

A30604D
GARY GITCHELL AUGUST 13, 2009

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF ARKANSAS
3 WESTERN DISTRICT

4 TERRY HOBBS,

5 Plaintiff,

6 VS.

CV NO.: 4-09-CV-0008BSM

7 NATALIE PASDAR, Individually,

8 And NATALIE PASDAR, EMILY
9 ROBISON, and MARTHA SIEDEL,

10 D/b/a DIXIE CHICKS,

11 DEFENDANTS.

12

13 CORRECTED TRANSCRIPT
14 SEPTEMBER 09, 2009

15

16

17 DEPOSITION

18 OF

19 GARY GITCHELL

20 AUGUST 13, 2009

21 MEMPHIS, TENNESSEE

22

23

24 DANETTE CROUCH, CSR
ATKINSON-BAKER, INC.

25

26

27

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(800) 288-3376
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FILE NO.: A30604D

1	defendant, Natalie Pasdar.	09:05:38	1	Q Also, I will try to not start a new	09:07:04
2	MR. WELLENBERGER: Bob	09:05:41	2	question 'til you've finished your answer so	09:07:05
3	Wellenberger for the Dixie Chicks.	09:05:42	3	that we don't talk over each other. By the same	09:07:07
4	MR. HILAND: Cody Hiland for the	09:05:45	4	token, can I get you to agree to try to let me	09:07:10
5	plaintiff, Terry Hobbs.	09:05:46	5	finish my question before you begin answering?	09:07:13
6	GARY GITCHELL,	09:05:57	6	A No problem.	09:07:16
7	called as a witness, having been duly sworn, was	09:05:57	7	Q And lastly, of course, if you don't	09:07:17
8	examined and testified as follows:	09:05:57	8	understand one of my questions, please let me	09:07:19
9	DIRECT EXAMINATION	09:05:57	9	know -- excuse me -- and I will be happy to	09:07:21
10	BY MS. DAVIS:	09:05:57	10	restate it or rephrase it.	09:07:24
11	Q Can you state your name for the	09:05:58	11	A Okay.	09:07:26
12	record, please.	09:05:59	12	Q Also, if you need to take a break for	09:07:27
13	A Yes. My name is Gary Gitchell.	09:06:00	13	any reason, let me know.	09:07:29
14	Q And have you ever been employed by the	09:06:03	14	A Okay.	09:07:31
15	West Memphis Police Department?	09:06:05	15	Q Terry Hobbs has brought a defamation	09:07:31
16	A Yes, I have.	09:06:07	16	action against Natalie Pasdar and the Dixie	09:07:33
17	Q What years were you employed by the	09:06:08	17	Chicks. Have you seen any press surrounding	09:07:36
18	West Memphis Police Department?	09:06:09	18	that lawsuit?	09:07:39
19	A From 1974 to 1994.	09:06:09	19	A I don't -- no, I don't believe I --	09:07:41
20	Q And when you left the West Memphis	09:06:13	20	that I have.	09:07:41
21	Police Department in 1994, what was your title?	09:06:15	21	Q Basically, just for background	09:07:42
22	A I was chief of detectives.	09:06:19	22	knowledge then, I will let you know that	09:07:45
23	Q I'm going to call you Chief Gitchell	09:06:21	23	Mr. Hobbs is complaining of some statements made	09:07:46
24	for purposes of this deposition. Is that okay?	09:06:24	24	by Ms. Pasdar regarding the West Memphis Three.	09:07:50
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1	A That's fine.	09:06:26	1	When I refer to the West Memphis Three, what's	09:07:55
2	Q My name is D'Lesli Davis, and I'm a	09:06:27	2	your understanding of who I'm talking about?	09:07:57
3	lawyer that represents Natalie Pasdar who's lead	09:06:30	3	A The arrest of three individuals for	09:08:00
4	singer of the recording group Dixie -- the Dixie	09:06:34	4	the murder of the little 8-year-old boys in West	09:08:02
5	Chicks in this case that's been brought by Terry	09:06:37	5	Memphis.	09:08:07
6	Hobbs. Do you understand that?	09:06:40	6	Q And when we talk about the murder of	09:08:07
7	A Uh-huh.	09:06:42	7	three 8-year-old little boys in West Memphis, is	09:08:09
8	Q I need you to say, "yes" or "no" ---	09:06:42	8	it okay if I refer to those murders as the Robin	09:08:11
9	A Yes.	09:06:42	9	Hood Hills murders?	09:08:13
10	Q --- for the record.	09:06:43	10	A That's fine.	09:08:16
11	A Yes.	09:06:43	11	Q The press has gotten ahold of this	09:08:17
12	Q I bet you've had your deposition taken	09:06:43	12	case and the trials and the resulting	09:08:19
13	before.	09:06:45	13	convictions, and the press has called the	09:08:20
14	A Yes.	09:06:45	14	teenagers that were convicted of the murders the	09:08:22
15	Q And if you will recall, some of the	09:06:46	15	West Memphis Three.	09:08:23
16	constraints of a deposition are that I -- the	09:06:48	16	A Correct.	09:08:26
17	witness needs to answer aloud and "yes" or	09:06:51	17	Q And they've called the murders	09:08:26
18	"no" ---	09:06:54	18	themselves the Robin Hood Hills murders;	09:08:28
19	A Yes.	09:06:54	19	correct?	09:08:28
20	Q --- rather than nods of the head or	09:06:55	20	A Right.	09:08:32
21	"uh-huh" or "huh-uh," because those things are	09:06:55	21	Q Can you describe a little bit -- well,	09:08:33
22	hard for the court reporter to take down. Is	09:06:58	22	let me back up first. What was your role, as a	09:08:33
23	that okay?	09:07:02	23	police officer with the West Memphis Police	09:08:37
24	A That's fine.	09:07:03	24	Department, in May of 1993 in investigating the	09:08:39
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1	Robin Hood Hills murders?	09:08:44	1	But you are not to relate information	09:10:48
2	A Okay. I was chief of detectives	09:08:47	2	pertaining to the investigation of the case. You	09:10:53
3	during that time. I also had the responsibility	09:08:50	3	do not relate suspects, for obvious reasons; and	09:10:56
4	of being the public information officer for the	09:08:53	4	you basically share with the public, "This has	09:11:03
5	police department. So I wore kind of a dual	09:08:56	5	happened, this is where it's happened. It's	09:11:06
6	hat. I had investigators assigned to the	09:08:59	6	under investigation, and we cannot reveal	09:11:09
7	detective division that worked on this case	09:09:03	7	anything else more at this time."	09:11:12
8	through my supervision of the case.	09:09:06	8	Of course, the media hammers you and	09:11:14
9	Q Is it fair to say in laymen's terms	09:09:08	9	hammers you from every different direction trying	09:11:17
10	that you were responsible -- you were	09:09:11	10	to get more information, but in that job as the	09:11:21
11	responsible for the investigation of the	09:09:11	11	PIO, that's basically all you can give.	09:11:23
12	murders?	09:09:13	12	Now, it does progress at times	09:11:26
13	A That's correct.	09:09:14	13	throughout any investigation that more is given	09:11:28
14	Q And tell me what your job duties and	09:09:15	14	to the public, because a lot of times you're	09:11:32
15	responsibilities were as a public information	09:09:17	15	asking for help from the public. You're wanting	09:11:35
16	officer.	09:09:19	16	maybe anything the public has seen or heard,	09:11:38
17	A To relate information to the public	09:09:20	17	witnessed. You're basically asking for the media	09:11:41
18	regarding crimes or incidents that occurred in	09:09:23	18	to help you. So sometimes you do go to the media	09:11:44
19	the City of West Memphis, be it good news, be it	09:09:25	19	and ask for their help.	09:11:48
20	bad news.	09:09:30	20	And then when it comes time, if you're	09:11:51
21	Q And did that involve speaking to the	09:09:31	21	fortunate to make an arrest, then at that point	09:11:54
22	press about investigations?	09:09:33	22	you're naming who you have arrested and what the	09:11:58
23	A Yes.	09:09:34	23	charges are. The media at that point tries to	09:12:02
24	Q And what then specifically -- as chief	09:09:35	24	get more information about confessions. That is	09:12:05
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1	of detectives and the individual responsible for	09:09:37	1	something you're not typically allowed to talk	09:12:07
2	the investigation of the Robin Hood Hills	09:09:42	2	about because you do not want to taint the case	09:12:10
3	murders, what were the job duties and	09:09:44	3	that's going to go before the Court.	09:12:14
4	responsibilities that you had related to those	09:09:48	4	So, there's things you can say and	09:12:15
5	functions?	09:09:49	5	things you cannot say.	09:12:18
6	A For the press wise, I handled all the	09:09:52	6	Q Tell me, in the terms of what the West	09:12:20
7	media regarding that case. All press releases,	09:09:56	7	Memphis Police Department considered, was the	09:12:26
8	any appearances, I handle that. Then the	09:10:01	8	investigation into the Robin Hood Hills murders	09:12:30
9	investigation of the case, I oversaw and	09:10:05	9	still open at the time that the prosecutors	09:12:34
10	directed the course of the investigation.	09:10:07	10	began trying the West Memphis Three for the	09:12:37
11	Q What are the parameters just generally	09:10:10	11	crimes?	09:12:40
12	during an ongoing investigation of what it is	09:10:14	12	A Yes, it was.	09:12:40
13	okay to disclose to the press and what a public	09:10:23	13	Q Do you have an understanding of when	09:12:41
14	information officer working for a police	09:10:24	14	that investigation into the Robin Hills murders	09:12:42
15	department should keep private ---	09:10:26	15	was closed?	09:12:45
16	A Basically ---	09:10:27	16	A I don't think it's closed to this day.	09:12:46
17	Q --- or at least within the confines of	09:10:27	17	Q Fair enough. As the public	09:12:49
18	the department?	09:10:29	18	information officer then who's responsible with	09:12:53
19	A Excuse me. Basically, you're allowed	09:10:31	19	making sure that the trials of individuals that	09:13:00
20	to give just basic information. Sometimes you	09:10:33	20	are on trial for a various crime is not tainted	09:13:05
21	can give the victim's name, depending on what	09:10:37	21	or are not tainted, is it appropriate to comment	09:13:10
22	point you are in the investigation. Sometimes	09:10:40	22	in that role on the weight of the evidence?	09:13:15
23	that's withheld, naturally because of contacting	09:10:42	23	A I -- I don't think as a public	09:13:19
24	next of kin.	09:10:47	24	information officer you're to basically comment	09:13:21
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<p>1 about it at all. I do recall being asked a 09:13:24</p> <p>2 specific question by the media once of how I 09:13:29</p> <p>3 felt this case was between a one and a ten, and 09:13:32</p> <p>4 I made a dumb remark of eleven and caught a lot 09:13:35</p> <p>5 of flak for that. 09:13:41</p> <p>6 Q And what's your understanding of why 09:13:42</p> <p>7 you caught flak for that? 09:13:44</p> <p>8 A I think the general public liked it. 09:13:47</p> <p>9 Attorneys didn't like it whatsoever. 09:13:50</p> <p>10 Q The West Memphis -- the city 09:13:52</p> <p>11 attorneys? 09:13:55</p> <p>12 A No, not the city attorneys. I think 09:13:56</p> <p>13 later on the defense attorneys didn't -- didn't 09:13:56</p> <p>14 like it very much. But, again, you've got to 09:13:58</p> <p>15 keep in mind the atmosphere at that time. 09:14:01</p> <p>16 We were 30 days into the case when an 09:14:03</p> <p>17 arrest was made. There was a lot of burden taken 09:14:06</p> <p>18 off of everyone that was involved in that case. 09:14:10</p> <p>19 We felt like we had a very solid case. 09:14:13</p> <p>20 Q There had been a lot of pressure by 09:14:17</p> <p>21 the public to find the killers? 09:14:19</p> <p>22 A No, I don't think by the public so 09:14:22</p> <p>23 much as self-imposed pressure. 09:14:24</p> <p>24 Q Certainly this was a serious crime and 09:14:27</p> <p style="text-align: right;">Page 14</p>	<p>1 graduates could go to work for the FBI. Of 09:15:35</p> <p>2 course, there was about a year and a half of a 09:15:40</p> <p>3 background investigation done on myself and my 09:15:42</p> <p>4 family. 09:15:45</p> <p>5 And once you pass all that and testing 09:15:45</p> <p>6 that the FBI would give, you were offered a job, 09:15:47</p> <p>7 which I was, and flew to Washington D.C., the 09:15:50</p> <p>8 first airplane I had ever been on in my life, and 09:15:54</p> <p>9 started working there. 09:15:58</p> <p>10 And -- but later, of course, J. Edgar 09:15:59</p> <p>11 Hoover died within about two weeks' time frame. 09:16:03</p> <p>12 The FBI was in a turmoil. So they pretty much 09:16:06</p> <p>13 did away with these programs where they allowed 09:16:11</p> <p>14 you to have training, college, and you still 09:16:15</p> <p>15 worked with the bureau, the background's been 09:16:17</p> <p>16 done. So, you were going to slowly progress and 09:16:19</p> <p>17 become an agent once you obtained your schooling, 09:16:27</p> <p>18 which they helped you with, and that was their 09:16:27</p> <p>19 program. 09:16:28</p> <p>20 Well, when J. Edgar Hoover died, that 09:16:28</p> <p>21 ceased. So, a lot of us said, "What are we doing 09:16:32</p> <p>22 sticking around here?" So we left, and at 21, 09:16:36</p> <p>23 when I was of age, is when I joined the police 09:16:39</p> <p>24 department. 09:16:43</p> <p style="text-align: right;">Page 16</p>
<p>1 the West Memphis Police Department wanted to 09:14:30</p> <p>2 arrest the killers as soon as possible? 09:14:32</p> <p>3 A Sure. 09:14:33</p> <p>4 Q If you had it to do all over again, 09:14:33</p> <p>5 would you have made the comment about eleven on 09:14:35</p> <p>6 a one out of ten scale? 09:14:36</p> <p>7 A Probably would not have. 09:14:40</p> <p>8 Q Tell me a little bit about your 09:14:41</p> <p>9 educational background. 09:14:42</p> <p>10 A I'm basically a high school graduate 09:14:43</p> <p>11 with -- in my law enforcement career attending 09:14:45</p> <p>12 many courses -- college courses. I'm a graduate 09:14:51</p> <p>13 of the FBI Academy. 09:14:57</p> <p>14 Q Let me stop you there. How did you 09:14:59</p> <p>15 get from high school into law enforcement? 09:15:01</p> <p>16 A At 19 years old -- I was selected and 09:15:04</p> <p>17 joined the FBI at 19, and I worked for the FBI 09:15:09</p> <p>18 in Washington D.C. I worked in the 09:15:15</p> <p>19 identification division, had to do with 09:15:17</p> <p>20 fingerprints; and that was a stepping stone in 09:15:21</p> <p>21 order to later become an agent. 09:15:24</p> <p>22 And during that time, it was during 09:15:26</p> <p>23 J. Edgar Hoover's time. So during that time, 09:15:28</p> <p>24 they had such a program where young high school 09:15:32</p> <p style="text-align: right;">Page 15</p>	<p>1 Q The West Memphis Police? 09:16:43</p> <p>2 A West Memphis Police. 09:16:44</p> <p>3 Q And you joined as a patrolman? 09:16:45</p> <p>4 A Patrolman. 09:16:46</p> <p>5 Q And what year was that? 09:16:47</p> <p>6 A That was 1972. 09:16:48</p> <p>7 Q Let's turn back --- 09:16:50</p> <p>8 A Excuse me. Excuse me. It's 1974. 09:16:48</p> <p>9 Q Let's turn black to the Robin Hood 09:16:52</p> <p>10 Hills murders. Can you describe for me what the 09:16:54</p> <p>11 press coverage was like? 09:16:58</p> <p>12 A It was anything you would see today 09:17:00</p> <p>13 dealing with a major celebrity. I mean, look at 09:17:09</p> <p>14 the Michael Jackson coverage. That's the kind 09:17:15</p> <p>15 of coverage we were getting. 09:17:17</p> <p>16 Q And that sort of coverage was at the 09:17:20</p> <p>17 time of the murders, but also continuing through 09:17:21</p> <p>18 the trials? 09:17:24</p> <p>19 A Yes. 09:17:24</p> <p>20 Q And is it fair to say that even after 09:17:25</p> <p>21 the convictions of the West Memphis Three, there 09:17:25</p> <p>22 has been substantial press coverage? 09:17:28</p> <p>23 A Yes. 09:17:30</p> <p>24 Q And it's -- do you agree that there 09:17:30</p> <p style="text-align: right;">Page 17</p>

