

1 THE BAILIFF: GO AHEAD AND HAVE A SEAT, MR. CHAMBERS.  
2 RAISE YOUR RIGHT HAND.

3 RICK CHAMBERS,  
4 HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND  
5 TESTIFIED AS FOLLOWS:

6 THE BAILIFF: STATE YOUR NAME AND SPELL IT FOR THE  
7 RECORD.

8 THE WITNESS: RICK CHAMBERS, C-H-A-M-B-E-R-S.

9 DIRECT EXAMINATION

10 BY MR. JOHNSON:

11 Q SIR, WHERE ARE YOU CURRENTLY EMPLOYED?

12 A CITY OF ATLANTA POLICE DEPARTMENT.

13 Q AND WHAT IS YOUR POSITION?

14 A I AM A SERGEANT IN THE UNIT -- MAJOR CRIMES DIVISION,  
15 DETECTIVE DIVISION.

16 Q AND WHAT ARE YOUR RESPONSIBILITIES?

17 A I OVERSEE THE HANDLING OF SEXUAL ASSAULT CASES ON  
18 ADULTS.

19 Q HOW LONG HAVE YOU BEEN DOING THAT FOR?

20 A TWO AND A HALF YEARS.

21 Q HOW LONG HAVE YOU BEEN WITH THE ATLANTA POLICE  
22 DEPARTMENT IN TOTAL?

23 A SINCE OCTOBER 31ST, 1981.

24 Q AND, IF YOU COULD, TELL THE JURY A LITTLE BIT ABOUT  
25 YOUR EXPERIENCE WITH THE ATLANTA POLICE DEPARTMENT FROM 1981

1 THROUGH THE PRESENT.

2 A I SPENT SEVERAL YEARS IN UNIFORM DIVISION HANDLING  
3 911 CALLS. I WORKED STREET LEVEL DRUG ENFORCEMENT IN A UNIT  
4 CALLED RED DOG UNIT, WORKED UNDERCOVER NARCOTICS, MOSTLY  
5 DETECTIVE, WORKED HOMICIDE '91 THROUGH '97. I WAS PROMOTED TO  
6 SERGEANT '97, WAS BACK ON THE ROAD AS A SERGEANT IN UNIFORM  
7 UNTIL 2000, TRANSFERRED BACK TO THE CID DIVISION.

8 Q AND WHAT IS THE CID DIVISION?

9 A CRIMINAL INVESTIGATION DIVISION.

10 Q ARE YOU POST CERTIFIED?

11 A YES.

12 Q AND WHAT DOES THAT MEAN?

13 A THAT MEANS I AM LICENSED BY THE STATE TO MAKE ARRESTS  
14 IN THE STATE OF GEORGIA.

15 Q AND DO YOU HAVE --

16 A OR CITY OF ATLANTA.

17 Q DO YOU HAVE TO TAKE ANY SORT OF COURSES TO KEEP THAT  
18 ACCREDITATION UP TO DATE?

19 A YES. YOU HAVE TO TAKE 24 HOURS EACH YEAR  
20 RECERTIFICATION.

21 Q AND FOCUSING YOUR ATTENTION TO DECEMBER OF 1996, I  
22 BELIEVE YOU JUST TESTIFIED YOU WERE WITH HOMICIDE THEN?

23 A THAT'S CORRECT.

24 Q AND WHAT WAS YOUR POSITION THEN?

25 A I WAS A DETECTIVE.

1 Q AND WHAT SHIFT WOULD YOU NORMALLY WORK BACK THEN?

2 A I WORKED THE MIDNIGHT SHIFT, MIDNIGHT TO 8:00 A.M.

3 Q AND HOW MANY DAYS A WEEK WOULD YOU WORK?

4 A FIVE.

5 Q AND IN DECEMBER 1996 AS A DETECTIVE WITH THE HOMICIDE  
6 DIVISION, HOW WOULD THAT WORK EXACTLY? WOULD YOU BE THE LEAD  
7 EVERY TIME OR WOULD --

8 A NO. WE DID IT ON A -- WE DID A ROTATING BASIS WITH  
9 MEMBERS THAT WERE ON THE WATCH. WE HAVE TO GO TO WORK. WE  
10 HAVE A ROTATING LIST. A HOMICIDE COMES UP. WHOEVER IS ON TOP  
11 OF THE LIST THEY HANDLE THAT ONE. THEY'D BE LEAD ON THAT ONE.  
12 THE NEXT FOLLOWING IN LINE, SO AND SO ALL THE WAY DOWN THE  
13 LIST.

14 Q AND WOULD YOU ASSIST OTHER HOMICIDE DETECTIVES WITH  
15 THEIR CASES?

16 A YES.

17 Q I WANT TO FOCUS YOUR ATTENTION TO DECEMBER 10TH OF  
18 1996. WERE YOU WORKING ON THAT EVENING?

19 A YES, I WAS.

20 Q AND DID YOU RECEIVE ANY CALLS FOR ASSISTANCE?

21 A YEAH. THAT NIGHT WE RECEIVED A -- THAT WAS TUESDAY  
22 DECEMBER 10TH. IT WAS GOING TO WEDNESDAY DECEMBER 11TH. WE  
23 RECEIVED A CALL OF A FIRE AT 951 WEST CONWAY. IT WAS A  
24 SUSPICIOUS DEATH.

25 Q DO YOU REMEMBER ABOUT WHAT TIME YOU RECEIVED THAT

1 CALL?

2 A YES, SIR. IT WAS ABOUT 20 MINUTES AFTER MIDNIGHT.

3 Q DO YOU REMEMBER WHAT INFORMATION YOU RECEIVED AT THAT  
4 POINT?

5 A YES; THAT THERE WAS A HOUSE FIRE WITH A SUSPICIOUS  
6 DEATH INSIDE.

7 Q WHAT DID YOU DO ONCE YOU RECEIVED THAT INFORMATION?

8 A PROCEEDED TO THE LOCATION.

9 Q AND DO YOU REMEMBER APPROXIMATELY WHAT TIME YOU  
10 ARRIVED AT THE LOCATION?

11 A APPROXIMATELY 12:30, 12:40.

12 Q WHAT DID YOU SEE UPON YOUR ARRIVAL?

13 A FIRE DEPARTMENT, LOTS OF TRUCKS, HOUSE THAT HAD BEEN  
14 ON FIRE, ATLANTA POLICE OFFICERS ON THE SCENE.

15 Q AND WHAT DID YOU DO WHEN YOU ARRIVED?

16 A I SPOKE WITH THE ARSON INVESTIGATOR OR THE FIRE  
17 CAPTAIN WHO WAS ON THE SCENE. I WAS ADVISED THAT THEY THOUGHT  
18 THE HOUSE HAD BEEN -- WAS ARSON DUE TO THE FACT THE HOUSE HAD  
19 GONE UP SO FAST, THAT THE PERSON FOUND DEAD INSIDE WAS A  
20 SUSPICIOUS DEATH BECAUSE THE PERSON WAS FACE UP, AND MOST  
21 PEOPLE WHO DIE IN FIRES OF NATURAL OR DUE TO FIRE ARE FACE  
22 DOWN. I SPOKE TO HIM, ASKED HIM WHETHER THE RESIDENTS OF THE  
23 HOUSE WERE INSIDE, SAID THAT I SHOULD TALK TO THE PEOPLE OVER  
24 THERE THAT -- WE ASKED IF ANY RELATIVES WERE OVER THERE, WERE  
25 HERE. HE POINTED TO A MALE AND FEMALE LATER IDENTIFIED AS

1 CRAIG FOSTER, AND HER NAME WAS PATRICIA FLAVIN.

2 Q AND JUST FOR THE RECORD, WHAT IS IT THAT YOU ARE  
3 REFERRING TO?

4 A MY SUPPLEMENT REPORT ON THIS INCIDENT.

5 Q NOW, YOU SAID YOU SPOKE BRIEFLY WITH A MAN NAMED  
6 CRAIG FOSTER?

7 A THAT'S CORRECT.

8 Q AND YOU SAID, I THINK, PATRICIA FLAVIN?

9 A FLAVIN, RIGHT, YES, SIR.

10 Q FLAVIN. WHAT INFORMATION DID YOU RECEIVE?

11 A THAT MR. FOSTER HAD BEEN A FRIEND OF THE PERSON WHO  
12 OWNED THE HOUSE AND THAT THE PERSON'S GIRLFRIEND WHO HAD JUST  
13 LEFT THE AREA, JUST LEFT THE SCENE, WAS A FRIEND OF THEIRS.

14 Q AND ONCE YOU RECEIVED THAT INFORMATION, WHAT DID YOU  
15 DO?

16 A I ADVISED TO HAVE THEM RETURN TO THE SCENE.

17 Q AND DID THEY, IN FACT, COME BACK?

18 A THEY DID, IN FACT, RETURN.

19 Q AND WHO IS IT THAT RETURNED TO THE SCENE?

20 A MEGAN LEE AND CRAIG FOSTER.

21 Q I'M SORRY. CRAIG FOSTER?

22 A I MEAN CLAYTON TURNER.

23 Q SO CRAIG FOSTER AND PATRICIA FLAVIN WERE THE ONES  
24 THAT WERE THERE. AND THEN WHO IS IT THAT RETURNED?

25 A MEGAN LEE DAVIS AND CLAYTON TURNER.

1 Q DID YOU HAVE AN OPPORTUNITY TO TALK WITH THEM?

2 A I DID.

3 Q AND WHAT INFORMATION DID YOU RECEIVE AT THAT POINT?

4 MR. MORRIS: I'M GOING TO HAVE TO OBJECT. IF IT'S  
5 OFFERED FOR THE TRUTH, IT WOULD BE HEARSAY. IF IT'S NOT  
6 OFFERED FOR THE TRUTH, THEN I'M NOT OBJECTING.

7 MR. JOHNSON: REALLY JUST FOR THE EFFECT ON THE  
8 LISTENER FOR WHAT STEPS DETECTIVE CHAMBERS TOOK. THEY'VE  
9 ALREADY TESTIFIED SO I CAN JUST -- I CAN JUST ASK HIM ONCE  
10 HE RECEIVED THE INFORMATION WHAT DID HE DO NEXT.

11 THE COURT: OKAY. PROCEED.

12 BY MR. JOHNSON:

13 Q ONCE YOU TALKED WITH CRAIG FOSTER, PATRICIA, MEGAN,  
14 AND CLAYTON TURNER, WHAT DID YOU DO AFTER THAT?

15 A WE PROCEEDED TO -- WHILE ALSO AT THE LOCATION, WE DID  
16 SPEAK TO THE NEIGHBOR WHO LIVED NEXT DOOR FOR JUST A BRIEF  
17 SECOND, THE ONE WHO HAD ACTUALLY CALLED 911 ON THE FIRE. BUT  
18 WE PROCEEDED TO MR. DAVIS' HOUSE ON BATTLEVIEW.

19 Q AND WHY IS IT WHEN YOU WERE IN THE MIDDLE OF THIS  
20 SCENE AND YOU'D JUST TALKED TO THESE FOLKS, THAT YOU WENT TO  
21 BATTLEVIEW?

22 MR. MORRIS: OBJECTION. RELEVANCE.

23 THE COURT: OVERRULED.

24 THE WITNESS: WE HAD RECEIVED INFORMATION THAT  
25 MR. DAVIS, THE RESIDENT OF BATTLEVIEW AND THE ESTRANGED

1 HUSBAND OF MEGAN LEE DAVIS, HAD RECENTLY BEEN ATTACKED  
2 THAT NIGHT AND THAT SOMEONE HAD ATTEMPTED TO BURN HIS  
3 HOUSE DOWN.

4 BY MR. JOHNSON:

5 Q OTHER THAN WHAT YOU'VE TALKED ABOUT ALREADY, BEFORE  
6 YOU LEFT TO GO TO BATTLEVIEW DID YOU DO ANYTHING ELSE AT 951  
7 WEST CONWAY?

8 A OTHER THAN SPEAK TO THE NEIGHBORS AND MR. FOSTER  
9 ADVISING THAT -- SPEAKING TO MR. FOSTER, NO.

10 Q ALL RIGHT. SO YOU GO TO -- WHERE DID YOU GO ON  
11 BATTLEVIEW?

12 A TO 13 -- 1351 BATTLEVIEW, YEAH.

13 Q DO YOU KNOW WHOSE HOUSE YOU WENT TO?

14 A SCOTT DAVIS.

15 Q AND DO YOU KNOW WHAT THE ADDRESS IS THERE?

16 A I BELIEVE IT'S 1351 BATTLEVIEW IF I'M NOT MISTAKEN.

17 Q IF I WERE TO SHOW YOU ANOTHER DOCUMENT, WOULD THAT  
18 HELP YOU REFRESH YOUR RECOLLECTION?

19 A IT WOULD. 1367 BATTLEVIEW.

20 Q SO YOU WENT TO 1367 BATTLEVIEW. AND WHAT DID YOU DO  
21 WHEN YOU ARRIVED?

22 A WELL, I SPOKE TO MR. DAVIS.

23 Q HOW LONG DID IT TAKE YOU TO GET THERE FROM 951 WEST  
24 CONWAY?

25 A APPROXIMATELY 8 MINUTES, SAY 8 TO 10 MINUTES AT THE

1 MOST.

2 Q AND WHAT ROUTE DID YOU TAKE?

3 A NORTH, STRAIGHT DOWN NORTHSIDE DRIVE TO PEACHTREE  
4 BATTLE TO BOHLER TO BATTLEVIEW.

5 Q NOW, SINCE YOU'VE BEEN INVOLVED IN THIS CASE, HAVE  
6 YOU TAKEN ANY OTHER ROUTES BETWEEN 1367 BATTLEVIEW DRIVE AND  
7 951 WEST CONWAY?

8 A RIGHT. TO HOWELL MILL TO 75, 75 TO MT. PARAN, MT.  
9 PARAN TO WEST CONWAY.

10 Q AND HOW LONG DID THAT TAKE?

11 A APPROXIMATELY FIVE MINUTES, FIVE OR SIX MINUTES.

12 Q AND AT THAT TIME OF NIGHT WHEN YOU WENT ON THE 10TH  
13 OF DECEMBER, WHAT WAS THE TRAFFIC LIKE?

14 A NO TRAFFIC. IT WAS LIGHT, THE MIDDLE OF THE NIGHT.

15 Q ALL RIGHT. SO YOU ARRIVE AT 1367 BATTLEVIEW DRIVE.  
16 AND WHAT DID YOU DO?

17 A I SPOKE TO MR. DAVIS.

18 Q WAS THERE ANYONE ELSE AT 1367 BATTLEVIEW DRIVE OTHER  
19 THAN MR. DAVIS?

20 A YES; TWO UNIFORMED OFFICERS FROM ZONE 2.

21 Q DID YOU TALK WITH THEM AT ALL?

22 A BRIEFLY, YES.

23 Q AND YOU SAY YOU SPOKE WITH MR. DAVIS. DO YOU SEE  
24 MR. DAVIS IN THE COURTROOM HERE TODAY?

25 A I DO.



1 Q COULD YOU PLEASE POINT TO HIM AND DESCRIBE AN ARTICLE  
2 OF CLOTHING?

3 A HE'S WEARING --

4 MR. MORRIS: WE'LL STIPULATE.

5 THE COURT: OKAY. IT'S STIPULATED.

6 BY MR. JOHNSON:

7 Q OKAY. SO YOU SAID YOU TALKED TO HIM. WHAT DID HE  
8 TELL YOU?

9 A THAT HE HAD BEEN ATTACKED EARLIER IN THE DAY AT  
10 AROUND 7:00 P.M., THAT SOMEONE HAD -- HE HAD RETURNED HOME FROM  
11 THE GYM, THAT SOMEONE HAD JUMPED OUT OF HIS UTILITY CLOSET,  
12 LAUNDRY ROOM THAT'S RIGHT ON HIS CARPORT, SPRAYED MACE IN HIS  
13 FACE, TOLD HIM TO STAY AWAY FROM MEGAN, ASKED FOR THE KEYS TO  
14 HIS CAR, PUT A GUN TO HIS HEAD, TOOK THE KEYS TO HIS CAR, TRIED  
15 TO STEAL HIS CAR. CAR WOULDN'T CRANK. HE HAD TO PLUG -- KILL  
16 PLUG SO THAT -- FLED THE SCENE, JUMPED OVER THE FENCE, RAN  
17 THROUGH THE BACKYARD, THROUGH THE WOODS AWAY FROM HIS HOUSE;  
18 THAT THAT EVENING, THAT NIGHT, HE WAS IN BED, HEARD HIS DOG  
19 BARK, GOT UP, LOOKED, SAW FLAMES ON HIS BACK PATIO, GRABBED A  
20 SHOTGUN, RAN OUTSIDE. THE SUBJECT HE BELIEVED TO BE THE SAME  
21 PERSON FROM THE ATTACK EARLIER HAD -- WAS JUMPING OVER THE  
22 FENCE AGAIN, TOOK A SHOT AT HIM. HE FIRED BACK FIVE TIMES WITH  
23 A SHOTGUN, AND THE SUBJECT FLED.

24 Q ONCE YOU RECEIVED THAT INFORMATION, WHAT DID YOU DO?

25 A I STARTED LOOKING AT THE BACK OF THE HOUSE TO SEE IF

1 I COULD SEE WHERE THE PROJECTILE, THE BULLET, HAD HIT THAT WAS  
2 FIRED AT MR. DAVIS. MR. DAVIS ADVISED ME THAT THE ROUND WENT  
3 OVER HIS HEAD. I STARTED LOOKING ON THE ROOF AREA TRYING TO  
4 SEE WHERE IT HIT, AND MR. DAVIS ADVISED ME THAT THE ROUND OF  
5 THE GUN WENT OVER HIS HEAD.

6 Q DID YOU OBSERVE ANY KIND OF DEFECTS IN THE HOUSE AT  
7 ALL? LET ME REPHRASE THAT. ANY DEFECTS CONSISTENT WITH A  
8 FIREARM HAVING BEEN FIRED INTO THE HOUSE?

9 A NO.

10 Q DID YOU SEE ANYTHING ON THE OTHER SIDE OF THE HOUSE  
11 IF IT HAD GONE OVER THE HOUSE?

12 A NO.

13 Q AND SO YOU DID THAT. WHAT ELSE DID YOU DO?

14 A WELL, WE ASKED MR. DAVIS IF HE WOULD COME DOWN TO THE  
15 OFFICE TO MAKE A STATEMENT AS TO THE ATTACK ON HIM BECAUSE  
16 SOMEONE TRYING TO BURN HIS HOUSE DOWN WAS CONSISTENT WITH WHAT  
17 HAD HAPPENED TO MR. COFFIN'S HOUSE, AND WE THOUGHT MAYBE IT MAY  
18 HAVE BEEN RELATED, ASKED MR. DAVIS TO COME DOWN TO THE HOMICIDE  
19 OFFICE TO MAKE A STATEMENT.

20 Q AND WHEN HE TOLD YOU WHAT HAPPENED AND ABOUT THE  
21 FIRST ATTACK -- AND I THINK YOU TESTIFIED THAT HE SAID THAT  
22 SOMEONE -- HE MADE, THE ATTACKER, ACCORDING TO THE DEFENDANT,  
23 MADE SOME STATEMENT ABOUT HIS ESTRANGED WIFE?

24 A THAT'S CORRECT.

25 Q WHAT IS IT YOU RECALL HIM SAYING?

1 A TO STAY AWAY FROM MEGAN.

2 Q OKAY. AND YOU PRONOUNCED IT MEGAN. DO YOU KNOW HOW  
3 HER NAME IS ACTUALLY PRONOUNCED?

4 A IT'S PRONOUNCED MEGAN, BUT MR. DAVIS MADE THE POINT  
5 OF SAYING THAT THE SUBJECT STATED STAY AWAY FROM MEGAN  
6 (PRONUNCIATION).

7 Q DID YOU FOLLOW-UP TO FIGURE OUT WHY, YOU KNOW, WOULD  
8 THE DEFENDANT -- WHY THAT WAS?

9 A WELL, HE DIDN'T KNOW. HE DIDN'T KNOW WHY THE SUBJECT  
10 CALLED HER MEGAN AND NOT MEGAN.

11 Q ONCE YOU ASKED THE DEFENDANT TO GO AND GIVE A FORMAL  
12 STATEMENT, WHAT DID YOU DO?

13 A MR. DAVIS WAS TRANSPORTED TO THE HOMICIDE OFFICE BY  
14 THE UNIFORMED ZONE 2 OFFICERS. AND WE INTERVIEWED NEIGHBORS,  
15 INTERVIEWED THE NEIGHBOR NEXT DOOR TO MR. DAVIS, A  
16 MS. GRAMLING, AND ASKED IF SHE HAD ACTUALLY -- WAS AWAKE AND  
17 HAD HEARD THE SHOTS. SHE SAID SHE DID. WE ASKED HOW MANY  
18 SHOTS SHE HEARD. SHE SAID FIVE. SAID ARE YOU SURE YOU KNOW  
19 THE SHOTS? SHE GOES YES BECAUSE I KNOW FIREARMS BECAUSE HER  
20 HUSBAND HAD HAD FIREARMS.

21 I ALSO INTERVIEWED MR. GATLEY, ANOTHER NEIGHBOR OF  
22 MR. DAVIS WHO STATED HE THOUGHT HE HAD HEARD SIX SHOTS. HE WAS  
23 AWAKENED TO THOSE SHOTS. THEN WE HEADED BACK TO THE HOMICIDE  
24 OFFICE.

25 Q AND WHAT WERE YOU PLANNING TO DO WHEN YOU ARRIVED

1 BACK AT HOMICIDE?

2 A INTERVIEW MR. DAVIS AND INTERVIEW ALL THE WITNESSES  
3 TO THE SCENE.

4 Q AT THAT POINT BEFORE YOU WENT BACK TO HOMICIDE, DID  
5 YOU GO BACK TO 951 WEST CONWAY?

6 A YES, WE DID.

7 Q AND WHEN WAS THAT?

8 A APPROXIMATELY -- APPROXIMATELY 2:30.

9 Q IN THE MORNING?

10 A YES.

11 Q AND WHAT WERE YOU DOING OVER THERE?

12 A JUST TO SEE WHAT WAS TRANSPIRING AT THE SCENE.

13 Q AS FAR AS THAT CRIME SCENE WENT, AT THAT POINT, 2:30  
14 IN THE MORNING, WHAT DID YOU KNOW?

15 A NOTHING OTHER THAN THERE WAS A FIRE AND A SUSPICIOUS  
16 DEATH INSIDE.

17 Q OTHER THAN THE OBVIOUS, THAT THE BODY WAS FOUND  
18 BURNED, DID YOU KNOW ANYTHING ELSE ABOUT THE VICTIM IN THE  
19 CASE?

20 A NO.

21 Q DID YOU PERSONALLY TELL ANYONE ABOUT HOW THAT VICTIM  
22 MAY HAVE DIED?

23 A NO.

24 Q SO DID YOU EVENTUALLY MAKE IT BACK TO HOMICIDE?

25 A YES, I DID.

1 Q WHAT HAPPENED WHEN YOU ARRIVED BACK THERE?

2 A ONCE BACK TO THE HOMICIDE OFFICE, I TOOK MR. DAVIS'  
3 STATEMENT.

4 Q AND JUST TO JUMP BACK FOR A MINUTE, WHEN YOU WERE  
5 STILL OUT AT 1367 BATTLEVIEW, YOU MENTIONED THAT YOU TALKED  
6 WITH A MR. GATLEY AND A MS. GRAMLING, DID YOU TALK WITH ANYONE  
7 ELSE OUT THERE?

8 A NOT AT THAT TIME, NO, SIR.

9 Q WAS THERE ANYONE ELSE OUT THERE WITH YOU?

10 A DETECTIVE WALKER.

11 Q OKAY. DO YOU KNOW IF HE TALKED TO PEOPLE IN THE  
12 AREA?

13 A YES, SIR, HE DID.

14 Q SO DID YOU HAVE AN OPPORTUNITY TO INTERVIEW THE  
15 DEFENDANT BACK AT THE HOMICIDE OFFICE?

16 A I DID.

17 Q NOW, AT THIS POINT WHAT WAS HIS STATUS? AND BY THAT  
18 I MEAN, WAS HE A SUSPECT? WAS HE A VICTIM? HOW WOULD YOU  
19 CHARACTERIZE HIM?

20 A AT THIS POINT HE WAS A VICTIM OF A CRIME.

21 Q AND TELL US ABOUT THAT INTERVIEW.

22 A ASKED MR. DAVIS TO STEP INTO THE SECRETARY'S OFFICE  
23 WHERE I PROCEEDED TO TAKE A TYPEWRITTEN STATEMENT OF THE  
24 INCIDENT OF WHICH MR. DAVIS HAD EXPLAINED TO ME AT THE HOUSE,  
25 AT HIS HOUSE.

1 Q AND TELL US A LITTLE BIT ABOUT THE HOMICIDE OFFICE AT  
2 THAT TIME, HOW IT WAS SET UP.

3 A IT WAS ON SUMMERSET TERRACE AT THE TIME. IT WAS A  
4 SINGLE-STORY RED BRICK BUILDING. YOU WOULD ENTER INTO AN  
5 ENCLAVE. YOU HAD TO BE BUZZED IN, AND YOU WALK IN. THERE WAS  
6 A PLEXIGLASS DOOR TO YOUR LEFT, DOOR TO THE RIGHT WHERE A  
7 RECEPTIONIST WOULD SIT. WHEN YOU ENTER THE DOOR TO THE RIGHT,  
8 YOU GO INTO A COMMON AREA WHERE OUR CHAIRS WERE, SECRETARY'S  
9 OFFICE, AND THEN OFF TO THE LEFT WOULD BE DETECTIVES' OFFICES  
10 DOWN THE HALLS AND AROUND.

11 Q AND WHERE WAS THE DEFENDANT WHEN YOU ARRIVED?

12 A IN THE COMMON AREA.

13 Q AND WHERE DID YOU CONDUCT THE INTERVIEW?

14 A THE INITIAL INTERVIEW, THE TYPEWRITTEN STATEMENT, WAS  
15 TAKEN IN THE SECRETARY'S OFFICE.

16 Q IN THE SECRETARY'S OFFICE?

17 A YES, SIR.

18 Q AND TELL US ABOUT THAT INTERVIEW, LIKE HOW WAS IT  
19 CONDUCTED, THAT KIND OF THING.

20 A I SAT ON ONE SIDE OF A DESK. MR. DAVIS SAT ON THE  
21 OTHER SIDE. I SAT IN FRONT OF A COMPUTER TERMINAL, AND I TYPED  
22 IT UP AS HE TOLD IT TO ME.

23 Q AND ONCE YOU TYPED IT UP, DID YOU GIVE THE DEFENDANT  
24 AN OPPORTUNITY TO REVIEW THE STATEMENT?

25 A I DID.

1 Q AND IF HE HAD ANY CHANGES, ALTERATIONS, DID YOU GIVE  
2 HIM THE OPPORTUNITY?

3 A YES, I DID.

4 MR. JOHNSON: MAY I APPROACH, YOUR HONOR?

5 THE COURT: YOU MAY.

6 BY MR. JOHNSON:

7 Q LET ME SHOW YOU WHAT'S BEEN MARKED AS STATE'S  
8 EXHIBIT 249. PLEASE TAKE A MOMENT TO LOOK AT THAT. HAVE YOU  
9 HAD AN CHANCE TO LOOK AT THAT?

10 A YES.

11 Q AND WHAT IS STATE'S EXHIBIT 249?

12 A THIS WOULD BE A COPY OF THE STATEMENT I TOOK FROM  
13 MR. DAVIS.

14 Q AND HAVING LOOKED AT THAT, IS THAT THE COPY OF THE  
15 STATEMENT THAT THE DEFENDANT GAVE ON THAT EVENING?

16 A RIGHT.

17 Q AND WHAT IS THE DATE?

18 A THE DATE IS DECEMBER 11TH, 1996.

19 MR. JOHNSON: YOUR HONOR, THE STATE WOULD MOVE TO  
20 ADMIT STATE'S EXHIBIT 249 AT THIS POINT.

21 THE COURT: DEFENSE?

22 MR. MORRIS: JUDGE, I THINK IT CAN BE ADMITTED TO  
23 HELP REFRESH HIS RECOLLECTION. OTHERWISE IT WOULD BE A  
24 CONTINUING WITNESS, AND I WOULD OBJECT TO ITS ADMISSION IN  
25 GENERAL.

1 THE COURT: MR. JOHNSON?

2 MR. JOHNSON: YES. I CAN ACTUALLY LAY THE PROPER  
3 FOUNDATION AND THAT IS ENTIRELY APPROPRIATE TO READ IT TO  
4 THE JURY AFTER THAT IS ADMITTED.

5 THE COURT: OKAY.

6 MR. MORRIS: I DON'T OBJECT TO HIS READING IT.

7 MR. JOHNSON: RIGHT. I DON'T INTEND ON SENDING IT  
8 BACK.

9 MR. MORRIS: I AGREE.

10 THE COURT: OKAY. IT WILL BE ADMITTED FOR THAT  
11 PURPOSE.

12 MR. JOHNSON: OKAY. SO ADMITTED?

13 THE COURT: YES.

14 BY MR. JOHNSON:

15 Q THANK YOU. DETECTIVE CHAMBERS, I WANT TO ASK YOU  
16 SOME QUESTIONS ABOUT STATE'S EXHIBIT 249.

17 A OKAY.

18 Q FIRST OF ALL, UP AT THE TOP DOES IT SAY THERE'S A  
19 STATEMENT OF? WHO IS THE STATEMENT OF?

20 A SCOTT; DAVIS, SCOTT; SCOTT DAVIS.

21 Q AND IS THAT LAST NAME FIRST?

22 A RIGHT; LAST NAME FIRST.

23 Q AND WHOSE HOME ADDRESS?

24 A MR. DAVIS', 1367 BATTLEVIEW.

25 Q AND DID HE GIVE A BUSINESS ADDRESS?



1 A HE DID.

2 Q WHAT WAS THAT?

3 A 133 PEACHTREE STREET.

4 Q AND WHAT WAS THE DATE OF THIS STATEMENT?

5 A THE 11TH OF DECEMBER 1996.

6 Q AND WAS THERE A TIME?

7 A 3:32 A.M.

8 Q IF YOU COULD RECALL -- THE TIME OF HIS STATEMENT WAS

9 3:32 A.M. ABOUT HOW LONG HAD THE DEFENDANT BEEN AT THE

10 HOMICIDE OFFICE BEFORE THE STATEMENT WAS GIVEN?

11 A I'D SAY 30 MINUTES MAYBE.

12 Q AND IS HIS DATE OF BIRTH ON THERE?

13 A YES.

14 Q WHAT IS THAT?

15 A 4-29-65.

16 Q AND WHAT ABOUT HIS HOME PHONE NUMBER?

17 A YES.

18 Q WHAT WAS THAT?

19 A (404) 352-4048.

20 Q AND DID HE PROVIDE A BUSINESS NUMBER?

21 A RIGHT.

22 Q WHAT WAS THAT?

23 A (404) 880-9100.

24 Q AND DOES MR. DAVIS' SIGNATURE APPEAR ON THIS?

25 A YES, SIR.

1 Q AND HOW ABOUT EACH AND EVERY PAGE OF THIS STATEMENT?

2 A YES, SIR, IT DOES.

3 Q NOW, AT THE BOTTOM IT SAYS END TIME. THEN I BELIEVE

4 IT SAYS 3:32 A.M. AS WELL?

5 A THAT'S RIGHT.

6 Q AND HOW CAN YOU -- WHY IS THIS THE SAME TIME AT THE

7 TOP AS IT IS AT THE BOTTOM?

8 A IT'S A COMPUTER GLITCH THAT WAS IN THE COMPUTER AT

9 THE TIME.

10 Q SO WHAT TIME DO YOU BELIEVE 3:32 REPRESENTS? THE

11 BEGINNING OR THE END?

12 A I THINK THAT'S THE BEGINNING TIME.

13 Q AND IF YOU CAN RECALL, ABOUT HOW LONG DID IT TAKE IN

14 TOTAL? IN OTHER WORDS, YOU SAT DOWN, INTERVIEWED, TYPED UP,

15 GAVE HIM THE OPPORTUNITY TO READ IT. HOW LONG DID THAT TAKE?

16 A PROBABLY 45 MINUTES.

17 Q NOW, PRIOR TO SIGNING THIS, IS THAT WHEN YOU GAVE HIM

18 THE OPPORTUNITY TO GO THROUGH AND MAKE ANY CHANGES?

19 A YES.

20 Q AND DID HE, IN FACT, MAKE ANY CHANGES?

21 A HE DID.

22 Q WE'LL TALK ABOUT THAT IN A MINUTE.

23 ADDITIONALLY, WAS -- WHEN HE GAVE THE STATEMENT, WAS

24 HE UNDER ARREST?

25 A NO.

1 Q WAS HE A SUSPECT AT THAT TIME?

2 A NO.

3 Q WOULD THERE BE ANY REASON WHY YOU WOULD READ HIM  
4 MIRANDA RIGHTS?

5 A NO, SIR.

6 Q AND PRIOR TO HIS READING AND SIGNING THIS, IS THERE  
7 SOMETHING JUST ABOVE HIS SIGNATURE ON THAT STATEMENT?

8 A YES, IT IS.

9 Q COULD YOU READ THAT, PLEASE.

10 A I HAVE READ, HAVE READ TO ME THE ABOVE STATEMENT. IT  
11 IS TRUE TO THE BEST OF MY BELIEF AND KNOWLEDGE AND HAS BEEN  
12 GIVEN FREELY AND VOLUNTARILY BY ME.

13 Q AND, IN FACT, WHO'S LISTED AS THE TYPIST ON THIS?

14 A I AM.

15 MR. JOHNSON: YOUR HONOR, AT THIS TIME I'M GOING TO  
16 ASK DETECTIVE CHAMBERS TO JUST READ THE STATEMENT TO THE  
17 JURY.

18 THE COURT: OKAY.

19 BY MR. JOHNSON:

20 Q AS LONG AS THERE'S NO OBJECTION, PLEASE GO AHEAD.

21 A I WENT TO THE GYM AT 4:45 TO 5:00 P.M., AUSTRALIAN  
22 BODY WORKS, MOORES MILL. I TANNED, DID A LITTLE WORKOUT. I  
23 LEFT THERE AT --

24 Q DETECTIVE CHAMBERS, I'M GOING TO STOP YOU. THERE MAY  
25 BE SOME JURORS WHO ARE TAKING NOTES.

1 A OKAY.

2 Q IF YOU COULD TAKE YOUR TIME AND READ IT SLOWLY, I  
3 THINK THAT WOULD BE A BENEFIT TO THE COURTROOM.

4 THE COURT: AND, ALSO, THE COURT REPORTER IS TRYING  
5 TO TAKE IT DOWN.

6 THE WITNESS: OKAY. I LEFT THERE AROUND 6:00 OR 6:15  
7 AND TOOK SOME --

8 MR. MORRIS: EXCUSE ME. I WOULD OBJECT TO IT BEING  
9 PUBLISHED LIKE THAT. IT'S NOT IN EVIDENCE EXCEPT FOR HIM  
10 TO EXAMINE AND READ.

11 MR. JOHNSON: IT'S NOT GOING BACK WITH THE JURY. I  
12 DON'T UNDERSTAND THE OBJECTION.

13 THE COURT: OKAY. OBJECTION OVERRULED.

14 THE WITNESS: I LEFT THERE AT AROUND 6:00 OR 6:15 AND  
15 TOOK SOME CHAIRS TO A FRIEND OF MINE'S, TOM ELIAS, AND  
16 DROPPED OFF SIX WOODEN CHAIRS. I LEFT THERE AND CAME HOME  
17 AROUND 7:00. I'M NOT SURE EXACTLY OF THE TIME. I DROVE  
18 UP AND GOT OUT AND STARTED WALKING TOWARD MY ENTRANCE, AND  
19 SOME GUY JUMPS OUT OF MY LAUNDRY ROOM AND SPRAYS ME WITH  
20 MACE.

21 AS HE CAME AT ME, I THREW UP MY RIGHT HAND TO BLOCK  
22 IT, AND IT SPRAYED THE RIGHT SIDE OF MY FACE. I KNOCKED  
23 IT OUT OF HIS HAND, AND THEN HE GRABBED ME, PUT THE GUN TO  
24 MY HEAD. IT SEEMED TO BE A SHORT-BARRELED PISTOL. I  
25 COULDN'T SEE VERY WELL.

1 HE THEN YELLED AT ME TO GIVE ME THE KEYS TO YOUR  
2 FUCKING CAR. I GAVE HIM MY KEYS, AND HE SAID I'D BETTER  
3 STAY AWAY FROM MEGAN OR I'LL COME BACK AND TAKE AWAY THE  
4 REST OF YOUR STUFF. HE TOOK THE KEYS AND GOT IN THE CAR.  
5 AND HE TRIED TO START THE CAR, BUT IT WOULD NOT START  
6 BECAUSE IT DID NOT HAVE THE PROLOCK TO START THE CAR. IT  
7 WAS ON THE KEY CHAIN, BUT HE OBVIOUSLY DID NOT KNOW WHAT  
8 TO DO WITH IT.

9 IT WAS ABOUT THIS TIME THAT THE LIGHTS TO MY  
10 NEIGHBOR'S HOUSE CAME ON AND HE GOT OUT OF THE CAR AND  
11 KNOCKED ME -- IT WAS ABOUT THIS TIME THAT THE LIGHTS TO MY  
12 NEIGHBOR'S HOUSE CAME ON. AND HE GOT OUT OF THE CAR AND  
13 KNOCKED ME TO THE TRASH CAN -- INTO THE TRASH CANS AND  
14 TOOK OFF RUNNING THROUGH THE BACKYARD.

15 I THEN WENT BACK IN THE CAR AND GOT THE KEYS AND  
16 OPENED THE DOOR TO MY HOUSE AND CALLED 911 AND THEN CALLED  
17 GREG, MY NEIGHBOR, AND HE CAME OVER. WE WAITED UNTIL THE  
18 POLICE CAME. I MADE THE POLICE REPORT. THEN I GOT IN THE  
19 SHOWER AND WASHED ALL THE -- WASHED OFF ALL THE MACE. I  
20 THEN CALLED EVERYONE, MY PARENTS AND MEGAN. I COULD NOT  
21 GET IN TOUCH WITH MEGAN, AND I LEFT HER A MESSAGE ON HER  
22 VOICEMAIL. GREG PAGED HER, AND SHE CALLED HIM. AND THEN  
23 SHE CALLED ME, AND I TOLD HER WHAT HAPPENED.

24 I GOT BACK IN THE SHOWER AND KEPT WASHING THE STUFF  
25 OFF. I GOT OUT, GOT DRESSED. I THEN DROVE TO ECKERDS TO

1           SEE TO IF I COULD BUY SOME MACE, BUT IT LOOKED CLOSED.

2           AND I DROVE BACK HOME.

3 BY MR. JOHNSON:

4           Q       DETECTIVE CHAMBERS, IF I COULD STOP YOU THERE FOR A  
5 MOMENT, YOU JUST READ THAT IT SAID I THEN DROVE TO AN ECKERDS  
6 TO SEE IF I COULD BUY SOME MACE, BUT IT LOOKED CLOSED AND I  
7 DROVE BACK HOME. WAS THAT WHERE HE MADE ONE OF HIS  
8 CORRECTIONS?

9           A       IT IS.

10          Q       WHAT DID IT SAY ORIGINALLY?

11          A       IT SAID ORIGINALLY BUT IT WAS CLOSED, AND I DROVE  
12 BACK HOME.

13          Q       IF YOU CAN CONTINUE?

14          A       GREG CALLED. AND I WAS WALKING BACK IN THE DOOR, AND  
15 I WENT OVER TO HIS HOUSE AND STAYED A COUPLE HOURS. I ATE AND  
16 CALLED MY PARENTS BACK. THEN I WENT BACK HOME AND WENT AND  
17 LOOKED IN THE TWO CLOSETS IN THE GARAGE. I NOTICED THAT THEY  
18 HAD STOLEN SOME STUFF, AND I CALLED THE OFFICER BACK OUT AND  
19 TOLD HIM THAT THEY HAD TAKEN A BAG OF CLOTHES, SOME TOOLS, AND  
20 MY GAS CAN, THE ONE I USED TO CUT MY GRASS.

21                 I CAME BACK IN, CALLED A FRIEND OF MINE, CHRISTINA,  
22 AND TOLD HER WHAT WAS GOING ON. I TALKED TO HER FOR ABOUT FIVE  
23 MINUTES, AND THAT WAS ABOUT 11:45.

24                 AND ABOUT TEN MINUTES LATER I HEAR MY DOG GOING  
25 CRAZY. I WAS IN MY BEDROOM READING. AND THEN I GOT MY SHOTGUN

1 AND GO INTO THE LIVING ROOM AND SEE THE ENTIRE GLASS DOOR  
2 TOTALLY IN FLAMES. I RUN THROUGH THE GARAGE DOOR, RUN INTO THE  
3 BACKYARD. I SEE THE GUY GOING OVER THE FENCE, AND HE FIRED A  
4 SHOT AT ME. AND I HEAR IT GO OVER ME. THEN I STARTED  
5 SHOOTING. I KIND OF KEPT GOING THAT WAY TOWARD THE GUY. I  
6 FIRED FIVE TIMES. THAT WAS ALL THE SHELLS I HAD, AND I COULD  
7 HEAR HIM RUNNING BACK THROUGH THE WOODS.

8 I THEN GRABBED THE WATER HOSE AND STARTED PUTTING OUT  
9 THE FIRE. I DID THAT. I DID THAT. I SPRAYED THE FIRE AND  
10 THEN DROPPED THE HOSE. I KEPT LOOKING AROUND TO SEE IF THE GUY  
11 WAS COMING BACK. I WENT BACK IN THE HOUSE AND CALLED -- WENT  
12 BACK IN THE HOUSE. BRET CALLED ME AND ASKED ME WHAT WAS GOING  
13 ON, AND I TOLD HIM TO CALL 911. AND THEN I CALLED MYSELF.  
14 RIGHT IN THE MIDDLE OF MY 911 CALL THE PHONE CLICKED OFF  
15 BECAUSE MY ALARM CLICKED ON. I WENT OUTSIDE AND MY PHONE RANG,  
16 AND IT WAS THE ALARM COMPANY.

17 I WENT BACK OUT FRONT. AND THE POLICE CAME, AND WE  
18 ALL STOOD AROUND OUT FRONT. AND THE FIRE DEPARTMENT CAME, AND  
19 MY NEIGHBORS ACROSS THE STREET SAID THEY THOUGHT THEY HEARD  
20 SOMEBODY BECAUSE THEIR DOGS WERE GOING CRAZY.

21 QUESTION AND ANSWER BY DETECTIVE R.A. CHAMBERS. WHAT  
22 DID THE GUY LOOK LIKE WHO ATTACKED YOU THE FIRST TIME? HE WAS  
23 BIGGER THAN ME, PROBABLY ABOUT 5-11 TO 6-1, ABOUT 190. HE HAD  
24 ALL BLACK ON, A SKI MASK, GLOVES, AND IT LOOKED LIKE HE WAS  
25 WHITE AROUND THE MOUTH OF THE SKI MASK. HIS VOICE SOUNDED

1 WHITE. WAS IT A VOICE YOU HAD HEARD BEFORE? NO. YOU SAID YOU  
2 KNOCKED THE MACE FROM HIS HANDS. WHAT HAPPENED TO THE MACE?  
3 THE POLICE OFFICER PUT IT IN MY TRASH. HE SAID BECAUSE THE GUY  
4 HAD ON GLOVES HE COULD NOT GET ANY PRINTS.

5 WHAT WERE YOU WEARING AT THE TIME OF THE FIRST  
6 ATTACK? BLUE SHORTS, WHITE TENNIS SHOES, DARK BLACK SWEAT  
7 JACKET. DID YOU GET A GOOD ENOUGH LOOK AT THE SECOND ATTACKER  
8 TO TELL IF IT WAS THE SAME PERSON AS THE FIRST ATTACKER? FROM  
9 THAT FAR AWAY IT WAS HARD TO SAY. IT WAS THE SAME PROFILE,  
10 SAME DARK CLOTHING, AND IT LOOKED ABOUT THE RIGHT HEIGHT.

11 YOU AND MEGAN, WHAT IS YOUR RELATIONSHIP? WE ARE  
12 STILL MARRIED, BUT WE ARE SEPARATED. HOW LONG HAVE YOU BEEN  
13 MARRIED? TWO YEARS AND THREE MONTHS. WHY DID YOU SEPARATE?  
14 WE HAVE NOT BEEN GETTING ALONG FOR ABOUT SIX MONTHS, AND SHE  
15 DECIDED SHE NEEDED SOME TIME.

16 DID YOU KNOW DAVID COFFIN? YES. I MET HIM THROUGH  
17 CLAYTON ABOUT THREE YEARS AGO. DID YOU KNOW HIM AND MEGAN WERE  
18 DATING? I KNEW THEY HAD GONE SOME. I TOLD HER IF THAT IS WHAT  
19 YOU WANT TO DO, IT IS YOUR CHOICE. I DID NOT LIKE IT,  
20 ESPECIALLY SINCE HE WAS A FRIEND OF A FRIEND. HOW DID YOU HEAR  
21 ABOUT DAVID AND HIS HOUSE CATCHING FIRE? MEGAN TOLD ME TONIGHT  
22 WHEN SHE CALLED ME. SHE SAID THAT HIS HOUSE WAS ON FIRE AND  
23 THAT HE WAS DEAD. THAT IS WHEN I TOLD HER ABOUT MINE. WHAT  
24 TIME WAS THAT? 12:00 SOMETHING.

25 Q DOES THAT CONCLUDE THAT STATEMENT?



1 A YES, SIR.

2 Q WHAT WAS THE DEFENDANT'S Demeanor LIKE DURING THIS  
3 TIME WHEN YOU WERE INTERVIEWING HIM?

4 A HE WAS CALM.

5 Q DID YOU RAISE YOUR VOICE AT ALL WITH HIM?

6 A NO, SIR.

7 Q THREATEN HIM IN ANY WAY?

8 A NO, SIR.

9 Q PRIOR TO TAKING THIS STATEMENT, TALKING ABOUT THE  
10 DEFENDANT'S Demeanor, DID HE APPEAR TO BE UNDER THE INFLUENCE  
11 OF ANY ALCOHOL OR DRUGS?

12 A NO, SIR.

13 Q DID HE APPEAR TO UNDERSTAND WHAT YOU WERE SAYING?

14 A YES, SIR.

15 Q AFTER THAT INTERVIEW WAS COMPLETED, WHAT DID YOU DO?

16 A LEFT THE SECRETARY'S OFFICE. I HAD MR. DAVIS SIT IN  
17 OUR INTERVIEW ROOM AND STAND BY WHILE I WENT AND GOT A WAIVER  
18 OF COUNSEL FORM AND GOT DETECTIVE FAGLER.

19 Q AND WHO IS DETECTIVE FAGLER?

20 A ANOTHER HOMICIDE DETECTIVE.

21 Q AND WHY IS IT THAT YOU ASKED DETECTIVE FAGLER TO HELP  
22 YOU OUT?

23 A TO SIT IN AS I GAVE MR. DAVIS THE WAIVER OF COUNSEL  
24 FORM.

25 Q WHY WERE YOU GOING TO GIVE HIM THE WAIVER OF COUNSEL

1 FORM?

2 MR. MORRIS: OBJECTION. CAN WE APPROACH?

3 THE COURT: YES.

4 (WHEREUPON, A BENCH CONFERENCE WAS HELD.)

5 MR. MORRIS: I THINK THE OFFICER'S STATE OF MIND IS  
6 IRRELEVANT, AND IF HE'S GOING TO SAY SOMETHING LIKE  
7 BECAUSE MY INVESTIGATION FOCUSED ON HIM OR I THOUGHT HE  
8 WAS THE MURDERER OR SOMETHING LIKE THAT, IT'S HIGHLY  
9 PREJUDICIAL, AND THE ONLY PURPOSE IT CAN BE OFFERED FOR IS  
10 TO EXPLAIN HIS CONDUCT, WHICH IS IRRELEVANT. I THINK THE  
11 PREJUDICE OUTWEIGHS ANY VALUE IT COULD POSSIBLY HAVE.

12 THE COURT: WHAT DO YOU EXPECT HIM TO SAY?

13 MR. JOHNSON: I EXPECT HIM TO SAY BECAUSE THERE WERE  
14 CERTAIN THINGS BASED ON HIS INVESTIGATION THAT BASICALLY  
15 WERE NOT ADDING UP, AND HE FELT THAT AT THAT TIME IT WAS  
16 APPROPRIATE TO ADVISE HIM OF HIS RIGHTS.

17 MR. MORRIS: JUDGE, I THINK THAT INVADES THE PROVINCE  
18 OF THE JURY TO MAKE THAT DECISION. I THINK IT'S  
19 PREJUDICIAL AND UNNECESSARY AND IRRELEVANT. HE CAN  
20 CERTAINLY TESTIFY TO WHAT HE DID. HE DOESN'T HAVE TO  
21 EXPLAIN WHY.

22 MR. JOHNSON: I MEAN, I GUESS THE STATE'S POSITION IS  
23 THAT IT'S A FACT OF HIS INVESTIGATION. AND I HAVE A VERY  
24 STRONG FEELING THAT -- WHY HE DID THINGS AND WHY HE DIDN'T  
25 DO THINGS IN THE INVESTIGATION IS GOING TO BE THE TARGET

1 OF A LENGTHY CROSS AND POSSIBLY DIRECT. AND I DON'T THINK  
2 IT'S PREJUDICIAL. I THINK IT'S APPROPRIATE TO EXPLAIN HIS  
3 ACTIONS.

4 THE COURT: OKAY. I'M GOING TO LET HIM TESTIFY.

5 MR. MORRIS: CONTINUING OBJECTION TO THIS. THANK  
6 YOU.

7 AND, JUDGE, WHILE WE'RE HERE, AT SOME POINT I BELIEVE  
8 THEY'RE GOING TO PLAY THE AUDIOTAPE OF THE INTERROGATION  
9 AND PROVIDE THE JURY WITH A TRANSCRIPT. MAY WE HAVE A  
10 CONTINUING OBJECTION BASED ON OUR PREVIOUS MOTIONS AND  
11 OBJECTIONS?

12 THE COURT: YES.

13 MR. MORRIS: THANK YOU.

14 (WHEREUPON, PROCEEDINGS CONTINUED IN OPEN COURT.)

15 BY MR. JOHNSON:

16 Q DETECTIVE CHAMBERS, WHY IS IT THAT YOU WERE GOING TO  
17 READ HIM HIS WAIVER OF COUNSEL?

18 A BECAUSE IN MY MIND HE'D BECOME A SUSPECT AT THIS  
19 POINT.

20 Q AND WHAT WAS THAT BASED ON AT THAT POINT?

21 MR. MORRIS: OBJECTION. RELEVANCE.

22 THE COURT: OVERRULED.

23 THE WITNESS: THERE WERE SEVERAL FACTS THAT DIDN'T  
24 SEEM TO BE ADDING UP TO ME. THEY DIDN'T MAKE A WHOLE LOT  
25 OF SENSE TO ME.

