

STATE OF TENNESSEE, Plaintiff v. Matthew Amick, Defendant in Circuit Court of Hickman County at Centerville, Tennessee Cause No: 19-5081-CR, 19-5144-CR, 21-5100-CR AND 17-5274-CR.

EXHIBIT # R AS RULE 103(a)(1)(2)

OFFER OF PROOF NO. 18

“BOND HEARING TRANSCRIPT & DECLARATION” – 18 Pages


Matthew Amick

Dated this 15 day of July, A.D. 2025

_____, TSBA # 32498
Amanda J. Gentry

Dated this _____ day of _____, A.D. 2025

(Signature of Assigned Counsel Amanda J. Gentry is Required).

IN THE CIRCUIT COURT of HICKMAN COUNTY at CENTERVILLE, TENNESSEE

STATE OF TENNESSEE v. MATTHEW JAMES AMICK

Case Nos. 19-5081-CR, 19-5144-CR, 21-500-CR, 17-5274-CR

DECLARATION IN SUPPORT OF RULE 24(c) STATEMENT OF EVIDENCE

(Bond Hearing – May 20, 2021)

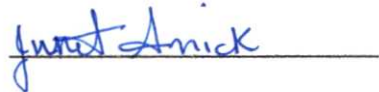
Pursuant to Tennessee Rule of Appellate Procedure 24(c), I, Janet Amick, hereby declare and affirm under penalty of perjury as follows:

1. I, Janet Amick am one of the People of the freely associated state of Tennessee and do hereby reserve all natural and unalienable rights protected by the ninth and tenth amendments to the Constitution for the United States of America. I am the natural mother of Matthew James Amick.
2. On May 20, 2021, after 22 months of incarceration, the trial court conducted a hearing concerning the Defendant's pretrial release and bond status. This hearing was conducted via Zoom video conference and I personally attended.
3. The Defendant's formal Pro Se Motion for Transcripts at Public Expense was denied by the court October 9, 2024.
4. I personally partially recorded the bond hearing via Zoom as it occurred in real time, and I later prepared a substantially verbatim transcript of the proceeding.
5. The attached transcript, labeled Exhibit R, was both recorded and transcribed by me based on the original, unaltered recording.
6. The recording has been securely preserved, has not been modified and the audio recording is available in the public domain for self-verification at www.Justice4Matthew.com/bondhearing
7. To the best of my knowledge, information, and belief, the attached transcript is true, accurate, and complete, and reflects the statements and events that occurred during the May 20, 2021 hearing.
8. This declaration and the attached transcript are submitted in accordance with Tennessee Rule of Appellate Procedure 24(c) for the purpose of preserving the evidentiary record in support of the Defendant's Amended Motion for New Trial, particularly as it relates to:

denial of due process, ineffective assistance of counsel, improper denial of bond, and failure to object to inadmissible and prejudicial testimony.

I declare and affirm under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Janet Amick", is written over a horizontal line.

Janet Amick

Attorney-in-Fact for Matthew James Amick

Recorded POA: Hickman Co. Reg. #24003775

Date: 8/18/24

Bond Hearing Transcript from Verbatim Private Partial Recording

Held: May 20, 2021

Recorded in Real Time by: Janet Amick

Transcribed Verbatim by: Janet Amick

Speakers:

Stacey B. Edmonson, Prosecutor, also "General"

Douglas T. Bates, Attorney #2 for the defendant Matthew Amick

Judge, Michael E. Spitzer

Karey Amick, defendants father, also "Mr. Amick"

Rebecca Ashton Amick, ex-wife of the defendant, State's Witness

Barry Carroll, Tennessee Bureau of Investigations Officer, also Carol

Unknown Speaker 1

Unknown Speaker 2

Spitzer: We'll wait for you to come back in.

Do you have his number, Mr. Bates, where you could give him a call to see if he'd kick back in?

Bates: yes your honor, if I can mute myself, if that's ok.

Spitzer: certainly. Certainly.

Unknown Speaker 1: Any contact, Mr. Bates?

Bates: I have. He's back on. He's trying to get back on.

Unknown Speaker 1: He could also try to call in by phone if the internet keeps on being a problem.

Bates: General, would you oppose that?

Edmonson: No, that's fine.

Unknown Speaker 1: Okay

Bates: Hey Karey, I'm going to just put you on speakerphone to finish this up by phone. Okay.

I'm going to put you on speaker. Okay Karey can you say something?

Karey: Yes sir, I'm here. You're on speaker phone here.

