# North Carolina Innocence Inquiry Commission Brief

# State v. Robert Charles Bragg

# Watauga County – 94 CRS 4929

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# I. Format for Brief and Hearing

On August 31, September 1, and September 2, 2016, the North Carolina Innocence Inquiry Commission ("Commission") will conduct a hearing in this case. Pursuant to N.C.G.S. § 15A-1468(a) this hearing is open to the public. A court reporter will be present at the hearing and if the Commission decides to refer the case to a three-judge panel, all documents considered by the Commission and the transcript of the proceedings shall become public record once filed with the Clerk of Superior Court in Watauga County.[1]

This brief is submitted to the Commissioners prior to the hearing with the request that each Commissioner carefully review it in preparation for the hearing. The brief covers information about the case available prior to the investigation by the Commission staff. The hearing will focus on evidence uncovered during the Commission's investigation. The Commission has subpoenaed witnesses for this hearing.

This brief is formatted to be read from start to finish with the attachments inserted directly into the body of the brief.

The Commission will be asked to consider the following options:

1. Conclude that there is sufficient evidence of factual innocence to merit judicial review and refer the case to a three-judge panel pursuant to N.C.G.S. § 15A-1468(c).
2. Conclude that there is not sufficient evidence of factual innocence to merit judicial review and close the investigation pursuant to N.C.G.S. § 15A-1468(c). Evidence

[1] N.C.G.S. § 15A-1468(c) and (e) and NCIIC Rules and Procedures Article 6(K).

favorable to the convicted person shall be disclosed to him and his attorney pursuant to N.C.G.S. § 15A-1468(d).

3. Direct the staff to conduct further investigation into this case and continue the hearing to a later date.

# II. Hearing Witnesses

The following individuals are expected to be called to testify at the Commission hearing:

- Sharon Stellato, Commission Associate Director
- Catherine Matoian, Commission Grant Staff Attorney
- Meghan Clement, DNA Expert
- Jeffrey Nelson, Witness
- Rene Nelson, Witness
- Robert Charles Bragg, Claimant

# III. Introduction to Case

At approximately 6:30 PM on Thursday, December 8, 1994, the body of Marvin "Coy" Hartley, W/M, age 76, was found in his mobile home in Boone, NC by his neighbor, Larry Joe Grimes. The Victim was lying face down in the living room of his mobile home. A pool of blood was at his head and blood spattering was observed on the curtains above and to the right of the Victim. One spot of blood was observed on the ceiling. The cause of death was determined to be blunt traumatic injury to the head from multiple blows.

Although it is unclear why, law enforcement initially focused on two suspects: Robert Bragg and Kenneth Coffey. After focusing on these two individuals in the hours immediately after the crime, law enforcement located and interviewed Coffey on the morning of Friday, December 9, 1994. Coffey implicated himself, Bragg, and Joe Cothren in the crime. On Saturday, December 10, 1994, Bragg was arrested in Mountain City, TN. Upon his arrest, Bragg provided a statement to law enforcement denying his presence in Boone at the time of the crime and providing details of his whereabouts from the time he left Boone on Wednesday, December 7, 1994 up until the time of his arrest. Cothren was later cleared of the crime after law enforcement spoke to him and he stated that he had not been in the area at the time of the crime. Coffey gave multiple statements to law enforcement, eventually removing Cothren as having been present, and implicating Rhonda Carson. Coffey's statements to law enforcement

and his testimony at Bragg's trial have many inconsistencies; however, he consistently states that both he and Bragg were present during the crime.[2]

Coffey and Bragg were tried separately. Coffey testified at Bragg's trial after being given use immunity. Other evidence against Bragg included Rene and Jeffrey Nelson, a mother and her young son, who testified to seeing Bragg and Coffey together, walking behind the Victim on the afternoon of the crime.

Bragg has maintained that he was in Mountain City, TN from the late afternoon/early evening of Wednesday, December 7, 1994 until his arrest on Saturday, December 10, 1994. Multiple alibi witnesses testified that Bragg was in Mountain City, TN on the day of the crime.

After a trial, a jury convicted Coffey of First Degree Murder under the first degree felony murder rule. Coffey was given a sentence of Life Without Parole. After a trial, a jury convicted Bragg of First Degree Murder under the first degree felony murder rule. Bragg was given a sentence of Life Without Parole.

The Commission has conducted additional DNA testing in this case and interviewed multiple individuals including Coffey and the Nelsons. The results of the DNA testing, along with the Commission's investigation, will be presented in the upcoming hearing.

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[2] After Bragg's trial, Coffey sent a letter to the Court, stating that Bragg was not involved in the murder. This letter is included later in the brief and will be presented at the Commission hearing as it has not previously been heard.

# IV. Law Enforcement Investigation

## Timeline

This timeline is intended to provide a detailed outline of the law enforcement investigation.[3]

| Date and Time (if known) | Event/Description |
|---|---|
| 12/06/1994<br>9:45 AM-UNK | According to Henryk Ossowski's 12/15/1994 interview, Ossowski stated that Bragg and Coffey came to his trailer around 9:45 AM. They had a bottle of wine and he allowed them to drink it there. Bragg left about 12:30 PM. Coffey left shortly after 1:00 PM. Around 4:00 PM, Ossowski saw Bragg at the Harris Teeter. Bragg was buying beer. Around 6:00 PM, Jolene called him five times and he heard Coffey in the background talking. 12/06/1994 was the last day that he saw Bragg. |
| 12/06/1994<br>2:10 PM | According to Rhonda Carson's 12/15/1994 interview, Carson says that the last time she saw Bragg was on 12/06/1994 day when the police picked him up after her son, T.J., called the police. Carson recalled that Bragg was wearing a tan trench coat and Coffey was wearing a blue vest.<br><br>According to Rhonda Carson's 01/09/1995 interview, Carson stated that the last time that she saw Bragg was on 12/06/1994 when the police were talking to them together. |
| 12/06/1994<br>2:12 PM | Boone Police Department officers arrive at The Pantry/Peddler after receiving a 911 call from Carson regarding Kenneth Coffey and Robert Bragg. Coffey and Bragg are arrested for public intoxication. |
| 12/06/1994<br>2:45 PM | According to Watauga County Sheriff Department records, Bragg and Coffey are received into custody. |
| 12/06/1994<br>7:00-8:00 PM | According to Robert Bragg's 12/10/1994 interview, Bragg went to Marvin "Coy" Hartley's (Victim) trailer. Bragg asked the Victim if he could spend the night and the Victim agreed. Bragg went to the store for the Victim and purchased a six pack of Bud and a loaf of bread. He also went to Joe's (LNU). He returned to the Victim's trailer and they ate supper.<br><br>Interview included in brief. |

[3] The information contained in this timeline comes from the Boone Police Department file and the SBI Investigative file.

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| 12/06/1994<br>10:00 PM-<br>Midnight | According to Robert Bragg's 12/10/1994 interview, Bragg and the Victim went to sleep at the Victim's trailer.<br><br>Interview included in brief. |
| 12/07/1994<br>3:00 AM | According to Robert Bragg's 12/10/1994 interview, Coffey arrives at the Victim's trailer. Bragg and Coffey stay up the rest of the night.<br><br>Interview included in brief. |
| 12/07/1994<br>6:00-6:30 AM to<br>10:00-11:00AM | According to Robert Bragg's 12/10/1994 interview, Bragg and Coffey leave the Victim's trailer and walk to the A & P. When it opens at 7:00 AM, they buy two bottles of wine. Coffey and Bragg stand outside drinking the wine until 10:00-11:00 AM.<br><br>Both then walk to Henry's residence (later determined to be Henryk Ossowski) in the Greenway Trailer Park. Coffey stays at Ossowski's house but Bragg leaves and takes the AppalCART (city bus) to the Harris Teeter. |
| 12/07/1994<br>Morning-<br>Afternoon | According to Carmen Turbeville's 12/09/1994 interview, Turbeville stated that she saw Bragg Wednesday morning or afternoon around the Holiday Inn, hitch-hiking north on Highway 321. Rhonda Carson and Kenneth Coffey were around this area. |
| 12/07/1994<br>After 2:00 PM | According to Henryk Ossowski's 12/15/1994 interview, Ossowski stated that he was at the Fair Value, walking north to catch the bus. He saw Coffey, Bragg, and Rhonda walking toward Greenway Trailer Park. Coffey was wearing a navy jacket. Bragg was wearing a long tan-looking coat. One of them was carrying a grocery bag. |
| 12/07/1994<br>3:00-4:00 PM<br>(or earlier) | According to Robert Bragg's 12/10/1994 interview, Bragg sees Gary Edwards and Darlene (Laney) at the Harris Teeter. Edwards gives Bragg a ride to Mountain City, TN.<br><br>Interview included in brief. |
| 12/07/1994<br>4:00-5:00 PM | According to Robert Bragg's 12/10/1994 interview, Edwards and Bragg arrive in Mountain City, TN at Jay Manuel's house.<br><br>Interview included in brief. |
| 12/07/1994<br>After 5:00 PM | According to Bonnie Jean Crawley's 02/06/1996 interview, she contacts the District Attorney's Office on this date because she learns that Gary Edwards has been subpoenaed as a witness in the pending Bragg trial. Crawley has heard that Gary Edwards plans to testify that he (Edwards) had taken Bragg to Mountain City, TN before the Victim was killed. Crawley stated she doesn't know when Edwards was to have taken Bragg to TN but she remembered that the day before the Victim was killed, she saw Bragg in Boone. It was Wednesday, close to 5:00 PM when she left |

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| | walking from her residence to the Fair Value Grocery on a path which is behind the trailer park. On her return, she walked up the 321 way and cut behind the Scottish Inn and Pepper's Restaurant. It was getting dark and about this time, Bragg stepped out from behind a metal shed and startled her. Bragg was very drunk and Coffey was sitting on the ground with a liquor bottle next to him. Coffey had his back against Pepper's Restaurant. Crawley knew Bragg and Coffey from her previous work at the Hospitality House in 1990/1991. Bragg gave Crawley a hug and she stepped back. Bragg asked Crawley about getting a haircut and she told him to come by sometime Friday evening. Crawley said she knew Bragg did not know where she lived. Crawley later heard that Bragg was arrested in Mountain City, TN. |
| 12/07/1994<br>7:00-7:55 PM | According to Jay Manuel's 12/10/1994 interview, Manuel is arrested in Mountain City, TN for public drunkenness. Manuel originally says Bragg arrives at his house on Tuesday, December 6th. After police tell Manuel that Bragg was arrested in Boone, NC on that date and they are conducting a murder investigation, Manuel says that Bragg was there yesterday and today, and that Bragg and Judy Thomas spent Friday night in Manuel's back bedroom. |
| 12/07/1994<br>9:00-10:00 PM | According to Robert Bragg's 12/10/1994 interview, Bragg and Manuel walk to the Town and Country Bar & Store in Mountain City, TN. Bragg and Manuel get separated and Manuel is arrested. Bragg says that he waits for Manuel to get out of jail and possibly then they went back to Manuel's residence. John and Jackie Shoemake arrived at Manuel's residence with a key. John Shoemake had a key even though he did not live there.<br><br>Interview included in brief. Arrest records for Manuel included in brief. |
| 12/07/1994<br>9:30 PM -<br>Midnight | According to Robert Bragg's 12/10/1994 interview, Bragg gets a ride with three guys to his brother, Jim Bragg's house in Mountain City, TN. Jim Bragg was watching a Clint Eastwood movie when he arrived. Paul (LNU) came to Jim Bragg's and they sat and talked in the basement. Bragg went to bed around 11:00 PM-Midnight.<br><br>Interview included in brief. |
| 12/08/1994<br>9:45 AM-UNK | In his 12/10/1994 interview, Henryk Ossowski stated that Bragg and Coffey came to his house in Boone, NC around 9:45 AM. Bragg left around 12:30 PM. Coffey left around 1:00 PM. Later that day he saw Bragg and Coffey walking toward the Victim's trailer. Bragg had been staying at the Victim's trailer.<br><br>According to Henryk Ossowski's 12/15/1994 interview, Ossowski stated that these events occurred on 12/06/1994 not 12/08/1994. |

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| | On 12/28/1994, Ossowski was re-interviewed concerning his statements and stated that he is sure Coffey and Bragg were at his house on Tuesday 12/06/1994. |
| 12/08/1994<br>5:30-6:00 AM | According to Robert Bragg's 12/10/1994 interview, Jim Bragg drops Bragg off at the 24 hour store and Bragg walks to Jay Manuel's house. The door was unlocked and Bragg went inside.<br><br>Interview included in brief. |
| 12/08/1994<br>Remainder of the day | According to Robert Bragg's 12/10/1994 interview, Bragg provides details in his interview regarding these events and who he was with.<br><br>Interview included in brief. |
| 12/08/1994<br>7:45 AM | According to a copy of Rhonda Carson's timecard from the Quality Inn that Detective Harrison obtained on 01/13/1995, Carson goes to work. |
| 12/08/1994<br>8:00-10:00 AM | According to Coffey's 12/09/1994 interview, he went to the Amoco and bought a 12 pack of beer. Coffey took the beer to the Victim's trailer and drank it with the Victim. He then went to Richard Rominger's and Jolene's. Coffey got a ride with Jim Earp to the pawn shop downtown. He sold a ring to Earp and pawned a ring. He then went to Attorney Diane Griffin's office. While walking back to the Victim's trailer, Coffey was stopped by two deputies who served a subpoena on him to be in court.<br><br>Interview included in brief. |
| 12/08/1994<br>9:05-9:10 AM | According to Jim Earp's 12/11/1994 interview, he went to the A & P and Coffey was out front wanting a ride. Coffey first wanted a ride to the Wildcat Flea market and Earp told Coffey he was already late for work. Earp takes Coffey uptown and Coffey tries to sell Earp a ring for $20. Earp buys the ring for $10. |
| 12/08/1994<br>9:30 AM | According to Marie Potter's 03/20/1995 interview, she sees Coffey walking across the field and head up the street, cutting across the neighbor's yard. (Potter lived on the next street over from the Victim, which is Summer Drive). |
| 12/08/1994<br>9:30 AM | According to Nancy Horton's 12/16/1994 interview, she sees the Victim in the trailer park walking down the street. |
| 12/08/1994<br>Around 10:00 AM | According to Betty Grimes' 12/09/1994 interview, she sees the Victim at the bridge by K-Mart.<br><br>According to Judy Wolber's 12/08/1995 interview, she sees the Victim at the bridge at the back of K-Mart. |
| 12/08/1994<br>10:30-11:00 AM | According to Coffey's 12/09/1994 interview, Coffey is back at the Victim's house after stopping to buy a 12 pack of beer from the Amoco. Coffey drank 4-5 beers while the Victim drank the rest. |

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| | Interview included in brief. |
| 12/08/1994<br>Before 12:00 PM | According to Lisa Hanes' 12/21/1994 interview, she sees the Victim walking in the trailer park in the morning before noon. |
| 12/08/1994<br>Around 12:00 PM | According to Nancy Horton's 12/16/1994 interview, she sees Coffey by K-Mart in Boone, NC. |
| 12/08/1994<br>12:00 PM | According to Cherie Gray's 12/09/1994 interview, she sees the Victim walking up Winter Drive toward his trailer. |
| 12/08/1994<br>12:45 PM | According to Gloria Parlier's 12/30/1994 interview, she sees the Victim walking down the road (location not stated in report). |
| 12/08/1994<br>1:00 PM | According to handwritten notes of a 12/09/1994 interview of ABC Store employee Steve Combs, the Victim came in at approximately 1:00 PM. |
| 12/08/1994<br>1:49 PM | According a copy of Rhonda Carson's timecard from the Quality Inn that Det. Harrison obtained on 01/13/1995, Carson gets off work. |
| 12/08/1994<br>Around 2:00 PM | According to Tony Triplett's 12/10/1994 interview, he sees the Victim walking South on 321 towards the ABC store. |
| 12/08/1994<br>Before 3:00 PM | According to Coffey's 01/09/1995 interview, Coffey met with his attorney Diane Griffin regarding his disability claim that morning. At 9:00 AM he caught a ride with Jim Earp from the A & P to the pawn shop where he pawned a ring. He sold also sold a ring to Earp. He walked back from town and was stopped by two deputies and served with subpoenas for court. He went to Murphy's Restaurant where he had left his coat and a bottle of medicine. He got his jacket and went to Bojangles for a drink. Coffey then went to the Victim's trailer, took a nap, and woke up at 3:00 PM<br><br>Interview included in brief. |
| 12/08/1994<br>3:00 PM | According to Coffey's 03/21/1995 interview, the Victim gave him $3.35 and Coffey went to the ABC store to purchase the Victim a bottle of Popov vodka. Coffey saw Bragg on his way back and Bragg told him he (Bragg) was going to rob the Victim. Coffey first protests and then agrees. Bragg hit the Victim twice in the head with a trailer ball hitch. Bragg gave Coffey $265. Coffey went to the A & P and called Shirley Faircloth. Coffey later adds to the interview that Rhonda Carson walked into the trailer when Bragg hit the Victim.<br><br>Interview included in brief. |
| 12/08/1994<br>After 3:00 PM-<br>Before 5:15 PM | According to Rene Nelson's 12/09/1994 interview, sometime after 3:00 PM but before she left to go to the daycare about 5:15 PM, and before dark, she saw Coffey come out of the Victim's yard. Coffey was walking fast toward Greenway Drive and "looking wild." Coffey knows not to say anything to her. She does not like him and thinks he is "trash." Coffey |

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| | was possibly wearing a dark color flannel shirt or jacket. Nelson does not recall any of his other clothing.<br><br>Interview included in brief. |
| 12/08/1994<br>After 3:15 PM | According to Jeffrey Nelson's 12/15/1994 interview, Jeffrey rides the bus home and gets home between 3:12-3:15 PM every day. On this day, Jeffrey can't recall what reading he had to do, but it did not take him very long and he did not have to change clothes before he could go outside and play. Some of his friends (named in interview) and Jeffrey played soccer in Jeffrey's yard and he saw the Victim walk by with his cane, which looked like a walking stick. When the Victim was halfway to his trailer, Jeffrey saw two men, Coffey and Bragg. Bragg had something hanging out of his pants in the front that kind of looked like a stick. Jeffrey saw them go up the Victim's steps and inside. Jeffrey then went back down the road and did not see them leave the Victim's home.<br><br>Interview included in brief. |
| 12/08/1994<br>3:30 PM | According to Coffey's 12/09/1994 interview, the Victim gave him $3.35 and Coffey walked to the ABC storeto purchase the Victim a bottle of Popov vodka. At the intersection of Greenway and Winter Drive (the end of the Victim's road), Coffey met Bragg and Joe. They followed him and entered the Victim's trailer behind him. Bragg hit the Victim with the trailer hitch ball in a sock. Bragg picked up a black wallet that fell off the Victim. Coffey saw only one hit and then fled to the A & P and called Shirley Faircloth. Within 10-15 minutes, Joe and Bragg arrived at the A & P and Bragg gave Coffey $260. Bragg threatened Coffey about saying anything, and then Bragg and Joe walked off. Faircloth arrived and they (Faircloth and Coffey) went to Woodlands (an upscale restaurant) and Ichabod's (a bar/pool hall) in Blowing Rock to eat and drink. They then stayed the night at Faircloth's.<br><br>Interview included in brief. |
| 12/08/1994<br>3:30 PM | According to Linda Wilcox's 12/16/1994 interview, Wilcox saw Coffey going up the street with a can of beer, wearing some type of white shirt and blue jeans. Wilcox could not say for sure that Coffey went to the Victim's trailer, but he went up that way.<br><br>Wilcox stated she saw the Victim pass by that day when she went to have coffee with Jettie Sheulls (no time provided).<br><br>Wilcox stated she has known Coffey for a couple of years and he had lived in the trailer park but there was a lot of fighting and drinking. Wilcox stated she would still see Coffey in the trailer park 2-3 times a week. |

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| | Wilcox saw Bragg's photo in the Watuaga Democrat newspaper on Wednesday after he was arrested for murder. Wilcox said she had seen Bragg once before, right before Thanksgiving, around the Pic 'N Pay and later when he came around the Victim's trailer.<br><br>Wilcox said her grandson, Jeffrey Nelson told her that he heard the Victim and Coffey arguing one time. Wilcox is Rene Nelson's mother. |
| 12/08/1994<br>After 3:30 PM-<br>Before 5:00 PM | According to Rhonda Carson's 12/15/1994 interview, Carson walks to the A & P and while she was standing at the A & P, Coffey came walking around the A & P from the field side and walked up to her. They spoke and he hugged her. Coffey then walked toward Fair Value Grocery. About 15-20 minutes later, Coffey came walking back and went to the pay phone. At this time, Carson was sitting in a girl's car (later identified as Christy Osborne's car). After Coffey used the pay phone he went back up toward the end of the A & P toward the field. After Coffey left, Carson waited at the A & P until about 5:00 PM when her landlady picked her up.<br><br>In her 1/9/1995 statement, Carson added that she bought beer for Christy Osborne on that day. Osborne was 17 or 18 years old at the time. She further added that she was at the A & P for around 45 minutes before she saw Coffey the first time. On this date, Carson says that her new landlady picked her up at around 4:45 PM. Carson stated that she hadn't seen Bragg at all on this day. |
| 12/08/1994<br>3:30-4:00 PM | According to Shirley Faircloth's 12/09/1994 interview, Coffey calls her and asks her to come pick him up. She asks Coffey where he is, and he replies The Pantry. Coffey tells Faircloth he is on his way to the Victim's to bring the Victim his liquor. Faircloth tells Coffey to call her back in 20 minutes (Coffey does not). |
| 12/08/1994<br>3:30-4:30 PM<br>(Closer to 4:00) | According to Christy Osborne's 07/11/1995 interview, she sees Rhonda Carson in the A & P parking lot. Osborne is with Kanessa Hamby. Osborne and Carson knew each other. Osborne has also met Coffey before. Osborne gives Carson a twenty dollar bill to buy them beer at the A & P. Carson returns to the car with the beer and the three of them sit in Osborne's car drinking. Carson points out Coffey at the far end of the building and states "That's my ex-boyfriend, Kenneth, I don't like him anymore." Osborne recalls Coffey wearing dark jeans and a dark colored light coat or jacket.<br><br>According to Kanessa Hamby's 07/13/1995 interview, the time is after 3:00 PM. While in the car drinking, Carson says that a man walking to the pay phones at the A & P is her ex-boyfriend. Hamby states it was a |

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| | white male with shoulder length hair, wearing a light jacket and painting clothing. Hamby states the man used the phone twice. |
| 12/08/1994<br>3:30 PM | According to Carmen Turbeville's 12/09/1994 interview, she stated that Shirley Faircloth told her that Coffey called her around 3:30 PM and said pick him up at the A & P. He told Faircloth he had to go to the ABC store to get the Victim some liquor. Coffey told Faircloth he had $400. Faircloth said that the day before, Coffey had no money. Faircloth has the clothes that Coffey was wearing at her house. |
| 12/08/1994<br>4:10-4:45 PM | According to Nancy Horton's 12/08/1994 interview, (conducted at 9:14 PM, shortly after the crime), at 4:10 PM, Horton saw the Victim walking out of his trailer. At 4:45 PM Horton saw a white male going into the Victim's trailer. Horton has seen this man before and was looking out the door at him.<br><br>Horton's Description: "6'1 or 6'2, bushy hair, brown in color, he had a hat on, jean jacket (faded), and was carrying a brown bag, very small. No facial hair, ruddy looking skin."<br><br>According to Nancy Horton's 12/16/1994 interview, she arrives home between 4:10-4:15 PM and sees the Victim coming down the street from his trailer. Horton says hello to the Victim, goes inside her home, and begins cooking supper. During the next 10-15 minutes, Horton sees a man out her window walking down the street towards the Victim's trailer. Horton states she has seen this man in the past going to the Victim's trailer.<br><br>Horton's Description: white male, late 30's, rough looking, dark skin, about 6' tall, medium build, black and gray hair and his hair is real thick looking. The man was carrying something in his hand which she thinks was a brown paper bag, maybe the size of a 5th bottle. She also recalls the man had a cap or hat on.<br><br>Nancy Horton was cooking dinner in her trailer when Rene Nelson arrived and asked for a ride to Rainbow Daycare to pick up her kids. Horton stated that they were gone for approximately 20 minutes. |
| 12/08/1994<br>4:00-4:30 PM | According to Steve Combs' 12/09/1994 interview, Coffey comes into the ABC Store and asks what kind of liquor the Victim likes. Coffey pays exact change ($3.35) for a bottle of Popov vodka. |
| 12/08/1994<br>4:00-5:00 PM | According to Russell Swift's (manager of the A & P) 1/27/1995 interview, he sees Coffey in the store picking up a six pack of beer. Swift tells Coffey to leave or he would call police. Coffey puts the beer back and |

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| | leaves. Swift saw Coffey go towards the pay phones. Swift did not know Rhonda Carson by name but remembers seeing a woman coming in and out of the store until about dark. Swift mentions that this woman has a teenage son who is with her a lot. |
| 12/08/1994<br>4:40-5:00 PM | According to Shirley Faircloth's 12/09/1994 interview, Coffey calls her back and she picks him up at the A & P. He gets into her car and says he wants to take her out and have a Merry Christmas. He also says he wants to get Crystal (his daughter) a baby doll. Faircloth asks if he has money and he says he does. They sit at the A & P for 15-20 minutes and then go to Woodlands (an upscale restaurant in Boone). While there, Coffey gives the guitar player $7.00 to pay a song. Faircloth states that the last time she saw Bragg was a week prior. |
| 12/08/1994<br>4:50-5:00 PM | According to Rene Nelson's 12/15/1994 interview, between 4:50-5:00 PM she went to the daycare and was gone maybe 10 minutes. A few minutes later, her son Jeffrey called her outside and said he wanted to know "why that damned old Kenneth Coffey and Big Bob were following him (Coy) up the road." Jeffrey wouldn't shut up until she came outside. Nelson saw Coffey and Bragg. The Victim was almost at his trailer and Bragg said something like "ain't that right", "ain't that right, you son-of-a-bitch, Coy" and Coffey was laughing. She could tell they were drunk. Nelson said Jeffrey got on his bike and told her that he saw them go into the Victim's house. Nelson saw Bragg swinging something in his right hand and it had something round in it and the sock was dark in color.<br><br>Nelson describes the clothing of Bragg and Coffey.<br><br>Nelson states that Agent Steve Wilson came and interviewed her on Friday morning and she told him that she had seen Coffey but she was too scared to say anything else. Nelson describes a previous incident between herself, Rhonda Carson and Coffey in which Coffey threatened her and was evicted from the trailer park.<br><br>Nelson states she saw yesterday's Watuaga Democrat and it had Bragg's photo in it.<br><br>Interview included in brief. |
| 12/08/1994<br>5:00 PM<br>Or After | According to Phyllis Knight's 1/27/1995 interview, she is a neighbor of the Victim and spent most of the day sleeping. She recalls hearing a noise over at the Victim's trailer and the time may have been 5:00 PM or a little after. She describes the noise as maybe a knocking on the door. |
| 12/08/1994<br>5:10 PM | According to Nancy Horton's 12/16/1994 interview, she sees the Victim walking down the road to his trailer. Horton calls her son to eat dinner and does not know anything else until the ambulance arrives. |

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| 12/08/1994<br>5:10 PM | According to Cherie Gray's 12/09/1994 interview, she sees the Victim going up the steps to his trailer. She says he is wearing a green jacket and jeans and carrying his walking stick or maybe something with a brown handle. |
| 12/08/1994<br>5:00-5:35 PM | According to James "Bo" Tugman's 12/09/1994, 12/16/1994, 07/18/1995 interviews, he sees the Victim at the ABC Store and holds the door open for the Victim. Tugman states that he got off work at 4:45 PM and arrived at the ABC between 5:00-5:30 PM. Tugman stood in line to purchase his item and Coffey was in line alone behind Tugman. |
| 12/08/1994<br>5:25-5:30 PM | According to Nancy Horton's 12/08/1994 interview (conducted at 9:14 PM, shortly after the crime), she sees the Victim going back to his trailer. |
| 12/08/1994<br>5:30 PM | According to Shirley Faircloth's 12/10/1994 interview, Faircloth wakes up from her nap and the phones rings. It is Coffey telling her to pick him up from the A & P. When she arrives, Coffey is drunk and they sit in the car talking about where they want to go. Coffey tells her, "Shirley, you always tell me that I owe you something and we are going to have a Merry Christmas."<br><br>They go to Woodlands (an upscale restaurant in Boone). Coffey bought beer for two people at the bar. They stayed and listened to a couple of sets of a man who was playing the guitar. Faircloth said Coffey had four $100 bills in his sock and gave her $20. They go to Ichabod's (bar/pool hall) and play pool. She believes they stayed about an hour and Coffey drank two beers. On the way home, Faircloth stops at The Pantry on State Farm Road and Coffey buys beer. Faircloth says she now only sees two $100 bills in his sock.<br><br>They go to Faircloth's apartment and Coffey calls his father (Jack Coffey) at 10:25 PM. She hears him tell his father "Dad, I'll pay you that $126.00 that I owe you." She also hears him say "Me and Bobby Bragg did something to come into some money." Jack Coffey asks Faircloth if Coffey can spend the night and she says yes. Coffey spends the night at her home.<br><br>Faircloth states that the last time she saw Bragg was a week prior. |
| 12/08/1994<br>5:45-6:00 PM | According to David Doss' 12/09/1994 interview, he arrived home at his trailer and saw a tall man walking up toward the end of the street and walk to the left toward the Victim's trailer. Doss said the man had a dark color coat and blue jeans. Doss does not know what trailer this person went to. |
| 12/08/1994<br>5:30-6:30 PM | According to Bradley Wheeler's 01/13/1995 interview, he went to his girlfriend's home on 12/08/1994 (Judy Wolber). Wheeler and his friend were watching TV. Wheeler hears Joe Grimes knocking on the Victim's |

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| | door and calling for the Victim. Wheeler mentions that on that Tuesday (12/06/1994), he had heard some yelling and knocking coming from the Victim's trailer. |
| 12/08/1994<br>6:15 - 6:30 PM | According to Larry Joe Grimes' 12/08/1994 interview, he went to the Victim's home to bring him supper and the front door was closed. He went inside and saw the Victim lying on the floor face down. Grimes got his wife Debra and they called 911. Grimes stated he saw the Victim walking two or three times that day prior to 1:00 PM, but does not provide specific times.<br><br>According to Debra Sue Grimes' 12/21/1994 interview, her husband went to bring the Victim dinner between 6:15-6:30 PM. He returned stating something was wrong with the Victim and she accompanied her husband to the Victim's trailer. The Victim was wedged in the corner. Her husband left to call 911 and she checked the Victim for a pulse. There was no pulse. When she touched his forehead, her hand had blood on it. Debra stayed with the Victim until first responders arrived. |
| 12/08/1994<br>6:20-6:30 PM | According to Cherie Gray's 12/09/1994 interview, she left her home between 6:20-6:30 PM to take her daughter to the skating rink. She saw lights on inside the Victim's trailer and the lights looked pretty bright. Gray stated that she had seen a couple of guys walking in and out of the trailer park. One of the guys had dirty blond hair with a leather jacket with things hanging off of it. She recalls seeing this guy walking by himself.<br><br>Cherie Gray was re-interviewed on 10/11/1995, when Gray was contacted at the request of the DA regarding her prior statement "concerning seeing two people in the trailer park between 6:20-6:30." Gray states that as she was getting ready to leave to take her daughter to the skating rink between 6:20-6:30 PM she looked out her window. Gray saw a white male with collar length blond hair, maybe 5'10, not heavy, walking down the street toward the highway. She said he had on a black leather jacket with chains and do-dads hanging off of it, and he may have had on blue jeans. Gray did not remember anything about the other person, but stated that both guys were walking down the street, but they were not together. |
| 12/08/1994<br>6:41 PM | Boone Police Department receives a call and police arrive at the Victim's home. The Victim is pronounced dead on arrival (DOA). |
| 12/08/1994<br>7:20-7:46 PM | Boone Police Department Detective Shook and Detective Harrison arrive on the scene. |
| 12/08/1994 | Detectives Shook and Harrison processed the crime scene. This consisted of taking photographs and preparing sketches with measurements. |

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| 7:55 PM-the early morning hours of 12/09/1994 | EMS workers take the Victim's body to the Watuaga Medical Center for the autopsy. Detectives Harrison and Shook attend the autopsy. Dr. Brent Hall performs the autopsy and determines the Victim died from blunt force trauma. The detectives collect the Victim's clothing from the autopsy and take the clothing to the Boone Police Department. There they meet with SBI Agents Pam Tully and Steve Wilson (approximately 2:30-3:00 AM). All four return to the crime scene where they collect additional evidence and conduct a search of the scene. |
| 12/08/1994 9:14 PM | Detective Shook goes to the home of Nancy Horton and briefly interviews her. According to Detective Shook's notes, "During the interview of Nancy Horton, she gave a description of a possible suspect."<br><br>This interview states that at 4:45 PM Horton sees a white male going into the Victim's trailer. Horton has seen this man before and was looking out the door at him.<br><br>Horton's Description: "6'1 or 6'2, bushy hair, brown in color, he had a hat on, jean jacket (faded) and was carrying a brown bag, very small. No facial hair, ruddy looking skin."<br><br>Horton's interview states that shortly after this, between 5:25-5:30 PM, she sees the Victim going back to his trailer. |
| 12/08/1994 9:20 PM | Detective Harrison interviews neighbor Judy Wolber who has just arrived home at 9:00 PM. Wolber states she has not seen anything. |
| 12/09/1994 4:35 AM | According to Detective Shook's notes "NOTE The description given by the interview of Nancy Norton matched the description of Bobby Bragg." |
| 12/09/1994 5:11 AM | Detective Shook called the Watauga County Jail to see if they had a picture of Robert Bragg. Jailer Patti Eller said that they did not. |
| 12/09/1994 5:18-5:30 AM | Detective Shook called the Watauga County Jail to see if they had a picture of Kenneth Coffey. Jailer Patti Eller said that they had one photo but she could not let him take it from the jail. Detective Shook made a copy of the photo and copied Robert Bragg's jail records. |
| 12/09/1994 5:47 AM | Detective Harrison learns of the copy of the photo of Kenneth Coffey. Phone calls are made to the Watauga County Jail to obtain the original.<br><br>Detective Harrison's notes state "Information is received that Coffey and Bragg might be staying at the Red Carpet Inn." The source of this information is not listed. |
| 12/09/1994 5:55 AM | Detective Shook obtains the original photo of Kenneth Coffey from the Watuaga County Jail. |
| 12/09/1994 7:30 AM | Detective Shook calls the Red Carpet Inn to see if Coffey or Bragg are staying in a room there. They are not. |

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| 12/09/1994<br>7:40 AM | Detective Shook, Detective Harrison, and Agent Wilson go to the Longvue Motel to see if Coffey and Bragg are staying there. They speak with the manager, Betty Triplett, and she advises that they are not there. Detectives then check door-to-door and speak with the motel occupants with negative results. |
| 12/09/1994<br>8:00 AM | According to later interviews with Rhonda Carson's co-workers at Quality Inn, Carson arrives at work and tells details about the crime to them. News and details of the crime have not been reported in the newspaper yet. |
| 12/09/1994<br>8:05 AM | Detectives Shook, Detective Harrison, and Agent Wilson start to conduct interviews on Winter Street. |
| 12/09/1994<br>8:30 AM | According to a 12/12/1994 interview, Belinda Reece stated that on either Thursday 12/08/1994 or Friday 12/09/1994, around 8:30 AM, Bragg came into the Department of Human Services office in Mountain City, TN, to apply for Medicaid. Bragg asked Reece for a couple of dollars and she gave it to him. Bragg carried on a normal conversation with Reece. Bragg had an odor of alcohol and was wearing a tan winter coat and dark pants, possibly blue jeans. Bragg was carrying his guitar in a black case. After speaking with other secretaries in the office, they stated that it was 12/09/1994 when Bragg came to the office. |
| 12/09/1994<br>9:00 AM | According to Jim Earp's 12/11/1994 interview, Coffey calls Earp at work from Faircloth's residence. Coffey states he wants to get back the ring he sold to Earp because he had come into some money. |
| 12/09/1994<br>10:00 AM | Junior Coffey (Kenneth Coffey's brother) calls Shirley Faircloth's house and tells Faircloth and Coffey that police are looking for Kenneth Coffey. |
| 12/09/1994<br>10:10 AM | Detective Shook and Detective Harrison ride to King Street in an attempt to locate Coffey and Bragg, but are unable to locate them. |
| 12/09/1994<br>11:24 AM-1:00 PM | Detective Shook calls a detective with the Watauga County Sheriff's Dept. to assist in locating Coffey in the Sampson area. They ride to Coffey's address, but he is not there. They then go Coffey's father, Jack Coffey, at a Christmas tree lot. He advises that Coffey is at Shirley Faircloth's. |
| 12/09/1994<br>11:30 AM | According to Jim Earp's 12/11/1994 interview, Faircloth calls Earp and says she is scared. She says Coffey had $400 and that she had picked him up at the A & P at 6:30 PM on December 8th and Coffey told her they could go and eat. |
| 12/09/1994<br>1:17 PM | Detective Shook, Detective Harrison, and others arrive at Shirley Faircloth's residence and locate Coffey. They transport him back to Boone Police Department. |
| 12/09/1994<br>1:48-7:00 PM | Interview of Coffey. Coffey implicates himself, Bragg and Cothren.<br><br>Interview included in brief. |

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| 12/09/1994<br>7:30 PM | Detective Harrison and Agent Wilson call ADA Gerald Wilson at his residence and brief him on information from the interview. |
| 12/09/1994<br>7:45 PM | Coffey calls his father, Jack Coffey, from Detective Harrison's office to pick him up at The Pantry. |
| 12/09/1994<br>7:55 PM | Agent Wilson and Detective Shook (with others) call DA Tom Rusher and relay the case. Rusher tells them to obtain a first degree murder warrant for Robert Bragg. Rusher tells them at this time he does not want Coffey charged with anything and for them to schedule a polygraph of Coffey. |
| 12/09/1994<br>9:20 PM | Detective Shook, Detective Harrison, and Agent Wilson go to the magistrate's office and obtain a first degree murder warrant for Robert Bragg. |
| 12/09/1994<br>11:13 PM | Detective Harrison issues a BOLO (Be On The Lookout) for Robert Bragg and Joe Lee Cothren. |
| 12/10/1994<br>11:59 AM | According to Judy Thomas' 12/10/1994 interview, Bragg was in Mountain City, TN sometime after 8:00 AM on Friday, 12/09/1994. She had been in Mountain City, TN since Wednesday, 12/07/1994. On 12/09/1994 she had gone over to Jay Manuel's trailer to clean. She gave Bragg $3.00 to get cigarettes. Bragg told her that he borrowed $5.00 from Belinda at Human Services when he was up there to get Medicaid. Bragg brought the papers back and got Thomas to fill them out and mail them. Thomas stated that she had spent the night with Bragg at Manuel's trailer. Detective Harrison obtained Bragg's clothing from Thomas at her residence.<br><br>At 2:40 AM on 12/11/1994, Thomas was re-interviewed by Detective Harrison and Agent Wilson, after Agent Wilson completed his interview of Bragg. Thomas stated that she saw Bragg sometime Friday morning. He had mentioned that he and his brother Jim were not getting along. Bragg pulled a trailer hitch out of his pocket. She asked him what he was doing carrying a trailer hitch and he said he had been moving some trailers.<br><br>According to Judy Thomas' 2/12/1996 interview, Thomas stated that she saw Bragg on Friday morning. She was sweeping off the porch at Joe Smith's residence and Bragg walked up the street and brought her the application for the Medicaid card. Thomas sat on the porch and filled out the papers. Afterward, Bragg left and said he was going back to Human Services to turn in the papers. Later in the day, Geraldine Thomas, who lives across the street from the Smith's, called to her to come across the street because Bragg was there and Geraldine wanted her to listen to the song Bragg was playing on the guitar. Thomas stated that sometime late that evening she went over to Jay Manuel's trailer which is just down the street. She cleaned Manuel's trailer and cooked |

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| | supper for Manuel, Bragg and herself. Bragg and Manuel had been drinking beer. Thomas spent the night at Manuel's trailer, and she and Bragg slept in the back bedroom together. |
| 12/10/1994<br>5:55 PM | Based on an interview of Tony Triplett indicating that the Victim hid his money, Detective Shook, Detective Harrison, and Agent Wilson return to the Victim's home with a search warrant. They "mainly" look for money which the Victim had supposedly hidden. They look in the front bedroom closet and under the kitchen sink. No money was found. In the trash, Agent Wilson found an empty Budweiser carton, 11 empty Budweiser 11 oz. bottles, a small empty Jack Daniels shot bottle, and one Budweiser bottle cap on the kitchen table. |
| 12/10/1994 | Detective Freddie Ainsworth of the Johnson County Sheriff's Department called Jim Bragg and told him that he was looking for Bragg because BPD had a homicide warrant for him. Jim Bragg told Ainsworth that he hadn't seen Bragg for two to three months. |
| 12/10/1994<br>7:50 PM | Detective Harrison is informed that Robert Bragg has been arrested in Mountain City, TN. |
| 12/10/1994<br>8:05 PM | Detective Harrison calls the Johnson County Sheriff's Department and advises them they will be in route shortly. Detective Harrison and Agent Wilson drive to Mountain City, TN. |
| 12/10/1994<br>9:28 PM | Agent Wilson interviews Robert Bragg in Mountain City, TN.<br><br>Interview included in brief. |
| 12/11/1994<br>12:00 PM | According to Cora Teague's 01/17/1995 interview, around noon, she, Coffey, and Greg Richardson were behind the A & P waiting until it was the legal time that they could buy beer. While they were waiting, Coffey pulled out a pearl-handled pocket knife and handed it to her and stated, "Here cuz, I didn't get you a Christmas present." Coffey placed the pocket knife in her hand. Teague recalled that the Victim had the same type of knife and she believed it was his knife. Teague stated she saw a gold nugget ring in the field beside the A & P. |
| 12/12/1994 | According to Bonnie Mae Brumfield's 12/19/1995 interview, Coffey came to her house on 12/12/1994 and brought a newspaper that had the article on the murder. She asked Coffey who he thought did it and Coffey said, "Bobby Bragg." Brumfield is Coffey's first cousin. |
| 12/12/1994<br>12:12 PM | Jewell Triplett stated she was off this past Friday. The writing on the gas voucher looked like that of the custodian, Violet Eller. Triplett works Monday through Thursday. Violet works Tuesday through Friday. |
| 12/12/1994<br>1:30-2:00 PM | According to Henryk Ossowski's 12/15/1994 interview, Ossowski saw Coffey on the steps of the Hospitality House. (He believes it was 12/12/1994). Coffey wanted to know if Ossowski had heard about the Victim. Ossowski replied that he had, and that he knew that Coffey had |

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| | been there. Coffey got in Ossowski's face and said, "but I left." Coffey stated that the police had already questioned him. |
| 12/12/1994<br>2:10 PM | Detective Harrison and Detective Shook take custody of Robert Bragg in Mountain City, TN and take him to Boone, NC. Bragg waived extradition. |
| 12/13/1994 | According to Bonnie Mae Brumfield's 12/19/1995 interview, Coffey came back to her house on 12/13/1994. Bonnie asked Coffey what Bragg killed the Victim with. Coffey said that Bragg had a trailer hitch ball in a sock. Coffey said that the morning after the Victim got killed, Coffey woke up with over $600 on him. Coffey said he didn't know where it came from. While there, Coffey opened his wallet. Brumfield saw a lot of money. There were a bunch of $20 bills and at least one $50 bill. Brumfield, David Auton, Bryant Auton, and Chucky Brumfield were there during this time. |
| 12/12/1994<br>3:18 PM | Robert Bragg is served the warrant officially charging him with first degree murder. |
| 12/13/1994<br>1:45 PM | Detectives serve a search warrant on Bragg for all inventory and items seized during his arrest. |
| 12/14/1994 | According to his 12/16/1994 interview, TJ Carson stated that he called David Coffey and Harley Coffey. Harley Coffey told TJ that he saw money that Kenneth Coffey had while Coffey was partying at his house. Harley said that David Coffey's mother saw $50's and $20's while Coffey was flashing the money around. David Coffey said that his mother saw the money. |
| 12/15/1994<br>9:03 AM | Detective Harrison is notified by Detective Charlie Danner that Coffey called the jail "to see how Bobby Bragg was doing." This call came in on Wednesday, 12/14/1994 (time unknown). |
| 12/15/1994<br>9:00-10:00 AM | In his 12/16/1994 interview, TJ Carson stated that he saw Coffey at the courthouse. He and Coffey were outside smoking around 9:00 AM, when TJ asked Coffey if he knew how the Victim was beaten. He asked Coffey if he was there and Coffey initially said "No." Coffey then said that he saw blood and ran behind the A & P. Coffey said that Bragg told him if he said anything, he would kill him. Coffey said he had proof that he was with Shirley Faircloth when it happened.<br><br>At around 10:00 AM, TJ saw Coffey in the break room at the courthouse. He saw Coffey pull out his wallet. There was a lot of money in it. TJ told Coffey, "I bet I've got more money in my wallet than you do." Coffey said "I don't think so." TJ asked if Coffey had been working for his dad cutting wood, and Coffey responded "I have a little bit." TJ then asked "Did you get your disability yet?" and Coffey said, "No." TJ asked Coffey if Bragg had given him money and Coffey didn't say anything. TJ stated that the money he saw in Coffey's wallet was straight money that didn't have any wrinkles on the bills. |