1 BY MR. JOHNSON:

2 Q NOW, IN GENERAL, AND THEN WE'LL GO TO SPECIFIC.  
3 GENERALLY WHY DO YOU READ A WAIVER OF COUNSEL FORM TO A  
4 SUSPECT?

5 A TO ADVISE THEM OF THEIR RIGHTS.

6 Q AND WHAT ARE THOSE RIGHTS?

7 A THEIR MIRANDA WARNINGS.

8 Q AND HOW DO YOU DO THIS? AND BY THAT I MEAN, YOU  
9 KNOW, IN PRACTICE WHEN YOU'RE READING THEIR RIGHTS, HOW DO YOU  
10 DO IT?

11 A IF YOU'RE IN AN OFFICE SETTING THAT WE WERE IN, WE  
12 USE A WAIVER OF COUNSEL FORM.

13 Q AND WOULD YOU ACTUALLY READ THAT WAIVER OF COUNSEL  
14 FORM?

15 A I WOULD READ IT AND HAVE MR. DAVIS READ IT, YES.

16 Q PRIOR TO DOING THAT, DO YOU DO SOME KIND OF BRIEF  
17 QUESTION AND ANSWER WITH THE DEFENDANT REGARDING HIS ABILITY TO  
18 UNDERSTAND, THAT SORT OF THING?

19 A YES, SIR, WE DO.

20 Q AND WHAT DO YOU DO? TELL THE JURY A LITTLE BIT ABOUT  
21 THAT.

22 A YOU ASK THE DEFENDANT HIS EDUCATION LEVEL, ASK IF  
23 HE'S UNDER THE INFLUENCE OF ANY ALCOHOL OR DRUGS AT THE TIME.

24 Q AND DID YOU ASK HIM THAT IN THIS CASE?

25 A YES, WE DID.

1 Q AND WHAT DID HE SAY?

2 A HE STATED THAT HE HAD HAD A GRADUATE DEGREE FROM THE  
3 UNIVERSITY OF GEORGIA AND THAT HE WAS SOBER, HADN'T HAD ANY  
4 ALCOHOL OR DRUGS.

5 Q DID HE APPEAR TO UNDERSTAND THE ENGLISH LANGUAGE?

6 A YES, SIR.

7 Q AND THIS ROOM THAT YOU WERE CONDUCTING THE INTERVIEW  
8 IN, HOW BIG WAS THAT ROOM?

9 A PROBABLY 6 BY 12.

10 Q AND HOW IS IT SET UP? IS IT TABLES? CHAIRS?

11 A YES. THERE'S A FOLDING TABLE AND CHAIRS.

12 MR. JOHNSON: MAY I APPROACH, YOUR HONOR?

13 THE COURT: YOU MAY.

14 BY MR. JOHNSON:

15 Q I'M GOING TO SHOW YOU WHAT'S BEEN PREVIOUSLY MARKED  
16 AND SHOWN TO DEFENSE AS STATE'S EXHIBIT 250. DO YOU RECOGNIZE  
17 THAT?

18 A YES, I DO.

19 Q WHAT IS THAT?

20 A THAT IS THE WAIVER OF COUNSEL FORM PRESENTED TO  
21 MR. DAVIS THAT NIGHT.

22 MR. JOHNSON: YOUR HONOR, THE STATE WOULD MOVE TO  
23 ADMIT STATE'S 250, AGAIN UNDERSTANDING THAT THE DEFENDANT  
24 WILL TALK ABOUT IT -- THE WITNESS WILL TALK ABOUT IT AND  
25 TESTIFY ABOUT IT.

1 THE COURT: OKAY.

2 MR. MORRIS: NO OBJECTION.

3 THE COURT: IT'S ADMITTED.

4 BY MR. JOHNSON:

5 Q TALKING ABOUT STATE'S 250, IS THAT THE ACTUAL MIRANDA  
6 WAIVER FORM THAT YOU READ TO SCOTT DAVIS?

7 A NO. IT'S A COPY.

8 Q AND IS THAT AN ACCURATE COPY OF WHAT WAS READ?

9 A YES, IT IS.

10 Q AND, IF YOU COULD, FOR THE JURY'S BENEFIT GO AHEAD  
11 AND READ THOSE RIGHTS.

12 A YOU MEAN THE WHOLE FORM OR JUST THE RIGHTS PART?

13 Q JUST THE WHOLE FORM, ACTUALLY, IF YOU WOULD.

14 A OKAY. I, SCOTT DAVIS, HAVE BEEN INFORMED BY THE  
15 UNDERSIGNED LAW ENFORCEMENT OFFICERS PRIOR TO BEING QUESTIONED  
16 BY THEM THAT I AM SUSPECTED OF THE OFFENSE OF MURDER IN FULTON  
17 COUNTY, STATE OF GEORGIA, ON THE 10TH DAY OF DECEMBER, 1996,  
18 AND HAVE BEEN INFORMED BY THEM OF MY CONSTITUTIONAL RIGHTS AS  
19 FOLLOWS: ONE, THAT I MAY REMAIN SILENT AND DO NOT HAVE TO MAKE  
20 ANY STATEMENT AT ALL; TWO, THAT ANY STATEMENT THAT I MAKE MAY  
21 BE USED AGAINST ME IN A COURT OF LAW; THREE, THAT I HAVE THE  
22 RIGHT TO CONSULT WITH AN ATTORNEY BEFORE MAKING ANY STATEMENT  
23 AND TO HAVE SAID ATTORNEY PRESENT WITH ME WHILE I AM MAKING A  
24 STATEMENT; FOUR, THAT IF I DO NOT HAVE ENOUGH MONEY TO EMPLOY  
25 AN ATTORNEY, I HAVE THE RIGHT TO HAVE ONE APPOINTED BY THE

1 COURT TO REPRESENT ME TO CONSULT WITH HIM BEFORE MAKING ANY  
2 STATEMENT, AND HAVE HIM PRESENT WITH ME WHILE I'M MAKING A  
3 STATEMENT; FIVE, THAT IF I REQUEST AN ATTORNEY, NO QUESTION  
4 WILL BE ASKED OF ME UNTIL AN ATTORNEY IS PRESENT TO REPRESENT  
5 ME.

6 AFTER HAVING MY CONSTITUTIONAL RIGHTS EXPLAINED TO  
7 ME, I FREELY AND VOLUNTARILY WAIVE MY RIGHT TO AN ATTORNEY. I  
8 AM WILLING TO MAKE A STATEMENT TO THE OFFICERS. I CAN/CANNOT  
9 READ AND WRITE THE ENGLISH LANGUAGE AND FULLY UNDERSTAND MY  
10 CONSTITUTIONAL RIGHTS TO AN ATTORNEY. THE WORD "CANNOT" IS  
11 MARKED OUT WITH SWD INITIALS ABOVE IT.

12 I HAVE READ/HAVE HAD READ TO ME THIS WAIVER OF  
13 COUNSEL AND FULLY UNDERSTAND IT. HAVE READ TO ME IS CROSSED  
14 OUT AND SWD WRITTEN ABOVE IT. NO THREATS OR PROMISES HAVE BEEN  
15 MADE TO ME TO INDUCE ME TO SIGN THIS WAIVER OF COUNSEL OR TO  
16 MAKE A STATEMENT TO THE OFFICERS THIS 11TH DAY OF DECEMBER,  
17 1996, 05:00, SCOTT DAVIS. THERE'S A SIGNATURE.

18 ALL OF THE CONSTITUTIONAL RIGHTS IN THE ABOVE WAIVER  
19 OF COUNSEL WERE READ AND EXPLAINED TO THE ABOVE DEFENDANT BY  
20 ME, AND HE/SHE FREELY AND VOLUNTARILY WAIVED HIS RIGHT/HER  
21 RIGHT TO AN ATTORNEY. NO THREATS, PROMISES, TRICKS OR  
22 PERSUASIONS WERE EMPLOYED BY ME OR ANYONE IN MY PRESENCE TO  
23 INDUCE HIM OR HER TO WAIVE HIS OR HER RIGHTS TO AN ATTORNEY OR  
24 TO MAKE A STATEMENT WITHOUT AN ATTORNEY. HE/SHE FREELY AND  
25 VOLUNTARILY SIGNED THE ABOVE WAIVER OF COUNSEL IN MY PRESENCE

1 AFTER HAVING READ IT. MY SIGNATURE, MY TITLE, AND DETECTIVE  
2 FAGLER'S SIGNATURE.

3 Q AND OVER HERE ON THE LEFT, IS THAT DETECTIVE FAGLER'S  
4 SIGNATURE?

5 A YES, IT IS.

6 Q I WANT TO TALK BRIEFLY ABOUT THIS WAIVER OF COUNSEL  
7 FORM. IN THE MIDDLE YOU HAVE THE FIVE RIGHTS THAT YOU READ TO  
8 HIM; IS THAT CORRECT?

9 A NO. HE READ IT.

10 Q AND HE READ IT?

11 A RIGHT.

12 Q AND SO WHEN WERE THESE INITIALS THAT I'M POINTING OUT  
13 PUT ON?

14 A AFTER HE READ EACH ONE, WE'D ASK HIM IF HE UNDERSTOOD  
15 THOSE RIGHTS AND HAVE HIM INITIAL IT IF HE DID.

16 Q AND IF HE DIDN'T UNDERSTAND ANY OF THE RIGHTS, WHAT  
17 WOULD YOU HAVE DONE?

18 A EXPLAINED THEM TO HIM.

19 Q DID THAT HAPPEN IN THIS SITUATION?

20 A NO. HE SAID HE UNDERSTOOD THEM.

21 Q AND THEN ALSO WE'VE TALKED ABOUT HOW CERTAIN PARTS  
22 WERE CROSSED OUT AND INITIALS PUT HERE AND HERE?

23 A RIGHT.

24 Q IS THAT THE STANDARD PRACTICE?

25 A YES, SIR.



1 Q AND WHO ACTUALLY PUT THOSE INITIALS THERE?  
2 A MR. DAVIS.  
3 Q WAS THAT IN YOUR PRESENCE?  
4 A YES, SIR.  
5 Q AND THAT'S THE SAME WITH THE OTHER INITIALS?  
6 A YES, SIR.  
7 Q AND THERE'S A TIME ON HERE. WHAT TIME IS THAT AGAIN?  
8 A 05:00, 5:00 A.M.  
9 Q THE SIGNATURE THAT'S ON THERE, DID HE SIGN THAT IN  
10 YOUR PRESENCE?  
11 A YES, SIR, HE DID.  
12 Q DID HE APPEAR TO UNDERSTAND EVERYTHING THAT YOU TOLD  
13 HIM?  
14 A YES, SIR.  
15 Q DID IT APPEAR THAT HE FREELY AND VOLUNTARILY WAIVED  
16 HIS RIGHTS TO COUNSEL OR TO NOT MAKE A STATEMENT AND, IN FACT,  
17 PROVIDED ONE?  
18 A YES, HE DID.  
19 Q DID YOU THREATEN HIM IN ANY WAY?  
20 A NO.  
21 Q DID YOU COERCE HIM IN ANY WAY INTO GIVING UP HIS  
22 RIGHTS?  
23 A NO, SIR.  
24 Q DID YOU PROMISE HIM ANYTHING IF HE AGREED TO TALK TO  
25 YOU?

1 A NO, SIR.

2 Q SO YOU'VE READ HIM HIS MIRANDA RIGHTS. HE SIGNED THE  
3 WAIVER. AND WHAT HAPPENS NEXT?

4 A WE BEGAN TO TALK.

5 Q TELL US A LITTLE BIT ABOUT THAT INTERVIEW.

6 A BELIEVING THAT MR. COFFIN WAS POSSIBLY KILLED ON  
7 MONDAY, I BEGAN ASKING MR. DAVIS WHEREABOUTS AND WHAT HE HAD  
8 DONE ON MONDAY, WHEREAS HE BEGAN EXPLAINING TO ME THAT HE'D  
9 GONE TO WORK AND THAT HE HAD WENT TO THE THREE DOLLAR CAFE THAT  
10 EVENING WITH SOME FRIENDS.

11 Q NOW, AT THIS TIME WHEN YOU BEGAN TALKING WITH THE  
12 DEFENDANT, WERE YOU RECORDING IT IN ANY WAY?

13 A NO, SIR.

14 Q AND WHY WAS THAT?

15 A AT THIS POINT WE WERE JUST -- I'M JUST DIGGING FOR  
16 INFORMATION AT THIS POINT.

17 Q BACK THEN, IN 1996, WAS THAT STANDARD OPERATING  
18 PROCEDURE FOR THE HOMICIDE UNIT?

19 A YES. YES, SIR.

20 Q YOU CAN GO ON.

21 A CARRYING ON A CONVERSATION WITH MR. DAVIS, ASKING HIM  
22 ABOUT WHAT HE HAD DONE THAT NIGHT, HE BEGAN EXPLAINING TO ME  
23 THAT -- HE SAID HE'D GONE TO THREE DOLLAR CAFE, CAME HOME,  
24 ATTEMPTED TO MAKE SOME PHONE CALLS, TRIED TO CALL A CERTAIN  
25 FEMALE. AND DURING THIS CONVERSATION THAT ME AND MR. DAVIS

1 HAD, HE ADVISED US THAT HE HAD -- THAT HE WAS IN A  
2 CONVERSATION, THAT HE HAD LEARNED THAT DAVID'S HOUSE WAS ON  
3 FIRE, AND THAT MR. COFFIN HAD BEEN SHOT.

4 Q DID YOU ASK HIM WHERE HE LEARNED THAT FROM?

5 A YES, SIR.

6 Q WHAT DID HE TELL YOU?

7 A HE SAID HE THOUGHT MEGAN HAD TOLD HIM THAT.

8 Q WHAT DID YOU DO AFTER THAT?

9 A I LEFT THE INTERVIEW ROOM, CALLED MEGAN ON THE PHONE,  
10 ASKED HER IF SHE HAD TOLD SCOTT THAT. SHE SAID SHE HAD NOT  
11 BECAUSE SHE DIDN'T KNOW HOW DAVID HAD DIED. I WENT BACK IN,  
12 TOLD MR. DAVIS WHAT MEGAN HAD SAID. HE SAID, WELL, THEN CRAIG  
13 FOSTER MUST HAVE TOLD HIM. I WENT AND CALLED CRAIG FOSTER. HE  
14 SAID HE HADN'T TOLD HIM THAT BECAUSE HE DIDN'T KNOW, WENT BACK  
15 IN AND CONFRONTED MR. DAVIS AGAIN WITH IT, THAT MR. FOSTER  
16 HADN'T TOLD HIM. HE SAID, WELL, HE THOUGHT SOMEBODY HAD SAID  
17 IT. AND THAT WAS AT THIS TIME THAT I GOT INVESTIGATOR WALKER  
18 INTO THE INTERVIEW ROOM, AND WE STARTED TAPING THE  
19 CONVERSATION.

20 Q DO YOU RECALL IF YOU ASKED THAT SAME QUESTION OF  
21 CLAYTON TURNER?

22 A YES.

23 Q AND WHAT DID HE TELL YOU?

24 A HE ADVISED AS WELL THAT HE HAD NOT.

25 Q THAT HE HAD NOT SAID THAT?

1 A RIGHT.

2 Q WHERE HAD DETECTIVE WALKER BEEN JUST PRIOR TO YOUR  
3 GETTING WITH HIM IN THE HOMICIDE --

4 A WE'D HAD ANOTHER HOMICIDE CALL THAT NIGHT, AND  
5 DETECTIVE WALKER HAD GONE OUT TO ASSIST DETECTIVE HUFF AND  
6 DETECTIVE GRIFFIE (PHONETIC) ON THAT HOMICIDE CALL AND WAS  
7 COMING BACK INTO THE OFFICE.

8 Q AND, TO YOUR KNOWLEDGE, WAS THAT HOMICIDE CALL IN ANY  
9 WAY RELATED TO THIS CASE?

10 A NO.

11 Q AND IS THAT COMMON TO RECEIVE MORE THAN ONE CALL FOR  
12 A HOMICIDE IN ONE NIGHT?

13 A YES, SIR.

14 Q AND WHY IS IT THAT WHEN DETECTIVE WALKER GOT BACK,  
15 THAT'S WHEN YOU BEGAN TAPING?

16 A BECAUSE OF MR. DAVIS' STATEMENT TO ME AND THE FACT  
17 THAT AT THE BEGINNING OF THIS CASE DETECTIVE WALKER WAS THE  
18 LEAD ON IT, AND I WAS THE ASSISTANT.

19 Q AND AFTER SOME POINT, DID THAT KIND OF CHANGE AS TO  
20 WHO WAS THE LEAD?

21 A YES, SIR.

22 Q AND WHAT HAPPENED?

23 A WHY DID IT CHANGE?

24 Q OR JUST WHAT HAPPENED.

25 A I WAS ADVISED BY MY MAJOR AT THE TIME TO TAKE CONTROL

1 OF THE CASE.

2 Q AND DID WALKER CONTINUE ON TO ASSIST YOU?

3 A YES, HE DID.

4 Q SO AT THAT TIME YOU BEGAN TO TAPE THE INTERVIEW?

5 A YES, SIR.

6 Q TELL US A LITTLE BIT ABOUT THE INTERVIEW AT THAT  
7 POINT.

8 A WE AGAIN -- DETECTIVE WALKER COMES INTO THE INTERVIEW  
9 ROOM, ADVISED MR. DAVIS WE WERE GOING TO TAPE THE REST OF HIS  
10 INTERVIEW. WE BEGAN TAPING THE INTERVIEW, TRIED TO NAIL  
11 MR. DAVIS DOWN ON SOME CERTAIN POINTS, AT WHICH TIME SHORTLY  
12 THEREAFTER, MR. DAVIS ADVISES HE WISHES TO HAVE AN ATTORNEY.

13 MR. MORRIS: OBJECTION. NEED TO APPROACH.

14 THE COURT: OKAY. WHY DON'T WE TAKE A 15-MINUTE,  
15 RECESS RIGHT NOW.

16 (WHEREUPON, THE JURY EXITED THE COURTROOM.)

17 MR. MORRIS: I'D LIKE THE WITNESS TO BE EXCLUDED  
18 BEFORE WE --

19 THE COURT: OKAY. DETECTIVE, YOU CAN STEP OUT IN THE  
20 HALL, IF YOU WILL.

21 (WHEREUPON, THE WITNESS EXITED THE COURTROOM.)

22 YES, SIR, MR. MORRIS.

23 MR. MORRIS: IF IT PLEASE THE COURT, WE ADDRESSED IN  
24 A PRETRIAL MOTION AND THE STATE AGREED NO REFERENCE WOULD  
25 BE MADE TO A REQUEST FOR COUNSEL OR A POLYGRAPH TEST.

1 YOUR HONOR APPROVED THAT. I DON'T KNOW IF YOU RULED AND  
2 THEN WE AGREED OR WE AGREED AND THEN YOU ACCEPTED OUR  
3 AGREEMENT. I DON'T KNOW WHICH, BUT IT WAS CLEAR THAT IT  
4 WAS NOT TO COME INTO EVIDENCE. THAT'S NUMBER 1.

5 NUMBER 2, I AM QUITE SURE THAT THE STATE HAS MET WITH  
6 THIS WITNESS AHEAD OF TIME TO DISCUSS THIS TESTIMONY WITH  
7 HIM.

8 AND NUMBER 3, I'M SURE THAT THIS MAN WITH 25 YEARS OF  
9 EXPERIENCE KNOWS THAT IT'S IMPROPER TO MAKE A REFERENCE TO  
10 THE DEFENDANT'S INVOCATION OF THE RIGHT TO COUNSEL, AND  
11 HE'S DONE IT. IT CANNOT BE ERASED FROM THE JURY'S MIND,  
12 AND I'LL REQUEST A MISTRIAL.

13 THE COURT: MR. JOHNSON?

14 MR. JOHNSON: YES, YOUR HONOR. FIRST, TO ADDRESS THE  
15 FIRST COUPLE OF ISSUES, THE STATE, IN FACT, OBVIOUSLY HAS  
16 MET WITH DETECTIVE CHAMBERS PRIOR TO HIS TESTIFYING HERE  
17 TODAY. I CAN TELL YOU THAT UNDER NO UNCERTAIN TERMS HE  
18 WAS ADVISED BY MEMBERS OF THE TEAM, INCLUDING MYSELF, TO  
19 NOT RAISE THAT ISSUE, TO NOT TALK ABOUT RIGHT TO COUNSEL  
20 AND LIE DETECTOR, POLYGRAPH TEST, THAT THAT WAS DONE  
21 REPEATEDLY; AND THAT UPON QUESTIONING HIM HERE TODAY, THE  
22 STATE DID NOT ANTICIPATE HIM SAYING THAT IN RESPONSE TO  
23 THE QUESTION ABOUT THE SUBSTANCE OF THE INTERVIEW.

24 WITH THAT SAID, THE STATE WOULD OPPOSE THE DEFENSE'S  
25 MOTION FOR A MISTRIAL. THE STATE WOULD BELIEVE THAT THERE

1 ARE SEVERAL OPTIONS SHORT OF A MISTRIAL THAT ARE  
2 APPROPRIATE HERE DEPENDING ON HOW THE DEFENSE WANTS TO  
3 HANDLE IT. ONE SUGGESTION WOULD BE THAT AN INSTRUCTION  
4 IMMEDIATELY BE GIVEN TO THE JURY TO DISREGARD THAT LAST  
5 PART OF THE TESTIMONY AND TO NOT GIVE IT ANY KIND OF  
6 CREDENCE AT ALL AND TO STRIKE IT FROM THEIR MIND.

7 THE OTHER WOULD BE TO BRING THE WITNESS IN AND FOR  
8 THE COURT TO ADMONISH THE WITNESS TO NOT DO THAT, AS THE  
9 STATE HAS ALREADY INSTRUCTED HIM TO DO, AND THAT THOSE TWO  
10 THINGS TOGETHER WOULD CURE THIS AND ALLOW THE TRIAL TO  
11 PROGRESS FORWARD.

12 THE COURT: OKAY. ANYTHING ELSE, MR. MORRIS?

13 MR. MORRIS: RESPECTFULLY SUGGEST TO THE COURT IT  
14 CANNOT BE CURED. I MEAN, THE QUESTION POSED BY THE STATE  
15 INVITED THAT RESPONSE, AND THIS IS THE STATE'S WITNESS.  
16 IT CANNOT BE UNDONE. AND IT'S A COMMENT ON THE  
17 DEFENDANT'S INVOCATION OF HIS RIGHT TO COUNSEL, WHICH IS  
18 ABSOLUTELY IMPROPER, AND I'D ASK FOR A MISTRIAL.

19 THE COURT: OKAY. THE MOTION FOR MISTRIAL IS DENIED.

20 I'M GOING TO ASK THE JURY -- INSTRUCT THE JURY TO  
21 DISREGARD THE WITNESS'S LAST TESTIMONY AND ORDER THAT IT  
22 BE STRICKEN FROM THE RECORD.

23 OKAY. ANYTHING ELSE BEFORE WE RECESS?

24 MR. MORRIS: JUDGE, YOU'RE NOT GOING TO REFER TO  
25 WHICH TESTIMONY IT WAS, ARE YOU?

1 THE COURT: NO, I'M NOT.

2 MR. MORRIS: OKAY. AND FOR THE RECORD I DON'T THINK  
3 THAT'S SUFFICIENT BUT WOULD STAND ON MY MOTION.

4 THE COURT: OKAY. THANK YOU, MR. MORRIS. WE'LL BE  
5 IN RECESS.

6 MR. STEEL: YOUR HONOR, IF I MAY JUST FOR THE RECORD,  
7 IN GEORGIA IN ORDER TO PRESERVE THAT ISSUE, WE HAVE TO  
8 OBJECT AND AGAIN MOVE FOR MISTRIAL PRIOR TO THE NEXT  
9 QUESTION BEING ASKED. DO WE NEED TO DO THAT IN THIS  
10 MATTER OR IS IT GOING TO BE DEEMED PRESERVED?

11 THE COURT: IT WILL BE PRESERVED.

12 MR. MORRIS: THANK YOU, YOUR HONOR.

13 (BRIEF RECESS.)

14 THE COURT: MR. JOHNSON, WAS THERE SOMETHING YOU  
15 WANTED TO PUT ON THE RECORD?

16 MR. JOHNSON: YES, YOUR HONOR. DURING THE RECESS, WE  
17 ACTUALLY CONSULTED WITH OUR APPEALS DIVISION ON THE ISSUE  
18 AND JUST WANTED TO CITE A CASE FOR THE COURT, HILL V.  
19 STATE, WHICH IS 250 GEORGIA 277, A SUPREME COURT OF  
20 GEORGIA 1982 CASE THAT BASICALLY STANDS FOR THE  
21 PROPOSITION OF WHAT THE COURT HAS JUST RULED ON, THAT A  
22 CURATIVE INSTRUCTION, AS LONG AS IT WAS AN INADVERTENT  
23 COMMENT BY THE POLICE OFFICER NOT IN ANSWER TO A DIRECT  
24 QUESTION AND SO LONG AS THE PROSECUTION DOES NOT BRING IT  
25 UP AGAIN, IN OTHER WORDS, IN CLOSING OR ANYTHING LIKE



1 THAT, WHICH OBVIOUSLY WE WOULDN'T DO, THAT THE DENIAL OF  
2 THE MISTRIAL IS THE APPROPRIATE COURSE. AND SO I JUST  
3 WANTED TO CITE THAT CASE ON THE RECORD.

4 THE COURT: OKAY. WELL, THE RECORD WILL REFLECT.

5 MR. MALLON: EXCUSE ME JUST A MOMENT, JUDGE CAMPBELL,  
6 IF I MAY BE HEARD TWO SECONDS ON THAT, MARC MALLON FROM  
7 APPEALS. THE QUALITY, THE SUBSTANCE OF THE LIMITING  
8 INSTRUCTION SHOULD BE TWOFOLD. IT'S NOT JUST AN  
9 INSTRUCTION TO DISREGARD, BUT THE JURY SHOULD BE REMINDED  
10 THAT THE DEFENDANT HAS THE RIGHT TO REMAIN SILENT AND THEY  
11 MAY NOT -- MUST NOT DRAW ANY ADVERSE INFERENCE FROM THAT  
12 WITH THE INVOCATION OF HIS RIGHTS. THE DEFENDANT HAS THE  
13 RIGHT TO REMAIN MUTE AT THAT TIME.

14 AND, SECOND, JUST TO MAKE THE RECORD, THE STATE WOULD  
15 REQUEST THAT THERE BE SOME SHOW OF HANDS TO MAKE SURE THAT  
16 EVERYBODY, THE JURORS, AFFIRMATIVELY STATE THAT THEY CAN  
17 FOLLOW YOUR INSTRUCTIONS.

18 THE COURT: OKAY.

19 MR. MALLON: THANK YOU.

20 THE COURT: LET'S BACK UP THEN, OKAY. MR. MALLON,  
21 YOUR UNDERSTANDING OF THE INSTRUCTION IS -- TELL ME AGAIN.  
22 I'M GOING TO MAKE NOTES.

23 MR. MALLON: THAT THEY SHOULD DISREGARD THE  
24 DETECTIVE'S REFERENCE TO THE DEFENDANT'S INVOCATION OF HIS  
25 RIGHTS WHETHER IT'S THE RIGHT TO REMAIN SILENT OR IT'S HE

1 WANTS AN ATTORNEY, WHATEVER --

2 THE COURT: DISREGARD THE DETECTIVE'S --

3 MR. MALLON: REFERENCE TO THE DEFENDANT OR THE  
4 SUSPECT INVOKING ANY OF HIS RIGHTS WHETHER -- AND YOU CAN  
5 BE FACT SPECIFIC HERE, WHETHER IT WAS THE RIGHT TO HIS  
6 ATTORNEY TO BE PRESENT DURING COUNSEL QUESTIONING OR HE  
7 DIDN'T WANT A CONTINUING QUESTION OR HE JUST DIDN'T WANT  
8 TO SAY ANYTHING AT ALL, WHATEVER YOUR FACTUAL SITUATION  
9 IS.

10 THE COURT: OKAY. DISCOURAGE DETECTIVE'S REFERENCE  
11 TO DEFENDANT'S INVOKING ANY OF HIS RIGHTS.

12 MR. MALLON: THAT'S CORRECT.

13 THE COURT: AND?

14 MR. MALLON: AND THAT THEY MUST DRAW NO ADVERSE  
15 INFERENCE FROM THE FACT THAT THE DEFENDANT DID ASSERT HIS  
16 RIGHTS. AND JUST ASK FOR A SHOW OF HANDS, CAN EVERYBODY  
17 FOLLOW THAT.

18 THE COURT: THEY MUST DRAW NO ADVERSE INFERENCE THAT  
19 THE DEFENDANT INVOKED HIS RIGHTS.

20 MR. MALLON: THAT'S CORRECT.

21 THE COURT: AND A SHOW OF HANDS.

22 MR. MALLON: SO THE RECORD REFLECTS THAT THERE'S AN  
23 AFFIRMATIVE STATEMENT BY EACH JUROR THAT THEY UNDERSTAND  
24 AND CAN FOLLOW AND WILL FOLLOW THE COURT'S INSTRUCTION.

25 MR. STEEL, IS THAT ACCURATE?

1 MR. MORRIS: THAT MAY BE WHAT THE CASE SAYS, BUT IT'S  
2 NOT WHAT WE'RE REQUESTING.

3 THE COURT: OKAY. A SHOW OF HANDS THAT THE JURORS  
4 CAN --

5 MR. MALLON: ONE, IF THEY UNDERSTAND IT; TWO, THAT  
6 THEY CAN FOLLOW IT.

7 THE COURT: JUST A MINUTE. OKAY.

8 MR. MALLON: SO THAT THEY UNDERSTAND IT, THEY CAN  
9 FOLLOW IT, AND THEY WILL FOLLOW IT.

10 THE COURT: IN YOUR OPINION, DO THEY HAVE TO ANSWER  
11 THOSE QUESTIONS EACH INDIVIDUALLY OR --

12 MR. MALLON: NO. I THINK JUST A SHOW OF HANDS THAT  
13 THEY UNDERSTAND ALL THREE QUESTIONS AND THEN YOU WANT TO  
14 FOLLOW IT UP WITH IS THERE ANYBODY WHO DOESN'T UNDERSTAND,  
15 JUST TO BOX THEM IN, MAKE SURE THAT EVERYBODY IS ON RECORD  
16 AS BEING IN LINE WITH YOUR INSTRUCTIONS.

17 THE COURT: OKAY. NOW, THIS CAME UP ONCE BEFORE, AND  
18 THE QUESTION IN MY MIND WAS WHEN THE JURORS BEGIN TO ASK  
19 QUESTIONS ABOUT -- WHEN I SAY IS THERE ANYONE WHO DOES NOT  
20 UNDERSTAND AND THE JURORS BEGIN TO RAISE THEIR HANDS AND  
21 START ASKING QUESTIONS, THEN IS IT APPROPRIATE FOR US TO  
22 ANSWER THEIR QUESTIONS, IN YOUR OPINION, BEFORE THE WHOLE  
23 PANEL?

24 MR. MALLON: YOU MEAN AN IMMEDIATE QUESTION FROM THE  
25 JURY? OH, YES. YOU CAN ANSWER THOSE IN FRONT OF THE

1           WHOLE PANEL, YES.

2           THE COURT:   AND BEFORE THE QUESTION IS ANSWERED DO  
3           COUNSEL HAVE THE OPPORTUNITY TO --

4           MR. MALLON:   APPROACH AND DISCUSS?   YES.

5           THE COURT:   OKAY.

6           MR. MALLON:   I REALIZE I'M MAKING WORK HERE BUT DO  
7           WANT TO GET IT RIGHT.

8           THE COURT:   OKAY.   I WANT TO GET IT RIGHT TOO, OKAY.  
9           LET'S SEE.   THANK YOU MR. MALLON.

10          MR. MALLON:   THANK YOU, JUDGE CAMPBELL.

11          THE COURT:   OKAY.   ANYTHING ELSE BEFORE WE BRING THE  
12          JURY OUT?

13          MR. MORRIS:   WELL, JUDGE, I REALIZE MR. MALLON IS  
14          CITING A CASE.   I AM STILL CONCERNED THAT IT REENFORCES  
15          AND REITERATES.

16          THE COURT:   WHAT WOULD YOU LIKE FOR ME TO INSTRUCT,  
17          MR. MORRIS?

18          MR. MORRIS:   I BELIEVE THE SAFEST THING IS A MOTION  
19          FOR MISTRIAL, AND I UNDERSTAND.   I'M NOT -- I DON'T SAY  
20          THIS IN JEST OR TO WASTE THE COURT'S TIME.   BUT I AM  
21          REMINDED OF AN ANALOGOUS SITUATION, AND I'M NOT TRYING TO  
22          BE CUTE.   MY WIFE ASKED ME IF THE DRESS SHE WAS WEARING  
23          MADE HER LOOK FAT, AND I SAID YES.   AND SHE GAVE ME A LOOK  
24          LIKE I WAS A HORRIBLE PERSON, AND I SAID I WANT YOU TO  
25          FORGET I JUST SAID THAT THAT DRESS WILL MAKE YOU LOOK FAT.

1 AND THAT WAS 18 YEARS AGO, AND I GUARANTEE YOU SHE'S NEVER  
2 FORGOTTEN IT.

3 I DON'T THINK YOU CAN UNRING THIS BELL, AND THIS IS A  
4 SERIOUS BELL. THIS IS THE SECOND TIME AND --

5 THE COURT: WELL, I UNDERSTAND THAT, AND I'VE RULED  
6 ON THE THAT MOTION.

7 MR. MORRIS: YES, SIR.

8 THE COURT: I'M GIVING YOU THE OPPORTUNITY IF ANY YOU  
9 WANT TO MAKE IN TERMS OF THE INSTRUCTION THAT I INTEND TO  
10 MAKE TO THE JURY.

11 MR. MALLON: JUDGE CAMPBELL, IT SEEMS TO ME THAT THE  
12 CHOICE IS FAIRLY PUT TO THE DEFENDANT WHETHER HE WANTS  
13 CURATIVE INSTRUCTIONS OR NOT. AND IF HE DOES, THIS IS THE  
14 OPPORTUNITY FOR HIM TO MAKE ANY SUGGESTIONS OF WHAT AN  
15 APPROPRIATE INSTRUCTION WOULD BE, AND THAT IS THE PURPOSE  
16 OF MY INVITING INPUT FROM MR. STEEL NOT REALIZING THAT  
17 MR. MORRIS WAS THE LEAD LAWYER ON THIS MOTION.

18 MR. MORRIS: IF LEFT WITH THE CHOICE -- IF THE COURT  
19 IS ASKING ME I HAVE ONLY ONE CHOICE EITHER FOR THE COURT  
20 TO GIVE THE INSTRUCTION OR NOT GIVE THE INSTRUCTION, I  
21 WILL SAY WHAT'S THE COURT GOING TO DO.

22 THE COURT: WELL, YOU KNOW, I HAD INTENDED SIMPLY TO  
23 INSTRUCT THE JURY TO DISREGARD THE TESTIMONY OF THE  
24 WITNESS IMMEDIATELY BEFORE THE BREAK AND TO SAY THAT IT  
25 WAS OBJECTED TO, AND I SUSTAINED THE OBJECTION AND THEY'RE

1 TO DISREGARD IT. AND THE RECORD WILL BE STRICKEN. NOW,  
2 THAT WAS WHAT I HAD INTENDED TO DO IMMEDIATELY BEFORE WE  
3 LEFT THE COURTROOM FOR THE BREAK.

4 MR. MORRIS: OKAY. IF THAT'S WHAT YOUR HONOR WANTS  
5 TO DO THEN --

6 THE COURT: NO, NO. THAT'S NOT WHAT I'M SAYING. I'M  
7 HEARING THAT MR. MALLON IS TELLING ME THAT ACCORDING TO  
8 THE CASE, THAT I MUST GO THROUGH THIS MORE SPECIFIC  
9 INSTRUCTION THAT WE JUST ARTICULATED.

10 MR. MORRIS: I WILL LEAVE THAT TO THE COURT BECAUSE I  
11 DON'T THINK EITHER REMEDY THE COURT OFFERS IS  
12 SATISFACTORY.

13 THE COURT: OKAY. ALL RIGHT. WAIT JUST A MINUTE.  
14 OKAY. THANK YOU. BRING THE JURY IN.

15 MR. JOHNSON: JUDGE, ACTUALLY, ONE QUICK UNRELATED  
16 MATTER BEFORE THE JURY COMES OUT. THERE WAS A REQUEST BY  
17 THE DEFENSE TO LISTEN TO THE ORIGINAL WIRETAP TAPES, FOR  
18 LACK OF A BETTER WORD. I BRING THAT UP NOW ONLY BECAUSE  
19 THIS WITNESS IS GOING TO TESTIFY ABOUT THE WIRETAP, AND WE  
20 CAN MAKE ARRANGEMENTS AT THE DEFENSE'S REQUEST TO PLAY THE  
21 ORIGINAL. THEY CAN ACTUALLY BRING, I THINK, SOME TYPE OF  
22 MACHINE HERE SO THAT THEY CAN SET IT UP TO LISTEN TO IT.

23 I KNOW THAT WAS ONE OF THEIR THINGS AND THAT WE ALSO  
24 ANTICIPATED PLAYING SOME OF THE TAPES FROM THE WIRE AND  
25 WANTED TO BRING THAT UP NOW SO THAT IF THERE IS ANY ISSUE,

1 IT CAN BE BROUGHT UP NOW INSTEAD OF SLOWING THINGS DOWN  
2 AGAIN.

3 THE COURT: IS THAT WITH THIS WITNESS?

4 MR. JOHNSON: YES. CORRECT, YOUR HONOR.

5 THE COURT: OKAY. MR. MORRIS, IS THAT THE ISSUE?

6 MR. MORRIS: WELL, I DISCUSSED WITH MS. ROSS  
7 THURSDAY, AS WE LEFT, OUR LISTENING TO THE ORIGINAL. SHE  
8 WAS KIND ENOUGH TO CHECK WITH HIDTA, I BELIEVE, ON FRIDAY.  
9 BUT HIDTA WAS CLOSED BECAUSE IT WAS A HOLIDAY. SO THIS IS  
10 THE FIRST RESPONSE I'VE HEARD ABOUT AN OPPORTUNITY TO  
11 LISTEN TO THE ORIGINAL. WE WOULD LIKE TO LISTEN TO THE  
12 ORIGINAL, AND I HAVE NO IDEA WHICH CONVERSATION THE STATE  
13 INTENDS TO PLAY. SO I CAN'T COMMENT UNTIL I LISTEN.

14 MS. ROSS: AND, JUDGE, JUST SO YOU KNOW, I DID CALL  
15 HIDTA, WHICH IS THE FEDERAL DRUG TASK FORCE AGENCY WHO  
16 RUNS THE WIRE ROOM HERE IN ATLANTA. THEY WERE CLOSED ON  
17 FRIDAY DUE TO THE FEDERAL HOLIDAY. THEY GOT BACK TO ME  
18 TODAY AND ADVISED THAT THEY CAN ACTUALLY -- UNFORTUNATELY,  
19 DUE TO SECURITY REASONS, DEFENSE COUNSEL CAN'T GO TO HIDTA  
20 TO ACTUALLY PLAY THE M.O.

21 AND THE M.O. IS REALLY COMPLICATED, AND YOU HAVE TO  
22 HAVE SPECIAL EQUIPMENT TO PLAY IT. BUT HIDTA SAID THAT  
23 THEY COULD BRING THE EQUIPMENT DOWN HERE, MAKE  
24 APPOINTMENTS WITH THE DEFENSE, AND THEY COULD HAVE THE  
25 ORIGINAL M.O. PLAYED AT THEIR -- WHENEVER THEY CAN MAKE

1 THE APPOINTMENT THEY'LL BRING THE EQUIPMENT DOWN.

2 THE COURT: OKAY. WELL, IS TONIGHT AN APPROPRIATE  
3 TIME FOR THE DEFENSE TO HAVE THE TAPES?

4 MR. MORRIS: JUDGE, I THINK WE'D HAVE TO DO IT  
5 TUESDAY BECAUSE WE ACTUALLY NEED TO BRING EQUIPMENT TO  
6 IMAGE IT AND JUST MAKE SURE IT'S THE SAME. IT'S NOT JUST  
7 LISTEN TO IT. IT'S IMAGING.

8 THE COURT: OKAY. SO WILL WE THEN HAVE TO RECESS FOR  
9 THE JURY IN ORDER FOR THE DEFENSE DURING THE MIDDLE OF THE  
10 DAY TO LISTEN TO THE TAPES? IS THAT WHAT WE'RE PROPOSING?

11 MR. MORRIS: WE CAN DO IT TOMORROW NIGHT.

12 THE COURT: WILL THAT BE TIMELY?

13 MR. JOHNSON: WELL, I MEAN, IF THEY LISTEN TO ALL OF  
14 THEM, IT IS GOING TO TAKE SOME TIME. BUT I GUESS OUR -- I  
15 JUST WANTED TO MAKE SURE THE DEFENSE KNEW THAT  
16 INFORMATION, AND I GUESS THE APPROPRIATE THING TO DO WOULD  
17 BE IF THEY WANT TO RECALL DETECTIVE CHAMBERS TO DISCUSS  
18 SOME OF THE THINGS THAT THEY'VE LEARNED OR THAT THEY  
19 HAVEN'T KNOWN, FOR WHATEVER REASON, I MEAN, THAT'S AN  
20 APPROPRIATE THING FOR THEM TO DO.

21 THE COURT: OKAY.

22 MR. JOHNSON: SO, I MEAN, I GUESS MY POSITION IS WE  
23 CAN CONTINUE WITH THIS WITNESS, AND THEN IF THEY SEE THE  
24 NEED TO RECALL HIM, THEY CAN RECALL HIM.

25 THE COURT: OKAY. I'M GOING TO ASK THE COURT



1 REPORTER IF SHE CAN RAISE UP THE LAST TESTIMONY OF THE  
2 WITNESS.

3 MR. STEEL: YOUR HONOR, CAN I PUT SOMETHING ON THE  
4 RECORD BEFORE THE COURT REPORTER STOPS TYPING?

5 THE COURT: OKAY. WELL, JUST A MINUTE. I WANT TO  
6 GET THE COURT REPORTER TO FIND THAT STATEMENT ON THE LAST  
7 TESTIMONY OF THE WITNESS ON THE RECORD.

8 (WHEREUPON, THE RECORD WAS READ.)

9 THE COURT: OKAY. ALL RIGHT. I'M GOING TO ASK THE  
10 COURT REPORTER WHEN THE JURY COMES OUT, TO READ THE  
11 QUESTION AND THE ANSWER BECAUSE WHAT I WONDER IS IF  
12 THEY'RE GOING TO ASK ME WHAT WAS THE TESTIMONY THAT I'M  
13 INSTRUCTING THEM ABOUT.

14 MR. MORRIS: I BELIEVE IT UNNECESSARILY AND  
15 PREJUDICIALLY HIGHLIGHTS THE INVOCATION OF COUNSEL, JUDGE,  
16 AND I ASK YOU NOT TO.

17 THE COURT: OKAY. I WILL ACCEPT YOUR ADVICE, AND I  
18 WILL NOT READ THE QUESTION AND THE ANSWER THEN FROM THE  
19 DEFENSE. OKAY. NOW, GO BACK TO -- OR CAN YOU TAKE  
20 TESTIMONY NOW -- MR. STEEL.

21 MR. STEEL: I JUST WANT THE RECORD TO REFLECT THAT  
22 EARLIER IN THE TRIAL MR. GATLEY MADE A VERY, VERY  
23 PREJUDICIAL UNLAWFUL, WRONGFUL STATEMENT THAT HE BELIEVED  
24 THAT HE HAD EVIDENCE THEN THAT MR. DAVIS IS INVOLVED IN A  
25 MURDER. WE MOVED FOR A MISTRIAL. WE ASKED THE COURT TO

1 POLL THE JURORS AND ASK THEM IF THEY COULD FOLLOW THE  
2 COURT'S INSTRUCTIONS. THE COURT REFUSED TO DO SO BECAUSE  
3 THE PROSECUTION OBJECTED TO THAT. NOW THE PROSECUTION IS  
4 ASKING THE COURT TO DO THAT AND HIGHLIGHT THIS TESTIMONY.  
5 IT'S JUST, TO ME, INTELLECTUALLY DIAMETRICALLY OPPOSED. I  
6 WANT THE COURT TO BE AWARE OF THAT.

7 WE'VE ASKED FOR THIS PREVIOUSLY. THE COURT DENIED  
8 OUR REQUEST. THIS IS NOT THE FIRST TIME OR THE SECOND  
9 TIME. THIS IS THE THIRD TIME THIS HAS GONE ON, THE SAME  
10 WITNESS THE COURT ALLOWED OVER OBJECTION TO STATE IN HIS  
11 OPINION THINGS WERE NOT ADDING UP AND MR. DAVIS BECAME A  
12 SUSPECT IN A MURDER. THIS IS NOT THE WAY I'VE LEARNED TO  
13 TRY CASES.

14 THE COURT: THANK YOU, MR. STEEL.

15 OKAY. BRING THE JURY IN.

16 (WHEREUPON, THE JURY ENTERED THE COURTROOM.)

17 THE COURT: PLEASE BE SEATED. LADIES AND GENTLEMEN,  
18 IMMEDIATELY BEFORE WE RECESSED FOR A BREAK THERE WAS  
19 QUESTION AND ANSWER BETWEEN MR. JOHNSON AND THE DEFENDANT  
20 (SIC), AND THERE WAS AN OBJECTION BY MR. MORRIS, AND I  
21 HAVE SUSTAINED THE OBJECTION. AND WHAT I'M DOING NOW IS  
22 TO INSTRUCT YOU TO DISREGARD THE DETECTIVE CHAMBERS', HIS  
23 REFERENCE TO THE DEFENDANT'S INVOKING ANY OF HIS RIGHTS,  
24 AND YOU MUST NOT DRAW ANY ADVERSE INFERENCE THAT THE  
25 DEFENDANT INVOKED HIS RIGHTS.

1           AND WHAT I WILL ASK YOU IS FOR YOU TO SHOW YOUR HANDS  
2           THAT YOU, ONE, UNDERSTAND THESE INSTRUCTIONS, THAT YOU CAN  
3           FOLLOW THE INSTRUCTIONS, AND THAT YOU WILL FOLLOW THE  
4           INSTRUCTIONS. IF YOU CAN, THEN RAISE YOUR HAND.

5                           (WHEREUPON, THE JURY COMPLIES.)

6           THE COURT: OKAY. IS THERE ANYONE WHO CANNOT? OKAY.  
7           YOU MAY PROCEED, MR. JOHNSON.

8           MR. JOHNSON: THANK YOU. I BELIEVE THEY'RE BRINGING  
9           THE WITNESS IN RIGHT NOW.

10          THE COURT: OKAY.

11          MR. JOHNSON: AND, YOUR HONOR, JUST FOR THE PURPOSES  
12          OF THE RECORD, I BELIEVE THAT THERE WAS A UNANIMOUS SHOW  
13          OF HANDS BY ALL JURORS.

14          THE COURT: LET THE RECORD SO REFLECT.

15 BY MR. JOHNSON:

16          Q       DETECTIVE CHAMBERS, I BELIEVE YOU TESTIFIED THAT YOU  
17          TAPE RECORDED THE INTERVIEW AT THE POINT DETECTIVE WALKER CAME  
18          BACK; IS THAT RIGHT?

19          A       THAT'S CORRECT.

20          MR. JOHNSON: I HAVE STATE'S EXHIBIT 251. MAY I  
21          APPROACH, YOUR HONOR?

22          THE COURT: YOU MAY.

23 BY MR. JOHNSON:

24          Q       IF YOU WOULD, PLEASE TAKE A LOOK AT STATE'S 251. AND  
25          DO YOU RECOGNIZE THAT?

1           A     APPEARS TO BE THE MICROCASSETTE TAPE WITH DAVID --  
2 THE VICTIM'S NAME WRITTEN ON THE MICROCASSETTE.

3           Q     AND IS THAT THE MICROCASSETTE THAT WAS USED TO RECORD  
4 THE INTERVIEW BETWEEN THE APD HOMICIDE PERSONNEL AND MR. DAVIS?

5           A     I BELIEVE SO.

6           Q     YOUR HONOR, AT THIS TIME THE STATE WOULD MOVE TO  
7 ADMIT -- WELL, LET ME ASK YOU THIS FIRST: HAVE YOU HAD AN  
8 OPPORTUNITY TO LISTEN TO THAT INTERVIEW SINCE THE INTERVIEW?

9           A     YES.

10          Q     AND IS THAT TAPE A FAIR AND ACCURATE DEPICTION OF THE  
11 INTERVIEW YOU CONDUCTED IN THE EARLY MORNING HOURS OF  
12 DECEMBER 11TH, 1996?

13          A     YES.

14               MR. JOHNSON: YOUR HONOR, THE STATE WOULD MOVE TO  
15 ADMIT STATE'S EXHIBIT 251 AT THIS TIME.

16               THE COURT: OKAY.

17               MR. MORRIS: SUBJECT TO THE EARLIER OBJECTION.

18               THE COURT: IT'S ADMITTED OVER THE OBJECTION.

19               MR. JOHNSON: THANK YOU. AT THIS TIME, YOUR HONOR,  
20 THE STATE WOULD WISH TO PLAY THAT INTERVIEW, AND WE  
21 ACTUALLY HAVE AND WE'VE PROVIDED TO THE DEFENSE AND  
22 THEY'VE HAD A CHANCE TO LOOK AT A TRANSCRIPT. AND WE  
23 WOULD JUST REQUEST THAT WE PROVIDE THE TRANSCRIPT TO THE  
24 JURORS TO LOOK AT WHILE THEY'RE LISTENING, AND THEN WE'LL  
25 TAKE THE TRANSCRIPT BACK AFTER THE PLAYING OF THE TAPE.

1 THE COURT: HOW DID YOU INTEND TO DO THAT? BY  
2 LETTING THEM HAVE THE COPY OF THE TRANSCRIPT?

3 MR. JOHNSON: YES. WE HAVE COPIES FOR ALL THE  
4 JURORS, AND I WAS GOING TO PROVIDE ONE TO THE COURT AND  
5 ONE FOR THE COURT REPORTER. AND THEN, LIKE I SAID, WE  
6 HAVE PROVIDE ONE TO THE DEFENSE ALREADY.

7 THE COURT: OKAY. AND NORMALLY THE COURT REPORTER  
8 WOULD NOT TAKE DOWN THE TRANSCRIBED TAPE. IS THAT  
9 UNDERSTOOD?

10 MR. JOHNSON: THAT'S NOT A PROBLEM. WE'VE PROVIDED A  
11 COPY OF THE TRANSCRIPT AS WELL FOR THE COURT REPORTER,  
12 AND, IN FACT, I COULD MAKE IT THE NEXT STATE'S, WHICH  
13 WOULD BE 252.

