

1 A I COULDN'T SAY WITHOUT ANY -- I COULDN'T SAY WITH
2 CERTAINTY, BECAUSE WE HAD SEVERAL DIFFERENT MEMBERSHIP TYPES,
3 AND IT COULD HAVE BEEN ONE OF THE OTHERS, BUT IT APPEARS THAT
4 IT WAS NOT A MONTH-TO-MONTH OR THREE-MONTH MEMBERSHIP.

5 MR. JOHNSON: THAT'S ALL I HAVE. THANK YOU, SIR.

6 MR. MORRIS: THANK YOU, MR. GOULD.

7 THE COURT: MAY THIS WITNESS BE EXCUSED?

8 MS. ROSS: YES, SIR.

9 MR. MORRIS: YES, SIR.

10 THE COURT: THANK YOU, MR. GOULD. YOU ARE EXCUSED.

11 MR. MORRIS: BUDDY JONES, PLEASE.

12 BUDDY JONES,
13 HAVING BEEN DULY SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

14 THE BAILIFF: STATE AND SPELL YOUR NAME FOR THE
15 RECORD.

16 THE WITNESS: BUDDY JONES.

17 DIRECT EXAMINATION

18 BY MR. MORRIS:

19 Q IN WHAT PART OF TOWN DO YOU LIVE, MR. JONES?

20 A CHEROKEE COUNTY.

21 Q AND WHAT TYPE OF WORK DO YOU DO?

22 A I'M A LICENSED PRIVATE DETECTIVE.

23 Q HOW LONG HAVE YOU BEEN A LICENSED PRIVATE DETECTIVE?

24 A SINCE 1989.

25 Q AND WHAT WERE YOU DOING PRIOR TO 1989?

1 A I WAS IN THE MARINE CORPS FOR 13 YEARS.

2 Q AND WHAT TYPE OF WORK DID YOU DO IN THE MARINE CORPS?

3 A I WAS A CRIMINAL INVESTIGATOR.

4 Q WHAT IS THE NAME OF THE BUSINESS THAT YOU OPERATE

5 NOW?

6 A HOLIDAY INVESTIGATIVE SERVICES.

7 Q AND I BELIEVE -- DID YOU SAY YOU WERE LICENSED BY THE

8 STATE OF GEORGIA?

9 A YES, SIR.

10 Q IN SEPTEMBER OF 2006, DID MY OFFICE ASK YOU TO

11 CONDUCT AN INVESTIGATION FOR US?

12 A YES, SIR.

13 Q AND DID WE ASK YOU TO TRAVEL FROM A CERTAIN PLACE TO

14 A CERTAIN PLACE AND RECORD YOUR DIRECTION OF TRAVEL AND THE

15 TIME IT TOOK?

16 A YOU DID.

17 Q I WANT TO ASK YOU WHETHER YOU WENT TO 1367 BATTLEVIEW

18 DRIVE.

19 A I DID.

20 Q AND WHERE DID YOU DRIVE FROM 1367 BATTLEVIEW DRIVE,

21 AND IF YOU HAVE NOTES, YOU MAY FEEL FREE TO REFER TO THEM.

22 A THE FIRST OCCASION WAS ON TUESDAY, SEPTEMBER 26TH OF

23 2006, AND I STARTED OUT AT 1367 BATTLEVIEW DRIVE.

24 Q AND WHERE DID YOU DRIVE TO, OR WHERE DID YOU DRIVE?

25 A MY DESTINATION WAS 951 WEST CONWAY DRIVE.

1 Q 951 WEST CONWAY. AND WHAT ROUTE DID YOU TAKE,
2 PLEASE, SIR?

3 A I TOOK A LEFT ON BOULDER ROAD, A LEFT ON WEST WESLEY
4 ROAD, A RIGHT ON MOORE'S MILL ROAD, A LEFT ON NORTHSIDE
5 PARKWAY, A RIGHT ON BEECHWOOD DRIVE, NORTHWEST, AND THEN A
6 RIGHT ONTO WEST CONWAY DRIVE.

