

25 Subsequent investigation, which included

1 witness interviews and review of video footage
2 recorded -- there at the house on Morris Road, there was
3 a surveillance camera set up. You're able to see on the
4 afternoon/evening hours of the previous night,
5 December 2nd, 2020, that Autry was in possession of the,
6 what came to be the Smith & Wesson Model M&P Shield 9mm
7 pistol.

8 The surveillance footage from the home
9 there showed Autry holding that pistol when he met Danny
10 Joe Ivy and also Brandon Rogers at Pinkley's.

11 The footage also showed that Rogers
12 retrieved a camouflage gun case from the vehicle, and all
13 three men went into Pinkley's home.

14 Autry is seen clearly on the video exiting
15 the home several times, holding the rifle up.

16 Investigators also interviewed Danny Joe
17 Ivy. He admitted that Autry traded him the Smith &
18 Wesson 9mm pistol for the Marlin 30-30 rifle, as well as
19 the box of ammunition that was wrapped in blue tape. And
20 at that time Danny Joe Ivy revealed he had also sold that
21 9mm pistol to another individual.

22 ATF investigators went immediately to
23 interview that individual, and were able to retrieve the
24 9mm pistol.

25 Investigators interviewed Brandon Rogers,

1 and he corroborated what was shown from surveillance
2 video, as well as what Mr. Autry had previously said, Ms.
3 Pinkley had said, as well as Mr. Ivy.

4 They also interviewed Linda Kimbell, who
5 was Autry's former girlfriend upon release from prison.
6 She stated she had purchased the Smith & Wesson 9mm from
7 a gun show in Paris, Tennessee, before Mr. Autry got
8 released from state prison in September of 2020.

9 Kimbell further stated that Autry took the
10 gun from her without her permission.

11 As noted above, Autry is a convicted
12 felon. He had numerous convictions, which are listed out
13 within Attachment A.

14 Based on these prior convictions,
15 including a prior Federal felon in possession of a
16 firearm conviction, the sentences imposed in all of these
17 cases, Autry knew he was a convicted felon. He knew he
18 had been convicted of crimes that were punishable by
19 imprisonment for a term exceeding one year on and before
20 December 2nd and 3rd of 2020.

21 In addition, Autry admitted in his
22 post-arrest interview on December 3rd that he knew he was
23 not supposed to possess a firearm. He was also on
24 supervised release for his prior Western District of
25 Tennessee felon in possession of a firearm conviction.

1 At the time that he had the firearms and
2 ammunition in this case, he just been released from
3 Tennessee State Prison on September 16th, 2020, which was
4 78 days prior to the instant offense.

5 Before Autry committed the offenses
6 charged in the third superseding indictment, he had at
7 least three previous convictions for violent felonies, as
8 that's defined in United States Code, and those were
9 committed on occasions different from one another.

10 And specifically as to those, he had four
11 counts for aggravated burglary that were previous
12 convictions. Three counts in Benton County in February
13 9th of 2004; one count from Decatur, on February 23rd of
14 '04; a burglary conviction out of Decatur County on
15 8/15/07. All of those being in Tennessee.

16 As well as a facilitation to commit
17 especially aggravated kidnapping and a solicitation of
18 first-degree murder in Hardin County from September 14th,
19 2020.

20 A special agent with ATF, who is an
21 interstate nexus expert, reviewed the Smith & Wesson 9mm,
22 as well as the Marlin 30-30, and the Winchester 30-30
23 ammo that was possessed by Autry, and determined that all
24 of those were manufactured outside the state of
25 Tennessee, and did travel in and affected interstate or

1 foreign commerce.

2 And all of these events happened here in
3 the Western District of Tennessee, Your Honor.

4 THE COURT: Mr. Autry, you just heard Ms.
5 Boswell review all of what we call the terms and
6 conditions contained in the plea agreement.

7 Are those the same terms and conditions
8 that you understood were the agreement before you signed
9 it?

10 THE DEFENDANT: No, sir.

11 THE COURT: They're not?

12 THE DEFENDANT: Well, the terms in this
13 plea agreement, but it's not what happened.

14 THE COURT: Well, let's take the plea
15 agreement first.

16 You've got the plea agreement and you've
17 got the attachment. Okay?

18 THE DEFENDANT: All right.

19 THE COURT: So look at the plea agreement.
20 Have you got a copy there in front of you?

21 THE DEFENDANT: Yeah, but I can't see it.

22 THE COURT: All right. Well, I'm going to
23 go back through some of these with you, to be sure you
24 understand. Okay?

25 THE DEFENDANT: All right.

1 THE COURT: All right. So paragraph 2
2 states that you're pleading guilty to Count 1, Count 2
3 and Count 3 of the third superseding indictment, because
4 you are guilty of those charges.

5 And that you understand what when we come
6 back for sentencing there will be what's called a \$300
7 special assessment that will be due and payable.

8 Is that the way you understood it?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Paragraph 3, states that
11 before you committed the offenses contained in Counts 1,
12 2 and 3 of the third superseding indictment, that you had
13 at least three previous felony convictions that were
14 committed on occasions different from one another.

15 Is that correct?

16 THE DEFENDANT: I recon.

17 THE COURT: Well, is it or not?

18 THE DEFENDANT: Yeah.

19 THE COURT: All right. Next paragraph 4,
20 you understand that as part of the prosecution and
21 investigation in this matter, any property that was
22 seized by the government, which would be the firearms and
23 ammunition, I'm assuming -- is there anything else, Ms.
24 Boswell?

25 MS. BOSWELL: I'm not sure as to the

1 vehicle, Your Honor. We'll be prepared to address that
2 during the sentencing at judgment. But the firearms and
3 the ammunition are the big items.

4 THE COURT: All right. So, Mr. Autry, the
5 paragraph 4 states that the government has taken
6 possession of the firearms and ammunition. And that that
7 will not be returned to you. That you're forfeiting any
8 right or interest that you might have to that property.

9 Is that the way you understood it?

10 THE DEFENDANT: Yeah.

11 THE COURT: Next, paragraph 5 just states
12 that the government is going to recommend to the Court
13 that you receive what we call credit for acceptance of
14 responsibility. Credit is good from your standpoint.
15 You want as much credit as you can receive, because that
16 helps to lower the offense level. The lower the offense
17 level, the lower the recommended sentence.

18 Do you understand?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: But how much credit, if any,
21 that you are entitled to will be something that the Court
22 will have to decide when we come back for sentencing.

23 Do you understand?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: All right. Paragraph 6 just

1 states there are some things that you could do that would
2 allow the government to what we call withdraw from this
3 agreement.

4 Right now you're bound by the terms of
5 this agreement and the government is bound by the terms
6 of the agreement. But if you commit any of the
7 violations that are set forth in paragraph 6, then the
8 government could decide to what we call withdraw from the
9 agreement, meaning they are no longer bound by it.

10 But as long as you don't commit any of
11 those violations, then, again, you're bound and the
12 government is bound.

13 Do you understand?

14 THE DEFENDANT: Yes.

15 THE COURT: Paragraph 7 is where you what
16 we call waive or give up your right to file an appeal of
17 any sentence that this Court imposes.

18 Now there are some very, very narrow
19 exceptions to that. But quite frankly, they most likely
20 would not even apply in your case.

21 So the way you need to look at this is
22 whatever sentence this Court imposes upon you is going to
23 be the sentence you will have to serve. Because in this
24 paragraph 7, you're waiving or giving up your right to
25 file an appeal of any sentence that this Court imposes,

1 again except in these very narrow situations that most
2 likely would not affect your case.

3 Do you understand?

4 THE DEFENDANT: Yes.

5 THE COURT: You know you're under oath.
6 Correct?

7 THE DEFENDANT: Yes.

8 THE COURT: Did you intend to give up your
9 right to file an appeal?

10 THE DEFENDANT: Yes.

11 THE COURT: Okay. Paragraph 8 is somewhat
12 similar. It's where you waive or give up your right to
13 file what's called a collateral attack.

14 Same kind of situation. There are some
15 exceptions. But in paragraph 8, you're giving up your
16 right to file any kind of collateral attack against your
17 sentence, except in those very narrow situations.

18 Do you understand?

19 THE DEFENDANT: Yes.

20 THE COURT: Again, was that what you
21 intended to do? Did you intend to give up your right to
22 file any kind of collateral attack against your sentence?

23 THE DEFENDANT: Yes.

24 THE COURT: Paragraph 9 just states that
25 this is the whole agreement that was reached between you

1 and the government.

2 Mr. Autry, did you sign the plea agreement
3 freely and voluntarily?

4 THE DEFENDANT: Yes.

5 THE COURT: Did anyone threaten you in any
6 way, promise you anything, or do anything at all to try
7 to get you to sign the plea agreement against your will?

8 THE DEFENDANT: No.

9 THE COURT: You signed it because you
10 chose to.

11 Is that correct?

12 THE DEFENDANT: That's correct.

13 THE COURT: All right. Now let's turn
14 over to the Attachment A.

15 And you heard Ms. Boswell. She went
16 through all of that. And I heard you say that there is
17 some parts of this that you disagree with.

18 Is that correct?

19 THE DEFENDANT: Yeah. It's the -- facts.
20 Most of it was facts, but there were a few things there
21 that wasn't.

22 THE COURT: Let me tell you how I'm going
23 to do it, because this is the important part of these
24 proceedings.

25 Is it a true and correct statement that on

1 or about December 3rd of 2020, in the Western District of
2 Tennessee, that you -- before that date you had been
3 convicted of at least one felony. In fact, the report
4 says there were multiple felonies. But you had been
5 convicted of at least one felony. And that on that date,
6 on or about that date, you were in possession of a Marlin
7 Model 336 RC 30-30 caliber rifle.

8 Is that a true and correct statement?

9 THE DEFENDANT: That's correct.

10 THE COURT: And you understand that that
11 rifle -- you may not have known it at the time, but the
12 government would have brought in a witness who would have
13 testified that that 30-30 Marlin rifle was not
14 manufactured in the state of Tennessee.

15 Do you understand?

16 So is that a true and correct statement,
17 that you were in possession of that rifle on or about
18 December 3rd of 2020?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: And you -- before that date
21 you had been convicted of a felony, and you knew you had
22 been convicted of a felony.

23 Is that correct?

24 THE DEFENDANT: Yes.

25 THE COURT: Okay. Then as to Count 2, on

1 or about that same date, the government says that you
2 were also in possession of several rounds of Winchester
3 30-30 ammunition that had a head stamp of Winchester
4 30-30 Win.

5 Is that a true and correct statement?

6 THE DEFENDANT: Yes.

7 THE COURT: Were you also in possession of
8 several rounds of 30-30 ammunition?

9 THE DEFENDANT: Yes, that's correct.

10 THE COURT: And did it have, as far as you
11 know, did it have this head stamp on it that said
12 Winchester 30-30 Win?

13 THE DEFENDANT: Yeah.

14 THE COURT: Okay. And before that date,
15 again, you had been convicted of a felony. Correct?

16 THE DEFENDANT: Yeah.

17 THE COURT: And knew you had been
18 convicted of a felony?

19 THE DEFENDANT: Yeah.

20 THE COURT: And you knew that you were not
21 allowed to possession ammunition.

22 Is that correct?

23 THE DEFENDANT: That's correct.

24 THE COURT: All right. Then finally, as
25 to Count 3, now it says December 2nd. Is there a

1 difference in the dates, Ms. Boswell? Or is that just --

2 MS. BOSWELL: There is, Your Honor. One
3 was the night that the -- the night before was on the
4 pistol --

5 THE COURT: Okay.

6 MS. BOSWELL: -- December 2nd date.

7 THE COURT: Mr. Autry, Count 3 of the
8 third superseding indictment alleges that on
9 December 2nd, 2020, in the Western District of Tennessee,
10 that again before that date you had been convicted of a
11 felon, at least one felony, and that on or about that
12 date you were in possession of a Smith & Wesson Model M&P
13 Shield, 9mm caliber pistol.

14 Is that true and correct?

15 THE DEFENDANT: Yes.

16 THE COURT: So you're admitting that on or
17 about that date you were in possession of this 9mm
18 pistol.

19 Is that correct?

20 THE DEFENDANT: Yes.

21 THE COURT: And you knew you had been
22 convicted of a felony prior to that date. Correct?

23 THE DEFENDANT: Yeah.

24 THE COURT: And you knew that it would be
25 illegal for you to possess this pistol.

1 Is that correct?

2 THE DEFENDANT: That's correct.

3 THE COURT: And this all happened in the
4 Western District of Tennessee.

5 Is that correct?

6 THE DEFENDANT: That's correct.

7 THE COURT: All right. Anything else you
8 want to ask, Ms. Boswell, as far as the facts of the
9 case?

10 (ATTORNEY/ATTORNEY CONFERENCE.)

11 MS. BOSWELL: Judge, I know that he said
12 this as part of the other, but we would like you to cover
13 on page 3 of the facts as to the three previous violent
14 felonies one more time.

15 THE COURT: All right. Mr. Autry, if you
16 would, turn over to page 3 of Attachment A.

17 And you see at the top it says, and I'm
18 just reading from the top page 3, it says, as noted
19 before, Autry is a convicted felon, and was so on the
20 date of his possession of the previously mentioned
21 firearms and ammunition. He has the following felony
22 convictions.

23 And then it lists 1, 2, 3, 4, 5, 6, 7, 8,
24 9, 10 -- looks like 11 separate convictions.

25 Do you see where I'm looking at that?

1 THE DEFENDANT: Yes.

2 THE COURT: And is that true and correct?
3 Had you been previously convicted on or about the dates
4 that are indicated by each conviction of the convictions
5 that are outlined in that page?

6 THE DEFENDANT: I pled guilty to them in a
7 court of law. I did plead guilty.

8 THE COURT: So you're admitting under
9 oath -- again, you know you're under oath today.

10 THE DEFENDANT: Yeah.

11 THE COURT: So you're admitting under oath
12 that the convictions that are listed at the top of page 3
13 of Attachment A, that you admit that you either committed
14 those violations of the law, or you pled guilty to those
15 violations.

16 Is that correct?

17 THE DEFENDANT: That's correct.

18 THE COURT: All right.

19 MS. BOSWELL: And at least three of those
20 previous ones were for violent felonies, Your Honor, that
21 were committed on occasions different from each other.

22 THE COURT: Are you talking about the last
23 three or?

24 MS. BOSWELL: It would be the ones that I
25 mentioned.

1 The three counts of aggravated burglary in
2 Benton County from February 9, of '04; the aggravated
3 burglary in Decatur County from February 23, of '04; the
4 burglary in Decatur County from August 15th, of '07, as
5 well as the aggravated assault in Decatur from
6 November 14th of 2013.

7 And then the facilitation to commit
8 especially aggravated kidnapping, Hardin County,
9 September 14th, 2020, and the solicitation of the
10 first-degree murder, same date in Hardin County, Your
11 Honor.

12 THE COURT: All right. Mr. Autry, just
13 for clarification. You heard what Ms. Boswell just
14 indicated to the Court.

15 It's the government's position that the
16 three counts of aggravated burglary out of Benton County,
17 on February 9th of 2004; the aggravated burglary out of
18 Decatur County on February 23rd of 2004; the burglary out
19 of Decatur County on August 15th, 2007; the aggravated
20 assault out of Decatur County on November 14th, 2013; the
21 facilitation to commit especially aggravated kidnapping
22 out of Hardin County on September 14th, 2020; and
23 finally, the solicitation of first-degree murder,
24 premeditated, out of Hardin County, on September 14th,
25 2020, that those would all qualify as what we call

1 violent felonies.

2 Do you see what I'm talking about?

3 THE DEFENDANT: Yeah.

4 THE COURT: And do you understand that
5 that's, that you have agreed as part of your plea deal,
6 that these are convictions that you sustained.

7 Is that correct?

8 THE DEFENDANT: Yeah.

9 THE COURT: Do you understand -- I'm
10 assuming that the government is going to be arguing as
11 part of sentencing that those would qualify as what we
12 call violent felonies under the sentencing guidelines.

13 Do you understand?

14 THE DEFENDANT: Yeah.

15 THE COURT: All right. Do you have
16 anything at this point you need to discuss with your
17 attorney?

18 THE DEFENDANT: Nothing comes to mind.

19 THE COURT: All right. Do you feel like
20 you understood everything we've done today?

21 THE DEFENDANT: Pretty much.

22 THE COURT: Okay. Well, is there anything
23 you haven't understood? Tell me if there is. Because we
24 want to talk about it, if there is anything you haven't
25 understood.

1 THE DEFENDANT: I've understood pretty
2 much, Judge.

3 THE COURT: Okay. Now look over -- I
4 asked earlier if you had signed this Attachment A, and
5 you told me you had.

6 Did you sign this Attachment A freely and
7 voluntarily?

8 THE DEFENDANT: Yeah.

9 THE COURT: Did anyone threaten you in any
10 way, promise you anything, or do anything at all to try
11 to get you to sign Attachment A against your will?

12 THE DEFENDANT: No.

13 THE COURT: You signed it because you
14 wanted to, and you believed it was correct.

15 Is that correct?

16 THE DEFENDANT: Yeah.

17 THE COURT: Okay. Anything else, Ms.
18 Boswell?

19 MS. BOSWELL: No, Your Honor.

20 THE COURT: Anything else, Ms. Sullivan?

21 MS. SULLIVAN: No, Your Honor.

22 THE COURT: Mr. Autry, considering
23 everything that you and I have just gone over, do you
24 plead guilty or not guilty to Count 1, Count 2 and Count
25 3 of the third superseding indictment?

1 THE DEFENDANT: Plead guilty.

2 THE COURT: Are you entering you plea of
3 guilty freely and voluntarily?

4 THE DEFENDANT: That's correct.

5 THE COURT: Did anyone threaten you in any
6 way, promise you anything, or do anything at all to try
7 to get you plead guilty against your will?

8 THE DEFENDANT: No.

9 THE COURT: You are pleading guilty simply
10 because you are guilty of these offenses.

11 Is that correct?

12 THE DEFENDANT: That's correct.

13 THE COURT: Then the Court finds there is
14 a sufficient factual basis to support a conviction of
15 Mr. Autry in this matter.

16 It appears to the Court that Mr. Autry
17 understands his rights, and that he has knowingly and
18 intentionally waived those rights.

19 The Court finds that Mr. Autry is
20 represented by competent counsel in Ms. Sullivan, and
21 that Mr. Autry has told the Court he is, in fact,
22 satisfied with Ms. Sullivan's representation.

23 The Court further finds that Mr. Autry has
24 knowingly, intentionally and voluntarily waived his right
25 to file a direct appeal, as set forth in paragraph 7 of

1 the plea agreement, as well as his right to file a
2 collateral attack under Section 2255, as set forth in
3 paragraph 8 of the plea agreement.

4 So, Mr. Autry, I'm going to accept your
5 plea of guilty to Count 1, Count 2 and Count 3 of the
6 third superseding indictment.

7 All right. Mr. Bryson, when will we come
8 back for sentencing?

9 THE CLERK: March 3rd at 10:00 a.m.

10 MS. BOSWELL: That's good for the
11 government, Your Honor.

12 THE COURT: Ms. Sullivan, does that work
13 for you?

14 MS. SULLIVAN: Just one second, Your
15 Honor.

16 Your Honor, I believe March 3rd covers a
17 day where Judge Crenshaw has booked about two weeks off
18 for sentencings, but not set any of those dates in a
19 multi co-defendant case. But it's the first day, so I'm
20 going to say that's good for sentencing. And if my
21 co-defendant is set on that date, I will move it to later
22 in the two week time period.

23 THE COURT: Okay. All right.

24 Then, Mr. Autry, we'll set your sentencing
25 for that date and time. It's possible -- sometimes we

1 have to move things around to try to accommodate
2 everybody's schedule. But Ms. Sullivan will stay in
3 touch with you, and let you know if there is any change.

4 Do you understand?

5 THE DEFENDANT: Yeah.

6 THE COURT: All right. What about the
7 supervised release violation? Do we need to take it up
8 this morning, or how is that going to be handled?

9 MS. BOSWELL: I think that's up to Your
10 Honor how you choose to do it. If he were to admit that
11 today, I would suggest that we do the sentencings at the
12 same time. But we also could handle this at the time of
13 sentencing, so...

14 THE COURT: Do you have a preference, Ms.
15 Sullivan?

16 MS. SULLIVAN: My preference would be just
17 to have a little bit more time with him. We have
18 discussed that, obviously. But if I could -- if we could
19 handle it at sentencing, I just think for purposes of
20 expedience it might be better if I spend some time with
21 him.

22 THE COURT: All right. Then we'll delay
23 addressing the supervised release violation until we come
24 back for sentencing.

25 Do you understand what I'm talking about,

1 Mr. Autry?

2 THE DEFENDANT: Yeah.

3 THE COURT: Okay. So Ms. Sullivan
4 indicated she would like to have a little more time to
5 discuss that with you, which makes sense to me. So when
6 we come back for sentencing, we'll also take up the
7 supervised release violation petition. And I'll deal
8 with it at the same time I sentence you in the other
9 cases.

10 All right. Anything else from the
11 government?

12 MS. BOSWELL: No, sir, Your Honor.

13 THE COURT: Anything else, Ms. Sullivan?

14 MS. SULLIVAN: No, Your Honor.

15 THE COURT: All right. Thank you,

16 Mr. Autry.

17 (End of Proceedings.)

18

19

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25

1 I, Kristi Heasley, do hereby certify that the
2 foregoing 46 pages are, to the best of my knowledge,
3 skill and ability, a true and accurate unredacted
4 transcript from my stenotype notes in the matter of:
5 UNITED STATES OF AMERICA

6)
7 VS)NO.1:20-cr-10063-STA
8 JASON WAYNE AUTRY)JACKSON, TENNESSEE
9)

10 Dated this 14th day of August, 2023.
11
12

13 /s/ Kristi Heasley

14 -----
15 Kristi Heasley, RPR
16 Official Court Reporter
17 United States District Court
18 Western District of Tennessee
19 Eastern Division
20
21
22
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24
25

Exhibit E

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE,
EASTERN DIVISION**

UNITED STATES OF AMERICA

vs

Case No.: 1:20-CR-10063-STA

JASON WAYNE AUTRY

DEFENDANT’S SENTENCING MEMORANDUM

COMES now the Defendant, Jason Wayne Autry, by and through appointed counsel, Michael L. Weinman, and submits the following Sentencing Memorandum:

FACTUAL OBJECTIONS

The Defendant has set out his objections to the factual information contained in the PSR in the Objection to the Presentence Report he has filed in this matter.

OFFENSE LEVEL COMPUTATION

Defendant has filed an objection to the Offense Level computation contained in the PSR because it fails to reduce his total offense level for his Acceptance of Responsibility under USSG §3E1.1. For the reasons set out in the Objection to the Presentence Report he has filed, Defendant asserts he is entitled to the full 3 level reduction under USSG §3E1.1 and that his total offense level should be 30, resulting in a recommended guideline range of 180-210 months.

CRIMINAL HISTORY

Defendant has no objection to the calculation of his Criminal History range as reflected in the PSR.

OFFENDER CHARACTERISTICS AND SENTENCING FACTORS

Defendant has no objections to the portrayal of his personal characteristics as presented in the PSR. Defendant acknowledges that he has an extensive criminal history, beginning when he was very young. While the Defendant is not trying to minimize or downplay the significance of his criminal history; he does ask the Court to consider his highly dysfunctional childhood, mental health issues and struggles with addiction in applying the §3553 factors in determining the appropriate sentence to impose. According to the information in the PSR, Defendant suffered extreme physical and sexual abuse in his early formative years. His father was an alcoholic who regularly beat both him and his mother in his presence. (PSR ¶ 71). At the age of 14, his aunt sexually assaulted him (*Id.*) There is no indication that he was ever provided any mental health treatment or counseling for this early childhood trauma, although the psychological evaluator at the Metropolitan Correctional Center in San Diego, California indicated that his background could meet the criteria for post-traumatic stress disorder, ADHD or bipolar II disorder. (PSR ¶ 90)

Defendant's dysfunctional childhood clearly played a role in the development of his issues with substance abuse and addiction. He first started drinking and using illegal drugs as a young teenager. At the age of 18 he was introduced to meth and almost immediately started using as much as he could get his hands on. (PSR ¶ 94-96) In 2009 he became a frequent user of pain medications and since that time has struggled with addictions to methamphetamine, heroin, fentanyl, marijuana, morphine, and LSD. (PSR ¶ 97-98). According to the psychological evaluator, the defendant's long-term drug use has potentially caused him "some permanent mental health symptoms".

The psychological evaluator diagnosed Defendant as follows:

- Bipolar II, Depressed, with Anxious Distress, in partial remission (medication treatment)

- Stimulant Use Disorder (methamphetamine), Severe, in a controlled environment.
- Opioid Use Disorder (fentanyl, heroin, morphine), Severe, in a controlled environment
- Cannabis Use Disorder, Severe, in a controlled environment
- Alcohol Use Disorder, Severe, in a controlled environment (PSR ¶ 89)

He has attempted suicide on several occasions including cutting his left wrist, hanging himself, and overdosing on whiskey and methamphetamine. (PSR ¶ 92). In 1988 he was involved in a motorcycle accident and suffered head trauma. (PSR ¶ 76) He has also apparently suffered multiple other head traumas throughout this life. In addition to these mental and emotional issues, he has been diagnosed with congestive heart failure, hepatitis C and hypertension. (PSR ¶ 77-78)

It is not difficult to see how Mr. Autry's dysfunctional childhood, marked by both physical and sexual abuse and the lack of subsequent treatment or counseling played a major role in his self- medicating with dangerous illicit substance, which clearly played a significant role in the poor decisions he has made in his life that led him to where he is now. While this does not excuse his adult criminal conduct, it does help the Court understand how he got to this point in his life and provides a basis to mitigate the harshness of the sentence the Court may impose for his conduct in this case.

SENTENCING REQUEST

As the Court is well aware, the parsimony clause found in 18 U.S.C. §3553 directs the Court to impose a sentence sufficient, but not greater than necessary, to accomplish the goals of sentencing. The statute provides that, in determining the appropriate sentence, the court should consider a number of factors, including the nature and circumstances of the offense, the history and characteristics of the defendant, the sentencing range established by the Guidelines, the need to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner"; "any pertinent policy statement issued by the

Sentencing Commission pursuant to its statutory authority, and the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct. *Kimbrough v. United States*, 552 U.S. 85, 128 S.Ct. 558 (2008).

Although Mr. Autry's recommended guideline range is 168-210 months, because of the application of the ACCA, the minimum sentence the Court can impose is 180 months. Defendant asserts that, in light of the §3553 factors, particularly his history of childhood physical and sexual abuse, addiction and mental health issues, a sentence of 180 months is sufficient but not greater than necessary to establish the goals of sentencing. Defendant further requests that the sentence imposed in this case be ordered to run concurrently with the sentence imposed for his anticipated Supervise Release Violation in case # 12 CR 10070, as the charge in this case is the primary conduct that resulted in his Supervised Release Violation. Defendant further requests that the sentence in this case be ordered to run concurrently with any sentence that may be imposed in the charges currently pending in Benton County, Tennessee General Sessions Court docket No. 20-CR-948, as those charges arise out of the same conduct that gave rise to the charges in this case.

CONCLUSION

Based on the foregoing, Defendant respectfully requests that the Court impose a sentence of 180 months to run concurrently with the sentence imposed for his anticipated Supervise Release Violation in case # 12 CR 10070 and with any sentence that may be imposed in the charges currently pending in Benton County, Tennessee General Sessions Court docket No. 20-CR-948, followed by a period of Supervised Released. Defendant further requests that the Court recommend that he be allowed to participate in the BOP's Residential Drug Assistance Program or any other available drug treatment and vocational education programs and that any fines be waived due to his indigence.

Respectfully submitted,

By: s/ Michael L. Weinman
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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing (Memorandum) has been served upon:

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by electronic means via the Court's electronic filing system this 11th day of August, 2023.

s/ Michael L. Weinman
Michael L. Weinman

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

UNITED STATES OF AMERICA

vs

Case No.: 1:20-CR-10063-STA

JASON WAYNE AUTRY

DEFENDANT’S SUPPLEMENTAL SENTENCING MEMORANDUM

COMES now the Defendant, Jason Wayne Autry, by and through counsel, Michael L. Weinman, and submits the following Supplemental Sentencing Memorandum:

**RESPONSE TO GOVERNMENT NOTICE OF INTENT TO SEEK AN UPWARD
DEPARTURE AND UPWARD VARIANCE¹**

I. Background

In this case, Mr. Autry has pled guilty to one count of Felon in Possession of a Firearm (Count Three), which occurred on December 2, 2020, and two counts of Felon in Possession of a Firearm and Ammunition (Counts One and Two), which occurred the following day. In summary, Mr. Autry was in possession of a pistol belonging to his ex-girlfriend, which he exchanged for a rifle the next day. The pistol had been lawfully purchased by Mr. Autry’s ex-girlfriend, and at the time of his arrest, Mr. Autry was involved in a new relationship with another woman. (PSR ¶11). A deputy with the Benton County Sheriff’s Office initially encountered Mr. Autry alone in a field during the early morning hours, dressed in his pajamas. Concerned for his safety, the deputy made

¹ This filing was prepared in consultation with Ann Searles, a retired United States Probation Officer, employed for over 27 years in that capacity, and who is currently self-employed as a federal sentencing consultant.

contact with Mr. Autry. The deputy patted him down and allowed him to leave. A rifle was found after Mr. Autry left the area after that initial contact with officers. (PSR ¶11).

II. Factors that warrant a sentence at the low end of the guideline range pursuant to 18 U.S.C. 3553(a)(1)

There are various mitigating factors to be considered in determining the appropriate sentence under 18 U.S.C. 3553(a) regarding the history and characteristics of the defendant and the nature and circumstances of the offense. These factors, when considered alone or in combination, justify a sentence of not greater of 180 months, the statutory minimum and low end of the undisputed Guideline range, which is sufficient to meet the various goals of sentencing under the provisions of 18 U.S.C. 3553(a)(2).

Nature and Circumstances of the Offense

Dressed in pajamas and alone in the middle of a field during the early morning hours, it is clear Mr. Autry did not present an imminent danger to any person at the time of his arrest. Mr. Autry made no effort to take possession of or use the rifle during his encounter with the arresting officers. (PSR ¶12). Shortly after locating the rifle and interrogating him about it, Mr. Autry admitted the rifle was his and from whom he had obtained it. Mr. Autry explained that he was using the rifle to hunt deer hunting, a lawful sporting activity for some, but not for Mr. Autry, given his criminal history (PSR ¶12.) Mr. Autry planned to use the deer as a source of food. By providing this information, Mr. Autry wishes to explain, but not excuse his conduct.

If not for Mr. Autry's prior criminal record, the Base Offense Level could have been determined to be far less (6 instead of 24) because the rifle was possessed for a sporting purpose (deer hunting), a legitimate activity recognized by the United States Sentencing Commission as a mitigating circumstance warranting a reduced Base Offense Level under USSG 2K2.1(b)(2). Mr. Autry does not dispute and agrees the correct Base Offense Level was applied. He only wishes to

emphasize he possessed the firearm at the time of his arrest for deer hunting and not for any nefarious purpose.

History and Characteristics of the Defendant Personal and Family History

According to the PSR, Mr. Autry was abused as a child by various adult family members. (PSR ¶71) Child abuse takes many forms and the long-term detrimental consequences to the child are many and far reaching even after adulthood is reached and the abuse ends. According to the Mayo Clinic, any intentional harm or mistreatment to a child under 18 years old is considered child abuse:

Child abuse takes many forms, which often occur at the same time. *Physical child abuse* (emphasis added) occurs when a child is purposely physically injured or put at risk of harm by another person. . . *Emotional child abuse* means injuring a child's self-esteem or emotional well-being. It includes verbal and emotional assault — such as continually belittling or berating a child — as well as isolating, ignoring or rejecting a child. . .

Complications. . . child abuse may result in physical, behavioral, emotional or mental health issues - even years later. . . some examples. . . Substance abuse. . . Illegal or violent behavior. . . Suicide attempts or self-injury. . . Emotional issues. . . Mental health disorders. . . Depression, Anxiety disorders. (Mayo Clinic, *Child Abuse*, <https://www.mayoclinic.org/diseases-conditions/child-abuse/symptoms-causes/syc-20370864?p=1>)

The World Health Organization has similarly recognized that experiencing violence in childhood impacts lifelong health and well-being and can result in:

. . . negative coping and health risk behaviors. Children exposed to violence and other adversities are substantially more likely to smoke, misuse alcohol and drugs. . . They also have higher rates of anxiety, depression, other mental health problems and suicide. . . (World Health Organization, *Violence Against Children*, <https://www.who.int/news-room/fact-sheets/detail/violence-against-children>):

Mr. Autry's father repeatedly physically abused him. As an example, Mr. Autry recalled being beaten by his father and struck with a belt simply over a report card. Mr. Autry described how his father "whooped the hell out of me." (PSR ¶71). Mr. Autry's Father was also an abusive

alcoholic (PSR ¶71). The risk of parental alcoholism on depression is significant among individuals of a wide age range. Centers for Disease Control and Prevention, *Time-Varying Effects of Parental Alcoholism on Depression*, https://www.cdc.gov/pcd/issues/2017/pdf/17_0100.pdf , viewed September 9, 2023. Mr. Autry was also sexually molested and abused as a child by an adult Aunt. (PSR ¶71) Currently, Mr. Autry enjoys the support of his Mother, a retired correctional officer, and with whom he plans to reside his release from custody. Mr. Autry is the father of two adult children, both of whom are employed and productive members of society.

Mental Health

Mr. Autry has a serious history of mental health illness, including a diagnosis of Bipolar II, Depressed, with Anxious Distress diagnosis (PSR ¶89). Mr. Autry was prescribed a medication for Schizoaffective Disorder at the time of a recent evaluation in connection with his competency in this case. The evaluator noted the defendant could also meet the criteria for “Post-Traumatic Stress Disorder, Attention-Deficit Hyperactivity Disorder.” (PSR ¶90). In view of the abuse he experienced as a child, Mr. Autry’s current mental health status is especially concerning because he told the probation officer that “he plans to commit suicide by overdosing on fentanyl should he receive a sentence of 15 years to life in prison for the instant offense.” (PSR ¶ 92). Records from the Bureau of Prisons corroborate Mr. Autry’s thoughts of suicide have alarmingly progressed to actual prior suicide attempts by “cutting his wrist, hanging himself, and overdosing on whiskey and methamphetamine.” (*Id.*).

Substance Abuse Disorder

Mr. Autry has also been diagnosed with Substance Abuse Disorders, including Stimulant Use Disorder (Severe), Opioid Use Disorder (Severe), Cannabis Use Disorder (Severe), and Alcohol Use Disorder (Severe) (PSR ¶89). Individuals with a mental illness such as Mr. Autry are

more likely to experience a substance use disorder than those not affected by a mental illness. Substance Abuse and Mental Health Services Administration, *Co-Occurring and Other Health Conditions*, viewed September 21, 2023 <https://www.samhsa.gov/medications-substance-use-disorders/medications-counseling-related-conditions/co-occurring-disorders>. According to the 2020 National Survey on Drug Use and Health (NSDUH):

. . . 40.3 million Americans had a substance use disorder (SUD) in the past year. Substance use disorders continue to be an important health issue in our country. Substance Use Disorders (SUDs) are treatable, chronic diseases characterized by a problematic pattern of use of a substance or substances leading to impairments in health, social function, and control over substance use. It is a cluster of cognitive, behavioral, and physiological symptoms indicating that the individual continues using the substance despite harmful consequences. . . SUDs can range in severity from mild to severe.

There is no question that much of Mr. Autry's criminal history is in large part attributable to his ongoing struggles with substance abuse, which began at the very young age of 15. Some of Mr. Autry's multiple failures under supervision can be directly tied to his unrelenting disease of substance use disorder and inability to remain drug free. Several of Mr. Autry's prior offenses are what could be characterized as offenses that were committed by an addict and motivated by an impulse to feed his addiction (PSR ¶¶ 34, 36, 40, 41, 45, 46, 50, 52, 54).

While Mr. Autry falls into the category of having what is commonly referred to as a dual diagnosis, involving both mental health and substance abuse issues, he has reached a critical crossroads in his life by acknowledging he has a substance abuse disorder and as expressed in his desire to fully engage in substance abuse treatment. Denial that one has a problem is a common symptom of a substance abuse disorder, and Mr. Autry has overcome this common barrier, which greatly increases his ability to lead a life without drug dependence and the associated criminal involvement.

Physical Health Conditions

In addition to his mental and substance abuse conditions, Mr. Autry has a history of serious health conditions, including multiple head traumas, Hepatitis C, high blood pressure, and a vitreous hemorrhage in his left eye (PSR ¶¶76, 77, 79, 81). In addition, Mr. Autry “is currently in heart failure . . . (and) Records from SCDC confirm this condition . . .” (PSR ¶78). According to the Centers for Disease Control and Prevention, “Heart failure happens when the heart cannot pump enough blood and oxygen to support other organs in your body. . . In 2018, heart failure was mentioned on 379,800 death certificates (13.4%). Centers for Disease Control and Prevention, *Heart Failure*, viewed September 7, 2023.

III. Response to Upward Departure or Upward Variance Based Upon Criminal History

In arguing for an upward departure or variance, the government places great emphasis on Mr. Autry’s guilty plea regarding his involvement in the Holly Bobo case. Mr. Autry is solemnly sorry and cannot express his regret deeply enough for his involvement in that case, and he fully accepts responsibility for his involvement in that case. While Mr. Autry cannot change the past, he wishes to assure the Court he will never again be involved in any similar conduct in the future. While not intending to diminish in any manner whatsoever the seriousness of that offense, it is nevertheless respectfully requested what this Court consider that Mr. Autry was sentenced for and has since fully served his custodial sentence in that matter. In so doing, Mr. Autry paid his debt to society for that crime, as determined by the Decatur County, Tennessee Circuit Court.

While the government correctly states that he was originally charged with especially aggravated kidnapping and first-degree murder in that case, he pled guilty to facilitation of especially aggravated kidnapping and solicitation of first-degree murder. Mr. Autry testified as a

witness for the State in that case and detailed his involvement before the Judge and jury. In approving Mr. Autry sentence in that case, the Judge determined that the sentence imposed was appropriate given Mr. Autry's involvement in the crime. Mr. Autry's testimony was clearly instrumental for the State in obtaining a conviction against the individuals who were found to have actually kidnapped, raped and murdered Ms. Bobo. In this case, that offense has been taken into account in the calculation of his Guideline range and Mr. Autry should not be given additional punishment for that offense.

IV. United States Sentencing Commission Research

The United States Sentencing Commission has undertaken various empirical studies in an effort to collect, analyze, and publicly disseminate a broad array of information on federal crime and sentencing practices. The Interactive Data Analyzer developed by the U.S. Sentencing Commission utilizes a comprehensive and impressive collection of research and data reports on various sentencing issues and can be accessed and tailored to specific case types, criminal history categories, geographical areas, ages, genders, races, citizenships, and educational backgrounds.

The information from the Interactive Data Analyzer, specifically with respect to firearm crimes and Career Offenders, reveals there are certain trends nationwide with respect to upward departures and upward variances. A summary of these findings from the years 2015 to 2022 is found in the United States Sentencing Commission, *Research, Interactive Data Analyzer, Sentences Imposed Relative to Guideline Range*², viewed on September 17, 2023. This persuasive data indicates that nationwide, upward departures variances for firearms crimes are extremely rare. In 2015, the percentages of case where an upward departure or variance was given in a firearms case was 0 and 1%, respectively; 2016 – 0 and 0%; 2017 – 0 and 1%; 2018 – 0 and 0%; 2019 - .7

² <https://ida.ussc.gov/analytics/saw.dll?Dashboard>

and 0%; 2020 – 0 and 1.9%; 2021 – 0 and 1%; and 2022 – 0 and 0%. The highest percentage of 0.7% cases in one year that received an upward departure translates to a single case nationwide that year. The highest percentage of 1.9% cases involving an upward variance in one year involved a total of two cases nationwide.

Recidivism Rates of Older Defendants

The United States Sentencing Commission has undertaken empirical studies and concluded a federal offender's age at time of release into the community is closely associated with differences in recidivism rates. Offenders released prior to age 21 had the highest rearrest rate, 67.6 percent, while offenders over sixty years old at the time of release had a recidivism rate of 16.0 percent.³

Mr. Autry will be 63 years of age upon his release from custody after serving a 15-year sentence, which makes recidivism on his part highly unlikely.

V. Sentencing Request

Mr. Autry readily admits to being a Felon in Possession of a Firearm on two consecutive days as the result of his exchange of a pistol, originally lawfully owned by his ex-girlfriend, for a rifle, which he used to go deer hunting. Mr. Autry fully cooperated with authorities and, as a result, both firearms were recovered. Mr. Autry admitted his guilt to the crime immediately upon his arrest and entered a guilty plea relatively early in the prosecution. Mr. Autry asks the Court to consider the fact that he did not use the firearm to perpetuate violence, brandish, threaten, or use violence against another person in connection with this offense. In fact, Mr. had the firearm to hunt deer, which in most instances is considered a lawful sporting activity as recognized by the United

³ United States Sentencing Commission, Research, *Recidivism Among Federal Offenders, A Comprehensive Overview* (March 2016), viewed September 21, 2023
<https://www.ussc.gov/research/research-reports/recidivism-among-federal-offenders-comprehensive-overview>

States Sentencing Commission as a basis for a reduced offense level. Mr. Autry acknowledges this does not apply to him in view of his prior record, but nonetheless is a factor the Court can consider among many other mitigating circumstances.

The Court must weigh many factors in arriving at a fair and equitable sentence. While Mr. Autry admittedly has a very serious criminal history, it is a fact that, in connection with the most serious prior offense, his full cooperation with authorities resulted in bringing others to justice for their involvement in the offense. Mr. Autry was the victim of child abuse, horrific physical violence by his father when he was just a vulnerable and susceptible child. As a child he also witnessed his mother being repeatedly physically abused by his father. He was also a victim of sexual abuse by another family member. Perhaps not coincidentally or surprisingly, as a result of these traumatic experiences, Mr. Autry suffers from substance abuse disorder along with several other mental health conditions. These mitigating factors warrant a sentence of 180 months, as such a sentence will reflect the seriousness of the offense in accordance with 18 U.S.C. 3553(a)(2), and which will undoubtedly promote respect for the law, provide just punishment for the offense, afford adequate deterrence to criminal conduct, and to protect the public from further crimes of the defendant for a lengthy and extended period.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing (Supplemental Memorandum) has been served upon:

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Email: Beth.Boswell@usdoj.gov

by electronic means via the Court's electronic filing system this 27th day of October, 2023.

s/ Michael L. Weinman
Michael L. Weinman

UNREDACTED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
VS)	NO.1:20-cr-10063
)	JACKSON, TENNESSEE
)	
JASON WAYNE AUTRY)	

SENTENCING HEARING

JUNE 24, 2024

BEFORE THE HONORABLE S. THOMAS ANDERSON,
UNITED STATES DISTRICT JUDGE

KRISTI HEASLEY, RPR
OFFICIAL COURT REPORTER
U.S. COURTHOUSE, SUITE 411
111 SOUTH HIGHLAND AVENUE
JACKSON, TENNESSEE 38301

UNREDACTED TRANSCRIPT

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2

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1 you recall whether or not all the locations were vacant?

2 A. I don't recall, sir.

3 Q. Okay.

4 MR. WHITMORE: He can -- I'm finished with
5 that.

6 THE COURT: Okay.

7 BY MR. WHITMORE:

8 Q. Now I think you talked about how, you know,
9 speaking with Mr. Autry, as it relates to -- I guess he
10 was cooperating with the Bobo investigation?

11 A. Yes, sir.

12 Q. And, in fact, you would say Mr. Autry's cooperation
13 was very important to the state's case.

14 A. It ended up being that it was the icing on the
15 cake. We already had a sound case against Zach Adams.
16 But Mr. Autry's testimony was the icing on the cake for
17 that, yes, sir.

18 Q. So the state benefited from his testimony.

19 A. Yes, sir.

20 Q. So is it that you have no use for him now?

21 Is that your testimony now?

22 That he helped us at one time. And now I'm here
23 to say he's talking about bodies and things like that, so
24 now -- tell me why that's important now.

25 MS. BOSWELL: Judge, I object to that

Exhibit F

1. Jason Autry's Federal Judgments
2. Jason Autry's Federal Sentencing Hearing Transcript for June 25, 2024
3. Exhibits to Jason Autry's Federal Sentencing Hearing

UNITED STATES DISTRICT COURT

Western District of Tennessee

UNITED STATES OF AMERICA

v.

JASON AUTRY

JUDGMENT IN A CRIMINAL CASE

Case Number: 1:20-cr-10063-STA

USM Number: 25371-076

Kevin Whitmore

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1, 2, 3☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. §§ 922(g)(1) and 924(e)	Felon in Possession of a Firearm and Felon in Possession of Ammunition	12/3/2020	1-2
18 U.S.C. §§ 922(g)(1)	Felon in Possession of a Firearm	12/2/2020	3

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

6/24/2024

Date of Imposition of Judgment

s/S. Thomas Anderson

Signature of Judge

S Thomas Anderson, Chief U.S. District Court Judge

Name and Title of Judge

6/25/2024

Date



DEFENDANT: JASON AUTRY
CASE NUMBER: 1:20-cr-10063-STA

ADDITIONAL COUNTS OF CONVICTION

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
and 924(e)			

DEFENDANT: JASON AUTRY
CASE NUMBER: 1:20-cr-10063-STA

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

228 months as to Count 1 and 2; 228 months as to Count 3; Counts to run concurrently.

TOTAL TERM: 228 months

- ☒ The court makes the following recommendations to the Bureau of Prisons:
The Defendant participate in the RDAP Drug Treatment Program.
The Defendant be placed in a BOP facility where safety concerns are addressed.

- ☒ The defendant is remanded to the custody of the United States Marshal.

- ☐ The defendant shall surrender to the United States Marshal for this district:

- ☐ at _____ ☐ a.m. ☐ p.m. on _____
☐ as notified by the United States Marshal.

- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

- ☐ before 2 p.m. on _____
☐ as notified by the United States Marshal.
☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____

DEPUTY UNITED STATES MARSHAL

DEFENDANT: JASON AUTRY
CASE NUMBER: 1:20-cr-10063-STA

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

5 years as to Counts 1, 2, 3; Counts to run concurrently.

TOTAL TERM: 5 years

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: JASON AUTRY
CASE NUMBER: 1:20-cr-10063-STA**STANDARD CONDITIONS OF SUPERVISION**

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: JASON AUTRY
CASE NUMBER: 1:20-cr-10063-STA

ADDITIONAL STANDARD CONDITIONS OF SUPERVISION

The defendant shall participate in alcohol and/or drug testing and treatment as directed by the probation officer.

The defendant shall participate in mental health treatment as directed by the probation officer.

The defendant shall participate in Moral Reconciliation Therapy (MRT) or another similar and approved cognitive behavioral therapy program as directed by the probation officer.

The defendant shall submit his or her person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communication or data storage or media, or office to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of release. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition. An officer may conduct a search pursuant to this condition only when reasonable suspicion exists that the defendant has violated a condition of his supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

DEFENDANT: JASON AUTRY
 CASE NUMBER: 1:20-cr-10063-STA

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 200.00	\$	\$	\$	\$

☐ The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	----------------------	----------------------------	-------------------------------

TOTALS	\$	0.00	\$	0.00
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☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

UNREDACTED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
VS)	NO.1:20-cr-10063
)	JACKSON, TENNESSEE
)	
JASON WAYNE AUTRY)	

SENTENCING HEARING

JUNE 24, 2024

BEFORE THE HONORABLE S. THOMAS ANDERSON,
UNITED STATES DISTRICT JUDGE

KRISTI HEASLEY, RPR
OFFICIAL COURT REPORTER
U.S. COURTHOUSE, SUITE 411
111 SOUTH HIGHLAND AVENUE
JACKSON, TENNESSEE 38301

UNREDACTED TRANSCRIPT

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2

3

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1 (Defendant Present.)

2 THE COURT: This is United States versus
3 Jason Wayne Autry, No. 20-10063.

4 We're here this morning for sentencing in
5 the underlying case and also in a supervised release
6 violation, Case No. 12-10070.

7 Is the government ready to proceed?

8 MS. BOSWELL: Yes, Your Honor, we are.

9 THE COURT: Mr. Whitmore, are you ready to
10 proceed?

11 MR. WHITMORE: Good morning, Your Honor.
12 We are.

13 THE COURT: All right. Counsel, come up
14 for a minute.

15 (THE FOLLOWING DISCUSSIONS WERE HELD AT SIDEBAR.)

16 THE COURT: Give me a little bit about the
17 lay of the land as far as witnesses and timing, et
18 cetera.

19 MS. BOSWELL: We have 11 witnesses, Your
20 Honor. One of those being a probation office. One is a
21 relative of Mr. Autry's, probably about six to seven
22 questions. Out of the remaining nine, probably two or
23 three would be a little more lengthy, but no longer than,
24 I think, 20 to 30 minutes, if that.

25 THE COURT: Including cross, or just your

1 portion?

2 MS. BOSWELL: I really think so, Your
3 Honor. This is straight sentencing material that Your
4 Honor would need to consider based off the nature of
5 offense, as well as the history and characteristics of
6 the defendant.

7 Everybody else, other than the two
8 witnesses are law enforcement, but they're all from
9 different agencies. So we have Benton County, Decatur
10 County, FBI, TBI, ATF. And all of them have had personal
11 encounters with Mr. Autry. So we would be speaking to
12 those encounters that they had with him, some of which,
13 is uncharged conduct that we put in our notice to seek
14 the upward variance and the departure. As well as
15 revocation testimony in the community that would be
16 relevant to sentence sentencing.

17 THE COURT: Do you plan to call witnesses?

18 MR. WHITMORE: No, Your Honor.

19 And we would object to a lot of that is
20 going to be cumulative. There are no objections to the
21 factual statements and the PSR, which mainly should
22 serves as the basis for this Court's decision.

23 And if we are just going to have quite a
24 few people testifying about uncharged misconduct, where
25 I'm not -- it could be a lengthily cross-examination,

1 because I'm not in a position to have any discovery, to
2 know anything, what's the background behind this
3 uncharged misconduct.

4 So I didn't put it in the form of any
5 motion, any notion in limine, but I would ask the Court
6 to consider, as this go on, the cumulative nature, if
7 people are basically saying some of the same things. And
8 a great deal of what they're stating is outside the
9 factual basis that we have said, except for one
10 paragraph, we have no objections to.

11 We stipulate to his criminal history. We
12 stipulate to his uncharged misconduct. He is who he is.
13 And to have people, live witnesses, come and say some of
14 the same thing that's in the report, Your Honor, I think
15 may be cumulative and it may be a waste of time and
16 unnecessary.

17 MS. BOSWELL: We have been very particular
18 about the witnesses that we have chosen, Your Honor.
19 There are other law enforcement persons present that we
20 will not be calling.

21 As I previously stated, they each have
22 their own personal dealings with Mr. Autry as well.

23 Based off the fact that we did file the
24 notice for the upward variance, and for departure, I
25 think that in order to show that he is an atypical

1 defendant, to be able to give Your Honor the proof that
2 you would need in order to rule on that particular
3 notice, I think that we would have to put these witnesses
4 up to give Your Honor that proof.

