

IN THE CIRCUIT CRIMINAL COURT OF HICKMAN COUNTY
IN THE 321st JUDICIAL DISTRICT
LOCATED IN CENTERVILLE, TENNESSEE

STATE OF TENNESSEE	)	
PLAINTIFF	)	
	)	Nos. 19-5081CR
vs.	)	19-5144CR
	)	21-5100CR
MATTHEW JAMES AMICK	)	
DEFENDANT	)	

VOLUME I OF II

BENCH TRIAL HELD JULY 28, 2022

AND JULY 29, 2022

BEFORE THE HONORABLE MICHAEL E. SPITZER

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P R O C E E D I N G S

THE COURT: Mr. Bates, in case number 19-5144CR, Counts 1 through 10, how does your client plead?

MR. BATES: Not guilty on all counts, Your Honor.

THE COURT: Not guilty on all counts. Mr. Amick, one final notation here. As you heard, we have three separate indictments that are being presented today, and those three separate indictments involve several people, not just one person, but several people, and several different dates, and all of those are being combined for a bench trial today that would flow from day-to-day or how it's presented by the State. And you have signed a waiver. Part of this waiver indicates that you acknowledge that you are being tried on three separate cases and waive any objection to Rule of Evidence 4.04(b) which is a rule of evidence that either would prohibit or allow other crimes that are alleged to be brought in before the jury. Here in this bench trial, I know of those, and you've waived any exception that you might have to us going forward on all cases today. Is that correct?

MR. AMICK: Yes, Judge.

THE COURT: And you're prepared with Mr. Bates to go forward on all cases today?

MR. AMICK: Yes, sir.

1 THE COURT: Okay. Have opening statements?

2 OPENING STATEMENT FOR THE STATE

3 Your Honor, the State would just in opening
4 submit to the Court that the order of procedure today is
5 starting with Count 2, sexual battery, at 19-5081CR and
6 proceeding, and so the testimony in that case will be from
7 Alice Riley and Harold Bowers.

8 The proceeding to 21-5100CR, vandalism of
9 over \$2,500. In that case, Your Honor, the testimony will
10 be put forth from Emanuel Balmez, Michael Cornelious Sr.,
11 Deputy Cole Parks with the Hickman County Sheriff's
12 Department; Special Agent Barry Carroll and Special Agent
13 Denver Hall. For that case, Your Honor, in order to kind
14 of complete the proof regarding that case, we will have to
15 actually go into case number 19-5144CR to talk about some
16 of the proof and evidence that was collected during a
17 search warrant in that case, and so we will move into that
18 case with testimony from Rebecca Amick, Seth Amick, Barry
19 Carroll, Special Agent Denver Hall with TBI and kind of
20 tie it all back together for Your Honor.

21 And then the State anticipates closing our
22 proof at that point. It has been submitted to the State
23 that Mr. Amick will be putting on some proof through a
24 mental health expert, and then the State does have a
25 rebuttal witness related to that mental health expert and

1 that is Dr. Joe Mount with Middle Tennessee Mental Health.

2 As far as any other statement, would just
3 waive the rest of that.

4 THE COURT: Mr. Bates.

5 MR. BATES: Your Honor, I do have an
6 opening statement.

7 THE COURT: Okay.

8 OPENING STATEMENT FOR THE DEFENSE

9 MR. BATES: I'm not going to belabor a lot
10 of the proof. I do want to just -- I have to say the
11 following -- this is, one, I believe my last defense case
12 in the 21st Judicial District, and it ends defending a
13 case the way it began with General Stacey Edmonson, and
14 General Edmonson follows a very long line of prosecutors,
15 including Don Schwendimann, Douglas Bates, III and Jasper
16 Olonzo Bates, who have prosecuted with utmost
17 professionalism, passion and duty to the law, the victims
18 and the families of victims that they represented. It is
19 quite a privilege to have this case with General Edmonson.

20 The second thing, Your Honor, the facts of
21 this case are largely going to be without dispute. They
22 will be at times very factually intensive but largely will
23 be without significant dispute. The issue will be the
24 complicated laws that surround the facts, and they are
25 both complicated and, at times, they might be difficult.

1 And I want to say now and I want to put it
2 in the Court's mind even though it's probably not
3 necessary. We are in a time right now where applying the
4 law is becoming something we do not like. If a crime
5 takes place and we don't think the criminal justice system
6 is working, we don't honor the law we write.

7 If a Supreme Court Judge makes an Opinion
8 we don't like, we harass him at his home, and if an
9 election takes place, we don't like the results, we go
10 through courts, we storm the Capitol.

11 Out there, the law doesn't matter a whole
12 lot right now. In here, I hope it does. You will hear
13 facts that are going to disturb you. You will hear facts
14 that will make you relieved that nobody was physically
15 injured but mourn the emotional damage these facts caused.
16 If we were out there, the analysis would end, but you will
17 have to find distinctly facts involving the pattern jury
18 instructions, whether or not under our Tennessee law,
19 whether the kidnapping was part of another crime, and
20 therefore the other crime is what you must find. You will
21 also hear detailed evidence regarding Mr. Amick's mental
22 health, which we submit will be controlling on many of
23 these cases.

24 You might come to conclusions of law far
25 different than your conclusions of emotions because that

1 is what we are here in a court of -- law, not emotions.

2 Thank you.

3 THE COURT: General.

4 GENERAL EDMONSON: Your Honor, starting
5 with case number 19-50181-CR, the State will proceed on
6 Count two by calling Alice Riley, and General Abraham will
7 be doing the direct examination.

8 THE COURT: Okay.

9 (Alice Riley sworn by the Court)

10 THE COURT: Have a seat right here, ma'am.
11 If you would, state your full name, and spell it for the
12 court reporter.

13 WITNESS: Alice Mayzell, M-a-y-z-e-l-l,
14 Riley, R-i-l-e-y, Bowers, B-o-w-e-r-s.

15 THE COURT: Thank you, ma'am. General.

16 DIRECT EXAMINATION OF ALICE MAYZELL

17 BY GENERAL ABRAHAMS -

18 Q. Good morning, Ms. Riley. I'm General Ashley Abraham.
19 How are you today?

20 A. Nervous.

21 Q. Well, thank you for being here. Do you know who
22 Matthew Amick is?

23 A. I do.

24 Q. How do you know Mr. Amick?

25 A. He used to be a real good friend.

1 Q. Okay. Is he here in the courtroom today?

2 A. Yes, he is.

3 Q. Can you describe what he's wearing?

4 A. An orange tee shirt and pants.

5 Q. Where's he sitting?

6 A. Right over there.

7 THE COURT: Okay. Let the record reflect
8 that the witness pointed Mr. Amick.

9 BY GENERAL ABRAHAM -

10 Q. On the weekend of Memorial Day in 2019, did an
11 incident occur with Mr. Amick that the Hickman County
12 Sheriff's Department became involved in?

13 A. Yes.

14 Q. Can you tell me about that?

15 A. Yes.

16 Q. What time of day did it occur?

17 A. It was at night.

18 Q. And where did it begin?

19 A. It started at the Coble store.

20 Q. And where's the Coble store?

21 A. It's about 10 miles from my house.

22 Q. And what county is that in?

23 A. Hickman.

24 Q. And what happened at the Coble store?

25 A. I stopped to get ice. He was there.

1 Q. Who is he?

2 A. Matthew was at the store. He was having an
3 altercation with a man. He was out in the parking lot,
4 and the man was on the steps. They were having some kind
5 of altercation over something he had obviously said to
6 somebody, but I was worried about where the -- his son and
7 his daughter was.

8 Q. Did you observe this altercation?

9 A. Some of it I did.

10 Q. Okay. And were his children with him at this time?

11 A. They were inside the store.

12 Q. How old were his children at this time?

13 A. I'm not sure.

14 Q. Okay.

15 A. Cause I don't even know how old they are now.

16 Q. Okay. Do you remember their names?

17 A. Seth is the boy. Hannah is the girl.

18 Q. So you observed the altercation. What did you do
19 next?

20 A. The lady at the store, Sherry, was wanting to know if
21 I could do, help, do something with the children cause she
22 was concerned about the children because he was in some
23 kind of condition that he didn't need -- he was going to
24 leave with the kids, I guess, and she didn't want him to
25 leave with the kids. She asked me if I would take the

1 kids home. So, I went in the store and I found the kids,
2 talked to them. Hannah was ready to go with me; Seth
3 wanted to stay with his daddy. But they asked him if, you
4 know, they could ride with me. And he said yes, that they
5 could ride with Ms. Alice.

6 Q. Okay. Did you drive to the store alone?

7 A. My brother was with me.

8 Q. Okay. And how far was your house from the store?

9 A. About two miles.

10 Q. And so, once the children agreed to go with you, what
11 happened next?

12 A. I got my ice, the kids, and we left, and, uh, I
13 decided instead of going to his house cause I don't really
14 know where he lives, that I'd just take them to Bones's,
15 and at some point, he knew we were going to Bones's cause
16 that was fine with him.

17 Q. And who is Bones?

18 A. Bones is my husband.

19 Q. Does he have a legal name?

20 A. Harold Bowers.

21 Q. And where does Mr. Bowers live?

22 A. 1430 Highway 438, Centerville, Tennessee.

23 Q. And this is where you decided to take the children?

24 A. Yes.

25 Q. Okay. Tell us what happened at that time?

1 A. We went to the house. The kids got out of the car.
2 My brother and I got out of the car; we went inside.
3 Bones is home by this time, cause we had been to a
4 crawfish boil and we were in separate cars.

5 We went in the house. Matthew came in, and
6 he didn't act like Matthew. He act different. I don't
7 know if he was drunk or whatever he was under the
8 influence of.

9 Q. How long have you known Mr. Amick?

10 A. I'm pretty sure I've known him since like 2010.

11 Q. Okay. So, at this point, he's acting differently than
12 you have known him to behave in the past?

13 A. Yes.

14 Q. Okay. Was he saying anything?

15 A. He was saying, uh, I mean, he sat there like, I mean,
16 he was the only one there; he was large, tall and in
17 charge. And he said a couple of times when -- the tv was
18 on; he got the kids up doing the Pledge of Allegiance.

19 Q. Mr. Amick had the children do the Pledge of
20 Allegiance?

21 A. Yes.

22 Q. Was this related to anything specific going on?

23 A. Yeah, because the man that does the Memorial Day thing
24 on tv, he was doing that, so it was patriotic, more of a,
25 so he had them doing the Pledge of Allegiance, and Hannah

1 had her hand on the wrong side. She was using her left
2 hand, and Seth said something to her, to his daddy,
3 Matthew, that he (sic) was using the wrong hand. Anyway,
4 the kids, the kids, at one point, they went outside, I'm
5 not sure how long they were in the house, but he said,
6 Matthew said, a couple of times, I think I could do her,
7 and I thought, what is he talking about, that he thinks he
8 could do who? And he said that twice.

9 Q. Who was he saying that to?

10 A. He was saying that, at the time, Harold Bowers, my
11 boyfriend; he is now my husband.

12 Q. Okay.

13 A. But he sat in the chair, he got something and lit it
14 up. I'm not sure exactly what he lit up, if it was a
15 cigarette, if it was vaper, or what he lit up, but I told
16 him he couldn't smoke in the house. He didn't seem to
17 hear what I said. Bones was tired. He was ready to go to
18 bed. He was getting irritated because Matthew was really
19 acting weird, and he said, you know, it's time for me to
20 go to bed; I've got to go to bed; I'm tired and, and,
21 yeah, you know, I told him he couldn't smoke, you can't
22 smoke in here, you need to leave or whatever, but the kids
23 were already gone. So, we walked him to the back door.

24 Q. Where had the kids gone?

25 A. To Matthew's car.

1 Q. Where was his car parked?

2 A. It was parked -- when you pull up, we park parallel to
3 the porch. There's a place to park to the right of the
4 porch.

5 Q. Is it the front porch or the back porch?

6 A. Well, everybody calls it the front porch, but it's the
7 back porch.

8 Q. Okay.

9 A. The kids had gotten in the car. I couldn't really
10 see, but I knew they were supposed to go to the car and --

11 Q. Did Mr. Bowers go to bed at this point?

12 A. No. He, we walked out.

13 Q. Who was walking out?

14 A. Bones, Matthew and myself. We were walking out, and I
15 waved bye from the kids. I couldn't really see them,
16 though, but they could see us because we had flood lights
17 on both sides of the porch and the porch light was on.
18 And Matthew told Bones, Harold Bowers, that he wanted to
19 talk to me. And it was -- Bowers turned and went in the
20 house, and that's when he went completely off the rail.

21 Q. And who is he?

22 A. Matthew.

23 Q. What does going off the rails mean to you?

24 A. He grabbed me, he grabbed my breast, he was trying to
25 kiss me, and he was touching other places, too. But I

1 told him, I said, you are making me feel real
2 uncomfortable, cause I had said something before and that
3 didn't seem to faze him any, and I said, you are making me
4 feel real uncomfortable.

5 Q. Do you remember what you had said before that you said
6 didn't faze him?

7 A. What was he doing, you know. I didn't understand
8 because it was happening so fast. I didn't understand
9 what possessed him to do that, you know, what possessed
10 him to do that to me.

11 Q. Did he say anything?

12 A. No.

13 Q. And when you said, you are making me very comfortable,
14 what did he do?

15 A. He didn't do anything. He kept doing stuff to me, and
16 I thought, well, you know, I'm fixing raped, and I've got
17 to stop this from happening some way. I saw a pot laying
18 there, and I was going to hit him with the pot. I was
19 trying to find something to protect myself with cause I
20 sure didn't want to go through that. It was horrible.
21 Why he did it, I don't know. But he knew Bones came out
22 the back door cause Bones wears hearing aids, and I, my
23 brother was asleep in the basement and I'm like, I really,
24 you know, I've really had it cause there's nobody here to
25 help me. It's just me. But thank God that Bones heard me

1 and he came out on the porch. Well, as soon as he came
2 out on the porch, Matthew started running off the porch,
3 and he was saying, it's all good, it's all good, I was
4 just trying to hug her, which was a crock.

5 Q. What did Matthew do at that point?

6 A. He ran to his car, got in his car and left.

7 Q. Okay. Let me go back to the moment where he began
8 trying to kiss you. Do you remember where his hands were
9 at that point?

10 A. One was on my breast; one was on my crotch. It's like
11 he had eight hands --

12 Q. Do you remember if his hands were over your clothes or
13 under your clothes?

14 A. They were over my clothes.

15 Q. And was he saying anything at the time?

16 A. No. He was not saying anything

17 Q. And were you saying anything as well?

18 A. Yeah, because I was telling him to stop

19 Q. And how did you feel at this point?

20 A. I, I was really scared because I really thought I was
21 fixing to be raped.

22 Q. And what do you think made him stop?

23 A. When Bones came out the back door, he stopped doing
24 what he was doing and took off running down the back
25 steps.

1 Q. And for the sake of this being recorded, you did some
2 hand gestures that you said Matthew did. Can you describe
3 what his hands were doing when he was -- can you say what
4 he was saying and describe with your words what his hands
5 were doing at the same time?

6 A. His hands were all over me.

7 Q. I'm sorry. Let me stop you. I mean when Bones came
8 out and he said -- I'm sorry, I don't want to put words in
9 your mouth. What did you say Mr. Amick said when Bones
10 came out on the porch?

11 A. Bones came out on the porch, and he said, it's all
12 good, it's all good, I was just -- he was running down the
13 steps.

14 Q. Can you describe in words what his hands were doing at
15 that point?

16 A. Oh, he was like, it's all good, it's all good.

17 Q. But what were his -- because this is recorded but only
18 through sound, not visually. So describe what his hands
19 were doing, or his arms.

20 A. He was, he turned me loose when Bones came out. He
21 had his hands up and said, it's all good, it's all good, I
22 was just trying to hug her.

23 Q. Were his hands over his head?

24 A. They were kind of up like this.

25 Q. Okay. They were to the side of his head on either

1 side raised?

2 A. Yeah. Like he, you know, he was just all right.

3 Q. And did he get in his car at that point?

4 A. Yes, he did.

5 Q. And did he leave at that point?

6 A. Yes, he did.

7 Q. And what did you and Bones do at that point?

8 A. Well, we were just freaked out.

9 Q. Did you tell Bones what happened?

10 A. I told Bones some of the stuff, but he knew something
11 was wrong because of the way my voice was, I guess, cause
12 I was scared. But I didn't really tell him a whole lot.

13 Q. Did you report this incident to police?

14 A. No, I didn't.

15 Q. Why did you not report it?

16 A. Because of being in the courtroom and because of
17 today, having to be here, face this person that we love
18 like a family member that did this to me.

19 Q. Well, we appreciate you being here. How did you
20 eventually become -- how did this case eventually become
21 involved with the police?

22 A. How did it become involved with the police? May I
23 have one of these waters, please?

24 Q. Absolutely.

25 A. Sherry at the Coble store, the lady that asked me,

1 would Matthew let me take the children home. I -- they
2 were all talking about how he'd been acting and things he
3 was doing to people, and I told her that he did some stuff
4 to me, so evidently you tell her anything and it's all
5 over the community before you know it.

6 Q. Okay.

7 A. Even the police.

8 Q. Okay.

9 A. So that's how the police got involved is she told
10 Barry --

11 Q. Let me ask you this, were you injured in the incident
12 with Mr. Amick?

13 A. Was I injured? Just psychologically.

14 GENERAL ABRAHAM: Just a moment, Your
15 Honor.

16 BY GENERAL ABRAHAM -

17 Q. When you met with the police or the deputy, did you
18 provide a statement to the officer at that time?

19 A. No, I did not.

20 Q. Did you ever provide a written statement?

21 A. I did.

22 GENERAL ABRAHAM: No further questions from
23 this witness, Your Honor.

24 THE COURT: Okay. Mr. Bates

25

1 CROSS-EXAMINATION OF ALICE MAYZELL

2 BY MR. BATES -

3 Q. Ms. Riley, I'm Douglas Bates. I represent Matthew.

4 You've been very close with Matthew for how many years?

5 A. I think I've known him real well since 2010.

6 Q. Okay. And how -- what capacities did you know him?

7 A. I think I know him, I thought I knew him real well.

8 Q. Were y'all neighbors? How did y'all get to know each
9 other so well?

10 A. He was friends with Harold Bowers.

11 Q. And what all did Mr. Bowers do for work?

12 A. Mr. Bowers was retired.

13 Q. Okay. Did he have any other streams of income from
14 any other work, legal or illegal --

15 GENERAL EDMONSON: Your Honor, I would
16 object to that at this point in time.

17 THE COURT: On what basis?

18 GENERAL EDMONSON: Your Honor, I would
19 object that it's not relevant at this point. Mr. Bowers
20 is going to testify, and you can ask Mr. Bowers those
21 questions. But additionally, I believe he's trying to
22 bring in some prior bad acts.

23 MR. BATES: I'm trying to explore our
24 position that Mr. Bones Bowers, possibly sold drugs and
25 was in that neighborhood of drug activity for the biasness

1 that possibly why they're testifying against Mr. Amick.

2 THE COURT: I'll let it in.

3 BY MR. BATES -

4 Q. To your knowledge, did your boyfriend, now husband,
5 sell drugs?

6 A. I know he smokes marijuana, but I don't know about
7 selling drugs. I don't do drugs and when --

8 Q. You had no knowledge either way?

9 A. No, when they came over usually to visit, they visited
10 out on the back porch.

11 Q. Okay. You were very close with Matthew for a decade
12 prior to Memorial Day of 2019?

13 A. Well, he did a lot of work for Bones.

14 Q. And you saw him many times?

15 A. Yes.

16 Q. And in this May date, he was not in his right mind,
17 according to your testimony?

18 A. No.

19 Q. What makes you say he was not in his right mind?

20 A. He didn't act like the person that I had known all
21 this time.

22 Q. Saying things that made no sense? Correct?

23 A. Well, he said some things, but he was intoxicated or
24 something.

25 Q. It could have been something else?

1 A. Yeah.

2 Q. You don't know what medication he was on at this time?

3 A. No.

4 Q. Are you aware of him having prior brain injuries?

5 A. I did know something about he was taking a, some type
6 of medication because he had a head injury.

7 Q. And did he appear to be in his normal decision-making
8 that you'd exhibit for all these years prior?

9 A. No.

10 MR. BATES: Those are my questions. Thank
11 you.

12 THE COURT: Anything further, General?

13 GENERAL ABRAHAM: Just a minute, Your
14 Honor.

15 REDIRECT EXAMINATION OF ALICE MAYZELL

16 BY GENERAL ABRAHAM: -

17 Q. Let me ask you a few questions just about the moment
18 when he began physically touching you, okay? Where did he
19 place his hands?

20 A. On my breast.

21 Q. How many hands did he use?

22 A. Four, five, uh, he was trying to kiss me at the same
23 time, and he was pulling me into him, and he grabbed my
24 crotch, and I just didn't understand why he was doing
25 that, what possessed him to do this stuff, and I figured

1 it was because he was intoxicated.

2 Q. Did his actions seem intentional?

3 A. Yes.

4 GENERAL ABRAHAMS: No further questions,
5 Your Honor.

6 THE COURT: Okay. Mr. Bates.

7 RECROSS-EXAMINATION OF ALICE MAYZELL

8 BY MR. BATES -

9 Q. You didn't know what possessed him?

10 A. No.

11 Q. You don't know if he was aware of his circumstances,
12 whether he was logically in the right mind to be aware of
13 his circumstances. Correct?

14 A. I think he knew that he was doing me wrong and doing
15 things wrong. Why would he have taken off running when I
16 told him he was making me feel very uncomfortable. And
17 then my husband comes out the door and he takes off
18 running saying, it's all good; I was just trying to hug
19 her. Is that what you were trying to do, just trying to
20 hug me?

21 Q. You're aware in your statement you never mentioned
22 that your "crotch was grabbed"?

23 A. There's probably a lot of things --

24 Q. Yes?

25 A. Pardon me?

1 Q. Yes, you aware of, you need to see the statement to
2 confirm it, crotch is not in here.

3 A. I know it's not in there.

4 Q. Okay. And this was given how soon in relation to the
5 May 2019 event?

6 A. I'm not sure.

7 Q. Was it given in a stress-free environment?

8 A. Yes.

9 Q. Less stressful than today?

10 A. Yes.

11 Q. Why was your memory not as precise in that stress-free
12 environment soon after the incident compared to now some
13 three-plus years later?

14 A. I had to go back to therapy when Matthew got finished
15 with me, and it really messed me up mentally, and
16 sometimes you don't always think of everything. Stuff
17 comes back to you a little bit at a time, sometimes we get
18 stuff blanked out. I think God protects us in that way
19 because it's too much for our mind to handle. That's the
20 only reason I have for not putting that into my statement.

21 MR. BATES: No further questions.

22 THE COURT: General.

23 GENERAL ABRAHAMS: Very briefly.

24 RE-REDIRECT EXAMINATION OF ALICE MAYZELL

25 BY GENERAL ABRAHAMS -

1 Q. Ms. Riley, I apologize for the intrusiveness of this
2 question. But are you a survivor of sexual assault in the
3 past?

4 A. I am.

5 Q. So was this incident particularly traumatic for you?

6 A. Yes.

7 Q. Seems like it affects your memory of the event at the
8 time?

9 MR. BATES: Your Honor, that's outside the
10 scope of what she can testify to.

11 THE COURT: Well, I'm going to let her
12 testify.

13 THE WITNESS: What was your question again?
14 BY GENERAL ABRAHAMS -

15 Q. Do you think your past trauma affected the way you
16 remember the event?

17 A. Well, I remember it. I don't know if the past trauma
18 affected the way I remember the event, but I also didn't
19 put in my statement that I saw him later at the Coble
20 store, and he went playing off this trying to hug me, he
21 was reaching over the back of his chair when I came in the
22 Coble store like he was trying to hug me. That, like he
23 was --

24 Q. What did that mean to you?

25 A. That meant to me that he was trying to play off the

1 whole time what he was doing to me.

2 MR. BATES: Your Honor, this is the second
3 redirect. It's outside the scope of the recross. It's
4 not responsive to the question, and it's speculating as to
5 what my client --

6 THE COURT: Let's move on, General.

7 GENERAL ABRAHAMS: No further questions,
8 Your Honor.

9 MR. BATES: No recross.

10 THE COURT: You may step down, ma'am.
11 Thank you. Call your next witness.

12 GENERAL ABRAHAMS: The State calls Harold
13 Bowers.

14 (Harold Bowers was sworn by the Court)

15 THE COURT: Have a seat, sir. State your
16 full name, and spell it for the court reporter.

17 THE WITNESS: My name's Harold, H-a-r-o-l-
18 d, and Glen, G-l-e-n, and then Bowers, B-o-w-e-r-s.

19 THE COURT: Thank you, Mr. Bowers. If
20 you'll speak loudly for us, okay?

21 THE WITNESS: Okay.

22 DIRECT EXAMINATION OF HAROLD BOWERS

23 BY GENERAL ABRAHAMS -

24 Q. Good morning, Mr. Bowers. How are you today?

25 A. Do what?

1 Q. How are you today?

2 A. I'm --

3 THE COURT: Mr. Bowers, are you hard of
4 hearing? Are you hard of hearing?

5 WITNESS: I've got hearing aids and I
6 still can't hear.

7 THE COURT: Okay. We'll speak loudly then.

8 THE WITNESS: I'm doing fine.

9 BY GENERAL ABRAHAMS -

10 Q. I'm General Ashley Abraham. It's good to see you.

11 A. It's good to see you.

12 Q. Do you go by any names other than Harold Bowers?

13 A. Bones is what everybody calls me. B-o-n --

14 Q. And what is your relationship to Alice Riley?

15 A. Oh, we're married. We were girlfriend and boyfriend
16 for about 40 years, and we finally got married.

17 Q. And do you remember the Memorial Day weekend of 2019
18 an incident that occurred with you at your house with
19 Matthew Amick and Ms. Riley?

20 A. It's the Memorial Day weekend?

21 Q. Yes.

22 A. Yeah.

23 Q. Okay. Can you tell us about what happened?

24 A. Well, he came up there to the house, was down at the
25 Coble store --

1 Q. Can you tell us who he is?

2 A. Ma'am?

3 Q. Who is he?

4 A. Oh, Stretch, or Matthew Amick.

5 Q. Okay.

6 A. He was at the Coble store, and Alice stopped in there
7 to get a bag of ice, and he was kind of drunk, had his
8 kids with him and stuff, and she got the kids away from
9 him and brought them up to the house.

10 Q. Who is she?

11 A. Alice.

12 Q. Did you and Alice drive to the store together?

13 A. No, I'd been to a crawfish boil, and she had her
14 brother with her, she was coming from Nashville, I think
15 is where she'd been. Anyway, we met at the Coble store.
16 That's when she seen all the commotion with Stretch down
17 there, you know, causing trouble, was drunk. She got the
18 kids and carried them to the house.

19 Q. What kids did she get?

20 A. Ma'am?

21 Q. What kids did she get?

22 A. Stretch's or -- I'm trying to remember their name,
23 Seth and Hannah, I think is her daughter. Stretch's
24 daughter and son. Anyway, he was too drunk to be having
25 them kids with him. So Alice took them away from him and

1 carried them home. We went on to the house, and it wasn't
2 long, he came down to pick his kids up.