Bates: Okay, speak as loud as you can.

Karey: Okay?

Bates: Can everyone hear?

Unknown Speaker 1: If it's not loud enough, there's a phone number that he can call in. To zoom, and then it'll transmit the audio a little better.

Bates: Okay Karey. I'm going to hang up with you. On the email that I sent with the zoom link, there's a phone number.

Karey: [muted audio]

Unknown Speaker 1: It's under dial by location.

Bates: 1550 or 551-285-1373

Karey: [muted audio]

Bates: and just call in. Thank you.

Unknown Speaker 1: He may have to put in the meeting id and passcode on that as well.

Karey: Hello

Spitzer: Mr. Amick, are you on?

Karey: Yes Sir, I'm here.

Spitzer: You'll need to speak loudly please.

Karey: Yes sir, Okay. How about now?

Spitzer: That's a little better.

Karey: Okay.

Bates: Okay, Mr. Amick, my question waw while Matthew is in Texas, can you ensure he does not drink alcohol?

Karey: yes sir

Bates: If he does, are you prepared to contact his bond company and the district attorney to advise them that he's in violation of a bond order?

Karey: Yes

Bates: Will you be able to get Matthew some form of insurance or some ability to stay on the medications he's on now?

Karey: Yes

Bates: Do you have insurance? Currently?

Karey: No.

Bates: Will Matthew be able to get to doctor visits in Texas?

Karey: yes

Bates: Will you be able to travel back to court from Port Arthur to Tennessee for Matthew's court appearances?

Karey: We'll try to make the arrangements for that.

Bates: And do you and Miss Janet get along when it comes to working for Matthew's best interest?

Karey: Yes

Bates: Do you have any desire to help Matthew flee the country by boat or stay out to sea for the rest of his life?

Karey: No, no.

Bates: Those are my questions Mr. Amick. The Attorney General will have some for you.

Spitzer: General Edmonson.

Edmonson: Thank you your Honor. Mr. Amick, just a few questions for you. First of all how do you plan to ensure that your son will not drink alcohol?

Karey: Well, I will have a briefing with him on a daily basis concerning that and any other thing that you might or anybody else would suggest. I'm open for anything that would pertain to that and helping him cope with that, if that still is a problem. I'm not sure that he even has that problem now for he's been incarcerated for a very long time.

Edmonson: Well, Mr. Amick, would it be fair to say that his use of alcohol and drugs was exacerbated by his traumatic brain injury?

Karey: Oh I can't say. I don't know that.

Edmonson: Okay. Over the years, did you see an increase in his use of alcohol and drugs?

Karey: I really can't answer that question. I've not been around him that much in the last few years. I know he's complained about his head injuries quite often. I've got calls from his mother concerning him. About his headaches.

Edmonson: Okay, how do you intend to get him to court?

Karey: If we've got some time, like a day or two notice, we'll make arrangements through his mother or myself.

Edmonson: Okay, I guess more specifically, what I'm asking is, are you going to drive him? Are you going to put him on a bus, on an airplane? What is your plan?

Karey: Either or any one of those ways, methods to get him there. The plane would probably be the best because we're about 900 miles away. But if it's something really important and the court really needs me or calling on me to get him up there right now, then I would make every effort to do that.

Edmonson: Okay. Are you prepared to travel with him to ensure he makes it from point a to point b?

Karey: Yes, I will certainly try to. Sometimes I might be called for emergency because I do a rescue boat here, and I may be on a rescue or a salvage operation, but I can usually get away one everybody's established to the crews and everything to do that. But if I have a notice, a heads up, like a date to go by where I have at least a couple of day's notice.

Edmonson: So Mr. Amick, it sounds like your job is pretty busy. Is that a fair statement?

Karey: Sometimes, not always. I'm basically here on the island Ninety percent of the time.

Edmonson: Okay

Karey: Because I'm taking all this into consideration of the situation, him coming here, and he is a responsible person when it comes to dealing with the boats and the people that come to have their repairs made like that. So I feel like this is a great opportunity for him to heal and begin to get his life back. I've had a lot of thought that's been put into this.

Edmonson: Well, Mr. Amick, let me ask you this, your son testified earlier that he's only spent about ten days in Texas previously. How is it that you that he can deal with the customers and work on the boats, given that he's only spent about ten days there?

Karey: Well, he's had responsibility on him before with the CSX railroad and the Texas Eastern Pipe yard in LaVergne, Tennessee. So he's been engaged in supervising crane riggers and other chores and duties there that involved equipment and painting and stuff like that. He's participating in painting containers that went to Iraq. We've done over 50 containers. And so he's got a good track record and he has been able to do these sort of things in the past.