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| 12/16/1994<br>1:14 PM | Nancy Horton was interviewed again on December 16, 1994. During this interview, Horton told investigators that she went to the A & P and got the Watauga Democrat out of the newspaper rack. While at home with her friend, Shannon, she looked at the newspaper and Horton said "That's that son-of-a-bitch that killed Coy." Horton stated that she had known Bragg for five years. Bragg used to come to her home when she "used to drink real bad" and there were a lot of drunks there. Horton further stated that she had given Bragg a ride in the past. Horton told police that she had a photo of Bragg at her home. Horton stated she would swear in a court of law that Bragg is the same person that walked by her trailer on the evening of December 8th.<br><br>At 1:14 PM, Nancy Horton provides a photograph of Robert Bragg and detectives take the photo into evidence. |
| 12/20/1994<br>3:04 PM | Patrolman Gerald Hayes is interviewed about his 12/06/1994 arrest of Bragg and Coffey. Hayes stated that he responded to a two intoxicated persons call at The Pantry beside the Peddler. Patrolman Hayes recalled one of them saying "We can go to Coy's." Patrolman Hayes remembered seeing the Victim walking south toward The Pantry. Both Coffey and Bragg were placed in handcuffs. Patrolman Rasnake patted down Bragg and found a white sock that contained a trailer hitch ball in it. This was located in the right pocket of Bragg's brown coat. Rasnake asked Bragg "Why are you carrying something like this around?" Bragg said, "I never know when I might need to use it on somebody." Rasnake possibly said, "You could kill somebody with that thing." Hayes and Rasnake asked Bragg, "Where did you get that?" Bragg said, "I found it." In route to the jail, Hayes asked Bragg, "Why do you carry something like that with you?" Bragg said, "Man, you never know; you might need it out here." |
| 12/21/1994<br>10:30 AM | Detective Shook and Harrison pick up Coffey and serve him with a search warrant to obtain a blood sample. They transport him to the hospital to obtain his sample. While in route, they ask Coffey if he is still willing to take a polygraph and he stated he would be but was a little nervous about it. Detective Harrison tells him the test will be scheduled. |
| 12/22/1994<br>11:58 AM | Detective Harrison and Detective Jim Wilson search the field adjacent to the Greenway Trailer Park (Summer Street) and the A & P. While searching, they locate a white and red sock on the ground that appears to have a possible stain and did not appear to have been laying on the ground very long. They collect the sock. The remainder of the search reveals negative results. |
| 12/22/1994<br>3:55 PM | Detective Shook interviews Lisa Hanes. According to her interview, Thomas Pope told Lisa that a lady that used to live in the trailer park was standing on the front porch when the Victim was killed. She doesn't recall who the lady is. |

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| 12/25/1994 – 12/28/1994 | According to Henryk Ossowski's 01/05/1994 interview, he stated that on Christmas day, Coffey, Cora Teague, Greg Richardson, and Shirley Faircloth were at Ossowski's trailer. They asked Coffey what happened. Coffey said he went to the liquor store and when he got back, he saw Bragg hit the Victim and blood flew. He then got scared and left. After telling the group this, Coffey struck Greg Richardson and left with Shirley Faircloth.<br><br>Henryk Ossowski stated that Coffey came back on the evening of 12/26/1995. Ossowski asked Coffey to leave. Coffey refused. Ossowski called the police. The police arrived and took Coffey to jail.<br><br>Note: According to Detective Harrison's notes, Coffey is arrested by Boone Police in the Greenview Trailer Park and placed in 24 hour hold until he is sober. This occurs on 12/26/1994 at 7:24 PM.<br><br>According to Henryk Ossowski's 01/05/1994 interview, on 12/27/1994 or 12/28/1994, Coffey came back to his house. Cora Teague and Greg Richardson were there. They asked Coffey again what happened to the Victim. Coffey said he wasn't there and that the Victim was like a father to him. When Ossowski confronted Coffey with what Coffey told him on 12/25/1994, Coffey didn't say anything else. Every time Ossowski asked Coffey about it, Coffey gave a different answer. |
| 12/28/1994 10:45 AM | Detective Shook and Detective Harrison interview Jolene Latty. Latty states she can't remember what day it was, but Coffey came to her trailer around lunch and drank some Jack Daniels. Her on-again/off-again boyfriend, Richard Rominger, came by about 2:00 PM and was mad Coffey was there drinking. Coffey spent the night, and the next day went to Ossowski's trailer. When he returned, he said Robert Bragg had been there at Ossowski's trailer also. |
| 12/29/1994 | According to Cora Teague's 12/29/1994 interview, she saw Coffey in the field beside the A & P. Coffey came up to her and said, "I swear cuz, I didn't do anything." Teague told Coffey she knew he was over there. Coffey said that he, Bragg, and Joe went to the Victim's trailer together. He said that when he got back, he saw Bragg hit the Victim. He told Teague that he tried to get Bragg off of the Victim and Bragg threw him up against the wall. He said that Bragg and Joe both turned on him and he left. Coffey told Teague that he went to get a girl named Chris and that he stayed all night there. Teague stated that she had talked to Chris and Jack Coffey (Coffey's father) and they both said that Coffey stayed there all night. Coffey told her that during the day, Bragg was talking about trying to rip Henryk Ossowski off. Bragg had gone to Longvue Motel to see Elaine and Kenny Jones on that Thursday (12/08/1994). They wouldn't let him in that day. Coffey told Teague that Bragg used a |

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| | trailer hitch ball in a sock. Teague has seen the ball in the sock. Teague stated that Bragg would keep it in his right sock on the inside of his leg. Coffey also told Teague that while he was in jail this week, Bragg told Coffey that if he didn't change his story, he would kill Coffey. Coffey told Teague that he had asked the jailer to put him in with Bragg. |
| 12/29/1994<br>12:25-3:40 AM | Detective Harrison and Agent Wilson interview Joe Cothren. Cothren contacted Detective Harrison after learning police were looking for him. Cothren stated he was friends with the Victim but has only met Coffey once and would not know Coffey if he saw him. Cothren stated he did know Bragg from the Hospitality House. Cothren was asked if he had any enemies in Boone and he stated that he owes Cora Teague $50.00. Cothren stated he was in Ashe County at the time of the murder at his sister's home. |
| 12/29/1994<br>1:34 PM | Detective Harrison receives a message from Nancy Horton and returns her call. Horton has read in the newspaper "where a man was beaten out in the east end of the county" and she mentioned that Rhonda Carson was living off of Wildcat Road and she wondered about some of the people that hung around her. |
| 01/03/1994<br>9:30 AM | Detective Harrison testifies to the Grand Jury regarding Bragg. He testifies about the statement that Kenneth Coffey had given to Agent Wilson and Harrison. Detective Harrison states he didn't give Coffey's name at the Grand Jury but advised them that they had a statement from a witness that was there when the Victim was beaten at his residence. A true bill of indictment was returned on Bragg. |
| 01/04/1995<br>9:45 PM | Jolene Latty calls Detective Harrison intoxicated. She "made mention that Kenneth Coffey said he hit Coy (Victim)." She was very intoxicated and said she was scared. |
| 01/05/1995<br>2:48 PM | Detective Harrison, Detective Shook, and Agent Wilson ask Coffey about the polygraph and he states he doesn't have to take the test. Coffey is in the Watuaga County Jail on a probation violation. They tell Coffey that he (Coffey) said he would take the test to verify the statement he provided to Agent Wilson and Detective Harrison on 12/09/1994. Coffey said he wasn't going down for the test. |
| 01/05/1995<br>3:30 PM | Detective Harrison calls ADA Gerald Wilson and relays that Coffey is refusing to take the polygraph exam, the fact that Coffey has been spending money, that Coffey has told different tales about how he came into the money, and some inconsistencies about Coffey's statements. ADA Wilson advises Detective Harrison to meet with him the following morning. |
| 01/06/1995<br>10:45 AM | Detective Harrison, Detective Shook and Agent Wilson speak with ADA Gerald Wilson. ADA Wilson advises them to obtain a first degree murder warrant on Coffey. |

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| 01/6/1995<br>1:00 PM | Detective Shook and Detective Harrison obtain a first degree murder warrant for Kenneth Coffey. |
| 01/06/1995<br>1:57 PM | Detective Shook and Detective Harrison interview Coffey (after transporting him to the Boone Police Department). Coffey states that on 12/08/1994, he woke up at Jolene Latty's trailer, and then walked to the A & P. He saw Jim Earp and Earp took him up town. Coffey sold two rings.<br><br>Coffey then went to Attorney Diane Griffin's office, stopped at Boone Drug for a cup of coffee, and walked on downtown. He was stopped by two deputies and served with subpoenas for court. He walked to Bonjangles for a drink and tried to call two people. He spoke with a man at Harris Teeter and then walked over to the Victim's. The Victim said he would like to have some beer, so Coffey walked to the Amoco station and bought a 12-pack of Budweiser. They sat around drinking and talking. Coffey then went to sleep and woke up around 3:00 PM. The Victim gave Coffey $3.35 out of the front of his overalls and asked Coffey to go get him some liquor. Coffey walked to the store, seeing Rhonda Carson both ways.<br><br>As he walked back, Coffey saw Bragg and "Joe Cocker or something like that" at the mailboxes. They followed him back to the Victim's and walked in about 30 seconds later. Coffey says the Victim thanked Coffey for the liquor and then drank it. The Victim cussed them and Bragg struck the Victim with both fists at the same time around the Victim's eyes. Coffey saw Bragg pull out a white sock that had the trailer hitch in it out of his coat pocket. It was in Bragg's right hand and he (Bragg) hit the Victim in the face and the Victim fell to the floor. Coffey got scared and left. Coffey ran to the A & P and called Shirley Faircloth to pick him up. Coffey states that when he first walked to the store, he had called Faircloth and she had told him to call her back in twenty minutes.<br><br>Interview included in brief. |
| 01/06/1995<br>7:17 PM | Detective Harrison serves Coffey with the first degree murder warrant. |
| 01/09/1995<br>1:45 PM | Rhonda Carson is re-interviewed. Carson is asked why Coffey would sign a statement saying that she (Carson) was at the Victim's trailer on the front porch when the Victim was beaten. Carson replied that Coffey is just out to get even with her. Carson is also confronted with the fact that she had talked to a co-worker on the night of 12/08/1994 about the murder and was talking to her other co-workers on Friday morning, 12/09/1994, giving details of the crime. Carson denied these allegations. Carson maintained that she did not know anything about the murder |

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| | until Friday afternoon when Olen Humphry told her son TJ about the Victim getting killed.<br><br>Carson agreed to take a polygraph.<br><br>Carson was again asked whether she called anyone on the night of December 8th. Carson stated that she called Billie Greene, who has a 910 area code. |
| 01/10/1995<br>3:55 PM | Detective Harrison receives a call from Kenneth Suddreth. Suddreth was relaying information he received from Anne Cobler, who was Rhonda Carson's landlord. This was information that Carson had said she helped the boys that did this to the Victim and that's why she (Rhonda Carson) needed to get out of town. |
| 01/11/1995<br>1:32 PM | Detective Harrison (with Lt. Willie Watson) interviews Billie Greene. Greene worked at the Quality Inn with Carson. Greene stated on the night of the crime at approximately 8:00-9:00 PM, Carson called her at home and said "you wouldn't believe what happened." Carson said a Bragg boy and her boyfriend (Kenneth Coffey) killed the Victim. Carson said they hit him once and blood went everywhere. Carson told Greene that she (Carson) was standing in front of the A & P and "she said the old man tried to talk to her to her and she ignored him and if they want to question me, that they can talk to that manager because she (Rhonda) was right at the door and Rhonda was pacing up and down in front of the store."<br><br>Greene also stated that if anybody said anything that Rhonda was with her (Greene). The call lasted maybe 20 minutes. Carson was nervous and concerned about her son. Carson stated "I don't have any money but Kenny has money."<br><br>On Friday, 12/09/1994, between 8:00-8:30 AM, while at work, Carson started talking about it again and repeating the same information. Greene provided the names of other employees who were around when Carson told this story: Beatrice Seagle, Kathy Martin, Laura Hicks, Betty Ann Houck, and Florence Beaver.<br><br>Beatrice Seagle, Kathy Martin and Laura Hicks were all interviewed by police and confirm that Carson told this story. They also state that the news had not come out in the Watuaga Democrat yet and Carson knew the details above.<br><br>Betty Ann Houck and Florence Beaver were never interviewed by police. |

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| 01/17/1995<br>1:25-2:08 PM | Cora Teague told police about a knife that Coffey gave her on 12/11/1994 and a gold nugget ring she saw in the field by the A & P that looked similar to the one that the Victim had.<br><br>Detective Harrison took Teague and Greg Richardson to the field beside the A & P. Teague showed Detective Harrison the location where she had seen the ring. Detective Harrison was unable to locate anything.<br><br>At 2:00 PM, Teague and Richardson went with Detective Harrison to the residence of Conrad Cox. Teague went inside. At 2:08 PM, Teague came back out of the apartment and handed Detective Harrison a pearl-handled pocket knife. Detective Harrison had Teague sign a property report. Teague stated that when Coffey gave her the knife, it looked like it had blood on it. Note: This item was tested and failed to reveal the presence of blood. |
| 02/12/1996 | According to Judy Thomas' 02/12/1996 interview, she had been interviewed by PI Jerry Vaughan (who she thought was a lawyer) and attorney Vince Gable on 01/30/1996. Thomas told Detective Harrison that they asked her questions and that she thinks she told the attorneys that she thought that she talked to Bragg on a Wednesday but she's not sure what Wednesday she saw Bragg. |
| 02/27/1995<br>6:05 PM | Crimestoppers receives a tip involving Rhonda Carson.<br><br>Information included in brief. |
| 02/28/1995<br>9:45 AM | Crimestoppers receives a second tip involving Rhonda Carson.<br><br>Information included in brief. |
| 03/01/1995<br>9:43 AM | Detective Shook and Detective Harrison interview Fredrick Calhoun after picking him up at the Watauga County Jail. Calhoun was in jail with both Coffey and Bragg. Calhoun heard Bragg denying involvement in the crime and said Coffey must have done it. Bragg called Coffey a liar. |
| 03/13/1995<br>11:20 AM | According to Tammy Pollard's 03/13/1995 interview, she has heard a couple of stories about the Victim's death.<br><br>The first is that Coffey was there and Coffey ran, and Bragg chased Coffey down and was beating Coffey and Coffey got away from him and Bragg ran Coffey down at the A & P and Bragg threatened to kill Coffey if Coffey told anyone.<br><br>The second is that Coffey had stayed at the trailer about twenty minutes after Bragg had left the Victim's trailer. A few days later, Coffey was bragging about the murder of the Victim. |

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| | On the Thursday that the Victim was killed, according to her boyfriend, Jack Coffey (Coffey's dad) told Pollard's boyfriend that his son, Coffey, had gotten into it with the Victim earlier in the day and that Coffey had busted the Victim's mouth or nose. Jack Coffey said that Coffey had told so many stories that he didn't know what to believe. |
| 03/20/1995<br>9:30 AM | Detective Harrison interviewed Coffey's probation officer, Randy Townsend, by phone. Townsend stated he spoke with Coffey shortly after the murder in reference to Coffey's probation. "Kenneth told Randy that he had gone to the liquor store to get Coy some liquor. He went back to the trailer and Bobby Bragg came in. Bobby and Coy start arguing and Bragg started hitting Coy. Kenneth said he got scared and ran away." |
| 03/20/1995<br>1:20 PM | According to Jack Coffey's (Coffey's father) interview, on the day the Victim was killed, Coffey told him that he went to the liquor store and got the Victim a pint of liquor and that while his son was there, that the Victim turned around to Bragg and said to Bragg, "You son-of-a-bitch, get out of my house." He said according to Kenneth, that Bragg pulled out a trailer hitch ball and Bragg hit the Victim and blood splattered. Kenneth told Jack that he ran to the A & P and was sitting on the bank, Bragg came around the A & P, threw down a $100 bill and Bragg ran on. According to Kenneth, Tony Triplett and his wife saw him at the A & P. Kenneth told Jack that there was also a blond-headed man at the Victim's trailer. |
| 03/21/1995<br>2:45 PM | Detectives interview and polygraph Coffey.<br><br>Interview included in brief. |
| 03/23/1995<br>3:30 PM | Detective Harrison went to Rene Nelson's home and spoke with her and her sister (name not provided). Detective Harrison asked both of them if they had seen a female in the trailer park in the afternoon on the day that the Victim was killed. They said they had not. Detective Harrison asked if they knew Rhonda Carson and if they had seen her that day. Both stated that they had not seen her that day. |
| 03/24/1995<br>3:10 PM | Detective Harrison returned to speak with Rene Nelson and her mother, Linda Wilcox. Harrison asked Nelson again if she had seen a female in the trailer park on the day that the Victim was murdered and she stated she had not. |
| 04/20/1995<br>9:58 AM | Defense Attorneys for Bragg viewed the physical evidence and requested that latent lifts be taken from the vodka bottle collected from the Victim's home. |
| 05/01/1995<br>10:40 AM | Detective Harrison and Detective Shook process the vodka bottle for prints. |

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| | Note: Boone Police Department had the one identifiable print located on the vodka bottle compared to Coffey, Bragg, the Victim, and two employees who were working at the ABC Store and handled the bottle on 12/08/1994. All five individuals were excluded as matching this print and the print remains unidentified. |
| 09/01/1995 | Jonathan Harmon was interviewed. Harmon was in jail awaiting his court date on 09/06/1995. Harmon stated that while he was in jail, he was in a cell across from Coffey. Approximately two and a half to three weeks prior, Coffey started talking to Harmon. Harmon stated that Coffey told him that he was drunk, and around 5:00 PM Coffey went over to a guy's trailer. He thought that Coffey said the guy's name was Cory. Coffey told him that the guy had been getting checks, had been saving money, and had around $1,500. Coffey then told Harmon that he "killed the man" or "killed the old man" and got around $1,500. He said that he hit him and that he didn't mean to kill him. Harmon stated that Coffey told him that he left and went to The Pantry and called a woman by the name of Rhonda to come and pick him up. After she picked him up, Coffey went back to his house in Sampson. He got scared, took a shower, and burned his shirt and pants. Coffey told Harmon that after that, some woman took him to a bar in Blowing Rock and he stayed there until 11:00 or 12:00.<br><br>Harmon further stated that later in the day, Harmon was telling Dwayne Barksdale what Coffey had told him. He thought that Coffey was asleep, but Coffey got up, gave him a look and went to the telephone. He heard Coffey tell someone he called "Dad" that "the little son-of-a-bitch is making up something about my case and he's lying." Coffey requested that his dad have his lawyer come up that day. Coffey then threatened Harmon by telling him "When I get out, I'm going to kill you and I'm going to smash your face in."<br><br>Harmon stated that around 2:30 PM, he told Pam, the jailer, what Coffey had said and about the threats that Coffey made and asked to be moved. Later that evening, jailer Danny Yates moved him to another cell. |
| 02/07/1996<br>4:02 PM | According to an interview of Kenneth Coffey by Agent Wilson, Coffey had requested to speak with ADA Jerry Wilson and Agent Wilson was instructed by ADA Wilson to meet with Coffey. Prior to this, Coffey had been offered a plea arrangement which was contingent on his truthful testimony in future court proceedings. Coffey wanted to discuss guarantees from the District Attorney's Office that his court disposition would be amended if he testified against Bragg.<br><br>Interview included in brief. |

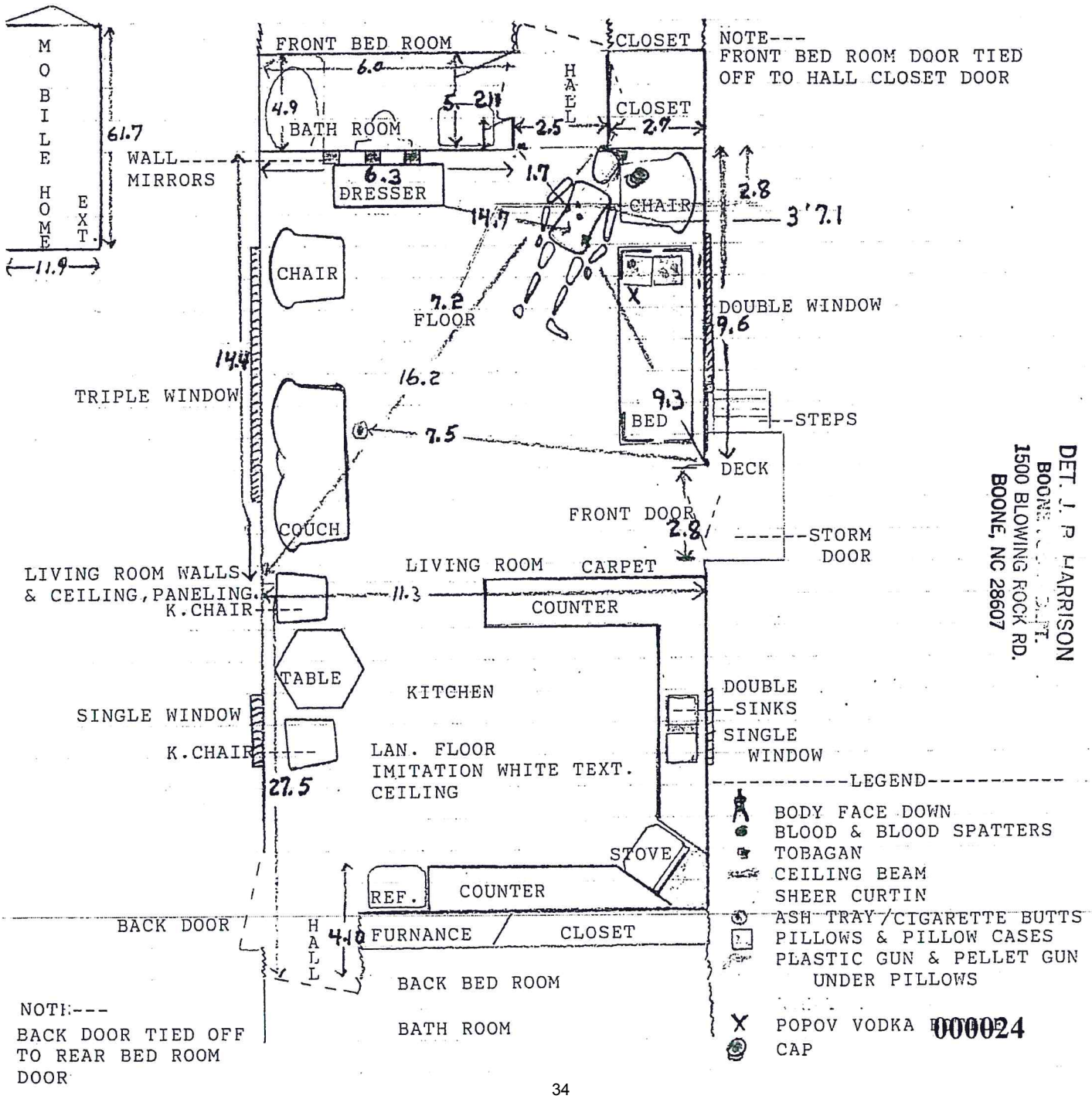
## Agencies and Agents

After the Victim's body was discovered, the Boone Police Department (BPD) and the North Carolina State Bureau of Investigation (SBI) began investigating this case. Detectives Jim Harrison and Mark Shook of BPD were assigned to the case. Agent Steve Wilson of the SBI also responded to the crime scene and assisted with the field investigation. Agent Pam Tully of the SBI assisted with processing the crime scene.

## Initial Investigation

On the evening of Thursday, December 8, 1994, Detectives Shook and Harrison of BPD arrived at the scene and began their investigation. In the early morning hours on December 9, 1994, Agents Wilson and Tully of the SBI arrived at scene and began their investigation. This involved taking crime scene photographs, measurements, and collecting items of physical evidence. A diagram of the crime scene is included below.

# CRIME SCENE: 12-8-94
# OCA# 9416953 MURDER
# 193 WINTER DR. ⇒ STREET

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Although crime scene photographs were taken, many were under or over developed and therefore the images captured cannot be seen. This is noted in the BPD Detective notes as being due to issues with the camera used. The crime scene photographs that can be seen are included below.

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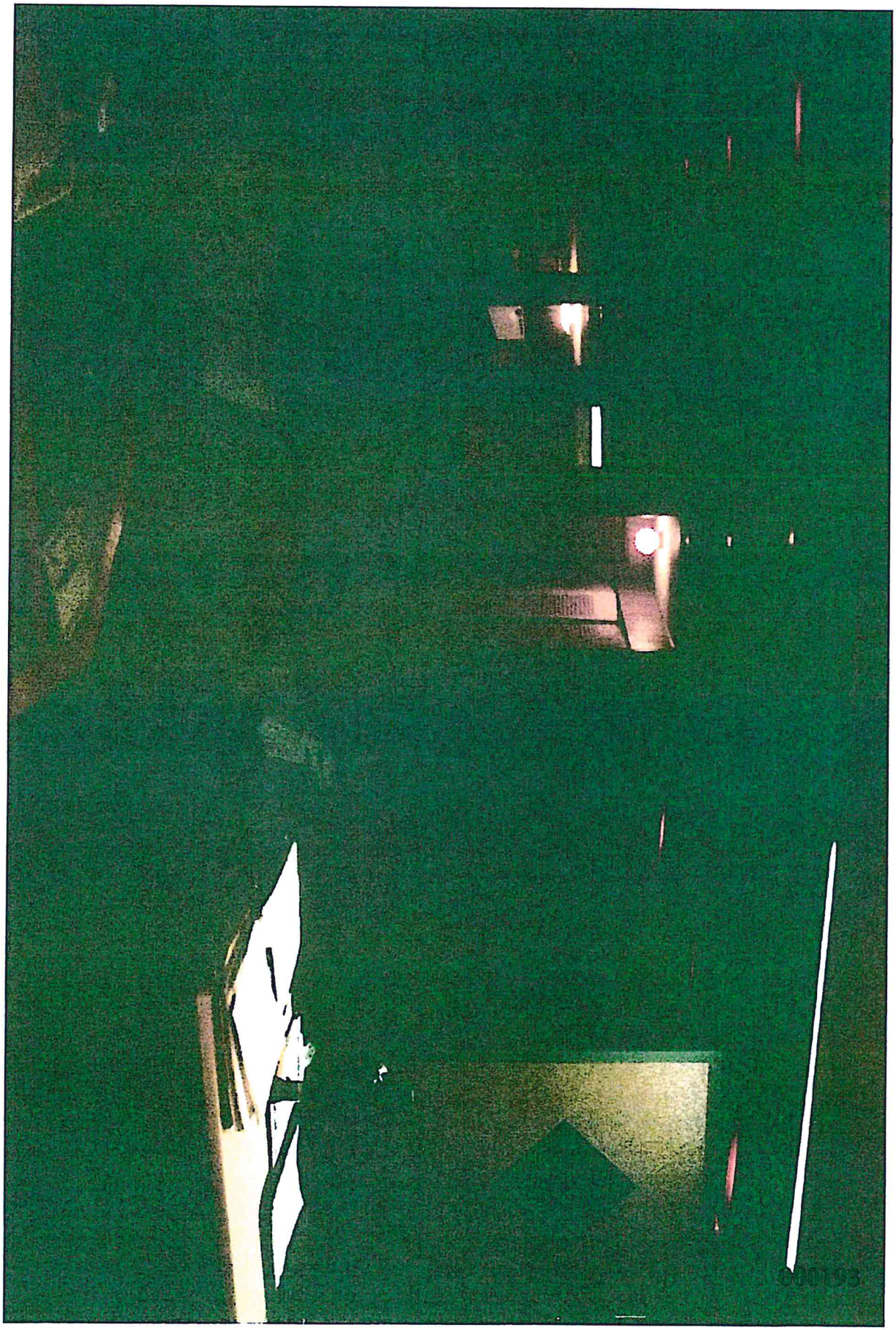

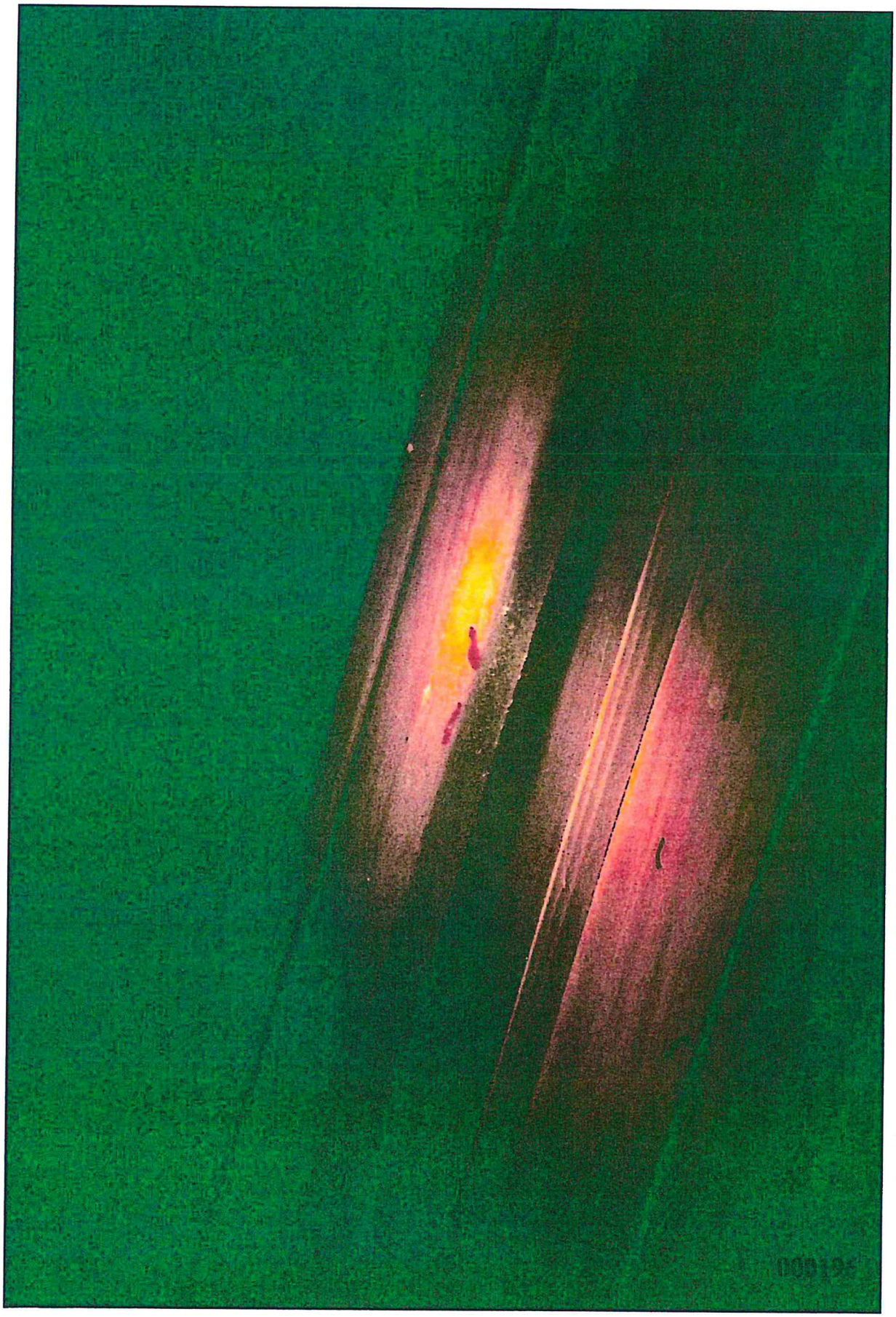

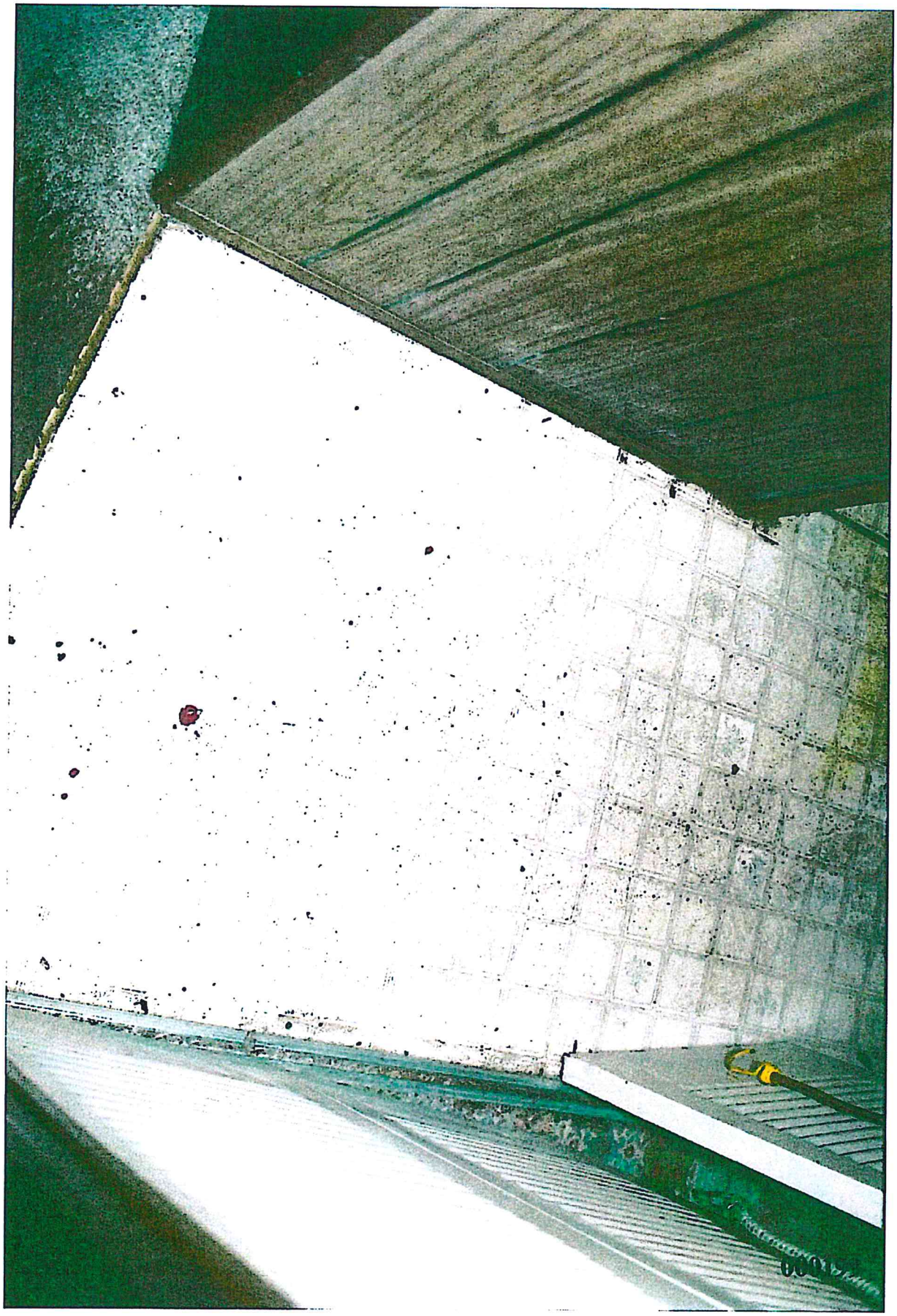

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# Coffey Interviews, Arrest, & Polygraph

Coffey was initially interviewed on Friday, December 9, 1994, the afternoon after the crime occurred. Coffey was interviewed again on January 6, 1994 and was subsequently arrested after that interview. On March 21, 1994, Coffey took a polygraph. Coffey made several comments to the polygraph examiner, Agent Jonathan Jones of the SBI. He then gave a statement to Detective Shook. A copy of each of Coffey's statements, along with the results of his polygraph examination, are included below.

SBI FILE: 494-H-32
ACTIVITY: December 9, 1994
VICTIM: Coy (NMN) Hartley
DICTATED: March 21, 1995
RECEIVED: March 28, 1995
TYPED: March 29, 1995
COPIES: (1) Records; (2) SA D. S. Wilson; (3) SAC J. S. Momier, Jr.; (4) District Attorney J. T. Rusher

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Kenneth Eugene Coffey, W/M/29/DOB: 01/24/65; Residence: Route 4, Box 519, Sampson Community, Boone, North Carolina, Telephone: 704-264-4340; Business: Jack Coffey (Father), Route 4, Box 519, Boone, North Carolina, Telephone: 704-264-4340; (Suspect):

Coffey was interviewed between approximately 1:48 p.m., and 7 p.m., on Friday, December 9, 1994, by SA D. S. Wilson and Detective J. B. Harrison while in Detective Harrison's office at the Boone Police Department in Boone, North Carolina. Also present at times during this interview was Detective M. Shook.

Detective R. O. Halle, of the Watauga County Sheriff's Office in Boone, was contacted by investigators due to his being familiar with the Coffey family who reside in the Sampson Community of Watauga County. SA Wilson learned that Kenneth Coffey does not have a valid driver's license. SA Wilson learned that Kenneth Coffey does not have a valid driver's license. SA Wilson traveled with Detective Halle in an attempt to locate Coffey at his residence with negative results. Detective Halle was operating his burgundy unmarked patrol car and investigators were dressed in plain clothes and without their weapons being visible.

Detective Halle located Jack Coffey at a road side sales operation near Tweetsie Railroad on Highway 321 and was informed that Kenneth Coffey was at the Shirley Faircloth residence in the Perkinsville Community. Jack Coffey gave Detective Halle directions to the residence. Jack Coffey told Detective Halle in SA Wilson's presence that Kenneth was hiding because Randy Townsend (parole officer) has Kenneth on probation and is wanting to send him off on January 6, 1995. Jack Coffey said that if Kenneth was not at Faircloth's, then he may be at Coy Hartley's trailer located on the second drive on the left traveling from the A & P Grocery Store.

Coffey was initially contacted at the residence of Shirley

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Faircloth at 107 Cole Street in Boone, by Detective Halle and SA Wilson at approximately 1:24 p.m. Detective Halle asked Faircloth if Coffey was there and she responded that he was. Coffey came to the door and then walked outside to speak with Detective Halle and SA Wilson. Detective Halle told Coffey that SA Wilson was needing to speak to him about a homicide case being worked by the Boone Police Department. Detective Halle asked Coffey if he would accompany investigators to the police department to answer questions. Coffey responded that he would and was told that investigators would return him to the destination of his choice. Coffey was asked by Detective Halle if he was carrying any weapons and he responded no. Coffey was not handcuffed or restrained before getting into Detective Halle's vehicle.

While en route to the police department, Coffey, who was seated in the right rear passenger seat, asked investigators what was going on. SA Wilson responded that Coy Hartley had been found dead at his mobile home last night (Thursday, December 8, 1994). Coffey stated that he had heard that Coy was dead from Faircloth after she received a telephone call from Hazel Byers this morning. Coffey said that he heard that Coy died of natural causes or something else; that people weren't sure how he died. SA Wilson stated that the cause of death was homicide, but did not elaborate. SA Wilson thanked Coffey for his cooperation and agreeing to accompany investigators to the office for an interview. Coffey responded to the effect, "Sure."

Investigators arrived at the police department at approximately 1:35 p.m., and entered the Investigations Division. Coffey was asked by SA Wilson to have a seat in Detective Harrison's office for a few minutes and SA Wilson exited the office. The door to Detective Harrison's office was left open and Coffey was alone. Coffey had not been told to remain in the office or that he could not leave if he so desired. At no time was he handcuffed or was he restrained in any manner. Coffey was asked if he wanted something to drink of his choice by Detective Harrison. Coffey indicated that he did not need to use the rest room.

The formal interview of Coffey began at approximately 1:48 p.m., as Detective Harrison asked him personal data relating to his address, height, weight, et cetera. Coffey stated that he is 5'9" tall and weighs 180 pounds.

Coffey was dressed in a sweat shirt jacket, light blue warm-up

type athletic pants, and a navy winter vest.

The formal interview of Coffey began at approximately 1:48 p.m.

Coffey was again told that investigators appreciated his assistance by consenting to be interviewed on this date. Coffey was also told that he was not under arrest and that if he needed anything he would need to tell investigators. Coffey indicated that he understood this.

Detective Harrison initially asked Coffey personal data questions pertaining to such facts as his full name, date of birth, address, telephone, et cetera. Coffey indicated that he was 5'9" tall and weighed 180 pounds. His Social Security Number is 243-06-4654.

Coffey stated that he has known Coy since Coy was about 70 years old. Coy is at the ABC Store several times a day. Hazel Byers called and said that Coy was dead. He has never had words, (arguments) with Coy.

Yesterday (Thursday, December 8, 1994), he was at the A & P on two occasions. He asked Mr. Swift, the manager, what time it was and he said 3:45 p.m. He said not to be in the A & P or he would call the police.

The last time he saw Coy was at about 3:30 p.m., (Thursday, December 8, 1994). He had gone by to just tell Coy Merry Christmas. Coy asked him to go to the ABC Store for him and gave Coffey $3.35 to buy vodka. Coy took the money from his pocket. He did not see a wallet. Coy looked pretty drunk. When he left Coy's trailer, Coy was sitting at his table.

He had Faircloth pick him up at the A & P at about 3:45 p.m., Thursday. He called Faircloth at her home, telephone: 704-262-5408, from the A & P.

While he was at Coy's, Bobby Bragg was there with Joe Cocker, he is not sure of Joe's last name. Joe is a blond headed guy. He doesn't really know Joe and has seen him twice. He used to date his wife. Bobby and Joe actually came up to Coy's trailer as he (Coffey) was leaving. They were walking up towards Coy's. Bobby was wearing one of those long ryder jackets.

When Faircloth picked him up at the A & P, she drove to Blowing

Rock where they went into Woodlands for a couple of hours. They then went to Ichabod's for an hour or an hour and a half.

He (Coffey) had a couple of hundred dollars on him yesterday. He had done some work for Jeff Greene in Blowing Rock and was paid on Wednesday in the amount of either $280 or $286. He was paid in cash. He had met with Greene behind Makotos Restaurant; he can't say about a time, but it was between 9 a.m., and 9:30 a.m. After leaving, he caught a ride in a brown Bronco to Aho Motel and walked the rest of the way to his trailer in Sampson. By Thursday morning he had spent the money and was broke.

He had left Joleen's (phonetic spelling). Richard Rominger stays there sometimes.

He went to the Amoco and bought a 12-pack of Budweiser beer in bottles. He went to Coy's arriving around 11 a.m., and drank with Coy. He drank four or five of the beers, while Coy drank the rest.

He went to the Amoco between 8 a.m., and 10 a.m.

He had been to Attorney Diane Griffin's office that morning. Griffin is working on his disability. He went to set up an appointment for next Tuesday, December 13, 1994, at 11 a.m. (Coffey shows investigators a business card with this date and time.)

At 9 a.m., he caught a ride with Joe Earp from the A & P. Earp gave him a ride to the Golden Pawn, High Country Gold and Pawn. He sold two rings. One of the rings he sold to Earp and the other he pawned.

While walking back from town, while in the vicinity of the McDonald's, two deputies stopped him and served Subpoenas on him to be in court.

He then walked over to Murphy's Restaurant because he left his jacket and a bottle of medicine there. When he got there, Murphy's was not open, but he knocked on the door. A lady let him in and he asked them if they had seen his medicine. His medicine was on the back of the counter, but he didn't get it. He got his jacket and walked to Bojangle's and got a drink.

Bragg is carrying a white sock containing a chrome trailer hitch and is designed to screw down on a stud for mounting on a bumper. Bragg also carries a knife with a handle like a set of "brass knuckles."

He did not see Bragg hit anyone. Bragg has hit on separate past occasions Doyle Pitts, Roger Winkler, and Louise Coffey (Kenneth's ex-wife). Louise had to get several stitches.