5 THE COURT: Well, obviously, you can renew
6 any motions, if you believe that testimony is going to be
7 cumulative. But until I hear the testimony, I can't
8 really rule on any speculation about it is or is not
9 cumulative. But, obviously, if it appears that it is
10 becoming cumulative, then I would expect you to raise it.

11 MR. WHITMORE: Yes.

12 Again, Your Honor, I know the Court's
13 concerned about time that -- my cross-examination,
14 depending upon what kind of evidence that they getting
15 into, could potentially be lengthy, because I have no
16 idea --

17 THE COURT: I understand.

18 MR. WHITMORE: -- about providing -- I
19 won't even know, unless I talk to my client, about
20 what's --

21 THE COURT: Well, one other thing I need
22 to bring to your attention. I have had something else
23 come up that I'm going to have to devote some time to
24 during the lunch hour. I was able to arrange it during
25 the lunch hour.

1 But my plan now will be to break for lunch
2 somewhere around 12:30, 12:45. Probably take an hour,
3 hour and a half for lunch to try to get this other matter
4 resolved.

5 MR. WHITMORE: That's fine with me.

6 MS. BOSWELL: Yes, sir.

7 THE COURT: It never fails, you know,
8 so -- but anyway, we'll try to address it as quickly and
9 not delay this proceeding any more than we have to.

10 MS. BOSWELL: Thank you, Your Honor.

11 MR. MORROW: Is the Court planning to go
12 over the supervised release petition to begin with? He
13 has not yet admitted. I think he's prepared to do so,
14 admit to all three violations.

15 MR. WHITMORE: Your Honor, we would
16 recommend that, because we, of course, want, when the
17 Court sentences him, that all of that is already
18 resolved.

19 THE COURT: So you think we should do the
20 SRV first?

21 MR. WHITMORE: Yes, Your Honor.

22 MR. MORROW: I think so.

23 THE COURT: Hold on. Let me grab...

24 Mr. Whitmore, do you anticipate that he's
25 going to plea or admit to all three violations?

1 MR. WHITMORE: Yes, Your Honor.

2 THE COURT: Okay. Well, are we going to
3 reserve sentencing on this until after the full hearing?

4 MR. MORROW: Yes, sir.

5 MR. WHITMORE: Yes, Your Honor, that's
6 what he --

7 THE COURT: Okay. We can take this up
8 first. Okay.

9 MR. MORROW: Thank you.

10 THE COURT: Is there anything else?

11 MR. WHITMORE: No, Your Honor.

12 (THE SIDEBAR CONFERENCE WAS CONCLUDED, AND THE
13 PROCEEDINGS CONTINUED AS FOLLOWS IN OPEN COURT.)e.

14 THE COURT: Okay. Counsel have agreed
15 that it probably would be more expedient for the Court to
16 take up the supervised release violation petition first,
17 so we will proceed in that manner.

18 Mr. Whitmore, it's probably best if you
19 and Mr. Autry come to the podium.

20 Just let Mr. Autry get where he can speak
21 directly into the microphone.

22 Are you ready to proceed, Ms. Boswell?

23 MS. BOSWELL: Yes, we are.

24 THE COURT: All right. This is Supervised
25 Release Violation Petition No. 44, in Case No. 12-10070.

1 Mr. Whitmore, it's my understanding based
2 upon what you indicated at sidebar, that you anticipate
3 that Mr. Autry is going to admit to the violations.

4 Is that correct?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: All right. Are you Jason
7 Wayne Autry?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Mr. Autry, I'm going to be
10 asking you a number of questions. I want to be sure that
11 you understand the questions before you give me an
12 answer. If I ask anything that's not clear or that you
13 need for me to repeat, you let me know.

14 Will you do that?

15 THE DEFENDANT: I will.

16 THE COURT: Also if I ask you a question
17 and you would like to discuss your answer with your
18 attorney, Mr. Whitmore, you can do that.

19 But again, you would need to let me know
20 before you answer.

21 Do you understand?

22 THE DEFENDANT: I do.

23 THE COURT: Raise your right hand.

24 (Defendant was Sworn.)

25 THE DEFENDANT: I do.

1 THE CLERK: Thank you.

2 THE COURT: Mr. Autry, you're now under
3 oath. All of your answers to my questions must be honest
4 and truthful. If you give any answers while you are
5 under oath that are not honest and truthful, then you
6 could be prosecuted for perjury, for giving a false
7 statement under oath, or obstruction of justice.

8 Do you understand?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: All right. Mr. Whitmore.

11 MR. WHITMORE: Your Honor, may I step away
12 with him for one second?

13 THE COURT: Okay. Go ahead. Do we need
14 to turn on the background noise?

15 MR. WHITMORE: Please. Thank you, Your
16 Honor.

17 (ATTORNEY/CLIENT CONFERENCE.)

18 MR. WHITMORE: Thank you, Your Honor.

19 THE COURT: Are we ready to proceed?

20 MR. WHITMORE: Yes, we are, Your Honor.

21 THE COURT: All right. Mr. Autry, how old
22 are you?

23 THE DEFENDANT: Forty-nine.

24 THE COURT: How far did you go in school?

25 THE DEFENDANT: Ninth grade.

1 THE COURT: Did you complete the ninth
2 grade?

3 THE DEFENDANT: Yeah.

4 THE COURT: Have you attempted to obtain
5 your GED?

6 THE DEFENDANT: I have.

7 THE COURT: And have you been successful?

8 THE DEFENDANT: I have.

9 THE COURT: When did you obtain that
10 roughly?

11 THE DEFENDANT: Probably 2008.

12 THE COURT: What kind of conditions or
13 medications do you currently take?

14 THE DEFENDANT: I take blood pressure
15 medicine. I take psych meds. And I take an inflammatory
16 pill for something in my stomach.

17 THE COURT: All right. The psych meds, is
18 that something you just started taking, or have you been
19 taking those for a period of time?

20 THE DEFENDANT: I ain't been talking them
21 too awfully long. Probably eight months, a year.

22 THE COURT: Do you take those on a daily
23 basis?

24 THE DEFENDANT: I do. Twice a day.

25 THE COURT: Have you had them regularly

1 for the last roughly eight months?

2 THE DEFENDANT: I have.

3 THE COURT: I'm assuming they were
4 prescribed by a physician.

5 THE DEFENDANT: That's true.

6 THE COURT: Do you have any concerns that
7 those psych meds either individually or collectively
8 would in any way affect your ability to understand what
9 you are doing in court today?

10 THE DEFENDANT: I don't think so.

11 THE COURT: Well, are you confident that
12 you do understand what's going on today?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Have you had an opportunity --
15 and I'm just focused currently on this supervised release
16 violation petition.

17 But have you had an opportunity to discuss
18 the allegations contained in the petition fully and
19 completely with your attorney, Mr. Whitmore?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And are you satisfied with
22 Mr. Whitmore's representation of you in this matter?

23 THE DEFENDANT: I am, well pleased.

24 THE COURT: And you understand that there
25 are three violations that are alleged.

1 Is that correct?

2 THE DEFENDANT: That's correct.

3 THE COURT: Have you ever, and I know the
4 answer to this, but have you ever been treated for any
5 kind of mental health, emotional or psychological type
6 problems?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: When was the most recent time?

9 THE DEFENDANT: Six or seven months ago.

10 THE COURT: And was that in-patient or
11 outpatient?

12 THE DEFENDANT: In-patient.

13 THE COURT: And it lasted for
14 approximately how long?

15 THE DEFENDANT: Ninety days.

16 THE COURT: Did you successfully complete
17 the program?

18 THE DEFENDANT: I don't know, I've never
19 seen the results.

20 THE COURT: You don't know if you
21 successfully completed it?

22 THE DEFENDANT: Well, I mean, I completed
23 the program.

24 THE COURT: Okay.

25 THE DEFENDANT: But as far as what I

1 completed or finished inside, doing that, I'm unaware of
2 what the report found.

3 THE COURT: Have you received treatment
4 prior to that date for any psychological type issues?

5 THE DEFENDANT: Yes.

6 THE COURT: And how many times in your
7 life would you estimate you received psychological
8 counseling, treatment or evaluations?

9 THE DEFENDANT: Over the last 20 years,
10 probably 50 times.

11 THE COURT: How many?

12 THE DEFENDANT: Probably 50.

13 THE COURT: And that would be a
14 combination of in-patient and outpatient.

15 Is that correct?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Is that right?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And have you also received
20 what we call after-care treatment?

21 THE DEFENDANT: I ain't never received
22 that.

23 THE COURT: Okay. What about addictions.
24 Have you ever been treated for any kind of drug
25 addictions, or gambling, or any kind of addictions like

1 that?

2 THE DEFENDANT: No, sir.

3 THE COURT: Okay. Mr. Autry, I'm assuming
4 you're aware a petition was filed back on December 4th,
5 2020, alleging that you had violated the conditions of
6 your supervised release.

7 Is that correct?

8 THE DEFENDANT: That's correct.

9 THE COURT: I'm going to summarize some of
10 this, so I want you just to listen for a moment.

11 The petition alleges that you were
12 originally convicted of being a felon in possession of a
13 firearm that had traveled in interstate commerce back on
14 September 23rd of 2013.

15 At that time, Judge Breen sentenced you to
16 a period of incarceration of 100 months to be followed by
17 three years of supervised release.

18 According to the petition, you began your
19 term of supervised release on September 16th, 2020.

20 One of the conditions that Judge Breen
21 imposed at the time that you were sentenced was that you
22 shall not commit another Federal, state or local crime.

23 The allegation is that on or about
24 December 3rd of 2020, you were arrested in Benton County,
25 Tennessee, and charged with being a felon in possession

1 of a weapon and simple possession of methamphetamine.

2 It goes on to state that you have a status
3 as an armed career criminal. And as such, the felon in
4 possession of weapon charge would constitute an A
5 violation, and the possession of methamphetamine would
6 constitute a B violation.

7 The second condition was that you should
8 notify the probation officer at least two days prior to
9 any change of residence or employment.

10 The allegation is that between the dates
11 of October 21st, 2020, and December 3rd, 2020, that you
12 established residence at 1066 Morris Road in Holladay,
13 Tennessee, and that you failed to notify your probation
14 officer of your change of address. That would be a grade
15 C violation.

16 Finally, Judge Breen ordered that you
17 should not associate with persons engaged in criminal
18 activity, and shall not associate with any person
19 convicted of a felony, unless granted permission to do so
20 by your probation office.

21 The allegation is that between the dates
22 of October 21st, 2020, and December 3rd, 2020, you
23 established residence with Christian Skyler Pinkley at
24 1066 Morris Road in Holiday, Tennessee, and that prior to
25 that date Pinkley had been convicted of multiple

1 felonies.

2 So those are the allegations that have
3 been made against you.

4 Do you understand all the allegations,
5 Mr. Autry?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Do you understand that if you
8 wanted to have a hearing, we could have a full blown
9 hearing.

10 If we had a hearing, the government would
11 be required to call witnesses to testify regarding the
12 allegations of violations that the government believes
13 you committed.

14 Mr. Whitmore would have the right to
15 cross-examine any witnesses that the government called.
16 Mr. Whitmore could issue subpoenas to require witnesses
17 to come into court to testify on your behalf, if he
18 thought that would be beneficial for you.

19 You would have the right to be represented
20 by an attorney through all phases of this process.

21 Mr. Whitmore could advise you on whether
22 or not he thought it would be in your best interest to
23 testify in your own hearing, if you chose to. If you
24 decided not to testify, I would not hold that against you
25 in any way. You have a right not to testify, if you

1 don't choose to. However, if you chose to testify, then
2 that would be something the Court could consider.

3 Do you understand?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: You also have the option of
6 admitting to the violations.

7 Mr. Whitmore indicated to the Court that
8 he believes you are going to admit to the violations.

9 Do you understand?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Do you have any questions
12 about your right to have a hearing regarding these
13 allegations?

14 THE DEFENDANT: No, sir.

15 THE COURT: All right. Considering
16 everything that I've gone over with you, do you admit or
17 deny the allegations contained in Docket Entry Number 44
18 that I've just reviewed with you that was filed back on
19 December 4th, 2020?

20 THE DEFENDANT: I admit.

21 THE COURT: All right. Is your admission
22 being made freely and voluntarily?

23 THE DEFENDANT: Voluntarily.

24 THE COURT: Has anyone threatened you in any
25 way, promised you anything, or done anything at all to

1 try to get you to admit the violations against your will?

2 THE DEFENDANT: No, sir.

3 THE COURT: Am I correct that the only
4 reason you're admitting to these violations is because
5 you did, in fact, commit the violations?

6 THE DEFENDANT: That's true.

7 THE COURT: All right. Then the Court
8 finds that Mr. Autry has knowingly, intelligently and
9 voluntarily admitted to the violations set forth in the
10 petition and reviewed by the Court.

11 The worksheet indicates that based on
12 Mr. Autry's admission, we have one grade A and one grade
13 B violation, and then two grade C violations.

14 The most serious violation would,
15 obviously, be the grade A. Mr. Autry has a criminal
16 history category of VI. And as such, the guideline range
17 of imprisonment would, under the guidelines would be 51
18 to 63 months; however, there is a restricted range of 51
19 to 60 months.

20 All right. Mr. Whitmore, do you wish to
21 be heard in any way as to the range of punishment that
22 I've just reviewed?

23 MR. WHITMORE: No, Your Honor.

24 THE COURT: Ms. Boswell, Mr. Morrow, do
25 you wish to be heard in any way as to the range of

1 punishment?

2 MR. MORROW: No, Your Honor.

3 THE COURT: All right. It's my
4 understanding that there is an agreement between counsel
5 that the Court will withhold announcing punishment in
6 this matter until we conclude the entire hearing.

7 MR. WHITMORE: That is correct, Your
8 Honor.

9 MR. MORROW: Yes, sir.

10 THE COURT: All right. Then you and
11 Mr. Autry can be seated.

12 MR. WHITMORE: Thank you, Your Honor.

13 THE COURT: All right. Let's go back to
14 the underlying offense that we're here about today.

15 Let's see, Ms. Boswell, did the government
16 receive a copy of the presentence report? And actually,
17 there are three addendums, but it looks like two of them
18 are designated as second addendums.

19 Just for the record, the presentence
20 report is 78, Docket Entry 78. The first addendum is
21 Docket Entry Number 78-1. The second amendment is Docket
22 Entry Number 99. And then, again, titled as another
23 second addendum, is Docket Entry Number 121.

24 Did you receive all of those documents?

25 MS. BOSWELL: Yes, Your Honor.

1 THE COURT: All right. Mr. Whitmore, did
2 you receive all the documents that I just referenced?

3 MR. WHITMORE: I did.

4 THE COURT: Did you have an opportunity to
5 review all of those documents fully and completely with
6 Mr. Autry?

7 MR. WHITMORE: I did.

8 THE COURT: Ms. Boswell, does the
9 government have any objections to any of the factual
10 statements or factual information contained from the
11 presentence report?

12 MS. BOSWELL: No, Your Honor, with the
13 addendums included as to the one criminal history that
14 had been left out that did not affect the range. But,
15 no.

16 THE COURT: Mr. Whitmore, any objections
17 to any of the factual statements or factual information
18 contained in the presentence report?

19 MR. WHITMORE: No, Your Honor.

20 THE COURT: All right. Then let's review
21 the calculations.

22 Mr. Autry pled guilty to three counts.

23 Count 1 and 2, being a felon in possession
24 of a firearm and a felon in possession of ammunition, in
25 violation of 18 U.S.C. Section 922(g)(1) and 924(e).

1 That carries a statutory sentence of not
2 less than 15 years of imprisonment, up to \$250,000 fine,
3 or both.

4 As is indicated in the report, this is a
5 Class A felony, and there is an enhanced penalty since it
6 appears that Mr. Autry qualifies as an armed career
7 criminal.

8 As far as supervised release, not less
9 than five years, and a \$100 special assessment.

10 Likewise, Count 3, being a felon in
11 possession of a firearm, in violation of 18 U.S.C.
12 Section 922(g)(1), 924(e).

13 Same punishment, not less than 15 years
14 imprisonment, up to \$250,000 fine, or both. Again, it
15 appears that Mr. Autry qualifies as an armed career
16 criminal.

17 Not less than five years of supervised
18 release and a \$100 mandatory special assessment.

19 As far as the calculations, the report
20 indicates that under Sentencing Guideline 2K2.1(a)(2),
21 the base offense level would be a 24.

22 At paragraph 24, on page eight, under
23 Sentencing Guideline 2K2.1(b)(4) (A), if any firearm was
24 stolen you increase by two levels. As such, we would
25 have an adjusted offense level of 26.

1 However, Chapter 4 comes into play in this
2 case under Sentencing Guideline 4B1.4(b)(3)(B). If the
3 defendant has at least three prior convictions for a
4 violent felony, or serious drug offense, or both, then,
5 and they were committed on different occasions, then you
6 increase up to level 33.

7 The Court made a note that it appears that
8 Mr. Autry has at least four qualifying offenses, found at
9 paragraphs 46, 47, 49 and 55.

10 As far as acceptance of responsibility,
11 the addendum -- Docket Entry Number 99, addresses
12 acceptance of responsibility.

13 Mr. Autry stated, I admit that I am guilty
14 of the crime I pled guilty to. I understand that I broke
15 the law by possessing the weapons and understand that I
16 will be punished from my criminal conduct. I think it
17 should be for my criminal conduct. I accept full
18 responsibility for my criminal conduct.

19 As such, the Court would find that
20 Mr. Autry would be entitled to a two level reduction and
21 under 3E1.1(a).

22 And, Ms. Boswell, do you move for the
23 third point?

24 MS. BOSWELL: I do, Your Honor.

25 THE COURT: I'll grant that. And as such,

1 Mr. Autry's total offense level would be a 30.

2 His criminal history is found on page 20,
3 at paragraph 56. Again, it was adjusted in the second
4 addendum based on an additional conviction that was
5 noted. This is in Docket Entry 121.

6 As such, Mr. Autry would have a subtotal
7 criminal history score of 20.

8 Under Sentencing Guidelines 4A1.1(e), one
9 additional point would be added. As such, he would have
10 an adjusted criminal score of 21, and that would place
11 him in criminal history category VI.

12 With an offense level of 30, criminal
13 history category of VI, the guideline range of
14 imprisonment would be 168 to 210 months. However, there
15 is a mandatory minimum in this case of 180 months, so
16 ultimately the range would be 180 months up to 210 months
17 of incarceration.

18 The period of supervised release would be
19 two to five years.

20 The fine range would be \$30,000 up to
21 \$300,000.

22 And there would be a \$200 mandatory
23 special assessment.

24 All right. Ms. Boswell, any objections to
25 the calculations as stated by the Court?

1 MS. BOSWELL: None, Your Honor.

2 THE COURT: Mr. Whitmore, any objections
3 to the calculations as stated by the Court?

4 MR. WHITMORE: Your Honor, I initially
5 filed some objections, but you resolved -- it was
6 resolved. They were around the acceptance of
7 responsibility, so no objections.

8 THE COURT: Well, I assume that, based
9 upon the addendums and the announcement by the Court, all
10 of your objections as far as calculations have been
11 addressed?

12 MR. WHITMORE: They have, Your Honor.

13 THE COURT: All right.

14 Ms. Boswell, I understand that you have
15 some witnesses you want the Court to hear from.

16 MS. BOSWELL: Yes, Your Honor.

17 THE COURT: All right. Well, let's -- if
18 you will, call your first witness.

19 MS. BOSWELL: The first witness will be
20 Ashley Robertson, Your Honor.

21 Before I have him get sworn in, I just had
22 some exhibits I wanted to put in that have already been
23 tendered to the Court prior, because they were lengthy
24 documents, as well as his criminal history chart.

25 Mr. Whitmore has had a copy of this. We

1 won't put this into evidence, Your Honor. I have a paper
2 copy of the time line.

3 This references the PSR paragraphs. But
4 several of the witnesses will be testifying about some of
5 the events that are contained on here. So I think I
6 would like to do this one as number one.

7 THE COURT: Do you have an easel that we
8 can display?

9 MS. BOSWELL: I do. I tried to put it
10 closer to the Court, Mr. Autry, as well as his counsel.

11 THE COURT: And is this a summary of
12 convictions or --

13 MS. BOSWELL: It is, Your Honor, and
14 parole and revocations, yes, sir.

15 (Exhibit No. 1 was marked.)

16 THE COURT: Mr. Bryson.

17 THE CLERK: Yes, sir. Marked as Exhibit
18 No. 1.

19 MS. BOSWELL: If I can place this up here,
20 Your Honor.

21 THE COURT: Okay. Hold on. Mr. Whitmore
22 is standing.

23 MR. WHITMORE: Your Honor, we don't have
24 any objection to the extent that that particular chart
25 follows the PSR. But to the extent that there are things

1 on that chart that is not in the PSR, then we would
2 object.

3 THE COURT: Well, have you had sufficient
4 opportunity to review it to see what's not included in
5 the PSR?

6 MR. WHITMORE: And Ms. Boswell has
7 provided to me in advance. But I think most of them,
8 probably about -- I would say a great deal of them are
9 included in the PSR.

10 MS. BOSWELL: That's correct, Your Honor.
11 And I believe even the infractions from TDOC and/or BOP
12 are as well. Those are included, and there will be
13 testimony about that.

14 THE COURT: Well, Mr. Whitmore, as we
15 discussed at sidebar, the only way I know to approach
16 this is you have specific objections to specific
17 testimony or introduction of specific exhibits, you will
18 just need to renew those as we proceed.

19 MR. WHITMORE: Thank you, Your Honor.

20 MS. BOSWELL: If I could, Your Honor, if I
21 can get the paper copy of this same time line admitted as
22 the -- we don't want that exhibit to have to stay with
23 the case. So this one has the same information. And I
24 do have an extra copy for the Court if it would aid you.

25 THE COURT: Mr. Bryson, are we going to

1 mark that 2 or A1, or how do you want...

2 THE CLERK: We'll mark it as Exhibit 2.

3 (Exhibit No. 2 was marked.)

4 MS. BOSWELL: From Exhibit 1 and Exhibit
5 2, Your Honor, I would just point out that the color code
6 is listed on the last sheet.

7 Which the yellow boxes would be any time
8 that Mr. Autry was released from custody. The orange
9 boxes are any time he's had a probation or parole
10 revoked. The green is any time he evaded arrest or
11 escaped from custody. The red are violent offenses. And
12 then blue are violations that he's had while in custody.

13 THE COURT: Okay.

14 MS. BOSWELL: Next, Your Honor, we have
15 two packets of TDOC records that encompass records from
16 the institutions where Mr. Autry was held during any TDOC
17 state time, along with the certificates attached to those
18 that authenticate the records.

19 We would like to introduce each of these.
20 They are distinguished -- one is by Glen Butler and the
21 other is by Jessica Phelps.

22 THE COURT: All right.

23 MR. WHITMORE: No objection, Your Honor.

24 THE COURT: I assume we need to mark those
25 separately.

1 MS. BOSWELL: Yes, if we could, Your
2 Honor. We'll be referencing a few things in here.

3 THE CLERK: Yes, sir. The one in
4 reference to Jessica Phelps will be marked as Exhibit 3.

5 THE COURT: Which one is that?

6 THE CLERK: In reference to Jessica
7 Phelps, Exhibit 3.

8 Exhibit 4 is marked in reference to the
9 document of Glen Butler.

10 (Exhibit Nos. 3 and 4 were marked.)

11 MS. BOSWELL: With that, Your Honor, I
12 think the rest of the exhibits -- well, I have one more.

13 Let's do -- we also have just the
14 certified copies of his prior convictions, as well as any
15 supporting documents such as the warrant.

16 Again, all of these have been turned over
17 previously to Mr. Whitmore.

18 THE COURT: Any objection, Mr. Whitmore?

19 MR. WHITMORE: No, Your Honor.

20 THE CLERK: Marked as Exhibit No. 5.

21 (Exhibit No. 5 was marked.)

22 THE COURT: For the record, Exhibits 1
23 through 5 inclusive will be marked, or have been marked,
24 and will be admitted into evidence.

25 MS. BOSWELL: Thank you, Your Honor.

1 With that, we would call Ashley Robertson
2 at this time.

3 THE COURT: All right. Come up, please.

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1 ASHLEY ROBERTSON THEREUPON CALLED AS A WITNESS
2 ON BEHALF OF THE GOVERNMENT, AND HAVING BEEN FIRST DULY
3 SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

4 DIRECT EXAMINATION

5 THE WITNESS: I do.

6 THE CLERK: Thank you.

7 THE COURT: All right. Have a seat. Make
8 yourself comfortable and speak directly into the
9 microphone.

10 MS. BOSWELL: May I proceed, Your Honor?

11 THE COURT: You may.

12 BY MS. BOSWELL:

13 Q. Can you state your name and spell it for the court
14 reporter, please?

15 A. Ashley Robertson, A-S-H-L-E-Y, R-O-B-E-R-T-S-O-N.

16 Q. And where do you work?

17 A. I am an investigator with the Jackson Tennessee
18 Police Department.

19 Q. How long have you been there?

20 A. I've been with JPD for 20 years.

21 Q. Did you have any law enforcement prior to that 20
22 years?

23 A. No.

24 Q. Are you also assigned as a task force officer with
25 any Federal agencies?

1 A. I am. I'm a task force officer with ATF.

2 Q. How long have you been with ATF?

3 A. This October will be five years.

4 Q. Did you adopt a gun case out of Benton County that
5 happened on December 3rd of 2020, that we're here about
6 today?

7 A. I did.

8 Q. And how did Benton County come in contact with
9 Mr. Autry?

10 A. On the morning of December 3rd, Deputy Bostwick, of
11 the Benton County SO, was patrolling the Morris Road area
12 in Holiday, Tennessee. He observed a subject laying down
13 in a, what I call a cut power line. He noticed the
14 subject had pajama type pants. He didn't know if the
15 subject was in distress, so he stopped his vehicle,
16 called out to the subject. The subject responded and
17 came to the deputy.

18 Q. And the person was who?

19 A. Was Jason Autry.

20 Q. He didn't have -- did he have any open warrants or
21 anything open at that time?

22 A. He did not.

23 Q. And then how did law enforcement wind up getting a
24 weapon?

25 A. After Mr. Autry was released by Deputy Bostwick,

1 Deputy Bostwick walked up to where he saw Mr. Autry
2 laying and immediately observed a deer rifle laying on
3 the ground. He secured the rifle and then tried to
4 relocate Mr. Autry.

5 Q. When Mr. Autry knew that the officer was trying to
6 find him, what did he do?

7 A. He began running, trying to get to the house, 1066
8 Morris Road.

9 Q. But did he stop on his own?

10 A. He stopped after Deputy Bostwick pulled in the
11 driveway and drew his firearm.

12 Q. And did -- was Mr. Autry interviewed, and did he
13 give information about where he had gotten that rifle?

14 A. He did.

15 Q. Who had he gotten the rifle from?

16 A. Danny Joe Ivy.

17 Q. And according to Mr. Autry, what payment did he
18 give Mr. Ivy for the gun?

19 A. He stated he paid \$250 for the rifle.

20 Q. And did -- was there anything else or just the
21 cash?

22 A. Just the cash.

23 Q. And he never mentioned a handgun or a pistol?

24 A. No.

25 Q. Did you, in fact, interview Danny Joe Ivy?

1 A. I did.

2 Q. And did he tell you the truth the first time you
3 talked to him?

4 A. He did not.

5 Q. Did he get subsequently indicted before this same
6 Court for both aiding and abetting a felon in possession
7 of a weapon, as well as lying to a Federal law
8 enforcement officer?

9 A. He did.

10 Q. Upon his arrest as to those offenses, what was his
11 demeanor in dealing with you at that point?

12 A. He was in fear and ready to tell the truth.

13 Q. And did he cry or become emotional?

14 A. Very emotional.

15 Q. What was he scared of?

16 A. He was scared of Mr. Autry.

17 Q. Did he indicate, when he realized who he was going
18 to sell it to, what his immediate reaction was?

19 A. He stated that he knew he shouldn't have sold it to
20 him. It was a mistake. He knew Mr. Autry shouldn't
21 possess firearms. And he made a statement that he knew
22 he had been in jail longer than he had been out, knew
23 that he was a convicted felon.

24 Q. Was he too afraid to not go through with the deal?

25 A. He was.

1 Q. After talking with Mr. Ivy, did you learn that
2 there was actually a handgun involved in the gun
3 transaction?

4 A. I did.

5 Q. So Mr. Autry traded a handgun for the rifle?

6 A. That's correct.

7 Q. And where did you determine after your
8 investigation that the handgun had come from?

9 A. The handgun had come from -- it originally belonged
10 to Mr. Autry's ex-girlfriend, Linda Kimbel.

11 Q. And had she purchased it legally?

12 A. She did.

13 Q. Did you have information that that gun was stolen
14 by Mr. Autry?

15 A. Yes.

16 MS. BOSWELL: May I approach the witness?

17 THE COURT: You may.

18 BY MS. BOSWELL:

19 Q. I'm going to hand you a few photographs there.

20 Ask you if you recognize those?

21 A. I do.

22 Q. What are those?

23 A. The first photo is a picture of the rifle that was
24 recovered, a Marlin 30-30.

25 Q. I'm sorry. Let me stop you.

1 Just generally, are those pictures of the guns?

2 A. That's correct.

3 Q. Okay. Let me get it marked then you can testify.

4 MS. BOSWELL: And I turned these over
5 previously as well, Your Honor.

6 THE COURT: Any objection, Mr. Whitmore?

7 MR. WHITMORE: None, Your Honor.

8 THE COURT: Without objection -- is this
9 going to be collective?

10 MS. BOSWELL: Yes, sir.

11 THE COURT: Mr. Bryson, let's mark it as
12 the next collective. It will be admitted into evidence.

13 THE CLERK: Marked Exhibit No. 6.

14 (Exhibit No. 6 was marked.)

15 MS. BOSWELL: Thank you.

16 BY MS. BOSWELL:

17 Q. Now that we have this marked Exhibit 6, tell us
18 what the first photo is and then go from there.

19 A. Okay. The first photograph is the actual, the deer
20 rifle, Marlin 30-30 lever action and it has a scope on
21 it.

22 The second photo is the open gun case that shows
23 four live 30-30 rounds.

24 The third photo is a box of 30-30 ammunition
25 that's wrapped in, I believe, blue painter tape, has the

1 numbers 30-30 written in black marker on them. The box
2 is open where you can see there are live rounds inside
3 that box.

4 The next photograph is of the surveillance cameras
5 on Christian Pinkley's house at 1066 Morris Road.

6 The next photograph was taken inside that shows
7 the monitoring system for that camera that was in Ms.
8 Pinkley's bedroom in her residence.

9 All right. The following picture is the Smith &
10 Wesson MP Shield, 9mm semi-automatic handgun that
11 Mr. Autry traded to Danny Joe Ivy for the rifle. This
12 was the handgun that was stolen from Ms. Kimbel.

13 Next photos is just the other side of the handgun.

14 The last photo is a picture of the serial number
15 of that handgun.

16 Q. You mentioned the video system --

17 MR. WHITMORE: Excuse me. Your Honor, I'm
18 going to object to the extent that he's basically
19 describing the offense conduct that's already outlined in
20 paragraphs 1 through 17 that we have admitted, that there
21 are no objections.

22 Of course, this is not a trial. We're not
23 trying to try this again. Mr. Autry has admitted to the
24 facts that's been stated. And they're literally being
25 mentioned again openly in court.

1 MS. BOSWELL: Your Honor, as to
2 sentencing, we are allowed to go into the nature and
3 circumstances of the offense. And from the government's
4 standpoint, as we filed in our notice for upward variance
5 and upward departure, this case is much more, as set out
6 in the defense filings, of merely somebody deer hunting
7 with a rifle.

8 So we think that all of these facts are
9 important. Mr. Autry did not admit pursuant to the
10 testimony to the pistol. And we were able to track that
11 down and put that with him as well.

12 We also had video surveillance that we're
13 going to show the Court that's depicting Autry and how he
14 handled the pistol and things we think will be important
15 for the Court in determining what were the nature and
16 circumstances within which he possessed these guns.

17 THE COURT: Anything else, Mr. Whitmore?

18 MR. WHITMORE: Your Honor, to the extent
19 that -- I mean, this Court has -- I mean, where the
20 facts, the fact about the handgun is in the PSR in those
21 paragraphs.

22 So I can see if we were bringing in
23 information that was not already necessarily been
24 addressed in the PSR.

25 It just seems to me, Your Honor, it's just

1 cumulative. We don't have any objection to the factual
2 circumstances of his, of this particular case.

3 And certainly, my sentencing memo is
4 argument, Your Honor. It's just argument. It's not --
5 I'm not disputing the facts. I didn't dispute any of the
6 facts in my memo.

7 And it just seems that if we're going to
8 go down this road, it's going to be cumulative already,
9 Your Honor, as far as the defense is concerned.

10 THE COURT: All right. Well, I agree with
11 Mr. Whitmore that there are no objections to the facts as
12 stated in the presentence report.

13 However, I think the government can -- the
14 Court can give the government some leeway. And
15 Ms. Boswell is indicating that she does not believe the
16 factual basis set forth in the report is complete and
17 that she wants to put it into a, what she determines to
18 be or describes as a proper context.

19 So I'm going to overrule the objection and
20 allow -- now, Ms. Boswell, as I mentioned to you at
21 sidebar, you do need to be cautious about cumulative
22 evidence. But I'm -- at least at this point I'm going to
23 overrule the objection.

24 MS. BOSWELL: Yes, Your Honor.

25 THE COURT: All right. Go ahead.

1 BY MS. BOSWELL:

2 Q. So as part of the investigation, you mentioned the
3 video system that you had a camera up there.

4 A. Yes, sir.

5 Q. And were you able to determine that Mr. Autry had
6 been staying at that residence?

7 A. That's correct.

8 Q. And was Sky Pinkley a felon as well?

9 A. She was.

10 MS. BOSWELL: May I approach the witness,
11 Your Honor?

12 THE COURT: You may.

13 BY MS. BOSWELL:

14 Q. I'm going to pass you up a disk.

15 Do you recognize what that is?

16 A. I do.

17 Q. And that has your initials on it?

18 A. It does.

19 Q. And this is a disk that shows the full video from
20 that house located, where Mr. Autry was arrested, as well
21 as just some small snippets that we wish to play for the
22 Court today.

23 A. That's correct.

24 MS. BOSWELL: May I have this marked, Your
25 Honor.

1 THE COURT: All right. Any objection,
2 Mr. Whitmore?

3 MR. WHITMORE: Same objection, Your Honor.

4 THE COURT: All right. I'll note your
5 objection, but allow the -- is it a cassette or a video?

6 MS. BOSWELL: It is video surveillance
7 from the cameras system at the address. And we will be
8 playing that off the computer, Your Honor, which is the
9 same as Exhibit No. 7. We'll just play those snippets in
10 order.

11 THE COURT: All right. I will allow it to
12 be entered into evidence.

13 (Exhibit No. 7 was marked.)

14 MS. BOSWELL: Swapping it over.

15 THE COURT: Mr. Bryson, do we needed the
16 overhead down or...

17 THE CLERK: If you want to pull it down, I
18 can. We have got it on the screens, but we can pull it
19 down.

20 Ms. Boswell, do you want the full screen?

21 MS. BOSWELL: I think it would be better.
22 I think the Court would be able to see it easier.

23 THE COURT: Okay. Go ahead, Ms. Boswell.

24 MS. BOSWELL: I need one second, Your
25 Honor. I apologize to the Court. We did test all this

1 on Friday and earlier this morning.

2 THE COURT: Okay.

3 MS. BOSWELL: Your Honor, I would
4 suggest -- the video is already in evidence -- that I
5 continue. And if we can come back at a later time when
6 we have this turned to where the Court can see what you
7 need to see, we can play at that time.

8 THE COURT: Any objection?

9 MR. WHITMORE: No, Your Honor.

10 THE COURT: Okay. That's fine.

11 MS. BOSWELL: Thank you, Your Honor.

12 BY MS. BOSWELL:

13 Q. And one last thing on this arrest, did Mr. Autry
14 have any kind of substance on him at the time of his
15 arrest?

16 A. Yes. During search incident to arrest a cellophane
17 wrapper with .3 grams of methamphetamine was located in
18 his pocket.

19 Q. Did he admit in his statements to using
20 methamphetamine?

21 A. He did.

22 MS. BOSWELL: Pass the witness, Your
23 Honor.

24 THE COURT: Mr. Whitmore, would you like
25 to ask?

1 MR. WHITMORE: Briefly, Your Honor.

2 THE COURT: All right. Go ahead.

3 CROSS-EXAMINATION

4 BY MR. WHITMORE:

5 Q. Now what we're talking about today, this is what
6 Mr. Autry has already pled to.

7 A. Yes, sir.

8 Q. And, in fact, when Deputy Bostwick spoke to him, he
9 voluntarily told him that that was his rifle that he was
10 hunting with.

11 A. Correct.

12 Q. So did he give the deputy any problem on that
13 particular day?

14 A. No.

15 MR. WHITMORE: No further questions.

16 THE COURT: Any redirect?

17 MS. BOSWELL: No, Your Honor.

18 We would call Jeremy Pratt next, Your
19 Honor.

20 THE COURT: All right, sir. You can step
21 down.

22 Do you want to retrieve the exhibits?

23 MS. BOSWELL: Yes, Your Honor. I don't
24 trust myself not to misplace...

25 *****

1 JEREMY PRATT THEREUPON CALLED AS A WITNESS ON
2 BEHALF OF THE GOVERNMENT, AND HAVING BEEN FIRST DULY
3 SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

4 DIRECT EXAMINATION

5 THE WITNESS: I do.

6 THE CLERK: Thank you.

7 THE COURT: All right. Have a seat and
8 speak directly into the microphone.

9 BY MR. MORROW:

10 Q. Morning, sir.

11 A. Good morning.

12 Q. Please tell us your name.

13 A. My name is Jeremy Pratt, Sergeant with Tennessee
14 Highway Patrol.

15 Q. Okay. Thank you.

16 How long have you been in that position?

17 A. 12 and a half years.

18 Q. Is that since January 13th of 2012?

19 A. Yes, sir.

20 Q. Okay. Were you in law enforcement prior to your
21 current position?

22 A. I was.

23 Q. Where?

24 A. I was with the Decatur County Sheriff's Department
25 from July 2007 to January of 2012.

1 Q. July of 2007 to January of 2012.

2 A. Yes, sir.

3 Q. Are you from Decatur County?

4 A. Yes, sir.

5 Q. What part?

6 A. Northern Decatur County.

7 Q. Okay. Is that north of Parsons?

8 A. Yes, sir, between Parson and the interstate.

9 Q. I see. Okay.

10 Where were you assigned to when you first started
11 with the Decatur County Sheriff's Department?

12 A. I was on patrol there in Decatur County.

13 Q. Okay. Did you work at the jail any?

14 A. Yes. I was assigned to the jail for a brief time
15 before I went to patrol.

16 Q. Okay. How long were you assigned to the jail?

17 A. Probably two months.

18 Q. Okay. Do you remember when you first met Jason
19 Autry?

20 A. I do.

21 Q. When was that?

22 A. It was right after I first went to work in the
23 jail. They took me around and showed me the jail. And
24 that's where I first met Jason Autry.

25 Q. So a couple of months or so after July of '07?

1 A. Probably sooner than that.

2 Q. How did you meet him? Was he incarcerated at that
3 time?

4 A. He was incarcerated there.

5 Q. Do you know why he was incarcerated at that time?

6 A. I don't recall his charges that he was being held
7 on.

8 Q. Okay. Did you know him before?

9 A. I did not.

10 Q. Okay. Do you remember what your first conversation
11 was, if any, that you had with Mr. Autry?

12 A. I do. Mr. Autry made a statement that he was proud
13 of his skin and asked me if I was.

14 Q. What does that mean?

15 A. I would take it as a white supremacy.

16 Q. He's a white man?

17 A. Yes, sir.

18 Q. And you are.

19 And he said, I'm proud of my skin. Are you?

20 A. Yes, sir.

21 Q. Had you ever have anybody say that to you before?

22 A. No, sir.

23 Q. Okay. Was there other officers there standing with
24 you when he said that?

25 A. One or two, best I remember.

1 Q. Did you talk to them about what he meant by that?

2 A. I don't recall if we actually talked about it. I
3 knew what he meant.

4 Q. Did you see any tattoos on Autry at that time or
5 thereafter?

6 A. I did.

7 Q. Tell us about that.

8 A. He had some lightning bolts on his calves.

9 Q. What did that indicate to you based upon your law
10 enforcement or other experience?

11 A. The Arian Nation.

12 Q. What is Arian Nation?

13 A. It's a white supremacist prison gang.

14 Q. Did you believe, was it your understanding that he
15 was a member, at least at that time, of the Arian Nation
16 Organization?

17 A. Yes, sir.

18 Q. Is it common, or was it common, I guess, it
19 happened to you when you started, other new officers
20 started, back in the day, for other officers, or the
21 office to give them information about particular people
22 in the community that, for instance, got in trouble a
23 lot?

24 A. Yes, sir.

25 Q. Do you recall any other officers or members of your

1 office there in Decatur County to give you, that gave you
2 information about Mr. Autry?

3 A. Yes, sir.

4 Q. What did they tell you?

5 A. After I met him, they told me to, if I ran into him
6 on the street, to be careful.

7 MR. WHITMORE: Your Honor, I'm objecting
8 to this, basically this line of questioning.

9 Number one, about the issue of the white
10 supremacy.

11 And, number two, certainly where he's
12 getting ready to testify about what a group of people
13 told him. I'm not in a position where I can
14 cross-examine that, especially at this stage of the game.
15 And I don't think it's appropriate for this type of
16 hearing, Your Honor.

17 MR. MORROW: It all goes to his history
18 and characteristics, Your Honor. This is completely
19 appropriate for, to get a full picture of Mr. Autry,
20 going back now 17 or more years.

21 I think the Court should be allowed to
22 hear from this officer. He should be allowed to testify
23 as to his experience with Mr. Autry, as well as how he
24 was known in the community even going back that time.

25 THE COURT: All right. Overruled.

1 Now, again, Mr. Morrow, I want it to stay
2 confined to relevant information.

3 MR. MORROW: Yes, thank you.

4 BY MR. MORROW:

5 Q. Do you recall anything more particular about what
6 you learned about Mr. Autry's criminal conduct at that
7 time?

8 A. I was just told to be cautious if I knew that I was
9 dealing with him, that he was known to be armed, and he
10 was dangerous.

11 MR. MORROW: If I may approach?

12 THE COURT: Okay.

13 BY MR. MORROW:

14 Q. You just talked about photographs or some tattoos
15 of lightning bolts.

16 Can you identify that photograph?

17 A. Yes, sir.

18 Q. What is that?

19 A. Those are the pictures of the tattoos that I saw.

20 Q. Is that on Mr. Autry's legs --

21 A. Yes, sir.

22 Q. -- his calves?

23 Is that right?

24 A. Yes, sir.

25 Q. Okay.

1 MR. MORROW: If I may offer this as the
2 next exhibit, Your Honor.

3 THE COURT: Any objection, Mr. Whitmore?

4 MR. WHITMORE: Yes, Your Honor, we object
5 to relevance.

6 THE COURT: All right. I'll note your
7 objection, but it will be marked and admitted as the next
8 exhibit.

9 (Exhibit No. 8 was marked.)

10 THE CLERK: Marked as Exhibit 8.

11 BY MR. MORROW:

12 Q. Moving along to another topic.

13 Is it part of your law enforcement duties, and was
14 it back then, for you or other members of your office,
15 wherever you were working, to learn of any mental health
16 issues by inmates or defendants that come into custody?

17 A. Yes, sir.

18 Q. Are you aware, in particular as to Jason Autry,
19 while you were working for Decatur County, and he was in
20 custody there, at least at certain points, of any suicide
21 attempts that he had made?

22 A. I'm not aware of any.

23 Q. Okay. You've seen him, I assume, in person several
24 times?

25 A. Yes, sir.

1 Q. Have you ever noticed any scars on his wrists or
2 any scars on his neck?

3 A. No, sir.

4 Q. Okay. Do you recall if Decatur County, the jail,
5 and your office, had any procedures in place to deal with
6 inmates or offenders who needed mental evaluations or
7 treatment?

8 A. Yes, sir.

9 Q. Were you familiar with those policies?

10 A. The policies?

11 Q. If somebody needed mental health treatment, was the
12 jail, would the jail have provided that?

13 A. Yes, sir.

14 Q. Would that include things like isolating that
15 individual, potentially keeping them on guard more than
16 general population?

17 A. Yes, sir.

18 Q. Do you recall, from your time there, at least with
19 Mr. Autry, that the jail in Decatur County ever had to
20 use those with Mr. Autry?

21 A. I don't recall any.

22 Q. Okay. And that would include noting that
23 information, such as mental health issues, suicide
24 attempts, in any records that the office or the jail kept
25 with regard to Mr. Autry.

1 A. Yes, sir.

2 Q. Did you ever see anything in his records?

3 A. I did not.

4 Q. Let's talk about some specific instances.

5 Do you recall ever arresting Mr. Autry for any
6 criminal conduct?

7 A. Yes, sir.

8 Q. Going back to 2009, did you have an incident or
9 encounter with him in 2009 involving marijuana?

10 A. I did.

11 Q. Tell us about that.

12 A. Myself and my supervisor at the time were on Old
13 State Route 69, actually --

14 MR. WHITMORE: Your Honor, I'm going to
15 object to this. I don't see where that particular
16 offense is in the PSR. I don't see where it's any
17 pending or past charges that have not -- and if I'm
18 overlooking it, then if the government can just point it
19 out. Maybe I could be overlooking it.

20 THE COURT: Well, Mr. Morrow, where is
21 that referenced in the PSR?

22 MR. MORROW: I'm not sure it is. I need
23 to ask the witness a few more questions to see if he was
24 actually charged with this offense, to get to that point.

25 THE COURT: Well, would it not fall there

1 the, either other criminal conduct or arrests, if it was?

2 MR. MORROW: It might be. But I'm not
3 sure if he actually was arrested. It certainly could
4 have been left out, even if it was an arrest.

5 THE COURT: Well, I'm going to
6 conditionally overrule the objection, just -- I'll allow
7 you to ask some basic information. But if it's not
8 contained in the PSR, then I'm not inclined to allow it
9 to come in.

10 MR. MORROW: Yes, sir.

11 BY MR. MORROW:

12 Q. Given that instruction by the Court, do you recall
13 in that 2009 incident with regard to Mr. Autry and
14 marijuana, that offense, was he arrested or charged with
15 a crime arising from that incident?

16 A. Yes, sir.

17 Q. When was that? Was that in 2009?

18 A. To the best of my knowledge, that was 2009.

19 Q. Do you know if he was convicted of that charge?

20 A. I don't recall what the disposition was. I was the
21 one that charged him.

22 Q. What was that charge?

23 A. We charged him with possession of the stolen
24 4-wheeler and simple possession of marijuana.

25 THE COURT: And that was in 2009?

1 THE WITNESS: To the best of my knowledge,
2 Your Honor.

3 THE COURT: Did you go to court and
4 testify, or did he enter a plea, or do you remember?

5 THE WITNESS: I think it was a plea. I
6 don't remember testifying, Your Honor.

7 THE COURT: Mr. Morrow, I'm not seeing it
8 in the -- I may be overlooking it, but...

9 MR. MORROW: I'll move on, Your Honor.

10 MS. BOSWELL: Your Honor, I would note
11 that there is a Decatur County possession in paragraph
12 52. The offense date would be in '08, but the court
13 setting was in '09, for the possession of marijuana out
14 of Decatur County. I believe that's this offense he's
15 referring to.

16 MR. WHITMORE: I would object to that.
17 The witness didn't say that it was in '08. I think that
18 he testified it was in '09, Your Honor.

19 THE COURT: Well, actually, the charge was
20 in '08, and the conviction was in '09. But there is
21 nothing -- it just says, according to the affidavit of
22 complaint on September 26th of '08, the defendant was in
23 possession of marijuana.

24 Officer, does that refresh your
25 recollection any?

1 THE WITNESS: Yes, sir. It's around that
2 time frame.

3 THE COURT: So you believe that,
4 potentially that could be the conviction that you're
5 referring to?

6 THE WITNESS: It could be, but it's been a
7 long time. Yes, sir.

8 THE COURT: All right. I'm going to
9 sustain the objection. Let's move on.

10 MR. MORROW: Yes, sir.

11 BY MR. MORROW:

12 Q. Next one, do you recall an incident that occurred
13 with Mr. Autry at Decatur County Jail in early January of
14 2008?

15 Do you recall him being charged with escape --

16 A. I do.

17 Q. -- Decatur County Jail?

18 Tell us about that.

19 A. On January 1st of '08, there was a report, and he
20 was charged with escaping the jail. He walked out. He
21 was a trustee.

22 Q. Okay. And it's in his presentence report, so I
23 guess it goes without saying he was charged and
24 convicted of that offense as well.

25 Is that right?

1 A. I believe so.

2 Q. Were you involved in the charging or anything?

3 A. I was not.

4 Q. You were not? Okay.

5 Let's move on to early January of 2012, January 5
6 of 2012, to be exact.

7 Do you recall an incident with Mr. Autry on that
8 night or on that date?

9 A. I do.

10 Q. Tell us about that.

11 A. We received an alarm call at a cell tower on
12 Peterson Loop, which is off of Holiday Road, along I40.
13 We had had several copper thefts from cell towers in that
14 area in that time. And we knew that if there was an
15 alarm, that the tower was without power and that it was
16 likely that somebody was either vandalizing or committing
17 a theft on the tower.

18 Q. Alarm. How does the alarm work there?

19 A. When they lose power, I think it activates a
20 generator and notifies the company. Who the company, in
21 turn, notified 911 that the generator had activated -- or
22 an alarm had activated that the generator was going, is
23 the way that worked.

24 Q. Okay. So you and other officers responded to that
25 alarm, to this cell tower area?

1 A. We did.

2 Q. Okay.

3 A. I suggested that we park at the end of it and walk
4 down and try to catch, if anyone was there.

5 Q. And you mentioned that you had a lot of thefts of
6 copper going on?

7 A. That's correct.

8 Q. What's the relevance of copper?

9 A. Well, sell it for money.

10 Q. Okay. And what happened when you and your fellow
11 officers got to the scene, to that area?

12 A. There were four of us that started walking down the
13 gravel road that led to the tower. We saw some
14 headlights turn on and start coming towards us. I
15 activated my flashlight. Identified Mr. Autry as the
16 driver of the vehicle.

17 I ordered him to stop a couple of times. And he
18 accelerated the vehicle toward us.

19 Q. You identified Mr. Autry as the driver of that
20 vehicle?

21 A. I did. I did.

22 Q. You had seen him, I guess, multiple times before?

23 A. I had.

24 Q. Okay. Did Mr. Autry hit any of the officers with
25 his vehicle?

1 A. When he approach us, he accelerated the vehicle.
2 And it swerved actually away from the position I was in.
3 And my understanding was that it grazed one of the
4 deputies on the other side of the road --

5 Q. Mr. Autry's vehicle did?

6 A. That's correct.

7 Q. Did officers have to do anything in response to
8 Mr. Autry's act of trying to flee the scene and --

9 A. They did. They discharged firearms into the
10 vehicle.

11 Q. Did their shots hit Mr. Autry's vehicle that he was
12 operating at that time?

13 A. It did.

14 Q. Was he injured in this incident?

15 A. He fled the scene. I'm not aware.

16 Q. Not sure. Okay.

17 Are you aware that Mr. Autry later was found in
18 possession of a gun, a firearm, that led to additional
19 criminal charges being filed against him?