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<p>1 has been a public controversy regarding whether 09:17:34</p> <p>2 the West Memphis Three were wrongfully 09:17:40</p> <p>3 convicted? 09:17:44</p> <p>4 A A public? 09:17:48</p> <p>5 Q Let me put it this way: Has the press 09:17:50</p> <p>6 spent a great deal of time focussing on whether 09:17:53</p> <p>7 the West Memphis Three were wrongfully 09:17:56</p> <p>8 convicted? 09:17:59</p> <p>9 A I don't think the press has. 09:18:01</p> <p>10 Q Who do you think has? 09:18:03</p> <p>11 A I think based on -- this is my 09:18:04</p> <p>12 personal opinion, that based on the HBO 09:18:06</p> <p>13 documentary, that it was slanted more to the 09:18:08</p> <p>14 defendants; which when this started, it was not 09:18:14</p> <p>15 supposed to be that way. I was against them 09:18:21</p> <p>16 allowing HBO to do coverage of this while we 09:18:24</p> <p>17 were investigating this in the first place. 09:18:28</p> <p>18 Q And let me stop you just for a second. 09:18:30</p> <p>19 Who's "them" when you say, "I was against them"? 09:18:30</p> <p>20 A The powers to be. 09:18:33</p> <p>21 Q Meaning in the department? 09:18:34</p> <p>22 A Prosecutors, judges. Everyone had to 09:18:34</p> <p>23 sign off on it. 09:18:39</p> <p>24 Q Fair enough. Go ahead. 09:18:41</p> <p style="text-align: right;">Page 18</p>	<p>1 A Yes. 09:19:47</p> <p>2 Q And that public controversy -- and I 09:19:47</p> <p>3 understand your position that it was caused by 09:19:47</p> <p>4 the documentaries, but that public controversy 09:19:48</p> <p>5 really did expand to be a national controversy? 09:19:51</p> <p>6 A Right. It's almost a cause. 09:19:58</p> <p>7 Q And certainly there are people that 09:19:59</p> <p>8 think the West Memphis Three were wrongfully 09:20:01</p> <p>9 convicted and certain people that don't, but you 09:20:03</p> <p>10 don't have a problem with people in a democracy 09:20:06</p> <p>11 debating whether a particular conviction was 09:20:14</p> <p>12 wrongful or not; correct? 09:20:17</p> <p>13 A No problem whatsoever. 09:20:19</p> <p>14 Q In fact, that's one of the hallmarks 09:20:20</p> <p>15 of free speech in a public democracy, the 09:20:22</p> <p>16 ability to look at government and determine 09:20:26</p> <p>17 whether it's operating correctly? 09:20:28</p> <p>18 A That's correct. I would like to say 09:20:32</p> <p>19 something --- 09:20:33</p> <p>20 Q Sure. 09:20:34</p> <p>21 A --- if you don't mind. I would love 09:20:34</p> <p>22 to sit down with some people that I have heard 09:20:36</p> <p>23 make statements that are in the public eye and 09:20:39</p> <p>24 actually talk to them and say, "This is what 09:20:42</p> <p style="text-align: right;">Page 20</p>
<p>1 A Both sides. Defense, prosecutors, 09:18:41</p> <p>2 everyone had to sign off on it. So, based on 09:18:43</p> <p>3 the HBO documentary and what was shown in that, 09:18:48</p> <p>4 I think the general public received a mental 09:18:52</p> <p>5 picture of how this case was done. I think it 09:18:58</p> <p>6 was directed toward individuals incorrectly. 09:19:01</p> <p>7 Had it been shown in the light that testimony 09:19:06</p> <p>8 was done during the time and the two different 09:19:08</p> <p>9 cases, two different cities in Arkansas, I think 09:19:11</p> <p>10 it would have ruled out some of these people 09:19:14</p> <p>11 that the general public sees as bad guys and 09:19:17</p> <p>12 would not have been suspects whatsoever in the 09:19:21</p> <p>13 public's mind or anyone else. 09:19:23</p> <p>14 Q Let me change my question then. Is it 09:19:25</p> <p>15 fair to say that following the HBO 09:19:28</p> <p>16 documentaries, the Paradise Lost 09:19:30</p> <p>17 documentaries --- 09:19:33</p> <p>18 A Yes. 09:19:34</p> <p>19 Q --- there became sort of --- 09:19:34</p> <p>20 A That's --- 09:19:34</p> <p>21 Q Let me finish my question. I'm 09:19:35</p> <p>22 sorry -- there became sort of a public debate or 09:19:36</p> <p>23 controversy about whether the West Memphis Three 09:19:40</p> <p>24 had been wrongfully convicted? 09:19:42</p> <p style="text-align: right;">Page 19</p>	<p>1 really happened that was not shown on the 09:20:45</p> <p>2 documentary." And I think they would have a 09:20:49</p> <p>3 whole different understanding of what truly 09:20:51</p> <p>4 happened in this case and during the 09:20:55</p> <p>5 investigation, but I'm not allowed to do that. 09:20:58</p> <p>6 I can't do that. Because to this day, this case 09:21:01</p> <p>7 is still being heard. Even as we are sitting 09:21:05</p> <p>8 here today, it's being heard in Jonesboro. 09:21:09</p> <p>9 Q You make a great point. The 09:21:12</p> <p>10 documentaries and even press coverage of the 09:21:15</p> <p>11 trials could only give bits and pieces of what 09:21:18</p> <p>12 happened overall, either in the investigation or 09:21:21</p> <p>13 in the trial; right? 09:21:23</p> <p>14 A Uh-huh. 09:21:24</p> <p>15 Q But the -- is it fair to say that the 09:21:26</p> <p>16 evidence that the West Memphis Police Department 09:21:32</p> <p>17 collected and had that would suggest the guilt 09:21:36</p> <p>18 of the West Memphis Three, and that the 09:21:39</p> <p>19 prosecutors had that would indicate or prove the 09:21:42</p> <p>20 guilt of the West Memphis Three, all that 09:21:45</p> <p>21 evidence has been made public? 09:21:47</p> <p>22 A Yes, it has. 09:21:50</p> <p>23 Q It may not have shown up in the 09:21:51</p> <p>24 documentaries or in a particular news report or 09:21:51</p> <p style="text-align: right;">Page 21</p>