At another point, investigators asked Coffey to repeat details regarding his activities on December 8, 1994. Coffey stated that sometime between 8 a.m., and 10 a.m., he went into the Amoco and bought a 12-pack of beer and took it to Coy's trailer. He drank the beer with Coy. He then went by Richard Rominger's and Joe Lynn's (phonetic spelling). He went uptown getting a ride with Jim Earp to the pawnshop downtown on King Street. He sold a ring to Earp and the owner of the pawnshop for $10 each. He then went to Diane Griffin's office to set up an appointment with her through her secretary. He has that date and time on the card shown to investigators. That date and time is 11 a.m., on Tuesday, December 13, 1994. While walking back to Coy's, he was stopped by two deputies who served a Subpoena on him to be in court. He was right below McDonald's when the deputies stopped him. By 10:30 a.m., to 11 a.m., he was back at Coy's. It was right before going back to Coy's this time that he stopped at the Amoco and bought the 12-pack of beer in bottles. He drank four or five beers while Coy drank the rest of them.

Coffey made an admission that he was present when Bobby Bragg assaulted Coy Hartley on Thursday, December 8, 1994. Details of that incident were obtained from Coffey in verbal form.

During this portion of the interview, Coffey stated that he was present when Bobby began hitting Coy in the face with his fists causing Coy to fall back onto the bed in the living room. Bobby then removed a sock containing a silver chrome trailer hitch and began beating Coy in the head. During this stage of the assault, Coffey said he saw Coy's wallet fall onto the floor. While Bobby was beating Coy, he (Coy) fell into the floor face down. Bobby was not beating Coy anymore. Bobby got the wallet from the floor. He (Coffey) fled the trailer. SA Wilson asked Coffey to draw and indicate the position of Coy's body on a piece of paper. Coffey was hesitant and pointed to a location on the paper and stated that Coy's head was at the corner of the wall and his feet towards the middle of the living room. The

body was lying beside bed. SA Wilson was aware that Coffey could not read or write based on his earlier reference to this fact. That original piece of paper bearing the sketch drawn by SA Wilson at the direction of Coffey has been retained by SA Wilson in his case file. A copy of the sketch has been made part of this interview report as an attachment.

At approximately 5:40 p.m., SA Wilson asked Coffey if he wanted to take a break. He stated that he would and exited the investigations area to the garage with open bay doors. Kenneth was unattended and returned inside the investigations area at approximately 5:45 p.m.

Coffey's statement was then obtained with SA Wilson taking notes. Coffey stated that he was at Joleen Latty's trailer on Wednesday morning. He went uptown. He got there by getting a ride with Jim Earp. He was taken to the pawnshop on King Street. He sold Jim a ring and the owner a ring for $10 a piece.

He went to Diane Griffin's office to make an appointment. He left there walking to Murphy's to get his coat and medicine called anabuse (phonetic spelling). He left Murphy's walking to Bojangle's Restaurant to get a soft drink. It was right below McDonald's that the deputies stopped him and served the Subpoena on him. He then walked on to the Amoco and bought the 12-pack of beer in 12 ounce bottles.

He then walked to Coy's trailer. When he arrived there was no one else there. He stayed with Coy for about an hour or so. He drank four or five beers and left the rest for Coy. He left Coy's and walked to Joleen's trailer (Phillip's Trailer Park). He walked back to Coy's at about 3:30 p.m. Coy asked him to go to the ABC Store. Coy gave him (Coffey) $3.35 to go and buy Coy some liquor, Popov Vodka, 80 proof. He (Coffey) walked there and returned to the trailer park.

Upon arrival at the intersection of Winter Drive and Greenway Drive, he met Bobby Bragg and Joe (LNU), also known as Pretty Boy Joe supposedly from Mountain City, Tennessee. He told Bragg and Joe that he was going to Coy's to take him his liquor. They do not make conversation and he (Coffey) walks off towards Coy's leaving Bragg and Joe standing there. They then follow him up Winter Drive to Coy's trailer.

Coy had the front door open when he arrived. He (Coffey) goes in the trailer. Bobby and Joe enter behind him. Coy sees Bobby and Joe and says to Bobby to the effect, "Get the hell out of my house you son-of-a-bitch." Bobby and Joe are inside the living room. Bobby then hits Coy in the face with both his fists maybe four or five times. Coy fell onto the bed. Bobby pulled a sock containing a chrome, silver looking trailer ball from his pocket. He (Coffey) has seen this weapon before and knows the sock to contain the trailer ball. He saw it taken from Bobby on this past Monday or Tuesday inside the jail by Danny (Jailer Danny Yates) and a brown headed girl.

Bobby hit Coy in the head with the sock and ball and blood splattered. Bobby only hit Coy with the ball once that he saw and he (Coffey) fled the trailer. It seemed like Bobby was still hitting Coy as he left. Bobby was not backing off. Bobby had got a black leather wallet of Coy's when it fell to the floor when Coy fell onto the bed. Bobby picked up the wallet and put it into his (Bobby) coat pocket that Bobby had on. It was then that Bobby pulled out the sock and hit Coy like he (Coffey) said. That is when he (Coffey) left.

He (Coffey) goes to the A & P and calls Shirley to come and get him. She said she would be there in 20 minutes.

While waiting on Shirley, Bobby and Joe walk up within ten to 15 minutes. Bobby removes Coy's wallet and unzips it. Bobby removed $260 or so. The money included two $100 bills, three $20 bills and one $5 bill. He does not have any of that money left and spent it last night. He gave Shirley $20. Bobby told him that if he (Coffey) said anything he (Bragg) and his brothers would kill him. Bobby said to just take the money. He (Coffey) did not want the money, but Bobby threw it at him. Bobby and Joe walked off toward the old Rose's parking lot. He does not watch where they go. Shirley shows up and he and Shirley go to Woodlands and Ichabod's in Blowing Rock, North Carolina, to eat and drink. He and Faircloth then went to Faircloth's home for the night.

He changed his clothes and took a shower. He gave his pants, a black T-shirt with something written on the sleeve, and a jacket, a blue and white jacket with writing on the back to Shirley. Shirley said she would wash them because he hadn't changed clothes in four or five days. He never talked to Shirley about what Bobby did. He told Shirley that he got the

money from his disability check. She thinks he draws disability money. He has not told anyone else about what Bobby did except investigators.

At approximately 6:45 p.m., Coffey is shown the items of clothing seized from Shirley Faircloth's residence by Detective Shook on the afternoon of December 9, 1994. Coffey identifies the clothing as his and as the clothing he had on when the assault of Coy Hartley occurred. When asked about the blood on the jacket and Coffey stated that the blood possibly came from when he (Coffey) cut his finger.

At approximately 6:49 p.m., SA Wilson told Coffey in the presence of Detective Shook, that he was going to read from the notes prepared from details provided to investigators by Coffey. SA Wilson was aware that Coffey could not read based on his indicating so when asked by SA Wilson. SA Wilson then read from his notes the details provided by Coffey. SA Wilson asked Coffey if these details were accurate. He said that they were.

SA Wilson then added a written note stating to the effect that Coffey was not drunk while giving this statement; that he understood the questions and what was going on during the interview and that investigators had not "put words in his mouth." Further that the above details were what he (Coffey) intended to say and is true as reviewed with SA Wilson. Further, that investigators were fair with him. Further, that he (Coffey) has completed the ninth grade in special classes.

SA Wilson read the previous paragraph to Coffey and he stated that he agreed with the contents.

Coffey stated that he would take a polygraph regarding the details provided by him in this statement.

This interview concluded at approximately 7 p.m.

After reviewing the statement, SA Wilson told Coffey that he needed to step out for a minute or so. Coffey stated that he is going back outside "to get some fresh air." Coffey asked if investigators needed anything else and if not, he was going to call his father to come and get him. Investigators offered to arrange for Coffey a ride and he refused, stating that he would call his father. Coffey then used the telephone in Detective Harrison's office. SA Wilson last saw Coffey as he exited the

interior of the building to the garage area with open bay doors.

After reviewing the statement, SA Wilson went to the traffic office and conferred with other officers to include Chief R. Z. Tester, Detective Lieutenant W. S. Watson, Detective Harrison, and Detective Shook. This meeting was outside Coffey's presence and without his knowledge. Investigators also had a telephone conversation with District Attorney James T. Rusher and Assistant District Attorney Gerald Wilson.

As stated above, SA Wilson was aware that Coffey had called his father for a ride home and that he had said that he was going to leave. At some point, Detective Shook advised that Coffey had left the building saying he was going to meet his father. SA Wilson nor any other officer made any attempt to stop Coffey or postpone his leaving to the knowledge of SA Wilson.

DSW:lj
(Attachment)

COPY

ATTACHMENT - Coffey




000028

CONTINUATION PAGE

| 1. AGENCY | 2. ORI | 3. CONTNUATION TO: | 4. OCA FILE NO. |
|---|---|---|---|
| Boone Police | NC 0950100 | ☐ INVESTIGATION ☐ ARREST ☐ SUPPLEMENTARY INV. | — |

Narrative

At about 1:30pm Det. Harrison ask me to set in his office with Kenneth Coffey; I went to Sgt's office and myself and Kenneth talked about Work, weather, school. Kenneth then stated he did not know What he was doing here. I Change the subject back to Work. He then made the statement "me and Sheryl were in Blowing Rock about all night last night" "We went to a bar and listened to some feller play the guitar" "He then stated "not icaboods" but the one about above that one" "possibly Woodlands" "I don't know" I did not ask Kenneth any question at all. I Then escorted Kenneth to the restroom in the Conference room at about 1:40pm and got a M.T. Dew. I left Kenneth With Sgt at about 1:45pm.

J. H. Wilson Dec. 09, 94

He stated he stated at Woodland unt 12:30 Am and went home. He also stated they were drinking beer.

| Officer Name / ID | Officer Signature | Date / Time Submitted | Page ___ of ___ |
|---|---|---|---|
| | | | |

DCI-602 ORIGINAL PS-182

## INTERVIEW SHEET

**Name:** Kenneth Eugene Coffey
**Interviewed by:** Det. Jim Harrison / D. S. Wilson, NC SBI
**Location of Interview:** Boone Police Department
**Date:** 12/09/94 **Time:** 1320 hours

---

**Address:** Rt. 4, Box 519, Boone, NC 28607
**Employer:** Jack Coffey (same address)
**Home Phone:** None **Work Phone:** 264-4340
**SS #:** 243-06-4654
**Relative:** Jack Coffey, Father
Same address
**Scars/Marks/Tattoos:** Scars on right chest, Scars on both arms; tattoo right shoulder
**Clothing:** White t-shirt, sweatshirt jacket, blue jogging pants, navy vest

**Sex:** Male
**Race:** White
**Age:** 29
**DOB:** 01/24/65
**Height:** 5'9"
**Weight:** 180
**Eyes:** Blue
**Hair:** Brown
**Complexion:** Fair
**POB:** Watauga County

**********

Kenneth has known Coy Hartley since he was about 70 years old. Coy is at the ABC Store several times a day. Hazel Byers had called and said that Coy is dead. Asked when last time he saw Coy was about 3:30 PM. Coy gave him $3.35 to go to the ABC Store and get Coy a bottle of Vodka. Had Shirley Faircloth pick him up at the A & P at 3:45 PM. While at Coy's, Bobby Bragg was there and a Joe Cocker (?), blond headed guy was there, or actually they came up toward Coy's trailer. Doesn't really know Joe; has seen him twice. He used to date his wife. Bobby was wearing one of those long Ryder jackets. Kenneth said that Coy looked pretty drunk and Coy asked him to go to the ABC Store and Coy pulled the money out of his pocket and gave it to him. Kenneth states that he had just went by to say Merry Christmas. Kenneth said that when he left that Coy was sitting at the table. Hazel Byer called and told Shirley about Coy. Kenneth states that he never did see a wallet. Shirley's telephone number is 262-5408. Kenneth claims that he never has had any argument with Coy and they've never had any words. Kenneth said that yesterday that he was in A & P twice and he asked Mr. Swift what time it was (3:45) and Mr. Swift told him not be in there or he would call the police. Kenneth claims that he called Shirley from the A & P. Shirley picked him up at the A & P and they went to Woodlands a couple of hours and then to Icabod's for one to one and a half hours. Kenneth was asked how much money he had on him yesterday and he said he had a couple of hundred dollars. Kenneth was asked again about yesterday, December 8th, and he had went to the Amoco and bought a 12-pack of Budweiser beer in the bottles and he had drank it with Coy and he had bought it at the Amoco. He also said that he went and saw Attorney Diane Griffin. Coffey said that at

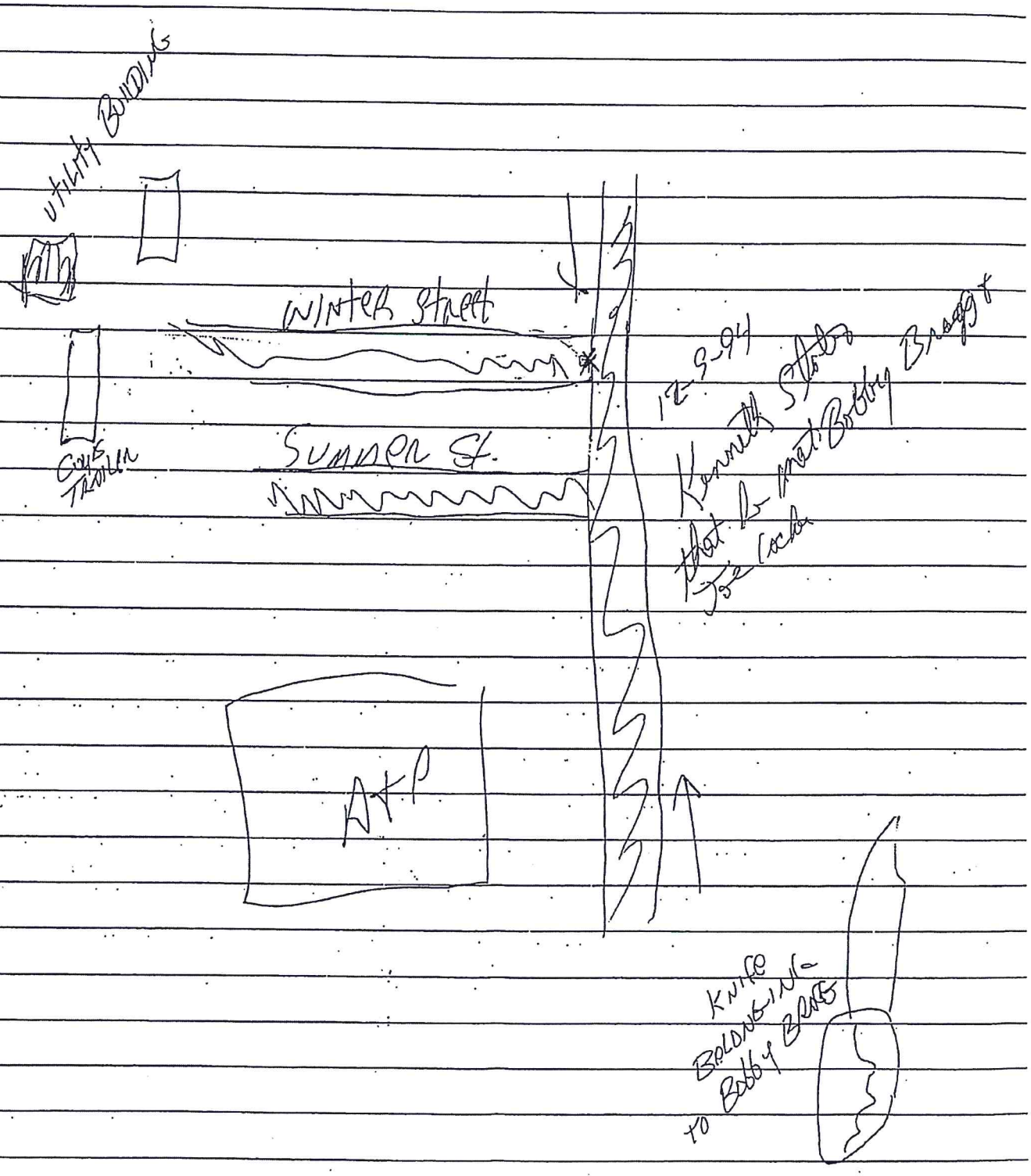
9:00 AM, that he caught a ride with Jim Earp; that Jim had picked him up at the A & P and took him up town to Golden Pawn, (High Country Gold & Pawn); that he sold two (2) rings. That he had to see Diane Griffin because she is working on his disability. Coffey said that he sold one of the rings to Jim Earp and the other ring to the pawn shop.

Coffey claimed that he did some work for Jeff Greene and Jeff had paid him on Wednesday and the amount was either $280.00 or $286.00 and he was paid in cash. Coffey claimed that he met with Jeff Greene behind Makoto's Restaurant and he couldn't say what time that it was but then he said between 9:00 and 9:30 AM and by Thursday morning, he had spent the money and he was broke. Coffey was asked where he did the work and he said it was in Blowing Rock. After leaving, Coffey said that he hitched a ride in a brown Bronco to Ahoe Motel and walked the rest of the way down to his trailer in Sampson.

Coffey said that on Thursday after the two deputies had served the subpoena's on him that he walked over to Murphy's Restaurant because he had left a jacket there and a bottle of medicine. When he got to Murphy's, they weren't open but he knocked on the door and a lady let him in and he asked them if they had seen his medicine and he saw a bottle on the back of the counter. He didn't get his medicine but he got his jacket and he walked down to Bojangles and got a drink. Kenneth Coffey said that he bought a twelve pack of beer in the bottles and he drank four or five of them and Coy drank the rest of them.

Kenneth Coffey was asked about Bobby Bragg and he said that Bragg is carrying a trailer hitch ball which is chrome, and it screws down on a stud and Bragg carries it in a white sock. Bragg also carries a knife with a handle like brass knuckles. Coffey was asked if he had seen Bragg hit anyone and Coffey said that Bragg had hit Dole Pitts and a Roger Winkler and Bobby Bragg had also hit Coffey's (estranged) wife, Louise Coffey and she had to get several stitches.

**INTERVIEW SHEET (Continuation)**




000179

## INTERVIEW SHEET

**Name:** Kenneth Eugene Coffey
**Interviewed by:** Det. M.W. Shook and Det. J.B. Harrison
**Location of Interview:** Boone Police Department, Detective Division
**Date:** 1/6/95 **Time:** 1357 hours

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**Address:** Rt. 4, Box 519, Boone, NC 28607
**Employer:** Jack Coffey, Rt. 4, Box 519, Boone, NC
**Home Phone:** 704-265-2126 **Work:** 704-264-4340
**SS Number:** 243-06-4654
**Place of Birth:** Watauga County, NC
**Relative:** Jack Coffey
Rt. 4, Box 519
Boone, NC 28607
**Phone:** 704-264-4340
**Scars/Marks/Tattoos:** Scar on forehead
Tattoos on both arms
**Clothing:** Orange Watauga Co. Jail jumpsuit

**Sex:** M
**Race:** W
**Age:** 29
**DOB:** 1/24/65
**Height:** 5/9"
**Weight:** 165
**Build:** Med.
**Eyes:** Blue
**Hair:** Brown

**********

Kenneth states that he had been working with his dad cutting wood. He states that he hadn't worked with Jeff Greene.

On Thursday, 12/8/94, Kenneth got up at 8:00 or 9:00. He was at Jolene Latty's trailer he thinks. He said that he walked to the A. & P. Jim Earp picked him up and took him up town. He said that he sold two rings to Jim Earp. He told Him that he didn't have any money. Kenneth said that he did have money then. He sold them for $10.00. He sold one ring to Jim Earp and the other he sold at High Country Gold & Pawn.

He then went to Diane Griffin's office for a meeting with her about his disability. He then stopped at Boone Drug and had a cup of coffee. He then walked on down town. He was stopped by two deputies who gave him two subpoena's for court. He walked to Bojangles and got a drink. he tried to call Debra Christopher and Shirley Faircloth but he got no answer at either place. He walked down 321 and talked to a man who use to work at Harris Teeter. He talked with him a while. Kenneth then walked over to Coy's. Coy told him that he would like to have some beer. Kenneth went to the Amoco station and bought a twelve-pack of Budweiser in bottles. He went back to Coy's. They sat around and drank. Kenneth then went to sleep on the couch. He said he woke up around 3:00. They sat around talking. Kenneth told Coy

**Interview con't (Coffey)**

that he was going to have to go home and change clothes. Coy then asked Kenneth if he would go get him some liquor. Coy gave him $3.35 to get liquor. Coy got the money out of the front of his overalls. He didn't have a wallet. The money was just loose. Kenneth walked through the trailer park. He was walking by the A & P and he saw Rhonda Carson. He said hello to her. He then walked to the liquor store. As he was walking back, he saw Rhonda again. Kenneth said that he stopped and hugged her and said that he was sorry they broke up. He walked up the street to the mailboxes at the street that Coy lives on. He then saw Bobby Bragg and Joe Cocker or something like that. He described Joe as a white male around 36 years old, blonde hair that was combed to the side. He had blue jeans, shirt and a gray or blue coat and boots. Kenneth said, "Hello, Bob". Bobby said, "Hello, Kenneth". Kenneth told him that he was going to Coy's to take his liquor to him. Kenneth started walking and Bobby and Joe started walking behind him. Kenneth was ten to fifteen feet in front of them.

Kenneth walked into Coy's first and about thirty seconds later, Bobby and Joe walked in. Coy said, "you god damn son-of-a-bitch, get out of my house. Coy was sitting on the bed.

*Kenneth walked in and gave Coy the liquor. Coy told him "thank you". Coy then drank before Bobby and Joe arrived.

While Coy was cussing Bobby, he was trying to get up but he couldn't. Bobby looked mean and shook his head. Bobby then struck Coy with both fists at the same time around Coy's eyes. Coy went back on the bed. When Bobby hit Coy, Coy was trying to stand up. Kenneth said, "Whoa, wait a minute". Kenneth said he saw blood fly. Kenneth said that he and Joe were standing in front of the couch.

Kenneth said that Bobby pulled out a white sock that had the trailer hitch in it out of his coat pocket. Bobby had the sock in his right hand and hit Coy in the face with it. Coy then fell in the floor. Coy was lying near the hallway near his bed. Kenneth said that he got scared and left. Kenneth ran past the trailer in front of Coy's and went between the trailers and went to the A & P. He called Shirley and asked her to pick him up.

*Kenneth said that when he was walking back from the liquor store, he stopped and called Shirley. She told him to call her back in twenty minutes.

**Interview con't (Coffey)**

He sat down and ten minutes later, Bobby and Joe walked up. Kenneth was sitting on the benches near the place where they play bingo. Bobby and Joe walked around the side of the building near the field. Bobby grabbed him and threw him against the wall. Bobby said, "If you say anything about me hitting Coy, you son-of-a-bitch, I'll kill you or I'll have my brothers in Mountain City will do it". Bobby then threw $265.00 at him. Bobby pulled loose money out of his pocket. Kenneth said that he didn't want the money but he picked it up anyway. Bobby and Joe walked away, walking towards Roses. Shirley, five minutes later, came by and picked him up. They went to Blowing Rock. They went to a bar that's above Ichabods. They drank. He had two beers and Shirley had a mixed drink and ate.

They then went to Ichabods. Kenneth got the man to open up the pool room. They shot a game of pool. Kenneth drank a couple beers. They left. They stopped at the Wilco or the Pantry and bought beer. They then went to Shirley's house. He drank a beer while Shirley was listening to the radio. They went to bed. The next morning, Hazel Beyers called and said that Coy was dead. Shirley said, "You don't guess they are going to blame it on you?" Kenneth said, "Why are you saying something like that?" There was a knocking at the door. Kenneth told her to "go ahead and open it up. I've got nothing to hide".

*Kenneth said that his brother, Junior, called him and said that the law was looking for him. Kenneth said that he tried to call his dad but got no answer. He said that he didn't try to call anyone else.

Shirley opened the door. The detectives said that they needed to talk to Kenneth about his going to prison on the 3rd. Kenneth got into the car and went to the Boone Police Department.

**I have read this statement back to Kenneth Coffey and Kenneth said that he will sign this statement as a true and accurate statement.**

**Signed:** **Kenneth Eugene Coffey**

**Friday, 1/6/95 at 4:29 PM**

**Witness:** **Det. J. Harrison**

**Interview con't (Coffey)**

At 1710 hours, Kenneth said that Joe Cothran was not there. He said that Rhonda Carson was with Bobby when they walked to Coy's trailer. While everything was going on, Rhonda stood on the porch.

Kenneth said that he took the liquor to Coy. Coy took it. Bobby came in and was cussing at Kenneth by saying, "I've got your woman now". Kenneth said, "I don't want to hear that; you go to hell". Coy then told Bobby, "You god damn son-of-a-bitch, you get out of my house". Bobby then started hitting Coy. Coy then dropped the bottle of liquor.
While Kenneth and Bobby were arguing, Bobby pushed Kenneth down.

Kenneth said that on 12/8/94 at 0730 hours, he heard Bobby Bragg and Greg Richardson talking about going to Henryk's to break in to get money.

**I have had this amended statement read to me and this is a true and accurate statement.**

**Signed:** **Kenneth Eugene Coffey**

**Jan. 6, 1995 / 5:58 PM**

# BOONE POLICE DEPARTMENT

## INTERVIEW SHEET

Name: Kendra Evans Coffey

Interviewed by: Det M. Shook + Det J. Harrison

Location of Interview: Boone P.D. (Detective Division)

Date: January 6, 1995 Time: 1:57 AM (PM)

**********

Address: Rt 4 Box 519

City: Boone State: NC Zip: 28607

Employer: Jack Coffey

Address: Rt 4 Box 519

City: Boone State: NC Zip: 28607

Phone: Home (704) 265-2136 Work (704) 264-4340

SEX: M RACE: W AGE: 29 DOB: 1/29/65

HEIGHT: 5'9" WEIGHT: 165 BUILD: med.

EYES: Blue HAIR: Brown

COMPLEXION: med. POB: Watauga

SOCIAL SECURITY #: 243-06-4654 OL #: N/A

RELATIVE: Jack Coffey PH. (704) 264-4340
ADDRESS: Rt 4 Box 519
CITY: Boone, STATE: NC ZIP: 28607

ASSOCIATES: PH. ( )
ADDRESS:
CITY: , STATE: ZIP:

SCARS/~~MARKS/TATTOOS~~: on Forehead. Tattoos on both arms

CLOTHING: Orange Watauga Co. Jail Jumpsuit.

PRIOR RECORD:

AMPUTATIONS: None.

VICTIM: WITNESS: SUSPECT: ✓ OTHER:
RIGHTS ADVISED: YES ✓ NO (ADULT ✓ JUVENILE )
NON-CUSTODIAL INTERVIEW: YES NO ✓

INTERVIEW SHEET (Continuation)

Kenneth states that he had been working with his dad cutting wood. He states that he hadn't worked with Jeff Greene.

On Thursday 12-8-94 Kenneth got up at 8 or 9 o'clock. He was at Jolene Latty's trailer he thinks. He said that he walked to the A+P. Jim Earp picked him up and took him uptown. He said that he sold 2 rings to Jim Earp. He told Jim that he didn't have any money. Kenneth said that he did have money then. He sold them for $10.00 s. He sold one ring to Jim Earp and the other he sold at High Country Gold + Pawn.

He then went to Diane Griffin's office for a meeting with her about his disability. He then stopped at Boone Drug and had a cup of coffee. He then walked on downtown. He was stopped by 2 dupetics who gave him 2 subpeona's for court. He walked to Murphy's Restaurant to try and find his medicine. They had his jacket but no medicine. He walked to Bojangles and got a drink. He tried to call Debra Christopher and Shirley Faircloth but he got no answer at either place. He walked down 321 and talked to a man that use to work at ~~Lowes Food Store~~. Harris-Teeter. He talked with

INTERVIEW SHEET (Continuation)

him awhile. Kenneth then walked over to Coy's. Coy told him that he would like to have some beer. Kenneth went to the Amoco station and bought a 12 pack of Budweiser in bottles. He went back to Coy's. They sat around and drank. Kenneth then went to sleep on the couch. He said he woke up around 3 o'clock. They sat around talking. Kenneth told Coy that he was going to have to go home and change clothes. Coy then asked Kenneth if he would go get him some liquor. Coy gave him $3.35 to get liquor. Coy got the money out of the front of his overalls. He didn't have a wallet the money was just loose. Kenneth walked through the trailer park. He was walking by the apt and he saw Rhonda Green. He said hello to her. He then walked to the liquor store. As he was walking back, he saw Rhonda again. Kenneth said that he stopped and hugged her and said that he was sorry they broke up. He walked up the street to the mailboxes at the street that Coy lives on. He then saw Bobby Bragg and Joe Cocker or something like that. He described Joe as a white man around 36 years old, black hair that was combed to the side. He had blue jeans, shirt, a gray or blue coat + boots.

INTERVIEW SHEET (Continuation)

Kenneth said "Hello, Bob". Bobby said "Hello Kenneth". Kenneth told him that he was going to Coy's to take his liquor to him. Kenneth started walking and Bobby and Joe started walking behind him. Kenneth was 10 to 15 feet in front of them. Kenneth walked into Coy's first, about 30 seconds later Bobby Bragg and Joe walked in. Coy said "You God damn son of a bitch, get out of my house." Coy was sitting on the bed.

* Kenneth walked in and gave Coy the liquor. Coy told him thank you. Coy then drank before Bobby and Joe arrived.

- While Coy was cussing Bobby he was trying to get up but he couldn't. Bobby looked over and shook his head. Bobby then struck Coy with both fist at the same time around Coy's eyes. Coy went back on the bed. When Bobby hit Coy, Coy was trying to stand up. Kenneth said "Whoa, wait a minute." Kenneth said he saw blood fly. Kenneth said that he and Joe were standing in front of the couch. Kenneth said that Bobby pulled out a white sock that had the trailer hitch in out of his coat pocket. Bobby had the sock in his right hand and hit Coy in the face

INTERVIEW SHEET (Continuation)

with it. Coy then fell in the floor. Coy was lying near the hallway near his bed. Kenneth said that he got scared and left. Kenneth ran past the trailer in front O'Coy's and went between the trailers and went to the A+P. He called Shirley and asked her to pick him up.

X Kenneth said that when he was walking back from the liquor store he stopped and called Shirley. She told him to call her back in 20 minutes.

He sat down, 10 minutes later Bobby and Joe walked up. Kenneth was sitting on the benches near the place where they play bingo. Bobby + Joe walked around the side of the building near the field. Bobby grabbed him and threw him against the wall. Bobby said "If you say anything about me hitting Coy, you son of a bitch, I'll kill you. or I'll have my brothers in MTN city will do it". Bobby then threw $265.00 at him. Bobby pulled loose money out of his pocket. Kenneth said that he didn't want the money, but he picked it up anyway. Bobby + Joe walked away walking towards Roses. Shirley 5 minutes later came by and picked him up. They went to Blowing Rock.

INTERVIEW SHEET (Continuation)

They went to a bar that's above Ichabod's. They drank. He had 2 beers and Shirley had a mixed drink and ate.

They then went to Ichabods. Kenneth got the man to open up the pool room. They shot a game of pool. Kenneth drank a couple beers. They left. They stopped at the willa or the pantry and brought beer. They then went to Shirley's house. He drank a beer, while Shirley was listening to the radio. They went to bed. The next morning Hazel Beyers called and said that Guy was dead. Shirley said "You don't guess they are going to blame it on you!" Kenneth said "Why are you saying something like that" There was a knocking at the door. Kenneth told her to go ahead and open it up, I've got nothing to hide.

* Kenneth said that his brother Junior called him and said that the law was looking for him. Kenneth said that he tried to call his dad but got no answer. He said that he didn't try to call anyone else.

= Shirley opened the door. The detectives said that they needed to talk to Kenneth about him going to prison on the 3rd. Kenneth got into the car and went to the Boone P.D.

INTERVIEW SHEET (Continuation)

I have read this statement back to Kenneth Eugene Caffey and Kenneth said that he will sign this statement as a true and accurate statement

x Kenneth Eugene Caffey

[redacted] - FRIDAY 1-6-95

4:29 P.M.

Det. D [illegible]

1-6-95

INTERVIEW SHEET (Continued)

# 1710 hrs. Kenneth said that Joe Coffman was not there. He said that Rhonda Carson was with Bobby when they walked to Coy's trailer. While everything was going on Rhonda stood on the porch.

- Kenneth said that he took the liquor to Coy. Coy took it. Bobby came in and was cussing at Kenneth by saying "I've got your woman now." Kenneth said "It don't matter to hear that, you go to Hell." Coy then told Bobby "You goddamn sonofabitch, you get out of my house." Bobby then started hitting Coy. Coy then dropped the bottle of liquor.

- While Kenneth & Bobby were fighting Bobby pushed Kenneth down.

- Kenneth said that on 12-8-94 at 6730hrs. he heard Bobby Bragg & Greg Richardson talking about going to Hawk's to break in to get money.

I have had this amended statement read to me and this is a true and accurate statement.

Coffman

Kenneth Culpepper

Jan 6 1995

5:58 pm.

Coffey Statement to Agent Jones - 3/21/1995



MR. WILSON: Your Honor, we would call Agent J.J. Jones. I believe he's gone to get him.

THE COURT: Okay, sir.

The witness, JONATHAN L. JONES, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION (by Mr. Wilson):

Q. Tell us your name, sir, and your occupation.

A. My name is Jonathan Lee Jones and I am an agent with the North Carolina State Bureau of Investigation.

Q. How long, sir, have you been an SBI agent?

A. Approximately 18 years.

Q. Sir, on the -- during March of 1995, the 21st of March of 1995, did you see Kenneth Eugene Coffey?

A. I did.

Q. Where did you see him, sir?

A. At the SBI office in Hickory.

Q. All right. Now, were there other persons with him at the time you first saw him?

A. There was.

Q. Who was with him, Agent Jones?

A. When I first saw Kenneth Coffey, Mark Shook was with him.

Q. All right. Now, did you know at the time who Mark Shook was?

A. Only by name. And I could have met him in the past.

I'm unsure of that. I knew he was an officer, a detective, an investigator. I knew that.

Q. Agent Jones, while there at the Hickory SBI office, did you have an opportunity to talk with Kenneth Coffey concerning the death of Coy Hartley?

A. I did.

Q. What statements did he first make to you concerning the death of Coy Hartley?

MR. WILSON: And we'd tender them as corroborative only, Your Honor.

MR. HEDRICK: Your Honor, I object unless they're corroborative or inconsistent.

THE COURT: Okay, sir. The objection is overruled.

Members of the jury, this is offered for the purpose of corroborating the witness Kenneth Coffey's testimony if you find that it does corroborate his testimony. It's offered for that and for no other purpose.

Q. Go ahead, sir, with what statement he first made to you concerning that.

A. Kenneth said he didn't get the money from Bragg, that he got the money from selling drugs, marijuana; that he saw Bragg pick up Coy's wallet off the floor, described it as being big and long; that Bragg hit him, Kenneth, in

the ribs with a sock and Kenneth then ran; that when they came into the door, Bragg called Coy a son of a bitch. Bragg then hit Coy one or two times; that Coy fell to the floor.

Q. Sir, did he later give you a second statement concerning the death of Mr. Hartley?

A. He did.

Q. How long after the first? I know you don't know exactly, just some approximation if you can.

A. Approximately an hour, not -- just off the top of my head.

Q. All right, sir. Go ahead with what the second statement was.

A. Kenneth said he did not tell the officers the truth about the money. He said he was handed the money, approximately $260, by Bragg. Bragg got the money out of a long wallet that fell out of Coy's pocket or bib as Bragg was beating Coy; that Bragg just, quote, went off, end quote; that Bragg even hit him, Kenneth, in the ribs with the sock.

Q. Sir, did you take or -- did you take a third, more lengthy statement from him on that day?

A. I did.

Q. How long after the second statement was that, again, approximately?

A. Approximately 30 minutes.
Q. All right, sir. What did he tell you during the third statement? Now, sir, as I look at it, is there -- as you have written it out at this point, is there a mistake in your recordation of this third statement?
A. There is.
Q. As you approach that mistake, sir, would you tell the jury what the mistake appears in your notes and what -- the way it should in actuality be.

MR. HEDRICK: Your Honor, I'm going to object to Mr. Wilson characterizing anything as a mistake. That's a leading question.

THE COURT: Well, members of the jury, you're not to consider the characterization by the question.

Q. Go ahead, sir.
A. Kenneth said he left to get Coy liquor. When returning, he met Bragg who asked Kenneth what he was doing. Kenneth told he and Coy were drinking. Bragg asked Kenneth about robbing, stealing Coy's money when Coy got drunk. Kenneth said at first he said he didn't want to. As they walked, Bragg asked Kenneth to help steal Coy's money after Coy got drunk. Kenneth told Bragg Coy, quote, wasn't feeling any pain, end quote, and agreed to steal Coy's money.

Kenneth and Bragg went in Coy's trailer. Coy

and Kenneth were seated. Coy wanted Bragg to leave. Coy had one drink of the liquor. Coy got mad at Kenneth along with Bragg. Kenneth said he, knowing Bragg was going to have to leave, then hit Coy a number of times in the head and about the face, less than five times. Kenneth said he used his fist and open hand. Kenneth said he was the first to hit Coy, that Kenneth -- and that is my mistake. That should be Bragg -- that Bragg hit Coy with a sock with a trailer ball in it. He had seen the sock and ball the week prior; that blood flew; that Coy got up once or twice and was knocked back down; that Kenneth saw Coy's wallet fall out of his pocket or bib onto the floor. Bragg picked up the wallet and gave Kenneth approximately $260 cash and told Kenneth not to say anything; that Kenneth then left.

Kenneth said he didn't -- excuse me. Kenneth said he doesn't know why he hit Coy first unless when Bragg left, he would have been alone. Kenneth said Bragg killed Coy; that he, Kenneth, hit Coy with his fist and hands.

Q. Is that the complete third statement that was taken from him?

A. It is.

MR. WILSON: That's all.

SBI-53 7-86

# N.C. STATE BUREAU OF INVESTIGATION

## POLYGRAPH REPORT

POLYGRAPH FILE # (411)RPG95JJ006 EXAMINER J. L. Jones

SBI INVESTIGATIVE FILE # 494-H-32

DATE OF EXAM March 21, 1995 EXAM LOCATION Catawba (County) Hickory (City)

NC095016 PD

REQUESTING AGENCY Boone Police Deptartment OCA# 94-16953

INVESTIGATORS Det. Harrison and Det. Shook

OFFENSE Homicide 0999 OFFENSE DATE 120894

CRIME LOCATION Watauga (County) Boone (City)

VICTIM Marvin Coy Hartley E/C

RACE W SEX M DOB 012518

ADDRESS 193 Winter Dr. Boone, NC

EXAMINEE Kenneth Eugene Coffey E/C

RACE W SEX M DOB 012465 HEIGHT 510 WEIGHT 175

ADDRESS Watauga County Jail Boone, NC

TYPE Suspect (Victim, Witness, Suspect, Defendant, Applicant)

#TESTS 3

OPINION NDI DI XXX I

R S RE

C NS

RECEIVED

NUMERICAL EVALUATION -7

REMARKS: RELEVANTS: DY STRICK COY?(-)
DY BEAT COY?(-)
DY PLAN TO ROB COY?(-)

POST-TEST CONFESSION TO PLANNING TO ROB COY AND BEATING COY. STATEMENT TAKEN BY JONES THEN DET. SMITH.

000081

## INTERVIEW SHEET

**Name:** Kenneth Eugene Coffey
**Interviewed by:** Det. M.W. Shook
**Location of Interview:** SBI Office in Hickory, NC
**Date:** 3/21/95 **Time:** 1445 hours

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**Address:** Rt. 4, Box 519, Boone, NC 28607
**Employer:** Jack Coffey
**Address:** Rt. 4, Box 519, Boone, NC 28607
**Home Phone:** 704-265-2126
**Work Phone:** 704-264-4340
**Place of Birth:** Watauga County
**SS Number:** 243-06-4654
**Scars/Tattoos:** Scar on forehead

**Sex:** M
**Race:** W
**Age:** 29
**DOB:** 1/24/95
**Height:** 5'9"
**Weight:** 165
**Build:** Medium
**Eyes:** Brown

**********

Kenneth was at Coy's trailer from 1230 hours and he and Coy were drinking beer. Both were pretty drunk. Around 1500 hours, Coy gave Kenneth $3.35 to go to the ABC Store and get him a bottle of Popov Vodka.

On his way back to Coy's trailer, he met Bobby Bragg at the mailboxes at Winter Drive. Kenneth told Bobby that he was going to Coy's. Bobby asked Kenneth if Coy had anymore money. Kenneth said, "Yeah, I guess". Bobby said, "I am going up there and rob him". Kenneth said, "Hell no you are not". Bobby said, "C'mon Ken". Bobby said, "We will go get Coy drunk and take his money". Kenneth said, "Okay".

They walked up to Coy's trailer and went inside. Kenneth gave Coy his liquor. Coy told Bobby, "Get the god damn hell out of my house". Kenneth then struck Coy in the face two times. Coy then started cussing them both. Bobby then pulled Kenneth back. Bobby then started hitting Coy in the head with the trailer hitch ball that was in a white sock, about four times. Coy fell to the floor and his wallet fell out of his back pocket. (This was where the body was when the police found it). Coy was lying beside his bed near the hallway.

Bobby Bragg picked the wallet up and said, "Here is some money". Kenneth said, "I don't want the damn stuff". Bobby then grabbed Kenneth by the front of the shirt and told him that he had better not say anything or he'd be sorry. Bobby gave him $265.00. Bobby said that he was going this way. He went through the parking lot of the old Roses. Kenneth went to the A & P to call Shirley Faircloth to come get him.

**Interview con't (Coffey)**

Kenneth said that his lawyer told him not to sign anything, even though Kenneth said that the above statement is true.

Signed: Det. M. W. Shook 3/21/95 3:21 PM

Witness: J. L. Jones 3/21/95
N.C. SBI

Kenneth states that Rhonda Carson had walked into the trailer when Bobby was hitting Coy with the ball in the sock.

K.C.

# BOONE POLICE DEPARTMENT

## INTERVIEW SHEET

Name: Kenneth Eugene Coffey

Interviewed by: Det M L Shook

Location of Interview: SBI Office in Hickory, NC

Date: March 21, 1995 Time: 2:45 AM (PM)

**********

Address: Rt 4 Box 518

City: Boone State: NC Zip: 28607

Employer: Jack Coffey

Address: same address

City: State: Zip:

Phone: Home (704) 265-2126 Work (704) 264-9340

SEX: Male RACE: White AGE: 29 DOB: 1/29/65

HEIGHT: 5'9" WEIGHT: 165 BUILD: Medium

EYES: Blue HAIR: Brown

COMPLEXION: Medium POB: Watauga County

SOCIAL SECURITY #: 243-06-4654 OL #: N/A

RELATIVE: PH. ( )
ADDRESS:
CITY: , STATE: ZIP:

ASSOCIATES: PH. ( )
ADDRESS:
CITY: , STATE: ZIP:

SCARS/MARKS/TATTOOS: Scar on Forehead; Tattoos on Both Arms

CLOTHING:

PRIOR RECORD:

AMPUTATIONS:

VICTIM: WITNESS: SUSPECT: X OTHER:
RIGHTS ADVISED: YES X NO (ADULT X JUVENILE )
NON-CUSTODIAL INTERVIEW: YES NO X

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INTERVIEW SHEET (Continuation)

Kenneth was at Coy's trailer from 1230hrs. and he and Coy was drinking beer. Both were pretty drunk. Around 1500hrs Coy gave Kenneth $3.35 to go to the ABC store and get him a bottle of Popov vodka.

On his way back to Coy's trailer he met Bobby Brass at the mailboxes at winter drive. Kenneth told Bobby that he was going to Coy's. Bobby asked Kenneth if Coy had any more money. Kenneth said yea, I guess. Bobby said "I am going up there and rob him. Kenneth said "Hell no you are not." Bobby said "C'mon Ken."

Bobby said "We will go get Coy drunk and take his money." Kenneth said "OK."

They walked up to Coy's trailer and went inside. Kenneth gave Coy his liquor. Coy told Bobby "Get the Goda Hell out of my house." Kenneth then struck Coy in the face 2 times. Coy then started cussing them both. Bobby then pulled Kenneth back. Bobby then started hitting Coy in the head with trailer hitch ball that was in a white sock about 5 or 6 times. Coy fell to the floor and his wallet fell out of his back pocket. (This was where the body was when the police

000311

INTERVIEW SHEET (Continuation)

found it) Coy was lying beside his bed near the hallway.

Bobby Brass picked the wallet up and said "Here is some money." Kenneth said "I don't want the damn stuff." Bobby then grabbed Kenneth by the front of the shirt and told him that he had better not say anything or he'd be sorry. Bobby gave him $265.00. Bobby said that he was going this way. He went thru the parking lot of the old Roses. Kenneth went to the ATP to call Shirley Fairclo to come get him.

Kenneth said that his lawyer told him not to sign anything. Even though Kenneth said that the above statement is true.

Det M. W. [illegible] 3-21-95 3:21 pm

Witness: [illegible]

NCSBI [illegible] Jones 3-21-95

Kenneth states that Rhenda Carson had walked into the trailer when Bobby was hitting Coy with the ball in the sock

K.C.