Edmonson: Okay, how long ago was that?

Karey: Back in 2005, through the times we worked at the boatyard 2008.

Edmonson: Okay, so several years ago.

Karey: yes

Edmonson: So that track record isn't really a recent track record. Would that be fair to say?

Karey: Well, he was here on the island. I had to go back and look, but around 2012, 13, somewhere in that neighborhood at time. 2014, somewhere in there like that. And he did work on the CSX railroad in 2019 in Atlanta, Georgia, also. That's where he went for his evaluation of his head injuries. So yeah, he worked with me down there. I don't about a month, I think.

Edmonson: Okay. Mr. Amick do you have any weapons in your residence?

Karey: No

Edmonson: You don't have any guns or firearms or any kind?

Karey: No

Edmonson: Your honor, that's all I have.

Spitzer: Mr. Bates? You're muted. Mr. Bates.

Bates: Just very briefly your honor. Mr. Amick the court dates will be provided to Mr. Amick weeks or months in advance. Will you be able to account for those in getting Mr. Amick, Matthew up to Tennessee for court dates?

Karey: Yes

Bates: If you're called out on an emergency, will you be able to communicate that to Janet Amick?

Karey: Yes

Bates: Thank you. Those are my questions.

Spitzer: Any further General?

Edmonson: No sir.

Spitzer: Mr. Amick, just on the side and has nothing to do with this case. But do you know whether or not they've let the dams open at Lake Rayburn?

Karey: Oh yeah. Dam B. and I was just looking for that this morning. We do have significant flooding right now. The tide's up about two foot above normal here on the coast and everyone's concerned about the release of water from Dam B. I'm not sure at this time.

Spitzer: Are you located in a position where you might get flooded?

Karey: We're on the gulf side, so were in behind the levee system, mouth of the Sabine river and the Sabine pass. It flows out. So during Hurricane Harvey, we really didn't get flooded on the island.

Spitzer: That's good. You probably eaten there at the Natures' River Wheelhouse Restaurant, then you?

Karey: It's my favorite place, Yes sir. The attorney's there, actually I work on their boats, so I have a relationship there with the judge here in Jefferson county also.

Spitzer: Good deal Mr. Amick, thank you very much. You can either stay on or you can click off. It's your choice on that.

Karey: Okay, thank you. I'll stay on.

Spitzer: Okay. Mr. Bates, you have another witness?

Bates: Those are our witnesses and proof, your honor.

Spitzer: Okay, general?

Edmonson: Your honor, the state would call Rebecca Amick. She should be with Trina Falls. If you'll let in Trina.

Unknown Speaker 2: Can y'all hear us?

Spitzer: Yeah, we can hear you now. Mr. Rebecca, can you hear me?

Rebecca: Yes, sir.

Spitzer: You raise your right hand, please. Swear and affirm the testimony about to give the truth whole truth, nothing but truth so help you God.

Rebecca: Yes sir.

Edmonson: Please state your full name and spell for the court reporter.

Rebecca: Rebecca Ashton Amick. R-E-B-E-C-C-A A-S-H-T-O-N A-M-I-C-K.

Spitzer: Thank you ma'am. General Edmonson.

Edmonson: Thank you your honor. Ms. Amick, let's start by telling the court you've remarried haven't you?

Rebecca: Yes, sir. Yes ma'am.

Edmonson: Okay and when did that occur?

Rebecca: April of 2020

Edmonson: Okay. And have you legally changed your last name from Amick yet?

Rebecca: No, ma'am, not yet. Because of Covid.

Edmonson: Okay, When you are able to change your last name, what will your new last name be?

Rebecca: Ward

Edmonson: Okay. Alright, and tell us how long were you married to Matthew Amick?

Rebecca: Eleven years.

Edmonson: Okay. And do you have any children?

Rebecca: Yes ma'am.

Edmonson: How many?

Rebecca: Two.

Edmonson: How old are they?

Rebecca: Eleven and nine.

Edmonson: And the eleven year old, what is his name?

Rebecca: Seth

Edmonson: Okay. And the nine year old?

Rebecca: Hannah

Edmonson: Okay. And do you recall exactly when your divorce from Mr. Amick was finalized?

Rebecca: It was September of 2018 or 2019. 2019. 2018.

Edmonson: Okay. Did you continue to reside with Mr. Amick after your divorce?

Rebecca: Not by choice but yes.