14 MR. MORRIS: AND WE'D LIKE AN INSTRUCTION TO THE JURY  
15 ON THE TRANSCRIPT.

16 THE COURT: I'M SORRY, MR. MORRIS?

17 MR. MORRIS: PLEASE THE COURT, I THINK THE JURY  
18 SHOULD BE INSTRUCTED THAT WHAT THEY HEAR IS THE EVIDENCE,  
19 AND THE TRANSCRIPT MAY BE AN AID, A DIFFERENCE FROM THE  
20 TRANSCRIPT AND WHAT THEY HEAR --

21 THE COURT: OKAY. WHAT YOU HEAR ON THE TAPE IS WHAT  
22 IS IN EVIDENCE AND NOT THE TRANSCRIPT.

23 MR. JOHNSON: AND LET THE RECORD REFLECT THAT THE  
24 JURORS NOW HAVE A COPY OF THE TRANSCRIPT. AND WE --

25 THE COURT: IS IT UNDERSTOOD WHETHER OR NOT -- IS

1 ANYONE ASKING THAT THE COURT REPORTER TAKE DOWN THE  
2 INTERVIEW?

3 MR. JOHNSON: NO.

4 THE COURT: FOR THE DEFENSE?

5 MR. MORRIS: NO.

6 THE COURT: OKAY.

7 (WHEREUPON, THE TAPE WAS PLAYED.)

8 MR. JOHNSON: I WANTED TO STOP THAT FOR A MOMENT AND  
9 POLL THE JURY AND SEE IF THEY CAN ACTUALLY HEAR THE TAPE  
10 AT ALL.

11 THE JUROR: I CAN'T UNDERSTAND.

12 MR. JOHNSON: MAYBE IF WE FIDDLE WITH THE TROUBLE,  
13 THAT MAY HELP.

14 THE COURT: DO YOU NEED TO DO THAT OUTSIDE THE  
15 PRESENCE OF THE JURY?

16 MR. JOHNSON: HOPEFULLY IT'S SOMETHING THAT WILL TAKE  
17 A MOMENT.

18 THE COURT: IT'S NOT A PROBLEM ABOUT THE VOLUME. I  
19 THINK THEY CAN HEAR IT. THEY CAN'T UNDERSTAND IT.

20 MR. JOHNSON: I'M HOPING IF THE VOLUME IS TURNED  
21 DOWN, IT MAY TAKE AWAY SOME OF THE DISTORTION. WE MAY  
22 HAVE AN ALTERNATIVE OF JUST PLAYING THE TAPE. SO IF YOU  
23 WANT, I WOULD ASK THAT WE PLAY IT AGAIN AND THEN GO FROM  
24 THERE AND SEE.

25 THE COURT: WAS THE JURY ABLE TO UNDERSTAND IT?

1 THE JUROR: WITH THE AID OF THIS.

2 MR. JOHNSON: JUST AS THE JUDGE INSTRUCTED, IF  
3 THERE'S ANYTHING THAT YOU HEAR THAT YOU SEE IN THE  
4 TRANSCRIPT, THE TAPE IS WHAT IS --

5 THE COURT: IF THERE'S ANY VARIANCE BETWEEN WHAT YOU  
6 HEAR ON THE TAPE AND WHAT YOU READ IN THE TRANSCRIPT, THE  
7 TAPE IS WHAT WILL CONTROL. CAN'T HEAR? NOT CLEARLY? YOU  
8 CANNOT UNDERSTAND IT.

9 MR. JOHNSON: JUDGE, IF WE CAN, TWO MINUTES. WE MAY  
10 TRY AN ALTERNATIVE TO BETTER SERVE.

11 THE COURT: YOU WANT THE JURY TO STEP OUT FOR A  
12 MINUTE?

13 MR. JOHNSON: JUST TWO MINUTES.

14 THE COURT: STEP OUT FOR JUST A MINUTE. BE SURE TO  
15 LEAVE YOUR TRANSCRIPTS OUT HERE.

16 (WHEREUPON, THE JURY EXITED THE COURTROOM.)

17 MR. STEEL: YOUR HONOR, CAN I PUT SOMETHING ON THE  
18 RECORD FOR A SECOND?

19 THE COURT: WELL, LET'S SEE, IS EVERYBODY HERE? I  
20 BELIEVE EVERYONE IS HERE. OKAY, MR. STEEL.

21 MR. STEEL: E-MAIL TO MS. ROSS IS THE C.V. AND THE  
22 OPINIONS OF THE EXPERTS. AT LEAST THAT'S WHAT I BELIEVE  
23 HAS BEEN DONE. IF IT'S NOT LET, ME KNOW, AND WE SHOULD  
24 HAVE THE CONTACT INFORMATION. AND IF YOU DON'T HAVE  
25 ANYTHING, JUST LET ME KNOW.

1 MS. ROSS: I JUST CHECKED MY E-MAIL. I'M ABLE TO  
2 CHECK MY E-MAIL IN THE COURT BECAUSE I HAVE A BLACKBERRY,  
3 AND I HAVE NOT SEEN AN E-MAIL FROM YOU YET. I JUST  
4 CHECKED IT MAYBE FIVE MINUTES AGO.

5 MR. STEEL: MAY I STEP OUT?

6 THE COURT: YOU MAY.

7 MR. STEEL: WE'RE IN FIVE MINUTES YOU SAID?

8 THE COURT: YES.

9 MR. STEEL: YES.

10 (BRIEF RECESS.)

11 THE COURT: OKAY. LET'S BRING IN THE JURY.

12 (WHEREUPON, THE JURY ENTERED THE COURTROOM.)

13 THE COURT: OKAY. PLEASE BE SEATED.

14 PROCEED, MR. JOHNSON.

15 MR. JOHNSON: JUDGE, I BELIEVE WE'VE BEEN ABLE TO FIX  
16 THE PROBLEM, AND WE'RE JUST GOING TO PLAY THE ORIGINAL  
17 MICROCASSETTE AT THIS TIME AND READY TO PLAY IT.

18 THE COURT: OKAY.

19 (WHEREUPON, THE TAPE WAS PLAYED.)

20 THE COURT: OKAY. MR. JOHNSON, IT'S ABOUT THAT TIME  
21 FOR US TO RECESS FOR THE DAY?

22 MR. JOHNSON: YES, YOUR HONOR.

23 THE COURT: OKAY. ALL RIGHT. LADIES AND GENTLEMEN,  
24 WE'RE GOING TO RECESS FOR THE DAY. IT'S 5:00 O'CLOCK, AND  
25 WE WILL RECONVENE TOMORROW MORNING AT 9:00 O'CLOCK.



1           REMEMBER MY INSTRUCTIONS ABOUT WHETHER -- NOT TO TALK  
2 WITH ANYONE ABOUT THE CASE OR ALLOW ANYONE TO TALK TO YOU  
3 ABOUT THE CASE. DO NOT JUMP TO CONCLUSIONS OR FIND  
4 CONCLUSIONS UNTIL YOU'VE HEARD ALL OF THE EVIDENCE.  
5 PLEASE DO NOT READ ANY ACCOUNTS OF THIS CASE IN THE MEDIA  
6 OR LISTEN TO ANY ACCOUNTS ON THE RADIO OR WATCH ANY TV.  
7 PLEASE HAVE A NICE EVENING.

8           MR. JOHNSON: YOUR HONOR, JUST FOR THE RECORD, ALL  
9 THE TRANSCRIPTS ARE RETRIEVED FROM THE JURY.

10          THE COURT: OKAY. WE'LL BE IN RECESS UNTIL TOMORROW  
11 MORNING AT 9:00.

12                   (PROCEEDINGS CONCLUDED FOR THE DAY.)

13                                 - - -


C E R T I F I C A T E

STATE OF GEORGIA,  
COUNTY OF FULTON:

I DO HEREBY CERTIFY THAT THE FOREGOING PAGES REPRESENT A TRUE, COMPLETE, AND CORRECT TRANSCRIPT OF THE PROCEEDINGS TAKEN DOWN BY ME IN THE CASE AFORESAID.

THIS CERTIFICATION IS EXPRESSLY WITHDRAWN AND DENIED UPON THE DISASSEMBLY OR PHOTOCOPYING OF THE FOREGOING TRANSCRIPT OR ANY PART THEREOF, INCLUDING EXHIBITS, UNLESS SAID DISASSEMBLY OR PHOTOCOPYING IS DONE BY THE UNDERSIGNED OFFICIAL COURT REPORTER AND ORIGINAL SIGNATURE AND SEAL IS ATTACHED THERETO.

THIS, THE 14TH DAY OF MAY, 2007.

  
WYNETTE C. BLATHERS, RPR, CCR-B-2069  
OFFICIAL COURT REPORTER  
SUPERIOR COURT OF FULTON COUNTY  
ATLANTA JUDICIAL CIRCUIT

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA                    ) INDICTMENT NO. 05SC37460  
  )  
VS.                                    ) CHARGE: MURDER, FELONY  
  ) MURDER (4 COUNTS)  
SCOTT WINFIELD DAVIS,             )  
  )  
DEFENDANT.                         ) VOLUME XII OF XXI  
  )  
  )  
  )

TRANSCRIPT OF PROCEEDINGS IN JURY TRIAL  
BEFORE THE HONORABLE TOM CAMPBELL  
ON OCTOBER 23-DECEMBER 4, 2006, ATLANTA, GEORGIA

APPEARANCES:

FOR THE STATE:                    SHEILA ROSS,  
  KELLIE S. HILL,  
  PETER JOHNSON,  
  ASSISTANT DISTRICT ATTORNEYS

FOR DEFENDANT:                    BRUCE H. MORRIS,  
  BRIAN STEEL,  
  ATTORNEYS AT LAW

WYNETTE C. BLATHERS, RPR, CCR-B-2069  
OFFICIAL COURT REPORTER  
FULTON SUPERIOR COURT  
T-8955 JUSTICE CENTER TOWER  
185 CENTRAL AVENUE, S.W.  
ATLANTA, GEORGIA 30303

**COPY**

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P R O C E E D I N G S

(NOVEMBER 14, 2006)

1                   THE COURT:   GOOD MORNING.   PLEASE BE SEATED.

2  
3  
4                   DO WE HAVE ANY PRELIMINARY MATTERS BEFORE THE JURY  
5 COMES IN?

6                   MR. STEEL:   I HAVE JUST AN ANNOUNCEMENT.

7                   THE COURT:   OKAY.

8                   MR. STEEL:   YESTERDAY MY OFFICE RECEIVED AN E-MAIL  
9 FROM DR. GRAHAM, G-R-A-H-A-M, WHO IS THE CHIEF MEDICAL  
10 EXAMINER IN ST. LOUIS.   THAT E-MAIL WAS FORWARDED TO  
11 MS. ROSS.   I'M HOPING THAT SHE GOT IT AND WAS ABLE TO OPEN  
12 IT.   IT GAVE WHAT THE GENTLEMAN REVIEWED AND HIS OPINION  
13 ON THE RODS OF BACTERIA IN THE DETERMINATION OF TIME OF  
14 DEATH, AND HE SPECIFICALLY STATED IT'S NOT BASED ON  
15 SCIENCE.

16                   THE C.V. IS COMING TODAY.   WE WILL IMMEDIATELY  
17 FORWARD THAT TO MS. ROSS AND IF THERE'S CONTACT  
18 INFORMATION -- BECAUSE I'M NOT REALLY SEEING THESE E-MAILS  
19 UNTIL LATER.   IF THERE'S CONTACT INFORMATION NECESSARY,  
20 JUST LET ME KNOW.   THEN THE STATE SHOULD LET ME KNOW, BUT  
21 IT'S OBVIOUSLY THE CHIEF MEDICAL EXAMINER WITH THE CITY OF  
22 ST. LOUIS.

23                   THE SECOND THING IS DR. KIM COLLINS ALSO DID THE SAME  
24 THING.   I SENT THAT OVER, THE C.V., TO MS. ROSS, HER  
25 DETAILED FINDINGS, WHICH I TOLD ON THE RECORD IS THE SAME

1 AS DR. GRAHAM, ARE ALSO COMING IN, WHAT SHE REVIEWED AND  
2 WHAT HER FINDINGS ARE. THAT WILL BE FAXED, IF THE COURT  
3 ALLOWS, TO YOUR OFFICE TODAY BECAUSE THERE WAS E-MAIL NOT  
4 ABLE TO BE OPENED I WAS TOLD OR E-MAIL NOT RECEIVED. SO I  
5 SAID CAN YOU FAX IT. AND WE WERE GOING TO ASK THE COURT  
6 IF IT WAS OKAY, AND THEN WHEN THE COURT GETS IT, GIVE A  
7 COPY TO EACH SIDE.

8 THE COURT: THAT WILL BE GOOD.

9 MR. STEEL: OKAY. THANKS. AND THAT SHOULD BE DONE,  
10 I ASSUME, THIS MORNING.

11 THE COURT: OKAY.

12 MR. STEEL: AND, AS I SAID, THE CHIEF MEDICAL  
13 EXAMINER FOR FULTON COUNTY AS WELL. I KNOW THE STATE IS  
14 WELL AWARE OF THAT PERSON, AND HIS NUMBER IS 730-4400.  
15 AND THAT IS THE SAME OPINION AS -- IT'S ALL DEALING WITH  
16 THE TIME OF DEATH, DEALING WITH THE BACTERIA ISSUE. THAT  
17 IS IT. THAT'S IT FOR ME.

18 MS. ROSS, I NEED TO SEE -- I WOULD ASK THAT THE STATE  
19 PROVIDE TO ME, WHEN MY EXPERTS COME, THE SLIDES. I DIDN'T  
20 GET THOSE IN DISCOVERY. I GOT THE PHOTOGRAPHS FROM THE  
21 AUTOPSY, BUT THERE ARE SLIDES THAT ARE REFERRED TO BY  
22 DR. HELLMAN, THE STATE'S M.E. AND MY EXPERTS WOULD BOTH  
23 LIKE TO REVIEW THE SLIDES PRIOR TO TESTIMONY. SO I WOULD  
24 LIKE THAT TO BE PROVIDED TO ME, COPY MADE FOR ME OR JUST  
25 LET ME HAVE ACCESS TO THAT. BUT I'VE NEVER BEEN GIVEN

1 ACCESS TO THAT. THAT'S IT.

2 THE COURT: OKAY.

3 MS. ROSS: YOUR HONOR, IF I CAN INQUIRE FROM  
4 MR. STEEL WHAT SLIDES HE'S TALKING ABOUT. IS HE TALKING  
5 ABOUT HISTOLOGICAL SLIDES? IS THE TALKING ABOUT H AND E  
6 STAIN SLIDES? WHAT ARE YOU TALKING ABOUT?

7 MR. STEEL: WELL, THEY WANT TO LOOK AT EVERYTHING,  
8 BUT SPECIFICALLY DR. HELLMAN INDICATES IN A CONVERSATION  
9 WITH ATTORNEY DOUG PETERS, THAT HE VIEWED SLIDES OF RODS  
10 OF BACTERIA IN THE LIVER OF MR. COFFIN. HE WILL NOT  
11 CHANGE THE OPINION, I DON'T BELIEVE, BECAUSE I DON'T THINK  
12 IT'S BASED ON SCIENCE. BUT THE EXPERTS WOULD LIKE TO SEE  
13 EVERYTHING THAT IS AVAILABLE. SO THOSE ARE THE -- BUT  
14 WE'LL LOOK AT EVERYTHING.

15 MS. ROSS: WELL, IF THE SLIDES ARE AVAILABLE.  
16 THEY'RE STILL IN THE CUSTODY OF THE MEDICAL EXAMINER. SO  
17 I MUST CALL DR. HANZLICK TO SEE IF HE HAS THE SLIDES  
18 BECAUSE THE STATE SPECIFICALLY -- THE PROSECUTION NEVER  
19 TOOK CUSTODY OF THOSE SLIDES. AND I WILL CHECK WITH  
20 DR. HANZLICK AT THE BREAK TO SEE IF HE STILL HAS THOSE  
21 SLIDES.

22 THE COURT: OKAY. HAVE WE SCHEDULED -- HAVE THE  
23 ATTORNEYS SCHEDULED WHEN YOU ANTICIPATE THAT THE TESTIMONY  
24 IN THE HARPER HEARINGS WOULD TAKE PLACE?

25 MS. ROSS: YES, SIR. I LET MR. STEEL KNOW SUNDAY



1 AFTERNOON THAT WE PLAN TO HAVE DR. HELLMAN HERE TOMORROW  
2 MORNING, AND HE DOES INTEND TO BE HERE TOMORROW MORNING.  
3 SO MR. STEEL CAN HAVE HIS EXPERTS HERE AT THAT TIME.

4 THE COURT: ALL RIGHT.

5 MR. STEEL: SO IS THAT AT THE END OF THE DAY, JUDGE?  
6 I JUST NEED AN EXACT TIME. IF WE'RE SAYING 9:00 O'CLOCK  
7 IN THE MORNING, THEN I'LL HAVE EVERYBODY HERE. IF WE'RE  
8 SAYING, YOU KNOW, WE'RE GOING TO BE FLEXIBLE, CAN THE  
9 COURT DO IT OVER A BREAK OR SOMETHING OR BREAK EARLY, I  
10 WANT TO KNOW FOR THEIR SAKE, FOR THEIR SCHEDULES.

11 MS. ROSS: YOUR HONOR, I WOULD PREFER TO START AT  
12 9:00 BECAUSE WE NEED TO GET DR. HELLMAN ON AND OFF THE  
13 STAND BY TOMORROW. HE HAS TO GET BACK TO PHILADELPHIA.  
14 SO EVEN IF -- WE WERE HOPING THE WAY THAT WE FINISH TODAY,  
15 THAT WE'LL HAVE NO CARRYOVER WITNESSES AND THAT AT 9:00  
16 A.M. TOMORROW MORNING WE CAN START WITH THE MEDICAL  
17 EXAMINERS, BOTH THEIR WITNESSES AND OUR WITNESS FOR THE  
18 HARPER HEARING, AND THEN GO STRAIGHT INTO DR. HELLMAN'S  
19 TESTIMONY.

20 THE COURT: OKAY. ALL RIGHT. BRING IN THE JURY.

21 (WHEREUPON, THE JURY ENTERED THE COURTROOM.)

22 THE COURT: GOOD MORNING. PLEASE BE SEATED.

23 BY MR. JOHNSON:

24 Q DETECTIVE CHAMBERS, WHERE WE LEFT OFF YOU HAD -- WE  
25 HAD JUST LISTENED TO THE INTERVIEW OF THE DEFENDANT. AFTER THE

1 INTERVIEW WAS OVER, WHAT DID MR. DAVIS DO?

2 A WE TOOK MR. DAVIS -- MYSELF AND DETECTIVE WALKER TOOK  
3 MR. DAVIS HOME.

4 Q AT THAT TIME WAS HE CONSIDERED IN POLICE CUSTODY?

5 A HE WASN'T UNDER ARREST, NO.

6 Q AND BEFORE WE GO INTO THAT, I JUST WANT TO GO BACK TO  
7 THE INTERVIEW FOR A MOMENT. DURING THE INTERVIEW THERE WAS A  
8 QUESTION ABOUT FINDING TORN CLOTHING ON A FENCE AND -- WELL,  
9 LET ME ASK YOU, WHO ELSE WAS IN THE INTERVIEW ROOM WHEN YOU  
10 WERE IN THERE WITH THE DEFENDANT?

11 A TO BEGIN WITH IT WAS DETECTIVE FAGLER. THEN WHEN  
12 DETECTIVE WALKER CAME BACK, IT WAS DETECTIVE WALKER AND MYSELF.

13 Q SO IT WAS DETECTIVE WALKER AND YOU FOR THE GIST OF  
14 THE INTERVIEW?

15 A CORRECT.

16 Q AND THERE'S A SOUND YOU CAN HEAR IN THE BACKGROUND OF  
17 THE TAPE. DO YOU KNOW WHAT I'M TALKING ABOUT?

18 A YES.

19 Q AND WHAT IS THAT SOUND?

20 A THAT'S THE DOOR OPENING AND CLOSING.

21 Q WOULD THAT BE EITHER YOU OR DETECTIVE WALKER COMING  
22 AND GOING?

23 A RIGHT. THAT'S CORRECT.

24 Q AND WHAT WERE YOU DOING WHEN YOU WOULD LEAVE THE  
25 ROOM?

1           A       DIFFERENT THINGS WERE COMING UP. WE HAD DIFFERENT --  
2 AS I SAID, WE HAD DIFFERENT CASES WORKING AS WELL, GOING ON.  
3 SO WE WERE EITHER GOING OUT ASKING QUESTIONS OR GOING OUT  
4 ANSWERING QUESTIONS FROM OTHER CASES. IT WAS AN IN AND OUT  
5 PROCESS.

6           Q       DURING THAT INTERVIEW THERE WAS MENTION SPECIFICALLY  
7 OF WHETHER OR NOT THERE WAS SOME TORN CLOTHING ON A FENCE  
8 BEHIND 1367 BATTLEVIEW. DO YOU RECALL THAT PART OF THE  
9 INTERVIEW?

10          A       YES, SIR.

11          Q       AND LET ME ASK YOU THIS, FIRST OF ALL: WAS THERE --  
12 DID YOU OBSERVE ANY TORN CLOTHING ON THE FENCE BEHIND THE  
13 DEFENDANT'S HOUSE?

14          A       I NEVER SAW ANY, NO, SIR.

15          Q       DID YOU ACTUALLY LOOK THAT NIGHT WHEN YOU WERE THERE?

16          A       YES -- WELL, I DIDN'T LOOK FOR -- SPECIFICALLY LOOK  
17 FOR A PIECE OF TORN CLOTHING. I WALKED THE AREA THAT HE SAID  
18 HE'D LEFT WHEN HE JUMPED OVER THE FENCE. I WALKED THAT PART OF  
19 THE FENCE AND BACK. I NEVER SAW ANY TORN CLOTHING ON THE  
20 FENCE.

21          Q       AND THE NEXT MORNING WHEN YOU DROVE THE DEFENDANT  
22 BACK TO HIS HOME, WHAT DID YOU AND DETECTIVE WALKER DO?

23          A       DETECTIVE WALKER STAYED WITH MR. DAVIS AT HIS  
24 RESIDENCE. I WALKED BACK THE WAY MR. DAVIS SAID THE SUBJECT  
25 FLED DURING BOTH INSTANCES AT HIS RESIDENCE THE DAY BEFORE.

1 TWO REASONS: ONE, I WALKED LOOKING FOR ANY EVIDENCE OF WHERE  
2 FIVE DOUBLE AUGHT BUCK SHOTS HAD BEEN FIRED. AND I ALSO WALKED  
3 THROUGH THE WOODED AREA. I WANTED TO SPEAK TO THE NEIGHBORS  
4 BEHIND MR. DAVIS' HOUSE.

5 Q WHY DID YOU WANT TO TALK WITH THE NEIGHBORS BEHIND  
6 MR. DAVIS' HOUSE?

7 A TO SEE IF THEY HAD HEARD OR SEEN ANYTHING FROM THE  
8 PREVIOUS DAY.

9 Q AND BASED ON YOUR GOING AROUND THE NEIGHBORHOOD, DID  
10 YOU LEARN ANYTHING RELEVANT TO THE CASE?

11 A I SPOKE TO TWO NEIGHBORS THAT LIVE --

12 MR. MORRIS: OBJECTION. HEARSAY.

13 THE COURT: OKAY. HE HASN'T TESTIFIED AS TO ANYTHING  
14 YET THAT'S HEARSAY.

15 BUT, OF COURSE, YOU KNOW, DETECTIVE, NOT TO TESTIFY  
16 AS TO WHAT SOMEONE ELSE TOLD YOU.

17 MR. JOHNSON: I CAN ASK ANOTHER QUESTION.

18 THE COURT: ALL RIGHT.

19 BY MR. JOHNSON:

20 Q DETECTIVE CHAMBERS, BASED ON YOUR CANVASS OF THE  
21 NEIGHBORHOOD, DID IT RESULT IN ANYTHING FRUITFUL FOR YOUR  
22 INVESTIGATION?

23 A NO, SIR; OTHER THAN THE FACT THAT THE NEIGHBORS  
24 REPORTED HEARING --

25 MR. MORRIS: EXCUSE ME, JUDGE. THAT'S GOING TO BE

1 HEARSAY.

2 MR. JOHNSON: THAT'S FINE. WE'LL MOVE ON.

3 THE COURT: OKAY.

4 MR. JOHNSON: MAY I APPROACH, YOUR HONOR?

5 THE COURT: YOU MAY.

6 BY MR. JOHNSON:

7 Q I'M GOING TO SHOW YOU WHAT'S BEEN MARKED AS STATE'S  
8 EXHIBITS 194, 195, 196, 197 AND 198. PLEASE TAKE A LOOK AT  
9 THOSE. THEY HAVE BEEN PREVIOUSLY PROVIDED AND SHOWN TO THE  
10 DEFENSE. HAVE YOU HAD A CHANCE TO LOOK AT THOSE?

11 A YES.

12 Q AND WHAT DO THOSE REPRESENT?

13 A MR. DAVIS' HOUSE THAT NIGHT.

14 Q THAT WAS THE NIGHT THAT YOU WENT OUT, DECEMBER 10TH,  
15 1996?

16 A YES; THE MORNING OF DECEMBER 11TH.

17 Q AND THE MORNING. IS THAT A FAIR AND ACCURATE  
18 DEPICTION OF HOW THAT LOOKED, THE AREA OF 1367 BATTLEVIEW  
19 DRIVE, BACK THEN?

20 A YES, SIR.

21 MR. JOHNSON: YOUR HONOR, THE STATE WOULD MOVE TO  
22 ADMIT STATE'S EXHIBITS 194 THROUGH 198.

23 THE COURT: DEFENSE?

24 MR. MORRIS: NO OBJECTION.

25 THE COURT: THEY'RE ADMITTED.

1 BY MR. JOHNSON:

2 Q DETECTIVE CHAMBERS, GOING BACK A LITTLE BIT, THE  
3 NIGHT WHEN YOU RESPONDED TO 1367 BATTLEVIEW, AFTER YOU'D  
4 PREVIOUSLY BEEN AT 951 WEST CONWAY, DID YOU CALL SOMEONE OUT TO  
5 TAKE PHOTOS?

6 A YES; CITY OF ATLANTA ID SECTION.

7 Q AND IS THIS ONE OF THOSE PHOTOS THAT THEY TOOK?

8 A YES, SIR.

9 Q AND IS THAT THE FRONT OF 1367 BATTLEVIEW?

10 A THAT'S CORRECT.

11 Q AND 195, IS THAT JUST A DIFFERENT ANGLE?

12 A YES, SIR.

13 Q NOW, YOU WERE TALKING BEFORE THAT THE DEFENDANT FIRED  
14 A SHOTGUN FIVE TIMES APPROXIMATELY?

15 A THAT'S CORRECT.

16 Q THAT NIGHT DID YOU LOOK TO SEE IF THERE WAS ANY  
17 EVIDENCE THAT A SHOTGUN HAD BEEN FIRED?

18 A YES.

19 Q AND WHAT DID YOU FIND?

20 A I FOUND SHOTGUN SHELLS IN MR. DAVIS' BACKYARD.

21 Q I'M GOING TO SHOW YOU STATE'S EXHIBIT 196. AND WHAT  
22 IS THAT?

23 A THAT WOULD BE A PICTURE OF ONE OF THE SHELLS IN  
24 MR. DAVIS' BACKYARD.

25 Q AND, IF YOU COULD, I'M NOT SURE IF THE POINTER IS

1 STILL BACK HERE SOMEWHERE. THERE IT IS. IF YOU COULD POINT  
2 OUT ON STATE'S EXHIBIT 196 WHAT YOU'RE TALKING ABOUT.

3 A I BELIEVE THAT'S CORRECT.

4 Q LET ME SEE IF I CAN ZOOM IT IN.

5 A THAT RIGHT THERE IS A SHELL FROM THE SHOTGUN.

6 Q AND WAS THAT ACTUALLY COLLECTED?

7 A IT WAS -- ID SECTION WAS ORDERED TO COLLECT IT, YES,  
8 SIR.

9 Q I'M GOING TO SHOW YOU 197. CAN YOU SEE THAT AS WELL?  
10 IT'S KIND OF SOFT WITH THE LIGHT THERE. LET ME SEE IF I CAN --  
11 HOW ABOUT NOW?

12 A THAT WOULD BE A SHOTGUN SHELL CASING AS WELL.

13 Q OKAY. AND I'M GOING TO SHOW YOU STATE'S EXHIBIT 198.  
14 IF YOU CAN -- IF IT'S TOO LIGHT -- IS THERE SOMETHING NEAR THE  
15 FOOT OF THE PERSON IN THE PICTURE?

16 A YES. RIGHT. IT WOULD BE -- THAT AS WELL IS A  
17 SHOTGUN SHELL, AND THIS IS THE BACK FENCE.

18 Q IS THAT THE FENCE THAT YOU'RE TALKING ABOUT WHEN YOU  
19 SAY YOU WALKED ALONG THERE THE NIGHT BEFORE AND THEN THE  
20 MORNING AFTER?

21 A YES, SIR.

22 Q NOW, AT BOTH THE NIGHT BEFORE AND THE MORNING AFTER,  
23 I GUESS WE'LL CALL IT, DID YOU LOOK FOR EVIDENCE THAT A HANDGUN  
24 HAD BEEN FIRED AS WELL?

25 A YES, SIR.

1 Q AND DID YOU FIND THAT?

2 A NO, SIR.

3 Q AND JUST GOING BACK TO THE TALKING WITH THE  
4 NEIGHBORS, AFTER YOU TALKED WITH THEM, HAD ANYONE SEEN ANYTHING  
5 OR SEEN ANYONE RUNNING THROUGH THERE?

6 A NO, SIR.

7 MR. MORRIS: OBJECTION. HEARSAY. MOVE TO STRIKE.

8 THE COURT: OVERRULED.

9 BY MR. JOHNSON:

10 Q NOW, WHILE AT 1367 BATTLEVIEW THAT NEXT MORNING WHEN  
11 YOU AND DETECTIVE WALKER DROPPED THE DEFENDANT OFF, YOU SAID  
12 THAT YOU LOOKED AROUND THE YARD. WAS THERE ANYTHING ELSE THAT  
13 YOU DID WHILE YOU WERE THERE?

14 A NO, SIR.

15 Q WHAT ABOUT DETECTIVE WALKER?

16 A DETECTIVE WALKER STAYED WITH MR. DAVIS AT THE  
17 RESIDENCE.

18 Q AND DO YOU KNOW IF DETECTIVE WALKER COLLECTED  
19 ANYTHING WHILE YOU WERE THERE?

20 A HE DID.

21 Q WHAT DID HE COLLECT?

22 A HE COLLECTED A FLOOR MAT FROM MR. DAVIS' VEHICLE, THE  
23 RIGHT PASSENGER FLOOR MAT.

24 Q DO YOU KNOW WHETHER THAT FLOOR MAT WAS IN THE VEHICLE  
25 OR OUTSIDE THE VEHICLE?



1           A     IT WAS OUTSIDE THE VEHICLE.  IT WAS IN THE UTILITY  
2 ROOM, THE LAUNDRY ROOM, WHERE MR. DAVIS REPORTED THAT THE  
3 SUSPECT HAD CAME OUT OF WHEN HE ATTACKED HIM.

4           Q     AND DID HE TAKE ANYTHING ELSE OTHER THAN THE FLOOR  
5 MAT?

6           A     I BELIEVE HE ALSO TOOK THE MACE THAT MR. DAVIS HAD  
7 SAID THE OFFICER PUT IN THE TRASH THAT MORNING, THE DAY BEFORE.

8           Q     AND SO WAS IT LAYING ON THE CARPORT FLOOR WHEN  
9 DETECTIVE WALKER COLLECTED IT?

10          A     THE --

11          Q     THE MACE?

12          A     NO.  IT WAS IN THE TRASH CAN INSIDE THE RESIDENCE.

13          Q     AND IN THE ROOM WHERE HE COLLECTED THE CARPET FROM  
14 THE CAR, WAS THERE ANYTHING ELSE THAT HE COLLECTED?

15          A     NOT THAT I KNOW OF.

16          Q     IF I WERE TO SHOW YOU A REPORT FROM THE GBI, WOULD  
17 THAT HELP TO REFRESH YOUR RECOLLECTION?

18          A     IT COULD.

19                MR. JOHNSON:  OKAY.  MAY I APPROACH, YOUR HONOR?

20                THE COURT:  YES.

21 BY MR. JOHNSON:

22           Q     IF YOU WOULD, PLEASE TAKE A LOOK AT THAT AND LET ME  
23 KNOW IF THAT REFRESHES YOUR MEMORY.

24           A     YES.  HE ALSO RECOVERED A GLASS CLEANER, THAT "I LOVE  
25 MY CAR" GLASS CLEANER.

1 Q OKAY. DO YOU KNOW WHAT ULTIMATELY HAPPENED TO THOSE  
2 ITEMS AFTER -- THAT DAY OR THAT NIGHT?

3 A THEY WERE TAKEN TO THE STATE CRIME LAB FOR ANALYSIS.

4 Q NOW, AFTER YOU SPENT SOME TIME AT 1367 BATTLEVIEW  
5 THAT MORNING OR NOW ON DECEMBER 11TH, WEDNESDAY, DID YOU END UP  
6 GOING BACK TO THE CRIME SCENE OF 951 WEST CONWAY AT ALL THAT  
7 MORNING?

8 A YES.

9 Q AND WHAT DID YOU DO WHEN YOU WENT THERE?

10 A I WAS ON MY WAY BACK TO THE CRIME LAB WHEN I WAS  
11 INFORMED BY RADIO THAT THE ARSON UNIT THERE HAD FOUND SOMETHING  
12 THAT WE NEEDED TO SEE. I WAS ON THE WAY BACK TO THE SCENE  
13 ANYWAY. WENT TO 951 WEST CONWAY, AND UPON ARRIVAL THE ARSON  
14 INVESTIGATORS ADVISED THAT THEY HAD FOUND TWO WEAPONS AT THE  
15 SCENE, ONE BEING A SHOTGUN AND THE OTHER BEING A BERETTA 9  
16 MILLIMETER THAT WAS FOUND UNDER THE VICTIM'S HEAD, WHERE THE  
17 VICTIM'S HEAD WAS LAYING.

18 Q AND JUST SO IT'S CLEAR FOR THE RECORD, I THINK YOU  
19 MAY HAVE SAID YOU WERE ON YOUR WAY BACK TO THE CRIME LAB. IS  
20 THAT --

21 A NO. I WAS ON MY WAY BACK TO THE CRIME SCENE.

22 Q I'M GOING TO SHOW YOU WHAT' HAS ALREADY BEEN ADMITTED  
23 AS STATE'S EXHIBITS 142, 143, 144, 145, IF YOU WOULD TAKE A  
24 LOOK AT THOSE. AND IS THAT -- THOSE THE WEAPONS THAT YOU WERE  
25 TALKING ABOUT?

1           A     YES, SIR.

2           Q     AND STATE'S EXHIBIT 142, IS THAT THE BERETTA THAT YOU  
3 COLLECTED FROM THE CRIME SCENE?

4           A     YES, SIR, IT IS.

5           Q     AND STATE'S 143, IS THAT THE SAME GUN?

6           A     YES, SIR.

7           Q     AND THEN, ALSO, WAS THERE A MAGAZINE CLIP COLLECTED?

8           A     YES, SIR.

9           Q     AND THE SHOTGUN?

10          A     YES, SIR.

11          Q     WHAT DID YOU DO WITH THOSE ITEMS?

12          A     THEY WERE TURNED OVER TO DETECTIVE WALKER.

13          Q     AND THEN DO YOU KNOW WHAT DETECTIVE WALKER DID WITH  
14 THOSE?

15          A     TRANSPORTED THEM TO THE STATE CRIME LAB.

16          Q     WHILE YOU WERE ON THE SCENE AT 951 WEST CONWAY,  
17 BESIDES COLLECTING THOSE ITEMS, DID YOU DO ANYTHING ELSE WHILE  
18 THERE?

19          A     YES, SIR. I WALKED AROUND THE VICTIM'S RESIDENCE,  
20 WALKED DOWN IN THE BACKYARD, WHICH HAD A FENCE, A STEEP SLOPE  
21 GOING DOWN TO A CREEK AREA, AT WHICH TIME I SAW WHAT APPEARED  
22 TO BE FOOTPRINTS IN MUD. I NOTIFIED ID THAT WAS THERE TAKING  
23 PICTURES TO PHOTOGRAPH THOSE PRINTS.

24          Q     COULD YOU TELL BY VIEWING THE PRINTS WHAT THEY WERE  
25 PRINTS OF, FOOTPRINTS?

1           A       IT JUST LOOKED LIKE WHERE SOMEBODY HAD TRIED TO COME  
2 UP AND DOWN THE HILL.

3           Q       COULD YOU TELL WHOSE IT WAS THAT DID?

4           A       NO.

5           Q       DID YOU KNOW WHETHER IT WAS A FIREMAN?

6           A       NO. YOU COULDN'T TELL. IT WAS JUST -- THERE WAS  
7 KIND OF A MUDDY AREA AND IT WAS -- YOU COULD TELL IT WAS  
8 PRINTS, BUT YOU COULDN'T TELL WHAT KIND OF PRINTS THEY WERE.

9           Q       AND GOING BACK TO THE GUN, THE BERETTA THAT YOU  
10 COLLECTED, THERE WAS A PHOTO OF THE BERETTA AND THEN A PHOTO OF  
11 THE MAGAZINE FOR THE BERETTA. DO YOU KNOW WHETHER THE MAGAZINE  
12 WAS IN OR OUT OF THE GUN WHEN IT WAS DISCOVERED?

13          A       I BELIEVE IT WAS OUT OF THE GUN.

14          Q       NOW, BESIDES WALKING AROUND 951 WEST CONWAY, DID YOU  
15 DO ANYTHING ELSE WHILE YOU WERE THERE?

16          A       JUST LOOKED AT THE RESIDENCE LOOKING FOR EVIDENCE OR  
17 ANYTHING I COULD FIND IN THE BACKYARD OR THE FRONT YARD.

18          Q       BUT DID YOU OBSERVE THE INTERIOR OF 951 WEST CONWAY?

19          A       YES, SIR.

20          Q       AND GOING BACK TO THE NIGHT BEFORE, I THINK YOU  
21 TESTIFIED THAT YOU SPOKE WITH THE NEIGHBORS WHO LIVED TO THE  
22 RIGHT OF MR. COFFIN; IS THAT RIGHT?

23          A       THAT'S CORRECT.

24          Q       AT ANY TIME DID --

25               MR. MORRIS: OBJECTION. HEARSAY.

1 MR. JOHNSON: I HAVEN'T ASKED THE QUESTION YET.

2 MR. MORRIS: OKAY. ANTICIPATED.

3 THE COURT: ASK THE QUESTION, AND BEFORE THE WITNESS  
4 TESTIFIES, WE'LL DECIDE WHETHER IT'S HEARSAY OR NOT.

5 BY MR. JOHNSON:

6 Q BASED ON YOUR INVESTIGATION AND YOUR BEING THERE THE  
7 NIGHT BEFORE AND YOUR CONVERSATIONS WITH THE NEIGHBORS, DID YOU  
8 LEARN ANYTHING ABOUT SOMEONE HAVING BEEN IN THE DRIVEWAY THE  
9 DAY BEFORE?

10 A NO, SIR.

11 MR. JOHNSON: MAY I APPROACH, YOUR HONOR?

12 THE COURT: YOU MAY.

13 BY MR. JOHNSON:

14 Q DETECTIVE CHAMBERS, I'M GOING TO SHOW YOU WHAT'S BEEN  
15 MARKED AS STATE'S EXHIBIT NO. 199 THROUGH 215. IF YOU WOULD  
16 TAKE A LOOK AT THOSE, PLEASE, AND LET ME KNOW WHEN YOU'RE DONE.  
17 HAVE YOU HAD AN OPPORTUNITY TO LOOK AT THOSE?

18 A YES, SIR.

19 Q AND WHAT IS DEPICTED IN STATE'S 199 THROUGH 215?

20 A MR. -- THE VICTIM, MR. COFFIN'S RESIDENCE AS IT  
21 APPEARED THE NIGHT AFTER THE FIRE.

22 Q AND ARE THEY ALL FAIR AND ACCURATE DEPICTIONS OF HOW  
23 IT APPEARED THAT NIGHT AFTER THE FIRE?

24 A YES, SIR --

25 Q OR DAY AFTER THE FIRE?

1 A THE DAY AFTER THE FIRE.

2 MR. JOHNSON: YOUR HONOR, THE STATE WOULD TO MOVE TO  
3 ADMIT STATE'S 199 THROUGH 215.

4 MR. MORRIS: NO OBJECTION.

5 THE COURT: IT'S ADMITTED.

6 BY MR. JOHNSON:

7 Q NOW, YOU MENTIONED A FEW MOMENTS AGO THAT YOU TOOK  
8 SOME PHOTOS OF THE BACK SIDE OF THE HOUSE, SPECIFICALLY SOME  
9 FOOTPRINTS OUTSIDE OF A GATE?

10 A I ORDERED ID TO TAKE THEM. I DIDN'T TAKE THEM, YES,  
11 SIR.

12 Q AND LET ME SHOW YOU STATE'S EXHIBIT 211. WHERE IS  
13 THAT?

14 A THAT WOULD BE THE BACKYARD.

15 Q AND IN THE LEFT SIDE OF THE PICTURE, IS THAT WHERE  
16 YOU WERE TALKING ABOUT?

17 A AT THE GATE, YES, SIR, LEADING DOWN THE HILL.

18 Q AND I'M GOING TO SHOW YOU STATE'S EXHIBIT 210. IS  
19 THAT WHAT YOU WERE TALKING ABOUT?

20 A YES, SIR.

21 Q AND IS THAT AREA THE AREA YOU'RE TALKING ABOUT?

22 A YES, SIR. IT'S ONE OF THE AREAS I WAS TALKING ABOUT,  
23 YES, SIR.

24 Q OKAY. AND DO YOU KNOW BEYOND THAT GATE WHAT THE  
25 TERRAIN IS LIKE?

1           A     YES, SIR; A WOODED AREA THAT SLOPES DOWN TOWARDS A  
2 CREEK BED.

3           Q     LET ME SHOW YOU STATE'S EXHIBIT 212. IS THAT WHERE  
4 YOU WERE JUST TALKING ABOUT?

5           A     YES, SIR.

6           Q     AND, IN FACT, IS THAT THE GATE AT THE TOP OF THAT  
7 PICTURE?

8           A     THAT IS.

9           Q     IF YOU COULD, WITH YOUR POINTER PLEASE POINT TO WHERE  
10 THE GATE IS.

11          A     (COMPLIES).

12          Q     THANK YOU. NOW, STATE'S EXHIBIT 199 APPEARS TO BE A  
13 PICTURE OF GLEN DEVON AND WEST CONWAY; IS THAT CORRECT?

14          A     YES.

15          Q     AND WHAT WAS THE PURPOSE OF TAKING THAT PICTURE?

16          A     THAT'S THE NEAREST CROSS STREET TO 951 WEST CONWAY.

17          Q     AND IS THAT THE NEIGHBOR'S HOUSE IN THE PICTURE THAT  
18 YOU TALKED WITH?

19          A     NO.

20          Q     DO YOU KNOW THAT?

21          A     DO I --

22          Q     ARE YOU SURE?

23          A     I DIDN'T SPEAK TO ANYONE AT THAT HOUSE, NO, SIR.

24          Q     WHOSE HOUSE DID YOU SPEAK WITH?

25          A     IF YOU'RE STANDING IN MR. COFFIN'S CARPORT LOOKING

1 STRAIGHT ACROSS THE WOODED AREA THROUGH THE BUSHES, TO THAT  
2 HOUSE.

3 Q SO IF YOU'RE FACING HIS HOUSE, THE LEFT OR THE RIGHT?

4 A THE LEFT.

5 Q OKAY. DID YOU TALK WITH ANYONE ON THE RIGHT?

6 A NO, SIR, I DID NOT.

7 Q AND WHAT IS THIS A PHOTO OF?

8 A MR. COFFIN'S DRIVEWAY.

9 Q AND WHERE IS IF YOU DRIVE UP HERE -- I GUESS WHAT I'M  
10 TRYING TO FIGURE OUT IS WHERE WOULD BE GLEN DEVON IF YOU'RE  
11 LOOKING FROM THIS ANGLE?

12 A GLEN DEVON, IF YOU WENT BACK DOWN THE ROAD AND YOU  
13 TOOK A LEFT, THEN GLEN DEVON IS RIGHT DOWN ON THE LEFT.

14 Q THEN STATE'S 201, IS THAT JUST ANOTHER ANGLE OF THE  
15 HOUSE?

16 A YES.

17 Q STATE'S 202, IS THAT THE GARAGE?

18 A THAT IS.

19 Q STATE'S 203, IS THAT THE BMW THAT WAS BURNED?

20 A YES.

21 Q WAS THAT IN THE GARAGE?

22 A YES, SIR, IT WAS.

23 Q 204, IS THAT A DIFFERENT ANGLE OF THE SAME PHOTO?

24 A RIGHT; TAKEN FROM INSIDE THE RESIDENCE BACK OUT  
25 THROUGH THE GARAGE.



1 Q AND HOW ABOUT 205?

2 A THAT IS FROM THE GARAGE, AND THAT IS THE HOUSE WHERE  
3 I SPOKE TO THE PEOPLE.

4 Q STATE'S 206?

5 A THAT'S INSIDE THE KITCHEN AREA WHERE THE -- THAT'S A  
6 PICTURE OF THE -- PHOTO OF THE SHOTGUN AND THE HANDGUN, THE  
7 BERETTA.

8 Q AND WHERE IS THE HANDGUN AND THE SHOTGUN IN THAT  
9 PICTURE?

10 A THAT'S OVER AND UNDER SHOTGUN, AND THAT'S THE BERETTA  
11 DOWN HERE.

12 Q STATE'S 207, JUST ANOTHER ANGLE OF THE FRONT?

13 A CORRECT.

14 Q AND IN THAT PHOTO DO YOU KNOW WHERE THE GARAGE WOULD  
15 BE?

16 A IF YOU HAD -- YOU'RE FACING THE HOUSE, IT'S ON THE  
17 LEFT-HAND SIDE.

18 Q AND 208?

19 A THAT WOULD BE DIRECTLY IN FRONT OF THE RESIDENCE.

20 Q AND 209?

21 A THAT WOULD BE A PHOTO OF THE INSIDE LIVING ROOM AREA  
22 OF THE RESIDENCE.

23 Q FINALLY, STATE'S 214?

24 A SOFA INSIDE THE LIVING ROOM AREA.

25 Q IS THAT LOOKING OUT ONTO THE BACKYARD?

1 A THAT'S CORRECT.

2 Q NOW, BESIDES THE SHOTGUN AND THE HANDGUN, DO YOU KNOW  
3 IF ANYTHING ELSE RELATED TO THEM WAS RECOVERED AT THAT SCENE AT  
4 951 WEST CONWAY?

5 A YES, SIR. LATER THE ARSON INVESTIGATORS ARE SIFTING  
6 THROUGH THE ASHES, RECOVERED THE PROJECTILE AND THE SHELL  
7 CASING.

8 Q AND WERE THOSE COLLECTED AS WELL?

9 A YES. ID COLLECTED THOSE.

10 Q AND WHAT HAPPENED TO THOSE?

11 A THE ID SECTION TURNED THEM IN TO THE STATE CRIME LAB.

12 Q AND DO YOU KNOW THE EXACT NUMBER OF CASINGS THAT WERE  
13 SUBMITTED?

14 A NO, SIR. THE ONE SHELL CASING THAT WAS -- BIG SHELL  
15 CASING IS THE ONLY ONE I'M FAMILIAR WITH THAT WAS TURNED IN.

16 Q WERE THERE -- BESIDES THE SHELL CASING DID YOU SAY  
17 THAT THERE WERE TWO LIVE ROUNDS OR WHAT WAS THE OTHER TWO  
18 THINGS? DO YOU KNOW?

19 A THE SHELL CASING AND THE PROJECTILE FROM THE FIRED  
20 WEAPON.

21 Q OKAY. DO YOU KNOW WHERE THE PROJECTILE ACTUALLY CAME  
22 FROM? DO YOU KNOW IF IT CAME FROM THE SCENE OR FROM SOMEWHERE  
23 ELSE?

24 A IT CAME FROM THE SCENE, FROM WHERE MR. COFFIN'S HEAD  
25 WOULD HAVE BEEN LAYING.

1 Q IF I WERE TO SHOW YOU SOMETHING, WOULD THAT HELP  
2 REFRESH YOUR RECOLLECTION ON WHETHER THE -- WHERE THAT CAME  
3 FROM?

4 A OKAY. THE BULLET WAS RECOVERED AT THE MEDICAL  
5 EXAMINER'S OFFICE.

6 Q DOES THAT DOCUMENT REFRESH YOUR RECOLLECTION AS TO  
7 THAT?

8 A YES, IT DOES.

9 Q WAS IT ACTUALLY COLLECTED BY THE M.E. FROM THE  
10 VICTIM'S BODY?

11 A THAT'S CORRECT.

12 Q AND WERE THERE OTHER PROJECTILES ON THE SCENE AS  
13 WELL?

14 A NOT THAT I KNOW OF. I THINK THAT -- THERE WAS A  
15 SHELL CASING.

16 Q NOW, AT THE SCENE AT 951 WEST CONWAY, DID YOU THEN GO  
17 TO THE GEORGIA PACIFIC BUILDING AFTER THAT?

18 A YES, WE DID.

19 Q AND WHY DID YOU GO THERE?

20 A TO SPEAK WITH MR. DAVIS' EMPLOYERS.

21 Q AND DO YOU REMEMBER WHO SPECIFICALLY YOU MAY HAVE  
22 SPOKEN WITH?

23 A YES. SPOKE WITH A RECEPTIONIST TO BEGIN WITH ASKING  
24 FOR MR. DAVIS' SUPERVISOR, AND WE WERE ADVISED THAT MR. KEVIN  
25 HICKS WAS HIS SUPERVISOR. AND WE ASKED TO SPEAK TO HIM. THEY

1 ADVISED HE WASN'T AVAILABLE AT THAT TIME. WE ASKED IF THEY HAD  
2 AN AREA THERE WHERE THEY DETAILED VEHICLES, AND THEY TOLD US IT  
3 WAS IN THE GARAGE AREA. SO WE PROCEEDED TO THAT AREA.