7 Q AND FOR LACK OF A BETTER TERM, IS THAT THE SURFACE
8 STREETS?

9 A YES, SIR.

10 Q AND HOW LONG -- WHAT TIME OF DAY DID YOU DO THIS,
11 PLEASE, SIR?

12 A 8:40 P.M.

13 Q SEPTEMBER --

14 A -- 16TH.

15 Q OF 2006?

16 A YES, SIR.

17 Q AND HOW LONG DID IT TAKE YOU TO DRIVE FROM 1367
18 BATTLEVIEW DRIVE TO 951 WEST CONWAY?

19 A THE LAST TIME WAS 11 MINUTES AND 5 SECONDS.

20 Q DID YOU DO IT MORE THAN ONCE?

21 A YES. I DID A RETURN TRIP.

22 Q SO THE FIRST TRIP TOOK YOU 11 MINUTES AND 5 SECONDS
23 TO GET FROM 1367 BATTLEVIEW DRIVE TO 951 WEST CONWAY?

24 A YES, SIR.

25 Q AT THAT TIME WERE YOU OBSERVING THE SPEED LIMITS?

1 A I WAS.

2 Q AND THIS IS SURFACE STREETS?

3 A YES, SIR.

4 Q DID YOU RETURN ON SURFACE STREETS?

5 A I REVERSED THE SAME DIRECTION, YES, SIR.

6 Q AND HOW LONG DID THAT TAKE YOU?

7 A THE TOTAL ELAPSED TIME WAS 25 MINUTES AND 44 SECONDS.

8 Q 25:44?

9 A YES, SIR.

10 Q AND THAT WOULD BE FROM DOOR-TO-DOOR AND BACK; IS THAT

11 CORRECT?

12 A YES, SIR.

13 Q SO THE RETURN TRIP TOOK YOU LONGER THAN THE TRIP

14 THERE?

15 A NO. I WAS INSTRUCTED TO STAY AT THE RESIDENCE FOR A

16 PERIOD OF THREE MINUTES BEFORE I RETURNED MY TRIP.

17 Q SO YOU STAYED THREE MINUTES?

18 A YES, SIR.

19 Q IF YOU TAKE OUT THE THREE MINUTES, IS THE DRIVE TIME

20 22:44?

21 A YES, SIR.

22 Q LET'S DO THAT. LET'S JUST DO THE DRIVE TIME. 22:44?

23 A YES, SIR.

24 Q SO THE RETURN TRIP, IF YOU WILL, WOULD BE 11:39?

25 A I BELIEVE SO, YES.

1 Q SO THIS WOULD BE GOING, AND THAT WOULD BE RETURNING,
2 AND THAT WOULD BE TOTAL TIME, CORRECT?

3 A YES, SIR.

4 Q DID YOU MAKE THE SAME TRIP USING THE HIGHWAY?

5 A ON A DIFFERENT OCCASION I DID, YES.

6 Q WOULD YOU PLEASE TELL US WHAT DAY THAT WAS, WHAT TIME
7 THAT WAS, AND WHAT YOUR ROUTE WAS?

8 A THAT WAS ON WEDNESDAY, SEPTEMBER 27TH OF 2006.

9 Q AND AT WHAT TIME?

10 A I DEPARTED THE RESIDENCE AT 8:40 P.M.

11 Q AND YOU DEPARTED 1367 BATTLEVIEW DRIVE?

12 A YES, SIR.

13 Q AND HOW DID YOU GO TO CONWAY?

14 A ONCE I LEFT THE RESIDENCE, I TOOK A LEFT ON BOLDER
15 ROAD, A LEFT ON WEST WESLEY, A RIGHT ON MOORE'S MILL ROAD, AND
16 I WENT NORTH ON INTERSTATE 75 AND EXITED AT 251 MOUNT PARAN
17 ROAD, TOOK A RIGHT ON MOUNT PARAN ROAD, AND THEN RIGHT ON WEST
18 CONWAY DRIVE.