Edmonson: Okay. So who was living in the house?

Rebecca: Myself, my two children and him.

Edmonson: Oday. And where was this house located?

Rebecca: 512 West Kelly Road.

Edmonson: And what county is that?

Rebecca: Hickman

Edmonson: Okay. Alright. Do you recall August 7 of 2019?

Rebecca: Yes ma'am.

Edmonson: Do you recall August 8, 2019?

Rebecca: Yes, ma'am

Edmonson: Do you know, or can you tell us why those two dates stick out to you?

Rebecca: Because that was the dates that Matthew tried to kill me and my son.

Edmonson: Okay. Tell us what happened, please.

Rebecca: Well the night before, he had gotten drunk as usual, and he seemed okay. Nothing was real bad. We stayed up late, and he wanted to have sex. And I just said no and went to sleep. And then he woke us up at probably five or six in the morning, yelling at us, just being crazy, yelling at in Andy Griffith voice. And woke Seth up and made him go outside and was yelling at him to deal with the animals. And it just escalated from there. He got out the gun, started threatening us, shooting up the house, holding me and Seth at gunpoint, knife point. It was very horrific for both of us.

Edmonson: Explain to the court, if you will, what type of gun we're talking about.

Rebecca: he had an AR 15 and one of his Glock pistols. Then he had a little, a little like axe he had made and a big knife.

Edmonson: And during all this, how long did this last?

Rebecca: Several hours from, like I said, five or six in the morning till, I believe it was close to ten before I was able to leave to go find Seth.

Edmonson: Okay, well, tell us about Seth. How long was this going on with Seth?

Rebecca: The same amount of time. Maybe minus 30 minutes or so.

Edmonson: How was Seth able to get away?

Rebecca: Matthew told him to go into the bathroom because he was going to kill me and he didn't want him to see it.

Edmonson: Okay. And what did Seth do at that point?

Rebecca: He snuck out the bathroom door, had, like, a door. The bathroom had a door going into our bedroom and a door going into the kitchen. And he snuck out of the one going into the kitchen and ran out the door and ran to his uncle's house.

Edmonson: Okay. Ultimately did you meet with law enforcement later that day?

Rebecca: Yes ma'am.

Edmonson: Okay. Was Seth forensically interviewed?

Rebecca: Yes ma'am.

Edmonson: Okay, and you gave an interview and a statement?

Rebecca: Yes ma'am.

Edmonson: Okay. Tell the court, how were you able to finally get away?

Rebecca: after Matthew realized that Seth was gone, he kind of just, I really don't understand why he didn't shoot me then. But he kind of realized that the cops were going to come, and he got worried about Seth, where Seth was going. And he kept pressuring me, holding the gun to my head, asking me where he went. I didn't know where he went. And he eventually left, came back once or twice to get some stuff and then left and didn't come back. So I grabbed a few things, jumped in my truck, and went to find Seth.

Edmonson: Okay, and by the time that you found Seth, had the police been notified?

Rebecca: Yes

Edmonson: And who notified the police?

Rebecca: Daniel Amick, Matthew's brother.

Edmonson: Okay. Were any shots fired?

Rebecca: yes.

Edmonson: And tell the court about that.

Rebecca: he shot the house up. He shot in our general direction. I think eight or nine bullet holes in the house. And then he shot my phone. He emptied an entire Glock mag into my phone, which I believe is about 17 to 19 shots, because he had the double, he had the bigger mag, so.

Edmonson: How many guns total were in your residence?

Rebecca: Oh, I don't know. A lot. Several. I know he had three, maybe four built AR's, if that. I really don't remember how many. And then there's a bunch of hunting rifles, several shotguns, several pistols. It was a lot.

Edmonson: Okay, Now, you stated earlier that you and Mr. Amick had been married for eleven years. When you divorced, were you married to him when he suffered the traumatic brain injury?

Rebecca: Yes ma'am.

Edmonson: Okay. If you can tell the court, prior to the traumatic brain injury, did he exhibit any violent behavior or any use of alcohol or drugs?

Rebecca: Yes

Edmonson: Okay. Which was it? Violent behaviors? Alcohol and drugs?

Rebecca: Alcohol and drugs. And towards the later years, violent behaviors, not physical but definingly that type of behavior.

Edmonson: Okay. After the traumatic brain injury, did any of that get worse?

Rebecca: Yes

Edmonson: Was he willing to seek treatment?

Rebecca: For a little while, he did for a little while. Then he pretty much stopped and went back to his old ways of just drinking and stuff like that.