4 Q WHY WERE YOU INTERESTED IN FINDING OUT IF THEY  
5 DETAILED VEHICLES ON THE PREMISES?

6 MR. MORRIS: OBJECTION. RELEVANCE.

7 THE COURT: OVERRULED.

8 THE WITNESS: MR. DAVIS ADVISED THAT HE'D GOTTEN HIS  
9 CAR DETAILED THAT TUESDAY MORNING.

10 BY MR. JOHNSON:

11 Q AND WERE YOU ABLE TO FIND A DETAIL PLACE ON THE  
12 PREMISES?

13 A YES.

14 Q WHERE WAS IT?

15 A ON THE BOTTOM FLOOR OF THE GARAGE, PARKING GARAGE.

16 Q AND DID YOU ACTUALLY SPEAK WITH SOMEONE THERE?

17 A YES.

18 Q DO YOU RECALL WHO YOU SPOKE WITH?

19 A DEXTER CARR, I BELIEVE WAS HIS NAME, WAS THE  
20 ATTENDANT WHO ACTUALLY DETAILED MR. DAVIS' VEHICLE.

21 Q NOW, IF YOU'RE AT THE GEORGIA PACIFIC BUILDING, DO  
22 YOU KNOW WHERE THE CLOSEST MARTA STATION IS?

23 A YES, SIR; RIGHT ACROSS THE STREET.

24 Q AND IN GOING TO THE DEFENDANT'S WORKPLACE YOU  
25 MENTIONED A MR. HICKS. WHAT WAS YOUR PURPOSE OF GOING THERE?

1 A TO VERIFY MR. DAVIS' STORY FOR MONDAY AND TUESDAY.

2 Q AND BASED ON THAT, WERE YOU ABLE TO FIND ANYTHING  
3 OUT?

4 A YES.

5 MR. MORRIS: OBJECTION -- I'M SORRY. WITHDRAW.

6 THE COURT: OKAY.

7 BY MR. JOHNSON:

8 Q WERE YOU ABLE TO FIND ANYTHING OUT?

9 A YES, SIR.

10 Q AND WHAT DID YOU FIND OUT?

11 A THAT MR. DAVIS HAD --

12 MR. MORRIS: EXCUSE ME. OBJECTION. HEARSAY.

13 THE COURT: OVERRULED.

14 MR. JOHNSON: HIS OWN PURPOSE.

15 AND WHAT DID YOU FIND OUT?

16 THE WITNESS: THAT MR. DAVIS HAD ACTUALLY CALLED IN  
17 SICK ON MONDAY WHEN HE ACTUALLY HAD TOLD US DURING THE  
18 INTERVIEW THAT HE HAD BEEN AT WORK, THAT HE'D ACTUALLY  
19 CALLED IN SICK THAT DAY. AND WE ALSO GOT -- WE ASKED FOR  
20 THE KEY CARD TIMES OF WHICH MR. DAVIS WOULD ENTER AND  
21 LEAVE THE PREMISES FOR TUESDAY.

22 BY MR. JOHNSON:

23 Q NOW, AT SOME POINT DURING THE COURSE OF THIS  
24 INVESTIGATION, DID YOU BECOME AWARE OF A BURGLARY AT  
25 MR. COFFIN'S HOME?

1 A YES, WE DID.

2 Q AND WHAT DO YOU KNOW ABOUT THAT?

3 A I KNOW THAT ON SATURDAY EVENING OR SATURDAY NIGHT

4 MR. DAVIS -- I MEAN, MR. COFFIN'S RESIDENCE HAD BEEN

5 BURGLARIZED, AND IN THAT BURGLARY WAS TAKEN A PORSCHE, AN OVER

6 AND UNDER SHOTGUN -- I'M SORRY -- A BROWNING SHOTGUN, A BERETTA

7 9 MILLIMETER, WHICH WAS LATER IDENTIFIED AS THE WEAPON FOUND BY

8 MR. COFFIN'S HEAD, NUMEROUS -- I BELIEVE SOME WATCHES,

9 COMPUTERS, FLASHLIGHT, THAT SORT OF THING.

10 Q DO YOU KNOW WHO ACTUALLY WENT OUT TO THAT SCENE TO

11 TAKE THE REPORT?

12 A A ZONE 2 OFFICER.

13 Q DO YOU REMEMBER HIS NAME?

14 A NO, SIR.

15 Q IF I WERE TO SHOW YOU A DOCUMENT, WOULD THAT HELP TO

16 REFRESH YOUR MEMORY?

17 A YES, SIR. OFFICER MALLORY.

18 Q AND WHERE IS OFFICER MALLORY TODAY?

19 A HE IS DECEASED.

20 Q DO YOU RECALL WHAT TIME OFFICER MALLORY RESPONDED OR

21 WHAT TIME THAT CALL CAME IN FOR THE BURGLARY?

22 A I BELIEVE IT WAS ON SUNDAY AFTERNOON, I BELIEVE

23 SOMETIME IN THE AFTERNOON.

24 Q IF I WERE TO SHOW YOU A DOCUMENT, WOULD THAT HELP TO

25 REFRESH YOUR MEMORY?

1 A YES, IT WOULD.

2 MR. MORRIS: EXCUSE ME, JUDGE. ALL OF THIS IS  
3 HEARSAY. HE'S GOING TO BE REPORTING WHAT HE WAS TOLD OR  
4 READ. IT'S HEARSAY.

5 THE COURT: OKAY. THE OBJECTION IS OVERRULED.

6 BY MR. JOHNSON:

7 Q I'M GOING TO SHOW YOU WHAT'S BEEN MARKED AS STATE'S  
8 EXHIBIT 253. DOES THAT HELP TO REFRESH YOUR MEMORY?

9 A YES. THE CALL CAME IN AT 12 AFTER 1:00. IT WAS  
10 DISPATCHED AT -- THE CALL ACTUALLY CAME IN AT 12:30. IT WAS  
11 DISPATCHED AT 1:10. OFFICER MALLORY ARRIVED AT 1:27.

12 Q OKAY. SO 12:30, IS THAT WHEN THE CALL CAME IN?

13 A YES.

14 Q AND OFFICER MALLORY IS DISPATCHED AT 1:27?

15 A YES, SIR.

16 Q AND THEN -- OR ARRIVED I SHOULD SAY AT 1:27?

17 A YES, RIGHT.

18 Q AND WAS THAT ON SUNDAY MORNING?

19 A YES, SIR.

20 Q WOULD THAT BE DECEMBER 8TH?

21 A RIGHT -- WELL, THAT ACTUALLY WOULD BE SUNDAY  
22 AFTERNOON.

23 Q ADDITIONALLY, DID YOU LEARN AT SOME POINT DURING THE  
24 COURSE OF YOUR INVESTIGATION THE RESULT OF WHAT HAPPENED TO  
25 THAT PORSCHE THAT WAS STOLEN?

1 A YES, SIR.

2 Q AND WHAT HAPPENED?

3 A WE FOUND THAT THE VEHICLE HAD BEEN TORCHED, SET  
4 AFIRE, IN DEKALB COUNTY ON FERNWOOD DRIVE, IN DEKALB COUNTY  
5 NEAR THE BROOKWOOD MARTA STATION.

6 Q AND WHEN IS IT IN THE COURSE OF YOUR INVESTIGATION  
7 THAT YOU ACTUALLY WENT OUT TO DEKALB TO VIEW THE PORSCHE?

8 A IT WAS LATER WEDNESDAY NIGHT.

9 Q AND WHAT DID YOU DO? DID YOU JUST GO OUT AND LOOK AT  
10 IT? DID YOU MEET WITH ANYONE? WHAT WAS YOUR PURPOSE?

11 A WENT TO BROWN & BROWN WRECKER TO LOOK AT IT, WHERE IT  
12 WAS STORED. WE CALLED -- LET ME CHECK. WE WENT TO BROWN &  
13 BROWN WRECKER TO LOOK AT THE VEHICLE AND THEN WENT TO THE EXACT  
14 SPOT WHERE THE VEHICLE HAD BEEN SET AFIRE WITH THE HELP OF THE  
15 FIRE DEPARTMENT. THEY TOLD US THAT'S WHERE IT WAS AT.

16 Q SO YOU WENT OUT TO WHERE THE PORSCHE ACTUALLY WAS  
17 WHEN IT WAS FOUND?

18 A YES.

19 Q WHAT ABOUT THE CONTENTS OF THE PORSCHE? DID YOU VIEW  
20 THOSE AT ALL?

21 A YES.

22 Q AT SOME POINT DURING THE COURSE OF YOUR  
23 INVESTIGATION, DID YOU SHOW ANYONE THE CONTENTS OF THAT  
24 PORSCHE?

25 A YES.



1 Q WHO?

2 A MEGAN LEE DAVIS.

3 Q AND WHAT WAS YOUR PURPOSE FOR SHOWING THEM TO HER?

4 A IDENTIFICATION.

5 Q AND WHAT IS IT THAT YOU SHOWED HER?

6 A A GAS CAN AND A PLASTIC BAG THAT THE GAS CAN WAS

7 INSIDE.

8 Q AND BASED ON YOUR OBSERVATIONS, WAS SHE ABLE TO

9 IDENTIFY THEM?

10 MR. MORRIS: OBJECTION, JUDGE. HEARSAY.

11 THE COURT: OVERRULED.

12 THE WITNESS: SHE STATED IT WAS --

13 THE COURT: OKAY. THAT'S HEARSAY.

14 BY MR. JOHNSON:

15 Q JUST WAS SHE ABLE TO IDENTIFY IT?

16 A YES, SHE WAS.

17 MR. MORRIS: JUDGE, IT'S STILL HEARSAY.

18 MR. JOHNSON: SHE'S ALREADY TESTIFIED, JUDGE.

19 THEY'VE HAD AN OPPORTUNITY TO CROSS-EXAMINE HER.

20 THE COURT: OKAY. OVERRULED.

21 BY MR. JOHNSON:

22 Q NOW, DURING THE COURSE OF YOUR INVESTIGATION, WERE

23 YOU IN CONTACT WITH MS. DAVIS?

24 A YES.

25 Q AND WHAT WAS THE REASON FOR BEING IN CONTACT WITH

1 HER?

2 A KEEPING IN TOUCH, ANY INFORMATION THAT SHE MAY HAVE  
3 OR HAD THAT SHE REMEMBERS OR ANYTHING THAT SHE MAY HAVE COME  
4 IN -- INFORMATION THAT SHE MAY HAVE GAINED.

5 Q AND WERE YOU ABLE TO FIND ANY OTHER WITNESSES BASED  
6 ON THE ASSISTANCE OF MS. DAVIS?

7 A YES.

8 Q WHO WAS THAT?

9 A A ROBBIE ROBERTS.

10 Q WHERE DID MR. ROBERTS LIVE?

11 A PEACHTREE -- POST PEACHTREE HILLS APARTMENTS.

12 Q AND WHEN YOU WENT -- DID YOU GO TO POST PEACHTREE  
13 HILLS APARTMENTS?

14 A YES.

15 Q AND WHAT DAY WOULD THAT HAVE BEEN?

16 A THAT WOULD HAVE BEEN WEDNESDAY EVENING BEFORE WE WENT  
17 TO BROWN & BROWN WRECKER SERVICES.

18 Q DID YOU TALK WITH MR. ROBERTS?

19 A WE DID.

20 Q DID YOU TAKE A STATEMENT FROM HIM?

21 A YES.

22 Q BESIDES GOING OUT AND TALKING WITH MR. ROBERTS AT  
23 POST PEACHTREE HILLS, DID YOU DO ANYTHING ELSE WHILE YOU WERE  
24 THERE?

25 A YES, SIR.

1 Q WHAT DID YOU DO?

2 A WE DID A ROUGH CANVASS OF THE -- QUICK CANVASS OF THE  
3 APARTMENTS TRYING TO LOCATE ANYONE WHO MAY HAVE SEEN MR. DAVIS  
4 OR MR. DAVIS WAS SUPPOSED TO HAVE KNOWN THERE.

5 Q AND BASED ON YOUR CANVASS, WERE YOU ABLE TO FIND  
6 ANYTHING OUT?

7 A NO, SIR.

8 Q DID YOU ACTUALLY MEET WITH PEOPLE WHILE YOU WERE OUT  
9 THERE?

10 A SEVERAL; BUT NOT EVERYONE IN THE COMPLEX. WE MET  
11 WITH SEVERAL, YES, SIR.

12 MR. JOHNSON: MAY I APPROACH?

13 THE COURT: YOU MAY.

14 BY MR. JOHNSON:

15 Q I'M GOING TO SHOW YOU WHAT'S BEEN MARKED AS STATE'S  
16 EXHIBITS 226 THROUGH 237. PLEASE TAKE A LOOK AT THOSE. HAVE  
17 YOU LOOKED AT THOSE?

18 A YES, SIR.

19 Q AND WHAT ARE THEY?

20 A THOSE ARE PICTURES OF MR. COFFIN'S BURNT PORSCHE.

21 Q AND ARE THOSE FAIR AND ACCURATE DEPICTIONS OF HOW THE  
22 PORSCHE LOOKED ON THE DAY THAT YOU WENT OUT THERE?

23 A YES, SIR.

24 MR. JOHNSON: YOUR HONOR, THE STATE WOULD MOVE TO  
25 ADMIT STATE'S 226 THROUGH 237.

1 THE COURT: ANY OBJECTION?

2 MR. MORRIS: NO OBJECTION.

3 THE COURT: THEY'RE ADMITTED.

4 BY MR. JOHNSON:

5 Q IS THAT THE PORSCHE THAT YOU VIEWED?

6 A YES, SIR.

7 Q AND WHAT IS IT THAT YOU SPECIFICALLY SHOWED TO

8 MS. DAVIS?

9 A A GAS CAN.

10 Q AND WAS THERE ANYTHING ON THE GAS CAN YOU ALSO SHOWED

11 TO HER?

12 A IT WAS IN A PLASTIC BAG, AN OLYMPIC -- A 1996

13 OLYMPIC, ATLANTA OLYMPIC PLASTIC BAG.

14 MR. MORRIS: JUDGE, JUST TO NOTE MY CONTINUING

15 OBJECTION AT THIS TIME.

16 THE COURT: OKAY.

17 BY MR. JOHNSON:

18 Q IS THAT THE GAS CAN YOU SHOWED TO HER?

19 A YES, SIR.

20 Q THAT'S STATE'S EXHIBIT 190. I'M GOING TO SHOW YOU

21 STATE'S EXHIBIT 117, WHICH I BELIEVE IS A DIFFERENT ANGLE?

22 A YES, SIR.

23 Q IS THAT THE GAS CAN?

24 A YES, SIR.

25 Q AND STATE'S EXHIBIT 119, WHICH I'M ACTUALLY GOING TO

1 PUT UPSIDE DOWN, IS THAT THE SAME GAS CAN?

2 A YES, SIR.

3 Q AND CAN YOU ACTUALLY SEE A BAG ON THAT GAS CAN?

4 A YES, SIR.

5 Q WHERE IS THAT?

6 A (INDICATING) .

7 Q IS THERE A PARTICULAR SYMBOL ON THAT BAG?

8 A THE OLYMPIC SYMBOL.

9 Q ONCE YOU LEFT THE WRECKER YARD AFTER OBSERVING THE  
10 PORSCHE, YOU SAID THAT WEDNESDAY NIGHT, DID YOU DO ANYTHING  
11 ELSE RELATED TO THIS CASE THAT SAME NIGHT?

12 A YES, SIR. WE OBTAINED A SEARCH WARRANT FOR  
13 MR. DAVIS' RESIDENCE.

14 Q AND WHAT WAS THE PURPOSE OF OBTAINING A SEARCH  
15 WARRANT?

16 A TO LOOK FOR EVIDENCE, ANY HAIRS, FIBER, BLOOD, TAG  
17 OFF THE PORSCHE, THAT SORT OF THING THAT WAS MISSING.

18 Q AND DID YOU ACTUALLY GET A SEARCH WARRANT?

19 A YES, I DID.

20 Q AND ONCE YOU OBTAINED THE SEARCH WARRANT, WHEN DID  
21 YOU EXECUTE IT?

22 A THAT EVENING.

23 Q WHO WAS WITH YOU?

24 A OTHER MEMBERS OF THE ATLANTA HOMICIDE UNIT,  
25 DETECTIVES HUFFMAN, GRIFFIE, DETECTIVE WALKER.

1 Q AND WAS THE DEFENDANT AT HOME WHEN YOU WENT TO SERVE  
2 THE SEARCH WARRANT?

3 A NO, SIR, HE WAS NOT.

4 Q WAS ANYONE HOME?

5 A NO, SIR.

6 Q HOW DID YOU GAIN ENTRY?

7 A WE GOT -- I NOTIFIED MR. MORRIS THAT WE WERE GOING TO  
8 EXECUTE A SEARCH WARRANT. AND HE ADVISED THAT MR. GATLEY, THE  
9 NEIGHBOR, HAD A KEY TO THE RESIDENCE, AND WE SHOULD SEE HIM TO  
10 GET A KEY TO THE RESIDENCE TO OPEN THE DOOR.

11 Q AND DID YOU ACTUALLY GO SEE MR. GATLEY?

12 A YES.

13 Q DID HE PROVIDE YOU WITH A KEY?

14 A YES, SIR.

15 Q WHILE INSIDE THE HOME OF MR. DAVIS, DID YOU SEIZE  
16 ANYTHING?

17 A YES, SIR.

18 Q WHAT DID YOU SEIZE?

19 A BED SHEETS THAT HAD BLOOD ON THEM, NAPKINS THAT ALSO  
20 HAD BLOOD ON THEM, AND A PAIR OF TENNIS SHOES THAT HAD WHAT AT  
21 THE TIME WE THOUGHT MAY HAVE BEEN BLOOD AND MUD.

22 Q WHEN YOU SAY BED SHEET AND NAPKIN HAD BLOOD ON THEM,  
23 COULD YOU DESCRIBE IT? ARE YOU TALKING A LOT? A LITTLE?

24 A NO; JUST BLOOD DROPS.

25 Q AND WHY WOULD YOU TAKE SOMETHING LIKE THAT?

1 A FOR DNA ANALYSIS.

2 Q DID YOU OBSERVE ANYTHING IN THE HOME BY MR. DAVIS'  
3 TELEVISION SET?

4 A YES, SIR.

5 Q WHAT DID YOU OBSERVE?

6 A THE -- A VIDEO CASSETTE BOX OF MR. DAVIS' WEDDING  
7 NIGHT -- I MEAN HONEYMOON IN HAWAII.

8 MR. JOHNSON: MAY I APPROACH, YOUR HONOR?

9 THE COURT: YES.

10 BY MR. JOHNSON:

11 Q I'M GOING TO SHOW YOU WHAT'S BEEN MARKED AS STATE'S  
12 EXHIBITS 216 THROUGH 225 AND PROVIDE IT TO THE DEFENSE AND SHOW  
13 IT TO THEM. WOULD YOU PLEASE TAKE A LOOK. HAVE YOU HAD AN  
14 OPPORTUNITY TO LOOK AT THEM?

15 A YES, SIR.

16 Q AND WHAT ARE THOSE PHOTOS OF?

17 A PHOTOS OF THE INSIDE MR. DAVIS' RESIDENCE.

18 Q AND WHEN WERE THESE TAKEN?

19 A THE NIGHT WE EXECUTED THE SEARCH WARRANT.

20 Q ARE THEY FAIR AND ACCURATE DEPICTIONS OF HOW THE  
21 RESIDENCE LOOKED ON THAT NIGHT?

22 A YES, SIR.

23 MR. JOHNSON: YOUR HONOR, THE STATE WOULD MOVE TO  
24 ADMIT STATE'S 216 THROUGH 225.

25 THE COURT: DEFENSE?

1 MR. MORRIS: NO OBJECTION.

2 THE COURT: THEY'RE ADMITTED.

3 MR. JOHNSON: AND, YOUR HONOR, WHILE I'M MOVING  
4 EVIDENCE THE STATE WOULD ALSO MOVE TO ADMIT STATE'S  
5 EXHIBIT 257, WHICH IS THE DEATH CERTIFICATE OF  
6 MR. MALLORY, WHICH IS A CERTIFIED COPY.

7 THE COURT: DEFENSE?

8 MR. MORRIS: I DON'T THINK IT'S RELEVANT, JUDGE.  
9 OBJECT.

10 THE COURT: IT'S ADMITTED.

11 BY MR. JOHNSON:

12 Q YOU WERE TALKING ABOUT DURING THE SEARCH, THE BED  
13 SHEET. IS THAT THE BED THAT YOU WERE TALKING ABOUT?

14 A YES, SIR.

15 Q THEN 217, IS THAT THE SHEET?

16 A YES, SIR.

17 Q AND WHERE IS THE BLOOD THAT YOU SAW?

18 A RIGHT HERE.

19 Q 218, IS THAT THE SAME SHEET?

20 A YES, SIR, IT IS, AND THE BLOOD SPOT.

21 Q THEN PHOTO STATE'S EXHIBIT 219, WHAT IS THAT A PHOTO  
22 OF?

23 A THAT IS A PHOTO OF THE TRASH CAN IN MR. DAVIS' OFFICE  
24 OF HIS RESIDENCE.

25 Q AND THEN 220, WHAT IS THAT A PHOTO OF?



1           A        THAT IS A NAPKIN THAT WAS IN THE TRASH CAN OF  
2 MR. DAVIS' THAT HAS -- THAT SHOWED BLOOD ON IT.

3           Q        OKAY.  AND SO 219, IS THAT HIS OFFICE?

4           A        THAT IS CORRECT.

5           Q        AND THEN 220, IS THAT SOMEWHERE ELSE IN THE HOUSE?

6           A        THAT'S THE BATHROOM.

7           Q        AND THEN 221, IS THAT WHAT WAS IN THE WASTEBASKET?

8           A        YES, SIR, IT IS.

9           Q        AND IS 222 JUST ANOTHER --

10          A        ANGLE, YES, SIR.  YES, SIR.

11          Q        AND THEN 223, WHAT IS THAT A PHOTO OF?

12          A        MR. DAVIS' CLOSET.

13          Q        AND DID YOU TAKE ANYTHING FROM THERE?

14          A        A PAIR OF TENNIS SHOES.

15          Q        OKAY.  STATE'S 224, ARE THOSE THE TENNIS SHOES?

16          A        YES, SIR.  THEY ARE.

17          Q        AND WHAT IS SOMEONE POINTING AT WITH A PEN IN THAT  
18 PICTURE?

19          A        WHAT AT THE TIME WE THOUGHT WAS A BLOOD SPOT.

20          Q        OKAY.  I WANT TO SHOW YOU STATE'S 225.

21          A        CAN YOU BRING IT -- THERE YOU GO.  RIGHT THERE, A  
22 SPOT RIGHT THERE.

23          Q        AND WHAT DID YOU DO WITH THOSE ITEMS, THE SHEET, THE  
24 NAPKIN, AND THE SNEAKERS?

25          A        THEY WERE TAKEN TO THE STATE CRIME LAB FOR

1 PROCESSING.

2 Q DID YOU END UP RETURNING MR. DAVIS' KEY TO  
3 MR. GATLEY?

4 A YES.

5 Q OTHER THAN A SEARCH WARRANT FOR THE HOME OF  
6 MR. DAVIS, DID YOU GET A SEARCH WARRANT FOR ANYTHING ELSE  
7 DURING THE PROCESS?

8 A YES, SIR, WE DID.

9 Q WHAT DID YOU DO?

10 A WE GOT A SEARCH WARRANT FOR MR. DAVIS' BLOOD AND  
11 FINGERPRINTS.

12 Q AND WHY DID YOU WANT TO GET THAT?

13 A FOR COMPARISON.

14 Q AND DID YOU ACTUALLY EXECUTE THAT SEARCH WARRANT?

15 A YES.

16 Q AND WHEN WAS THAT DONE, IF YOU RECALL?

17 A LATER THAT NIGHT.

18 Q IF I WERE TO SHOW YOU A --

19 A THE NEXT NIGHT.

20 Q WHEN WAS IT?

21 A I BELIEVE IT WAS THE NEXT NIGHT.

22 Q OKAY. SO THAT WOULD BE THURSDAY?

23 A CORRECT.

24 Q AND THAT'S DECEMBER 12TH; IS THAT CORRECT?

25 A YES, SIR.

1 Q NOW, YOU MENTIONED THAT YOU WENT TO SEE MR. HICKS AT  
2 THE DEFENDANT'S WORKPLACE TO OBTAIN SOME INFORMATION. DID HE  
3 EVENTUALLY PROVIDE THAT INFORMATION TO YOU?

4 A YES, HE DID.

5 Q AND WHAT INFORMATION -- WELL, WAS THAT THE  
6 INFORMATION YOU WERE SPECIFICALLY LOOKING FOR ABOUT PASS CODES?

7 A YES, SIR.

8 Q NOW, ON THE SAME NIGHT THAT YOU EXECUTED THE -- WELL,  
9 THE SEARCH WARRANT WAS EARLY MORNING HOURS OF DECEMBER 12TH; IS  
10 THAT RIGHT?

11 A CORRECT.

12 Q NOW, ON THE DAY OF DECEMBER 12TH, DID YOU TALK WITH  
13 GREG GATLEY AT ALL?

14 A YES.

15 Q AND DID YOU CALL HIM OR DID HE CALL YOU?

16 A HE CALLED US.

17 Q AND AS A RESULT OF THAT CALL, WHAT DID YOU DO?

18 A WENT TO MR. GATLEY'S RESIDENCE.

19 Q AND DID YOU TALK WITH HIM?

20 A YES, I DID.

21 Q AND DID YOU LOOK AT ANY OF HIS VEHICLES?

22 A YES, SIR, I DID.

23 Q AND WHY WAS THAT?

24 A MR. DAVIS HAD BORROWED MR. GATLEY'S VEHICLE, WHICH  
25 WAS A WHITE JEEP CHEROKEE SIMILAR TO THE ONE OWNED BY

1 MR. COFFIN, AND THAT INSIDE THE VEHICLE MR. DAVIS HAD LEFT A  
2 TASSEL OR --

3 MR. MORRIS: OBJECTION, JUDGE. FIRST OF ALL, IT'S  
4 HEARSAY, AND SECOND OF ALL IT'S NEVER BEEN TESTIFIED TO.

5 THE COURT: OVERRULED.

6 MR. MORRIS: SPECULATION.

7 MR. JOHNSON: ACTUALLY, MR. GATLEY TESTIFIED TO THAT  
8 BUT --

9 MR. MORRIS: HE DID NOT TESTIFY MR. DAVIS LEFT  
10 ANYTHING IN THE CAR.

11 BY MR. JOHNSON:

12 Q WHAT DID YOU DO WITH THE JEEP AFTER YOU MET WITH  
13 MR. GATLEY?

14 A TOOK IT FOR PROCESSING.

15 Q AND DID YOU ACTUALLY PROCESS THE JEEP?

16 A I DIDN'T, HAD THE CRIME LAB PROCESS IT.

17 Q AND WOULD THAT BE THE GEORGIA STATE CRIME LAB?

18 A YES, SIR.

19 Q AND WHILE YOU WERE AT MR. GATLEY'S, DID YOU END UP  
20 HEARING FROM MR. TOM ELIAS?

21 A I DID, SIR.

22 Q AND ONCE YOU HEARD FROM MR. TOM ELIAS -- WELL, TAKE A  
23 STEP BACK. DID YOU ASK MR. GATLEY TO GIVE A FORMAL STATEMENT  
24 THAT NIGHT AT HOMICIDE?

25 A YES, SIR, I DID.

1 Q AND WHILE AT THE GATLEYS' AND YOU HEARD FROM TOM  
2 ELIAS, WHAT DID YOU DO AS A RESULT OF THAT?

3 A WENT AND MET MR. ELIAS AT AN AMOCO STATION NEAR HIS  
4 RESIDENCE.

5 Q AND THEN FROM THERE WHERE DID YOU GO?

6 A MR. ELIAS' RESIDENCE.

7 MR. JOHNSON: MAY I APPROACH, YOUR HONOR?

8 THE COURT: YOU MAY.

9 BY MR. JOHNSON:

10 Q I'M GOING TO HAND YOU WHAT'S BEEN MARKED AS STATE'S  
11 EXHIBITS 238 THROUGH 248. TAKE A LOOK AT THOSE, PLEASE. HAVE  
12 YOU HAD A CHANCE TO LOOK AT THOSE?

13 A YES.

14 Q AND WHAT ARE THOSE PHOTOS OF?

15 A MR. GATLEY'S VEHICLE.

16 MR. JOHNSON: YOUR HONOR, THE STATE WOULD MOVE TO  
17 ADMIT STATE'S 238 THROUGH 248.

18 THE COURT: DEFENSE?

19 MR. MORRIS: WE HAVE A CONTINUING OBJECTION TO THOSE,  
20 JUDGE.

21 THE COURT: OKAY. IT'S ADMITTED OVER OBJECTION.

22 MR. MORRIS: AS PREVIOUSLY STATED.

23 BY MR. JOHNSON:

24 Q I'M SHOWING YOU STATE'S EXHIBIT 238. AND IS THAT THE  
25 JEEP YOU WERE JUST TALKING ABOUT?

1 A YES, SIR, IT IS.

2 Q AND THAT'S MR. GATLEY'S JEEP?

3 A YES, IT IS.

4 Q STATE'S 239, THAT'S THE REAR VIEW?

5 A YES, SIR.

6 Q AND STATE'S 240?

7 A THAT WOULD BE A PHOTO OF THE -- I BELIEVE IT'S THE

8 RIGHT SIDE.

9 Q WAS THERE LIKE A SPECK OF PAINT ON IT?

10 A YES, THERE WAS.

11 Q IS THAT WHY YOU TOOK THAT PHOTO?

12 A YES, SIR.

13 Q WHAT ABOUT STATE'S 241?

14 A JUST SPOTS ON THE CARPET AT THE DRIVER'S DOOR.

15 Q STATE'S 242?

16 A THE INTERIOR OF THE VEHICLE.

17 Q AND STATE'S 243, IS THAT SIMPLY A CLOSE UP?

18 A THAT IS; A SPOT ON THE SEAT.

19 Q STATE'S 244?

20 A A SPOT ON THE DOOR HANDLE -- NEAR THE DOOR HANDLE.

21 Q STATE'S 245?

22 A THERE AGAIN, MORE SPOTS ON THE DOOR.

23 Q STATE'S 246?

24 A PASSENGER SIDE CARPET, FLOOR MAT, FLOORING.

25 Q AND STATE'S 248?

1 A THE BOOT OF THE -- THE REAR OF MR. GATLEY'S JEEP.

2 Q AND THEN STATE'S 247?

3 A AGAIN, VIEW FROM THE PASSENGER SIDE.

4 Q AND IS THERE ANYTHING DEPICTED IN THAT PICTURE?

5 A A FURRY BALL FROM THE PASSENGER SEAT.

6 Q IS THAT THE ONE THAT YOU WERE --

7 A A FURRY BALL FROM A STOCKING CAP.

8 Q AND IS THAT THE ONE YOU WERE TALKING ABOUT?

9 A YES, SIR, IT IS.

10 THE COURT: MR. JOHNSON, WOULD THIS BE A GOOD TIME  
11 FOR A BREAK?

12 MR. JOHNSON: YES, YOUR HONOR.

13 THE COURT: LET'S TAKE A 15-MINUTE BREAK.

14 (WHEREUPON, THE JURY EXITED THE COURTROOM.)

15 THE COURT: OKAY. WE'LL BE IN RECESS FOR 15 MINUTES.

16 (BREAK.)

17 THE COURT: MS. ROSS, I KNOW THAT YOU'RE TRYING TO  
18 ORGANIZE YOUR WITNESSES. I NEED TO LEAVE OR WE NEED TO  
19 ADJOURN TODAY NO LATER THAN 5:00 AND MAYBE 10 OR 15  
20 MINUTES BEFOREHAND -- I KNOW THAT YOU DON'T WANT TO HAVE A  
21 CARRYOVER WITNESS INTO TOMORROW. I JUST THOUGHT I'D  
22 MENTION THAT.

23 MS. ROSS: THANK YOU, SIR.

24 THE COURT: READY?

25 (WHEREUPON, THE JURY ENTERED THE COURTROOM.)

1 THE COURT: PLEASE BE SEATED. YOU CAN PROCEED

2 MR. JOHNSON.

3 BY MR. JOHNSON:

4 Q THANK YOU, YOUR HONOR.

5 DETECTIVE CHAMBERS, I JUST WANT TO GO BACK FOR A  
6 MINUTE. YOU TALKED ABOUT EARLIER THERE WERE SOME FOOTPRINTS IN  
7 THE PHOTOS THAT ID TOOK OF THOSE. DO YOU RECALL THAT  
8 TESTIMONY?

9 A YES.

10 Q AND WHERE WAS THAT? WAS THAT AT THE DEFENDANT'S  
11 HOUSE OR THE VICTIM'S HOUSE?

12 A THE VICTIM'S HOUSE.

13 Q COULD YOU TELL FROM LOOKING AT THEM WHETHER THE  
14 PRINTS WERE GOING OR COMING?

15 A NO, SIR.

16 Q COULD YOU TELL WHAT KIND OF SHOE IT WAS?

17 A NO, SIR.

18 Q AND SO WHAT WAS YOUR PURPOSE OF TAKING THE PICTURES?

19 A JUST TO SHOW THAT SOMEONE HAD BEEN BACK THERE.

20 Q AND WERE YOU ABLE TO TAKE ANY KIND OF, YOU KNOW,  
21 PLASTIC CAST OF IT OR ANYTHING?

22 A NO, SIR.

23 Q DO YOU HAVE ANY IDEA AT THIS STAGE, EVEN TODAY, WHO  
24 THOSE FOOTPRINTS BELONGED TO?

25 A NO, SIR.



1 Q IN THE EVIDENCE THAT WAS COLLECTED FROM THE  
2 DEFENDANT'S HOUSE, YOU TESTIFIED THERE WAS A SHEET, A NAPKIN  
3 AND A SNEAKER OR A PAIR OF SNEAKERS?

4 A THAT'S CORRECT.

5 Q DO YOU KNOW -- THE BLOOD ON THE SHEETS AND THE  
6 NAPKIN, DO YOU KNOW WHOSE BLOOD THAT ENDED UP BEING?

7 A I BELIEVE IT WAS MR. DAVIS'.

8 Q AND WERE YOU ABLE TO FIND ANYTHING OUT WHEN THE  
9 TENNIS SHOES WERE SENT OFF TO BE ANALYZED?

10 A WHEN IT CAME BACK, IT WAS MUD, NOT BLOOD.

11 Q NOW, DURING YOUR SEARCH OF THE DEFENDANT'S HOME, DID  
12 YOU FIND ANY GAS CANS?

13 A NO, SIR.

14 Q AND THROUGHOUT THE COURSE OF YOUR INVESTIGATION, DID  
15 YOU -- OTHER THAN IN THE PORSCHE AND WHAT'S BEEN TESTIFIED TO  
16 ALREADY, ON THE SIDE OF MOUNT PARAN, DID YOU FIND ANY GAS CANS?

17 A NO, SIR.

18 Q NOW, JUST BEFORE THE BREAK YOU WERE TALKING ABOUT  
19 SOME OF THE THINGS YOU WERE DOING ON DECEMBER 12TH, WHICH IS  
20 THURSDAY OF THAT WEEK, AND YOU WERE TALKING ABOUT YOU MET  
21 MR. ELIAS AT AN AMOCO STATION?

22 A THAT'S CORRECT.

23 Q AND WHERE DID YOU GO FROM THERE?

24 A TO HIS RESIDENCE AND TO ROSEWOOD PLANTATION  
25 APARTMENTS OR CONDOS.

1 Q AND WHEN YOU WENT THERE, WHAT DID YOU DO?

2 A WENT INSIDE MR. ELIAS' RESIDENCE AND UP TO HIS  
3 BEDROOM, AND THERE WE LOCATED A NOTE IN A BRIEFCASE.

4 Q HAD YOU EVER SEEN THE NOTE BEFORE THAT DAY?

5 A NO, SIR.

6 Q WHAT DID YOU DO WITH THE NOTE?

7 A COLLECTED IT, PHOTOGRAPHED IT, COLLECTED IT.

8 MR. JOHNSON: YOUR HONOR, MAY I APPROACH?

9 THE COURT: YOU MAY.

10 BY MR. JOHNSON:

11 Q I HAVE STATE'S EXHIBIT 259 WHICH HAS BEEN SHOWN TO  
12 THE DEFENSE DURING THE BREAK. WOULD YOU PLEASE TAKE A LOOK AT  
13 THAT.

14 A OKAY.

15 Q AND WHAT IS STATE'S 259?

16 A IT IS A NOTE TO TOM ELIAS.

17 Q AND IS THAT THE NOTE THAT YOU COLLECTED FROM THE  
18 BRIEFCASE INSIDE OF MR. ELIAS' HOME?

19 A THAT IS CORRECT.

20 MR. JOHNSON: YOUR HONOR, THE STATE WOULD MOVE TO  
21 ADMIT STATE'S 259 INTO EVIDENCE.

22 THE COURT: DEFENSE?

23 MR. MORRIS: NO OBJECTION.

24 THE COURT: IT'S ADMITTED.

25 BY MR. JOHNSON:

1 Q NOW, DID YOU INTERVIEW MR. ELIAS?  
2 A YES.  
3 Q AND DID YOU INTERVIEW MR. ELIAS' ROOMMATE?  
4 A YES.  
5 Q WOULD THAT BE MR. HASSEL?  
6 A YES.  
7 Q AND DID YOU NOTE IN YOUR REPORT WHAT WAS WRITTEN ON  
8 THAT NOTE?  
9 A YES.  
10 Q AND IF I COULD TAKE STATE'S 259, I'M GOING TO PUT  
11 THAT ON THE OVERHEAD, AND I WOULD ASK YOU TO PLEASE GO AHEAD  
12 AND ONCE I HAVE IT ON THERE, GO AHEAD AND READ WHAT THE NOTE  
13 SAYS. IF YOU WOULD GO AHEAD AND READ WHAT THE NOTE SAYS USING  
14 YOUR REPORT.  
15 A I NEED -- I DON'T HAVE THE WORD VERBATIM. IF YOU  
16 HAVE THAT COPY, I DO NOT HAVE THE VERBATIM COPY.  
17 Q GOT YOU. WELL, CAN YOU -- LET ME SEE IF I CAN FOCUS  
18 IT A LITTLE BETTER.  
19 A THERE YOU GO.  
20 Q OKAY. IF YOU CAN GO AHEAD AND READ IT?  
21 A TOM, I WANTED TO LET YOU KNOW THE STATE OF THE BLOWER  
22 THAT I BORROWED FROM YOU. I SPILLED GAS IN BRET'S CAR THAT I  
23 HAD BOUGHT FOR THE LAWN MOWER BUT DID NOT TELL BRET I HAD DONE  
24 IT. SO I GUESS I CLAIMED IT CAME FROM THE GAS BLOWER I  
25 BORROWED FROM YOU. I DIDN'T WANT TO PUT BRET -- PISS BRET OFF

1 AT THIS TIME, SO I SAID I MUST HAVE -- IT MUST HAVE LEAKED FROM  
2 THE BLOWER.

3 Q AND UP TOP BEFORE I FLIP THE NOTE OVER, IN THE SECOND  
4 LINE THERE, IS THAT WORD "STORY" OF THE BLOWER?

5 A YES; THE STORY OF THE BLOWER.

6 Q AND NOW I'M GOING TO ASK YOU TO READ THAT. NOW, DOES  
7 IT APPEAR THAT PART OF THAT IS SLIGHTLY TORN?

8 A YES.

9 Q AND WHERE WAS THIS NOTE PRIOR TO COMING TO COURT?

10 A IT WAS IN MY -- THE ORIGINAL HOMICIDE FILE.

11 Q AND HOW WAS IT KEPT?

12 A STAPLED TO THE INSIDE.

13 Q AND WHAT DOES THE NOTE SAY?

14 A THIS IS EXTREMELY IMPORTANT TO REMEMBER. IF YOU  
15 DON'T KNOW WHERE THAT GAS BLOWER IS, FIND IT. IF THERE ARE ANY  
16 COSTS INVOLVED, I CAN REIMBURSE YOU. I WILL TELL YOU ALL THAT  
17 IS GOING ON WHEN I CAN. LEAVE ME A VOICEMAIL AS TO HOW TO  
18 CONTACT YOU SO I CAN DO THAT. I THINK I'M BEING SET UP FOR  
19 WHAT'S GOING ON.

20 Q AND IS THE WORD "FIND" FOR THE SENTENCE FIND IT  
21 ACTUALLY UNDERLINED?

22 A IT IS. CORRECT.

23 Q AND RIGHT HERE BASED ON YOUR NOTING WHAT THE REPORT  
24 SAID INITIALLY AND HAVING IT SENT TO GBI, IS THAT WORD "DETAIL"  
25 RIGHT THERE?

1           A     YES.

2           Q     AND THAT'S AN EXTREMELY RIGHT THERE?

3           A     RIGHT.

4           Q     DO YOU KNOW IF THIS NOTE WAS SENT OFF TO THE GEORGIA  
5 STATE CRIME LAB?

6           A     NO, SIR.

7           Q     OKAY.  AND WAS THAT -- WOULD THAT BE SOMETHING THAT  
8 MAY HAVE BEEN DONE AFTER YOU TURNED THE CASE OVER TO THE  
9 DISTRICT ATTORNEY'S OFFICE?

10          A     THAT IS CORRECT.

11          Q     NOW, ONCE YOU RECEIVED THAT INFORMATION, DID YOU ALSO  
12 THAT SAME NIGHT TALK WITH MR. GATLEY?

13          A     YES.

14          Q     AND WOULD THIS BE A DIFFERENT CONVERSATION THAN THE  
15 ONE YOU HAD AT THE HOMICIDE OFFICE OR DID SOMEONE TAKE A  
16 STATEMENT FROM MR. GATLEY?

17          A     SOMEONE TOOK A STATEMENT FROM MR. GATLEY.

18          Q     ONCE YOU RECEIVED MORE INFORMATION FROM MR. GATLEY,  
19 YOU HAD THE NOTE AND THE OTHER THINGS THAT YOU'VE TESTIFIED TO,  
20 WHAT DID YOU DO AT THAT TIME?

21          A     ON THE 13TH WE RECEIVE -- GOT THE SEARCH WARRANT FOR  
22 MR. DAVIS' BLOOD AND FINGERPRINTS, AND ON THAT FRIDAY WE GOT AN  
23 ARREST WARRANT FOR MR. DAVIS.

24          Q     SO ON THAT FRIDAY, DECEMBER 13TH, THAT'S WHEN YOU  
25 OBTAINED AN ARREST WARRANT?

1 A YES.

2 Q NOW, DURING THE PROCESS OF YOUR INVESTIGATION THAT'S  
3 GOING ON OVER THOSE DAYS, DID YOU MAKE ANY ATTEMPTS TO OBTAIN  
4 ANY PHONE RECORDS?

5 A I DID NOT, BUT DETECTIVE WALKER DID.

6 Q DURING THE COURSE OF YOUR INVESTIGATION, DID YOU MAKE  
7 ANY ATTEMPT TO INTERVIEW BRET DAVIS, THE DEFENDANT'S BROTHER?

8 A YES, WE DID.

9 Q WHAT HAPPENED?

10 A REFUSED TO TALK TO US, SLAMMED THE DOOR IN OUR FACE.

11 Q NOW, AT SOME POINT WAS THE CASE AGAINST MR. DAVIS  
12 DISMISSED?

13 A YES, IT WAS.

14 Q AND, FROM YOUR KNOWLEDGE, WHOSE DECISION WAS THAT?

15 A THE FULTON COUNTY DISTRICT ATTORNEY'S OFFICE.

16 Q AND ARE YOU AWARE OF WHETHER THE CASE CLOSED AT THAT  
17 POINT OR THE INVESTIGATION CONTINUED?

18 A IT'S MY UNDERSTANDING THAT IT WAS -- THAT IT  
19 CONTINUED.

20 Q AND ONCE YOU TURNED IT OVER TO THE DISTRICT  
21 ATTORNEY'S OFFICE, AFTER YOU OBTAINED THE ARREST WARRANT,  
22 DURING THAT TIME FRAME DID YOU HAVE ANY INVOLVEMENT WITH THE  
23 CASE AT ALL?

24 A NOT UNTIL 2005.

25 Q AND HOW IS IT THAT YOU GOT BACK INVOLVED WITH THE

1 CASE?

2 A MS. ROSS APPROACHED ME WITH THE CASE AS BEING  
3 REINVESTIGATED, REOPENED.

4 Q AND AS A RESULT OF THAT, DID YOU LEARN THINGS ABOUT  
5 THE CASE THAT YOU DIDN'T KNOW AT THE TIME YOU GOT THE ARREST  
6 WARRANT?

7 A YES, I DID.

8 Q FOR INSTANCE, DO YOU KNOW WHO --

9 MR. MORRIS: OBJECTION. THIS IS LEADING OR HEARSAY  
10 AS TO WHAT HE LEARNED FROM SOMEBODY ELSE THAT HE DIDN'T  
11 KNOW, WAS THE PREFACE FOR IT. NO FOUNDATION OTHER THAN  
12 HEARSAY.

13 THE COURT: OVERRULED.

14 BY MR. JOHNSON:

15 Q DO YOU KNOW WHO MR. JIM DAWS IS?

16 A YES. I DO NOW.

17 Q OKAY. DID YOU KNOW OF THE EXISTENCE OF THE MAN,  
18 MR. JIM DAWS, BACK WHEN YOU WERE INVESTIGATING THE CASE IN  
19 1996?

20 A I KNEW THERE WAS A PRIVATE INVESTIGATOR THAT HAD BEEN  
21 HIRED BY MR. DAVIS. WE DID NOT KNOW HIS NAME.

22 Q DID YOU MAKE ATTEMPTS TO FIND OUT?

23 A YES.

24 Q WHAT ABOUT A MR. ERIK VOSS?

25 A I LEARNED ABOUT MR. VOSS BACK IN THE SPRING OF '97 --

1 YES, SPRING OF '97.

2 Q WHAT ABOUT -- YOU MENTIONED THAT SOME PHONE RECORDS  
3 WERE IN THE PROCESS OF BEING OBTAINED BY DETECTIVE WALKER. DID  
4 YOU LEARN WHETHER OR NOT MORE PHONE RECORDS WERE OBTAINED IN  
5 THIS CASE?

6 A YES, I DID. THE FULTON COUNTY D.A.'S OFFICE HAD ALSO  
7 RECEIVED PHONE RECORDS.

8 Q AT THE TIME THAT YOU WERE CONDUCTING YOUR  
9 INVESTIGATION AND OBTAINED THE ARREST WARRANT, DID YOU KNOW  
10 THAT A CALL HAD BEEN MADE FROM INSIDE DAVID COFFIN'S HOME AT  
11 7:20 P.M. TO SCOTT DAVIS' HOME?

12 A I DID NOT.

13 Q SO WHEN YOU WERE INTERVIEWING THE DEFENDANT AND HE  
14 SAID HE REALLY DIDN'T KNOW MUCH ABOUT DAVE COFFIN OR THE  
15 VICTIM, YOU DID NOT KNOW ABOUT MR. DAW'S AT THAT TIME?

16 A I DID NOT.

17 Q AND WHEN THE DEFENDANT TOLD YOU HOW MANY TIMES HE  
18 CALLED OVER THE WEEKEND AND HE SAID TEN TIMES, HAD YOU SEEN THE  
19 PHONE RECORDS AT THAT POINT?

20 A NO, I HAD NOT.

21 Q AND WHEN HE TOLD YOU DAVID WAS NO PARTICULAR ISSUE TO  
22 ME, DID YOU KNOW ABOUT HIS SPECIFIC REQUEST TO MR. DAW'S ABOUT  
23 OBTAINING MR. COFFIN'S --

24 MR. MORRIS: OBJECTION. LEADING. HE DOESN'T KNOW.  
25 HE WAS TOLD ALL THIS. IT'S HEARSAY.



1 MR. JOHNSON: I'M ASKING IF HE KNEW THIS.

2 THE COURT: OKAY. THE OBJECTION IS OVERRULED.

3 BY MR. JOHNSON:

4 Q DID YOU KNOW THAT?

5 A NO, SIR.

6 Q GOING BACK TO THE 951 WEST CONWAY CRIME SCENE, WERE  
7 YOU ABLE TO OBTAIN FROM WHERE MR. COFFIN WAS FOUND, ANY KIND OF  
8 FIBER OR FINGERPRINT EVIDENCE?

9 A NO, SIR.

10 Q WHY IS THAT?

11 A FIRE DESTROYS IT.

12 Q DO YOU KNOW IF A SKETCH WAS MADE OF THAT CRIME SCENE  
13 FOR YOUR CASE FILE?

14 A YES; BY DETECTIVE WALKER. AND I BELIEVE THE ARSON  
15 UNIT ALSO DID A CRIME SCENE DRAWING.

16 MR. JOHNSON: MAY I APPROACH, YOUR HONOR?

17 THE COURT: YOU MAY.

18 BY MR. JOHNSON:

19 Q STATE'S EXHIBIT 256, DO YOU RECOGNIZE THAT?

20 A THAT WOULD BE DETECTIVE WALKER'S DRAWING OF THE CRIME  
21 SCENE.

22 Q AND DID YOU INSERT THAT INTO YOUR AND DETECTIVE  
23 WALKER'S CASE FILE?

24 A DETECTIVE WALKER DID.

25 MR. JOHNSON: YOUR HONOR, AT THIS TIME THE STATE

1           WOULD MOVE TO ADMIT STATE'S EXHIBIT 256.

2           MR. MORRIS: OBJECTION. HEARSAY. NO FOUNDATION.

3           THE COURT: OKAY. OVERRULED.

4           MR. JOHNSON: MAY I PUBLISH, YOUR HONOR?

5           THE COURT: YOU MAY.

6 BY MR. JOHNSON:

7           Q     AND STATE'S EXHIBIT 256, IS IT DRAWN TO SCALE?

8           A     NO, SIR.

9           Q     AND WHAT IS THE PURPOSE FOR A HOMICIDE INVESTIGATOR  
10 TO DRAFT SOMETHING LIKE THAT?

11          A     FOR RECOLLECTION, TO GO BACK AND BE ABLE TO TESTIFY,  
12 SUCH AS THIS, AS TO WHERE EVERYTHING WAS AT THAT TIME.

13          Q     AND ON STATE'S EXHIBIT 256 YOU'VE TESTIFIED ALREADY  
14 THAT THE VICTIM WAS FOUND IN THE KITCHEN AREA OF THE HOME.  
15 COULD YOU POINT THAT OUT ON THE SCREEN, PLEASE.

16          A     (COMPLIES).

17          Q     AND, IN FACT, IS THAT A STICK FIGURE DRAWING OF A  
18 PERSON WHERE YOUR POINTER IS?

19          A     THAT IS.

20          Q     AND IS THAT THE WALL -- WHERE THE VICTIM IS NEXT TO,  
21 IS THAT THE FRONT OR THE BACK OF THE HOUSE?

22          A     THAT IS THE BACK OF THE HOUSE.

23          Q     AND IN RELATION TO THAT, WHERE WAS THE GUN AND THE  
24 SHOTGUN FOUND AND THE CASING?

25          A     THE HANDGUN WAS HERE, AND THE SHOTGUN WAS HERE.

1 Q AND YOU MENTIONED THE NOTE THAT YOU OBTAINED FROM TOM  
2 ELIAS' BRIEFCASE. DO YOU REMEMBER WHAT DATE THAT LEAF BLOWER  
3 NOTE WAS RECOVERED?