19 Q IS THAT THE MOST DIRECT ROUTE VIA THE HIGHWAY?

20 A I BELIEVE SO, YES.

21 Q AND HOW LONG DID IT TAKE YOU TO DRIVE THE HIGHWAY
22 FROM BATTLEVIEW TO WEST CONWAY?

23 A I ARRIVED AT 8:47:47.

24 Q SO 7 MINUTES AND 47 SECONDS ON THE WAY, AND THAT'S
25 I-75. AND ON THE WAY BACK?

1 A I REVERSED THE DIRECTIONS.

2 Q AND WHAT WAS THE TOTAL TIME?

3 A I ARRIVED BACK AT THE RESIDENCE AT 8:59.36. IT TOOK

4 A LITTLE UNDER 9 MINUTES TO RETURN TO THE RESIDENCE.

5 Q NINE MINUTES?

6 A YES, SIR.

7 Q SO THAT'S GOING THERE, AND THAT'S GOING BACK. SO A

8 TOTAL OF ABOUT 16 AND A HALF, 16:47?

9 A YES, SIR.

10 Q SIXTEEN MINUTES AND 47 SECONDS. OKAY. THE HIGHWAY

11 WAS FASTER THAN SURFACE STREETS?

12 A YES, SIR.

13 Q I WANT TO ASK YOU ABOUT ANOTHER TRIP. DID I ASK YOU

14 TO GO TO AN ADDRESS KNOWN AS FERNWOOD CIRCLE?

15 A 1330 FERNWOOD CIRCLE, NORTHEAST, YES, SIR.

16 Q WHAT DAY DID YOU GO THERE?

17 A THAT WAS THURSDAY, SEPTEMBER 28TH, 2006.

18 Q ABOUT WHAT TIME?

19 A I ARRIVED AT THE RESIDENCE AT 10:52 AND 18 SECONDS.

20 Q A.M.?

21 A YES, SIR.

22 Q OKAY. WHEN YOU GOT TO FERNWOOD CIRCLE, DID YOU PARK

23 YOUR CAR?

24 A I DID.

25 Q WHAT DID YOU DO THEN?

1 A I WALKED TO THE BROOKHAVEN MARTA STATION FROM THAT
2 ADDRESS.

3 Q DID YOU LEAVE AT 10:52?

4 A I DID.

5 Q AND HOW LONG DID IT TAKE YOU TO GET INTO THE MARTA
6 STATION?

7 A I ARRIVED AT THE MARTA STATION AT 11:01 AND 24
8 SECONDS.

9 Q 11:01. WE'LL LEAVE OUT THE SECONDS FOR THE MOMENT.
10 10:52 TO 11:01, SO IT TOOK YOU ABOUT 9 MINUTES TO GET TO THE
11 MARTA STATION?