1	speech by someone, but it is public record?	09:21:51	1	Q But that was your goal throughout the	09:23:40
2	A Most anyone can make the proper	09:21:56	2	investigation, to get the actual killers,	09:23:41
3	contacts and view that -- that information.	09:21:58	3	whether you did or not?	09:23:41
4	Q There are transcripts from the trial?	09:22:01	4	A Uh-huh, and we did.	09:23:45
5	A Yes.	09:22:04	5	Q And, again, getting back to -- and I'm	09:23:46
6	Q There are transcripts from the post	09:22:04	6	not arguing with you about whether you got	09:23:50
7	conviction appeals?	09:22:06	7	the -- the West Memphis Three are the right	09:23:52
8	A Right.	09:22:08	8	killers or not. I just want to make sure that	09:23:55
9	Q Those proceedings were public in every	09:22:08	9	all the evidence that would support your opinion	09:23:58
10	sense of the word; correct?	09:22:11	10	that the West Memphis Police Department got the	09:24:00
11	A Right.	09:22:12	11	right killers when they got the West Memphis	09:24:02
12	Q The West Memphis Police Department, I	09:22:13	12	Three, and that the prosecutors prosecuted and	09:24:04
13	believe -- correct me if I'm wrong -- but has	09:22:13	13	convicted the right killers when they convicted	09:24:08
14	made their -- the bulk of their case file	09:22:13	14	the West Memphis Three, all that evidence is in	09:24:10
15	available for review by any individual that	09:22:18	15	the public domain as far as you know?	09:24:11
16	wants to go down there and look at it.	09:22:26	16	A Yes. Yes.	09:24:14
17	A Pretty much so, and you guys, I'm	09:22:26	17	Q Do you agree that the ability of the	09:24:20
18	sure, have probably looked at it yourselves.	09:22:26	18	press and public to review public trials is an	09:24:26
19	Q Absolutely. I went down there and	09:22:26	19	important part of making sure that the	09:24:35
20	looked through it, and my understanding is that	09:22:28	20	appropriate parties are convicted of crimes they	09:24:38
21	any citizen of the United States that wants to	09:22:30	21	actually committed?	09:24:41
22	make the appropriate request can come down and	09:22:32	22	A If an individual wants to come to	09:24:43
23	sit in the West Memphis Police Department and	09:22:35	23	court and watch this process, I think it's their	09:24:46
24	look through most of that evidence. Am I	09:22:35	24	right to do that, and they should do that if	09:24:49
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1	correct?	09:22:40	1	they have a desire to do so. I think when you	09:24:52
2	A That's what I understand.	09:22:40	2	bring cameras into the courtroom, I think you	09:24:56
3	Q So, there's not a secret bag or pocket	09:22:41	3	have posturing by all involved and I believe	09:24:59
4	of information that the West Memphis Police	09:22:44	4	there creates a problem with how the case is	09:25:03
5	Department or the prosecutors have that	09:22:47	5	actually handled by the judiciary.	09:25:05
6	convinces them that the West Memphis Three are	09:22:49	6	Q Fair enough. Let me back up a little	09:25:09
7	guilty but that the rest of the public can't	09:22:50	7	bit and make a broader picture here. Just the	09:25:10
8	know?	09:22:54	8	idea that the press covers police	09:25:12
9	A Right. There's no -- there's no	09:22:55	9	investigations, the press covers trials so the	09:25:15
10	secret in there whatsoever. It's just -- as I	09:22:57	10	public can know what's going on in	09:25:19
11	mentioned before, it's the perception people	09:22:59	11	investigations, can know about evidence, can	09:25:21
12	received from media and HBO.	09:23:03	12	know what goes on in trials, can know what goes	09:25:23
13	Q Now, is it true though that regardless	09:23:06	13	on in convictions; in your opinion, is that	09:25:26
14	of the best efforts by police departments and	09:23:09	14	helpful to making sure that appropriate	09:25:30
15	prosecutors to do the right thing or to convict	09:23:13	15	convictions are assured?	09:25:33
16	only guilty people, innocent people do get	09:23:15	16	A Sure. It's a check and balance.	09:25:36
17	convicted?	09:23:20	17	Q Describe for me what, just in general	09:25:43
18	A I'm sure that does happen.	09:23:21	18	terms, a crime scene is.	09:25:46
19	Q And certainly with regard to the West	09:23:24	19	A A crime scene could be any number of	09:25:49
20	Memphis Police Department in investigating the	09:23:26	20	things. A crime scene, you have a victim	09:25:53
21	Robin Hood Hills murders, you guys were trying	09:23:31	21	typically. You have evidence you hope to find	09:25:56
22	to get the actual killers?	09:23:36	22	at that crime scene that would link an	09:26:01
23	A I believe we got the actual killers,	09:23:38	23	individual to the crime, be it hair fiber, body	09:26:04
24	without a doubt.	09:23:39	24	fluids, whatever the case may be, impressions.	09:26:09
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1	It could -- it could be any number of things	09:26:15	1	interviews of witnesses or friends and family	09:28:31
2	that you're looking for. Broken branches. It's	09:26:16	2	should be done in a homicide investigation?	09:28:35
3	unlimited really.	09:26:21	3	A An investigator typically takes notes,	09:28:37
4	Q In a -- in a homicide investigation in	09:26:24	4	may even have handwritten statements from	09:28:41
5	general, is it appropriate to -- for the police	09:26:28	5	individuals, may take pictures of individuals.	09:28:44
6	who are investigating the homicide to look at	09:26:32	6	Q What happens to handwritten notes? Do	09:28:47
7	people close to the victim as potential	09:26:36	7	those get rolled into or put into some sort of	09:28:50
8	suspects?	09:26:40	8	typed up formal report or form?	09:28:54
9	A You would look at -- you would look at	09:26:41	9	A Yes.	09:28:56
10	people close, especially family. You would look	09:26:43	10	Q As a matter of course?	09:28:57
11	at them first of all -- first, right off the	09:26:46	11	A It -- it can be different, depending	09:28:59
12	bat.	09:26:48	12	on cases. Some -- some agencies destroy their	09:29:01
13	Q And why is that?	09:26:49	13	notes, some law enforcement agencies do.	09:29:08
14	A Because I think statistically it's	09:26:50	14	Q But that would be after they had typed	09:29:11
15	proven that victims are usually a result of	09:26:56	15	them up or formalized them somehow?	09:29:14
16	family, close friends, known acquaintances. I	09:27:00	16	A If they felt they were important, yes,	09:29:17
17	believe that's where -- that's where you pretty	09:27:05	17	they would have been typed up. If it was	09:29:19
18	much start from and expand from there.	09:27:08	18	inconsequential, they may destroy them.	09:29:22
19	Q And when you talk about family in the	09:27:10	19	Q In the instance where there's been a	09:29:26
20	instance of a homicide of a child, would that	09:27:12	20	child victim of a homicide and the investigation	09:29:28
21	include the parents of the child as potential	09:27:15	21	is at the point where the police are looking	09:29:31
22	suspects?	09:27:18	22	into family members or persons close to the	09:29:34
23	A As -- as much as you would hate to go	09:27:18	23	child, certainly any notes of interviews of	09:29:39
24	down that path as an investigator or police	09:27:22	24	family members should be kept.	09:29:44
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1	officer, you've got to go down that path.	09:27:25	1	A Should be, yes.	09:29:47
2	Q When we are talking back and forth	09:27:27	2	Q And perhaps even typed up and	09:29:48
3	here about looking at family or looking at	09:27:29	3	formalized in a report?	09:29:51
4	parents of child victims, what does that entail?	09:27:32	4	A Right.	09:29:52
5	A Well, you're looking into their	09:27:36	5	Q In a homicide investigation, do the	09:30:00
6	background, their -- any past histories of	09:27:38	6	police want all the credible evidence related to	09:30:05
7	violence, you know, medical records, neighbors'	09:27:42	7	the crime that they can get?	09:30:08
8	statements, even your own law enforcement files	09:27:47	8	A Sure.	09:30:10
9	and records if you've had calls to that area.	09:27:50	9	Q The idea that more evidence is better	09:30:11
10	You do a lot of footwork in the neighborhood,	09:27:53	10	is true?	09:30:12
11	door-to-door knocking, asking questions; and	09:27:56	11	A Sure.	09:30:14
12	then you turn around and you do it all over	09:28:00	12	Q Similarly, in a homicide	09:30:16
13	again, and you may do it three or four times.	09:28:03	13	investigation, do the police investigating want	09:30:19
14	Q Would that include talking to other	09:28:06	14	to follow all credible leads?	09:30:23
15	family members?	09:28:07	15	A Yes, you do.	09:30:25
16	A Yes.	09:28:08	16	Q Do the police want to look at all	09:30:26
17	Q Would that include talking to	09:28:09	17	forensic evidence that's available?	09:30:29
18	acquaintances?	09:28:10	18	A Yes.	09:30:31
19	A Yes.	09:28:12	19	Q Do the police want to look at all DNA	09:30:32
20	Q Would that include talking to persons	09:28:12	20	evidence that's available?	09:30:34
21	that were with the family member in question on	09:28:14	21	A Yes.	09:30:36
22	the night of the homicide?	09:28:23	22	Q What about palm prints?	09:30:42
23	A Yes.	09:28:23	23	A Yeah, palm prints are very beneficial.	09:30:46
24	Q What sort of documentation of	09:28:24	24	Q Do the police want to look at finger	09:30:49
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1	prints?	09:30:51	1	A Well, I've heard recent news that the	09:33:00
2	A Yes.	09:30:52	2	media's calling it new evidence. Maybe the	09:33:04
3	Q Any available lie detector or	09:30:54	3	defense attorneys are calling it new evidence,	09:33:08
4	polygraph test?	09:30:58	4	but I don't know that it's new.	09:33:11
5	A It's an investigative tool that law	09:31:00	5	Q And let's bear down on this sort of	09:33:15
6	enforcement could use, but in most cases it's	09:31:02	6	dispute about whether it's new or not, and I	09:33:18
7	not admissible in court.	09:31:06	7	want to make sure I understand what you're	09:33:21
8	Q When is it appropriate or when -- let	09:31:08	8	saying there.	09:33:23
9	me strike all that. When would you, as an	09:31:11	9	If, for instance, DNA is found at a	09:33:24
10	investigator of a homicide, decide to request	09:31:13	10	crime scene but technologies do not allow back in	09:33:28
11	that a person take a lie detector test related	09:31:16	11	'93 or '94 -- the murder occurs in '93 or '94.	09:33:31