4 A IT WAS RECOVERED ON THE 12TH.

5 Q OF 1996?

6 A YES, SIR; DECEMBER 12TH, 1996.

7 Q AND THE DATE OF THE BURGLARY, YOU TESTIFIED THAT WAS  
8 A SATURDAY NIGHT, SUNDAY MORNING. IS THAT WHAT YOU TESTIFIED?

9 A YES, SIR.

10 Q WOULD THAT HAVE BEEN BEFORE OR AFTER THE MURDER OF  
11 DAVID COFFIN?

12 A BEFORE.

13 Q WOULD THAT HAVE BEEN DECEMBER 8TH INTO THE 9TH?

14 A YES, SIR.

15 Q OR IS THAT THE 7TH INTO THE 8TH?

16 A IT WOULD HAVE BEEN --

17 Q WHAT DO YOU RECALL?

18 A 8 TO 9 -- OR 7 MAYBE.

19 Q LET ME ASK YOU --

20 A 7TH TO 8TH. SATURDAY WOULD HAVE BEEN THE 7TH.

21 SUNDAY WOULD HAVE BEEN THE 8TH.

22 Q AND, DETECTIVE CHAMBERS, IS THERE SOME REASON WHY YOU  
23 MAY BE DISTRACTED TODAY?

24 A I'D RATHER NOT GO INTO IT IN THE OPEN COURT, PLEASE.

25 Q AND I KNOW YOU DON'T --

1 THE WITNESS: CAN I HAVE A FEW MINUTES, YOUR HONOR?

2 THE COURT: YES. WE'RE GOING TO BE IN RECESS FOR  
3 ABOUT FIVE MINUTES.

4 (WHEREUPON, THE JURY EXITED THE COURTROOM.)

5 THE COURT: OKAY. WE'LL BE IN RECESS ABOUT FIVE  
6 MINUTES.

7 (BRIEF RECESS.)

8 THE COURT: ALL RIGHT. WE'RE READY FOR THE JURY.

9 (WHEREUPON, THE JURY ENTERED THE COURTROOM.)

10 THE COURT: PLEASE BE SEATED. YOU MAY CONTINUE,  
11 MR. JOHNSON.

12 BY MR. JOHNSON:

13 Q DETECTIVE CHAMBERS, ONE QUESTION. IS THE ISSUE WORK  
14 RELATED AT ALL?

15 A NO, SIR. IT'S A FAMILY PRIVATE MATTER AT HOME.

16 Q NOW, YOU WERE TESTIFYING ABOUT GETTING BACK HEAVILY  
17 INVOLVED WITH THE INVESTIGATION OF THIS CASE IN, I BELIEVE YOU  
18 SAID, 2005 WITH THE D.A.'S OFFICE; IS THAT RIGHT?

19 A THAT'S CORRECT.

20 Q NOW, AT SOME POINT DID YOU BECOME INVOLVED WITH THE  
21 CONDUCTING OR REQUESTING OF A WIRETAP OF THE DEFENDANT?

22 A I DID.

23 Q AND DO YOU REMEMBER WHEN THAT WAS?

24 A THE WIRETAP ITSELF?

25 Q RIGHT; WHEN IT ACTUALLY HAPPENED.

1 A IT WENT INTO EFFECT MAY OF '05, I BELIEVE IT WAS, OR  
2 APRIL OF '05.

3 Q AND WHERE WAS -- WELL, LET ME ASK YOU, DID YOU HAVE  
4 TO GET SOME KIND OF COURT ORDER TO DO THAT?

5 A YES, SIR.

6 Q AND DID YOU ACTUALLY DO THAT?

7 A YES, SIR.

8 Q AND THEN ONCE YOU WERE ABLE TO GET THE COURT ORDER,  
9 THEN DID YOU START LISTENING OR HOW DID THAT WORK?

10 A THE -- WE HAD A WIRETAP SET UP ON MR. DAVIS' CELL  
11 PHONE AND HIS HOME PHONE.

12 Q AND THE LISTENING OF THE LINES, WAS THAT DONE HERE IN  
13 ATLANTA OR OUT SOMEWHERE ELSE?

14 A IT WAS DONE HERE IN ATLANTA.

15 Q AND WHERE WAS MR. DAVIS LIVING AT THAT TIME?

16 A PALO ALTO, CALIFORNIA.

17 Q HAVE YOU EVER HEARD THE PHRASE "TICKLE THE WIRE"?

18 A YES, SIR.

19 Q WHAT DOES THAT MEAN?

20 A THAT MEANS KISS AND MAKE -- THE PERSON WHO IS THE  
21 TARGET OF THE WIRE, DO THINGS THAT MAKE HIM TALK ON THE CELL  
22 PHONE OR TALK ON HIS PHONE.

23 Q AND WHAT KIND OF THINGS WOULD SOMEONE DO TO TRY TO  
24 TICKLE THE WIRE?

25 A IN THIS CASE WHAT WE DO, WE LET MR. DAVIS SEE ME OUT

1 IN PALO ALTO SPEAK TO FRIENDS OF HIS, ACQUAINTANCES OF HIS IN  
2 THE AREA, NEIGHBORS, THAT SORT OF THING, LET HIM KNOW WE WERE  
3 THERE.

4 Q DO YOU WANT THE DEFENDANT TO KNOW THAT YOU'RE OUT  
5 THERE?

6 A YES, SIR; TO ELICIT A RESPONSE.

7 Q AND DID YOU ACTUALLY GO AND TALK TO PEOPLE THAT KNEW  
8 SCOTT DAVIS OUT IN PALO ALTO?

9 A I DID.

10 Q DID YOU ACTUALLY HOLD A PRESS CONFERENCE OUT THERE?

11 A YES, I DID.

12 Q WAS THAT ALL FOR THE PURPOSE -- OR WHAT WAS THE  
13 PURPOSE INVOLVED IN THAT?

14 A TICKLING THE WIRE.

15 Q WHEN YOU GO UP ON A WIRE OR WIRETAP SOMEONE'S LINE,  
16 DO YOU GO IN -- DID YOU ANTICIPATE GETTING A CONFESSION?

17 A NO, SIR.

18 Q WHY IS THAT?

19 A I DIDN'T REALLY EXPECT HIM TO GET ON THE PHONE AND  
20 CALL SOMEBODY AND SAY, OH, MY GOD, THEY FINALLY CAUGHT ME. I  
21 DID IT, AND THEY'RE GOING TO COME GET ME. WE ACTUALLY DID IT,  
22 AND THE RESPONSE IS TO TRY TO SEE IF WE COULD FIGURE OUT IF  
23 THERE MAY HAVE BEEN A CO-CONSPIRATOR IN THIS CASE.

24 Q AND IN THIS CASE DID YOU, IN FACT, GET ANY WHAT WOULD  
25 BE TERMED A CONFESSION FROM THE DEFENDANT ON THAT WIRE?

1 A NO, SIR.

2 Q DID YOU RECEIVE INFORMATION THAT WAS HELPFUL IN THE  
3 INVESTIGATION OF THE CASE?

4 A MINOR AT BEST.

5 Q DO YOU KNOW, SITTING HERE TODAY, WHETHER THE  
6 DEFENDANT KNEW HE WAS BEING LISTENED TO?

7 A I BELIEVE HE FOUND OUT LATE. RIGHT BEFORE WE WENT  
8 BACK DOWN ON THE WIRE I BELIEVE HE FOUND OUT HE WAS UP ON THE  
9 WIRE. HE ACTUALLY MADE NOTE OF THAT, THAT HE THOUGHT HE WAS  
10 BEING LISTENED TO.

11 Q DO YOU KNOW WHAT A GPS IS?

12 A YES, I DO.

13 Q WHAT IS THAT?

14 A GLOBAL POSITIONING SYSTEM.

15 Q WAS A GPS USED AT ALL DURING THE CONDUCTING OF THIS  
16 WIRETAP?

17 A YES, IT WAS.

18 Q HOW WAS IT USED?

19 A IT WAS PLACED ON THE REAR BUMPER OF MR. DAVIS'  
20 VEHICLE.

21 Q IS THAT SOMETHING THAT YOU CAN DO IN CALIFORNIA?

22 A YES, IT IS.

23 Q WHAT WAS THE PURPOSE OF THAT?

24 A TO KEEP TRACK OF MR. DAVIS' WHEREABOUTS.

25 Q DO YOU KNOW, SITTING HERE TODAY, WHETHER THE

1 DEFENDANT FOUND THAT GPS?

2 A YES, HE DID.

3 Q AND WHEN HE FOUND IT, WHAT DID HE DO WITH IT?

4 A HE TOOK IT OFF.

5 Q AND ONCE HE TOOK IT OFF, WHAT HAPPENED? DID SOMEONE  
6 GO TO GET IT?

7 A YES, THEY DID.

8 Q WHO WAS THAT?

9 A MEMBERS OF THE PALO ALTO POLICE DEPARTMENT. IT WAS  
10 THEIR SYSTEM.

11 Q AND WHEN THE GPS WAS TAKEN OFF WHEN THE POLICE WENT  
12 TO GET IT, WERE YOU STILL UP ON THE WIRE?

13 A YES.

14 Q DO YOU KNOW WHO DR. DAVE DAVIS IS?

15 A YES, I DO.

16 Q WHO IS THAT?

17 A THAT'S SCOTT'S FATHER.

18 Q AND DO YOU KNOW WHAT HE DOES FOR A LIVING?

19 A I BELIEVE HE'S A PSYCHIATRIST.

20 Q DO YOU KNOW WHO HE WORKS WITH?

21 A NORMALLY, NO, SIR. BUT HIS BUSINESS PARTNER -- I  
22 THINK HE HAS SOMETHING TO DO WITH BUCKHEAD PSYCHIATRIC, I  
23 BELIEVE IT IS, AS FAR AS I KNOW.

24 Q AND WHAT I MEAN, WHAT HE DOES, I MEAN ON A DAILY  
25 BASIS DOES HE TESTIFY IN COURT? IS THAT PART OF HIS JOB?



1 A YES, SIR.

2 Q HAS HE EVER WORKED WITH THE POLICE DEPARTMENT BEFORE?

3 A I BELIEVE HE HAS, SIR. HE'S NEVER WORKED FOR ME  
4 PERSONALLY, BUT HE HAS WORKED FOR THE POLICE DEPARTMENT, YES.

5 Q AND, TO YOUR KNOWLEDGE, HAS HE WORKED WITH DEFENDANTS  
6 AS WELL?

7 A YES, SIR.

8 Q DURING THE COURSE OF YOUR INTERVIEW OF THE DEFENDANT,  
9 DID HE EVER TELL YOU DURING THE INTERVIEW THAT HE KNEW WHERE  
10 DAVID COFFIN LIVED?

11 A NO, HE DID NOT.

12 Q MEGAN LEE BRUTON NOW, THEN DAVIS, DID YOU EVER LOOK  
13 AT HER AS A POTENTIAL SUSPECT?

14 MR. MORRIS: OBJECTION. RELEVANCE.

15 THE COURT: OVERRULED.

16 THE WITNESS: NOT REALLY, SIR. NO, SIR.

17 BY MR. JOHNSON:

18 Q AND WHY IS THAT?

19 MR. MORRIS: OBJECTION. RELEVANCE.

20 THE COURT: OVERRULED.

21 THE WITNESS: BECAUSE SHE SEEMED TO BE THE REASON THE  
22 ACTIONS WERE BEING TAKEN.

23 MR. MORRIS: YOU KNOW, JUDGE, I OBJECT. IT'S  
24 IRRELEVANT. IT'S SPECULATION. IT'S HIS OPINION, AND IT'S  
25 NOT PROBATIVE.

1 THE COURT: OKAY. OVERRULED.

2 BY MR. JOHNSON:

3 Q GO AHEAD, PLEASE.

4 A SHE SEEMED TO BE THE REASON THE ACTS THAT WERE TAKING  
5 PLACE WERE TAKING PLACE.

6 Q AND DID YOU BASE THAT ON EVIDENCE THAT YOU HAD  
7 RECEIVED?

8 MR. MORRIS: OBJECTION. MAY WE APPROACH, YOUR HONOR?

9 THE COURT: OKAY.

10 (WHEREUPON, A BENCH CONFERENCE WAS HELD.)

11 MR. MORRIS: JUDGE, THE LAST TWO QUESTIONS AND THE  
12 LAST ANSWER AND THE ANSWER ABOUT TO BE GIVEN IS NOTHING  
13 MORE THAN THE PROSECUTION SETTING OUT ITS CLOSING ARGUMENT  
14 TO GET THE DETECTIVE TO AGREE THAT'S WHY IT WAS SCOTT  
15 DAVIS AND NOT THESE OTHER PEOPLE. THE DETECTIVE'S OPINION  
16 OF THE EVIDENCE OR HIS OPINION OF WHO IT WAS IS  
17 IRRELEVANT. AND IT'S PREJUDICIAL, AND IT'S IMPROPER.  
18 WHAT HE THINKS IS NOT RELEVANT. IT INVADES THE PROVINCE  
19 OF THE JURY TO MAKE ITS DETERMINATION ABOUT WHAT THEY  
20 THOUGHT, NOT THIS POLICE OFFICER.

21 THE COURT: OKAY.

22 MR. JOHNSON: THE STATE'S POSITION IS IT'S NOT WHAT  
23 HE THINKS. IT'S WHAT HE DID BASED ON THE EVIDENCE AS THE  
24 INVESTIGATOR IN THIS CASE, TO RULE IN OR RULE OUT SUSPECTS  
25 IN THIS CASE. IT'S RELEVANT AND APPROPRIATE.

1 THE COURT: OKAY. I'M GOING TO LET HIM TESTIFY AS TO  
2 WHAT HE DID IN HIS INVESTIGATION.

3 MR. MORRIS: WAS YOUR HONOR FINISHED?

4 THE COURT: YES.

5 MR. MORRIS: IT'S THE QUESTION THAT PLACES THE ANSWER  
6 IN JEOPARDY, AND THE QUESTION IS WHAT DID YOU DO. THAT'S  
7 FINE. BUT THE PREFACING THE QUESTION IS WHAT'S  
8 OBJECTIONABLE WHEN HE SAYS, WELL, WHEN YOU EVALUATED THE  
9 EVIDENCE, WHY DID YOU -- DID YOU CONSIDER HER A POTENTIAL  
10 TARGET AND WHY NOT, THAT'S THE OBJECTION PART. HE CAN ASK  
11 HIM WHAT HE DID.

12 MR. JOHNSON: I CAN ASK A DIFFERENT QUESTION. THAT'S  
13 FINE.

14 THE COURT: OKAY.

15 MR. MORRIS: THANK YOU.

16 (WHEREUPON, PROCEEDINGS CONTINUED IN OPEN COURT.)

17 BY MR. JOHNSON:

18 Q DETECTIVE CHAMBERS, IF SOMEONE IS A SUSPECT IN A  
19 CASE, DO YOU NORMALLY READ THEM MIRANDA RIGHTS?

20 A YES, SIR.

21 Q DID YOU EVER READ MIRANDA RIGHTS TO MEGAN LEE DAVIS?

22 A NO, SIR.

23 Q NOW, THERE WAS SOME MENTION WHEN MR. PRYOR TESTIFIED,  
24 THE FINGERPRINT EXPERT --

25 MR. MORRIS: EXCUSE ME, JUDGE. IT IS NOT APPROPRIATE

1 FOR COUNSEL TO RECITE TESTIMONY. I WOULD OBJECT TO THAT.

2 THE COURT: OKAY. SUSTAINED.

3 MR. JOHNSON: I WAS JUST TRYING TO SET UP MY QUESTION  
4 FOR HIM AS TO WHO KENNETH KRISWELL WAS.

5 THE WITNESS: I BELIEVE MR. KRISWELL WAS THE MECHANIC  
6 THAT WORKED ON MR. COFFIN'S PORSCHE.

7 BY MR. JOHNSON:

8 Q DID YOU EVER READ MR. KRISWELL HIS MIRANDA RIGHTS?

9 A I DID NOT.

10 Q DID ANYONE?

11 A NOT TO MY KNOWLEDGE. I NEVER SPOKE TO MR. KRISWELL.

12 Q DETECTIVE CHAMBERS, I'M GOING TO SHOW YOU WHAT'S BEEN  
13 SHOWN TO THE DEFENSE AND MARKED AS STATE'S EXHIBIT 260. AND DO  
14 YOU RECOGNIZE THAT?

15 A I BELIEVE IT'S AN OVERVIEW OF THE BUCKHEAD AREA OR  
16 THE 75 QUARTER NEAR MOUNT PARAN AND NORTHSIDE PARKWAY, I  
17 BELIEVE.

18 Q AND WOULD THIS ASSIST YOU IN TESTIFYING REGARDING  
19 THAT AREA OF ATLANTA?

20 A OKAY. YEAH.

21 MR. JOHNSON: YOUR HONOR, THE STATE FOR DEMONSTRATIVE  
22 PURPOSES WOULD MOVE TO ADMIT STATE'S 260 AT THIS TIME.

23 THE COURT: DEFENSE?

24 MR. MORRIS: FOR DEMONSTRATIVE PURPOSES.

25 THE COURT: ALL RIGHT. IT'S ADMITTED FOR THAT

1 PURPOSE.

2 MR. JOHNSON: JUDGE, MAY I ASK THE WITNESS TO STEP  
3 DOWN?

4 THE COURT: YOU MAY.

5 MR. JOHNSON: IF YOU WOULD GRAB THAT POINTER AND STEP  
6 DOWN. AND CAN THE JURY SEE THIS OKAY? YOU NEED ME TO  
7 MOVE IT IN ANY WAY? THAT WORKS OKAY? CAN EVERYONE SEE?

8 OKAY. ON THIS MAP COULD YOU POINT TO WHERE THE  
9 VICTIM'S HOUSE IS.

10 THE WITNESS: HERE.

11 BY MR. JOHNSON:

12 Q THAT'S 951 WEST CONWAY DRIVE?

13 A YES.

14 Q AND WHERE IS THE DEFENDANT'S HOUSE, 1367 BATTLEVIEW  
15 DRIVE?

16 A HERE.

17 Q OKAY. AND I THINK YOU'VE TESTIFIED YESTERDAY BUT I  
18 WANT -- USING THIS MAP WHAT WOULD BE THE ROUTE FROM 1367  
19 BATTLEVIEW OVER TO WEST CONWAY? I THINK YOU SAID THERE WERE  
20 TWO POTENTIAL ROUTES.

21 A WOULD TAKE HOWELL MILL TO OVER TO 75, TAKE 75 NORTH  
22 TO MOUNT PARAN, UP MOUNT PARAN AND TAKE A RIGHT ON WEST CONWAY.

23 Q NOW, THIS AREA, IS THIS A HIGH-CRIME AREA?

24 A NO, SIR.

25 Q AND HOW WOULD YOU DESCRIBE THIS AREA OF ATLANTA?

1 A THE MOST AFFLUENT AREA OF THE CITY OF ATLANTA.

2 MR. JOHNSON: OKAY. TAKE YOUR SEAT NOW.

3 MAY I HAVE ONE MOMENT, YOUR HONOR?

4 THE COURT: YOU MAY.

5 MR. JOHNSON: MAY I APPROACH, YOUR HONOR?

6 THE COURT: YOU MAY.

7 BY MR. JOHNSON:

8 Q I'M GOING TO SHOW YOU WHAT'S BEEN PREVIOUSLY SHOWN TO  
9 DEFENSE DURING THE BREAK MARKED AS 254, 255 AND 258 OF THE  
10 STATE'S. HAVE YOU HAD AN OPPORTUNITY TO LOOK AT THOSE?

11 A YES.

12 Q AND WHAT ARE THEY?

13 A THOSE ARE POLAROID PICTURES OF MR. DAVIS' HANDS AND  
14 OF MR. DAVIS.

15 Q AND WHEN WERE THESE TAKEN?

16 A THE NIGHT OF THE INTERVIEW.

17 Q YOUR HONOR, THE STATE WOULD -- ARE THEY FAIR AND  
18 ACCURATE DEPICTIONS OF HOW MR. DAVIS LOOKED ON THE NIGHT OF THE  
19 INTERVIEW, WHICH WAS THE NIGHT OF DECEMBER 10TH INTO  
20 DECEMBER 11TH?

21 A YES.

22 MR. JOHNSON: YOUR HONOR, THE STATE WOULD MOVE TO  
23 ADMIT STATE'S 254, 255 AND 258.

24 THE COURT: DEFENSE?

25 MR. MORRIS: NO OBJECTION.

1 THE COURT: THEY'RE ADMITTED.

2 BY MR. JOHNSON:

3 Q IS THAT THE PHOTO?

4 A YES, IT IS.

5 Q OKAY. AND THEN WAS THERE A -- 258, IS THAT A PICTURE  
6 OF HIS HANDS?

7 A YES, IT IS.

8 Q DO YOU SEE ANY HAIR ON HIS HANDS?

9 A NO.

10 Q AND IS THAT JUST THE OTHER SIDE OF THE HANDS?

11 A THAT'S CORRECT.

12 Q WHEN I WAS ASKING YOU ABOUT THINGS, WHETHER YOU WERE  
13 AWARE OF THEM OR NOT WHEN YOU WERE WORKING YOUR CASE, DURING  
14 YOUR PORTION OF THE INVESTIGATION WERE YOU AWARE THAT DR. DAVIS  
15 HAD SECRETLY RECORDED MEGAN LEE IN A CONVERSATION?

16 A I WAS NOT.

17 Q HAVE YOU EVER EVEN HEARD THAT?

18 A NO, SIR.

19 Q AND THE BERETTA THAT YOU RECOVERED FROM THE CRIME  
20 SCENE FROM 951 WEST CONWAY DRIVE THAT WAS TRANSPORTED TO THE  
21 GBI, DO YOU KNOW WHAT THE SERIAL NUMBER IS ON THAT?

22 A I'D HAVE TO LOOK AT THE FORM BUT I COULD --

23 Q DO YOU REMEMBER WHAT THE SERIAL NUMBER IS OFFHAND?

24 A NO.

25 Q IF I WERE TO SHOW YOU SOMETHING, WOULD THAT HELP TO

1 REFRESH YOUR MEMORY?

2 A YES, SIR.

3 MR. JOHNSON: YOUR HONOR, MAY I APPROACH?

4 THE COURT: YOU MAY.

5 BY MR. JOHNSON:

6 Q PLEASE TAKE A LOOK --

7 MR. MORRIS: OBJECTION, JUDGE, TO QUESTIONS.

8 BY MR. JOHNSON:

9 Q PLEASE TAKE A LOOK AND LET ME KNOW IF THAT REFRESHES  
10 YOUR MEMORY.

11 A OKAY.

12 Q AND WHAT IS -- DO YOU KNOW NOW WHAT THE SERIAL NUMBER  
13 IS?

14 A RIGHT. IT WOULD BE L439642.

15 Q WAS THAT THE BERETTA THAT WAS REPORTED STOLEN BY  
16 MR. COFFIN?

17 A YES, IT IS.

18 Q AND THAT'S ALSO THE BERETTA THAT WAS RECOVERED --

19 MR. MORRIS: OBJECTION. LEADING. NO FOUNDATION.

20 BY MR. JOHNSON:

21 Q I'LL ASK THE OPEN QUESTION. WAS THAT THE BERETTA  
22 THAT WAS RECOVERED?

23 A YES, IT WAS.

24 Q NOW, AS FAR AS THE ITEMS THAT WERE COLLECTED THAT  
25 WE'VE ALL SEEN THE PHOTOS OF HERE TODAY, DO YOU KNOW WHERE



1 THOSE ITEMS ARE NOW?

2 A OTHER THAN THE NOTE, NO, SIR.

3 Q OKAY. WELL, LET ME ASK YOU THIS: DID YOU EVER  
4 PERSONALLY ORDER ANYONE TO GET RID OF ITEMS OR DESTROY ITEMS?

5 A NO, SIR.

6 Q AND WHAT IS THE STANDARD OPERATING PROCEDURE FOR THE  
7 CITY OF ATLANTA POLICE DEPARTMENT WHEN IT COMES TO EVIDENCE?

8 A IF IT IS STILL BEING USED IN A CASE, YOU'LL RECEIVE A  
9 MEMO LISTING THAT EVIDENCE ON A PIECE OF PAPER. YOU'RE TO LIST  
10 IT AS HOLD IT OR DESTROY IT.

11 Q AT ANY TIME OVER THE COURSE OF NINE PLUS YEARS, DID  
12 ANYONE CONTACT YOU REGARDING EVIDENCE IN THIS CASE? BY THAT I  
13 MEAN WHETHER TO KEEP IT, DESTROY IT, HOLD IT, GET RID OF IT.

14 A NO, SIR. THEY DID NOT.

15 Q AND YOU TALKED ABOUT THE ARREST IN 1996. AT SOME  
16 POINT WAS THE DEFENDANT ARRESTED IN THIS CASE?

17 A YES, HE WAS.

18 Q AND WHERE WAS HE ARRESTED?

19 A THE ACTUAL ARRESTING PLACE WAS AT THE HOMICIDE  
20 OFFICE.

21 Q AND WOULD THAT BE IN ATLANTA?

22 A YES, SIR.

23 Q NOW, YOU MENTIONED DURING THE WIRETAP YOU WERE OUT IN  
24 PALO ALTO. SO WAS THAT BEFORE OR AFTER THAT ARREST?

25 A THE ORIGINAL ARREST WAS --

1 Q THE SECOND ARREST.

2 A OH, YOU'RE TALKING ABOUT THE SECOND ARREST. THE  
3 SECOND ARREST WAS IN PALO ALTO.

4 Q AND DO YOU REMEMBER THE -- AND THAT'S WHAT I WAS --  
5 SO JUST TO MAKE SURE IT'S CLEAR, WERE YOU TALKING ABOUT THE  
6 1996 ARREST?

7 A I WAS TALKING ABOUT 1996 ARREST.

8 Q OKAY. THE ARREST FOR THIS PARTICULAR TRIAL, WHEN DID  
9 THAT TAKE PLACE?

10 A NOVEMBER OF LAST YEAR.

11 Q 2005?

12 A YES, SIR.

13 Q AND DID YOU SAY THAT WAS IN PALO ALTO?

14 A YES, SIR; AT MR. DAVIS' RESIDENCE.

15 Q AND DID YOU ACTUALLY GO TO MR. DAVIS' RESIDENCE?

16 A I DID.

17 Q DID YOU OBSERVE ANYTHING OUTSIDE OF HIS RESIDENCE?

18 MR. MORRIS: OBJECTION. RELEVANCE. MAY WE APPROACH?

19 THE COURT: YES.

20 (WHEREUPON, A BENCH CONFERENCE WAS HELD.)

21 MR. MORRIS: I AM, OF COURSE, GUESSING, BUT I THINK  
22 THE QUESTION INTENDS TO ELICIT THAT MR. DAVIS HAD A FLAG  
23 ON HIS HOUSE IN PALO ALTO; IS THAT RIGHT?

24 MR. JOHNSON: CORRECT.

25 MR. MORRIS: AND IT'S AN AUSTRALIAN FLAG, WHICH HAS

1 NO PROBATIVE VALUE, AND IT'S PREJUDICIAL BECAUSE THEY'RE  
2 GOING TO TRY AND PLANT THE SEED, IF NOT ARGUE LATER, THAT  
3 THAT WAS SOMEHOW A THREAT TO HIS WIFE MEGAN, WHO WAS  
4 LIVING IN AUSTRALIA.

5 MR. JOHNSON: I DON'T INTEND ON A THREAT OR ANYTHING.  
6 IT'S A RELEVANT FACT THAT HIS WIFE NOW LIVES IN AUSTRALIA,  
7 EX-WIFE NOW LIVES IN AUSTRALIAN, AND HE HAD AN AUSTRALIAN  
8 FLAG OUTSIDE OF HIS HOUSE. WE'RE FREE TO INFER FROM THAT.

9 THE COURT: OBJECTION SUSTAINED.

10 MR. MORRIS: THANK YOU, JUDGE.

11 THE COURT: HE'S NOT TO TESTIFY ABOUT THE FLAG.

12 MR. JOHNSON: OKAY.

13 (WHEREUPON, PROCEEDINGS CONTINUED IN OPEN COURT.)

14 BY MR. JOHNSON:

15 Q JUST GOING BACK TO THE -- SOME OF THE EVIDENCE AND  
16 ITEMS THAT WERE COLLECTED IN THIS CASE, DID YOU EVER PERSONALLY  
17 MAKE AN ATTEMPT TO LOOK FOR SOME OF THE ITEMS IN THIS CASE?

18 A I DID.

19 Q WERE YOU ABLE TO FIND ANY?

20 A NO, SIR.

21 Q AND DURING THE COURSE OF YOUR INVESTIGATION, WAS ALL  
22 OF THE ITEMS SENT TO THE ATLANTA POLICE DEPARTMENT OR WERE THEY  
23 SENT TO OTHER PLACES?

24 A THEY WERE SENT TO OTHER PLACES.

25 Q WHERE WERE THOSE?

1           A       DEKALB FIRE HAD SOME.    THE ATLANTA FIRE DEPARTMENT  
2 HAD OTHERS.

3           Q       IS THERE ANY REASON WHY, YOU KNOW, FROM DECEMBER 1996  
4 WHEN YOU MADE THE ARREST, THAT YOU WOULDN'T GO AND MAYBE EVERY  
5 SIX MONTHS TO A YEAR GO AND CHECK ON THE PROPERTY?

6           A       I'VE JUST NEVER DONE THAT IN ANY OTHER CASES.

7           Q       WOULD THAT BE OUTSIDE OF STANDARD OPERATING  
8 PROCEDURE?

9           A       IT WOULD, YES, SIR.    IT WOULD BE OUTSIDE, YES, SIR.

10           MR. JOHNSON:   THANK YOU, JUDGE.

11           THE COURT:   MR. MORRIS.

12           MR. MORRIS:   THANK YOU, YOUR HONOR.

13                                    CROSS-EXAMINATION

14 BY MR. MORRIS:

15           Q       GOOD MORNING AGAIN, MR. CHAMBERS.

16           A       GOOD MORNING, MR. MORRIS.

17           Q       YOU TESTIFIED THAT YOU WERE AWARE THAT MR. COFFIN'S  
18 HOME WAS BURGLARIZED; CORRECT?

19           A       YES, SIR.

20           Q       AND CERTAIN THINGS WERE STOLEN?

21           A       THAT'S CORRECT.

22           Q       SOME COMPUTER EQUIPMENT; CORRECT?

23           A       YES, SIR.

24           Q       SOME WATCHES?

25           A       YES, SIR.

1 Q A TUNER AND A CD PLAYER?

2 A YES, SIR.

3 Q AND SOME WEAPONS?

4 A THAT'S CORRECT.

5 Q OKAY. WERE THERE ANY WEAPONS THAT WERE STOLEN FROM

6 MR. COFFIN FOUND IN THE HOME OF SCOTT DAVIS WHEN YOU AND

7 DETECTIVE WALKER AND THE OTHERS SEARCHED HIS HOUSE?

8 A NO, SIR.

9 Q WAS ANY COMPUTER EQUIPMENT STOLEN FROM DAVID COFFIN

10 FOUND IN THE HOME OF SCOTT DAVIS WHEN YOU AND DETECTIVE WALKER

11 AND THE OTHERS SEARCHED THE HOUSE?

12 A NO, SIR.

13 Q WERE ANY WATCHES STOLEN FROM DAVID COFFIN FOUND IN

14 THE HOME OF SCOTT DAVIS?

15 A NO, SIR.

16 Q WAS THERE A TUNER OR CD PLAYER THAT HAD BEEN STOLEN

17 FROM THE HOUSE OF DAVID COFFIN FOUND IN THE HOUSE OF SCOTT

18 DAVIS?

19 A NO, SIR.

20 Q YOU EXAMINED SCOTT DAVIS' CAR?

21 A CORRECT.

22 Q YOU EXAMINED THE LAUNDRY CLOSET?

23 A YES, SIR.

24 Q YOU EXAMINED THE TOOL CLOSET?

25 A YES.

1 Q YOU WERE IN THE BACKYARD?

2 A YES, SIR.

3 Q YOU HAD ABSOLUTE ACCESS TO EVERY INCH OF HIS HOUSE  
4 WHEN YOU WERE PURSUING THE SEARCH WARRANT; CORRECT?

5 A THAT'S CORRECT.

6 Q AND NONE OF THOSE ITEMS WERE FOUND?

7 A NO, SIR.

8 Q MR. COFFIN, THE VICTIM OF THAT BURGLARY, REPORTED  
9 THAT THE BURGLARY OCCURRED BETWEEN 7:30 P.M. SATURDAY NIGHT AND  
10 11:00 A.M. SUNDAY; CORRECT?

11 A YES, SIR.

12 Q YOU'RE SURE ABOUT THAT?

13 A YEAH. I BELIEVE IT WAS FROM 7:00 OR BEFORE -- I HAVE  
14 TO LOOK AT THE REPORT.

15 Q NOW, DO YOU REMEMBER WHEN YOU OBTAINED THE ARREST  
16 WARRANT IN THIS CASE, YOU SUBMITTED AN AFFIDAVIT TO THE JUDGE?

17 A THAT'S CORRECT.

18 Q AND AN AFFIDAVIT, NOT TO BE OVERLY LABORIOUS HERE, IS  
19 YOUR STATEMENT TO THE JUDGE OF WHAT YOU KNOW, WHAT YOU BELIEVE.  
20 AND YOU SWEAR UNDER OATH THAT IT'S TRUE; CORRECT?

21 A THAT'S CORRECT.

22 Q OKAY. SO I'M GOING TO SHOW YOU PAGE 1204 AND ASK YOU  
23 FIRST IF YOU CAN RECOGNIZE IT AS YOUR AFFIDAVIT.

24 MAY I APPROACH, YOUR HONOR?

25 THE COURT: YOU MAY.

1 THE WITNESS: YES, SIR.

2 BY MR. MORRIS:

3 Q THAT IS YOUR AFFIDAVIT?

4 A THAT IS CORRECT.

5 Q AND IF YOU'D LOOK ON THE NEXT PAGE OR THE PAGE AFTER,  
6 TELL THE LADIES AND GENTLEMEN OF THE JURY IF THAT'S YOUR  
7 SIGNATURE ON THAT AFFIDAVIT.

8 A IT IS AT THE BOTTOM, YES, SIR.

9 Q THAT'S YOUR SIGNATURE?

10 A IT IS.

11 Q NO QUESTION ABOUT IT?

12 A NO, SIR.

13 Q OKAY. AND IF YOU LOOK AT THAT FIRST PAGE BATES STAMP  
14 NUMBERED AT THE BOTTOM 1204, YOU TELL THAT JUDGE THAT  
15 MR. COFFIN REPORTED THE BURGLARY BETWEEN 7:30 P.M. SATURDAY  
16 NIGHT AND 11:00 A.M. SUNDAY MORNING; CORRECT?

17 A THAT IS CORRECT.

18 MR. MORRIS: OKAY. THANK YOU. MAY I --

19 THE COURT: YOU MAY.

20 MR. MORRIS: -- RETRIEVE IT? THANK YOU, SIR.

21 I WANT TO TALK WITH YOU ABOUT THE EVENTS OF THE 10TH  
22 AND THE 11TH, DETECTIVE CHAMBERS. ON DECEMBER 10TH, 1996, YOU  
23 HAD BEEN WITH THE ATLANTA POLICE DEPARTMENT A LONG TIME --  
24 WELL, LET ME TAKE THAT BACK. AS OF TODAY YOU'VE BEEN WITH THE  
25 ATLANTA POLICE DEPARTMENT OVER 25 YEARS; RIGHT?

1 THE WITNESS: YES, SIR.

2 BY MR. MORRIS:

3 Q OKAY. AND YOU'VE BEEN A DETECTIVE SINCE 1991?

4 A THAT'S CORRECT.

5 Q SERGEANT SINCE 1997?

6 A THAT'S CORRECT.

7 Q AND FROM 1992 TO 1997 YOU WERE ASSIGNED TO HOMICIDE?

8 A THAT'S CORRECT.

9 Q AND IN YOUR 25 YEARS YOU HAVE HAD EXTENSIVE TRAINING  
10 IN INTERROGATION TECHNIQUES, HAVE YOU NOT?

11 A THAT'S CORRECT.

12 Q AND YOU PRIOR TO 1996 HAD HAD A NUMBER OF SEMINARS  
13 AND TRAINING SESSIONS ON INTERROGATION?

14 A THAT'S CORRECT.

15 Q AND WOULD YOU DESCRIBE YOURSELF IN DECEMBER OF 1996  
16 AS EXPERIENCED IN INTERROGATION TECHNIQUES?

17 A YES, SIR.

18 Q IN FACT, YOU WOULD DESCRIBE YOURSELF IN DECEMBER OF  
19 1996 AS ONE OF THE TOP INTERVIEWERS AND INTERROGATORS IN THE  
20 CITY OF ATLANTA POLICE DEPARTMENT AT THAT TIME?

21 A YES, SIR.

22 Q NOW, YOU ENTERED WHAT I'LL CALL THE DAVID COFFIN  
23 HOMICIDE CASE EARLY IN THE MORNING OF DECEMBER 11, 1996;  
24 CORRECT?

25 A YES, SIR.



1 Q JUST AFTER MIDNIGHT OF DECEMBER 10TH; IS THAT RIGHT?

2 A JUST AFTER MIDNIGHT ON DECEMBER 11TH.

3 Q WELL, OKAY. DECEMBER 10, 11:59 IS DECEMBER 10?

4 A YES, SIR.

5 Q AND FROM MIDNIGHT ON IT'S DECEMBER 11. AND YOU

6 ENTERED THE CASE SOMETIME SHORTLY AFTER MIDNIGHT?

7 A THAT'S CORRECT.

8 Q ALL RIGHT. AND AT SOME POINT DURING THE MORNING OF  
9 DECEMBER 11, YOU FOCUSED ON SCOTT DAVIS AS THE PERPETRATOR OF  
10 THIS HOMICIDE, DIDN'T YOU?

11 A YES, SIR, I DID.

12 Q AND SINCE THAT MOMENT, DECEMBER 11TH WHEN YOU STARTED  
13 THIS CASE, YOU HAVE EITHER BEEN THE LEAD DETECTIVE OR THE  
14 CO-LEAD DETECTIVE THROUGHOUT THIS CASE; CORRECT?

15 A THAT'S CORRECT.

16 Q YOU EITHER LED OR CO-LED GATHERING EVIDENCE?

17 A YES, SIR.

18 Q INTERVIEWING WITNESSES?

19 A YES, SIR.

20 Q YOU OBTAINED THE ORIGINAL ARREST WARRANT ON  
21 DECEMBER 13, 1996?

22 A YES, SIR.

23 Q YOU PREPARED THE AFFIDAVIT FOR THE WIRETAP IN APRIL  
24 OF 2005?

25 A YES, SIR.

1 Q YOU ARE THE DETECTIVE WHO SPEARHEADED THE WIRETAP IN  
2 PALO ALTO IN APRIL OF 2005?

3 A YES, SIR.

4 Q SO IT'S BEEN YOUR CASE SINCE THEN TO NOW?

5 A YES, SIR.

6 Q AND WHEN YOU WEREN'T WORKING ON IT, THAT WAS AFTER  
7 THE CASE WAS DISMISSED; CORRECT?

8 A THAT'S CORRECT.

9 Q BUT YOU SAID THE CASE WAS STILL OPEN. THE  
10 INVESTIGATION WAS ONGOING; CORRECT?

11 A ACCORDING TO THE D.A.'S OFFICE.

12 Q ACCORDING TO THE D.A.'S OFFICE SINCE YOU DIDN'T DO  
13 ANYTHING?

14 A NO, SIR.

15 Q WHEN YOU WENT TO THE HOME OF DAVID COFFIN ON CONWAY  
16 VALLEY -- EXCUSE ME -- 951 WEST CONWAY DRIVE JUST AFTER  
17 MIDNIGHT, IT IS NOW EARLY MORNING DECEMBER 11TH; CORRECT?

18 A YES, SIR.

19 Q DETECTIVE WALKER IS WITH YOU?

20 A YES, SIR.

21 Q AND YOU DID SOME INVESTIGATING THERE AT THE SCENE?

22 A WELL, SPOKE TO PEOPLE THERE, YES, SIR.

23 Q RIGHT. AND THEN YOU WENT OVER TO 1367 BATTLEVIEW;  
24 CORRECT?

25 A YES, SIR.

1 Q YOU DROVE FROM ONE TO THE OTHER?

2 A CORRECT.

3 Q WITH DETECTIVE WALKER; RIGHT?

4 A WELL, WE TOOK TWO CARS. I DON'T RECALL DETECTIVE

5 WALKER IN MY CAR AND I DROVE IT.

6 Q TWO CARS. YOU GOT TO BATTLEVIEW ABOUT 1:30, 2:00

7 O'CLOCK IN THE MORNING?

8 A CORRECT.

9 Q NOW, YOU'RE NOT TELLING THIS JURY YOU TIMED THE DRIVE

10 THAT MORNING FROM CONWAY TO BATTLEVIEW?

11 A NO, SIR.

12 Q OKAY. YOU JUST ESTIMATED IT WAS A 10 TO 15 MINUTE

13 DRIVE?

14 A WE DROVE IT LATER.

15 Q I BEG YOUR PARDON?

16 A WE DROVE IT AT A LATER DATE.

17 Q ABOUT A 10 TO 15-MINUTE DRIVE?

18 A MORE LIKE 8 TO 10 MINUTE DRIVE.

19 Q MORE LIKE 8 TO 10. AND WHICH ROUTE DID YOU TAKE?

20 A I TOOK THAT -- THE FIRST TIME WE TOOK NORTHSIDE

21 DRIVE.

22 Q TOOK NORTHSIDE DRIVE?

23 A RIGHT.

24 Q AND WHAT TIME OF DAY WAS IT?

25 A WHEN WE TEST DROVE IT, IT WAS AT APPROXIMATELY 1:00

1 O'CLOCK IN THE MORNING.

2 Q AND WHEN WAS THAT? WHEN DID YOU DO THAT?

3 A WE DID IT -- I THINK WE DID IT THE FOLLOWING -- I  
4 THINK WE DID IT ON THURSDAY NIGHT.

5 Q OKAY.

6 A AFTER THE ORIGINAL CASE.

7 Q YOU WENT OVER THERE, AND THAT WAS THE HOME OF SCOTT  
8 DAVIS. YOU WERE AWARE OF THAT?

9 A THAT'S CORRECT.

10 Q AND YOU MET WITH HIM?

11 A YES.

12 Q AND YOU QUESTIONED HIM ABOUT THE EVENTS OF THE TWO  
13 ATTACKS ON HIM AT BATTLEVIEW THAT EVENING?

14 A THAT'S CORRECT.

15 Q AND HE COOPERATED WITH ANSWERING YOUR QUESTIONS?

16 A YES, SIR.

17 Q SHOWED YOU AROUND?

18 A YES, SIR.

19 Q AND AT SOME POINT YOU TOLD HIM HE NEEDED TO COME DOWN  
20 TO HOMICIDE TO MAKE A STATEMENT?

21 A THAT'S CORRECT.

22 Q AND HE AGREED TO GO?

23 A YES, SIR.

24 Q AND YOU, OF COURSE, INTENDED TO ASK HIM NOT ONLY  
25 ABOUT WHAT HAPPENED TO HIM, BUT YOU WERE GOING TO ASK HIM SOME

1 QUESTIONS ABOUT THE DAVID COFFIN HOMICIDE TOO, WEREN'T YOU?

2 A NOT AT THAT TIME.

3 Q NOT AT THAT TIME. BUT WHEN YOU GOT THERE, YOU DID?

4 A YES, SIR.

5 Q OKAY. YOU HAD HIM TAKEN DOWN TO HOMICIDE IN A PATROL  
6 CAR?

7 A CORRECT.

8 Q WHEN YOU GOT THERE -- WE'VE SEEN PHOTOGRAPHS -- YOU  
9 TOOK PHOTOGRAPHS OF MR. DAVIS?

10 A YES.

11 Q THAT WASN'T AGAINST HIS WILL, WAS IT?

12 A NO.

13 Q OKAY. WERE THERE ANY CUTS OR ABRASIONS ON HIS HANDS?

14 A YES, SIR.

15 Q THERE WERE?

16 A YES, SIR.

17 Q DID YOU NOTE THAT SOMEWHERE IN ANY REPORT, DETECTIVE  
18 CHAMBERS?

19 A I DID NOT. I BELIEVE DETECTIVE WALKER DID.

20 Q WOULD YOU POINT TO IT?

21 A I DON'T HAVE DETECTIVE WALKER'S.

22 Q WELL, YOU HAVE YOUR REPORT?

23 A RIGHT.

24 Q AND I ASSUME WHEN YOU WRITE YOUR REPORT, YOU NOTE  
25 ANYTHING OF SIGNIFICANCE, DON'T YOU?

1           A     YES, SIR.

2           Q     IT'S IMPORTANT TO PUT KEY FACTS IN THE REPORT FOR  
3 FUTURE USE; ISN'T THAT RIGHT?

4           A     THAT IS CORRECT.

5           Q     OKAY. ANYWHERE IN YOUR REPORT DO YOU NOTE ANY KIND  
6 OF CUTS OR ABRASIONS ON SCOTT DAVIS' HANDS?

7           A     I DO NOT.

8           Q     DO YOU SEE ANY IN THE PHOTOGRAPHS THAT YOU WERE  
9 SHOWN?

10          A     ON THE PALM OF HIS HAND THERE APPEARS TO BE ONE AND  
11 THERE WAS -- IF YOU'LL SHOW ME.

12          Q     SURE. I'LL SHOW YOU.

13          A     HERE.

14          Q     WHAT ARE YOU POINTING OUT? YOU'LL HAVE TO DESCRIBE  
15 IT.

16          A     TO MR. DAVIS' PALM OF MR. DAVIS' RIGHT HAND.

17          Q     ON THE PALM OF HIS -- WHAT IS THE EXHIBIT NUMBER,  
18 PLEASE, SIR?

19          A     EXHIBIT 254.

20          Q     ALL RIGHT. WHAT DO YOU SEE THERE?

21          A     THERE'S SOME KIND OF MARK ON HIS HAND.

22          Q     ON THE PALM OF HIS HAND?

23          A     YES, SIR.

24          Q     A MARK ON THE PALM OF HIS HAND?

25          A     YES, SIR.

1 Q ANYTHING ELSE?

2 A YOU CAN'T SEE THEM IN THE PHOTO, BUT I BELIEVE THERE  
3 WERE SCRATCHES ON HIS KNUCKLES.

4 Q AND DO YOU SEE THOSE IN THE PHOTOS?

5 A YOU CANNOT. YOU CANNOT SEE THEM IN THE --

6 Q YOU CAN'T SEE THEM IN THE PHOTOS. AND YOU CAN'T SEE  
7 THEM IN YOUR REPORT EITHER, CAN YOU?

8 A NO, SIR.

9 Q NOW, THERE WAS NO SMELL OF GASOLINE ON HIM, WAS  
10 THERE?

11 A NO, SIR.

12 Q YOU WOULD HAVE WRITTEN THAT DOWN TOO, WOULDN'T YOU?

13 A I WOULD HAVE.

14 Q OKAY. THERE WAS NO BLOOD ON HIS SKIN ANYWHERE, WAS  
15 THERE?

16 A NO, SIR.

17 Q THERE WAS NO BLOOD ON HIS CLOTHES, WAS THERE?

18 A NO, SIR.

19 Q THERE WAS NO SMOKE SMELL ABOUT HIM, WAS THERE?

20 A NO, SIR.

21 Q THOSE THINGS YOU'RE SURE YOU WOULD HAVE NOTED?

22 A I WOULD THINK SO, YES, SIR.

23 Q YES, SIR. NOW, WHEN YOU TOOK HIM DOWN TO HOMICIDE,  
24 THERE WERE OTHER PEOPLE WHO WERE THERE FROM THE LOCATION OF THE  
25 COFFIN FIRE; CORRECT?

1 A YES, SIR.

2 Q YOU HAD MEGAN LEE DAVIS, THE DEFENDANT'S WIFE, COME  
3 DOWN THERE?

4 A YES, SIR.

5 Q CLAYTON TURNER?

6 A YES, SIR.

7 Q CRAIG FOSTER?

8 A YES, SIR.

9 Q PATRICIA FLAVIN, CRAIG FOSTER'S GIRLFRIEND AT THE  
10 TIME?

11 A YES, SIR.

12 Q AND THEY WERE ALL SITTING OUT IN THE RECEPTION AREA,  
13 FOR LACK OF A BETTER TERM; IS THAT RIGHT?

14 A YES. I BELIEVE THEY -- YES, SIR.

15 Q YEAH. ALL RIGHT. AND YOU HAD MR. DAVIS SEPARATE  
16 FROM THEM IN I THINK YOU CALLED IT YOUR SECRETARY'S OFFICE?

17 A THAT'S WHERE I TOOK HIS STATEMENT, YES, SIR.

18 Q AND YOU SAT DOWN AT A DESK THERE WITH HIM; CORRECT?

19 A CORRECT.

20 Q AND YOU ASKED HIM QUESTIONS?

21 A I ASKED HIM TO TELL ME WHAT HAD HAPPENED.

22 Q TELL ME WHAT HAPPENED. AND YOU TYPED IT UP?

23 A YES, SIR.

24 Q AND WE'VE SEEN THAT EXHIBIT. THAT'S THE ONE WE'VE  
25 SEEN; CORRECT?



1 A YES, SIR.

2 Q AND YOU PREPARED IT?

3 A I DID.

4 Q AND HE REVIEWED IT?

5 A RIGHT.

6 Q AND YOU HAD HIM SIGN IT; RIGHT?

7 A YES, SIR.

8 Q AND AFTER HE MADE HIS STATEMENT, THEN YOU ASKED HIM

9 SOME QUESTIONS THAT CONCERNED DAVID COFFIN; CORRECT?

10 A YES, SIR.

11 Q ALL RIGHT. AND AT THIS POINT IT'S JUST THE TWO OF

12 YOU SITTING THERE IN THIS ROOM?

13 A THAT'S CORRECT.

14 Q IS THERE ANYTHING THAT WAS SAID BY EITHER ONE OF YOU

15 OF ANY SIGNIFICANCE THAT'S NOT ON THAT STATEMENT THAT YOU TYPED

16 UP, HAD HIM REVIEW AND HAD HIM SIGN?

17 A NO, SIR.

18 Q OKAY. SO YOU HAD HIM SIGN IT; CORRECT?

19 A THAT'S CORRECT.

20 Q AND THEN YOU DATE IT?

21 A YES.

22 Q AND TIME STAMP IT?

23 A WELL --

24 Q FOR WHAT TIME IT IS?

25 A WELL, I DIDN'T TYPE IT. IT WAS DONE BY THE COMPUTER.

1 Q THE COMPUTER TYPED IT IN?  
2 A RIGHT.  
3 Q SO IT WAS COMPLETED AT 3:32 A.M?  
4 A I BELIEVE IT WAS -- YES, SIR. IT WAS STARTED AT  
5 3:32, I BELIEVE, IS WHEN IT WAS STARTED.  
6 Q WELL, WAS IT STARTED OR FINISHED AT 3:32?  
7 A I BELIEVE IT WAS STARTED AT 3:32.  
8 Q WHAT TIME WAS IT FINISHED?  
9 A I'M NOT SURE.  
10 Q ALL RIGHT. THEN AFTER IT'S FINISHED, YOU TAKE  
11 MR. DAVIS INTO YET ANOTHER ROOM?  
12 A THAT'S CORRECT.  
13 Q NOW, THIS IS THE INTERROGATION ROOM; CORRECT?  
14 A INTERVIEW ROOM.  
15 Q INTERVIEW ROOM?  
16 A RIGHT.  
17 Q WHEN YOU TOOK HIM INTO THE INTERVIEW ROOM, YOU WERE  
18 TAKING HIM IN THERE TO INTERROGATE HIM; CORRECT?  
19 A I WAS IN THERE -- TAKING HIM IN TO INTERVIEW HIM.  
20 Q WELL, WHEN YOU INTERVIEW -- IS THERE A DIFFERENCE  
21 WHEN YOU SAY INTERVIEW AND INTERROGATE?  
22 A YES, SIR.  
23 Q WHAT'S THE DIFFERENCE?  
24 A WHEN YOU INTERROGATE, YOU'RE USUALLY IN CUSTODY.  
25 Q YOU'RE USUALLY WHAT?