3 Q. Can you tell me what you mean -- what locations are
4 you referring to when you say home?

5 A. Do what?

6 Q. What do you mean -- where's home?

7 A. About a mile down the road from the Coble store.

8 Q. And who's home is it?

9 A. Whose home is it?

10 Q. Uh-huh.

11 A. Mine. I got me a 90-acre farm there.

12 Q. Okay. And so Ms. Alice took Mr. Amick's children with
13 her to the home you share?

14 A. Yeah.

15 Q. Okay. And did you go there as well?

16 A. Did I go where?

17 Q. Did you go there as well?

18 A. Yeah, I was there.

19 Q. And can you tell us what happened at that point?

20 A. Well, I went in the living room and sat down. It was
21 getting late at night, I fixing to go to bed. She was out
22 on the back porch talking to him, and I heard her holler,
23 you're making me feel uncomfortable. It was warm outside,
24 we had the door open, the screen door, and I heard them
25 talking. I heard Alice holler, so I get up to go see what

1 was going on, and he had his hands on her and stuff. As
2 soon as he seen me coming to the door, he went backing
3 down the steps saying, everything's good, everything's
4 good. And he got in his truck. And the kids was already
5 in the truck, I guess. He tore out of there spinning
6 tires; I've got a real long driveway. He got to the end
7 of the driveway on the pavement, he was fishtailing,
8 squealing tires. He had the kids, had them in the house,
9 and he was ordering them around like it Memorial Day
10 weekend, acting like he was saluting, acting like a drill
11 instructor, it looked like kids was terrorized and,
12 anyway, he got the kids and got in the truck and left.

13 Q. Let me take you to the moment where, did you decide to
14 go bed?

15 A. Do what?

16 Q. Did you decide to go to bed?

17 A. I didn't go to bed at that moment. I did, it wasn't
18 long after he left I went to bed.

19 Q. Was Alice alone with Mr. Amick at that point?

20 A. She was with her brother.

21 Q. Was her brother in the room with you?

22 A. I think he had done gone to bed.

23 Q. Okay. So when you went to get ready for bed, was
24 Alice alone with Mr. Amick at that point?

25 A. No, he done left when I went to bed.

1 Q. Okay. Was there a certain point where Alice was alone
2 with Matthew?

3 A. Out on the back porch, you know, when I heard her
4 hollering, you're making me feel uncomfortable. That's
5 the only thing I -- he had his hands under her blouse
6 feeling her up and stuff --

7 Q. Did you see that?

8 A. Huh?

9 Q. Did you see his hands under her blouse?

10 A. Yeah.

11 Q. Okay.

12 A. That's when I went to the door, that's what he was
13 doing, and he put his hands down, and he was backing down
14 the steps telling me, everything's good, everything's
15 good.

16 Q. So this is recorded on audio but not visual. Can you
17 describe -- you're using hand gestures. Can you describe
18 what his hands looked like?

19 A. He was holding them up in the air, you know, like --

20 Q. What did that gesture mean to you?

21 A. Huh?

22 Q. What did that mean to you, the way he was holding his
23 hands?

24 A. It meant he was doing something wrong or he, he was
25 backing down the steps, and he got in his truck and took

1 off with the kids.

2 Q. And how did --

3 A. That's when Alice told me what he was doing. I don't
4 know he had, what he was doing his hands. He had like --
5 when I come to the door, she was facing away from me, and
6 he was facing me, and he had his hands on her, I could
7 see. but I thought -- I didn't know it was under her
8 blouse.

9 Q. How did Alice look at this point?

10 A. She was terrorized.

11 Q. Okay.

12 GENERAL ABRAHAM: No further questions,
13 Your Honor.

14 THE COURT: Mr. Bates.

15 CROSS-EXAMINATION OF HAROLD BOWERS

16 MR. BATES -

17 Q. You've known Stretch how long? Mr. Amick, how long
18 have you known --

19 A. I've known him, I don't know, 20 years, I guess. I
20 bought the farm in 2002. I met him right after that.

21 Q. Okay. And how close is your farm to the Amicks'
22 place?

23 A. Oh, Fire Tower Road. It might be two or three, four
24 miles at the most.

25 Q. And was Mr. Amick acting normal that day compared to

1 the past?

2 A. No. He was on alcohol or something. He was -- he'd
3 been kind of acting funny for a while. I don't know, he
4 been, he said he had a black widow spider bite, and he got
5 on some kind of medication and he's drinking alcohol with
6 it and all that, you know. He wasn't hisself (sic).

7 Q. And when he, when you saw him trying to act like a
8 drill instructor in front of his children?

9 A. Yeah, he --

10 Q. Have you ever seen any of that kind -- have you ever
11 seen any of that behavior in Stretch before?

12 A. Do what now?

13 Q. Have you ever seen any of that behavior in Mr. Amick
14 or Stretch before?

15 A. Well, yeah.

16 Q. The drill instructor?

17 A. Well, no, not acting like a drill instructor. It was
18 just Memorial Day weekend, and he was saluting the flag,
19 and, you know, he just teaching the kids to be patriotic,
20 I guess, is what he thought he was doing.

21 Q. Was acting out of his mind, in your opinion?

22 A. Well, yeah.

23 Q. Okay. No further --

24 A. He had a, he had a vaper. He started blowing smoke,
25 you know, one of them vaper machines, and Alice jumped on

1 him, there was no smoking allowed in the house. She
2 jumped on him about that vaping, and he said, it's not
3 smoke, it's vaper, and all this stuff, he was trying to,
4 he just kept on smoking, you know. That's when she
5 started trying to get him out of the door.

6 Q. Thank you, sir.

7 THE COURT: Any redirect?

8 GENERAL ABRAHAM: Nothing, Your Honor.

9 TRE COURT: Sir, you may step down.

10 THE WITNESS: All right. Thank you.

11 THE COURT: Thank you. Call your next
12 witness.

13 GENERAL EDMONSON: Your Honor, the State
14 will call Michael Cornelius, Sr. Your Honor, if I might
15 step out and see what the holdup is.

16 THE COURT: Okay.

17 (Michael Cornelius, Sr. sworn by the Court)

18 THE COURT: Have a seat please. State your
19 full name, and spell it for the court reporter, please.

20 THE WITNESS: Michael Cornelius. M-i-c-h-
21 a-e-l, C-o-r-n-e-l-i-u-s.

22 THE COURT: Thank you, sir. General.

23 DIRECT EXAMINATION OF MICHAEL CORNELIUS, SR.

24 BY GENERAL EDMONSON -

25 Q. Mr. Cornelius, are you a senior or a junior?

1 A. Senior.

2 Q. Okay. And tell me, do you have a shop here in Hickman
3 County?

4 A. I do.

5 Q. Okay. And where is that shop?

6 A. Off of 438, 3082 Highway 438.

7 Q. Okay. And in July of 2019, were you in the process of
8 purchasing the shop from someone?

9 A. Yes, I was.

10 Q. Okay. If you could, tell us who were you purchasing
11 the shop from?

12 A. Manny Balmez.

13 Q. Okay. And what's his legal first name if you know?

14 A. Well, Manny.

15 Q. Manny? Okay. Is it Emanuel?

16 A. Emanuel, yeah.

17 Q. Okay. All right. And in July of 2019, did you have
18 items that belonged to you inside of the shop?

19 A. Yes, I did.

20 Q. Okay, and tell us what kind of shop is it?

21 A. It's a repair shop, heavy diesel repair shop.

22 Q. Okay. All right. And do you recall July the 5th of
23 2019?

24 A. Yeah.

25 Q. Okay. And why does that date stand out to you?

1 A. Well, when we went to my shop, there was smoke, no
2 power, half my shop had no power, and we found some bullet
3 holes.

4 Q. Okay. And when you say we, who are you referring to?

5 A. Well, it was me and my son at first.

6 Q. Okay. And what is your son's name?

7 A. Michael Cornelius, Jr.

8 Q. Okay. Does he go by anything else?

9 A. C. J.

10 Q. Okay. All right. So do you know approximately what
11 time of the day it was when you arrived at the shop?

12 A. Well, we usually get there between seven and eight, so
13 it was roughly in between seven and eight.

14 Q. Okay. And you say you noticed bullet holes. Tell us,
15 where did you first notice bullet holes?

16 A. Well, like I said, my shop had half, was -- only had
17 half power. My refrigerator was thawed out, and water was
18 all over my floor. So when we went in there to turn the
19 lights on; only half my lights worked. So I looked at the
20 meter, the power box, and it was just riddled with holes.

21 Q. Okay.

22 A. And my oxygen acetylene tanks and my two welders were
23 just --

24 Q. Okay.

25 A. But that's how we noticed.

1 Q. Okay. All right. At that point, did you contact
2 anyone?

3 A. We called the cops, and it was hours before they even
4 showed up.

5 Q. Did you also contact Mr. Balmez at some point?

6 A. I did. I did.

7 Q. Okay. Did he show up at the scene or at the shop as
8 well?

9 A. Yes, he did.

10 Q. Okay. And you say the cops eventually showed up?

11 A. Eventually.

12 Q. Do you remember who showed up?

13 A. I do not.

14 Q. Okay. Do you remember what agency they were from?

15 A. They were from --

16 Q. From Hickman County?

17 A. -- Hickman County, yeah.

18 Q. Okay. All right. And did they look at all of the
19 damage to the shop?

20 A. Yes, they, somewhat, not -- they did a little bit.

21 Q. Okay. Did they take any photographs of the shop, to
22 your knowledge?

23 A. I believe they did. I know Perry County took a lot.

24 Q. Okay. And tell me, why was Perry County there?

25 A. We couldn't get Hickman County to do anything.

1 Q. Okay. All right. And so did you call Perry County
2 specifically or how did that come about?

3 A. I don't even know how they got, I don't even know how
4 they got involved.

5 Q. Okay. All right. At some point, did you begin
6 searching the area around your shop?

7 A. Yes, we did.

8 Q. Okay. And what were you looking for?

9 A. Shells.

10 Q. Okay. Did you locate any?

11 A. We did.

12 Q. Okay.

13 A. We didn't touch nothing. The cops took all that.

14 Q. Okay. That was going to be my next question, did you
15 touch anything?

16 A. Nope.

17 Q. Okay. Now describe to me, if you will, the area where
18 your shop is. Are you -- is there anything around you?

19 A. Yes, it's, it's down in a chert pit, and there was a
20 big ledge up high, and that's where we figured the shots
21 came from cause we found all the shells in one pile down
22 off the hill.

23 Q. Okay. All right. Now I'm going to show you some
24 photographs.

25 GENERAL EDMONSON: And, Judge, for the

1 record, I have two photographs that I am going to be
2 asking to introduce as a collective exhibit as soon as we
3 are able to get them identified and authenticated. On my
4 collective exhibit, I have gone ahead and marked at the
5 bottom the A through whatever so that we can refer to
6 them.

7 THE COURT: Okay. Great. Thank you.

8 BY GENERAL EDMONSON -

9 Q. But I'm going to pass -- if you don't mind mister --
10 these two pictures to you. And can you tell me if you
11 recognize what's in those photographs, please?

12 A. Yeah, that's the chert pit hill.

13 Q. Okay. And is that -- are you looking at the picture
14 labeled --

15 A. A.

16 Q. -- A on the bottom? Okay. And then if you'll flip to
17 the next picture for me. What is in that picture?

18 A. The area where we think he shot from up there on the
19 top of that hill or whatever happened.

20 Q. Okay. Is there anything else in that picture other
21 than the hill itself?

22 A. Yeah, the bed of the dump truck.

23 Q. Okay. All right.

24 GENERAL EDMONSON: Your Honor, I would ask
25 to mark those as the next -- or as the first exhibit.

1 THE COURT: They'll be entered as Exhibit
2 1, Collective Exhibit 1.

3 (Collective Exhibit 1 - Pic of Chert Pit)

4 BY GENERAL EDMONSON:

5 Q. All right. Now, Mr. Cornelius, I'm going to have
6 handed to you another packet of pictures, and, if you
7 would, go through all of these and look at them, and tell
8 use if you recognize what's in the photographs first.
9 Okay? And then I'll ask you specific questions.

10 A. Do you want me to name each picture?

11 Q. Just flip through all of them --

12 A. Okay.

13 Q. -- first and tell me if you recognize everything
14 there?

15 A. Yes.

16 Q. Okay. And are those photographs of items that are in
17 your shop?

18 A. Yes, they are.

19 Q. And are those photographs that accurately represent
20 items in your shop on July the 5th of 2019?

21 A. Yes.

22 Q. Okay. If we can, start with what's been labeled as A,
23 if you will, take that binder clip off --

24 GENERAL EDMONSON: And, Judge, if I may.

25 THE COURT: Okay. Yes, you may.

1 BY GENERAL EDMONSON -

2 Q. Now while we're getting this up, if you can tell us
3 what's been marked in A, what is in that photograph there?

4 A. Off-season acetylene tanks, two wire-feed welders and
5 the electrical panel.

6 Q. Okay. All right. And then if you will flip to the
7 second photograph, which has been labeled B. And I'll
8 take A if you don't mind. What is in that photograph?

9 A. Part of a welder, oxygen tanks, the panel again --

10 Q. Okay.

11 A. -- welding helmet.

12 Q. Is that a different angle of what's in A?

13 A. It is.

14 Q. Okay. All right. Hopefully, this will work.

15 GENERAL EDMONSON: Mr. Bates, I was trying
16 to make it so that you can see what we're talking about as
17 well but --

18 MR. BATES: Okay.

19 THE COURT: Mr. Bates, if you need to, you
20 can come up --

21 MR. BATES: Okay.

22 THE COURT: -- and view the photographs.

23 BY GENERAL EDMONSON -

24 Q. Now, in picture B, can you tell us the tanks that
25 you're referring to, what's the approximate value of

1 those?

2 A. Well the big one is probably \$300, and the two little
3 ones are probably about the same for both of them.

4 MR. BATES: Your Honor, I need to enter an
5 objection on this. If the -- my understanding in the
6 consequence of the time, the contract had not been
7 executed yet for the purchase of the shop; and, secondly,
8 there's no proof as to whether or not the contents were
9 part of the shop; and, third, assuming that he's not
10 qualified to speak of property he knows not -- that he
11 does not own.

12 THE COURT: Mr. Cornelius, were those tanks
13 your tanks at that time?

14 THE WITNESS: Yes, they were.

15 THE COURT: And had you purchased them, or
16 had you just stored them there that you had owned
17 previously.

18 THE WITNESS: No, I purchased those.

19 THE COURT: Okay. And you had already paid
20 for them?

21 THE WITNESS: Yeah, they're -- when you buy
22 them, you keep them for a long, long time.

23 THE COURT: Okay. So you had had them for
24 a while?

25 THE WITNESS: Yeah.

1 THE COURT: Overruled, Mr. Bates. Okay.

2 You may go forward.

3 GENERAL EDMONSON: All right.

4 BY GENERAL EDMONSON -

5 Q. If you will, tell us what is in photograph numbered or
6 labeled C?

7 A. Label C, thermal arc welder and a Miller welder.

8 Q. Okay.

9 A. And the panel again.

10 Q. Okay. Now those welders, did they belong to you or to
11 Mr. Balmez?

12 A. Those welders were mine. The big one belonged to
13 Buffalo River at the time.

14 Q. Okay.

15 A. I had just got from them. I hadn't paid them for it
16 yet, but yeah.

17 Q. Okay.

18 A. They did not belong to Buffalo -- Mr. Balmez.

19 Q. Okay. Were you planning to pay Buffalo River Trust at
20 a certain amount of money for that welder?

21 A. Right. Right.

22 Q. And how much was it?

23 A. Forty-five or forty-eight hundred.

24 MR. BATES: Your Honor, I would tender the
25 same objection.

1 THE COURT: Well, I'm going to let him
2 testify as to value if he had made a contract. Is that a
3 contract you had made for that purchase price?

4 THE WITNESS: It was, but we never did pay
5 for it -- it ended up going back to the -- they had, we
6 just got it serviced, that Miller, that Miller, and I had
7 bought it from them, I was going to buy it from them.
8 After it got shot, it didn't work anymore, so they took it
9 back up there, and we never got it back.

10 THE COURT: Okay. For purposes of value in
11 terms of the vandalism, I'll sustain the objection that he
12 did not own it at this time -- own that large welder, but
13 the others --

14 THE WITNESS: The other ones, yes.

15 THE COURT: -- he can testify to.

16 BY GENERAL EDMONSON -

17 Q. All right. The other welder that is in that
18 photograph, had you purchased it?

19 A. Yes, I had.

20 Q. And how much did you purchase it for?

21 A. About \$2,800 bucks, \$2,800 dollars plus the tank.

22 Q. Okay. So let's see here. All right. Now while he's
23 plugging that in, Mr. Cornelius, what's been labeled as D?

24 A. Uh-huh.

25 Q. What welder is that?

- 1 A. That's the thermal arc that I owned.
- 2 Q. This is the one you owned?
- 3 A. Yes.
- 4 Q. Okay. And can you tell us is there anything in D that
5 was not there the last time you saw that welder before
6 July 5, 2019?
- 7 A. The bullet hole.
- 8 Q. Yep. All right. If you will, moving to picture A,
9 uh, E -- All right. Now, Mr. Cornelius, if you'll just
10 turn around and look on the screen there, picture E, can
11 you tell what that is?
- 12 A. Yeah, it's a Miller welder.
- 13 Q. Okay. And who owns that welder?
- 14 A. At the time, it was Buffalo River's.
- 15 Q. Okay. All right. Had you entered into any contract
16 to purchase that welder?
- 17 A. Yes, I did.
- 18 Q. Did you ever purchase the welder?
- 19 A. No, we ended up sending it, they ended up sending it
20 back, and we never got it fixed.
- 21 Q. All right. Is picture F the same welder?
- 22 A. It is.
- 23 Q. Okay.
- 24 A. Different angle.
- 25 Q. Flip that over. And picture G, same thing?

1 A. Uh-huh.

2 Q. Flip that over. Is picture H the same thing?

3 A. It is.

4 Q. Okay. Are all of those just different angles on that

5 welder?

6 A. Yes.

7 Q. All right. Picture I is the same. What is picture J?

8 A. J is the other welder --

9 Q. Okay --

10 A. -- with a bullet hole through the back of it.

11 Q. Okay. If I can see that, please. All right. And is

12 this the welder that you said you had purchased?

13 A. Yes, it is.

14 Q. And how much was it worth?

15 A. Twenty-eight hundred.

16 Q. Okay. All right. And what is in picture K?

17 A. Oxygen and acetylene tank.

18 Q. Okay. Did these items belong to you?

19 A. Yes, they did.

20 Q. Okay. And do you know the value of these items?

21 A. Between the both of them, probably \$300, maybe more

22 now.

23 Q. Okay. All right. Is there anything significant or

24 changed about these items from the last time you saw them

25 prior to July 5, 2019?

- 1 A. They've got bullet holes in them.
- 2 Q. Okay. And what is in picture L?
- 3 A. The fuse box.
- 4 Q. Okay. And this was part of the electrical panel. Is
- 5 that correct?
- 6 A. That's correct.
- 7 Q. For the entire shop?
- 8 A. Yes.
- 9 Q. Okay. And you were in the process of purchasing that
- 10 shop at that time?
- 11 A. Correct.
- 12 Q. Okay. And what is picture M?
- 13 A. Picture M is a, looks like an Argon tank by the color
- 14 of it.
- 15 Q. Okay. All right.
- 16 A. That's the bullet holes.
- 17 Q. And picture N? What does it have?
- 18 A. That is an acetylene tank with a bullet hole through
- 19 the top.
- 20 Q. Okay. Does that tank belong to you?
- 21 A. It does.
- 22 Q. All right. Is that the tank you've already testified
- 23 about?
- 24 A. Yes. That's just a different angle.
- 25 Q. Just a different angle?

1 A. I didn't -- that other tank right there, we didn't,
2 that was the first time we seen that other one.

3 Q. Okay. All right. And if I could, O, what is in
4 picture O?

5 A. The fuse box again.

6 Q. Okay. Now Mr. Cornelius, had you been working in this
7 shop for a period of time?

8 A. Yeah, years.

9 Q. Okay. Years. Okay. Underneath the large gray box,
10 what is that smaller box there?

11 A. That was an outlet for a 220 so you could put the
12 rotors into them.

13 Q. Okay. All right. And if I could have P. What is
14 the --

15 A. That's just another angle of the panel.

16 Q. Okay. Now is the -- what do you see in that?

17 A. A couple of spots where the bullets didn't quite make
18 it all the way through.

19 Q. Okay. All right.

20 GENERAL EDMONSON: Your Honor, I would like
21 to have him circle those spots if I can.

22 THE COURT: Okay.

23 BY GENERAL EDMONSON -

24 Q. I do have a red or a black pen there, if you will
25 circle the area where you are referring to.

1 THE COURT: Okay. Which photograph is
2 that, General?

3 GENERAL EDMONSON: This is in photograph P.

4 THE COURT: Okay.

5 BY GENERAL EDMONSON -

6 Q. And you say this is an angle of the electrical panel
7 itself?

8 A. Yes.

9 Q. Okay. All right. And what is the next photograph?

10 A. That is the wiring inside the panel when we took the
11 cover off.

12 Q. Okay. And what are you observe in this photograph
13 that may or may not have been there prior to July 5, 2019?

14 A. Well, all the damage to the wires from the bullets.

15 Q. Okay. So all of those wires were intact --

16 A. Oh, yeah --

17 Q. -- before 2019?

18 A. Yes.

19 Q. All right. And then what is in photograph R?

20 A. One of those breakers that got blowed (sic) out by the
21 bullets when it went through and knocked it on the bottom.

22 Q. Okay.

23 A. And this is the same thing, it's just a different
24 angle, it looks like.

25 Q. Okay.

1 A. It's a little better picture of it, but --

2 Q. So, S is the same thing as R, just a closer
3 photograph?

4 A. Right.

5 Q. And then tell us, what is T?

6 A. T is a bullet hole where it ripped through all the
7 wires.

8 Q. Okay. And U? Do you recognize that?

9 A. Yeah.

10 Q. What is this?

11 A. It's the inside of the panel. We found a part of a
12 casing, or the shell casing, bullet casing.

13 Q. Okay. If I could have you circle where you're
14 referring to on that as well. And what is in V?

15 A. V is some of the bullet holes going through the shop
16 on an angle.

17 Q. Okay. Is this on the inside or the outside of the
18 shop?

19 A. That's on the outside.

20 Q. Okay. And if you would, what is W?

21 A. Same, just another picture of just one, I think
22 another spot, a couple of them.

23 Q. Okay. And what is X?

24 A. X is the bullet we found in one of the air-
25 conditioners. Well, we didn't find it. You can see where

1 it busted the wire when it went into it.

2 Q. Okay. And Y?

3 A. Some more outside holes.

4 Q. Z?

5 A. Z is a picture of the air-conditioner.

6 Q. Okay. And actually I think should it go this way?

7 A. Yes. You can see it right there.

8 Q. Okay. If I can have you circle on the photograph
9 where you're referring to. And it just for the record,
10 what exactly can you see?

11 A. You can see where the wire got broke from where the
12 bullet penetrated the air-conditioner.

13 Q. Okay. And what is AA?

14 A. AA is more bullet holes down lower.

15 Q. Okay. And BB?

16 A. I think it's just a big picture of the hole.

17 Q. Now, Mr. Cornelius, the damage that you've talked
18 about in these photographs, was any of that damage there
19 prior to July 5, 2019?

20 A. None of it. No.

21 Q. And when was the last time that you were in the shop
22 prior to July 5, 2019?

23 A. It had, it was probably July 4th. I don't know, it
24 was so long, I don't even know what day it was. I don't
25 know if it was -- I don't know if July 4th was on a

1 weekend or a weekday.

2 Q. Okay. All right. And did you do any of this damage
3 to your shop?

4 A. No. No, I did not.

5 Q. Did you give anyone permission to do this damage?

6 A. No, I did not.

7 Q. Okay. When you talked to law enforcement, did you
8 have an idea of who could have done the damage?

9 A. Yeah.

10 Q. Did you give them that information?

11 A. I suggested it.

12 Q. Okay. All right. Are you familiar with Matthew
13 Amick?

14 A. I am.

15 Q. Okay. And how do you know Mr. Amick?

16 A. We used to work together. I used to run around with
17 him.

18 Q. And how long have you known Mr. Amick?

19 A. Ten years, maybe longer.

20 Q. Okay. Do you see Mr. Amick here today?

21 A. I do.

22 Q. Okay. Can you tell us what he's wearing?

23 A. He's wearing an orange shirt.

24 Q. Okay.

25 GENERAL EDMONSON: If the record could

1 reflect he has identified the defendant.

2 THE COURT: Let the record reflect that the
3 witness pointed out Mr. Amick. And, General, do you want
4 to make those Exhibit 2?

5 GENERAL EDMONSON: I do, Your Honor. I
6 wasn't sure if Mr. Bates had an objection at this point or
7 not.

8 MR. BATES: No.

9 GENERAL EDMONSON: If we could make that
10 collective exhibit 2.

11 (Collective Exhibit 2 - Pictures of Damage to and at the
12 Shop)

13 BY GENERAL EDMONSON -

14 Q. Now, Mr. Cornelius, I'm going to have you look at one
15 other set of photographs for us. Tell me if you can
16 recognize what is in those photographs. Before you --
17 look through all of them before you --

18 A. Okay.

19 Q. Can you recognize those?

20 A. Yeah.

21 Q. And what are those photographs of?

22 A. They're all those spent casings that we found on the
23 ground.

24 Q. Okay.

25 GENERAL EDMONSON: Your Honor, these have

1 been --

2 THE WITNESS: We did not touch none of
3 those, just -- they picked them up.

4 GENERAL EDMONSON: -- these have been label
5 A through K. The State would ask to move those in as the
6 next-numbered exhibit.

7 MR. BATES: NO objection.

8 THE COURT: They'll be entered as Exhibit
9 3, Collective Exhibit - A-K, spent casings.
10 (Collective Exhibit 3 - A-K Spent Casings)

11 BY GENERAL EDMONSON:

12 Q. Mr. Cornelius, did you turn in any of this damage on
13 your insurance?

14 A. I didn't. It wasn't, didn't belong to me at the time.
15 I think Manny Balmez may have --

16 Q. Okay.

17 A. -- cause he's got the list of everything that we --

18 Q. Okay.

19 A. -- got together right there.

20 MR. BATES: Your Honor, I renew my
21 objection. If he didn't own the property, based upon his
22 now testimony, it seems like he did not, didn't own this.

23 THE WITNESS: I owned all the equipment.

24 GENERAL EDMONSON: Your Honor, I was going
25 to clarify that. If I --

1 THE COURT: Overrule the objection, he can
2 testify about it.

3 GENERAL EDMONSON -- could have just a
4 moment.

5 BY GENERAL EDMONSON:

6 Q. Mr. Cornelius, did you turn in an insurance claim
7 related to the building of the shop itself?

8 A. I did not.

9 Q. Did you turn in an insurance claim related to the
10 items inside the shop?

11 A. I did not.

12 Q. Okay. So have you been able to repair or replace any
13 of the items that you owned inside the shop?

14 A. I have.

15 Q. Okay. All right.

16 GENERAL EDMONSON: Your Honor, I believe
17 that is all the questions I have at this time for Mr.
18 Cornelius.

19 THE COURT: Mr. Bates.

20 CROSS-EXAMINATION OF MICHAEL CORNELIUS, SR.

21 BY MR. BATES -

22 Q. Mr. Cornelius, how long have you worked in this shop?

23 A. Probably two to three years before that.

24 Q. Okay. And have you purchased it still to this day?

25 A. Yes, I own the shop.

1 Q. When did you purchase it?

2 A. I don't know the exact date, but it's been probably
3 two years.

4 Q. Two years?

5 A. Yeah. Two and a half years.

6 Q. And how would you characterize the ownership or your
7 rights to this shop on July 5, 2019?

8 A. We was in the, I was in the process of buying it. I
9 had not, did not sign the papers to it yet, so we was in
10 the middle of transferring everything over.