12	to a particular murder?	09:31:22	12	DNA is found at the crime scene, technologies do	09:33:35
13	A When it -- when it would get down to	09:31:28	13	not allow appropriate testing of that DNA until,	09:33:37
14	obviously I would believe that they were not	09:31:29	14	say, 2005. 2005 there's testing of that DNA and	09:33:40
15	being truthful and -- and there was no impasse	09:31:32	15	there's some results. I suppose the results are	09:33:45
16	there and would request them to do that. But	09:31:39	16	new but the DNA -- the evidence itself is not	09:33:48
17	that's -- really, that's rather rare. It	09:31:43	17	new. Is that what you're referring to?	09:33:50
18	doesn't happen in many cases where you actually	09:31:45	18	A Evidence -- the evidence isn't new;	09:33:53
19	have a polygraph test on a murder case. That's	09:31:48	19	it's possibly always been there. Technology has	09:33:53
20	very unusual.	09:31:51	20	improved. But then there's what we talked about	09:33:58
21	Q Is that because persons of interest or	09:31:52	21	earlier. There's the use of the media and how	09:34:01
22	suspects usually don't agree to ---	09:31:56	22	to portray an individual as, "now we have	09:34:04
23	A Sure.	09:31:57	23	found." It's like -- it's like the police have	09:34:08
24	Q --- undergo a lie detector test?	09:31:58	24	hidden this and they didn't want you to know	09:34:10
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1	A Exactly.	09:32:01	1	this. Not the case whatsoever.	09:34:13
2	Q Would it be appropriate to seek a lie	09:32:03	2	Q Okay. Fair enough. And let's kind of	09:34:15
3	detector test from a person of interest or	09:32:05	3	break this down into a couple of -- into a	09:34:17
4	someone you were talking to about murders if	09:32:09	4	couple of different categories.	09:34:19
5	they had given you three or four different	09:32:13	5	DNA and forensic testing for instance,	09:34:20
6	accounts of what transpired?	09:32:16	6	that is not new evidence in the sense that the	09:34:23
7	A It -- you could do that, but there	09:32:18	7	police did capture that evidence at the crime	09:34:26
8	again, it's -- you can only ask an individual	09:32:19	8	scene, and it's been around since '93 or '94.	09:34:28
9	permission to do this, and they can very easily	09:32:22	9	New technologies have allowed new conclusions to	09:34:31
10	say no.	09:32:23	10	be made from that evidence. Is that a fair	09:34:34
11	Q They are not obligated under the law?	09:32:24	11	assessment?	09:34:36
12	A They're not obligated whatsoever. You	09:32:24	12	A Sure.	09:34:44
13	cannot force them to do that.	09:32:27	13	Q Okay. And then there may be evidence	09:34:44
14	Q Are you aware -- well, let me back up.	09:32:29	14	that the police collected around the time of	09:34:44
15	When were the West Memphis Three convicted of	09:32:32	15	their investigation that the public or the press	09:34:44
16	the Robin Hood Hills murders? Just the year.	09:32:32	16	did not focus on, and at a later time period the	09:34:44
17	A '93 I believe.	09:32:38	17	public or press begins to focus on that evidence	09:34:46
18	Q '93 or '94, somewhere in there?	09:32:40	18	and give it a different meaning than has been	09:34:49
19	A Yeah.	09:32:43	19	given it before.	09:34:53
20	Q Are you aware that since the	09:32:43	20	A Right.	09:34:53
21	conviction of the West Memphis Three, there has	09:32:45	21	Q That's also not new evidence; correct?	09:34:53
22	been new evidence regarding the Robin Hood Hills	09:32:50	22	A Right.	09:34:55
23	murders that has come to light that was not	09:32:54	23	Q But there may be truly new evidence in	09:34:56
24	available at the time of the trials?	09:32:57	24	the sense that a witness or a person with	09:34:58
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1	knowledge about the events occurring in '93 or	09:35:02	1	I'm going to say two and a half, three years I	09:37:07
2	'94 have not spoken until 2007, 2008 or 2009. I	09:35:07	2	was involved in, when it came time to go back to	09:37:10
3	mean, that can happen; right?	09:35:13	3	your regular duties -- which my typical duties	09:37:16
4	A It could happen I guess.	09:35:14	4	were every morning I would pick up the offense	09:37:20
5	Q And if that were to happen, just	09:35:16	5	reports of the previous day, look over them, sit	09:37:24
6	hypothetically, that would truly be new	09:35:18	6	with the chief of police. We'd go over them. I	09:37:26
7	evidence.	09:35:20	7	would then go and assign it to my detectives.	09:37:30
8	A You would have to label it as that I	09:35:23	8	We'd get people out of jail that needed to be	09:37:33
9	would assume.	09:35:26	9	interviewed. After that case was over with and	09:37:36
10	Q I think you mentioned this, but tell	09:35:30	10	they were found guilty and I came in to work the	09:37:38
11	me your understanding of whether the criminal	09:35:31	11	next day and picked all that up, I could not -- I	09:37:41
12	proceedings regarding the West Memphis Three and	09:35:38	12	could no longer get interested in it. I knew it	09:37:44
13	the Robin Hood Hills murders are still ongoing	09:35:39	13	was time for me to go and do something different.	09:37:47
14	to this day, 16 years after the fact.	09:35:45	14	Q And you mentioned that you have not	09:37:50
15	A Well, from media coverage that I've	09:35:48	15	kept up with the developments of this case since	09:37:53
16	heard just as of this morning that two of the	09:35:51	16	leaving the West Memphis Police Department up	09:37:56
17	defendants are currently in Jonesboro, Arkansas	09:35:53	17	until a month or so ago, when I began discussing	09:37:58
18	attempting to get a new trial, claiming their	09:35:57	18	with you logistics of getting together for this	09:38:01
19	attorneys were ineffective and based on this new	09:36:00	19	deposition. Is that right?	09:38:05
20	evidence.	09:36:05	20	A Right.	09:38:05
21	Q And you say that with some skepticism	09:36:06	21	Q And, in fact, today you just said that	09:38:06
22	I see.	09:36:08	22	you've tried to forget that case.	09:38:08
23	A Yes, yes. Very much so.	09:36:09	23	A Yes.	09:38:10
24	Q But I think you've told me just when	09:36:11	24	Q Can you explain to the ladies and	09:38:10
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1	we were trying to set up the deposition that you	09:36:13	1	gentlemen of the jury -- because this video	09:38:12
2	have not kept your finger on the pulse of what's	09:36:16	2	could be shown to them at some point. Can you	09:38:14
3	occurring in these cases.	09:36:17	3	explain to them why you haven't kept up, and on	09:38:18
4	A No, I have not, and it hasn't been	09:36:18	4	the flip flop of that, why you've actually tried	09:38:20
5	until you notified me that I've really kind of	09:36:21	5	to forget the events related to the murders and	09:38:22
6	started paying some attention to it.	09:36:24	6	the convictions of the West Memphis Three?	09:38:25
7	Q And ---	09:36:26	7	A Well, first of all, it was a	09:38:26
8	A I've intentionally not -- I've tried	09:36:26	8	horrendous case. Pulling the bodies out of that	09:38:28
9	to forget everything about this case, in all	09:36:30	9	water, there's not a day goes by that I don't	09:38:35
10	honestly.	09:36:33	10	think about it. That's why I've tried to forget	09:38:44
11	Q And I want to talk to you about that a	09:36:35	11	it.	09:38:52
12	little bit further, but let me back up. You	09:36:35	12	Q I understand. It is possible that --	09:38:53
13	left the West Memphis Police Department in what	09:36:37	13	let me back up. Is it your understanding that	09:39:03
14	year?	09:36:39	14	it's possible, based on the proceedings that are	09:39:07
15	A In '94.	09:36:39	15	now ongoing, that certain of the West Memphis	09:39:10
16	Q Following the trials and convictions	09:36:41	16	Three could either be released from prison or	09:39:11
17	of the West Memphis Three?	09:36:43	17	given a new trial?	09:39:16
18	A Yes. I had had my 20 years in, which	09:36:44	18	A I don't think they would be released	09:39:17
19	I was entitled to retire.	09:36:47	19	from prison. They may possibly get a new trial,	09:39:19
20	Q And why did you choose to retire?	09:36:49	20	but I seriously doubt that.	09:39:21
21	A Well, my 20 years -- I had done my 20	09:36:51	21	Q And that's your opinion?	09:39:23
22	years. We had a 20-year retirement. I actually	09:36:55	22	A That's my opinion.	09:39:24
23	stayed a little longer.	09:36:59	23	Q But as far as the realm of	09:39:25
24	But after that particular case, which	09:37:01	24	possibility, it is possible?	09:39:28
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1	A	Anything is possible in this world.	09:39:30	1	evidence, if you were still at the West Memphis	09:41:51	
2	Q	In investigating the Robin Hood Hills	09:39:34	2	Police Department charged with investigating	09:41:55	
3		murders back in '93 and '94, did you want to	09:39:35	3	murders and the Robin Hood Hills investigation	09:41:58	
4		consider all of the evidence that was available?	09:39:44	4	was still under your purview, would you want to	09:42:02	
5	A	Yes.	09:39:46	5	look at any of this, quote, new evidence to	09:42:05	
6	Q	And in investigating the Robin Hood	09:39:48	6	assure yourself that the West Memphis Three were	09:42:10	
7		Hills murders -- strike that. If you were the	09:39:52	7	the right guys?	09:42:11	
8		one -- and I know you're not, but if you were	09:40:04	8	A Yes. And I would want them -- I'm	09:42:14	
9		the one responsible for determining today	09:40:06	9	gone from there, and I would still want them to.	09:42:16	
10		whether the West Memphis Three either received a	09:40:09	10	Yes.	09:42:20	
11		new -- let's just say received a new trial as a	09:40:12	11	Q And would you want -- if you were	09:42:21	
12		result of new evidence, would you want to look	09:40:15	12	still at the West Memphis Police Department and	09:42:22	
13		at that new evidence closely?	09:40:17	13	this, quote, new evidence had come to light,	09:42:25	
14	A	If -- yes. To give you a short	09:40:21	14	would you want to look at any leads that still	09:42:29	
15		answer, yes. But to even say something a little	09:40:23	15	existed that the new evidence suggested?	09:42:32	
16		more to add to this, every day during that trial	09:40:28	16	A Sure.	09:42:35	
17		I said a prayer, and that was: "Let us have	09:40:30	17	Q And would you want to continue to	09:42:35	
18		justice, and let the vengeance be that of the	09:40:34	18	investigate to the extent that any of the new	09:42:39	