1           A     HE'S IN CUSTODY.

2           Q     OH, I SEE.  BUT THE QUESTIONING THAT YOU WERE DOING  
3     WOULD BE IDENTICAL, WHETHER HE'S BEING INTERVIEWED OR  
4     INTERROGATED; CORRECT?

5           A     PROBABLY, YES, SIR.

6           Q     OKAY.  PROBABLY YES OR --

7           A     YES, SIR, IT WAS.

8           Q     OKAY.  AND IN THIS ROOM IS A TABLE AND A COUPLE OF  
9     CHAIRS?

10          A     CORRECT.

11          Q     THAT'S ALL THAT'S IN THERE?

12          A     YES.

13          Q     AND YOU TOOK HIM IN THERE AND PUT HIM IN THAT ROOM;  
14     CORRECT?

15          A     YES, SIR.

16          Q     TOLD HIM TO STAY THERE UNTIL YOU CAME BACK?

17          A     YES, SIR.

18          Q     LEFT HIM THERE WITH DETECTIVE FAGLER WATCHING HIM?

19          A     DETECTIVE FAGLER WAS IN THE ROOM, I BELIEVE, YES,  
20     SIR.

21          Q     JUST THE TWO OF THEM?

22          A     YES.

23          Q     ALL RIGHT.  AND YOU LEFT FOR A FEW MINUTES; RIGHT?

24          A     RIGHT.

25          Q     AND WHEN YOU CAME BACK, YOU TOLD HIM THAT NOW THE

1 HOMICIDE INVESTIGATION OF DAVID COFFIN HAD FOCUSED ON HIM,  
2 SCOTT DAVIS?

3 A YES, SIR.

4 Q AND YOU ACCUSED HIM OF LYING TO YOU IN SOME OF THE  
5 STATEMENTS HE HAD MADE, DIDN'T YOU?

6 A YES, SIR.

7 Q YOU TOLD HIM THAT HIS STORY, TO USE YOUR WORDS, WAS  
8 FULL OF HOLES; CORRECT?

9 A YES, SIR.

10 Q AND YOU JUST STRAIGHT OUT SAID YOU'RE THE SUSPECT  
11 HERE; YOU KILLED DAVID COFFIN, DIDN'T YOU?

12 A TOLD HIM HE WAS MY SUSPECT. YES, SIR, HE WAS. I  
13 DID.

14 Q AND AT SOME POINT DETECTIVE MARSHALL WALKER COMES AND  
15 JOINS YOU IN THE ROOM?

16 A THAT'S CORRECT.

17 Q AND THE TWO OF YOU BEGIN INTERROGATING MR. DAVIS?

18 A YES, SIR.

19 Q SOMETIMES YOU WOULD ASK QUESTIONS; CORRECT?

20 A CORRECT.

21 Q SOMETIMES HE WOULD ASK QUESTIONS?

22 A CORRECT.

23 Q BACK AND FORTH; CORRECT?

24 A YEP.

25 Q AND WHEN DETECTIVE WALKER CAME IN, YOU CHALLENGED

1 MR. DAVIS ABOUT WHERE HE HAD HEARD THAT MR. COFFIN HAD BEEN  
2 KILLED, DIDN'T YOU?

3 A YES, SIR. I CHALLENGED HIM AS TO HOW HE HAD HEARD  
4 MR. COFFIN HAD BEEN SHOT.

5 Q RIGHT. BECAUSE THAT'S WHAT HE HAD SAID TO YOU;  
6 CORRECT?

7 A THAT'S RIGHT.

8 Q I DIDN'T SHOOT DAVID COFFIN. I DIDN'T BURN HIS HOUSE  
9 DOWN?

10 A THAT'S RIGHT.

11 Q AND AT THAT POINT IN TIME, YOU AS THE HOMICIDE  
12 DETECTIVE DIDN'T HAVE ANY IDEA HOW MR. COFFIN HAD DIED?

13 A I DID NOT.

14 Q SO YOU FIGURED IF SCOTT DAVIS KNOWS HE'S BEEN SHOT,  
15 SCOTT DAVIS HAS GOT TO BE THE MURDERER?

16 A THAT'S CORRECT.

17 Q AND THAT JUST -- AN ALARM WENT OFF IN YOUR HEAD. AND  
18 YOU SAID THIS IS MY SUSPECT, THAT'S THE MAN, HE'S THE ONE;  
19 CORRECT?

20 A HE WAS ALREADY A SUSPECT.

21 Q AND THAT JUST REENFORCED IT, DIDN'T IT?

22 A THAT'S CORRECT.

23 Q ALL RIGHT. AND YOU CHALLENGE HIM ON THAT, DON'T YOU?

24 A YES, SIR.

25 Q AND YOU QUESTIONED HIM ABOUT HOW HE KNEW, HOW DID HE

1 KNOW DAVID COFFIN WAS SHOT?

2 A THAT'S CORRECT.

3 Q AND HE SAID I HEARD IT FROM MEGAN, DIDN'T HE?

4 A HE DID.

5 Q AND YOU SAY, WELL, YOU'RE A LIAR, YOU DIDN'T HEAR IT

6 FROM MEGAN, DIDN'T YOU?

7 A NOT AT THAT POINT, NOT WHEN HE FIRST MENTIONED IT I

8 DID NOT.

9 Q YOU WENT OUT AND CHECKED WITH MEGAN DAVIS; CORRECT?

10 A CORRECT.

11 Q YOU LEFT THE INTERVIEW ROOM, SPOKE TO MEGAN DAVIS,

12 AND ASKED HER IF AT ANY TIME SHE HAD TOLD SCOTT DAVIS THAT

13 DAVID HAD BEEN SHOT; CORRECT?

14 A THAT'S CORRECT.

15 Q AND SHE SAID, NO, I DIDN'T TELL HIM THAT. I DON'T

16 KNOW HOW HE DIED. ISN'T THAT WHAT SHE TOLD YOU?

17 A CORRECT. YES, SIR.

18 Q SHE DENIED TELLING SCOTT DAVIS THAT?

19 A THAT'S CORRECT.

20 Q AND YOU WENT BACK IN AND SAID TO SCOTT DAVIS I JUST

21 ASKED MEGAN, SHE SAID SHE DIDN'T TELL YOU THAT?

22 A THAT'S CORRECT.

23 Q CORRECT? YOU CONFRONTED HIM WITH THAT?

24 A YES.

25 Q HE SAID, WELL, I BELIEVE SHE TOLD ME; CORRECT?

1           A     NO.  HE SAID HE BELIEVED IF SHE DIDN'T, CRAIG FOSTER  
2 MUST HAVE.

3           Q     IF NOT HER, CRAIG FOSTER?

4           A     AND IF NOT, MAYBE CLAYTON TURNER.

5           Q     BECAUSE HE TALKED TO ALL THREE WHEN THEY WERE AT THE  
6 CRIME SCENE AT DAVID COFFIN'S HOUSE; ISN'T THAT TRUE?

7           A     THAT'S TRUE.

8           Q     ALL RIGHT.  SO YOU WENT OUTSIDE TO THE RECEPTION AREA  
9 AND ASKED MR. FOSTER, DIDN'T YOU?

10          A     YES.

11          Q     AND MR. FOSTER TOLD YOU THAT HE HADN'T SAID THAT, BUT  
12 HE DID HEAR MEGAN SAY IT, DIDN'T HE?

13          A     NO, SIR.  HE DID NOT.

14          Q     DO YOU -- YOU DO NOT RECALL?

15          A     HE DID NOT TELL ME THAT, NO, SIR.  HE DID NOT.

16          Q     YOU ADMIT OR DENY THAT MR. FOSTER SAID IN HOMICIDE --

17                 MR. JOHNSON:  OBJECTION, YOUR HONOR.  ASKED AND  
18 ANSWERED.

19                 THE COURT:  OVERRULED.

20 BY MR. MORRIS:

21          Q     YOU ADMIT OR DENY THAT MR. FOSTER SAID TO YOU IN  
22 RESPONSE TO YOUR QUESTION IN HOMICIDE, I HEARD MEGAN DAVIS SAY  
23 THAT DAVID COFFIN HAD BEEN SHOT IN THE HEAD?

24          A     MR. FOSTER NEVER TOLD ME THAT.

25          Q     I UNDERSTAND YOUR TESTIMONY.  THAT'S FINE.

1           NOW, YOU GO BACK INTO THE ROOM, AND YOU CHALLENGE  
2 SCOTT DAVIS AGAIN. YOU'RE A LIAR; FOSTER SAYS HE DIDN'T SAY  
3 THAT; CORRECT?

4           A     I NEVER CALLED HIM A LIAR, BUT I DID CHALLENGE HIM.  
5 I DID.

6           Q     YOU CHALLENGED HIM?

7           A     YES.

8           Q     YOU SAID YOU'RE NOT TELLING THE TRUTH; CORRECT?  
9 CORRECT?

10          A     BUT I DON'T BELIEVE I SAID YOU'RE NOT TELLING THE  
11 TRUTH. I SAID THEY DENY TELLING -- THEY SAID THEY NEVER TOLD  
12 YOU THAT.

13          Q     UH-HUH. AND AT THIS POINT IN TIME YOU ARE, TO USE  
14 THE VERNACULAR, BEING THE BAD COP; CORRECT?

15          A     I DON'T BELIEVE I WAS BEING A BAD COP, NO, SIR.

16          Q     YOU ARE ATTEMPTING TO INTIMIDATE MR. DAVIS, AREN'T  
17 YOU?

18          A     I WAS SIMPLY TRYING TO GATHER THE FACTS.

19          Q     AND YOU ARE RAISING YOUR VOICE TO HIM?

20          A     I DON'T BELIEVE I RAISED MY VOICE TO HIM.

21          Q     DO YOU DENY RAISING YOUR VOICE?

22          A     I DON'T BELIEVE I RAISED MY VOICE TO HIM, NO, SIR.

23          Q     OKAY. NOT EVEN AT THE END?

24          A     I'M NOT ALLOWED TO TALK ABOUT THE END.

25          Q     DO YOU REMEMBER SITTING IN THIS COURTROOM IN APRIL



1 AND MAY OF THIS YEAR?

2 A YES, SIR.

3 Q DO YOU REMEMBER TESTIFYING FROM THAT CHAIR RIGHT

4 THERE?

5 A YES, SIR.

6 Q DO YOU REMEMBER TESTIFYING I BELIEVE AT THE VERY END

7 WHEN MR. DAVIS GOT LOUD, I GOT LOUD AS WELL?

8 A YES, SIR. I MAY HAVE, YES, SIR.

9 Q OKAY. OKAY. YOU DON'T DENY IT?

10 A NO, SIR.

11 Q ALL RIGHT. YOU TALK TO MR. FOSTER. YOU COME BACK

12 IN, AND AT SOME POINT IN TIME YOU START TAPE RECORDING THIS

13 INTERROGATION; CORRECT?

14 A THAT IS CORRECT.

15 Q AND YOU TURN ON THE TAPE RECORDER, AND YOU GIVE

16 MR. DAVIS HIS MIRANDA RIGHTS; CORRECT?

17 A NO, SIR.

18 Q YOU DIDN'T GIVE HIM HIS MIRANDA?

19 A I DID GIVE HIM HIS MIRANDA RIGHTS BUT NOT ON THE

20 TAPE.

21 Q NOT ON THE TAPE. BEFORE THE TAPE?

22 A THAT'S CORRECT.

23 Q ALL RIGHT. AND YOU TELL HIM HE DOESN'T HAVE TO

24 SUBMIT TO YOUR INTERROGATION?

25 A THAT'S CORRECT.

1 Q HE DOESN'T HAVE TO ANSWER YOUR QUESTIONS?  
2 A THAT'S RIGHT.  
3 Q AND HE SIGNS AN ACKNOWLEDGMENT OF THAT?  
4 A THAT'S CORRECT.  
5 Q NOW, AND YOU START TAPING IT?  
6 A YES. THE WAIVER OF COUNSEL FORM WAS PRESENTED TO  
7 MR. DAVIS AT THE POINT WHEN WE FIRST ENTERED TO INTERVIEW HIM,  
8 NOT AT THIS POINT IN THE CONVERSATION.  
9 Q THE WAIVER IS TIME STAMPED AT 5:00 A.M., ISN'T IT,  
10 DETECTIVE?  
11 A YES, IT IS.  
12 Q NO QUESTION ABOUT THAT?  
13 A NO QUESTION.  
14 Q THAT'S NOT A COMPUTER. THAT'S YOU?  
15 A THAT'S ME.  
16 Q OKAY. 5:00 A.M, AT WHAT YOU SAY IS THE BEGINNING OF  
17 THIS INTERROGATION?  
18 A RIGHT.  
19 Q NOW, THERE IS NO MENTION ON THE TAPE -- WE HEARD THE  
20 TAPE OF YOUR INTERROGATION, DIDN'T WE? YOU LISTENED TO IT?  
21 A YES, SIR.  
22 Q ANYBODY ALTER IT IN ANY WAY THE BEST YOU CAN TELL?  
23 A NO, SIR.  
24 Q OKAY. THERE IS NO MENTION AT THE BEGINNING OF THE  
25 TAPE WHAT TIME IT IS, IS THERE?

1 A NO, SIR.

2 Q THERE'S NO MENTION AT THE BEGINNING OF THE TAPE WHO'S  
3 PRESENT?

4 A YES, SIR. THERE IS.

5 Q BEG YOUR PARDON?

6 A DETECTIVE WALKER SAYS, DETECTIVE WALKER AND DETECTIVE  
7 CHAMBERS ARE HERE WITH MR. DAVIS.

8 Q ALL RIGHT. ISN'T IT STANDARD POLICE PROCEDURE WHEN  
9 YOU'RE TAPE RECORDING AN INTERVIEW, THAT YOU STATE WHAT TIME IT  
10 IS?

11 A I DON'T KNOW THAT'S WRITTEN ANYWHERE.

12 Q YOU DON'T KNOW THAT THAT'S WRITTEN ANYWHERE?

13 A NO, SIR.

14 Q IS IT THE BETTER PRACTICE?

15 A IT IS WHAT WOULD BE CONSIDERED BETTER PRACTICE.

16 Q IT'S PART OF YOUR TRAINING, ISN'T IT?

17 A NO, SIR.

18 Q ALL RIGHT. BUT IT'S GOOD FORM TO DO THAT?

19 A YES, SIR.

20 Q SO YOU'RE QUESTIONING HIM, AND DETECTIVE CHAMBERS IS  
21 QUESTIONING HIM. AND NOW THAT YOU'RE TAPE RECORDING YOU ASK  
22 HIM SOME OF THE SAME QUESTIONS THAT YOU HAD ASKED HIM BEFORE  
23 YOU STARTED THE TAPE RECORDING; CORRECT?

24 A THAT IS CORRECT.

25 Q AND YOU ASK HIM TO GO OVER ALL OF THIS AGAIN;

1 CORRECT?

2 A THAT'S CORRECT.

3 Q AND HE ANSWERS YOUR QUESTIONS AGAIN; CORRECT?

4 A CORRECT.

5 Q AND WHILE YOU HAVE THE TAPE GOING YOU ASK HIM AGAIN  
6 ABOUT LEARNING OF MR. COFFIN'S DEATH?

7 A YES.

8 Q NOW, SEVERAL TIMES ON THE TAPE IT SOUNDED FROM YOUR  
9 COMMENTS THAT THE TAPE HAD BEEN STOPPED. YOU AGREE WITH THAT?

10 A OKAY. AT ONE TIME THE TAPE WAS STOPPED TO BE TURNED  
11 OVER.

12 Q THERE'S ANOTHER REFERENCE TO THE TAPE STOPPING AS  
13 WELL. YOU DON'T RECALL THAT?

14 A NO, SIR.

15 Q OKAY. ISN'T IT TRUE THAT ONCE WHILE THE TAPE WAS  
16 STOPPED YOU TELL MR. DAVIS THAT HE IS LOOKING AT A MURDER  
17 CHARGE, AND IN GEORGIA WE HAVE THE DEATH PENALTY?

18 A NO, SIR, I DID NOT.

19 Q YOU DON'T RECALL THAT?

20 A I DID NOT SAY THAT.

21 Q DID NOT STATE THAT, OKAY. NOW, DURING THE COURSE OF  
22 THIS INTERROGATION MR. DAVIS TELLS YOU HE'S GETTING TIRED,  
23 DOESN'T HE?

24 A HE SAYS I'M TIRED.

25 Q I'M TIRED. AND HE SAYS I'M REAL TIRED. I'VE BEEN

1 ATTACKED TWICE. HE SAID, IT'S HARD FOR ME TO SIT HERE AND  
2 RECOUNT EVERY SECOND OF THE DAYS. DIDN'T HE SAY THAT?

3 A YES, HE DID.

4 Q ALL RIGHT. AND YOU CONTINUE TO QUESTION HIM ANYWAY,  
5 DON'T YOU?

6 A YES, SIR.

7 Q OKAY.

8 A AT ANY POINT HE HAD THE OPPORTUNITY TO STOP THE  
9 INTERVIEW.

10 Q AND HE SAYS I'M REAL TIRED, DOESN'T HE?

11 A HE SAID IT THE ONE TIME, YES, SIR.

12 Q YOU TELL HIM HE IS THE, TO USE YOUR WORD, PRIME  
13 SUSPECT; CORRECT?

14 A YES, SIR.

15 Q YOU TELL HIM THAT YOU BELIEVE HE WENT TO DAVID  
16 COFFIN'S HOUSE ON MONDAY NIGHT, DON'T YOU?

17 A YES, SIR.

18 Q AND HE DENIES THAT?

19 A YES, SIR.

20 Q AND YOU TELL HIM YOU BELIEVE HE CONFRONTED  
21 MR. COFFIN; CORRECT?

22 A YES, SIR.

23 Q HE DENIES THAT?

24 A YES, SIR.

25 Q AND YOU TELL HIM THAT YOU BELIEVE A FIGHT ENSUED;

1 CORRECT?

2 A YES, SIR.

3 Q AND HE DENIED THAT?

4 A YES, SIR.

5 Q AND YOU ACCUSE HIM OF LYING IN HIS DENIAL, DON'T YOU?

6 A I DID, SIR.

7 Q YOU DO. AND AT THIS POINT YOU ARE HAVING HIM TRY AND  
8 ACCOUNT FOR EVERY SECOND OF EVERY DAY FROM SATURDAY TO TUESDAY,  
9 AREN'T YOU?

10 A ASKED HIM HIS WHEREABOUTS ON THOSE TIMES, YES, SIR.

11 Q THAT'S RIGHT. AND YOU ARE TELLING HIM THAT WHAT HE'S  
12 TELLING YOU IS FULL OF HOLES?

13 A YES, SIR.

14 Q AND YOU'RE TRYING AT THIS POINT TO INTIMIDATE HIM AND  
15 PANIC HIM, ARE YOU NOT?

16 A NOT TRYING TO INTIMIDATE HIM. I'M JUST TELLING HIM.

17 Q YOU DENY THAT YOUR PURPOSE WAS TO INTIMIDATE HIM AND  
18 PANIC HIM?

19 A I DENY THAT MY PURPOSE WAS TO INTIMIDATE. I WAS NOT  
20 INTENDING TO INTIMIDATE HIM. PANIC HIM? PANIC HIM MAYBE.

21 Q OKAY. NOW, BEFORE YOU WENT TO HOMICIDE YOU WENT TO  
22 SCOTT DAVIS' HOUSE; CORRECT?

23 A CORRECT.

24 Q DID YOU CHECK FOR ANY FINGERPRINTS ON MR. DAVIS' CAR  
25 FOR THE ATTACKER?

1 A NO, SIR.

2 Q DID YOU CHECK THE DOOR HANDLE OR EVEN THE STEERING  
3 WHEEL?

4 A NO, SIR. MR. DAVIS HAD STATED THE SUBJECT WORE  
5 GLOVES.

6 Q DID YOU CHECK THE CLOSET FOR ANY MARKINGS?

7 A NO, SIR. MR. DAVIS SAID HE LEFT THE CLOSET UNLOCKED.

8 Q DID YOU CLIMB ON THE ROOF AND LOOK FOR THE BULLET  
9 THAT THE ATTACKER FIRED?

10 A I DIDN'T CLIMB UP ON THE ROOF, NO, SIR.

11 Q YOU JUST CHECKED THE WALL BEHIND WHERE MR. DAVIS SAID  
12 HE WAS STANDING?

13 A AND BACKED UP AND LOOKED UP TOWARDS THE ROOF.

14 Q LOOKED UP TOWARDS THE ROOF FROM THE GROUND?

15 A RIGHT.

16 Q OKAY. AND YOU DID NO FURTHER INVESTIGATION AT HIS  
17 HOUSE AT THAT TIME?

18 A NOT AT THAT TIME, NO, SIR.

19 Q OKAY. NOW, ON THE 12TH WHICH IS THURSDAY; CORRECT?

20 A YES, SIR.

21 Q YOU SEEK A WARRANT FOR THE SEARCH OF MR. DAVIS'  
22 HOUSE?

23 A THAT'S CORRECT.

24 Q AND YOU GET A WARRANT; CORRECT?

25 A YES.

1 Q AND IT'S LIKE 3:45 IN THE MORNING, EARLY IN THE  
2 MORNING ON THE 12TH?

3 A YES, SIR.

4 Q AND IT'S YOU AND DETECTIVE WALKER. AND IS IT  
5 DETECTIVE GRIFFIE?

6 A YES, SIR.

7 Q AND DETECTIVE HUFFMAN?

8 A YES.

9 Q AND DETECTIVE FAGLER?

10 A YES.

11 Q AND AN ID TECH TURNER WHO RODE OUT TO THE HOUSE WITH  
12 YOU; CORRECT?

13 A YES.

14 Q AND YOU STOP BY MR. GATLEY'S AND GET THE KEY?

15 A CORRECT.

16 Q NOW, YOU'RE IN THE HOUSE, THIS GROUP OF ONE, TWO,  
17 THREE, FOUR, FIVE, SIX FOLKS. ANYBODY ELSE?

18 A NOT THAT I RECALL.

19 Q JUST THE SIX OF YOU. AND YOU HAVE FREE RUN OF THE  
20 HOUSE; CORRECT?

21 A YES.

22 Q NOBODY ELSE IS THERE?

23 A NO, SIR.

24 Q OKAY. AND YOU EXAMINE SCOTT DAVIS' CAR?

25 A I DID NOT, NO, SIR.



1 Q WELL, SOMEBODY DID?  
2 A SOMEBODY, YES, SIR.  
3 Q YOU KNOW THEY DID; CORRECT? IT WAS PART OF THE  
4 SEARCH?  
5 A YES, SIR.  
6 Q OKAY. NOW, YOU GET A SHEET, A WHITE SHEET FROM HIS  
7 BED?  
8 A CORRECT.  
9 Q IT'S GOT A BLOOD STAIN ON IT OR A DROP OF BLOOD ON  
10 IT, WHATEVER IT IS; CORRECT?  
11 A YES, SIR.  
12 Q AND YOU TAKE THAT? YES, SIR?  
13 A YES, SIR.  
14 Q SEND IT TO GEORGIA CRIME LAB?  
15 A YES.  
16 Q TEST IT?  
17 A YES.  
18 Q SCOTT DAVIS' BLOOD?  
19 A YES.  
20 Q SCOTT DAVIS' BLOOD ON SCOTT DAVIS' SHEET?  
21 A CORRECT.  
22 Q NO BLOOD OF ANYBODY ELSE?  
23 A NO.  
24 Q IN THE BATHROOM IN THE TRASH CAN IS A NAPKIN?  
25 A RIGHT.

1 Q WITH SOME DROPS OF BLOOD ON IT?  
2 A CORRECT.  
3 Q SEIZE THAT?  
4 A YEP.  
5 Q SEND IT TO CRIME LAB?  
6 A YES, SIR.  
7 Q THEY TEST IT?  
8 A YES, SIR.  
9 Q SCOTT DAVIS' BLOOD?  
10 A YES, SIR.  
11 Q NOBODY ELSE'S BLOOD?  
12 A NO, SIR.  
13 Q NOT DAVID COFFIN'S BLOOD?  
14 A NO, SIR.  
15 Q NOW, THE CRIME LAB DID HAVE DAVID COFFIN'S BLOOD TO  
16 TEST, DID IT NOT?  
17 A I WOULD THINK SO FROM THE M.E.'S OFFICE -- NO -- THEY  
18 GOT -- I'M NOT SURE IF THEY HAD IT OR NOT.  
19 Q WELL, YOU'VE SEEN THE LAB REPORTS. YOU KNOW THEY  
20 MAKE COMPARISONS, DON'T YOU?  
21 A YES.  
22 Q OKAY. NOTHING OF DAVID COFFIN'S ON THERE, WAS IT?  
23 A NO, SIR.  
24 Q OKAY. AND YOU ALSO SUBMITTED IT FOR, WHATEVER IT  
25 MEANS, DNA EVIDENCE; CORRECT? DNA ANALYSIS?

1 A THAT'S CORRECT.

2 Q NO DNA OF DAVID COFFIN ON THERE; CORRECT?

3 A NO, SIR. THAT'S HOW IT WAS DETERMINED THAT IT WAS  
4 SCOTT DAVIS'.

5 Q RIGHT; SCOTT DAVIS'. COMPARED THE DNA, AND IT WASN'T  
6 HIS?

7 A THAT'S CORRECT.

8 Q RIGHT?

9 A THAT'S CORRECT.

10 Q YOU GOT A BLOOD SAMPLE. WE'LL TALK ABOUT THAT IN A  
11 MINUTE; RIGHT?

12 A YES, SIR.

13 Q AND YOU FOUND A PAIR OF NIKE SNEAKERS, AND YOU HAVE  
14 SHOWN THOSE TO US; CORRECT?

15 A YES, SIR.

16 Q AND YOU BELIEVED THEY HAD A DROP OF BLOOD ON THEM?

17 A I THOUGHT THEY DID, YES, SIR.

18 Q YOU TOOK THOSE FOR ANALYSIS TO THE CRIME LAB?

19 A YES, SIR.

20 Q NOT BLOOD?

21 A NO.

22 Q AND NOTHING LINKING THOSE SHOES TO DAVID COFFIN?

23 A NO, SIR.

24 Q EXAMINATION OF THE CAR SHOWED NO BLOOD; CORRECT?

25 A CORRECT.

1 Q NO FIBERS?  
2 A CORRECT.  
3 Q NO DNA?  
4 A CORRECT.  
5 Q NO ACCELERANT?  
6 A WELL, NO, SIR. NO GAS.  
7 Q NO GAS?  
8 A RIGHT.  
9 Q NOTHING LINKING SCOTT DAVIS OR HIS CAR TO DAVID  
10 COFFIN?  
11 A THAT'S CORRECT.  
12 Q AND YOU TALKED TO GREG GATLEY?  
13 A YES, SIR.  
14 Q MR. GATLEY TOLD YOU THAT EARLIER THAT NIGHT SCOTT  
15 DAVIS LEFT HIS HOME AT 8:30 AND WAS GONE 15 MINUTES, DIDN'T HE?  
16 A YES, SIR.  
17 Q AFTER YOU DO THE SEARCH OF THE HOUSE, YOU APPLY FOR A  
18 SEARCH WARRANT FOR SCOTT DAVIS' BLOOD AND FINGERPRINTS?  
19 A THAT'S CORRECT.  
20 Q AND, AGAIN, YOU SUBMITTED AN AFFIDAVIT TO THE JUDGE;  
21 CORRECT?  
22 A CORRECT.  
23 Q SAYING THAT THESE WERE THE REASONS YOU WANTED TO DO  
24 IT?  
25 A CORRECT.

1 Q SWEARING THAT YOUR REASONS WERE TRUE; CORRECT?

2 A YES, SIR.

3 Q AND YOU TOLD THE JUDGE THAT ATLANTA HOMICIDE  
4 DETECTIVES HAD SEARCHED SCOTT DAVIS' RESIDENCE?

5 A CORRECT.

6 Q AND YOU TOLD THE JUDGE THAT BLOOD WAS DISCOVERED ON  
7 THE SUSPECT'S SHOES, DIDN'T YOU?

8 A YES, SIR.

9 Q WELL, THAT WAS NOT TRUE.

10 A WELL, AT THE TIME I THOUGHT IT WAS TRUE.

11 Q WELL, YOU DIDN'T SAY SUSPECTED BLOOD, DID YOU?

12 A NO, SIR.

13 Q YOU DIDN'T SAY I THINK IT'S BLOOD. YOU CREATED THE  
14 IMPRESSION THAT DAVID COFFIN'S BLOOD WAS ON THE SHOES OF SCOTT  
15 DAVIS, DIDN'T YOU?

16 A NEVER SAID IT WAS DAVID COFFIN'S BLOOD ON THE SHOES.

17 Q YOU SAID BLOOD.

18 A CORRECT.

19 Q DIDN'T KNOW IT WAS BLOOD, DID YOU?

20 A I THOUGHT IT WAS BLOOD, YES, SIR, I DID.

21 Q FITS YOUR THEORY THAT IT WAS BLOOD?

22 A IN GOOD FAITH IT WAS BLOOD TO ME. I THOUGHT IT WAS.

23 Q IT WASN'T, WAS IT?

24 A CAME BACK LATER IT WAS NOT, NO, SIR.

25 Q THAT'S CORRECT. YOU TOLD THE JUDGE THAT FINGERPRINTS

1 WERE LIFTED FROM THE VICTIM'S AUTOMOBILE; CORRECT?

2 A THAT'S CORRECT.

3 Q YOU TOLD THE JUDGE THAT YOU BELIEVED DNA TESTING OF  
4 THE BLOOD FOUND WOULD PROVE TO BE DAVID COFFIN'S?

5 A THAT'S CORRECT.

6 Q AND THAT TURNED OUT TO BE WRONG; CORRECT?

7 A YES, SIR.

8 THE COURT: MR. MORRIS, IF YOU'LL PICK A TIME THAT'S  
9 CONVENIENT FOR YOU?

10 MR. MORRIS: NOW IS JUST FINE.

11 THE COURT: ALL RIGHT. LET'S BE IN RECESS FOR LUNCH  
12 FOR APPROXIMATELY 30 MINUTES.

13 (WHEREUPON, THE JURY EXITED THE COURTROOM.)

14 THE COURT: OKAY. WE'LL BE IN RECESS FOR LUNCH  
15 APPROXIMATELY 30 MINUTES.

16 (BREAK.)

17 THE COURT: OKAY. BRING IN THE JURY.

18 (WHEREUPON, THE JURY ENTERED THE COURTROOM.)

19 THE COURT: PLEASE BE SEATED. YOU MAY PROCEED,  
20 MR. MORRIS.

21 MR. MORRIS: DETECTIVE CHAMBERS -- MAY I APPROACH,  
22 YOUR HONOR?

23 THE COURT: YOU MAY.

24 BY MR. MORRIS:

25 Q BEFORE THE BREAK WE WERE TALKING ABOUT THE INTERVIEW

1 YOU DID OF SCOTT DAVIS WHILE YOU WERE SITTING IN THE  
2 SECRETARY'S OFFICE BEFORE MOVING INTO THE INTERROGATION ROOM.  
3 DO YOU RECALL THAT?

4 A YES, SIR.

5 Q AND THE TIME STAMP ON THAT STATEMENT IS 3:32 A.M., IS  
6 IT NOT?

7 A THAT IS CORRECT.

8 Q AND WHEN YOU LOOK AT THE BOTTOM OF THE PAGE, IT SAYS  
9 THAT'S THE END TIME, DOESN'T IT?

10 A THAT'S RIGHT.

11 Q OKAY. YOU DON'T HAVE ANY QUESTION ABOUT THAT?

12 A DO WHAT?

13 Q YOU HAVE NO QUESTION ABOUT THAT; CORRECT?

14 A NO. I HAVE NO QUESTION ABOUT IT.

15 Q THE ENDING TIME?

16 A NO. IT'S THE STARTING TIME.

17 Q BUT IT SAYS END?

18 A RIGHT. BUT I TOLD YOU -- AS I ALREADY TESTIFIED TO  
19 EARLIER WITH MR. JOHNSON, IT'S A COMPUTER GLITCH ON THAT  
20 COMPUTER THAT WE WERE USING.

21 Q COMPUTER GLITCH?

22 A YES.

23 Q ANYTHING ELSE ON THAT DOCUMENT A COMPUTER GLITCH?

24 A NO, SIR.

25 Q THAT'S THE ONLY COMPUTER GLITCH?

1           A     THAT I KNOW OF, SIR.

2           Q     OKAY.  AND RIGHT BEFORE WE LEFT YOU WERE TALKING  
3 ABOUT SCOTT DAVIS' HANDS ON THE MORNING OF THE DECEMBER 11 WHEN  
4 YOU WERE INTERROGATING HIM; CORRECT?

5           A     WHEN WE WERE DOING THE INTERVIEW, YES, SIR.

6           Q     AND YOU SAID THERE WAS NO HAIR ON HIS HANDS.  IS THAT  
7 WHAT YOU SAID?

8           A     I DIDN'T SAY THAT.  MR. JOHNSON SAID THAT.

9           Q     AND DID YOU AGREE WITH HIM?

10          A     YES, SIR.

11          Q     ALL RIGHT.  IS IT ANYWHERE IN YOUR REPORT WHERE YOU  
12 MENTION HE HAS CUTS, ABRASIONS, NO HAIR ON HIS HANDS OR  
13 ANYTHING ELSE THAT'S UNUSUAL?

14          A     NOT IN MY REPORT.  I BELIEVE IT WAS IN DETECTIVE  
15 WALKER'S.

16          Q     OKAY.  I'M GOING TO HAND YOU WHAT HAS BEEN GIVEN TO  
17 ME AS DETECTIVE WALKER'S REPORT.

18          A     ALL RIGHT.

19          Q     YOU MAY TAKE YOUR TIME IN LOOKING AT IT, BUT I  
20 HAPPENED TO PUT A LITTLE STICKER WHERE HE REFERENCES TAKING THE  
21 PHOTOGRAPHS OF MR. DAVIS.  YOU TAKE YOUR TIME AND LET ME KNOW  
22 WHEN YOU HAVE READ IT ENOUGH.

23          A     OKAY.

24          Q     IS THAT DETECTIVE WALKER'S REPORT?

25          A     AS FAR AS I KNOW IT IS.



1 Q IT'S GOT HIS NAME ON IT, DOESN'T IT?  
2 A IT DOES.  
3 Q IT SAYS IT'S HIS REPORT.  
4 A YES, SIR.  
5 Q IS THERE ANY REASON TO BELIEVE IT'S NOT?  
6 A THAT'S WHAT I SAID. AS FAR AS I KNOW IT IS.  
7 Q IS THERE ANY MENTION IN THAT REPORT ABOUT CUTS,  
8 ABRASIONS, NO HAIR OR ANYTHING ELSE UNUSUAL ABOUT MR. DAVIS'  
9 HANDS?  
10 A NO, SIR. THERE'S NOT.  
11 Q OKAY. HERE'S WHAT I WANT YOU TO DO. IT'S NOT IN  
12 THERE; CORRECT?  
13 A NO, SIR.  
14 Q WHEN YOU LEAVE HERE TODAY, IF YOU FIND A REFERENCE TO  
15 HIS HANDS HAVING CUTS, ABRASIONS, OR NO HAIR ON IT IN ANY PIECE  
16 OF PAPER IN YOUR FILE, MARSHALL WALKER'S FILE, FAGLER'S FILE,  
17 ATLANTA POLICE DEPARTMENT FILE OR THE DISTRICT ATTORNEY'S FILE,  
18 WILL YOU BRING IT BACK HERE?  
19 A I WOULD.  
20 Q OKAY. I APPRECIATE THAT.  
21 NOW, LET'S MOVE ON TO THE SECOND SEARCH WARRANT, AND  
22 THAT WAS FOR MR. DAVIS' BLOOD AND FINGERPRINTS; CORRECT?  
23 A CORRECT.  
24 Q MR. DAVIS MET YOU AT GRADY AND GAVE TUBES OF BLOOD TO  
25 BE SENT BY YOU TO THE CRIME LAB?

1 A THAT'S CORRECT.

2 Q AND THEY WERE SENT TO THE CRIME LAB?

3 A YES, SIR.

4 Q AND THEN HE CAME OVER TO THE HOMICIDE OR -- EXCUSE  
5 ME -- THE CITY OF ATLANTA ID SECTION WHERE THEY DO  
6 FINGERPRINTS; CORRECT?

7 A CORRECT.

8 Q HE GAVE ALL HIS FINGERPRINTS?

9 A CORRECT.

10 Q THAT INCLUDES -- AND TELL ME IF I'M WRONG -- TEN  
11 UNITS AND THEN TWO PALMS; IS THAT RIGHT?

12 A RIGHT.

13 Q HE GAVE YOU EVERYTHING YOU ASKED FOR?

14 A YES, SIR.

15 Q TOOK THOSE OVER TO THE CRIME LAB?

16 A CORRECT.

17 Q SO THAT THEY COULD BE USED FOR COMPARISON; CORRECT?

18 A CORRECT.

19 Q OKAY. AND THEY WERE COMPARED TO PRINTS THAT WERE  
20 TAKEN FROM THE STOLEN PORSCHE; CORRECT?

21 A CORRECT.

22 Q AND THE PRINTS THAT WERE TAKEN FROM THE STOLEN  
23 PORSCHE WERE COMPARED TO SCOTT DAVIS' FINGERPRINTS ESTABLISHED  
24 THEY WERE NOT SCOTT DAVIS' FINGERPRINTS?

25 A CORRECT.

1 Q AND THE BLOOD TESTED BY THE CRIME LAB ON THE SHEETS  
2 AND THE TISSUE OR NAPKIN TURNED OUT TO BE SCOTT DAVIS' BLOOD?

3 A CORRECT.

4 Q AND THERE WAS NO BLOOD ANALYSIS THAT IN ANY WAY  
5 LINKED SCOTT DAVIS TO DAVID COFFIN; CORRECT?

6 A NO, SIR.

7 Q AM I CORRECT?

8 A THAT'S CORRECT.

9 Q AND THE TENNIS SHOES TURNED OUT TO BE MUD, NOT BLOOD?

10 A CORRECT.

11 Q I WANT TO MOVE TO SOME ADDITIONAL EVIDENCE, IF WE  
12 CAN, FOR A MOMENT. FIRST, WHEN YOU WERE IN MR. DAVIS' YARD,  
13 YOU SAID YOU DIDN'T FIND ANY SPENT BULLET SHELLS OTHER THAN  
14 FROM THE SHOTGUN; CORRECT?

15 A THAT'S CORRECT.

16 Q IF THE SUSPECT HAD BEEN USING A REVOLVER, WOULD THERE  
17 BE A SHELL EXPELLED?

18 A NO, SIR. THERE WOULD NOT.

19 Q OKAY. AND YOU DID FIND HOW MANY SHOTGUN SHELLS?

20 A FIVE.

21 Q FIVE. MR. DAVIS SAID HE SHOT FIVE TIMES?

22 A THAT'S CORRECT.

23 Q OKAY. WHEN YOU SEARCHED MR. GATLEY'S JEEP, YOU SAID  
24 THERE WERE -- AND WE SAW PHOTOGRAPHS -- THERE WERE SOME SPOTS  
25 ON THE SEAT; CORRECT?

1 A CORRECT.

2 Q SPOTS ON THE FLOOR MAT; CORRECT?

3 A STAINS, YES, SIR.

4 Q AND ON THE DOOR?

5 A YES.

6 Q RIGHT?

7 A YES, SIR.

8 Q AND THERE WAS A SPECK OF RED PAINT ON THE SIDE OF THE  
9 JEEP?

10 A CORRECT.

11 Q AND SO THE JEEP WAS ANALYZED BY GEORGIA CRIME LAB?

12 A YES, SIR.

13 Q ALL OF THE THINGS WE JUST DISCUSSED?

14 A YES.

15 Q OKAY. THERE WAS NO BLOOD OF SCOTT DAVIS; CORRECT?

16 A CORRECT.

17 Q NO BLOOD OF DAVID COFFIN?

18 A CORRECT.

19 Q NO ACCELERANT LIKE GASOLINE?

20 A NO, SIR.

21 Q THE RED PAINT RELATED TO NOTHING?

22 A THAT WE KNOW OF, NO, SIR.

23 Q OKAY. NO USABLE EVIDENCE AGAINST SCOTT DAVIS;  
24 CORRECT?

25 A OTHER THAN THE -- FROM THE STOCKING CAP.

1 Q THERE'S A FUZZ BALL; CORRECT?

2 A YES.

3 Q WHERE IS THE FUZZ BALL?

4 A WHERE IS IT NOW?

5 Q YES, SIR.

6 A I DO NOT KNOW.

7 Q WHAT DID YOU DO WITH IT?

8 A IT GOT TURNED IN WITH THE REST OF THE EVIDENCE.

9 Q GOT TURNED IN TO WHAT?

10 A I BELIEVE IT GOT TURNED IN TO PROPERTY.

11 Q TURNED IN TO PROPERTY?

12 A YES, SIR.

13 Q PROPERTY WHERE?

14 A ATLANTA POLICE DEPARTMENT PROPERTY.

15 Q AND YOU SEARCHED FOR IT?

16 A YES, SIR.

17 Q IT'S NOT THERE?

18 A NO, SIR.

19 Q OKAY. AND DESCRIBE IT.

20 A JUST THE FURRY BALL THAT'S ON THE TOP OF A STOCKING

21 CAP.

22 Q OKAY. WHERE IS THE STOCKING CAP?

23 A IT WAS NOT THERE.

24 Q YOU EVER SEE A STOCKING CAP?

25 A NO, SIR.

1 Q YOU DID YOU SEARCH SCOTT DAVIS' HOUSE?  
2 A YES, SIR.  
3 Q DID YOU FIND A STOCKING CAP?  
4 A NO, SIR.  
5 Q DID YOU FIND A STOCKING CAP THAT WAS MISSING A BALL?  
6 A NO, SIR.  
7 Q OKAY. NOW, WHAT WAS SO UNIQUE ABOUT THIS BALL THAT  
8 YOU COULD TELL IT CAME FROM A STOCKING CAP OF WHICH YOU NEVER  
9 FOUND?  
10 A WELL, BECAUSE IT'S THE KIND THAT WAS ON A STOCKING  
11 CAP, THOUSANDS OF STOCKING CAPS ALL AROUND.  
12 Q WAS IT FROM A CHILD'S STOCKING CAP OR AN ADULT'S  
13 STOCKING CAP?  
14 A I DO NOT KNOW.  
15 Q WAS IT FROM ONE OF MR. GATLEY'S SON'S FRIENDS?  
16 A NO.  
17 Q DON'T KNOW?  
18 A MR. GATLEY SAID THAT IT WAS NOT IN HIS VEHICLE WHEN  
19 HE GAVE IT TO MR. DAVIS.  
20 Q THAT'S RIGHT. THAT'S RIGHT. HE HADN'T SEEN IT WHEN  
21 HE GAVE IT TO MR. DAVIS?  
22 A CORRECT.  
23 Q NOW, WHERE DID IT COME FROM?  
24 A I DON'T KNOW.  
25 Q OKAY. YOU DON'T KNOW WHERE IT WENT?

1 A NO.

2 Q ARE THERE THINGS IN 1996 OTHER THAN STOCKING CAPS  
3 THAT LITTLE FUZZ BALLS ARE A PART OF?

4 A I WOULD ASSUME SO.

5 Q YOU WOULD ASSUME SO?

6 A YES.

7 Q ACTUALLY, YOU'VE ASSUMED THAT IT CAME FROM A STOCKING  
8 CAP, HAVEN'T YOU?

9 A WELL, IT IS THE KIND OF BALL THAT IS ON TOP OF A  
10 STOCKING CAP.

11 Q YOU DIDN'T TESTIFY IT WAS THE KIND OF BALL. YOU  
12 TESTIFIED IT WAS A BALL FROM A STOCKING CAP, DIDN'T YOU?

13 A I SAID IT'S A BALL THAT IS FROM A STOCKING CAP. IT  
14 IS THE KIND OF BALL THAT IS ON A HUNDRED OF THOUSANDS OF  
15 STOCKING CAPS THAT I HAVE SEEN, YES, SIR.

16 Q AND YOU DON'T KNOW WHERE THIS ONE CAME FROM?

17 A NO, SIR.

18 Q YOU NEVER FOUND THE STOCKING CAP?

19 A NO, SIR.

20 Q NEVER SEEN THE STOCKING CAP?

21 A NO, SIR.

22 Q NOBODY HAS EVER DESCRIBED A STOCKING CAP?

23 A OTHER THAN THE ONE MR. DAVIS DESCRIBED HIS ATTACKER  
24 WAS WEARING WITH A MASK.

25 Q HE HAD A MASK ON; CORRECT?

1 A CORRECT.

2 Q HE DIDN'T TALK ABOUT ANY STOCKING BALL, DID HE?

3 A NO, SIR.

4 Q YOU HAVE NO PROOF THAT THERE EVER EXISTED A STOCKING  
5 HAT, DO YOU?

6 A OTHER THAN THE BALL, THAT'S ALL.

7 Q OTHER THAN THE BALL THAT YOU ASSUME CAME FROM A  
8 STOCKING CAP?

9 A THAT'S CORRECT.

10 Q ALL RIGHT. NOW, YOU TESTIFIED THAT A WEAPON WAS  
11 FOUND AT 951 WEST CONWAY?

12 A THAT'S CORRECT.

13 Q AND YOU DESCRIBED IT AS A BERETTA 9 MILLIMETER?

14 A THAT'S CORRECT.

15 Q AND WE'VE SEEN PICTURES OF IT?

16 A YES, SIR.

17 Q AND THERE'S ALSO A MAGAZINE FROM IT?

18 A YES, SIR.

19 Q AND A CLIP -- OR A CLIP AND A MAGAZINE ARE THE SAME  
20 THING?

21 A THEY'RE THE SAME THING.

22 Q SAME THING. AND YOU SEIZED THOSE?

23 A YES, SIR.

24 Q AND THOSE WERE TURNED IN TO THE HOMICIDE OFFICE?

25 A RIGHT. I HANDED THEM OVER TO DETECTIVE WALKER.



1 Q AND THEN THEY GO TO THE GBI CRIME LAB?

2 A THAT'S CORRECT.

3 Q YOU DON'T HAVE ANY QUESTION ABOUT THAT?

4 A NONE WHATSOEVER.

5 Q THEY'RE NOT LOST AT THAT POINT?

6 A NO, SIR.

7 Q OKAY. AND THERE'S A SHELL CASING; CORRECT?

8 A CORRECT.

9 Q THAT WAS FOUND BY AN ID TECH?

10 A NO. IT WAS FOUND BY THE ARSON INVESTIGATORS.

11 Q OKAY. AND THEN THERE'S A PROJECTILE THAT YOU

12 INITIALLY SAID YOU FOUND AT THE SCENE AND THEN --

13 A I NEVER SAID I FOUND IT.

14 Q EXCUSE ME. LET ME FINISH MY QUESTION -- THAT WAS

15 INITIALLY FOUND AT THE SCENE BUT LATER YOU SAID ACTUALLY CAME

16 FROM THE MEDICAL EXAMINER'S OFFICE?

17 A CORRECT.

18 Q SO THOSE ALL WENT TO THE GBI?

19 A THAT'S CORRECT.

20 Q WHERE IS THE BERETTA?

21 A I DO NOT KNOW, SIR.

22 Q WHERE IS THE SHELL CASING?

23 A I DO NOT KNOW, SIR.

24 Q WHERE IS THE PROJECTILE?

25 A I DO NOT KNOW.

1 Q YOU HAVE BEEN UNABLE TO FIND THEM ANYWHERE?

2 A I FOUND OUT -- I FOUND WHERE THE WEAPON WENT ONCE IT  
3 LEFT THE GBI.

4 Q AND THAT'S BECAUSE SOMEBODY TOLD YOU WHERE IT WENT?

5 A THE GBI TOLD US WHERE IT WENT.

6 Q WHERE DID THEY TELL YOU IT WENT?

7 A THEY SHIPPED IT TO THE FIRE DEPARTMENT.

8 Q ALL RIGHT. WHICH FIRE DEPARTMENT?

9 A THE ATLANTA POLICE DEPARTMENT'S FIRE DEPARTMENT.

10 Q THAT'S THE ONE THAT WORKS WITH YOU?

11 A THE ATLANTA FIRE DEPARTMENT, YES, SIR.

12 Q THAT'S THE ONE THAT WORKED WITH YOU ON THIS CASE?

13 A YES.

14 Q THERE AT THE SCENE ON DECEMBER 10TH?

15 A YES, SIR.

16 Q OKAY. WHERE IS IT NOW?

17 A I DO NOT KNOW.

18 Q IS THERE ANY RECORD OF THE BERETTA BEING DESTROYED?

19 A NO, SIR.

20 Q IS THERE ANY RECORD OF THE SHELL CASING BEING  
21 DESTROYED?

22 A NO, SIR.

23 Q IS THERE ANY RECORD OF THE PROJECTILE BEING  
24 DESTROYED?

25 A NO, SIR.

1 Q IS THERE ANY RECORD OF THE MAGAZINE BEING DESTROYED?  
2 A NO, SIR.  
3 Q SO IT'S JUST LOST?  
4 A YES, SIR.  
5 Q AND YOU SAY THE BERETTA WENT BACK TO THE FIRE  
6 DEPARTMENT?  
7 A THAT'S CORRECT.  
8 Q WHERE DID THE REST OF THOSE PIECES GO?  
9 A I CAN ONLY -- I DO NOT KNOW, SIR.  
10 Q YOU DO NOT KNOW?  
11 A NO, SIR.  
12 Q THEY'RE JUST LOST. TO THIS DAY DO YOU KNOW WHERE  
13 THEY ARE?  
14 A NO, SIR.  
15 Q LET'S TALK ABOUT THE ITEMS FROM THE PORSCHE THAT YOU  
16 HAVE TALKED ABOUT. NOW, YOU TOLD US IN DIRECT EXAMINATION FROM  
17 THE STATE THAT THE PORSCHE WAS FOUND IN DEKALB COUNTY; CORRECT?  
18 A CORRECT.  
19 Q AND YOU'RE CITY OF ATLANTA?  
20 A CORRECT.  
21 Q AND ALTHOUGH PART OF THE CITY OF ATLANTA IS IN FULTON  
22 COUNTY, PART OF IT IS IN DEKALB COUNTY?  
23 A CORRECT.  
24 Q AND WHEN DEKALB COUNTY RESPONDS, THAT'S A DIFFERENT  
25 JURISDICTION THAN THE CITY OF ATLANTA POLICE?