11 Q. Were you renting it?

12 A. Yes.

13 Q. And between the shots on July 5th, did you change the
14 price, the purchase price?

15 A. No.

16 Q. What was the purchase price?

17 A. Its 40 grand. It was \$40,000.

18 Q. And are you aware if the -- let me say it this -- To
19 your knowledge, have you been investigated or rumored to
20 be investigated for running drugs out of your shop?

21 A. No, I have not.

22 Q. Have you heard that?

23 A. Yes, I've heard it.

24 Q. And where do you think the source of that comes from?

25 A. It's sitting right next to you.

1 Q. Ms. Carrie Meehan?

2 A. No. Matthew.

3 Q. Okay, Matthew.

4 A. Yeah, he --

5 Q. So how long have you heard this rumor?

6 A. Oh, I've heard it. Everybody's heard it. It's been
7 going around. I haven't heard it in a long time but --

8 Q. And have you talked to law enforcement --

9 A. Oh, no, I have not.

10 Q. -- about this?

11 A. No.

12 Q. Have they approached you?

13 A. No.

14 Q. Did you know that you were, that Mr. Amick's opinion
15 was that you were running drugs out of your shop on July
16 5, 2019?

17 A. Did I? No, I did not.

18 Q. You did not know that the rumor existed at that time?

19 A. No, I did not.

20 Q. In 2017, when Mr. Amick was arrested against his wife
21 and divorce was filed, were you aware at that time -- do
22 you remember when that happened?

23 A. Yes.

24 Q. Were you aware at that time about this rumor coming
25 from Mr. Amick?

1 A. I don't think so. I --

2 Q. When do you think the rumor started?

3 A. When, after all that happened, and he accused me and
4 his father-in-law of trying to -- well, that's --

5 Q. In 2017?

6 A. I guess. I don't really know the date.

7 Q. Okay. Around the time the divorce was filed, the
8 first time and the first arrest of Mr. Amick.

9 A. Okay.

10 GENERAL EDMONSON: Your Honor, I'm going to
11 object. I don't think that Mr. Bates has provided when
12 the divorce was filed the first time, so I'm not sure that
13 he can actually answer that question.

14 THE COURT: Well, what he's testified to is
15 he doesn't remember the dates.

16 BY MR. BATES -

17 Q. Do you remember it being close in time to the divorce
18 being filed and Mr. Amick being arrested for the assault?

19 A. No. I don't know when they filed for divorce. I
20 don't even know what was happening down there.

21 Q. Okay. But do you remember this rumor coming up?

22 A. Oh, I remember a bunch of rumors.

23 Q. Okay. So that's a yes?

24 A. Yes. I mean, I heard that I was hauling drums in my
25 airplane, 55-gallon drums, and they won't even fit in my

1 airplane.

2 Q. And do you have a pilot's license?

3 A. Yes.

4 Q. And you own -- there's no other commercial
5 infrastructure around your shop on Highway 438?

6 A. Just the lawn mower guy, lawn maintenance, whatever he
7 does.

8 Q. And --

9 A. He works on mowers, motors.

10 Q. And so you were close to Manny Balmez?

11 A. Uh-huh.

12 Q. And you're buying a shop from him?

13 A. Right.

14 Q. And so for several years, you thought Mr. Amick was
15 spreading rumors about your illegal behavior in that shop.
16 Correct?

17 A. Not for years, no. This, I heard of all this after
18 all this other stuff had happened, you know, when all this
19 started, everything started coming down, then drugs got
20 this and I'm dealing drugs. I ain't dealing no drugs.

21 Q. Your understanding, Mr. Amik talked to law enforcement
22 about that?

23 A. Well, yeah, he was in the bed with Johnny Davis. Yes.

24 Q. Okay. So it must have been before he was arrested in
25 August of 2019?

1 A. Yeah.

2 Q. So it was several months and years before that, right?

3 A. Right. I don't know.

4 Q. Okay. At the time of this, when you inspected this,
5 you had ill intentions with Mr. Amick, correct?

6 A. No. We had spoke a few days prior to that, or, no, it
7 was after that when I had asked him, when he stopped, the
8 first time I had talked to him in years in front of Coble.

9 Q. Okay. Your prior good relationship had ended?

10 A. Yes.

11 Q. And why had it ended, in your opinion?

12 A. The way he acts.

13 Q. Okay. Does that include telling Johnny Davis --

14 A. That we're all a bunch of drug dealers and -- right.

15 Q. So yes?

16 A. Yes.

17 Q. How common is 5.56 millimeter cartridges in
18 ammunition?

19 A. Pretty common.

20 GENERAL EDMONSON: Your Honor, I'm going to
21 object. I don't know that he's laid any basis for this
22 (indiscernible).

23 THE COURT: I'll sustain the objection.

24 THE WITNESS: Okay.

25 BY MR. BATES -

1 Q. How soon -- who all was present when you walked
2 through this shop?

3 A. Me and my son when we first got there.

4 Q. Was Matthew Amick's name mentioned by either you or
5 your son?

6 A. After we found the bullets?

7 Q. Yes.

8 A. Yes.

9 Q. All right. And what bullets did you find?

10 A. We found the casings.

11 Q. And did you identify what size bullets they were?

12 A. Yeah. They were 223.

13 Q. All right. And what's another name for 223 rounds?

14 A. I don't know right now, 5.562 or whatever they are.

15 Q. What did you just do to refresh your memory?

16 A. What do you, what do you, I mean, just cause I don't
17 know the other number of the bullets casing --

18 Q. Well, I just asked you before the objection if you
19 know about 5.56. You said, yes. There's an objection,
20 and now all of a sudden your first answer is, oh, I really
21 don't know.

22 A. 5.562. There you go.

23 Q. Okay.

24 A. Okay.

25 Q. Okay. Are you familiar with these being common,

1 commonly owned in the area?

2 A. Yes.

3 Q. How common?

4 A. Very common.

5 Q. Do you own some yourself?

6 A. Yes.

7 MR. BATES: We'll leave it there, Your
8 Honor.

9 THE COURT: General.

10 REDIRECT EXAM OF MICHAEL CORNORIUS, SR.

11 BY GENERAL EDMONSON -

12 Q. Mr. Cornelius, prior to entering your shop on July 5,
13 2019, was it riddled with bullet holes?

14 A. Prior to that date? No. No bullet holes.

15 Q. Thank you.

16 MR. BATES: No recross.

17 THE COURT: You may step down, sir. Thank
18 you very much.

19 THE WITNESS: Thanks.

20 THE COURT: General. Do we need to take a
21 break, anyone, after going a couple of hours?

22 GENERAL EDMONSON: Actually, I was going to
23 ask if we could take a quick --

24 THE COURT: Let's take about a 15-minute
25 break then. The Court will be in recess for 15 minutes.

1 (Court in recess)

2 THE COURT: General.

3 GENERAL EDMONSON: Yes, sir. The State
4 will call Emanuel Balmez.

5 (Emanuel Nutu Balmez sworn by the Court)

6 THE COURT: Have a seat, please, sir.
7 State your full name, and spell it for the court reporter.

8 THE WITNESS: Emanuel Nutu Balmez, E-m-a-n-
9 u-e-l, N-u-t-u,, B-a-l-m-e-z.

10 DIRECT EXAMINATION OF EMANUEL BALMEZ

11 BY GENERAL EDMONSON -

12 Q. If you will, tell us, do you go by another name?

13 A. Manny (phonetic).

14 Q. And do you, or did you in July of 2019 own a shop here
15 in Hickman County?

16 A. I did.

17 Q. And where was that shop located?

18 A. 3082 Highway 438, Centerville.

19 Q. Okay. And were you in the process of selling that
20 shop on July 5, 2019?

21 A. Just talking about selling it.

22 Q. Okay.

23 A. I don't recall the exact place we were at, but I know
24 we were talking about the terms of the sale.

25 Q. Were you renting the shop to anyone on July 5, 2019?

1 A. I was renting it to Mike.

2 Q. And who is Mike?

3 A. Mike Cornelius. He was my partner.

4 Q. Okay.

5 A. At that time, we were still somewhat running the shop

6 together, so technically the rent, the shop rental was, it

7 was being rented to M&M Maintenance, which me and Mike

8 still owned at that time.

9 Q. Okay. All right. So I can make sure I understand.

10 You personally owned the building and the land?

11 A. Correct.

12 Q. And you were renting it to your company --

13 A. Correct.

14 Q. -- that you had with Mr. Cornelius?

15 A. Uh-huh.

16 Q. Did you receive a call on July 5, 2019, regarding the

17 shop?

18 A. I did.

19 Q. And who did you get that phone call from?

20 A. From Mike.

21 Q. Okay. And if you would, just make sure you give us

22 the full name.

23 A. Okay. From Mike Cornelius.

24 Q. Okay. And based on that phone call, did you then go

25 to the shop?

1 A. I did.

2 Q. Okay. And did you talk to anyone else related to the
3 phone call you received before you arrived at your shop?

4 A. I don't recall, but quite possibly to my wife.

5 Q. Okay. All right. When you arrived at the shop, who
6 did you speak to first?

7 A. It most likely would have been Michael Cornelius.

8 Q. Okay. And at some point, did you contact the police
9 department?

10 A. Yes, I did.

11 Q. Okay. And which police department did you contact?

12 A. I contacted, as far as I remember, Hickman County and
13 Perry County.

14 Q. And why did you contact both counties?

15 A. I contacted Hickman County because that's where the
16 incident took place. I contacted Perry County because I'm
17 more familiar with them being that we live closer to Perry
18 County and I just wanted them to be aware of what was
19 going on in case I needed to know anything as far as what
20 I needed to do.

21 Q. Okay. Did you speak with anyone specifically at the
22 Perry County Sheriff's Department?

23 A. Yes, I spoke to Officer Bart.

24 Q. Okay. All right. And eventually did officers from
25 both departments show up at the shop?

1 A. Yes, they did.

2 Q. All right. Prior to their arrival, did you observe
3 any damage to the shop?

4 A. Yes.

5 Q. Okay. Did you observe anything else in the area of
6 the shop before the officers arrived?

7 A. I remember walking around the shop and just trying to
8 get an idea of what happened.

9 Q. Okay. All right.

10 GENERAL EDMONSON: Your Honor, if I could
11 have passed the collective exhibits, please.

12 THE COURT: Okay.

13 GENERAL EDMONSON: If I may approach.

14 THE COURT: Yes, you may.

15 BY GENERAL EDMONSON -

16 Q. Mr. Balmez, I'm going to show you what's been marked
17 as Collective Exhibit 1. And will you look at these
18 photographs there and tell me if you recognize those
19 photographs or the items in those photographs?

20 A. I do.

21 Q. Okay. And what are those?

22 A. So this is the bank directly behind the shop.

23 Q. Okay.

24 A. In both pictures, Exhibit A and B, and in B there's a
25 dump truck bed that is obstructing part of the view.

1 Q. Okay. All right. Now I'm going to hand you what's
2 been marked as Collective Exhibit 2. If you can, go
3 through all of those photographs first and tell me if you
4 can identify what's in the photographs.

5 MR. BATES: Your Honor, while he's looking,
6 I would just tender a 403 objection. All the photos have
7 been properly authenticated and admitted, and I would just
8 request that to be expeditive with our time and not go
9 through each photo. It's not in controversy.

10 GENERAL EDMONSON: Your Honor --

11 THE COURT: Well, they've been admitted for
12 evidence. I don't know where the General's going with it,
13 whether she wants him to identify. It's her case so.

14 GENERAL EDMONSON: I'm aware of Mr. Bates'
15 time constrictions, so I'm not planning to go through each
16 individual one, if that helps.

17 MR. BATES: Thank you.

18 THE COURT: Mr. Bates, you indicated at the
19 beginning of the trial that you were proud to end your
20 21st Judicial District defense with General Edmonson, so
21 I'm sure you have all the confidence in her and the way
22 she will handle the case.

23 BY GENERAL EDMONSON -

24 Q. Do you recognize what's in those photographs?

25 A. I do, yes.

1 Q. Okay. And do those photographs accurately depict the
2 shop on July 5, 2019?

3 A. They do.

4 Q. Okay. In the photographs, there are items that are
5 material, so to speak, and then there's the actual
6 physical building itself. Did you own the items inside
7 the building as well or just the building or how did that
8 work?

9 A. I owned some of the items in the building and the
10 building.

11 Q. Okay. Can you tell us if any of the items in the
12 building, what did you specifically own that was damaged?

13 A. So there were oxygen tanks, acetylene tanks, in that
14 corner. I know there were some smaller tools in that
15 area. The welders were owned by Michael Cornelius. There
16 was some electronics that were owned by Michael Cornelius.
17 I think besides the building it was mainly just the oxygen
18 and acetylene tanks that were in the corner.

19 Q. Okay. Taking into account the building and the oxygen
20 and acetylene tanks that you owned, how much damage was
21 done to your property?

22 A. So just from my part, it was, I would estimate around
23 \$8,000 worth of damage.

24 Q. Okay.

25 MR. BATES: Lack of foundation objection,,

1 Your Honor.

2 THE COURT: Would you rephrase the
3 question, if you would, General.

4 BY GENERAL EDMONSON -

5 Q. Mr. Balmez, did you purchase the items that were in
6 the shop that you testified to, the oxygen tanks and the,
7 uh, I forget the other thing --

8 A. Acetylene tanks.

9 Q. -- acetylene tanks?

10 A. Yes, I did.

11 Q. Okay. And how much did you purchase those for?

12 A. I do not recall at the moment.

13 Q. Okay.

14 A. I could estimate for you.

15 Q. Let me ask you this, have you had to replace those
16 items?

17 A. Yes.

18 Q. And what was the replacement cost for those items?

19 MR. BATES: Your Honor, I tender an
20 objection. The replacement cost is not the measure of
21 damages.

22 GENERAL EDMONSON: Your Honor, if I may
23 have some latitude, I'm trying to get to his answer.

24 THE COURT: Right.

25 GENERAL EDMONSON: But I have to get there.

1 THE COURT: Mr. Balmez, you identified the
2 acetylene tanks as well as the oxygen tanks that are your
3 tanks, right?

4 THE WITNESS: Correct.

5 THE COURT: What was the fair market value
6 of them?

7 THE WITNESS: To replace them, it was, I
8 would estimate around \$2,000. I can't say exactly because
9 I don't have the paperwork, and if I had time I could
10 produce the paperwork to prove that.

11 THE COURT: Okay.

12 MR. BATES: Your Honor, I move to strike
13 that testimony.

14 THE COURT: Overruled, Mr. Bates.

15 BY GENERAL EDMONSON -

16 Q. Mr. Balmez, the shop itself, what was it valued at?

17 A. The shop itself, as far as how much did I --

18 Q. How much did you have in the land and the shop?

19 A. So the land I purchased for, give or take a few
20 hundred dollars, \$28,000. The shop itself, I invested
21 just over \$40,000 to get it built, which I built it myself
22 so --

23 Q. Okay. All right. And the damage that was done to the
24 shop itself, have you done the work to fix the electrical
25 panel and the bullet holes that were in the actual shop

1 itself?

2 A. Yes.

3 Q. And you did that yourself?

4 A. Uh-huh.

5 Q. Are you in the construction industry?

6 A. Yes, I am.

7 Q. Okay. And what would you estimate is the fair market
8 value of the work you did to fix the bullet holes in the
9 shop?

10 A. The bullet holes and the electrical panel and some of
11 the framing, which was what the damage consisted of, if I
12 would have repaired that for a customer of mine it would
13 have been in the range of \$5,500 to \$6,000.

14 Q. All right. And so, Mr. Balmez, in coming to your
15 figure of the amount of damage that you sustained to your
16 property on July 5, 2019, are you taking into account the
17 damage to your property inside the shop and to the
18 building and electrical panel itself?

19 A. Yes.

20 Q. And what do you value that as?

21 A. A minimum of \$7,500 is what I would come up with.

22 Q. Thank you. Now, Mr. Balmez, I'm going to show you
23 what has been marked as Collective Exhibit 3. If you can
24 just flip through these and let us know if you recognize
25 what's in those photographs. Do you recognize what's in

1 those photographs?

2 A. It looks like shells to me.

3 Q. All right. Did you observe any of the items in those
4 photographs on July 5, 2019?

5 A. I did. Once the officers came, they started picking
6 them up, and I saw, I don't know if I saw all of them, but
7 I did see a lot of what they were picking up.

8 Q. Okay. All right. Now, Mr. Balmez, how do you know
9 Matthew Amick?

10 A. He's my brother-in-law. I'm married to his sister,
11 Ashley Amick.

12 Q. Okay. How long have you known Matthew Amick?

13 A. I've known him for roughly 14 to 15 years from this
14 date.

15 Q. How would you characterize your relationship with
16 Matthew Amick?

17 A. Currently or throughout the time that I've known him?

18 Q. Currently for right now.

19 A. Our relationship currently, I'm not exactly sure. I
20 would say it's very stressed, and there's been a lot of
21 conflicts that have led us to the point of not having a
22 good relationship.

23 Q. Okay. At some point when you were early in knowing
24 Mr. Amick, did you all have a good relationship?

25 A. At some point, yes, we did.

1 Q. Okay. And do you know what happened that changed your
2 relationship?

3 A. I believe I do.

4 Q. And what was that?

5 A. As time went on, I got to know Matthew better through
6 having interactions with him. Because of the different
7 interactions we had, I had to limit myself to the
8 interactions that I had with him until I got to the point
9 where I could have no interactions with him.

10 Q. Why did you feel that you needed to limit your
11 interactions with him?

12 A. So starting years back in I would say roughly 10 years
13 ago, we did some work together, which, by the time we were
14 done with the work, it seemed like we weren't agreeing on
15 what was happening with money issues and with obligations
16 that I had with the work that at that time I realized that
17 I could not work with him, and then it went from that to
18 helping him build a house, which there was conflict over
19 that, so then I backed off further. So to answer your
20 question, mainly having work interactions, money
21 interactions, I felt like they weren't dealt with fairly,
22 so I continued to retreat.

23 Q. Mr. Balmez, were you work interactions related to any
24 sort of dope venture?

25 A. Absolutely not.

1 Q. Were your money interactions related to any sort of
2 dope venture?

3 A. No.

4 Q. The business that you were involved in with Mr. Amick,
5 what type of business was that?

6 A. I hired him to help me with rebuilding a bridge for a
7 customer. It was my job. I hired him to come in and help
8 me with it, and we were going to split the profits. That
9 was the first venture.

10 Q. Were they all construction-related?

11 A. As far as I can recall, yes, because that was the
12 business I was in.

13 Q. All right. On July 5, 2019, did you have an opinion
14 as to who may have shot your shop?

15 A. Yes, I did.

16 Q. And who did you believe would have been involved?

17 A. Matthew.

18 Q. And why did you believe he was involved?

19 A. Specifically for three reasons. One of them took
20 place in 2017 when one of my friends was at Matthew's
21 house with Matthew's ex-wife at this time but not at that
22 time, at which point Matthew pulled a gun on them. She
23 was scared, my friend was scared, so we came to Hickman
24 County to file a report on that. And --

25 MR. BATES: Your Honor, if the Court's

1 going to take that as true, I'd ask to exclude --

2 GENERAL EDMONSON: I'm not asking it to be
3 admitted for that purpose --

4 THE COURT: It's not being entered for the
5 truth, and I won't take it that way.

6 MR. BATES: And I'm not necessarily sure
7 how it's relevant.

8 THE COURT: Well, I'm not either at this
9 point, General, but while I'll let it in so we can see
10 where it's going, I'm going to weigh it.

11 GENERAL EDMONSON: Thank you, Your Honor.

12 BY GENERAL EDMONSON -

13 Q. So the incident in 2017, was there another incident
14 after that that made you believe that Mr. Amick was
15 involved in the shooting of your shop?

16 A. So it was that. The other incident was when I went to
17 Matthew's mother's house at one time, and Matthew was
18 there and he accused me of killing one of our friends, and
19 he made a comment after that that my world was going to go
20 down.

21 Q. Okay. And what was the third reason?

22 A. And if you'll please give me a minute, I'm gathering
23 my thoughts. The third reason is weeks before the shop
24 was shot, I heard on multiple occasions and also my wife
25 heard coming from Matthew's house a fully automatic weapon

1 being discharged. The morning that I showed up at the
2 shop on July 5th, I talked to the neighbor that lives
3 directly across the road --

4 Q. Well, without telling us what the neighbor said, I'm
5 going to stop you there. Based on what you learned from
6 the neighbor, did that lead you to the conclusion that
7 Matthew was involved?

8 A. Yes.

9 Q. Okay.

10 MR. BATES: Your Honor, respectfully,
11 strike one -- I strike one and three. I think the second
12 one is perfectly admissible under the Rules of Evidence.

13 THE COURT: You're moving to strike his
14 statements on grounds 1 and 3?

15 MR. BATES: Grounds 1 and 3.

16 GENERAL EDMONSON: Your Honor, I would just
17 ask, at this point, some of this is being offered in
18 relation to what we anticipate Mr. Bates is going to put
19 forward regarding the mental health and *mens rea* element.
20 So, Your Honor, I understand for purposes of the actual
21 vandalism charge itself, it may not be relevant, but I do
22 believe it will eventually become relevant as we process
23 into that mental health discussion. And so however you
24 need to handle it based on that. I can recall Mr. Balmez
25 later if I need to. I was just trying to --

1 THE COURT: That's fine. I think he's
2 indicating what his -- as you indicated, what his state of
3 mind was when he arrived there in terms of being able to
4 identify Mr. Amick as the one who shot the shop, so I'm
5 going to let it come in.

6 GENERAL EDMONSON: Thank you, Your Honor.

7 BY GENERAL EDMONSON --

8 Q. Mr. Balmez, do you want to be here today?

9 A. Absolutely not.

10 Q. Is there any reason that you would -- is there
11 anything you have against Mr. Amick personally?

12 A. No, I don't.

13 GENERAL EDMONSON: Your Honor, I believe
14 that's all the questions that I have at this time.

15 THE COURT: Mr. Bates.

16 CROSS-EXAMINATION OF EMANUEL BALMEZ

17 BY MR. BATES -

18 Q. Mr. Balmez, did you sell the building to Mr.
19 Cornelius?

20 A. Yes, I did.

21 Q. And what was that purchase price?

22 A. It was \$45,000.

23 Q. Okay. Was it before or after the bullet holes had
24 been fixed?

25 A. It was after.

1 Q. What was the difference in value, in your opinion,
2 between that shop with the bullet holes and the damage you
3 repaired versus the shop without the bullet holes?

4 A. I'm not understanding your question.

5 Q. Okay. If you had to sell the shop as-is with the
6 damage that you repaired yourself, what would that value
7 have been compared to the value with it repaired, if any
8 difference at all?

9 A. If I would have sold it as-is, considering the damage,
10 I would say somewhere around \$7,500 to \$8,000 less because
11 of what I had to do.

12 Q. You acknowledge this was a metal shop, correct?

13 A. Uh-huh.

14 Q. Yes?

15 A. It was a metal shop. Yeah.

16 Q. The court reporter needs yes or no. It was not in
17 pristine condition, correct?

18 A. I thought it was.

19 Q. How many years had it been since it was built?

20 A. I don't recall exactly, but it has not been that many
21 years. Five, six, seven, eight, I'd have to look at
22 paperwork to give you --

23 Q. Bay windows stay open all the time?

24 A. Do what?

25 Q. Bay window stays open --

1 A. It didn't have bay windows.

2 Q. Whatever the large door is that's open all the time?

3 A. The doors?

4 Q. Yeah.

5 A. When we were there, sometimes they were -- no, they

6 didn't stay open all the time.

7 Q. So, it's your opinion that if you had to sell it, it

8 would have been \$7,500 less for sale without it being

9 fixed. Is that truly your opinion?

10 A. Yeah, you could say that.

11 Q. You have, in the past, you have encouraged Matthew's

12 wife, Becky, to prosecute Mr. Amick, correct?

13 A. I have not encouraged her to prosecute him. I have

14 encouraged her to come out with the truth.

15 Q. Okay. And in 2000 -- do you remember when Becky filed

16 for divorce the first time?

17 A. I don't, no.

18 Q. Okay. Do you remember when she filed for divorce the

19 first time?

20 A. No.

21 Q. You don't remember that at all?

22 A. I remember that -- I mean, I heard about it, but, no,

23 I don't remember when that was or any details about it.

24 Q. Do you remember giving a statement in this case?

25 A. Can you clarify the question, please?

1 Q. Yes. Do you, yourself, Mr. Balmez, remember logically
2 your mind --

3 THE COURT: What case, Mr. Bates? Giving a
4 statement in what case?

5 MR. BATES: In this case.

6 THE COURT: In this case right here?

7 MR. BATES: Yes, this case right here.

8 BY MR. BATES -

9 Q. Giving a statement to the police?

10 A. Yes.

11 Q. Right. Was your statement truthful?

12 A. To the best of my ability it was.

13 Q. Do you remember stating at the beginning, this is an
14 account of events and interactions regarding Matthew
15 Amick's threats, impersonation of a law authority, and
16 events that led up to the shop building shooting on the
17 Fourth of July of 2019?

18 A. Uh-huh.

19 Q. Do you remember stating May of 2017? The entire
20 paragraph of May of 2017?

21 A. I remember making a statement then, yes.

22 Q. Matthew held a gun to Becky, his wife at the time, and
23 John Mark Shaeffer. When Becky threatened to call the
24 police, Matthew threatened to kill the kids, Seth and
25 Hannah. The next morning, me, Mike, Becky, and wife,

1 Ashley, John Mark Shaeffer, and mother went to the Hickman
2 County Sheriff's Department and reported what happened the
3 night before. Do you remember writing that?

4 A. I do.

5 Q. Okay. Is that information true?

6 A. As far as I know, yes.

7 Q. Do you remember being upset that the charges were
8 dropped?

9 A. I don't.

10 Q. Do you remember the charges being dropped?

11 A. Not exactly, but I -- thinking about it, yeah, it
12 makes sense.

13 Q. Have you withheld the children -- you have children,
14 correct?

15 A. Correct.

16 Q. And have you had confrontations with Matthew's mother,
17 Janet?

18 A. Have I had confrontations with her regarding --

19 Q. Just discussions, I apologize. Discussions.

20 A. We've talked a lot about our children with her, yes.

21 Q. And have you told Ms. Janet Amick, you cannot see the
22 children if you support Matthew, or words to that effect?

23 A. If -- no, I don't think that would reflect the truth
24 of that.

25 Q. Have you withheld Janet from seeing the children?

1 A. For a short period of time, yes, we have.

2 Q. Prior to July 5, 2019, had you?

3 A. I believe so.

4 Q. And was it based in part on her care and support for
5 Matthew?

6 A. It was based on our belief that he was not safe to be
7 around and her belief that he was. From what I remember,
8 that is what the issue was in that instance.

9 Q. Is it your opinion that Mr. Amick accused you of being
10 part of Alex Clark's death?

11 A. Is it my opinion?

12 Q. Yes. Did Mr. Amick --

13 A. Well, that's what he said, so it would be my opinion
14 and what I heard --

15 Q. You heard Mr. Amick blame you for Alex Clark's death?

16 A. He blamed me and Michael Cornelius?

17 Q. And this was prior to the July 4th and 5th, 2019,
18 incident?

19 A. Yes.

20 Q. Do you believe Mr. Amick should have been prosecuted
21 and sent to jail from 2017? Right?

22 A. I didn't have that belief, but I did want the truth to
23 come out and for justice to take place, whatever that
24 meant. So I didn't have an opinion on the outcome of what
25 needed to happen, I just wanted the truth to come out and

1 for it to be dealt with without things being covered up.

2 Q. And you didn't think justice came out in 2017, did
3 you?

4 A. In my opinion, no, I don't think it did.

5 Q. How many days did it take you to fix this damage?

6 A. I don't recall. It was done over an extended period
7 because we still had work to do in the shop and many
8 things that went on at that time. So it was not something
9 that we took a day or a week to complete. We just did it
10 as we could because of our time limitations.