000312

# CASE CONTACT SHEET

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On **Tuesday, 3/21/95** at 1040 hours, Det. Harrison and I went to the Watauga County Jail and picked Kenneth Coffey up to take him to Hickory for a polygraph test.

At 1141 hours, Det. Harrison and I stopped at Hardees in Granite Falls, NC and got Kenneth a cheeseburger, fries and a drink for lunch.

At 1152 hours, we arrived at the SBI office in Hickory. Kenneth and I stayed in the waiting room while Det. Harrison went with SBI Agent J. Jones.

At 1215 hours, Kenneth was taken into SBI Agent Jones' office. I stayed in the waiting room.

At 1445 hours, Agent Jones came into the waiting room and advised Det. Harrison and myself that Kenneth confessed to hitting Coy Hartley, along with Bobby Bragg, and taking money from Coy. Agent Jones also said that Kenneth said that he didn't want to talk to Det. Harrison or Agent Wilson but he wanted to talk to me. I went with SBI Agent J. Jones back to the room where Kenneth was. SBI Agent J. Jones went over what Kenneth told him during the polygraph test. He asked Kenneth if it was correct. He said it was. *I asked Kenneth what he wanted to talk to me about. Kenneth said that he wanted to tell me what had happened at Coy's trailer. I told him that I was going to write this statement down and he said it was okay. Kenneth then told me what happened. (See interview).

At 1518 hours, I showed the statement to Det. Harrison. He and SBI Agent Jones went back into the office where Kenneth was. I asked him if he wanted to sign the statement. He said that that was the truth but his lawyer told him not to sign anything unless they were there to see it. SBI Agent Jones, Det. Harrison and myself signed the statement. We left the SBI office and took Kenneth Coffey back to the Watauga County Jail.

SBI CASE: 1994-01648 (494-H-32)
ACTIVITY: February 7, 1996
VICTIM: Coy (NMN) Hartley
DICTATED: February 8, 1996
RECEIVED: February 12, 1996
TYPED: February 13, 1996
COPIES: (1) Records; (2) SA D. S. Wilson; (3) SAC J. S. Momier, Jr.; (4) District Attorney J. T. Rusher

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Kenneth Eugene Coffey, W/M/DOB: 01/24/65; Residence: North Carolina Department of Correction (Facility), Central Prison, Raleigh, North Carolina, Telephone: 919-733-0800; (Suspect):

Interviewed between approximately 4:02 p.m. and 4:17 p.m. on Wednesday, February 7, 1996, at the Ashe County Jail conference room in Jefferson, North Carolina, by SA D. S. Wilson.

Coffey had been convicted of murder in this case and was given a life sentence. He had been transported from Central Prison and was presently housed in the Ashe County Jail pending his anticipated testimony in the trial of co-defendant Robert Charles Bragg. Bragg's trial began with jury selection on Monday, February 5, 1996, in Watauga County Superior Court in Boone, North Carolina.

Prior to Coffey's trial and subsequent conviction for the murder of Coy Hartley, he, through his attorney, Robert West, was offered a plea arrangement and which was contingent upon his truthful testimony in future court proceedings. Coffey refused the proposed plea arrangement and opted for a jury trial.

SA Wilson was advised on the afternoon of February 7, 1996, Coffey had requested through jailers to speak with Assistant District Attorney Jerry Wilson. SA Wilson was in turn instructed by Assistant District Attorney Wilson to contact Coffey at the Ashe County Jail instead. Assistant District Attorney Wilson advised Coffey was apparently wanting guarantees from the district attorney's office that his court disposition would be amended if he testified during Bragg's trial. SA Wilson was instructed to hear Coffey's statements and advise Coffey that no promises could be made to him in exchange for his true testimony in court proceedings.

SA Wilson met with Coffey inside the Ashe County Jail and advised him of his Constitutional Rights as they appeared on a Miranda Form. SA Wilson made a check mark beside each right as Coffey indicated he understood that statement. Coffey then signed the form indicating his waiver of his Miranda Rights.

Coffey then told SA Wilson that he did not intend to testify

against Bobby Bragg unless he was given a written promise of help in his case and which was signed by a judge. He had heard that Bobby may "walk" if he (Coffey) did not testify. He (Coffey) was already serving time for a guilty man (referring to Bragg) and what difference did it make if he continued doing so. He hoped that Bobby was convicted cause it was not right that he take all this by himself. However, he wanted a promise that he would get some help if he testified. Everybody, including the police and his lawyer, screwed him last time and he got convicted. The police were in on it with his lawyer and as much at fault for his being convinced he would be found not guilty. He was not going to do anything to help the prosecution now after what happened to him.

SA Wilson told Coffey he nor the district attorney's office could make him any promises. It was the state's desire that he, like any witness, testify truthfully regarding his knowledge of Hartley's murder if and when he was called to do so. SA Wilson also told Coffey that no one on the prosecution's side, including SA Wilson and other investigators, ever told him anything that was not the truth. The only thing he was ever encouraged to do by SA Wilson or other investigators was tell the truth regarding the murder of Coy Hartley and for the simple reason that telling the truth was the right thing to do. Coffey was also told that law enforcement nor anyone from the district attorney's office was involved in the decision by he and his attorney to require a jury trial. SA Wilson stated all he could tell Coffey was that he should be truthful if he was called to testify in court and that no promises could be made to him regardless of what he did or did not do in the future.

This contact was concluded at approximately 4:17 p.m.

DSW:lm

(Attachment #1)

# Bragg Interview & Arrest

Bragg was arrested on Saturday, December 10, 1994 and interviewed in Mountain City, TN. This was the only statement that Bragg provided to law enforcement. The report of the interview with Bragg is included below. Bragg (and others) reference the arrest of James "Jay" Manuel on Wednesday, December 7, 1994. An arrest report and jail records for Manuel's arrest are included below.

| | |
|---|---|
| SBI FILE: | 494-H-32 |
| ACTIVITY: | December 10, 1994 |
| VICTIM: | Coy Hartley |
| DICTATED: | February 7, 1995 |
| RECEIVED: | February 14, 1995 |
| TYPED: | February 21, 1995 |
| COPIES: | (1) Records; (2) SA D. S. Wilson; (3) SAC J. S. Momier, Jr.; (4) District Attorney J. T. Rusher |

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Robert Charles Bragg, AKA: Bobby, W/M/DOB: 03/08/53; Residence: None; Business: None; (Suspect):

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Interviewed between 9:30 p.m., on Saturday, December 10, 1994, and 1:25 a.m., on Sunday, December 11, 1994, at the Johnson County, Tennessee Sheriff's Office, Detective Division, in Mountain City, Tennessee, where Bragg was in custody in the Johnson County Jail by Detective J. B. Harrison and SA D. S. Wilson.

Mr. Bragg's Social Security Number is 231-78-1969 and his Tennessee operator's license number is 43758390.

Prior to any questions being asked of Bragg, he was advised of his Miranda Rights as read to him from a written form. Bragg was asked to follow along as SA Wilson read from the form. Bragg appeared to do this. At the conclusion of SA Wilson reading each right, Bragg's verbal response was indicated in the right hand column. After being advised of his Miranda Rights, SA Wilson read the lower paragraph containing a waiver of those rights. SA Wilson told Bragg that if he wished to waive his Miranda Rights and talk with investigators, he should indicate same by placing his signature on the form. Bragg's signature was witnessed in writing by SA Wilson and Detective Harrison.

Bragg then made the following statement:

Bragg went to the residence of Coy Hartley on Tuesday night, December 6, 1994, at approximately 7 or 8 p.m. He asked Coy if he could spend the night there and Coy agreed. Coy lives in a mobile home in Greenway Trailer Park (in Boone, North Carolina). He went to the store for Coy Hartley and purchased a six-pack of Bud beer and a loaf of bread. He also went to Joe's (LNU). He then returned to Coy Hartley's mobile home. He and Coy ate supper together at the trailer.

They both went to bed sometime between 10 p.m., and midnight. He (Bragg) slept on the couch and Hartley was in his bed. At about 3 a.m., Kenneth Coffey arrived. Coffey spent the rest of the night. Coffey never did go to bed. He (Bragg) and Coffey sat up and talked the rest of the night; they did not go back to sleep. Bragg played the guitar. Hartley slept and did not get up.

He (Bragg) left the next morning about 6 to 6:30 a.m. He and Kenneth Coffey walked to the A & P grocery store, which opened at 7 a.m. He and Coffey bought two bottles of wine. The manager of the grocery store asked Coffey if he had been in jail lately. When they left the grocery store, Coffey and Bragg stood beside the A & P building and drank the wine and talked until 10 or 11 a.m.

Coffey and Bragg then walked to a guy named Henry's (last name unknown, is German) residence, which is a blue and white mobile home located on the last row in Greenway Trailer Park. While they were at Henry's, Coffey called Joleen (LNU) to say that Bragg could not come there. Coffey stayed at Henry's, but Bragg left.

Bragg then took the Appalcart bus up to the Harris-Teeter grocery store. There he saw Gary and Darlene Edwards who works at the Harris-Teeter. Gary and Darlene had the motor running in their vehicle. Gary gave Bragg a ride at about 3 or 4 p.m. Bragg rode with Gary to 112 Walen Street in Mountain City, Tennessee. It may have been earlier than 3 to 4 p.m., when they left Boone. He was in Mountain City by 4 or 5 p.m.

Bragg arrived at 112 Walen Street which is a mobile home. James Manuel, who lives in that mobile home, was present. Bragg asked James if he could stay there for a couple of days. James agreed. Bragg left Boone because he was "tired of being harassed by the police." Bragg did not stay with Kenneth Coffey because Coffey was always getting Bragg into trouble.

(At 10:38 p.m., investigators asked Bragg if he wanted to take a break from the interview, and he said yes. Bragg was allowed to go use the rest room at this time. Interview continued at 10:41 p.m., by SA Wilson.)

On Thursday, December 8, 1994, at 4 or 5 p.m., Bragg got with Judy (LNU), who lives in Mountain City.

On Wednesday night, John Shumake was with Jackie (LNU), at Jay's (LNU). John and Jackie left. Later, Bragg and Jay walked to the Town and Country bar and store in Mountain City. Somewhere during this time, he and Jay got separated.

Bragg walked by himself to the 24-hour store and bought a hamburger. He learned that the police later arrested Jay. So Bragg waited out on the street in Mountain City for Jay to get out of the Johnson County Jail. He and Jay then went back to Jay's residence. Big John (John Shumake) and Jackie later arrived at Jay's residence. John got into the residence with a key. John has a key to Jay's residence even though he does not live there.

Bragg then went to his brother's residence with some friends, whose names he does not recall. There are three guys who knew his nephew. Bragg could not recall what they were driving, except that it was a two-door car, about six years old, he'd say the size was average. He thinks the car was light colored, but is not sure. To him, Fords and Chevrolets all look alike.

The three guys range were approximately 18, 18, and 25 years old. Bragg does not know their names. The oldest, approximately 25 years old, is 5'8" to 5'9", 150-160 pounds, has medium length straight dark hair, has no mustache, does not wear glasses, and was wearing jeans. The second guy, approximately 18 years old, was 5'7" to 5'8", about 200 pounds, had brownish curly hair that was not over his ears, had no facial hair, and was wearing blue jeans and some type of shirt. The third guy was about 18 years old, was 5'7" to 5'8", was slim, about 140-150 pounds, and can't say much more about him because he was sitting in the back seat of their vehicle along with the other 18 year old.

These three guys took Bragg to his brother's residence, James "Jim" Bragg, who lives alone. Jim's phone number is 615-727-4360. Jim works at the Levi Strauss Company in Mountain City. They got to Jim's about 9:30 or 10 p.m. Jim had not gone to bed yet. Jim was watching a Clint Eastwood movie. Paul (LNU) came up to Jim's, and they sat and talked in the basement. They went to bed around 11 p.m., or midnight.

Jim and Bragg got up the next morning, Thursday, about 5:30 a.m. Jim drove Bragg to the 24-hour store between 5:30 and 6 a.m. Bragg walked from there to Jay's. Jay's door was not locked,

and Bragg went inside.

Bragg walked over to the big white house and met Judy. He sat and talked with her in her house. About 9:30 a.m., to 10 a.m., he and Judy walked back to Jay's place. He and Judy waited on Jay. He does not know how he found out that Jay had been put in jail the night before. Jay shows up at about 11 a.m. He and Jay go to Chief's. They got a ride from the 24-hour store with Al (LNU) in Al's pickup.

No, now he recalls what happened. That Thursday morning he went to the surplus store between 8:30 a.m., and 9 a.m. He pawned his watch, a gold watch with a gold and silver clip latch band. He is not sure of the brand name, a Quasar or a Timex, maybe an old cheap one. He pawned it for $5. He gave the man $1 for a "grab bag" containing a pair of sunglasses. He decided that he did not want to pawn his watch and traded the man the sunglasses for his watch that he had just pawned.

He also paid the man $1 for a box with three little packages that burn for heat. He took his remaining $3 and left along with his watch.

At 8 a.m., on Thursday, Bragg walked from Jay's to Department of Social Services (DSS). He talked with Belinda Neese about signing up for "Tenncare" health insurance. Belinda gave him (Bragg) $2 in quarters. Bragg kept the application to fill out later. Judy later filled it out for him and mailed it that day. He believes he signed the application. It was after this, going to the Department of Social Services, that he went to the surplus store.

Bragg then walked to the General Dollar Store in Mountain City. He was in the store about ten minutes and purchased some Listerine mouthwash. He also bought two pairs of socks. The clerk at the General Dollar Store was a white female, approximately 35 years old, tall and slim, with brown hair, not quite shoulder length, was not wearing glasses, and he thinks she had on blue jeans.

On Thursday, Bragg was wearing two pairs of pants, two shirts, and three coats. These clothes are in the jail. He is sure that he has not changed his clothes or washed his clothes.

It was then that he ran into Judy at the big white house. This

is the point that he left off in his statement earlier. He drank the Listerine and changed his socks. He then went over to the lady across the street from Judy's and she tells him his fortune. He had his guitar with him. A neighbor lady was also with him. He played some songs and he and Judy walked back to Jay's house.

He, no wait. . .

When he left the General Store, he walked to the big Baptist Church on Main Street. He was wanting to go to Shady Valley to see his sister. A woman inside the church gave him a $10 gas voucher. He then walked up to Jay's and got his guitar. It was then that he walked to Judy's. Now he is back on course with the details.

He and Jay walk to the store and run into Al. They ask Al if he would give them a ride to the Big Chief store if they gave him $2 or $3 for gas. Al put $10 worth of gas in his pickup truck, paid with the $10 gas voucher, and gave Bragg $7 back. This is a routine way to get money using the church's gas vouchers. He agrees that this results in occasions that the church actually pays for an alcoholic's beer or other alcoholic drinks.

Al drove Bragg and Jay to the Big Chief store. Bragg bought two 12-packs of beer using the money he had gotten from the gas voucher. Al then drove Bragg and Jay back to Jay's where they sat around drinking and playing the guitar. Judy came back and forth from her house to Jay's. John Shumake also came by.

At about 1:30 or 2 p.m., John asked Bragg and Jay if they wanted to go to John's house, which is on Highway 421 in Mountain City. Jackie had a car and drove them to John's place. They sat around and sang and drank beer. They ran out of beer. Some guy arrived with a load of firewood. Bragg and Jay unloaded the firewood. The man then drove Bragg and Jay to the shopping center in Mountain City to pawn his guitar. This was about 3 or 3:30 p.m. The pawn shop refused; however, because they already had two of Bobby's things. They left and returned to Jay's.

Bragg decided that he wanted to sell his watch. So Jay took Bobby's watch to some "niggers" in the trailer park, who bought the watch for $10. They ("niggers") live a couple of trailers down.

Then Bragg and Jay got a ride from a guy next door. The guy does not live there, but his mother does. The guy drives a big white Lincoln. The guy drove Jay and Bragg to the Big Chief. Bragg bought two more 12-packs of beer with the $10. They then returned to Jay's.

They continued to drink and Judy came back over. Jackie came back with the kids and John. They all played and sang until sometime between 8 and 10 p.m. They went to bed between 11 p.m., and midnight, right after John and Jackie left. Bragg slept with Judy in the middle room. Bragg did not leave during the night.

Bragg changed his socks because they were dirty and wet from a leak in his shoes. Bragg stepped in a mud puddle in the driveway at Jim's. Bragg asked Jim if it had rained. Jim said the puddle came from a leak in something. Bobby's socks may be on the porch. Judy told Bragg she would wash his socks. He told her she could just throw them away. They were plain white socks. Judy should remember this.

(Between 11:47 p.m., and 12:01 a.m., a break is taken for Bragg to use the rest room and receive a Pepsi after the offer is made by SA Wilson.)

Bragg last saw Joe Lee Cothron in June 1994. Cothron was in Boone and drinking a lot, for two or three days. His understanding was that Cothron left Boone and went to Bristol, and then to West Virginia to see his sister, Phyllis. Bragg has not seen Cothron since then. Everyone in Boone calls Cothron Pretty Boy Joe, because he keeps his hair combed and sometimes shaved. Cothron is from Wilkesboro. He goes to Coy Hartley's a lot. He comes from Wilkesboro and stays with Coy if he's drinking.

His brother, Jim, can be reached at his home in Johnson County, Tennessee at 615-727-4360.

(At 12:56 p.m., Bragg was offered and took another rest room break.)

Bragg stated, "I ain't killed nobody. I was here since Wednesday. I'm innocent."

Bragg was provided with SA Wilson's business card and told to contact investigators if he wished. Bragg was returned to his jail cell at 1:25 a.m., concluding the interview.

DSW:lj

ARREST REPORT

| 1. Last Name | First | Middle | TN ORI | Year | Month | Day | |
|---|---|---|---|---|---|---|---|
| Manuel | James | Allen | 0460100 | 94 | 12 | 7 | 7:50pm |

| 2. Aliases or Nicknames | Sex | Race | D.O.B. | 3. Place of Birth (POB) | 4. C.I.D. # |
|---|---|---|---|---|---|
| | M | W | 1-11-54 | | |

| 5. Home Address | 6. Fingerprint Classification (HENRY) |
|---|---|
| Wayland St | |

| 7. Height | 8. Weight | 9. Hair | 10. Eyes | 11. Marks, Scars, Tatoos, Physical Defects, Medical Appliances (SMT) |
|---|---|---|---|---|
| 6'0" | 173 | Brn | Blue | |

| 12. Soc. Sec. or Military Ser. # (SOC/ASN) | 13. Driver's Lic. # (OLN) Type | State | 14. Occupation and/or Business Address |
|---|---|---|---|
| 230-82-3430 | Revoked | | |

| 15. Complainant | Sex | Race | D.O.B. | 16. Home Address | 17. Phone |
|---|---|---|---|---|---|
| | | | | | |

| 18. Witnesses | Sex | Race | D.O.B. | 19. Home Address | 20. Phone |
|---|---|---|---|---|---|
| a. | | | | a. | a. |
| b. | | | | b. | b. |

| 21. VEHICLE | a. License # (LIC) | b. State | c. Year | d. Type | e. Vehicle Identification No. (VIN) | f. Year | g. Make | h. Model |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | | |

| i. Style | j. Color | k. Other Description or Damage | l. Disposition |
|---|---|---|---|
| | | | |

| 22. WEAPON | Gen. Description | Serial # (SN) | Make | Caliber | Type |
|---|---|---|---|---|---|
| | | | | | |

| 23. PROPERTY | Description |
|---|---|
| | |

| 24. Location of Arrest | 25. Date of Arrest | 26. Number Others Arrested |
|---|---|---|
| Hwy 421 North | 12-7-94 | 0 |

| 27. Charges | 28. TCA Code | 29. Court | 30. Date | 31. Final Disposition |
|---|---|---|---|---|
| a. | a. | a. | a. | a. |
| b. Public Intoxication | b. 39-17-310 | b. G.S. | b. 12-~~8~~4 | b. 9 Am |
| c. | c. | c. | c. | c. |
| d. | d. | d. | d. | d. |

| 32. Arresting Officer | Badge | Unit | 33. Approving Supervisor |
|---|---|---|---|
| Robert L Wells | #6 | 265 | |

34. NARRATIVE: Give all Details of Arrest Including Probable Cause for Each Charge and Any Action Taken by the Arresting Officers. If Juvenile Arrest, Note Parent's or Guardian's Name, Address and Phone Number as Well as School Juvenile Attends. List the Name, Sex, Race and D.O.B. of All Others Arrested with this Subject. If Arrested on Warrant, so Indicate and Note Warrant Number.

See Affidavit

STATUS

| ATTORNEY GENERAL | Date Forwarded | Action Taken | Date | GRAND JURY | True/No True Bill | Date |
|---|---|---|---|---|---|---|
| | | | | | | |

| COURT | Title | Division | Hearings, Continuances, Dispositions, Appeals |
|---|---|---|---|
| | | | |

000200

| CORRECTIONAL INSTITUTION | Name of Facility | Date In | Date Out | NCIC/Ties Entries/Clear Have Been Made By: | Date |
|---|---|---|---|---|---|
| | | | | | |

Page 2 of 2

COUNTY DETENTION FACILITY INMATE MASTER

12-7-94

| NAME | FELONY: T DOC | FELONY: SENT CO | FELONY: NON SENT | FELONY: DETAINEE | MIS: SENT | MIS: NON SENT | SECTION | RACE: WHITE | RACE: BLACK | RACE: OTHER | SEX: MALE | SEX: FEMALE | COMMITT: DATE | COMMITT: TIME | REL: DATE | REL: TIME |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 01 WILSON, Richard | | | | | X | | C | X | | | X | | 6-8-94 | | | |
| ~~02~~ Shoun, April | | | X | | [illegible] | | | X | | | | X | 12-7-94 | 09:30 | 12-7-94 | 15 55 |
| 03 Chris Guy | | | | | X | | B | X | | | X | | 12-7-94 | 18 30 | | |
| 04 James Manuel | | | | | | X | [illegible] | X | | | X | | 12-7-94 | 1900 | | |
| 05 | | | | | | | | | | | | | | | | |
| 06 | | | | | | | | | | | | | | | | |
| 07 | | | | | | | | | | | | | | | | |
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000201

JOHNSON COUNTY JAIL MTN. CITY, TN INTAKE INFORMATION

| LAST NAME | FIRST NAME | MIDDLE | ALIAS | DATE AND TIME OF INTAKE | BOOKING # | AGENCY # |
|---|---|---|---|---|---|---|
| Manuel | James | Allen | NOM | 12-7-94 1900 | JCSO | 046000 |

| ADDRESS | SOCIAL SECURITY NO. | DRIVERS LICENSE NO. | GEN. OCCUPATION |
|---|---|---|---|
| 12 Wayland St | 230-82-3436 | Revoked | Lennox Floyd |

| TELEPHONE # | CITY | STATE | EDUCATION | RELIGION | RACE |
|---|---|---|---|---|---|
| | Mountain | Tenn | 6yrs | | White |

| DATE OF BIRTH | PLACE OF BIRTH | AGE | SEX | EYES | HAIR | WEIGHT | HEIGHT | IDENTIFYING MARKS |
|---|---|---|---|---|---|---|---|---|
| | Galax Virginia | 40 | M | Blue | Brn | 173 | 5'11" | Tattoo on chest |

| EMPLOYED BY | ADDRESS |
|---|---|
| Lennox Floyd | |

| ARRESTING OFFICER | ARRESTING AGENCY |
|---|---|
| Wells Church | MCPD |

| OFFENSE(S) | MITTIMUS NO. - B/T | MITTIMUS NO. A/T |
|---|---|---|
| Public Intoxication | | 7855 |

| DATE AND TIME OF ARREST | VEHICLE DISPOSITION |
|---|---|
| 12-7-94 1900 | NONE |

| BOND | BONDING COMPANY | ATTORNEY | TIME CALLED ATTORNEY |
|---|---|---|---|
| 100.00 | | NO | NO |

| NAME AND RELATIONSHIP OF NEXT OF KIN | ADDRESS OF NEXT OF KIN | PHONE NUMBER OF NEXT OF KIN |
|---|---|---|
| Penny Manuel | Mtn City | NO PHONE |

| COMMITTED UNDER AUTHORITY OF | JUDGE, JUDICIAL COMMISSIONER, CLERK | NAME OF COURT | WHAT COUNTY |
|---|---|---|---|
| Larry Rice | Larry Rice | Session | Johnson |

| SENTENCE BEGINS | SENTENCE EXPIRES | HOLD FOR | DAYS SPENT IN CUSTODY |
|---|---|---|---|
| | | | |

| BEHAVIOR | TIME ALLOWED FOR GOOD BEHAVIOR |
|---|---|
| GOOD | |

| HOW RELEASED | DATE AND TIME OF RELEASE |
|---|---|
| Property Bond / Warren | 12-8-94 10:45 |

| RELEASING OFFICER | COURT DATE: |
|---|---|
| Kathy Jarrell | 12-14-94 |

PICTURE

PICTURE TAKEN:

FINGERPRINTS TAKEN:

OTHER INFORMATION:

PAROLE OR PROBATION OFFICER:

| | | | | |
|---|---|---|---|---|
| ☐ VIOLENT | ☒ NON-VIOLENT | ☐ FELONY | ☒ MISDEMEANOR | ☐ SECURITY RISK |
| ☒ MALE | ☐ FEMALE | ☐ JUVENILE | ☒ ADULT | ☐ HEALTH |

☒ CELL ASSIGNMENT Hall

ENTERING R/I PRINT

RELEASING R/I PRINT

JOHNSON COUNTY SHERIFF DEPT.

000202

96

## Witness Interviews

Law enforcement conducted interviews with numerous individuals regarding the events surrounding the days leading up to and the day of the crime. Those interviews are outlined in the timeline above. The statements given by Rene and Jeffery Nelson are included below.

INTERVIEW SHEET

**Name:** Linda Rene Nelson
**Interviewed by:** Det. Jim Harrison / Det. Mark Shook
**Location of Interview:** Boone Police Department
**Date:** 12/15/94 **Time:** 1753 hours

---

**Address:** 120 Winter Drive, Boone, NC 28607
**Employer:** Burger King, Boone Heights, Boone, NC
**Home Phone:** 264-1802 **Work Phone:** 264-7664
**SS #:** 238-19-7178
**Place of Birth:** Boone, NC
**Relative:** Linda Wilcox, 134 Winter Drive, Boone, NC

**Sex:** F
**Race:** W
**Age:** 25
**DOB:** 11/14/69

**********

Linda said that she remembers Thursday and she takes every Thursday off and when Jeffrey comes in from school, he has to do his homework first, or he doesn't go outside and play. Linda walked up to her mom's and got her sister, Beverly, age 21, and she got Beverly to come down to her trailer while she went to day care (Rainbow Pre-school) which is on Winklers Meadow and the time was between 4:50 and 5:00 PM. Linda states that she was gone maybe ten (10) minutes and she was back home. A few minutes later, Linda stated that Jeffrey had called her outside and Jeffrey told her that he wanted to know why that damn old Kenneth Coffey and Big Bob were following him (Coy) up the road and Jeffrey wouldn't shut up until she came outside and she saw Kenneth Coffey and the guy that she knows as Big Bob (that's the name that the boys used in the neighborhood). Linda said Coy was almost at his trailer and Bobby was saying something "ain't that right", "ain't that right, you son-of-a-bitch, Coy", and Kenneth Coffey was laughing and you could tell they were drunk. Linda said that Jeffrey got on his bike and he (Jeffrey) told her that he saw them go into the house. Linda states that she also saw Big Bob swinging something in his right hand and it had something round in it and the sock was dark in color and he had some kind of coat on that came past his waist and the color was a tanish-green. Kenneth was wearing something like a dark flannel shirt and the flannel shirt was tied around his waist and Kenneth was wearing a thermal shirt which was white in color.

Linda states that she later saw the police cars up at Coys and her mother told her that Coy either had a heart attack or stroke and he was dead. On Friday morning, Mr. Steve Wilson came by her trailer and he was from the SBI and Linda states that she told Mr. Wilson that she saw Kenneth Coffey but when Mr. Wilson told her that there had been a murder, she was too scared to say anything else. Linda said that she has known Kenneth Coffey about two years and Kenneth and his girlfriend named Rhonda got evicted by Mike Garlock and Kenneth thought she had said something to Mike and the time was around this

Interview con't (Nelson)

past July and Kenneth came over to her trailer, banging on it and he said he knew that she had called Mike and he would beat her god damn brains out and if she didn't stop fucking with them, they would beat the fuck out of her. She called her landlord and told himthis and they were run out of the trailer park within a couple of weeks. Linda said that she saw yesterday's newspaper, Watauga Democrat, and it was Big Bob. Linda said that she saw Bob walking back and forth up to Coy's before.

I have read this statement and it is true to the best of my knowledge.

Signed: Linda Rene Nelson
12/15/94
7:12 PM

Witnesses:

Signed: Det. M. Shook
12/15/94
7:12 PM

Signed: Det. Jim Harrison
12/15/94
7:13 PM

## INTERVIEW SHEET

**Name:** Jeffrey Evert Nelson
**Interviewed by:** Det. Jim Harrison / Det. Mark Shook
**Location of Interview:** Boone Police Department
**Date:** 12/15/94 **Time:** 1655 hours

---

**Address:** 120 Winter Drive, Boone, NC 28607
**Employer:** Hardin Park School, 4th Grade
New Market, Boone, NC
**Home Phone:** 264-1802
**Relative:** Linda Rene Nelson (Mother)
120 Winter Drive, Boone, NC 28607

**Sex:** M
**Race:** W
**Age:** 9
**DOB:** 7/22/85

**********

Jeffrey Nelson states that he goes to Hardin Park School and he went to school last Thursday. Jeffrey says that he remembers the day and he said that he was outside playing and he saw an ambulance and police car go up the road to where Coy Hartley lives; that he watched up the road for a while and he went inside and took a bath and then he said he put his shoes on and he went outside with his grandmother, Linda Wilcox.

Jeffrey remembers coming home after school and he said that he rides bus number 40 and he generally gets home at about 3:12 to 3:15 PM everyday. Jeffrey said that he went into the house and he had to do his math and weekly essentials and read. Jeffrey said that he can't recall what he had to read and he said that it didn't take him long to finish his homework. Some days, Jeffrey has to change clothes but he didn't on this day. Also, Jeffrey said that he went outside and he and some of his friends (Eddie Jones, Nick Gray, Steve Jones and Thomas Pope). Eddie lives in the trailer park with his dad, Harold Jones. Steven doesn't live in the trailer park because Steve lives with his mother out in Vilas. They were all playing soccer in Jeffrey's yard and he saw Coy go walking up the road and he saw Coy with his cane in his right hand and it just looked like a wooden stick. Jeffrey said that he saw two men come walking by when Coy was about halfway to his trailer. Jeffrey said that he knows their names because they go up to Coy's trailer all the time and their names are Kenneth Coffey and Bobby Bragg and everyone calls Bobby "Big Bob". Jeffrey said he is sure about these two men but he's not sure about what they were wearing but Bobby had something hanging out of his pants in the front that kind of looked like a stick. Jeffrey says that he saw them go up Coy's steps and open the screen door and Jeffrey says that he went back down the road and he stated that he never did see them leave Coy's trailer.

Interview with Linda Rene Nelson, WF, DOB: 11-14-69, at approximately 8:15am on Friday, December 9, 1994 at her residence in the Greenway Trailer Park, Lot #120, Boone, North Carolina, by SA D. S. Wilson:

She saw a lot of different kinds of people up at Coy Hartley's trailer.

Yesterday, sometime after 3:00pm but before she left to go to the day care at about 5:15pm, it was before dark, she saw Kenneth Coffey come out of Hartley's yard. He was walking fast toward Greenway Drive and looking wild. He did not say anything. He knows not to say anything to her. She does not like him and she thinks he is "trash."

Kenneth was wearing possibly a dark color flannel shirt or jacket. She does not recall any other of his clothing.

# CrimeStoppers Tips

On February 27, 1995 and February 28, 1995, two CrimeStoppers tips were called in.

These CrimeStoppers tips were related to Rhonda Carson and are included in the brief below.

# CRIMESTOPPERS

## 262-4555

**********

CALLER CODE # 2-3 CALL TAKEN BY: 234

DATE/TIME RECEIVED: 2-27-95 1805

**********

1) TYPE OF OFFENSE: Coy Hantley Murder

2) LOCATION OF OFFENSE: Boone NC

3) DATE/TIME OCCURRED:

4) SUMMARY OF OFFENSE: Ronda Canson & Teresa Horton stated that they witnessed the Coy Hantley Murder. Told Caller about a week ago.

**********

CT #1.

NAME: Ronda Canson (white female) ADDRESS: lives with Roger Winkler toward Fern

RACE: W SEX: F AGE: 35 HEIGHT: 5'6" WEIGHT: 140 165 BUILD:

HAIR: white/blonde EYES: IDENTIFYING CHARACTERISTICS:

SUSPECT #2

NAME: Teresa Horton ADDRESS: lives with Roger Winkler

RACE: SEX: F AGE: 27 HEIGHT: 5'5" WEIGHT: 380 165 BUILD:

HAIR: Black (short) EYES: IDENTIFYING CHARACTERISTICS:

SUSPECT #3

NAME: ADDRESS:

RACE: SEX: AGE: HEIGHT: WEIGHT: BUILD:

HAIR: EYES: IDENTIFYING CHARACTERISTICS:

**********

SUSPECT VEHICLE:

MAKE: MODEL: YEAR: COLOR: TAG #: STATE:

IFYING MARKS:

NER: OPERATOR:

**********

OTHER ADDITIONAL INFORMATION:

000682

CRIMESTOPPERS

262-4555

CALLER CODE # 23 CALL TAKEN BY: Sgt. Jim Hanison

DATE/TIME RECEIVED: 2-28-95 0940 hrs

1) TYPE OF OFFENSE: Homicide

2) LOCATION OF OFFENSE: Greenway Trailer Park

3) DATE/TIME OCCURRED: 12-8-94?

4) SUMMARY OF OFFENSE: Caller states that Sometime back that Rhonda Carson Had been talking around some other employee's and this caller stated that Carson was talking and Carson said that She knew she was at Coy Hartley's and Carson said that they hit Coy with a trailer Ritch and blood splattered on the Wall and they, Coffey mentioned, took a bunch of money. Caller stated that Carson was Living out on McKinley Hill with a Roger Winkley, Sugar Grove area.

SUSPECT #1

NAME: _____ ADDRESS: _____

RACE: _____ SEX: _____ AGE: _____ HEIGHT: _____ WEIGHT: _____ BUILD: _____

HAIR: _____ EYES: _____ IDENTIFYING CHARACTERISTICS: _____

SUSPECT #2

NAME: _____ ADDRESS: _____

RACE: _____ SEX: _____ AGE: _____ HEIGHT: _____ WEIGHT: _____ BUILD: _____

HAIR: _____ EYES: _____ IDENTIFYING CHARACTERISTICS: _____

SUSPECT #3

NAME: _____ ADDRESS: _____

RACE: _____ SEX: _____ AGE: _____ HEIGHT: _____ WEIGHT: _____ BUILD: _____

HAIR: _____ EYES: _____ IDENTIFYING CHARACTERISTICS: _____

SUSPECT VEHICLE:

MAKE: _____ MODEL: _____ YEAR: _____ COLOR: _____ TAG #: _____ STATE: _____

IDENTIFYING MARKS: _____

OWNER: _____ OPERATOR: _____

OTHER ADDITIONAL INFORMATION: _____ 000680

according to the caller, Rhonda went to the A&P and the guys ran.

# V. Forensic Analysis

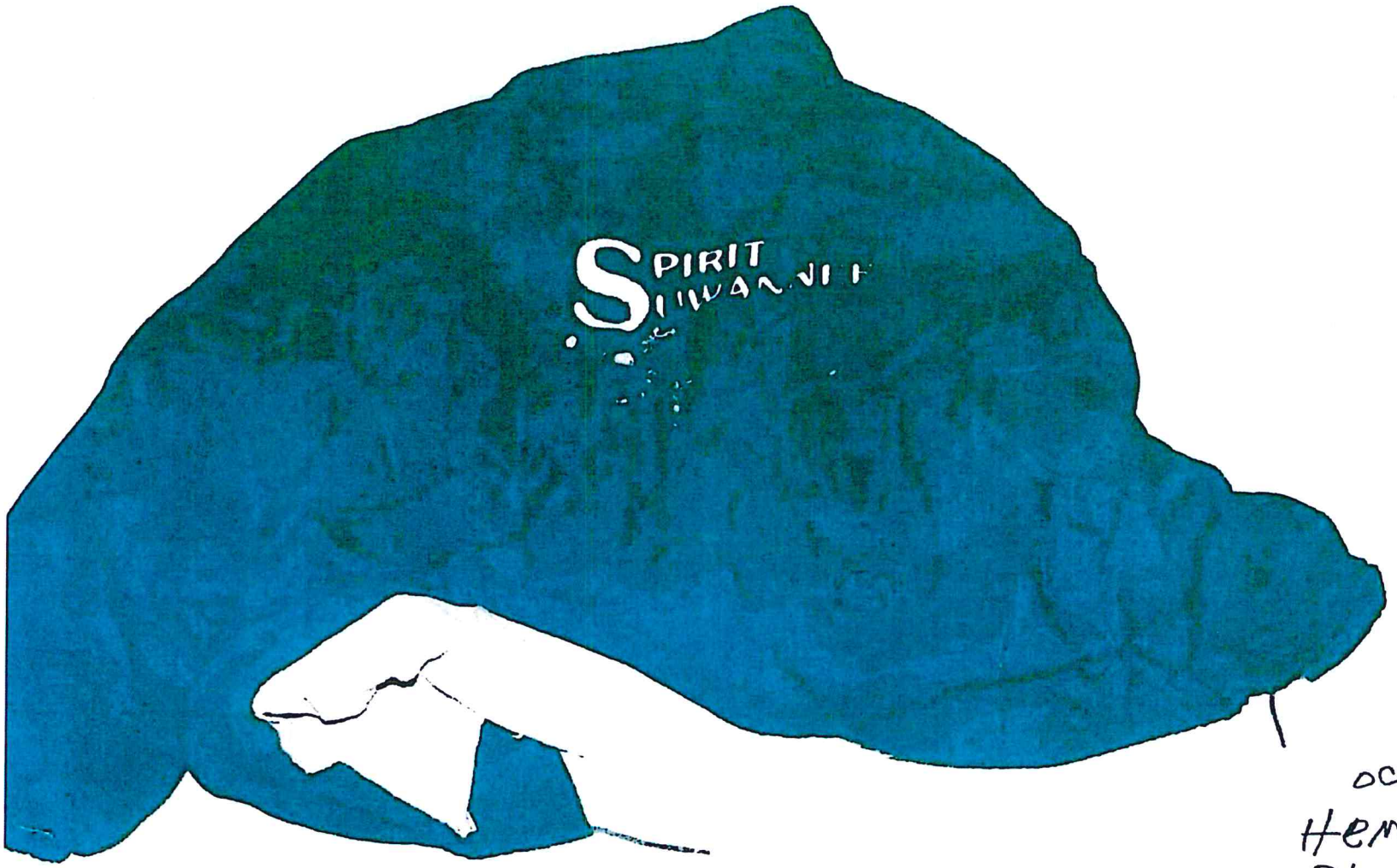
Several items of evidence were collected. Some of these items were submitted to the NC SBI Crime Laboratory for forensic analysis during the initial investigation. Blood analysis was conducted on items of clothing collected from Bragg and items of clothing collected from Coffey. The presence of human blood was revealed on the jacket and jeans of Coffey. Analysis of the remaining items of clothing from Coffey failed to reveal the presence of blood. All items of clothing from Bragg failed to reveal the presence of blood. Follow-up DNA testing of cuttings from the areas from which blood was detected on Coffey's jacket and jeans revealed a DNA profile. No DNA banding pattern other than that of Coffey was obtained from the cutting from Coffey's jacket and the cutting from Coffey's jeans.[4]

Nine latent prints were lifted from the Popov Vodka bottle found at the Victim's residence. Of those, one was determined to be an identifiable latent fingerprint. The SBI Crime Laboratory compared that print to the prints of the Victim, Bragg, Coffey and two employees of the ABC store who were working the day of the crime and handled the bottle during Coffey's purchase. All five individuals were excluded as matching this print. The print remains unidentified.

Photographs of Coffey's clothing, taken by the SBI Crime Laboratory, are included below.

---

[4] The Commission had additional DNA testing conducted on the jacket and jeans with newer and more advanced testing methods. This will be presented at the Commission hearing.