1 A CORRECT.

2 Q SO INITIALLY DEKALB COUNTY FIRE AND POLICE TOOK  
3 POSSESSION OF THE PORSCHE AND THE EVIDENCE IN THE PORSCHE;  
4 CORRECT?

5 A CORRECT.

6 Q BUT YOU GOT TO SEE IT?

7 A YES, SIR.

8 Q YOU GOT TO TALK WITH THE PEOPLE WHO WERE HOLDING IT?

9 A YES, SIR.

10 Q OKAY. AND YOU CERTAINLY IN 1996 COULD ASK FOR  
11 COOPERATION FROM DEKALB COUNTY FIRE AND POLICE, COULDN'T YOU?

12 A YES, SIR.

13 Q THEY COMMONLY WORK TOGETHER ON CASES AND MAKE SURE  
14 THAT THE AGENCIES AREN'T WORKING AT CROSS PURPOSES?

15 A YES, SIR.

16 Q IN THIS PARTICULAR CASE WAS THERE ANYTHING THAT  
17 PREVENTED YOU OR YOUR CO-LEAD DETECTIVE, DETECTIVE WALKER, FROM  
18 CONTACTING DEKALB COUNTY AND ASKING THEM TO PRESERVE THE  
19 EVIDENCE IN THIS CASE?

20 A THEY WERE ASKED TO PRESERVE THE EVIDENCE IN THIS CASE  
21 WHEN I INITIALLY SAW THEM AND WHEN I WAS INITIALLY SHOWN THE  
22 EVIDENCE.

23 Q ALL RIGHT. IS THERE ANYTHING THAT PREVENTED YOU FROM  
24 CHECKING BACK WITH THEM AT ANY TIME TO MAKE SURE WHAT THEY HAD  
25 AND WHERE THEY WERE KEEPING IT AND HOW THEY WERE PRESERVING IT?

1 A NO, SIR.

2 Q AND AS PART OF YOUR TRAINING AND YOUR EXPERIENCE  
3 MAINTAINING CUSTODY AND INTEGRITY OF THE EVIDENCE IS OF UTMOST  
4 IMPORTANCE, ISN'T IT?

5 A YES, SIR.

6 Q IT'S CRITICAL?

7 A YES, SIR.

8 Q IT'S CRITICAL NOT -- TO MAKE SURE, NUMBER ONE, IT'S  
9 PRESERVED; YES?

10 A YES.

11 Q NUMBER TWO, IT'S NOT TAINTED IN ANY WAY?

12 A CORRECT.

13 Q NUMBER THREE, YOU CAN MAKE SURE FROM WHOSE HANDS IT  
14 HAS PASSED; CORRECT?

15 A THAT'S CORRECT.

16 Q AND NUMBER FOUR IS THAT IN THE FUTURE YOU MAY WANT TO  
17 TEST IT IN SOME FASHION TO SEE IF YOU CAN GET INFORMATION THAT  
18 YOU COULDN'T GET INITIALLY; CORRECT?

19 A CORRECT.

20 Q THOSE ARE ALL IMPORTANT THINGS?

21 A THAT IS CORRECT.

22 Q WAS THE PROTOCOL FOLLOWED IN THIS CASE WITH THE  
23 EVIDENCE IN DEKALB COUNTY?

24 A DEKALB COUNTY DESTROYED THE EVIDENCE. THEY WERE  
25 ASKED TO PRESERVE IT, AND THEY DESTROYED IT.

1 Q WHEN DID THEY DESTROY IT?

2 A I BELIEVE IT WAS -- I'M NOT SURE. I BELIEVE IT WAS  
3 2001, I THINK, MAYBE.

4 Q 2001?

5 A I THINK SO.

6 Q OKAY. FROM DECEMBER OF '96 TO DECEMBER OF '97 HOW  
7 MANY CONVERSATIONS DID YOU HAVE WITH DEKALB COUNTY ABOUT THE  
8 NEED TO RETAIN THAT EVIDENCE?

9 A JUST THE ONE.

10 Q JUST THE ONE. FROM 1997 TO 1998 DID YOU HAVE ANY  
11 REQUESTS FOR CONVERSATION WITH DEKALB COUNTY?

12 A NO, SIR.

13 Q '99 TO 2000?

14 A NO, SIR.

15 Q 2000 TO 2001?

16 A NO, SIR.

17 Q AND THEN YOU FIND OUT -- WHEN DID YOU FIND OUT?

18 A WHEN WE -- WHEN MS. ROSS SAID THAT WE WERE STARTING  
19 THE INVESTIGATION.

20 Q THAT WAS 2005?

21 A YES, SIR.

22 Q SO FROM 1996 TO 2005 YOU HAD NO IDEA WHAT DEKALB  
23 COUNTY WAS DOING WITH THE EVIDENCE?

24 A NO, SIR.

25 Q ALL RIGHT. AND IT WAS DESTROYED IN 2001?

1           A     YES, SIR.

2           Q     AND YOU DIDN'T KNOW FROM 2001 TO 2005 THAT IT HAD  
3 BEEN DESTROYED?

4           A     THAT'S CORRECT.

5           Q     OKAY. THE EVIDENCE THAT WENT TO THE CRIME LAB.  
6 YOU'VE ALREADY TOLD US YOU KNOW THE BERETTA WENT BACK TO THE  
7 ATLANTA FIRE DEPARTMENT; CORRECT?

8           A     CORRECT.

9           Q     OKAY. WHAT HAPPENED TO THE REST OF THE EVIDENCE THAT  
10 THEY HAD?

11          A     I BELIEVE IT CAME BACK TO THE ATLANTA POLICE  
12 DEPARTMENT WHERE THE ONLY PIECE OF EVIDENCE THEY WERE TO FIND  
13 AFTER THAT WAS THE SHOTGUN THAT WAS IN THE -- RECOVERED.

14          Q     THAT WAS RECOVERED FROM WHAT?

15          A     THE FIRE.

16          Q     THE FIRE AT 951?

17          A     YES, SIR.

18          Q     OKAY. WHAT HAPPENED TO EVERYTHING ELSE?

19          A     I DO NOT KNOW, SIR.

20          Q     DO YOU HAVE ANY RECORD THAT ATLANTA PROPERTY RECEIVED  
21 AND MAINTAINED THAT EVIDENCE?

22          A     NO, SIR.

23          Q     NONE?

24          A     NONE.

25          Q     NOTHING?

1 A NOTHING.

2 Q THE STUFF JUST DISAPPEARED BETWEEN THE CRIME LAB AND  
3 THE ATLANTA POLICE DEPARTMENT?

4 A YES, SIR.

5 Q ONCE IT GOT TO ATLANTA POLICE DEPARTMENT?

6 A THE LAST PLACE IT WENT FROM THE ATLANTA HOMICIDE UNIT  
7 WAS TO THE GBI, WHICH IS OUR CHAIN OF CUSTODY. ONCE IT GOES TO  
8 THE GBI IT IS THEIR RESPONSIBILITY TO MAINTAIN THAT EVIDENCE  
9 UNTIL IT IS RETURNED TO THE ATLANTA POLICE DEPARTMENT. THE GBI  
10 HAS NO RECORD OF WHERE THAT EVIDENCE WENT.

11 Q SO THE GBI LOST IT?

12 A I DO NOT KNOW WHO LOST IT. I'M JUST TELLING YOU THAT  
13 OUR CHAIN OF CUSTODY GOES FROM THE ATLANTA HOMICIDE UNIT,  
14 MYSELF AND DETECTIVE WALKER, TO THE GBI. ONCE IT REACHES THE  
15 GBI -- WHICH IS WHY, AS YOU EXPLAINED A FEW MINUTES AGO, WE  
16 HAVE A CHAIN OF CUSTODY. THIS IS WHY WE HAVE A CHAIN OF  
17 CUSTODY, FOR THIS VERY PURPOSE. WE DID OUR PART. THE ATLANTA  
18 HOMICIDE UNIT, WE DID OUR PART. WE DID EXACTLY WHAT WE WERE  
19 SUPPOSED TO. WE SENT IT TO THE CRIME LAB, AND WE NOTED WE SENT  
20 IT TO THE CRIME LAB. WE ASKED DEKALB COUNTY FIRE DEPARTMENT TO  
21 MAINTAIN IT. WE DID WHAT WE WERE SUPPOSED TO DO.

22 Q WELL, I THINK YOU TESTIFIED A MINUTE AGO THAT IT WENT  
23 BACK TO ATLANTA PROPERTY. AND NOW YOU DON'T KNOW WHERE IT IS?

24 A I SAID IT WAS SUPPOSED TO GO BACK TO ATLANTA  
25 PROPERTY.



1 Q YOU DON'T KNOW IF IT DID OR NOT?

2 A NO, SIR. I DO NOT.

3 Q OKAY. DID YOU DO ANY CHECKING ON THAT IN 1996,  
4 DECEMBER, AFTER YOU SENT IT OVER TO THE CRIME LAB?

5 A NO, SIR.

6 Q DID YOU --

7 A WE HAD THE LAB REPORTS THAT CAME BACK, AND THAT'S  
8 WHAT WE WENT BY.

9 Q WELL, THE LAB REPORTS CAME BACK TELLING YOU THE TESTS  
10 HAD BEEN RUN AND GAVE YOU RESULTS OF TESTS?

11 A THAT'S CORRECT.

12 Q OKAY. AFTER THAT, IN 1997, DID YOU HAVE ANY  
13 DISCUSSION WITH THE GEORGIA CRIME LAB ABOUT MAINTAINING OR  
14 RETURNING THAT EVIDENCE?

15 A NO, SIR. ONCE THE CASE IS HANDED OVER TO THE  
16 DISTRICT ATTORNEY'S OFFICE, IT WAS THEIR RESPONSIBILITY AT THAT  
17 POINT. WE HANDED THEM THE CASE. THEY TOOK OVER THE HANDLING  
18 OF THE CASE AT THAT POINT.

19 Q SO THE ANSWER IS, NO, YOU DID NOT?

20 A NO, I DID NOT.

21 Q AND DO YOU HAVE ANY IDEA IF DETECTIVE MARSHALL WALKER  
22 DID?

23 A I CANNOT TESTIFY TO WHAT DETECTIVE WALKER DID OR DID  
24 NOT DO.

25 Q DO YOU HAVE ANY REASON TO BELIEVE HE DID?

1           A     I HAVE NO REASON TO BELIEVE HE DID OR HE DIDN'T. I  
2 DO NOT KNOW.

3           Q     OKAY. DO YOU KNOW OF ANY EVIDENCE BEING TURNED OVER  
4 TO THE DISTRICT ATTORNEY'S OFFICE?

5           A     ONLY THE CALLER ID BOX FROM DEKALB COUNTY FIRE.

6           Q     WHERE IS THAT?

7           A     I DO NOT KNOW.

8           Q     NO IDEA?

9           A     NO IDEA.

10          Q     GONE UP IN SMOKE WITH THE REST OF IT?

11          A     I DON'T BELIEVE IT WAS BURNED. I DON'T KNOW.

12          Q     UP IN SMOKE IS AN EXPRESSION.

13          A     OH. SORRY.

14          Q     AS IN A MAGICIAN MAKING IT DISAPPEAR IN A PUFF OF  
15 SMOKE?

16                   MR. JOHNSON: YOUR HONOR, I'M GOING TO OBJECT.

17                   MR. MORRIS: I'LL WITHDRAW THE QUESTION.

18                   THE WITNESS: DAVID COPPERFIELD I'M NOT.

19 BY MR. MORRIS:

20          Q     DO YOU KNOW WHERE IT IS?

21          A     NO, SIR.

22          Q     HAVE YOU SEEN IT SINCE 1996?

23          A     NO, SIR. I HAVE NOT.

24          Q     HAVE YOU SPOKEN TO ANYONE AT DEKALB COUNTY ABOUT THE  
25 EVIDENCE?

1 A YES.

2 Q FROM THE TIME THAT YOU SAW IT IN DEKALB COUNTY'S  
3 POSSESSION IN DECEMBER OF 1996, SINCE THEN, HAVE YOU SPOKEN TO  
4 ANYONE AT DEKALB COUNTY ABOUT THEIR MAINTAINING EVIDENCE?

5 A YES, I HAVE.

6 Q WHEN WAS THAT?

7 A IN 2005.

8 Q BETWEEN 1996 AND 2005 DID YOU SPEAK WITH ANYBODY?

9 A NO, SIR.

10 Q ALL RIGHT. DEKALB COUNTY HAD IN ITS POSSESSION A  
11 PORSCHE; CORRECT?

12 A YES, SIR.

13 Q THE PORSCHE IS GONE?

14 A YES, SIR.

15 Q A BROWNING SHOTGUN?

16 A CORRECT.

17 Q GONE?

18 A I HAVEN'T SEEN IT.

19 Q FLASHLIGHT?

20 A I HAVEN'T SEEN IT.

21 Q GONE?

22 A YES, SIR.

23 Q GAS CAN?

24 A YES, SIR.

25 Q GONE? A KEY?

1 A YES, SIR.

2 Q GONE? A KNIFE? GONE?

3 A I DON'T KNOW.

4 Q AND YOU BELIEVE IT WAS DESTROYED SOMETIME IN 1991?

5 A NO, SIR; 2001.

6 Q I'M SORRY. 2001?

7 A YES, SIR.

8 Q OKAY. ALL RIGHT. THERE WAS CERTAIN EVIDENCE

9 OBTAINED THAT I BELIEVE WAS TURNED OVER BY YOU TO THE CRIME

10 LAB, AND I BELIEVE THAT INCLUDES TAPE LIFTS FROM THE DRIVER'S

11 DOOR. DO YOU RECALL THAT?

12 A FROM THE PORSCHE?

13 Q I BELIEVE IT WAS FROM MR. GATLEY'S CAR.

14 A MR. GATLEY'S CAR?

15 Q YES.

16 A ID WOULD HAVE TAKEN THOSE PRINTS, AND THEY WOULD HAVE

17 TURNED THEM IN, NOT I.

18 Q I BELIEVE THERE'S A RECEIPT OF EVIDENCE TURNED IN TO

19 GEORGIA CRIME LAB BY DETECTIVE RICK CHAMBERS. WOULD THAT BE --

20 A WELL, THAT WOULD BE -- THEY WOULD PUT MY NAME ON IT

21 BECAUSE IT WAS MY INVESTIGATION.

22 Q AND THEN YOU TURNED IT IN TO GBI -- THEY TURNED IT --

23 A WELL, IT WAS TURNED IN TO THE GBI, CORRECT.

24 Q OKAY. WHAT HAPPENED TO THOSE TAPE LIFTS?

25 A I HAVE NO IDEA.

1 Q I'M SORRY?

2 A I DO NOT KNOW, SIR.

3 Q WHAT EFFORT DID YOU MAKE TO FIND OUT?

4 A I SEARCHED THE ATLANTA POLICE DEPARTMENT PROPERTY  
5 SECTION NUMEROUS TIMES.

6 Q NOT THERE?

7 A NOT THERE.

8 Q ALL RIGHT. THERE WAS A TAPE LIFT OF HAIR. DO YOU  
9 REMEMBER THAT?

10 A YES.

11 Q WHERE IS THAT?

12 A I DO NOT KNOW.

13 Q THERE WAS, APPARENTLY, A CLAIM CHECK, RALPH'S  
14 CLEANERS CLAIM CHECK, THAT WAS TURNED IN?

15 A YES.

16 Q WHERE IS THAT?

17 A I DO NOT KNOW.

18 Q THERE WERE CERTAIN SWABBINGS MADE IN SCOTT DAVIS'  
19 HOUSE BY YOUR ID TECHNICIAN, WERE THEY NOT?

20 A I BELIEVE SO, YES, SIR.

21 Q YOU KNOW, LIKE ON A DOOR JAMB WHERE THEY SAW  
22 SOMETHING OR --

23 A RIGHT.

24 Q THEY MADE SOME SWABBINGS; CORRECT?

25 A CORRECT.

1 Q AND THEY TURNED THOSE IN TO THE CRIME LAB?  
2 A CORRECT.  
3 Q NO BLOOD OF DAVID COFFIN?  
4 A NO, SIR.  
5 Q NO SALIVA OF DAVID COFFIN?  
6 A NO, SIR.  
7 Q NO HAIR OF DAVID COFFIN?  
8 A NO, SIR.  
9 Q NOTHING LINKING SCOTT DAVIS TO DAVID COFFIN?  
10 A NO, SIR.  
11 Q WHERE ARE THE SWABBINGS?  
12 A I DO NOT KNOW.  
13 Q YOU DO AGREE THEY WERE TURNED OVER TO THE GEORGIA  
14 CRIME LAB?  
15 A YES.  
16 Q YOU JUST DON'T KNOW WHERE THEY ARE NOW?  
17 A THAT'S CORRECT.  
18 Q ALL RIGHT. THE FLOOR MAT FROM THE PORSCHE, TURNED  
19 OVER TO THE CRIME LAB?  
20 A THAT WOULD HAVE BEEN DEKALB COUNTY. I'M NOT SURE.  
21 Q WHERE IS IT?  
22 A I DO NOT KNOW.  
23 Q THE LATENT FINGERPRINT CARDS, YOU'VE SEEN FINGERPRINT  
24 CARDS, HAVEN'T YOU?  
25 A SURE.

1 Q OKAY. THOSE WERE TURNED OVER TO THE GEORGIA CRIME  
2 LAB?  
3 A CORRECT.  
4 Q DO YOU KNOW WHERE THOSE ARE?  
5 A NO, SIR.  
6 Q YOU DO KNOW THEY WERE MATCHED AGAINST SCOTT DAVIS?  
7 A YES, SIR.  
8 Q AND YOU KNOW THEY WERE NOT SCOTT DAVIS' ?  
9 A THAT'S CORRECT.  
10 Q AND YOU FOUND THAT OUT BACK IN 1997, EARLY '97?  
11 A CORRECT.  
12 Q WHEN YOU GOT THE REPORT FROM THE GBI?  
13 A CORRECT.  
14 Q AT THAT TIME DID YOU ASK THEM, THEM MEANING THE GBI  
15 CRIME LAB, TO CHECK AND SEE WHO ELSE'S FINGERPRINTS THEY MIGHT  
16 BE?  
17 A THEY WERE -- SHOULD HAVE BEEN RUN AGAINST CODIS,  
18 WHICH IS THE -- I MEAN, NOT CODIS. AGAINST THE FINGERPRINT --  
19 Q AFIS?  
20 A AFIS, THE AFIS SYSTEM THAT THE GBI HAS.  
21 Q YOU KNOW WHAT AFIS IS?  
22 A YES, SIR.  
23 Q IT'S A DATABANK OF MILLIONS OF FINGERPRINTS; RIGHT?  
24 A RIGHT.  
25 Q DID YOU MAKE A REQUEST OF THE GBI TO RUN THE PRINTS

1 THEY FOUND ON THE PORSCHE?

2 A NO, SIR.

3 Q IN AFIS?

4 A THEY WERE -- I JUST THOUGHT THAT THEY WOULD DO THAT.

5 Q WELL, YOU SAW THE RESULTS THAT SAID THEY DON'T MATCH  
6 SCOTT DAVIS. THAT'S WHAT THE REPORT SAID, DIDN'T IT?

7 A CORRECT.

8 Q ALL RIGHT. NOW, ONCE YOU SAW THAT YOU HAD TO FIGURE,  
9 WELL, IF THEY'RE NOT SCOTT DAVIS', THEY'VE GOT TO BE SOMEBODY  
10 ELSE'S?

11 A CORRECT.

12 Q WELL, DID YOU PICK UP THE PHONE, SEND A MEMO, SHOOT  
13 AN E-MAIL, DRIVE OVER, REQUEST ANYBODY IN THE FINGERPRINT  
14 DEPARTMENT AT THE GBI TO CHECK AND SEE WHO ELSE THOSE  
15 FINGERPRINTS MIGHT BELONG TO?

16 A NO, SIR. I DID NOT.

17 Q BECAUSE THAT DIDN'T FIT YOUR THEORY, DID IT?

18 A THAT'S NOT WHY IT WASN'T DONE.

19 Q YOU DIDN'T WANT ANY EVIDENCE POINTED TO SOMEBODY  
20 OTHER THAN SCOTT DAVIS, DID YOU?

21 A MR. SCOTT -- MR. DAVIS DID A GOOD ENOUGH JOB OF  
22 POINTING HIMSELF.

23 Q YOU DID NOT WANT ANY EVIDENCE THAT POINTED TO ANYBODY  
24 ELSE, DID YOU?

25 A I WANTED EVIDENCE THAT TOLD ME WHOEVER DID IT. IF IT



1 HAD BEEN SOMEONE ELSE OTHER THAN SCOTT DAVIS, I'D HAVE BEEN  
2 HAPPY TO OBLIGE THAT.

3 Q ONE WAY TO FIND OUT WHOSE FINGERPRINTS THEY WERE WHEN  
4 YOU KNEW THEY WEREN'T SCOTT DAVIS', IS TO ASK THE GBI TO RUN IT  
5 THROUGH AFIS?

6 A I SHOULD HAVE ASKED, YES, SIR.

7 Q AND YOU DIDN'T?

8 A NO, SIR.

9 Q NOW, WE COULD MAKE THAT REQUEST TODAY, COULDN'T WE?

10 A WE COULD.

11 Q IF WE HAD THE LATENT PRINT CARDS; CORRECT?

12 A THAT'S CORRECT.

13 Q BUT WE DON'T HAVE THEM, DO WE?

14 A NO, SIR.

15 Q YOU DON'T KNOW WHERE THEY ARE?

16 A NO, SIR.

17 Q APPARENTLY, THERE WAS A SWAB OF STAIN FROM THE FLOOR  
18 IN SCOTT DAVIS' HOUSE THAT WAS TAKEN. DO YOU RECALL THAT?

19 A NOT DIRECTLY, NO, SIR.

20 Q ALL RIGHT. YOU JUST RECALL A BUNCH OF SWABS. NONE  
21 OF THEM RELATED TO DAVID COFFIN?

22 A NONE OF THEM CAME BACK RELATED, NO, SIR.

23 Q THERE IS BURNED DEBRIS FROM KITCHEN FLOOR AND BAY  
24 WINDOW THAT IS TURNED IN BY DETECTIVE WALKER. DO YOU RECALL  
25 THAT?

1           A     I BELIEVE SO, YES, SIR.

2           Q     WHERE IS THAT?

3           A     I DO NOT KNOW.

4           Q     YOU SAID YOU LEARNED THE BERETTA WAS MISSING IN ABOUT

5 2001 -- I'M SORRY. THAT'S WRONG. YOU LEARNED THE BERETTA WAS

6 MISSING IN 2005 WHEN YOU STARTED WORKING WITH MS. ROSS?

7           A     YES.

8           Q     NOT BEFORE THEN?

9           A     NO, SIR.

10          Q     ALL RIGHT. PERSONALLY OTHER THAN LOOKING IN THE

11 PROPERTY ROOM, WHAT HAVE YOU DONE TO TRY AND FIND ANY OF THESE

12 ITEMS?

13          A     I'VE SEARCHED ALL THE PROPERTY AREAS. I'VE CONDUCTED

14 THE INVESTIGATION INTO WHERE THE WEAPON WAS AFTER IT LEFT THE

15 GBI. THAT'S WHEN WE FOUND OUT THAT IT HAD BEEN SENT TO THE

16 ATLANTA FIRE DEPARTMENT.

17          Q     WHAT ELSE? WHAT ABOUT ALL THE OTHER EVIDENCE? OTHER

18 THAN LOOK FOR IT IN THE PROPERTY ROOM, DONE ANYTHING ELSE?

19          A     NO, SIR.

20          Q     TALK TO THE GBI?

21          A     YES, SIR.

22          Q     THEY SAID WHAT?

23          A     THAT'S HOW WE FOUND OUT ABOUT THE GUN BEING SENT TO

24 THE FIRE DEPARTMENT.

25          Q     WHAT DID THEY SAY ABOUT THE OTHER EVIDENCE?

1           A     THEY HAD NO IDEA.

2           Q     DIDN'T THEY TELL YOU THEY SENT IT TO THE ATLANTA  
3 POLICE DEPARTMENT?

4           A     YES, SIR.  THEY DID SAY THAT.

5           Q     THAT'S NOT NO IDEA.  IF THEY SAID THEY SENT --

6           A     THEY HAVE NO IDEA WHERE IT WAS AT.

7           Q     DID THEY OR DID THEY NOT TELL YOU, THE GBI, THAT THEY  
8 SENT THE REMAINING EVIDENCE TO THE ATLANTA POLICE DEPARTMENT?

9           A     YES.  THEY DID SAY THAT, OF WHICH I TESTIFIED TO  
10 EARLIER.  I SAID THAT.

11          Q     AND YOU HAVE NO RECORD OF RECEIVING IT AT THE ATLANTA  
12 POLICE DEPARTMENT OR YOU CAN'T FIND IT?

13          A     I HAVE NO RECORD OF IT, NO, SIR.  NO RECORD COULD BE  
14 FOUND.

15          Q     NO RECORD COULD BE FOUND OF RECEIVING IT?

16          A     RIGHT.

17          Q     GOT LOST IN THE MAIL?

18          A     I HAVE NO IDEA, MR. MORRIS.

19          Q     JUST DON'T KNOW?

20          A     NO, SIR.

21          Q     ALL RIGHT.  SO YOU'VE CHECKED WITH GBI, AND THEY SAID  
22 THEY SENT IT.  AND YOU CHECKED WITH THE PROPERTY ROOM, AND IT'S  
23 NOT THERE.  AND THAT'S ALL YOU KNOW?

24          A     YES, SIR.

25          Q     YOU MADE ANY EFFORTS TO SEE IF IT'S STILL AT THE

1 CRIME LAB?

2 A YES, SIR.

3 Q NOT THERE?

4 A NO, SIR.

5 Q OKAY. NOW, A GAS CAN, SECOND GAS CAN, WAS FOUND ON  
6 MOUNT PARAN; CORRECT?

7 A THAT'S CORRECT.

8 Q TURNED IN TO YOU?

9 A NO, SIR.

10 Q TURNED IN TO DETECTIVE WALKER?

11 A CORRECT.

12 Q SENT TO THE GEORGIA CRIME LAB?

13 A I BELIEVE SO, YES, SIR.

14 Q TESTED?

15 A I BELIEVE SO.

16 Q NO FINGERPRINTS OF SCOTT DAVIS?

17 A NO, SIR.

18 Q WHERE IS THE GAS CAN?

19 A I DO NOT KNOW, SIR.

20 Q DID YOU ASK THAT THE GAS CAN BE TESTED FOR  
21 FINGERPRINTS OF ANYBODY ELSE?

22 A I DID NOT.

23 Q DO YOU KNOW IF DETECTIVE WALKER --

24 A DETECTIVE WALKER, I DO NOT KNOW WHAT DETECTIVE WALKER  
25 DID.

1 Q IT'S NOT IN HIS REPORT, IS IT?

2 A I DO NOT KNOW.

3 Q YOU'VE GOT IT RIGHT IN FRONT OF YOU. DO YOU WANT TO  
4 CHECK?

5 A IT DOES NOT SAY.

6 Q IT DOESN'T SAY ANYTHING ABOUT THAT?

7 A NO, SIR.

8 Q OKAY. DID EITHER YOU OR ANYONE TO YOUR KNOWLEDGE  
9 EVER CONTACT THE GBI AND ASK THEM TO MAINTAIN THAT STUFF?

10 A NO, SIR.

11 Q AND THAT GAS CAN TODAY IS WHERE?

12 A I DO NOT KNOW.

13 Q YOU DISCUSSED WITH SCOTT DAVIS SEVERAL TIMES IN THE  
14 INTERROGATION A PIECE OF TORN CLOTHING ON A FENCE. DO YOU  
15 RECALL THAT?

16 A NO, SIR. I DID NOT. DETECTIVE WALKER DID.

17 Q I'M SORRY. DETECTIVE WALKER DISCUSSED WITH MR. DAVIS  
18 THAT. YOU DIDN'T HAVE THAT DISCUSSION?

19 A NO, SIR.

20 Q OKAY. THE PROJECTILE TAKEN FROM MR. COFFIN, IF I  
21 HAVEN'T ASKED YOU, DO YOU KNOW WHERE THAT IS?

22 A NO, SIR.

23 Q MR. DAVIS' TENNIS SHOES, DO YOU KNOW WHERE THOSE ARE?

24 A NO, SIR.

25 Q THEY WERE TESTED FOR BLOOD. CAME UP NOT BLOOD?

1 A THAT'S CORRECT.

2 Q CAME UP MUD?

3 A RIGHT.

4 Q ANY CARPET FIBERS FOUND ON THOSE SHOES FROM DAVID  
5 COFFIN'S HOUSE?

6 A NOT THAT I KNOW OF, SIR.

7 Q NOT THAT YOU KNOW OF. BECAUSE THEY DID TAKE CARPET  
8 FIBERS FROM DAVID COFFIN'S HOUSE, DIDN'T THEY?

9 A IF THEY DID, THEY TOOK THEM FROM THE BEDROOM BECAUSE  
10 THAT WOULD BE THE ONLY PART THAT WOULD HAVE BEEN LEFT.

11 Q AND NO NOTHING?

12 A NOTHING, NOT THAT I KNOW OF.

13 Q OKAY. AND THE DNA, WE'VE ALREADY GONE THROUGH THAT.  
14 AND NOTHING LINKING SCOTT DAVIS TO DAVID COFFIN; CORRECT?

15 A CORRECT.

16 Q NOW, WHEN YOU TALKED TO MEGAN DAVIS -- STRIKE THAT.  
17 YOU LEARNED THAT THE MUD ON THE TENNIS SHOE WAS MUD AND NOT  
18 BLOOD; CORRECT?

19 A EXCUSE ME?

20 Q YOU LEARNED THAT WHAT WAS ON THE TENNIS SHOES WAS NOT  
21 BLOOD BUT MUD?

22 A WHEN THE GBI CRIME LAB REPORT CAME OUT, CORRECT, NOT  
23 FROM MEGAN.

24 Q NOT FROM MEGAN. FORGET I MENTIONED MEGAN. I'M  
25 SORRY. I WITHDREW THAT.

1           A     OKAY.

2           Q     OKAY.  ONCE YOU FOUND OUT IT WASN'T BLOOD, DID YOU  
3 COMPARE OR ASK THAT ANYONE COMPARE THE MUD FROM THE TENNIS  
4 SHOES TO THE MUD OR DIRT OUTSIDE THE BACK GATE OF DAVID  
5 COFFIN'S HOUSE?

6           A     NO, SIR.

7           Q     YOU DIDN'T?

8           A     NO, SIR.

9           Q     COULD HAVE BEEN DONE IF YOU REQUESTED IT?

10          A     I'M NOT SURE.

11          Q     OKAY.  YOU DIDN'T EVEN ASK?

12          A     NO, SIR.

13          Q     OKAY.  THE PHOTO -- I'LL FIND IT IN A MINUTE.  OKAY.  
14 YOU TALKED TO MEGAN DAVIS A NUMBER OF TIMES?

15          A     YES, SIR.

16          Q     IN 1996?

17          A     YES, SIR.

18          Q     1997?

19          A     EARLY PART, YES, SIR.

20          Q     ALL RIGHT.  YOU TALKED TO HER IN 2005?

21          A     NO, SIR.

22          Q     JUST '96 AND '97?

23          A     YES, SIR.

24          Q     ALL RIGHT.  AND SHE TOLD YOU THAT DAVID COFFIN SPENT  
25 SATURDAY EVENING, THE 7TH, WITH HER?

1 A YES.

2 Q SHE TOLD YOU THAT THEY HAD STAYED HOME, HAD DINNER,  
3 AND HE BROUGHT OVER A MOVIE THAT HE HAD RENTED; CORRECT?

4 A YES, SIR.

5 Q DID YOU GO TO THE STORE TO DETERMINE THE TIME THAT  
6 DAVID COFFIN RENTED THE MOVIE?

7 A NO.

8 Q YOU DID NOT?

9 A NO.

10 Q THE FOOTPRINTS, LET'S TALK ABOUT THOSE FOR A MINUTE.  
11 YOU RETURNED TO THE COFFIN PROPERTY, 951 WEST CONWAY, ON  
12 WEDNESDAY DECEMBER 11TH DURING DAYLIGHT HOURS; CORRECT?

13 A THAT'S CORRECT.

14 Q YOU WALKED TO THE REAR OF THE HOUSE?

15 A YES.

16 Q THERE WAS A GATE IN THE FENCE?

17 A YES.

18 Q AND BY THE FENCE YOU FOUND SIGNS OF WHERE SOMEBODY  
19 HAD CLIMBED UP OR DOWN THE HILL?

20 A CORRECT.

21 Q YOU HAD THE ID TECHNICIAN TAKE PHOTOS OF THE  
22 FOOTPRINTS?

23 A YES, SIR.

24 Q OKAY. AND THAT WAS THE PHOTO I WAS JUST LOOKING FOR.  
25 DO YOU HAVE IT OVER THERE BY CHANCE?



1 A I HAVE NO PHOTOS HERE.

2 Q YOU CAN CLEARLY IDENTIFY THESE WERE FOOTPRINTS?

3 A WELL, THEY APPEARED TO BE FOOTPRINTS, YES, SIR.

4 Q DID YOU TAKE ANY MEASUREMENTS?

5 A NO, SIR.

6 Q DID YOU ASK THE TECHNICIAN TO TAKE CLOSE UP PHOTOS?

7 A YES.

8 Q AND DO WE HAVE THOSE PHOTOS?

9 A I DO NOT KNOW.

10 Q WELL, A PHOTO WAS TENDERED INTO EVIDENCE. I KNOW

11 THAT.

12 A RIGHT.

13 Q AND --

14 A THAT IS NOT A CLOSE UP.

15 Q I KNOW IT'S NOT A CLOSE UP. DO YOU KNOW OF ANY OTHER

16 CLOSE UPS?

17 A NO, SIR. THEY WERE TOLD TO DO SO.

18 Q THEY WERE TOLD TO DO SO?

19 A YES.

20 Q DID YOU FOLLOW-UP TO SEE IF THEY DID?

21 A NO, SIR.

22 Q DID YOU EVER SEE ANY CLOSE UPS OF ANY FOOTPRINTS?

23 A NO, SIR.

24 Q DID YOU EVER ASK FOR A CLOSE UP OF A PHOTO SO THAT

25 YOU COULD MAYBE COMPARE PEOPLE'S SHOES?

1 A WE DID.

2 Q AND DID YOU GET THE PHOTO?

3 A NO.

4 Q DIDN'T GET THE PHOTO?

5 A NO, SIR.

6 Q DID YOU ASK THE TECHNICIAN TO MAKE A CAST OF THE  
7 FOOTPRINT?

8 A THEY WERE NOT THAT -- THE PRINTS WERE NOT THAT GOOD  
9 TO MAKE A CAST.

10 Q DID YOU ASK THEM TO?

11 A NO.

12 Q MAYBE IF YOU -- CAN YOU MAKE A CAST? DO YOU KNOW HOW  
13 TO DO THAT?

14 A NO, I DO NOT.

15 Q YOU JUST DETERMINED ON YOUR OWN IT WASN'T A GOOD  
16 ENOUGH FOOTPRINT?

17 A YES, I DID.

18 Q DID YOU MAKE ANY EFFORT TO DETERMINE THE SIZE OF THE  
19 FOOT OR THE KIND OF SHOE?

20 A NO, SIR. LIKE I SAID, LIKE I TESTIFIED TO EARLIER,  
21 THEY WERE LIKE SLIDE MARKS IN THIS WET AREA, MUDDY, AND THEY  
22 WEREN'T -- YOU COULD TELL WHERE SOMEBODY HAD WALKED OVER THERE.  
23 IT WASN'T A CLEAR PRINT.

24 Q WASN'T A CLEAR PRINT?

25 A NO, SIR.

1 Q WAS IT DIRT?

2 A IT WAS DIRT.

3 Q OKAY. DID YOU DO ANYTHING OTHER THAN ASK THE

4 TECHNICIAN TO TAKE A PHOTOGRAPH? DID YOU DO ANYTHING ELSE TO

5 PRESERVE THE FOOTPRINTS?

6 A NO, SIR.

7 Q AND THEY'RE NO LONGER AVAILABLE FOR US TO ANALYZE OR

8 TEST, ARE THEY?

9 A NO, SIR.

10 Q YOU WENT INTO THE BEDROOM OF MR. COFFIN; CORRECT?

11 A I DID NOT.

12 Q YOU DIDN'T?

13 A NO, SIR.

14 Q NEVER WENT IN THERE?

15 A NO, SIR.

16 Q DID YOU SEND IN AN ID TECH?

17 A I DID NOT. DETECTIVE WALKER MAY HAVE. I DIDN'T.

18 Q DID YOU SEE PHOTOGRAPHS OF THE BEDROOM?

19 A I DON'T BELIEVE I'VE SEEN PHOTOGRAPHS OF THE BEDROOM,

20 NO, SIR.

21 Q DID YOU REQUEST THAT ANY FINGERPRINTS BE TAKEN IN THE

22 BEDROOM?

23 A NO, SIR. I DID NOT.

24 Q DO YOU KNOW IF DETECTIVE WALKER DID?

25 A I DO NOT KNOW THAT.

1 Q DO YOU KNOW IF ANY WERE TESTED?

2 A I DO NOT KNOW THAT.

3 Q DO YOU KNOW IF ANY ITEMS IN THE BEDROOM WERE TESTED  
4 FOR FINGERPRINTS?

5 A I DO NOT KNOW.

6 Q NOW, I'M GOING TO SHOW YOU WHAT HAS BEEN PREVIOUSLY  
7 ADMITTED AS STATE'S EXHIBITS 210, 211 AND 212.

8 MAY I APPROACH, YOUR HONOR?

9 THE COURT: YOU MAY.

10 BY MR. MORRIS:

11 Q DO YOU SEE THE FOOTPRINTS IN MR. COFFIN'S PROPERTY  
12 THAT YOU TESTIFIED ABOUT?

13 A NO, SIR.

14 Q SO THERE ARE NO PICTURES OF THE FOOTPRINTS?

15 A NO, SIR.

16 Q WHEN YOU WERE INTERROGATING SCOTT DAVIS, YOU ASKED  
17 HIM IF HE CALLED MEGAN DAVIS OVER THE WEEKEND?

18 A WHEN I WAS INTERVIEWING HIM, YES, SIR, I DID.

19 Q AND HE SAID YES?

20 A YES.

21 Q AND YOU SAID HOW MANY TIMES, AND HE SAID A BUNCH OF  
22 TIMES, DIDN'T HE?

23 A I THINK HE SAID MAYBE TEN TIMES.

24 Q I THINK HE SAID A BUNCH OF TIMES, DIDN'T HE?

25 A MAY HAVE, YES, SIR.

1 Q AND THEN YOU SAID, WELL, HOW MANY? AND HE SAID TEN;  
2 I DON'T KNOW FOR SURE; CORRECT?

3 A CORRECT.

4 Q AND YOU SAID YOU CALLED HER SO MANY TIMES THAT SHE  
5 HAD TO CHANGE HER PHONE NUMBER; ISN'T THAT RIGHT?

6 A THAT'S CORRECT.

7 Q AND HE SAID, YES, I THINK THAT'S WHY SHE DID IT;  
8 RIGHT?

9 A YES.

10 Q AND WHEN YOU ASKED HIM ABOUT GOING TO DAVID COFFIN'S  
11 HOUSE, HE TOLD YOU HE'D NEVER BEEN TO DAVID COFFIN'S HOUSE;  
12 CORRECT?

13 A TOLD ME HE DIDN'T KNOW WHERE HE LIVED.

14 Q HE SPECIFICALLY TOLD YOU HE'D NEVER BEEN TO DAVID  
15 COFFIN'S HOUSE, DIDN'T HE?

16 A CORRECT.

17 Q AND YOU TALKED ABOUT A MEMO, SOMEBODY ISSUING A MEMO  
18 TO HOLD ONTO EVIDENCE AND NOT DESTROY EVIDENCE, AND YOU NEVER  
19 GOT SUCH A MEMO IN THIS CASE?

20 A EXCUSE ME?

21 Q I HAVE WRITTEN DOWN HERE THAT ON DIRECT EXAMINATION  
22 YOU WERE ASKED SOMETHING ABOUT WHETHER YOU EVER RECEIVED A MEMO  
23 NOT TO DESTROY EVIDENCE OR TO HOLD ONTO EVIDENCE?

24 A WHO WAS THIS MEMO SUPPOSED TO HAVE BEEN FROM?

25 Q I DON'T KNOW. DID YOU NOT SAY THAT?

1 A NO. NO, I DID NOT.

2 Q MY MISTAKE. NO SUCH MEMO TO YOUR KNOWLEDGE?

3 A NONE TO ME.

4 Q YOU DIDN'T SEND ONE?

5 A NO.

6 Q OKAY. BRET DAVIS, DO YOU REMEMBER EITHER LATE IN THE  
7 EVENING ON THE 12TH OR EARLY IN THE MORNING ON THE 13TH OF  
8 DECEMBER 1996 YOU DROVE OVER TO BRET DAVIS' HOUSE?

9 A YES.

10 Q AND YOU PHONED HIM. I THINK IT WAS PROBABLY LIKE  
11 1:00 O'CLOCK IN THE MORNING. DO YOU REMEMBER THAT?

12 A I REMEMBER PHONING HIM. I'M NOT SURE WHAT THE TIME  
13 WAS.

14 Q AND YOU GOT THE MACHINE; CORRECT?

15 A YES.

16 Q AND THEN YOU CALLED HIM BACK BECAUSE YOU SAW A LIGHT  
17 GO ON; RIGHT?

18 A DO WHAT NOW?

19 Q YOU CALLED HIM BACK BECAUSE AFTER YOU LEFT YOUR  
20 MESSAGE, YOU SAW A LIGHT GO ON IN HIS HOUSE?

21 A I DID NOT HAVE A CELL PHONE AT THAT TIME, SO I DID  
22 NOT CALL HIM, DIDN'T SEE A LIGHT GO ON IN HIS HOUSE. IF I  
23 CALLED HIM, I CALLED HIM FROM THE OFFICE.

24 Q OKAY. DID YOU MEET BRET DAVIS AT HIS HOME AT THE  
25 FRONT DOOR AND TALK WITH HIM EITHER LATE IN THE EVENING ON

1 DECEMBER 12TH OR EARLY IN THE MORNING ON DECEMBER 13TH?

2 A YES. WE DID GO TO HIS HOUSE AND SPEAK TO HIM FOR  
3 JUST A SECOND.

4 Q AND YOU TALKED TO HIM?

5 A JUST LONG ENOUGH FOR HIM TO SAY I HAVE NOTHING TO SAY  
6 TO YOU AND CLOSE THE DOOR.

7 Q SO HE DIDN'T GIVE YOU ANY INFORMATION WHATSOEVER?

8 A NONE WHATSOEVER.

9 Q OKAY. THIS IS IN 1996?

10 A YES.

11 Q OKAY. YOU DON'T REMEMBER GETTING ANY INFORMATION  
12 WHATSOEVER?

13 A I DO NOT REMEMBER, NO, SIR.

14 Q DO YOU KNOW IF DETECTIVE WALKER TALKED WITH HIM?

15 A DETECTIVE WALKER COULD HAVE.

16 Q AND DO YOU KNOW IF DETECTIVE WALKER GOT ANY  
17 INFORMATION FROM HIM?

18 A I DO NOT KNOW.

19 Q HE COULD HAVE. YOU DON'T KNOW?

20 A I DO NOT KNOW.

21 Q OKAY. YOU JUST KNOW YOU DIDN'T?

22 A I DID NOT.

23 Q OKAY. NOW, WHEN YOU GOT THE CRIME LAB REPORTS BACK,  
24 THE LAB DID NOT TELL YOU THAT THE BERETTA WAS THE MURDER  
25 WEAPON, DID THEY?

1           A       THEY SAID THE BULLET TAKEN FROM MR. COFFIN COULD HAVE  
2 BEEN FIRED FROM A BERETTA, A TAURUS, OR A RUGER.

3           Q       COULD HAVE BEEN FIRED FROM A BERETTA?

4           A       IT WAS FIRED FROM ONE OF THOSE THREE, YES.

5           Q       A TAURUS OR A RUGER?

6           A       THAT'S CORRECT.

7           Q       NOBODY TOLD YOU THAT THE BERETTA FOUND IN THE COFFIN  
8 HOME WAS THE MURDER WEAPON, DID THEY?

9           A       NO ONE HAD TO TELL ME.

10          Q       NO ONE HAD TO TELL YOU?

11          A       NO, SIR. I HAVE A ROUND FIRED FROM A POSSIBLE  
12 BERETTA INSIDE A VICTIM'S HEAD. I HAVE A BERETTA LAYING BESIDE  
13 THE VICTIM'S HEAD. WE CALL THAT EVIDENCE.

14          Q       AND YOU DEDUCED THAT THAT'S THE MURDER WEAPON?

15          A       THAT IS CORRECT.

16          Q       AND WHEN DID YOU TAKE BALLISTIC TRAINING?

17          A       I HAVE NOT TAKEN BALLISTIC TRAINING.

18          Q       YOU JUST MADE THAT DECISION ON YOUR OWN?

19          A       I'VE GOT A BERETTABRET LAYING BESIDE THE VICTIM'S  
20 HEAD. I'VE GOT A POSSIBLE 9 MILLIMETER ROUND FIRED FROM A  
21 BERETTA. BERETTA, TAURUSES, AND RUGER ARE PRETTY MUCH  
22 INTERCHANGEABLE. IT WAS FIRED FROM A POSSIBLE BERETTA. I'VE  
23 GOT A BERETTA LAYING BESIDE THE VICTIM'S HEAD. IT DON'T TAKE A  
24 ROCKET SCIENTIST TO FIGURE OUT THAT'S PROBABLY WHAT KILLED HIM.

25          Q       THAT'S PROBABLY WHAT KILLED HIM?



1 A YES, SIR.

2 Q BECAUSE THE CRIME LAB SAID IT COULD BE; RIGHT?

3 A RIGHT.

4 Q CRIME LAB SAID IT COULD HAVE BEEN TWO OTHER KINDS,  
5 DIDN'T IT?

6 A COULD HAVE BEEN, YES, SIR.

7 Q YOU CONCLUDED ON YOUR OWN THIS WAS THE MURDER WEAPON?

8 A YES, SIR.

9 Q COULD YOU COMPARE THE BULLET TO THE GUN?

10 A NO.

11 Q AND YOU HAVE NO BALLISTICS TRAINING?

12 A NO, SIR.

13 Q YOU JUST SAY, WELL, GEE, THE GUN IS THERE; THE BULLET  
14 IS IN HIS HEAD; HAD TO BE THE SAME GUN; RIGHT?

15 A CORRECT.

16 Q NOW, YOU LATER SWORE UNDER OATH TO THE JUDGE THAT THE  
17 BERETTA WAS THE MURDER WEAPON, DIDN'T YOU?

18 A YES, SIR.

19 Q YOU DIDN'T TELL HIM IT COULD BE THE MURDER WEAPON,  
20 DID YOU?

21 A NO, SIR.

22 Q YOU DIDN'T TELL HIM THE CRIME LAB SAYS IT MAY HAVE  
23 BEEN A TAURUS OR A RUGER, DID YOU?

24 A NO, SIR.

25 Q WHEN DID YOU COME OFF THIS CASE?

1 A EARLY 1997.

2 Q EARLY 1997?

3 A YES, SIR.

4 Q WHEN THE CASE AGAINST SCOTT DAVIS WAS DISMISSED FOR  
5 LACK OF EVIDENCE BY THE D.A.'S OFFICE?

6 A WHEN THE CASE -- RIGHT.

7 Q AND YOU STOPPED YOUR INVESTIGATION THEN?

8 A YES, SIR.

9 Q AND YOU DIDN'T COME BACK UNTIL 2005?

10 A THAT'S CORRECT.

11 Q NOW, IN 2005 YOU KNEW SCOTT DAVIS WAS LIVING IN PALO  
12 ALTO, CALIFORNIA; CORRECT?

13 A THAT'S CORRECT.

14 Q HAD A JOB OUT THERE?

15 A YES, SIR.

16 Q HAD FAMILY -- NOT FAMILY, BUT FRIENDS OUT THERE?

17 A YES, SIR.

18 Q BEEN LIVING OUT THERE FOR A NUMBER OF YEARS?

19 A YES, SIR.

20 Q ALL RIGHT. AND YOU DECIDED TO TRY AND DEVELOP SOME  
21 NEW EVIDENCE ON THIS OLD CASE; CORRECT?

22 A YES, SIR. THE D.A.'S OFFICE DID, YES, SIR.

23 Q AND YOU GOT ENLISTED TO HELP?

24 A THAT IS CORRECT.

25 Q BECAUSE YOU HAD BEEN -- ALWAYS BEEN EITHER THE LEAD

1 DETECTIVE OR THE CO-LEAD DETECTIVE; RIGHT?

2 A THAT'S CORRECT.

3 Q SO THE IDEA WAS TO SECRETLY DO A WIRETAP ON SCOTT

4 DAVIS' PHONES; CORRECT?

5 A THAT'S CORRECT.

6 Q AND THE OBJECT WAS TO LISTEN TO EVERY SINGLE PHONE

7 CALL COMING IN AND GOING OUT?

8 A THAT'S CORRECT.

9 Q AND TO RECORD THOSE PHONE CALLS?

10 A NOT ALL OF THEM.

11 Q NOT ALL OF THEM?

12 A (WITNESS NODS HEAD.)

13 Q JUST THE ONES YOU COULD LEGALLY RECORD?

14 A THAT'S CORRECT.

15 Q CAN'T RECORD WHEN HE'S TALKING TO HIS LAWYER OR

16 SOMETHING LIKE THAT; CORRECT?

17 A THAT'S CORRECT.

18 Q AND THERE'S SOME OTHER RULES, BUT IN GENERAL YOUR

19 OBJECT WAS TO LISTEN AND RECORD THE PHONE CALLS?

20 A THAT'S CORRECT.

21 Q AND TO GET PERMISSION TO DO THAT YOU HAVE TO REQUEST

22 IT FROM A JUDGE?

23 A THAT'S CORRECT.

24 Q AND YOU PREPARE AN AFFIDAVIT?

25 A THAT'S CORRECT.

1 Q LIKE YOU DID FOR THE SEARCH WARRANT AND THE ARREST  
2 WARRANT?

3 A YES.

4 Q AND YOU MAKE THAT AFFIDAVIT UNDER OATH?

5 A YES.

6 Q AND YOU DID THAT IN THIS CASE?

7 A YES.

8 Q AND YOU SWORE TO THE JUDGE THAT THE BERETTA FOUND IN  
9 COFFIN'S HOUSE WAS THE MURDER WEAPON, DIDN'T YOU?

10 A YES, SIR.

11 Q NOW, THE CRIME LAB EXPERTS SAY COULD HAVE BEEN.  
12 WE'VE ALREADY BEEN THROUGH THAT; RIGHT?

13 A CORRECT.

14 Q YOU DIDN'T TELL THAT TO THE JUDGE, DID YOU?

15 A NO, SIR.

16 Q AND YOU DIDN'T TELL THE JUDGE THAT THE BERETTA WAS  
17 LOST, DID YOU?

18 A NO, SIR.

19 Q AND YOU TOLD THE JUDGE IN THE AFFIDAVIT THAT YOU  
20 BELIEVED SCOTT DAVIS MAY HAVE TRANSFERRED BLOOD FROM THE BODY  
21 OF DAVID COFFIN TO GREG GATLEY'S CAR, DIDN'T YOU?