20 A. Yes, sir.

21 Q. Are you aware that that case ultimately resulted in
22 him being charged in Federal Court, in this court?

23 A. Yes, sir.

24 Q. Okay.

25 (ATTORNEY/ATTORNEY CONFERENCE.)

1 MR. MORROW: If I may approach?

2 THE COURT: Okay.

3 BY MR. MORROW:

4 Q. Are you aware, sir, if photographs were taken of
5 Mr. Autry's vehicle?

6 A. They were.

7 Q. Did he flee the scene that night and get away?

8 A. He did.

9 Q. When were these photographs of his vehicle taken?

10 A. I think the vehicle was actually -- the vehicle was
11 recovered after I left, which was within the next week, I
12 was done and had reported to the highway patrol.

13 Q. You left and went to the highway patrol?

14 A. I did.

15 Q. So the vehicle -- the pictures that I'm about to
16 show you, you can identify them, were taken some time
17 subsequent to the incident where he ran from the police
18 that night?

19 A. That's correct.

20 Q. Okay.

21 MR. MORROW: May I approach, Your Honor?

22 THE COURT: Okay.

23 BY MR. MORROW:

24 Q. Can you take a look at those and tell us what those
25 are?

1 A. That's the car he was driving with the bullet holes
2 in it.

3 Q. Okay. This is Mr. Autry's vehicle he was driving
4 on January 5 of 2012?

5 A. That's correct.

6 Q. With the bullet holes in it that are from the
7 officers --

8 A. That's correct.

9 Q. -- firing their weapons?

10 A. Yes, sir.

11 MR. MORROW: If I may offer this as the
12 next exhibit.

13 THE COURT: Any objection?

14 MR. WHITMORE: Same objection, Your Honor.
15 All this information is in the PSR.

16 THE COURT: All right. Overruled. It
17 will be marked and admitted as the next exhibit.

18 MR. MORROW: If we can have this Your,
19 Honor, as a collective. There is more than one
20 photograph.

21 THE COURT: Okay.

22 (Exhibit No. 9 was marked.)

23 THE CLERK: Marked as Exhibit No. 9.

24 BY MR. MORROW:

25 Q. So you moved on to the highway patrol in 2012.

1 Did you have any dealings with Mr. Autry after
2 that?

3 A. I did not.

4 Q. Did you hear about his name following that with any
5 incidents?

6 A. Sure.

7 Q. Being a member of law enforcement since -- 17
8 years, right?

9 A. Yes, sir.

10 Q. Are you aware that Mr. Autry developed a reputation
11 in your community for violence?

12 MR. WHITMORE: Your Honor, I'm going to
13 object to his. Knowledge of Mr. Autry's reputation in
14 the community.

15 I think it's just outside the scope of
16 what's before the Court, as it relates to the crime
17 that's here. And I just think it's not relevant, Your
18 Honor.

19 MR. MORROW: It goes to his history and
20 characteristics, Your Honor.

21 And when the defendant puts on character
22 witnesses, those questions are always posed to the
23 defendant's witnesses, is what is their, his or her
24 reputation in the community for committing good acts. So
25 I don't see any different here.

1 These law enforcement officers can testify
2 as to what, if they know, of the reputation of the
3 defendant. That goes to the government's argument that
4 this man has been breaking the law for his entire adult
5 life.

6 MR. WHITMORE: And, Your Honor, that is
7 not in dispute. That's what the PSR shows. That's
8 the -- his history and characteristics that's stated in
9 the PSR, all the way from when he was a young man to now.

10 It just seems that to -- it's a piling on,
11 to try to get in additional information about a
12 reputation in the community that cannot be
13 cross-examined.

14 And we object, Your Honor.

15 THE COURT: All right. Based on the
16 information that's already been testified, and the
17 information in the PSR, I'm going to sustain the
18 objection.

19 MR. MORROW: That's all I have. Thank
20 you. Pass the witness.

21 THE COURT: Mr. Whitmore, would you like
22 to cross?

23 MR. WHITMORE: Thank you, Your Honor.

24 CROSS-EXAMINATION

25 BY MR. WHITMORE:

1 Q. Let me start from the back, because I think that's
2 best for me to start.

3 Now the crime that you're talking about, I think,
4 that happened in January of -- did you say 2012?

5 A. With the car?

6 Q. With the car.

7 A. Yes, sir.

8 Q. Do you recall that there was state charges that
9 were brought against Mr. Autry?

10 A. That's correct.

11 Q. And, I guess, the government just advised you there
12 were Federal charges brought against Mr. Autry.

13 A. They were.

14 Q. Were you aware that the state charges were
15 dismissed?

16 A. I was not.

17 Q. Okay. Because they went forward on the Federal
18 charge.

19 Are you aware that they went forward on the
20 Federal case as it relates to this particular incident?

21 A. Yes, sir.

22 Q. Do you recall what period of time, what type of
23 sentence he received?

24 A. I do not.

25 Q. So if I told you he received 100 months for this

1 particular incident, you have no reason to dispute that
2 being the case.

3 A. I just don't know. I wouldn't know.

4 Q. And are you aware that he stood up in Federal Court
5 and admitted to these particular acts?

6 Are you aware of that?

7 A. No, sir.

8 Q. As it relates to the escape -- let's go to the
9 escape -- was Mr. Autry ultimately arrested?

10 A. Yes, sir.

11 Q. Was he ultimately prosecuted?

12 A. Yes, sir.

13 Q. If fact, he served time for that. Isn't that
14 correct?

15 A. I would assume so.

16 Q. Okay. How many people you know are part of the
17 Arian brotherhood?

18 A. How many people do I know?

19 Q. Yes.

20 A. I don't. Personally.

21 Q. Are you familiar with the prison environment?

22 A. I have never worked in the prison environment.

23 Q. So you don't know how certain allegiance are made
24 for the purpose of security and safety? Are you aware of
25 that?

1 A. I would not know details, no, sir.

2 Q. Do you understand that there are gangs inside the
3 prisons?

4 A. I do understand that.

5 Q. And people sometimes join these different gangs for
6 protection?

7 A. Sure.

8 Q. And that man -- being a white man in prison, and if
9 there is an organization that's going to protect the
10 white people in the prison --

11 MR. MORROW: Your Honor, I object. I
12 think this witness just testified he's not even really
13 aware of what goes on in prison. I think that's what he
14 said.

15 I don't know where he's going with this.
16 To testify as some expert about why somebody would join
17 the Arian Nation Brotherhood in jail. I don't think he
18 can testify to that.

19 MR. WHITMORE: Your Honor, not only did
20 they bring this up through this witness, they even got a
21 photograph in that this witness said he's familiar with
22 their lingo or tattoo. And they opened the door to this,
23 to paint Mr. Autry's involvement.

24 I just want to make sure, does he
25 understand why someone would get involved in a

1 organization, a prison organization.

2 THE COURT: Well, but, Mr. Whitmore, he
3 testified that he's not familiar with -- he's never
4 worked as a correctional officer, and he's not familiar
5 with how gangs come about in prison.

6 I don't think he has the sufficient
7 background knowledge to be able to respond to your
8 questions in an appropriate way.

9 So I'm going to sustain the objection.

10 MR. WHITMORE: Okay. Thank you, Your
11 Honor.

12 BY MR. WHITMORE:

13 Q. And I may be mistaken, because I was trying to
14 write it down and I was trying to listen.

15 I think you mentioned that the officers -- that
16 you -- that somehow he was dangerous. That Mr. Autry was
17 dangerous.

18 A. Yes, sir.

19 Q. To your knowledge, other than this one incident, do
20 you have any knowledge of him hurting a police officer?

21 A. I do not.

22 Q. In the prison that you were in, do you have any
23 knowledge of him starting something to hurt somebody, to
24 your knowledge?

25 A. Again, I worked in the jail for a very short period

1 of time. Not during the time that I worked there.

2 Q. And I apologize. Because I say prison, I meant
3 jail.

4 A. I understood what you meant.

5 Q. What's the longest amount of time that someone can
6 serve in jail?

7 A. In the county jail?

8 Q. Yes.

9 A. 11 months, 29 days.

10 Q. And that's how you saying you're familiar with him,
11 as it relates to -- and I apologize. I used the term
12 prison, but I actually meant jail.

13 A. Yes, sir.

14 Q. So you are familiar with things inside the jail in
15 terms of the different groups inside of the jail in
16 Decatur County?

17 A. Are you referencing gangs?

18 Q. Yes, sir.

19 A. I wouldn't consider that a large problem in the
20 county jail, not at the time that I was there, in that
21 place.

22 Q. Thank you, Officer.

23 A. Yes, sir.

24 THE COURT: Any redirect?

25 MR. MORROW: No.

1 THE COURT: All right. Thank you,
2 Officer. You can step down.

3 THE WITNESS: Yes, sir.

4 MS. BOSWELL: Your Honor, can we approach
5 briefly, please?

6 (THE FOLLOWING DISCUSSIONS WERE HELD AT SIDEBAR.)

7 MS. BOSWELL: As to two issues, Your
8 Honor, that I wanted to bring up here at sidebar.

9 Number one, I know there was the mention
10 by Mr. Whitmore of the 100 months sentence that Mr. Autry
11 got, and also in his response he dropped a footnote that
12 Judge Breen thought that that was an appropriate
13 sentence.

14 I have let Mr. Whitmore know that there
15 was a 5K in that case. I tried to get the transcript,
16 but they no longer keep them past the ten year mark.

17 But what I did turn over to Mr. Whitmore,
18 and I would like to file under seal, are the notes from
19 the 5K. The agent who worked that case is here. But I'm
20 afraid if he keeps asking about that, that it's going to
21 get blurted out. And they may not care.

22 But I had told Mr. Whitmore I would
23 approach, rather than getting into his cooperation in
24 front of everybody.

25 But the recommendation from the government

1 was 100 months sentence at that time, based off of all of
2 those things that he cooperated on, including an Aryan
3 Nation plot against --

4 MR. WHITMORE: Yeah. That's what I'm
5 saying, it was 100 month sentence in light of 5K or
6 whatever. But again, we know that the sentence is up to
7 Judge Breen. So that's my point.

8 THE COURT: Obviously, a 5K can influence
9 the Judge's discretionary decision pretty substantially.

10 MR. WHITMORE: That's right. I wasn't
11 trying to say that the crime -- but his cooperation -- I
12 wasn't going to bring that part up on the record.

13 THE COURT: All right. I assume you want
14 to enter this just to clarify.

15 MS. BOSWELL: I would like to file this
16 under seal.

17 MR. WHITMORE: And we discussed that.
18 We --

19 THE COURT: Are you okay with that?

20 MR. WHITMORE: I am. We discussed that we
21 wouldn't bring it up in court.

22 THE COURT: All right. I will have this
23 filed under seal.

24 MS. BOSWELL: Thank you, Your Honor.

25 And the second issue is, I have let

1 Mr. Whitmore know that there is a second murder that did
2 not get charged from earlier on that was worked kind of
3 alongside with the Bobo case.

4 I'm not planning on bringing that out with
5 any of my witnesses. But I just want to make sure to
6 bring that again to Mr. Whitmore's attention, because,
7 you know, I have -- I'm trying not to put that out there,
8 because I said I wasn't going to ask it.

9 But some of these witnesses know an awful
10 lot about the evidence. And the questions of prior
11 violent acts, other than what may be on here, I think
12 I -- I guess, just as a caution, maybe if you will narrow
13 those questions to what's on the chart or something. I
14 want to make sure --

15 MR. WHITMORE: Your Honor, I'm not going
16 to narrow -- I don't think I should have to narrow the
17 fact that he may be investigated for any alleged murder.

18 Mr. Autry have said to me that he wasn't
19 involved in any kind of murder. And to say that because
20 there is an allegation, that I can't limit his criminal
21 history in discussion of his criminal history to that
22 chart as it relates to violent acts, to stay I'm opening
23 up the door -- I'm limiting my arguments to her chart.

24 THE COURT: Well, we're not going to get
25 into another investigation, unless something is asked

1 that just so clearly entitles the government to pursue
2 it. And I would be surprised if that would happen,
3 but --

4 MR. WHITMORE: Your Honor, I just want the
5 Court to know, to make sure I'm not opening the door.

6 THE COURT: That's not your intent.

7 MR. WHITMORE: I'm going to stick to that
8 chart.

9 MS. BOSWELL: And that's all I was trying
10 to do, Your Honor, because I'm not getting into it
11 either.

12 If he does ask on open end question, I may
13 just ask to approach. And it may just have to
14 instruct -- I tried to tell all the witnesses, I'm not
15 questioning it, but he -- I just want to make sure it
16 doesn't come to a question of his.

17 THE COURT: Well, sometimes witnesses want
18 to say what they want to say, so you'll just have to be
19 on your toes and be ready to object if it does.

20 MS. BOSWELL: That's all.

21 THE COURT: Do you need a break, Kristi?

22 THE COURT REPORTER: Yes, Your Honor.

23 THE COURT: We'll take a short recess.

24 (THE SIDEBAR CONFERENCE WAS CONCLUDED, AND THE
25 PROCEEDINGS CONTINUED AS FOLLOWS IN OPEN COURT.)

1 THE COURT: Mr. Bryson, come here just a
2 second, please.

3 (Off-the-record discussion.)

4 THE CLERK: Exhibit 10, marked under seal.
5 (Marked as Exhibit No. 10.)

6 THE COURT: Counsel, let's take a short
7 recess.

8 Mr. Bryson, let's take a 10 minutes
9 recess.

10 (Recess Taken.)

11 THE COURT: Okay. Ms. Boswell, call your
12 next witness.

13 MS. BOSWELL: Your Honor, at this time if
14 we could go back to the surveillance, the small clips of
15 that, we would like to play that.

16 THE COURT: All right. Go ahead. Hold
17 on. Let Mr. Autry get seated.

18 (Defendant Present.)

19 (Video Playing in Open Court.)

20 MS. BOSWELL: Again, Your Honor, the
21 entirety of the videos are in evidence. We're done
22 playing, as to those snippets.

23 I did have some jail calls that I would
24 like to get marked and play as well, Your Honor. It's
25 three short calls.

1 THE COURT: Any objection?

2 MR. WHITMORE: No objection, Your Honor.

3 THE COURT: All right. Without objection,
4 be marked and admitted as the next exhibit.

5 THE CLERK: Marked Exhibit No. 11.

6 (Exhibit No. 11 was marked.)

7 MS. BOSWELL: Your Honor, Exhibit 11, the
8 calls will be dealing --

9 THE COURT REPORTER: I can't hear you.

10 THE COURT: We can't hear you when you're
11 walking away, Ms. Boswell.

12 MS. BOSWELL: That's a good point.

13 The calls will be referencing narcotics
14 usage by Mr. Autry while in custody.

15 (Audio Playing in Open Court.)

16 MS. BOSWELL: That's all of those, Your
17 Honor.

18 The government would call Joe Walker.

19 *****

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1 JOE WALKER THEREUPON CALLED AS A WITNESS ON
2 BEHALF OF THE GOVERNMENT, AND HAVING BEEN FIRST DULY
3 SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

4 DIRECT EXAMINATION

5 THE WITNESS: I do, sir.

6 THE CLERK: Thank you.

7 BY MS. BOSWELL:

8 Q. Can you state your name, please?

9 A. Joe Walker.

10 Q. And are you retired from law enforcement?

11 A. Yes, ma'am.

12 Q. Tell the Court your law enforcement history, with
13 which agencies and how long you were there.

14 A. I started McKenzie Police Department in 1986. I
15 went to the Tennessee Bureau of Investigations in 1998.
16 I had to retire from there in 2018, because I got too
17 old. And then I worked for three years at 24th Judicial
18 District Drug Task Force as a gang analyst.

19 THE COURT: Agent Walker, would you scoot
20 up closer to that microphone, please?

21 THE WITNESS: Yes, sir.

22 BY MS. BOSWELL:

23 Q. And during your time period with TBI, were you
24 assigned counties in the Western District of Tennessee?

25 A. Yes, ma'am.

1 Q. And you investigated all types of violent crimes
2 during that time period?

3 A. Yes, ma'am.

4 Q. And you were actually involved in the Holly Bobo
5 investigation?

6 A. Yes, ma'am.

7 Q. And you sat through hearings and trial and were
8 present for that?

9 A. Yes, ma'am.

10 MS. BOSWELL: Your Honor, the government
11 would like to introduce exhibits that were previously
12 made available to the Court, which would include the
13 transcript of Mr. Autry's testimony only from the Zach
14 Adams trial, clips from -- first of all, each -- it's two
15 days of video, the full video, are on these disks, as
16 well as clips that the government wanted to bring to the
17 Court's attention.

18 We would propose not to play those today,
19 since those have already been submitted. But we would
20 submit these. And can do this as a collective exhibit,
21 if we want to, to go towards the defendant's history and
22 characteristics as to matters that he testified about.

23 THE COURT: Mr. Whitmore, any objection?

24 MR. WHITMORE: Same objection, Your Honor.

25 That particular allegation is delineated

1 in paragraph 55, in which we have admitted, and we
2 believe the record is sufficient as it relates to
3 Mr. Autry's involvement in that, and any additional
4 information would be unnecessary and cumulative, Your
5 Honor.

6 THE COURT: All right. I'm going to
7 overrule the objection.

8 I think this type of testimony and these
9 type exhibits would be admissible for context, and
10 possibly clarification, even though I think it's more in
11 the realm of context of the situations that are being
12 highlighted from Mr. Autry's prior criminal history.

13 So I'm going to allow it to be admitted
14 into evidence.

15 Let's do, just make it a collective
16 exhibit, I believe.

17 (Exhibit 12 was marked.)

18 THE CLERK: Marked as Exhibit 12.

19 BY MS. BOSWELL:

20 Q. Just for the record -- I still call you Agent
21 Walker -- you initialed those disks as being accurate of
22 the testimony that you actually observed in the
23 courtroom?

24 A. Yes, ma'am.

25 Q. During the investigation in that case, did you have

1 conversations with Jason Autry?

2 A. Yes, ma'am.

3 Q. And in talking with Mr. Autry about violent crimes,
4 what, if anything, did you note of his demeanor during
5 those conversations?

6 A. Just the matter of fact way he talked about things
7 that were -- a regular person would -- he just -- he was
8 just too calm about talking about things that most people
9 would find upsetting.

10 MR. WHITMORE: I'm going to object to
11 competence, Your Honor, to talk about how he reacted,
12 versus somebody else's reaction to a particular -- you
13 got the stimuli of the environment he's in. You've got
14 the purpose behind the interview to provide facts.

15 So there could be a number of factors why
16 he's acting the way he is and speaking the way that he's
17 speaking.

18 THE COURT: I sustain the objection to the
19 extent that -- I think he can testify what his demeanor
20 was. But as comparing it to other people, that's -- I
21 don't believe that's admissible.

22 MS. BOSWELL: Understood, Your Honor.

23 BY MS. BOSWELL:

24 Q. So without talking about what other people would
25 do, what was Jason Autry's demeanor like?

1 A. He was very calm about things that I personally
2 would consider upsetting.

3 Q. What kind of things -- when you say specifically,
4 what kind of things -- I know you have at least a few
5 examples of things he told you.

6 A. The day we were riding around Decatur County, and
7 he was showing us the routes that they had taken, the
8 things they had observed, we were driving on a road on
9 the Federal refuge there. And he described a body
10 floating that he had seen one day. It was just -- a body
11 was in the river and it was floating.

12 He was talking about how he had seen that. And
13 then that -- that was the way that they had determined
14 that Ms. Bobo needed to be gutted when she was put into
15 the river, so that she would sink, and the turtles and
16 fish would eat her so she wouldn't be found.

17 Q. Were there any other, any other conversations just
18 generally that you had with him concerning any other
19 facts that would fall in that same realm?

20 A. I can't think of anything right off the bat. I'm
21 sure there is, but I can't think of it right now.

22 Q. Okay. During your investigation, did you learn
23 that he had a nickname, and if there was any significance
24 to that?

25 A. Yes, ma'am.

1 Q. What is that?

2 A. He was called Train or a train when he was
3 particularly violent. That was his moniker he went by at
4 that time, what people called him.

5 Q. And when that was not the case, would he just go by
6 Jason?

7 A. Yes, ma'am.

8 Q. Does he, in fact, have the train moniker tattooed
9 somewhere?

10 A. Yes, ma'am.

11 Q. And where is that?

12 A. I can't remember. I don't recall right now.

13 Q. That's okay. I'll find the picture in just a
14 second.

15 Did you, as part of your investigation, get
16 records from some county jails that referenced Jason
17 Autry and his confirmation as Arian Nation?

18 A. Yes, ma'am.

19 Q. You would have had authority to get these records.
20 And you provided these records to the government?

21 A. Yes, ma'am.

22 MS. BOSWELL: May I approach, Your Honor?

23 THE COURT: Okay.

24 MS. BOSWELL: I'm going to get this
25 stapled, if I could, Your Honor, before I...

1 BY MS. BOSWELL:

2 Q. Let me just ask you collectively if you recognize
3 who those are?

4 A. Yes, ma'am. This first one is a Department of
5 Corrections information showing him to be a member of the
6 Arian Nation.

7 The second page is Obion County Sheriff's
8 Department booking information showing him as a Federal
9 detainee.

10 The third page is, references from Carroll County
11 Jail, booking there.

12 The fourth page is also part of the Carroll County
13 Jail information.

14 The next page is also part of the, from the
15 Criminal Justice Portal from Department of Corrections
16 showing him as a member of Arian Nation.

17 The next page is Obion County Sheriff's
18 Department, booking sheet from there.

19 And the last page is also from the Carroll County
20 Sheriff's Department showing his tattoos.

21 MS. BOSWELL: If I can get that as the
22 next exhibit, Your Honor?

23 (Exhibit No. 13 was marked.)

24 THE CLERK: Be marked as Exhibit 13.

25 THE COURT: Any objection, Mr. Whitmore?

1 MR. WHITMORE: Yes, Your Honor, we object.
2 Same objection.

3 THE COURT: Same objection. Overruled.
4 I'm going to allow it to be marked and admitted.

5 MS. BOSWELL: May I approach the chart,
6 Your Honor?

7 THE COURT: You may.

8 BY MS. BOSWELL:

9 Q. I believe you worked from 1998 to 2018 --

10 A. Yes, ma'am.

11 Q. -- in law enforcement.

12 And the chart here, the second entry starts in
13 January of 1998, and goes up to the bottom corner, after
14 the August 17th, 2012, when he was indicted as to this
15 gun case.

16 So all of the rest of these entries, between that
17 first 1998, up through the 2012 arrest on this, or
18 indictment on this gun case, you familiar generally with
19 all of this history of Mr. Autry's?

20 A. Yes, ma'am, generally.

21 Q. And was this part of your investigation into the
22 prior crime that you previously testified about?

23 A. Yes, ma'am.

24 Q. And so you were aware of times when he was paroled
25 and then revoked?

1 A. Yes, ma'am.

2 Q. And were some of those offenses paroled twice and
3 revoked twice?

4 A. That's my understanding, yes, ma'am.

5 Q. Were there instances within that chart of him
6 evading arrest and also escaping from a jail?

7 A. Yes, ma'am.

8 Q. What about crimes of violence?

9 A. There are crimes of violence associated with his
10 criminal history, yes, ma'am.

11 Q. What about narcotics charges?

12 A. Yes, ma'am.

13 Q. Weapons charges?

14 A. Yes, ma'am.

15 Q. And on most of the weapons charges, was he already
16 a convicted felon at the time that he possessed the
17 weapons?

18 A. Yes, ma'am.

19 MS. BOSWELL: Pass the witness, Your
20 Honor.

21 THE COURT: Mr. Whitmore.

22 MR. WHITMORE: Thank you, Your Honor.

23 CROSS-EXAMINATION

24 BY MR. WHITMORE:

25 Q. Would you prefer Agent Walker or Mr. Walker?

1 A. Mr. Walker is fine. That's fine, sir.

2 Q. So you're not an agent for life?

3 A. No, sir.

4 Q. Do you hunt?

5 A. Say what?

6 Q. Do you hunt?

7 A. Yes, sir.

8 Q. What do you hunt?

9 A. Deer mostly. Used to hunt turkey -- I mean, ducks,
10 but not any more.

11 Q. And when you hunt deer, what kind of firearm do you
12 use?

13 A. Use a .223 rifle most of the time.

14 Q. When you hunt, do you hunt for game, do you hunt
15 for food, do you -- you got one of these 8 or 12
16 pointers?

17 A. No, sir. I just hunt for food.

18 Q. And you know what this particular case is about.
19 That he was caught with a hunting rifle.

20 A. Yes.

21 Q. Now he's a convicted felon. And that's
22 inappropriate. Correct?

23 A. Correct.

24 Q. As a matter of fact, there is evidence that he sold
25 a firearm in order to get a hunting rifle.

1 A. That's my understanding, yes, sir.

2 Q. But you would agree that that is not a violent
3 crime --

4 THE COURT REPORTER: That's not -- what
5 did you say?

6 BY MR. WHITMORE:

7 Q. You would agree that the crime that brought him
8 here today is not a violent crime?

9 MS. BOSWELL: Judge, I would object. I
10 think that's more of a legal determination for Your Honor
11 to decide what qualifies Federally as a violent crime.

12 THE COURT: Overruled. Go ahead and ask.

13 BY MR. WHITMORE:

14 Q. That is not a violent crime?

15 A. Hunting is not, no, sir.

16 Q. Okay. Name some violent crimes.

17 A. Rape, murder, assault.

18 Q. Okay. Any others?

19 A. Yes, sir. There are books full of them.

20 THE COURT: Mr. Whitmore, I think the
21 Court is fully familiar with what violent crimes are.

22 MR. WHITMORE: I'm sorry. Your Honor.

23 May I approach, Your Honor?

24 THE COURT: You may.

25 MR. WHITMORE: Okay. Do you mind if I

1 bring that around, Your Honor, to him?

2 THE COURT: Well, it's their exhibit. I
3 don't mind. You can -- if you can adjust it how the
4 Court can see and everybody can --

5 MS. BOSWELL: As long as everybody can
6 see, Your Honor, no objection.

7 THE COURT: What would you like to do?
8 Just move it?

9 MR. WHITMORE: If he can come around and
10 tell me...

11 BY MR. WHITMORE:

12 Q. You named three violent crimes.

13 You said rape. You said murder.

14 Can you tell whether or not rape is up here?

15 MR. WHITMORE: And the reason I asked
16 that, Your Honor, whether --

17 THE COURT: Let him just come around,
18 wherever he can see clearly.

19 BY MR. WHITMORE:

20 Q. Do you see rape on there?

21 A. Let's see.

22 Q. And while you're at it, you can be looking for
23 murder too.

24 A. Well, yes. In April 13th, 2011, there was a murder
25 and especially aggravated kidnapping and --

1 Q. And that's associated with the Bobo case?

2 A. That's correct, sir.

3 Q. Okay. And Mr. Autry, in that particular instance,
4 was not convicted of murder.

5 Is that correct?

6 A. He has pled to facilitation of murder, I believe.

7 Q. Other than that particular incident, do you see any
8 other?

9 Did you find anything with rape?

10 A. No, sir.

11 Q. Find -- look for robbery.

12 A. I don't see a robbery, no, sir.

13 Q. Now we know, for the purpose of the law, the law
14 calls violent crime burglary.

15 Is that your understanding?

16 A. Yes, sir.

17 Q. Now it includes a violent crime, even if no one is
18 in the house.

19 If you enter someone's home to rob, is that a
20 violent crime?

21 A. Yes, sir.

22 Q. Okay. It doesn't matter whether they were in there
23 or not.

24 A. That's correct.

25 Q. And as it relates to his particular burglaries, do

1 you recall whether or not all the locations were vacant?

2 A. I don't recall, sir.

3 Q. Okay.

4 MR. WHITMORE: He can -- I'm finished with
5 that.

6 THE COURT: Okay.

7 BY MR. WHITMORE:

8 Q. Now I think you talked about how, you know,
9 speaking with Mr. Autry, as it relates to -- I guess he
10 was cooperating with the Bobo investigation?

11 A. Yes, sir.

12 Q. And, in fact, you would say Mr. Autry's cooperation
13 was very important to the state's case.

14 A. It ended up being that it was the icing on the
15 cake. We already had a sound case against Zach Adams.
16 But Mr. Autry's testimony was the icing on the cake for
17 that, yes, sir.

18 Q. So the state benefited from his testimony.

19 A. Yes, sir.

20 Q. So is it that you have no use for him now?

21 Is that your testimony now?

22 That he helped us at one time. And now I'm here
23 to say he's talking about bodies and things like that, so
24 now -- tell me why that's important now.

25 MS. BOSWELL: Judge, I object to that

1 question. It's important legally for the history and
2 characteristics of the defendant.

3 MR. WHITMORE: Well, I can rephrase, Your
4 Honor.

5 THE COURT: Okay. Rephrase.

6 BY MR. WHITMORE:

7 Q. As it relates to that particular discussion with
8 Mr. Autry, did he appear to be honest with you?

9 A. Yes, sir.

10 Q. Did he appear to be trying to cooperate as best he
11 could, as it relates to furthering the prosecution in
12 that case?

13 A. Yes, sir.

14 Q. When he was speaking the way he was, did you ever
15 turn to him -- did you feel in fear for you life being
16 around him?

17 A. I didn't personally, no, sir. He was in handcuffs
18 nearly all the time I talked to him.

19 Q. And you would have felt in fear of your life if he
20 wasn't in handcuffs?

21 A. Well, he's a lot bigger man than I am, you know,
22 younger. But a lot of the folks that we interviewed were
23 scared to death of him.

24 Q. Again, do we need to go back up there for you to
25 look at that list -- and you say he's called the name

1 Train.

2 Show me evidence of that in his criminal history
3 of, a lot of violence.

4 If you take away the Bobo case, what other
5 evidence do you have that shows he's this train wreck?

6 A. Sir, there were people that we interviewed that he
7 had beaten up in the past. And, you know, there is --
8 propensity for violence is there for sure.

9 Q. And do you know the basis of what interaction he
10 had with that person? Do you know the facts surrounding
11 why the person got beat up? Do you know that?

12 A. Not with all of them, no, sir.

13 Q. Do you see whether they started the fight with him
14 first and he just finished it?

15 A. No, sir.

16 Q. That could be the case. Right?

17 A. I can't argue that, sir.

18 Q. So for the purpose of his record, and I'm talking
19 about his record there, do you see anything that suggests
20 that he's this train, that this propensity for a lot of
21 violence?

22 A. Well, he --

23 Q. I'm talking about that record there.

24 A. No, sir. Other than the one incident with the Bobo
25 case.

1 Q. And per your information, at that particular time,
2 Mr. Autry, as he testified, got involved with that after
3 the fact.

4 A. According to his testimony, yes, sir.

5 Q. According to his testimony?

6 A. Yes, sir.

7 Q. And not only that, if you thought that were not
8 true, would you have put him on the stand to testify that
9 that was his relationship?

10 A. No, sir.

11 Q. So you believe and accept his interpretation of
12 what he said happened.

13 A. Yes, sir.

14 Q. Okay. Tell me what you know about the Arian
15 Nation.

16 A. From what I -- it's Arian Nation, it's not the
17 Arian Brotherhood, there is a difference.

18 Q. That's right.

19 A. There is a difference.

20 Q. What's the difference between the two?

21 A. Just in their background and their belief system.

22 The Arian Nation, what I know of the Arian Nation,
23 they're mostly a prison gang. They're violent.

24 Extremes. They believe in, solely in the white race.

25 Q. Now I think you said the word that I think needed

1 to be said. They're prison gangs. Right?

2 A. Yes, sir. But it also carries out into the free
3 world after you get out.

4 You can, you can owe a debt to the Arian Nation.
5 And even after you get out of prison, you can be called
6 up to settle that debt. And if you don't, they'll take
7 care of it.

8 Q. Do you know that the Arian Nation keeps a roll?

9 A. Yes, sir.

10 Q. And do you know whether or not any -- there is any
11 evidence that Mr. Autry's name is not on a roll of Arian
12 Nation?

13 A. I haven't seen the Book of Life personally, no,
14 sir.

15 Q. So as a black man, I supposed to be scared of Mr.
16 Autry?

17 A. Do what, sir?

18 Q. I said, as a black man, I supposed to be scared of
19 Mr. Autry?

20 MS. BOSWELL: Judge, I object to that
21 question.

22 MR. WHITMORE: I withdraw that --

23 THE COURT: Sustained.

24 BY MR. WHITMORE:

25 Q. I know you're a special agent, and you may not have

1 any specialty in the prison. If you don't, just say you
2 don't.

3 Do you have any knowledge of what it takes
4 sometimes to survive in prison?

5 A. Not from working with TBI, I didn't. I learned
6 more as a gang analyst about it.

7 Q. Okay. When you look at that criminal history
8 there, does it show that Mr. Autry got away with
9 committing those crimes?

10 A. I wouldn't say he got away with them. He got
11 reduced sentences in a lot of cases because of the
12 cooperation --

13 Q. Okay.

14 A. -- in other cases.

15 Q. So, in other words, he paid his debt to society as
16 it relates to each of those crimes?

17 A. By law, yes, sir.

18 Q. Okay. You can tell me whether or not you are
19 competent to talk about this or not. You may not be.

20 Do you know the impact that drugs have on
21 individuals who, their propensity for committing crimes?

22 A. Yes, sir.

23 Q. And can you tell -- even though the Court knows --
24 could you tell the Court, what is the impact that drugs
25 have as it relates to the propensity for people to engage

1 in crime?

2 A. Very strong. You know, people that are addicted to
3 drugs will commit other crimes to get money for the
4 drugs, to take the drugs. You know, there is violence
5 and other things associated with drug usage, yes, sir.

6 Q. Okay. And you can tell me whether you know or not.

7 But what -- to what extent does the propensity as
8 it relates to crime, someone who has mental health
9 issues?

10 A. I don't know a lot about the mental health issues,
11 sir. I hadn't had a lot of training in that.

12 Q. And based on your experience, when you think of the
13 people -- you know, when we think of our society and the
14 people out there committing crimes, are they young or are
15 they older?

16 A. Most of them are younger, I would say.

17 Q. What would you say the age is?

18 A. I can't say, sir.

19 Q. Would you call young, 20 below?

20 A. Yes, 20s.

21 Q. Okay. And when you getting up there around about
22 40, what would you say?

23 A. Usually it slows down.

24 Q. Okay. And then what about when you get about 50?

25 A. Mostly -- those folks can't get along in the world

1 like they used to could.

2 Q. Let's go to 60. What about someone 60?

3 A. There are -- I've worked homicides where 60s and 70
4 year old men have killed people, you know.

5 Q. But if they don't have a history, a propensity for
6 that kind of activity -- will you say as people get older
7 that their threat to society is somewhat limited?

8 A. Majority of them, yes, sir.

9 MR. WHITMORE: No further questions, Your
10 Honor.

11 THE COURT: Redirect?

12 MS. BOSWELL: Yes, Your Honor.

13 FURTHER DIRECT EXAMINATION

14 BY MS. BOSWELL:

15 Q. Agent Walker, you are familiar with the prior gun
16 case that was charged Federally and that THP Trooper
17 Pratt testified about?

18 A. Yes, ma'am.

19 Q. And although it wasn't originally in the PSR, you
20 were aware that he actually pled guilty to aggravated
21 assault, for trying to run over some of the deputies in
22 that case?

23 A. Yes, ma'am.

24 Q. And Mr. Whitmore asked you about hunting. And
25 you're a hunter.

1 Have you ever hunted with a pistol?

2 A. No, ma'am.

3 Q. You ever hunted with meth in your pocket?

4 A. No, ma'am.

5 Q. You ever hunted after using methamphetamine?

6 A. No, ma'am.

7 Q. You ever hunted when you were a convicted felon?

8 A. No, ma'am.

9 Q. In that situation, with all those factors, would
10 that be a dangerous person to us?

11 A. Yes, ma'am.

12 Q. You know how old Jason Autry is. And you have been
13 investigation him going back years.

14 At what age do you think the community is safe
15 from Jason Autry?

16 A. I don't know that it is.

17 Q. In the Holly Bobo --

18 MR. WHITMORE: I'm going to object to
19 that, Your Honor, but I -- just for the record.

20 THE COURT: Overruled. You opened the
21 door.

22 MR. WHITMORE: Okay.

23 BY MS. BOSWELL:

24 Q. You talked about the Holly Bobo case. And he
25 wanted to ask you repeatedly about rape.

1 Jason Autry was charged with rape in the Bobo
2 case.

3 Is that correct?

4 A. Yes, ma'am, he was.

5 Q. Charges were dismissed based upon his cooperation.

6 A. That's correct.

7 Q. And in addition to the first-degree murder, and the
8 especially aggravated kidnapping, the murder went down to
9 solicitation to commit first-degree murder.

10 Is that right?

11 A. I believe so, yes, ma'am.

12 Q. And then the especially aggravated kidnapping went
13 down to a facilitation to commit that crime?

14 A. Yes, ma'am.

15 Q. And he received eight year sentences on those
16 crimes?

17 A. Yes, ma'am.

18 Q. And that also ran concurrent with the Federal gun
19 charge that he was on supervised release for at this
20 offense?

21 A. Yes, ma'am.

22 Q. And had he been convicted as charged, those would
23 have been life sentences.

24 A. That's correct.

25 MS. BOSWELL: May I approach, Your Honor?

1 THE COURT: You may.

2 BY MS. BOSWELL:

3 Q. This is the picture I asked you about earlier with
4 the tattoo of train.

5 Do you recognize that?

6 A. Yes, ma'am.

7 MS. BOSWELL: I'd like to get this marked
8 next exhibit, Your Honor.

9 THE COURT: Any objection?

10 MR. WHITMORE: Same objection, Your Honor.

11 THE COURT: All right. Overruled. Be
12 marked and admitted as the next exhibit.

13 (Exhibit No. 14 was marked.)

14 THE CLERK: Marked as Exhibit 14.

15 BY MS. BOSWELL:

16 Q. And what was the significance of the train versus
17 Jason?

18 A. The train, or a train depending on who gave it
19 there, was that the -- that was who he was when he was in
20 his violent state, more violent.

21 Q. And does he have a tattoo anywhere that just says
22 Jason?

23 A. Not that I'm aware of, no, ma'am.

24 Q. Based off of your investigation, were there victims
25 of crimes that would not come forward against Mr. Autry?

1 A. Yes, ma'am.

2 MR. WHITMORE: Objection, Your Honor. I
3 mean, I thought we were limiting to any allegations of
4 crimes to what's...

5 THE COURT: Is this -- are you referring
6 to anything charged or referred to in the PSR?

7 MS. BOSWELL: I'm referring, Your Honor,
8 to history and characteristics, since he was asking him
9 about the dangerousness and about persons who -- I think
10 he said it even on the direct, but about persons that
11 would not come forward against him. I think that goes
12 to --

13 THE COURT: Is that what you testified to?

14 THE WITNESS: Yes, sir.

15 MR. WHITMORE: Your Honor, I made sure
16 that I pointed to that board every single time, because I
17 know how I can open up the door. So I specifically kept
18 myself on that board.

19 THE COURT: All right. Well, I'm going to
20 allow that one question to come in, but let's move on.

21 MS. BOSWELL: Yes, sir.

22 BY MS. BOSWELL:

23 Q. And why was that?

24 A. They were scared of him.

25 MS. BOSWELL: That's all, Your Honor.

1 THE COURT: All right. Thank you, sir.
2 You can step down.

3 THE WITNESS: Thank you, sir.

4 THE COURT: Call your next witness.

5 MR. MORROW: We'll call Linda Smith.

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1 LINDA SMITH THEREUPON CALLED AS A WITNESS ON
2 BEHALF OF THE GOVERNMENT, AND HAVING BEEN FIRST DULY
3 SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

4 DIRECT EXAMINATION

5 THE WITNESS: I do.

6 THE CLERK: Thank you.

7 BY MR. MORROW:

8 Q. Ma'am, please state your name.

9 A. Linda Smith.

10 Q. Where are you employed?

11 A. I work for United States Probation Office.

12 Q. Were you assigned by your office to supervise Mr.
13 Jason Autry?

14 A. I was.

15 Q. Was that in connection with his prior Federal gun
16 case that you heard testimony about today?

17 A. Yes, sir.

18 Q. My notes indicate he was released from prison and
19 he began serving his three year period of supervised
20 release in that case on September 16th, 2020.

21 Does that sound about right?

22 A. That's correct.

23 Q. Okay. Do you recall what category Mr. Autry was
24 placed in; that is, I guess, supervision category?

25 A. He was a high three.

1 Q. What does that mean?

2 A. That means that we supervise him very intensely, a
3 minimum of once a month, primarily twice a month.

4 Q. Minimum that he has to come into your office two
5 times a month, or you make contact with him two times a
6 month?

7 A. Correct.

8 Q. Okay. And that's in comparison to what -- describe
9 just a little bit about the other categories then.

10 A. There is a low risk, which is every three months
11 that he make contact with individuals.

12 Moderate, every other month.

13 And the low risk would be that he would be --
14 somebody would be -- unsupervised probation, basically.
15 Just they just submit a monthly report form.

16 Q. Okay. How did he get into category 3?

17 A. Based upon his history.

18 Q. All right. Your office, or you, would do an
19 assessment, and then place him based upon your assessment
20 criteria, I suppose?

21 A. Correct.

22 Q. All right. Do you recall when you had your first
23 meeting with Mr. Autry?

24 A. I met him, I believe, September 22nd of 2020.

25 Q. And did you go over his release judgment, I guess,

1 and his supervised release conditions and terms with him?

2 A. I did.

3 Q. Did you read them line by line?

4 A. I did.

5 Q. Did he say he understood all of those conditions?

6 A. Yes, he did.

7 Q. Do you have individuals that are on supervised
8 release like Mr. Autry sign a form stating that he or she
9 understands the conditions?

10 A. They sign the judgment and state that they
11 understood and have been either read to them or have read
12 them themselves.

13 Q. And did Mr. Autry do this? Did he sign the
14 judgment stating he understood the conditions?

15 A. Yes.

16 Q. Okay. Did he have any questions about them?

17 A. I don't recall. I know that typically when I do an
18 intake, I go over every condition and I explain the
19 condition to them. So I don't remember if he actually
20 had a question or not. I go in detail when I go over
21 that.

22 Q. Okay. If something would have stood out, you would
23 probably remember it today.

24 A. Yes.

25 Q. Okay. Where was Mr. Autry supposed to be living on

1 supervised release?

2 A. When he came --

3 MR. WHITMORE: Your Honor, again, I
4 object. We've admitted to the violations. It look like
5 we're going to go over the violations. And we've
6 admitted to the violations.

7 MR. MORROW: There is a little more
8 information that I would like the Court to consider about
9 how he did on supervision.

10 He has admitted to the violations. But I
11 think the Court should consider, Ms. Smith is going to
12 testify to it, what he was required to do, and what
13 basically went on for this 78 days while he was out on
14 supervised release.

15 It's going to be limited.

16 THE COURT: Mr. Whitmore, obviously, you
17 object any time you think it's appropriate. But so far,
18 I think it's all being offered in the context of the
19 testimony that the witness is providing. I think that's
20 permissible. Overruled.

21 MR. MORROW: Thank you.

22 BY MR. MORROW:

23 Q. Was he supposed to be living at a lady named Linda
24 Kimbell's house?

25 A. When he came in for an intake, he stated he was

1 primarily living with his parents and spending a few
2 nights at his girlfriend's, Linda Kimbel.

3 Q. Okay. Where did she reside? Do you remember?

4 A. Holiday, I believe.

5 Q. Benton County?

6 A. Yes, sir.

7 Q. Okay. What about his mother, is that Shirley King?

8 A. Correct.

9 Q. Also in Benton County?

10 A. Correct.

11 Q. Okay. So basically splitting the time between the
12 two?

13 A. Basically.

14 Q. Okay. Did you do a home assessment at Linda
15 Kimbell's house?

16 A. I did a home assessment at both places.

17 Q. Both places.

18 My notes indicate you did the assessment at
19 Ms. Kimbell's on September 24th, 2020.

20 Is that right?

21 A. Correct.

22 Q. So two days after your meeting, first meeting with
23 Mr. Autry?

24 A. Correct.

25 Q. And what can you tell us, I guess, briefly, about

1 anything you observed at her house?

2 A. It was a fairly big house, lots of land. She had,
3 I believe, either two or three gun safes in her
4 residence. We did a walk through of every room and spoke
5 with her in length, and with Mr. Autry about the gun
6 safes.

7 Q. Okay. Did you advise both Ms. Kimbel and
8 Mr. Autry, of course, that he could not, Mr. Autry that
9 is, could not possess firearms or ammunition?

10 A. Yes.

11 Q. Did he state he understood?

12 A. Yes. He and Ms. Kimbel both said that she was the
13 only one that had the combination to them and that he did
14 not have access to the firearms.

15 Q. She's the only one who had the combination to the
16 two or three gun safes?

17 A. Correct.

18 Q. He did not have access?

19 A. Correct.

20 Q. And you said you did an assessment, similar
21 assessment on the same day at Ms. King's home?

22 A. Yes.

23 Q. Okay. Was Mr. Autry required, or did you order, or
24 direct him to attend substance abuse and mental health
25 treatment in connection with this supervised release?

1 A. It's parts of his conditions if directed by
2 probation. But when I spoke with Mr. Autry, during the
3 intake, he had noted that potentially he was suffering
4 from some anxiety because he had been incarcerated for so
5 long. So we made a referral for Pathways, for mental
6 health and substance abuse counseling.

7 Q. My notes indicate he had a meeting on the 28th of
8 September at Pathways for treatment for those issues.

9 A. I believe that's correct.

10 Q. Okay. Do you recall a 4-wheeler accident happening
11 on October 11th, 2020?

12 A. I recall him informing me about it a couple of days
13 later, yes.

14 Q. Tell us about that.

15 A. I spoke with him on the phone and just asked him
16 what has been going on since the last time I saw him.

17 He stated that he had a 4-wheeler accident couple
18 of days before, which I believe was on a Sunday, and that
19 he had to be stitched up and was pretty sore.

20 Q. Part of the conditions is Mr. Autry, as everyone
21 else that's on supervised release, they're supposed to
22 work if they are physically able to work.

23 Is that right?

24 A. Correct.

25 Q. Did you advise Mr. Autry that he needed to get a

1 job?

2 A. Yes.

3 Q. What -- did he ever get a job?

4 A. He never provided verification, if he did.

5 Q. Did you talk to him about why he couldn't work, if
6 he couldn't work?

7 A. Yeah. Initially, when I had the intake with him I
8 advised him, we'll give him a couple, two weeks, two or
9 three weeks to acclimate to society and to get started
10 with Pathways, and then it was time for him to start
11 looking for a job. Which is the conversation we had in
12 October.

13 Q. Did you ever become aware of any attempts Mr. Autry
14 made to actually getting a job?

15 A. No.

16 Q. Okay. Fast forward a few days.

17 Did it come to your attention on 21st of October
18 of 2020, that Mr. Autry had been kicked out or had left
19 Ms. Kimbell's home?

20 A. Yes.

21 Q. How did that happen?

22 A. I received an email stating he no longer lives with
23 Ms. Kimbel.

24 Q. Was that email from Ms. Kimbel?

25 A. Yes, sir.

1 Q. Okay. Did she tell you she returned his belongings
2 to his mother's home?

3 A. No. I don't remember that specifically.

4 Q. Okay. Did you have a conversation with Ms. Kimbel
5 after her email?

6 A. I know I called her asking he questions about the
7 relationship, if that had -- if they had broken up at
8 that point, just to verify.

9 Q. Did she verify that they had broken up?

10 A. Yes.

11 Q. Did she -- did you have a conversation with her
12 about whether Mr. Autry had been using alcohol or drugs?

13 A. It had come to my attention that he was using. I
14 don't remember exactly if that was a conversation with
15 her or if it was related to another phone call I received
16 later.

17 Q. Okay.

18 A. It was all happening around the same time.

19 Q. At that time were you aware of where Mr. Autry was
20 living?

21 A. At that time, no, I was not.

22 Q. Did you do another assessment, or make contact with
23 Mr. Autry's mother at her home to see if he was living
24 there?

25 A. Yes. I attempted to reach Mr. Autry at the house,

1 his mother's house. She had shut the door and advised me
2 that he was not there, and she had no knowledge of where
3 he went, other than that he took a truck.

4 Q. Did she say he was actually living there, though,
5 at that time?

6 A. I believe -- I don't -- I believe that's what she
7 said, yes. Because she did inform me that he was no
8 longer with Ms. Kimbel.

9 Q. Is that around the 29 day of October --

10 A. Yes.

11 Q. -- of 2020? Okay.

12 At that point, Mr. Autry, at least on that date,
13 had not called you and told you he had moved to his
14 mother's home, I guess, full time.

15 Is that right?

16 A. Correct.

17 Q. Did you hear from him at some point that day?

18 A. I had attempted to make contact with him. And he,
19 I believe, called me or texted me a couple of days after
20 that.

21 Q. Did he tell you that he had a new telephone number?

22 A. At that point he did.

23 Q. Did he tell you he was sick?

24 A. Yes.

25 Q. What was that about?

1 A. I was attempting to make contact with him, to come
2 see him. And he told me that he was just diagnosed with
3 COVID.

4 Q. Okay. Did you ask him if he could produce any test
5 results, just identifying --

6 A. I did, yes.

7 Q. Did he do that?

8 A. He did. He did text me --

9 Q. Okay.

10 A. -- a picture of the results.

11 Q. Did you ask him to make sure that anyone else at
12 his mother's home, including her, I suppose, if they were
13 using illegal drugs?

14 A. I did. When I made the contact with his mother,
15 her demeanor was different. And it just made me believe
16 that she possibly was using illegal drugs.

17 And so when I finally spoke with him on the phone,
18 I asked him about it.

19 Q. And his response?

20 A. That she does not use drugs.

21 Q. Okay. Let's fast forward a couple of weeks.

22 Do you recall contacting Mr. Autry again on
23 Friday, November 13th, 2022?

24 A. I don't recall that specific date, but I know I had
25 spoken with him several times, or attempted to speak with

1 him several times.

2 Q. Do you recall on the 17th, I guess, later, or the
3 following week, you finally getting in touch with him,
4 and he said he was at Walmart?

5 A. Yes.

6 Q. Okay. How often, if you remember -- would he
7 contact you? Or would you have to text or call him to
8 get in touch with him?

9 A. I contacted him primarily.

10 Q. Okay.

11 A. Which is normal for what we do.

12 Q. Normal for what you do?

13 A. Yeah.

14 Q. Do you recall how often he was supposed to be
15 attending Pathways for his treatment?

16 A. I don't remember. I believe it was tele-health,
17 so -- because it was during the COVID period. So I'm not
18 sure. I believe at least once a week, if not every other
19 week.