12 A YES, SIR.

13 Q IS THERE AN ENTRANCE -- LET ME ASK YOU THIS WAY. THE
14 MARTA STATION FRONTS ON WHAT STREET?

15 A PEACHTREE.

16 Q IT BACKS ON WHAT STREET?

17 A THERE IS NOT A BACK STREET. THERE IS AN ACCESS FOR
18 THE MARTA BUS ON THE BACK SIDE.

19 Q WERE YOU A PEDESTRIAN ON FOOT?

20 A YES, SIR.

21 Q CAN YOU GET IN THE BACK ENTRANCE OF THE MARTA STATION
22 ON FOOT?

23 A IT WOULD BE CONSIDERED TRESPASSING. THERE ARE SIGNS
24 POSTED THAT THERE IS NO ENTRY, THE BUSES ALLOWED ONLY.

25 Q SO DID YOU GO TO THE FRONT OF THE MARTA STATION?

1 A I DID.

2 Q AND DID YOU WAIT FOR A TRAIN?

3 A YES, SIR.

4 Q HOW LONG DID IT TAKE THE TRAIN TO COME?

5 A THREE MINUTES.

6 Q SO THAT WOULD BE?

7 A THE TRAIN ARRIVED AT 11:04 AND 30 SECONDS.

8 Q 11:04 A.M. IS THE TRAIN, CORRECT?

9 A YES, SIR.

10 Q AND TO WHERE DID YOU RIDE THE TRAIN?

11 A I RODE THE TRAIN TO THE GEORGIA PACIFIC TOWER AT 133
12 PEACHTREE STREET.

13 Q WHAT TIME DID YOU ARRIVE AT THE GEORGIA PACIFIC
14 TOWER?

15 A 11:23 IN THE MORNING.

16 Q DID YOU GO INTO THE GEORGIA PACIFIC TOWER?

17 A I DID.

18 Q WHERE DID YOU GO?

19 A TO THE 25TH FLOOR.

20 Q WHAT TIME DID YOU ARRIVE?

21 A 11:23.

22 Q OKAY. SO, IF I UNDERSTAND WHAT YOU SAID, YOU STARTED
23 OUT AT 1330 FERNWOOD AT 10:52, WALKED TO THE MARTA STATION,
24 TOOK THREE MINUTES FOR THE TRAIN TO COME, GOT ON THE TRAIN,
25 RODE DIRECTLY TO THE GEORGIA PACIFIC BUILDING, THE STATION

1 CLOSET BY?

2 A THERE IS A STATION RIGHT ALMOST TO THE ENTRANCE OF

3 THE GEORGIA PACIFIC, YES, SIR.

4 Q AND WENT UP TO THE 25TH FLOOR, AND THAT TOOK HOW

5 LONG, SIR?

6 A THIRTY-ONE MINUTES.

7 Q THIRTY-ONE MINUTES?

8 A YES, SIR.

9 Q OKAY. DID YOU REVERSE DIRECTION AND WALK FROM THE

10 BROOKHAVEN MARTA STATION TO FERNWOOD?

11 A TO RETURN TO MY VEHICLE, YES, SIR.

12 Q HOW LONG DID THAT TAKE, THE WALK BACK FROM THE MARTA

13 STATION?

14 A I LEFT THE GEORGIA PACIFIC BUILDING 11:24 AND 30

15 SECONDS AND RETURNED TO MY VEHICLE AT 11:59 A.M.

16 Q SORRY. YOU REVERSED IT?

17 A I DID.

18 Q AND YOU LEFT AT WHAT TIME?

19 A 11:24 AND 30 SECONDS.

20 Q AND ARRIVED AT WHAT TIME?

21 A 11:59 A.M.

22 Q CORRECT ME IF I'M WRONG. IS THAT 35 MINUTES?

23 A YES, SIR, 35 MINUTES.

24 Q 35 MINUTES ON THE RETURN. IS THAT CORRECT, SIR?

25 A YES, SIR.

1 MR. MORRIS: THANK YOU VERY MUCH. HE'S WITH YOU.

2 CROSS-EXAMINATION

3 BY MS. ROSS:

4 Q GOOD AFTERNOON, MR. JONES. DID YOU ACTUALLY RECORD
5 YOUR MILEAGE AS WELL ON THESE TRIPS?

6 A I DID.

7 Q TELL US, PLEASE, SIR, STARTING FIRST WITH THE
8 NORTHSIDE DRIVE ROUTE, WHICH I BELIEVE YOU TESTIFIED WAS THE
9 LONGER WAY OF THE TWO, AND, I MEAN, GOING THERE, 1367
10 BATTLEVIEW DRIVE TO 951 WEST CONWAY, THE LONGEST TIMEWISE ROUTE
11 WOULD BE THE NORTHSIDE DRIVE ROUTE, RIGHT?