19		Lord." So, I wanted to make sure we would	09:40:38	19	evidence suggested there were avenues that could	09:42:43	
20		investigate properly, and whomever was involved,	09:40:44	20	still be run down?	09:42:46	
21		whoever was -- and arrest the correct people.	09:40:47	21	A I think it should -- should always be	09:42:48	
22		If I did not feel in my heart these were not	09:40:58	22	checked out thoroughly.	09:42:51	
23		(sic) the correct people, I would probably still	09:40:58	23	Q And what would be your role if -- what	09:42:53	
24		be there working on it, until they just kicked	09:41:00	24	action would you take if you looked at some,	09:43:06	
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1		me out the door or I died one. So ---	09:41:04	1	quote, new evidence and determined there was	09:43:08	
2	Q	Well -- sorry. Go ahead.	09:41:06	2	further investigation? Had you -- were you	09:43:12	
3	A	I feel very confident we have the	09:41:08	3	still at the West Memphis Police Department,	09:43:15	
4		right people. There's no doubt in my mind.	09:41:11	4	what would you do?	09:43:17	
5		I've not lost any sleep over that aspect of it;	09:41:13	5	A Well, of course, depending on what it	09:43:18	
6		I have just thinking about the three little	09:41:17	6	is, you know, I would take it to the proper labs	09:43:20	
7		boys. The -- I know without a doubt we have the	09:41:20	7	to get the proper work done and await for the	09:43:23	
8		right individuals.	09:41:23	8	results. If those results indicated any	09:43:26	
9	Q	Well, taking what you just said though	09:41:24	9	different person, then you would want to follow	09:43:30	
10		to its logical conclusion of wanting to make	09:41:27	10	up, do investigations, interviews if possible.	09:43:33	
11		sure that justice is done, is that your	09:41:30	11	You just follow it until there was no other end	09:43:40	
12		primary -- was that your primary goal when you	09:41:33	12	to follow it to, I mean, completely.	09:43:43	
13		were with ---	09:41:34	13	Q And if as a result of following the	09:43:46	
14	A	Yes.	09:41:34	14	new evidence to the end there were questions in	09:43:48	
15	Q	--- the West Memphis Police	09:41:35	15	your mind about whether the people convicted of	09:43:51	
16		Department?	09:41:35	16	the Robin Hood Hills murders were actually the	09:43:56	
17	A	To make sure, yes.	09:41:35	17	killers, what would you do at that point?	09:44:00	
18	Q	And was that your primary goal when	09:41:37	18	A If -- if new evidence came forward	09:44:03	
19		you were doing the investigation of the Robin	09:41:39	19	which led me to believe that they were not	09:44:05	
20		Hood Hills murders?	09:41:41	20	responsible, then I would do everything in my	09:44:08	
21	A	Yes.	09:41:43	21	power to help and assist them.	09:44:11	
22	Q	And without splitting hairs over	09:41:44	22	Q Assist the people that were sitting in	09:44:14	
23		what's new evidence versus what's new test	09:41:46	23	prison?	09:44:16	
24		results versus what's a new analysis of old	09:41:50	24	A Yes.	09:44:17	
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1	Q Would that involve going to the prosecutors ---	09:44:17	1	open investigation regarding the Robin Hood Hills murders since you left the West Memphis Police Department?	09:46:36
2		09:44:19	2		09:46:38
3	A Yes.	09:44:19	3		09:46:42
4	Q --- and asking them to look at the new evidence?	09:44:20	4	A No.	09:46:43
5		09:44:22	5	Q Have you had any involvement in the appeals filed by the West Memphis Three since you left the West Memphis Police Department?	09:46:43
6	A Yes. I'd probably be the biggest champion in the news media for them.	09:44:23	6		09:46:50
7		09:44:30	7		09:46:54
8	Q And as you sit here today, you just haven't looked -- certainly not with the eye of chief of detectives and certainly not with the access that the chief of detectives would have to this, quote, new evidence, you haven't had the opportunity to go through it?	09:44:34	8	A No.	09:46:58
9		09:44:37	9	Q Have you been contacted regarding giving any potential testimony with regard to appeals or post conviction proceedings since you left the police department?	09:46:59
10		09:44:40	10		09:47:00
11		09:44:43	11		09:47:03
12		09:44:45	12		09:47:07
13		09:44:46	13	A No.	09:47:14
14	A No, I have not.	09:44:48	14	Q And certainly have not reviewed any of the new evidence or interviewed any witnesses?	09:47:14
15	Q I'll represent to you that the West Memphis Police Department asked -- let me back up. Do you know who Terry Hobbs is?	09:44:52	15		09:47:18
16		09:44:54	16	A No.	09:47:18
17		09:44:59	17	Q If in 1993, while you were investigating the Robin Hood Hills murders, would you have wanted to know if any of the parents of the victims had a history of violence?	09:47:18
18	A Yes.	09:45:02	18		09:47:21
19	Q Who is he?	09:45:02	19		09:47:25
20	A He's a stepfather of one of the -- one of the victims.	09:45:03	20		09:47:29
21		09:45:06	21		09:47:32
22	Q And in 2007, the West Memphis Police Department asked Terry Hobbs to come down to the police station, and they interviewed him. This	09:45:08	22	A Yes.	09:47:32
23		09:45:12	23	Q Would you have wanted to know if any of the parents of the victims had a history of	09:47:33
24		09:45:16	24		09:47:35
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1	was June of 2007. And they asked him about his whereabouts on the -- May 5th of 1993. Just in general, why would police bring in a stepfather or a potential witness in a murder that long after the conviction of other people for the murders?	09:45:18	1	sexual abuse of children or others?	09:47:38
2		09:45:21	2	A Yes.	09:47:41
3		09:45:26	3	Q Would you have wanted to know if a stepfather of one of the victims had been visually placed with the victims on the evening of their disappearance?	09:47:41
4		09:45:31	4		09:47:43
5		09:45:35	5		09:47:47
6		09:45:38	6		09:47:50
7	A There may have been defense attorneys involved in the case that had questions that had contacted law enforcement. So, I believe they would be duty bound to follow up on that, and I'm sure that's probably what they were doing.	09:45:39	7	A Yes.	09:47:52
8		09:45:48	8	Q Would you have wanted to know and consider if there had been DNA evidence consistent with a stepfather of the victim found in the ligature binding one of the victims?	09:47:52
9		09:45:51	9		09:47:56
10		09:45:55	10		09:48:04
11		09:45:59	11		09:48:07
12	Q So -- and I know you don't -- you haven't looked at that interview, and I know you don't know the specifics; but if I represent to you that they did question Terry Hobbs with regard to his whereabouts on May 5th of 1993 and they did this questioning in June of 2007, would that suggest to you that the West Memphis Police are still investigating as new evidence becomes available or as requested?	09:46:02	12	A Sure.	09:48:11
13		09:46:02	13	Q Would you have wanted to know if there had been DNA found at the crime scene that was consistent with a friend of one of the stepfathers of the victims and the stepfather had been with the friend on the night in question?	09:48:11
14		09:46:05	14		09:48:13
15		09:46:06	15		09:48:17
16		09:46:09	16		09:48:18
17		09:46:13	17		09:48:22
18		09:46:18	18		09:48:24
19		09:46:20	19	A Sure.	09:48:25
20		09:46:24	20	Q Would you have wanted to know if one of the stepfathers of one of the victims was unaccounted for for several hours on the evenings that the victims went missing?	09:48:25
21	A As reque -- yes. And I believe West Memphis Police Department would always do that on any case.	09:46:27	21		09:48:27
22		09:46:29	22		09:48:30
23		09:46:32	23		09:48:32
24	Q Have you had any involvement in the	09:46:34	24	A Yes.	09:48:36
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1	Q Would you have wanted to know if the	09:48:36	1	Q --- people about sexual abuse and	09:50:43
2	stepfather or a stepfather of one of the victims	09:48:41	2	violence.	09:50:44
3	had given multiple different accounts about his	09:48:45	3	A Knocking on doors.	09:50:46
4	whereabouts and actions on May 5th of 1993?	09:48:46	4	Q Would you want to interrogate that	09:50:47
5	A Sure.	09:48:50	5	stepfather?	09:50:49
6	Q Would you have wanted to know if one	09:48:50	6	A Sure.	09:50:50
7	of the stepfathers or if a stepfather of one of	09:48:52	7	Q Would you document that?	09:50:50
8	the victims had said he was searching for his	09:48:56	8	A Sure.	09:50:51
9	son for four hours straight, but that there was	09:49:00	9	Q Would you perhaps even videotape that?	09:50:51
10	credible evidence that he was actually at a	09:49:02	10	A Yes.	09:50:54
11	friend's house playing guitar for an hour?	09:49:06	11	Q Would you maybe put that stepfather	09:50:55
12	A Sure.	09:49:09	12	under surveillance?	09:50:55
13	Q Would you have wanted to know if a	09:49:09	13	A Possibly, yes.	09:50:56
14	stepfather of one of the victims was found to	09:49:12	14	Q Would you maybe ask that stepfather to	09:50:57
15	have a pocket knife of his stepson that the rest	09:49:14	15	take a lie detector test?	09:51:00
16	of the family believed would have been with the	09:49:17	16	A Yes.	09:51:02
17	victim at the time of the death?	09:49:21	17	Q Get finger prints, DNA, all that ---	09:51:03
18	A Sure.	09:49:23	18	A Yes.	09:51:05
19	Q Would you have wanted to know if the	09:49:23	19	Q --- all that that we've discussed?	09:51:05
20	stepfather was credibly accused of doing	09:49:25	20	A Yeah.	09:51:07
21	laundry, including the drapes and beddings in	09:49:28	21	Q If all that evidence were available or	09:51:09
22	the house, within 24 hours of the time that the	09:49:32	22	available to be considered about one of the	09:51:15
23	children went missing?	09:49:36	23	stepfathers of the victims of the Robin Hood	09:51:19
24	A Sure.	09:49:37	24	Hills murders in May of 1993, is it fair to say	09:51:21
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1	Q If all of those pieces of evidence	09:49:43	1	that the police, internally at least, would have	09:51:28
2	that I just walked through, which were not	09:49:46	2	had to consider that stepfather a person of	09:51:31
3	available to you or at least were not found by	09:49:49	3	interest?	09:51:34
4	the police in 1993 or '94, if those were	09:49:52	4	A Yes, they would have.	09:51:35
5	available to you when you were investigating the	09:49:56	5	Q And the police would have had to look	09:51:36
6	Robin Hood Hills murders, would you, as a	09:49:59	6	at that person as possibly a suspect?	09:51:37
7	seasoned or experienced investigator, want to	09:50:03	7	A And as -- yes. And as we previously	09:51:40