OCA #9416953
Hem #8
Blue COAT
Kenneth Coffey
JH #245
12-13-94 0935

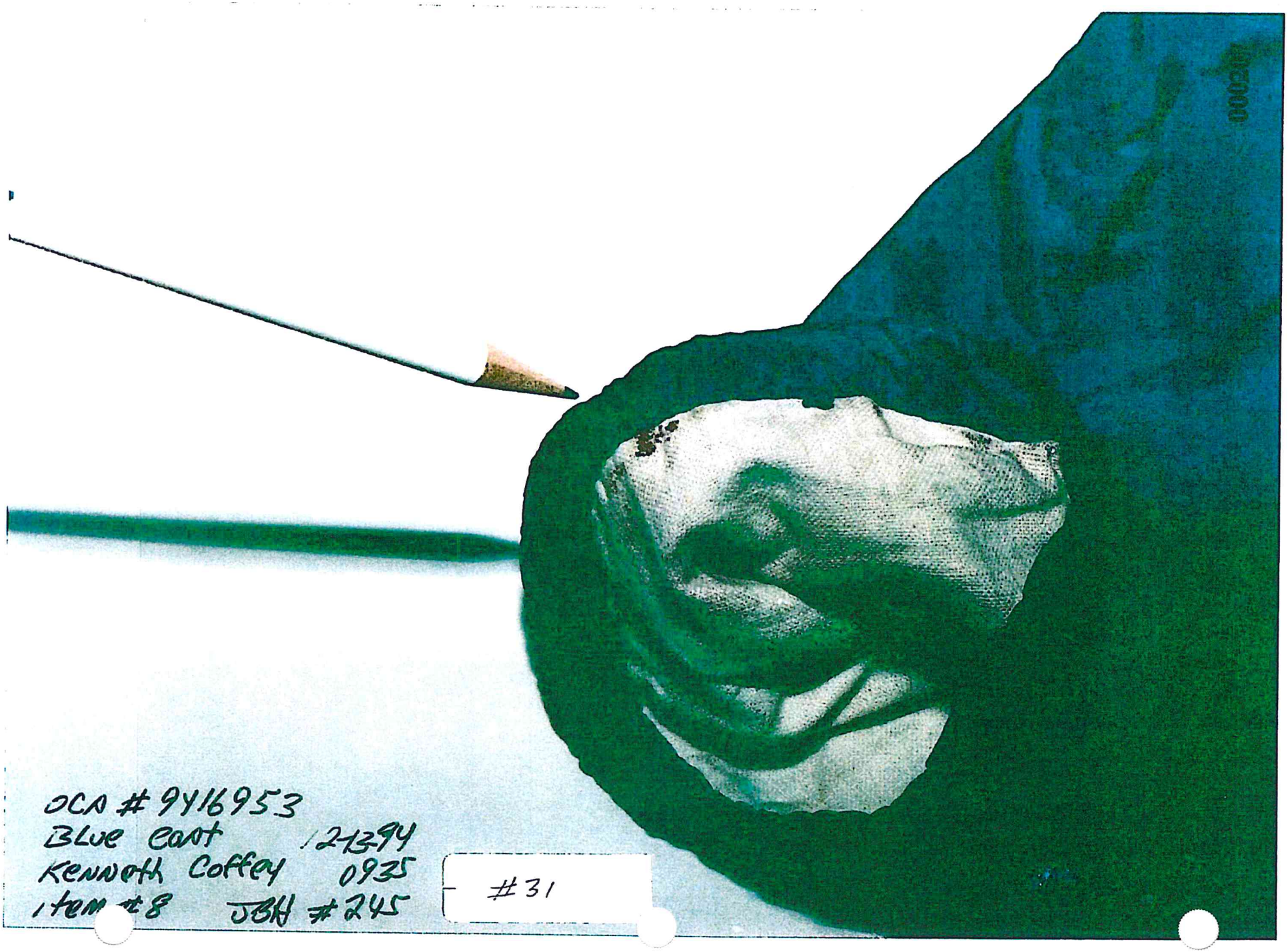
#28

1-800-421-4662
STOCK # PPV81

#29
Sept 2009
12-13-
DA#00
9416953
Blue COAT
Kenneth
Coffee
ITEM#8
Full
#24

000206

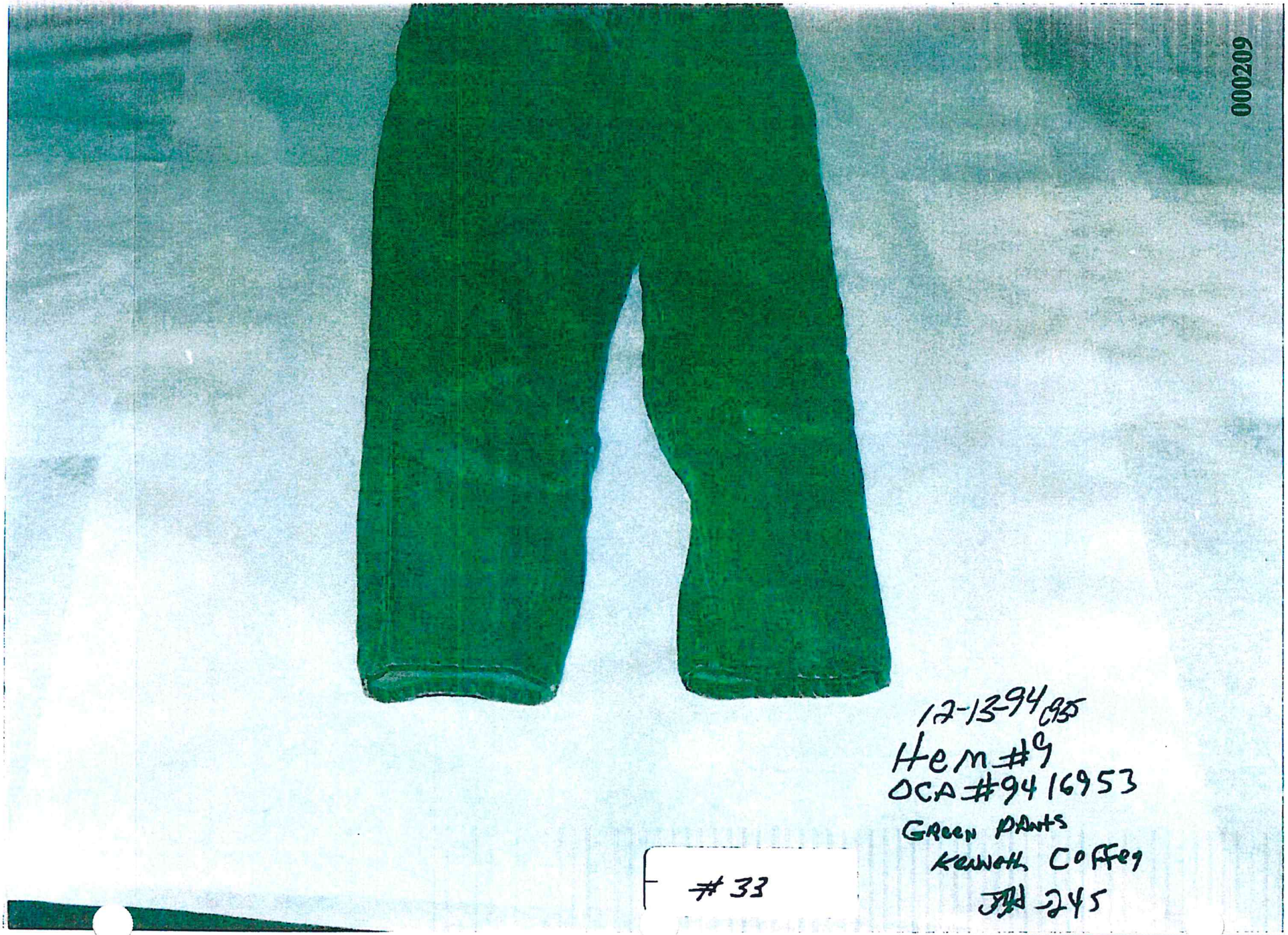
1-800-421-6662
STOCK # PPV81


OCA # 9416953
Blue Coat 12-13-94
Kenneth Coffey 0935
item #8 JBH #245
#31

12-13-94 C935
OCA #9416953
Item #9
Green Pants
Kenneth Coffey
JAH #245

- #32

000208

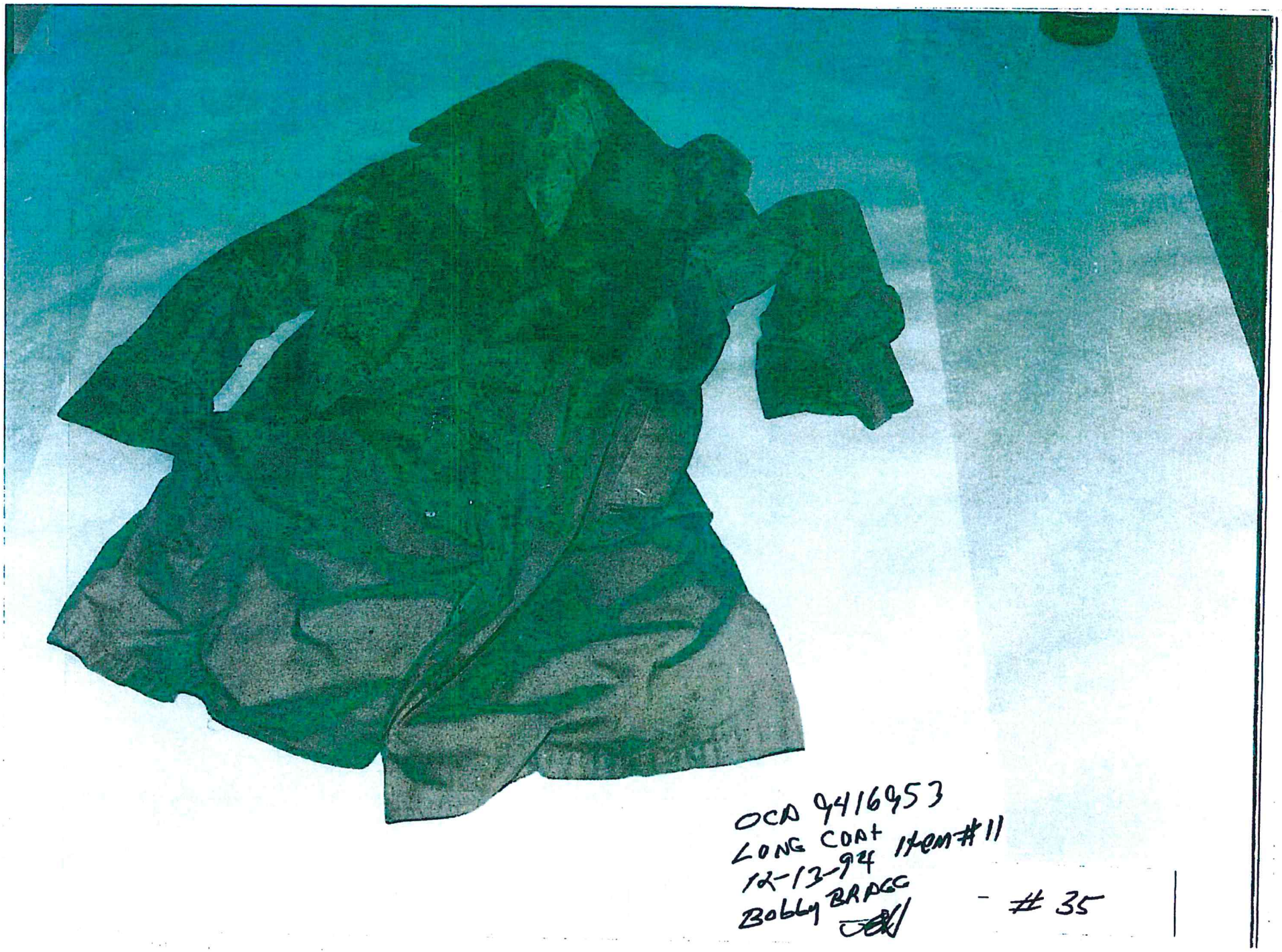

000209
12-13-94 CBS
Item #9
OCA #9416953
GREEN PANTS
KENNETH COFFEY
JH 245
#33

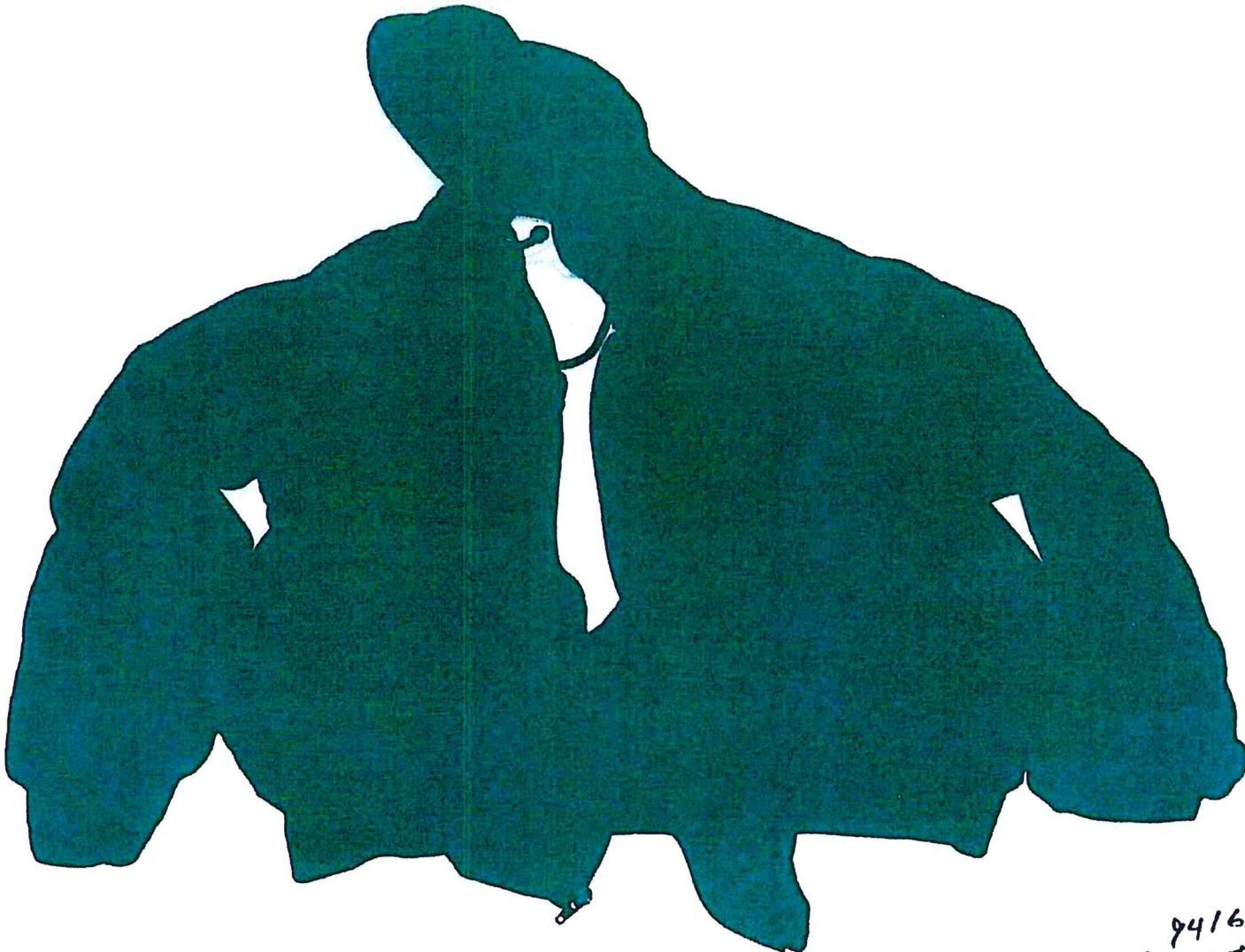
OCA #9416953
12/13/94

Blue Shirt
Kenneth Coffey
Det. [illegible]
#245

- #34

Photographs of Bragg's clothing and the contents located therein, taken by the SBI Crime Laboratory, are included below.


OCA 9416953
LONG COAT
12-13-94 Item #11
Bobby BRAGG
- # 35



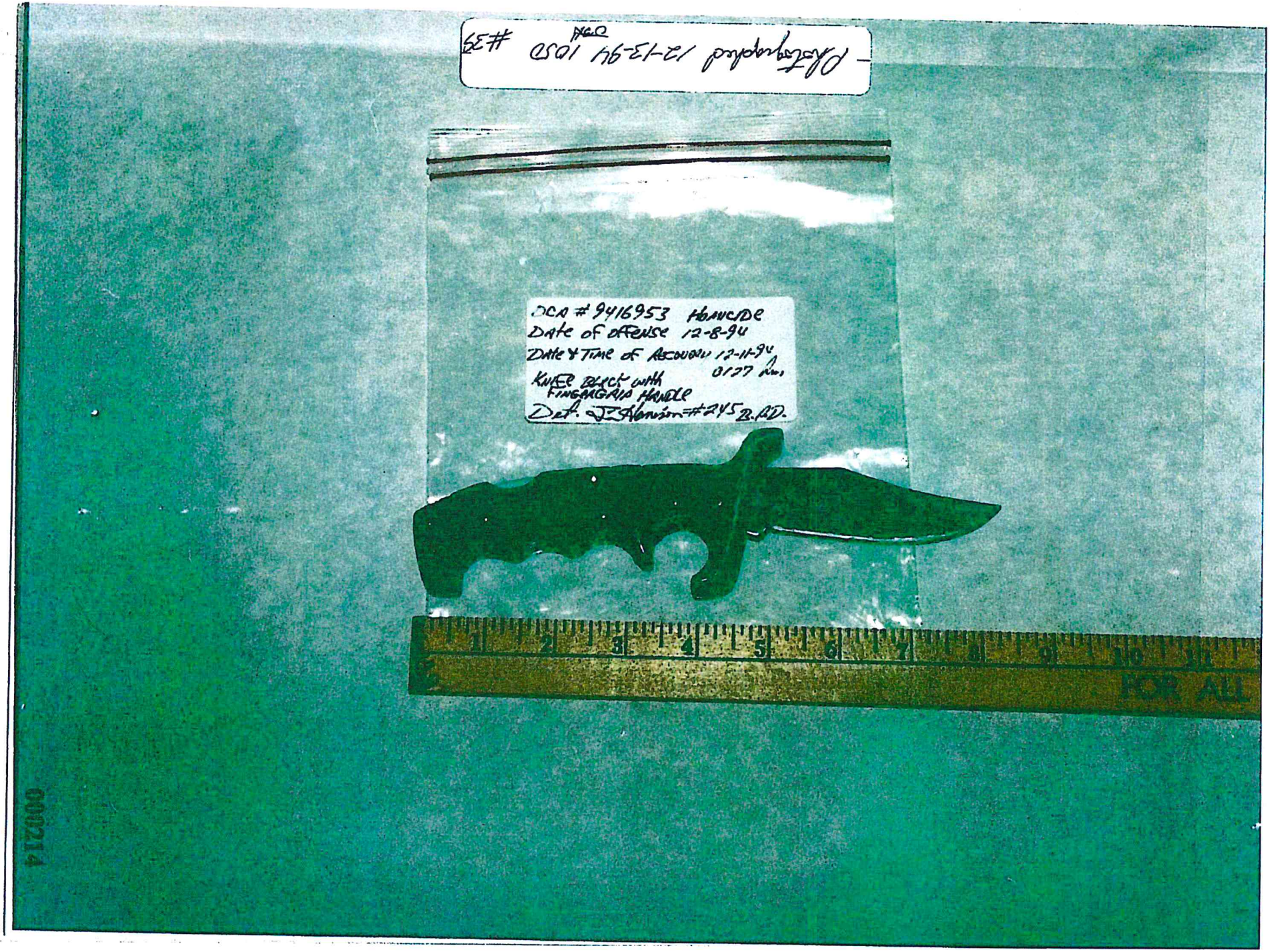
9416953
item #12
BLACK Sarat COAT
12-13-94
Bobby BRAGG
JBN

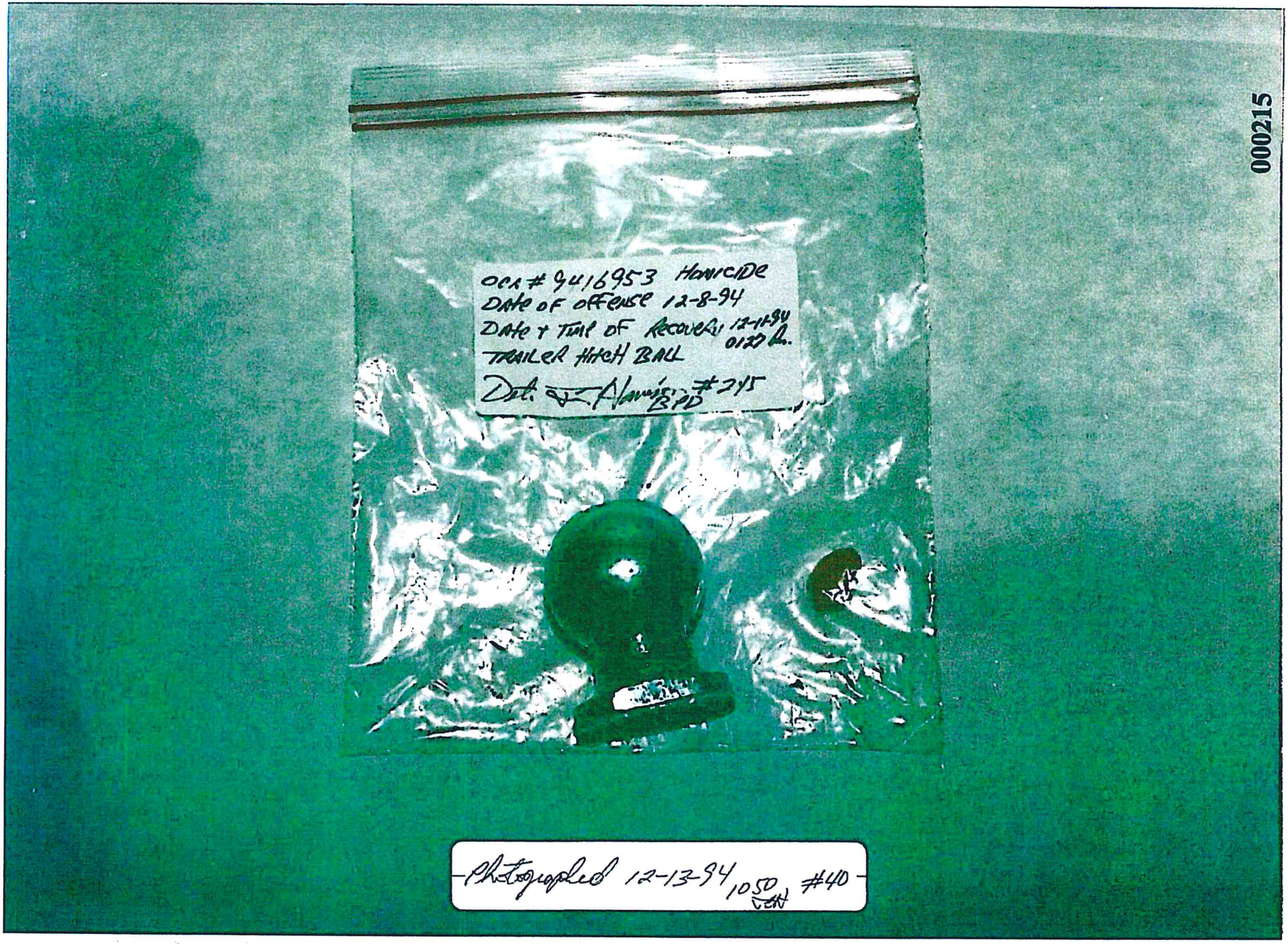
#36

000212

#37
000213

1-800-421-4662
STOCK # PPV81

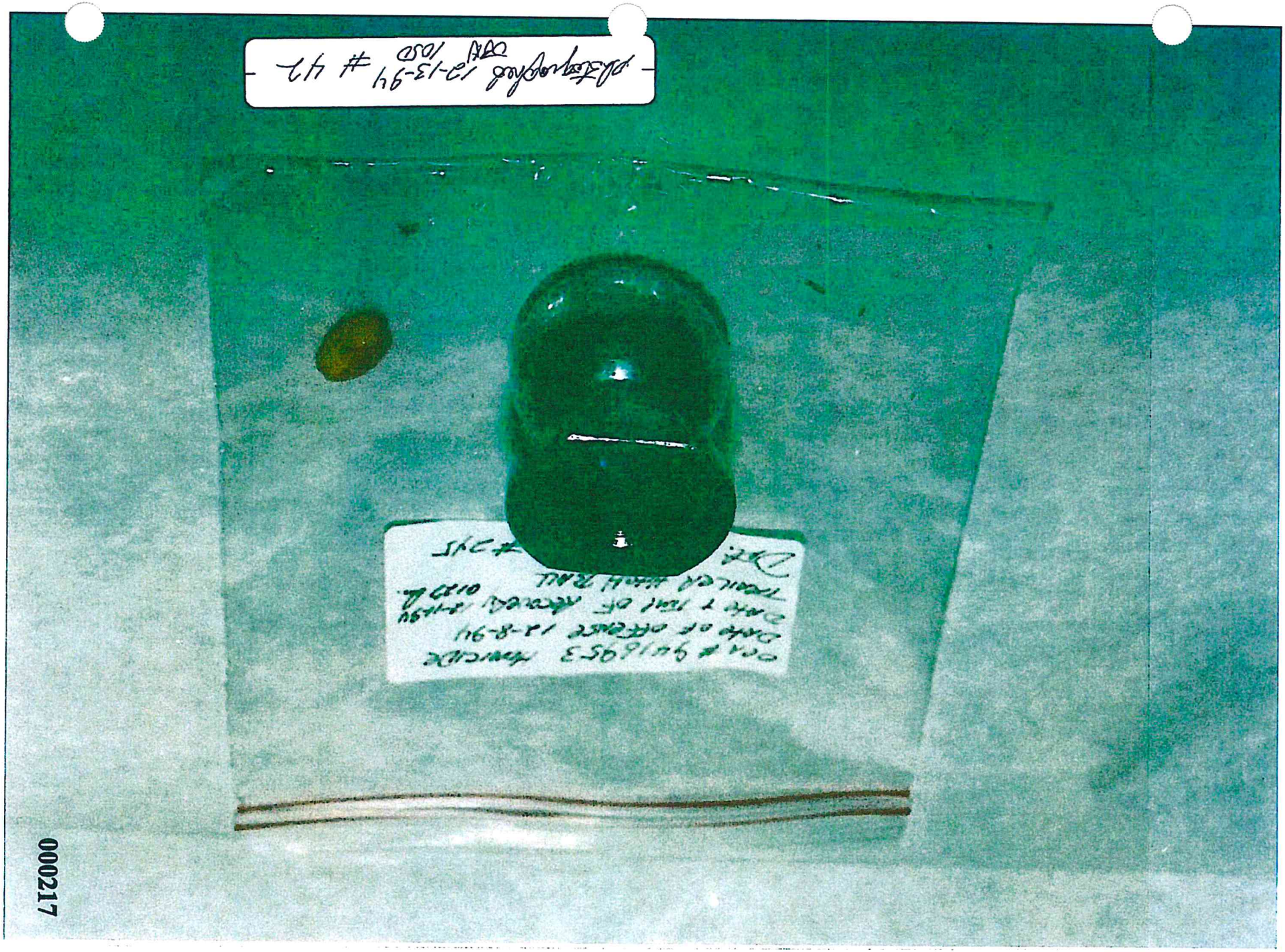



OCA # 9416953 HOMICIDE
DATE OF OFFENSE 12-8-94
DATE + TIME OF RECOVERY 12-11-94 0127 hr.
TRAILER HITCH BALL
Det. J. Harrison #245 BPD
Photographed 12-13-94 1050 VEH #40

000215

OCA# 9416953 Photographed
-12-13-94 1050 JEH #41
1-800-421-4662
STOCK # PPV81

000216






000217

STOCK # 19991
5008-15A-008-1

Additional items of evidence were collected during the investigation, but were not submitted for any forensic testing. A list of all items of evidence collected in the case is included below.

## TABLE OF CONTENTS

| DATE | EVIDENCE | | |
|---|---|---|---|
| 12/9/94 | Hair and fingernail samples from victim - HARTLEY | | |
| 12/9/94 | Blue jeans and belt<br>Gray sweat shirt<br>Green coat<br>Pair of black shoes<br>Yellow sweat shirt<br>Plaid long-sleeved shirt<br>Partial pack of chewing tobacco<br>One ring of keys, 7 keys<br>One ring<br>Kamping pocket knife<br>(71) pennies, (33) dimes<br>(13) nickels, (3) quarters | VICTIM'S CLOTHING | |
| 12/9/94 | Cigarette butts from ash tray<br>Sheer curtain LR window<br>Plastic gun<br>Pellet gun<br>Popov vodka bottle<br>Pillow<br>Toboggan<br>Ball cap<br>Pillow cases | VICTIM'S RESIDENCE | |
| 12/9/94 | Navy t-shirt<br>Navy windbreaker<br>Green LeviStraus<br>Photograph of Bobby Bragg | KENNETH COFFEY'S CLOTHES | SHIRLEY FAIRCLOTH |
| 12/10/94 | Match book "The Warehouse" | CHIEF DEPUTY EDWARD TESTER,JCSD TN | |
| 12/11/94 | Long tan raincoat<br>Steel trailer hitch ball<br>Short tan coat<br>Black sweat coat<br>Blue & red ball Cap "A"<br>Black knife w/fingergrip handle<br>One-half bottle of mouthwash<br>(3) Matchbooks | BOBBY BRAGG | CHIEF DEPUTY EDWARD TESTER JCSD, TN |

**000476**

## TABLE OF CONTENTS


| | | |
|---|---|---|
| 12/12/94 | Red top tube blood sample<br>Purple top tube blood sample<br>Cloth-blood sample | DR. BRENT HALL<br>VIA VICTIM |
| 12/12/94 | Xerox copy of purchase order No. 762 given to Bobby Bragg on 12/9/94 | JEWEL D. TRIPLETT<br>FIRST BAPTIST CHURCH<br>MOUNTAIN CITY, TN |
| 12/13/94 | Facial hair samples<br>Head hair samples | BOBBY BRAGG |
| 12/16/94 | Picture of Bobby Bragg | WITNESS NANCY HORTON |
| 12/20/94 | Red top tube blood sample<br>Purple top tube blood sample | BOBBY BRAGG |
| 12/21/94 | Red top tube blood sample<br>Purple top tube blood sample | KENNETH COFFEY |
| 12/22/94 | White & red sock | FOUND IN FIELD<br>BEHIND A & P |
| 1/9/95 | Receipt book - copy | ANNA LEE COBBLER |
| 1/17/95 | Pearl handled pocket knife | CORA TEAGUE |
| 2/8/95 | Letters to Judy Thomas from Bobby Bragg, Watauga Co. Jail | U.S. MAIL FROM DET.<br>FREDDIE AINSWORTH<br>JOHNSON CO. S.D., TN |

Crime Scene Sketch

Photographs 1 thru 24; 1-A thru 12-A; 25 thru 68

# VII. Private Investigation

## Timeline – Boone, NC

This timeline is intended to provide a detailed outline of what individuals observed in Boone, NC between December 6, 1994 and December 10, 1994, as they relayed that information to Private Investigator Jerry Vaughn.[5]

| Date and Time (if known) | Event/Description |
|---|---|
| 12/06/1994 | According to a 02/05/1996 note in PI Vaughn's file re: Mike Brown of Boone Tire: "Nancy Horton told Mike that Bobby was at Coy's on the 6th not the 8th." |
| 12/07/1994 1:14 PM | Bragg's sister, Phyllis Smith provided phone records showing a phone call from Boone, NC at 1:14 PM on Wednesday, 12/07/1994. A letter from Smith in the PI file indicates that this was a collect call from Bragg to Smith. Phone records included in brief. |
| 12/08/1994 AM and PM | According to a 01/27/1995 David Brown interview, he saw Coffey going to and coming from the Victim's trailer sometime in the morning and sometime in the afternoon. He stated that Bragg was not there and was not with Coffey. |
| 12/08/1994 2:00-2:30 PM | According to a 01/05/1995 Tony Triplett interview, he saw the Victim around 2:00-2:30 PM on Thursday, 12/08/1994, walking toward his trailer from the ABC store. |
| 12/08/1994 3:00-4:00 PM | According to a 01/19/1995 Rhonda Carson interview, she was not with Coffey, but had seen him at the A & P. She stated that she did not see Bragg that day. |
| 12/08/1994 5:45 PM | According to a 01/05/1995 Betty Triplett interview, she went to the A & P around 5:45 PM and saw Coffey sitting on the bench. She did not see Bragg anywhere that day. |
| 12/08/1994 | According to a 02/16/1995 Vaughn interviewed Nancy Horton and wrote "earlier in the day (12 08 94 ?) she had seen Bobby walking toward Coy's trailer carrying a beer in brown paper bag (this could have been on Tuesday 12 06 94). That on Thurs 12 08 94 Nancy had been to school |

[5] The information contained in this timeline comes from handwritten notes of PI Jerry Vaughn. These notes are believed to be a portion of the PI file. All interviews are with PI Vaughn unless otherwise noted.

| | |
|---|---|
| | and she arrived at her trailer #165 about 4:05-4:10 PM. Coy was walking down the street toward his trailer. He stopped and played with Nancy's baby. Nancy did see Kenneth Coffey in the trailer park 2 or 3 times that day (12 08 94) but he was alone. Nancy took Renee to the Rainbow Day-Care (Winklers Meadow Rd) at about 4:50 to 5:00 PM. That Rene talked with "Missy" Hampton about 15 to 20 minutes and they (Nancy, Renee & kids) arrived back at Nancy's trailer about 5:15-5:20 PM. Nancy said that shortly after the police/ambulance arrived at Coy's trailer Renee and Jeff came out of their trailer and to Nancy's yard asking "what's happened?" Nancy said she did "not" see Jeff playing in the street nor did she see Bobby and Kenneth following Coy toward his trailer." |

## Timeline – Mountain City, TN

This timeline is intended to provide a detailed outline of when and where individuals in Mountain City, TN saw Bragg between December 7, 1994 and December 10, 1994, as they relayed that information to Private Investigator Jerry Vaughn.[6]

| Date and Time (if known) | Event/Description |
|---|---|
| 12/07/1994<br>~4:30 PM | In a 05/12/1995 phone call with PI Vaughn, Gary Edwards stated that he took Bragg from Boone, NC to Mountain City, NC. |
| 12/7/1994<br>5:00 PM | According to a 01/26/1995 James "Jay" Manuel interview, Bragg arrived at 5:00 PM on 12/07/1994, that they were drinking, and that Manuel was picked up and put in jail that night. Manuel does not know where Bragg stayed that night. |
| 12/07/1994 | In a 02/07/1995 phone call with PI Vaughn, Judy Thomas stated that she was with Bragg on Wednesday 12/07/1994. She had a Wednesday night meeting. |
| 12/07/1994 | In a 05/11/1995 phone call with PI Vaughn, Jim Bragg stated that Bragg spent the night with him on this date, that they watched an Eastwood movie, and that Bragg slept downstairs.<br><br>TV Guide print out confirming Eastwood movie on that evening included in brief. |

[6] Id.

| | |
|---|---|
| 12/08/1994<br>5:30-6:00 AM | In a 05/11/1995 phone call with PI Vaughn, Jim Bragg stated that he dropped Bragg off at the 24 hour store at this time. He did not see Bragg after that. |
| 12/08/1994 | There are handwritten notes in PI Vaughn's file related to Geraldine Thomas. These notes are not dated. They state: "Fortune Teller. Lived trailer on Wayland St. Bobby to her house Thur AM (12-8-94). Maybe? She don't know." |
| 12/08/1994 | According to a James "Jay" Manuel 1/26/1995 interview, Bragg was at Manuel's house when Manuel got out of jail at 11:00 AM on Thursday, 12/08/1994. Manuel further stated that John Shoemake, Manuel, and Bragg drank all afternoon. In the early afternoon, they went to unload wood at Shoemake's house. Shoemake, Manuel and Bragg played poker with the African Americans from the warehouse before dark until Bragg called his sister. That day, they went to get beer at the 24 hour store and Big Chief (a store) 2-3 times. That night, Bragg and Thomas slept in Manuel's bedroom and Manuel slept on the couch.<br><br>There are also handwritten notes in PI Vaughn's file related to Manuel. These notes are not dated. They indicate that on 12/08/1994: "Jay gets out of jail at 12:00. Jay, Bobby and John go get beer and play music. Jay, Bobby, John, and Jackie go out and get beer at around 4:00. Jay sells watch to colored boys ($10.00). Judy comes over and her and Jackie leave; they go to the chicken place. Jay, Bobby, John play cards with the colored boys until later that night." |
| 12/08/1994 | According to a John Shoemake 01/26/1995 interview, Bragg was with him and Jackie Courtner (became Shoemake) on Thursday 12/08/1994. They were drinking and playing music. When the "black guys" from the trailer next door to Manuel's got home from work at the warehouse, they played poker. Bragg and Thomas stayed at Manuel's. Bragg left twice for 10-20 minutes to make a phone call to his sister.<br><br>There are also handwritten notes in PI Vaughn's file related to John Shoemake. These notes are not dated. They indicate that on 12/08/1994: "John, Bobby and Jay go with Edgar to the beer store after 12:00. They all then play music at Jay's for a while. Jackie comes over and carries John, Bobby and Jay back to the beer store at around 3:30. When they come back, Judy and Jackie leave for a while around 5:00. John, Jay, and Bobby then go play cards with some colored boys. They quit playing cards and John walks home."<br><br>On 05/11/1995, John Shoemake provided an affidavit. Affidavit included in brief. |
| 12/08/1994 | Handwritten notes from 01/26/1995 interview of Jackie Courtner Shoemake state "same as above" referring to the details of John |

| | |
|---|---|
| | Shoemake's 01/26/1995 interview detailed above. They also say "Plus – Jackie and Judy to Chicken house go food about 5:30-6:00 PM."<br><br>There are also handwritten notes in PI Vaughn's file related to Jackie Shoemake. These notes are not dated. They indicate that on 12/08/1994: Jackie "carries John, Bobby and Jay to the beer store between 3:00 and 4:00. They all go back to Jays. Jackie and Judy leave and go to the chicken place. When Jackie comes back she can't find John. Jay and Bobby are at the trailer when she comes looking for John around 5:30. She leaves and goes home to find John."<br><br>On 05/11/1995, Jackie Shoemake provided an affidavit. Affidavit included in brief. |
| 12/08/1994 | Handwritten notes from PI Vaughn's file state that Edgar Osborne: "Hung around w/Bobby, Jay, John most of Thurs 12-8-94 – Drove them to "Big Chiefs" to get beer." These notes are not dated. |
| 12/08/1994 | Notes from a 1/11/1996 interview with PI Vaughn with John and Jackie Shoemake state: "'Jason' (truck – load – wood 12-8-94) (from Wash D.C.) – Took Bragg to pawn shop" |
| 12/08/1994 | According to a Judy Thomas 02/07/1995 interview, she was with Bragg most of the day, Thursday, 12/08/1994, that she went with Joe and Deb to Johnson City to pay a bill, and that she spent the night with Bragg at Manuel's. |
| 12/08/1994 or 12/09/1994 | According to a 02/02/1996 Tom Horne interview, Bragg was in the store on Thursday 12/08/1994 or Friday 12/09/1994. Bragg wanted to pawn a guitar that had no value. The shop would not take it on pawn. The pawn shop was closed on Wednesdays.<br><br>Handwritten notes from PI Vaughn's file related to Joyce Potter, the owner of Mountain City Pawn state "same as above. She was reluctant to talk to me!" This information is directly below the notes related to Tom Horne. These notes are not dated. |
| 12/08/1994 or 12/09/1994 | Handwritten notes from PI Vaughn's file related to Belinda Reece state: "Tenn Dept. Human Services – Bobby in her office either Thurs AM or Fri AM. She can't remember exact date." These notes are not dated. |
| 12/08/1994 6:54 PM | Bragg's sister, Phyllis Smith, provided phone records showing a phone call from Mountain City, TN at 6:54 PM on Thursday, December 8, 1994. A letter from Smith in the PI file indicates that this was a collect call from Bragg. Phone records included in brief. |
| 12/09/1994 8:30 AM | According to a 01/02/1996 Violet Eller interview, she gave Bragg a gas voucher around 8:30 AM on Friday, 12/09/1994. |
| 12/09/1994 | According to a Judy Thomas 02/07/1995 interview, she stated that she spent the night with Bragg at Manuel's on Friday night. |

| | |
|---|---|
| 12/10/1994 | According to a Judy Thomas 02/07/1995 interview, she stated that she was with Bragg on Saturday, 12/10/1994, when he was arrested. |

## Shawn Valdez

Although Shawn Valdez testified at Bragg's trial with respect to Rene Nelson, he also provided information to Private Investigator Vaughn regarding a statement made to him by Coffey that was not brought out at trial. In a June 22, 1995 interview with Vaughn, Valdez stated that on June 10, 1995, while in jail with Coffey, he heard Coffey say that "Bobby Bragg was not with him on Thur 12 08 95 when Coy Hartley was killed."[7]

## Materials from Private Investigation

The phone records showing the Wednesday, December 7, 1994 and Thursday, December 8, 1994 collect calls from Bragg to his sister, Phyllis Smith, are included below.

[7] Id. PI File of Jerry Vaughn at Pg. 437.

2-2-95 JV chan

Acct 304 683 3085 479 31

Zero Plus Dialing Charges

| Amount | Place | | Number | Date | Time | Rate | Min |
|---|---|---|---|---|---|---|---|
| | Connect America Comm | | | | | | |
| $ 6.31 | FR BOONE | NC | 704 264-9917 | Dec 7 | 1:14P | SD | 7 |

$ 6.31 Subtotal Zero Plus Dialing Calls
.19 Federal Tax

$ 6.50 Total Zero Plus Dialing

Billing Questions 1 800 456-7587

RATE KEY: D = Day rate
S = Operator Station-Station

Recd 2-2-95 JV

Page 9

Sprint.

PAUL S SMITH Jan 14 1995
Acct 304 683 3085 479 31

Sprint Charges

| Amount | Place | | Number | Date | Time | Rate | Min |
|---|---|---|---|---|---|---|---|
| $ 2.74 | FR MOUNTAI | TN | 615 727-9902 | Dec 8 | 6:54P | SE | 4 |

$ 2.74 Subtotal Sprint Calls
.08 Federal Tax

$ 2.82 Total Sprint

Questions call 1 954-6200

RATE KEY: S = Operator station to station
E = Evening rate

This portion of your bill is provided as a service to Sprint.
Toll charges are computed based on the rate schedule of Sprint.

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130

The affidavits of John Shoemake and Jackie Shoemake detailing the whereabouts of Bragg on December 8, 1994 are included below.

ORIGINAL

STATE OF NORTH CAROLINA FILE # 94 CRS 4929

COUNTY OF WATAUGA

vs

ROBERT C. BRAGG * AFFIDAVIT *
* STATEMENT *

ON WEDNESDAY, DECEMBER 7, 1994 MY GIRLFRIEND (JACKIE) AND ME WENT TO JAY MANUEL'S TRAILER ON WAYLAND STREET IN MOUNTAIN CITY, TN. BOBBY BRAGG WAS THERE AT JAY'S TRAILER AND THEY WERE DRINKING BEER. WE GOT TO PLAYING MUSIC AND DRINKING MOST OF THE LATE AFTERNOON.

ON THURSDAY DECEMBER 8, 1994 JUST AFTER LUNCH TIME, I WAS WITH BOBBY BRAGG AND JAY MANUEL AT JAY'S TRAILER AND EDGAR TOOK US TO THE STORE TO GET SOME BEER. WHEN WE RETURNED WE GOT TO DRINKING AND PLAYING MUSIC. MY GIRLFRIEND, JACKIE, WENT OVER TO SEE JUDY THOMAS. SOMETIME ON THIS AFTERNOON JACKIE TOOK US TO GET SOME MORE BEER AND WE WENT OVER TO SOME BLACK GUYS TRAILER TO PLAY CARDS. I REALLY DON'T KNOW EXACTLY WHAT TIME ALL OF THIS WAS, BUT JACKIE AND JUDY LEFT TO GET SOMETHING TO EAT. I THINK THEY LEFT AROUND 5:30 OR 6:30 PM. AND I GOT TIRED OF PLAYING CARDS AND I LEFT THE BLACK GUY'S TRAILER. I WALKED TO JAY'S TRAILER AND SIT ON HIS POARCH FOR A WHILE WAITING ON JACKIE AND JUDY TO GET BACK. FROM GETTING SOMETHING TO EAT.

BOBBY BRAGG WAS WITH ME OR IN MY PRESENCE MOST OF THIS AFTERNOON (12-08-94) UNTIL I LEFT THE WAYLAND STREET AREA, JUST BEFORE JACKIE AND JUDY GOT BACK FROM GETTING SOMETHING TO EAT.

AS OF WEDNESDAY APRIL, 26, 1995 NO LAW ENFORCEMENT OFFICER FROM NORTH CAROLINA OR FROM TENNESSEE HAS TALKED WITH ME ABOUT THE WHEREABOUTS OF BOBBY BRAGG ON THURSDAY DECEMBER 8, 1994.

John R. Shoemake

JOHN R. SHOEMAKE
133 1/2 WAYLAND ST.
MOUNTAIN CITY, TN.

SIGNED THIS THE 11 DAY OF MAY 1995

Terry W. Vaughn

ORIGINAL

Statements Taken
4-26-95

Signed
5-11-95

STATE OF NORTH CAROLINA
COUNTY OF WATAUGA

FILE # 94 CRS 4929

vs

ROBERT C. BRAGG

* AFFIDAVIT *
* STATEMENT *

ON WEDNSDAY, DECEMBER 7th, 1994 I SAW BOBBY BRAGG AT JAY MANUELS TRAILER (# 112 WAYLAND ST., MOUNTAIN CITY, TN.) DURING THE LATE AFTERNOON. BOBBY AND JOHN SHOMAKE, WHO WAS THEN MY BOYFRIEND, BUT NOW MY HUSBAND, WERE PLAYING MUSIC AND DRINKING BEER, ALONG WITH JAY MANUEL.

ON THURSDAY, DECEMBER 8th, 1994 SOMETIME DURING THE AFTERNOON ME AND MY BOYFRIEND (JOHN SHOEMAKE) WENT TO JAY'S TRAILER ON WAYLAND STREET. BOBBY BRAGG AND JAY MANUEL WAS THERE, BUT THEY AND MY BOYFRIEND WENT TO A TRAILER NEARBY TO PLAY CARDS WITH SOME TOBACCO WAREHOUSE WORKERS. SOMETIME LATER ME, JOHN SHOEMAKE AND BOOBY BRAGG WENT TO JOHN'S APARTMENT (ACROSS FROM BANTAM CHEF) WHERE THEY PLAYED MUSIC AND DRANK MORE BEER. AFTER A WHILE AT JOHN'S APARTMENT, THEY GOT SOME MORE BEER AND WENT BACK TO THE CARD GAME ON WAYLAND STREET. ABOUT 5:45 TO 6:00 PM I GOT WITH JUDY THOMAS AND WE WENT TO THE CHICKEN PLACE TO GET SOMETHING TO EAT. ME AND JUDY ARRIVED BACK AT WAYLAND STREET ABOUT 6:45 TO 7:00 PM. I WENT TO THE TRAILER WHERE JAY, BOBBY AND JOHN WAS (PLAYING CARDS) WHEN I HAD LEFT EARILER WITH JUDY, TRYING TO FIND

HE WASN'T THERE, BUT BOBBY AND JAY SAID HE HAD JUST LEFT WALKING TOWARD JAY'S TRAILER. I LEFT AT THIS TIME AND LATER I DID FIND JOHN.

TO THE BEST OF MY KNOWLEDGE BOBBY BRAGG WAS WITH JAY MANUEL, JOHN SHOEMAKE AND THE BOYS (WHO WORKED AT THE TOBACCO WAREHOUSE) IN THEIR TRAILER DRINKING AND PLAYING CARDS, FROM THE TIME JUDY AND I LEFT UNTILL WE RETURNED.

AS OF WEDNESDAY APRIL 26, 1995 NO LAW ENFORCEMENT OFFICER FROM BOONE, NORTH CAROLINA NOR THE NORTH CAROLINA S.B.I., NOR FROM HERE IN JOHNSON COUNTY, TENNESSE HAS TALKED WITH ME ABOUT THE WHEREABOUTS OF BOBBY BRAGG ON WEDNESDAY DECEMBER 7, 1994 OR THURSDAY DECEMBER 8, 1994. THE ONLY PERSON TO ASK ME ANY QUESTIONS ABOUT THIS WAS JERRY VAUGHN.

Jackie Lynn Shoemake

JACKIE LYNN SHOEMAKE
133 1/2 WAYLAND STREET
MOUNTAIN CITY, TN.

SIGNED THIS THE 11 DAY OF MAY , 1995

Jerry W. Vaughn

The TV Guide records showing that a Clint Eastwood movie (Pale Rider) was on at 10:10 PM on December 7, 1994 are included below.