20 Q. Okay. And was he supposed to be receiving drug
21 tests at Pathways, or through your office?

22 A. Through our office.

23 Q. Do you recall, was he tested during the period
24 while was an probation?

25 A. He was. He never tested positive.

1 Q. He tested negative each time?

2 A. Yes.

3 Q. How many times do you recall you tested him during
4 that?

5 A. During that time he was an supervision, it was just
6 twice, I believe.

7 Q. Two times. Okay.

8 My notes indicate you met with him the last time
9 on the 18th day of November, 2020.

10 Does that sound correct?

11 A. I believe so.

12 Q. Okay. And do you know where he was living then?

13 A. No.

14 Q. At some point during this process, did you find out
15 he was living with another young lady, Christian Pinkley?

16 A. I did find that out later.

17 Q. And where does she live? Also in Benton County?

18 A. I believe so, yes.

19 Q. Did Mr. Autry ever call you or contact you, or
20 anyone on his behalf, to tell you that he moved in with
21 her?

22 A. No.

23 Q. Did you find out he was arrested on December 3rd of
24 2020?

25 A. I did.

1 Q. How did you find that out?

2 A. We get law enforcement notifications any time an
3 individual that's on supervision is ran by law
4 enforcement. So it's an NCIC atlas hit.

5 And I received an email about it. I believe also
6 my supervisor informed me.

7 Q. Okay. At some point, I guess, during your
8 investigation you realized or determined, it was told to
9 you, that he was actually living with Ms. Pinkley at her
10 address?

11 A. Correct. I found that out through the arrest
12 report.

13 Q. Okay. Did you interview her at some point?

14 A. No.

15 Q. Did you verify that --

16 A. No.

17 Q. Okay. Did you learn -- of course, he's already
18 admitted to this morning, but did you learn at some point
19 as well that she is and was a convicted felon?

20 A. After his arrest, yes.

21 Q. Okay. I believe that's all.

22 MR. MORROW: I'll pass Ms. Smith.

23 THE COURT: Mr. Whitmore.

24 MR. WHITMORE: Briefly, Your Honor.

25 CROSS-EXAMINATION

1 BY MR. WHITMORE:

2 Q. For the most part, you would agree that Mr. Autry
3 appeared to be cooperating with probation.

4 A. Besides what's in the violations, yeah.

5 Q. And during this time -- and I forgot -- but during
6 this time there was COVID.

7 A. Uh-huh (affirmative response).

8 Q. And so if a person needed and in-patient treatment,
9 how did COVID affect you all being able to provide,
10 sending people out to these different facilities if they
11 needed in-patient treatment?

12 A. We would still make referrals. And then depending
13 on the facility, if they had space available. I mean,
14 nothing on that end really changed.

15 Q. As it relates specifically to the, I think
16 Pathways, all they did was -- not all they did, but it
17 was telo-medicine or tele-counseling?

18 A. If I recall, I believe that is the appointments
19 that he had, yes.

20 Q. And that typically happen, I think, twice a month?

21 A. Once a week or twice a month. I cannot remember
22 how often he had to go, how often he attended.

23 Q. I'm curious, because I didn't even know that you
24 would even allow somebody to stay with somebody even if
25 they say they got a gun safe. Probation would allow

1 someone to stay with somebody --

2 A. As long as the individual has no access to -- it
3 cannot be a cabinet, it has to be a gun safe with a
4 combination or a key lock. And only the owner has access
5 to it, not the individual that's on supervision.

6 Q. The reason I say that, because like I've heard
7 before, where people been required to take -- whether
8 I've heard it from the bench -- that people are required
9 to take guns out of the house if somebody, a convicted
10 felon lives with them.

11 You are saying that that's not the case? They
12 just have to have it under a safe.

13 A. It's a office/officer discretion, to certain
14 extent. I know in our district, we allow individuals to
15 have the firearms in their residence, as long as it's in
16 a gun safe.

17 Other districts have a different policy, I guess.
18 But we have had that happen --

19 Q. But you would say it be safer if the person did not
20 have a gun, or have access to a gun, no one in that house
21 had access to a gun in the house?

22 A. I don't know if I can make that -- answer that
23 question.

24 Q. Thank you.

25 THE COURT: Redirect.

1 MR. MORROW: No, Your Honor. Thank you.

2 THE COURT: All right. Thank you, Ms.

3 Smith.

4 All right. Counsel, we have got about 25
5 minutes before we are going to take our lunch break. Can
6 we get in one other witness?

7 MS. BOSWELL: Yes, Your Honor.

8 Government would call Carry Christian.

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1 CARRIE HICKERSON CHRISTIAN THEREUPON CALLED AS
2 A WITNESS ON BEHALF OF THE GOVERNMENT, AND HAVING BEEN
3 FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

4 DIRECT EXAMINATION

5 THE WITNESS: I do.

6 THE CLERK: Thank you.

7 MS. BOSWELL: May I proceed, Your Honor?

8 THE COURT: You may.

9 BY MS. BOSWELL:

10 Q. Can you state your name, please, and spell it for
11 our court reporter?

12 A. Carrie Christian. Maiden name is Hickerson.

13 C-A-R-R-I-E, H-I-C-K-E-R-S-O-N, C-H-R-I-S-T-I-A-N.

14 Q. What do you do for a living, Ms. Christian?

15 A. I'm a nurse.

16 Q. How long have you been a nurse?

17 A. Thirty years.

18 Q. Are you married?

19 A. I am.

20 Q. For how long?

21 A. Twenty-eight years.

22 Q. Do you have children?

23 A. Two.

24 Q. Did you grow up in the Benton County area?

25 A. Well, it was technically Decatur County. Benton

1 County was five miles from there, yeah. So Holiday
2 address, yes.

3 Q. And do you know Jason Autry?

4 A. I do. He is my nephew, my sister's son.

5 Q. And are you his mom's sister or his dad's sister?

6 A. His mother is my sister, Shirley.

7 Q. And how many sisters are there?

8 A. Four total.

9 Q. Can you give their names and ages, including --

10 A. Shirley is 17 years older than me. And I'm
11 actually 54, so that would put her at 71.

12 Rita, next to her, Austin, she's 14 years older
13 than me. That would put her at 68.

14 Judy, who is next to me, is seven years older than
15 me. That would put her at 61.

16 Q. You are the only maternal aunt that would be four
17 to five years older than Jason Autry?

18 A. That's correct.

19 Q. And when he was 14, did you ever molest him in any
20 way?

21 A. No, ma'am.

22 Q. You ever, in his words, touch his peter?

23 A. No, ma'am.

24 MS. BOSWELL: Pass the witness, Your
25 Honor.

1 THE COURT: Mr. Whitmore.

2 CROSS-EXAMINATION

3 MR. WHITMORE: May I have a moment, Your
4 Honor?

5 THE COURT: Sure.

6 (ATTORNEY/CLIENT CONFERENCE.)

7 BY MR. WHITMORE:

8 Q. How would you describe --

9 MR. WHITMORE: If I may, Your Honor?

10 THE COURT: Come to the podium.

11 BY MR. WHITMORE:

12 Q. This is just briefly, Ms. Christian.

13 How would you describe the household in which
14 Jason lived in -- sorry, Mr. Autry lived in?

15 A. His household when he was a small child?

16 Q. Yes.

17 A. When he lived with his mother and father?

18 Q. Yes.

19 A. My memories are not really great, but it wasn't the
20 best household, no.

21 Q. And why not?

22 A. There was always fighting and arguing among his
23 mother and father.

24 Q. Do you know whether or not any of that fussing and
25 fighting include any type of activity or abuse toward

1 Mr. Autry?

2 A. I have no knowledge of that.

3 Q. Okay. Thank you.

4 A. Thank you.

5 MR. WHITMORE: Thank you, Your Honor.

6 THE COURT: Redirect?

7 MS. BOSWELL: No, Your Honor.

8 THE COURT: All right. Thank you, ma'am.

9 You can step down.

10 Call your next witness.

11 MR. MORROW: James Edge, Your Honor.

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1 JAMES EDGE THEREUPON CALLED AS A WITNESS ON
2 BEHALF OF THE GOVERNMENT, AND HAVING BEEN FIRST DULY
3 SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

4 DIRECT EXAMINATION

5 THE WITNESS: I do.

6 THE CLERK: Thank you.

7 BY MR. MORROW:

8 Q. All right. Sir, please state your name.

9 A. James Edge.

10 Q. Where are you employed?

11 A. With United States Marshal Service.

12 Q. How long have you been there?

13 A. Since 2011.

14 Q. Okay. And what is your position with the Marshal
15 Service now?

16 A. I'm currently the Chief Deputy United States
17 Marshal for the Western District of Tennessee.

18 Q. Okay. Do you have any prior law enforcement
19 experience?

20 A. I do.

21 Q. Tell us about that.

22 A. Prior to the United States Marshal Service I worked
23 for the United States Border Patrol. And prior to that,
24 for a short stint, I worked with the Milan Tennessee
25 Police Department.

1 Q. Okay. How many years of law enforcement experience
2 total do you have?

3 A. Total I would say 15 or 16.

4 Q. Okay. I want to talk to you, ask you a few
5 questions about an allegation that Mr. Autry made.

6 Are you, I guess, generally familiar with the
7 sentencing process in Federal court?

8 A. I am.

9 Q. Are you familiar that a defendant, if he or she is
10 convicted of a Federal offense, would go through a
11 pre-trial interview process?

12 A. I'm aware.

13 Q. During that process, a probation office asks
14 questions of a defendant. And one of those questions
15 would be questions about that person's physical
16 condition.

17 Are you aware that those are some general things
18 that are asked of a defendant?

19 A. I am.

20 Q. According to Mr. Autry's report, paragraph 81, he
21 said or claimed that since he was housed, since being
22 housed in Federal pre-trial detention, he has been
23 assaulted on four occasions.

24 I am going to get into more about the specifics of
25 that.

1 During the course of, I guess, our investigation
2 and preparations for this sentencing hearing, did we ask
3 you, the U.S. Attorney's Office that is, to obtain
4 records pertaining to Mr. Jason Autry from the Obion
5 County Detention Facility, the jail up there?

6 A. I did receive a request.

7 Q. Did you make a request to Obion County for those
8 records?

9 A. I did.

10 Q. Did you receive those records?

11 A. I did.

12 Q. And your position now, and maybe I guess your prior
13 positions as well with the Marshals, do the Marshals act
14 as a, I guess, liaison between the various detention
15 centers that hold or house Federal inmates and our
16 office, U.S. Attorney's Office?

17 A. We do.

18 Q. Okay. And as far as you know, the records that you
19 obtained from Obion County, do those accurately reflect
20 the events, whatever the events describe, such as a
21 booking process, and/or any incidents involving the
22 inmates, other inmates there, or staff members there at
23 the jail?

24 A. Yes, sir. So the United States Marshal Service is
25 the custodian of all Federal inmates. And the Obion

1 County Sheriff's Department is one of the housing
2 facilities. It's under an intergovernmental agreement.

3 So as a custodian of Federal inmates, we do an
4 annual inspection there. And anything we request of them
5 for housing purposes would be as if the United States
6 Marshal Service is performing those actions.

7 Q. And you said you're in charge ultimately -- each
8 inmate, Federal inmate, is in your custody, the Marshal's
9 custody, but you assign that particular person to various
10 holding facilities that we have in this district.

11 Is that right?

12 A. Correct.

13 Q. Was Mr. Autry initially housed in the Obion County
14 Jail following the filing of these Federal charges
15 against him?

16 A. He was.

17 Q. My notes indicate he was booked in Obion County in
18 December, December 11, 2020.

19 Does that sound about right?

20 A. Sounds about right.

21 Q. Okay. Have you reviewed his booking records that
22 were provided to you in response to your request for jail
23 records pertaining to Mr. Autry?

24 A. I have.

25 Q. Okay. One second.

1 MR. MORROW: If I may approach?

2 THE COURT: Okay.

3 MR. MORROW: Thank you.

4 BY MR. MORROW:

5 Q. First three -- actually, first three pages of that,
6 would you take a look.

7 Are those his booking forms from the jail with
8 regard to Mr. Autry, the various times he's been booked
9 since 2012?

10 A. Yes, sir, they are.

11 Q. Okay.

12 MR. MORROW: If I may approach, again,
13 Your Honor? Thank you.

14 THE COURT: Okay.

15 BY MR. MORROW:

16 Q. The latter part, are these also records that you
17 obtained in response to your request from Obion County
18 related to any incidents that Jason Autry had while he
19 was housed in Obion County?

20 A. Yes, sir, they are.

21 MR. MORROW: Your Honor, I would offer
22 these as the next exhibit in this case.

23 THE COURT: Any objection?

24 MR. WHITMORE: No, Your Honor.

25 THE COURT: All right. Without objection,

1 be marked and admitted as the next exhibit.

2 (Exhibit No. 15 was marked.)

3 THE CLERK: Marked as Exhibit 15.

4 MR. MORROW: Thank you.

5 BY MR. MORROW:

6 Q. With regard to the booking forms, when he was
7 booked in, according to these forms, the first one is
8 September 4th, 2012, and the next one is December 11th --
9 actually, two related, December 11 of 2020.

10 Do you recall if the forms note that he has a gang
11 affiliation?

12 A. I think I recall that --

13 MR. WHITMORE: Your Honor, I'm going to
14 object. Cumulative at this point.

15 THE COURT: What is your objection?

16 MR. WHITMORE: Cumulative, as it relates
17 to the --

18 THE COURT: Yes. I think we covered that
19 pretty thoroughly. Sustained.

20 BY MR. MORROW:

21 Q. Okay. As I stated previously, in his report
22 Mr. Autry claimed that since he was housed in Federal
23 pre-trial detention he had been assaulted four times.

24 He said three of the assaults occurred at the
25 Obion County Jail in Union City, and the jail sought

1 outside medical treatment for him.

2 Did you investigate -- do you recall if that
3 statement is accurate?

4 A. So once we receive a request, I'll submit that
5 request to the facility. And whenever we submitted this
6 request, I did -- I recall seeing one outside medical
7 treatment for an incident that had occurred at the
8 facility.

9 Q. And was that, according to these records, the
10 assault, or the incident occurred on January 10 of 2021?
11 That's the one that -- the one that occurred at the Obion
12 County Jail, does that sound right?

13 A. That's correct.

14 Q. Okay.

15 MR. MORROW: If I may approach again, Your
16 Honor?

17 THE COURT: Okay.

18 Mr. Morrow, what was that date again?

19 MR. MORROW: January 10, 2021.

20 THE COURT: All right. Go ahead.

21 BY MR. MORROW:

22 Q. And am I showing you an incident report there? Is
23 that what that form is, or part of that form?

24 A. Yes. It's an inmate incident list.

25 Q. Does that describe the occurrence that occurred on

1 January 20, 2021, with regard to Mr. Autry?

2 A. It does.

3 Q. Okay. And does that indicate that he was released
4 the same night, I guess released for medical treatment or
5 care the same night? Do you recall?

6 A. It does.

7 Q. And also contain a description, I suppose, of what
8 happened, I guess, reported by the various people
9 involved, as well as the staff at the jail, what happened
10 during that incident?

11 A. It does.

12 Q. Did you -- did your investigation reveal that that
13 was the only alleged assault involving Mr. Autry, where
14 he alleged that he was assaulted while he was housed in
15 Obion County?

16 A. It did.

17 Q. Okay.

18 MR. MORROW: May I approach, Your Honor?

19 THE COURT: Okay.

20 BY MR. MORROW:

21 Q. So the statement that's in this report, that
22 Mr. Autry said three assaults, he had been assaulted four
23 times, and three of them occurred in Obion County, to
24 your knowledge, that's not correct.

25 A. That's correct.

1 Q. All right. Same questions with regard to Shelby
2 County.

3 Was Mr. Autry, at some point -- did he leave Obion
4 County and was he transported to the Shelby County, I
5 guess, Detention Center or DOC there, to be housed there?

6 A. Yes.

7 Q. Okay. Did you request records from Shelby County?

8 A. I did.

9 MR. MORROW: May I approach, Your Honor?

10 THE COURT: Okay.

11 BY MR. MORROW:

12 Q. Are these the records you received from Shelby
13 County with regards to any incidents involving Mr. Autry
14 while he was housed there?

15 A. They are.

16 Q. Okay. Thank you.

17 MR. MORROW: Offer these as the next
18 exhibit.

19 THE COURT: Any objection?

20 MR. WHITMORE: No objection, Your Honor.

21 THE COURT: All right. Without objection,
22 be marked and admitted as the next exhibit.

23 (Exhibit No. 16 was marked.)

24 BY MR. MORROW:

25 Q. Did your investigation reveal that there was an

1 incident involving Mr. Autry and another inmate on
2 January 4, 2023, in Shelby County, at the detention
3 center there?

4 A. Yes.

5 Q. Did you form an investigation as to determine if
6 Mr. Autry was assaulted, or if it was just a fight
7 between he and another inmate?

8 A. I would defer to the report --

9 Q. What's in the records?

10 A. Correct.

11 Q. The records would contain a description of what
12 occurred during the incident, and any injuries sustained
13 by either man.

14 Is that right?

15 A. Yes.

16 Q. Okay.

17 MR. MORROW: May I approach, Your Honor?
18 I have both of these. They've already been marked.

19 THE COURT: Okay.

20 MR. MORROW: Thank you.

21 BY MR. MORROW:

22 Q. A few more questions.

23 Are you familiar or have you performed any
24 investigation with regards to any classification status
25 that Mr. Autry had while he was previously housed in

1 serving his prior sentence with the BOP?

2 A. No. So when someone comes into the United States
3 Marshal Service, we book that individual into Federal
4 custody. There is a list of questions that we ask every
5 individual that comes through our cell block.

6 So outside of that, we would usually defer to that
7 inmate, or the detainee on if there is any type of
8 association for gang nexus or anything.

9 Q. Okay. So you don't have any independent knowledge
10 of what classification he was, or any particular issues
11 he had while he was in BOP custody prior to this current
12 detention?

13 A. I do not.

14 Q. Okay. Thank you. That's all I have. Thank you,
15 sir.

16 THE COURT: Mr. Whitmore.

17 MR. WHITMORE: Thank you, Your Honor.

18 CROSS-EXAMINATION

19 BY MR. WHITMORE:

20 Q. Getting ready to say good morning, but good
21 afternoon, Deputy Edge.

22 A. Good afternoon.

23 Q. Now where there -- did you find out whether or not,
24 as it relates to the three assaults, whether or not the
25 other assaults took place, or you looked upon it as it

1 relates to that all three went outside, that he went
2 outside for medical treatment?

3 A. So what happens is, if an allegation comes in, we
4 request any incidents or disciplinaries that occurred to
5 any incident at all.

6 And so whenever we make that request, if the
7 facility has an incident log that captures an incident,
8 then that is shared with us.

9 In this specific request I did both. I requested
10 all incidents, as well as any where the assault may have
11 required the detainee or Mr. Autry to go outside of the
12 facility for medical care.

13 Q. But did you do it in the context, if he received
14 treatment within the facility?

15 A. I requested all incidents, yes.

16 Q. And you were able to verify that on January 5th, he
17 was assaulted?

18 A. Correct.

19 Q. Do you see his face now?

20 A. Yes.

21 Q. Can you tell us -- do you know about that one?

22 A. So this injury that is showing on Mr. Autry's face
23 now, we do not have that report. That report -- or this
24 request that the U.S. Attorney's Office is requesting
25 was, I don't know, probably months ago, whenever I

1 requested all of this information.

2 However, I was informed that Mr. Autry was
3 assaulted I think some time last week. The allegation
4 that came across my desk was that he was stabbed in his
5 eye.

6 Q. Do you recall what was used to stab him in the eye?

7 A. The report that I read stated that there was a
8 pencil on his bunk or his bed with Shelby County, once
9 Shelby County started processing the scene.

10 Q. Were you able to determine why he was stabbed?

11 A. No. So currently as a Chief Deputy, I see these
12 reports come across my desk. But we have a Deputy United
13 States Marshal that is the facility inspector. As to my
14 knowledge, this incident just occurred last week is still
15 being looked into.

16 Q. Are you familiar with, that there is issues as it
17 relates to Mr. Autry's safety in prison?

18 A. There have been concerns brought up to us about his
19 safety.

20 MR. WHITMORE: No further questions, Your
21 Honor?

22 THE COURT: Redirect?

23 MR. MORROW: Yes, sir.

24 FURTHER DIRECT EXAMINATION

25 BY MR. MORROW:

1 Q. Just so I'm clear and everybody is clear.

2 If Mr. Autry reported that he was assaulted, or a
3 staff member at the jail reported he was assaulted, or
4 another inmate reported that, you would have found those
5 records?

6 And I'm referring to the alleged three assaults
7 occurring at the Obion County jail now.

8 A. Correct. Once United States Marshal Service makes
9 a request, that facility provides us with all incidents
10 involving that specific inmate that we have requested,
11 received a request on.

12 Q. And you checked. And you found one --

13 A. Correct.

14 Q. -- in Obion County?

15 A. Correct.

16 Q. So you don't know where he's getting the other two?

17 A. I do not.

18 Q. Okay. Is it the, to your knowledge, the Obion
19 County Jail's policy -- is it all jails' policy to report
20 incidents where inmates assault each other or injuries
21 are sustained?

22 A. Yes, so --

23 Q. Is that common?

24 A. It is common.

25 So with the facility being and intergovernmental

1 agreement, they receive tax dollars to safely house the
2 inmates.

3 So any safety/security concern that gets brought
4 to our desk, we thoroughly investigate it.

5 A majority of the time, it's false allegations,
6 unfortunately. However there are times where an
7 investigation will, you know, provide information that
8 the inmate does have a safety concern.

9 And at that time, since we are the custodian of
10 all Federal inmates, we will make a determination if that
11 individual needs to be moved to a different housing
12 facility, or placed in protective custody within the
13 facility itself.

14 At no time have there been any concerns that's
15 come across my desk that Mr. Autry himself is in danger
16 of someone else, you know, causing him injury, or concern
17 to safety, where we would place him into protective
18 custody.

19 If that did come across our desk, we would
20 definitely place him in protective custody, if we could
21 not house him in a separate housing facility that would
22 ensure his safety.

23 Q. So he has not been placed in protective custody to
24 date?

25 A. That's correct.

1 Q. And if he had been assaulted two more times, or
2 multiple more times in Obion County, based upon what
3 you're telling me, you would expect to have some reports,
4 to see something in writing documenting that?

5 A. Correct. The facility is obligated to notify us of
6 those things.

7 Q. And you haven't seen it. Only the one, correct?

8 A. Correct.

9 Q. Okay. Thank you.

10 MR. MORROW: That's all I have. Thank
11 you.

12 MR. WHITMORE: Your Honor, I know in terms
13 of been able to ask questions -- but I want to say, for
14 the record, Your Honor, that he is in protective custody
15 now as a result of -- and I want to be able to clarify --

16 THE COURT: All right. Go ahead.

17 MR. WHITMORE: Thank you, Your Honor.

18 FURTHER CROSS-EXAMINATION

19 BY MR. WHITMORE:

20 Q. Do you know whether, as a result of this, he's
21 under a type of protective custody?

22 A. Correct. Due to the most recent assault, he is
23 placed in protective custody because the investigation is
24 still ongoing.

25 Q. Thank you.

1 MR. WHITMORE: Thank you, Your Honor.

2 THE COURT: All right. Marshal Edge,
3 thank you. You can step down.

4 All right. Counsel, as I mentioned to you
5 earlier, we're going to take our lunch break.

6 As I told you, I have another matter that
7 I need to address during the lunch hour. So it's 12:30,
8 as best I can tell. So we will be in recess until 2:15.
9 So be back and ready to proceed at 2:15.

10 Anything else? How many more witnesses do
11 you have, Ms. Boswell?

12 MS. BOSWELL: Four, Your Honor.

13 THE COURT: All right. Do you know about
14 any additional witnesses at this point?

15 MR. WHITMORE: Not at this point, Your
16 Honor?

17 THE COURT: All right.

18 MS. BOSWELL: Your Honor, in your other
19 matter in here? Do I need to move --

20 THE COURT: No. You're fine. It's not
21 going to occur in this courtroom.

22 All right. Mr. Bryson, we'll be in recess
23 until 2:15.

24 (Recess Taken.)

25 THE COURT: We're back on the matter of

1 United States versus Jason Autry, No. 20-10063.

2 Ms. Boswell, are you ready to call your
3 next witness?

4 MS. BOSWELL: Yes, Your Honor. We call
5 Bryant Allen.

6 THE COURT: All right. Come around,
7 Mr. Allen.

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1 BRYANT ALLEN THEREUPON CALLED AS A WITNESS ON
2 BEHALF OF THE GOVERNMENT, AND HAVING BEEN FIRST DULY
3 SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

4 DIRECT EXAMINATION

5 THE WITNESS: I do.

6 THE CLERK: Thank you.

7 BY MS. BOSWELL:

8 Q. Can you state your name and spell it for the
9 record, please?

10 A. Bryant Allen, B-R-Y-A-N-T, A-L-L-E-N.

11 Q. And you're in law enforcement?

12 A. Yes, ma'am.

13 Q. Okay. If you could tell the Court when you started
14 in law enforcement, which agencies you worked for in
15 those time periods, please?

16 A. In 1999, I started with the Benton County Sheriff's
17 Department.

18 In 2015, I left there and went to the Tennessee
19 Bomb and Arson Section.

20 In 2019, I went to work for the Tennessee Bureau
21 of Investigation, when that agency was dissolved.

22 Q. Is that a special fire subsection within the TBI
23 that you're a part of now?

24 A. Yes, ma'am.

25 Q. So you're currently still doing that as a Special

1 Agent with TBI?

2 A. Yes, ma'am.

3 Q. During your time with Benton County, what were the
4 different ranks that you had while working at that
5 department?

6 A. Patrolman, sergeant, lieutenant, chief deputy.

7 Q. And working from 1999 to 2015, in those different
8 duties, were you familiar with Jason Autry?

9 A. Yes, ma'am.

10 Q. Did you deal with him on occasion?

11 A. Yes, ma'am.

12 Q. How long have you known him?

13 A. Fifteen years, probably.

14 Q. And was all of that in your law enforcement
15 capacity?

16 A. Yes, ma'am.

17 Q. And did you work a case that involved Jason Autry
18 at his mom's trailer?

19 A. Did I work the case personally?

20 Q. Did Benton County work the case?

21 A. Yes, ma'am, they did.

22 Q. In that case, was there a warrant for a third
23 party?

24 A. I think there was a warrant at the time for a Mr.
25 Cooley that were looking for, that had previously lived

1 there in the same mobile home park.

2 THE COURT REPORTER: How do you spell
3 that?

4 THE WITNESS: C-O-O-L-E-Y.

5 BY MS. BOSWELL:

6 Q. That would be at Bell Trail Park.

7 Is that right?

8 A. That's correct, yes, ma'am.

9 Q. And was that just an arrest warrant and not a
10 search warrant?

11 A. That's correct.

12 Q. And during that, did law enforcement knock and
13 announce?

14 A. Yes, ma'am.

15 Q. And during that time, did certain officers go to
16 different places around the trailer?

17 A. Yes, ma'am. One went to the front. One went to
18 the back.

19 Q. Did somebody see a weapon at that time?

20 A. Yes, ma'am.

21 Q. And what did they see and how did they see it?

22 A. They saw a rifle with a laser on it in the living
23 room leaned up against a chair, I believe, in the living
24 room.

25 Q. And did that have an active laser site that was

1 turned on?

2 A. That's correct, yes, ma'am.

3 Q. What did that officer do?

4 A. He raised the window for his safety and retrieved
5 that weapon.

6 Q. And after he retrieved the weapon, what was the
7 next thing that the officers saw?

8 A. He saw Mr. Autry crawling to where the weapon was
9 before he had pulled it out the window.

10 Q. So he was reaching for the gun?

11 A. That's correct.

12 Q. With knowing law enforcement was outside?

13 A. They had knocked and announced, yes, ma'am. I
14 assume he knew.

15 Q. At that point, did they enter the house to cuff
16 him?

17 A. They did.

18 Q. Did he immediately identify himself, or did they
19 have to figure out who he was?

20 A. They had to figure out who he was.

21 Q. And did they do that by way of locating a parole
22 card?

23 A. They did. It was under the pillow in the bedroom.

24 Q. He was on parole then at the time that he was
25 reaching for the loaded gun?

1 A. That's correct.

2 Q. Was there a domestic assault charge that involved
3 Jason Autry assaulting his mother?

4 A. Yes, ma'am.

5 Q. And what were the -- what was the gist of that
6 call?

7 A. The call had come in that he had shoved his mother.
8 Officers got there, she had run to a neighbor's residence
9 and -- they made no contact with him.

10 Later on that same shift that the officers were
11 working, they later saw him and a young lady at North 40
12 Truck Stop --

13 MR. WHITMORE: Objection, Your Honor.

14 THE COURT: What's your objection?

15 MR. WHITMORE: Your Honor, I would need a
16 time frame, because I don't -- I'm trying to see is this
17 new conduct, or is this within the conduct that we
18 previously have, dealing with in the PSR?

19 I don't think we spoken of a time frame.

20 THE COURT: All right. Ms. Boswell, lay a
21 foundation.

22 MS. BOSWELL: I will.

23 BY MS. BOSWELL:

24 Q. Did this domestic situation happen in December of
25 2009?

1 A. That's correct, ma'am.

2 MS. BOSWELL: And just for the record,
3 Your Honor, the certified copies of that conviction, and
4 the paperwork supporting it, are in Exhibit No. 5. And
5 it's also listed in the PSR --

6 MR. WHITMORE: It's paragraph 62, Your
7 Honor.

8 THE COURT: All right.

9 BY MS. BOSWELL:

10 Q. So if you could, tell us -- can you tell us what
11 the gist of that case was about?

12 A. He had shoved his mother. And she had called the
13 sheriff's office. When the officers arrived, he had
14 left. They located her at a neighbor's house.

15 A warrant was ultimately issued for him for
16 domestic assault, and he was arrested later on that night
17 at the North 40 Truck Stop without incident.

18 Q. And so the allegation from that warrant was
19 actually the pushing and choking?

20 A. That's correct.

21 Q. And had she -- the mother had run to a neighbor to
22 seek assistance?

23 A. Yes, Mr. Arnold's house, I believe.

24 Q. Did you have an instance at the Benton County
25 Sheriff's Department to work, department work on a call

1 involving a Danny Howell?

2 A. Yes, ma'am.

3 Q. And what was Autry's involvement as to that case?

4 A. Mr. Howell had had a dirt bike stolen from his
5 residence. At the time he lived in Holladay --

6 MR. WHITMORE: Objection, Your Honor.

7 Foundation in terms of a date and time.

8 THE COURT: Give us some time periods, Ms.
9 Boswell.

10 MS. BOSWELL: Yes, Your Honor.

11 BY MS. BOSWELL:

12 Q. That would have been around July of 2012.

13 Is that correct?

14 A. That's correct.

15 Q. And the call was as to a stolen motorcycle?

16 A. Yes, ma'am.

17 Q. And did Mr. Howell -- Mr. Howell aware of who had
18 taken the motorcycle?

19 A. He told us that he knew Mr. Autry had his
20 motorcycle.

21 Q. Was he willing to give a written statement or
22 testify against Mr. Autry?

23 A. No, ma'am, he was not.

24 Q. Why was that?

25 A. He was afraid of retaliation.

1 Q. Did you work some of the aggravated burglaries --

2 MS. BOSWELL: If I can approach the chart,
3 Your Honor?

4 THE COURT: Okay.

5 BY MS. BOSWELL:

6 Q. What was the year of your start date, again?

7 A. '99.

8 Q. Okay. So you're, again, starting somewhere in this
9 area here as to February 2000. You would have been on
10 board there. And you stayed with Benton County until
11 2015?

12 A. Yes, ma'am.

13 Q. Okay. So that would put -- you would have still
14 been with them at the time that this gun case was
15 indicted that we're here for sentencing on now, from
16 August of 2012?

17 A. Yes, ma'am.

18 Q. Okay. So all of these crimes that have happened in
19 Benton County -- is the majority of his criminal history
20 from Benton County?

21 A. A lot of it, yes, ma'am.

22 Q. And did you work on some of the aggravated
23 burglaries that are listed as happening in January of
24 2004?

25 A. I believe so, yes, ma'am.

1 Q. And those would have been committed while he was
2 actually on release, determinate release into the
3 community?

4 A. Yes, ma'am.

5 Q. He was determinately released here on July 31st,
6 2003. And after committing those burglaries, his
7 probation was revoked in February of 2004.

8 A. Yes, ma'am.

9 Q. And these aggravated burglaries from January of
10 2004, were all of those different victims on those cases?

11 A. I believe so, yes, ma'am.

12 Q. And did you have a chance to work some aggravated
13 burglaries that he was involved with?

14 A. Yes.

15 Q. What was the situation surrounding that?

16 A. There was a gentleman that worked for the TWRA that
17 had a cabin on North Eagle Creek. He had come home for
18 the weekend to check on his place, and a bunch of his
19 stuff had been stolen. He had trail cams going down his
20 driveway.

21 Mr. Autry and Zach Adams were on those trail
22 cameras.

23 Q. And did you actually effect that arrest on Jason
24 Autry?

25 A. Yes, ma'am.

1 Q. And during these 15 some-odd years you said you
2 have known Jason Autry, how often did the Benton County
3 Sheriff's Department deal with him during that time
4 period on the chart?

5 A. Quite a bit. Everything wasn't an arrest, but we
6 dealt with him quite often.

7 Q. And when he was on the street, how many calls did
8 you get concerning Jason Autry?

9 MR. WHITMORE: Your Honor, I object.
10 Calls that was made to him concerning -- I mean,
11 foundation. We have no reason to know what was the basis
12 or anything of that nature.

13 THE COURT: Well, give a time frame,
14 again, and I may let it in. But let's lay a foundation.

15 MS. BOSWELL: Yes, Your Honor.

16 BY MS. BOSWELL:

17 Q. During the time period that you worked at Benton
18 County specifically, in dealing with Jason Autry, from
19 the 1999 up to 2015, those crimes listed on the chart,
20 that you were part, and leadership in a lot of that, did
21 Benton County Sheriff's Department receive complaints as
22 to Jason Autry?

23 A. Yes, ma'am.

24 Q. And when Jason Autry was actually locked up, what
25 was the effect of that with Benton County?

1 A. Getting --

2 MR. WHITMORE: I object, Your Honor.

3 THE COURT: On what basis?

4 MR. WHITMORE: Hearsay statement of the --
5 basically, she's -- I'm thinking, Your Honor, what's
6 going to happen, what's going to be said is that, he's
7 locked up, I guess all crime goes away in Benton County.

8 It just seem to me that the foundation for
9 that -- I don't think he's in the position to know all
10 the criminal activity that's taking place throughout the
11 county.

12 MS. BOSWELL: It's a small county, Your
13 Honor. He worked there in law enforcement as a officer,
14 up to lieutenant, chief deputy. He knows all of that
15 time frame that's on the chart.

16 And, I believe, as part of sentencing, he
17 can say what affect that had while Mr. Autry was locked
18 up.

19 THE COURT: Yes. Overruled. Go ahead.

20 THE WITNESS: I'm not going to say all
21 crime stopped, but it did decrease.

22 THE COURT REPORTER: It did what?

23 THE WITNESS: Decrease.

24 MS. BOSWELL: Pass the witness, Your
25 Honor.

1 THE COURT: Mr. Whitmore.

2 CROSS-EXAMINATION

3 BY MR. WHITMORE:

4 Q. So I guess you saying that Mr. Autry, during that
5 time -- and we've looked at that chart.

6 So during that time, if we were to look at all
7 that information concerning Benton County, all we gonna
8 see are crimes from Mr. Autry, no one else.

9 A. That's incorrect.

10 Q. Okay. In other words, Benton County has a problem
11 with crime, just like other places.

12 Isn't that true?

13 A. Yes, sir.

14 Q. Now why would you say that one man gets picked
15 up -- and keep in mind, there is periods of time when
16 he's not arrested.

17 So you're saying that -- you're getting call --
18 name the people. Give me their first and last names
19 you're getting calls --

20 A. I didn't say crime stopped, sir. I said crime
21 decreased.

22 Q. Okay. What is your basis? Told us, what is your
23 basis today --

24 A. Because it was my job, as lieutenant investigator,
25 to keep up with everything that happened on shift from

1 patrol, come to my desk. So Jason, at the time, lived in
2 the south end of the county.

3 So a lot of times, what I would do, is I would
4 look at what was going on in that south end of that
5 county.

6 So Benton County is 63 miles long. So I would
7 take a look at my calls that they left on my desk, what
8 they had answers, what burglaries, thefts, assaults,
9 whatever crimes it may be that come to my desk.

10 And I would say, okay, these are what's happening
11 in the south. This is what's happening in the middle
12 part of the county, and then on the north part of the
13 county.

14 So that's kind of how we broke it up. And
15 everything that happened -- let's just say over the
16 weekend. On Monday, they would have everything that the
17 investigators need to look at.

18 BY MR. WHITMORE:

19 Q. Okay. I figured you would say that.

20 Were there any robberies during that time?

21 For the last, we're talking about nine years, 10
22 years, were there robberies?

23 A. Yes, sir.

24 Q. Any robberies involving Mr. Autry?

25 A. In the last ten years?

1 Q. In the last 10 years. Armed robberies.

2 A. No.

3 Q. In the last 20 years?

4 A. I didn't work there in the last 10 years. I left
5 in '15, so I've been gone nine years.

6 Q. During the whole time you were there, were there
7 any robberies in that county?

8 A. Yes.

9 Q. Did Mr. Autry commit those robberies?

10 A. Only the burglary that I'm aware of that I worked.

11 Q. Okay. Were there other burglaries taking place,
12 other than Mr. Autry?

13 A. I'm sure.

14 Q. Okay. So you assume he had something to do with
15 that as well, the ones that he wasn't even there. His
16 ghost had something to do with it all --

17 A. No, sir.

18 MR. WHITMORE: Strike that, Your Honor.

19 THE WITNESS: No, sir. But he would be a
20 suspect -- if it happened in the area where he lived, on
21 the south end of the county, then he was a suspect.

22 BY MR. WHITMORE:

23 Q. Any murders during that time you were there?

24 A. Yes, sir.

25 Q. Mr. Autry commit those murders?

1 A. I believe he was charged with it.

2 Q. Okay. So you only saying, during this time you
3 know that that particular murder happened in 2000- --
4 what year?

5 So you're saying --

6 A. 11.

7 Q. So up until that, no other murders?

8 A. In 10 years? Are we still at ten years?

9 Q. Yes.

10 A. No.

11 Q. You're saying there were?

12 A. No, not in Benton County, not in the previous 10
13 years --

14 Q. Okay.

15 A. -- that I was there.

16 Q. And as it relates to this particular incident, you
17 know what he was charged with. Right?

18 A. Uh-huh (affirmative response).

19 Q. And you know what he pled to. Right?

20 A. Yes, sir.

21 Q. And you know what he testified to in open court?

22 A. Yes, sir.

23 Q. So did you hear anything about him committing a
24 murder?

25 A. No, sir.

1 Q. So let's look at that chart a little bit farther.

2 How many times have you testified in Federal
3 court?

4 A. I think this is the third time.

5 Q. How many times have you testified in state court?

6 A. A lot. I don't know the exact number, but a lot.

7 Q. Okay. How many times have you had to testify about
8 a defendant's criminal history?

9 A. Two or three times.

10 Q. So you would say that's not something that people
11 normally do.

12 A. Correct.

13 Q. Yeah. And you would agree, in a case where a
14 person has pled guilty, admitted to all the criminal
15 acts -- are you familiar with a presentence investigation
16 report --

17 A. Yes, sir.

18 Q. -- in Federal court?

19 Do you know that it has all the criminal activity
20 in it? Did you know that?

21 A. I'm assuming -- I'm assuming most of them would,
22 yes.

23 Q. So do you understand that he has all already
24 admitted to everything that's been put in there? No
25 objections.

1 Do you understand that?

2 MS. BOSWELL: Judge, I object --

3 THE WITNESS: Without looking at it --

4 MS. BOSWELL: I object --

5 THE COURT: Hold on. Hold on.

6 MS. BOSWELL: He hasn't seen the
7 presentence report. We're not allowed to show that to
8 witnesses or officers. And he's outside the realm of
9 appropriate questioning.

10 THE COURT: Mr. Whitmore, unless he's seen
11 the PSR, he can testify from personal knowledge, I don't
12 think that's an appropriate question.

13 MR. WHITMORE: Yes. Thank you, Your
14 Honor. I'll move on.

15 BY MR. WHITMORE:

16 Q. And when you say -- have you ever known Mr. --
17 other than the one incident, I think there is an issue
18 where he was trying to flee in a car and hit an officer,
19 have you ever known him to assault any officers?

20 A. No, sir.

21 Q. Have you ever known him to be disrespectful to any
22 officers?

23 A. Not to me.

24 Q. Have you ever known him to cooperate when officers
25 stopped him and want to talk to him?

1 A. He's never ran from me, never been disrespectful to
2 me, no, sir.

3 Q. So when he's allegedly reaching for a rifle, could
4 he have been reaching for it to try to hide it from law
5 enforcement?

6 A. You'll have to ask him, sir. I don't know.

7 Q. But you would say -- you would agree, you can't say
8 he was reaching for it to shoot somebody.

9 A. All I can say is he was crawling to where the gun
10 was. I don't know his intent. You'll have to ask him
11 that. I don't know.

12 Q. So if the government tried to leave the inference
13 that he was crawling toward the gun, to grab, to shoot at
14 the officers, you would say, you have to ask him?

15 A. Correct.

16 Q. The incident concerning his mother. Were those
17 charges dismissed?

18 A. I'm not aware. I don't know what happened from
19 there.

20 Q. What if I told you the PSR showed those charged --

21 MS. BOSWELL: Judge, I object to the
22 question. The certified copy is actually in the exhibit
23 for the Court to consider as to that.

24 THE COURT: Well, I think he can ask the
25 question. Overruled.

1 MR. WHITMORE: I'm sorry, Your Honor. I
2 was making reference to the wrong one, so she is right.
3 I apologize.

4 BY MR. WHITMORE:

5 Q. It's the incident, I think you said, he and another
6 individual were -- let me make sure.

7 Do you remember being asked a question about he
8 and another individual stealing somebody's 4 Runner or --
9 it was a 4 Runner.

10 Do you remember testifying as it relates to that?

11 A. No, sir.

12 Q. Well, I think -- let me find it, because you did.
13 And maybe I'm mistaken. But I think there is --

14 A. It was a dirt bike, sir.

15 Q. Okay. Dirt bike. So you knew what I was talking
16 about. So a dirt bike --

17 A. A dirt bike.

18 Q. Thank you for helping me.

19 A. Yes.

20 Q. And those were dismissed.

21 A. It was.

22 Q. Okay. So what you're previously talking about,
23 you're not talking about an incident where any court of
24 law, a jury, where Mr. Autry pled as it relates to that
25 particular incident?

1 A. I don't think the charges were ever filed.

2 Q. Okay. In that chart, all the different times he's
3 been arrested, how many times did you look at that chart
4 that you can see any charge for resisting arrest?

5 A. I can't see it from here.

6 Q. If you don't mind.

7 I mean, other than the incident where he took off
8 in the vehicle and...

9 A. You're referring to evading arrest. It may be
10 here.

11 Q. I mean, resisting. I mean, where there is any --
12 where he's in physical resistance of any police officer.

13 Because you would think that somebody who has had
14 over 30, maybe 40 incidents with the police, there ought
15 to be some -- did you see anything --

16 A. No, sir.

17 Q. Okay. Thank you.

18 Now I have to admit, I don't know a lot about
19 Benton County.

20 But if Benton County is just like any other county
21 in this part of the state -- does Benton County have a
22 meth problem?

23 A. Yes, sir.

24 THE COURT REPORTER: Say it again.

25 BY MR. WHITMORE:

1 Q. Meth?

2 A. Yes, sir.

3 Q. And what's the impact of that meth problem?

4 A. Devastation.

5 Q. And it has a problem in the community?

6 A. Yes.

7 Q. And what is some violent crimes that you could say
8 based on your experience and training, your knowledge,
9 what are some of the things you see that methamphetamine
10 cause people to do?

11 A. All of them.

12 Q. And how do you believe these people would be if
13 they were not on meth?

14 A. I guess it depends on the individual. But
15 methamphetamine is certainly a contributing factor to
16 every crime. You know, be it burglary, homicides. Meth
17 may not be that drug of choice, but drugs, in general,
18 usually is the starting point for most of your crimes.

19 Q. Do you know one of the reasons we are here today
20 was because Mr. Autry was hunting deer?

21 A. I was present, sir.

22 Q. You were?

23 A. Yes, sir.

24 Q. Tell me about that.

25 A. I was on my way to the Jackson TBI office on the

1 day that that call came in. I was on with my former
2 partner at the sheriff's office. And he said he had a
3 deputy out with an individual believed to be armed. They
4 had nobody to respond.

5 He said, can you swing by and check on him? So I
6 did.

7 Q. And I think we've seen the video.

8 Did Mr. Autry seem compliant?

9 A. When I saw Mr. Autry, he was running into the yard.
10 The white truck you seen in the video, that's mine.

11 Q. Okay. But then once they yelled, he stopped?

12 A. He did.

13 Q. And he talked to you all?

14 A. He talked to me, because I was familiar with him.
15 I had dealt with him for a long time. And he just asked
16 me about getting him a bond. That's all -- I just told
17 him that wasn't up to me, that was something a Judge
18 would decide.

19 That's all the contact I had with him. And then I
20 proceeded on to the -- I think I waited there until they
21 got other units on the scene. And then I went on to the
22 Jackson TBI office.

23 Q. That particular -- that particular act was a
24 non-violent crime.

25 Would you agree with that?

1 A. I don't think any time a felon has a weapon that
2 it's non-violent.

3 Q. Okay. Let me track that, because you must not be
4 understanding the definition of a violent crime.

5 What's the definition of a violent crime?

6 A. Any crime committed that involves violence, period,
7 is going to be a violent crime.

8 Q. That's not --

9 MS. BOSWELL: Judge, I object to him being
10 argumentative --

11 THE COURT: Yes. Sustained.

12 Mr. Whitmore, let's move on.

13 MR. WHITMORE: Okay.

14 BY MR. WHITMORE:

15 Q. A felon in possession of -- do you understand that
16 felon in possession of a firearm by law is not considered
17 a violent offense?

18 MS. BOSWELL: Object, again, Your Honor,
19 to the state officer knowing what Federal law is as to
20 violent felonies.

21 THE COURT: Well, I guess you ask him if
22 he knows under Federal law whether it's classified as a
23 violent felony or not.

24 BY MR. WHITMORE:

25 Q. Let's take it out of Federal law.

1 THE COURT: No. Let's keep it in Federal
2 law, since that's what we're dealing with.

3 MR. WHITMORE: Okay. I was going to draw
4 the correlation, Your Honor, between the two.

5 BY MR. WHITMORE:

6 Q. Let me ask this.

7 A lot of felony offenses are adopted. Don't they
8 start off as state?

9 A. Sure.

10 Q. And typically most Federal crimes, as it relates to
11 felon in possession, is an adoption case.

12 A. Sure.

13 Q. And is it your understanding -- have you been
14 involved in those investigations?

15 A. I understand what the law is. But I thought you
16 were asking me if I felt personally that it was dangerous
17 for a convicted felon to have a firearm. And I said,
18 yes.

19 Q. I would never ask you that. I didn't ask that.

20 A. Okay.

21 Q. I asked, is felon in possession of a firearm a
22 dangerous -- a violent offense?

23 A. No.

24 Q. Okay.

25 MR. WHITMORE: Thank you, Your Honor.

1 THE COURT: Any redirect?

2 MS. BOSWELL: No, Your Honor.

3 THE COURT: All right. Thank you. You
4 can step down.

5 Call your next witness.

6 MS. BOSWELL: We call Linda Kimbel.

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1 LINDA KIMBELL THEREUPON CALLED AS A WITNESS ON
2 BEHALF OF THE GOVERNMENT, AND HAVING BEEN FIRST DULY
3 SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

4 DIRECT EXAMINATION

5 THE WITNESS: Yes, sir.

6 THE CLERK: Thank you, ma'am.

7 BY MS. BOSWELL:

8 Q. Can you state your name and spell it for the court
9 reporter, please?

10 A. Linda Kimbel, L-I-N-D-A, K-I-M-B-E-L.

11 Q. What county do you currently live in, Ms. Kimbel?

12 A. Benton County.

13 Q. How long have you lived there?

14 A. About 27 years.

15 Q. And do you know Jason Autry?

16 A. Yes, ma'am.

17 Q. How long have you known him?

18 A. I probably met him for the first time from his mom,
19 we worked together. So that was probably -- I've been
20 here about two years, so 25 years, give or take a little.

21 Q. So you've known him around 25 years?

22 A. Yes, ma'am.

23 Q. Have you been friends with him during that time
24 period?

25 A. Not just necessarily all of that, no. When I first

1 met him it was just casually through his mom.

2 Q. At some point during that time period that you knew
3 him, were you oftentimes romantically involved with him?

4 A. Yes.

5 Q. And did you own a bar? Was it -- did you own a
6 bar?

7 A. Yes, ma'am.

8 Q. What was the name of it?

9 A. Linda's Place.

10 Q. Which county was that in?

11 A. Benton.

12 Q. How long did you have the bar open?

13 A. A couple of years.

14 Q. Was there an incident that happened there that
15 involved Jason Autry?

16 A. Yes.

17 Q. And was the bar supposed to be open?

18 A. No, ma'am.

19 Q. And who opened it?

20 MR. WHITMORE: Objection, Your Honor.

21 Foundational, time frame, when --

22 THE COURT: Give us a time frame, Ms.

23 Boswell.

24 BY MS. BOSWELL:

25 Q. How long -- tell me when the bar was open. What

1 years was the bar opened?

2 A. Apologize. I'm terrible with time. You know, I
3 can't give you a guesstimate. I'm going to say it opened
4 maybe in 2010, maybe. And then before it closed for the
5 last time was probably in 2013.

6 Q. So between 2010 and 2013, was there an incident
7 that occurred there at the bar?

8 A. Yes.

9 Q. And who had opened the bar that night?

10 A. I had opened it that morning. But then I left
11 about 8:00 o'clock.

12 Q. Did somebody open it when you intended for it to be
13 closed?

14 A. I told the other bartender, Michelle, to take the
15 keys and the money, and lock up, and bring it to my dad.

16 Q. And did that happen?

17 A. No.

18 Q. So did you at some point realize the bar was open?

19 A. Yes, ma'am.

20 Q. Did you stop?

21 A. Immediately.

22 Q. Was Jason Autry there?

23 A. No, not when I first got there.

24 Q. Did he arrive there?

25 A. Yes, ma'am.

1 Q. And what did you do when you saw him?

2 A. We had a conversation at the end of the bar.

3 Q. And what did you do in regards to any alcohol or
4 serving alcohol?

5 A. I went and got a bottle of Hot Damn.

6 Q. What did you do with the Hot Damn?

7 A. I poured myself a triple shot and I poured him a
8 triple shot.

9 Q. Okay. And who is him?

10 A. I'm sorry. Jason.

11 Q. And after taking those shots, did somebody approach
12 Jason Autry?

13 A. Yes.

14 MR. WHITMORE: Your Honor, I object. I
15 think this is conduct may not be in -- if it is, I don't
16 see -- I haven't read any -- this information in the PSR.
17 I could have just overlooked it.

18 MS. BOSWELL: Your Honor, we gave notice
19 of this within our response, Your Honor, as to this
20 specific witness, and to acts that she had witnessed.