8	take a look, as we've been using that phrase, at	09:50:06	8	mentioned, family is the first you look at.	09:51:42
9	that stepfather?	09:50:10	9	Q And if all of that evidence I listed	09:51:55
10	A Yes.	09:50:11	10	came to light following the conviction of others	09:51:57
11	Q And what would that look have	09:50:12	11	for the Robin Hood Hills murders, that would not	09:52:04
12	entailed, specifically given those types of	09:50:14	12	change in any way the obligation of the West	09:52:07
13	evidence?	09:50:17	13	Memphis Police Department to follow up on the	09:52:09
14	A Well, of course, not knowing what --	09:50:18	14	evidence I just listed and I believe, as you	09:52:12
15	quite what the evidence is, yes, you're looking	09:50:19	15	said, chase it as far as that evidence goes?	09:52:15
16	at all the evidence and seeing how it applies to	09:50:23	16	A Exactly.	09:52:19
17	that individual, possibilities of DNA, any	09:50:26	17	Q And this next question I'm asking with	09:52:27
18	forensic, you know, information. You would want	09:50:32	18	all due respect to you and to the West Memphis	09:52:30
19	to look at all that.	09:50:37	19	Police Department and to the hard working men	09:52:33
20	Q And we're back to some of the other	09:50:38	20	and women that have done what they have done to	09:52:36
21	things that you said. You would want to look	09:50:39	21	try to track down the murders -- the murderers	09:52:39
22	into criminal history, you would want to	09:50:41	22	in the Robin Hood Hills case, and I'm not being	09:52:41
23	interview ---	09:50:43	23	facetious at all.	09:52:45
24	A Yes.	09:50:43	24	But from a lay perspective, reading the	09:52:48
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1	press articles and whatnot, it appears that the	09:52:51	1	West Memphis Three get a new trial?	09:55:14
2	West Memphis Police Department and the	09:52:53	2	A Well, you've kind of got a double	09:55:20
3	prosecutors have never looked at Terry Hobbs, one	09:52:56	3	question there.	09:55:22
4	of the stepfathers of one of the victims,	09:53:00	4	Q Yeah, let me break it up. That's	09:55:23
5	seriously as being a person of interest or even a	09:53:03	5	fair.	09:55:23
6	possible suspect in this case. And I know you've	09:53:07	6	A You get ---	09:55:23
7	been gone for a long time. Do you have any	09:53:16	7	Q Explain to me then when you said, "I	09:55:23
8	understanding of why that is or any explanation	09:53:16	8	can't answer your question about why the West	09:55:23
9	of why that would be?	09:53:16	9	Memphis Police Department has not looked at	09:55:29
10	A I really can't comment on it.	09:53:18	10	Terry Hobbs as a person of interest or a	09:55:33
11	Q And when you say you can't comment --	09:53:20	11	potential suspect in light of this new	09:55:36
12	and you mentioned this earlier, and I'm going to	09:53:22	12	evidence," when you said, "I can't say," what	09:55:39
13	let you flush this out for the ladies and	09:53:25	13	did you mean by that?	09:55:42
14	gentlemen of the jury so you can explain.	09:53:28	14	A Well, I think I got the impression you	09:55:45
15	You have some concerns about actually	09:53:29	15	were asking a question as if he's never been	09:55:48
16	testifying with regard to the actual	09:53:31	16	looked at as a suspect, when that's not true.	09:55:52
17	investigation that occurred of the Robin Hood	09:53:35	17	He has been looked at as a suspect.	09:55:55
18	Hills murders. We've been talking hypothetically	09:53:37	18	Q Based -- I'm sorry.	09:55:59
19	and about evidence that you're not aware of at	09:53:41	19	A But on the new evidence that you're	09:56:01
20	this point and in general about investigations.	09:53:44	20	referring to, the police would be properly doing	09:56:02
21	But you're uncomfortable talking about what	09:53:47	21	their job to follow up and talk to him. If	09:56:06
22	actually transpired in that investigation. Why	09:53:48	22	someone else is developed, then they would be	09:56:09
23	is that?	09:53:50	23	proper to follow up and do an investigation on	09:56:12
24	A And the reason I am uncomfortable is	09:53:51	24	that if something new comes up.	09:56:15
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1	there is a wealth of money supporting the West	09:53:56	1	Q And look at him as a possible suspect?	09:56:17
2	Memphis Three in getting them out of jail. Now,	09:54:02	2	A Right, right. The point I'm making	09:56:20
3	I believe -- I believe personally they're guilty	09:54:06	3	is, I don't want to be the individual of sheer	09:56:22
4	of the crime. Two juries said they were guilty	09:54:10	4	making a -- an incorrect comment or being wrong	09:56:28
5	of it. There is a lot of money, there's a lot	09:54:13	5	on a date or a time or a small fact and then all	09:56:31
6	of legal minds working to get them out of jail,	09:54:18	6	the sudden the legal minds say, "Oh, my God,	09:56:36
7	and I'm afraid that I could say something --	09:54:23	7	see, based on what Mr. Gitchell said in that	09:56:39
8	this has been, for me, 16 years. I'm afraid I	09:54:25	8	deposition, he should get a new trial."	09:56:44
9	could say something inappropriately, I could be	09:54:29	9	Now, if there's new evidence, fine.	09:56:46
10	wrong, I could be forgetful, because Lord knows	09:54:32	10	But don't -- don't put that monkey on my back	09:56:48
11	I'm getting older and I can be, and I don't want	09:54:36	11	that I've said something incorrectly over 16	09:56:51
12	to say anything that would cause them to get a	09:54:39	12	years that I may or may not remember, that	09:56:54
13	new trial just based on a comment I make.	09:54:43	13	they're going to be entitled to a new trial for	09:56:56
14	Q When you say then in answer to my	09:54:47	14	something I said. No. That's why I'm not going	09:57:00
15	question about why the police had not looked at	09:54:50	15	to discuss the case.	09:57:01
16	Terry Hobbs or treated him as a person of	09:54:52	16	Q Fair enough.	09:57:02
17	interest or a possible suspect -- I believe your	09:54:55	17	A If they have new evidence, hey, I'm	09:57:02
18	answer to my question was you can't say, and I	09:54:58	18	all for it. Go for it.	09:57:04
19	want to break down. You can't say because	09:55:00	19	Q Fair enough. And in following up with	09:57:06
20	you've been gone for so long and don't know the	09:55:02	20	what you're saying there, then any discussion of	09:57:10
21	facts, from you can't say because you do not	09:55:05	21	how the West Memphis Police Department looked at	09:57:16
22	feel comfortable making a comment about the	09:55:08	22	Terry Hobbs back in '93 or '94, you can't talk	09:57:19
23	investigation or what transpired because you do	09:55:09	23	about that today?	09:57:22
24	not want to say anything that would help the	09:55:12	24	A Correct.	09:57:23
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1	Q Any discussion of why Terry Hobbs was	09:57:23	1	determined whether Mr. Hobbs had an alibi for	09:58:58
2	not pursued further back in '93 or '94, can you	09:57:26	2	May 5th or 6th?	09:59:05
3	talk about that today?	09:57:30	3	A No.	09:59:05
4	A No.	09:57:32	4	Q And whether, in fact, the police	09:59:05
5	Q Can you talk about how many different	09:57:32	5	department ever considered Mr. Hobbs actually a	09:59:07
6	times the West Memphis Police Department	09:57:34	6	suspect?	09:59:10
7	interviewed Terry Hobbs in '93 or '94?	09:57:36	7	A No.	09:59:10
8	A I couldn't -- to be honest with you, I	09:57:37	8	Q Could you talk to me about whether the	09:59:11
9	couldn't remember.	09:57:39	9	police department considered that there had been	09:59:15
10	Q And you couldn't talk about what he	09:57:40	10	my errors made in the investigation?	09:59:18
11	said in any interview back then?	09:57:43	11	A Could I?	09:59:21
12	A No.	09:57:44	12	Q Would you, could you today, given the	09:59:23
13	Q Could you talk about any evidence that	09:57:45	13	parameters of what you're comfortable	09:59:25
14	the West Memphis Police Department collected on	09:57:46	14	discussing?	09:59:29
15	Mr. Hobbs back then?	09:57:47	15	A No.	09:59:29
16	A No.	09:57:49	16	MS. DAVIS: Why don't we take a	09:59:33
17	Q And I'm just going to run through a	09:57:50	17	quick break.	09:59:35
18	few of these so that I can test you on this, and	09:57:52	18	MR. WELLENBERGER: Suits me.	09:59:37
19	then I think I'll be able to globally whittle	09:57:54	19	MS. DAVIS: And I'll -- let me	09:59:38
20	down my questions. Could you talk about any	09:57:57	20	try to just -- I think that will help me cut	09:59:38
21	other witnesses that spoke to the West Memphis	09:57:59	21	through some of this stuff.	09:59:40
22	Police Department about Mr. Hobbs?	09:58:02	22	VIDEOGRAPHER: We're going off	09:59:43
23	A No.	09:58:04	23	the record. The time is approximately 10:00 a.m.	09:59:44
24	Q Could you talk to me about -- or	09:58:04	24	(Brief recess.)	09:59:47
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1	answer any questions about whether Mr. Hobbs was	09:58:06	1	We are now back on the record. The	10:00:39
2	ever put under surveillance, and if not, why?	09:58:10	2	time is approximately 10:06 a.m.	10:05:22
3	A No.	09:58:14	3	Q (By Ms. Davis) Chief GitcheLL, I	10:05:25
4	Q Could you talk to me about whether the	09:58:15	4	want to thank you for being here today and so	10:05:27
5	West Memphis Police Department ever considered	09:58:18	5	candidly answering the questions, and I want you	10:05:27
6	any criminal history of Mr. Hobbs or violent	09:58:22	6	to know that I respect the position that you	10:05:29
7	history or sexual abuse history?	09:58:25	7	find yourself in and your concerns about	10:05:32
8	A No.	09:58:28	8	answering further questions.	10:05:34
9	Q Could you talk to me about whether	09:58:28	9	My only other question for you is that	10:05:36
10	any -- whether the West Memphis Police talked to	09:58:30	10	if I were to ask you any question about the	10:05:37
11	any alibi witnesses of Mr. Hobbs?	09:58:34	11	details of the investigation and trials of the	10:05:41
12	A No.	09:58:38	12	West Memphis -- the investigation into the Robin	10:05:43
13	Q Could you talk to me about whether the	09:58:38	13	Hood Hills murders or the trials of the West	10:05:45
14	West Memphis Police Department asked Mr. Hobbs	09:58:39	14	Memphis Three for those murders, you would not be	10:05:47
15	to take a lie detector test?	09:58:42	15	able to or willing to answer my questions about	10:05:50
16	A No.	09:58:47	16	those today. Is that right?	10:05:52