Lake, her husband and 13 others were arrested during the Nov. 14 protest at fashion designer Karl Lagerfeld's office. The demonstrators ransacked the premises and put anti-fur stickers on walls and furniture before chaining themselves together, police said.

Lake, 26, appeared before Criminal Court Judge Michael Gross, who scheduled a hearing for Jan. 5. Lake faces up to a year in jail if convicted of the misdemeanor charges.

His name enough to the half-d tury.

It was author's t years late

re: what was on tv that night

# Tonight's TV listing

8:00 (2) VICTOR BORGE: THEN AND NOW II
(3) (6) (11) A CHARLIE BROWN CHRISTMAS
(5) (10) THE COSBY MYSTERIES
(6) (12) (19) SISTER, SISTER
(9) MOVIE ★★ "It Nearly Wasn't Christmas" (1989) Charles Durning, Ted Lange.
(39) THE 1994 BILLBOARD MUSIC AWARDS
(A&E) BIOGRAPHY
(CNN) PRIMENEWS
(C-SPAN) EVENT OF THE DAY
(CBN) MOVIE "Good King Wenceslas" (1994) Jonathan Brandis, Stefanie Powers.
(LIFE) UNSOLVED MYSTERIES
(MTV) BEST OF WOODSTOCK '94
(NICK) I DREAM OF JEANNIE
(TNT) MOVIE "Jacob" (1994) Matthew Modine, Lara Flynn Boyle.
(USA) MURDER, SHE WROTE
(DISN) MOVIE ★★ "The Christmas Visitor" (1987) Dee Wallace Stone, John Waters.
(HBO) MOVIE ★★★ "My Life" (1993) Michael Keaton, Nicole Kidman.
(CIN) MOVIE ★★★ "Jacquot de Nantes" (1991) Philippe Maron, Edouard Joubeaud.
(SHOW) MOVIE ★★★ "In the Line of Fire" (1993) Clint Eastwood, John Malkovich.
8:05 (17) MOON SHOT
8:30 (3) (6) (11) THE BOYS ARE BACK
(6) (19) ALL-AMERICAN GIRL
(13) MURPHY BROWN
(NICK) BEWITCHED
9:00 (3) (6) (11) TOUCHED BY AN ANGEL
(4) (10) DATELINE NBC
(6) (13) (19) ROSEANNE
(A&E) AMERICAN JUSTICE
(CNN) LARRY KING LIVE
(LIFE) MOVIE ★★ "Always Remember I Love You" (1990) Patty Duke, Joan Van Ark.
(NICK) I LOVE LUCY
(USA) MOVIE ★★★ "Big" (1988) Tom Hanks, Elizabeth Perkins.
(MOV) MOVIE ★★★ "Life With Mikey" (1993) Michael J. Fox, Christina Vidal.
9:30 (28) THE ANDY WILLIAMS CHRISTMAS SHOW
(2) (3) (7) ELLEN
(NICK) MARY TYLER MOORE
10:00 (4) (6) (11) 48 HOURS
(7) (10) LAW & ORDER
(2) (3) (7) A GALA FOR THE PRESIDENT AT FORD'S THEATRE
(9) NEWS
(39) IN THE HEAT OF THE NIGHT
(A&E) THE 20TH CENTURY
(CNN) WORLD NEWS
(CBN) THE 700 CLUB
(NICK) TAXI
(TNT) MOVIE ★★★ "The Gathering" (1977) Edward Asner, Maureen Stapleton.
(DISN) THE HONEYMOONERS' FIRST CHRISTMAS
(HBO) DREAM ON
(CIN) MOVIE ★ "Bounty Tracker" (1992) Lorenzo Lamas, Matthias Hues.
10:10 (SHOW) MOVIE ★★ "Pale Rider" (1985) Clint Eastwood, Michael Moriarty.
10:30 (NICK) TAXI
(HBO) THE LARRY SANDERS SHOW
10:35 (MOV) MOVIE ★ "TC 2000" (1993) Bolo Yeung, Jalal Merhi.
11:00 (2) CHARLIE ROSE
(4) (5) (6) (7) (11) (17) NEWS
(9) NIGHT COURT
(10) NEWS
(11) NEWS
(13) RICKI LAKE
(A&E) LAW & ORDER
(CNN) SPORTS TONIGHT
(CBN) FATHER DOWLING MYSTERIES
(LIFE) UNSOLVED MYSTERIES
(MTV) BEAVIS AND BUTT-HEAD
(NICK) BOB NEWHART
(DISN) MOVIE ★★ "Ironside" (1967) Raymond Bu
(HBO) TALES
11:30 (2) SIMO
(CNN) MONE
(MTV) BEAVI
(NICK) DICK
(USA) WINGE
(HBO) MOVI
(1993) Emilio
(CIN) MOVIE
Ron Perlman,
11:35 (5) (6)
LETTERMAN
(9) (10) THE TO
(6) (19) NIGHTL
(13) A CURRE
12:00 (39) JENN
(A&E) BIOGR
(CNN) NEWS
(CBN) THE BLACK STAL
(LIFE) UNSOL
(MTV) GET L

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# VIII. Coffey Trial

## Introduction

Coffey's trial was held during the November 27, 1995 Session of Criminal Superior Court in Watauga County. The trial judge was the Honorable James U. Downs. The State was represented by Gerald Wilson, Assistant District Attorney. Coffey was represented by Robert West.[8]

## State's Case

### Larry and Debbie Grimes

Larry Grimes testified that at approximately 6:30 PM on Thursday, December 8, 1994 he walked up to his neighbor's (the Victim) house, to take him a plate of food, which he did whenever he and his wife Debbie had leftovers. He knocked on the door and did not get an answer. Mr. Grimes opened the unlocked door and went inside. As he turned to leave after setting the food on the table, Mr. Grimes saw the Victim lying face down on the floor of the living room near his bed, which was also in the living room. Mr. Grimes called out the Victim's name, put his hand on the Victim's lower back, and shook him. Mr. Grimes received no response. He left, went home, and told his wife that he thought something was wrong.[9]

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[8] Trial Transcript, State v. Coffey, 95 CRS 121 (Watauga County), November 27, 1995 Session of Watauga County Superior Court.
[9] Id. Coffey TT Pgs. 164-180.

Debbie Grimes testified that after her husband came back from the Victim's trailer and told her that something had happened to the Victim, she went to the Victim's trailer. She found the Victim wedged in the corner of his living room, lying face down, with his hands by his side, and his palms facing up. Ms. Grimes went to the Victim, knelt down, shook the Victim's back, and asked if he was okay. The Victim did not respond. Ms. Grimes touched the Victim's forehead with her hand, then checked his hand for a pulse. She did not find a pulse in his hand and then checked for one in his neck. She did not find a pulse. Ms. Grimes then touched the Victim's face. When she took her hand away, it was filled with blood. Ms. Grimes instructed her husband to call 911 and remained with the Victim.[10]

## First Responders

Officer Keith Ward of BPD testified that at 6:42 PM, he was called to the Victim's residence in reference to a possible dead on arrival. Officer Ward arrived at the scene within two minutes, following the ambulance up to the residence.[11]

EMTs Matt Williams and Gary Taylor accompanied Officer Ward into the home. A few seconds afterward, Lieutenant Curtis Main entered the trailer.[12] The EMTs checked for a pulse and determined that he had no pulse, was not breathing, and had already expired. The EMTs did not move the body.[13] Officer Ward secured the crime scene.[14] Detective Harrison and Detective Shook arrived on the scene at approximately 7:21 PM.[15] The EMTs left the home at

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[10] Id. Coffey TT Pgs. 181-183; 193-203.
[11] Id. Coffey TT Pgs. 206-207.
[12] Id. Coffey TT Pgs. 208; 210.
[13] Id. Coffey TT Pgs. 230-233.
[14] Id. Coffey TT Pgs. 215-216.
[15] Id. Coffey TT Pgs. 210.

approximately 7:55 PM to allow investigators to complete their investigation prior to moving the body.[16]

In addition to the Victim's body, Detective Harrison testified that he observed blood on the curtains above the Victim's bed, the bed, and the pillow. He also observed blood droplets on the linoleum. He located a BB or pellet gun and a toy gun under one of the pillows on the bed. He further testified that he did not find any signs of forced entry into the trailer.[17]

At approximately 7:40 PM, Doctor Brent Hall, the pathologist for Watauga County arrived at the Victim's home. According to Detective Harrison's testimony, Dr. Hall requested that the body be sent to the pathology lab once investigators were done taking photographs and measurements.[18]

The EMTs arrived back on the scene at approximately 9:57 PM to remove the body. Upon rolling the body over, they noted severe wounds to the Victim's face and head. The EMTs removed the Victim from the home and transported him to the Watauga Medical Center Morgue for the Medical Examiner's investigation and autopsy.[19]

Crime scene photographs were taken by detectives during the initial investigation. Several of these photographs were entered at trial; however, the Clerk's office has produced a Court Order showing that the trial exhibits were previously destroyed. All quality crime scene

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[16] Id. Coffey TT Pg. 233.
[17] Id. Coffey TT Pgs. 265-267; 270.
[18] Id. Coffey TT Pgs. 269; 271.
[19] Id. Coffey TT Pgs. 235-237; 242.

photographs that the Commission obtained from BPD are included in the investigation section above.[20]

## Autopsy

Dr. Hall testified that he performed an autopsy on the Victim at 10:30 PM on Thursday, December 8, 1994. Detective Harrison was there for the entirety of the autopsy. Dr. Hall and Detective Harrison removed the clothing of the Victim. Dr. Hall testified to the wounds he observed on the Victim's body and showed photographs of the injuries to the jury. Dr. Hall determined the cause of death to be blunt traumatic injury to the head. He estimated the time of death to be within the range of two to six hours as of 10:30 PM on Thursday, December 8, 1994.[21] Although not entered as an exhibit at trial, please see the autopsy below for a description of the wounds to the Victim. Several photographs taken by Dr. Hall which illustrate the injuries to the Victim are included below.

[20] Det. Harrison testified at both trials that although he took photographs at the crime scene, they were either under or over exposed and several pictures that were taken were messed up.
[21] See Coffey TT. Pgs. 389-402.

**Watauga Medical Center**
**P.O. Box 2600**
**Boone, North Carolina 28607**
**(704) 262-4106**

**Report of Autopsy Examination**

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AUTOPSY NUMBER: A-94-29

DECEDENT: Hartley, Marvin ID#: A9429

Age: 76 Race: White Sex: M

Authorized by: Brent Hall, M.D. Received from: Watauga County

Date of Autopsy: 12/08/94 Time: 10:30 P.M.

Body identified by: Law Enforcement Officials

Persons present at autopsy: Detective J.B. Harrison of the Boone Police Department

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FINAL ANATOMIC DIAGNOSIS

Blunt tramatic injury
- Hematomas of the head and neck, multiple
- Lacerations of the head and neck, multiple
- Fracture of the maxilla
- Subarachnoid hemorrhage of the brain
- Fracture of the left second anterior rib

Cardiomegaly (420 grams), mild, with left ventricular hypertrophy and dilatation
Atherosclerosis of the coronary arteries, mild
Atherosclerosis of the aorta, moderate
Vascular congestion of the lungs, mild
Acute hemorrhage of the lungs, mild
Benign hepatic cyst, small
Steatosis of the liver, moderate
Cholelithiasis

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CAUSE OF DEATH: Blunt head trauma

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Brent D. Hall, M.D., Pathologist 1/11/95 Date

## EXTERNAL DESCRIPTION

Body condition: Intact

Length: 67-1/2 inches

Weight: 187 pounds

Body heat: Cold

Rigor: None

Livor: Anterior and cephalad/purple

Hair: Gray

Eyes: Right eye not present. Left eye-blue/gray.

Teeth: Edentulous

Facial Hair: Beard and mustache

The body is that of a well nourished, well developed adult white male wearing shoes, socks, blue-jean pants, brown belt, green jacket, yellow sweatshirt, gray sweatshirt and multicolored shirt. There is a silver colored ring on the left fifth phalynx. Within the right rear pocket of the pants is a pouch "Red-Man" chewing tobacco. Within the right front pocket is a set of keys and a silver colored pocket knife. Within the left front pocket of the pants is loose change. Within the left rear pocket of the pants is a white handkerchief.

## EVIDENCE OF INJURY

Multiple hematomas of the face, anterior neck and chest ranging in size from 2 cm. up to 5 cm. in greatest diameter are identified. There are multiple lacerations of the face and anterior neck ranging in size from 1.1 cm. up to 6 cm. in greatest diameter. Two of the head lacerations involve bone. The first laceration involving bone is a wound to the left side of the head. This wound measures 2-1/2 cm. in greatest diameter, The wound is located 10 cm. from the top of the head and 8 cm. left of the anterior midline. The wound tract passes through the skin and soft tissue of the head to enter the lateral aspect of the left brow ridge. A conical defect of the frontal bone measuring 1.8 cm. in greatest diameter and 0.5 cm. in depth is present. Fracture of the frontal bone is not identified. The wound tract does not enter the cranial cavity. The second laceration involving bone is a wound to the left side of the face. The wound is Y-shaped and measures 4 cm. in greatest diameter. The wound is located 16.5 cm. from the top of the head and 2.5 cm. left of the anterior midline. The wound tract passes through the skin, soft tissue and maxilla to enter the left maxillary sinus. There is fracture of the maxilla in this region. The posterior wall of the maxillary sinus is intact. The maximum depth of the wound tract including maxillary sinus space is 5.5 cm. There is a fracture of the left second anterior rib.

Examination of the brain showes subarachnoid hemorrhage of the left

parietal occipital region. This area measures 3.0 cm. in greatest diameter. A second focus subarachnoid hemorrhage located in the left frontal region at the base of the brain is also identified. This area measures 2.0 cm. in greatest diameter.

ADDITIONAL PROCEDURES

Radiographs: AP x-ray of the skull fails to demonstrate exogenous radiodense material.

Microbiology: None

Chemistry: None

Evidence collected: Head hair, face hair, finger nails, blood, clothing and valuables released to Detective Harrison of the Boone Police Department.

Personal Effects Disposition: Personal effects retained as evidence.

INTERNAL EXAMINATION

Body cavities: There are bilateral global pleural adhesions. The body cavities are otherwise unremarkable.

Cardiovascular system: Heart weight-420 grams. The coronary arteries display normal anatomic distribution. The left anterior descending coronary artery shows focal 25% stenosis by atherosclerotic plaque. The left circumflex and right coronary arteries are free of significant atherosclerotic disease. The right coronary artery gives rise to the posterior descending coronary artery. Sectioning demonstrates mild left ventricular hypertrophy and dilatation as well as moderate atherosclerosis of the mitral and aortic valves. The cardiac valves, cardiac chambers and myocardium are otherwise unremarkable. The aorta shows moderate atherosclerosis with focal calcification.

Neck: The thyroid is of usual size and configuration. The hyoid bone and thyroid cartilage are intact. The larynx and upper tract are unremarkable.

Respiratory tract: Lungs: Right weight-760 grams, left weight-640 grams. The lower trachea and major bronchi are unremarkable. Sectioning demonstrates mild congestion.

Gastrointestinal tract: The gastrointestinal tract is intact throughout its length. The stomach contains approximately 100 cc of partially digested food. Unusual odor is not detected. The appendix is present. The large bowel contains a moderate amount of semisolid stool.

Liver: 1980 grams. Gleason's capsule is intact. A single unilocular subcapsular cyst measuring 1.5 cm in greatest diameter is located on the posterior aspect of the left lobe. The cyst contains straw-colored, serous fluid. Sectioning demonstrates tan, greasy hepatic parenchyma. The gallbladder contains multiple yellow-brown irregularly shaped stones ranging in size from 0.2 up to 1.5 cm. in greatest diameter. The extrahepatic biliary system is patent.

P... eas: Unremarkable.

Spleen: 220 grams. Multiple fibrous plaques ranging in size from 0.5 up to 5.2 cm. in greatest diameter are distributed over the capsular surface. Sectioning demonstrates unremarkable parenchyma.

Adrenals: Unremarkable.

Urinary tract: Kidneys: Right weight-160 grams, left weight-165 grams. The capsules strip with ease. The cortical surface of the right kidney is remarkable for single 0.5 cm. retention cyst. The cortical surface of the left kidney is unremarkable. Sectioning demonstrates good corticomedullary differentiation. Bladder: The bladder is devoid of urine. The bladder mucosa is unremarkable.

Reproductive tract: The prostate is unremarkable.

Musculoskeletal system: Unremarkable.

Immunologic system: Unremarkable.

Head: Scalp: See description of injury. Skull: See description of injury. Brain: Weight-1170 grams; See description of injury.

## MICROSCOPIC

...: No pathologic diagnosis.

Lungs: Sections of the lungs show mild to moderate vascular congestion and focal intraalveolar acute hemorrhage.

Liver: Sections of the liver show moderate fatty change. There is a mild increase in lymphocytes of the portal triads. The cyst is lined by flattened to cuboidal epithelium.

Spleen: Sections of the spleen show capsular deposition of an amorphous eosinophilic hyalinized material. The red and white pulp are unremarkable.

Kidneys: Sections of the kidneys show occasional sclerotic glomeruli. Occasional dilated tubules containing an amorphous eosinophilic material are also present.

Brain: Sections of the brain show subarachnoid acute hemorrhage.

## SUMMARY AND INTERPRETATION

Mr. Hartley was a 76 year old who was found dead in his mobile home the evening of 12/8/94.

Autopsy demonstrated multiple lacerations and hematomas of the head and neck. There was fracture of the maxilla. Examination of the brain showed focal ...rachnoid hemorrhage. In addition, fracture of the left second anterior rib

w present. Natural disease included cardiomegaly (420 grams) with left ventricular hypertrophy and dilatation. There was mild atherosclerosis of the coronary arteries. There was moderate fatty metamorphosis of the liver. An ethanol level performed on blood obtained at the time of autopsy was 190 mg/dl (.19% on the breathalyzer scale).

The cause of death in this case was blunt head trauma.

A94-29

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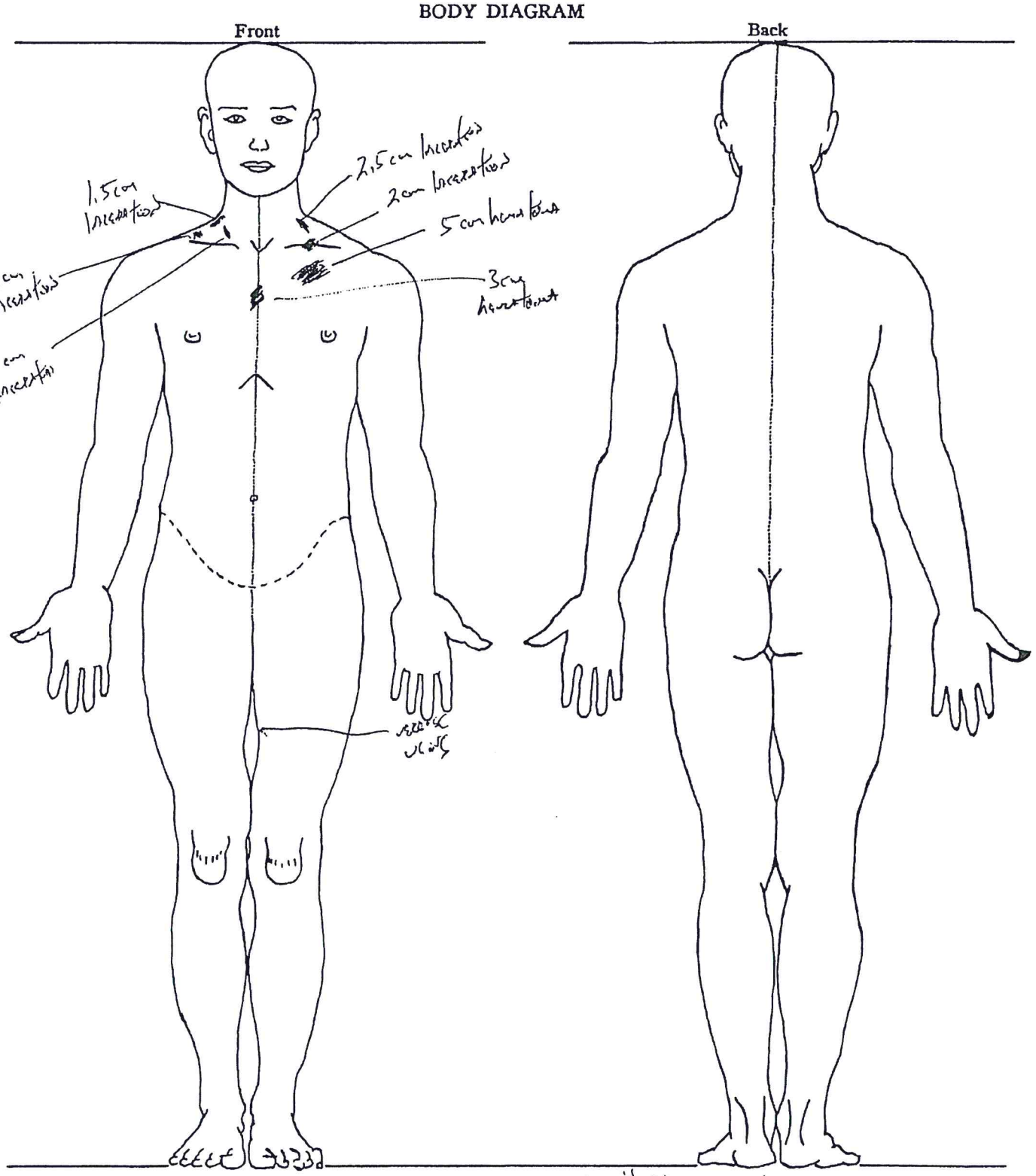
Division of Postmortem Medicolegal Examination
OFFICE OF THE CHIEF MEDICAL EXAMINER
Chapel Hill, NC 27599-7580

## BODY DIAGRAM




Decedent's Height 67½ inches

Name Marvin Cot Hartley

Examined By [signature] Date 12/8/94

DEHNR 1917 (Revised 3/91)
DPME (Review 3/94)

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Division of Postmortem Medicolegal Examination
OFFICE OF THE CHIEF MEDICAL EXAMINER
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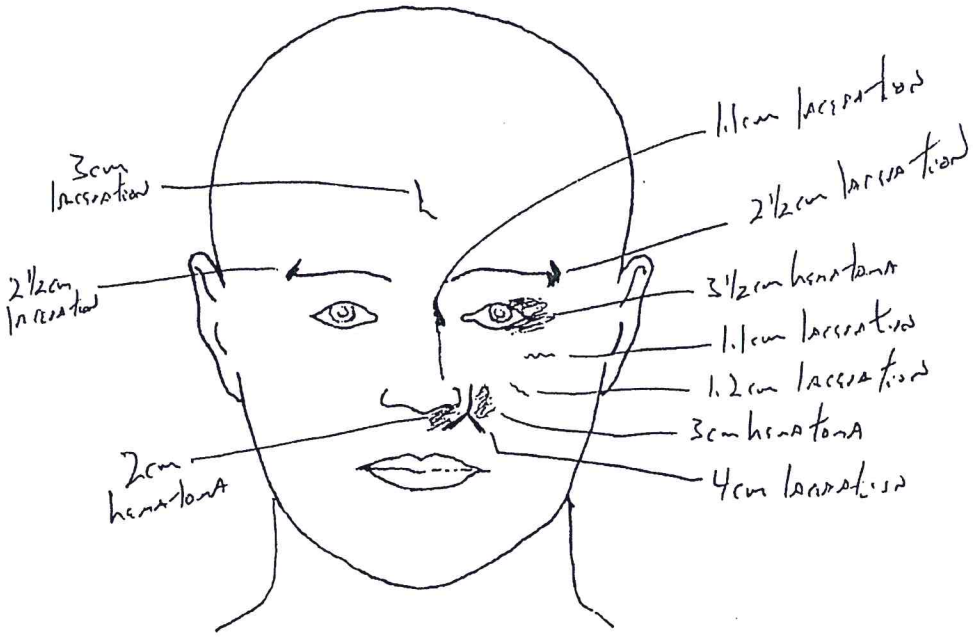
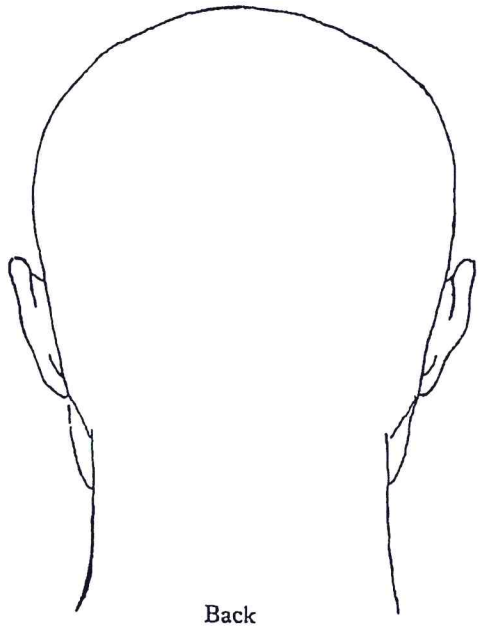
A94-29

## BODY DIAGRAM—HEAD




Front



Back

DEHNR 1919 (Revised 3/91)
DPME (Review 3/94)

Decedent's Name Marvin Hartley

Examined By [signature] Date 12/8/94

A94-29

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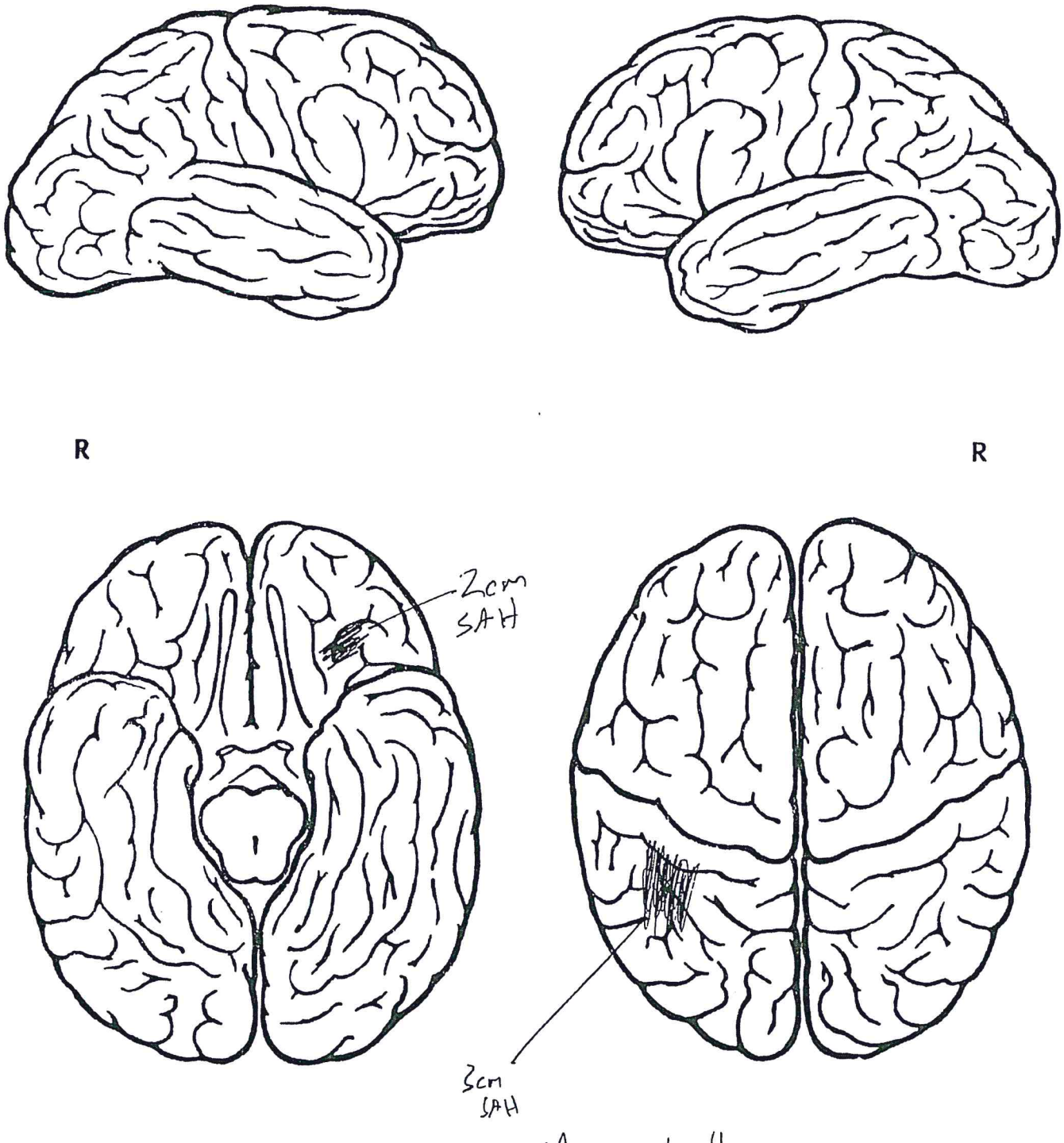
Division of Postmortem Medicolegal Examination
OFFICE OF THE CHIEF MEDICAL EXAMINER
Chapel Hill, NC 27599-7580

BRAIN




Decedent's Name Marvin Hartley

Examined By _____ Date 12/8/94

DEHNR 3462 (Revised 3/91)
DPME (Review 3/94)

Name: Coy Hartley
Case Number : 94-08943
Date Of Report: 12-16-94

# TOXICOLOGY REPORT

Office of the Chief Medical Examiner
Chapel Hill, NC 27599-7580

Tox Number: T94-07492

ME: Dr. Brent D. Hall

Path: Dr. Brent D. Hall

Other:

Cty: Watauga

Dr. Brent D. Hall
336 Deerfield Road
P. O. Box 2600
Boone, NC 28607

Signature: ON ORIGINAL RPT IN OCME FILE

| ID: | SPECIMEN: | SOURCE: | COND: | FROM: | ACC.DATE: |
|---|---|---|---|---|---|
| A | Blood | Aorta | Postmort | PA | 12-14-94 |

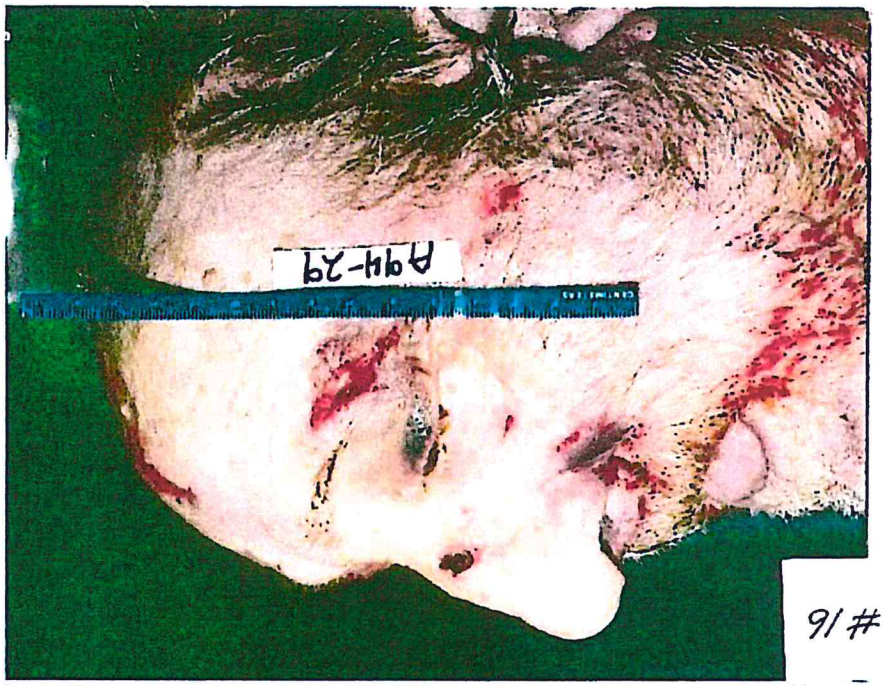
| DATE: | ANALYTE: | TEST RESULT: |
|---|---|---|
| 12-15-94 | Ethanol | 190 mg/dL |
| 12-15-94 | Other Volatiles | None Detected |

COMMENTS:

* * * E N D O F R E P O R T * * *

CENTIMETERS
000235

CENTIMETERS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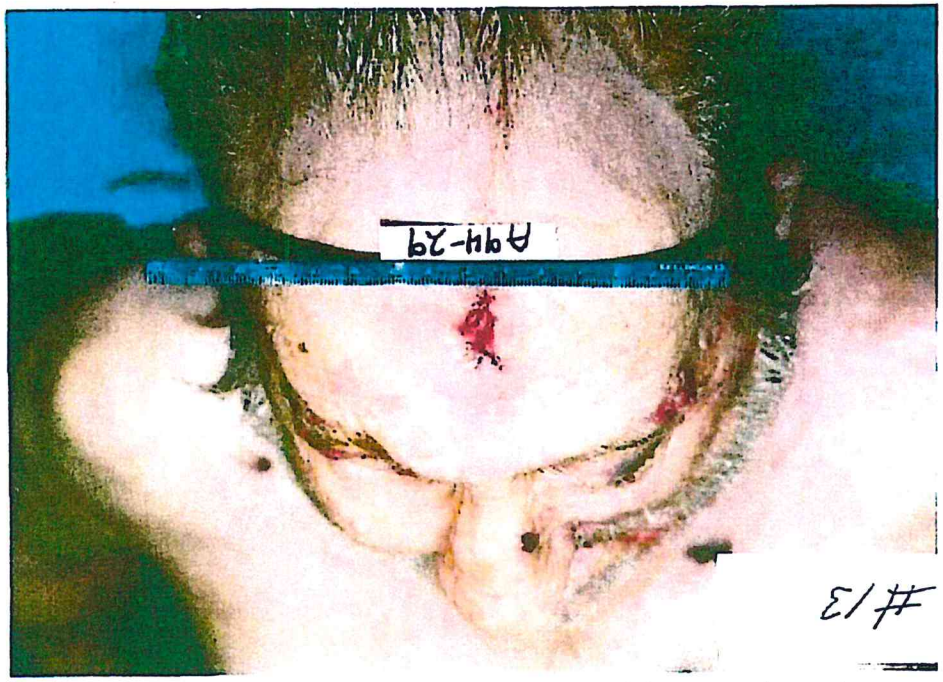
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#13

## Detective Jim Harrison

Detective Harrison testified that he had been in law enforcement for 21 years.[22] Detective Harrison testified about his role in the initial investigation at the crime scene. This included taking photographs and measurements as well as noting his observations.[23] He further testified about interviews that he conducted in connection with the homicide including those with Coffey, Rene Nelson, and Jeffery Nelson, among others.[24] See statements in law enforcement investigative section above.

On cross examination Detective Harrison testified that a conversation occurred among law enforcement officers about the description of an individual given by Nancy Horton during her initial interview. "From that information obtained, we knew that your client and Mr. Bragg were associates and they did run together."[25] Around 5:00 AM on Friday, December 9, 1994, Detective Shook began trying to obtain photographs of Coffey and Bragg. Thereafter they began looking for Coffey and Bragg as they believed they were together.[26]

Detective Shook further testified on cross examination that at around 8:00 AM, he and Agent Wilson began canvassing the trailer park where the Victim lived.[27] "We interviewed several people. A lot of people had claimed they didn't – at that particular point in time – claimed that they had not seen or heard anything. It was later that we learned that your client

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[22] Id. Coffey TT Pg. 257.
[23] Id. Coffey TT Pgs. 289-306.
[24] Id. Coffey TT Pgs. 306-307.
[25] Id. Coffey TT Pg. 350.
[26] Id. Coffey TT Pgs. 352-353.
[27] Id. Coffey TT Pgs. 354-355.

and Mr. Bragg had been seen on the evening of December 8th."[28] Detective Harrison testified that he interviewed Coffey for five hours.[29]

> As a result of this interview given by Mr. Coffey, he had implicated Mr. Bobby Bragg as being at the residence of the deceased, Coy Hartley. He, Mr. Coffey, had indicated that Mr. Bragg had hit Mr. Hartley with a trailer hitch ball. He indicated that he carried it in a sock; that Mr. Bragg had picked up a billfold and your client, Mr. Coffey, claimed that at some point in time that he ran. As a result of that information we contacted the district attorneys, Mr. Rusher and Mr. Wilson, to confer with them on our findings.[30]

Detective Harrison testified on that same day, a warrant was issued for Bragg. Bragg was arrested on Saturday, December 10, 1994 in Mountain City, TN. Detective Harrison interviewed Bragg. Bragg stated that he was in Mountain City, TN when the crime took place.[31] Detective Harrison testified that he interviewed Coffey again on January 6, 1994, and as a result of that interview, he swore out a warrant for Coffey's arrest for first-degree murder.[32]

## Agent Steve Wilson

Agent Wilson testified that he was a Special Agent with the North Carolina State Bureau of Investigation and that he participated in the investigation of the death of the Victim.[33] He testified that he participated in a search of the Victim's home for money and that no money was located. He further testified that he located and interviewed Coffey on Friday, December 9, 1994.[34] Agent Wilson testified that during this interview, Coffey gave inconsistent

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[28] Id. Coffey TT Pg. 355.
[29] Id. Coffey TT Pg. 370.
[30] Id. Coffey TT Pg. 371.
[31] Id. Coffey TT Pgs. 372-374.
[32] Id. Coffey TT Pgs. 382-383.
[33] Id. Coffey TT Pg. 410.
[34] Id. Coffey TT Pgs. 431-432.

statements, giving one version of events and subsequently giving another version of events later in the interview.[35] At the conclusion of the interview, Coffey was allowed to leave.[36]

On cross examination, Agent Wilson testified that he accompanied Detective Shook to Shirley Faircloth's home after the interview with Coffey in an attempt to locate the clothing that Coffey was wearing on the evening of Thursday, December 8, 1994.[37] When asked whether he had found the clothes, Agent Wilson responded, "Yes, sir, apparently we did based on the description he had given us and indeed did later acknowledge that those, that the clothing that we had with us at the police department was in fact the clothing that he had had on and had worn."[38]

## Jeffrey Nelson

Jeffrey Nelson was called to testify about his recollection of events that occurred on Friday, December 8, 1994. His entire testimony is included below. Please note that portions of the copy of the transcript that the Commission was able to obtain from the North Carolina Supreme Court were illegible when printed from the microfilm machine. As such, some pages have been retyped by Commission staff.

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[35] Id. Coffey TT Pg. 434.
[36] Id. Coffey TT Pg. 443.
[37] Id. Coffey TT Pgs. 453-454.
[38] Id. Coffey TT Pg. 455.

(Evening recess taken and Court subsequently resumes without the jury being present.

THE COURT: Everybody be ready to go?

THE STATE: Yes, sir, Your Honor, we are.

THE COURT: Are you ready, Mr. West?

MR. WEST: Yes, Your Honor.

THE COURT: Sheriff, bring the jury in, please.

(Jury escorted into the Courtroom.)

THE COURT: Well, members of the jury, I see that you got there and back all right. I'm glad to see you. All right, call your next witness.

THE STATE: Jeffrey, if you would, come right up here, please.

JEFFREY NELSON, being first duly sworn, testified as follows during DIRECT EXAMINATION by THE STATE:

Q Jeffrey, I want to talk with you just a minute. Okay. Are you scared, Jeffrey?

A (Affirmative nod.)

Q Now, you need, Jeffrey, to say - you can sit your water right up here and instead of just shaking your head, Jeffrey, yes or no, you need to say something because you see this lady right here in front of you. She's taking down what you say. Okay, now, tell us your name, young man.





A Jeff Nelson.

Q Jeff, where do you live?

A 129 Winter Drive.

Q One where?

A 29.

Q. What street?

A Jeff Nelson.
Q Jeff, where do you live?
A 120 Winter Drive.
Q One where?
A 20.
Q On what street?
A Winter Drive.
Q Winter Drive?
A Yes.
Q Do you know, Jeff, how old are you?
A Ten.
Q Ten. When were you born, Jeff?
A I was born in 1985, July the 22nd.
Q How long have you lived there on Winter Drive, Jeff?
A I don't know.
Q More than a year?
A Yes.
Q Who lives there with you?
A My mama, three brothers and sisters.
Q Are they older or younger than you?
A Younger.
Q You're the oldest?
A Yes.
Q Jeff, did you know before he died Coy Hartley?
A Yes.

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Q How did you know Coy Hartley?
A Because he lived right up, he lived right at the top of the street.

Q How did you know Coy Hartley?
A Because he lived right up, he lived right at the top of the street.
Q All right, did you live on the same street that he did?
A Yes.
Q How long had you known Mr. Hartley?
A Since he moved there maybe. I don't know.
Q Had it been a pretty good while?
A Yeah.
Q Okay. Jeff, did you know Kenneth Coffey?
A Yes.
Q Do you see Kenneth Coffey here today?
A Yes.
Q Point him out for us.
A (Witness points toward the defendant's table.)
Q In the blue shirt beside...
A Yes.
Q Did you know a person named Bobby Bragg?
A I didn't know him, but I've seen him before.
Q Where did you see Bobby Bragg?
A Well, he lives in Mountain City too. He goes there and Shady Valley.
Q Had you seen him around your trailer park where you lived?

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A Yes.
Q Did Bobby Bragg have a nickname? What did you call him or what did people call him?

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A Yes.
Q Did Bobby Bragg have a nickname? What did you call him or what did people call him?
A Big Bob or something like that.
Q Big Bob? Jeff, were these, Kenneth Coffey and Big Bob or Bobby Bragg, were these people that you were friends with or associated with?
A No.
Q Jeff, do you remember the day that Coy Hartley was killed?
A Yeah.
Q On that afternoon, did you go to school on that day?
A Yeah.
Q Where do you go to school?
A Hardin Park.
Q Were you going to Hardin Park then?
A Yes.
Q What grade were you in then?
A Fourth.
Q Fourth. After you got home from school that day, what did you do?
A I went - I did my homework.
Q After you do your homework, what do you do?
A I go outside.
Q Did you go outside on that day?

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A Yes.
Q What time did you get home from school, Jeff?
A About [illegible] something.
Q What kind of homework did you have?

A Yes.
Q What time did you get home from school, Jeff?
A About 3:15 or something.
Q What kind of homework did you have?
A I think math and my weekly essentials.
Q Your weekly what?
A Essentials.
Q Now, what's weekly essentials?
A It's something that we have to do every night.
Q Did you get those finished after you got home?
A Yes.
Q What did you do after you finished your homework?
A I went outside.
Q What did you do when you got outside?
A I played soccer.
Q Where were you playing soccer?
A In my yard.
Q At your trailer?
A Yes.
Q While you were out there, did you see Coy Hartley?
A Yeah.
Q Okay. Now, how long was it that it took you to do your homework, Jeff, do you know?
A No.

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Q But after you got home and did your homework, how long had you been outside playing before you saw Coy?
A I don't know.
Q Had you been out there a pretty good while?
A I guess. I don't know.
Q Where did you see Coy?

Q: But after you got home and did your homework, how long had you been outside playing before you saw Coy?

A: I don't know.

Q: Had you been out there a pretty good while?

A: I guess. I don't know.

Q: Where did you see Coy?

A: Going up the road.

Q: Was he walking?

A: Yeah.

Q: Now, you say going up the road, was he going towards his trailer?

A: Yeah.

Q: Or away from it?

A: Towards.

Q: Did he have something in his hand?

A: His cane.

Q: Okay, had you seen Coy walking a lot while you were out there?

A: Not a lot, no.

Q: Did you see him some?

A: Yeah.

Q: Did he walk with a cane?

A: Yeah.

Q: Did you see Kenneth Coffey and Bobby Bragg?

A: Yeah.

Q Where were they?
A Going up the road.
Q Were they behind Coy?
A Yes, uh-um.
Q How far behind Coy were they?
A I don't know.
Q Tell us what you saw Coy and...
A I went up the road.
Q ...Kenneth Coffey and Bobby Bragg...
A I went up the road on my bike and then I came back down.
Q Why did you go up the road on your bike?
A Just to see what was going on and then I came back down.
Q What do you mean to see what was going on?
A I just went up the road and then I saw them and then I came back down. I rode my bike back down the road.
Q What did you see Coy do?
A Go in the house.
Q What did you see Kenneth and...
A Go in the house.
Q Who's house?
A Coy's.
Q Was that when you rode up the road on your bike?
A Yes.

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Q Did your mama come out?
A Yes, I went to go get her.
Q You went to get her. Why did you go get your mom?
A Because I didn't - I didn't know what happened. So, I went to go get her.
Q What do you mean you didn't know what happened?
A I was scared.
Q Why were you scared?
A Because I thought something had happened to him.
Q To who?
A Coy.

Q Who's house?

A Coy's.

Q Was that when you rode up the road on your bike?

A Yes.





Q Did your mama come out?