21 And the government would just point the
22 Court again to 4A1.3, because we are asking for a
23 departure in this case.

24 And one of the things that the Court can
25 consider is criminal conduct that did not result in a

1 criminal conviction.

2 She's known him for 25 years, and has
3 evidence of different conduct that he has committed. And
4 we did put the Court and Mr. Whitmore on notice by
5 listing her under that section of our argument.

6 We also think it goes to his, just his
7 history and characteristics, period.

8 MR. WHITMORE: Your Honor, number one, the
9 witness stated that this was from 2010 to 2013. She
10 cannot remember during that time frame.

11 Then again, Your Honor, this is uncharged
12 misconduct. I'm not in a position to defend the
13 accusation. This come in already through hearsay, no
14 corroboration. And it's just putting us at a
15 disadvantage.

16 And to list her name under a particular
17 section, is not enough notice. I'm not in a position to
18 defend that on behalf of Mr. Autry.

19 THE COURT: Well, I don't know at this
20 point what she's going to testify to. I'm going to
21 overrule it at this point. Ultimately, I've got to
22 decide whether to consider it, whether it has any weight
23 or not.

24 MR. WHITMORE: Yes, Your Honor.

25 THE COURT: But I think it can come in,

1 because she's got personal knowledge. Go ahead.

2 BY MS. BOSWELL:

3 Q. After Jason Autry took the shots, did somebody come
4 up to him at the bar?

5 A. Yes. Come up behind me, yes.

6 Q. And who was that person?

7 A. Allen Rice.

8 Q. What race was Allen Rice?

9 A. Black.

10 Q. And what did he say --

11 MR. WHITMORE: I object to that, Your
12 Honor. The issue of the -- whatever she's getting ready
13 to describe next. And I understand the Court may have to
14 hear more. But to interject the race card in it and -- I
15 think that's unnecessary, Your Honor.

16 THE COURT: Well, but, Mr. Whitmore, we've
17 had testimony about Mr. Autry allegedly being a member of
18 the Aryan Nation or the Aryan Brotherhood, whichever one
19 you want to choose. So I think it can come in under
20 that.

21 MR. WHITMORE: May I say something, Your
22 Honor?

23 THE COURT: Sure.

24 MR. WHITMORE: I'm not denying the label
25 that has been placed on Mr. Autry. But a black and a

1 white person fighting, may not necessarily stem from that
2 particularly allegiance, and just to draw a conclusion
3 about that.

4 THE COURT: Well, let's see how the
5 testimony is and how you are able to conduct cross, and
6 then the Court can make that determination.

7 BY MS. BOSWELL:

8 Q. And when Allen Rice came up, what did he say?

9 A. I don't know his exact words. Something about us
10 drinking a bitch drink. And I apologize for the
11 language.

12 Q. And did that concern you that he had said that?

13 A. Well, I was hoping he was just dumb enough to be
14 talking to me and not Jason.

15 Q. Hoping he would be dumb enough to be --

16 A. Only be dumb enough to be talking to me and not
17 Jason.

18 Q. Why were you worried about it being directed to
19 Jason?

20 A. Because he was already in a foul mood.

21 Q. And were you aware of his Aryan Nation ties?

22 A. Yes, ma'am.

23 Q. Did you pull that person aside and ask them to
24 leave?

25 A. Yes. I took them outside.

1 Q. And then where did you go after you did that?

2 A. I came straight back in and went to the bathroom.

3 Q. Did you get interrupted from the restroom?

4 A. Yes, ma'am.

5 Q. And did you go outside?

6 A. Yes, ma'am.

7 Q. What did you see?

8 A. Chaos. They were fighting in the parking lot.

9 Q. Who was -- let me slow you down.

10 Who was doing any activity that you saw?

11 A. The first thing I seen was Mr. Rice was on the
12 ground.

13 Q. What did he look like?

14 A. He was hurt.

15 Q. Okay. Was he defending himself?

16 A. No. He was unable -- he was unable to defend
17 himself.

18 Q. What was Jason Autry doing?

19 A. Dropping big elbows on him.

20 Q. What do you mean by that?

21 A. Running about two steps and bringing his elbow down
22 like that right in his face.

23 Q. How many times did you see him do that?

24 A. Twice.

25 Q. And what did you do after that?

1 A. When he went around to do it again, I grabbed him
2 by his waist and pulled him, tried to pull him off of
3 him, keep him off of him. That happened twice.

4 Q. Did you wind up getting injured that night?

5 A. Yes, ma'am. I was stabbed five times.

6 Q. Was Jason Autry stabbed as well?

7 A. Yes.

8 Q. And that was done by another party?

9 A. Yes, ma'am.

10 Q. I want to ask -- you knew of his affiliation with
11 Aryan Nation.

12 Were you aware of certain gang-related tattoos
13 that he had?

14 A. Yes.

15 Q. What were they?

16 A. Lightning bolts on his calves --

17 MR. WHITMORE: Your Honor, again, I know
18 all of this has been coming into evidence. But just for
19 the record, we object.

20 THE COURT: All right. Overruled.

21 BY MS. BOSWELL:

22 Q. And what other, besides the lightning bolt?

23 A. The one with the number.

24 Q. What was the number?

25 A. I don't remember the exact number. It was in the

1 low 2,000s.

2 Q. And was he proud of that particular tattoo?

3 A. Yes.

4 Q. And what -- did he indicate what the number
5 signified?

6 A. Just that it was a low, it was a low number, so he
7 had been a member for quite some time.

8 Q. A member of the Aryan Nation --

9 THE COURT: Hold on. Ma'am, repeat what
10 you just said.

11 THE WITNESS: I'm sorry.

12 THE COURT: Move up closer to the
13 microphone.

14 THE WITNESS: I apologize.

15 THE COURT: It's all right.

16 Now repeat --

17 THE WITNESS: I'm lost -- I lost my spot.
18 I'm not sure what you asked me. So if you could ask me
19 again, I'll repeat it.

20 BY MS. BOSWELL:

21 Q. What was the number significant of on the tattoo?

22 A. Because it was a low number in the low 2,000s. And
23 that -- I guess that's supposed to mean that he had been
24 in it for a long time or -- because it was low, you know,
25 that was --

1 MR. WHITMORE: Objection --

2 THE WITNESS: -- significant --

3 MR. WHITMORE: She said she don't know.

4 She don't know what it really means.

5 THE COURT: All right. Move on,

6 Ms. Boswell.

7 BY MS. BOSWELL:

8 Q. In regard to Jason Autry testifying or cooperating,
9 was he worried about anything that would happen to him
10 because of that?

11 A. I'm sorry. Could you repeat that?

12 Q. As far as Jason Autry testifying in a case, was he
13 worried that the Aryan Nation would do anything to him
14 because of that?

15 A. Yes.

16 Q. Did he have rank within the gang?

17 A. Yes.

18 Q. When Jason Autry got released from Riverbend in
19 2020, did you pick him up?

20 A. Yes, ma'am.

21 Q. And did he consume anything that night that you
22 picked him up?

23 A. Yes.

24 Q. What?

25 A. Well, we ate. But I'm assuming you mean any other

1 things, so liquor. We had some liquor.

2 Q. How much liquor did he drink?

3 A. He didn't stop drinking until he drank the half
4 fifth or --

5 THE COURT REPORTER: I'm sorry. Can you
6 say that again.

7 THE WITNESS: He didn't stop drinking
8 until the half fifth or half gallon of Maker's Mark was
9 gone.

10 BY MS. BOSWELL:

11 Q. And that was the date he was released from custody?

12 A. Yes.

13 Q. And he would have been on supervised release at
14 that point?

15 A. Yes.

16 Q. And did he come to your house to live at that time
17 for some weeks?

18 A. Yes.

19 Q. And you own guns.

20 Is that right?

21 A. Yes, ma'am.

22 Q. And you kept these away from him?

23 A. Yes, ma'am.

24 Q. You were present when probation came and did a home
25 visit --

1 A. Yes.

2 Q. -- and instructed you about that?

3 Did, in October -- on October 11 of 2020, was
4 there a 4-wheeler accident?

5 A. Yes, ma'am.

6 Q. Before that happened, where were you? Were you at
7 home?

8 A. I was at home.

9 Q. What were you doing?

10 A. Target practicing.

11 Q. And did Jason Autry show up?

12 A. Yes.

13 Q. And what did you do with the -- what did you do
14 with the weapons that were, that you were target --

15 A. I could not carry them all in one time. So I
16 grabbed three, and brought them in. Opened the safe as
17 quickly as I could, and put them in there. And shut it
18 and came back out.

19 Q. And how many guns were left outside?

20 A. There were two left out there. One was still where
21 it was and Jason had the other one.

22 Q. And what kind was the gun that he had?

23 A. Smith & Wesson, military issue 9mm.

24 Q. Did you legally purchase that weapon?

25 A. Yes, ma'am.

1 MS. BOSWELL: Approach the witness, Your
2 Honor?

3 THE COURT: Okay.

4 BY MS. BOSWELL:

5 Q. Ms. Kimbel, I'm going to show what's been admitted
6 as Exhibit 6. Just want to show you the last two
7 photographs within Exhibit 6.

8 Ask you if that was the gun?

9 A. Yes, ma'am.

10 Q. And did you turn that serial number over to Ashley
11 Robertson with ATF?

12 A. Yes, ma'am.

13 Q. Where did Jason have the gun?

14 A. He had it in his hand when I come out.

15 Q. And did you try to get it from him?

16 A. Yes. I asked him to give it to me.

17 Q. And did he give it to you?

18 A. No.

19 Q. Were you able to get it away from him?

20 A. No.

21 Q. Did you go somewhere with him at that point?

22 A. Yes.

23 Q. And where did you go?

24 A. We went for a 4-wheeler ride.

25 Q. Why did you do that?

1 A. Hoping just to bide some time so I could get the
2 gun back.

3 Q. Were you concerned about him having your weapon?

4 A. Yes, and it was loaded.

5 Q. And where did you go 4-wheel riding?

6 A. I don't really know the name of that road. But, I
7 mean, it's -- you go out my driveway to the left. Go to
8 the first Y, go right. Go to the second Y, go right. Go
9 across the overpass of the interstate. And soon as you
10 cross the overpass, there is a trail to the right.

11 Q. So is it like down under the interstate?

12 A. It's on the side of it.

13 Q. Okay.

14 A. Runs parallel.

15 Q. How was he driving?

16 A. Erratic.

17 Q. And did you know -- had you been around him when
18 he's either been using drugs or -- let me ask that.

19 Have you ever been around him when he's used drug?

20 A. Absolutely.

21 Q. Have you been around him when he's been drinking?

22 A. Absolutely.

23 Q. And what was his level -- when he showed up at your
24 house, was he intoxicated with substances?

25 A. In my opinion, yes.

1 Q. And what was the actual lay of the land? Was it
2 flat? Hilly? What was it like?

3 A. When you come over the overpass, you make the first
4 left, you know it's a path. And it was like any other
5 4-wheeler path, just a dirt path.

6 And then it's not too bad until you get back there
7 just a little ways and the hills start getting steeper.
8 And then when you top one, and you look down, it's very
9 steep. Very, very steep.

10 Q. And --

11 A. I'd never been back there before.

12 Q. And did you have concerns about staying on the
13 4-wheeler?

14 A. Absolutely. I wanted off.

15 Q. Okay. You wanted off.

16 Did you let him know that?

17 A. Yes, ma'am.

18 Q. Did he let you off?

19 A. No, ma'am.

20 Q. What did he do?

21 A. He told me to trust him, and laughed.

22 Q. Then what did he do? Where did he drive the
23 4-wheeler?

24 A. Up the next hill.

25 Q. Okay.

1 A. We got about 15, 20 feet.

2 Q. What happened?

3 A. We hit a big rut and it threw me off the back.

4 Q. Where did the 4-wheeler go?

5 A. Well, it went up just a little ways, and then it
6 died, and it started, come rolling back down. My head
7 was like head down. And so it hit my ankle, run over my
8 ankle, caught my knee, then caught my shoulder. I barely
9 got my head out of the way.

10 Q. What did he do?

11 A. He got up and flipped the 4-wheeler back over, is
12 what he did then, and hopped back on it.

13 Q. Okay. And did he try to go up the hill?

14 A. Yes.

15 Q. Did he make it?

16 A. No.

17 Q. What happened?

18 A. He got about two-thirds of the way up, and he
19 started flipping backwards. Him and the 4-wheeler
20 flipped about four complete rotations.

21 And then he was thrown off the 4-wheeler. And he
22 kind of went one way, and the 4-wheeler was bouncing in
23 every direction.

24 I mean, it bounced this way and that way. I don't
25 know if you ever seen one, but...

- 1 Q. Did he get injured?
- 2 A. Yes.
- 3 Q. What was wrong with him?
- 4 A. He was bleeding profusely from his head.
- 5 Q. And did you have to call somebody for help?
- 6 A. Yes.
- 7 Q. Who did you call?
- 8 A. His mother.
- 9 Q. And did you wind up taking him to the ER?
- 10 A. Yes, ma'am.
- 11 Q. And did he get released from the ER?
- 12 A. Yes.
- 13 Q. And where did you go?
- 14 A. He wanted to go to the liquor store.
- 15 Q. And did you go there?
- 16 A. Yeah. I took him. He went in.
- 17 Q. What did he buy?
- 18 A. A fifth of Makers Mark.
- 19 Q. And then where did you go?
- 20 A. Back to my house.
- 21 Q. Did he drink that alcohol?
- 22 A. Yes.
- 23 Q. And where were you? What did you do?
- 24 A. I went downstairs to my room and locked the door.
- 25 Q. Where was he? Upstairs?

1 A. Upstairs at my kitchen table. His vehicle was
2 there, so that's why I brought him back to my home.

3 Q. At some point that evening did you take pictures of
4 him?

5 A. Yes. Because it got quiet upstairs. And I went up
6 there to see what was going on. And when I got to the
7 top of the stairs where I could see him, he appeared to
8 be dead to me.

9 MS. BOSWELL: May I approach, Your Honor?

10 THE COURT: Okay.

11 BY MS. BOSWELL:

12 Q. Let me pass you these two photographs that we'll do
13 as a collective exhibit.

14 Did you take those pictures?

15 A. Yes, ma'am.

16 Q. Was that done on the October 11, 2020, date of the
17 4-wheeler wreck?

18 A. Yes, ma'am. When I came up the stairs and I said I
19 thought he looked dead, this picture is the one I took
20 from the stairs.

21 Q. Okay.

22 MS. BOSWELL: If I can get these admitted.

23 MR. WHITMORE: May I look at those?

24 THE COURT: Let Mr. Whitmore...

25 MS. BOSWELL: And I turned these over,

1 Your Honor. They're in the discovery.

2 THE COURT: Any objection?

3 MR. WHITMORE: None, Your Honor.

4 THE COURT: All right. Be marked and
5 admitted as the next exhibit.

6 (Exhibit No. 17 was marked.)

7 THE CLERK: Marked as Exhibit 17.

8 THE WITNESS: The one with all the blood,
9 that was after he had been stitched up.

10 BY MS. BOSWELL:

11 Q. This was at your house?

12 A. At my house, after he had been stitched -- stapled.
13 I say stitched, stapled.

14 Q. And in the second photograph, there is the alcohol
15 bottle. Is there --

16 A. That's the one he bought, yes, ma'am.

17 Q. That was the fresh one from that night?

18 A. Uh-huh (affirmative response).

19 Q. Did he eventually leave your house?

20 A. Yes, ma'am.

21 Q. Did you wind up kicking him out of your house?

22 A. Yes, ma'am. He wasn't living there at the time
23 that that happened.

24 Q. And did you have contact with Linda Smith, with
25 probation?

1 A. Yes, ma'am.

2 Q. And did you indicate that he had been using
3 narcotics, controlled substances, and alcohol, since he
4 had been let out?

5 A. That I suspected it. And that he was no longer
6 living at my house.

7 Q. Where did you take his stuff?

8 A. To his mother's driveway. Sat it at the driveway.

9 MS. BOSWELL: Pass the witness, Your
10 Honor.

11 THE COURT: Mr. Whitmore.

12 MR. WHITMORE: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. WHITMORE:

15 Q. Ms. Kimbel?

16 A. Kimbel.

17 Q. Kimbel?

18 A. Yes, sir.

19 Q. Okay. Sorry.

20 A. It's all right.

21 Q. You and Mr. Autry were boyfriend/girlfriend?

22 A. Yes.

23 Q. And is it also true that he left your house and
24 moved in with another woman?

25 A. Well, he left my house and went to his mom's twice

1 in three weeks.

2 Q. Did you know whether or not during that time that
3 he immediately started dating another woman --

4 A. He did move in with another woman over there, yes.

5 Q. How do you feel about that?

6 A. Well, pissed, to be honest with you.

7 Q. And, in fact, when he got out, you were there for
8 him?

9 A. Yes.

10 Q. And also I think what -- it's my understanding that
11 you live on a farm.

12 Is that correct?

13 A. Yes.

14 Q. Is that a farm or land?

15 A. No. It's just 22 acres and a large house.

16 Q. Did Mr. Autry, during the time that he was staying
17 there, did he do things around the house?

18 A. Sometimes, yes.

19 Q. As a matter of fact, the truth be said, that you
20 get him up early to make sure he did certain things,
21 instead of just laying around all day.

22 A. Well, I get up early.

23 Q. But you were getting him up early also.

24 A. Everybody at my house gets up early. Nobody sleeps
25 all day at my house.

1 Q. What are some of the things he was doing around
2 your place?

3 A. He bush hogged for me one time. He cut some --
4 trimmed some trees.

5 Q. Okay. And was he working on a constant basis
6 for --

7 A. No.

8 Q. So at this point, we know he's not working. Right?

9 A. Right.

10 Q. So any money -- he's staying with you.

11 A. Uh-huh (affirmative response).

12 Q. Is that correct?

13 A. Yes.

14 Q. And you're providing him with money.

15 Is that correct?

16 A. I didn't necessarily provide him with cash money.
17 I provide him with clothes, a pair of new Red Wing boots
18 and such, when he got out of prison.

19 Q. But also you purchased alcohol for him.

20 A. I purchased alcohol that he drank.

21 Q. Okay. So in other words, you purchased alcohol for
22 yourself.

23 A. Uh-huh (affirmative response).

24 Q. That he was also allowed to drink.

25 A. If it was in the cabinet, he felt allowed to drink

1 it, whether it was his or not.

2 Q. But you allowed that to happen?

3 A. Yes.

4 Q. Okay.

5 A. I guess.

6 Q. And during the time that he was staying there with
7 you, you didn't have any problems with it.

8 A. No, not really, not until it was of excess.

9 Q. Okay. And as it relates specifically -- and I just
10 want to understand this --

11 A. I understand.

12 Q. -- incident that government is talking about.

13 The person said, you know, that's a bitch drink,
14 you drinking.

15 A. Uh-huh (affirmative response).

16 Q. Now whether that person was black, white, Chinese,
17 if they say that to Jason, what is he going to do about
18 that?

19 A. Well, in the mood he was in, I figured it was going
20 to be trouble no matter who it would have been.

21 Q. No matter who. In the mood that he's in, to you --
22 I'm asking you, was he out with you?

23 A. No.

24 Q. Who was he out with?

25 A. He came in by himself.

1 Q. But what I'm saying, the point that the person made
2 the reference as it relates to the drink, was he with
3 you?

4 A. Yeah. We were at the same end of the bar, yes, on
5 the L -- it's like an L shaped.

6 Q. Do you think it's appropriate if a man is out with
7 his woman for another man to walk up to that person and
8 say, that's a bitch ass drink you drinking?

9 A. It's rude to say that to anyone.

10 Q. And you may get a reaction out of any man.

11 A. Or woman.

12 Q. Or woman, who don't know this person.

13 A. That's right.

14 But I, obviously, had to handle that. I had him
15 outside the bar.

16 Q. Excuse me?

17 A. I asked the man to come outside with me, and he
18 did. And I asked him to leave. And I told him that
19 wasn't that he couldn't come back, but he just needed to
20 go now.

21 Q. I understand that.

22 But the offense had already been done.

23 Do you agree?

24 A. Yes.

25 Q. And the offense, you can't take that back.

1 A. No.

2 Q. Okay.

3 A. And we were not together, by the way, because --
4 just to say that also.

5 At the time, he was trying to date my daughter.

6 Q. Well, I don't have any questions around that.

7 A. I didn't figure you did. I just wanted it to be
8 straight.

9 Q. Now when it comes to -- you know Mr. Autry is a
10 convicted felon.

11 A. Absolutely.

12 Q. And you know that any firearms -- he can't be
13 around firearms.

14 A. That's true.

15 Q. So do you understand that if you out target
16 shooting, and he walks up to you, not even to grab the
17 gun -- but if he walks up to you while you've got a gun,
18 that's inappropriate.

19 Do you understand that?

20 A. Absolutely. He wasn't living at my house.

21 Q. Okay.

22 A. And he drove up the driveway. So I didn't know who
23 it was until I stepped around the house and I seen the
24 truck he was driving.

25 Q. But the point of the matter is, when you saw him,

1 you already knew that he was --

2 A. I immediately got some pep in my step trying to get
3 my guns up.

4 Q. Do you remember Mr. Autry's children coming to
5 visit?

6 A. Do I remember what?

7 Q. His children coming to visit while he was staying
8 with you.

9 A. Yes.

10 Q. And you, do you remember you all being out there
11 target practicing?

12 A. I remember there being some guns being shot, yes.

13 Q. And Mr. Autry was there at that time. Right?

14 A. Yes. He didn't shoot any guns.

15 Q. Now the truth of the matter is that -- is it
16 Kimbrell? And the reason I'm --

17 A. No. It's Kimbel, K-I-M-B-E-L.

18 Q. Kimbel.

19 The truth of the matter, you gave Mr. Autry that
20 gun.

21 A. Absolutely not.

22 Q. That is the truth of the matter, isn't it?

23 A. No, sir, it's not.

24 Q. As a matter of fact, he had access to those guns
25 as --

1 A. No.

2 Q. -- much as he wanted.

3 Isn't that true?

4 A. Absolutely not.

5 Q. And you're very angry right now.

6 Isn't that correct?

7 A. I'm angry because you're calling me a liar.

8 Q. You're angry right now. Right?

9 A. No.

10 MS. BOSWELL: Judge, I object. He's
11 getting argumentative. Asked --

12 THE COURT: Let's move on.

13 THE WITNESS: I'm not angry.

14 BY MR. WHITMORE:

15 Q. When you're around Mr. Autry, do you recall him at
16 any time saying to you that he needed to leave to go to
17 some Aryan Nation meeting, or anything like that?

18 A. No.

19 Q. Do you recall that he had any friends who come over
20 to the house and said, this is my Aryan Nation bother?

21 A. No. I recall being on the river, and we ran into
22 somebody that he knew.

23 Q. Okay. But other than that, you hadn't seen him
24 trying to associate himself, in his private life, outside
25 of prison, with these individuals?

1 A. Other than on the river that day, no.

2 Q. And you all ran into that person?

3 A. Uh-huh (affirmative response).

4 Q. You wasn't down there to meet that person?

5 A. No.

6 MR. WHITMORE: May I have a moment, Your
7 Honor?

8 THE COURT: Okay.

9 While you're doing that, Ms. Kimbel --

10 THE WITNESS: Yes, sir.

11 THE COURT: -- did you purchase the Smith
12 & Wesson, 9mm MP Shield from a gun show in Paris,
13 Tennessee?

14 THE WITNESS: Yes, sir.

15 THE COURT: And is that the firearm that
16 you say Mr. Autry kept or had?

17 THE WITNESS: Yes, sir.

18 THE COURT: And did you give him
19 permission to trade that pistol for a rifle?

20 THE WITNESS: No, sir. I never gave him
21 permission to have it.

22 THE COURT: You never gave him permission
23 to have it?

24 THE WITNESS: No, sir. Or to use it, or
25 to touch it, or to have anything to do with any of them.

1 THE COURT: All right. Anything else,
2 Mr. Whitmore?

3 MR. WHITMORE: Only briefly, Your Honor.

4 THE COURT: Go ahead.

5 MR. WHITMORE: Thank you.

6 BY MR. WHITMORE:

7 Q. The day that you all had that accident, did you
8 have pistols on you the day of that accident?

9 A. No. He did.

10 Q. Okay. Do you recall you throwing that pistol away?

11 A. Well, no.

12 Q. You don't recall that?

13 A. No.

14 MR. WHITMORE: No further questions, Your
15 Honor.

16 THE COURT: Any redirect?

17 MS. BOSWELL: No, Your Honor.

18 THE COURT: All right. Thank you,
19 Ms. Kimbel. You can step down.

20 THE WITNESS: Thank you.

21 THE COURT: Call your next witness.

22 MS. BOSWELL: Joe Frye.

23 *****

24

25

1 JOSEPH FRYE THEREUPON CALLED AS A WITNESS ON
2 BEHALF OF THE GOVERNMENT, AND HAVING BEEN FIRST DULY
3 SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

4 DIRECT EXAMINATION

5 THE WITNESS: I do.

6 THE CLERK: Thank you.

7 BY MS. BOSWELL:

8 Q. Can you state your name, please, and spell it for
9 the court reporter?

10 A. Joseph Frye, J-O-S-E-P-H, F-R-Y-E.

11 Q. And when did you start your court-related or
12 law-enforcement-related career?

13 A. Started as a probation office back in 1994.

14 Q. With who?

15 A. Tennessee Department of Corrections.

16 Q. How long did you stay in that position?

17 A. I stayed as a probation office either for the
18 Department of Corrections or Tennessee Board of Probation
19 and Parole, or the community corrections program that
20 contracted with those agencies all the way up until
21 today. I still work for the Department of Corrections.

22 Q. Did you have certain counties or certain areas that
23 you worked as a TDOC probation officer?

24 A. The 24th Judicial District is where I was assigned
25 specifically, in the Benton and Carroll Counties.

1 Q. And did you work for community corrections at some
2 portion of that?

3 A. I did, for most of that period of time.

4 Q. So what were your duties?

5 A. I supervised people on the community corrections
6 program, which included provisions like house arrest and
7 intensive supervision as a contract agency for the
8 Department of Corrections.

9 Q. And did you at some point actually go to the law
10 enforcement academy?

11 A. I did. 2011, I took a job within the Department of
12 Corrections. Ultimately, that became a Special Agent
13 position with the Tennessee Department of Corrections.

14 Q. And is that part of their apprehension and
15 enforcement unit?

16 A. I'm with the apprehension and enforcement unit with
17 the Department of Corrections.

18 Q. Is that kind of like a state marshal in a way?

19 A. It is. Primarily fugitive apprehension.

20 Q. And are you also a task force officer with a
21 Federal agency?

22 A. I am. I've been a task force officer full time
23 with the United States Marshal Service for a little over
24 nine years.

25 Q. And in your position with the TDOC, do you have

1 access to records that are kept pursuant to inmates that
2 are in any of TDOC facilities or being supervised by
3 probation?

4 A. That's correct.

5 MS. BOSWELL: May I approach, Your Honor?

6 THE COURT: You may.

7 MS. BOSWELL: These have already been
8 admitted into evidence. I've unclipped them.

9 BY MS. BOSWELL:

10 Q. This is Exhibit 3 and Exhibit 4.

11 A. Yes.

12 Q. These would be accurate TDOC records here?

13 A. Yes. We would call them pen packs or the records
14 that the Department of Corrections keeps and send out
15 upon request.

16 Q. I'm going to go though what's been admitted as
17 Exhibit 13.

18 As to that top page, do you recognize what that
19 is?

20 A. That is the integrated criminal justice portal's
21 reflection of the Tennessee Department of Corrections
22 Security Threat Group Assessment for Autry Jason Autry.

23 Q. As part of this, does it show when he was actually
24 confirmed as Aryan Nation?

25 A. Yes. So that would be December 20th, 2005, he was

1 confirmed with an assessment score of 11.

2 MR. WHITMORE: Your Honor, I am going to
3 object again to this line of questioning. This is
4 certainly cumulative at this point, Your Honor.

5 THE COURT: Yes. Ms. Boswell, this has
6 already been established.

7 MR. WHITMORE: Yes.

8 THE COURT: Is there some reason we need
9 additional evidence on this?

10 MS. BOSWELL: Yes, Your Honor. Because
11 our last witness is going to actually bring some Aryan
12 Nation evidence and be able to describe the tattoos and
13 what that means within the Aryan Nation.

14 So this -- while this document came in, I
15 have one more report, and this is TDOC generated, it is
16 not cumulative. This is a prison gang and their actually
17 photographs associated in here of Mr. Autry with Aryan
18 Nation while he was within DOC.

19 And this is not cumulative. No other
20 witness has testified to this.

21 MR. WHITMORE: Your Honor, to the
22 extent -- I think probably most of the witnesses has, I
23 think, attempt to establish his association with the
24 Aryan Nation. I mean, from the tattoos that can't be
25 disputed. And it just seems like this is cumulative,

1 Your Honor. We are going down the same path. I'm not
2 even challenging that. You haven't --

3 THE COURT: Well, you kind of are, Mr.
4 Whitmore, because you've insinuated, through your
5 questioning, that perhaps Mr. Autry joined the Aryan
6 Nation for his own self protection. That's the
7 insinuation you've tried to lead.

8 So if that's the case, then I think the
9 government has the right, if they can -- I don't know
10 what's going to come in. I don't know what evidence is
11 still out there.

12 I think the government has the right, if
13 they believe that's not an accurate representation, to
14 offer evidence that they believe would dispute that.

15 Overruled.

16 MR. WHITMORE: Thank you, Your Honor.

17 MS. BOSWELL: May I approach the witness,
18 Your Honor?

19 THE COURT: Okay.

20 BY MS. BOSWELL:

21 Q. Do you recognize what this is?

22 A. Yes. This is a criminal intelligence report
23 related to Jason Autry.

24 Q. And this particular report, would it show how
25 Mr. Autry received the ranking of the 11, of the points

1 on Exhibit No. 13?

2 A. Yes. Page two is the actual assessment tool that
3 assigns points based on observed or confirmed actions by
4 Autry. In this case it would be --

5 Q. Sorry. I'm going to interrupt you. Let me get
6 this marked and then I'll show you where we can see.

7 MR. WHITMORE: May I also renew an
8 objection, Your Honor?

9 THE COURT: May you what?

10 MR. WHITMORE: May I state another
11 objection?

12 THE COURT: Sure.

13 MR. WHITMORE: It seems to me we're
14 talking about a point system, we are talking about an
15 analysis as it relates to his involvement.

16 Again, Your Honor, how am I in a position
17 to cross-examine documents where somebody is making an
18 analysis, making a decision? And I'm not in a position
19 to test the information, test where it came from, test
20 any of that.

21 So you're placing -- it look like we're
22 being placed at a disadvantage, because I can't address
23 that.

24 THE COURT: Well, Mr. Whitmore, to me it
25 seems like it goes to the same thing of weight of the

1 evidence. If you're able to successfully establish just
2 what you just indicated, there is no basis for the
3 points, we don't know where it came from, it could have
4 been made up, some arbitrary person out here that came up
5 with a number, to me that goes to the weight.

6 MR. WHITMORE: Well, Your Honor, I wasn't
7 saying that -- I'm sure they have a system by which they
8 make this, make these calculations, make these
9 assessments.

10 I guess what I'm saying, Your Honor, is
11 that, I don't believe he is the one who is making the
12 assessment. He's reading what somebody has already done.
13 And so that's hearsay on hearsay or hearsay.

14 THE COURT: Well, it's hearsay. But I
15 think he can -- I think it comes in. Again, this is a
16 sentencing hearing. This is not a jury trial.

17 MR. WHITMORE: I agree, Your Honor.

18 THE COURT: And so the Court always has to
19 weigh the evidence.

20 And does the Court believe there is
21 sufficient reliability, or not?

22 And if not, I will exclude it. I won't
23 consider it.

24 MR. WHITMORE: Thank you, Your Honor.

25 MS. BOSWELL: Your Honor, just for the

1 record, could I state that this exhibit was turned over
2 in early discovery and to Mr. Whitmore as soon as he got
3 on the case, with the names within this packet and TDOC.

4 If he wanted to refute that, he would have
5 had the ability to do so.

6 THE COURT: Well, okay. That's on the
7 record.

8 But I can see his concern, that -- I
9 haven't seen the document, so I don't know what is on
10 there. But I think it comes in. That's where we are at
11 this point.

12 So go ahead and mark it, Mr. Bryson.

13 (Exhibit No. 18 was marked.)

14 THE CLERK: Marked as Exhibit 18.

15 THE COURT: And what are we identifying
16 that as?

17 THE CLERK: Criminal Intelligence
18 Submission Report.

19 THE COURT: Okay.

20 MS. BOSWELL: Thank you.

21 BY MS. BOSWELL:

22 Q. As to this page that I'm showing on the monitor,
23 the first page of Exhibit 18, does this show known
24 security threat group that Mr. Autry had been around
25 while housed at TDOC?

1 A. That's correct.

2 Q. Does it show here at the bottom that he is a
3 confirmed member?

4 A. It does.

5 Q. On the second page, does this show how he
6 accumulated -- what were the reasons that he was
7 confirmed as Aryan Nation?

8 A. So known contact with security threat group
9 members. And then over time, consistent observed contact
10 with security group members, that would be cumulative.
11 And then a named a security threat group member and
12 correspondence that had been intercepted.

13 Q. As part of the record that TDOC keeps, do they also
14 document by photographs when any particular gang members
15 are hanging together within a facility?

16 A. Yes, when they can, when they're conducting these
17 assessments. And there is someone assigned at each
18 prison who is, that's their primary job.

19 Q. And does this particular photograph that is within
20 Exhibit 18, show Jason Autry with both suspected and
21 confirmed Aryan members?

22 A. Yes, that serves as supporting documentation for
23 the instrument.

24 Q. At the time that Mr. Autry was in TDOC, at the time
25 that that photo was taken that's in Exhibit 18, did TDOC

1 have some kind of program that they enrolled gang members
2 in that was related to gang activity?

3 A. At that time, there was a security threat group
4 program in Tennessee Department of Corrections. And when
5 he would have been confirmed as a member, he would have
6 been served notice that he had been confirmed as a member
7 of the Aryan Nation and referred to that STG program.

8 Q. And does he have the ability to appeal the
9 notification, that confirmation and/or program placement?

10 A. Yes. He can appeal the program placement if he
11 doesn't want to participant or if he doesn't think it's
12 necessary because he's not really a STG member.

13 At that time, that sort of documentation process
14 was in place.

15 Q. And in order to go to the class, do you have to be
16 committed to leaving the gang?

17 A. Yes, you are not accepted into the program. The
18 program doesn't exist now.

19 But at that time, if you wanted to be admitted
20 into the program, you had to have a documented commitment
21 to, or desire to leave the security threat group.

22 Q. And at that time did he appeal either the
23 confirmation or did he do the classes?

24 A. The document that I saw says that he did not.
25 Yeah, that's the confirmation notification. And then he

1 has the opportunity to sign, date and indicate his
2 willingness or desire to appeal that program placement.

3 MS. BOSWELL: And for the record, Your
4 Honor, this is contained within Exhibit 3. It's marked
5 with the Bates number of JA900.

6 THE COURT: Okay.

7 BY MS. BOSWELL:

8 Q. Throughout these TDOC records, does it contain any
9 time that Mr. Autry would have been paroled and been
10 revoked?

11 A. Yeah. Part of his Department of Corrections
12 records would include not just the records generated by
13 TDOC concerning his confinement, it would also include
14 all records, judgment orders that sentenced him to
15 prison, and revocation orders that removed him from
16 alternatives to incarceration, such as probation, parole
17 or community corrections.

18 Q. Just going to show you a few of these and then
19 we'll go to the charts, so we don't have to belabor the
20 Court going through the records.

21 But this is from Exhibit No. 4. It's marked
22 JA230.

23 This would show the date of July 31st of 2003.

24 Does this show him released from the facility on
25 determinant release?

1 A. It does. It shows him released by Department of
2 Corrections from the Decatur County Jail to state
3 probation at Lexington Probation and Parole as a
4 determinant release probationer.

5 Q. What is determinant release actually?

6 A. If you're sentenced to one or two years, two years
7 or less, in the Tennessee Department of Corrections, you
8 are released automatically upon eligibility for parole
9 without the parole board meeting or voting on your
10 release.

11 So if you're sentenced to two years at 30 percent,
12 at 30 percent, instead of the parole board voting on you,
13 as they would another state prisoner, you're just
14 automatically released to probation in lieu of parole.

15 MS. BOSWELL: May I approach the chart,
16 Your Honor?

17 THE COURT: Okay.

18 BY MS. BOSWELL:

19 Q. If you can look over this way.

20 Are you able to see or do you need to come down?

21 A. I probably need to come down, because I can't read
22 that from here.

23 Q. For instance, the document that I just referenced
24 from July 31st of 2003, he would have been released there
25 on to that determinant release?

1 A. Correct.

2 Q. And then in 2004, he picked up one, two, three,
3 four, five, six, six charges?

4 A. Yes, that's correct.

5 Q. And then was that revoked in February 23rd of 2004?

6 A. Correct, on that determinant release probation.

7 Q. Okay. And then looking forward to May 9th of 2006,
8 would he have been paroled there?

9 A. That's correct.

10 Q. And after being paroled there, there was another
11 burglary, as well as a drug charge and evading arrest?

12 A. That's correct, yes.

13 Q. And he got revoked on those charges for the second
14 time.

15 Is that correct?

16 A. Yeah, less than a year after he was paroled.

17 Q. April 12th of 2007?

18 A. Correct.

19 Q. Then he got paroled again on June 9th of 2008.

20 Is that right?

21 A. That's true.

22 Q. Picked up another drug offense in 2008. And
23 ultimately was revoked a second time on February 25th of
24 2009.

25 A. I think that's the third time, again in less than a

1 year.

2 Q. Three revocations in less than a year?

3 And most of which included felony charges in
4 between?

5 A. That's correct.

6 Q. I want to refer you now to what is from Exhibit 4
7 and marked as JA238.

8 What is this document?

9 A. That is a Notice of Board Action. That is a
10 document that's generated upon a hearing officer either
11 performing a hearing to grant parole, or in this case a
12 hearing to decide whether or not to recommend revocation
13 of parole.

14 Q. So as to this one, one of the revocations that we
15 covered on the chart, is this going to say why he was
16 revoked?

17 A. Yes.

18 Q. Okay. What was the reason, some of the reasons
19 noted here for revocation?

20 A. Failed to report, unemployed, failed to report as
21 instructed, relapsed and used drugs, was high on the day
22 he failed to go see his probation officer. He was using
23 meth. It looks like he had a pending court appearance at
24 that time.

25 And if you will look on the right, that second

1 column, he was ultimately found that he had absconded
2 supervision.

3 Q. So they didn't know where he was?

4 A. Yes, that's correct. Yes.

5 If you look -- they actually take time away from
6 him while he was still on parole because he was an
7 egregious --

8 Q. Is that shown on the form?

9 A. It is. So if you look at the bottom half of that
10 second column where TT is circled, that's take type, from
11 May 5th of 2007 to April 12th of 2008. That would have
12 been time that normally he would have been entitled to as
13 far as accruing time on parole.

14 But the hearing officer recommended stripping him
15 of that time because he was in egregious noncompliance.

16 Q. Would he have been in absconder status during that
17 time?

18 A. Yes. That's normally the reason why they take
19 street time like that.

20 Q. That's from March 5th of '07 to April 12th of
21 '08 --

22 A. Yes.

23 Q. -- he was on TDOC release and nobody knew where he
24 was?

25 A. Correct.

1 Q. Until he picked up new offenses.

2 A. Correct.

3 Q. I'm going to refer to Exhibit 4.

4 MS. BOSWELL: This is marked JA194, Your
5 Honor. This is very hard to read, due to the dark lines.
6 Just didn't want to take it out of this exhibit. But I
7 do have an exact clean copy of this document that would
8 be 194 contained within Exhibit 4.

9 And I would like to introduce that as just
10 a separate exhibit, because it can be readable. But it
11 is contained in here, it's just a pretty bad copy.

12 THE COURT: Any objection?

13 MR. WHITMORE: No, Your Honor.

14 THE COURT: All right. Without objection.

15 (Exhibit No. 19 was marked.)

16 THE CLERK: Marked as Exhibit 19.

17 BY MS. BOSWELL:

18 Q. What is this document that's Exhibit 19?

19 A. That's a revocation order from placement on the
20 community corrections program.

21 Q. Is this a form that you're familiar with?

22 A. Yeah. I actually created the template for that
23 when I worked for community corrections.

24 Q. And this particular order is showing that Jason
25 Autry violated the terms of his sentence upon release for

1 certain factors.

2 Is that correct?

3 A. That's true.

4 Q. And what were those reasons?

5 A. Tested positive for THC or marijuana in January of
6 2024. Failed to abide by curfew.

7 If you remember, I talked about house arrest and
8 intensive supervision. Curfew was a normal part of the
9 community corrections program on multiple occasions,
10 multiple charges, new criminal offenses, from
11 January 2004, for aggravated burglary, theft, criminal
12 trespass, possession of burglary tools, vandalism, theft
13 under \$500.

14 He was ultimately convicted, and if you look, of
15 three counts of aggravated burglary in February of 2004.

16 It also alleges or finds that he left the county
17 of residence without permission and was arrested in Perry
18 County for possession of drug paraphernalia, and that he
19 failed to pay court costs fees and such for several
20 months while on supervision.

21 Q. He had some minor infractions while he was inside
22 TDOC.

23 Is that right?

24 A. That's true.

25 Q. And we noted that on the chart as like a couple of

1 smoking, defiance, positive drug screen.

2 Is that right?

3 A. Yes. Uh-huh (affirmative response).

4 That was while he was in Department of Corrections
5 facility. Yes. Yes, ma'am.

6 MS. BOSWELL: Pass the witness, Your
7 Honor.

8 THE COURT: Mr. Whitmore.

9 MR. WHITMORE: Thank you, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. WHITMORE:

12 Q. Exhibit 18. All of this is dealing with the
13 Department of Corrections. Correct?

14 A. It is. That's a Department of Corrections form,
15 yes, sir.

16 Q. It is nothing in this form here telling you about
17 any affiliation with Aryan Nation once he get outside the
18 prison?

19 A. That's true, yes.

20 Q. Okay. So the only thing we're talking about is
21 association inside the prison.

22 A. That's the only thing the Department of Corrections
23 is worried about is when they're incarcerated, yes, sir.

24 Q. And you would agree, based on your experience, that
25 some people do join these gangs, these nations for

1 security inside the prison?

2 A. Like protection?

3 Q. I mean, protection.

4 A. They join for protection. They join for
5 protection, racketeering, extortion, narcotics
6 trafficking. That's something the Aryan Nation is known
7 for. Yes, sir, lots of different reasons.

8 Q. And I'm glad you -- I didn't ask you that, but
9 since you brought that up.

10 But at the end of the day, they do join for
11 protection.

12 A. For all of those reasons that I just mentioned.

13 Q. Okay. So do you have that he ever googled anything
14 once he was out to show that he still associated with
15 Aryan Nations individuals once he leave the prison?

16 A. I do not, no, sir.

17 Q. Again, exhibit -- these huge exhibits, 3 and 4, are
18 all about his activities in the prison.

19 A. Yes. Those are all Department of Corrections
20 records, yes, sir.

21 Q. Have you ever heard of the 500 hour drug program in
22 BOP?

23 A. Bureau of Prisons?

24 Q. The Federal Bureau of Prisons --

25 A. I have not, no, sir, I'm not familiar with that.

1 Q. Do you know whether or not you all have anything
2 similar to that in the state of Tennessee, as it relates
3 to the Department of Corrections?

4 A. We do, yes. We have drug placement programs and
5 facilities that have drug treatment programs as part of
6 being incarcerated.

7 Q. Do you know whether or not any -- during the time
8 in any of those records, was Mr. Autry ordered to
9 participate in any of those in-custody programs?

10 A. I am not. Quite frankly, at the time he was
11 incarcerated, I'm really unaware of exactly what programs
12 existed, where and what their scope would have been at
13 that time.

14 I would be more familiar with what we have now.

15 Q. Now we have heard, I think we've heard a tape about
16 drugs at, I think that Shelby County Penal Farm.

17 You would agree that there are drugs in our
18 prisons?

19 A. It is a scourge, yes, sir.

20 Q. And if there are drugs in our prisons, and people
21 are there because of their drugs habit, then what can be
22 done?

23 A. You're asking me to solve a problem that, if I had
24 the solution, I would be a rich man. I don't know, sir.

25 Q. But you would agree, that's a problem?

1 A. Yes, sir.

2 Q. And that's a problem that, if these people are
3 committing crimes because they're on drugs, we send them
4 to prison to hopefully get them away from the drugs, but
5 if they get into drug in the prison, then when they
6 leave, they immediately still hooked on drugs.

7 Is that correct?

8 A. I believe addiction is an issue. And drug use is
9 part of that law breaking behavior that exists before,
10 during, and after incarceration.

11 Q. But you would agree that if a -- if there are in
12 the Federal program a 500 hour drug program, and there is
13 an incentive behind it that if you complete this program,
14 you actually can get a reduction, do you think that that
15 could help an individual?

16 A. I think anybody that has the opportunity and will
17 avail themselves to drug treatment that may work, and
18 individually improve their life, and reduce their
19 propensity for law breaking, I think everybody wins, yes,
20 sir.

21 Q. And what if Mr. Autry was to say to you during all
22 the time he was in prison he never received any kind of
23 treatment --

24 MS. BOSWELL: Judge, I object --

25 BY MR. WHITMORE:

1 Q. -- would that surprise you?

2 MS. BOSWELL: I object to him
3 characterizing something that Mr. Autry would say.

4 I mean, he can't say what his client would
5 say.

6 THE COURT: Rephrase your question. You
7 can ask it differently and get the same response I assume
8 you're looking for.

9 BY MR. WHITMORE:

10 Q. Would you be surprised that if he was, during the
11 whole time -- I think we're going on almost, what, almost
12 about 20 something years, that during that whole time in
13 and out of prison that he never received any kind of
14 substance abuse treatment, would that surprise you?

15 A. It would surprise me. And the reason why I say, is
16 because I believe that we -- I just testified about a
17 revocation from community corrections back in 2004/2005.

18 I worked for that program at that time. I used to
19 make clients -- I did not personally supervise Mr. Autry,
20 but we made treatment a huge part of that program.

21 In fact, I used to make my clients hold a sign
22 when I took their pictures saying, I understand if I fail
23 a drug screen I may go to prison. If I need drug or
24 alcohol treatment, I will ask for it before I fail a
25 screen.

1 I used to make them hold that sign when I took
2 their pictures for their file, to make sure that the
3 Courts and everybody knew, especially the client, that
4 drug treatment was there, and help was available for
5 those that would avail themselves to it.

6 And that, that was a street program. I know -- I
7 can't testify to the depth and scope of the drug
8 treatment programs within the Department of Corrections
9 at that time. But I can tell you that anyone who
10 requested and pursued drug treatment or counseling within
11 an institutional setting, I would be shocked to find out
12 it was denied them.

13 BY MR. WHITMORE:

14 Q. But you would also agree, a lot of people -- and I
15 want to applaud you for your efforts that you just
16 described.

17 But those were your individual efforts. That's
18 not -- you didn't do that because you were required to do
19 that. I think you testified that's what you did for the
20 people you supervised.

21 A. That was a small facet. But I would say drug
22 treatment, and treatment in general, was a huge part of
23 our entire program. That was just how I displayed it.

24 Q. You know, during this time, I am looking at this
25 board here. Do you see -- do you recall seeing anything

1 on that board that showed that he was ordered to
2 participate in some kind of drug or mental health
3 treatment and he failed to participate?

4 Do you see that anywhere on that board?

5 A. I'm not aware of any records like that, no, sir.

6 Q. Let's take that board for instance, Mr. Frye.

7 Do you think possibly, I'm just saying possibly,
8 that throughout this time, if he was consistently being
9 ordered to mental health and substance abuse treatment,
10 it may could have had an impact?

11 A. That's speculation.

12 When I look at that board, I see --

13 Q. I'm asking, is it possible?

14 A. It is possible.

15 Q. Okay. That's all.

16 MR. WHITMORE: No further questions.

17 THE COURT: Redirect?

18 MS. BOSWELL: Just one question.

19 FURTHER DIRECT EXAMINATION

20 BY MS. BOSWELL:

21 Q. What do you see when you look at the board?

22 A. Habitual law breaking.

23 MS. BOSWELL: Nothing further, Your Honor.

24 THE COURT: All right. Thank you. You
25 can step down.

1 All right. Does the government have any
2 more witnesses?

3 MS. BOSWELL: One more, Your Honor, and
4 we'll be done.

5 THE COURT: Kristi, can you hang in for
6 one more?

7 THE COURT REPORTER: Yes, Your Honor.

8 THE COURT: All right. One more, and
9 that's it.

10 MS. BOSWELL: Yes, sir. We call Frank
11 Kelsey.

12 THE COURT: Ms. Heasley is going to send a
13 bill to the government, Ms. Boswell.

14 MS. BOSWELL: Yes, sir, Your Honor.

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1 FRANK KELSEY THEREUPON CALLED AS A WITNESS ON
2 BEHALF OF THE GOVERNMENT, AND HAVING BEEN FIRST DULY
3 SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

4 DIRECT EXAMINATION

5 THE WITNESS: I do.

6 THE CLERK: Thank you.

7 BY MS. BOSWELL:

8 Q. Can you state your name please, and spell it for
9 the record.

10 A. Frank Kelsey, F-R-A-N-K, K-E-L-S-E-Y.

11 Q. And you have had a long law enforcement career.

12 Is that correct?

13 A. Yes, ma'am.

14 Q. And tell the Court where you began that career and
15 how long you stayed.

16 Just go through your law enforcement jobs, please.

17 A. In 1998, I joined the Jackson Tennessee Police
18 Department as a patrol officer. I left there in 2006,
19 went to Tennessee Bureau of Investigation as a special
20 agent for one year. I left there in 2007.

21 In 2007, I joined the Bureau of Alcohol, Tobacco,
22 Firearms and Explosives as special agent. Remained there
23 for 15 years to my present assignment, where I'm the
24 Deputy Director of Investigations at the Transportation
25 Security Administration.

1 Q. And have you had training involving gangs?

2 A. Yes, ma'am.

3 Q. What training?

4 A. At the Jackson Police Department and in the police
5 academy I received basic gang training.

6 At the Jackson Police Department I was assigned to
7 the gang enforcement team.

8 I underwent various forms of gang training while
9 assigned to the gang enforcement team.

10 I also was a juvenile gang awareness instructor.
11 I spoke to parents whose children, juvenile children got
12 locked up for gang-related crimes. I also taught at
13 schools to identify gangs.

14 Once I left there, I went to the ATF. I went
15 through several gang investigation schools there, both a
16 part of my role as a special agent recognizing violent
17 gangs, but also as an undercover operator.

18 Q. And what kind of gang crimes have you worked over
19 the years?

20 A. Anything from narcotics trafficking to human
21 trafficking, murder, rape, assault, burglary, gambling.

22 Q. And what specific gangs have you worked?

23 A. I have worked in the African-American gang sector,
24 Black P. Stone, Gangster Disciples, Crips, Vice Lords,
25 Unknown Vice Lords.

1 In the white or Caucasian parts, I worked Aryan
2 Brotherhood, Aryan Nation, White Christian Identity and
3 Separatists, along with unknown militias.