17	Q Or whether the West Memphis Police	09:58:47	17	A That's correct.	10:05:55
18	Department interviewed Mr. Hobbs' family about	09:58:47	18	Q Fair enough.	10:05:55
19	him?	09:58:49	19	MS. DAVIS: I'll pass the	10:05:56
20	A No.	09:58:50	20	witness.	10:05:58
21	Q Whether the police talked to David	09:58:51	21	VIDEOGRAPHER: This is the end of	10:06:00
22	Jacobi?	09:58:52	22	Tape 1 for the videotape deposition of Mr. Gary	10:06:00
23	A No.	09:58:54	23	GitcheLL. The time is approximately 10:06 a.m.	10:06:00
24	Q Whether the police department	09:58:58	24	(Brief recess.)	10:06:03
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1	This is the beginning of Tape 2 of the	10:06:05	1	changed the atmosphere in the West Memphis	10:10:05
2	videotape deposition of Mr. Gary GitcheLL. The	10:07:49	2	community?	10:10:08
3	time is approximately 10:08 a.m.	10:07:52	3	A Well, it's a Bible-belt community, a	10:10:10
4	DIRECT EXAMINATION	10:07:55	4	lot of churches. So, the thoughts that there	10:10:14
5	BY MR. WELLENBERGER:	10:07:55	5	were people in devil worshipping cults was	10:10:18
6	Q Chief GitcheLL, my name is Bob	10:07:56	6	frightening to them.	10:10:27
7	Wellenberger, and I represent the Dixie Chicks.	10:07:57	7	Q Do you know Bill Wheeler, the preacher	10:10:29
8	I just have a few questions, and I hope you can	10:07:57	8	at the Church of Christ in West Memphis?	10:10:32
9	answer them. If you don't feel comfortable,	10:07:57	9	A Vaguely, yes.	10:10:37
10	just say so, and we'll hopefully agree that you	10:07:57	10	Q Do you recall he put on a special --	10:10:38
11	don't need to.	10:08:11	11	had a special speaker come into that church to	10:10:40
12	A All right.	10:08:13	12	preach about -- talk about satanism?	10:10:43
13	Q But I was a little confused about	10:08:13	13	A No, I don't -- don't recall any.	10:10:46
14	looking at the parents, trying to clear the	10:08:18	14	Q Do you recall that the First Baptist	10:10:47
15	parents as one of the first steps in an	10:08:21	15	Church there in West Memphis had special	10:10:48
16	investigation. Was that course followed, do you	10:08:27	16	Wednesday night programs on satanism for about a	10:10:51
17	think, in the Robin Hood Hills murders?	10:08:31	17	month?	10:10:53
18	A Yes.	10:08:35	18	A No, sir, I don't recall.	10:10:56
19	Q And is the documents -- is the work	10:08:35	19	Q Do you recall the Wicker Group trying	10:10:57
20	that was done to clear the parents documented in	10:08:39	20	to have a parade in West Memphis to support	10:11:00
21	the file?	10:08:43	21	their version of the religion?	10:11:04
22	A Only -- the best way I know how to	10:08:49	22	A I -- I remember them having one I	10:11:06
23	answer it is this: It should be. It's been 16	10:08:51	23	believe in Jonesboro during the time of the	10:11:08
24	years ago, and God knows how many people's been	10:08:56	24	trial; but in West Memphis, I don't remember	10:11:10
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1	through the files.	10:09:00	1	that.	10:11:14
2	Q Understood. That's a good answer.	10:09:01	2	Q Okay. During the Echols/Baldwin	10:11:14
3	But it should be there?	10:09:03	3	trial, you were present for that trial every	10:11:22
4	A Should be.	10:09:05	4	day?	10:11:24
5	Q Okay. Then there was the Misskelley	10:09:07	5	A Yes, sir.	10:11:25
6	confession got leaked to the press, and I know	10:09:11	6	Q Were you able to sit in the courtroom	10:11:26
7	that was something that was of concern to you.	10:09:17	7	or ---	10:11:27
8	Did you ever find out how that confession was	10:09:20	8	A No, sir.	10:11:28
9	leaked to the press?	10:09:23	9	Q Okay. And you -- do you have an	10:11:28
10	A I could not discuss it.	10:09:25	10	opinion as to whether the members of that jury	10:11:30
11	Q Okay. Well, was that an item of --	10:09:27	11	knew about the Misskelley confession?	10:11:32
12	you didn't leak it, did you?	10:09:28	12	A I would have no idea.	10:11:37
13	A No.	10:09:31	13	Q Do you know -- do you remember an	10:11:40
14	Q And was that an item of concern to you	10:09:32	14	officer named John Slater, West Memphis ---	10:11:41
15	at the time?	10:09:35	15	A Was he a West Memphis officer?	10:11:45
16	A Not really.	10:09:38	16	Q West Memphis officer named John	10:11:48
17	Q When the Misskelley confession was	10:09:40	17	Slater.	10:11:51
18	leaked, that -- that confession talked about a	10:09:42	18	A Yeah, I think I remember him, yeah.	10:11:52
19	satanic cult. Did that change or invigorate a	10:09:49	19	Q I take it from that answer that you	10:11:59
20	change in the atmosphere in West Memphis?	10:09:54	20	think you remember him, that it's rather vague?	10:12:01
21	A In the community, yeah, I think it	10:09:57	21	A Yeah. I'm trying to place a face, and	10:12:04
22	probably did.	10:09:59	22	I can't do that, so.	10:12:06
23	Q And could you -- could you just kind	10:10:00	23	Q Well, John Slater provided an	10:12:08
24	of explain a little bit about how -- how that	10:10:03	24	affidavit that he was on the evening -- the	10:12:10
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1	11:00 p.m. shift of the evening of May 5,	10:12:12	1	leads. Is that correct?	10:14:43
2	morning of May 6, and that the shift commander	10:12:16	2	A I believe so.	10:14:44
3	had -- somehow had not gotten the word out we	10:12:20	3	Q So, I mean, that's one place where the	10:14:46
4	had these three boys missing. Is that -- is	10:12:24	4	media was ---	10:14:47
5	that ringing a bell?	10:12:27	5	A Helpful.	10:14:48
6	A I don't -- of course, I would have	10:12:29	6	Q --- maybe helpful?	10:14:48
7	been in bed at that time. So I don't know what	10:12:31	7	A Yes, sir.	10:14:50
8	transpired there.	10:12:33	8	Q Okay. Then there was a reward fund	10:14:50
9	Q Well, I mean, do you recall that there	10:12:35	9	generated by -- was that generated by the	10:14:53
10	was conversation in the police department	10:12:36	10	citizens of West Memphis?	10:14:56
11	that -- that somehow we just stopped looking for	10:12:40	11	A Crime Stoppers has an amount typically	10:14:58
12	those boys at shift change?	10:12:42	12	they add in, but then donations also.	10:15:01
13	A I'm going to break my own rule here.	10:12:47	13	Q And that reward fund for this crime	10:15:03
14	I wasn't happy with that situation whatsoever	10:12:49	14	really grew, didn't it, to almost maybe \$50,000,	10:15:07
15	myself. I was chief of detectives. I had	10:12:59	15	35 to 50?	10:15:10
16	detectives on call 24/7. I was on call 24/7.	10:13:01	16	A To be honest with you, I don't	10:15:13
17	Many times at 3:00 o'clock I get calls in the	10:13:04	17	remember that amount. And I was a coordinator.	10:15:14
18	morning over a soda machine broken into and want	10:13:06	18	I was the coordinator of Crime Stoppers. So, I	10:15:17
19	a decision or not whether to put fingerprint	10:13:12	19	don't, but I just honestly don't remember now.	10:15:22
20	powder on the machine.	10:13:13	20	Q But there was -- there was -- I mean,	10:15:25
21	And for three 8-year-old boys to come	10:13:15	21	the interest of the community wasn't limited	10:15:30
22	up missing and it's dark and they're not home,	10:13:17	22	simply to media reports?	10:15:33
23	why wasn't I called. That upset me.	10:13:21	23	A Oh, no. It was all over the world.	10:15:35
24	Q Understood. And John Slater said that	10:13:27	24	Q And -- but your citizens in West	10:15:38
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1	he and his partner -- and this is in an	10:13:30	1	Memphis, they wanted to donate money to the	10:15:40
2	affidavit that was filed a few years back in a	10:13:32	2	crime fund. As I understand it, there was a	10:15:42
3	different Rule 37. But he and his partner got a	10:13:35	3	library -- or there was a reading memorial	10:15:45
4	call from the commander at about 5:00 or	10:13:40	4	dedicated to the boys.	10:15:50
5	5:30 a.m. on the morning of May the 6th, and	10:13:42	5	A I think at one of the schools.	10:15:52
6	they searched the very area where the bodies	10:13:45	6	Q Through the Cub Scouts, Boy Scouts of	10:15:55
7	were ultimately found with the big flashlights,	10:13:50	7	America. Is that correct?	10:15:58
8	looked right into that creek with those big	10:13:54	8	A I believe so.	10:16:01
9	flashlights, and there were no bodies there.	10:13:54	9	Q And the schools had -- at least the	10:16:03
10	And he says, "If the bodies had been there, we	10:13:57	10	Weaver Elementary School had to bring counselors	10:16:04
11	would have seen them."	10:14:00	11	in to talk to the children about the loss?	10:16:08
12	Now, you were at the site, and in broad	10:14:02	12	A That's not unusual for -- even if a	10:16:11
13	daylight you had to stumble across those bodies	10:14:07	13	child is in a traffic accident.	10:16:13
14	to find them.	10:14:11	14	Q But, I mean, in this instance, I mean,	10:16:16
15	A Correct.	10:14:12	15	that -- that activity was undertaken; correct?	10:16:18
16	Q Would you have seen them at nighttime	10:14:12	16	A Yes.	10:16:22
17	with flashlights, in your opinion?	10:14:14	17	MR. WELLENBERGER: I think that's	10:16:45
18	A No, would not have.	10:14:17	18	all I've got.	10:16:46
19	Q The Inside Edition and America's Most	10:14:21	19	(Discussion off the	10:16:47
20	Wanted both had programs on these murders before	10:14:26	20	record.)	10:16:47
21	anybody was arrested; correct?	10:14:30	21	Q (By Mr. Wellenberger) Chief, would	10:16:52
22	A Yes. I did press releases with them.	10:14:32	22	you look at Exhibit 1 to your deposition, and is	10:16:53
23	Q And you had a huge volume of calls	10:14:36	23	that a true and correct copy of the subpoena	10:16:57
24	following American's Most Wanted I think about	10:14:39	24	that you received for today's deposition?	10:17:01
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1 A Yes, it is. 10:17:05
2 (Whereupon, Exhibit No. 1 10:17:05
3 was marked to the testimony 10:17:05
4 of the witness.) 10:17:05
5 MR. WELLENBERGER: Thank you. 10:17:09
6 MS. DAVIS: Thank you, Chief. 10:17:10
7 MR. WELLENBERGER: Cody, do you 10:17:12
8 have any questions? 10:17:12
9 MR. HILAND: I don't, Bob. 10:17:13
10 VIDEOGRAPHER: This concludes the 10:17:16
11 videotape deposition of Mr. Gary Gitchell 10:17:16
12 consisting of two tapes. The time is 10:17:17
13 approximately 10:18 a.m. 10:17:20
14 FURTHER DEPONENT SAITH NOT. 10:17:20
15 (SIGNATURE PAGE ENCLOSED.) 10:17:20
16
17
18
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20
21
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23
24