11 Q. Do you have an estimate as to how many hours?

12 A. I can estimate for you that it, throughout the whole
13 process, I would say -- and I have to think about it
14 because, like I said, it wasn't a block of time that we
15 separated. It was done here and there. In total, I would
16 estimate maybe three to four days.

17 Q. Over how long a process?

18 A. I'd say roughly two months.

19 Q. Okay. How soon after the shooting -- when did you
20 sell the property?

21 A. I would have to look at my paperwork to give you an
22 exact answer. I do not recall.

23 Q. It's possible you sold it before all the work was
24 completed?

25 A. I don't believe so, no.

1 Q. You don't know, though?

2 A. I would have to look at dates and papers to give you
3 an exact --

4 Q. As you sit here today, you don't know?

5 THE COURT: Maybe we do need a good 403
6 here.

7 MR. BATES: I'm asking. He says he doesn't
8 know.

9 THE COURT: He testified to value.

10 MR. BATES: I reserve my argument for
11 closing on that then, Your Honor. I just -- the witness
12 says he does not know whether it was fully fixed when it
13 was sold.

14 THE WITNESS: It was fully fixed to our
15 satisfaction on the day that it was sold. With that said,
16 there's still damage to it that we did not fix that is not
17 included in what we're talking about that we decided to
18 let go. So the most accurate answer I can give you is we
19 were satisfied. At the day that it was sold, we were
20 satisfied with the repairs and the repairs were complete
21 and done to our satisfaction.

22 MR. BATES: Very well. Thank you.

23 THE COURT: General.

24 GENERAL EDMONSON: Nothing further, Your
25 Honor.

1 THE COURT: You may step down, sir. Thank
2 you.

3 GENERAL EDMONSON: Your Honor, I am going
4 to ask Mr. Balmez to wait in courtroom C. I had
5 originally told him he could stay in the courtroom, but I
6 want to make sure if I have to call him in rebuttal --

7 THE COURT: Okay.

8 GENERAL EDMONSON: Your Honor, the State's
9 next witness will be Deputy Cole Parks, and General
10 Abrahams is going to handle his direct.

11 (Robert Cole Parks sworn by the Court)

12 THE COURT: Have a seat please sir. State
13 your full name and spell it for the court reporter please.

14 THE WITNESS: I'm Robert Cole Parks.

15 THE COURT: Could you spell it.

16 THE WITNESS: Parks, P-a-r-k-s.

17 THE COURT: General.

18 GENERAL EDMONSON: Thank you.

19 DIRECT EXAMINATION OF DEPUTY ROBERT PARKS

20 BY GENERAL ABRAHAMS -

21 Q. Mr. Parks, where are you employed?

22 A. Hickman County Sheriff's Office.

23 Q. And how long have you been employed with the Hickman
24 County Sheriff's office?

25 A. Five years.

1 Q. In what capacity?

2 A. As a patrol deputy.

3 Q. And were you employed in that capacity on July 5,
4 2019?

5 A. Yes.

6 Q. And did you respond to a call at 3138 Highway 438,
7 Pleasantville?

8 A. Yes.

9 Q. In that capacity?

10 A. Yes.

11 Q. And what sort of call were you responding to?

12 A. It was a vandalism.

13 Q. Can you tell us about that?

14 A. It was a vandalism where someone had shot the building
15 --

16 Q. Okay. What kind of building was it?

17 A. -- and damaged (indiscernible)

18 Q. What kind of building was it?

19 A. It was a metal building.

20 Q. Okay.

21 A. It's like a mechanic shop.

22 Q. Okay. Do you remember what time of day it was when
23 you responded to the building?

24 A. I don't exactly remember what time. It was in the
25 morning, I believe.

1 Q. Okay. And who did you make contact with when you
2 arrived?

3 A. Mr. Balmez, I believe.

4 Q. And can you tell me about what you observed?

5 A. He advised me that somebody had shot through the side
6 of a building. It damaged a breaker box; there was some
7 damage to some tools inside; there was two welders that
8 were damaged that had bullet holes in them; and also two
9 acetylene tanks. I believe there was a couple of other
10 items; I don't remember exactly what they were, though.

11 Q. Okay. Can you tell me a little bit more specifically?
12 Did you walk around the building with Mr. Balmez?

13 A. Yes.

14 Q. So what did you, tell us about what each items
15 observed the damaged?

16 A. Okay. It was the breaker box, the breaker panel of
17 the building, where it appeared the shots had come from
18 outside the building. The breaker panel was damaged, had
19 holes in it. There were two welders, a Lincoln welder and
20 a Miller welder, that were damaged that had been hit
21 inside the building. There was, uh, two acetylene tanks
22 that had been shot that were inside the building. Let's
23 see.

24 Q. Go ahead.

25 A. Holes, several holes in the walls; several shots had

1 been fired into the side of the building.

2 Q. Are you describing exterior damage at this time?

3 A. Exterior and interior.

4 Q. And did you eventually walk around the property?

5 A. Yes.

6 Q. Okay. Tell me what you observed at that time?

7 A. Had some footprints that I found that looked like they
8 went to the edge of a chert bluff behind the building or
9 kind of catty-cornered off to the side behind the
10 building. When I got over there, I found 24 shell casings
11 at the bottom of the bluff.

12 Q. Can you describe for the Court what a shell casing is?

13 A. It would be the brass casing; that's the container for
14 the powder in the bullet.

15 GENERAL ABRAHAMS: Your Honor, may I
16 approach the witness?

17 THE COURT: Yes, you may.

18 BY GENERAL ABRAHAMS -

19 Q. Deputy, do you recognize this bag?

20 A. Yes.

21 Q. Okay. Can you tell us what's in it?

22 A. Yes, these are the shell casings that I found at the
23 scene.

24 Q. Do you remember approximately how many shell casings
25 you recovered?

1 A. Twenty-four.

2 Q. Okay. Did you ever go the top of the bluff?

3 A. Yes.

4 Q. Okay. Can you describe what you found at that time?

5 A. It looked like there was some footprints up at the
6 top, and it would have lined up with the angle of which
7 shots would have been fired at the building based on where
8 I could see inside how the bullets went in through the
9 building, and where the shell casings were were directly
10 below.

11 Q. Okay. Did you collect any evidence from the top of
12 the building -- I mean, excuse me, from the top of the
13 bluff?

14 A. I don't recall.

15 Q. Okay. And, are these the shell casings that you
16 collected at that time?

17 A. Yes.

18 GENERAL EDMONSON: Your Honor, we're going
19 to ask to admit what's been stipulated to. That would be
20 6.a in the stipulation.

21 THE COURT: Okay. Enter as Exhibit 4,
22 stipulated 6.a

23 (Exhibit 4 - Stipulated 6.a)

24 BY GENERAL ABRAHAMS -

25 Q. Did you take any pictures while on the scene?,

1 A. Yes.

2 Q. What did you take pictures of?

3 A. I took pictures of the building, the damage that was
4 done inside of the building, everything I could find that
5 had been hit by a bullet or was damaged by a bullet and
6 just the general area.

7 Q. Okay. And did you submit those pictures in evidence?

8 A. Yes.

9 Q. Once you collected the shell casings, did you
10 eventually turn those over Barry Carroll?

11 A. Yes.

12 GENERAL ABRAHAMS: No further questions for
13 this witness, Your Honor.

14 THE COURT: Mr. Bates.

15 CROSS-EXAMINATION OF DEPUTY ROBERT PARKS

16 BY MR. BATES -

17 Q. Did you find the amount of casings to holes in the
18 building?

19 A. It was just -- it would have been about a similar
20 number. I didn't count exactly how many holes were in the
21 building, I don't believe. I just, there were -- roughly
22 there would have been around the same, yes.

23 Q. Did you count the holes?

24 A. No.

25 Q. Okay. Thank you.

1 THE COURT: Anything further?

2 GENERAL ABRAHAMS: Nothing further, Your
3 Honor.

4 THE COURT: You may step down, sir. Thank
5 you.

6 GENERAL EDMONSON: Your Honor, at this
7 time, the next witness will be Rebecca Amick. That will
8 be a long witness, Your Honor. I don't know if you want
9 to go ahead and take the lunch recess or get started or
10 how do you want to proceed?

11 THE COURT: No, I do. I think we'll take a
12 lunch recess and stay solid on Ms. Amick. We'll take a
13 lunch recess. It's 11:30 now, be back here and ready to
14 go at 12:30.

15 GENERAL EDMONSON: Thank you, Your Honor.
16 (Recess at 11:30)

17 THE COURT: Okay, General.

18 GENERAL EDMONSON: Your Honor, the State
19 will call Rebecca Amick.

20 (Rebecca Amick sworn by the Court)

21 THE COURT: Have a seat, please. State
22 your full name, and spell it for the court reporter.

23 THE WITNESS: Rebecca Ashton Amick, R-e-b-
24 e-c-c-a, A-s-h-t-o-n, A-m-i-c-k.

25 THE COURT: General.

1 DIRECT EXAMINATION OF REBECCA AMICK

2 BY GENERAL EDMONSON -

3 Q. Ms. Amick, tell us currently where are you living?

4 A. Hohenwald.

5 Q. Okay. In July of 2000 -- I'm sorry, in the year of
6 2019, where were you living?

7 A. West End, it's Hickman County.

8 Q. Okay.

9 A. 512 West Kelly Road.

10 Q. And who all was living at 512 West Kelly Road in 2019
11 with you?

12 A. Myself, my son, my daughter and my ex-husband.

13 Q. Okay. And what is your son's name?

14 A. Seth.

15 Q. Okay. And what is your daughter's name?

16 A. Hannah.

17 Q. Okay. And what is your ex-husband's name?

18 A. Matthew.

19 Q. Okay. All right. And at the time in 2019, were you
20 divorced from Matthew?

21 A. Yes, ma'am.

22 Q. Okay. And when did you get divorced from Matthew?

23 A. 2018.

24 Q. Okay. In your divorce, were you awarded the ability
25 to live at that residence at 512 West Kelly Road?

1 A. Yes, ma'am.

2 Q. Okay. So how did it come about that both you and
3 Matthew Amick were living there together in 2019?

4 A. He was supposed to have moved away, left, and he did
5 for a little while, but he came back and would never
6 leave.

7 Q. Okay. At points between the divorce in 2018 and the
8 reason you're here, what happened in 2019, did you and Mr.
9 Amick attempt to reconcile?

10 A. A couple of times.

11 Q. Okay. Were those attempts successful?

12 A. No.

13 Q. And do you recall when your last attempt at
14 reconciliation was?

15 A. It was winter, late winter, of 2019, early -- earlier
16 in the year of 2019.

17 Q. Okay. All right. So tell us a little bit about the
18 house at 512 West Kelly Road. Can you tell, describe to
19 us what the house looks like?

20 A. It's very small; it has one main room, like the living
21 room area and a kitchen, and then like one bedroom and a
22 bathroom.

23 Q. Okay. Are there any other buildings on the property?

24 A. There's an old hunting cabin that's like right next to
25 the house and then an old bath house and some chicken,

1 chicken barns.

2 Q. Okay. At, is there any sort of mobile home or
3 anything like that on the property as well?

4 A. Further down on the rest of his dad's property was a
5 bus.

6 Q. Okay. I'm going to show you a couple of photographs
7 here, and tell me if you can identify them.

8 GENERAL EDMONSON: Your Honor, may I
9 approach?

10 THE COURT: Yes, you may.

11 BY GENERAL EDMONSON -

12 Q. If you'll just flip through those and look at them
13 first, and tell us if you recognize what's in the
14 photographs.

15 A. These are all of the bus.

16 Q. Okay. And is that the bus that's located there on the
17 property?

18 A. Yes, ma'am, behind the pond.

19 Q. And does, do these photographs show both the inside
20 and the outside of the bus?

21 A. Yes, ma'am.

22 Q. Okay. All right. I'll hand you another set of
23 photographs.

24 GENERAL EDMONSON: Your Honor, I would ask
25 to introduce the photographs of the bus at this point as a

1 collective exhibit.

2 THE COURT: She's identified the bus
3 photographs, Exhibit Number 5.

4 (Exhibit 5 - Bus Photographs)

5 BY GENERAL EDMONSON -

6 Q. If you will, do the same thing, flip through those,
7 and tell us if you recognize it.

8 GENERAL EDMONSON: Your Honor, while she's
9 looking, was that 5?

10 THE COURT: Five, yes.

11 GENERAL EDMONSON: Thank you.

12 BY GENERAL EDMONSON -

13 A. These are of the outside of the house and the
14 surrounding cabin and Conex container.

15 Q. When you say Conex container, what do you mean by
16 that?

17 A. That shipping container that he used just like a shed,
18 tool shed.

19 Q. Okay. All right.

20 GENERAL EDMONSON: Your Honor, I would ask
21 to mark this as the next Collective Exhibit Number 6, the
22 photos of the exterior of the house.

23 THE COURT: It will be entered as Exhibit
24 Number 6.

25 (Exhibit 6 - Photos of Exterior of Home)

1 BY GENERAL EDMONSON -

2 Q. All right. So, Ms. Amick, I realize I forgot to ask
3 you a few questions at the beginning that I wanted to ask
4 you, so I'm going to back up a little bit. Are you
5 currently married now?

6 A. Yes, ma'am.

7 Q. And who are you married to now?

8 A. Shawn Ward.

9 Q. Have you legally changed your name from Amick yet?

10 A. I'm in the process of doing that. Due to COVID, it's
11 been quite the delay.

12 Q. Okay. And when did you get remarried?

13 A. In April of 2020.

14 Q. Okay. All right. Now taking you back to 2019, how
15 were things between you and Matthew in August of 2019?

16 A. Rocky.

17 Q. Okay. Did anything specific happen on August the 7th,
18 8th or 9th of 2019?

19 A. Yes, ma'am.

20 Q. Okay. Let's start with August the 7th. Was Matthew
21 at the home that day?

22 A. Yes, ma'am.

23 Q. Okay. And who else was there that day?

24 A. Me and my son and my daughter. I took my daughter to
25 his mother's house to drop her off. They were going on a

1 little trip, and then I came back home. He left for a
2 little while to go to his mom's and then came back.

3 Q. Let me stop you for just a second. If you'll make
4 sure when you use he and she, if you tell us who that is.
5 So you took your daughter to whose house?

6 A. Janet Amick's.

7 Q. And when you returned from taking your daughter to
8 Janet Amick's house, who was there at your house?

9 A. Matthew had gone down to Janet's as well to do
10 something for her.

11 Q. Okay.

12 A. And he came home, Matthew came home, right after I
13 did.

14 Q. Okay.

15 A. And Seth was there as well.

16 Q. Okay. And how did that day go?

17 A. He was in a bad mood pretty much the whole day,
18 argumentative, angry.

19 Q. Okay. All right.

20 A. Still really don't know what the actual reason was, he
21 just kind of woke up that way.

22 Q. All right. Now at this point in 2019, you all are
23 divorced. But how long had you known Matthew Amick by
24 this point?

25 A. Many years.

1 Q. Okay.

2 A. We originally met when I was a small like pre-teen,
3 but we really knew each other since I was about 16.

4 Q. And how old were you when you guys were married?

5 A. Eighteen.

6 Q. And how long were you married for?

7 A. Eleven years.

8 Q. Okay. All right. So you were familiar with his moods
9 then at this point in time?

10 A. Yes, ma'am.

11 Q. So what did you decide to do in relation to his mood
12 on August 7, 2019?

13 A. I just try to play it cool and leave him alone.

14 Q. Okay. At any point, did he ask you to do anything for
15 him on that day?

16 A. Yes, ma'am.

17 Q. And what did he ask you to do?

18 A. Towards the end of the day after I had put supper in
19 the oven, he asked me to go get him some beer and tequila.

20 Q. Okay. And where did you go to get that?

21 A. Centerville.

22 Q. Okay. And when you got back from Centerville, did he
23 start drinking right away or was it a period of time, like
24 how did that work out?

25 A. It was after he had eaten; it was after supper.

1 Q. Okay.

2 A. Probably close to, you know, nine, ten o'clock.

3 Q. Okay. And what did he start drinking?

4 A. Initially I believe it was a few shots of tequila and
5 then beer, and then it kind of swapped back and forth.

6 Q. Okay. Were you drinking with him?

7 A. I had a few shots throughout the whole night, but I
8 mixed it with water and sipped on it all night. I never
9 was drunk or anything.

10 Q. Okay. Have you ever seen Matthew Amick intoxicated
11 before?

12 A. Many times.

13 Q. On that evening was he intoxicated?

14 A. Yes, ma'am.

15 Q. Okay. At some point, did you all get into any sort of
16 argument that night?

17 A. A little bit.

18 Q. Okay. How did that resolve itself?

19 A. I went to sleep.

20 Q. Okay. All right. Do you recall what you were arguing
21 about?

22 A. He was still kind of in a bad mood, and he was wanting
23 to have sex, and I said no, and he got mad about it, and I
24 went to bed.

25 Q. Okay. What time did you go to bed?

1 A. I believe it was around four.

2 Q. And was that four on August the 8th?

3 A. Yes, ma'am.

4 Q. Four a.m.?

5 A. Yes, ma'am.

6 Q. Okay. So what's the next thing that happened after
7 you went to bed at 4:00 a.m.?

8 A. I was woken up around 6:30 in the morning. He woke me
9 up, yelling at me, he's telling me that I needed to go,
10 get up and clean the yard; he wanted to bushhog it, and
11 woke Seth up, started yelling at him to go out and clean
12 the yard. And I went and started making breakfast; Seth
13 went out to clean the yard, and that's how the morning
14 started.

15 Q. Okay. So, I'm going to show you a few more pictures
16 here. So, Ms. Amick --

17 GENERAL EDMONSON: I apologize, Judge, I
18 have not labeled these yet.

19 BY GENERAL EDMONSON -

20 Q. I'm going to hand to you some pictures as I label
21 them. Look at each one, and just tell me if you recognize
22 it.

23 A. Yes, ma'am. These all seem to be of the interior of
24 the house.

25 Q. All right. Go to what has been marked as A.

1 A. Yes, ma'am.

2 Q. And tell us what's in that picture.

3 A. That is the bed that's in the main room.

4 Q. Okay. All right. And if you will, flip to what's
5 been marked as B. What's in that picture?

6 A. Another view.

7 Q. Okay. And, C?

8 A. Children's room.

9 Q. Okay. And, D?

10 A. Facing the, in the kitchen, facing the bathroom.

11 Q. Okay. And, E?

12 A. Facing the children's bedroom door.

13 GENERAL EDMONSON: Your Honor, I would ask
14 to make this a collective exhibit. I want to go over a
15 few more details with her on these pictures.

16 THE COURT: Okay. If we can mark them,
17 then hand them back. It will be Exhibit Number 7.
18 (Exhibit 7 - Pictures of Inside)

19 BY GENERAL EDMONSON -

20 Q. Now, Ms. Amick, in what's been marked as Collective
21 Exhibit 7A, who slept in this bed?

22 A. Matthew and myself most of the time.

23 Q. Okay. All right. And in relation to the front door
24 of the residence, where is that bed if you walk through
25 the front door?

1 A. If you walk through the front door, it's to the left.

2 Q. Okay. Then in Collective Exhibit 7C, whose room is
3 that?

4 A. The children's.

5 Q. Okay. And who sleeps on the top there?

6 A. Seth.

7 Q. And who sleeps on the bottom?

8 A. Hannah.

9 Q. Okay. So they share that bedroom?

10 A. Yes, ma'am.

11 Q. Okay. All right. And then if you can tell us, this
12 Collective Exhibit 7D, what is this showing us in your
13 house?

14 A. Standing in the kitchen like by the sink looking
15 towards the bathroom.

16 Q. Okay. All right. And then finally in Collective
17 Exhibit 7E, what does this show us?

18 A. If you're standing in the front door, you're looking
19 directly at the children's bedroom door.

20 Q. Okay. Is this their bedroom door?

21 A. Yes, ma'am.

22 Q. Okay. Now when you were awakened on August 8, 2019,
23 were you sleeping in the bed we just looked at in 7A?

24 A. Yes, ma'am.

25 Q. Okay. At some point after you were awakened and you

1 started making breakfast, did anything happen?

2 A. Yes.

3 Q. Okay. And what happened?

4 A. Seth had come back in, started eating. He, Matthew,
5 was being argumentative about everything in general, and
6 he eventually sat down to eat, and while he was eating he
7 kept making remarks about how he had messed with my truck
8 while I was asleep.

9 Q. Okay. I'm going to stop you right there for just a
10 second.

11 GENERAL EDMONSON: Can I have Collective
12 Exhibit 6, please?

13 BY GENERAL EDMONSON -

14 Q. If you can tell us, what is in the photograph here of
15 Collective Exhibit 6I?

16 A. That is my old Jeep. That wasn't my old driving
17 vehicle at the time. I was driving a Chevy Silverado
18 truck.

19 Q. Okay. All right. Okay. So this is not the vehicle?

20 A. No, ma'am, that one wasn't running.

21 Q. Okay. All right. So Mr. Amick made some statements
22 about your vehicle?

23 A. Yes, ma'am.

24 Q. What were those statements again?

25 A. He made statements about how he had messed with it,

1 and when I would ask, what did you do, he just laughed and
2 said, well, it's only going to run on three cylinders now.
3 So I got my keys, went outside and started up my truck,
4 let it run for a few minutes, it sounded like it was
5 running fine, and then I was coming back inside.

6 Q. Okay. And as you were coming back inside, were you
7 coming back through the front door or a different door?

8 A. The front door.

9 Q. Okay. And where was Matthew at this point in time?

10 A. He was standing on the inside in front of the front
11 door.

12 Q. Okay. So inside the house?

13 A. Yes, ma'am.

14 Q. Okay. And where was Seth at this point in time?

15 A. He was still at the table.

16 Q. Okay. All right. And as you went to walk back up to
17 the house, what happened next?

18 A. As I was reaching to open the door, he was locking it.
19 And he was like, what are you doing, and I was like, well,
20 I was checking on my truck. You said he messed with it,
21 so I was seeing what was wrong. And he eventually let me
22 back in the house. And we were still standing in the
23 doorway right there, and he was asking me to move. And I
24 was like, why, what are you going to do, and he's telling
25 me to move, that he was going to go shoot my truck and

1 shoot the tires out.

2 Q. Okay. Did he have a weapon on him at that point in
3 time?

4 A. Yes, ma'am.

5 Q. And what was it?

6 A. I believe at that time it was the .22 revolver.

7 GENERAL EDMONSON: Your Honor, at this
8 point in time, I'm going to ask her to look at something,
9 I'm going to hold it over here, and see if she can
10 identify it.

11 THE COURT: Okay. Fine.

12 BY GENERAL EDMONSON -

13 Q. And it's very hard to see here. But can you identify
14 this item?

15 A. Yes, ma'am.

16 Q. And what is this?

17 A. It's a .22 revolver pistol.

18 Q. Is that the .22 revolver that he had on that day?

19 A. Yes, ma'am.

20 Q. Okay. After he threatened to shoot the vehicle, did
21 he make any other threats to you?

22 A. Yes, ma'am.

23 Q. And what did he say at that point?

24 A. I told him I wasn't going to move, that I didn't want
25 him to shoot my truck, and he said if I didn't move he was

1 going to blow a hole in my foot, and started to unlatch
2 his holster and remove his gun.

3 Q. Okay. And where was Seth when this happened?

4 A. He was still at the table.

5 Q. Okay. At any point did Seth get up from the table?

6 A. Yes, ma'am. When he threatened to shoot my feet, Seth
7 started to essentially freak out and started to beg him
8 not to shoot me, not to shoot his mom, and at some point,
9 he ran and got kind of in between us, between me and
10 Matthew.

11 Q. Okay. All right. And at that point, did Matthew make
12 any other statements?

13 A. Yes. He told Seth that if he did not move, he was
14 going -- if he did not move and go to his room and sit
15 down, he was going to blow a hole in both of our feet.

16 Q. And what did Seth do in response to that?

17 A. He didn't want to. He kind of argued back and forth
18 cause he didn't want to leave me, but he eventually went
19 to his room.

20 Q. Okay. All right. After Seth went to his room, what
21 happened between you and Matthew?

22 A. At this time, I had went and sat down in the green
23 chair that was in front of the bed, and Matthew was
24 sitting on the bed, and I was starting to -- he had put
25 the gun up, back in his holster, to get Seth to go back in

1 his room, and the minute Seth went back in his room, he
2 then pulled it out and started to threaten to shoot me and
3 tell me that he was going to take care of me.

4 Q. And did you take that statement to be a good thing or
5 a bad thing?

6 A. A bad thing.

7 Q. Okay. After he made that statement, what happened
8 next?

9 A. Well, Seth came back, heard that. It was just like,
10 no, you don't need to shoot me, there's no need for all
11 that, and Seth came back and heard that and was like,
12 please don't shoot, you know, freaking out again. Matthew
13 made him go back into the room, and that's when I was
14 starting to pull on my boots and was like, I'm just going
15 to leave, take Seth and leave.

16 Q. Okay. When you said you were going to leave, what did
17 Matthew do?

18 A. He left, and said, oh, now you're going to leave
19 You're not going anywhere.

20 Q. Okay. And how did you respond to that?

21 A. I told him, but that's what we're supposed to do. I'm
22 supposed to leave when this type of stuff happens, like
23 one of us needs to leave so it doesn't go any further.

24 Q. Okay. And how did he respond to that?

25 A. He said, you're not leaving.

1 Q. So what happened after that?

2 A. It just kept, we kept going back and forth and
3 escalating, and I just kept trying to like calm him down,
4 and I was like, put the guns away, you know, you're still
5 drunk, just lay down, go back to sleep, sleep it off, and
6 he said something like, I'm not drunk. He kept telling
7 me, I'm not drunk, but by God I'm going to get drunk now.
8 And so I went and got the bottle of tequila and was going
9 to dump it out because I didn't want him to continue to
10 get drunk and make everything worse.

11 Q. Okay. And what was the reaction to that?

12 A. He told me if I dumped it out he would shoot me.

13 Q. Okay. Now while this was going on, did you think you
14 could leave the house?

15 A. No.

16 Q. Okay. Did he say anything else to you after you were
17 pouring out the tequila?

18 A. Yes.

19 Q. What did he say?

20 A. He told me to sit down, and at this time he had gotten
21 out, his AR --

22 Q. Okay.

23 A. -- and I sat down, I believe it was at the table, and
24 he actually shot three or four shots at the floor a few
25 feet in front of me.

1 Q. Okay. All right. And when he did that, what weapon
2 was he using?

3 A. His AR 15.

4 Q. Okay. All right. And you were in the kitchen area?

5 A. Yes, ma'am.

6 Q. And what happened after that?

7 A. Seth had come back out like into the doorway of their
8 room and was like freaking out, don't shoot mom, don't
9 shoot mom, and he was, Matthew was screaming at him, go
10 back to your bed or you're going to get your mother
11 killed, and Seth ended up going back to his bed, and he
12 said something again to me like along the lines of, I'm
13 going to shoot you, and like, I'm going to take care of
14 you today, I'm tired of everything. And so I kind of
15 panicked, and I got up, and I ran into the room with Seth
16 thinking, well, he won't kill me in front of Seth, and
17 he'll eventually calm down.

18 Q. Okay. Did that work?

19 A. No.

20 Q. Okay. So once you entered the bedroom with Seth, what
21 happened next?

22 A. The whole time all of this was going on, he kept
23 asking me for my phone. He came in the bedroom, pointed
24 his weapons at me, the AR, and asked me for my phone, and
25 he kept threatening us, and I was like, no, you know, I'm

1 not going to give it to you.