4 Q. Okay. And when you worked for ATF, which counties
5 did you cover?

6 A. So when I started, I covered all the river
7 counties, Benton, Decatur, Perry and Henry.

8 Q. And while you were with ATF, did you begin working
9 on some Aryan Nation cases?

10 A. Yes. In the very beginning of my ATF career here,
11 while working the rural counties, we started noticing an
12 uptick in white separatists crimes.

13 So I joined forces with the FBI. And we started
14 creating a task force to go after Aryan Nation, Aryan
15 Brotherhood, all the white separatists within this area.

16 Q. And did you have cooperators involved in that?

17 A. Numerous, yes, ma'am.

18 Q. Did you work Federal Title III cases that involved
19 the Aryan Nation?

20 A. Yes, ma'am.

21 Q. Through that investigation, did you learn who Jason
22 Autry was?

23 A. Yes, ma'am.

24 Q. Did you have credible information as to his gang
25 involvement?

1 A. Yes ma'am, from both individual sources that I
2 developed at the FBI, developing through law enforcement
3 sources in the area.

4 Q. And did Jason Autry have any rank within the Aryan
5 Nation?

6 A. Yes, ma'am. He was an enforcer with Aryan Nation.

7 Q. What does that mean if you're an enforcer for the
8 Aryan Nation?

9 A. Basically is what it's titled. He's the enforcer.
10 He upholds the rule of law within the Aryan Nation. If
11 you violate, then Jason is the guy that you deal with.

12 Q. So he's the one that does the protecting, not the
13 one that needs protected.

14 A. Correct.

15 Q. Did he self-admit to you to be Aryan Nation?

16 A. Yes, ma'am, he did.

17 Q. Did he make statements about also being gang or a
18 gang leader on the outside?

19 A. Yes, ma'am, he did.

20 Q. What did he say about that?

21 A. He said that in his time --

22 MR. WHITMORE: Objection, Your Honor. I
23 mean, we don't have a date. We don't have a time. We
24 don't have the circumstances by which these statement
25 were made. Foundation.

1 THE COURT: Well, but this is a statement
2 against interest. I don't know that we have to have all
3 that just yet, Mr. Whitmore.

4 You can ask if you would like to. Go
5 ahead.

6 BY MS. BOSWELL:

7 Q. What did he say?

8 A. He made statements that as he got out of jail, he
9 would go back into his old, his basic gang life and be a
10 leader on the outside.

11 Q. And you were aware of jail records that have been
12 introduced today from both TDOC, Carroll County, and
13 Obion County, listing him as Aryan Nation?

14 A. Yes, ma'am.

15 Q. And listing tattoos as well?

16 A. Yes, ma'am.

17 Q. One of the reports --

18 MS. BOSWELL: May I approach, Your Honor?

19 THE COURT: You may.

20 BY MS. BOSWELL:

21 Q. Within Exhibit 13, and Agent Joe Walker testified
22 that, in addition to lightening bolts, Mr. Autry had an
23 Aryan Nation patch.

24 Did you hear that?

25 A. Yes, ma'am.

1 Q. And you also were in the courtroom to hear Linda
2 Kimbel say that he had a tattoo with a certain number on
3 it?

4 A. Yes, ma'am.

5 Q. And we'll get to that more specifically in the bit.
6 But have you arrested Jason Autry?

7 A. Yes, ma'am, I have.

8 Q. And when you arrested him, did he have on shorts?

9 A. Yes, ma'am.

10 Q. Were you able to see the lightening bolts yourself
11 at that point?

12 A. Yes, ma'am.

13 Q. I'm going to show you what's been introduced,
14 admitted as Exhibit 8.

15 Do you recognize what this is a picture of?

16 A. Lightning bolts on the back of Jason Autry's
17 calves.

18 Q. And do you know what these lightening bolts signify
19 within Aryan Nation?

20 A. The lightening bolts sometimes signify his
21 membership. Particularly with these, they're colored in
22 red, which generally means that he either bled for the
23 nation or he brought forth blood for the nation.

24 So he either, in some violent conflict, either got
25 stabbed or assaulted where he bled, or he stabbed or

1 assaulted somebody where they bled.

2 Q. So not all bolts would be colored red?

3 A. No, ma'am.

4 Q. What about the Aryan Nation patch, which we don't
5 have a picture of.

6 But what is an Aryan Nation patch tattoo?

7 A. Basically what consists of a wheel. Depending on
8 what time frame that you went in, depicts what has,
9 what's inside the patch. But most notably, the jersey
10 number or his number signifying his status within the
11 Aryan Nation.

12 Q. And were there other patches and then changed to
13 newer patches?

14 A. Yes, ma'am.

15 Q. And what kind of patch did Jason Autry have?

16 A. My understanding, his patch is the older patch.

17 Q. And what does that signify?

18 A. He's been in quite a while.

19 Q. When someone gets removed from Aryan Nation, what
20 do they do about these tattoos on their body?

21 A. They'll burn them off or cut them off.

22 Q. To your knowledge, has that happened to Jason
23 Autry?

24 A. Not to my knowledge, no, ma'am.

25 Q. As far as the prison portion of the Aryan Nation,

1 you're aware that Jason Autry testified in the Holly Bobo
2 case against Zach Adams?

3 A. Yes, ma'am.

4 Q. If somebody had rank as enforcer, would the rules
5 automatically apply to them as far as being kicked out?

6 A. Yes.

7 Q. What about anybody that had contact with high
8 members of the Aryan Nation?

9 A. Depending on your status, you can come out, violate
10 the rules, and you may still be allowed to operate. Just
11 depends on, basically like anything, who you know and
12 what you know.

13 Q. What kind of crimes, based upon your training and
14 experience, do Aryan Nation members commit?

15 A. Human trafficking, murder, assaults, burglaries,
16 aggravated burglaries, human trafficking, narcotics
17 distribution, narcotics dealing, narcotics trafficking,
18 narcotics smuggling, auto thefts, then various other
19 sorts of petty crimes.

20 Q. Do they operate both on the inside and the outside
21 of prison facilities?

22 A. Yes, ma'am.

23 Q. You heard Trooper Pratt testify that Jason Autry
24 said to him, I'm proud of my skin, are you.

25 Based off your training and experience with Aryan

1 Nation, what does that statement mean?

2 A. White pride worldwide. He's proud to be a white
3 male.

4 Q. You were present also, Agent Kelsey, in the
5 courtroom when the jail calls were played.

6 Are you familiar with Jason Autry's voice?

7 A. Yes, ma'am.

8 Q. Did you hear his voice on the jail calls?

9 A. Yes, ma'am, I did.

10 Q. Did you hear -- are you familiar with his mother,
11 Shirley King's voice?

12 A. Yes, ma'am.

13 Q. Did you hear one call, at least one call that
14 involved her?

15 A. Yes, ma'am.

16 Q. And that was the call referencing Western Union and
17 \$450 or \$475 to another inmate?

18 A. Yes, ma'am.

19 Q. Based off of your federal work in drug
20 conspiracies, how are narcotics basically sold inside the
21 facility from one inmate to another?

22 A. Through multiple means. Generally, there is a hand
23 to hand transaction. There can be a third party
24 transaction. It can be left and picked up. Various
25 numbers. Any way you can think about selling drugs,

1 could be sold.

2 Q. In regards to Western Union, hearing that on the
3 call, is that something that you have seen with people on
4 the outside transferring money to those inmates that are
5 providing drugs to other inmates?

6 A. Yes, ma'am. That's a common drug trafficking
7 scheme.

8 Q. Did you arrest Jason Autry for the 922(g) that
9 happened in 2012?

10 A. Yes, ma'am, I did.

11 Q. And that is the case where he attempted to run over
12 the deputies?

13 A. Yes, ma'am.

14 Q. And he had an aggravated assault arising from that.

15 A. Yes, ma'am.

16 Q. And did you -- were you able to connect him at a
17 later time with a gun that he had during the commission
18 of that offense?

19 A. Yes, ma'am, I did.

20 Q. In Exhibit No. 9, the car that was involved, Jason
21 Autry's car, at the time you worked your case, was it a
22 PT Cruiser?

23 A. Yes, ma'am.

24 Q. And I'm going to show you what has been introduced
25 as Exhibit 9.

1 Is that a picture of the car?

2 A. Yes, ma'am, appears to be.

3 Q. This is a second picture from within Exhibit 9.

4 Does this show that side of the car with the
5 bullet holes?

6 A. Yes, ma'am.

7 Q. And is this going to be where the deputy shot at
8 him?

9 A. Yes, ma'am.

10 Q. Do you know if he got hit or not out of that?

11 A. When I spoke to him during the process of
12 investigating the 922(g) case, he stated he did get hit
13 in the right hip when the deputy shot at him. He didn't
14 realize he was shot until later, when he checked himself,
15 I guess, took off his pants and saw that he had been hit.

16 Q. Jason Autry was an armed career criminal on your
17 last case from 2012.

18 Is that correct?

19 A. Correct.

20 MS. BOSWELL: May I approach the witness,
21 Your Honor?

22 THE COURT: Okay.

23 BY MS. BOSWELL:

24 Q. Do you recognize what that's a picture of?

25 A. That's the rifle that they recovered after the

1 shootout.

2 Q. Okay. That's the 2012 incident. Correct?

3 A. Yes, ma'am.

4 MS. BOSWELL: I'd like to admit this as
5 the next exhibit.

6 THE COURT: Any objection?

7 MR. WHITMORE: No, Your Honor.

8 THE COURT: Without objection, be marked
9 and admitted as the next exhibit.

10 (Exhibit No. 20 was marked.)

11 THE CLERK: Marked as Exhibit 20.

12 MS. BOSWELL: Pass the witness, Your
13 Honor.

14 THE COURT: Mr. Whitmore.

15 CROSS-EXAMINATION

16 MR. WHITMORE: Thank you, Your Honor.

17 BY MR. WHITMORE:

18 Q. It's Special Agent Kelsey?

19 A. I'm sorry, sir?

20 Q. Is that Special Agent Kelsey?

21 A. Yes, sir.

22 Q. Did the government just present to you any -- did
23 she just present any evidence of him involved in a, some
24 kind of conspiracy with the Aryan Brotherhood as it
25 relates to a drug transaction?

1 A. Did I -- say that one more time.

2 Q. Have we seen any evidence involving him, involving
3 with Aryan Nation, with the Aryan Nation as it relates to
4 a drug conspiracy?

5 A. He admitted that to me.

6 Q. No. Where is the evidence?

7 He admitted to you.

8 Do you know whether or not he was admitting that,
9 talking about what was taking place in prison, as opposed
10 to what was happening outside of the prison?

11 A. Oh, no. I specifically questioned him on what he
12 conducted on the outside.

13 Q. Okay. Well, let's look at this.

14 MR. WHITMORE: May I approach, Your Honor?

15 THE COURT: Sure.

16 BY MR. WHITMORE:

17 Q. Okay. You can come around.

18 MR. WHITMORE: I'm sorry, Your Honor. May
19 I ask the witness to...

20 THE COURT: Sure. You can come around.

21 BY MR. WHITMORE:

22 Q. Does Aryan Brotherhood have anything to do with
23 this DUI?

24 A. I have no idea.

25 Q. What about this, what about this other DUI?

1 A. I have no idea.

2 Q. What about this simple assault right here?

3 A. No idea.

4 Q. What about driving while license suspended?

5 A. No clue.

6 Q. What about theft of property in 2002?

7 A. No idea.

8 Q. What about forgery in 2002?

9 A. No idea.

10 Q. What about -- this stuff in 2004. Do you think all
11 of the burglaries have something to do with the Aryan
12 Nation?

13 A. No idea, but they could. Any of these crimes could
14 have anything to do with his rank in Aryan Nation.

15 Q. I didn't ask you that.

16 Per your investigation, per your knowledge, have
17 you determined whether or not any of these had anything
18 to do with Aryan Brotherhood?

19 A. Aryan Nation?

20 Q. Aryan Nation.

21 A. I never disproved that they had anything to do with
22 Aryan Nation.

23 Q. Tell me what's your proof right now.

24 Since you can't say -- tell me what's your proof
25 right now.

1 A. Well, I can't -- I'm telling you right now, I don't
2 have proof that they weren't. So again --

3 Q. I'm asking what's your proof that it was.

4 A. The same as my proof it wasn't.

5 Q. Okay. What about here? Let's go here.

6 This smoking here. Does that have anything to do
7 with the Aryan nationhood?

8 A. I have no idea.

9 Q. Okay. What about this evading arrest right here in
10 2007.

11 That has anything to do with the Aryan --

12 A. Same question I've got. I have the same amount of
13 proof that it was, that it wasn't.

14 Q. Okay. I'm trying to see.

15 This facilitation. That have something to do with
16 the Aryan Brotherhood?

17 A. Aryan Nation?

18 Q. Aryan Nation.

19 A. Could be. It may, may not.

20 Q. Okay. So in other words, all of you can say is
21 that it could or it could not. Right? Is that what you
22 saying today?

23 A. Given the proclivity of the Aryan Nation's crimes,
24 absolutely.

25 Q. Okay. So what active investigation that you have

1 been a part of that you can say that Mr. Autry is a
2 target as it relates to the Aryan Nation?

3 A. A target of the Aryan Nation, or a target because
4 he's part of the Aryan Nation?

5 Q. Part of that organization.

6 A. So when I started the ATF in 2007, I was assigned
7 to the river counties. In 2008 I started working crimes
8 involving White Nationalists, again joined forces with
9 the FBI.

10 As we started questioning individuals within the
11 river counties and talking to local law enforcement, the
12 one name that kept coming up --

13 THE COURT: Mr. Kelsey, slow down for us
14 just a little.

15 THE WITNESS: I'm sorry. Hearing aides.
16 I speak faster than I think sometimes.

17 The one name that kept coming up was the
18 Benton County Boogeyman, as he was professed to be, Jason
19 Autry --

20 BY MR. WHITMORE:

21 Q. Well, let me?

22 A. -- he was a member Aryan Nation -- if I may, sir --
23 he was quite prolific in crimes throughout the Benton and
24 Decatur County areas.

25 Most of the cooperators that we would speak to

1 would not testify or talk against him, because they were
2 generally afraid of him.

3 That put him on my radar and FBI's radar to start
4 working a case towards him.

5 As we went, we started Title III's in the area,
6 targeting the Aryan Nation in the methamphetamine trade.

7 As we were working that, I also had --

8 Q. Well, let me --

9 A. If I may, sir --

10 Q. You are --

11 THE COURT: Wait. Wait. Wait. Hold on.
12 Let him ask another question.

13 BY MR. WHITMORE:

14 Q. Let me ask a question.

15 I realize you want to go, the way you want to go
16 on --

17 A. You asked me -- you asked me the whole story, so
18 I'm telling you --

19 Q. Let me ask you a question.

20 As we look up there, has he ever been indicted for
21 RICO? Have you ever known Mr. Autry to be indicted for
22 RICO?

23 A. No, sir.

24 Q. Have you ever --

25 A. That was my goal.

1 Q. Let me ask you, have you ever known him to be
2 indicted as it relates to a crime specifically associated
3 with his activity, his alleged activity with the Aryan
4 Nation?

5 A. That was my goal. Unfortunately, we caught him
6 with a gun first.

7 Q. So that was your goal.

8 A. Oh, yes, absolutely. We were --

9 Q. So for 20 years you've been trying --

10 A. -- we were working the Aryan Nation --

11 THE COURT: Hold on. Gentlemen, hold on.
12 You're talking over each other. I'm not going to allow
13 that.

14 Mr. Whitmore, you know better.

15 Sir, you can't keep talking when the
16 lawyer is talking.

17 THE WITNESS: He won't let me finish my
18 answer.

19 THE COURT: Well, let me suggest you do it
20 this way. You answer his question as succinctly as you
21 can. And then if the government wants to redirect, they
22 will clarify.

23 BY MR. WHITMORE:

24 Q. So for 20 years -- how long have you been knowing
25 Mr. Autry?

1 A. Since 2011.

2 Q. 2011. So you were not even investigating him prior
3 to 2011.

4 A. That's when he started coming around as we started
5 working the White Nationalists in the area --

6 Q. You were not investigating him prior to 2011.

7 That's your answer?

8 A. That would be fair to say.

9 Q. Okay. So with that being said, when he -- I think
10 it was in 2011 or 2012, you sat down and spoke with him.
11 Right?

12 A. Correct.

13 Q. And you asked him all about this association with
14 the Aryan Nation.

15 A. Correct.

16 Q. And he openly talked to you about this.

17 A. Correct.

18 Q. And he provided you with certain amount of -- well,
19 I won't go there.

20 But to your knowledge, was he indicted later for
21 anything that he discussed with you?

22 A. Yes, the firearm possession.

23 Q. No. Was he indicted as it relates to his
24 conversation with you about that Aryan Nation? Was he
25 indicted?

1 A. No, sir.

2 Q. I think he said some of the crimes that the Aryan
3 Nation is responsible for.

4 Have you ever investigated him as it relates to
5 human trafficking, as it relates to Aryan Nation?

6 A. Human trafficking in Aryan Nation? No, sir.

7 Q. You would agree -- and you may not agree.

8 But you would agree many of his ties from the
9 Aryan Nation still stems from his incarceration in the
10 Tennessee corrections?

11 A. Yes. Yes. You have to be in the penitentiary to
12 join the Aryan Nation.

13 MR. WHITMORE: No further questions, Your
14 Honor.

15 THE COURT: Redirect?

16 MS. BOSWELL: No, Your Honor.

17 THE COURT: All right. Thank you. You
18 can step down.

19 THE WITNESS: Thank you, sir.

20 THE COURT: All right. Any other
21 witnesses from the government?

22 MS. BOSWELL: No, sir.

23 THE COURT: Mr. Whitmore, do you plan to
24 call any witnesses?

25 MR. WHITMORE: May I -- Your Honor, may we

1 have five?

2 THE COURT: Yes. We are going to take a
3 recess. And let me just suggest to both of you, it's 10
4 after 4:00. We've been here since 9:30 this morning.

5 I have heard all the testimony. I've read
6 all the memorandums. I have read everything that's been
7 submitted in the case.

8 Certainly, I want you to argue the 3553
9 factors. I want you to argue, if you think, a departure
10 and/or a variance either way is appropriate. But I don't
11 want an hour long argument, unless there is something new
12 that's going to be brought out. Okay?

13 MS. BOSWELL: Yes, sir.

14 THE COURT: Everybody understand?

15 MR. WHITMORE: Yes, Your Honor.

16 THE COURT: Then, obviously, if Mr. Autry
17 wants to be heard, I'm going to give him an opportunity
18 to allocute. And then I'll announce the sentence.

19 All right. Let's take about a 10 minute
20 recess, Mr. Bryson.

21 (Recess Taken.)

22 THE COURT: All right. Anything else from
23 the government before we proceed to 3553?

24 MS. BOSWELL: No, Your Honor.

25 THE COURT: Anything else from the defense

1 before we proceed to 3553?

2 MR. WHITMORE: Yes, Your Honor.

3 May we approach?

4 THE COURT: Okay. Come up.

5 (WHEREUPON, A SIDEBAR WAS HELD AND IS FILED SEPARATELY
6 UNDER SEAL.

7 THE PROCEEDINGS CONTINUED AS FOLLOWS.)

8 MR. WHITMORE: The only other thing, the
9 defense would not be presenting any evidence, Mr. Autry
10 would like to allocute.

11 But what we would like to proffer, one of
12 the tapes that was played, and I talked with the
13 government, and they agreed, that you can't hear that
14 well, Your Honor. But he says in one of the jail
15 recordings, that this is drug heaven. And he asked him
16 mom to contact the Marshals to have him moved because of
17 the ready access to drugs.

18 And the government knows that that
19 discussion was said, but you couldn't hear it well in
20 court today. And the government agreed to allow me to
21 proffer that information.

22 THE COURT: All right. Well, I'll make
23 note of that.

24 I'll give Mr. Autry opportunity to
25 allocute after the government makes their argument and

1 then I hear from you, Mr. Whitmore.

2 All right. Ms. Boswell or Mr. Morrow, are
3 you ready to make your argument?

4 MS. BOSWELL: Yes, Your Honor.

5 THE COURT: Go ahead.

6 MS. BOSWELL: Your Honor referenced the
7 documents that both sides had already filed, so we would
8 stand on our original notice for a upward departure and
9 upward variance at recorded Document No. 92, and then
10 also our supplemental notice to seek an upward departure
11 at Document 118.

12 I won't belabor that, Your Honor, but I do
13 think there are things of note within this.

14 We, at the end, did ask the Court to do an
15 upward departure of four levels to take Mr. Autry from
16 the 30, with a criminal history category of VI, to a 34,
17 which would then make that range 362 to 327.

18 In addition to that, based off of the
19 nature of the offense, and also the history and
20 characteristics of the defendant, we're also asking for
21 an upward variance to that.

22 And as to the supervised release, we would
23 ask for the maximum as to that, Your Honor, and ask that
24 that be consecutive to the sentence as to the 922(g)
25 counts.

1 And of note would be the defendant's
2 criminal history that is not representative of his past
3 criminal behavior. In reference to the Barber case,
4 which we did cite, I think it is notable that
5 Mr. Whitmore even brought out and indicated that his
6 criminal history would not be normal to be bringing this
7 forward.

8 And we understand that asking for both of
9 these departure, the departure and the variance would be
10 out of the norm. And I think that's what the case law
11 is. It has to be an atypical defendant. And something
12 extraordinary, unrelenting, I think, lawlessness.

13 And that's one of the reasons why we did
14 call as much proof as we did, Your Honor, to support in
15 the record, and for Your Honor to realize that there were
16 grounds for the upward departure.

17 He does have 18 felonies, but he also has
18 the 21 criminal history points that counted. And if you
19 take out the PSR paragraphs that would be excluded, the
20 driver's license offenses -- I think there were two of
21 those that would have been, three of those that would be
22 excluded.

23 So if you take those out, there are still
24 18 that were too old to be used in his criminal history.
25 And as a category VI, you can't go any higher, and so

1 that's why we would be moving that the Court down the
2 table until it finds the appropriate guideline.

3 Another reason for the request for the
4 upward departure, Your Honor, is the violations of
5 probation and parole.

6 We know he was on supervised release on a
7 prior 922(g) case where he attempted to run the police
8 over, and actually got shot at, and hit himself,
9 according to the testimony.

10 And I know the Barber case talked about
11 the length of time they had been on the probation, which
12 we know was 78 days here. The temporal proximity, which
13 is very close in time to the instant offense. And then
14 the basis. It was the same exact charge that he was on
15 the supervised release for, is what he is before Your
16 Honor for today.

17 We had repeated violations based off
18 Exhibit 1, the chart, of repeated violations of
19 probation, parole, bond. You can tell where he's gotten
20 out and then committed the other offense. And those
21 would definitely warrant an upward departure.

22 Based off his lengthy and long criminal
23 history, his repeated violations on bond, probation and
24 parole.

25 And the Pluta case that we cited in your

1 filing says, even though the defendant was subject to the
2 enhanced punishment under the ACCA, so that clearly
3 applies in this case, even though he is looking at
4 enhanced --

5 THE COURT: Well, what about that, Ms.
6 Boswell? That's the thing that's concerning. We have
7 a -- without the ACCA, we have a base offense level of
8 26.

9 Correct?

10 MS. BOSWELL: Yes, sir.

11 THE COURT: Then with the ACCA, we jump up
12 to a 33.

13 MS. BOSWELL: Yes, sir.

14 THE COURT: I haven't seen yet any case
15 law that addresses that.

16 Have you seen any where someone qualifies
17 under the ACCA, and yet there is still an additional
18 departure under 4A -- what is it -- 4A1.3?

19 MS. BOSWELL: Yes, sir. And I believe we
20 have it -- let me find it.

21 On page six of our supplemental notice, we
22 do cite the Pluta case, Your Honor, which was an upward
23 departure based on lengthy violent criminal history,
24 based upon the 25 criminal history points. Which here we
25 know we had 21 criminal history points and 18 that

1 weren't counted. Repeated violations of bond, probation
2 and parole, even the defendant was already subject to an
3 enhanced sentence under the Armed Career Criminal Act.

4 So even though that applied to that
5 particular defendant, the departure was upheld.

6 If I understood, if that was responsive to
7 your question.

8 THE COURT: Well, I need to check that,
9 because that -- that's been one of my concerns throughout
10 this, is just that there is a seven level increase in
11 base offense level because Chapter 4 applies. And that's
12 caused me some concern, just because -- as we all know,
13 3553 talks about a sentence that is sufficiently, but not
14 greater than necessary.

15 MS. BOSWELL: Yes, sir.

16 THE COURT: So that's been my concern.

17 MS. BOSWELL: And I'll get to that.

18 THE COURT: All right. Go ahead.

19 MS. BOSWELL: So also, just the violation
20 of the probations, the parole, in some instances three
21 times as to the same case.

22 Substantial sentences that result from
23 independent crimes that were committed on different
24 occasions, which we definitely have here.

25 From all of the different crimes that were

1 committed, when you look at those sentences as to those
2 crimes, they were independent cases. And we did ask for
3 those separate victims. And that's laid out in the PSR
4 as well, that those were distinct crimes.

5 The propensity for him to indiscriminately
6 violate multiple laws, Your Honor. And also, the fact
7 that the prior sentences, at least we know in two
8 instances, based off what has come out, I believe, in
9 court, and at sidebar, that he did receive reduced
10 sentences prior, which would have held significant
11 ramifications had it not been for that.

12 So I think those distinct crimes. He's
13 violated, you know, drug laws, burglaries, thefts,
14 facilitation to commit especially aggravated kidnapping,
15 solicitation of first-degree murder.

16 In addition, we did put forth other
17 conduct that had not resulted in criminal convictions.
18 He was in possession of methamphetamine when arrested
19 upon this case.

20 In addition, to living with a felony,
21 without the change of address.

22 He had the diversion for the assault
23 against his own mother, which included choking and
24 pushing.

25 Also while incarcerated in both

1 facilities, being BOP and TDOC, there were instances --
2 in Obion we had one instance, and in Shelby County we had
3 the one instance, which in the records show that
4 Mr. Autry was actually cited for unlawful physical
5 attack, or intentional contact by an inmate upon another
6 inmate.

7 While he was previously in TDOC, he did
8 have minor infractions. But one of those was testing
9 positive.

10 We have put forth our evidence as to Aryan
11 Nation and his high rank. The fact that he did steal the
12 weapon in this case. And I think it was important to go
13 into the facts surrounding that. Because not only is he
14 a danger to law enforcement and victims, but also to
15 himself.

16 The fact that the car got shot on the last
17 922(g), and the 4-wheeler instance, which was
18 October 11 -- he got released on September 16th, 2020.
19 And in less than a month, while intoxicated on some
20 substance, splits his head open and also injured
21 Ms. Kimbel.

22 Also we put forth the proof of the gun
23 that he did not get charged for when law enforcement was
24 at the house. He was on parole at that time. Reaching
25 for a weapon, whatever his intent may be, is not good on

1 parole with a loaded weapon.

2 The nature of his criminal history, just
3 the burglaries, the aggravated burglaries. I already
4 mentioned the domestics. Rehabilitation. Although it
5 seems like unclear as to the drug portion, but he's
6 certainly been released into the community numerous times
7 and be allowed to rehabilitate himself.

8 He couldn't even make it 78 days, Your
9 Honor, without drinking, using drugs, having a pistol,
10 then trading that for the rifle.

11 I just want to make sure I'm not
12 forgetting anything, Your Honor.

13 You did hear proof that victims wouldn't
14 come forward. The criminal history could be worse, had
15 people not been afraid to come forward and actually tell
16 what he had done.

17 He did receive, as I mentioned, the
18 lenient sentences. And as to the 3553 factors,
19 particularly the nature and circumstances of this
20 offense, as well as the history and characteristics of
21 Mr. Autry.

22 I mean, this is way beyond hunting for
23 food with a rifle, Your Honor. He's on supervised
24 release. We know he had the gun around 25 days after he
25 has the pistol. He is one week out, according to Ms.

1 Kimbel, before he's using methamphetamine.

2 He using methamphetamine. He gets the
3 gun. He never mentioned the pistol to law enforcement.
4 He's trading that to get the rifle.

5 On the date that it was stolen, as I said,
6 he endangered himself and Linda Kimbel.

7 That's -- I mean, he had \$250 that he paid
8 for the gun by his own testimony that came out. He could
9 have spent that for food. It wasn't a hunting with deer.

10 And as one of the witnesses stated, you
11 know, Jason Autry with a gun, on methamphetamine, on
12 supervised release, is a dangerous situation, Your Honor.

13 As to the history and characteristics,
14 Jason Autry, in the government's opinion, is the person
15 that the ACCA was written for. The county has dealt with
16 him all the time when he was on the streets. His
17 recidivism, his probation and parole revocations, his
18 danger to the community, his evading. He escaped from
19 jail one time.

20 He's still involved with using drugs on
21 the inside, pursuant to the three jail calls that we put
22 in. Even up to \$450 worth that he's trying to wire to
23 another inmate.

24 He brought up the fact for mitigation
25 about being sexually molested by his maternal aunt who

1 was four to five years older than him. And you heard
2 from her, in an awkward situation, for her to come in and
3 say that's absolutely not true, when Your Honor knows
4 that the inmates bring that up, because the government
5 can never refute it.

6 But Mr. Autry gave us just a little bit
7 too much information as to who it was. We tracked her
8 down, so that she could come in and tell Your Honor that
9 she did not do that to him.

10 You heard from Marshals, from ATF, from
11 TBI, from Benton County, Decatur County, TDOC. It is
12 very unusual for this many law enforcement people to come
13 into a sentencing in Federal Court, Your Honor, to let
14 the Court know about their interactions with the
15 particular defendant, and what kind of havoc he was
16 wreaking in those communities by these repeated offenses.

17 I mean, the sentencing disparity as far
18 as, among similar people, similarly situated, I think
19 comes back to that atypical defendant portion. Because I
20 don't think you're going to see somebody charged
21 originally with murder and especially aggravated
22 kidnapping and rapes that would wind up in this
23 particular situation, of only getting the eight years.

24 He would have otherwise gotten potential
25 life in those cases, Your Honor. Those were -- he had

1 the lenient sentences.

2 And I don't know of any way, Your Honor,
3 that you can stop him from continuing to do these things,
4 to be using drugs, having weapons, wreaking havoc in
5 these communities in the 24th Judicial District
6 repeatedly.

7 I mean, this is a very specific situation.
8 The government feels that we have put up enough proof for
9 Your Honor to give him and upward departure, as well as
10 the upward variance, and run that consecutive. Because
11 as one of the witnesses stated, Your Honor, like, they
12 don't know of when, any time that Mr. Autry would be on
13 the street that would be safe. At any age, he's not
14 going to be safe.

15 And we feel like we actually can argue up
16 to life, Your Honor. We feel like this would be a case
17 where he just deserves the most time the Court can give
18 him. And whatever the Court thinks that is under these
19 factors, we think it's totally justified.

20 He's been just free for all, hurting
21 people, having victims, and all we can do is keep him
22 locked up, because he won't follow the law.

23 THE COURT: All right. Thank you.

24 Mr. Whitmore, hold on one second.

25 Mr. Bryson.

1 (Off-the-record discussion.)

2 THE COURT: All right. Mr. Whitmore.

3 MR. WHITMORE: May it please the Court,
4 thank you, Your Honor. And thank you for your time
5 today. And I say that on behalf on Mr. Autry as well,
6 Your Honor. We really appreciate it.

7 If I can be real with this Court, and you
8 know I am, when I met Mr. Autry, and I learned about his
9 background, he will recall, I said this to his face, God
10 has a sense of humor, because he sent a black man to try
11 to save the life of an Aryan Nation person. And I meant
12 that. I told him that when we first met.

13 And from there on, I think our
14 relationship has been realer than anybody I've had.
15 We've been very open about everything in his life.

16 And I've said to his face, the number one
17 problem with Mr. Autry, is Mr. Autry. That he won't take
18 ownership for his own healing.

19 As I told him, and I said this when I met
20 him, we're not responsibility for the family we're raised
21 in and we are not responsible for what happened to us.
22 But we're responsible for our own healings. And that's
23 something he has not done.

24 But he have a host of issues that makes
25 that more difficult than the average person. This is a

1 person who has mental health issues. And who are we to
2 judge on how that impacts a person in terms of their
3 cognitive thinking?

4 And then you put on top of that, that he
5 lives in an area where methamphetamine is just exploding.
6 And it's easy for the government to say he deserves
7 death, because that's what it's about.

8 The government is saying to this Court, he
9 does not deserve to walk this earth again.

10 But when you look at what they claim to be
11 violent offenses, as this Court has been on the bench
12 long enough to see, it's just not -- it's bad, but not
13 when it, not when it comes to violent offenses.

14 All of his issues stem from lack of mental
15 health treatment and lack of substance abuse treatment.
16 And each time he was in that -- I asked the gentleman who
17 had the background with the probation and parole. There
18 is no example that he has received any kind of treatment,
19 been forced into treatment, none.

20 And I realize you can't -- and I've talked
21 to him. No one can force you into it. If you're really
22 going to heal yourself, this is something you've got to
23 be willing to do himself. And he knows that. But
24 forcing is a benefit to some people. It's enough to keep
25 them moving forward.

1 And not only that, Your Honor, one thing
2 about the state system, it's a terrible system. We all
3 know it. We know that countless individuals, drug
4 addicts, and mental health people whose records look
5 probably like that, and they're not named Jason Autry.

6 Because if you don't address those
7 issue -- and, unfortunately, not attacking the state of
8 Tennessee, the Federal government tend to put a little
9 bit more resources when it comes to those type of issues.

10 I have no idea that the crime that he did
11 with the gun, felon in possession, that he served that in
12 the state. Because the first thing I said, why didn't
13 you get the treatment that you need? He said, no, I
14 served that time in the state, even though it was a
15 Federal offense.

16 I'm like, it's typically the other way
17 around. You plea --

18 THE COURT: But that was because of the
19 concurrent sentence.

20 MR. WHITMORE: Exactly.

21 But what I'm saying, it's typically the
22 other way around. They go into Federal, and it's
23 concurrent with the state.

24 But again, Your Honor, when you look at
25 how this could be framed, I know -- I took the

1 government's 79 days. So he was only out 79 days. I
2 took it to say he was only out 78 days, after serving a
3 100 months. Not 100 months. I think with good time he
4 got much less than that.

5 But if he can't do right -- he only had
6 freedom for 78 days, and now he's going back for a
7 minimum of 20 years. So really, when you think of the
8 time that he really had been kept from the community,
9 it's going to almost be 30 something years. It's going
10 to be almost 30 years.

11 And, Your Honor, he don't deserve to die
12 in prison. I just don't see it. And I know -- I know
13 the Court has the power to do that. Because what the
14 government is asking, he would be approximately 84 years
15 old when he gets out.

16 And I don't see a murder -- now the
17 government going to say, well, he was charged with it.
18 That's double speaking. You going to put him on the
19 stand and get a jury to buy his testimony that he was not
20 involved in the murder, but you want to somehow sneak it
21 in that, well, he was charged. You can't have it that
22 way.

23 Prosecutors know, once you put that
24 witness on the witness stand, you've got to believe him.
25 So you have to believe him. It's unethical, if you

1 don't. We're not allowed, as representatives of the
2 justice, to put anybody on the stand -- if there was
3 anything that Mr. Autry said about what happened in that
4 case, if they felt it wasn't truthful, they should not
5 put him on the stand to say that he wasn't involved in
6 the initial murder of any of that, he got involved after
7 the fact.

8 So when we look at that chart, it's really
9 misleading. It's vintage of an addict. It's vintage
10 that he can't conform to anything that is not involved in
11 some treatment. That's the reason -- he would be the
12 perfect candidate for the 500 hour drug program. That's
13 has never been offered to him. That has never been
14 offered to him.

15 What's interesting, Your Honor, and I'm
16 not going to belabor any points, I think we pointed out
17 in our sentencing memo, that in light of the fact that
18 this firearm was used in relation to hunting, the
19 guidelines say it start at a 6.

20 Now I'm just going -- not keep in mind --
21 I understand he's charged with other guns. But we know
22 what started all of this, this hunting, is not even a
23 violent offense. They don't have robberies.

24 Your Honor, you seen some of these people
25 who have robberies after robberies after robberies,

1 aggravated assault after aggravated assault. Attempted
2 murder. First-degree murder. Manslaughter.

3 I'm not minimizing his record, Your Honor,
4 and I never do that. But again, if he didn't have the
5 criminal history that he had, and this activity wasn't
6 involved with ganging, he would have been a 0 to 6, so
7 that mean he technically received 100 -- this is my way
8 of looking at it -- 180 months increase because of his
9 criminal history.

10 And then as the Court pointed out, even
11 aside, the level 26, he potentially have received almost
12 an 88 month increase.

13 So the armed career offender statute is
14 already punishing him for his criminal history.

15 But let's talk about his criminal history
16 in terms of the violent offenses, the three violent
17 offenses.

18 I'm not minimizing, Your Honor, going into
19 someone's home is outrageous. That's a huge violation.
20 But there is no evidence anyone was in those homes.
21 There was no evidence that he hurt anyone.

22 But this Court, over the years that this
23 Court has been on the bench the Court has seen the real
24 armed career, the guys that have the aggravated assault,
25 the guys who have the robberies, the guys who have the

1 murder, the guys who have all of those that make them the
2 armed career -- I think I'm saying it right, the armed
3 career offender, or whatever.

4 But, again, Your Honor --

5 THE COURT: Criminal.

6 MR. WHITMORE: And I just want to say
7 this, Your Honor, that he has to own -- I tell Mr. Autry,
8 you've got to own your life and you've got to own your
9 history. So we're not seeing him making excuses,
10 minimizing his terror, if that's what they want to call
11 it.

12 But him walking out of here 20 years from
13 now, Your Honor, after only having a 78 day break, and we
14 going to -- and then the one that takes him in is he's
15 had a gun, he's out hunting, at 70 years, Your Honor,
16 their own witness admit -- I mean, what threat is a 70
17 year old man with all of his health problems now?

18 And now in a Federal system, that's going
19 to be able to provide him the necessary treatment. And
20 you're going to hear from Mr. Autry, who is going to talk
21 about each time he got out, he intended to not get around
22 drugs. But he hang out with the same friends and hang
23 out with the same girlfriend. And before you know it, he
24 really right back in the same situation. Because, as he
25 was saying, where else do I go when I get out? And

1 that's how this revolving door just keep happening, Your
2 Honor.

3 I think the issue is, Your Honor -- and I
4 end with this -- how can 20 years not be sufficient?
5 How -- I know we get to used to it in our Federal system,
6 Your Honor, that you will hear people say, oh, he got 10
7 years. That's all he got? You may say 50. That's all
8 he got people?

9 We know people -- if this was a state
10 case, we know he probably be at probation. But 20 years,
11 after just serving almost 80 months, that particular --
12 it's greater than necessary. It is greater than
13 necessary.

14 That's not taking a hatchet, trying to
15 kill a fly. That's taking my military incidents team and
16 you shooting at it. It's just too much fire power. It's
17 just too much fire power.

18 Again, Your Honor, I ask that you consider
19 this with your great experience.

20 This weekend I was watching the Equalizer.
21 And when I was watching the Equalizer -- and I love the
22 part where Denzel -- and I used to like the one that came
23 on television.

24 And I was like, well, we've got an
25 equalizer here. This is not going to go maybe like the

1 government, either one of us -- at the end of the day --
2 thank you, Your Honor. We thank you for being an
3 equalizer, because we believe that this agenda right now
4 has gone off the rails. I don't know how we got here.

5 Because I know this Court has never seen,
6 and I know in 30 years I've never experienced a
7 sentencing like this with a guy who has pled guilty and
8 has admitted to everything practically in the PSR.

9 So we accept whatever you going to do,
10 Your Honor. We accept it. We know you are a fair Judge,
11 we accept that. The only thing we ask is that, is 20
12 years sufficient, and not greater than necessary? That's
13 the only thing we ask. Thank you.

14 THE COURT: All right. Thank you,
15 Mr. Whitmore.

16 Mr. Whitmore, do you wish to call any
17 other witnesses before I hear from Mr. Autry?

18 MR. WHITMORE: No, Your Honor.

19 THE COURT: All right. Mr. Autry, just
20 stay seated and speak into that -- pull that microphone
21 close to you, if you can. You don't have to saying
22 anything. But if there is anything you would like to
23 say, then I will be happy to hear from you.

24 THE DEFENDANT: Okay. Thank you, Your
25 Honor, for allowing me to speak.

1 I guess I want to start out by saying,
2 when I was a young boy I was raised up in the hunting
3 culture from a time that I could follow papaw, all the
4 way up to the time I walked behind daddy and done it
5 myself. And something clicks in me that don't --
6 something inside of me says that it's not wrong to hunt,
7 because I've been taught by that. And I just wanted to
8 say that.

9 And I want to talk about the witness, my
10 aunt, that come in here. I was a young boy when she
11 fondled me, sir. And she may not remember. She may not
12 be -- she may be embarrassed, I don't know. But the
13 allegation is true.

14 And I want to talk about some of these
15 assaults, too, in jail. I've been assaulted numerous
16 times over this case and over the past case. And that --
17 I'd like to ask you to send me to a drop yard, if you
18 could. It's a -- somewhere where man might have a little
19 piece to do the rest of his sentence.

20 And, you know, I'll just rest with that.

21 THE COURT: Is that all?

22 THE DEFENDANT: That's all.

23 THE COURT: All right. Thank you,

24 Mr. Autry.

25 Anything else from the government?

1 MR. MORROW: I think so, Your Honor, if I
2 may.

3 I think I view things maybe a little
4 differently. I don't know if we're trying to avoid
5 mentioning Holly Bobo here. I know we're not going to
6 retry that case. That's already been heard.

7 But in 2011, I was driving -- I'm from
8 middle Tennessee. I go back and forth visiting my
9 family. And my son was about four years old during that
10 time. And we would see ribbons and...

11 First, we would see all the law
12 enforcement out gathered in Decatur County, trying to
13 find her. And we didn't know what was go on. But trying
14 to explain to him, when he was that age, what was going
15 on, we knew that was going to be a difficult situation.

16 What I see with Jason Autry, is he's not a
17 human being. He's not really -- no decent man, no decent
18 person would do those things. His own testimony, he's
19 admitting to it. Nobody acts that way that I know.
20 Nobody should act that way.

21 The reality is here -- I've been doing
22 this a long time. Not as long as some, I'm sure. 22
23 years -- the reality of this is, when he gets out, if he
24 gets out, he's going to break the law again. That's
25 clear.

1 We've had lots of testimony today. His
2 entire history shows that. His involvement in murdering
3 Holly Bobo, trying to dispose of her body, that shows
4 that. If we just look at that case, he is a clear danger
5 to society. Just that case alone, forget about the board
6 and everything else.

7 The Court can look at that and say, this
8 man doesn't need to be out amongst anyone. He can't even
9 behave himself in jail. He keeps breaking the law, using
10 drugs in jail.

11 So for our entire community, I'm a part of
12 it, you're a part of it, everyone here is, he doesn't
13 deserve any, any leniency whatsoever by this Court or
14 anywhere else.

15 Whatever he said during that trial, I take
16 it as true. He swore to tell the truth. I don't know
17 what happened. But what he said was, Mr. Whitmore said
18 it many times, it's not true, he wasn't involved in the
19 murder.

20 We provided the Court with the transcript
21 of that, of his testimony and videotape of that
22 testimony. He was. He was involved in her murder.

23 He said under oath, he went to this other
24 man's house to buy morphine, I believe. And there was a
25 body laying in his truck. He didn't know who it was. He

1 thought it was some other guy.

2 I mean, who lives this way? Who lives
3 that way? He helped, at this other man's request,
4 dispose of her body.

5 Again, nobody that I know that lives or
6 acts that way should be out, should be out in society.
7 He's a danger. He didn't have any questions. He didn't
8 walk the other way and say, I'm not going to be involved
9 in this. I didn't have anything to do with her
10 kidnapping or abduction, whether that's true or not.

11 He drives to the Tennessee River to help
12 this other man dispose of her body. They get there. She
13 is still alive. He notices it while this other man is
14 doing something else.

15 And I think, Ms. Boswell handed me this
16 note, his testimony was, he told Zach, by his own
17 testimony, kill that bitch. So he didn't have anything
18 to do with the murder of Holly Bobo? That's ridiculous.
19 He was right there when the other man shot her, Zach
20 Adams, in the head, according to him.

21 So this is the person that comes before
22 the Court today wanting some type of leniency. No
23 chance, in the government's view.

24 He left with Zach Adams, with her, I
25 guess, back in the back of the truck. And then, I guess,

1 Zach or whoever took her somewhere else. All the while,
2 again, the entire world over here is looking for her.
3 He's said nothing. These other men say nothing.

4 I believe, we didn't introduce it, but I
5 believe that he wrote Ms. Boswell a letter at some point
6 from jail telling her he wanted to come in and clear his
7 name, that he didn't have anything to do with it.

8 MR. WHITMORE: Your Honor, at this point
9 I'm going to object. As this Court knows, this is a
10 complete blindside. As he said, we hadn't brought this
11 up.

12 My understanding, that was off the table,
13 because we want to make the case about that. And to have
14 this brought up in this context, it just seems like it's
15 blindsided, Your Honor.

16 THE COURT: Well, this is argument under
17 3553. The government has some leeway to say what they
18 believe the Court should consider. But, obviously, I'm
19 going to consider what's in the PSR and 3553 and whether
20 there should be a departure.

21 So I'll let them say what they would like
22 to.

23 MR. MORROW: The offense, his involvement
24 in her abduction, murder, and attempted disposal of her
25 body in the river, is in the PSR. And we provided the

1 Court, and Mr. Whitmore, with documentation from his
2 trial testimony that led to this other man, Zach Adams,
3 being convicted and receiving a life sentence.

4 So here he is, he does his thing and he
5 gets out, and a few months later he's already arrested
6 again because he can't comply with the law. That's a big
7 problem. Shows you, even receiving that deal for what he
8 did, he still can't comply with the law.

9 So does the offense, does it deserve a
10 life sentence? I don't know. I mean, he's a convicted
11 felon several times over and he's out with a deer rifle.
12 It's not just about him hunting for food.

13 What about the handgun that he stole from
14 Linda Kimbel a few months before? Why did he need that?

15 So it's not just about him using a deer
16 rifle and he's a hunter or whatever. That's not what
17 this case is about. It's about him not following the
18 law. He's not going to follow the law.

19 So when he gets out of jail, if he gets
20 out of jail, I don't know what age he will be, but he
21 will break the law again.

22 Is there a need to protect the public from
23 further crimes of the defendant? No one else on earth
24 that I know of, maybe besides Zach Adams, in this area,
25 that we would say absolutely, yes. If it doesn't apply

1 to Mr. Autry, it would apply to no one.

2 So the concern the government has, the
3 reason why the government was requesting, is requesting
4 and upward variance and departure, is that he is going to
5 break the law again. He'll break the law when he's in
6 jail.

7 So the question is, what can the Court do?
8 In my mind there is nothing the Court can do, except keep
9 him in jail for the rest of his life. That's the only
10 way to keep him, at least from society's perspective, of
11 causing a danger to the community. The only way that
12 that's going to happen is if he's behind bars.

13 He's shown that since whenever, 30 years
14 ago. He's almost my age. He's been breaking the law
15 since he was an adult or before.

16 He's said -- Mr. Whitmore said, he's got
17 to own his history. I didn't hear any statements or
18 apologizes about what he did to Holly Bobo or her family.
19 I didn't hear a word about that. That's part of his
20 history. That's documented.

21 Mental health issues and methamphetamine
22 in the area are to blame. So what he did in that case,
23 what he did his entire criminal history, we're just going
24 to blame it on mental health. Which he's had
25 opportunities to receive treatment. That's documented in

1 his PSR. Substance abuse, the same thing.

2 How long are we going to allow him to go
3 on this crime spree, doing whatever he wants to do?

4 The Court has an opportunity to put a stop
5 to it. The state of Tennessee did what they did in that
6 case.

7 The crime in and of itself, no, he didn't
8 shoot anybody with it. But we're lucky, as we pointed
9 out, this case is different from a Holly Bobo in 2011,
10 we're thankful for that. But given his history, he's
11 going to re-offend. Hopefully next time it won't be like
12 it was in 2011.

13 Thank you.

14 THE COURT: All right. Counsel, it's been
15 a long day. I want to check one thing before I make a
16 final decision. We're going to take a five minute recess
17 and then we will resume.

18 (Recess Taken.)

19 THE COURT: All right. Anything from the
20 government before we proceed?

21 MS. BOSWELL: No, Your Honor.

22 THE COURT: Anything else, Mr. Whitmore?

23 MR. WHITMORE: No, Your Honor.

24 THE COURT: Mr. Autry, I'm sure
25 Mr. Whitmore has gone over with you what I'm required to

1 consider in deciding your sentence in this case.

2 You've heard us refer to it as Section
3 3553. It states, the Court shall impose a sentence that
4 is sufficient, but not greater than necessary, to meet
5 certain purposes.

6 I'm required to consider the nature and
7 circumstances of the offense, as well as your history and
8 characteristics.

9 The sentence imposed should reflect the
10 seriousness of the offense, promote respect for the law,
11 and provide just punishment for the offense.

12 It should afford adequate deterrence to
13 criminal conduct, protect the public from further crimes
14 that you might commit, and provide you with any needed
15 educational, vocational training, medical care, other
16 correctional treatment in the most effective manner.

17 So I will be considering those factors in
18 deciding what I believe is appropriate in your case.

19 I adopt the presentence report as the
20 factual findings of the Court in this matter.

21 I'm going to just briefly summarize some
22 of the information. Most of this has already been
23 discussed at length, so I don't feel like I need to go
24 into too much depth.

25 The report indicates that back on

1 December 3rd of 2020, a deputy with the Benton County
2 Sheriff's Department observed a male subject who was
3 wearing pajamas and lying in a field in Holladay,
4 Tennessee.

5 The officer approached the individual out
6 of concern of what might be taking place, or if the
7 individual was in any kind of stress, or needed
8 assistance. It was determined that the individual was
9 Mr. Autry. He was patted down for weapons, and a record
10 check was conducted, and there were no active warrants at
11 the time.

12 The officer allowed Mr. Autry to leave the
13 scene. Then the officer did a search of the area, and
14 located a Marlin Model 336C 30-30 caliber rifle that was
15 loaded with one round of ammunition in the chamber and
16 two rounds in the reserve or in the magazine.

17 The officer then decided to make contact
18 again with Mr. Autry. When Mr. Autry saw the deputy, he
19 attempted to flee on foot. But ultimately, based on, and
20 this was all in the video, of course -- when the officer
21 drew his service weapon, Mr. Autry surrendered to the
22 deputy.

23 Mr. Autry claimed that he was attempting
24 to hunt deer, and that he had laid down in the field when
25 he saw the patrol vehicle.

1 Also a search of Mr. Autry's person, the
2 deputy located a cellophane wrapper that contained a
3 small amount of methamphetamine.

4 As a result of the 30-30 rifle that
5 Mr. Autry had, he told the officer that he purchased it
6 from Danny Joe Ivy. Law enforcement then began an
7 investigation and contacted Mr. Ivy. I think it was
8 testified to today that initially Mr. Ivy did not come
9 clean and tell the truth. But when he realized he was
10 about to get into some serious trouble, he did clarify
11 his previous statement.