Edmonson: Okay. How many different doctors, to your knowledge, did he see about his traumatic brain injury?

Rebecca: Um, his mother may be able to answer that one better because they saw a few doctors before I was back in the picture. I know he was three or four that I know of, but there was more that he saw before. A couple more.

Edmonson: Okay. Did any of those doctors prescribe any medications or any sorts of treatment?

Rebecca: yes ma'am.

Edmonson: Was he compliant with that medication or treatment?

Rebecca: For a little while, maybe six months, six or eight months.

Edmonson: Ms. Amick are you afraid of him?

Rebecca: Yes

Edmonson: Is your son afraid of him?

Rebecca: Yes, he is terrified.

Edmonson: Have you had any contact with him since he was arrested?

Rebecca: No ma'am.

Edmonson: Have you received any letters from him?

Rebecca: Indirectly, yes.

Edmonson: Okay. And how did you receive that letter?

Rebecca: He had sent a letter to his mother, and in it, there was a little note to me and the kids, and she gave me a copy of it.

Edmonson: All right.

Rebecca: I think that was in September.

Edmonson: Of what year?

Rebecca: That year that 2019.

Edmonson: Okay. Thank you. Alright Ms. Amick, based on your history with Mr. Amick, do you believe he will be compliant with any conditions of bond?

Rebecca: No not at all.

Edmonson: That's all your honor.

Spitzer: Mr. Bates?

Bates: Ms. Amick, in 2017, you caused Mr. Amick to be arrested for aggravated assault. Is that correct?

Rebecca: Yes, sir.

Bates: And you alleged that Mr. Amick had a gun and pointed it at you and pointed it at the children, correct?

Rebecca: No it was me and Mr. um, Mr. Schafer.

Bates: Okay. And the children were present during that time?

Rebecca: Yes. They were in their room.

Bates: You swore out an Order of Protection, alleging those facts?

Rebecca: yes

Bates: And you said that you were in fear of your life?

Rebecca: Yes

Bates: You filed a divorce.

Rebecca: Yes

Bates: You later recanted all of that didn't you?

Rebecca: Yes, I dropped the charges because he was seeking medical help. He was doing good. He seemed like he had changed. He had stopped drinking, he had stopped smoking weed. He had stopped doing everything and was seeking medical treatment. He was my husband for eleven years. I wanted to try to work it out. We had kids together.

Bates: But you acknowledged that part of your statement then was not true.

Rebecca: No, it was all true. I dropped the charges and took it back. I dropped the order of Protection against him.

Bates: Did you go to court and tell a judge some of these statements were not true?

Rebecca: I don't recall that.

Bates: You do acknowledge you dismissed the divorce proceeding after saying you were scared for your life with Mr. Amick?

Rebecca: Yes

Bates: And do you agree that when Mr. Amick is drunk with his traumatic brain injury, those are the two things that come together that make Mr. Amick scare you?

Rebecca: yes, but he had gotten very, even without the alcohol, right in those last few months, he had become very aggravated, very angry all the time, very verbally and mentally abusive towards me and the kids, that last summer, building up to that day. So it was, it was a wild summer for all of us. He was angry all the time.

Bates: If Mr. Amick is in Texas, are you still scared of him?

Rebecca: Yes. He ain't going to stay in Texas. And yes, I am terrified of him. I am terrified of what he'll do before he gets to Texas and what he'll do when he comes back.

Bates: Will you be scared of him if he serves a 15 year prison sentence and is released?

Rebecca: Yes

Bates: You will be scared of him no matter when he is released from prison. Is that a fair statement?

Rebecca: Yes

Bates: Those are my questions, your honor.

Spitzer: Anything further General Edmonson?

Edmonson: No, your honor.

Spitzer: Thank you ma'am. Next witness.

Edmonson: Your honor, the state would call Agent Barry Carroll.

Spitzer: You know where he might be?

Edmonson: I don't because he is in Lewis county and I'm in Hickman County. Let me text, let me text him.

Edmonson: Oh there he is.

Spitzer: Mr. Carroll.

Spitzer: Mr. Carroll are you with us?

Carroll: Yes sir I am.

Spitzer: You raise your right hand to be sworn in. Swear and affirm testimony about to give the truth the whole truth, but truth so help you God.

Carroll: yes sir, I do.

Spitzer: You state your full name to the court reporter, please.

Carroll: Barry Carroll, C-A-R-R-O-L-L. General.

Edmonson: Thank you, Honor. If you would, Agent Carol, tell us where you work.