A Yes, I went to go get her.

Q You went to get her. Why did you go get your mom?

A Because I didn't - I didn't know what happened. So, I went to go get her.

Q What do you mean you didn't know what happened?

A I was scared.

Q Why were you scared?

A Because I thought something had happened to him.

Q To who?

A Coy.

Q Why did you think something might have happened to him?

A Because they both went in the house.

Q They meaning Kenneth and Bobby?

A Yeah.

Q Did it concern you that Kenneth and Bobby Bragg were following Coy up the road?

A Yeah.

Q Why did it scare you or concern you?

A Because I thought something had happened to him.

Q Could you see whether or not Kenneth Coffey or Bobby Bragg had anything in their hands?

A I don't know.

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A I don't know.





Q Did you hear anybody say any - either Kenneth or Bobby Bragg say anything as they went up the road?
A I don't know.
Q Now, you say you got on your bike and rode up the road?
A Yes.
Q Was it because you were concerned?
A Yes.

MR. WEST: Objection to leading.

THE COURT: Overruled.

Q Where did you ride to on your bike, Jeff?
A Up the road.
Q Well, when you went up the road, did you go to Coy's trailer?
A No.
Q Where did you go to?
A There's a building where there's a basketball goal at.
Q A building?
A Yes.
Q How close is that to Coy's trailer?
A It's right across the road. It's like there's a building and then a little road at the top and then Coy's house is right beside it.
Q Okay, let me show you, young man, a photograph.

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A That.
Q Okay, I'm going to show you a photograph and it's marked as, got an 18 on the back of it. Does that show the building that you're talking about?
A The man right here.
Q Okay, I see a man standing there. Is that the building right beside that man that you're talking about?
A Yeah.
Q Okay. All right. Is that where you went to?
A Yeah, on the bike.
Q When you got to there, what did you see Coy do?
A Go in the house.
Q Okay, after he went in the house, what did you see Kenneth and Bobby do?
A I left.
Q You left then?
A Yeah.
Q Where was Kenneth and Bobby Bragg when you left?
A I don't know.
Q Had they already gone into the house?
MR. WEST: He said he didn't know.
THE COURT: Well, go ahead and ask him.
Q Well, after you left the building, could you see where Kenneth Coffey and Bobby Bragg were?
A No.

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Q Do you know whether or not they went in the house [illegible] in Coy's house?
A I don't...
MR. WEST: Objection to leading, Your Honor.
[illegible] sustained.

Q Had they already gone into the house?

MR. WEST: He said he didn't know.

THE COURT: Well, go on and ask him.

Q Well, after you left the building, could you see where Kenneth Coffey and Bobby Bragg were?

A No.





Q Do you know whether or not they went in the house that is in Coy's house?

A I don't...

MR. WEST: Objection to leading, Your Honor.

THE COURT: Overruled.

A Huh?

THE COURT: Do you know whether or not they went in the house?

A No.

THE STATE: That's all.

CROSS-EXAMINATION by MR. WEST:

Q Jeff, you're in the fourth grade?

A Yes.

Q At Hardin Park School?

A Yes.

Q And you ride the bus, do you not?

A Yes.

Q You ride Bus #40?

A Yes, I did. I don't know.

Q Do you - how are you sure that it was - have you been - tell me how you know Bobby Bragg?

A He lived in - he used to go to Shady Valley where my uncle - he was in Shady Valley before because my uncle's mom lives there.

Q House in Shady Valley?

A It's in Mountain City like, I think.
Q Did you used to live in Mountain City?
A Yes, my dad lives there.
Q And that's how you knew Bobby Bragg?
A Well, I've seen him before. I don't know him.
Q You've never met him?
A No.
Q And how did - so, you knew him in Tennessee?
A No, I didn't know him.
Q Well, when did you first become acquainted with him?
A What do you mean?
Q I just want to know the first time you got to know who he was. Was this in Mountain City?
A Yes, I don't know who he is.
Q You don't know who he is?
A But I've seen him.
Q Well, who - who told you who he was and told you his name?
A My uncle.
Q And was this in Tennessee?
A Shady Valley
Q How do you know Kenneth Coffey?
A I've seen him before.
Q And who told you what his name was?
A I've seen him before and I knew who he was.

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Q How do you know Kenneth Coffey?

A I've seen him before.

Q And who told you what his name was.

A I've seen him before and I knew who he was.





Q Who told you what his name was?

A I met him.

Q You met him?

A Yeah.

Q Who introduced you to him?

A Well, he used to live, I mean he didn't live there, but he used to go to Rhonda whatever her name was.

Q Rhonda Carson?

A Yeah, across the street from me and he used to go there and I went over there before where her boy lived and I used to play with him and I watched movies over there.

Q Now, I believe that you had testified that you played soccer that day, did you not?

A Yes.

Q Were you playing soccer when you saw...

A Yes.

Q You were playing soccer?

A Yes.

Q All right, and you were playing soccer in your yard?

A Yes.

Q And then you say that you saw Coy walk up the street.

A Yes.

Q Now, he was - he had a cane?

A Yes.

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Q Was this a - was it really just a stick?
A It was a cane or a stick. It was a cane.
Q Are you familiar with - have you ever lived on a farm?
A Yes.
Q Are you familiar with tobacco?
A Yes.
Q Well, was this a tobacco stick?
A I don't know. I don't know.
Q Did it look like a tobacco stick?
A Yeah, sort of, but I don't know.
Q And, so, you were playing soccer with your friends I believe?
A Yes.
Q Eddie Jones, Nick Gray and Steve Jones?
A Yeah.
Q And were you playing in the street?
A No, my yard.
Q Well, you must have a big yard then?
A No.
Q And then when you - if you were busy playing soccer, why did you decide to quit playing - did you quit playing soccer and ride up the street?
A Yes.
Q Did you just get tired of playing soccer?

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A I quit.
Q You quit?
A Yes.

A I quit.
Q You quit?
A Yes.
Q Why did you stop playing soccer?
A Because I went up the road.
Q And why did you go up the road?
A Because they went up behind him. I was wanting to see. I just went up there to see.
Q You were just curious as to what was going on?
A Yes.

MR. WEST: Sir?

THE COURT: I didn't say anything.

Q Had you seen - do you play out in the street a lot?
A I play in my yard.
Q Your yard.
A The cars will go, sometimes will go up and down the street, but I play ball, I throw my football sometimes in the street sometimes.
Q All right. What made you think that something had happened to Coy?
A Because as I went, they were going up the street behind him, I was concerned about him.
Q You had seen them walk up there before, had you not?





A Yes. Yeah, I knew Coy and he used to give us basketballs and stuff all the time if he had them if we asked to play with them or something.
Q Coy was - he used to - did you ever play with Coy?
A He used t - so, not really. He used to like - he gives us stuff and he liked giving, sometime, one time he gave us a glove, a baseball glove.

A: Yes. Yeah, I know Coy and he used to give us baseballs and stuff all the time if he had them if we asked to play with them or something.

Q: Coy was – he used to – did you ever play with Coy?

A: He used to – no, not really. He used to like – he gives us stuff and he liked giving, sometime, one time he gave us a glove, a baseball glove.

Q: The children in the neighborhood liked Coy, didn't they?

A: Yeah.

Q: He was a friend to them, was he not?

A: Sort of, yeah.

Q: He would give them whatever they needed if they needed something...

A: No, if he had it like if we needed to play something he had, we would ask him and he would let us use it.

Q: Right. Now, did – he had some toy guns, did he not?

A: Yeah.

Q: Did he not let you play – did he let the children in the neighborhood play with the toy guns?

A: No.

Q: No. He had a pellet gun?

A: No. I think he has a pellet gun, but it was like, looked like, it looked like it was fake.

Q: It looked like a real gun, but it wasn't, is that right?

A: Yeah, I don't know if it was real or not, but it looked fake.

Q: I see

MR WEST: I have no further questions.

THE STATE: Thank you, Jeffrey, you may step down. Renee Nelson.

RENEE NELSON, being first duly sworn, testified as follows during DIRECT EXAMINATION by the STATE:

Q: Tell us your name, please, ma'am.

A: Renee Nelson.

Q: Ms. Nelson, do you know the young man who just testified?

A: Yes, sir.

Q: How do you know him?

A: He's my son.

Q: Ms. Nelson, you can pull that mike. I had it down for him and you can pull it up a bit if you need to.

A: Okay.

Q: Ms. Nelson, where do you and your son live?

A: 120 Winter Drive.

Q: Now, well, you told us, who else lives there with you?

A: My two daughters and my other son.

## Rene Nelson

Rene Nelson was called to testify about her recollection of events that occurred on Friday, December 8, 1994. Her entire testimony is included below. Please note that portions of the copy of the transcript that the Commission was able to obtain from the North Carolina Supreme Court were illegible when printed from the microfilm machine. As such, some pages have been retyped by Commission staff.

Q: It looked like a real gun, but it wasn't, is that right?

A: Yeah, I don't know if it was real or not, but it looked fake.

Q: I see

MR WEST: I have no further questions.

THE STATE: Thank you, Jeffrey, you may step down. Renee Nelson.

RENEE NELSON, being first duly sworn, testified as follows during DIRECT EXAMINATION by the STATE:

Q: Tell us your name, please, ma'am.

A: Renee Nelson.

Q: Ms. Nelson, do you know the young man who just testified?

A: Yes, sir.

Q: How do you know him?

A: He's my son.

Q: Ms. Nelson, you can pull that mike. I had it down for him and you can pull it up a bit if you need to.

A: Okay.

Q: Ms. Nelson, where do you and your son live?

A: 120 Winter Drive.

Q: Now, well, you told us, who else lives there with you?

A: My two daughters and my other son.

Q: How long have you and your family lived there at 121 Winter Drive?

A: 120.

Q: I'm sorry. 120 Winter Drive.

A: About three years.

Q: Ma'am, did you know at the time where Coy Hartley lived?

A: Yes, sir.

Q: In relation to your home, where was that?

A: All the way to the other end of the street.

Q: Let me show you, ma'am, a photograph marked as State's Exhibit #8. It's been earlier testified that this photograph was taken from your yard towards Coy Hartley's trailer. Does that fairly and accurately depict a scene from your yard towards Mr. Hartley's trailer?

A: Yes, sir.

Q: All right. Now, ma'am, do you recall that day that Mr. Hartley was killed?

A: Yes, sir.

Q: Do you recall what day of the week that was?

A: It was on Thursday.

Q: All right. Ma'am, your older son, Jeffrey, had he been to school on that day?

A: Yes.

Q: Do you know what time he got home?

A: Around 3:15, 3:30, somewhere around there.

Q: All right. Now, your other younger daughters, do they, your other younger children, do they – were they at the time attending some school somewhere?

A: Rainbow Preschool.

Q: Okay. Now, what time was the Rainbow Preschool over that you had to pick up your children there?

A: You had to pick tm up by 5:30.

MR. WEST: Objection to leading.

THE COURT: Overruled.

Q: About what?

A: 5:30.

Q: Around 5:30. Ma'am, did you at the time have an automobile or transportation?

A: No, sir.

Q: Who did you depend on for transportation?

A: My great aunt.

Q: Does she- where does she live?

A: She lives on the same street I do.

Q: After Jeffery got home, ma'am, did you make some preparations, what preparations did you make to, first of all, what did you require Jeffrey to do upon his arrival home?

A: He can't even go out the door unless he does his homework.

Q: Do you know whether or not he did his homework on that days?

A: Yes, sir, he did.

Q: Do you know how long it took him?

A: Thirty minutes maybe.

Q: What did he do after he did his homework?

A: He went outside and played because one of his friend's Eddie Jones, come to get him to go out and play soccer.

Q: Do you have some concept, ma'am, of about what time that was?

A: 4:15 maybe.

Q: Now, did you make some arrangements thereafter to go pick up your other children?

A: Yes.

Q: Tell us what you did?

A: Well, my aunt always, always takes me to get my other three children anywhere between a quarter till and 5:00 o'clock every day. I went up to get my sister, Beverly, to come down and sit with Jeffery so I could go get them. He's – I mean he's responsible enough to be alone, but I don't like to leave him alone.

Q: All right.

A: And I was gone maybe ten or fifteen minutes.

Q: When you came back to the trailer, it would have been around what time, ma'am?

A: About 5:00

Q: Did you leave to go pick up your other children?

A: Yes.

Q: Prior to that, had you seen – prior to the time you left to go pick up your other children, where was your son, Jeffery?

A: In the yard.

Q: Had you at that point seen Coy Hartley?

A: Yes, Jeffrey was screaming for me because....

MR. WEST: Objection to leading.

THE COURT: Overruled.

A: Can I Answer?

THE COURT: Wait just a minute. When he objects, don't try to answer.

A: Okay.

THE COURT: Too much going on at one time.

A: Okay.

THE COURT: Overruled. Now, answer the question.

Q: What time did you hear Jeffrey hollering for you?

A: It was sometime between...

MR. WEST: Objection to leading.

THE COURT: Overruled.

Q: Ma'am, what time did you hear Jeffrey hollering for you?

A: It was between a quarter till 5:00 and 5:00.

Q: Okay, now, we're talking about p.m. here, is that right?

A: Yes.

Q: Where were you when you heard him?

A: In my house.

Q: What did he say if you remember?

A: He was screaming for me to come outside and he wanted to know why that Kenneth and Bobby were cussing. "That damned old Coy," was his exact words.

Q: Ma'am did you know at that time Bobby Bragg?

A: I know who he was. I had seen him in there before.

A: Did you know Kenneth Coffey?

A: Yes.

Q: Had you known, while you were there, Coy Hartley?

A: Did I know what?

Q: Did you know Coy Hartley?

A: Yes.

Q: Did you, in fact, go outside, ma'am?

A: Yes.

Q: When you went outside, where did you find your son?

A: Looking up the road.

Q: Who else did you see outside?

A: Well, mine and the other children, I saw the other children and I saw Coy walking up the road.

Q: Where was he, ma'am?

A: He was maybe two trailers up from me, but he was still walking.

Q: Did he have anything in his hands?

A: He had an old cane like thing.

Q: Had you seen his walking before?

A: Yes.

Q: Did he on occasion have a cane with him?

A: Yes. I didn't think he was able to walk without it. I didn't know if he was so drunk that he couldn't or he just wasn't able, but he always had it.

Q: Coy consumed alcohol, did he not, ma'am?

A: Yes.

Q: Did you see other persons behind him?

A: Yes, sir, I did.

Q: Who did you see behind him?

A: Kenneth Coffey and Bobby Bragg.

Q: What were they doing?

A: Cussing him.

Q: What were they saying, ma'am, if you recall?

A: I couldn't hear exactly what Kenneth was saying, if anything, but Bobby was looking at Kenneth and saying,

"Ain't that right." But he was saying it toward Coy. He was calling him a son of a bitch and things.

Q: Calling Coy a son of a bitch?

A: Yes.

Q: Did you see anything in either of Kenneth Coffey or Bobby Braggs hands?

MR. WEST: Objection to leading.

THE COURT: Overruled.

Q: Did you see anything in either of their hands?

A: Yes.

Q: What did you see?

A: I saw in Bobby's hand, he had a long dark object, kind of like a sock and it had something heavy in it because the sock was dragging.

Q: How far behind Coy were they when you saw them?

A: It was twenty or thirty foot.

Q: Did Coy look back at them or respond to them in anyway?

A: He never answered tem, but as he was walking, he would look just over his shoulder. Look back over his shoulder and keep going.

Q: What happened – excuse me. What happened then, Ms. Nelson?

A: Well, I kind of just ignored it because I mean I just figured he was drunk and they were just aggravating

Him. So, I went on up to my sister's and got her to come and sit with Jeffrey so I could go get my other children from day care.

Q: Did you see – about what time would this have been, ma'am?

A: Between 4:45 and 5:00.

Q: Did you see what your son did? Did he leave your yard?

A: Yeah, he stood in the road to see them go up the street and he got his bicycle and he said, "I'm going to go up there and see what they're doing."

Q: Do you know where he went to?

A: When they got in Coy's yard. I could pretty much see the beginning of their yard there from my house.

Q: Who did you see go into Coy's yard?

A: Kenneth and Bobby and Coy.

Q: At that point, how far ahead of Kenneth, Kenneth Coffey and Bobby Bragg and Coy.

A: Twenty or thirty feet. Two trailer lengths.

Q: Ma'am, I believe you said you went to get your sister Beverly, to watch your children?

A: Yes, sir.

Q: Did you do that?

A: Yes, sir, but my mom lives two trailers up form me. It took a minute to get from my yard up to her trailer and up to my sister's handicapped ramp.

Q: What did you do after you went to get your sister?

A: I went to my aunt's, just lives right across the street and went and got my other children.

Q: What time did you arrive back home, ma'am?

A: About 5:00. It didn't take but just a couple of minutes.

Q: Where is the Rainbow Preschool? Where is it?

A: On the same street I live. It's just – it on Winkler's Meadow. It's just right at the road.

Q: Later, did you remain at your residence the remainder of that night?

A: Yes.

Q: Did you later – were you later – did you later see emergency vehicles going into your road?

A: I saw an ambulance and some police cars – well, at first, I saw the police cars and then I saw an ambulance and my mom come and told me that they were up there. I didn't actually see them go up the road, no, cause she said that Coy had a heart attack or a stroke or something. That someone had told her he was dead.

Q: About what time was that you found out Cory was dead?

A: I honestly don't remember. It had to have been close to dark though, but I honestly don't remember what time.

Q: Did you later talk with someone, ma'am, about the events that you've described here to the jury?

A: Yes.

Q: When was that?

A: The next morning, I talked with – I don't remember what his name was, but he was from the SBI. I that his last name was Wilson.

Q: Okay, someone named Wilson from the SBI. Did you tell him – what did you – did you tell him what you've told us here today?

A: Some of it. I was kind of afraid to talk to him.

Q: Why were you afraid, ma'am?

A: Because I really didn't want to get involved. I was scared.

Q: Do you know whether or not the Wilson from the SBI talked with your son??

A: I think that Jeffrey was at school.

Q: Did you later, after the next morning, did you talk with someone?

A: Yes.

Q: Who did you talk with then?

A: Detective Mark Shook and Jim Harrison.

Q: The two gentlemen seated here to my right?

A: Um-um.

Q: When was that, Ms. Nelson, that you talked with them?

A: One afternoon. I don't remember what day it was.

Q: Okay. It was how long after Coy's death?

A: Just a day or two.

Q: A day or two, and what did you tell them, ma'am?

A: That I had seen Kenneth and Bobby go up the road after Coy and that they were cussing him.

Q: Did you tell them what you've told us here today?

A: Yes.

Q: Did someone, did your son talk to someone?

A: Yes sir.

Q: Who did he talk to?

A: He also talked with Mark Shook and Detective Harrison.

THE STATE: Thank you, Ms. Nelson.

CROSS-EXAMINATION BY MR. WEST:

Q: Ms. Nelson, you testified that you usually pick your children up about 5:30?

A: No, sir, I have to have them picked up before 5:30.

Q: Before 5:30. I see. So, on this particular day, you picked them up at that time?

A: I always went to pick them up any time between 4:45 and 5:00 o'clock.

Q: Well, on this particular day, do you know when you picked them up?

A: I'm not sure of the exact minute I got to the day care, no, but it was around 5:00 o'clock.

Q: Do you know the defendant?

A: Yes, sir.

Q: How do you know him?

A: He used to live with Rhonda Carson. I don't know if he actually lived with her or it was just his girlfriend, but I've known him for two, maybe three years.

Q: Do you know what he was wearing that day?

A: I don't know what kind of pants, but I know what kind of shirt he was wearing. He was wearing like a white thermal undershirt and a flannel shirt tied around his waist.

Q: A flannel shirt around his waist. You stated that you saw Mr. Bragg carrying something in his hand?

A: Uh-um.

Q: And could you describe that?

A: It was dark. It was like a sock I suppose. It certainly looked like one and it had something heavy in it because it was sagging. I mean you could obviously tell it was sagging.

Q: But you didn't hear Kenneth cursing?

A: No, I can't say I honestly hear him say anything but he was laughing at what Bobby as saying.

Q: And you thought they were both drunk?

A: No, I didn't say that. I thought Kenneth or Coy was drunk.

Q: And they were following...

A: Coy up the road, yes.

Q: Thirty or forty feet behind him?

A: No, twenty, thirty feet maybe.

Q: Were they yelling at him?

A: Kenneth was not, no, but he was laughing at what Bobby was saying.

Q: And you can't understand what Bobby Bragg said?

A: No, I could. He was saying things like, "Ain't that right, Ain't that right, you son of a bitch," and stuff like that. Just nasty, vulgar stuff.

Q: Do you – what was the temperature like on that day?

A: It was a warm day for, for that time of year. It was a very warm day. It was warm as a matter of fact because Jeffrey wore shorts to school that day. I'm positive of that.

Q: Did you – did you see – you didn't see Coy go in his house, did you?

A: No, sir, I cannot see his door from my door. So, no, sir, I did not. I did not see either of them go inside the house.

Q: So, you were in your yard when you observed this?

A: Well, I as in my mother's, on my mother's yard when I actually seen them get to Coy's trailer. I can't see the door from their either, but I can see the beginning of Coy's yard from there.

Q: Where is your mother's trailer?

A: Just two trailers up from mine.

Q: So, you couldn't see Coy go into the trailer?

A: No, I couldn't see anybody go into the trailer, no, sir.

Q: And you didn't – did you see – you couldn't see anybody go in the trailer?

A: No, not from where I was. I couldn't see any – I could see them go into the yard but not into the trailer, no.

Q: How long did you observe them?

A: Just a couple of minutes. Five, maybe six minutes.

Q: Was it dark at that time?

A: No, sir.

Q: Broad daylight?

A: No, it wasn't – it was just like, like it is now. It would be right on the verge of getting dark. I mean

You could still see, but, yeah, it was still bright enough to see, yes.

Q: You've been living on Winter Drive for two years?

A: No, just a little over three years.

Q: Three years?

A: Uh-um.

Q: Coy drank a lot, did he not?

A: Yes, he did.

Q: Were you familiar with his habits, his drinking habits?

A: You never saw Mr. Hartley unless he ran out of booze because he would stagger to the store and get some more and he wouldn't have his bottle of liquor covered. I mean he would have it out in the open swigging out of it.

Q: Were they...

A: He mostly drank beer though, yes, I know that.

Q: Did he have a lot of company at this trailer? Did you see people going in and out?

A: Not very often.

Q: Did you see other people – do you know with whom he associated? Any of the people with whom he associated?

A: I know some people that have been up there just by looking at them. I wouldn't want to know some of the people he associated with.

Q: I couldn't understand you. I'm sorry.

A: I know some of the people just by looking at them.

Q: Are they what you would call street people?

A: Yes.

Q: Were there a number of street people who would visit Coy regularly?

A: I don't think so. I don't know.

Q: You do know Rhonda Carson?

A: Yes.

Q: Did she ever go to his trailer, do you know?

A: I don't know. I think maybe I saw her there a time or two maybe. I really can't remember.

Q: Did you ever go to Coy's trailer?

A: I can't honestly say I never knocked on the door, no.

Q: What is stored in the storage chest, storage at the end of the street?

A: In the building there?

Q: Yes.

A: That I know of just some personal property like signs and things that belong to Randolph Phillip. He owns the trailer park.

Q: You didn't have anything stored there?

A: Huh-um.

Q: You son had nothing stored there?

A: No.

Q: So, you picked up your children at about 5:00 o'clock?

A: Uh-um.

Q: And then you drove from the nursery back to your trailer?

A: It didn't take – no, I didn't. My aunt did. It didn't take just a...

Q: You did not go with her?

A: No, I did not drive. She did.

Q: But you went with her?

A: Yes.

Q: Okay, and you came back, you say you came back about 5:15?

A: No, I was back way before then. I was home really close to 5:00. It doesn't take but just a couple minutes to get up there and back.

Q: Now, didn't you say that you had heard that Coy had been killed close to dark?

A: No, I did not hear that he had been murdered that evening. No, sir, I did not.

Q: When did you first hear something had happened or notice that something had happened?

A: Later that evening, my mom told me that someone had told her Mr. Hartley had a heart attack or stroke.

told her that Mr. Hartley had a heart ...

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I did not know that he had been murdered till the next morning.

Q Did Bobby Bragg wear a hat?

A I honestly don't remember.

Q Did Kenneth wear a hat?

A I don't remember. I don't think so. I don't remember.

Q But you do remember that he wore some sort of a thermal shirt?

A I do remember what he as wearing. I honestly do not remember if he had on a hat or not.

Q But he - what color trousers was he wearing?

A I remember dark blue, black. I don't remember.

Q You do not remember?

A No, sir.

Q What kind of jacket, did he have on a jacket?

A No.

Q And he had the plaid shirt wrapped around his waist?

A Thermal, thermal, flannel shirt, yes.

Q A thermal, plaid shirt?

A Flannel. He had on a thermal shirt and a flannel shirt tied around his waist.

Q It was tied around his waist?

A Uh-um.

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he would have been alone.
That be, Kenneth, Mit Cay
Q After - what was his
the time he made this stat
A He was cooperative,
understood what I said and
understand what he said.
Q After he made the s
you do?
A I put Mr. Shook, be
room, interview room with
after a few moments I let
Q Why did you ask Mr
into the room?
A It was with the ag
defendant could speak to
he had advised me of.
Q Had you asked the
to talk with other perso
A I had.
Q What did you say
A I asked him in de
to, if he would speak t
down that day with him.
Q What did he say t

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Q So, what he had on was, from the waist up, you saw
this white, thermal shirt?

A He said he wouldn't
Detective Harrison, and
Shook.

A Uh-um.



Q What did he say to





Q So, what he had on was, from the waist up, you saw this white, thermal shirt?

MR. WEST: I have no further questions.

THE STATE: Thank you, Ms. Nelson. You may come down now. Your Honor, may Ms. Nelson and her son be excused. I believe he needs to go back to school.

THE COURT: Any objection?

MR. WEST: I'm sorry.

THE COURT: To this lady being excused?

MR. WEST: Not at all.

THE STATE: Officer Rasnake, come around, please.

RANDALL RASNAKE, being first duly sworn, testified as follows during DIRECT EXAMINATION by THE STATE:

Q Tell us your name, sir, and your occupation.

A Officer Randall Rasnake, patrolman with the Boone Police Department.

Q Sir, how long have you been a parole officer with the Boone Police Department?

A Approximately four years, sir.

Q Officer Rasnake, I want to direct your attention to the 6th day of December, 1994, were you on duty on that day?

A I don't recall, sir.



A He said he wouldn't
Detective Harrison, but th
Shook.

Q In response to that,

A Left the room and th
this. Then he accompanie

Q How long did you st
Officer, Detective Shook

A A few minutes, two

Q Did you return agai

A Later on, I did.

Q All right, how lon
leaving Mr. Shook and Ke

A Both Detective Sho
exited the room later on
room and I accompanied t

Q Sir, what happened
transpired when you re-e

A Detective Shook m
made notes upon and writ
Coffey and myself and I
or Mr. Harrison reviewed
my signature on that pa

Q Did you hear some
the things on the state





[illegible] sir. Do you have recollection

A I did.

Q You did [illegible]

A [illegible]

## Officer Randall Rasnake

Officer Rasnake testified that he had been a patrolman with BPD for approximately four years.[39] He further testified that in early December 1994, he was called to the Longvue Motel in reference to a disturbance. When he and Officer Hayes arrived, they found Coffey and Bragg intoxicated. While searching Bragg, he located a black knife and a white athletic sock with a chrome trailer hitch ball in the sock. Officer Rasnake testified:

> Q: Did you make some comment to him, sir, about his possession of that object?
>
> A: Yes, sir, I did.
>
> Q: What did you say to him?
>
> A: I asked Mr. Bragg had he been using that as a weapon. It was in a sock where it could be swung as a weapon. I asked him what his purpose was for having the ball. He stated that he just had the ball, that he had found it and placed it in the sock. I didn't believe him and questioned him further and accused him of having it and carrying it for use as a weapon, to swing as a blunt object type weapon.
>
> Q: Did he ever indicate to you whether or not he was using it as a weapon.
>
> A: No, sir, he did not. He continued with his story that he just found it and placed it in the sock.[40]

On cross examination, Officer Rasnake testified that both Coffey and Bragg were taken to the Sheriff's Department for a twenty-four hour hold.[41]

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[39] Id. Coffey TT Pg. 526.
[40] Id. Coffey TT Pg. 503.
[41] Id. Coffey TT Pg. 505.

## Agent Jonathan Jones

Agent Jones testified that he worked for the North Carolina State Bureau of Investigation as a polygraph examiner and training coordinator.[42] He further testified that on March 21, 1995, Coffey was brought to his office in Hickory, NC for the purpose of taking a polygraph. While Coffey was with Agent Jones' he made comments to Agent Jones regarding the death of the Victim. After Coffey made the comments, Agent Jones asked Detective Shook to come into the room so that Coffey could provide a statement to Detective Shook. Agent Jones testified that Coffey had stated that he would not speak with Detective Harrison, but that he would speak with Detective Shook.[43]

Agent Jones testified that after Detective Shook took Coffey's statement, Agent Jones reentered the room. At that time Detective Shook went over the statement. Agent Jones signed the paper. Coffey stated to Agent Jones that the statements were true.[44] See the statements Coffey made to Agent Jones in law enforcement investigation section above.[45]

## Detective Mark Shook

Detective Shook testified that at the time of the crime he was a detective with BPD. At the time of trial he was a Deputy Sheriff with the Watauga County Sheriff's Department.[46] Detective Harrison testified about his role in the initial investigation at the crime scene. He

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[42] Id. Coffey TT Pg. 506.
[43] Id. Coffey TT Pgs. 507-511.
[44] Id. Coffey TT Pgs. 511-512.
[45] Agent Jones testified that he mistakenly wrote "That Kenneth then hit Coy with a sock with a trailer ball in it" and that he should have written "That Bragg then hit Coy with a sock with a trailer ball in it." See Coffey TT Pg. 509.
[46] See Coffey TT Pg. 519.

testified that he spoke with Nancy Horton at 8:14 PM at her trailer on the night of the crime and testified that he participated in a neighborhood canvass the following day.[47] He testified for corroborative purposes about the interview he conducted with Rene Nelson and Jeffery Nelson on December 15, 1994.[48] He also testified about his January 6, 1995 interview of Coffey and noted the inconsistences between the original statement provided by Coffey and this statement.[49] Detective Shook then testified about his March 21, 1995 interview of Coffey at the SBI Office in Hickory, NC.[50]

## The Victim's Money

Additional testimony was heard regarding the wallets that the Victim carried. The Victim's sister-in-law, Barbara Jean Hartley, testified that the Victim carried a long wallet with a chain on it. He would keep the wallet in his back pocket and the chain through where his overalls buckled. She testified that he carried a wad of money and showed it to her and her husband, Grady, the Victim's brother.[51] Tony Triplett, a friend of the Victim, testified that the Victim always wore bib overalls and kept a small billfold with a rubber band around it under the overalls. Triplett also observed the Victim with a chain billfold. Triplett testified that two and a half weeks prior to his death, the Victim asked him to count the money he had in his small

[47] Id. Coffey TT Pg. 550.
[48] Id. Coffey TT Pgs. 550-556.
[49] Id. Coffey TT Pgs. 558-562.
[50] Id. Coffey TT Pgs. 562-569.
[51] Id. Coffey TT Pgs. 448-449.

billfold. Triplett counted it. There was $2,400 in $100 bills.[52] Danta Huner of the Northwestern Regional Housing Authority testified that the Victim received $446 per month in SSI benefits.[53]

## Defense Case

The defense put on witnesses to show Coffey's education and mental health status. William Eller testified that Coffey was given an IQ test in October 1979 when he was in ninth grade. The test was the Otis-Lennon Mental Aptitude Test. Coffey scored a 75. Eller further testified that 100 is normal or average and 75 would be twenty-five points below average. He testified that Coffey was below a low average and was classified as educationally mentally handicapped.[54] Dr. William Knight testified that he gave Coffey an IQ test in June 1995. Coffey was given a Wechsler Adult Intelligence Scale, revised edition. Dr. Knight testified that Coffey has a verbal IQ of 62, a performance IQ of 61, and a full scale IQ of 60.[55] Jim Thornton testified that when he began working at New River Mental Health in November of 1990, Coffey was on an outpatient commitment. He was being treated for depression and alcoholism.[56]

The defense also called John Combs, an employee of the ABC store. Combs testified that Coffey came into the store on Thursday, December 8, 1994 and asked Combs what kind of liquor the Victim buys. Combs told Coffey the type of liquor and Coffey then purchased a pint

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[52] Id. Coffey TT Pgs. 477-479.
[53] Id. Coffey TT Pg. 440.
[54] Id. Coffey TT Pg. 578.
[55] Id. Coffey TT Pg. 608.
[56] Id. Coffey TT Pgs. 650-651.

of the liquor. Cash register tapes were introduced that showed that the purchase occurred at either 3:38 PM or 3:46 PM.[57]

## DNA Stipulation

A stipulation was entered regarding an SBI report which describes DNA testing on Coffey's jacket and jeans and concludes that "No DNA banding pattern other than that of the suspect, Kenneth Eugene Coffey, was obtained from the cutting of the nylon jacket and the cutting from jeans."[58] A copy of that laboratory report is included below.

[57] Id. Coffey TT Pgs. 564-567.
[58] Id. Coffey TT Pg. 638.

North Carolina

# STATE BUREAU OF INVESTIGATION

Department of Justice
RALEIGH

## LABORATORY REPORT

TO: Det. J.B. Harrison
Boone Police Dept.
1500 Blowing Rock Rd.
Boone, NC 28607

DATE: April 19, 1995

SBI LAB NO.: R940024687

SBI FILE NO.: 494-H-32

TYPE OF CASE: Homicide

AGENCY FILE NO.: 9416953

LOCATION: Watauga County

EXAMINED BY: M.T. Boodée

SUBJECT: COY HARTLEY - VICTIM
ROBERT CHARLES BRAGG & KENNETH EUGENE COFFEY - SUSPECTS

MATERIAL SUBMITTED BY: See Below

DATE OF OFFENSE: December 8, 1994

DATE SUBMITTED: See Below

ITEMS SUBMITTED BY DET. J.B. HARRISON ON DECEMBER 14, 1994, AND RECEIVED FROM S/A J.A. ELWELL ON JANUARY 4, 1995:

Item #8: Cutting from a nylon jacket.
Item #9: Cutting from jeans.
Item #15: Bloodstain from Coy Hartley.

ITEMS SUBMITTED BY DET. J.B. HARRISON ON DECEMBER 21, 1994, AND RECEIVED FROM S/A J.A. ELWELL ON JANUARY 4, 1995:

Item #16: Bloodstain from Robert Charles Bragg.
Item #17: Bloodstain from Kenneth Eugene Coffey.

TYPE OF ANALYSIS REQUESTED:

DNA Analysis.

RESULTS OF ANALYSIS:

High molecular weight DNA was recovered from each of the above items. This DNA was cut with the restriction endonuclease *Hae III*. A known bloodstain and DNA from the human cell line K562 were used as positive human

I, Michael F. Easley, Attorney General of the State of North Carolina, hereby certify that the form identified as: North Carolina State Bureau of Investigation, Department of Justice, Laboratory Report is a form approved by me for the purpose stated in G.S. 90-95(g) and approved by me in compliance with the said statute.

COPIES TO:

Mr. James T. Rusher, D.A.
SAC J.S. Momier
S/A D.S. Wilson

THIS REPORT IS TO BE USED ONLY IN CONNECTION WITH AN OFFICIAL CRIMINAL INVESTIGATION.

James J. Coman, Director

This report represents a true and accurate result of my analysis on the item(s) described.

MTB
M.T. Boodée

CONFIDENTIAL. This is an official file of the North Carolina State Bureau of Investigation. To make public or reveal the contents thereof to any unauthorized person is a violation of the General Statutes of North Carolina.

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controls as a quality control measure for comparison purposes. DNA probes for the polymorphic human loci D1S7, D2S44, D4S139, D5S110, D7S467, D10S28, D17S26, D17S79, and the monomorphic locus D7Z2 were used in the analysis of these samples.

No DNA banding pattern other than that of the suspect, Kenneth Eugene Coffey (Item #17), was obtained from the cutting from a nylon jacket (Item #8) and the cutting from jeans (Item #9).

DISPOSITION OF EVIDENCE:

Envelopes containing the material submitted and any left over material are being returned via First-Class mail. All autorads, membranes and extra DNA (if any) prepared during the analysis of this case will be retained by this laboratory for a period of five (5) years.

Attachment

000094

# Conclusion

At the conclusion of the trial, the jury convicted Coffey of First Degree Murder under the first degree felony murder rule. Coffey was given a sentence of Life Without Parole.

# IX. Bragg Trial

## Introduction

Bragg's trial was held on February 5-9, and February 12-13, 1996, in Watauga County. The trial judge was the Honorable Charles C. Lamm. The state was represented by James Rusher, District Attorney and Gerald Wilson, Assistant District Attorney. Bragg was represented by Jeffery Hedrick and Vincent Gable.[59]

## State's Case

Several witnesses who testified in Coffey's trial also testified in Bragg's trial. Many provided testimony that was consistent with the testimony that they provided in Coffey's trial. These individuals include: Pathologist Brent Hall (regarding the Victim's injuries and autopsy)[60], Larry Grimes (regarding finding the Victim's body)[61], Debbie Grimes (regarding checking the Victim for a pulse and staying with him until authorities arrived)[62], Barbara Jean Hartley (regarding the Victim and his money)[63], and John Combs (regarding Coffey visiting the ABC

[59] Trial Transcript, State v. Bragg, 94 CRS 4929 (Watauga County), February 5, 1996 Session of Watauga County Superior Court.
[60] Id. Bragg TT Pgs. 459-504.
[61] Id. Bragg TT Pgs. 505-521.
[62] Id. Bragg TT Pgs. 522-532.
[63] Id. Bragg TT Pgs. 806-810.

store to buy liquor for the Victim on the day of the murder).[64] A summary of the consistent testimony is not provided.

## Kenneth Coffey

Co-defendant Kenneth Coffey was called to testify. Coffey asserted his Fifth Amendment privilege against self-incrimination and was ultimately given use immunity for his testimony. Coffey's mental capacity was questioned and he was deemed mentally competent to testify. A copy of Coffey's testimony, is included below. Also included are Defendant's Exhibits 1 and 2 which are introduced during Coffey's testimony.

[64] Id. Bragg TT Pgs. 820-832. Mr. Combs testified consistently but with more detail. Mr. Combs incorrectly stated the time that Coffey was in the store and was off by an hour. However, the Commission has a copy of the cash register tape and Mr. Combs testified to the correct time in the Coffey trial.

THE COURT: Tell them it's going to be about another ten minutes. I'm sorry. Court will stand in recess for ten minutes.

(A recess was taken at 10:35 a.m., and court reconvened at 10:47 a.m.)

THE COURT: Are we ready for the jury?

MR. WILSON: The State is ready, Your Honor.

THE COURT: If we could have the jury, please.

(The jury entered the courtroom at 10:48 a.m.)

PROCEEDINGS IN THE COURTROOM IN THE PRESENCE OF THE JURY

THE COURT: The State may call its first witness.

MR. RUSHER: The State calls Kenneth Eugene Coffey.

MR. HEDRICK: Your Honor, can we move for voir dire at this point regarding his capacity?

MS. FANNON: Your Honor --

THE COURT: We'll hold that open for the time being. Let's proceed with the other first.

MS. FANNON: May I be heard, Your Honor? I represent Mr. Coffey and this might be well out of hearing of the jury.

THE COURT: Members of the jury, I'll ask you once again to step back to the jury room, if you would,

please.

(The jury exited the courtroom at 10:50 a.m.)

PROCEEDINGS IN THE COURTROOM OUT OF THE PRESENCE OF THE JURY

THE COURT: Okay, Ms. Fannon.

MS. FANNON: Your Honor, I have advised Mr. Coffey as to his right to assert his Fifth Amendment privilege, and he does intend to assert that privilege at this time.

THE COURT: Okay. Well, we'll see if he does when he's asked a question.

Okay. If we could have the jury back.

(The jury entered the courtroom at 10:50 a.m.)

PROCEEDINGS IN THE COURTROOM IN THE PRESENCE OF THE JURY

The witness, KENNETH EUGENE COFFEY, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION (by Mr. Rusher):

Q. State your name, please.

A. Kenneth Eugene Coffey.

Q. Mr. Coffey, what is your age?

A. Thirty-one year old.

Q. Mr. Coffey, did you know Coy Hartley? His real name was Marvin Hartley, but he was called by Coy.

A. Yes, sir.

MS. FANNON: Your Honor, we'd object and

assert his privilege at this time.

THE COURT: The witness needs to assert it himself.

MS. FANNON: Kenneth --

May I speak with him? I'm not sure he knows --

THE COURT: Yes, ma'am.

(Ms. Fannon conferred with Mr. Coffey.)

Q. Mr. Coffey, Ms. Fannon is your lawyer representing you in this matter; is that correct?

A. Yes.

Q. I'm not sure the jury knows who she is.

A. Uh-huh.

Q. Mr. Coffey, how did you know Coy Hartley?

A. I knowed him all my life.

MS. FANNON: May I approach him again, Your Honor?

THE COURT: Yes, ma'am.

(Ms. Fannon conferred with Mr. Coffey.)

MR. RUSHER: Your Honor, if she would like to put a chair there, that would be fine.

MR. HEDRICK: We would object to that.

THE COURT: Well, just a moment.

A. I'm asserting my Fifth Amendment privilege right now.

THE COURT: Are you saying, sir, that you are

refusing to answer the question on the grounds it may tend to incriminate you under the Fifth Amendment and asserting your rights under the Fifth Amendment to the United States Constitution?

MS. FANNON: Yes.

THE WITNESS: Yes.

MR. RUSHER: May it please the Court, pursuant to the provisions of law, we request the Court, as we have done in writing, that the Court direct him to give answers to the questions.

THE COURT: Members of the jury, again I'm going to ask if you would to step back to the jury room for just a few moments.

(The jury exited the courtroom at 10:53 a.m.)

PROCEEDINGS IN THE COURTROOM OUT OF THE PRESENCE OF THE JURY

MR. RUSHER: May it please the Court, on February 8, I made a written motion. At that time, Your Honor, I asserted, it is the judgment of the undersigned prosecutor that the witness is likely to assert his privilege against self-incrimination. We are now confronted, Your Honor, with him having done so. The State is prepared pursuant to the provisions of law to assert to the Court that in my judgment, the testimony is necessary to the public interest. I have heretofore

notified the Honorable William Farrell, Senior Deputy Attorney General from North Carolina, who has been designated by Attorney General Michael F. Easley for that purpose. I have notified him of the circumstances of this case and that we intend to make the application.

Your Honor, pursuant to the provisions of law, we pray now that the Court direct the witness to answer all questions. This is a conferral of use immunity. He should be assured that whatever he says now cannot in any way be used in a criminal proceeding against him.

THE COURT: Ms. Fannon?

MS. FANNON: Your Honor, we don't care to be heard on that, as long as there is a provision that he is granted full immunity for anything that he says or any investigation that occurs pursuant to what he says.

THE COURT: As I understand it, use immunity is what was applied for. Anything he says cannot be used against him from here forward.

MR. RUSHER: That's what the statute provides for. That's our request. That's the limit of our request. This defendant has been convicted. There is a record of the full proceedings, the evidence that the State had possession of prior to that time, so that in this particular case there could be little question that

the State had certain evidence precedent to his giving testimony. Our request is one of use immunity, not transactional immunity, and again, I think that's what the statute provides for.

THE COURT: Does the defendant wish to be heard?

MR. HEDRICK: Your Honor, we would object to the Court allowing this. I think that fundamentally it's unfair. I think that it's unfair to Mr. Coffey for that matter. Although the State is precluded from doing certain things with this evidence, they can do certain other things with it that may be of detriment to Mr. Coffey and certainly could be of detriment to my client because of the undue influence it would exert on Mr. Coffey, and in that vein I would object.

If, however, the motion is allowed, I would ask that the jury be instructed as to its obligation to give special scrutiny to Mr. Coffey's testimony in light of the circumstances.

THE COURT: The State's motion for a grant of use immunity, to the extent that it is a motion, is allowed.

Mr. Coffey, I will order you to testify and answer the questions, and anything you say cannot be used against you from here forward in any criminal

proceedings.

And you have made a motion, Mr. Hedrick, that a voir dire be conducted on Mr. Coffey's competency as a witness. Do you wish to go into that at this time?

MR. HEDRICK: Your Honor, until I've had an opportunity to work with the materials we are receiving from Dr. Knight, I don't think that I can complete what I would want to go through or present.

THE COURT: Well, I understand you had Dr. Knight under subpoena, did you not?

MR. HEDRICK: That's correct. He may in fact be here outside or he's on his way. He's been sent for. I've just not had time because, like I said, I've tried to respect that confidentiality prior to now and I've not had time -- I've been in court ever since the ruling, so to speak.