12 Also there was a search that was done.
13 Search warrants were obtained of Mr. Autry's residence
14 and vehicle. During that search, some 30-30 ammunition
15 was located. Also there were videos of Mr. Autry being
16 in possession of a Smith & Wesson Model MP Shield 9mm
17 pistol.

18 And so that's basically what brings him
19 before the Court today.

20 Ultimately, Danny Joe Ivy admitted that on
21 the date prior, on December 2nd, 2020, he had traded the
22 9mm pistol and a box of ammunition to Mr. Autry for the
23 rifle.

24 In looking at Mr. Autry's criminal
25 history, it's very concerning. He is, obviously, in

1 category VI, criminal history category VI.

2 According to my calculations, he has 22
3 prior convictions, and some of those are multiple counts.
4 I just counted the individual paragraphs where
5 convictions were listed. I did not always designate
6 whether it was for one or more counts.

7 Including within the convictions are
8 driving violations, assaults, evading arrest, manufacture
9 of Schedule II controlled substance, theft of property
10 multiple counts, forgery, aggravated burglary multiple
11 counts, escape. Being in possession of a firearm. That
12 was a conviction out of 2012 out of Federal court here in
13 the Western District of Tennessee. And then facilitation
14 of especially aggravated kidnapping and solicitation of
15 first-degree murder.

16 As I announced earlier in the day, based
17 upon the calculations that the Court has, Mr. Autry ends
18 up with, I believe it was 21 -- criminal history score of
19 21, and that places him in criminal history category VI.

20 Also it was determined, and this,
21 obviously, in the presentence report, it was determined
22 that Mr. Autry qualified for what we refer to as Chapter
23 4 enhancements under 4B1.4(b)(3)(B), because he had at
24 least three prior convictions for violent felonies or
25 serious drug offenses.

1 And I made notes, paragraph 46, 47, 49 and
2 at 55.

3 In looking at Mr. Autry's background, the
4 report indicates that he was born in 1974, in Lexington,
5 Tennessee. He states that his father died in roughly
6 2020 from cancer. He was an only child. He states his
7 parents divorced, and that he primarily resided with his
8 mother.

9 He indicated that all of his needs were
10 met; however, he does claim that he was sexually and
11 physically abused as a child. As was testified here
12 today, and as Mr. Autry himself stated, he claims that he
13 was sexually abused by his aunt.

14 And also he claims and states that his
15 father was an alcoholic who drank a lot. And that as a
16 result of that, his father abused him, Mr. Autry, and
17 Mr. Autry's mother. It appears, based upon the
18 statements that he made, that from time to time the abuse
19 was severe.

20 He states that there was a period of time
21 when he didn't have any communication with his mother.
22 But it does appear that they have reconnected.

23 In June of 1994, he married Lisa Chumney
24 in Decatur County, Tennessee. And they have two children
25 that were born as a result of that union, and it appears

1 that those children are in good physical condition.

2 As far as his own physical condition, as
3 was testified to many times here today, it appears that
4 Mr. Autry does have the word "train" on his left forearm.
5 He indicates he's been diagnosed with Hepatis C. Also
6 he's been diagnosed with high blood pressure. And he
7 states that he is currently in heart failure. He is
8 receiving medication, according to the report, for those
9 physical ailments.

10 Also he states that in 2020, when he was
11 intoxicated, and he wrecked on an all terrain vehicle --
12 of course, we had testimony about that today -- he
13 sustained some pretty serious head injuries that have
14 been treated. He didn't indicate that he was continuing
15 to suffer from those injuries.

16 He has a cataract in his left eye that he
17 states he needs surgery for.

18 Since being housed at the Federal
19 pre-trial detention, he claims that he's been assaulted
20 on four occasions. Of course, we had testimony from
21 Deputy Marshal Edge indicating that the paperwork does
22 not necessarily support that. But again, that's what
23 Mr. Autry claims.

24 His mental and emotional health is another
25 area of concern and challenge, as far as the Court is

1 concerned.

2 He states that in 1991, he sought
3 substance abuse treatment at Lakeside Behavior Center in
4 Memphis. However, it doesn't appear he completed any
5 terms of treatment.

6 In 2020, when he was placed on
7 supervision, he attended mental health treatment at Carry
8 Counseling Center in Benton County, Tennessee. But he
9 only attended three to five times.

10 In April of 2022, this Court requested an
11 evaluation of Mr. Autry, to determine if he was competent
12 to stand trial. He was transported to San Diego,
13 California, and was evaluated in June and July of that
14 year. During the evaluation, Mr. Autry reported a
15 history of depression, anxiety and regular experiences
16 with auditory hallucinations, especially when feeling
17 stressed.

18 He indicated that he becomes what the
19 report refer to as distracted by Joe, supposedly a friend
20 of his, who lives inside his head. However, the
21 evaluator concluded that there was no evidence of thought
22 blocking or incoherent communications, which would be
23 inconsistent with a psychotic or significant cognitive
24 impairment.

25 Also the evaluator determined that there

1 was no evidence of delusional thinking or paranoia. And
2 so the claim as far as hallucinations and someone else
3 living in his mind, according to the evaluator, was not
4 supported.

5 He did, the evaluator did determine that
6 Mr. Autry was functioning at a low average range of
7 intelligence. He stated that he was inconsistent with
8 his responses in responding to a lot of the questions and
9 a lot of the testings that were administered, and
10 ultimately determined that Mr. Autry really was not given
11 a full effort and at times was trying to deceive the
12 evaluator.

13 Ultimately, however, he was diagnosed with
14 bi-polar disorder, depression with anxious distress,
15 stimulant use disorder, methamphetamine severe opioid use
16 disorder, fentanyl, heroin and morphine severe, cannabis
17 use disorder severe, and alcohol use disorder severe.

18 Beyond that, there really is not a lot
19 that the report concluded.

20 As was stated -- and this is in a separate
21 section -- the Tennessee Department of Records reflect
22 that Mr. Autry is an active member of the Aryan Nation
23 gang, and that he carries the title of enforcer.

24 As far as substance abuse, the report
25 mentions alcohol, marijuana and methamphetamine.

1 He states that he first used
2 methamphetamine when he was roughly 18 years old. And he
3 stated, I used all that I could get. He's also been, had
4 an issue or had been addicted to prescription pain pills.

5 He did receive some substance abuse
6 treatment in 1991, when he was voluntarily placed at
7 Lakeside Behavioral Hospital in Memphis. And he states
8 that he successfully completed that program.

9 Also he was Court-ordered in 2007 to
10 attend in-patient substance abuse treatment programs at
11 Lighthouse Mission Ministries in Nashville. But he was
12 dismissed from that program for drinking on the property.

13 As far as education, he completed the 9th
14 grade at Riverside High School in Parsons, Tennessee. He
15 states that he withdrew in the 10th grade. He received
16 what's referred to in the report as average grades in a
17 couple of courses, but failing grades in others.

18 He indicates that he is a skilled heavy
19 equipment operator and a backhoe operator.

20 He does indicate that during any period of
21 incarceration in the Bureau of Prisons, he would like to
22 have some additional vocational training.

23 As far as his employment, he basically was
24 incarcerated from 2013 until 2020. No indication that he
25 obtained employment after he was released in 2020. The

1 only employment mentioned in the report is some brief
2 employment in 2005. Same thing in 2008. And then a
3 period of employment between 2009 and 2011.

4 As far as his financial condition, it does
5 not appear that he would be in a position to pay a fine
6 in this matter.

7 So those are the circumstances that bring
8 Mr. Autry before the Court.

9 I stated earlier that we have, we ended up
10 with an offense level of 30, and a criminal history
11 category of VI. The criminal history category of VI, is
12 both based upon his criminal history, and then
13 automatically since he's qualified as an armed career
14 criminal.

15 Court makes note that he has a total
16 criminal history score of 21. As I think the government
17 pointed out, criminal history category VI begins at 13.
18 So Mr. Autry is 8 points above the beginning point of a
19 category VI.

20 One of the first issues the Court is going
21 to address has to do with whether it would be appropriate
22 to depart based upon Sentencing Guideline 4A1.3.

23 4A1.3(a)(1) states, if reliable
24 information indicates that the defendant's criminal
25 history category substantially underrepresents the

1 seriousness of the defendant's criminal history, or the
2 likelihood that the defendant will commit other crimes,
3 and upward departure may be warranted.

4 As I indicated earlier, based upon the
5 Court's review of Mr. Autry's criminal history, it
6 appears that an upward departure would be appropriate in
7 this case.

8 The Court notes that it's been an
9 egregious criminal history, in the sense that it never
10 ends. The report indicates that his first conviction
11 occurred in 1994, when he was 19 years old. And then
12 it's just a succession of criminal convictions after
13 that, including illegal substances, manufacturing of
14 illegal substances, theft of property, forgery, assault,
15 aggravated burglary. There were multiple counts of
16 aggravated burglary.

17 The Court also notes that there are other
18 felonies that did not count as far as the ACCA is
19 concerned. In particular, there is a conviction at --
20 well, just beginning at paragraph 43, there is a felony
21 conviction for forgery, one year. Also at paragraph 48,
22 two convictions for theft of property over \$10,000. In
23 one of those a four year sentence, and the other a three
24 year sentence.

25 The next one, theft of property, this is

1 paragraph 53, one year custody.

2 Next, and this was out of the Western
3 District of Tennessee, the Judge -- and I think I
4 mentioned earlier, Judge Breen, it appears, gave
5 Mr. Autry a sentence of 100 months for being a felon in
6 possession. That goes back to 2012. That did not count
7 towards his ACCA.

8 So there are a number of felony
9 convictions that are included in the presentence report
10 that did not count towards the qualification under the
11 ACCA.

12 The Court looks at a number of factors.
13 These are all listed under Section 2 of Sentencing
14 Guideline 4A1.3(a)(2).

15 The first one is prior sentences not used
16 in computing the criminal history category. There are a
17 number, and I think government contended there were 22,
18 instances where Mr. Autry was sentenced, but no criminal
19 history points were actually added.

20 My calculation was there were 16. But
21 either way, whether it's 16 or 22 -- again, I just count
22 straight convictions per paragraph. And, obviously, in
23 some instances there can be more than one offense that an
24 individual is convicted of.

25 So when the government says 22, and the

1 Court's calculation was 16, they're probably the same,
2 it's just, again it's just the way you go about counting
3 those.

4 Next, prior sentences of substantially
5 more than one year imposed as a result of independent
6 crimes committed on different occasions.

7 The report clearly delineates those. As I
8 mentioned previously, according to my count, there were
9 roughly 22 separate convictions beginning when Mr. Autry
10 was roughly 19 years old, and continuing up until this
11 offense.

12 Next, prior similar conduct established by
13 civil adjudication or by failure to comply with an
14 administrative order.

15 Mr. Autry has multiple instances where he
16 violated probation or parole. Let's see, I thought I
17 wrote down the number. But there were a number of
18 instances where Mr. Autry did not comply with the
19 conditions of his release, and he violated the conditions
20 of probation and/or parole multiple times, as set out in
21 the report, including this time.

22 And, Mr. Autry, this is particularly
23 disturbing to me. Based on your conviction, the previous
24 conviction for facilitation of especially aggravated
25 kidnapping and solicitation of murder in the

1 first-degree, that once you were released from serving
2 your sentence in that case, it appears that you almost
3 immediately began to violate the conditions of
4 supervision that had been imposed upon you.

5 According to Ms. Kimbel's testimony, there
6 was drinking involved almost immediately. Of course, we
7 have the supervised release violations that I'm going to
8 still have to take up. There was possession of
9 methamphetamine during the search of the residence.

10 It appears that Mr. Autry stole the
11 firearm from Mr. Kimbel that he ultimately used to trade
12 for the rifle that he was found to be in possession of.

13 And so it just, there is just no
14 indication at all that Mr. Autry intends to comply with
15 any conditions of supervision or any conditions of
16 release.

17 Next, whether the defendant was pending
18 trial or sentencing on another charge at the time of the
19 instant offense.

20 There are some still matters that are
21 shown as pending in the presentence report, but I don't
22 really have enough information to know what the ultimate
23 resolution of those will be.

24 And then prior similar adult criminal
25 conduct not resulting in a criminal conviction.

1 I did note that there was some other
2 instances that were mentioned in the report. There were
3 pending charges for possession of a weapon dating back to
4 2002. Unlawful possession of a firearm. Of course, that
5 probably revolves around the same circumstances
6 underlying this situation from 2020. And then an
7 aggravated assault from 1999.

8 So it appears to the Court that Mr. Autry
9 would qualify for an upward departure under 4A1.3(a)(1),
10 for the reasons that I have just stated.

11 Now as far as 3553 is concerned, I went
12 over that with Mr. Autry, a lot to consider here.

13 In the sense that Mr. Autry had a very
14 difficult childhood, it appears that he had an abusive
15 father who was an alcoholic, and routinely abused both
16 Mr. Autry and his mother.

17 It also appears that Mr. Autry has some
18 mental health issues. As Mr. Whitmore has brought to the
19 Court's attention many times today, it does appear that
20 Mr. Autry does have some serious mental health issues
21 that have not been addressed.

22 Who is at fault for that? Is it society?
23 It is the government? Is it Mr. Autry? Or who is
24 responsible?

25 But it does appear that he does have some

1 mental health issues that have not been addressed in any
2 serious manner, and the Court does take note of that.

3 Bottom line, what the Court's decided to
4 do is I'm going to depart upward under 4A3.1, two levels.
5 That will take the Court to a level 32. And that will
6 result in a sentencing range of 210 to 262 months.

7 Now considering the factors under 3553,
8 I'm not going to vary upward any more. I think there are
9 some offsets there between the mental health history, the
10 childhood experiences or challenges that Mr. Autry faced
11 as a child. And I think those in some way offset the
12 other 3553 factors.

13 So based upon that, I'm not going to vary
14 either way either up or down as it relates to Mr. Autry's
15 sentence.

16 Considering everything that I've just gone
17 over -- I think I've covered everything. I'll give both
18 sides an opportunity -- let me be sure I've covered
19 everything I wanted -- I meant to mention this as well.

20 In several instances Mr. Autry received
21 lenient sentences, either because it would appear that
22 perhaps charges were merged or either run concurrently.
23 Also it's possible that there was some level of
24 cooperation that resulted in him getting a more lenient
25 sentence. Some of that has been addressed in some of the

1 exhibits that have been filed today.

2 But the Court did take note of previous
3 lenient sentences that Mr. Autry had received.

4 I've already, I think, reviewed, according
5 to the calculations, the number of instances where no
6 points were counted.

7 The Court does find that based upon
8 Mr. Autry's history, that it is likely that he would
9 re-offend. Unfortunately, and Mr. Whitmore did the best
10 he could at bringing this out, studies, and empirical
11 studies have shown that as people age, they tend to be
12 less likely to re-offend.

13 But so far there is just nothing that the
14 Court can discern from Mr. Autry's situation that would
15 indicate he's not likely to re-offend.

16 Again, almost immediately from when he was
17 placed on supervised release, and was released from
18 custody on his previous conviction, he immediately
19 started violating the conditions of his release. Between
20 the alcohol, the methamphetamine, and the firearms, there
21 is just no indication that he has any intent at all of
22 trying to comply with the rules of a civil society.

23 Mr. Autry just appears to be intent on
24 living his life the way he chooses, and not considering
25 at all the effect that it may have on other individuals,

1 including his family. As I mentioned earlier, he has two
2 children. But it just does not appear that he's
3 considering that in deciding how he's going to live his
4 life.

5 So I think it is, it would not be prudent
6 or possible for the Court at this point to conclude that
7 Mr. Autry is unlikely to re-offend.

8 So that's where we are.

9 So considering everything that I've just
10 gone over, I'm going to sentence Mr. Autry as follows:

11 As to Count 1 and Count 2, I'm going to
12 sentence him to 228 months of incarceration.

13 As to Count 3, I'm also going to sentence
14 him to 228 months of incarceration.

15 Those will run concurrently, for an
16 effective sentence of 228 months.

17 As far as the term of supervised release,
18 as to Counts 1 and 2, those are merged for sentencing
19 purposes, five years, also Count 3, five years, again,
20 concurrently.

21 During the time he's on supervised release
22 the following conditions will apply.

23 He shall participate in alcohol and/or
24 drug testing and treatment as directed by his probation
25 officer.

1 He shall participate in mental health
2 treatment as directed by his probation officer.

3 And he shall participate in moral
4 reconation therapy, or other similar and approved
5 cognitive behavioral therapy programs as directed by his
6 probation officer.

7 Finally, he shall submit his person,
8 property, house, residence, vehicle, papers, computers,
9 any other electronic communication or data storage
10 devices, or any media, or any office, to a search to be
11 conducted by a United States Probation Officer.

12 Any failure on his part to submit to a
13 search may be grounds for revocation of his release.

14 He shall be required to warn any other
15 occupants that the premises where he resides and/or is
16 located may be subject to search pursuant to this
17 condition.

18 An officer with the probation office may
19 conduct a search at any time that there is reasonable
20 suspicion to believe that Mr. Autry has violated a
21 condition of his supervision and that the areas to be
22 searched contain evidence of any such violation.

23 Any search must be conducted in a
24 reasonable time and in a reasonable manner.

25 There will be no fine. I don't think he

1 has the ability to pay a fine in this matter.

2 There will be a \$200 mandatory special
3 assessment that will be due and payable immediately.

4 All right. As far as recommendation, I'm
5 going to recommend to the Bureau of Prisons that
6 Mr. Autry be allowed to participate in the RDAP program.

7 Mr. Autry, do you know what that is?

8 THE DEFENDANT: I don't, sir.

9 THE COURT: I'm sorry?

10 THE DEFENDANT: I do not.

11 THE COURT: RDAP is an intensive drug
12 treatment program.

13 THE DEFENDANT: Okay.

14 THE COURT: I would strongly -- you have
15 to sign up for it. They're not going to come ask if you
16 want to be in it, you have to sign up for it. I would
17 strongly encourage you, once you know where you're going
18 to be designated, to sign up for the program.

19 THE DEFENDANT: All right.

20 THE COURT: There can be two good things
21 that could come out of it.

22 One, it could help you deal with any
23 substance abuse issues that you have. This is an
24 intensive program, and it's my understanding it's helped
25 a large number of people who have completed the program.

1 Secondly, I don't know if it would apply
2 in your case, but it can even help you shorten your
3 sentence.

4 So I would encourage you strongly to find
5 out if the program is offered. And if it is, to sign up
6 for it and try to get into it as quickly as you can. The
7 problem is, the number of people who are trying to get
8 into the program is great, and sometimes there is a long
9 waiting list. So take advantage of that, if you can.

10 Mr. Whitmore, any other requests that you
11 want?

12 (ATTORNEY/CLIENT CONFERENCE.)

13 MR. WHITMORE: Your Honor, I'm not
14 familiar with the term drop yard, but my understanding
15 there is a special, we want a special recommendation as
16 it relates to Mr. Autry's safety. And he said that you,
17 recommend that he be assigned a drop yard.

18 I don't know --

19 THE COURT: Does the government know what
20 he's talking about?

21 MS. BOSWELL: No, Your Honor, we don't.

22 THE COURT: Ms. Smith, do you know
23 anything about that?

24 THE PROBATION OFFICER: Your Honor, I just
25 looked it up. And actually, I spoke with one of the

1 Marshals. It means that it's a yard for individuals that
2 have either dropped out of a gang or are in the child
3 molester category. They get special -- they get a
4 special yard.

5 THE COURT: But is it actually referred to
6 as a drop yard?

7 THE PROBATION OFFICER: That's what Google
8 told me, Your Honor.

9 THE COURT: Dave, do you know anything
10 about this?

11 THE MARSHAL: Judge, I've been around
12 quite a bit. This is the first time I've ever heard it
13 called that. I don't know, Judge.

14 MR. WHITMORE: Basically he's saying that
15 in terms of -- I know the government put on his active
16 participation. But he does not see himself as actively
17 participating and he feel threatened. And along with the
18 other case that he was involved in, that he's asking for
19 a high level, something that will provide him with a
20 sense of protection.

21 THE COURT: All right. Well, I will
22 recommend to the Bureau of Prisons that Mr. Autry be held
23 in a facility where they can best assure his safety.

24 If that's a, quote, unquote, drop yard,
25 I -- again, that's a new term for me, so I'm not sure if

1 the Bureau of Prison will recognize that in the
2 transcript.

3 But I will recommend to the Bureau of
4 Prisons that, according to Mr. Autry, he is discontinuing
5 or disaffiliating any association that he may have with
6 the Aryan Nation, and he has concerns about his own
7 safety. And in light of that, I would recommend to the
8 Bureau of Prisons that they strongly consider that
9 situation in making the ultimate determination about
10 where he will be designated.

11 Any other requests, Mr. Whitmore?

12 MR. WHITMORE: No, Your Honor.

13 THE COURT: All right. Anything else from
14 the government?

15 MS. BOSWELL: Not as to this case, Your
16 Honor.

17 THE COURT: All right.

18 MS. BOSWELL: Just the supervised release.

19 THE COURT: Anything else, Mr. Whitmore?

20 MR. WHITMORE: Nothing, Your Honor.

21 THE COURT: All right.

22 Ms. Boswell, any objection to the sentence
23 imposed, or the method used by the Court in arriving at
24 its calculations?

25 MS. BOSWELL: No, Your Honor.

1 THE COURT: Mr. Whitmore, first, are there
2 any non-frivolous objections that you raised that I
3 failed to address?

4 MR. WHITMORE: None, Your Honor.

5 THE COURT: Any objection to the sentence
6 imposed, or the method used by the Court in arriving at
7 its calculations?

8 MR. WHITMORE: Further, we would object,
9 Your Honor, as it relates just to -- to keep alive the
10 issues that, that if we decide we want to address on
11 appeal.

12 THE COURT: You're talking about the
13 departure?

14 MR. WHITMORE: Correct, Your Honor.

15 THE COURT: Okay. All right. Any other
16 objections, Mr. Whitmore?

17 MR. WHITMORE: None, Your Honor.

18 THE COURT: All right. Was there an
19 appeal waiver?

20 MR. WHITMORE: There was, Your Honor.

21 MR. MORROW: There was.

22 THE COURT: But again, I assume there was
23 a provision that if the Court departed, then he could
24 appeal.

25 MR. MORROW: If the Court departed upward

1 from the guideline range that the Court established at
2 sentencing.

3 THE COURT: Mr. Autry, in the plea
4 agreement that you reached with the government, there
5 appears to be a provision that said you were giving up
6 your right to appeal the sentence that the Court imposed
7 except with three situations, one of which has occurred
8 today.

9 That if I did an upward departure, then
10 that would allow you, as I read your plea agreement, to
11 appeal to a higher Court and ask that Court to review
12 what's happened here.

13 Do you understand?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: However, what's called a
16 Notice of Appeal would have to be filed within 14 days
17 from today. If that Notice of Appeal is not filed within
18 14 days from today, you would forever lose your right to
19 appeal your sentence or any portion of the sentence I've
20 imposed.

21 Do you understand?

22 THE DEFENDANT: (Defendant nods.)

23 THE COURT: Answer out loud.

24 THE DEFENDANT: Yes, sir.

25 THE COURT: So if you have any questions,

1 if you want to file an appeal, if you think I've
2 committed some kind of error, or made some kind of
3 mistake as far as your sentence is concerned, then you
4 need to let Mr. Whitmore know that you want to file an
5 appeal, and then do everything you can to make sure that
6 that Notice of Appeal is filed within 14 days from today.
7 Because if not, you would lose your right to pursue an
8 appeal.

9 Do you understand?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: All right. Is there anything
12 else on the underlying matter?

13 MS. BOSWELL: No, Your Honor.

14 MR. MORROW: Your Honor, actually, I was
15 thinking about this.

16 When the Court went through his criminal
17 history points, I believe the Court stated he would be
18 category VI because of the armed career criminal finding.

19 I think that would just be because of the
20 number of points. He probably would be a IV because of
21 the armed career criminal finding.

22 It's not going to change anything, but
23 just for clarification. The Court may want --

24 THE COURT: Well, I was just -- according
25 to the report, he would be criminal history category VI,

1 both because of -- if I looked at it correctly -- the
2 criminal history points that he had, as well as being
3 qualified as armed career criminal.

4 Is that correct?

5 THE PROBATION OFFICER: The armed career
6 criminal would adopt the 6.

7 THE COURT: Okay.

8 THE PROBATION OFFICER: Because he's armed
9 career criminal it would adopt the VI. It would be IV if
10 it was less than six --

11 THE COURT: Okay.

12 THE PROBATION OFFICER: -- or less than
13 four. But since it's six, it stays VI.

14 THE COURT: All right. So it would be VI,
15 based upon his status.

16 Is that correct?

17 THE PROBATION OFFICER: Yes, sir.

18 THE COURT: All right. Anything else, Mr.
19 Morrow?

20 MR. MORROW: No, Your Honor.

21 THE COURT: All right. Now let's talk
22 about the supervised release violation.

23 Is there any agreement as to a recommended
24 sentence, or do we need to be heard?

25 MS. BOSWELL: There is no agreement, Your

1 Honor?

2 THE COURT: All right. Then according to
3 the Court's calculations, the range for grade A
4 violation, criminal history category VI, would be 51 to
5 63 months.

6 What is the government's request?

7 MS. BOSWELL: We would ask for the 63
8 months, Your Honor, consecutive to the sentence that you
9 just set out.

10 THE COURT: Mr. Whitmore?

11 MR. WHITMORE: Your Honor, we believe, as
12 it relates to this particular crime, that -- again, we
13 would ask for a below guideline sentence, because the
14 government -- it's our position, Your Honor, that the
15 Court is not bound by the guidelines.

16 He's already received an upward departure
17 as it relates to the underlying charge.

18 And in light of the time he's facing, we
19 think, we recommend 41 months, Your Honor.

20 THE COURT: Anything else from the
21 government?

22 MS. BOSWELL: No, Your Honor. I think I
23 said 63, but he is capped at the 60.

24 THE COURT: All right. Well, based upon
25 the 3553 factors, again, I'm going to sentence Mr. Autry

1 on the supervised release violation, to 51 months of
2 incarceration. And that will run consecutive to the
3 sentence that I previously imposed.

4 All right. Anything else from the
5 government?

6 MS. BOSWELL: No, Your Honor.

7 THE COURT: Anything else, Mr. Whitmore?

8 MR. WHITMORE: No, Your Honor. Thank you,
9 very much.

10 THE COURT: All right. I think I need to
11 ask this one more time.

12 Ms. Boswell, any objection to the sentence
13 as imposed in the supervised release violation matter?

14 MS. BOSWELL: No, sir, Your Honor.

15 THE COURT: Mr. Whitmore, other than what
16 you've already expressed, or any objections that you've
17 already interposed, any objections to the sentence
18 imposed by the Court in the supervised release violation
19 matter?

20 MR. WHITMORE: None, Your Honor. Thank
21 you.

22 THE COURT: All right. Anything else from
23 the government?

24 MS. BOSWELL: No, sir, Your Honor.

25 THE COURT: Anything else from the

1 defense, Mr. Whitmore?

2 MR. WHITMORE: Nothing, Your Honor. Thank
3 you.

4 THE COURT: All right. Thank you.

5 (End of Proceedings.)
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1 I, Kristi Heasley, do hereby certify that the
2 foregoing 304 pages are, to the best of my knowledge,
3 skill and ability, a true and accurate unredacted
4 transcript from my stenotype notes in the matter of:
5 UNITED STATES OF AMERICA

6)
7 VS)NO.1:20-cr-10063
8 JASON WAYNE AUTRY)JACKSON, TENNESSEE
9)

10 Dated this 31st day of July, 2024.
11
12

13 /s/ Kristi Heasley

14 -----
15 Kristi Heasley, RPR
16 Official Court Reporter
17 United States District Court
18 Western District of Tennessee
19 Eastern Division
20
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22
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25

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:20-cr-10063

v.

JASON WAYNE AUTRY,

Defendant.

NOTICE OF FILING OF SENTENCING EXHIBITS

The United States files herein the following exhibits introduced into evidence at Jason Autry's sentencing hearing:

- Exhibit 2 – Small Flow Chart
- Exhibit 3 – TDOC Certification Documentation
- Exhibit 4 – TDOC Certification Documentation
- Exhibit 5 – Arrest Warrant – Certified Copies of Prior Convictions and Supporting Documents
- Exhibit 6 – Photographs (Collective)
- Exhibit 8 – Photograph (Lighting Bolts on Calves)
- Exhibit 9 – Photographs (Collective)
- Exhibit 12 – Transcripts
- Exhibit 13 – Photographs (Collective) – Documents From County Jails
- Exhibit 14 – Photograph (Train Tattoo)

- Exhibit 15 – Booking Records
- Exhibit 16 – Shelby Co. Records
- Exhibit 17 – Photographs (Collective)
- Exhibit 18 – Criminal Intelligence Submission Report
- Exhibit 19 – Order
- Exhibit 20 – Photograph – JA 379

Respectfully submitted,
REAGAN TAYLOR FONDREN
Acting United States Attorney

By: /s Naya Bedini
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CERTIFICATE OF SERVICE

I, Naya Bedini, Assistant United States Attorney for the Western District of Tennessee, hereby certify that a copy of the foregoing notice has been sent via the Court's electronic filing system to the attorney for the defendant.

This 27th day of November, 2024.

/s Naya Bedini
NAYA BEDINI
Assistant United States Attorney

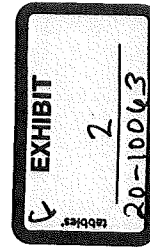
Jan 2, 1994
DUI (PSR ¶ 34)

Jan 9, 1998
Failure to exhibit
Valid Driver's License
(PSR ¶ 35)

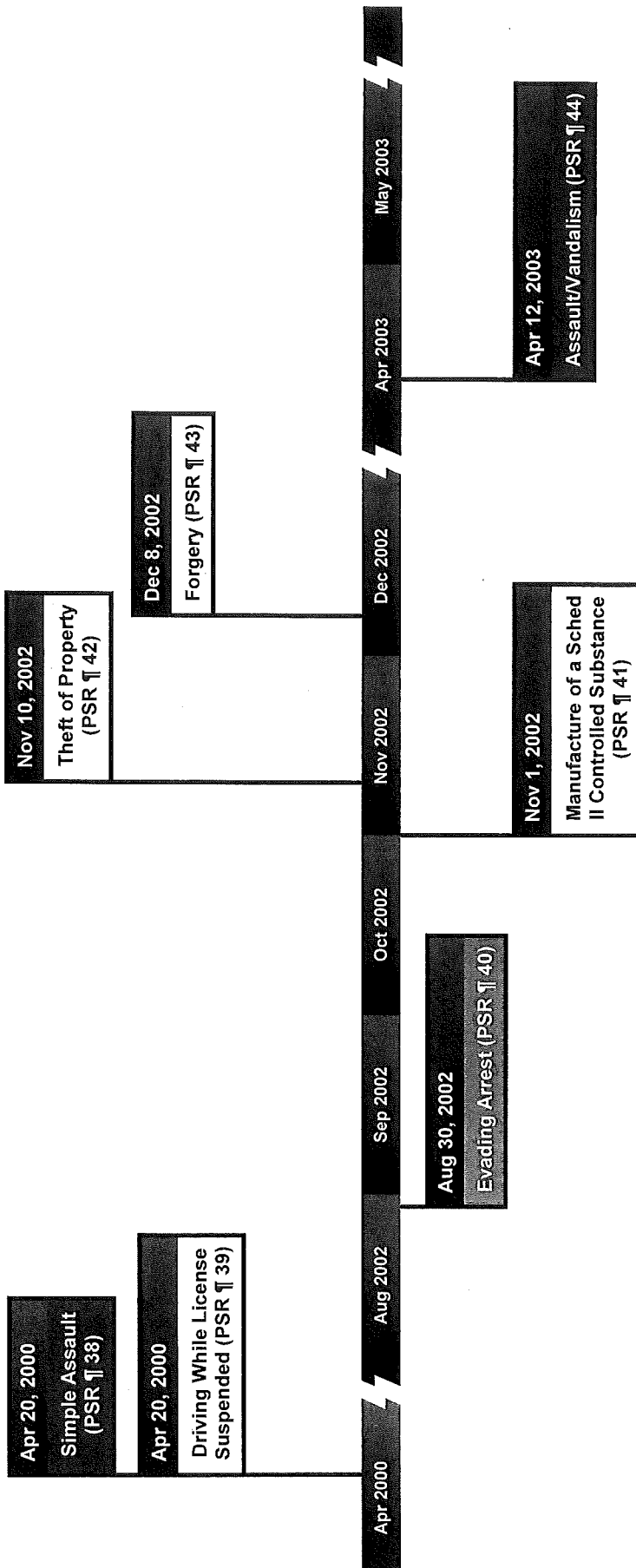
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DUI (PSR ¶ 36)

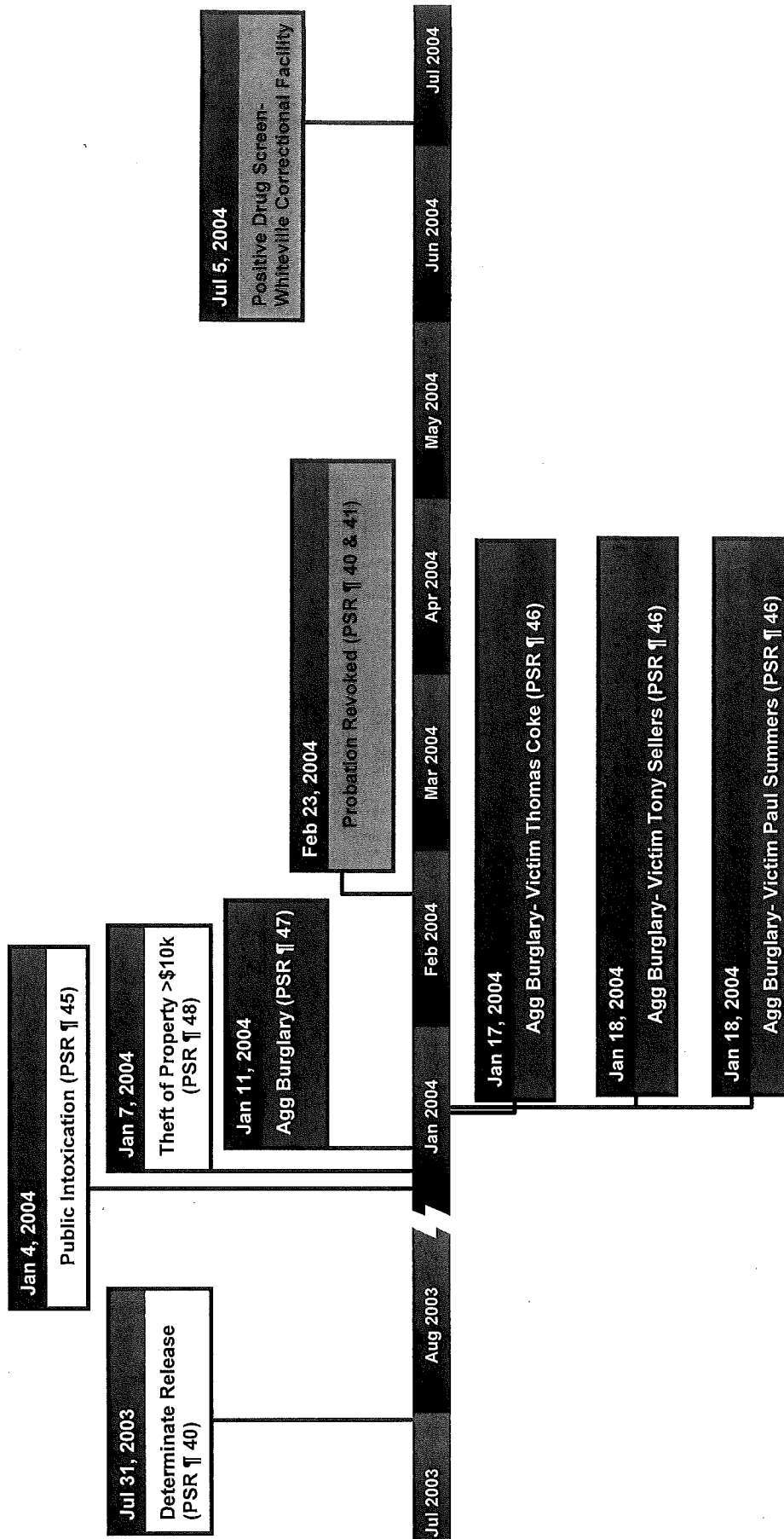
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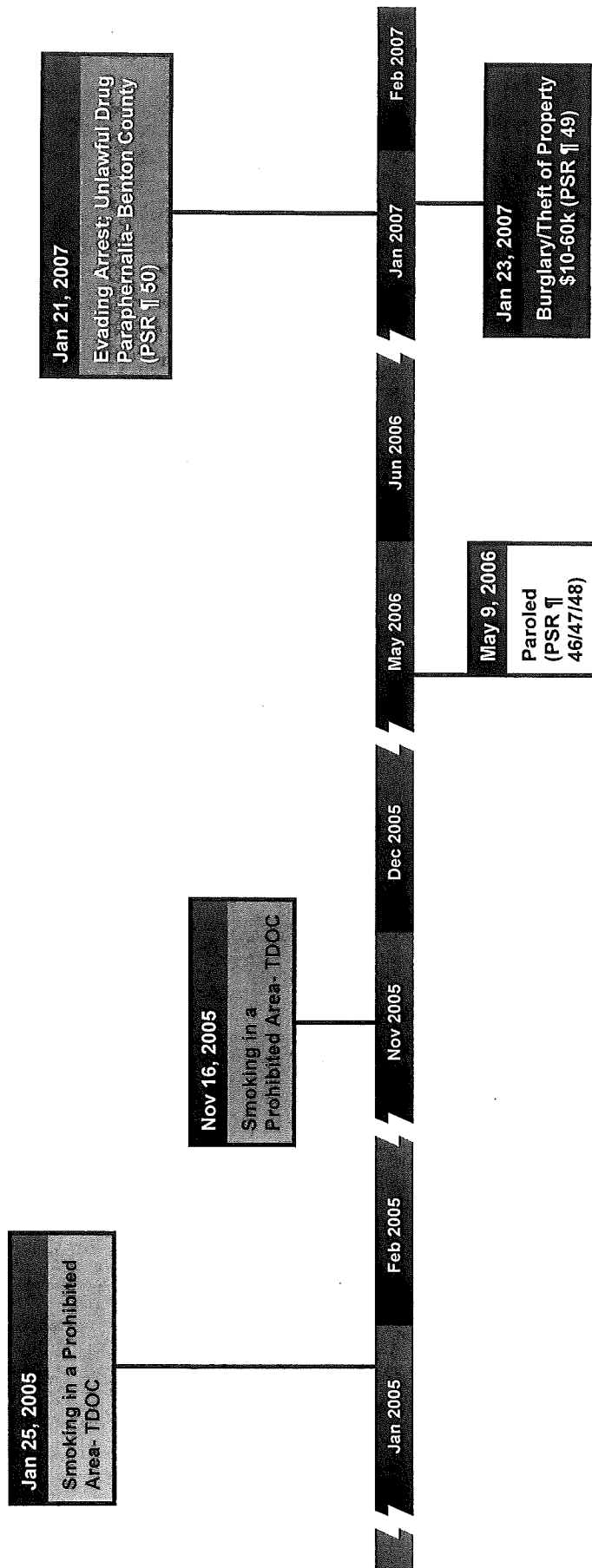
Feb 8, 2000
Driving with Revoked
License (PSR ¶ 37)

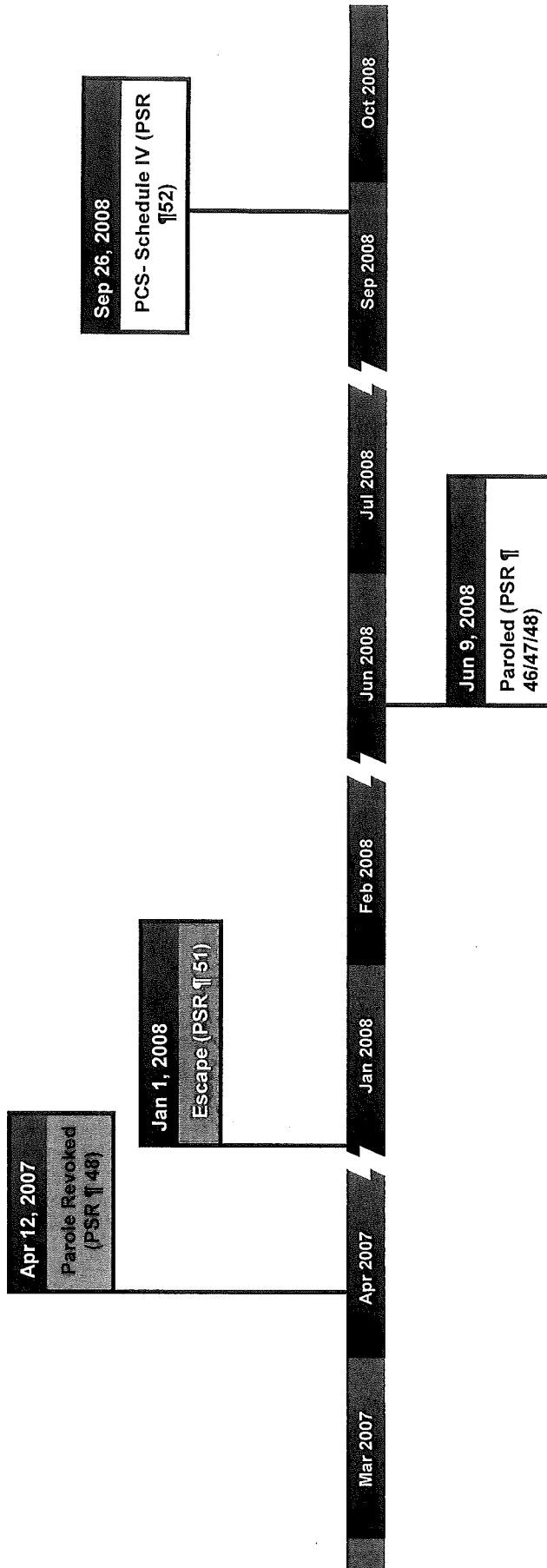


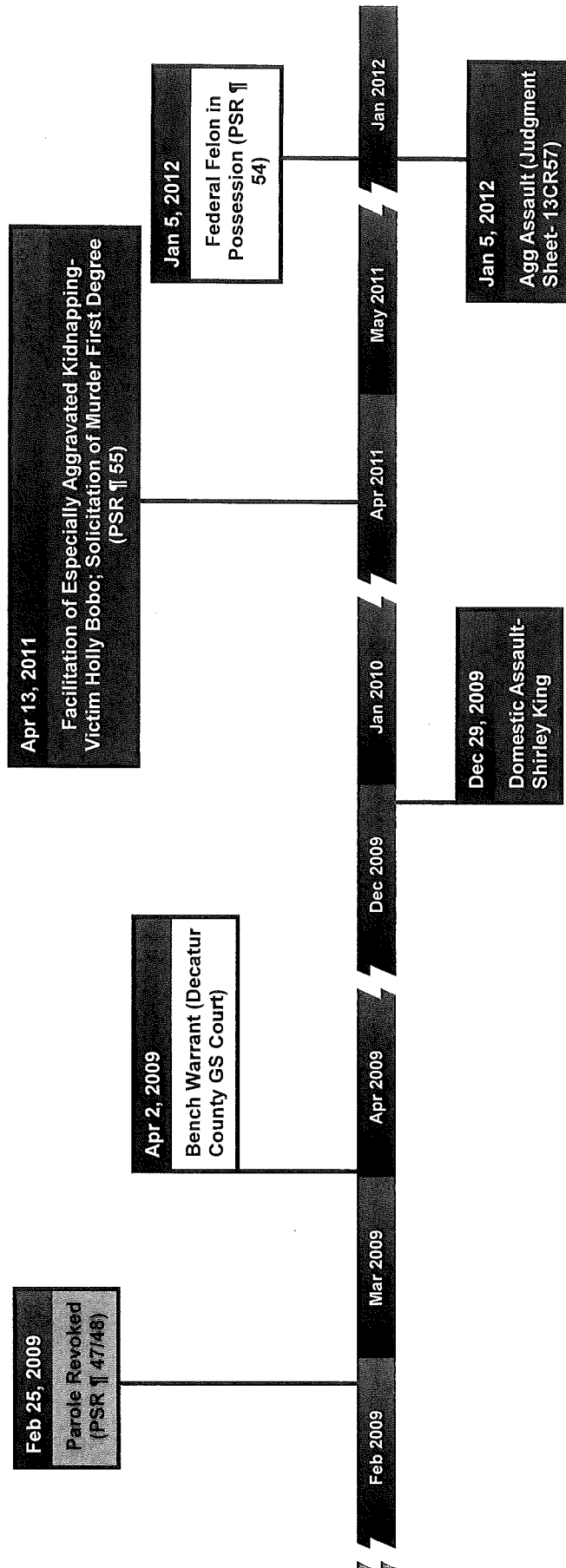
Timeline of Autry's Criminal History

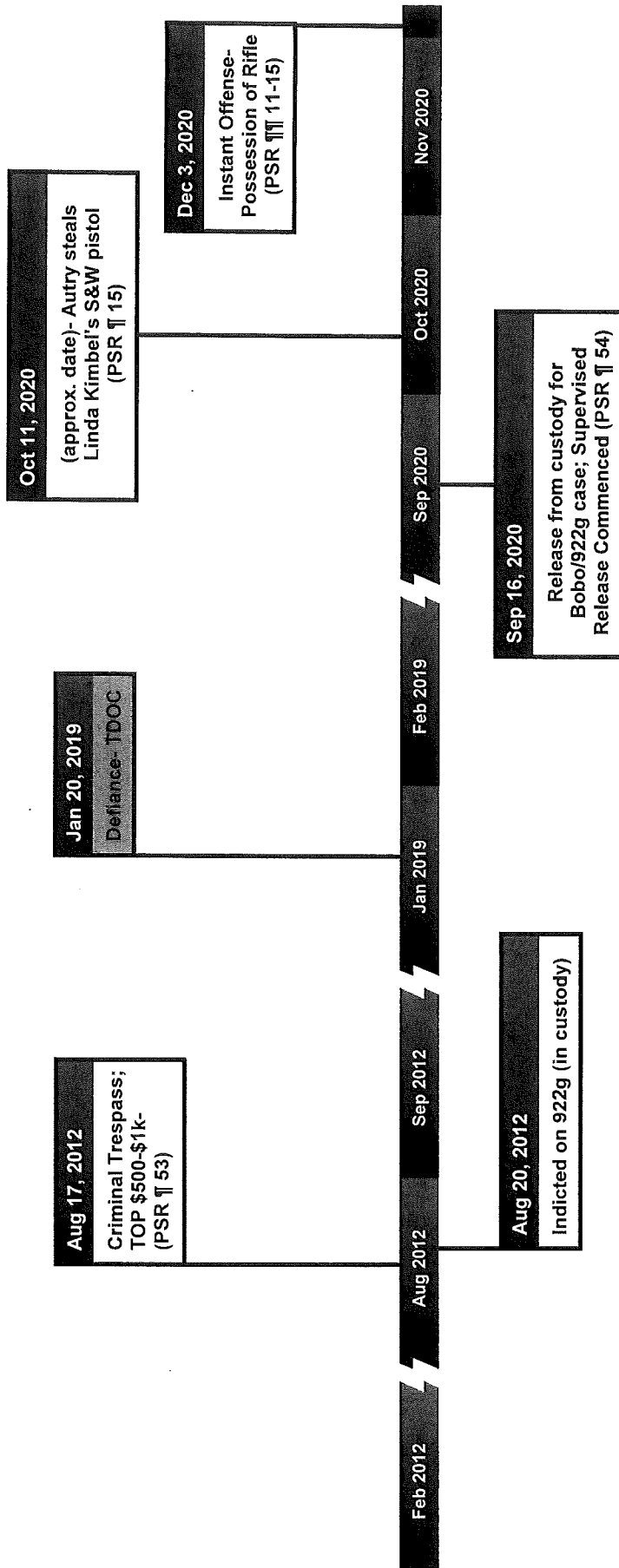












[illegible]

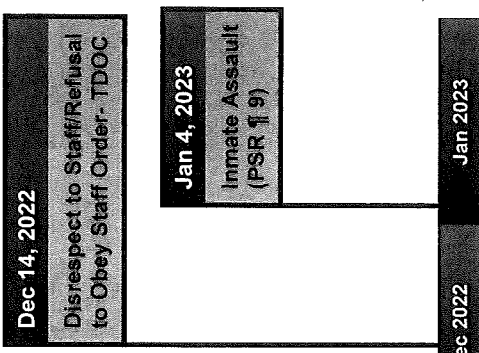
☐ Release from Custody☐ Violations While in Custody☐ Violent Offenses / ACC Predicates☐ Evading Arrest / Escape from Custody☐ Probation or Parole Revocation

Exhibit G

Three Transcripts:

1. Jason Autry Jail Call Transcript from January 3, 2024
2. Jason Autry Jail Call Transcript from January 31, 2024
3. Jason Autry Jail Call Transcript from February 4, 2024

ORIGINAL

JAIL PHONE CALL
JASON AUTRY AND SKLAR PINKLEY
JANUARY 3, 2024

Transcribed by:
Erin Fletcher, LCR

1 (WHEREUPON, the following was transcribed
2 from an audio recording.)

3
4 AUTOMATED SYSTEM: For English -- for a
5 collect -- please enter your PIN. At the beep repeat
6 the phrase, "With Global Tel Link, my voice is my
7 password."

8 JASON AUTRY: With Global Tel Link, my
9 voice is my password.

10 AUTOMATED SYSTEM: Please enter the area
11 code and phone number you are calling now. Please
12 hold. Please wait while your call is being
13 connected. Please hold. Hello. This is a prepaid
14 call from --

15 JASON AUTRY: Train Train.

16 AUTOMATED SYSTEM: -- an inmate at the
17 Shelby Correction Center. To accept this call --
18 your current balance is \$8.26. This call is from a
19 correction facility and is subject to monitoring and
20 recording. Thank you for using GTL.

21 JASON AUTRY: You know, I kind of thought
22 she might smoke a joint the way she presented herself
23 whenever she asked me that. You know --

24 SKYLAR PINKLEY: Right. I mean, I don't
25 know. I didn't --

1 JASON AUTRY: She asked -- she -- she
2 looked at me and said, can I ask you a question. And
3 I said, what's that. She said, are you high. I sat
4 there for a second, I said, yeah. I said if this is
5 going to hinder you, you need to leave, you know what
6 I mean?

7 SKYLAR PINKLEY: Right.

8 JASON AUTRY: Yeah.

9 SKYLAR PINKLEY: Well, she told me -- she
10 told me that.

11 JASON AUTRY: Yeah. I don't know if that
12 played a part on the deposition or not.

13 SKYLAR PINKLEY: No, she said you done
14 fine.

15 JASON AUTRY: She got what she wanted;
16 didn't she?

17 SKYLAR PINKLEY: Yeah. Yeah, with the --
18 and that -- she was supposed to come on the 30th to
19 do -- I can't remember what she calls them. He's a
20 something, he records shit. Anyways, he's a video
21 expert, but she calls him something. He was supposed
22 to come with her, and they were going to record the,
23 you know, as I showed them, like, the hot spots in
24 the case for the documentary or whatever.