Carroll: I'm a criminal investigator with the 21st judicial district attorney general's office.

Edmonson: How long have you been with the district attorney general's office?

Carroll: 20 years it'll be 21 in July.

Edmonson: Okay. In July of 2019, did you receive information from Sheriff Weems regarding um Matthew Amick?

Carroll: Yes ma'am, I did.

Edmonson: Okay. And the information, what sort of allegations were you being asked to look into?

Carroll: Um, Criminal responsibility or criminal impersonation. One um was vandalism of a building in the Coble area.

Edmonson: Okay. And did you actually start an investigation?

Carroll: Yes ma'am, I did.

Edmonson: Okay. And why were you doing the investigation as opposed to the Hickman county sheriff's department?

Carroll: Um, the sheriff Weems advised that Mr. Amick, Matthew Amick was allegedly posing as a deputy sheriff of the Hickman County Sheriff's department, which would have been a conflict for them, I think.

Edmonson: Okay. And during the course of your investigation, how many different individuals did you speak with?

Carroll: Um, I guess probably about five or six um altogether.

Edmonson: Okay.

Carroll: um some of which really didn't have any information other than they heard this or they heard that. um I talked to several.

Edmonson: Okay. And based on your interviews, did you determine that you needed to take a case to the Hickman county grand jury?

Carroll: Yes ma'am

Edmonson: Okay. And that case, do you recall what date you presented that to the grand jury?

Carroll: um I don't recall what day I presented it. It seemed like it might have been in October 2019.

Edmonson: Okay. Do you recall if you presented a case prior to October 2019?

Carroll: It was the grand jury that followed the instance or the investigation in July

Edmonson: Okay

Carroll: so I guess it would have been October.

Edmonson: Okay, If the indictment indicates that it was August of 2019, do you think that's accurate?

Carroll: That's more accurate. Yes ma'am.

Edmonson: And that August grand jury, what charges did you present to the grand jury?

Carroll: Um, I believe it was um a sexual battery charge, um, impersonating police officer, or criminal impersonation, and maybe a reckless endangerment involving a Mr. Cornelius? I don't really recall what his charge or what the charge was regarding Mr. Cornelius.

Edmonson: Okay. And did you, after presenting this case to the grand jury, receive a phone call the next day regarding new allegations of Matthew Amick?

Carroll: yes, ma'am, I did. It was early morning the following day.

Edmonson: Okay. And based on that allegation, did you begin an investigation, along with some other deputies and investigators within Hickman county.

Carroll: yes, ma'am.

Edmonson: Okay. And what um ultimately, did you all determine you needed to do related to the charges you had presented the day prior to grand jury?

Carroll: Um, could you repeat that again? You kind of cut out a little bit, Stacey.

Edmonson: Okay. Let me try to be a little more concise. Sorry um. After you heard about the new allegations. And you began an investigation in August of 2019. What did you do related to the charges you already presented to the grand jury in order to get Mr. Amick picked up?

Carroll: I immediately contacted you, of course. And then a decision was made for me to go to Judge Spitzer to have the um Capiases issued so that I could get him arrested.

Edmonson: Okay. And were you all able to take him into custody later that day?

Carroll: yes, ma'am.

Edmonson: Tell the court about that situation.

Carroll: We were advised early on um that morning that Mr. Amick had possibly made claims that he would not be taken alive, uh which prompted me to ask the Hickman County Sheriff's Department, Centerville Police Department, sort team, special operations response team to assist me in serving these warrants. We knew that Mr. Amick was heavily armed. Um a plan was put together. We started that way through the Coble area up Morgan Branch Road, got to the top of the hill. We had six to eight deputies and police officers in a M ramp. It's a military armored vehicle. When they got to the top of the hill, Mr. Amick was standing in the middle of the road with a AR 15 and a Glock pistol with several rounds of ammunition on it. I believe once he saw the vehicle and deputies out, the gun patches gunports that he gave up, laid his guns down, and went face down on the ground.

Edmonson: Okay. After you placed him into custody, did you at a later point, do a search warrant for his residence?

Carroll: yes, ma'am.

Edmonson: And during the execution of the search, warrant, did you collect several weapons?

Carroll: yes, ma'am. We did.

Edmonson: In those weapons, was one of them a machine gun?

Carroll: Um, It was an AR 15 that had been modified to fire fully automatic, which would consider to be a machine gun. Yes.

Edmonson: Your honor. That's all the questions I have at this time.

Spitzer: Mr. Bates

Bates: Your honor, I don't have any questions for detective Carroll.