2 Q. Okay. Why wouldn't you give him the phone?

3 A. Cause that was my only lifeline to get help.

4 Q. Did you eventually give him the phone?

5 A. Yes.

6 Q. And why did you do that?

7 A. Because he had threatened me to the point that I felt

8 like he was either going to kill me or Seth.

9 Q. All right. And while this is going on about your
10 phone, did all of this happen in the bedroom or did this
11 go back and forth?

12 A. He went back and forth between the main room and the
13 bedroom; me and Seth was in the bedroom the whole time.

14 Q. Okay. All right. And while you and Seth were in the
15 bedroom, was Seth trying to do anything?

16 A. Yes.

17 Q. What was he trying to do?

18 A. Right after we had first gotten in there together, he
19 had gotten one of his knives and was trying to cut the
20 screen out to get out one of the windows.

21 Q. Okay. And did that work?

22 A. No.

23 Q. And why not?

24 A. Because Matthew caught him.

25 Q. I'm sorry, say that again.

1 A. Matthew came in the room and caught him in the act.

2 Q. And what did Matthew do at that point?

3 A. He told him that if he tried to escape, he would kill
4 him, and demanded he hand over all of his knives. He had
5 a knife collection, and he had to give all of his pocket
6 knives and things to him.

7 Q. Okay. And at this point, do you still have your phone
8 or have you already --

9 A. Yes.

10 Q. -- given it to him?

11 A. I still had my phone. That was right after me and
12 Seth had just gotten in the room together.

13 Q. Okay. All right. So how much time do you think you
14 were in the bedroom with Seth?

15 A. A couple of hours probably.

16 Q. Okay. All right. And at any point, did you try to
17 leave the bedroom? You're going to have to answer out
18 loud. I'm sorry.

19 A. No, ma'am.

20 Q. Eventually when you gave Matthew your phone, what
21 happened to your phone?

22 A. First he took it -- you know, I basically threw it on
23 the floor at him and was like -- I tried to bargain with
24 him. I was like, if I give it you, will you put the guns
25 up? And he was like, no, no, and kept threatening me, and

1 it got to the point where I felt for sure he was going to
2 kill me or especially Seth, so I finally just threw it at
3 him, on the floor in front him. He got it and went into
4 the other room, and I had one of those LifeProof cases on
5 it, it's really hard to get off, and I heard him trying to
6 get it off. And then a few minutes later, he came back
7 into the room, dropped the phone on the floor and shot it
8 with his Glock pistol until the magazine was empty.

9 Q. Do you know how many times that was?

10 A. I believe he had the double-stacked magazine in it, so
11 I want to say about 15 to 17 times. It was a lot.

12 Q. All right. I'm going to pass to you an item. I'm
13 going to see if you can identify the item. Do you know
14 what this item is?

15 A. That seems to be what is left of my phone.

16 Q. And what type of phone was it?

17 A. I think that one was an iPhone 6.

18 Q. Did you purchase that phone yourself?

19 A. Yes, ma'am.

20 Q. And do you know how much you paid for that phone?

21 A. It was right around \$800 or \$900.

22 Q. And when he shot at the phone, how close were you to
23 that?

24 A. Probably about 10 feet.

25 Q. Okay. How close was Seth?

1 A. He was just behind me.

2 GENERAL EDMONSON: Your Honor, I would ask
3 to move the phone in as the next exhibit.

4 THE COURT: Exhibit Number 8.
5 (Exhibit 8 - Ms. Amick's iPhone 6)

6 BY GENERAL EDMONSON -

7 Q. And, Ms. Amick, if you can look at those photographs
8 for me, and tell me if you can identify those?

9 THE COURT: General, I don't think we
10 entered the .22. I think you meant to.

11 GENERAL EDMONSON: I haven't yet. I was
12 trying to hold off on that just a little bit longer.

13 THE COURT: That's fine. This is Exhibit
14 Number 8, yes, cell phone.

15 THE WITNESS: Yes, ma'am, this is where the
16 area in the floor where my phone was laying when he shot
17 it.

18 GENERAL EDMONSON: Your Honor, I would ask
19 to mark this as an exhibit, but I'm going to go ahead and
20 show her one photo, and then I'll hand it to Ms.
21 Nicholson. The photographs of carpet.

22 THE COURT: Okay. That's fine. Before you
23 do that, we'll enter it as Exhibit Number 9, photo she
24 identified of the area where the cell phone was located
25 when he shot it.

1 (Exhibit 9 - Photograph of Area Cell Phone in When Shot)

2 BY GENERAL EDMONSON -

3 Q. Ms. Amick, can you tell us, do you see where the
4 bullet holes are in the carpet there?

5 A. Yes, ma'am.

6 Q. Can you circle with that red pen the bullet holes for
7 us, please?

8 A. Individually or --

9 Q. Just a big circle of --

10 A. -- collectively?

11 Q. So after Mr. Amick shot your phone, what happened
12 next?

13 A. After that, he told Seth to go to the bathroom and
14 shut the door.

15 Q. Okay. Did Seth do that?

16 A. No, he didn't want to at first.

17 Q. Okay. Did he eventually go into the bathroom?

18 A. He did after Matthew threatened him with both his life
19 and my life and threatened to, to, he threatened him
20 several ways. He threatened him to knock him out and when
21 he woke up his mother would be dead. He also threatened
22 to split his head open with his axe.

23 Q. And the statement about the axe, did he have an axe on
24 him?

25 A. Yes.

1 Q. Actually on his person?

2 A. Yes.

3 Q. Can you tell us if you can identify this item?

4 A. Yes, ma'am.

5 Q. And what is this?

6 A. That is the axe.

7 Q. And this is what he had on his person that day?

8 A. Yes, ma'am.

9 GENERAL EDMONSON: Your Honor, I'd ask to
10 mark this as the next exhibit.

11 THE COURT: The axe will be entered as
12 Exhibit Number 10.

13 (Exhibit 10 - Axe)

14 BY GENERAL EDMONSON -

15 Q. Ms. Amick, did Mr. Amick threaten you with any other
16 weapons on that day?

17 A. Yes, ma'am.

18 Q. What else did he threaten you with?

19 A. He threatened me with his knife; he told me he was
20 going to gut me with it, to tie me to a pole and gut me;
21 he threatened to hack me up with his axe into little bitty
22 pieces; and he held his AR 15 to my, between my eyes
23 multiple times.

24 Q. Okay. At any point while this was going on this day,
25 did Mr. Amick fire his, any of his weapons in the house

1 other than at the cell phone?

2 A. Yes.

3 Q. And tell us about that.

4 A. Well, the first shots were the three or four kind of
5 in front of like almost at my feet at the beginning before
6 I went into the bedroom.

7 Q. Okay.

8 A. And then when he would go from the bedroom to the
9 living area, he would randomly fire shots to keep us
10 scared, I guess.

11 Q. Were you scared?

12 A. Terrified.

13 Q. Ms. Amick, I'm going to hand to you three more
14 pictures. If you will, tell me if you can identify these
15 photographs for me, please?

16 A. Yes, ma'am. The first two are the corner of the
17 kitchen behind the table, and at one point he was in that
18 area where he, when he was firing randomly. And then the
19 other one is of a view of my kitchen table.

20 Q. So this is from your kitchen at some point?

21 A. Yes, ma'am.

22 GENERAL EDMONSON: Your Honor, I'd ask to
23 mark this as the next collective exhibit.

24 THE COURT: Collective Exhibit Number 11.

25 (Collective Exhibit 11 - Pictures of Kitchen)

1 BY GENERAL EDMONSON -

2 Q. So, Ms. Amick, going back to when Mr. Amick had Seth
3 go to the bathroom, could you see what Seth was doing from
4 where you were in the bedroom?

5 A. Yes, ma'am.

6 Q. Okay. And how could you see that?

7 A. The way that the bedroom door going into the main part
8 of the house was positioned, I could see a little bit
9 through kind of like the crack, just enough to see him
10 walk past.

11 Q. See who walk past?

12 A. Seth.

13 Q. Okay. So Seth was eventually able to leave the house?

14 A. Yes, ma'am. Almost immediately after he was sent to
15 the bathroom, he went out the other bathroom door into the
16 kitchen and then proceeded out the front door and left to
17 get help.

18 Q. And when you saw Seth walking out of the house, what
19 were you doing at that time?

20 A. Just trying to keep him focused on me.

21 Q. Keep who focused on you?

22 A. Matthew.

23 Q. Okay. Did Matthew eventually realize Seth had left?

24 A. Yes, ma'am.

25 Q. And about how long after Seth left did he make that

1 realization?

2 A. Only five, 10 minutes maybe at the most.

3 Q. Okay. And what did he do at that time?

4 A. At that time it, he started to panic. He started to
5 -- he realized that then that the cops would be coming
6 because Seth had gone to get help.

7 Q. Okay. All right. Once Matthew made that realization,
8 did he leave the residence?

9 A. Not at first.

10 Q. Okay. What did he do?

11 A. He immediately came and shoved his AR between my eyes
12 and demanded to know where I sent him.

13 Q. Okay. Had you sent him anywhere?

14 A. No, ma'am.

15 Q. What did you tell Matthew when he asked you that
16 question?

17 A. That I didn't know where he went.

18 Q. Okay. Did he eventually stop holding the AR on you?

19 A. For a minute. He left and went back out. He went
20 outside and called for Seth. When Seth didn't come back,
21 come to his call, he came back in, held the gun to my head
22 again and demanded where I sent -- demanded to know where
23 I sent him again. He kept asking if I sent him to Manny
24 and Ashley's, where I sent him. And I kept telling him
25 the same thing, I didn't know where he went.

1 Q. Okay. Did Matthew eventually leave?

2 A. Yes.

3 Q. And how long was it after Matthew left that you left
4 the residence?

5 A. Not more than five minutes.

6 Q. Okay. What were you doing in those five minutes?

7 A. I was, uh, I didn't move until I knew for certain he
8 wasn't coming back cause he kept, he left for a second and
9 then came back and kept doing that for a few times. So as
10 soon as I knew he wasn't coming back, I immediately ran
11 outside and searched all in the, like around the creek,
12 behind the house, in the woods and everywhere trying to
13 find Seth thinking maybe he hid by the creek and was just
14 waiting on Matthew to leave to come out and make sure it
15 was safe. And when I realized he wasn't there, I grabbed
16 some of Seth's belongings, his clothes, he didn't have
17 shoes on when he left, so I grabbed his shoes, and I got
18 in my truck and I left to go find him.

19 Q. Okay. And where did you find him?

20 A. At Daniel Amick's?

21 Q. Okay. And who is Daniel Amick in relation to Matthew
22 Amick?

23 A. Matthew's little brother.

24 Q. Okay. And how far is Daniel Amick's residence from
25 where you, Matthew and Seth lived?

1 A. A mile.

2 Q. And when you got to Daniel Amick's, what did you
3 observe about Seth?

4 A. He was still in that flighty, adrenaline mode and was
5 just relieved that I was okay.

6 Q. Did he have any concerns at that point, or did he
7 share any concerns about where Matthew might have gone?

8 A. He was scared of where he was, and he didn't, he
9 wanted to get away and --

10 Q. Okay. And where did you all go from Daniel Amick's
11 house?

12 A. To the Sheriff's Department.

13 Q. Okay. And when you got to the Sheriff's Department,
14 were you eventually interviewed about what happened?

15 A. Yes, ma'am.

16 Q. And do you remember who interviewed you?

17 A. Detective Pierce.

18 Q. Okay. And then do you know, was Seth interviewed?

19 A. Yes, ma'am.

20 Q. Eventually did they ask you for kind of a map of the
21 property? Do you recall that?

22 A. I believe they kind of asked how the, how it was all
23 laid out, you know, where everything was.

24 Q. Okay. And did you draw anything for them? If you
25 recall.

1 A. I don't recall. A lot of that time up there was kind
2 of a blur.

3 Q. Okay. At any point while this was going on at your
4 home, did you believe you would be able to get out of
5 there?

6 A. No.

7 GENERAL EDMONSON: Your Honor, if I could
8 have just a moment before I move on to my next line of
9 questioning.

10 THE COURT: Sure. Take your time.

11 GENERAL EDMONSON: I want to make sure I
12 haven't forgotten anything --

13 THE COURT: Certainly.

14 GENERAL EDMONSON: -- regarding that.

15 BY GENERAL EDMONSON -

16 Q. Did Matthew at any point during all of this indicate
17 to you whether he thought he had gone too far or not?

18 A. Yes, ma'am. In fact he kept repeating that multiple
19 times during that entire event. He kept repeating the
20 same line, like, I know I've gone too far, I know, you
21 know, I've messed up really bad this time; nobody's
22 leaving alive today; we're all dying today; I know I've
23 gone too far.

24 Q. Okay. And he used the words, I know I've gone too
25 far?

1 A. Yes.

2 Q. Okay. Now you stated that you and Matthew had been
3 married for 11 years?

4 A. Yes, ma'am.

5 Q. At any point during your marriage, did Matthew suffer
6 any injuries?

7 A. Yes, ma'am.

8 Q. And what were those injuries?

9 A. He fell and hit his head.

10 Q. Okay. How many times did he suffer any sort of head
11 injury?

12 A. Twice.

13 Q. Okay. How did he get those head injuries?

14 A. The first time he was drunk, tripped over a Weed Eater
15 and hit his head on the bumper of his truck. That was the
16 first incident.

17 Q. Okay. And what was the second incident?

18 A. He was drunk, he was driving his dirt track race car
19 home, and he wasn't wearing a seatbelt or a helmet. He
20 said the brakes locked up on him, and he was going about
21 40 and crashed into a tree and hit his head on the roll
22 cage on the inside.

23 Q. Okay. Did he seek medical attention for either of
24 these head injuries?

25 A. No. Not at -- no, not at all after the first incident

1 at all.

2 Q. What about the second one?

3 A. The second one, he only did after he was pretty much
4 forced into it. The events that happened at that time and
5 his mother helped him get treatment in Atlanta, Georgia.

6 Q. Okay. Did Matthew's behavior at all change after his
7 head injuries?

8 A. It did somewhat. He just stayed angry all the time.

9 Q. Okay. Prior to his head injuries, was he an angry
10 person?

11 A. Yes.

12 Q. Was he ever violent prior to his injuries?

13 A. Not towards me prior to the injuries, but he was
14 emotionally abusive.

15 Q. Okay. Did you ever have an incident where you were
16 charged with domestic assault of Matthew?

17 A. Yes, ma'am.

18 Q. Okay. Did you and Matthew ever have any other
19 incidents besides the one where you were charged and the
20 one we're here for today that ended up going to court?

21 A. Yes, ma'am, but the charges were dropped.

22 Q. Okay. And you dropped those charges. Is that
23 correct?

24 A. Yes, ma'am.

25 Q. Okay. And why did you do that?

1 A. Because at that time he was seeking help for his
2 problems; he was no longer drinking; he wasn't doing any
3 type of drugs; he seemed to be leveled out; he was chill;
4 he was, seemed to be back to normal; he wanted to work on
5 the family; he seemed genuine and sincere; and I mean, we
6 had been married for 11 years, nine or 10 at that point.
7 We had two kids together. I'm old school, I wanted to
8 work it out; I wanted to raise our family together.

9 Q. Okay. Ultimately did you decide though you had to
10 file for divorce?

11 A. He filed for divorce.

12 Q. Okay. And do you recall any other instances of
13 violence that happened that maybe the police were not
14 called? Or were those the only times that it got violent
15 in your home?

16 A. No, ma'am. There was other times.

17 Q. Okay. I'm sorry. I meant to show this to you
18 earlier, but I'm going to go back. I realized I have not
19 shown it to you. Can you identify this item for me?

20 A. That is the carpet where he shot my phone.

21 Q. Okay. And what does the carpet show?

22 A. Bullet holes.

23 Q. Can you count them for us, please?

24 A. It looks to be 16 if I counted correctly.

25 GENERAL EDMONSON: Your Honor, I'd ask to

1 move this in as the next-numbered exhibit.

2 THE COURT: Enter that as Exhibit Number
3 12, the carpet with the bullet holes as shown in
4 photographs entered as Exhibit 9.

5 (Exhibit 12 - Photograph of Carpet with Bullet Holes)

6 BY GENERAL EDMONSON -

7 Q. Ms. Amick, were you aware of all of the weapons that
8 your husband had in the residence?

9 A. Most of them.

10 Q. Okay. Did you know whether or not he had a fully
11 automatic lower?

12 A. Yes, ma'am.

13 GENERAL EDMONSON: Your Honor, I believe
14 that's all the questions I have.

15 THE COURT: Mr. Bates.

16 MR. BATES: Thank you, Your Honor.

17 GENERAL EDMONSON: I'm sorry. I do have
18 one other -- I apologize.

19 BY GENERAL EDMONSON -

20 Q. Ms. Amick, do you see Matthew Amick here today?

21 A. Yes, ma'am

22 Q. Can you point him out for us? Can you tell us what
23 he's wearing?

24 A. An orange jumpsuit.

25 GENERAL EDMONSON: Thank you.

1 THE COURT: Let the record reflect that the
2 witness pointed out Mr. Amick. Mr. Bates.

3 CROSS-EXAMINATION OF REBECCA AMICK

4 BY MR. BATES -

5 Q. Do you acknowledge Matthew has suffered from mental
6 health problems?

7 A. I acknowledge he has had some issues, yes.

8 Q. Do you think it's significant?

9 A. It's -- yeah, it's made worse by drugs and alcohol.

10 Q. How long has he had those problems?

11 A. Since he first fell and hit his head, but he always
12 had anger issues and a violent tendency. It was just
13 never angled at me.

14 Q. Okay. Do you have any recollection of brain injuries
15 prior to the two injuries that you spoke of, the two
16 accidents?

17 A. No, sir.

18 Q. The home you lived in, whose name was it in in August
19 of 2019?

20 A. I assume it was in Carrie Amick's name. It was on his
21 property.

22 Q. Okay. And Carrie is Matthew's dad?

23 A. Yes, sir.

24 Q. The, were you paying actual rent to Carrie?

25 A. No, the divorce papers never said that. They said I

1 did not have to pay rent.

2 Q. Okay. And so the divorce papers also didn't give you
3 the exclusive right to live in this home either, did it?

4 A. It did. It stated that I was allowed to live there
5 until my youngest child, which is Hannah, turned 18 as
6 long as I didn't get married or move anybody like a man in
7 there with me.

8 Q. I understand you had the right to live. My question
9 is did you have the exclusive right to bar Matthew from
10 being at the property?

11 A. We had an understanding that he wouldn't live there,
12 that if he did stay at the property, he would either be
13 staying in the bus or at the very least the cabin next
14 door. He would not be in the actual house.

15 Q. That understanding was not in the divorce agreement
16 between you and Matthew, correct?

17 A. I don't believe so, correct.

18 Q. Okay. Can you review the divorce agreement between
19 yourself and Matthew? Do you recognize that document?

20 A. Yes, sir.

21 Q. Okay. And I believe the property provision is --
22 we'll start on page 2 where it says, property settlement,
23 real estate, there's not real property owned by either
24 party either individually or as tenants by the entirety,
25 both parties further waive any equitable claims to any

1 interest in the form of marital residence?

2 A. Yes, sir.

3 Q. Okay. And then on to page 4 where it says, paragraph
4 F, rent. Do you understand what the husband was to pay to
5 the father, his father, Mr. Carrie Amick, and you had the
6 ability to stay at that property?

7 A. Yes, sir, but that was just a, that never happened.
8 He never paid any kind of rent ever the entire time we
9 lived there.

10 Q. Okay. And on page 5, just very briefly, where it
11 says, this marital dissolution constitutes the entire
12 understanding of the parties. There are no agreements or
13 understandings between them other than those agreements
14 and understandings expressly mentioned in this marital
15 dissolution agreement?

16 A. Yes, sir.

17 Q. And you signed this document?

18 A. Yes, sir.

19 Q. You have nothing that shows Mr. Matthew Amick did not
20 have permission from Carrie Amick to be at that property,
21 correct?

22 A. Correct.

23 Q. He had belongings there? He had personal property,
24 you know, toothbrush, a change of clothes, things of that
25 nature, correct?

1 A. Yes, sir.

2 Q. And he had weapons there?

3 A. Yes, sir.

4 Q. He ate many of his meals there?

5 A. Yes, sir.

6 MR. BATES: If I could enter that as the
7 next-numbered exhibit, Your Honor.

8 THE COURT: The Marital Dissolution
9 Agreement?

10 MR. BATES: Yes, Your Honor.

11 THE COURT: It will be entered as Exhibit
12 Number 13.

13 (Exhibit 13 - Marital Dissolution Agreement)

14 BY MR. BATES -

15 Q. The, y'all's parenting plan had equal residential time
16 between the two parents?

17 A. Yes, sir.

18 Q. And this was, in 2017, you initially filed for a
19 divorce?

20 A. Yes, sir.

21 Q. And then you dropped those, both of y'all agreed to
22 dismiss the divorce proceedings?

23 A. Yes, sir.

24 Q. And you swore that -- did Matthew ever truly move out
25 of the property, let me ask you that?

1 A. He did for a time.

2 Q. Okay.

3 A. When he filed for a divorce, he was living with
4 somebody else.

5 Q. And then the way you characterized it, he came back,
6 and y'all had a new respect for each other?

7 A. Yes.

8 Q. During the time he was in the home, did you observe
9 him parenting the children?

10 A. Yes.

11 Q. When he said for them to do something, did they do it?

12 A. Yes, sir.

13 Q. They followed what he said?

14 A. I mean, for the most part. They are children.

15 Q. Okay. Were you aware during 2019 of him going to the
16 walk-in clinic at Perry County for treatment of his head
17 injuries?

18 A. Somewhat. He never really told me where he was going
19 at that point. He would just leave.

20 Q. Do you remember seeing medicine in the house?

21 A. Yes.

22 Q. What was the medicine?

23 A. The only one that I really remember is Gabapentin.

24 Q. Did you remember Matthew complaining about the
25 medicine he was on?

1 A. Yeah. Yes, sir.

2 Q. And how, do you remember him complaining about
3 headaches?

4 A. Yes, sir.

5 Q. Do you remember saying that he had to drink to get rid
6 of the headache?

7 A. Yes, sir, but I mean that made everything worse.

8 Q. Do you believe that that night he was somewhat out --
9 that morning, rather, that he was somewhat out of his
10 mind?

11 A. No.

12 Q. Had he -- you said that alcohol made things worse?

13 A. Yes. They made his anger issues worse. He had a very
14 high tolerance for alcohol. He could drink like a fish
15 and get drunk, but he could still be very aware of what
16 was going on, and he was aware of what was going on, but
17 he was drunk, which makes his anger issues and all his
18 problems worse. But he was very much aware of what was
19 happening and what was going on.

20 Q. Who told you those phrases?

21 A. Me.

22 Q. The statements that you gave in this case were in your
23 handwriting, correct?

24 A. Yes, sir.

25 Q. And do you remember the circumstances of making this

1 statement?

2 A. Yes, sir.

3 Q. Was your statements -- how many hours or days removed
4 from this incident was your statement made?

5 A. That was, I was there on August the 8th and August the
6 9th, so the day of and the day after.

7 Q. Was your statements here true and correct?

8 A. Yes, sir.

9 Q. Did you leave anything out?

10 A. Not to my knowledge.

11 Q. Was there any reason -- if you did leave something
12 out, would there have been any reason why you did?

13 A. I don't believe I left anything out.

14 MR. BATES: I'm going to ask to ask to hand
15 the witness page 5 of 8 of her statement, and if I may
16 just highlight, put a green marker. So if I may hand to
17 the witness her statement that begins, I could see through
18 the crack of the door, and it ends with.

19 THE COURT: Is that what you have
20 highlight, Mr. Bates?

21 MR. BATES: I have. The green, beginning
22 with I, and I've circled an M to stop reading. If you
23 could hand the witness that. Here, I'll show you.

24 THE WITNESS: You would like me to read
25 that out loud or --

1 MR. BATES: You can read to yourself.

2 THE WITNESS: Okay.

3 BY MR. BATES -

4 Q. You testified earlier that you saw Seth trying to poke
5 the window?

6 A. Yes, sir.

7 Q. And this was that part of your narrative. And do you
8 agree you left that part out?

9 A. There's a lot of details that I -- that day was a very
10 traumatic experience. I've gotten the timeline of it
11 maybe not in the correct order. I had two hours of sleep,
12 and I just went through the most traumatic experience of
13 my life, so maybe I didn't have it exactly in the correct
14 order that day either. It's all true.

15 Q. And your statement also does not indicate that Matthew
16 threatened your son's life if he tried to leave, correct?

17 A. He did.

18 Q. Your statement taken immediately after that, the same
19 statement I asked you was there any reason it did not
20 contain every important fact, your statement did not
21 contain any reference to Matthew saying -- threatening him
22 back then?

23 A. I do believe on other pages in that statement, if I
24 recall correctly, it was about eight pages long, but
25 somewhere in that statement I do state that he threatened

1 my son's life.

2 Q. I, he did not threaten him in your statement at the
3 time you said during your testimony?

4 THE COURT: Where's the rest of the
5 statement?

6 MR. BATES: It's right here, Your Honor.

7 THE COURT: Let her see if she can indicate
8 it's in another part of it.

9 MR. BATES: I've given her one through
10 eight. And if I could have my copy back, I've given her
11 the complete.

12 THE COURT: Certainly.

13 THE WITNESS: On page six, it tells where
14 he was going to knock him out and when he woke up that his
15 mother would be dead.

16 MR. BATES: Your Honor --

17 THE WITNESS: At the end of my statement --

18 THE COURT: Ma'am, hold on just a second.

19 MR. BATES: I think it would be easier if
20 she could read the entire statement, and then we'll all be
21 on the same page.

22 THE COURT: Let her finish that. Read the
23 statement, ma'am.

24 THE WITNESS: Read the entire eight pages?

25 THE COURT: Take your time, don't be in a

1 hurry.

2 THE WITNESS: I live at 512 West Kelly Road
3 with my ex-husband, Matthew Amick --

4 THE COURT: I don't mean to read it into
5 the record. Just read to yourself.

6 THE WITNESS: Yes, sir.

7 THE COURT: Then you'll get some questions.
8 We'll take about a 10-minute break while she's reading
9 that if anyone needs to take a break.

10 (Break in Proceedings)

11 THE COURT: Let the record reflect the
12 witness has completed reading the statement. Mr. Bates,
13 now ask your questions.

14 BY MR. BATES -

15 Q. Your testimony, did Mr. Amick point a weapon at your
16 son when this issue of the knives and the screen door came
17 out?

18 A. Yes, it was on the last -- last page, on page 8.

19 Q. Can you read where it says he pointed a gun?

20 A. It says -- I forgot to add earlier in the correct
21 place of my statement that before Matthew took away Seth's
22 knives, Seth was trying to cut the screen out of the
23 bedroom window so he could escape and get help. When
24 Matthew figured out what Seth was doing, he told -- I'm
25 sorry, my handwriting sucks -- once he figured out what

1 Seth was trying to do, he told Seth not to do it or he'll
2 kill both of us. And then the paragraph below states
3 where he said that he was going to split Seth's skull
4 open.

5 Q. Did not -- your statement, at least, did not say that
6 he pointed a weapon?

7 A. On the, I believe the second page, it's either the
8 second page, I believe, when I was talking -- third page,
9 I apologize, when Seth was standing between me and
10 Matthew, he did threaten to shoot Seth in the foot. He
11 threatened to shoot Seth, to kill him, several times. And
12 at one point, on page 4, Seth was begging him to stop, and
13 Matthew screamed at Seth to get into his bed or he would
14 kill him.

15 Q. This entire incident, do you agree, I think you would
16 agree, you were in fear of imminent bodily injury the
17 entire time?

18 A. I was in fear for my life and my son's life the entire
19 time; not just bodily injury, I was afraid for my life and
20 my son's life.