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1 CERTIFICATE 10:17:20
2 STATE OF TENNESSEE: 10:17:20
3 COUNTY OF SHELBY: 10:17:20
4 I, DANETTE CROUCH, Court Reporter and Notary 10:17:20
5 Public for the State of Tennessee at Large, do 10:17:20
6 hereby certify that I reported in machine 10:17:20
7 shorthand the above-captioned proceedings. 10:17:20
8 I HEREBY CERTIFY that the foregoing pages contain 10:17:20
9 a full, true and correct transcript of my said 10:17:20
10 Stenotype notes then and there taken. 10:17:20
11 I FURTHER CERTIFY that I am not an attorney or 10:17:20
12 counsel of any of the parties, nor a relative or 10:17:20
13 employee of any of the parties, nor am I a 10:17:20
14 relative or employee of any attorney or counsel 10:17:20
15 connected with the action, nor am I financially 10:17:20
16 interested in the action. 10:17:20
17 I FURTHER CERTIFY that in order for this document 10:17:20
18 to be authentic and genuine, it must bear my 10:17:20
19 original signature and my embossed notarial seal 10:17:20
20 and that any reproduction in whole or in part of 10:17:20
21 this document is not allowed or condoned and that 10:17:20
22 such reproductions should be deemed a forgery. 10:17:20
23 THEREFORE, witness my hand and my official seal 10:17:20
24 in the State of Tennessee on August 14, 2009. 10:17:20

DANETTE CROUCH
Court Reporter and
Notary Public at Large 10:17:20

My Commission Expires: 10:17:20
May 24, 2011 10:17:20

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