Spitzer: Okay, Mr. Carroll, thank you very much. You can either stay on or you can sign off at your desire.

Carroll: Okay, thank you Judge.

Spitzer: Further witnesses?

Edmonson: No, your honor.

Spitzer: Argument Mr. Bates?

Bates: yes your honor. It's unusual that the case is the way it is, and that especially aggravated kidnapping is a \$30,000 bond. And I understand that there was some issues relating to the arrest of Mr. Amick but respectfully to say that now Mr. Amick is not entitled to bond, I would suggest is not in compliance with the statute. If the court looks at, and I appreciate Ms. Amick's honesty, the truth is she's going to be afraid no matter when Mr. Amick is not in jail or prison, and this is not a death penalty case, and it's not a life without parole case. So Mr. Amick is going to be released at some point, provided he continues to live. I think the plan that the family has put together is the best plan for the, for a bond. That he should be allowed to leave, he should be mandated to leave, he should be mandated to stay in Texas, and that he should be mandated to comply with no alcohol, no contact, and not to leave the area in which he is working at Port Arthur, Texas, except to come to court, go to a doctor's visit, go to church, go to, go to, go to groceries. I believe both parents. I'm glad they both stayed on. I think they needed to hear what the proof is in this case, and I think they both need to understand how serious the charges are against Mr. Amick and how serious it is for him to comply with the bond orders. Of course... heard enough bond hearings to apply the factors regarding his length of residence, his ties to the community, which are not extremally relevant as it relates to the defendant's request, where he want to go on bond, or when he should go. His financial assets are small, and the concerns that the state presents are not, certainly not frivolous concerns, but I believe they're rationally calmed by the orders of this court and therefore would request a bond. I would submit the \$30,000 bond is sufficient for all charges with the conditions the court places on the bond. The defendant stayed in jail 22 months, and that is a significant amount of time to stay while we have been waiting on competency and other delays, regarding Covid. I appreciate the court's ability to take the witnesses via Zoom who are out of state.

Spitzer: General?

Edmonson: Your honor um, the state filed a response to the defendant's motion, but we're also asking that the bond be increased and that conditions be set. The fact of the matter is, I hate to agree with Mr. Bates in principal, but he is correct. I do believe that Mr. Amick is entitled to a bond being set given that he is not charged with a capital offense. The issue, however, is what should that reasonable bond be, given these facts and circumstances? The charges that he is facing are extremally serious, um ya know, he has the Especially Aggravated Kidnapping charge which is a class A felony. The sentence on it alone is 15 to 25 years at 100%. Um, then he has several Class C felonies, a class b felony um and two class E felonies that he's got pending

before this court. Um Your honor, the state would submit that he is a danger to the community, he is an danger to the victims, and even though Mr. Amick states that it's been a blessing for him to be in jail so that he could get the treatment that he needed, that, quite honestly doesn't give us any assurances that once he's out of jail that his patterns of behavior that Ms. Amick testified to, Ms. Rebecca Amick testified to, wouldn't continue. We heard testimony that there was, prior to this an indictment of aggravated assault where the charges were ultimately dropped. But that is criminal behavior that the court can take into account. Um Mr. Amick had very violent tendencies. He had an arsenal in his home, and there is no guarantees that he cannot still go and and access guns at this point. Um taking Mr. Bates' argument regarding the length of residence in the community, community ties, that sort of um, part of the bond statute that the court is asked to look at, the state would disagree that that's not an important factor. Right now, that request to leave Texas or leave Tennessee and go to Texas is an unusual one. Typically, we are asking for defendants who are on bond to remain in the community so that we can ensure that they come to court and so that we can have them picked up if they fail to appear. At this point, we have not guarantees at to that will happen fi Mr. Amick goes to Texas. And, so the state would submit that those factors should be looked at and the fact that um, his ties to the community are there. But at the same time, his mother, who lives here, isn't offering for him to stay. The plan is to send him away. And I just would submit that...is not.....um, what the bond statute and those factors are refencing. Um Your honor, the state would submit that Ms. Amick is terrified, and Mr. Bares is correct in that she will always be terrified because this incident was traumatic and she is a mother who is terrified for her children um and what will happen to them. And the state submits that a bond should be set, but the state would ask that bond be set at \$500,000, with conditions.