21 Q. But the entire time you were?

22 A. Yes, yes, sir.

23 Q. Do you remember swearing to a petition on March 26,
24 2020, that subsequent to the divorce being granted, the
25 respondent, the father, has abused drugs, has mental

1 health issues which he refuses to address, has a drinking
2 problem and has been physically abusive to petitioner,
3 you?

4 A. When was this?

5 Q. In March of 2020.

6 A. Was this at the bond hearing or --

7 Q. A petition for modification of a parenting plan.

8 A. Yes.

9 Q. In your words, describe the mental health issues that
10 you saw.

11 A. Well, he was angry all the time at both me and the
12 children at all times. That's not a healthy thing for
13 children. He was always drinking; he was always on, doing
14 some type of drugs; it --

15 Q. Keep going, I apologize.

16 A. -- he was always just not stable because he was always
17 drinking. He drank every night to the point of
18 drunkenness and --

19 Q. See if you agree with these statements. He had memory
20 loss. Did you observe memory loss?

21 A. He claimed to have memory loss.

22 Q. Attention deficit issues.

23 A. Somewhat.

24 Q. Sleep disturbances?

25 A. Somewhat.

1 Q. Emotional and behavioral dysregulation, odd behaviors?

2 A. If that means being angry all the time, yes.

3 Q. Headaches?

4 A. Yes.

5 Q. Impulsive?

6 A. He was always impulsive.

7 Q. Acting out without considering the consequences?

8 A. He always did that, even before his brain injuries.

9 Q. Thank you, ma'am.

10 THE COURT: Any redirect, General?

11 GENERAL EDMONSON: Just a few questions,

12 Your Honor.

13 REDIRECT EXAMINATION OF REBECCA AMICK

14 BY GENERAL EDMONSON -

15 Q. Ms. Amick, on August 8, 2019, how much sleep had you
16 had before you went to speak with Detective Charles
17 Pierce?

18 A. Barely two hours.

19 Q. Okay. And do you recall before writing the statement
20 that Mr. Bates asked you to look at how long you were
21 interviewed by Detective Pierce?

22 A. Hours, I want to say several hours. It was pretty
23 much most of the afternoon. I don't think I left there
24 until suppertime.

25 Q. Okay. And by supper, you mean the evening meal?

1 A. Yes, yes, ma'am. Probably about five-ish.

2 Q. Okay. So would it be fair to say by the time -- well,
3 let me ask you this. Did you interview and then write the
4 statement, write the statement, then interview, then go
5 back and write more statement, or how did that process
6 work?

7 A. No, ma'am. He sat me down and talked me through --
8 like asked me what everything happened, and then at the
9 end of it, he asked me to write the statement.

10 Q. Okay. All right. Now you stated on cross-examination
11 that Mr. Amick was not stable because he was always
12 drinking. Is that correct?

13 A. Yes, ma'am.

14 Q. Okay. Did Mr. Amick at some point during this
15 threaten to shoot you?

16 A. Yes.

17 Q. And then did he shoot in the house?

18 A. Many times.

19 Q. Okay. Did he make threats and then brandish weapons?

20 A. Yes, many times.

21 Q. Okay. Did he state that -- or I should say did he
22 make statements that made you believe he knew exactly what
23 he was doing?

24 A. Yes, ma'am.

25 Q. And did he tell you he wasn't drunk when this

1 happened?

2 A. Yes, ma'am.

3 GENERAL EDMONSON: That's all I have.

4 THE COURT: Anything further, Mr. Bates?

5 MR. BATES: Yes, Your Honor.

6 RECROSS-EXAMINATION OF REBECCA AMICK

7 BY MR. BATES:

8 Q. Do you think he was drunk then?

9 A. Well, he kept drinking after I went into the bedroom
10 because he was sitting at the kitchen table drinking
11 tequila, so I don't really know how drunk he got after I
12 went into the bedroom.

13 Q. Okay.

14 A. But before I went into the bedroom, he was swearing to
15 me he wasn't drunk.

16 Q. Do you think he was drunk?

17 A. I think he was probably still a little bit intoxicated
18 but not completely out of his mind or blacked out, at any
19 point whatsoever was he blacked out. He was very
20 coherent; he knew exactly what he was doing; even made
21 statements that he knew what he was doing.

22 Q. Do you, do you think the alcohol impaired him that
23 night?

24 A. No, it just made his anger issues worse.

25 Q. I believe your statement said when you went to get the

1 alcohol you knew it was a bad idea?

2 A. Yes, but when you're in an abusive relationship and --

3 Q. I'm not blaming you, ma'am.

4 A. You pick your battles.

5 Q. And he drank beer and tequila, beer and tequila
6 throughout the night?

7 A. Yes, sir.

8 Q. Two hours of sleep?

9 A. I'm not sure --

10 Q. If that, if that?

11 A. --what he got. I went to sleep around four, woke up
12 around six or 6:30.

13 Q. And he was up?

14 A. He woke me up.

15 Q. So it could have been less than two-and-a-half-hours?

16 A. I assume. I'm not sure. I can't state. I was
17 asleep.

18 Q. Okay. And he was saying that Andy Griffin was calling
19 him in the morning?

20 A. No, he used the Andy Griffith voice, he imitated it to
21 wake me up. That was something he would do, he would
22 imitate Andy Griffith's voice or Matt Dillon's voice. He,
23 I mean even when he was being normal and goofing around,
24 he would do stuff like that, so that wasn't anything
25 unusual for him to do. It was just that's how he woke me

1 up that morning was in Andy Griffith's voice.

2 Q. Thank you.

3 GENERAL EDMONSON: Nothing further, Your
4 Honor.

5 THE COURT: Ma'am, you may step down.
6 Thank you.

7 GENERAL EDMONSON: Your Honor, the State
8 would call Seth Amick.

9 THE COURT: How old is he, General?

10 GENERAL EDMONSON: Your Honor, at this
11 point, he will be, soon to be -- hold on and let me do the
12 math. I think he told me 13 in September, so he's 12,
13 soon to be 13.

14 THE COURT: Okay.

15 MR. BATES: Your Honor, before we call the
16 witness, my client is going to step out during this
17 testimony.

18 MR. AMICK: It's up to y'all. I haven't
19 seen my boy in three years.

20 MR. BATES: If we can --

21 THE COURT: If he wants to waive his right
22 to be present at the trial in the testimony of his son,
23 then the Court would honor that.

24 MR. AMICK: Thank you, Your Honor. I
25 haven't seen him in three years.

1 GENERAL EDMONSON: Your Honor, if I might
2 just have a moment to ask him if that's what he prefers.

3 THE COURT: Why don't you do that?

4 MR. BATES: If the General could ask and
5 then let me know, and we'll (indiscernible).

6 THE COURT: Okay. Just take a moment,
7 General.

8 (Break in Proceedings)

9 GENERAL EDMONSON: Judge, he has stated
10 that would make him more comfortable.

11 THE COURT: For him to be out. Mr. Bates,
12 if you can bring your client back in so I can make sure
13 that he understands the waiver.

14 MR. BATES: Yes, Your Honor.

15 THE COURT: Mr. Amick, earlier today, I
16 swore you in, do you remember being sworn in?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And you're still under oath and
19 it has been requested from you actually and your counsel
20 that because of reasons that you have, that you feel like
21 it would be better for you to be out of the room when your
22 son testifies. You've not seen him for a while, you
23 indicated?

24 THE DEFENDANT: It's been three years.
25 It'd be easier for him not to see me like that. I'm going

1 to see him eventually some time or another, and it'd be
2 easier on us if you would not do that.

3 THE COURT: All right, sir. And you're
4 making that decision of your own free will, understanding
5 that you have a constitutional right to be present during
6 the trial unless you're causing some disturbance, which
7 you are not, and so you have a right to be here, but it is
8 your desire to waive that right and be outside the
9 courtroom during that testimony?

10 THE DEFENDANT: Yes, sir, I'm going to sit
11 out here, and let my boy know to let him do what he's got
12 to do.

13 THE COURT: The Court will honor that
14 right, sir. You can be excused when he's testifying.
15 (Seth Amick was sworn by the Court)

16 THE COURT: State your name, and speak
17 loudly, and spell it for the court reporter. She's taking
18 everything down you say. Okay? There's a microphone in
19 front of you. You've got to speak into that. Okay?

20 THE WITNESS: My name is Seth Ward, I mean
21 not Ward, Seth Amick --

22 THE COURT: Okay.

23 THE WITNESS: -- A-m-i-c-k.

24 THE COURT: Okay, young man, how old are
25 you?

1 THE WITNESS: Nearly 13.

2 THE COURT: I couldn't hear you, I'm sorry.

3 THE WITNESS: Nearly 13, sir.

4 THE COURT: Nearly 13. You just took an
5 oath to tell the truth. Do you understand the difference
6 between telling the truth or telling a lie?

7 THE WITNESS: Yes, sir.

8 THE COURT: And you understand that by
9 taking the oath that you recognize how important it is for
10 you to tell the truth throughout the entire proceedings?

11 THE WITNESS: Yes, sir.

12 THE COURT: Okay. Thank you. General.

13 DIRECT EXAMINATION OF SETH AMICK

14 BY GENERAL EDMONSON -

15 Q. Now, Seth, you told the Judge a minute ago that your
16 name is Seth Ward. Is that your actual name?

17 A. No. My true name is Seth Amick.

18 Q. Are you going by the name of Seth Ward at school? And
19 make sure you answer out loud.

20 A. Yes, ma'am.

21 Q. Okay. And whose last name is Ward?

22 A. Shawn.

23 Q. And who is Shawn?

24 A. My stepdad.

25 Q. Okay. All right. And who do you live with currently?

1 A. My stepdad, Shawn, and my mom and my sister.

2 Q. Okay. And is your mom's name Rebecca?

3 A. Yes, ma'am.

4 Q. Okay. And who is your dad?

5 A. Matthew.

6 Q. Matthew Amick?

7 A. Yes, ma'am.

8 Q. And do you remember where you were living in August of
9 2019?

10 A. Yes, ma'am.

11 Q. Okay. And where were you living?

12 A. Hickman County.

13 Q. Okay. In Hickman County. Do you remember the
14 address?

15 A. No, ma'am.

16 Q. Okay. Do you remember who all was living in the house
17 with you?

18 A. Yes, sir -- I mean, yes, ma'am. Sorry.

19 Q. It's okay. Who all was living there in August of
20 2019?

21 A. My sister, me, my dad and my mom.

22 Q. And that's your dad, Matthew?

23 A. Yes, ma'am.

24 Q. Okay. All right. And tell me a little bit about the
25 place where you lived. Was it in a neighborhood or in the

1 country, in a city?

2 A. In the country.

3 Q. Okay. And do you know, like can you tell us a little
4 bit about your house that you lived in?

5 A. It was a cabin. We had three rooms.

6 Q. Okay. And what were the three rooms?

7 A. Me and my sister's room and my mom and dad's room
8 slash kitchen and the bathroom.

9 Q. Okay. All right.

10 GENERAL EDMONSON: Your Honor, if I might
11 get the collective photograph exhibits. There's several
12 that I need to show him, so if I could just go ahead and
13 get all of them?

14 THE COURT: Can you hand her all the
15 photographs? We'll hand all the photographs to you,
16 General.

17 GENERAL EDMONSON: That way I can just go
18 over here and make myself comfortable over here. All
19 right.

20 BY GENERAL EDMONSON -

21 Q. Now, Seth, I'm going to show you some pictures, and
22 I'm going to put them right here, and they're going to
23 show up on the screen right there.

24 A. Yes, ma'am.

25 Q. Okay.

1 A. Yes, ma'am.

2 Q. I want you to tell me if you recognize what I'm going
3 to show you.

4 A. Yes, ma'am.

5 Q. The first thing has already been marked an exhibit,
6 and this is Exhibit 5A. And do you recognize that?

7 A. Yes, ma'am.

8 Q. What is that?

9 A. It is a bus.

10 Q. Is that on the property that you lived with or lived
11 on with your dad and your mom?

12 A. Yes.

13 Q. Okay. All right. Now I want to show you -- are
14 there, are -- what's been marked as Exhibit 6A, okay. And
15 can you tell us if you recognize this?

16 A. Yes, ma'am.

17 Q. What is that?

18 A. Our house.

19 Q. Okay. Is that the cabin you referred to?

20 A. Yes, ma'am.

21 Q. Okay. And is that your front door there?

22 A. Yes, ma'am.

23 Q. Okay. All right. And then what's been marked as 6D,
24 can you tell me where that door is in your house?

25 A. That is the side door.

1 Q. Okay. And what part of the house is that? Like if
2 you went in through that door, what would be on your
3 right-hand side?

4 A. The bathroom.

5 Q. Okay. And what would be on the left-hand side?

6 A. The kitchen.

7 Q. Okay. All right. And then what has been marked as
8 6E, what is that a picture of?

9 A. The back of the house.

10 Q. Okay. And where do those windows, what do they go
11 into?

12 A. The bathroom and then the bedroom.

13 Q. Okay. And so I'm going to point, this first window
14 right here, what window is that? Where does that go into?

15 A. The bathroom.

16 Q. Okay. And then these two down here, where do they go?

17 A. To the bedroom.

18 Q. Okay. Now tell us a little bit about your bedroom.
19 What did you, what kind of bed did you have?

20 A. A bunk bed.

21 Q. Okay. And did you have the top bunk or the bottom
22 bunk?

23 A. The top bunk.

24 Q. Okay. All right. So I'm going to show you what's
25 been marked as Exhibit 7C. And do you recognize that?

1 A. Yes, ma'am.

2 Q. Okay. And what is that?

3 A. That is the, our bedroom.

4 Q. Okay. And that's the bedroom that you shared with
5 your sister?

6 A. Yes, ma'am.

7 Q. Okay. All right. And now I'm going to mark -- have
8 look at 7D. And what is that?

9 A. That is the bedroom -- I mean, not the bedroom, sorry,
10 the bathroom and the kitchen.

11 Q. Okay. All right. Now tell me about that bathroom.
12 Is there one door or two doors into that bathroom?

13 A. Two.

14 Q. Okay. Where -- so that door that we're looking at
15 goes into the kitchen. Where does the other door go?

16 A. Into our bedroom

17 Q. Okay. Now, Seth --

18 A. Yes, ma'am.

19 Q. -- can you tell us on August 8, 2019, do you remember
20 how you got woken up that morning?

21 A. Yes, ma'am.

22 Q. And how was that?

23 A. My dad came in there and yelled for me to get up and
24 shook at my leg.

25 Q. And when he was yelling for you to get up, was he in a

1 good mood or a bad mood?

2 A. Bad mood.

3 Q. Okay. Did he have something specific that he wanted

4 you to do?

5 A. Clean the yard.

6 Q. Okay. And did you go clean the yard?

7 A. Yes, ma'am.

8 Q. Okay,. And after you cleaned the yard -- well, let me

9 ask you this. How long did it take you to clean up the

10 yard?

11 A. I'm not sure.

12 Q. Okay. After you cleaned the yard, what did you do?

13 A. I went inside and ate my breakfast.

14 Q. Okay. And once you went inside to eat breakfast, did

15 anything happen between your dad and your mom?

16 A. Yes, ma'am.

17 Q. What happened?

18 A. They were arguing.

19 Q. Okay. Do you know what they were arguing about?

20 A. No, not really.

21 Q. Okay. Were they arguing loudly, angrily, can you

22 describe kind of what their argument was?

23 A. Very loud and angry.

24 Q. Okay. At any point, did you try to get in the middle

25 of it?

1 A. No, not really.

2 Q. Okay. All right. So as they're arguing, tell us what
3 happened next.

4 A. My dad told my mom something about her car, what she
5 did -- he did to her car, and she went outside, and then
6 he got up and went to the door and was about to open --

7 Q. Let me stop you. When he got up and went to the door,
8 where were you?

9 A. Eating my breakfast.

10 Q. Okay. All right. So he got up and went to the door.
11 And then what happened?

12 A. He was about draw his revolver, and I told him, no,
13 please don't, and not to do that and not to kill mom with
14 that gun that he stole.

15 Q. Okay. All right. So I'm going show you something,
16 and can you tell me if you recognize it. Okay? Do you
17 recognize this? And what is this?

18 A. The revolver.

19 Q. Okay. All right. And when have you seen this before?

20 A. That day.

21 Q. Other than that day, have you seen it before?

22 A. Yes, ma'am.

23 GENERAL EDMONSON: Your Honor, at this
24 time, I will ask to move this into evidence.

25 THE COURT: This .22 revolver will be

1 entered into the record as Exhibit 14.

2 (Exhibit 14 - .22 Revolver)

3 BY GENERAL EDMONSON -

4 Q. Now did anything else happen after you saw your dad
5 with that revolver on that day?

6 A. Yes, ma'am.

7 Q. And what happened?

8 A. We, after my mom came back inside, my, me and my mom,
9 after my dad and her was arguing a little bit more, me and
10 my mom went in my room.

11 Q. Okay. And do you remember why you went into your
12 room?

13 A. Cause he was getting out his guns and said he was mad.

14 Q. Okay. What was he doing with his guns?

15 A. Pointing them at us.

16 Q. Okay. At any point while this was going on, were you
17 arguing with your dad?

18 A. No.

19 Q. Okay. Were you being disrespectful to your dad?

20 A. No, ma'am.

21 Q. Okay. Had you done anything that would merit you to
22 be punished, in your opinion?

23 A. No, ma'am.

24 Q. When you went into your bedroom, what happened next?

25 A. He came in there with his gun, and my mom told me to

1 get onto the top bunk.

2 Q. And did you do that?

3 A. Yes, ma'am.

4 Q. And once you got onto the top bunk, tell use, if you
5 will, what did you do?

6 A. Me and my mom got into the top bunk, and then he was
7 yelling at my mom, and then he asked for mom's phone, and
8 she said, no, and she accidentally dropped it, and I
9 picked it up to give it to him so he wouldn't hurt my mom
10 and me.

11 Q. When your mom was saying she wouldn't give him your
12 phone, what were you saying?

13 A. I was saying, please give it to him, so he wouldn't
14 hurt us.

15 Q. Okay. Once your dad had the phone, what happened
16 next?

17 A. He went into the kitchen.

18 Q. Okay. And while your dad was in the kitchen, what did
19 you do?

20 A. I tried to get our window open by cutting it so we
21 could get out.

22 Q. And what were you trying to cut on the window?

23 A. The screen, what keeps the flies out.

24 Q. Okay. And what were you cutting or trying to cut the
25 window with?

1 A. My knife.

2 Q. Okay. All right. And were you successful in that?

3 A. Kind of.

4 Q. Okay. What do you mean by kind of?

5 A. I got it for the most part open, but just before we
6 had time enough to get out, he came back in.

7 Q. Okay. And when he came back in, what did he do?

8 A. He started saying something to my mom, and then he put
9 the phone on the ground, and then he shot it 19 times.

10 Q. Okay.

11 GENERAL EDMONSON: Your Honor, if I could
12 have the exhibit --

13 THE COURT: Carpet?

14 GENERAL EDMONSON: Phone and the carpet.

15 BY GENERAL EDMONSON -

16 Q. Seth, this has been marked as Exhibit Number 12. Do
17 you recognize this?

18 A. Yes.

19 Q. What is this?

20 A. That is the carpet where he shot the phone.

21 Q. And this has been marked as Exhibit Number 8. Can you
22 tell what this is?

23 A. Shards of my mom's phone.

24 GENERAL EDMONSON: Judge, if it's okay,
25 I'll keep it all here --

1 THE COURT: That's fine

2 GENERAL EDMONSON: -- cause we'll need it
3 for the next witness.

4 BY GENERAL EDMONSON -

5 Q. Now, Seth, I'm going to show you one picture, and tell
6 me if you can identify what's in this picture, if you
7 don't mind.

8 A. Some knives --

9 Q. Okay.

10 A. -- and some junk and then a gun, I think. It's hard
11 to see.

12 THE COURT: General, I couldn't hear him.

13 BY GENERAL EDMONSON -

14 Q. Say that again for me, please, and I'll let you look
15 at it up close.

16 A. Some knives and some sheeves and then some junk and a
17 holster for a revolver.

18 Q. Okay. And whose knives are those?

19 A. One of them is mine, and then the rest was his.

20 Q. Okay. Is that the knife that he took from you on that
21 day? The one that belongs to you?

22 A. No, ma'am. No, ma'am.

23 Q. It is not? Okay. All right. So, Seth, tell us after
24 -- well, let me back up, while you were in the bedroom
25 with your mom, what was your dad doing? Do you know?

1 A. He -- after shooting the phone, he went back into the
2 kitchen and was doing something with his guns, and then he
3 started shooting rounds into the bedroom.

4 Q. Okay. And when he was shooting, how close was he to
5 you?

6 A. About 15 to 20 feet.

7 Q. Okay. And did he come back into the bedroom at some
8 point?

9 A. Yes, ma'am.

10 Q. And what happened once he came back into the bedroom
11 after he had shot the cell phone?

12 A. After did that, he came in there, and he was yelling
13 at my mom, and then he told me to go into the bathroom.

14 Q. Okay. What did he say when he told you to go into the
15 bathroom?

16 A. I can't remember.

17 Q. Okay. Did you go right away, or did you argue with
18 him, what did you do?

19 A. I asked if I could bring a fidget spinner.

20 Q. And what is a fidget spinner?

21 A. It's a kind of like a toy, what you play with to take
22 away attention from something else.

23 Q. And what did he say about that?

24 A. No, and he threw it over my head.

25 Q. Okay. When this was happening, did he have any

1 weapons?

2 A. Yes, ma'am.

3 Q. Okay. And did you eventually go into the bedroom --
4 or into the bathroom?

5 A. Yes, ma'am.

6 Q. What did you do once you got into the bathroom?

7 A. As soon as I was in the bathroom, I started thinking
8 on how I would get out, and then I saw the door, and then
9 I went out that door to go into the kitchen.

10 Q. Before you went into the bathroom, did you think that
11 you could leave the house?

12 A. No. No, ma'am.

13 Q. And, Seth, how old were you at this time?

14 A. Just about to turn 10.

15 Q. Okay. All right. So once you started thinking what
16 you could do, did you leave the bathroom?

17 A. After I saw that I could get out by the door, the
18 bathroom door, what leads into the kitchen, yes.

19 Q. And what route did you take out of the house?

20 A. I went into the kitchen, and I did not go out the side
21 door, but I went out the front door.

22 Q. Okay. And why didn't you go out the side door?

23 A. Because it makes a loud noise when you open and
24 closing it.

25 Q. And once you got out of the house, what did you do?

1 A. I got my dog, Gus, to come with me, and then I ran to
2 the creek.

3 Q. And how far away is the creek from where your house
4 is?

5 A. Fifty feet, I think.

6 Q. Okay. All right. And when you got to the creek, what
7 did you do?

8 A. I got a drink of water out of the creek.

9 Q. Okay. And then what did you do?

10 A. I started running towards the -- I started running on
11 the road.

12 Q. Okay. And at some point -- well, let me ask you this.
13 Did you have on any shoes?

14 A. No, ma'am.

15 Q. Okay. And tell me about the road. Is it paved; is it
16 rocky; what -- explain the road.

17 A. It's made out of chert.

18 Q. Okay. And as you're running on the road, where were
19 you planning to go?

20 A. To my uncle's house.

21 Q. Okay. Which uncle?

22 A. My Uncle Daniel.

23 Q. And at some point -- did you stay on the road all the
24 way there, did you get off of the road?

25 A. I got off the road.

1 Q. Okay. And where did you get off the road?

2 A. Where the pond was.

3 Q. Okay. And at any point while this was happening, did
4 you see your dad?

5 A. Yes, ma'am.

6 Q. Tell us about that.

7 A. When I was just at the end of where the field is at
8 the pond, he came with his truck, and he started to turn
9 into the field where it had the pond, and I don't know
10 how, but he didn't see me when I laid down on my stomach
11 in the grass.

12 Q. Why did you lay on your stomach in the grass?

13 A. So he wouldn't see me.

14 Q. Okay. And when you were hiding from your dad, were
15 you in trouble?

16 A. I was afraid.

17 Q. After you hid in -- hid, what did you do next?

18 A. After I saw that he was gone past the tree line, I got
19 up, and I started running towards my uncle's house on the
20 road.

21 Q. Okay. All right. And did you eventually make it to
22 your uncle's house?

23 A. Yes, ma'am.

24 Q. Do you know how long it took you to get to your
25 uncle's house?

1 A. About 20 minutes.

2 Q. Okay. When you got to your uncle's house, what were
3 your legs and feet like?

4 A. They hurt.

5 Q. Did you have any marks on your legs or feet?

6 A. I had some, I had a thorn in my foot, in my foot.

7 Q. All right. And when you got to your uncle's house,
8 who's the first person you talked to?

9 A. My uncle's worker.

10 Q. And then who did you speak to?

11 A. My uncle.

12 Q. Okay. And who is that again?

13 A. My Uncle Daniel.

14 Q. Okay. And after you talked to your Uncle Daniel,
15 where did you go?

16 A. I stayed there until my mom got there, and then we
17 left. My uncle and my aunt and my mom was talking, and
18 then we left and went to the police station.

19 Q. Okay. And after you got to the police station, did
20 you go somewhere else?

21 A. Yes, ma'am.

22 Q. Do you remember where you went?

23 A. To the David's house, Davidson house

24 Q. Okay. And what did you do when you were there?

25 A. I talked to some ladies there.

1 Q. Okay. Did you tell those ladies what happened?

2 A. Yes, ma'am.

3 Q. Okay. All right. Do you recall if you told those
4 ladies about the weapons that your dad has or had?

5 A. Yes, ma'am.

6 Q. Okay. Did you specifically tell them about a machine
7 gun?

8 A. I think so.

9 Q. Did you know whether or not your dad had a machine
10 gun?

11 A. Yes, ma'am.

12 Q. Okay. And how did you know that?

13 A. Cause he told me and he showed me.

14 Q. Okay. All right. So he showed it to you?

15 A. Yes, ma'am.

16 Q. Okay. All right.

17 GENERAL EDMONSON: Your Honor, if I could
18 have just a moment, please.

19 BY GENERAL EDMONSON:

20 Q. Seth, did you ever speak to Barry Carroll on that day?

21 A. Not that day.

22 Q. Okay. Did you speak to him at some point in time?

23 A. Yes, ma'am.

24 Q. Okay. All right. Do you remember giving any
25 information about where certain things or certain guns

1 might be located to anyone?

2 A. Yes, ma'am.

3 Q. And who did you give that information to?

4 A. Barry.

5 Q. Okay. And where did you tell him to look?

6 A. In the bathhouse.

7 Q. Okay. Where specifically in the bathhouse?

8 A. On top -- I can't remember where it is, but on top of
9 this shelf or something.

10 Q. Seth, I'm going to show you a picture. Tell me if you
11 can identify this for me?

12 A. That's the bathhouse.

13 Q. Okay. All right.

14 GENERAL EDMONSON: Judge, I'll introduce
15 later as a collective.

16 THE COURT: Okay.

17 GENERAL EDMONSON: But if we could, for the
18 record, note that he has identified what I have marked as
19 A in which I intend to introduce as a collective exhibit
20 through Agent Carroll.

21 THE COURT: The witness has identified what
22 has been marked as A by the General to be introduced
23 later.

24 GENERAL EDMONSON: Thank you.

25 BY GENERAL EDMONSON -

1 Q. On August 8, 2019, how did you feel when all of this
2 was happening?

3 A. Terrified.

4 GENERAL EDMONSON: That's all I have, Your
5 Honor.

6 THE COURT: Mr. Bates will have some
7 questions for you.

8 CROSS-EXAMINATION OF SETH AMICK

9 BY MR. BATES:

10 Q. Seth, my name is Douglas. I'm just going to ask you a
11 couple of questions. Your dad had lived with you in that
12 home kind of off and on prior to this incident?