22 A IN THE AFFIDAVIT FOR THE --

23 Q YES. I BELIEVE SO.

24 A I DON'T BELIEVE SO.

25 Q ALL RIGHT. I COULD BE MISTAKEN.

1            INVESTIGATORS BELIEVE THAT DAVIS MAY HAVE TRANSFERRED  
2 COFFIN'S BLOOD OR OTHER SUBSTANCE FROM THE MURDER OF COFFIN TO  
3 THE FRONT SEAT OF THE JEEP OF GATLEY. DO YOU RECALL SAYING  
4 THAT?

5            A     YES, SIR, MAY HAVE. YES, SIR.

6            Q     MAY HAVE?

7            A     YES, SIR. THAT'S WHAT IT SAYS, MAY HAVE.

8            Q     WELL, NOW, YOU'VE ALREADY GOTTEN THE REPORTS BACK.  
9 2005 YOU'VE ALREADY GOTTEN THE REPORTS BACK FROM THE GBI CRIME  
10 LAB, HAVEN'T YOU?

11          A     THAT'S CORRECT.

12          Q     THERE WAS NO BLOOD ON GATLEY'S CAR SEAT, IS THERE?

13          A     I SAID THERE MAY HAVE BEEN, WHICH IS WHEN MR. DAVIS  
14 EXPLAINED TO MR. GATLEY THAT HE HAD SPILLED SOMETHING IN HIS  
15 CAR AND HAD TO CLEAN IT UP.

16          Q     SPILLED SOME SPRAY?

17          A     RIGHT; IN THE WHITE JEEP CHEROKEE THAT WAS IDENTICAL  
18 TO THE ONE MR. COFFIN OWNED.

19          Q     BUT YOU KNEW WHEN YOU MADE THAT AFFIDAVIT UNDER OATH,  
20 THAT THERE WAS NO BLOOD FOUND ON THAT GATLEY CAR SEAT?

21          A     I NEVER SAID THERE WAS. I SAID IT MAY HAVE BEEN.

22          Q     MAY HAVE BEEN.

23          A     I SAID IT MAY HAVE BEEN.

24          Q     RIGHT. BUT YOU DIDN'T SAY, HOWEVER, IT'S BEEN  
25 TESTED, AND NO BLOOD WAS FOUND, DID YOU?

1 A NO, SIR.

2 Q YOU TOLD THE JUDGE THAT MEGAN, ACCORDING TO SCOTT,  
3 THAT MEGAN TOLD SCOTT THAT DAVID COFFIN HAD BEEN SHOT AND THAT  
4 MEGAN DENIED IT; CORRECT?

5 A SIR?

6 Q DID YOU TELL THE JUDGE THAT MEGAN -- THAT SCOTT SAID  
7 MEGAN TOLD HIM DAVID COFFIN HAD BEEN SHOT, AND MEGAN DENIED IT?

8 A YES.

9 Q OKAY. AT THAT POINT IN TIME YOU KNOW THE DISTRICT  
10 ATTORNEY'S OFFICE KNEW ABOUT JENNIFER AND MICHAEL JENACOVA,  
11 DIDN'T YOU?

12 A I DID NOT, NO, SIR.

13 Q YOU DIDN'T KNOW THAT THE DISTRICT ATTORNEY'S OFFICE  
14 KNEW THAT MICHAEL AND JENNIFER JENACOVA HAD INFORMED THEM THAT  
15 MEGAN DAVIS CALLED THEM FROM THE LIMBERGER HOME NEXT DOOR TO  
16 THE COFFIN HOME AT 12:08 A.M?

17 MR. JOHNSON: YOUR HONOR, I'M GOING TO OBJECT. THIS  
18 IS FACTS NOT IN EVIDENCE. HE'S TESTIFYING. IF HE HAS A  
19 QUESTION, ASK IT. HE'S ALREADY SAID HE DOESN'T KNOW.

20 THE COURT: MR. MORRIS, I THINK YOU'RE TESTIFYING  
21 RIGHT NOW.

22 BY MR. MORRIS:

23 Q DID YOU HAVE ANY INFORMATION WHEN YOU MADE  
24 APPLICATION FOR THIS WIRETAP IN APRIL OF 2005, THAT, IN FACT,  
25 MEGAN DAVIS WAS THE SOURCE OF THE DAVID COFFIN HAS BEEN SHOT IN

1 THE HEAD?

2 A I DID NOT.

3 Q YOU DID NOT, OKAY. AND YOU DIDN'T TELL THE JUDGE IN  
4 THE AFFIDAVIT THAT THE FINGERPRINTS FROM THE PORSCHE DID NOT  
5 BELONG TO SCOTT DAVIS, DID YOU?

6 A NO, SIR.

7 Q YOU GOT PERMISSION TO DO THE WIRETAPPING?

8 A CORRECT.

9 Q YOU AND A TEAM FROM ATLANTA, INCLUDING  
10 REPRESENTATIVES OF THE FULTON COUNTY DISTRICT ATTORNEY'S  
11 OFFICE, WENT OUT TO PALO ALTO, CALIFORNIA WHERE SCOTT DAVIS  
12 LIVED; CORRECT?

13 A ONE MEMBER.

14 Q EXCUSE ME?

15 A I WAS OUT THERE WORKING WITH ONE MEMBER OF THE FULTON  
16 COUNTY DISTRICT ATTORNEY'S OFFICE.

17 Q ALL RIGHT. JUST MORE THAN YOU AND HIM CAME OUT FROM  
18 ATLANTA?

19 A NEGATIVE.

20 Q NEGATIVE?

21 A JUST ME AND HIM.

22 Q AND WHO IS HIM?

23 A RAND CSEHY.

24 Q JUST THE TWO OF YOU?

25 A THAT'S CORRECT.

1 Q NOBODY ELSE FROM ATLANTA?

2 A SIR?

3 Q NOBODY ELSE FROM ATLANTA?

4 A NOBODY ELSE I WAS WORKING WITH.

5 Q ALL RIGHT. AND YOU HAD THE ASSISTANCE OF PALO ALTO  
6 POLICE?

7 A THAT'S CORRECT.

8 Q AND YOU SET UP A WIRETAP?

9 A YES.

10 Q AND YOU BEGAN TAPING FROM APRIL 14 TO APRIL 26TH,  
11 2005; CORRECT?

12 A I BELIEVE SO, YES, SIR.

13 Q WELL, I DON'T WANT YOU TO GUESS.

14 A I CAN'T TELL YOU THE EXACT DATE THAT THE WIRE WENT  
15 DOWN.

16 Q ALL RIGHT.

17 A THE WIRE WAS BEING RUN BY THE FULTON COUNTY D.A.'S  
18 OFFICE.

19 Q YOU KNEW IT WAS MORE THAN A WEEK?

20 A I KNEW IT WAS ABOUT A WEEK, YES, SIR.

21 Q ALL RIGHT. AND YOU WENT OUT TO PALO ALTO, AND YOU  
22 HELD A PRESS CONFERENCE, DIDN'T YOU?

23 A I DID.

24 Q AND YOU ANNOUNCED THAT THE INDICTMENT AND THE ARREST  
25 OF SCOTT DAVIS WAS IMMINENT?



1           A     I ANNOUNCED THAT THE ARREST OF SCOTT DAVIS WAS  
2 IMMINENT.

3           Q     I THINK YOU SAID INDICTMENT TOO, DIDN'T YOU?

4           A     I MAY HAVE, BUT I DON'T THINK SO.

5           Q     MAY HAVE. NOW, YOU MADE THAT UP, DIDN'T YOU?

6           A     I DID.

7           Q     THAT WAS WHAT WE CALL TICKLING THE WIRE?

8           A     THAT'S CORRECT.

9           Q     OKAY. BUT IT WAS FALSE, WASN'T IT?

10          A     WELL, NO. HE WAS ARRESTED IN NOVEMBER OF THAT YEAR.

11          Q     WELL, DID THE DISTRICT ATTORNEY'S OFFICE TELL YOU  
12 WE'RE GOING TO ARREST HIM NOW AND INDICT HIM NOW, IMMINENTLY?

13          A     NO. BUT I WAS ADVISED BY THE DISTRICT ATTORNEY'S  
14 OFFICE THAT WAS THE PLAN, TO DO THAT WITH THE DISTRICT OFFICE  
15 ATTORNEY'S KNOWLEDGE.

16          Q     WHO TOLD YOU THAT?

17          A     WHO TOLD ME WHAT?

18          Q     WHO TOLD YOU WHAT YOU JUST SAID?

19          A     RAND CSEHY.

20          Q     RAND CSEHY TOLD YOU THAT THE DISTRICT ATTORNEY, PAUL  
21 HOWARD, HAS APPROVED YOU SAYING WE'RE GOING TO ARREST HIM AND  
22 INDICT HIM IMMINENTLY?

23          A     I WAS UNDER THE IMPRESSION THAT, FROM RAND CSEHY AND  
24 THE FULTON COUNTY DISTRICT ATTORNEY'S OFFICE, THAT THIS HAD  
25 BEEN PREAPPROVED THROUGH THEM TO WHAT WE WERE DOING AND WHAT

1 WAS BEING SAID. BECAUSE WHAT I SAID TO THEM I HAD TO GET  
2 APPROVED BY HIM BEFORE I SAID IT DURING THE INTERVIEW.

3 Q OKAY. SO IT WAS ALL APPROVED?

4 A YES.

5 Q OKAY. BUT IT WASN'T TRUE. IT WAS JUST A TICKLE?

6 A THAT'S CORRECT.

7 Q SO YOU'RE TICKLING, AND YOU TELL THEM THAT HE'S GOING  
8 TO BE ARRESTED AND INDICTED SOON; CORRECT?

9 A CORRECT.

10 Q AND YOU SAY THIS IN HOPES THAT THAT WILL CAUSE SCOTT  
11 DAVIS TO START MAKING PHONE CALLS; RIGHT?

12 A CORRECT.

13 Q AND INCRIMINATE HIMSELF; RIGHT?

14 A WELL, I HAVE YET TO HEAR ANYONE CONFESS ON A WIRETAP,  
15 BUT WE WERE LOOKING FOR A CO-CONSPIRATOR, IF THERE WAS A  
16 CO-CONSPIRATOR IN THIS CASE. THAT WAS THE REASON FOR THE  
17 WIRETAP.

18 Q I DIDN'T SAY CONFESS. I SAID SAY SOMETHING THAT  
19 WOULD INCRIMINATE HIM.

20 A IT'S THE SAME.

21 Q DID YOU HOPE FOR THAT?

22 A YES, SIR.

23 Q ALL RIGHT. AND YOU ALSO SAID IN THE AFFIDAVIT, WELL,  
24 THERE MIGHT BE SOME CO-CONSPIRATORS OR ACCOMPLICES; CORRECT?

25 A THAT'S CORRECT.

1 Q AND YOU NAMED A BUNCH OF PEOPLE, DIDN'T YOU?

2 A THAT'S CORRECT.

3 Q UNDER OATH. YOU SAID MIKE FIERMAN, HIS FRIEND, MIGHT

4 BE A CO-CONSPIRATOR, ACCOMPLICE?

5 A THAT'S CORRECT.

6 Q YOU SAID BRET DAVIS MIGHT BE A CO-CONSPIRATOR?

7 A THAT'S CORRECT.

8 Q YOU SAID HIS FATHER, DR. DAVE DAVIS, MIGHT BE A

9 CO-CONSPIRATOR OR ACCOMPLICE?

10 A THAT'S CORRECT.

11 Q AND SO YOU HOPED THAT AMONGST AND BETWEEN ALL THESE

12 PEOPLE THEY'RE GOING TO SAY SOMETHING ON THE TELEPHONE THAT'S

13 GOING TO GIVE YOU EVIDENCE TO MOVE THIS CASE FORWARD AGAINST

14 SCOTT DAVIS?

15 A THAT'S CORRECT.

16 Q AND YOU TICKLED BY ALSO SAYING WE'RE VERY CLOSE,

17 WE'RE ABOUT TO INDICT AND ARREST, WE JUST NEED ONE LITTLE EXTRA

18 PIECE OF EVIDENCE, AND THERE'S A \$300,000 REWARD; CORRECT?

19 A THAT'S CORRECT.

20 Q AND AFTER YOU TICKLED, YOU STARTED VISITING SCOTT

21 DAVIS' FRIENDS AND NEIGHBORS AND ASSOCIATES AND INTERVIEWING

22 THEM; CORRECT?

23 A THAT'S CORRECT.

24 Q AND YOU TOLD THEM THINGS THAT WERE LIES IN HOPES THAT

25 THEY WOULD CALL SCOTT DAVIS AND GET HIM STIRRED UP, DIDN'T YOU?

1 A I DIDN'T TELL LIES.

2 Q YOU DIDN'T TELL LIES?

3 A NO, SIR.

4 Q DIDN'T YOU TELL SOMEBODY, IN FACT, THAT SCOTT DAVIS  
5 HAD KILLED ONE OF HIS GIRLFRIENDS?

6 A NO.

7 Q YOU NEVER SAID THAT?

8 A NO, I DID NOT.

9 Q HOW ABOUT ANY OF THE PALO ALTO POLICE THAT WERE WITH  
10 YOU?

11 A NO, SIR.

12 Q NO. DID YOU TALK TO A MAN BY THE NAME OF GARRICK  
13 BALLANTINE?

14 A YES.

15 Q YOU INTERVIEWED HIM?

16 A YES.

17 Q YOU KNEW THAT HE WAS A FRIEND OF SCOTT DAVIS?

18 A THAT'S CORRECT.

19 Q AND DIDN'T YOU TELL HIM THAT SCOTT DAVIS WAS  
20 RESPONSIBLE FOR THE DEATH OF A WOMAN NAMED SHELLY SILVER?

21 A NO.

22 Q AND, IN FACT, SHELLY SILVER HAD DIED OF A HEART  
23 ATTACK IN SAN FRANCISCO, CALIFORNIA WHEN SCOTT DAVIS WAS IN  
24 PALO ALTO, CALIFORNIA.

25 A I NEVER TOLD HIM THAT HE KILLED --

1 Q YOU NEVER TOLD HIM THAT?

2 A NO, I DID NOT.

3 Q FIGMENT OF HIS IMAGINATION?

4 A NO, SIR. WE MENTIONED IT. WE NEVER SAID SCOTT  
5 KILLED HER.

6 Q OH, YOU MENTIONED IT. WHAT DID YOU MENTION?

7 A WE MENTIONED THAT WAS HE AWARE THAT A FRIEND OF SCOTT  
8 DAVIS' IN SAN FRANCISCO HAD DIED AND THAT A LARGE SUM OF MONEY  
9 OF HERS WAS MISSING AFTER THAT, NEVER SAID HE KILLED HER.

10 Q OH, I SEE. YOUR PURPOSE WAS TO BRING ATTENTION TO  
11 SCOTT DAVIS WITH THAT ALLEGATION, WASN'T IT?

12 A YES.

13 Q AND YOU KNEW THERE WAS NO FACTUAL BASIS FOR THAT;  
14 ISN'T THAT TRUE?

15 A THAT'S CORRECT. I NEVER SAID -- I NEVER SAID HE  
16 KILLED HER. I SAID, DID YOU KNOW THAT A LADY THAT SCOTT KNEW  
17 IN SAN FRANCISCO HAD DIED AND THAT THE NEXT DAY AFTER SHE DIED,  
18 SOMEBODY KICKED HER DOOR IN, AND A LARGE SUM OF MONEY WAS  
19 MISSING FROM HER.

20 Q YOU INTENDED TO SUGGEST THAT IT WAS SCOTT DAVIS,  
21 DIDN'T YOU?

22 A NO. I DIDN'T INTEND ANYTHING. I JUST TOLD -- I JUST  
23 STATED A FACT.

24 Q YOU JUST STATED A FACT -- NOTHING TO DO WITH SCOTT  
25 DAVIS?

1           A     NO.  I SAID -- I TOLD YOU; A LADY THAT SCOTT DAVIS  
2 KNEW.

3           Q     I UNDERSTAND.

4           A     EXACTLY RIGHT.

5           Q     AND YOUR PURPOSE WAS TO MAKE THEM BELIEVE THAT SCOTT  
6 DAVIS COULD HAVE BEEN RESPONSIBLE FOR THAT?

7           A     NO, SIR.  YOU CAN'T PUT WORDS IN MY MOUTH.

8           Q     I SEE.  WE'LL LIVE WITH YOUR WORDS.

9           A     THANK YOU.

10          Q     SO YOU TOLD THAT TO MR. BALLANTINE?

11          A     YES.

12          Q     WHO ELSE DID YOU TELL IT TO?

13          A     I'M NOT SURE WE TOLD IT TO ANYONE ELSE.

14          Q     NOT SURE YOU TOLD ANYONE ELSE.  DID YOU TELL ANYBODY  
15 ELSE THAT HE HAD BEEN STALKING WOMEN OUT IN CALIFORNIA?

16          A     NO.

17          Q     NO?  DIDN'T TELL ANYBODY THAT?

18          A     NO.

19          Q     ALL RIGHT.  NOW, YOUR PURPOSE IN BEING OUT THERE IS  
20 TO FIND EVIDENCE TO FIT YOUR THEORY; CORRECT?

21          A     FIND EVIDENCE ON MR. DAVIS.

22          Q     I MEAN MR. DAVIS WAS YOUR THEORY?

23          A     RIGHT.

24          Q     AND YOU LISTENED TO ALL OF THE CALLS THAT SCOTT DAVIS  
25 MADE ON HIS HOME PHONE; CORRECT?

1 A CORRECT.

2 Q FROM APRIL 14TH TO ON OR ABOUT APRIL 26TH. YOU'RE  
3 NOT SURE OF THE EXACT FINISH DATE.

4 A CORRECT.

5 Q CORRECT? AND YOU LISTENED TO ALL CALLS THAT HE  
6 RECEIVED?

7 A I DID NOT LISTEN.

8 Q WELL, LET'S TALK ABOUT THAT. WHEN I SAY YOU, YOU'RE  
9 PART OF A TEAM; RIGHT?

10 A CORRECT.

11 Q WE'VE GOT YOU AND ASSISTANT DISTRICT ATTORNEY RAND  
12 CSEHY RIGHT THERE ON THE GROUND IN PALO ALTO?

13 A CORRECT.

14 Q WE'VE GOT HOW MANY PEOPLE FROM PALO ALTO LAW  
15 ENFORCEMENT ASSISTING YOU?

16 A THREE TO FOUR.

17 Q THREE TO FOUR. SO WE'VE GOT FIVE OR SIX OF YOU  
18 THERE; CORRECT?

19 A YES.

20 Q AND THEN BACK IN ATLANTA THE WIRETAP EQUIPMENT  
21 CONVEYS THE CONVERSATIONS; IS THAT RIGHT?

22 A THAT'S CORRECT.

23 Q SO YOU CAN SIT IN ATLANTA, AND YOU CAN MONITOR; THAT  
24 IS, HEAR AT THE SAME TIME THE CONVERSATION IS BEING HAD, WHAT  
25 SCOTT DAVIS IS SAYING ON HIS TELEPHONE AND WHAT THE PERSON WHO

1 IS TALKING TO HIM IS SAYING?

2 A THAT'S CORRECT.

3 Q AND THEY RECORD THAT AS WELL AS LISTEN TO IT?

4 A CORRECT.

5 Q AND THEY CAN ALSO PLAY THAT FOR YOU IN CALIFORNIA?

6 A THAT IS CORRECT.

7 Q TO KEEP YOU APPRISED OF WHAT'S GOING ON?

8 A THAT'S CORRECT.

9 Q OKAY. AND HOW MANY PEOPLE IN ATLANTA ARE MONITORING  
10 THE CALLS?

11 A IT VARIED FROM DAY-TO-DAY, HOUR-TO-HOUR.

12 Q WELL --

13 A I MEAN, IT WAS ANYWHERE FROM TWO TO THREE TO FOUR OR  
14 SOMETHING.

15 Q SO YOU'VE GOT ABOUT EIGHT OR NINE PEOPLE BETWEEN  
16 CALIFORNIA AND ATLANTA INVOLVED IN THIS WIRETAP?

17 A YES.

18 Q AND LISTENING AND MONITORING?

19 A YES.

20 Q SO SOMEBODY, SOMEBODY IS LISTENING TO EVERY PHONE  
21 CALL THAT SCOTT RECEIVES ON HIS HOME PHONE; CORRECT?

22 A NOT EVERY CALL.

23 Q WE'RE EXCLUDING CALLS TO LAWYERS WHICH AREN'T  
24 ALLOWED?

25 A RIGHT.



1 Q OKAY. ALL THE OTHER CALLS ARE BEING LISTENED TO?  
2 A CORRECT.  
3 Q ALL THE OTHER CALLS ARE BEING RECORDED?  
4 A CORRECT.  
5 Q ALL RIGHT. THAT'S COMING IN AND GOING OUT?  
6 A CORRECT.  
7 Q AND NOT ONLY THAT, YOU'RE DOING THE SAME THING ON HIS  
8 CELL PHONE; CORRECT?  
9 A THAT'S CORRECT.  
10 Q ALL THE CALLS COMING IN; RIGHT?  
11 A RIGHT.  
12 Q ALL THE CALLS GOING OUT?  
13 A CORRECT.  
14 Q AND ALL TOLD BETWEEN APRIL 14 AND APRIL 26 THERE ARE  
15 500 OR SO PHONE CALLS LISTENED TO AND RECORDED; CORRECT?  
16 A IF YOU SAY SO, YES, SIR.  
17 Q NOT WHAT I SAY.  
18 A I DO NOT KNOW.  
19 Q YOU KNOW THERE ARE HUNDREDS OF CALLS?  
20 A YES. I DO NOT KNOW THE NUMBER.  
21 Q YOU LISTENED TO THESE CALLS?  
22 A I HAVE NOT LISTENED TO ALL OF THEM, NO, SIR. I HAVE  
23 NOT.  
24 Q YOU LISTENED TO A BUNCH OF THEM?  
25 A NO, SIR. I HAVE NOT.

1 Q OKAY. YOU KNOW THEY HAVE BEEN LISTENED TO?  
2 A YES, SIR. I DO.  
3 Q BY THE DISTRICT ATTORNEY'S OFFICE?  
4 A YES, SIR.  
5 Q AND YOU KNOW THERE ARE HUNDREDS OF THEM?  
6 A YES, SIR.  
7 Q OKAY. NOW, OUT OF THOSE PHONE CALLS YOU DON'T GET  
8 ANY BLOOD, FIBER, DNA, FINGERPRINTS, PAINT OR CONFESSIONS;  
9 CORRECT?  
10 A CORRECT.  
11 Q AND JUST SO WE'RE CLEAR, YOU DON'T GET ANY  
12 INFORMATION ABOUT THE MISSING PORSCHE FLOOR MAT, DO YOU?  
13 A NO, SIR.  
14 Q YOU DON'T GET ANY INFORMATION ABOUT THE MISSING  
15 FINGERPRINTS?  
16 A NO, SIR.  
17 Q YOU DON'T GET ANY INFORMATION ABOUT THE MISSING  
18 BLOOD?  
19 A NO, SIR.  
20 Q YOU DON'T GET ANY INFORMATION ABOUT THE MISSING SIX  
21 LATENT PRINT CARDS?  
22 A NO, SIR.  
23 Q YOU DON'T GET ANY INFORMATION ABOUT THE MISSING  
24 SHOTGUN?  
25 A NO, SIR.

1 Q YOU GET NO INFORMATION ABOUT THE MISSING BERETTA?  
2 A NO, SIR.  
3 Q NO INFORMATION ABOUT THE "I LOVE MY CAR" GLASS  
4 CLEANER?  
5 A NO, SIR.  
6 Q NO INFORMATION ABOUT THE PEPPER SPRAY CAN THAT WAS  
7 TESTED?  
8 A NO, SIR.  
9 Q AND THERE WAS A PEPPER SPRAY CAN TESTED, WASN'T IT?  
10 A YES, SIR.  
11 Q OKAY. YOU GET NO INFORMATION ABOUT THE 9 MILLIMETER  
12 CARTRIDGE?  
13 A NO, SIR.  
14 Q NO INFORMATION ABOUT THE MAGAZINE?  
15 A NO, SIR.  
16 Q NO INFORMATION ABOUT THE PROJECTILE?  
17 A NO, SIR.  
18 Q NO INFORMATION ABOUT THE TAPE LIFTS FROM THE DOOR?  
19 A NO, SIR.  
20 Q NO INFORMATION ABOUT THE HAIR TAPE LIFTS?  
21 A NO, SIR.  
22 Q NO INFORMATION ABOUT THIS FUZZY BALL?  
23 A NO, SIR.  
24 Q NO INFORMATION ABOUT THE BEDROOM CARPET SAMPLES?  
25 A NO, SIR.

1 Q NO INFORMATION ABOUT ANY SWABBINGS?

2 A NO, SIR.

3 Q NO INFORMATION ABOUT ANY BURNED DEBRIS?

4 A NO, SIR.

5 Q NO BLOOD, DNA, HAIR, FIBER LINKING SCOTT DAVIS TO  
6 DAVID COFFIN?

7 A NO, SIR.

8 MR. MORRIS: THAT'S ALL I HAVE, I BELIEVE, YOUR  
9 HONOR. I'LL JUST CHECK WITH MY CO-COUNSEL.

10 THAT'S ALL. THANK YOU, JUDGE.

11 THE COURT: REDIRECT?

12 REDIRECT EXAMINATION

13 BY MR. JOHNSON:

14 Q DETECTIVE CHAMBERS, DID YOU GO INTO THE WIRE  
15 EXPECTING TO GET THAT TYPE OF INFORMATION?

16 A NO, SIR.

17 Q THERE'S ANOTHER NAME THAT WAS LISTED IN THE AFFIDAVIT  
18 THAT MR. MORRIS DIDN'T NAME AS A POTENTIAL CO-CONSPIRATOR. DO  
19 YOU RECALL WHO THAT WAS? I'LL TELL YOU WHO HE DID NAME. THAT  
20 WAS BRET DAVIS, MICHAEL FIERMAN, AND DR. DAVE DAVIS. WAS THERE  
21 ANYONE ELSE?

22 A I'D HAVE TO LOOK AT THE AFFIDAVIT.

23 Q SURE. PLEASE TAKE A LOOK AT THAT AND SEE IF THAT  
24 REFRESHES YOUR MEMORY.

25 A YES, SIR.

1 Q AND WHO IS THE OTHER PERSON YOU LOOKED AT AS A  
2 POTENTIAL CO-CONSPIRATOR?

3 A JAMES DAWS.

4 Q IS JAMES DAWS -- WAS HE THE PRIVATE INVESTIGATOR THAT  
5 WAS HIRED BY THE DEFENDANT?

6 A YES, SIR.

7 Q THE SAME JAMES DAWS WHO PROVIDED HIM WITH THE ADDRESS  
8 OF DAVID COFFIN, IS THAT WHO YOU WERE TARGETING?

9 A YES, SIR.

10 Q AND WHERE DID JAMES DAWS WORK AT THAT TIME IN 2005?

11 A HE WAS A CITY OF ATLANTA FIREMAN.

12 Q WHERE DID THE EVIDENCE GO AFTER IT LEFT THE GBI?

13 A CITY OF ATLANTA FIRE DEPARTMENT.

14 Q ARE YOU AWARE OF WHETHER OR NOT THE JENACOVAS REFUSED  
15 TO SPEAK TO THE DISTRICT ATTORNEY'S OFFICE?

16 A I'M NOT AWARE.

17 Q NOW, TALKING A LITTLE BIT ABOUT THE SEARCH YOU  
18 EXECUTED AT THE DEFENDANT'S HOME, 1367 BATTLEVIEW DRIVE?

19 A YES.

20 Q FROM THE TIME YOU DROPPED HIM OFF AT YOUR HOUSE -- AT  
21 HIS HOUSE, RATHER, UNTIL THE TIME THAT YOU EXECUTED THE  
22 WARRANT, DO YOU KNOW WHERE THE DEFENDANT WAS?

23 A NO, SIR.

24 Q DID HE HAVE ACCESS TO HIS HOUSE?

25 A YES, SIR.

1 Q DID YOU BLOCK HIM FROM GOING THERE?  
2 A NO, SIR.  
3 Q COULD ANYONE FROM THE POLICE DEPARTMENT BLOCK HIM  
4 FROM GOING THERE?  
5 A NO, SIR.  
6 Q COULD HE HAVE GONE THERE?  
7 A YES.  
8 Q COULD BRET DAVIS HAVE GONE THERE?  
9 A YES, SIR.  
10 Q COULD ANYONE HAVE GONE THERE?  
11 A YES, SIR.  
12 Q WHEN YOU FILED ONE OF THE WARRANTS, THERE WAS A  
13 QUESTION OF THE TIME REGARDING WHEN THE BURGLARY OCCURRED OR  
14 WHEN IT MAY HAVE OCCURRED. AND THERE WAS SOME DISCUSSION YOU  
15 HAD WITH MR. MORRIS BETWEEN 7:00 AND 7:30. DO YOU REMEMBER  
16 THAT?  
17 A YES, SIR.  
18 Q AT THAT TIME DID YOU HAVE THE PHONE RECORD THAT HAD A  
19 CALL BEING PLACED WHEN THE BURGLARY WAS OCCURRING FROM THE  
20 COFFIN RESIDENCE --  
21 MR. MORRIS: OBJECTION.  
22 MR. JOHNSON: -- TO THE DAVIS RESIDENCE?  
23 MR. MORRIS: LEADING, MISSTATES THE EVIDENCE, AND  
24 IT'S IMPROPER.  
25 THE COURT: OVERRULED.

1 BY MR. JOHNSON:

2 Q DID YOU HAVE THAT PHONE RECORD?

3 A NO, SIR.

4 Q WHEN YOU WENT TO THE DEFENDANT'S HOME THE FIRST TIME  
5 THAT NIGHT ON DECEMBER 10TH INTO DECEMBER 11TH AND HE TOLD YOU  
6 ABOUT WHAT HAD HAPPENED EARLIER, BEING ATTACKED ONCE AND THEN  
7 BEING ATTACKED AGAIN, DID YOU SEE ANY MACE ON THE CARPORT IN  
8 THE DRIVEWAY OR ANYTHING LIKE THAT?

9 A NO, SIR.

10 Q AND IS THERE A REASON WHY YOU OR DETECTIVE WALKER  
11 WOULD TAKE THOSE POLAROID PHOTOS THAT DAY?

12 A OF HIS HANDS?

13 Q RIGHT.

14 A YES.

15 Q WHY?

16 A BECAUSE THERE WERE SCRAPES ON HIS HANDS.

17 Q DO YOU KNOW IF THAT NIGHT THE DEFENDANT HAD SHOWERED  
18 AT ALL BEFORE YOU HAD GOTTEN TO HIM?

19 A I DO NOT KNOW.

20 Q IF I WERE TO SHOW YOU HIS STATEMENT, WOULD THAT HELP  
21 TO REFRESH YOUR MEMORY?

22 A YES. I'VE GOT IT RIGHT HERE.

23 Q OKAY. IF YOU WOULD, PLEASE, TAKE A LOOK AT THAT, AND  
24 I CAN ASSIST YOU. IF YOU WOULD LOOK ON THE FIRST PAGE --

25 A RIGHT; WHERE HE SAYS HE SHOWERED AFTER THE MACE, YES,

1 SIR.

2 Q OKAY. SO BEFORE YOU GOT TO HIM, HAD HE TAKEN A  
3 SHOWER?

4 A YES.

5 Q DO YOU KNOW WHETHER OR NOT HE TOOK MORE THAN ONE  
6 SHOWER?

7 A I DO NOT KNOW.

8 Q NOW, THE TAPE OF THE INTERVIEW THAT WAS PLAYED HERE  
9 IN COURT YESTERDAY, DID YOU ALTER THAT TAPE IN ANY WAY?

10 A NO, SIR.

11 Q DID ANYONE ALTER THAT TAPE?

12 A NO, SIR.

13 Q AND I THINK I ASKED YOU YESTERDAY OF THE SOUND IN THE  
14 BACKGROUND, AND YOU SAID THAT WAS THE DOOR?

15 A OPENING AND CLOSING, YES, SIR.

16 Q IS THERE ANYTHING THAT WENT ON DURING THAT INTERVIEW  
17 ONCE THE TAPE STARTED THAT'S NOT ON THAT TAPE?

18 A NO, SIR.

19 Q NOW, YOU ADVISED THE DEFENDANT OF HIS MIRANDA RIGHTS;  
20 IS THAT CORRECT?

21 A THAT IS CORRECT.

22 Q AND HOW FAR DID HE GO IN SCHOOL?

23 A I BELIEVE HE HAS A MASTERS DEGREE.

24 Q THE LOCATION WHERE MR. ROBERTS LIVED, POST PEACHTREE  
25 HILLS?



1 A YES, SIR.

2 Q WHERE IN RELATION TO POST PEACHTREE HILL DOES BRET  
3 DAVIS LIVE?

4 A IT WAS WITHIN QUARTER MILE, HALF MILE AT THE MOST.

5 Q WHEN YOU WENT TO SEE MR. BRET DAVIS, DID HE GIVE YOU  
6 AN OPPORTUNITY TO ASK ANY QUESTIONS?

7 A NO, SIR.

8 Q AND TALKING ABOUT THE DEFENDANT, MR. DAVIS, BACK IN  
9 1996 WHEN YOU WERE INTERVIEWING HIM, DID YOU KNOW HOW OLD HE  
10 WAS?

11 A YES, SIR.

12 Q HOW OLD?

13 A HE WAS -- AT THE TIME I BELIEVE HE WAS 31 YEARS OLD.

14 Q NOW, WHEN YOU WENT BACK TO THE DEFENDANT'S HOME  
15 AFTER -- WELL, LET ME ASK YOU, WHEN YOU WENT THERE THE FIRST  
16 TIME, DID EITHER YOU OR SOMEONE ELSE WITH THE ATLANTA POLICE  
17 DEPARTMENT CHECK IN THE CARPORT?

18 A ON THE FIRST TRIP?

19 Q RIGHT.

20 A YOU MEAN INTO --

21 Q FOR YOU. IT WASN'T YOU PERSONALLY?

22 A NO.

23 Q WHAT ABOUT ON THE SECOND TRIP BACK?

24 A DETECTIVE WALKER.

25 Q DID THE DEFENDANT EVER TELL YOU THAT THE ATTACKER HAD

1 MADE IT TO THE CARPORT A SECOND TIME?

2 A NO.

3 Q DID YOU EVER SEARCH THE DEFENDANT'S OWN PERSONAL CAR?

4 A I DID NOT.

5 Q WHAT DID YOU NOTICE ABOUT THE CAR, THOUGH, WHEN YOU  
6 WERE THERE AT HIS HOUSE?

7 A IT WAS SPOTLESS.

8 Q DID YOU EVER TRY TO GET A SEARCH WARRANT FOR HIS  
9 BROTHER BRET'S JEEP?

10 A NO.

11 Q AND WHY NOT?

12 A BECAUSE BASE -- I DIDN'T SEE WE COULD GET ONE BASED  
13 SOLELY ON THAT NOTE SINCE WE KNEW THE NOTE WAS FALSE.

14 Q AND YOU'RE REFERENCING THE NOTE THAT THE DEFENDANT  
15 LEFT FOR MR. TOM ELIAS?

16 A THAT'S CORRECT.

17 Q NOW, REGARDING THE FOOTPRINTS THAT WERE AT THE BACK  
18 OF THE VICTIM'S HOUSE THAT THERE WAS SOME DISCUSSION ABOUT, THE  
19 PHOTOS AND CLOSE UPS, THAT KIND OF THING --

20 A RIGHT.

21 Q -- DO YOU KNOW FROM BEING OUT THERE AND PERSONALLY  
22 OBSERVING THEM, WHICH WAY THE FOOTPRINTS WERE GOING?

23 A NO, SIR.

24 Q DO YOU KNOW WHETHER THOSE PRINTS WERE LEFT BEFORE OR  
25 AFTER THE FIRE?

1 A I DO NOT KNOW.

2 Q DO YOU KNOW WHEN THEY WERE LEFT?

3 A NO, SIR.

4 Q HOW MANY PEOPLE WERE OUT ON THAT SCENE WHEN YOU  
5 ARRIVED THAT NIGHT ON DECEMBER 10TH AT THE VICTIM'S HOUSE?

6 A I COULDN'T TELL YOU HOW MANY PEOPLE WERE THERE.  
7 QUITE A BIT OF ATLANTA FIRE DEPARTMENT WAS THERE.

8 Q MORE THAN TEN?

9 A I WOULD THINK SO.

10 Q IF YOU HAD TO GUESS?

11 A MORE THAN FIVE, LESS THAN 30, I THINK, I WOULD SAY.

12 Q NOW, THERE WAS A QUESTION THAT THERE WAS NO USABLE  
13 EVIDENCE FROM MR. GATLEY'S JEEP. DO YOU REMEMBER THAT QUESTION  
14 THAT WAS ASKED?

15 A YES.

16 Q WHAT WAS IT ABOUT MR. GATLEY'S JEEP, WHY YOU WERE  
17 INTERESTED IN IT?

18 A IT WAS IDENTICAL TO THE ONE THAT MR. COFFIN OWNED AND  
19 THEN THE FACT THAT SCOTT DAVIS HAD BORROWED IT ON MONDAY NIGHT,  
20 THE NIGHT THAT WE THINK MR. COFFIN WAS KILLED, WAS WHY WE  
21 WANTED THE VEHICLE, THAT AND THE FACT THAT MR. DAVIS HAD NEVER  
22 MENTIONED WHEN HIS -- WHEN WE ASKED HIM ABOUT MONDAY, WHEN HE  
23 SAID HE COULD ACCOUNT FOR ALL HIS WHEREABOUTS ON MONDAY, HE HAD  
24 SAID HE'D GONE TO WORK, AND THEN WE FOUND OUT THAT HE HAD  
25 ACTUALLY CALLED IN SICK THAT DAY. AND THEN HE HAD NEVER

1 MENTIONED BORROWING GREG GATLEY'S JEEP TO TAKE CHAIRS BACK  
2 BECAUSE HE HAD TOLD US HE HAD TAKEN THE CHAIRS BACK TO TOM  
3 ELIAS OVER THE WEEKEND.

4 Q NOW, THE LOCATION OF THE HOMICIDE OFFICE BACK IN  
5 1996, WHERE WAS THAT?

6 A SOMERSET TERRACE, JUST OFF NORTH AVENUE.

7 Q AND WHERE IS IT NOW?

8 A CITY HALL EAST, 675 PONCE DE LEON.

9 Q AND THE PROPERTY ROOM IN 1996, WHERE WAS THAT  
10 LOCATED?

11 A 1996 I BELIEVE IT WAS -- IT WAS AS WELL AT 675 PONCE  
12 DE LEON.

13 Q AND IS THE PROPERTY ROOM THE SAME FROM 1996 TO TODAY,  
14 2006?

15 A THE SAME PLACE.

16 Q NOW, AS FAR AS THE EVIDENCE THAT WAS HELD BY DEKALB,  
17 DID YOU HAVE ANY REASON TO BELIEVE THAT IT WASN'T -- THEY  
18 WEREN'T HOLDING IT?

19 A NO, SIR.

20 Q WHEN DAVID COFFIN WAS SHOT IN THE HEAD WITH A  
21 BERETTA, WHAT WAS HE WEARING?

22 A I DON'T KNOW.

23 Q WHY IS IT YOU DON'T KNOW?

24 A BECAUSE IT WAS ALL BURNT.

25 Q THE GAS CAN THAT WAS TAKEN FROM MOUNT PARAN ROAD THAT

1 THE DEFENSE ASKED YOU ABOUT, DO YOU KNOW THAT NO PRINTS WERE  
2 RECOVERED FROM THAT GAS CAN?

3 A I DO NOT KNOW.

4 Q IF I WERE TO SHOW YOU THE REPORT, WOULD THAT HELP TO  
5 REFRESH YOUR MEMORY?

6 A IT WOULD, YES, SIR.

7 MR. JOHNSON: MAY I APPROACH, YOUR HONOR?

8 THE COURT: YOU MAY.

9 BY MR. JOHNSON:

10 Q I WANT YOU TO LOOK AT THAT ITEM 21 AND THEN LOOK AT  
11 THE LAST PAGE.

12 A OKAY.

13 Q AND WERE NO PRINTS FOUND ON THAT GAS CAN?

14 A NONE WERE.

15 Q AND JUST GOING BACK FOR A MOMENT, THE APD PROPERTY  
16 ROOM, WASN'T THAT 175 DECATUR BACK IN 1996?

17 A IT MAY HAVE BEEN. THEY WERE IN THE PROCESS OF MOVING  
18 FROM 175 DECATUR TO 675 PDL.

19 Q I'M SHOWING YOU DEFENDANT'S -- OR STATE'S, RATHER,  
20 EXHIBIT 143, WHICH IS THE BERETTA. DO YOU KNOW WHETHER OR NOT  
21 THE GBI WAS ABLE TO TEST FIRE THAT WEAPON?

22 A THEY WERE NOT.

23 Q WHY NOT?

24 A BECAUSE OF THE FIRE DAMAGE.

25 Q DO YOU KNOW WHETHER THEY WERE ACTUALLY ABLE TO DO

1 MUCH WITH IT OTHER THAN GET THE SERIAL NUMBER?

2 A THAT'S ALL.

3 Q AND THAT GUN WITH THE SERIAL NUMBER, WAS THAT  
4 REPORTED STOLEN BY MR. COFFIN?

5 A IT WAS.

6 Q AS FAR AS THE WIRETAP GOES, HOW MANY DAYS WERE YOU  
7 ACTUALLY UP ON THE WIRE, MEANING THE CALLS WERE BEING RECORDED?

8 A I DON'T KNOW BECAUSE I DON'T KNOW WHAT DAY IT WENT  
9 DOWN.

10 Q NOW, DID YOUR INVESTIGATION REVEAL ANYONE ELSE WITH A  
11 POSSIBLE MOTIVE?

12 MR. MORRIS: OBJECTION. IT'S SPECULATION, AND IT'S  
13 IRRELEVANT.

14 THE COURT: OVERRULED.

15 THE WITNESS: COULD YOU REPEAT THE QUESTION.

16 BY MR. JOHNSON:

17 Q SURE. DID YOUR INVESTIGATION REVEAL ANYONE WITH A  
18 POSSIBLE MOTIVE TO KILL MR. COFFIN?

19 MR. MORRIS: SAME OBJECTION.

20 THE COURT: OVERRULED.

21 THE WITNESS: NO ONE OTHER THAN SCOTT DAVIS.

22 BY MR. JOHNSON:

23 Q DID YOU HAVE SOMETHING OUT FOR SCOTT DAVIS?

24 A NO, SIR. WHEN YOU START AN INVESTIGATION, IT'S LIKE  
25 STARTING A JOURNEY OR BEGINNING ONE. YOU HAVE DIFFERENT ROADS

1 YOU CAN GO DOWN IF YOU HAVE DIFFERENT LEADS. SOMETIMES YOU  
2 JUST HAVE ONE ROAD. SOMETIMES YOU HAVE TWO OR THREE ROADS.  
3 YOU START DOWN A ROAD, AND YOU HIT A DEAD END. YOU TURN AROUND  
4 AND YOU GO BACK, AND YOU START OVER. OKAY.

5 WE STARTED DOWN THE ROAD WITH MR. DAVIS, AS IN  
6 MR. DAVIS IS OUR SUSPECT, BECAUSE OF STATEMENTS THAT HE MADE TO  
7 US. AS WE CONTINUED DOWN THAT ROAD, IT WAS AS IF HE WAS COMING  
8 BY US WITH A FLASHING SIGN SAYING FOLLOW ME. EVERY TIME WE  
9 TRIED TO GO SOMEPLACE ELSE WITH IT AND WE THOUGHT WE'D SIT DOWN  
10 AND THOUGHT ABOUT IT, WE WOULD SIT THERE. WE'D SAY WHY --

11 MR. MORRIS: JUDGE, I OBJECT TO THIS NARRATIVE. IT'S  
12 NOT PROBATIVE. IT'S THIS MAN'S OPINION.

13 MR. JOHNSON: I CAN ASK ANOTHER QUESTION.

14 THE COURT: OKAY.

15 BY MR. JOHNSON:

16 Q WHEN YOU ARE TALKING ABOUT PIECES OF EVIDENCE THAT  
17 WERE COLLECTED THAT LED TO THE DEFENDANT'S ARREST, WOULD YOU  
18 CONSIDER THE NOTE WRITTEN TO TOM ELIAS AS ONE OF THOSE PIECES  
19 OF EVIDENCE?

20 A YES, I WOULD.

21 Q WHAT ABOUT CALLING GREG GATLEY AND ASKING HIM TO GET  
22 HIS STORY STRAIGHT?

23 MR. MORRIS: OBJECTION TO RESTATING EVIDENCE.

24 THE COURT: OVERRULED.

25 THE WITNESS: YES, SIR.

1 BY MR. JOHNSON:

2 Q WHAT ABOUT LYING TO YOU DURING YOUR INTERVIEW WITH  
3 HIM?

4 A YES, SIR.

5 MR. JOHNSON: ONE MOMENT, YOUR HONOR.

6 ONE LAST THING, DETECTIVE CHAMBERS. STATE'S  
7 EXHIBIT 249, WHICH IS THE STATEMENT GIVEN BY SCOTT DAVIS,  
8 WHEN DID HE SAY THAT HE ACTUALLY DROPPED OFF THOSE CHAIRS  
9 FOR TOM ELIAS? IF YOU'D LOOK ON THE FIRST PAGE.

10 THE WITNESS: ON TUESDAY.

11 BY MR. JOHNSON:

12 Q WHAT DAY DID HE BORROW THE JEEP?

13 A MONDAY.

14 Q AND I ALSO WANTED TO ASK YOU, LOOKING AT STATE'S  
15 EXHIBIT 255, WAS THIS TAKEN THE SAME DAY THE DEFENDANT CLAIMED  
16 THAT HE WAS AT THE AUSTRALIAN BODY WORKS AND HAD GONE TANNING?

17 A YES.

18 MR. JOHNSON: THANK YOU.

19 RE CROSS EXAMINATION

20 BY MR. MORRIS:

21 Q IF I UNDERSTOOD YOUR TESTIMONY, YOU CLAIMED IN APRIL  
22 OF 2005 THAT JAMES DAWS WAS A CO-CONSPIRATOR OF SCOTT DAVIS'?

23 A IT WAS POSSIBLE.

24 Q AND WHEN DETECTIVE WALKER AND YOU WERE AT SCOTT  
25 DAVIS' HOUSE SHORTLY AFTER MIDNIGHT ON DECEMBER 11, 1996 --



1 OKAY?

2 A YES, SIR.

3 Q -- HE DIDN'T DENY YOU ACCESS TO THE HOUSE?

4 A NO, SIR.

5 Q AND, IN FACT, DETECTIVE WALKER WENT INTO THE HOUSE,  
6 DIDN'T HE?

7 A YES, SIR.

8 Q SEE ANY EVIDENCE FROM DAVID COFFIN'S HOUSE?

9 A I DID NOT GO INTO MR. DAVIS' HOUSE.

10 Q WELL, DETECTIVE WALKER DID, DIDN'T HE?

11 A YES, SIR. HE WENT IN TO RETRIEVE -- I BELIEVE HE  
12 WENT IN TO RETRIEVE THE --

13 Q MACE?

14 A -- THE MACE THAT WAS IN THE TRASH CAN UNDER THE SINK.

15 Q AND DON'T YOU FIGURE IF HE FOUND SOMETHING THAT WOULD  
16 HAVE IMPLICATED MR. DAVIS, THAT HE PROBABLY WOULD HAVE TOLD  
17 YOU?

18 A HE MAY HAVE. HE PROBABLY WOULD HAVE.

19 Q PROBABLY WOULD HAVE?

20 A HE WOULD HAVE.

21 Q HE WOULD HAVE. BUT HE DIDN'T?

22 A NO, SIR. HE DIDN'T.

23 MR. MORRIS: THAT'S ALL. THANK YOU, JUDGE.

24 THE COURT: ALL RIGHT. MAY THIS WITNESS BE EXCUSED?

25 MR. JOHNSON: YES, YOUR HONOR.

1 THE WITNESS: THANK YOU, YOUR HONOR.

2 THE COURT: YOU MAY BE EXCUSED. THANK YOU,  
3 DETECTIVE.

4 READY TO CALL YOUR NEXT WITNESS?

5 MS. HILL: YES, YOUR HONOR. MAY IT PLEASE THE COURT,  
6 THE STATE CALLS AMY KOLIS TO THE STAND.

7 THE COURT: OKAY. BEFORE WE TAKE THE NEXT WITNESS,  
8 LET'S TAKE A SHORT BREAK, A TEN-MINUTE BREAK.

9 (WHEREUPON, THE JURY EXITED THE COURTROOM.)

10 THE COURT: OKAY. TEN-MINUTE BREAK.

11 (BRIEF RECESS.)

12 (WHEREUPON, THE JURY ENTERED THE COURTROOM.)

13 THE COURT: PLEASE BE SEATED. CALL YOUR NEXT WITNESS  
14 MS. HILL.

15 MS. HILL: YES, YOUR HONOR. THANK YOU. THE STATE  
16 CALLS AMY KOLIS TO THE STAND.

17 THE BAILIFF: RAISE YOUR RIGHT HAND.

18 AMY KOLIS,

19 HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND  
20 TESTIFIED AS FOLLOWS:

21 THE BAILIFF: STATE YOUR NAME FOR THE RECORD.

22 THE WITNESS: AMY KOLIS.

23 DIRECT EXAMINATION

24 BY MS. HILL:

25 Q GOOD AFTERNOON, MS. KOLIS.