Spitzer: The court appreciates the extent the lawyers have gone to in this case to present a picture for the court concerning a bond request on Mr. Amick. Let me clarify very quickly. In this case, the bond in 19-5081-CR was set in August of 2019 on a hold without. And then in the courts mind, extremely more serious charges came in October of 2019, several months later, concerning an event that happened recent in time after the August allegations, the court had knowledge that Mr. Amick was on a hold without already. So the \$30,000 bond was basically a bond that had no meaning. Mr. Amick being incarcerated on a hold without so if there's any question about that's the reason for that.

The court does believe that the charges in case number 19-5144-CR are extremely serious charges for which \$30.000 bond is low. The court has some grave concerns about this bond hearing without any information whatsoever about Mr. Amicks psychological condition. Now, we know that he has been assessed for competency, but it give the court absolutely no information about DSM five potential conditions. And if I were inclined to set a bond for Mr.

Amick to be released upon, I would want to know that. I think General Edmonson makes an excellent point. It's pretty rare for us to want to allow someone out on the bond but send them away and the reason why we send them away is because we're afraid of them here. So it intrigues me, the argument that we have in that regard.

The court has concerns when looking at c. At this point on the mental condition of Mr. Amick, and there may not be anything there, but I don't know that. And if I were to set a bond and Mr. Amick make that bond, I would hope that he does not have some psychosis that would cause an issue. I just don't know. In looking at 40-11-118, number 4, I have that concern in number 6. The nature of the offense, in both of these indictments to me, is very serious, certainly 19-5144-CR with class A felonies and several B felonies and C felonies is very concerning to me. The likelihood that Mr. Amick would pose a threat to the community. I...I...received some good testimony from Ms. Amick, Ms. Rebecca Amick in that regard. It appears, there's a pattern. I don't know if there's ever been a drug and alcohol assessment. I think we need that. So what the court is going to do is not remove the hold without today on 19-5081-CR. So I'm concerned about the bond, which is certainly too low in the court's eyes on 19-5144-CR and want to reset a decision on the request made by Mr. Bates to July 27, 2021. In the meantime, I would like to have a drug and alcohol assessment on Mr. Amick along with a DSM five psychological evaluation to consider.

Bates: Your honor is that for the defendant to fund? If it cannot, can it be funded through the state?

Spitzer: ... don't mind it being funded through the state, if the order can be provided for that, if not the defendant would fund it. I think you're going to have anyways as time goes on for any consideration of when you're talking about the traumatic brain injury, if that had some impact from the defense perspective. General?

Edmonson: Your honor, just since were on the record, I know Mr. Amick filed a pro se motion for speedy trial. I would go ahead and put on the record that the state can be ready to go forward with trial at any point. So if they choose to get set on the trial date, then we'll be ready to go.

Spitzer: Mr. Bates, where are you? Are you coming into the case a little bit late but where are you in terms of being prepared for a trial on either of these cases?

Bates: Well, a lot depends on the definition of a speedy trial, to be perfectly frank. I do think, as the court alluded to, and I've already reached out to one neuropsychologist. Who I think I

would anticipate possibly calling as a witness to discuss the Mens rea component of the crimes involved. Both as to a defense and possible sentencing considerations. I would anticipate a four month window would be necessary for that work. There's multiple states involved of neurological work, of medical records that have to be reviewed and discussed. I would think a four month window from now, which would put us sometime into October at the earliest. Anything before that, I'd be reluctant to agree to. Anything after that, I think would be appropriate.

Spitzer: If you could just file, based on the pro se motion that's been made by Mr. Amick, Mr. Bates, and certainly no one's pushing you. You need to be prepared on either one of these indictments. And general, we need to identify how we want to go forward as far as 19-5081-CR or 19-5144-CR. And Mr. Bates, if you could just certify to the court when you are ready on either of those. And what I anticipate is back, coming back on the July 27, 2021. If there is any information for me to consider, then I'll make a ruling on the divine request and the response by the state.

Edmonson: Your honor, I would submit that 19-5144-CR would be the case that the state would try first.

Spitzer: Okay. Anything further, Mr. Bates?

Bates: No your Honor, thank you very much.

Janet Amick is the natural birth mother of Matthew Amick, the defendant and an Authorized Special Power of Attorney, on behalf of Matthew Amick, recorded in Hickman County, Tennessee, Registration #24003775 and certifies this is a true and correct transcript of the private audio recording of the Bond Hearing on May 20, 2021 via Zoom provided in accordance with Tennessee Rule of Appellate Procedure 24(c) for the purpose of preserving the evidentiary record in support of the Defendant's Amended Motion for New Trial, particularly as it relates to: denial of due process, ineffective assistance of counsel, improper denial of bond, and failure to object to inadmissible and prejudicial testimony.