12 A YES.

13 Q BECAUSE NORTHSIDE DRIVE, IT TOOK YOU ABOUT 11 MINUTES
14 BOTH WAYS. IS THAT FAIR TO SAY?

15 A YES.

16 Q AND I CAN FLIP THAT BACK OVER, IF THAT HELPS YOU.

17 A THAT'S OKAY.

18 Q AND IF YOU GO THE HIGHWAY, WHICH IS 75, IT WAS 7
19 MINUTES AND 47 SECONDS GETTING THERE AND ABOUT 9 MINUTES
20 GETTING BACK, RIGHT?

21 A YES, MA'AM.

22 Q SO I-75 IS THE FASTER OF THE TWO ROUTES?

23 A YES, MA'AM.

24 Q AND THIS WAS IN 2006, OF COURSE?

25 A OF COURSE.

1 Q TELL ME MILEAGE, PLEASE. THE NORTHSIDE DRIVE, WHAT
2 IS THE MILEAGE BETWEEN 1367 BATTLEVIEW DRIVE TO 951 WEST
3 CONWAY?

4 A IT WAS 10 MILES EXACTLY.

5 Q AND THE I-75 ROUTE, WHAT WAS THAT MILEAGE?

6 A 9.4 MILES.

7 Q 9.4 MILES?

8 A YES, MA'AM.

9 Q YOU TOLD US YOU OBEYED THE SPEED LIMIT?

10 A I DID.

11 Q IS THAT INCLUDING ON THE HIGHWAY AS WELL ON 75?

12 A YES, MA'AM.

13 Q AND THE POSTED SPEED LIMIT ON THAT PART OF 75, I
14 BELIEVE, TODAY IS 55 MILES PER HOUR STILL?

15 A YES, MA'AM.

16 Q AND YOU WENT 55 MILES PER HOUR, YOU TOLD US?

17 A I DID.

18 Q SO, IF SOMEONE WERE TO DRIVE IT QUICKER, FOR EXAMPLE,
19 IF SOMEONE TOOK A HIGHWAY SPEED OF 60 TO 70 MILES AN HOUR,
20 WOULD THAT GET YOU THERE FASTER?

21 A I'M SURE IT WOULD.

22 Q AND DO YOU KNOW WHAT THE TRAFFIC CONDITIONS WERE LIKE
23 WHEN YOU DROVE THIS IN 2006?

24 A ON WHICH ROUTE?

25 Q THAT'S A GOOD QUESTION. LET'S START WITH THE

1 NORTHSIDE DRIVE ROUTE.

2 A THE TRAFFIC WAS LIGHT.

3 Q WHAT ABOUT ON THE I-75 ROUTE?

4 A IT WAS LIGHT ALSO.

5 Q NOW, WERE YOU LIVING IN ATLANTA IN 1996?

6 A YES, MA'AM.

7 Q DO YOU HAVE ANY IDEA WHAT THE TRAFFIC CONDITIONS WERE
8 ON DECEMBER 10TH OF 1996 ON THESE TWO ROUTES?

9 A I DO NOT.

10 Q OR HOW LONG IT WOULD TAKE TO DRIVE BETWEEN 1367
11 BATTLEVIEW DRIVE AND 951 WEST CONWAY DRIVE, IF YOU WENT THE
12 HIGHWAY ROUTE, I-75, ON DECEMBER 10TH OF 1996?

13 A I HAVE NO IDEA HOW LONG IT WOULD TAKE.

14 Q AND I THINK YOU ANSWERED MY OTHER QUESTION. THANK
15 YOU. THAT'S ALL I HAVE, MR. JONES.

16 MR. MORRIS: THANK YOU VERY MUCH, SIR.

17 THE COURT: OKAY. MAY HE BE EXCUSED?

18 MR. MORRIS: YES, PLEASE.

19 THE COURT: YOU MAY BE EXCUSED, MR. JONES.

20 MR. MORRIS: DENNIS MILLER, PLEASE.

21 DENNIS MILLER,
22 HAVING BEEN DULY SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

23 THE BAILIFF: STATE AND SPELL YOUR NAME FOR THE
24 RECORD.

25 THE WITNESS: DENNIS MILLER.