25 JASON AUTRY: Yeah.

1 SKYLAR PINKLEY: But I guess she's going
2 to reschedule him.

3 JASON AUTRY: What? She's going to do a
4 documentary about being innocent?

5 SKYLAR PINKLEY: Yeah.

6 JASON AUTRY: Hmm.

7 SKYLAR PINKLEY: She didn't tell you
8 that?

9 JASON AUTRY: And this is supposed to
10 just all change? It's supposed to drop off when she
11 does it, huh?

12 SKYLAR PINKLEY: I mean -- at first -- at
13 first I thought that the documentary was how she was
14 going to prove, you know, like I thought the
15 documentary was going to be like, you know, the West
16 Memphis Three, they did two documentaries on them.

17 JASON AUTRY: Yeah.

18 SKYLAR PINKLEY: And it helped the case a
19 lot. It gave it worldwide attention. That's how
20 they ended up getting, like some of the big stars,
21 like Eddie Vedder and Johnny Depp on their case and
22 shit.

23 JASON AUTRY: Yep.

24 SKYLAR PINKLEY: But I don't know. Now
25 she's talking about -- like, she's very in contact

1 with Zach's attorney. They're trying to get the ball
2 rolling. You see what I'm saying? Like, she's
3 trying to do shit in actual court to file -- to file
4 the motions.

5 JASON AUTRY: Well, he doesn't -- he
6 doesn't have a female attorney no more, Thompson;
7 does he?

8 SKYLAR PINKLEY: No, she's out.

9 JASON AUTRY: Who is his new attorney?

10 SKYLAR PINKLEY: I can't remember his
11 fucking name.

12 JASON AUTRY: Bates, something Bates?

13 SKYLAR PINKLEY: I got it right here in
14 the file. I'll tell you. Hold on.

15 JASON AUTRY: It don't matter. I am not
16 going to contact him.

17 SKYLAR PINKLEY: But last time I talked
18 to her --

19 JASON AUTRY: I've done all I'm going to
20 do.

21 SKYLAR PINKLEY: Well, I know that. But
22 I was just going to tell you --

23 JASON AUTRY: I think anyway. I think I
24 have. I don't know. I may turn loose something in
25 the media, I don't know.

1 SKYLAR PINKLEY: She told me to tell you
2 to hold off on that.

3 JASON AUTRY: I don't give a damn what
4 she said.

5 SKYLAR PINKLEY: Right.

6 JASON AUTRY: She -- she ain't got
7 enough. I am going to tell you the truth right now,
8 and I am going to tell you how it is, Sky. I've sat
9 and I've studied her for two weeks since she's left.
10 The bitch doesn't know enough about court systems to
11 even bring up what the laws are.

12 SKYLAR PINKLEY: No, she don't.

13 JASON AUTRY: You know what I mean? She
14 don't know --

15 SKYLAR PINKLEY: You're right. You're
16 right.

17 JASON AUTRY: She don't know her way
18 around in the courtroom. She is working for an
19 attorney. She's not getting -- the attorney is not
20 getting firsthand information. And I know of several
21 people where the key witnesses recanted and their ass
22 is still in prison.

23 SKYLAR PINKLEY: Say that again where the
24 key witnesses recanted.

25 JASON AUTRY: Recanted and their ass

1 still sits in prison.

2 SKYLAR PINKLEY: Right.

3 JASON AUTRY: Yeah. A jury of 12 people
4 found you guilty, I -- by that conviction alone,
5 unless you're a millionaire or a Donald Trump of this
6 world or something like that, the law applies to you.

7 SKYLAR PINKLEY: Right. And I get that,
8 but I think that -- I definitely think that this case
9 can be overturned. I think it's going to take time.

10 JASON AUTRY: No.

11 SKYLAR PINKLEY: I don't think it's going
12 to be --

13 JASON AUTRY: Goddamn it, I've been
14 listening to that ever since day one now, and I ain't
15 seen it yet.

16 SKYLAR PINKLEY: I am not talking about
17 your case right now.

18 JASON AUTRY: What are you talking about?

19 SKYLAR PINKLEY: I am talking about the
20 Bobo case.

21 JASON AUTRY: That's not going to be
22 overturned. That's locked and sealed, baby. I done
23 told you.

24 SKYLAR PINKLEY: I am just telling you, I
25 think it can be. But whatever --

1 JASON AUTRY: Okay.

2 SKYLAR PINKLEY: -- you say, but I am --
3 what I am saying about your case is that's what I
4 told her. I said, even if you take away that case
5 and you still put Jason up there in the same
6 situation without the Holly Bobo case, you still have
7 15 years --

8 JASON AUTRY: Yeah.

9 SKYLAR PINKLEY: -- and the feds don't
10 give a fuck.

11 JASON AUTRY: I told her that.

12 SKYLAR PINKLEY: She doesn't know the
13 federal laws, that's for sure.

14 JASON AUTRY: No, she don't know state
15 either.

16 SKYLAR PINKLEY: I mean, she -- she
17 quoted some state to me the other day when I was --
18 she was actually helping me on my case, you know, and
19 she knew some --

20 JASON AUTRY: You know what she does for
21 a full time job? She entertains people's kids. She
22 babysits. If you've got an adult kid, she'll babysit
23 it.

24 SKYLAR PINKLEY: Oh, really?

25 JASON AUTRY: Did you know that? Yeah.

1 SKYLAR PINKLEY: Nah.

2 JASON AUTRY: She's not coming --

3 SKYLAR PINKLEY: I mean, I --

4 JASON AUTRY: -- out of a long career in
5 a law firm or nothing like that. She doesn't have no
6 background.

7 SKYLAR PINKLEY: Oh, I know. I've looked
8 her up.

9 JASON AUTRY: She knows the Circuit Court
10 judge who knows an attorney who appointed him to work
11 and that's what she knows. She knows that the judge
12 has interest in the case, because he put it out,
13 spoke it publically.

14 SKYLAR PINKLEY: Right. Yeah, she told
15 me that. And I've -- I've looked her up. I see what
16 her credentials are and I see where she works.

17 JASON AUTRY: Yeah. Babysitter.
18 Babysitter with a good name.

19 SKYLAR PINKLEY: I mean, she -- she does
20 like case mediation and divorce and family law, too.

21 JASON AUTRY: Yeah.

22 SKYLAR PINKLEY: That's what she
23 specializes in is family law.

24 JASON AUTRY: Yeah.

25 SKYLAR PINKLEY: But I mean, she has a

1 Ph.D. in criminal forensic psychology, too.

2 JASON AUTRY: Well --

3 SKYLAR PINKLEY: But one of the things
4 that got me is I was trying to talk to her last
5 night, and she didn't -- there's two types of DNA you
6 can test. One of them is mitochondria DNA, and I
7 can't think of the name for the other one. But being
8 a forensic psychologist, you would think that she
9 would know that --

10 JASON AUTRY: Yeah.

11 SKYLAR PINKLEY: -- and she didn't.

12 JASON AUTRY: Nah. She probably -- she's
13 not been working in that -- in that side of the
14 field, you know what I mean?

15 SKYLAR PINKLEY: Right. I think when it
16 comes to her, she's definitely dedicated, but I
17 definitely think that she's got the wrong view of the
18 justice system and how it works.

19 JASON AUTRY: Yeah, yeah. She thinks one
20 person just going to be able to do it and it's not
21 going to happen.

22 SKYLAR PINKLEY: Well, I think that she
23 just thinks that it's going to be quick and it's not.
24 Like I told her, I finally broke it down to her and
25 said, look here, I am not trying to be negative and I

1 am not trying to say you don't know what you're
2 doing, because I think you're very intelligent and I
3 think you're probably the only one that has even
4 tried to help him and I appreciate that, but this is
5 what I am saying to you, the West Memphis Three had
6 people like Johnny Depp that had millions of dollars
7 fucking paying for attorneys, paying for private
8 investigators, and it took ten years to get them boys
9 out of prison.

10 JASON AUTRY: Yeah, that's what I'm
11 saying.

12 SKYLAR PINKLEY: So, that's what I asked
13 her. So what do you have that I am missing? I am
14 missing something here, because you seem pretty
15 confident that this is going to happen. You know,
16 she has never set a time, but she's pretty confident
17 it's going to happen and the way she talks, it's
18 soon. So I just asked her, I said, you know, I am
19 not trying to sound negative or -- but what the fuck
20 do you know that I don't know?

21 JASON AUTRY: What did she say?

22 SKYLAR PINKLEY: She couldn't -- she
23 couldn't really answer that question.

24 JASON AUTRY: She said what?

25 SKYLAR PINKLEY: She couldn't really

1 answer it. She went on to tell me about -- something
2 about the CMT awards and she does have a few connect,
3 but she doesn't have Johnny Depp and Eddie Vedder.

4 JASON AUTRY: Yeah.

5 SKYLAR PINKLEY: You know what I'm
6 saying?

7 JASON AUTRY: I mean --

8 SKYLAR PINKLEY: They donated millions of
9 dollars and paid for fucking private investigators.

10 JASON AUTRY: Listen, listen to me,
11 listen to me.

12 SKYLAR PINKLEY: What?

13 JASON AUTRY: Listen to me. Listen to
14 me. The public was fine with us getting locked up.
15 That's who they thought done it. It fit so well.
16 You see what I'm saying?

17 SKYLAR PINKLEY: Yeah, I get it.

18 JASON AUTRY: I mean, 9 out of 10 people
19 in fucking Savannah where the trial went found us
20 guilty before we ever even appeared in court.

21 SKYLAR PINKLEY: I told her that, too.
22 (Indiscernible.)

23 JASON AUTRY: When you release something
24 like that right there, that's a force. That's
25 unbelievable at the force that is, what it does to

1 you when you're sitting there watching it happen is
2 unreal.

3 SKYLAR PINKLEY: Yeah, I believe it.

4 JASON AUTRY: It made -- it's made me
5 hate people that's never even done nothing to me
6 other than spoke on TV.

7 SKYLAR PINKLEY: Right.

8 JASON AUTRY: And I've seen --

9 SKYLAR PINKLEY: Yeah.

10 JASON AUTRY: -- I've seen knives hanging
11 out the side of their head; you know what I mean?

12 SKYLAR PINKLEY: Right. I get it. I
13 definitely get it. I mean --

14 JASON AUTRY: Yeah.

15 SKYLAR PINKLEY: -- I've read so many
16 fucking calls, witness -- you know, how they had the
17 tip hotline or whatever --

18 JASON AUTRY: Ask her when the court date
19 is. That's what you do.

20 SKYLAR PINKLEY: Huh?

21 JASON AUTRY: Ask her when the court date
22 is.

23 SKYLAR PINKLEY: All right.

24 JASON AUTRY: Don't ask about all these
25 connections. Say, when is the court date, when we

1 going to get this shit in front of a Circuit Court
2 judge and start pulling her apart.

3 SKYLAR PINKLEY: Right.

4 JASON AUTRY: Ask her that. When you
5 come up with a court date, then you'll know she's
6 serious.

7 SKYLAR PINKLEY: But like I was telling
8 her when I was reading those -- I'll ask her about
9 it, I will. You know I will. I don't hold back
10 shit.

11 JASON AUTRY: You should have done asked
12 her that.

13 SKYLAR PINKLEY: Well, I mean, I kind of
14 thought I did when I said, like, what the fuck do you
15 know that I don't know. What do you plan on doing
16 because you don't have the -- you're just one person.

17 JASON AUTRY: Yeah. And she's just one
18 little voice of one little cigar running for these
19 judges. (Indiscernible) Holly Bobo. And they just
20 look and roll their eyes and she walks right on by.

21 SKYLAR PINKLEY: Right.

22 JASON AUTRY: They don't give a fuck.
23 Somebody got arrested for it, Sky. Somebody is in
24 jail for it. It's over with.

25 SKYLAR PINKLEY: I mean, I get what

1 you're saying. That doesn't make it any less fucked
2 up, you hear what I'm saying?

3 JASON AUTRY: I mean, it's as fucked up
4 as fucked up gets. I mean, hey, it is what it is.

5 SKYLAR PINKLEY: Right. She's talking
6 about she's going to get y'all paid for it and
7 everything. I am like, oh God.

8 JASON AUTRY: Yeah, yeah, yeah, yeah,
9 yeah.

10 SKYLAR PINKLEY: Did she tell you that,
11 too?

12 JASON AUTRY: No, she couldn't bullshit
13 me.

14 SKYLAR PINKLEY: Well, she couldn't
15 bullshit me either but she tried to.

16 JASON AUTRY: Right.

17 SKYLAR PINKLEY: I mean, I'll help her do
18 anything she wants. I think that --

19 JASON AUTRY: I know.

20 SKYLAR PINKLEY: Making -- making a
21 documentary about it is more than anyone else has
22 done.

23 JASON AUTRY: Well, you doing it
24 one-sided, you know, you going to have to have some
25 proof about what she said. You know, like she asked

1 me, how can you prove you're -- how can you prove you
2 lied. I said, well, I can tell you how I can unravel
3 all the knots, you know what I mean?

4 SKYLAR PINKLEY: Yeah.

5 JASON AUTRY: I can unravel all the
6 knots, and I did unravel a lot of them for her.

7 SKYLAR PINKLEY: I told her that.

8 JASON AUTRY: And she didn't know what
9 the hell to do with it.

10 SKYLAR PINKLEY: No, she still can't put
11 it together.

12 JASON AUTRY: No, she --

13 SKYLAR PINKLEY: Oh, let me tell you what
14 she told me last night. She said, where did Jason
15 get that thing that he traded for that thing, you
16 know what I'm saying? And I said, in the woods with
17 my metal detector.

18 JASON AUTRY: What she say?

19 SKYLAR PINKLEY: And she -- she asked me
20 again. She acted like she didn't hear me. I said,
21 let me explain this to you one more time. So I
22 started from the beginning and told her what
23 happened. I said, that's where the fuck he got it
24 from. I know for 100 percent fact. I said, he
25 wasn't lying to me. That's not something we did was

1 lie to each other a whole lot. She was like, well,
2 he told me that somebody gave it to him. So he's
3 either covering for somebody or lying for some
4 reason. And I said --

5 JASON AUTRY: Somebody did give it to me.
6 Linda Campbell.

7 SKYLAR PINKLEY: Well, right. But you
8 found it but -- but where you initially got it from,
9 like, that day.

10 JASON AUTRY: I -- I picked it up in the
11 woods.

12 SKYLAR PINKLEY: Right, right.

13 JASON AUTRY: When we had that four
14 wheeler wreck, she throwed --

15 SKYLAR PINKLEY: Yeah.

16 JASON AUTRY: -- it out down there. She
17 was scared she was going to get caught with it,
18 because it wasn't registered to nobody.

19 SKYLAR PINKLEY: Right.

20 JASON AUTRY: Or so she said, but by God
21 as soon as they found it, it come back to her; didn't
22 it?

23 SKYLAR PINKLEY: Yeah.

24 JASON AUTRY: Yeah, funny how that shit
25 works; doesn't it?

1 SKYLAR PINKLEY: Yeah, what a fucking
2 dumb bitch.

3 JASON AUTRY: Yeah. I bought this gun
4 here, this one here, here (indiscernible) bought it
5 (indiscernible) she said, you know what I mean?

6 SKYLAR PINKLEY: Yeah.

7 JASON AUTRY: I bought this motherfucker
8 here off the street from killers (phonetic).

9 SKYLAR PINKLEY: Right.

10 JASON AUTRY: Yeah, the son of a bitch
11 was registered to her when -- come find out about it.
12 Lying son of a bitch.

13 SKYLAR PINKLEY: She told Big 'un -- she
14 told Big'un and then she got it at a gun show.

15 JASON AUTRY: I don't know where she got
16 it at.

17 SKYLAR PINKLEY: But if you get it a gun
18 show, you have to register it before you leave with
19 it.

20 JASON AUTRY: That son of bitch left it
21 down there in that bottom, and I traded it for a deer
22 rifle. That's just exactly what happened.

23 SKYLAR PINKLEY: Right. I know. I know
24 that.

25 JASON AUTRY: I should never --

1 SKYLAR PINKLEY: And that's --

2 JASON AUTRY: -- have fucked with that
3 goddamn Danny Joe (phonetic) to begin with. I said,
4 you better than that, write off 50 cents to you.

5 SKYLAR PINKLEY: I mean, I didn't know.

6 JASON AUTRY: I (indiscernible) everyone
7 after that fucking deer rifle.

8 SKYLAR PINKLEY: Right.

9 JASON AUTRY: Oh, well.

10 AUTOMATED SYSTEM: You have one minute
11 remaining.

12 JASON AUTRY: I am going to get off here.

13 SKYLAR PINKLEY: I love you.

14 JASON AUTRY: I love you, too.

15 SKYLAR PINKLEY: So, will you try to
16 figure out how we can get that money?

17 JASON AUTRY: Yeah, I'll think about it.

18 SKYLAR PINKLEY: All right.

19 JASON AUTRY: I don't know how we're
20 going to do it, but I don't know. I love you.

21 SKYLAR PINKLEY: I'll see -- I'll see if
22 I can come up with something.

23 JASON AUTRY: All right.

24 SKYLAR PINKLEY: All right. I love you.

25 JASON AUTRY: Love you, bye-bye.

1 SKYLAR PINKLEY: Bye.

2 (WHEREUPON, this concludes the jail
3 recording 166_727.)

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COUNTY OF TIPTON

I further certify that I am not related to any of the parties named herein, nor their counsel, and have no interest, financial or otherwise, in the outcome of the proceedings.

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ERIN FLETCHER
Licensed Court Reporter (TN)

LCR #798 - Expires: 06/30/2026

ORIGINAL

**JAIL PHONE CALL
JASON AUTRY AND SHIRLEY KING
JANUARY 31, 2024**

**Transcribed by:
Erin Fletcher, LCR**

1 (WHEREUPON, the following was transcribed
2 from an audio recording.)

3
4 AUTOMATED SYSTEM: For a collect --
5 please enter your -- at the beep, repeat the phrase,
6 "With Global Tel Link, my voice is my password."

7 JASON AUTRY: With Global Tel Link, my
8 voice is my password.

9 AUTOMATED SYSTEM: Please enter the area
10 code and phone number you are -- please hold. Please
11 wait while your call is being connected. Please
12 hold.

13 SHIRLEY KING: Hello.

14 AUTOMATED SYSTEM: Hello. This is a
15 prepaid call from --

16 JASON AUTRY: Train Train.

17 AUTOMATED SYSTEM: -- an inmate at the
18 Shelby Correction Center. To accept this call, press
19 0. To refuse this call -- your current balance is
20 \$38.70. This call is from a correction facility and
21 is subject to monitoring and recording. Thank you
22 for using GTL.

23 JASON AUTRY: Hey now.

24 SHIRLEY KING: Hey now. How you doing?

25 JASON AUTRY: Pretty good. Pretty good.

1 SHIRLEY KING: Yeah.

2 JASON AUTRY: How about you?

3 SHIRLEY KING: Yeah. Well, I was doing
4 pretty good. I get a call about Nick Beres and you
5 and all that shit.

6 JASON AUTRY: Did Nick call you?

7 SHIRLEY KING: No, I mean, I get a call
8 about it. You know, people seen it on the goddamn
9 news again.

10 JASON AUTRY: Oh, it's back on the news?

11 SHIRLEY KING: Oh, yeah, said you
12 recanted your statement.

13 JASON AUTRY: Hell yeah. Hell yeah.
14 They going to fuck me in federal court, I am going to
15 fuck them in state court. Just the way it is.

16 SHIRLEY KING: I -- you know, I am
17 going -- I don't know that he did this, and now he
18 hasn't said a word to me about nothing.

19 JASON AUTRY: Well, I didn't know it was
20 going to hit the media.

21 SHIRLEY KING: Huh?

22 JASON AUTRY: I didn't know that it was
23 going to hit the media today.

24 SHIRLEY KING: I mean, when did you do
25 this is what I wonder?

1 JASON AUTRY: Oh, about a month ago.

2 SHIRLEY KING: Yeah.

3 JASON AUTRY: Yeah, about a month ago.

4 SHIRLEY KING: Well, I didn't know. I
5 mean, I kind of like to have known, you know, before
6 I -- I don't know what you're talking about. I have
7 no idea.

8 JASON AUTRY: Well, I don't want to air
9 it out on this recorded phone.

10 SHIRLEY KING: Okay. Okay. You ain't
11 got to, but I mean, I want you to.

12 JASON AUTRY: I mean -- you wanted me to?

13 SHIRLEY KING: No, I said, I don't want
14 you to. But I mean, all I wanted to say, you be
15 watching the news so something don't hit you
16 blind-sided.

17 JASON AUTRY: Well, I didn't never think
18 of that about how it was going to hit you. I didn't
19 know things hit you certain ways you see on TV.

20 SHIRLEY KING: I mean, you know --

21 JASON AUTRY: The way shit don't hit me,
22 like something comes out of the TV and hits me or
23 something, it don't hit me.

24 SHIRLEY KING: Well, I mean, you know,
25 that part I thought was over with.

1 JASON AUTRY: Well, maybe not.

2 SHIRLEY KING: Well, okay, I am not
3 fussing at you. I mean, I just --

4 JASON AUTRY: I got to do what I got to
5 do.

6 SHIRLEY KING: Well, do what you got to
7 do. That's right. You bitch (phonetic).

8 JASON AUTRY: I mean, I am not doing
9 nothing to you. Huh?

10 SHIRLEY KING: I didn't say you were. I
11 am just --

12 JASON AUTRY: I am going to get off here
13 now. I ain't going to argue.

14 SHIRLEY KING: No, I am not arguing --

15 JASON AUTRY: I am in a bad mood. We
16 fixing to just crash anyway, so I'll talk --

17 SHIRLEY KING: Don't --

18 JASON AUTRY: -- to you tomorrow. All
19 right.

20 SHIRLEY KING: Okay. (Indiscernible.)

21 AUTOMATED SYSTEM: Thank you for using
22 GTL.

23 (WHEREUPON, this concludes the jail
24 recording 157_671.)

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COUNTY OF TIPTON

I further certify that I am not related to any of the parties named herein, nor their counsel, and have no interest, financial or otherwise, in the outcome of the proceedings.

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ERIN FLETCHER
Licensed Court Reporter (TN)

LCR #798 - Expires: 06/30/2026

ORIGINAL

**JAIL PHONE CALL
JASON AUTRY AND SHIRLEY KING
FEBRUARY 4, 2024**

**Transcribed by:
Erin Fletcher, LCR**

1 (WHEREUPON, the following was transcribed
2 from an audio recording.)

3
4 AUTOMATED SYSTEM: For English -- for a
5 collect call -- please enter your PIN -- at the beep,
6 repeat the phrase, "With Global Tel Link, my voice is
7 my password."

8 JASON AUTRY: With Global Tel Link, my
9 voice is my password.

10 AUTOMATED SYSTEM: Please enter the --
11 please hold. Please wait while your call is being
12 connected. Please hold.

13 SHIRLEY KING: Hello.

14 AUTOMATED SYSTEM: Hello. This is a
15 prepaid call from --

16 JASON AUTRY: Train Train.

17 AUTOMATED SYSTEM: -- an inmate at the
18 Shelby Correction Center. To accept this call, press
19 0. To refuse this call -- your current balance is
20 \$38.22. This call is from a correction facility and
21 is subject to monitoring and recording. Thank you
22 for using GTL.

23 JASON AUTRY: Is that shit on again
24 tonight?

25 SHIRLEY KING: Do what?

1 JASON AUTRY: I said, was that 'ole shit
2 on again tonight?

3 SHIRLEY KING: Oh, I haven't seen it.
4 It's been all over -- all over Facebook, though.

5 JASON AUTRY: All over Facebook.

6 SHIRLEY KING: Oh, yeah, Burt Staggs and
7 what's his name? That little weasly fucker I can't
8 stand. Channel 5 Nick Beres.

9 JASON AUTRY: Nick Beres, yeah.

10 SHIRLEY KING: I hate that fucker. I
11 hate him.

12 JASON AUTRY: Them two is all over it;
13 ain't they?

14 SHIRLEY KING: Oh, yeah (indiscernible).
15 (Indiscernible) and (indiscernible) chiming in there.

16 JASON AUTRY: Who?

17 SHIRLEY KING: The (indiscernible) and
18 (indiscernible), you know, people making --

19 JASON AUTRY: Chiming in?

20 SHIRLEY KING: Yeah, ole (indiscernible)
21 says maybe they'll -- (indiscernible) this time. And
22 (indiscernible) is trying to argue with Terry Dicus.

23 JASON AUTRY: What about?

24 SHIRLEY KING: Well, she's that kind --
25 (indiscernible) she thought -- read the book she

1 says. No, no, Terry Dicus wrote the book. All
2 right. She said this other guy, you know, he's a
3 Billy Hale or something like that. Well, I think
4 Autry is guilty as sin.

5 JASON AUTRY: Guilty as sin.

6 SHIRLEY KING: Yeah. She said, well,
7 read that book Terry Dicus and then make your
8 decision. It's got any goddamn (indiscernible).
9 It's got her goddamn cussing.

10 JASON AUTRY: Is she out there on the
11 boat?

12 SHIRLEY KING: Yeah, she -- she called
13 me, she said, he ain't lie -- he ain't lied -- Jason
14 didn't lie. He ain't gonna lie.

15 JASON AUTRY: What you talking about?

16 SHIRLEY KING: They said you -- according
17 to old man, Nick Beres, you recanted your statement.

18 JASON AUTRY: Damn right. Damn right.
19 They trying to give me 20-something years in the
20 federal government. I got -- I got to fight back.
21 It's the only thing I got to fight with. I done
22 fought with everything else, son. That's the only
23 thing I got to fight with.

24 SHIRLEY KING: Well --

25 JASON AUTRY: People don't understand --

1 they don't understand the conversations when you tell
2 them something. You've got to -- you've got to
3 prove -- you got to devastate them. You know what I
4 mean?

5 SHIRLEY KING: Yeah, but I said -- I said
6 I thought this was over.

7 JASON AUTRY: Nah, hell no. Ain't never
8 going to be over.

9 SHIRLEY KING: I mean, you know, I
10 thought the Bobos was happy, everybody was happy.

11 JASON AUTRY: Nah.

12 SHIRLEY KING: Oh, they wasn't happy?

13 JASON AUTRY: I don't know if they're
14 happy or not.

15 SHIRLEY KING: I mean, not happy. At
16 that time, they was glad it was settled, right?

17 JASON AUTRY: Oh, yeah, they was just
18 happy. Yeah.

19 SHIRLEY KING: I mean, not happy, but you
20 know...

21 JASON AUTRY: Yeah. They was happy that
22 something was getting done, yeah.

23 SHIRLEY KING: Yeah, that's what I meant.
24 I don't think they'll ever be happy. How could you
25 be?

1 JASON AUTRY: I don't know if it's
2 something you should be happy or not. That's the
3 least of my worries what they're doing, what they
4 thought.

5 SHIRLEY KING: That's the least of mine
6 what anybody is thinking.

7 JASON AUTRY: Nah, it ain't. Not just
8 anybody now.

9 SHIRLEY KING: Huh?

10 JASON AUTRY: You can't just go to not
11 worrying about what anybody thinks.

12 SHIRLEY KING: I don't give a damn what
13 they think.

14 JASON AUTRY: Burt Scaggs and them, no, I
15 don't. I don't care what they think.

16 SHIRLEY KING: I don't care what them
17 people make in their little sly, smart ass comments.

18 JASON AUTRY: I mean, you can't -- you
19 can't control it. (Indiscernible.)

20 SHIRLEY KING: I don't have to -- I don't
21 have to look at it either.

22 JASON AUTRY: Get on there and cuss
23 someone out, you know.

24 SHIRLEY KING: No, I am not doing. I got
25 better sense than that. I got better sense. I don't

1 like attention drawed to me.

2 JASON AUTRY: I don't think you do.

3 SHIRLEY KING: I don't like attention
4 drawn to me. You know, you know (indiscernible)
5 around here, they'll get shot, by God, real fucking
6 quick.

7 JASON AUTRY: I don't believe they --
8 nobody come around there. I don't believe they did
9 in the first go around. I don't believe they --

10 SHIRLEY KING: No, no.

11 JASON AUTRY: -- (indiscernible). I
12 just -- I don't believe people (indiscernible).

13 SHIRLEY KING: I don't think --

14 JASON AUTRY: I don't believe sat there
15 part of the week, planning windows, another part of
16 the week, working on the dryer or something. I don't
17 believe that.

18 SHIRLEY KING: By God, I am telling you,
19 I hear people.

20 JASON AUTRY: If there's people out
21 there, you'd see people out there.

22 SHIRLEY KING: Well, I seen them out
23 there. I told you I had them on camera.

24 JASON AUTRY: People not just standing
25 out there for nothing, you know what I mean? People

1 don't just go stand and show their uglies for
2 nothing. Surely (indiscernible). I mean, that don't
3 even make sense. Why would you go stand in the video
4 of a recorded area?

5 SHIRLEY KING: I don't know but, by God,
6 they was out there by that red truck. I mean, Ricky
7 Lynn seen it too on camera. I got it on goddamn
8 video.

9 JASON AUTRY: If they do --

10 SHIRLEY KING: They was out there
11 piddling around. I guess she was trying to get in
12 that shed or get in that red truck. It was three of
13 them by God.

14 JASON AUTRY: Trying to steal some gas or
15 something.

16 SHIRLEY KING: I don't know what they
17 were doing. And I went out there to shoot, shoot up
18 in the air to get, you know, and the goddamn pistol
19 jammed. Come to find out, the clip was, I guess,
20 traded off on me.

21 JASON AUTRY: Yeah.

22 SHIRLEY KING: The idiot that loaded --
23 that loaded it for me swapped the clip out, I guess.
24 And you know who that was.

25 JASON AUTRY: Ain't no goddamn telling.

1 SHIRLEY KING: Johnny Dale (phonetic).

2 JASON AUTRY: Ain't no goddamn telling
3 who -- who --

4 SHIRLEY KING: Yeah. He said, you know
5 how to load it. I said, I never loaded one like
6 that, you know, clip like that. He showed me how.

7 JASON AUTRY: Yeah. Well, you -- you can
8 bet he didn't show you how. He probably -- if he --
9 if he didn't have the right clip in it, he wasn't
10 even loading it.

11 SHIRLEY KING: It was loaded, but it
12 wasn't going through the -- you know -- you know, I
13 had one in the chamber ready to shoot.

14 JASON AUTRY: Yeah.

15 SHIRLEY KING: When I pull that trigger,
16 it's going to shoot. That's why I want it like that.
17 But my friend, Jason, he come down here. I said --
18 told him about it jamming up. You know, it wasn't
19 shooting, wasn't -- the bullet came out
20 (indiscernible), but the slide parts, it didn't go
21 off.

22 JASON AUTRY: Yeah.

23 SHIRLEY KING: He cleaned the barrel. He
24 got to looking at it. He said, right here it is. I
25 said, what. He said, the cartridge you put in there,

1 it's bent. He said you got another one. I said,
2 yeah. He showed me how to load it. I went there and
3 I shot it three times. It never jammed or nothing.

4 JASON AUTRY: Yeah.

5 SHIRLEY KING: I was going to carry it
6 back to Shooters and tell them, you know, look, this
7 is -- it ain't been shot probably 20 times since I've
8 had it.

9 JASON AUTRY: Yeah.

10 SHIRLEY KING: You know, y'all give me a
11 loan or (indiscernible) or something. You know, the
12 clip that you put in, it's bent. Nobody touched it.
13 Nobody (indiscernible) because I kept it put up all
14 the whole time.

15 JASON AUTRY: Right.

16 SHIRLEY KING: I (indiscernible).

17 JASON AUTRY: It's quite a few shells.

18 SHIRLEY KING: By God, if I can't kill
19 them with one round, shot, something is wrong with
20 me.

21 JASON AUTRY: Yeah. If you miss it 21
22 times --

23 SHIRLEY KING: (Indiscernible) quit
24 trying to fire catch off rounds (phonetic). You know
25 what I'm saying?

1 JASON AUTRY: Yeah.

2 SHIRLEY KING: Yeah. That -- that -- I
3 got to looking last night on the phone, and that
4 Katie Spirko or whatever you say her last name.

5 JASON AUTRY: Katie Spirko.

6 SHIRLEY KING: Yeah. She had texted, and
7 I guess I thought it was the Medicare, you know,
8 because I was getting all them damn Medicare, Social
9 Security, Medicare insurance, about 50 a day. You
10 know, I got to where when I didn't know a number, I
11 just blocked that son of a bitch.

12 JASON AUTRY: Yeah.

13 SHIRLEY KING: And she left a text
14 message.

15 JASON AUTRY: What did it say?

16 SHIRLEY KING: She just told me who she
17 was and give me her cell phone number and told me if
18 I -- she thought she could help me. I thought, is
19 this a real person, or is this a damn someone trying
20 to fish.

21 JASON AUTRY: Well, you never know.

22 SHIRLEY KING: Well, I don't know. You
23 talked to her?

24 JASON AUTRY: Yeah, I've talked to her.

25 SHIRLEY KING: Said she's a forensic

1 psychologist.

2 JASON AUTRY: Yeah. I'm trying to figure
3 out how to get her my lawyer's information, but I
4 can't -- I can't figure out how to get his
5 information. I don't know. She said she can't find
6 a Michael Weinman out of Jackson, Tennessee in the
7 phone book. It's got to be in there. For some
8 reason why Weinman -- Weinman is spelt --

9 SHIRLEY KING: Baby, I will write that
10 (indiscernible).

11 JASON AUTRY: I don't know how it's
12 spelt.

13 SHIRLEY KING: Well, that's what Beth
14 said (indiscernible) problem. She said, I think it's
15 the same one, she said, that she -- me and her talked
16 about before in there.

17 JASON AUTRY: I don't know about that.

18 SHIRLEY KING: I talked to him on the
19 phone. How do you spell it? The way you think it's
20 spelt.

21 JASON AUTRY: W-I-E-M-A-N.

22 SHIRLEY KING: W-I-E-M-A-N?

23 JASON AUTRY: Yeah.

24 SHIRLEY KING: Are there several lawyers
25 in that --

1 JASON AUTRY: W-Y-M-A-N. W-Y-M-A-N.

2 SHIRLEY KING: Are there several lawyers
3 in that office; do you know that?

4 JASON AUTRY: No, I don't know that.

5 SHIRLEY KING: Oh, okay.

6 JASON AUTRY: W-A-Y-M-A-N-N-E is another
7 way it's spelt. W-A-Y-M --

8 SHIRLEY KING: He didn't give you a card
9 or nothing?

10 JASON AUTRY: Huh-uh. I was going to
11 tell him -- surely I'll see him before court. I'm
12 going to tell him that Katie is trying to get in
13 touch with him. I've got a card for him. I don't
14 know.

15 SHIRLEY KING: I mean (indiscernible)
16 it's (indiscernible) when I (indiscernible) how you
17 spell it. Well, I tried to spell it W-I-E-M-A-N and
18 W-Y-M-A-N and (indiscernible) is this person
19 affiliated with the law office in Jackson, Tennessee.
20 I said, I think so. But then if I get the number, I
21 said, hell (indiscernible) lawyer to look -- I guess
22 I can call it first, right?

23 JASON AUTRY: I don't know.

24 SHIRLEY KING: I mean, I don't know if
25 they can tell me they're representing you or what.

1 JASON AUTRY: I doubt -- pretty much
2 think that's confidential information.

3 SHIRLEY KING: Well, that's what I
4 thought.

5 JASON AUTRY: I am not asking you to get
6 the number. I understand that it's hard to find. I
7 don't understand why she can't find it.

8 SHIRLEY KING: When I call her, I'll ask
9 her. (Indiscernible) since he got rid of one.

10 JASON AUTRY: I just told her yesterday
11 and she didn't know.

12 SHIRLEY KING: Oh, she don't know what
13 his name is?

14 JASON AUTRY: She was looking for it
15 yesterday when I got off the phone with her. She was
16 Googling some old shit. What you're doing, I guess.

17 SHIRLEY KING: Well, that's what I was
18 doing, Googling, because I mean -- I have no idea who
19 he is.

20 JASON AUTRY: I mean, I already know
21 that. I already know that you're not going to be
22 able to find him.

23 SHIRLEY KING: If she can't find it, I
24 damn sure can't --

25 JASON AUTRY: If she can't find it, you

1 damn sure can't find it.

2 SHIRLEY KING: If Beth can't find it --

3 JASON AUTRY: That's what I was meaning.

4 I don't know. This phone fixing to cut off.

5 SHIRLEY KING: Okay.

6 JASON AUTRY: I love you.

7 SHIRLEY KING: I love you.

8 JASON AUTRY: I'll talk to you tomorrow.

9 SHIRLEY KING: Okay. All right. Bye.

10 JASON AUTRY: Bye-bye.

11 SHIRLEY KING: Damn (indiscernible).

12 AUTOMATED SYSTEM: Thank you for using --

13 (WHEREUPON, this concludes the jail
14 recording 184_566.)

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COUNTY OF TIPTON

I further certify that I am not related to any of the parties named herein, nor their counsel, and have no interest, financial or otherwise, in the outcome of the proceedings.

Erin Fletcher
 ERIN FLETCHER
 Licensed Court Reporter (TN)

Exhibit H

IN THE CIRCUIT COURT OF TENNESSEE
TWENTY-FOURTH JUDICIAL DISTRICT
BENTON COUNTY

FILED

JUL 19 2024

SAM RAINWATERS
BENTON CO. CIRCUIT CLERK

STATE OF TENNESSEE

Plaintiff,

Vs.

DOCKET NO. 24-CR-53

JASON WAYNE AUTRY

Defendant

REQUEST FOR ACCEPTANCE OF PLEA OF GUILTY
PETITION TO WAIVE TRIAL BY JURY AND TO WAIVE AN APPEAL

1. My full and correct name is Jason Wayne Autry, and I am represented by Billy R. Roe, Jr., who was appointed by the Court to represent me.
2. Having received a copy of the Criminal Information and Waiver of Presentment to the Grand Jury and discussing it with my attorney, I understand the nature of the charge(s) against me and any defenses that could be raised in my behalf.
3. I understand and have listed the offenses I am charged with and the penalties each carry.

Name of Offense and Statute

Min/Max Fine

Min/Max Sentence

Count 1	Poss. Weapon By a Convicted Felon T.C.A. §39-17-1307(b)(1)(A)	\$0 / \$25,000	12-20 years
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4. My attorney has explained the difference between concurrent and consecutive sentences and I understand that the sentences imposed on me for this case can be concurrent or consecutive.

I understand that my sentence upon a plea of guilty, if accepted by the Court, will be as follows:

I plead guilty to (offense and statute)

Sentence

Range

RCS

Fine



	Sentence	Range	RCS	Fine
Count 1	Unlawful Carrying or Poss. Weapon By a Convicted Felon T.C.A. §39-17-1307(b)(1)(A)	15 years	II	35% \$0

OTHER CONDITIONS: Sentence to be concurrent with 1:20-CR-10063-STA-1, 228 months of custody BOP, and ordered served in the Federal Bureau of Prisons. *ATC*
Jail Credits 12-03-20 to 07/19/24.

I have discussed with my attorney and fully understand:

1. ☐ That I have the right to plead not guilty.
2. ☐ That if I enter a plea of not guilty, I am entitled to a speedy trial by a jury or by a judge sitting without a jury.
3. ☐ That at a trial I have the right to the assistance of counsel, the right to confront and cross-examine witnesses testifying against me and the right to compel witnesses to appear and testify on my behalf.
4. ☐ That at a trial I cannot be compelled to take the witness stand and incriminate myself.
5. ☐ That if this plea of guilty is accepted, there will not be a trial and this case is at an end other than the imposing of the above sentence on me.
6. ☐ That in accepting this plea of guilty the Court may ask me questions and require that I answer under oath, on the record, with the assistance of my attorney, and that my answers may later be used against me in a prosecution for perjury for the making of a false statement.
7. ☐ That if I should be found guilty of another criminal offense at a later date, the judgment of the conviction in this case may be used to enhance the punishment for the subsequent offense.
8. ☐ This sentence is ordered served in the Federal Bureau of Prisons. *ATC*

I do hereby request that my plea of guilty of the charges set forth above be accepted by the Court. If this plea of guilty is accepted, I do hereby expressly and knowingly waive my right to a trial by jury or by a judge sitting without a jury and submit my case to the trial judge for decision both as to my guilt and the punishment to be imposed on me. I fully understand my right to have my case reviewed by an Appellate Court, but hereby expressly and knowingly waive my right to file a motion for a new trial or otherwise appeal the decision made in my case here today

I certify that I am not under the influence of alcohol, narcotics, drugs or any other mind-altering substances, that I fully understand the nature of my actions here today, and that my actions are voluntary and not the result of force, threats or promises of any nature.

This the 19 day of July, 2024.

[Signature]

Defendant



2 4 - 2

Atty 24k

Andy Clark
Assistant District Attorney General
24th Judicial District

B119c A

Billy R. Roe, Jr.
Assistant District Public Defender
24th Judicial District

IN THE CRIMINAL CIRCUIT COURT FOR BENTON COUNTY, TENNESSEE

Case Number: 24-CR-53 Count #: 1 Counsel for the State: Anthony L. Clark
 Judicial District: District 24 Judicial Division: II Counsel for the Defendant: Billy Roe Jr
 JUL 19 2024
 Co-Counsel for the Defendant: _____
☐ Retained ☒ Pub Def Appt ☐ Private Atty Appt
☐ Counsel Waived ☐ Pro Se

State of Tennessee

vs.

SAM RAINWATERS
BENTON CO. CIRCUIT CLERK

Defendant: JASON WAYNE AUTRY Alias: _____ Date of Birth: 10-10-1974 Sex: M
 Race: White SSN: 411-55-0966 Driver License #: _____ Issuing State: _____
 State ID #: _____ County Offender ID # (if applicable): _____ TDOC #: _____
 Relationship to Victim: _____ Victim's Age: _____
 State Control #: _____ Arrest Date: 7-11-24 Indictment Filing Date: _____

JUDGMENT ☒ Original ☐ Amended ☐ Corrected

Come the parties for entry of judgment.

On the 19th day of July, 2024, the defendant:

<input checked="" type="checkbox"/> Pled Guilty <input type="checkbox"/> Pled Nolo Contendere <input type="checkbox"/> Pled Guilty - Certified Question Findings Incorporated by Reference <input type="checkbox"/> Dismissed <input type="checkbox"/> Nolle Prosequi with costs <input type="checkbox"/> Nolle Prosequi without costs Is found: <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Not Guilty by Reason of Insanity <input type="checkbox"/> Jury Verdict <input type="checkbox"/> Bench Trial Merged with Count: _____	Indictment: Class (circle one) 1 st A <input checked="" type="radio"/> B <input type="radio"/> C <input type="radio"/> D <input type="radio"/> E <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Indicted Offense Name: <u>POSSESSION WEAPON - CONVICTED FELON</u> Indicted Offense TCA §: <u>39-17-1307(b)(1)</u> Amended Offense Name: _____ Amended Offense TCA §: _____ Offense Date: <u>12-3-20</u> County of Offense: <u>Benton</u> Conviction Offense Name: <u>POSSESSION WEAPON - CONVICTED FELON</u> Conviction Offense TCA §: <u>39-17-1307(b)(1)</u> Conviction: Class (circle one) 1 st A <input checked="" type="radio"/> B <input type="radio"/> C <input type="radio"/> D <input type="radio"/> E <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Sentence Imposed Date: <u>07-19-2024</u>
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After considering the evidence, the entire record, and in the case of sentencing, all factors in Tennessee Code Annotated Title 40, Chapter 35, all of which are incorporated by reference herein, it is ORDERED and ADJUDGED that the conviction described above is imposed hereby and that a sentence and costs are imposed as follows:

Offender Status (Check One) <input type="checkbox"/> Mitigated <input type="checkbox"/> Standard <input checked="" type="checkbox"/> Multiple <input type="checkbox"/> Persistent <input type="checkbox"/> Career	<input type="checkbox"/> 1st Degree Murder <input type="checkbox"/> Pre 1989 <input type="checkbox"/> Reform Act 1989 <input type="checkbox"/> After July 1, 1995	<input type="checkbox"/> Drug Free Zone <input type="checkbox"/> Gang Related <input type="checkbox"/> Repeat Violent Off
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Release Eligibility for Felony Offense			
* Early release eligibility not calculated in below percentages. (Check One)			
<input type="checkbox"/> Mitigated 20% <input type="checkbox"/> Mitigated 30% <input type="checkbox"/> Standard 30% <input checked="" type="checkbox"/> Multiple 35% <input type="checkbox"/> Persistent 45% <input type="checkbox"/> Career 60%	<input type="checkbox"/> § 40-35-501(i) 100% <input type="checkbox"/> Multiple Rapist 100% <input type="checkbox"/> Child Rapist 100% <input type="checkbox"/> Agg Rapist 100% <input type="checkbox"/> Child Predator 100% <input type="checkbox"/> § 39-13-518 100%	<input type="checkbox"/> Agg Rob 85% <input type="checkbox"/> Agg Rob w/ Prior 100% <input type="checkbox"/> § 39-17-1324(a), (b) 100% <input type="checkbox"/> Mult § 39-17-1324(j) 100% <input type="checkbox"/> Agg Assault w/ Death 75% <input type="checkbox"/> Att 1 st Deg Murder w/ SBI 85%	<input type="checkbox"/> Agg Child Neg/En 70% <input type="checkbox"/> Agg Child Neg/En 85% <input type="checkbox"/> Agg Vehicular Homicide 60% <input type="checkbox"/> Carjacking 75% <input type="checkbox"/> § 40-35-501(u) 85% <input type="checkbox"/> Cont Sex Abuse Child 100%

Release Eligibility 100% Sentence to be Served for These Offenses Committed on or After July 1, 2022.			
*Credits earned may not go toward early release. (Check One)			
<input type="checkbox"/> Att 1st Degree Murder <input type="checkbox"/> Esp Agg Kidnapping	<input type="checkbox"/> 2nd Degree Murder <input type="checkbox"/> Esp Agg Robbery	<input type="checkbox"/> Veh Homicide by Intox <input type="checkbox"/> Carjacking	<input type="checkbox"/> Agg Veh Homicide <input type="checkbox"/> Esp Agg Burglary

Release Eligibility 85% Sentence to be Served for These Offenses Committed on or After July 1, 2022.		
*Credits earned may be used for up to 15% early release. (Check One)		
<input type="checkbox"/> Agg Assault w/ a Deadly Weapon <input type="checkbox"/> Agg Assault w/ SBJ <input type="checkbox"/> Agg Assault w/ Death <input type="checkbox"/> Agg Assault Against 1st Responder <input type="checkbox"/> Vol Manslaughter	<input type="checkbox"/> Veh Homicide <input type="checkbox"/> Reckless Homicide <input type="checkbox"/> Agg Kidnapping <input type="checkbox"/> Invol Labor Servitude <input type="checkbox"/> Agg Robbery	<input type="checkbox"/> Agg Burglary <input type="checkbox"/> Agg Arson <input type="checkbox"/> Crim Neg Homicide <input type="checkbox"/> § 40-35-501 (cc) (2) (O) <input type="checkbox"/> § 40-35-501 (cc) (2) (P)

Concurrent with: FEDERAL CASE NO: <u>1:20-CR-10063-STA-1</u>	Pretrial Jail Credit Period(s): From <u>12-03-2020</u> to <u>07-14-24</u> From _____ to _____ From _____ to _____ From _____ to _____ From _____ to _____ From _____ to _____ It is not the intent of the court for duplication of Jail Credit to be applied to consecutive sentences
Consecutive to:	

Judge's Name: Bruce I. Griffey Judge's Signature: _____ Date: 7-14-2024



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IN THE CRIMINAL CIRCUIT COURT FOR BENTON COUNTY, TENNESSEE

Case Number: 24-CR-53 Count #: 1
 Judicial District: District 24 Judicial Division: II

State of Tennessee

vs.

Defendant: JASON WAYNE AUTRY Alias: _____ Date of Birth: 10-10-1974 Sex: M
 Race: White SSN: 411-55-0966

CONTINUATION OF JUDGMENT ☒ Original ☐ Amended ☐ Corrected

Sentenced To: ☒ TDOC ☐ County Jail ☐ Workhouse
 Sentence Length: 15 Years _____ Months _____ Days _____ Hours ☐ Life ☐ Life w/ out Parole ☐ Death

Mandatory Minimum Sentence Length: _____ §§ 39-17-417, 39-13-513, 39-13-514
 _____ § 55-10-401 DUI 4th Offense
 _____ § 39-17-1324 Possession/Employment of Firearm
 _____ §§ 40-39-208, 40-39-211 Violation of Sex Offender Registry
 _____ §§ 39-17-434, 39-17-417, 39-17-418 Meth

Minimum service prior to eligibility for work release, furlough, trusty status and rehabilitative programs: _____ % (Misdemeanor or Split Confinement Only)
 Defendant may be subject to an additional year of mandatory supervision pursuant to § 40-35-506

Alternative Sentence: ☐ Sup Prob ☐ Unsup Prob ☐ Comm Corr ☐ Prob Sup By Comm. Corr (CHECK ONE BOX)
 _____ Years _____ Months _____ Days Effective: _____

Period of incarceration to be served prior to release on probation or Community Corrections: _____ Months _____ Days _____ Hours

WAS DRUG/RECOVERY COURT ORDERED AS A CONDITION OF THE ALTERNATIVE SENTENCE? ☐ Yes ☐ No

Court Ordered Fees and Fines: **Costs to be Paid by**
 \$ _____ Court Costs ☒ Defendant ☐ State
 \$ 0 Fine Assessed
 \$ _____ Traumatic Brain Injury Fund (68-55-301 et seq.)
 \$ _____ Drug Testing Fund (TN Drug Control Act)
 \$ _____ CICF
 \$ _____ Sex Offender Tax
 \$ _____ Other: _____

Restitution: Victim Name _____
 Address _____
 Total Amount \$ _____
 Amount Per Month (if applicable) \$ _____
 Payment Period _____

☐ Unpaid Community Service:
 _____ Hours _____ Days _____ Weeks _____ Months

- ☒ The Defendant having been found guilty is rendered infamous and ordered to provide a biological specimen for the purpose of DNA analysis.
- ☐ Pursuant to TCA § 39-13-521, the defendant is ordered to provide a biological specimen for the purpose of HIV testing.
- ☐ Pursuant to TCA § 39-13-524 or § 39-13-518, the defendant is sentenced to community supervision for life following sentence expiration.
- ☐ Pursuant to TCA § 68-11-1001 et. seq., § 71-6-117, or § 71-6-119, the clerk shall forward this judgment to the Department of Health.

Special Conditions:

DEFENDANT IS RESPONSIBLE FOR COURT COSTS, BUT NO FINE IS IMPOSED.
Sentence ordered served in the Federal Bureau of Prisons.

Bruce I. Griffey

Judge's Name

[Signature]
 Judge's Signature

7-18-2024
 Date of Entry of Judgment

[Signature]
 Counsel for State/Signature (optional)

[Signature]
 Defendant/Defendant's Counsel/Signature (optional)

I _____, clerk, hereby certify that, before entry by the court, a copy of this judgment was made available to the party or parties who did not provide a signature above.

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