13 A. Yes, sir.

14 Q. And was your dad, did y'all have a decent relationship
15 prior to this time?

16 A. Sometimes.

17 Q. The, would you say you were a good son?

18 A. Yeah.

19 Q. Okay. When your mom told you to do things, did you do
20 it?

21 A. Yes.

22 Q. When your dad told you to do things, did you do it?

23 A. Most of the time, yeah.

24 Q. And your dad, he'd been staying in the home for a
25 while during this time?

1 A. Yes, sir.

2 Q. And was there anything unusual about seeing him carry
3 guns?

4 A. No, not really. He always carried them.

5 Q. Okay, and y'all shot together at times, correct? You
6 have to say, yes.

7 A. Yes, sir.

8 Q. Okay.

9 A. I'm sorry.

10 MR. BATES: Those are my questions, Seth.
11 Thank you.

12 THE COURT: Anything further, General?

13 GENERAL EDMONSON: No, Your Honor.

14 THE COURT: Seth, you may step down.
15 You're a very fine young man.

16 THE WITNESS: Thank you.

17 THE COURT: General.

18 GENERAL EDMONSON: Your Honor, at this
19 time, the State will call Barry Carroll. If I might have
20 just a moment, Your Honor, so I can go release the witness
21 that I had here.

22 MR. BATES: Your Honor, my understanding is
23 the remaining of the proof is going to be about the
24 machine gun and follow-on issues. I would, I would just,
25 I'd have to make the request to make it -- for the Court

1 to suspend the State's proof and allow the Defense to put
2 on its witness, its expert witness, at this time.

3 THE COURT: Are you stipulating to the
4 machine gun?

5 MR. BATES: I'm not stipulating. I'm
6 asking to take proof out of order and allow the State to
7 submit, allow the Defense to submit its expert.

8 THE COURT: Considering the time, the Court
9 will grant that request.

10 GENERAL EDMONSON: If I could have then
11 maybe five minutes to--

12 THE COURT: Take 10, five or 10 minutes.
13 I'm going to stay on the bench, though. Don't take any
14 more time than we need, please.

15 GENERAL EDMONSON: I won't.
16 (Break in Proceedings)

17 GENERAL EDMONSON: I just have a timing
18 question. I don't know if this needs to be on the record
19 or not. But since we are going out of order like this, is
20 Your Honor planning to stop at a specific time today?

21 THE COURT: Well, again, I don't know how
22 many more witnesses that the State is going to have. I
23 know you're going to have, based on what the indictment
24 showed, at least two more witnesses.

25 GENERAL EDMONSON: Yes, sir. I have Agent

1 Carroll and Agent Hall with TBI.

2 THE COURT: Stipulations help some. I
3 don't know how long Mr. Bates's witnesses are going to be.
4 But I would anticipate, if we get close to getting
5 everyone in, we'll continue on, try to get it finished.

6 GENERAL EDMONSON: Okay.

7 THE COURT: And then if we're not, we'll
8 need to come back tomorrow.

9 MR. BATES: Your Honor, I don't know what
10 the rule is on judgment of acquittal in a bench trial. I
11 just want to make sure that I'm not waiving that.

12 THE COURT: Well, you're on the record
13 stating that you're not waiving that now, and you will
14 file a motion, maybe an oral motion, when we get there.
15 We don't have to let the jury go out to do it.

16 MR. BATES: Correct. I just want to make
17 sure I'm not waiving it by putting on Defense proof.

18 GENERAL EDMONSON: Judge, I mean, I think
19 at the point of making the motion, the Court can consider
20 all the proof, but, again, it's kind of unusual to do it
21 this way.

22 THE COURT: It's very unusual.

23 MR. BATES: I just want to make sure that
24 I'm not waiving the issue. That's the only --

25 GENERAL EDMONSON: I guess I would respond

1 with, I don't believe it would be a waiver of making the
2 motion, but I believe the Court could consider all the
3 proof it's heard at that point when the motion is made.

4 THE COURT: Let's just put it this way, Mr.
5 Bates. The Court has considered what proof is in the
6 record right now, and any lack of waiver on your part, if
7 it was introduced, would be denied. We can go forward.

8 GENERAL EDMONSON: Thank you.

9 THE COURT: Are you ready, Mr. Bates?

10 MR. BATES: We're ready, Your Honor.

11 THE COURT: Do you want to bring your
12 client back in?

13 MR. BATES: Yes, Your Honor.

14 (Katie Osborne Spirko sworn by the Clerk)

15 THE COURT: Have a seat, please. State
16 your full name, and spell it for the court reporter,
17 please.

18 THE WITNESS: Katie Osborn Spirko, K-a-t-i-
19 e, O-s-b-o-r-n, S-p-i-r-k-o.

20 DIRECT EXAMINATION OF KATIE OSBORN SPIRKO

21 BY MR. BATES -

22 Q. Dr. Spirko, you have been stipulated to being an
23 expert. Can you just very briefly state what you do for a
24 living?

25 A. I'm a forensic and clinical neuropsychologist and a

1 professor of psychology at Lipscomb University and in
2 private practice.

3 Q. And what briefly is the field of neuropsychology?

4 A. Neuropsychology is a sub-specialty of clinical
5 psychology in which we have all the same training as
6 clinical psychologists with additional training in brain
7 behavior relationships, so course work, training and
8 experience in behavioral neurology, medical neuro-science
9 and functional neuroanatomy.

10 Q. In your work with Mr. Amick, did you apply your skill
11 sets to this work?

12 A. Yes. I evaluated him in the context of conducting a
13 comprehensive forensic neuropsychological evaluation.

14 Q. And is the report in front of you that you eventually
15 produced as part of this work?

16 A. Yes.

17 Q. And will you be referring to that report at times?

18 A. Yes, I expect so.

19 MR. BATES: Your Honor, we have a copy, it
20 does have highlights on there. I'm getting a clean copy.
21 If the Court wants to look at my highlights, or we can
22 wait to get the Court a -- or the Court doesn't have to
23 look at it while we go through it.

24 THE COURT: That's fine. We can just go
25 forward with testimony.

1 BY MR. BATES -

2 Q. What work did you do regarding your work with Mr.
3 Amick?

4 A. I conducted a clinical interview with Mr. Amick,
5 conducted behavioral observations, a neural-behavioral
6 status examination; I conducted neuro-psychological
7 objective quantitative assessments, including performance
8 validity assessments; and I conducted an objective
9 personality measure; and I reviewed the records pertaining
10 his prior treatment as in -- as well as interviewing his
11 mother as a collateral source.

12 Q. Okay. And the medical records, where were they
13 gleaned from?

14 A. Cornerstone -- I'm sorry, Centerstone, the Amon Clinic
15 in Atlanta, and substance abuse screening inventory as
16 well as uh, yeah, I believe everything was couched in the
17 records at Centerstone.

18 Q. At the time of your meeting, when did you meet with
19 Mr. Amick?

20 A. July 23rd of 2021.

21 Q. And, it's probably going to be asked if you were paid
22 to do this work?

23 A. I was.

24 Q. And how much were you paid to do the work, the initial
25 work? Do you remember?

1 A. I'm sorry, I don't recall. I could estimate. I think
2 it was around \$5,000.

3 Q. Okay. And you're being paid to be here today?

4 A. I am.

5 Q. And how much is today's testimony?

6 A. Four thousand dollars for the time.

7 Q. And is any of your testimony influenced by being paid
8 on behalf of Mr. Amick for your work?

9 A. Not beyond me being here.

10 Q. Were you given a result to obtain for a certain fee?

11 A. Absolutely not.

12 Q. You have a student here from when you teach at
13 Lipscomb. Is your opinions for sale?

14 A. No. My student could -- I hope you don't put him on,
15 but he could testify to the many soap boxes I go on in
16 class about the problems with biased testimony of experts.

17 Q. What medication was Mr. Amick on when you met with
18 him?

19 A. When I meet with him, at that time, I want to make
20 sure. I believe he was taking Topamax and Remeron. He
21 may have been on an additional anti-depressant, I can't
22 recall. Those are the two that --I don't recall if it was
23 more than that. The medications had changed after the
24 incident, and so, definitely Topamax and Remeron. There
25 may have been, uh, I think he was also taking lisinopril

1 for blood pressure or kidney support. He may have been on
2 a couple of other things that were not necessarily
3 relevant to what I was, my scope.

4 Q. Okay. What tests did you perform beyond -- you just
5 spoke with Mr. Amick, and did you ask him to perform
6 tests?

7 A. I did.

8 Q. And what tests did he perform?

9 A. He completed the clock drawing test; the California
10 Verbal Learning Test, Third Edition; the Rey Complex
11 Figure Test; selected subtests of the Delis-Kaplan
12 Executive Function System; a subtest from the
13 Neuropsychological Assessment Battery, or the NAB; word-
14 reading subtests of the Wide Range Achievement Test,
15 Fourth Edition; selected subtests of the Wechsler Adult
16 Intelligence Scale, Fourth Edition; Grooved Pegboard; the
17 Minnesota Multiphasic Personality Inventory, Second
18 Edition; as well as the Neurobehavioral Status Exam I
19 conduct doesn't have any -- it has a lot of embedded
20 bedside, what we refer to as bedside exams or Luria type
21 measures that are not their own testing inventory.

22 Q. And are these tests standard tests in the neurological
23 -- neuropsychological field to perform?

24 A. Yes.

25 Q. And what did they, not individually, but collectively,

1 what are they designed to test?

2 A. Sure. We're looking for clusters of impairments or
3 strengths, whether its relative or absolute impairments;
4 we're looking at areas of function that we know hold, we
5 call them hold measures that tend to be fairly resistant
6 to any kind of brain damage, whether it be from chemical
7 substance or traumatic injury, seizures, so forth; and
8 then the tests that we are -- the tests that I'm
9 conducting look at his functioning in different areas of
10 neurocognitive domain, so attention, processing speed,
11 memory, visage spatial function, executive functioning. I
12 was targeting especially tests of executive function given
13 Mr. Amick's medical history, but I did cover, and memory
14 as well, I did cover the full range of neuropsychological
15 domains.

16 And in addition to just seeing his
17 abilities and functioning in those different areas, like
18 for example, with executive functioning, our executive
19 functioning is a frontal mediated domain that is
20 responsible for inhibiting impulses, engaging in goal-
21 directed behavior, the capacity for sustained and divided
22 attention, complex reasoning, judgment, effective
23 decision-making, reality testing and so forth, memory.
24 Memory can be affected in brain injuries as well as in
25 various neurological diseases, and memory has several

1 subcomponents, so looking at non-verbal versus verbal
2 memory that can help to see whether sometimes certain --
3 we can have a lateralizing affect for when one hemisphere
4 of the brain is functioning better than the other or
5 certain localized deficits. So if there's more impairment
6 in executive function versus memory, that would show more
7 impairment in a prefrontal cortex region as compared to
8 the temporal lobes.

9 So it allows us to assess his functioning,
10 which is important, and also it gives us an understanding
11 of the extent of injury that is present and certain injury
12 processes and disease processes, they'll follow an
13 expected course and type of injury so we can gain valuable
14 diagnostic information as well and prognostic information
15 to predict how someone will be in the future.

16 Q. Did you, through Amen Clinic in Atlanta, did you see
17 certain screens and images of Mr. Amick's brain?

18 A. I did see those.

19 Q. And are those screens and images that you're designed
20 to read in your profession?

21 A. Yes, I do have post-doctoral and pre-doctoral training
22 and neuroimaging. I did not rely heavily on the SPECT
23 scans from the Amen Clinic. I could go on a tangent about
24 that. I'm not sure if it would be relevant.

25 Q. Is this, is your testing merely designed to just hear

1 what the person you are interviewing has to say and
2 whether he's had a car wreck or two, and then you make a
3 conclusion, or is it testing specific to reveal these
4 issues?

5 A. Yeah. It's absolutely not subjective or by patient
6 report. I'm looking at performance-based measures to
7 actually assess someone's ability and functioning in
8 certain areas. Quite often, especially when there is the
9 potential for secondary gain, individuals self-report, and
10 their set of symptoms will not match their actual observed
11 symptoms, or often with head injuries, insight is an
12 important function that can be impaired, and so it's
13 somewhat -- an individual's ability, even if they are
14 willing to do so, their ability to accurately gauge and
15 describe their set of injury is not always very good, and
16 so having objective, quantifiable measures that are
17 performance-based such as this can be helpful.

18 And there are within these measures
19 embedded and standalone measures of what we call
20 performance validity. So performance validity measures
21 basically look and feel to the patient or client like it's
22 assessing executive function or memory or so forth, and
23 they are designed to -- the client or patient doesn't know
24 what is a performance validity measure versus a
25 performance-based clinical measure, but it gives me data

1 whether someone is performing to the best of their
2 potential or they're, whether for intentional or
3 unintentional reasons, feigning, essentially, faking bad,
4 or not doing their best, or trying to present as more or
5 less impaired than they actually are.

6 Q. For their benefit in the case?

7 A. One would assume.

8 Q. Okay. Did you make certain observations and
9 neurobehavioral statuses regarding Mr. Amick?

10 A. Yes. I -- let me go to my results. His performance
11 validity measures and symptom validity measures, which the
12 difference being performance validity is more the
13 performance-based neuropsychological test where you are
14 trying as hard as you can, and then there are also symptom
15 validity measures as part of the MMPI, the personality
16 assessment, that assesses the extent to which someone may
17 be over or under reporting their clinical symptoms as part
18 of that personality test. There were no -- there was no
19 suggestion of feigning or faking badly. He was trying his
20 best on the test. He passed all of those performance
21 validity measures. Then I am looking for -- oh, I think I
22 just have two copies here. I'm just going to my -- I
23 don't have my -- it doesn't look like I have the results
24 table on this copy. Would it be all right if I grab my
25 copy --

1 Q. Yes.

2 A. -- that includes the results table?

3 Q. And this was attached?

4 A. Yeah. It's just attached to the back of it.

5 MR. BATES: If I may approach the witness,
6 Your Honor.

7 THE COURT: You may.

8 THE WITNESS: Thank you. So Mr. Amick's
9 testing was quite consistent with what I gleaned from his
10 medical records and what was reported in the clinical
11 interview in terms of clusters of significant impairment
12 that would be quite consistent with the history of
13 significant head injuries, particularly affecting the
14 frontal lobe.

15 BY MR. BATES -

16 Q. Do you remember when the first brain injury was
17 reported to you in Mr. Amick's life?

18 A. The first traumatic brain injury he sustained, he was
19 -- it wasn't exactly clear. The reports between him and
20 his mother, there was some ambiguity of when, but
21 approximately seven or eight years old, he was -- he, I
22 think, fell from a horse and got caught in the stirrup and
23 sustained a head injury that resulted in what his mother
24 estimated as about eight minutes loss of consciousness,
25 and then -- do you want me to go through the history of

1 head injuries, which is the first --

2 Q. Are there more prior to, say, 2017?

3 A. Yeah. He reported, as did his mother, a substantial
4 history of multiple closed head injuries.

5 Q. Do concussions when you are seven or eight years old
6 have more of an effect on brain development and other
7 issues than if it is twenty or twenty-five or does it not
8 matter?

9 A. It's a complicated question. Sometimes less,
10 sometimes more. What's most striking for Mr. Amick in
11 terms of the history is the multiple repeated head
12 injuries, especially he had three head injuries that were
13 substantial enough to result in a loss of consciousness
14 within three years. Any time you have more than one TBI,
15 you are going to get a -- you are going to expect --
16 there's going to be a heightened risk for a compounded
17 effect. When the brain doesn't have adequate time to heal
18 and has another head injury sustained on top of that,
19 especially having multiple in a row like that within a
20 short period of time like that, you would expect a much
21 higher risk of significant neuropsychological deficits
22 following that.

23 Q. You made a personality assessment under the MMPI, and
24 you gave him, I believe there was a score or a scale of a
25 score. What -- described that.

1 A. Yeah. His personality assessment was pretty
2 consistent with -- let me go back -- with -- given the
3 history and his neuropsych deficits, it was pretty
4 consistent really with what I would expect with someone
5 who has experienced some frontal -- some frontal brain
6 damage in that he had a -- it's a six-four or four-six
7 profile configuration. This is a common elevation in
8 inpatient psychiatric settings. It's bringing up some
9 reality testing issues, impulsivity, behavioral problems,
10 making good choices, and managing himself appropriately in
11 terms of mood and behavior regulation and social judgment.
12 In my opinion, it fit pretty closely with the
13 neuropsychological data.

14 Q. We are going to talk now exclusively about the
15 neuropsychological. What were your summary impressions of
16 Mr. Amick's neuropsychological assessments?

17 A. His profile is best characterized as what we would
18 refer to as a non-amnestic disexecutive profile. What I'm
19 meaning by that is that the bulk of the deficits he is
20 exhibiting are in the frontal lobe part of the brain so
21 that -- that area of the brain is responsible for
22 inhibiting impulses, making appropriate choices,
23 appropriate interpretations of social situations, complex
24 reasoning, and divided attention. He is testing, I mean,
25 below the first percentile in multiple tests.

1 Q. Meaning over 99% of the country would perform better?

2 A. Well, in some cases, 99.9% of individuals that would
3 be demographically similar to Mr. Amick, and so we use
4 comparative normative data. We will take individuals who
5 do not have brain injuries or central nervous system
6 diseases, so presumably healthy individuals, and we take
7 large samples and test. So basically have what is normal
8 for someone given their age and education, and we can
9 compare his testing results to others of similar
10 demographic origin.

11 Now, also, I conducted a RAT reading
12 assess on him, which gives me an estimate of his own, so
13 basically I can use him as a comparison to himself in
14 addition to other people by looking at his performance on
15 measures that are resistant to brain damage and compare
16 those to areas of the brain that are less resistant to
17 brain damage, and whether I am comparing him to himself or
18 I am comparing him to others with similar demographic
19 backgrounds, he's certainly showing significant
20 disexecutive symptoms. So most of it is first/second
21 percentile or below in terms of normative comparisons.

22 Q. And can you just define the executive function? What
23 do you mean by that term?

24 A. Executive function is, we'll often call it the captain
25 of the ship. So we have -- if you think of your brain as

1 a large ship and you have all the different, you know, all
2 the different functions or different groups of employees
3 that are doing different task, the captain is basically
4 responsible for managing everyone and making sure that
5 everyone is working together effectively towards a common
6 goal. Your executive functioning is very much that part
7 of your brain where you are managing other brain functions
8 and creating a hierarchy, so to speak, cognitively in
9 order to engage in goal-directed behavior.

10 So with neuropsych assessments, we are
11 really better targeting prefrontal cortex impairment, that
12 is, more organization, planning, if you're given a task,
13 can you go about it in an effective way to accomplish
14 it, can you problem solve, what we refer to as set
15 shifting or cognitive flexibility, can you mentally pivot
16 when you need to if a rule changes or a task becomes
17 different in terms of the demands of the task, but a lot
18 of planning and organization.

19 There are other aspects of executive
20 function that map on with prefrontal cortex. It's more of
21 what we call ventromedial or orbitofrontal that has more
22 of a behavioral component. There are a lot of
23 characteristic behavioral problems that I would expect
24 with someone who exhibits this sort of neuropsychological
25 profile.

1 Q. Such as?

2 A. Hypersexuality, hyper-aggression, poor decision-
3 making, impulsivity, emotional lability, so feeling more
4 extreme emotions in response to stressors, and having
5 significant difficulty inhibiting impulses and making
6 choices that are reasonable, responsible, and in his own
7 or others' best interest, and behaving in a socially
8 appropriate manner, understanding the context or the
9 consequences of a situation in the moment and be able to
10 make those decisions behaviorally as opposed to someone
11 can sit in a room with me, and I can say, what are the
12 appropriate things to do in this situation, and they can
13 say it, but that doesn't mean that they can actually
14 inhibit their impulses. Like even subtle things. For
15 example, Mr. Amick had a pen that he kept, I guess,
16 fiddling with in a, no offense to Mr. Amick, highly
17 annoying manner throughout his testing and repeatedly was
18 apologizing and expressing that he meant to stop doing
19 that, but -- we call it stimulus-boundedness, the fact
20 that the pen is right there and he is able to -- he wasn't
21 able to exhibit the inhibition necessary to stop that
22 impulsive behavior. And so we often see that on grander
23 skills with individuals with frontal lobe injuries
24 anecdotally --

25 Q. Let me ask you this. Is it akin to like an

1 involuntary sneeze? How would you differentiate this?

2 A. I would say more it is akin to if you have a small
3 child and that small child has just enough verbal ability
4 that they can express to you that they know they are not
5 supposed to touch a hot stove, it doesn't mean that you
6 are going to let that small child go into the kitchen and
7 cook unsupervised because even if they understand
8 something on a conceptual level or they can verbalize an
9 understanding of something, it doesn't mean that they are
10 able to inhibit behavioral impulses in the moment and
11 engage in a manner that exhibits safe, sound judgment.

12 Q. Did you diagnose Mr. Amick?

13 A. I did.

14 Q. And what did you diagnose Mr. Amick with?

15 A. I diagnosed Mr. Amick with major neurocognitive
16 disorder due to traumatic brain injury with behavioral
17 disturbance, and alcohol use disorder in remission in a
18 controlled environment, and adjustment disorder with
19 depressed mood.

20 Q. And we are going to talk about what you've heard
21 today. But in your report, which was, I believe, last
22 July --

23 A. Uh-huh.

24 Q. -- you stated that he, Mr. Amick, lacked the
25 neuropsychological injuries or faculties necessary to have

1 acted with knowing intention or appreciation of a
2 potential or likely consequences of his behavior with
3 respect to the alleged events involving the captivity of
4 his children and discharge of a firearm within his family
5 residence. Can you explain how you came to that
6 conclusion?

7 A. So I saw Mr. Amick, like I said, sometime after the
8 alleged event had occurred, which I would say confidently
9 the expectation would be that his abilities and
10 performance would be much better at that time than
11 previous given the additional healing that I would expect
12 to have occurred, and especially notably the medications
13 he was on at the time of the alleged incident are quite
14 relevant. And I don't know -- we can go into that later.

15 Q. What medications was he on at that time?

16 A. I'm sorry?

17 Q. What medications was he on that makes you say that?

18 A. He was on 2,800 milligrams of gabapentin daily, 6
19 milligrams of Klonopin, 10 milligrams of Ambien and 150
20 milligrams of Effexor. Klonopin is -- there's a --
21 there's a wealth of scientific research to support the
22 problems with individuals who have a history of traumatic
23 brain injury being on Klonopin. It is a benzodiazepine
24 that -- we think of benzodiazepines, they're -- GABA is a
25 neurotransmitter in the brain that is affected by this

1 drug.

2 With traumatic brain injuries, you will
3 often see a paradoxical effect. And I'm not going to say
4 often because it's not often prescribed for this reason.
5 There is a heightened risk, a significantly heightened
6 risk, of a paradoxical effect with traumatic brain injury
7 where individuals will have problems with behavioral
8 inhibition and will have increased aggression and
9 increased impulsivity on that medication and increased
10 confusion. And at the same time as that high dose, to be
11 on what is higher than the typical maximum dosage of
12 gabapentin. Gabapentin also acts as a GABA analog, and so
13 those two medications are going to have a risk of
14 interaction effects to be on at the same time. And Ambien
15 at the same time is also a GABA enhancing agent. So he is
16 on three medications that are all affecting the same
17 neurotransmitter and on high doses of that. I imagine
18 that that had a profound effect on his ability to regulate
19 himself.

20 And also consistent with the reported
21 history, there was evidence of psychotic episodes
22 happening in response to that medication, particularly
23 with traumatic brain injury histories. So the fact that
24 he had been taken off that medication when he went to
25 Centerstone and they saw that the Fast Pace physician was

1 prescribing this, they thankfully discontinued this and
2 got him on some responsible medication dosages, and his
3 psychotic symptoms stopped at that point, so he was no
4 longer having the delusions and hallucinations that were
5 present at the time that he was initially brought into
6 custody. And so that certainly, I would imagine, have an
7 effect in that I am seeing him when he is relatively
8 better than he was at the time of the alleged incident.

9 That being said, when I tested him, he
10 couldn't -- he couldn't problem solve well enough to write
11 out, I think it was 39 plus 17. I may have the numbers,
12 the digits, incorrect. But just the ambiguity of that
13 task, of how do I write it down on a paper in an effective
14 way, how do I figure this math problem out, he couldn't --
15 his -- he was having spelling issues that were significant
16 enough that I actually asked -- I got his mother to go
17 rifle through boxes that she had to find homework samples
18 from when he was a child because I wanted to go back and
19 compare his writing at 10, 12 years old to how he -- to
20 get the extent of is this -- what a change it was, if
21 that, or if he was never able to write well. His writing,
22 I believe he was about 10, I can't recall the exact age,
23 but he was certainly young, was significantly better at
24 that time than at the time that I assessed him. There
25 were four-letter words, five-letter words, that he wasn't

1 able to spell that should have been fairly phonetic.

2 He was testing in the range of someone who
3 would qualify for dementia, so -- and this is with the
4 improvement that happened over the course since I saw him,
5 and the areas where he is testing in the most impaired
6 regions are exactly the areas of the brain that are
7 responsible for judgment and decision-making.

8 His memory is relatively intact. He had
9 some impairments, but the impairments appear to be --
10 memory can be complicated. In order to -- when we talk
11 about memory, specifically we are talking about your
12 ability to recall or recollect information. You have to
13 get the information in and store it in a reasonable,
14 appropriate way in order to be able to pull it out, and so
15 the problems with his memory that existed on testing
16 appear to be secondary to the disexecutive problems,
17 meaning his memory is actually pretty good when
18 information is stored. His problem is being able to store
19 it, which is more of an executive process.

20 And so it looks like it is worse on the
21 nonverbal side than the verbal side. I think that is just
22 really because of the disexecutive aspect of the nonverbal
23 memory stimulus that we give. It is a complex figure that
24 we have someone draw and you have to have the ability to
25 inhibit your impulses and organize and plan well enough to

1 look at a figure and draw it in an effective way. If you
2 don't go about it in an effective way, it is really hard
3 to even produce an accurate rendering to start with. And
4 so his performance after a couple of trials and delay
5 actually got, I believe, a little better with the
6 nonverbal memory side, meaning that his memory is not the
7 problem. It's his organizational, planning, executive
8 functioning.

9 And with the verbal memory, he was able to
10 recall information, learn it, but there were a lot of
11 intrusions, which is non-target words that he is
12 introducing along with the target words, which is, again,
13 a sign of executive dysfunction and the ability to -- part
14 of executive functioning would be the ability to
15 distinguish relevant information from irrelevant
16 information. That was consistent with his interview
17 style, as well. He was -- would just circumlocute or
18 tangential. It was hard to keep him organized. He had a
19 hard time just with timelines of events, portraying
20 information in a way that was easy to follow from a
21 sequencing standpoint.

22 He, further, had issues of information
23 processing speed, so relatively simple cognitive tasks
24 that were just seeing can you do this in a reasonable time
25 frame basically, can you process simple information, he

1 was in the first percentile for that, so significantly
2 impaired. That's another area that is really susceptible,
3 besides executive functioning, to -- information
4 processing speed is another area that is highly
5 susceptible to frontal brain damage, and consistent across
6 the board with that.

7 And then he did also have, on his left non-
8 dominant hand, it was borderline. On his right dominant
9 hand, he had a significant impairment in psychomotor
10 function, so speed at which he can engage in purposeful
11 movement with his hands. And that was consistent with, on
12 my neurobehavioral status exam, I had him engage in some
13 psychomotor tasks that would distinguish from cerebellar
14 mediated tasks that would be more -- if this was an
15 alcohol mediated thing, we would expect more of a
16 cerebellar mediated dysfunction whereas there's other
17 verbal -- not verbal. There's other psychomotor tasks
18 that are more clean frontal tasks. His cerebellar tasks,
19 he was completely fine in his performance, unimpaired, and
20 he had trouble with the frontal mediated psychomotor
21 tasks, and it did follow the same pattern of right hand,
22 the right side, being worse than left, which would exhibit
23 -- which would suggest more left-sided frontal impairment,
24 which looks to be consistent with the side of injuries
25 from the accident and also with the presence of

1 hallucinations that he was experiencing. You can get that
2 bilaterally, but his presentation with me and his testing
3 was quite consistent with the reported injuries given even
4 that laterality component is consistent.

5 Q. Let me ask you this. Were any of these tests
6 inconsistent with your finding of major neurocognitive
7 disorder due to traumatic brain injuries?

8 A. No. He's -- as neuropsych cases go, he's a pretty
9 simple one in terms of the data really consistently across
10 the board making sense and consistently supporting the
11 diagnosis that I made.

12 Q. So now let's apply it to today. And you heard Ms.
13 Bowers say that Matthew grabbed her breast, grabbed her
14 crotch, pulled her into him, and then she -- he threw his
15 hands up when Bones came out, and you heard Ms. Bowers
16 say, he knew what he was doing. And so how would you
17 respond to that statement, he knew what he was doing?

18 A. On some level, he may have known what he was doing. I
19 highly -- I am confident that he did not understand the
20 inappropriateness of it and did not have the mental
21 presence to inhibit that impulsive behavior. The way
22 executive function works, it's like a brake. So the rest
23 of the parts of our brain work more as a gas, and that
24 works more as a brake. So if you think of little kids
25 that do not have a fully formed prefrontal cortex and are

1 into everything and constantly you have to kind of keep
2 dangerous things away from them because that impulse is
3 just there with the neurons to go grab things, do things.
4 And as your prefrontal cortex develops, that acts as a
5 brake over those impulses.

6 And so when someone experiences a frontal
7 lobe injury, you will see a resurgence of some of the
8 reflexes that exist in young children, and you will see a
9 lot of this impulsive behavior that tends to be some
10 combination of three areas of hypersexual,
11 hyperaggressive, and some aspect that can be disorganized
12 or kind of goofy acting, just socially inappropriate
13 acting. And what is really going on is, as you go through
14 puberty and achieve sexual maturity, you have sexual
15 impulses, and then your frontal lobe is inhibiting those
16 impulses when it is not a socially appropriate avenue for
17 you to engage in those impulsive acts. When that frontal
18 lobe stops working, it's like the brakes are gone, and all
19 those little thoughts and desires or urges or distractions
20 that none of us want to admit or say out loud that pop
21 into our brain just as human beings, the brain's ability
22 to put a stop on those is no longer working. And it's an
23 unfortunate, horrible situation for someone to be on the
24 other side of this, for all parties involved, especially
25 not understanding the context.

1 It is -- I just earlier this year had a patient
2 who groped me and kissed me and did -- I mean, it was kind
3 of a similar situation, and I had him emergently admitted
4 to Vanderbilt for an MRI for concern of a brain tumor
5 given his age and the other symptoms he was having because
6 it is so -- seeing that kind of hypersexual socially
7 inappropriate behavior that is not consistent with
8 someone's premorbid functioning, it's not a pattern, it's
9 quite concerning for a neurological injury.

10 Q. Did Ms. Bowers's testimony surprise you today?

11 A. Not at all.

12 Q. Was it consistent with the reports you have done thus
13 far on Mr. Amick?

14 A. Yes.

15 Q. So now let's go to the August date in the home.

16 Anything today surprise you regarding Mr. Amick's
17 functioning, executive functioning, decision-making, and
18 his behavior?

19 A. No. No. It -- my opinion is that this is a very
20 unfortunate medical situation that appears to be criminal
21 but is quite medical, and in response to the repeated head
22 injuries exacerbated by the medications that he was on at
23 the time.

24 Q. Would it surprise you that Centerstone in 2017
25 diagnosed him with an adjustment disorder?

1 A. Well, it wouldn't surprise me because I reviewed those
2 records. An adjustment disorder, I also diagnosed him
3 with an adjustment disorder with depressed mood. I
4 believe they also diagnosed him with, they said minor
5 neurocognitive disorder.

6 Q. In 2019.

7 A. Okay, that was 2019.

8 MR. BATES: If I can hand the witness what
9 was page 114 of the Centerstone records.

10 BY MR. BATES:

11 Q. And do you see that rollup of the Centerstone records
12 that says when certain things were diagnosed?

13 A. I do see that.

14 Q. And what year was -- what year was the adjustment
15 disorder?

16 A. July 2017.

17 Q. And then what were the follow-on diagnoses?

18 A. Looks like in 2019, a panic disorder was added,
19 generalized anxiety disorder, mild neurocognitive disorder
20 due to traumatic brain injury, and then a V code for
21 imprisonment or other incarceration.

22 Q. In your expert testimony, did Mr. Amick have the major
23 neuropsychological problem in 2017?

24 A. In 2017 -- in 2017 -- I want to make sure I'm getting
25 my timeline correct and I'm not misspeaking. The race car

1 accident -- you're saying preceding the race car accident,
2 did he have --

3 Q. Right.

4 A. I would suspect, and no one can say for certain, but
5 his clinical history and his presentation would lead me to
6 believe that he has probably had some extent of cognitive
7 and behavioral effect from the head injuries since, going
8 retrospectively with his account and mother's account and
9 the timeline of his injuries. It's hard to say whether
10 the first one in childhood affected him in any significant
11 way, especially he was homeschooled, and so it makes it a
12 little more challenging to look at the records in a
13 detailed way that I would need to to really make a
14 definitive statement on that. The multiple head injuries
15 that he sustained in his teenage years from the bull
16 riding, I would say it's highly likely those had already
17 started causing their damage and affecting his ability to
18 regulate, and at the time of the last couple of injuries
19 that he sustained three years in a row, those appear to
20 have affected him pretty substantially.

21 Q. So to the August event, would you agree that there was
22 this pattern of behavior of Mr. Amick that was -- would
23 you agree that it was consistent with some desire of Mr.
24 Amick's at that time?

25 A. When you say some desire, can you clarify?

1 Q. Well, Mr. Amick was saying that he was -- he wanted
2 the cell phone, he wanted to scare his wife, you heard
3 that testimony today?

4 A. Oh, yes, I did hear that testimony.

5 Q. And so I'm going to read you the definition of knowing
6 that says, knowing means conduct that a person acts
7 knowingly with respect to the conduct or the circumstances
8 surrounding the conduct when the person is aware of the
9 nature of the conduct or that the circumstances exist. A
10 person acts knowing with respect to a result of the
11 person's conduct when the person is aware that the conduct
12 is reasonably certain to cause a result. Was Mr. Amick
13 able to come to these conclusions, per this definition, in
14 this August event?

15 A. Mr. Amick appeared to be psychotic at the time. He
16 was experiencing delusions, and he was experiencing
17 hallucinations, upon his entry to the correctional
18 facility that caused him to be referred to Centerstone and
19 pulled off the medication. When someone is in a state
20 where they are experiencing delusions or having difficulty
21 reality testing, it can be really complicated in that they
22 can say things are they can on the surface talk about
23 whether something is right or wrong, but their ability to
24 actually comprehend or understand and find legitimate
25 meaning in it is -- I mean, I think that that requires an

1 underlying foundation of the ability to have -- to reality
2 testing, and he was not existing at the time in the same
3 reality as I think the rest of us are living in and he is
4 now. He was in a delusional state.

5 Q. What would you say about him saying at one point, I
6 think I've gone too far this time? Is that inconsistent
7 with your finding that he lacked the knowing ability of
8 this crime?

9 A. No, not at all. That's, I think, really consistent
10 with the perseverative aspect. When someone is
11 experiencing frontal lobe injuries, it's like -- it's like
12 the elevator button isn't working and you start pushing it
13 over and over again to try to get it to work. It's like
14 when you don't have control of yourself behaviorally, you
15 don't have the ability to really manage yourself and
16 respond. Individuals will kind of go back where it's like
17 on some level they can see, oh, this is bad. It's almost
18 like a childlike limited awareness that this is a bad
19 situation or that this is bad, but there's not the
20 comprehension and meaning-making that would be required to
21 really, what I would deem constitute knowing.

22 Q. Let me read to you the definition of reckless.
23 Reckless means that a person acts recklessly with respect
24 to circumstances surrounding the conduct or the result of
25 the conduct when the person is aware of but consciously

1 disregards a substantial and unjustifiable risk that the
2 circumstances exist or the result will occur. This risk
3 must be of a nature and degree that its disregard
4 constitutes a gross deviation from the standard of care
5 that an ordinary person would exercise under all
6 circumstances as viewed from the accused person's
7 standpoint. Mr. Amick's standpoint, was he able to
8 medically be aware and consciously disregard the
9 consequences of his actions?

10 A. I think absolutely not. He was not able to do that at
11 the time. At the time, given the symptoms he was
12 experiencing, the head injury history, the medications
13 that he was on, and the evidence of psychosis, he should
14 have been in an inpatient hospital protected from himself
15 and others protected from him. He was not -- I do not
16 believe he was acting with any sense of real volition in
17 terms of having a meaningful comprehension and ability to
18 control his behaviors and engage in -- it's the ability to
19 engage in goal-directed behavior. If you cannot engage in
20 goal-directed behavior because your frontal lobe is
21 impaired, you're really at the whim of whatever impulse or
22 emotion you're experiencing at the time, and you lack the
23 neuropsychological capacity to intervene on those
24 impulses.

25 Q. Even if Mr. Amick was, according to Ms. Amick, trying

1 to get the cell phone and his behavior was consistent with
2 trying to get the cell phone, explain how he could be
3 doing that but lack all of this awareness that you've
4 testified about.

5 A. Executive function can be really complicated in that
6 we have tasks that could be very specific that we know how
7 to do almost from muscle memory, but our ability to
8 appreciate the context in the situation and really engage
9 in a goal-directed and safe manner is compromised, and so
10 it's amazing how the brain can be so complicated in terms
11 of something seems to a lay audience like something is
12 completely intact and then something else is completely
13 gone, and it doesn't make sense.

14 It's like, well, if they can do this, why
15 can't they do that? As an analogy, it reminds me a lot of
16 outpatients with Alzheimer's dementia, and they cannot
17 drive safely, and it doesn't mean that they can't
18 sometimes drive safely. Under ideal conditions, if they
19 are just going through the motions, they will probably get
20 to the store and back just fine. That doesn't mean that
21 if it starts raining or there is a detour or traffic
22 backup, or something is different, the place they normally
23 park changed, that it is going to go well, because as soon
24 as something doesn't go to normal routine plan, their
25 ability to pivot and to make sound choices is not there.

1 You don't really know what's not working until it's too
2 late.

3 And so under a calm, happy, normal
4 circumstance, if he's just at home and there's no --
5 there's no stressor, he may have been functioning just
6 fine. That's kind of what you see when you say he can
7 kind of go through the motions. Sometimes in the field
8 we'll colloquially refer to them as park benchers because
9 if you sit next to someone on a park bench and just have a
10 surface level conversation with them for a few minutes,
11 you won't think anything is wrong. They seemed normal, so
12 to speak. But there's actually very, very limited
13 comprehension or understanding, and they wouldn't know how
14 to get home from that park bench, they don't know who
15 they're talking to, they don't know why they are there.
16 But they can kind of go through those routine surface
17 levels statements and conversations. Our language skills
18 are often more resistant to brain damage than our
19 executive function, which can hurt people, frankly, in
20 that they can seem less impaired than they actually are,
21 and it can be harmful in that it flies under the radar
22 sometimes, and without skilled assessments, it may get
23 missed, and you think someone is fine and they're just
24 not.

25 So if it had been calm, everything maybe

1 would have been fine, but as soon as there is any kind of
2 emotional trigger or upsetting interaction, his ability to
3 manage himself and manage his behavior with any kind of
4 emotional stressor just is not there.

5 Q. Finally, what is your medical opinion as to the
6 alcohol involvement in the August and Ms. Bowers's event?

7 A. I see the alcohol really as more of a symptom than a
8 cause in that alcohol is another thing that if -- it's a
9 struggle in treatment with individuals with frontal lobe
10 injuries keeping excessive alcohol drinking away in that
11 people like the way it feels to be drunk, and if you don't
12 have good judgment and decision-making, you are not
13 necessarily going to be good at limiting your alcohol or
14 understanding that you should not be drinking. Now, the
15 alcohol certainly, because it's a GABA agent like many of
16 these medications he was on, I would certainly imagine it
17 would have an exacerbating effect on the medications that
18 he was taking, which the medications, I believe, certainly
19 had an exacerbating effect on the traumatic brain injuries
20 that he incurred, and his ability to make sound judgments
21 about whether or not he should be drinking was really kind
22 of gone at that point.

23 In terms of his neuropsych assessment, he
24 was non-amnestic, meaning it's really localized more to
25 the frontal lobes and not so much the temporal. I don't

1 see any evidence of like medial temporal lobe dysfunction,
2 and I do not see any evidence of cerebellar dysfunction
3 that I would expect in more of an alcohol-mediated
4 neurocognitive syndrome. And so I doubt that the alcohol
5 -- I'm sure it didn't -- if he was my patient clinically,
6 I would advise him not to drink, it's not good for him,
7 but I don't see any evidence that is suggesting that the
8 alcohol really played any significant role beyond just
9 another poor choice that he made because he was not really
10 capable of making anything else at the time.

11 Q. And have all your answers today been to a reasonable
12 degree of medical certainty?

13 A. Yes.

14 Q. And do you believe that he had the ability to
15 consciously disregard or know and appreciate the
16 circumstances as they existed regarding these alleged
17 crimes?

18 A. I do not believe he had the ability to do that at the
19 time.

20 Q. Did he have the ability to intend to cause these
21 actions or cause these consequences intentionally?

22 A. I do not believe that he did.

23 MR. BATES: Your Honor, I'd make her report
24 the next-numbered exhibit, clean copy.

25 THE COURT: Entered as Exhibit Number 15.

1 (Exhibit 15 - Dr. Spirko's Report).

2 MR. BATES: I tender the witness, Your
3 Honor.

4 MS. EDMONSON: Your Honor, I actually hate
5 to ask for this, but can I have a quick bathroom break? I
6 apologize.

7 THE COURT: No, that's no problem.

8 MR. BATES: I was ready to go, and then --

9 THE COURT: Let's start back at 4:00. It's
10 about twelve till.

11 MR. BATES: Thank you. I appreciate it.

12 THE COURT: Certainly, no problem.

13 (Break in Proceedings)

14 THE COURT: General, ready for cross?

15 MS. EDMONSON: Yes, Your Honor.

16 CROSS-EXAMINATION OF KATIE OSBORN SPIRKO

17 BY MS. EDMONSON -

18 Q. Dr. Spirko, I'm Stacy Edmonson with the DA's office.

19 I have a few questions for you. So I want to make sure

20 that I'm understanding your report correctly. The

21 evaluation that you performed on Mr. Amick was on July 23,

22 2021. Is that correct?

23 A. Correct.

24 Q. And is that the only day you met with Mr. Amick?

25 A. That was the only day I -- that was the only day I was

1 at the correctional facility to meet with him, yes.

2 Q. Okay. So did you speak with Mr. Amick more than that
3 one day?

4 A. I don't recall speaking to him beyond that. There's a
5 possibility I could have and don't -- I would have put it
6 in the report, though, I would think that I would have
7 done that.

8 Q. Okay. All right. So when you filled out your report
9 regarding the history of presenting illness, did you speak
10 with Mr. Amick about what he was actually charged with and
11 why we are here today?

12 A. I did speak with him about the incident.

13 Q. Was he able to give you any information related to his
14 charges?

15 A. He indicated that he had been -- I'm just refreshing
16 my memory here. He couldn't list all of the charges at
17 the time when I was meeting with him. He did -- he was
18 aware that he had been, I think, had six charges, and he
19 knew that there was a reckless endangerment, impersonating
20 a police officer, and he knew that he was charged with
21 some sort of sexual battery because I recall him making
22 the comment that he thought that was rape and that he
23 learned that it isn't necessarily.

24 Q. All right. What about the charges involving Rebecca
25 and Seth Amick? Did he know that he had those charges

1 pending?

2 A. I didn't go through the charges specifically line by
3 line in terms of -- I talked about the index event, but I
4 didn't go from --

5 Q. So your focus was more on the medical history and not
6 why he was actually here in court?

7 A. My focus was on understanding his neuropsychological
8 functioning and to understand how he is functioning now
9 and to look back historically at the time and make an
10 assessment for whether or to what extent any
11 neuropsychological factors were affecting his behavior at
12 that time.

13 Q. Okay. I believe during your direct examination
14 earlier, you made a statement, and I hope I'm not getting
15 it wrong, that you expected some improvement in him from
16 the time of the event that he was incarcerated for and the
17 time that you met him?

18 A. I knew he had a history of head injuries, and head
19 injuries improve over time, so often I'll assess
20 individuals sometime after head injury has occurred and
21 they will appear worse for secondary gain feigning
22 factors, not realizing that the expected course would be
23 that they would get better, not worse. So what I meant by
24 that is time had passed since the head injuries, and with
25 him being taken off of the medication regimen he was on.

1 Q. Okay. I want to ask you about that as well. In the
2 documents that you reviewed, there are multiple
3 prescriptions from the walk-in clinic in Perry County,
4 correct, in the documents that you reviewed and the
5 patient chart?

6 A. I don't recall specifically whether the prescriptions
7 were in there. That's my understanding is that he was
8 being prescribed the medications from there.

9 Q. So how did you know he was taking those medications?

10 A. I reviewed them. I just don't have a specific
11 recollection of it versus it being a medical note from
12 doctor, whether it was a prescription I saw or the medical
13 note from the doctor.

14 Q. I understand. Okay. So do you have any information,
15 though, whether he was taking those medications as they
16 were prescribed to him?

17 A. I can't know for certain whether he was taking them as
18 prescribed.

19 Q. Was that something that you looked into with
20 questioning Mr. Amick or his mother in the interviews that
21 you did?

22 A. There would be no way to know for sure whether he was
23 taking them as prescribed or not. The medications as
24 prescribed are not consistent with what the body of
25 research would recommend you prescribe someone that has a

1 significant traumatic brain injury history as Mr. Amick
2 does.

3 Q. Could those medication prescriptions be consistent
4 with someone who has an addiction problem and is seeking
5 pills?

6 A. I would say less so.

7 Q. Okay. Now, I want to talk a little bit about --

8 A. Can I -- I want to just clarify that answer, too. Mr.
9 Amick seemed to be unhappy with the medications he was on
10 and had complained and seemed relieved to have the dosages
11 changed off of those, and that would be pretty
12 inconsistent with that, and the medication he was having -
13 - he was complaining the most about would be the one of
14 the list that would be most attractive to someone drug-
15 seeking, and so that behavior would be pretty inconsistent
16 with drug-seeking. Whether he was drug-seeking or not, he
17 had the head injury history exist, regardless.

18 Q. Correct. And there's proof regarding the head injury
19 from Rebecca Amick that you heard today, correct?

20 A. (No audible response.)

21 Q. And yet she still believed that he was able to know
22 what he was doing?

23 A. With all due respect, I have a lot more training than
24 he does in understanding whether someone knows what they
25 are doing versus appears to. It's common that individuals

1 will do that.

2 Q. Well, with all due respect, she lived with him every
3 day for eleven years. Do you think she would have a valid
4 opinion on that situation?

5 A. No, I do not that living with someone for eleven years
6 gives you any understanding of the extent to which brain
7 injury is affecting their behavior. I've had multiple
8 occasions where people have gotten divorced over frontal
9 temporal dementia and then realized it was a dementia
10 causing change of behavior as opposed to just behavioral
11 change.

12 Q. Well, let me ask you that. If someone is suffering
13 from a -- frontal temporal? Is that what you said?

14 A. I was referring to a dementia that affects both
15 because it's more common.

16 Q. Frontal temporal dementia. If someone --
17 hypothetically, if someone is getting divorced based on
18 issues related to that, are they still capable of
19 understanding the divorce process?

20 A. No, usually not.

21 Q. So how are they able to get a divorce if they can't
22 understand the process?

23 A. I'm not there for those divorce proceedings as cases I
24 see clinically, but it's sometimes discovered during the
25 process. I've seen that happen, especially when during

1 the process, then they go into finances and realize
2 they're all a mess, because a lot of things will get kind
3 of brushed under the rug where someone won't be aware of
4 the extent of deficit or problems until something like
5 that comes into the picture, and then people start
6 becoming aware of other symptoms they have not noticed,
7 and then that's what brings them to the clinic.

8 Q. These deficits, they don't prevent them from actually
9 doing normal day-to-day activities sometimes, correct?

10 A. You're asking do they prevent -- can I -- I want to
11 make sure I'm understanding your question correctly.

12 Q. Okay.

13 A. Do they prevent --

14 Q. You mentioned the deficits in our hypothetical?

15 A. Yes.

16 Q. Do they prevent -- those deficits that your
17 mentioning, do they prevent that person in our
18 hypothetical from going and making normal, everyday, day-
19 to-day decisions?

20 A. They can, certainly.

21 Q. Okay. So it is possible for someone to have a
22 traumatic brain injury and to have these diagnoses and
23 still understand what they are doing, correct?

24 A. It's possible. There's a wide range of effects that
25 someone can have in response to brain injuries and a brain

1 injury, so it's certainly possible.

2 Q. All right. So you're not opining that everyone who
3 has the type of traumatic brain injury that Mr. Amick has
4 can't live a functioning life and make knowing decisions,
5 correct?

6 A. No, absolutely not. I'm referencing his specific case
7 based on his specific testing scores.

8 Q. Okay. And I just want to make sure that I understand.
9 In speaking with Mr. Amick, you spoke with him in person
10 the one time at the jail, correct?

11 A. Yes, for the majority of the day. I believe I was
12 there till about 9:00 at night.

13 Q. And so did the majority of your information regarding
14 Mr. Amick's medical history come from Mr. Amick or from
15 his mother, Janin (phonetic) Amick?

16 A. His medical information I would say came primarily
17 from the record review, and I interviewed him about that.
18 I interviewed his mother and reviewed the medical records.

19 Q. So the record review, if I recall correctly, deals
20 with the Amen --

21 A. The Amen Clinic. That was in the medical records that
22 were reviewed.

23 Q. -- after that traumatic brain injury or that injury,
24 but there were no other records related to treatment
25 directly after an injury. Is that correct?

1 A. Not directly after. He did not seem to seek medical
2 attention, which probably is not helpful for him.

3 Q. Okay. All right. Now, you stated that you believe
4 the defendant should have been in an inpatient hospital
5 situation. When you stated -- when you -- hold on. I'm
6 not phrasing that well. It's been a long day. When you
7 made the statement that he should have been in an
8 inpatient hospital situation, were you referring to at the
9 time of the event or currently, or do you have an opinion
10 on when that should have been?

11 A. I was referring to at the time of the event.

12 Q. Okay. And is that why in your recommendations in your
13 report you did not mention that he needs to be in an
14 inpatient facility?

15 A. I don't believe that now at this time. I meant at the
16 time of the event.

17 Q. So what's changed?

18 A. The medication regimen is the primary thing, I think,
19 that probably accounts for his lack of current psychosis
20 and behavior, serious behavior dysregulation. The
21 additional help of a more time with a consistent
22 structured environment probably assisted him and the lack
23 of alcohol consumption probably assisted him in optimizing
24 recovery and being away from situations where he would
25 continue to incur repeated head injuries. So multiple

1 factors. I think most notably would be that the
2 medication change probably accounted for the most
3 significant improvement in his behavioral functioning.

4 Q. You've heard some testimony related to the possession
5 of weapons by Mr. Amick. So my question for you is, under
6 your opinion, could he knowingly possess a weapon?

7 A. Could he knowing -- like he --

8 Q. Did he know he had a weapon?

9 A. I would suspect that, yes, that's a lexical retrieval
10 task that --

11 Q. Okay. And if he had a weapon on his hip and he was
12 undoing the holster as he was threatening to shoot
13 someone, does that show a knowing action?

14 A. That would not necessarily show a knowing action. He
15 at the time, I believe, also thought that he was some kind
16 of officer of some sort or had some kind of special
17 arrangement that made him a pseudo-police officer. There
18 was some delusional processing that seemed to be happening
19 at the time.

20 Q. Did he tell you that he was working as a confidential
21 informant? Is that what he told you?

22 A. He did not, that I recall, tell me that.

23 MS. EDMONSON: Your Honor, if I can have
24 just a moment.

25 THE COURT: Certainly.

1 MS. EDMONSON: Your Honor, I don't believe
2 I have any further questions.

3 THE COURT: Mr. Bates, redirect.

4 REDIRECT EXAMINATION OF KATIE OSBORN SPIRKO
5 BY MR. BATES -

6 Q. You were present when I asked Ms. Amick whether she
7 saw symptoms of memory loss, --

8 A. Uh-huh.

9 Q. -- attention and concentration deficits, sleep
10 disturbance, emotional and behavioral dysregulation,
11 headache, and she said yes to all of those?

12 A. She did.

13 Q. These were not symptoms that I just pulled out of thin
14 air. Where did these symptoms come from?

15 A. They are symptoms of frontal medial traumatic brain
16 injury exacerbated by the medications.

17 Q. And is Ms. Amick's testimony regarding the behaviors,
18 is it consistent with the diagnosis and findings that you
19 have made?

20 A. Absolutely. She seemed to know him well, and what
21 she's describing in his behavior is quite significant with
22 the head injuries.

23 Q. Forgive me for asking, but is neuropsychology kind of
24 a common-sense, trust-your-gut type of field?

25 A. It is very often counterintuitive. It's complicated,

1 and the brain can work in ways that seem to not make
2 common sense.

3 Q. Thank you.

4 MR. BATES: That's it.

5 THE COURT: General?

6 MS. EDMONSON: No, nothing further, Your
7 Honor.

8 THE COURT: You may step down. Mr. Bates,
9 where are you on your witnesses now?

10 MR. BATES: I probably have one or possibly
11 two more.

12 THE COURT: Do you have another expert?

13 MR. BATES: No. That's the significant
14 thrust of our proof, Your Honor.

15 THE COURT: My thought process is because
16 of the time constraints and further testimony that we need
17 to get from the State is for us to conclude right now and
18 start in the morning.

19 MS. EDMONSON: Your Honor, I believe that
20 Agent Carroll would take a bit of time. Then I have Agent
21 Hall, who will be a shorter period of time, so I don't
22 disagree with that thought process. I think that
23 otherwise we are going to be here late into the evening.

24 THE COURT: It could be, and I'm not sure
25 where we go. What we are going to do is we're going to

1 finish up for today, and we are going to start in the
2 morning. Do you guys want to start at 8:30?

3 MR. BATES: We do.

4 THE COURT: Will we be ready to start at
5 8:30? We'll start in the morning at 8:30.

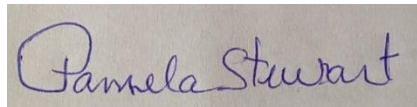
6 The court will be in recess.
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CERTIFICATE

I, the undersigned, Pam Stewart, Court Reporter for the Thirty-Second Judicial District of the State of Tennessee, do hereby certify the foregoing pages 01 through 216 to be a true, accurate and complete transcript, to the best of my knowledge and ability, of all the proceedings had in the Bench Trial in the captioned cause, held in the Criminal Court for Hickman County, Tennessee, on the 28th day of July, 2023.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

Dated this the 21st day of September, 2023.



Pamela Stewart, CER, LCR