THE COURT: All right.

MR. HEDRICK: I don't mind --

THE COURT: Let's see if Dr. Knight is here. If you wish to talk to Dr. Knight, the Court will allow you to do so.

MR. HEDRICK: If I can step out.

MR. RUSHER: Before he leaves, I have taken the liberty to prepare an order. Could I tender it to the Court, if Your Honor would --

THE COURT: Yes, sir.

MR. RUSHER: (Indicating)

THE COURT: Have you had an opportunity to see it, Ms. Fannon?

MS. FANNON: No, I haven't. I just stepped up to ask for a copy.

MR. RUSHER: I only have two. I gave one to Mr. Gable.

MR. WILSON: We'll get you a copy.

THE COURT: The Court will sign the order and Ms. Fannon, if you don't have a copy --

MR. RUSHER: If I could give Your Honor another one.

THE COURT: Mr. Coffey, you may step down so Ms. Fannon can explain the order to you.

(The witness left the stand.)

(Mr. Hedrick exited the courtroom.)

THE COURT: The Court will order it filed in the file by the courtroom Clerk.

Mr. Gable, do you know whether or not -- has Dr. Knight arrived?

MR. GABLE: Your Honor, I don't know.

(Brief pause)

I've just been notified he has not.

THE COURT: Okay. I didn't know where Mr.

Hedrick went. That's why I --

MR. GABLE: I think he's looking for him.

(Brief pause)

(Mr. Hedrick entered the courtroom.)

THE COURT: Has Dr. Knight arrived yet?

MR. HEDRICK: He has not arrived yet, but we have contacted him and he should be here any moment.

THE COURT: Is there some voir dire you can conduct before he arrives and we can take a break and you can talk with him when he arrives?

MR. HEDRICK: I think I can talk to Mr. Coffey and ask some questions of him.

THE COURT: Are you through talking with him, Ms. Fannon?

MS. FANNON: Yes.

THE COURT: Okay. If Mr. Coffey will return to the stand, we'll conduct voir dire at this time regarding his competency.

MR. RUSHER: Your Honor, I would think procedurally you would allow me to ask -- or I don't know --

THE COURT: Yes, sir. If you'd like to proceed first.

MR. RUSHER: All right.

The witness, KENNETH EUGENE COFFEY, having been previously sworn, was examined and testified as follows:

DIRECT EXAMINATION (Voir Dire) (by Mr. Rusher):

Q. All right. Mr. Coffey, how far did you attend -- go in school, sir?

A. The ninth grade.

Q. Okay. Did you complete the ninth grade?

A. No, sir.

Q. All right, sir. You did complete eight grades in public education?

A. Yes, sir, but it was in special classes.

Q. What does that mean that you were in special classes?

A. I couldn't read and write so well.

Q. All right. Do you understand the English language? Do you understand when I speak to you, Mr. Coffey?

A. Yes, sir.

Q. Mr. Coffey, what is the nature of the defect? I know you have problems. I know you have a steel plate. Would you tell the Court about that, please. Is it an injury to your head or what, sir?

A. Yes, sir. It happened in a car accident about 13 year ago.

Q. And what, as an aftermath of the car accident you had a head injury?

A. Yes.
Q. What, if you know, happened or what did the doctors do?
A. Well, I didn't know nothing for a long time. They had to re-learn me how to do things.
Q. All right. Do you have a steel plate in your head?
A. Yes, sir.
Q. Where is the steel plate, sir?
A. Well, I've got two, one here and one back here (Indicating).
Q. For the record, are you pointing to the top part of the front of your head and the back part?
A. Where this shaved part is.
Q. All right, sir. Mr. Coffey, who do you live with or who did you live with prior to, say, about a year ago?
A. Me and my daughter, myself. My daughter and my wife.
Q. Have you worked at outside occupations or jobs?
A. I've helped my father.
Q. What kind of work have you done, sir?
A. Cut firewood.
Q. Mr. Coffey, there was a memory loss associated with your injury, but do you now have memory as to things that have happened?
A. I remember, but there's a lot of things I still forget.
Q. I understand. Do you go to the grocery store or other stores at times, Mr. Coffey?

A. Yes, sir.
Q. Do you carry money around and pay for things?
A. Yes, sir.
Q. Do you get paid wages or do you receive a check from time to time?
A. My dad just gives me some money when I need it.
Q. Mr. Coffey, as to the matters that we will be asking you about later, do you have recall?
MR. HEDRICK: Objection to that. It's not specific.
THE COURT: Overruled.
MR. HEDRICK: I don't know what he's going to be asked about later.
THE COURT: Well --
Q. You know why you're here, do you not?
A. Yes, sir.
Q. And do you have recall about the events that you're going to give testimony to?
A. Yes.
Q. Do you have the ability to distinguish truth from things that are not true?
A. Yes, sir.
MR. RUSHER: That's all I care to ask him.
THE COURT: Mr. Hedrick?
MR. HEDRICK: Thank you, Your Honor.

CROSS-EXAMINATION (Voir Dire) (by Mr. Hedrick):

Q. Mr. Coffey, you say that you have recall. Are there some things that you don't remember?

A. Yes.

Q. Is the reason that you don't remember those things because of your injury in the car wreck or is it because of the fact that you had been drinking when these things happened?

A. Well, I'll say both.

Q. And can you say how much you'd been drinking when these things happened or how long?

A. I just --

MR. RUSHER: Your Honor, that doesn't go to competency, I don't think, the fact he may have been intoxicated. If there's a law to that effect, I've never been made aware of that.

THE COURT: Sustained. I think that may go to weight, but not to competency.

MR. HEDRICK: Okay.

Q. Mr. Coffey, when you took the stand a minute ago, your lawyer -- I don't want you to tell what she said to you, but she came up and whispered to you, didn't she, after Mr. Rusher asked you a question?

A. Yes, sir.

Q. And I don't want to know what she said, but did you hear

what she said?

A. Yes. When he asked me before, I didn't understand, but she explained it to me.

Q. You didn't understand what?

A. Not fully understand.

Q. You didn't understand what Mr. Rusher said or what your lawyer said?

A. What Mr. Rusher said.

Q. Okay. And do you have problems understanding things that people ask you sometimes?

A. Yes, sir.

Q. And is that because you hurt your head?

A. Yes, I guess. I don't know what it is.

Q. Do you understand what the reason is why they had you swear on the Bible?

A. Yes, to tell the truth.

Q. Have you had to do that before?

A. Yes.

Q. Are you able -- I mean, when you can't remember things, are you able to tell the truth?

A. As the best of my knowledge, yes.

Q. But if you can't remember when somebody asks you a question, do you sometimes try to answer it even though you don't remember?

MR. RUSHER: Objection, Your Honor. That's

general cross-examination. It has nothing --

THE COURT: Sustained.

Q. Do you, Mr. Coffey, understand now what is going on as far as your rights are concerned from the things -- I don't want you to tell me what your lawyer said, but from what she told you, do you understand what your rights are?

A. Yes.

Q. Do you think you understand what your choices are?

MR. RUSHER: Objection.

THE COURT: Overruled.

A. Yes.

Q. Have you ever, Mr. Coffey, had trouble answering questions when you were in court in a true way based on what you know?

MR. RUSHER: Objection.

THE COURT: Overruled.

A. Not that I know of. I might have took it the wrong way the way they answered the question -- or asked me the question.

Q. I see. But as far as things that happened that you are expecting Mr. Rusher to be asking about, some of that stuff you say you don't remember?

MR. RUSHER: Objection.

Q. Is that what you said?

THE COURT: Well, overruled. You may answer the question.

A. Bits and pieces of it.

MR. HEDRICK: That's all.

THE COURT: All right.

MR. RUSHER: Your Honor, we'd tender the witness as competent.

THE COURT: Well, I'm going to wait till he has an opportunity to talk to Dr. Knight.

MR. RUSHER: Could he come down and sit with his lawyer?

THE COURT: Yes.

(The witness left the stand.)

THE COURT: Is Dr. Knight on his way? Do we need to take another recess?

MR. HEDRICK: Your Honor, I'll go make sure that there's nothing that I can do -- that I haven't done everything I need to do to get him here.

THE COURT: I know you may not have any basis for knowing it, but do you have any idea how long you think it might take to talk to Dr. Knight?

MR. HEDRICK: Your Honor, I can report back in ten minutes and I may or may not be finished by then.

THE COURT: Okay, sir, if you would. The only reason I want to know is to determine whether to go

ahead and let the jury go and come back after lunch so we'll know about how much time it will take us for these proceedings outside the presence of the jury.

MR. HEDRICK: Thank you.

THE COURT: So we'll take a ten-minute recess at this time. If you'll let us know as soon as you know something.

(Mr. Coffey exited the courtroom.)

(A recess was taken at 11:10 a.m., and court reconvened at 11:22 a.m.)

PROCEEDINGS IN THE COURTROOM OUT OF THE PRESENCE OF THE JURY

THE COURT: Okay, Mr. Hedrick.

MR. HEDRICK: Your Honor, I have had a chance to visit briefly with Dr. Knight and am comfortable with proceeding with him as a witness on this voir dire. I would, however, would it get to the stage that cross-examination would be allowed after direct examination before the jury, need additional time to complete talking to Dr. Knight about the other issues that may be there. But with regard to the capacity question, I'm prepared to proceed.

THE COURT: Okay. Are you through with questions to Mr. Coffey at this time?

MR. HEDRICK: I am.

THE COURT: Is the State through with questioning Mr. Coffey?

MR. RUSHER: We had already concluded our examination.

THE COURT: Do you have any other evidence you wish to present on voir dire?

MR. RUSHER: Your Honor, we would present the file from the Kenneth Coffey trial. There was an issue made during the course of the trial having to do with the competency of the defendant then to proceed, and there was a determination, a judicial determination by Judge Downs that he was competent. As I recall, there were reports that Judge Downs considered, all of which I would expect to be in the file, and we would tender the file to the Court for your consideration in this matter.

THE COURT: Let Mr. Coffey's file be admitted for purposess of this voir dire.

MR. RUSHER: That would be all the evidence for the State.

THE COURT: Okay. All right, sir. Mr. Hedrick, if you're ready to proceed.

MR. HEDRICK: Yes, Your Honor. Our first witness would be William Knight.

The witness, WILLIAM H. KNIGHT, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION (Voir Dire) (by Mr. Hedrick):

Q. State, please, sir, your name and your occupation.

A. William H. Knight, psychologist.

Q. Are you a practicing psychologist at this time, Dr. Knight?

A. Yes.

Q. You have a Ph.D. in the field of psychology?

A. Yes.

Q. You've testified as an expert witness in the past?

A. Yes.

Q. And you've testified as an expert witness in criminal matters?

A. That's correct.

Q. Have you testified with regard to legal capacity as to certain individuals as an expert?

A. Yes, sir.

Q. How long have you been a practicing psychologist, Dr. Knight?

A. About 30 years in North Carolina.

Q. Dr. Knight, have you had a chance to evaluate Kenneth Coffey?

A. Yes, sir.

Q. At whose request was that done?

A. That was at the request of his attorney, Mr. Robert West.

Q. Did you in fact evaluate him?
A. Yes, sir.
Q. That was a psychological evaluation?
A. That was a measure of intelligence he was tested on as well as an interview.
Q. I'm sorry?
A. He was given an interview and a measure of intelligence.
Q. And were you able as a result of your studies and your training and work with Mr. Coffey to form an opinion satisfactory to yourself as a psychologist as to the extent of Mr. Coffey's ability to understand and to answer questions?
A. Yes, sir.
Q. Can you relate to Judge Lamm at this time what your opinion is in that regard, his ability to understand and answer questions.
A. I feel that he could understand only very simple questions.
Q. Do you have an opinion satisfactory to yourself as a result of your training and work with Mr. Coffey as to his capability of understanding the obligation of an oath, that is, an oath to tell the truth?
A. Yes. I think he could.
Q. Do you have an opinion satisfactory to yourself as to

the extent of Mr. Coffey's capability of expressing himself when being questioned in a courtroom?

A. I think he has problems with memory, and anything that is very complicated he would have difficulty in answering correctly.

Q. Can you state whether that difficulty is the result of a difficulty in understanding or a difficulty of expression?

A. I think that that's a difficulty related to his intellectual level, to his memory, and the fact that he has experienced several depressions.

Q. With regard to -- when you say depressions, what do you mean?

A. He did not describe his depressions and I was not asked to evaluate him on that, but I would say that they related to probably economic problems that he may have experienced. At the time he had had his trailer or house shot up and his child was taken away by his wife and her boyfriend.

Q. With regard to his ability to answer, understand and answer questions, do you have an opinion based upon your studies with him and your training, an opinion as to whether Mr. Coffey when he makes a response is in fact being responsive to what is asked of him?

A. I would have to say only on uncomplicated things where

adequate memory of events was not interfered with by his drinking.

Q. Do you have an opinion as to whether Mr. Coffey's psychological mechanisms that are involved with his conversing in the sense of listening and answering would or do in fact with him cause him to make statements or answers simply for the purpose of answering without in fact knowing -- without it in fact being responsive or relevant?

MR. RUSHER: Your Honor, we object. As I understand, this person did a test for intelligence and that's all he did, and these questions go so much further than that.

THE COURT: Well, the objection to the last question is overruled.

A. Would you care to restate your question.

Q. I'll be glad to. If Mr. Coffey is asked a question and he has given an answer, does that necessarily mean, in your opinion, that he understood the question or how the answer might relate to the question?

MR. RUSHER: Objection.

THE COURT: Overruled.

A. I don't think that he necessarily would understand the question, and it's complicated by his drinking behaviors which have affected his memory, possibly also depression

for reasons that I already stated.

Q. In your work with Mr. Coffey, did you observe any psychological characteristics that indicate his ordinary or routine behavior in response to questions where he is required to make an answer as opposed to simply asked if he would mind doing so?

A. I think that a person functioning at the level of intelligence which he did tends to respond in a way that they think that a person wants them to.

MR. HEDRICK: I don't have any further questions.

CROSS-EXAMINATION (Voir Dire) (by Mr. Rusher):

Q. Well, now, Dr. Knight, you had a conversation with him and you understood him, did you not?

A. Yes.

Q. There was understanding in the conversation you had with him both on his part and yours?

A. Right.

Q. Do you have some special skills in terms of questioning a person that exceed that which lawyers or jurors or other people might have?

A. No, I don't think that I would say that I do.

Q. He told you -- or did he tell you that his trailer had been shot up and that his child had been taken away by his wife and her boyfriend?

A. That's correct, sir.
Q. And you reported that as an event that happened, so apparently you believed what he told you, did you not, sir?
A. I reported it as an event which he said had happened.
Q. Well, didn't you believe him?
A. I take everything a person says and put it down in a report without indicating that I necessarily believe it.
Q. He had the ability to converse with you about his situation, did he not, sir?
A. Yes, sir.
Q. And you had the ability to make him understand and elicit an answer when you asked him questions, did you not, sir?
A. That's correct.
Q. And he gave the appearance of knowing what the truth was when he talked to you, did he not?
A. I wouldn't say that he gave the appearance of knowing what the truth was. He gave me the information as he perceived it.
Q. Earlier you testified that you thought he could distinguish that which was truthful, did you not, sir?
A. That's correct.
Q. Well, what makes you think that he can distinguish that which is truthful if there was no basis for that in your

conversation with him?

A. I think that probably he would distort something if he felt that it was to his advantage.

Q. Well, you're talking about one who's consciously lying, are you not, sir?

A. You might put it that way, yes, sir.

Q. That fails to answer the basic question whether he can distinguish that which is truthful and that which is not, does it not, Dr. Knight?

A. I think that for my part I would have to know what the situation was that he was asked to respond whether something was truthful or not or respond in a truthful manner to a situation.

Q. You don't think a jury consisting of ordinary people could distinguish truth from falsity, Dr. Knight?

MR. HEDRICK: Objection to what a jury can do.

THE COURT: Well, sustained.

Q. Now, Dr. Knight, how many sessions did you have with Mr. Coffey?

A. I had one session with him.

Q. How long did that one session last?

A. That probably lasted about an hour and a half.

Q. During that one hour and a half he took a test, did he not?

A. That's correct.

Q. How much of that one hour and a half was consumed by the taking of the test?
A. Probably 40 minutes.
Q. So you are saying based on something like 45 minutes of conversation with him that you know all these things about his personality?
A. I didn't test him for personality. I tested him for intelligence.
Q. Well, what has intelligence got to do with whether he knows the truth from falsity?
A. It has quite a lot to do with whether a person knows the truth from falsehood. It depends on the way the question is placed to the individual. As I indicated earlier, a person functioning at his level is likely to respond -- if he can understand a question, to respond in a way that he feels would place him in a favorable light.
Q. Well, by the same token, if he responds in a way that places him in an unfavorable light, then it would seem to me that that would be believable. Is that what you're saying?
A. Yes, sir.
Q. In other words, if he testifies to involvement in a murder case, that would clearly place him in an unfavorable light, so you would tend to think that those

statements would be true?

MR. HEDRICK: Objection to what he thinks.

MR. RUSHER: I don't care to ask him anything else.

THE COURT: Any further questions?

MR. HEDRICK: No further questions.

THE COURT: Thank you, Dr. Knight. You may step down.

(Witness excused)

THE COURT: Any further evidence on the voir dire?

MR. HEDRICK: No further evidence, Your Honor. That would be all I have both as regards to the question of capacity and if capacity were found, as to my position about the special instruction.

THE COURT: Okay, sir. Anything further from the State?

MR. RUSHER: No, Your Honor.

THE COURT: Well, the Court, after considering and observing the demeanor of the witness Mr. Coffey on the stand, his response to questions posed to him both by the State and by the defendant, considering Dr. Knight's testimony, and considering the file of State of North Carolina versus Kenneth Eugene Coffey, admitted into evidence for the purposes of voir dire, 95-CRS-121,

specifically in that file the report from Dorothea Dix from the defendant's July 6, 1995 admission of Nicole F. Wolfe, forensic psychiatrist, and a psychological assessment and test administered which has a date at the top of July 10, 1995 -- I may have said '96 earlier, but I meant July 6, '95 -- July 10, '95, signed by Dorothy Humphrey, Staff Psychologist II, the Court finds from those examinations that as of the dates upon which he was evaluated and tested at Dorothea Dix that Mr. Coffey's thought processes were logical and goal-directed and his concentration, however, was impaired, his intellectual functioning appeared below average, and that the forensic psychologist Dr. Wolfe found after her examination and testing of Mr. Coffey that he was currently as of the date of the report capable of proceeding to trial, understood the charges against him in a position relative to proceedings, and is capable of working with an attorney in preparation of a defense, and that on July 10, 1995, when evaluated and tested by Ms. Humphrey, staff psychologist, that the test she administered, verbal performance, full scale IQs, placed him in the mild range of mental retardation, that, however, he was not always putting forth his best effort with the task of the test, that he was diagnosed at that time of having low borderline intellectual

functioning, but that there were no obvious signs of memory impairment as of Mr. Coffey's test date.

Taking all that into consideration, including the Court's observation of Mr. Coffey's demeanor and his response to questions on the stand, the Court concludes that the witness Mr. Coffey is capable of expressing himself concerning matters about which he is to be questioned, that he understands the duty of a witness to tell the truth and understands the meaning of taking the oath, and based upon those conclusions finds that Mr. Coffey is competent, mentally competent to testify in this matter. Note the defendant's exception to the Court's ruling.

Are we ready for the jury?

MR. RUSHER: The State is ready.

THE COURT: Okay. If we can have Mr. Coffey brought back in. Advise Ms. Fannon of the Court's ruling, or I will when she gets here. And the Court will grant your request for an instruction, Mr. Hedrick.

(Ms. Fannon and Mr. Coffey entered the courtroom.)

THE COURT: Ms. Fannon, after conclusion of voir dire, I have concluded that Mr. Coffey is competent, mentally competent to testify as a witness in

this matter, so we'll proceed at this time. Do you need a minute to tell him?

MS. FANNON: No, Your Honor. He's ready.

THE COURT: Okay. If we could have the jury, please.

Mr. Coffey, if you'd returned to the stand, and if we could have the jury, please, Sheriff.

(Mr. Coffey returned to the stand.)

(The jury entered the courtroom at 11:44 a.m.)

PROCEEDINGS IN THE COURTROOM IN THE PRESENCE OF THE JURY

THE COURT: Members of the jury, before we proceed with the testimony of this witness, let me inform you that this witness is testifying under a grant of immunity from the State. If you find that he testified in whole or in part for this reason, you should examine his testimony with great care and caution, deciding whether or not to believe it. If after doing so you believe his testimony in whole or in part, you should treat what you believe the same as any other believable evidence.

Okay, Mr. Rusher.

MR. RUSHER: Thank you, Your Honor.

The witness, KENNETH EUGENE COFFEY, having been previously sworn, was examined and testified as follows:

DIRECT EXAMINATION (Cont.) (by Mr. Rusher):

Q. Mr. Coffey, you told me you had known Coy Hartley all of your life?

A. Yes, sir.

Q. Was he a neighbor? Did he live where you lived or near where you lived or how did you know him, sir, all your life?

A. I knowed him ever since I been a little boy, used to go see him all the time.

Q. Did he live somewhere near where you lived, Mr. Coffey?

A. Down on Hardin Road, yeah.

Q. All right, sir. Do you know where Mr. Coy Hartley lived at the time of his death in December of 1994?

A. Yes.

Q. Where was that, sir?

A. At Winter Drive.

Q. Is that in the Greenway trailer park in the town of Boone?

A. Yes, sir.

Q. Did you see him at his trailer from time to time, Mr. Coffey?

A. Yes.

Q. How often did you go visit Mr. Coy Hartley?

A. I'd go see him sometimes two or three times a week.

Q. All right. Now, do you know the defendant Bobby Bragg?

A. Yes.
Q. How long, sir, have you known Mr. Bobby Bragg?
A. About two years.
Q. Mr. Coffey, you have been convicted of murder relating to the death of Coy Hartley; is that correct, sir?
A. Yes, sir.
Q. Where are you now serving that sentence?
A. Central Prison.
Q. Do you understand that you have been ordered to testify and that the things you say cannot now be used against you?

MR. HEDRICK: Objection.

A. Yes, sir.

THE COURT: Overruled.

Q. Mr. Coffey, please tell the jurors how Coy Hartley came to be murdered.

MR. HEDRICK: Objection to the form of that question.

THE COURT: Sustained.

Q. Mr. Coffey, do you know about the circumstances of Coy Hartley's murder?
A. Yes.
Q. Were you there? Did you observe it, sir?
A. Yes.
Q. Would you tell us what time of day or night it was.

A. It was around 3:30 in the evening.
Q. Where was Mr. Hartley at the time?
A. He was at his residence.
Q. Why were you at the residence of Coy Hartley?
A. It was almost Christmas and we was down there drinking, you know.
Q. You and Coy were down there drinking?
A. Yes.
Q. Was there anyone else down there drinking, too?
A. Bobby.
Q. Okay. Bobby Bragg, the defendant?
A. (Witness nods head)
Q. Did Coy Hartley ask you to go someplace?
A. Yes. He asked me to go to the ABC store to get him a pint of liquor.
Q. Did you do that, sir?
A. Yes.
Q. What time of day or night was that, Mr. Coffey?
A. That was -- I ain't for sure -- between 3:30, 4:00.
Q. How did you get to the ABC store?
A. I walked.
Q. How long a walk would that be from where Mr. Coffey [sic] lived?
MR. HEDRICK: Objection.
Q. Excuse me, Mr. Hartley. I said it wrong. I apologize.

A. Probably ten minutes.
Q. All right, sir. Did you walk alone?
A. Yes.
Q. What type of purchase did you make for Mr. Hartley?
A. A pint of Popov vodka.
Q. Did you see Mr. Bobby Bragg then during that time?

MR. HEDRICK: Objection to the form of the question.

A. On the way back.

THE COURT: Overruled.

Q. Where did you see Mr. Bobby Bragg on the way back from the ABC store?
A. In front of Winter Drive where the mailboxes is.
Q. In front of Winter Drive road?
A. (Witness nods head)
Q. Is that the road Mr. Hartley lived on?
A. Yes.
Q. And you said there's a mailbox there?
A. There was a row of mailboxes where they got their mail.
Q. All right, sir. Did you and Mr. Bragg talk --

MR. HEDRICK: Objection to the form of the question.

THE COURT: Overruled.

A. Yes.
Q. -- at that time? Tell us what you and Mr. Bragg talked

about.

A. He just asked where I was going and I told him I was taking Coy some liquor and said --

Q. "He," is that Bobby Bragg?

A. (Witness nods head) -- we was going to go over there and drink that liquor. So I got to talking to him and he said -- he asked --

MR. HEDRICK: Objection.

THE COURT: Overruled.

Q. You may answer, Mr. Coffey. He told you what?

A. He asked was Coy drinking or drunk, and I told him yeah, he wasn't feeling no pain. So he wanted to walk up there and wanted to know if he had any more money, wanted to go up there and take his money. I said no. And he asked me again and --

Q. Now, "he" is Bobby Bragg; is that correct?

MR. HEDRICK: Objection to the leading.

A. Yes.

THE COURT: Overruled.

Q. Was anyone else present at that time other than you and the defendant Bobby Bragg?

A. Well, Rhonda Carson, she was present that day, but she didn't go -- she was there --

Q. Mr. Coffey, when you and Mr. Bragg were talking at the mailbox, at that time was anyone else present?

A. No.

MR. HEDRICK: Object, Your Honor. He's interrupting the witness and he's in the middle of his answer.

THE COURT: Well, don't interrupt the witness. The objection to the last question was overruled.

Q. All right, sir. Continue telling us about the conversation, what you and Mr. Bobby Bragg talked about.

Q. He was talking about getting his money. I said no, and he said, well, come on, Kenneth. I said, well, okay. So we walked up there, went in the door, and apparently Bob and Coy had been into it about something and --

MR. HEDRICK: Objection.

THE COURT: Well, sustained as to what apparently occurred.

Q. Please just tell us what was said or what happened, Mr. Coffey.

A. Well, we went up there and Coy wanted us to leave.

Q. What did Coy say?

A. He said, get the goddamn hell out of my house.

MR. HEDRICK: Objection.

THE COURT: Overruled.

Q. Speaking to you, speaking to both of you, or speaking to who, sir?

A. Well, I first thought he was talking to Bob. I guess he was talking to both of us.
Q. What happened after Mr. Hartley made that statement to you?
A. Well, I slapped Coy, slapped him with my hand. Next thing I knowed, Bob just went mad and started beating him.
Q. Beating him with what, sir?
A. He had something in a sock. He had it in a white sock.
Q. How did he beat him, Mr. Coffey?
A. Just hit him (Indicating).
Q. You made a motion. Could you describe how he hit him, sir.
A. Just struck him in the forehead four or five times.
Q. In the forehead?
A. Yeah.
Q. Is that what you said?
A. (Witness nods head)
Q. Four or five times?
A. Uh-huh.

MR. HEDRICK: Objection to the form of the question.

THE COURT: Overruled.

Q. What did you do?
A. For a minute I was stunned. His wallet fell out.

Q. Whose wallet fell out?
A. Coy's, out of the bib of his overalls. It was a long wallet, and he got some money. Bob give me $260 out of the wallet and just told me to not say nothing. And I went through the trailer park by that A&P through to call Shirley Faircloth, and Bob come on through there later and went around by the old Radio Shack there behind.
Q. Mr. Coffey, what happened to Coy Hartley when he was hit in the forehead four or five times?
A. He fell. He fell to the floor. He tried to get back up and he hit -- I guess he was hit so hard the next time, he just didn't get back up. I don't know if he was dead instantly, but blood just flew.

MR. HEDRICK: Move to strike. That's not responsive and it's an opinion.

THE COURT: Sustained as to what he does or does not know. Just what he saw or heard, members of the jury.

Q. You say blood flew from Mr. Coy Hartley?

MR. HEDRICK: Objection to the form of the question.

A. Yes.

MR. HEDRICK: He's leading the witness.

THE COURT: Overruled.

Q. At what point did Coy Hartley fall? Was it the first time he was hit?
A. Well, he was at the bed. He got up, he fell down once and got up, and he was struck several other times and he didn't --
Q. Struck by who, sir?
A. Mr. Bragg.
Q. With what?
A. Something he had in his hand. I ain't for sure what it was.
Q. The same thing he had used earlier, sir?
A. Yes.
Q. Could you tell whether or not this object had weight to it?
A. Yes.

MR. HEDRICK: Objection to the form of the question.

THE COURT: Overruled.

Q. How could you tell that?
A. Because it looked baggy, heavy. It was something heavy, you could tell.
Q. Was there any sound or any words spoken during this time, Mr. Coffey?
A. What, after he was hit or --
Q. During the time that the hitting was going on, was there

any sound made by Mr. Hartley or any words spoken by anyone during that time?

A. No.

Q. How long -- after you say Mr. Hartley fell and you say he tried to get up, how long thereafter did Mr. Bragg hit him?

A. That was it. He just hit him about four --

Q. Four or five times?

A. (Witness nods head)

Q. Now, where were you, sir, when you say Coy Hartley's wallet fell out of his bib?

A. I was in front of Bob where the table -- where there's a table there. I was standing over against the counter.

Q. How close, sir, were you to Coy Hartley?

A. From here to you, I guess, or --

Q. Who picked up the wallet from the floor?

A. Bob picked it up.

Q. When he picked it up, was there any movement from Coy Hartley?

A. No.

Q. What was the appearance of Coy Hartley at that time?

A. He was just laying there.

Q. What position was he laying there, Mr. Coffey?

A. Face down.

Q. In what room of his house?

A. In the living room, where his bed was there.
Q. How long did you observe him lie in that manner before you left?
A. Maybe two to three minutes. I just ran out of there.
Q. As he lay there, did you observe movement from Coy Hartley?
A. No.
Q. Now, you have indicated that at some time you and Mr. Bragg divided the money or you were given money. When did that occur, sir?
A. Right after he got through hitting him, after he picked the wallet up.
Q. In the room?
A. Uh-huh.
Q. How much money were you given?
A. I think it was $260 or something.
Q. That was money out of Coy Hartley's wallet?
A. Yes.
Q. Do you know how much money Mr. Bragg kept for himself?
A. No, I don't.
Q. Do you know whether he kept any money for himself?
A. I don't know.
Q. Do you know whether you got everything there was or not?
A. I ain't -- I don't know for sure.
Q. Now, Mr. Coffey, at various times you have spoken to law

enforcement officers about this event, have you not, sir?

A. Yes, sir.

Q. Do you recall who you have spoken to about it?

A. Mark Shook and --

Q. Mark Shook is the gentleman right here?

A. -- Jim Harrison and -- he's right behind you -- and Steve Wilson.

Q. SBI Agent Steve Wilson?

A. Uh-huh.

Q. Do you remember speaking to SBI Agent J.J. Jones?

A. Yes, I do.

Q. Do you remember what you told those officers?

MR. HEDRICK: Objection.

THE COURT: Overruled.

A. Not exactly. I know I gave several different statements.

Q. All right, sir. Why did you give several different statements?

MR. HEDRICK: Objection.

THE COURT: Overruled.

A. I was scared at the time. I don't know. I was -- I don't know, I was just scared to tell the truth. I told them some lies, but I eventually tried to straighten it out at the end and tell them.

Q. All right, sir. You say you have told some lies. What lies have you told?

A. Well, I first said --

MR. HEDRICK: Objection, Your Honor. He's trying -- he's going into prior consistent or inconsistent statements without that issue being yet broached.

THE COURT: Well, sustained at this time.

Q. Have you also told the truth?

A. Yes, sir.

Q. To whom did you tell the truth?

MR. HEDRICK: Objection.

A. To Mark Shook and the last statement he give me when he took me down to polygraph me.

Q. And did you also tell the truth to J.J. Jones?

MR. HEDRICK: Objection to the form of that question.

A. Yes, I did.

THE COURT: Overruled.

Q. Mr. Coffey, when you talked with Mr. Jim Harrison, did you tell him the truth or something, as you say, a lie?

MR. HEDRICK: Objection.

A. I have to --

THE COURT: Wait just a minute, Mr. Coffey. Well, sustained.

Q. Mr. Coffey, are you telling the truth now?

MR. HEDRICK: Objection.

A. Yes, sir.

THE COURT: Overruled.

Q. Do you have any expectation -- I don't know if you understand that or not, but have you been led to believe that anything is going to happen to you as a result of your telling this story?

MR. HEDRICK: Objection.

THE COURT: Overruled.

A. No, sir, not at all.

Q. You are serving a life sentence in prison?

A. Yes, sir.

Q. Is that correct, sir?

A. (Witness nods head)

MR. RUSHER: Those are the questions that I have of this witness.

THE COURT: Okay.

MR. HEDRICK: Your Honor, can we take our lunch recess now?

THE COURT: Okay, sir. Members of the jury, the Court is going to take its luncheon recess at this time until 1:30 instead of 2:00. Normally we'll be breaking around 12:30 till 2:00, but because of the events of today, we're going to go ahead and take it at

this time.

During the luncheon recess as all during the trial, it's the duty of each of you not to talk about the case among yourselves, not to talk about the case with anyone else or allow anyone else to talk with you or say anything in your presence about the case. If anyone communicates or attempts to communicate with you or in your presence about the case, you must notify the Bailiff who will bring it to my attention immediately.

You're not to form any opinion at this time about the guilt or innocence of the defendant, nor are you to express to anyone any opinion about the case. You must not talk or communicate in any way with any of the parties in the case, any of the lawyers or any member of their staffs or any prospective witnesses or any family member of the parties who may be present. This rule prohibits any type of conversation with any of those folks, whether it's about the case or about the weather or just to pass the time of day. You should have no contact whatsoever about anything at all with any of those folks.

Again, you must not read, watch, or listen to any news accounts about this trial, because they may be inaccurate, they may be incomplete, or they may contain references to matters which are not proper for your

consideration at this time. And you must not make any independent inquiry or investigation about the matter on your own. As I've told each of you at one time or another before, I think, it's necessary that each of you obey these rules to the letter, because unless you do so, there's no way that the State or the defendant can be assured of absolute fairness and impartiality, and it is your duty both while the trial is in progress and while it is in recess to see that you remain a fair and impartial trier of the facts.

So you're free to step out. We'll see you once again after lunch at 1:30. Thank you.

(The jury exited the courtroom at 12:00 p.m.)

PROCEEDINGS IN THE COURTROOM OUT OF THE PRESENCE OF THE JURY

THE COURT: You may step down, Mr. Coffey.

(The witness left the stand.)

THE COURT: Anything else before we adjourn for lunch?

MR. RUSHER: No, Your Honor.

MR. HEDRICK: Nothing further.

THE COURT: All right. Sheriff, let's take a recess then until 1:30.

(A recess was taken at 12:02 p.m., and court reconvened at 1:30 p.m.)

PROCEEDINGS IN THE COURTROOM OUT OF THE PRESENCE OF THE JURY

MR. GABLE: Your Honor, just for scheduling purposes, do you anticipate going past 5:00 today?

THE COURT: No, not unless there's some need to.

MR. GABLE: I have reservations tonight and I just wanted to make sure that I shouldn't do something about it.

THE COURT: Are you gentlemen ready for the jury?

MR. RUSHER: The State is, Your Honor.

THE COURT: If we could have the jurors, please.

(The jury entered the courtroom at 1:32 p.m.)

PROCEEDINGS IN THE COURTROOM IN THE PRESENCE OF THE JURY

THE COURT: I believe you had completed your examination.

MR. RUSHER: We had, Your Honor.

THE COURT: Okay. Mr. Hedrick?

MR. HEDRICK: Thank you, Your Honor.

CROSS-EXAMINATION (by Mr. Hedrick):

Q. Mr. Coffey, you say you remember the 8th of December of 1994?

A. Yes, sir.

Q. Do you remember what day of the week it was?
A. It was on a Thursday.
Q. Okay. At that time on that day did you have a job?
A. Part-time with my father.
Q. Who did you work for?
A. Jack Coffey.
Q. Is that your dad?
A. Yes.
Q. Did you work for him cutting firewood?
A. Yes, I did.
Q. Okay. And did you work for him on the 8th?
A. Not that day, no.
Q. How long had it been since you worked for him?
A. About four days.
Q. When you worked for him about four days before the 8th, would that have been the first part of that week?
A. It was the last week, the week before that.
Q. Okay. So maybe seven days then?
A. Yeah.
Q. You cut firewood for him then?
A. Yes.
Q. Did you earn any money doing that?
A. Yes.
Q. How much money did you earn when you last worked for your dad?

A. I think it was $135.
Q. Did he pay you then?
A. Yeah, he always paid me. Well, he paid me every day every time I cut wood.
Q. But you got paid when you did the work?
A. Yes.
Q. That $135, what did you do with it, do you remember?
A. The biggest part, I guess, drunk it up.
Q. How long did it take before it got drunk up?
A. Two or three days.
Q. So by the end of the weekend you were out of money?
A. Pretty much so.
Q. Okay. Did you get any money after that?
A. Sold a few rings for 15 or $20, that was it.
Q. Okay. Were those rings that had belonged to your girlfriend and y'all broke up?
A. Yes.
Q. Who did you sell them to?
A. Jim Earp, one of them, and another one to -- I don't know who the other pawnbroker was. He bought one.
Q. How much money did you get altogether for those rings?
A. It was $20.
Q. Altogether for both of them?
A. Yes.
Q. How much of that came from Jim Earp?

A. Ten dollars.
Q. So $10 came from the other pawnbroker?
A. Yes.
Q. When was that, do you remember?
A. It was that Wednesday. I -- no, it might have been that Thursday. I ain't for sure.
Q. You can't remember for sure?
A. Well, I think it was on Thursday, that Thursday morning.
Q. That same morning?
A. Uh-huh.
Q. When Coy got killed; is that right?
A. It was during -- well, the same -- yeah, when Coy got killed that evening, it was that morning I sold the rings.
Q. Okay. What did you do with that $20?
A. Bought a twelve-pack of beer with it and some cigarettes.
Q. The twelve-pack of beer that you bought, did you and Coy drink that?
A. Yes.
Q. Was it Budweiser beer in bottles?
A. Yes.
Q. Did it all get drunk?
A. I think so.

Q. How much of it did you drink?
A. I think I drunk five or six of them.
Q. About half of a twelve-pack?
A. Yeah.
Q. Have you, Mr. Coffey, in the past had some injuries where you got hurt?
A. Yes, several.
Q. Did any of them involve your head getting hurt?
A. Yes.
Q. What kind of an accident or injury was that?
A. One was a car accident, and the other one a fellow busted my head with a four-way lug wrench.
Q. With a what?
A. Four-way lug wrench.
Q. How long ago were those things?
A. That's been about 13 year ago.
Q. The last time you got hurt was about 13 years ago?
A. Uh-huh.
Q. And did that -- what did it do to your head when you got hurt with the lug wrench?
A. They sewed my head up.
Q. And the other time, was it a car wreck?
A. Yes.
Q. Did you get hit by a car?
A. Well, yeah -- well, there was two other times. I got

run over once, too.
Q. Okay. And that hurt your head?
A. Yes.
Q. More than 13 years ago?
A. It was about 10 year ago when that car hit me. I guess it was 10 year.
Q. What did that do to your head?
A. They just put me on some medication.
Q. Did you have to go to the hospital?
A. Yes.
Q. Did you stay at the hospital?
A. Just overnight.
Q. Did they do any kind of operation?
A. No.
Q. Did you ever have an operation on your head?
A. Yes.
Q. When was that?
A. About 13 year ago.
Q. What was that for?
A. They put a plate in my head.
Q. Where was that?
A. Winston.
Q. Were you in the hospital for a while for that?
A. Yes.
Q. How long?

A. I can't recall.
Q. What kind of plate are you talking about?
A. I don't know. It's just a metal plate is all I know.
Q. Do you know whereabouts it is?
A. Yeah, right in front of the forehead.
Q. Okay. Have you got another plate in your head also?
A. Yeah, back here (Indicating).
Q. How did you get that one?
A. The same, in the same accident.
Q. So was that metal?
A. Yeah, it's supposed to be.
Q. What kind of accident was it?
A. Automobile accident.
Q. Did that affect your memory?
A. It did for several years, but I've got over it.
Q. From that accident did you get to where you had to basically learn everything all over again?
A. The biggest part of it, yeah.
Q. Did that cause you to forget a lot of things?
A. Yes.
Q. And you still have some problems with memory, don't you?
A. Yes, I do.
Q. And is that -- can you tell if that is something that has to do with you having the accident where you had to have surgery on your head?

A. I suppose so.
Q. What kind of things and -- is it recent memory or long-term memory, or do you know the difference between those?
A. No.
Q. Have you had a habit of using alcohol?
A. Yes.
Q. Has that ever, as far as you can tell, affected your memory?
A. Some.
Q. Okay. When you drink alcohol, do you sometimes not remember?
A. I have blacked out, yes.
Q. You have?
A. (Witness nods head)
Q. You were using alcohol on December 8?
A. Yes.
Q. Besides beer, what other kind of alcohol were you using on December 8?
A. Drinking wine a little bit.
Q. Where were you drinking wine on December 8?
A. Me and Bob drunk wine three or four days before that, and beer, so I guess we were drinking all the part of that weekend.
Q. Well, I mean on Thursday, the 8th, did you drink wine?

A. I think I drunk a little bit that day, yeah.
Q. How long on December 8 had you been drinking?
A. Well, I drunk all that and the night before, but I didn't drink that much that day, just a few beers and stuff.
Q. Where were you drinking the night before the 8th?
A. Down at Jolene's, down behind the trailer park.
Q. Is her name Jolene Latty?
A. I think so. I don't know her last name.
Q. Do you remember what you were drinking down there?
A. Yes.
Q. What was that?
A. I think we was drinking Jack Daniels and some kind of wine.
Q. And did you spend the night down there?
A. Yes, I did.
Q. Who else spent the night in that house?
A. Well, there was several people there. I ended up sleeping in the back bedroom, just me and Jolene, I guess, I recollect.
Q. Okay. You had -- how long over lunch did we have, an hour and a half?
A. Yeah.
Q. Did you talk to anybody about your testimony over lunch?
A. No.

Q. Did anybody remind you of anything over lunch?
A. No.
Q. Did you have a chance to look at or go over your prior statements at other times you have made, statements to the police or other places?
A. No.
Q. Didn't cover any of that over lunch?
A. No.
Q. Before you testified this morning --
A. Uh-huh.
Q. -- had you gone over those, your prior statements with anybody?
A. Briefly with my attorney.
Q. Did you go over them with the police?
A. No.
Q. Is there any one particular one you went over more than the others, if you can remember?
A. No.
Q. Anybody told you what to say here?
A. No.
Q. Mr. Coffey, you understand, don't you, that you have been ordered to testify today, right?
A. Yes.
Q. And what do you understand that order to say?
A. To tell the truth.

Q. And what good does that do you, according to your understanding?
A. It ain't -- well, I mean, they ain't trying to help me none. It's just helping myself -- well, it's really helping myself inside to do it.
Q. And you have been convicted of first degree murder, haven't you?
A. Yes, sir.
Q. That's the murder of Coy Hartley?
A. Yes.
Q. And as a result of that, you got a sentence of life in prison without parole, didn't you?
A. Yes, I did.
Q. And you have family here in Watauga County?
A. Yes, I do.
Q. Is part of your family here in Watauga a daughter?
A. Yes.
Q. And you care for her, don't you?
A. Yes. I love my daughter very much.
Q. You'd like to spend time with her if you could, wouldn't you?
A. Yes, I would.
Q. You have appealed your conviction, haven't you?
A. Yeah.
Q. And have a case in the appeals court in this state,

don't you?

A. Yes, sir.

Q. And what you're looking for in that case is the possibility of getting a new trial, aren't you?

A. I hope so.

Q. And before your trial in this last case, the District Attorney's office had made certain offers to you to let you off easy if you testified against Bobby Bragg, hadn't they?

MR. RUSHER: Objection.

THE COURT: Overruled.

A. At one time, yes, but I wouldn't take the deal.

Q. What was the deal they offered you?

A. Second degree murder.

Q. What was the sentence that was offered to you?

A. Fifteen years.

Q. But you ended up with life without parole?

A. Yes, I did.

Q. If you were to get a new trial, you'd be interested in that new sentence, wouldn't you, that offer, wouldn't you?

MR. RUSHER: Objection.

THE COURT: Overruled.

A. I would hope so.

Q. You understand that the thing that you have been ordered

to do today is to testify truthfully?
A. Yes.
Q. And you understand that if you didn't testify truthfully that you could be prosecuted for perjury?
A. Yes.
Q. You don't know what the punishment for that is, do you?
A. No. It don't really matter anyway. I've got life, so I might as well tell the truth.
Q. And if you're prosecuted, do you understand that it's the District Attorney's office that decides whether or not you're charged?

MR. RUSHER: Objection.

Q. Or whether or not to try to have you charged?
A. I don't know nothing about that.

THE COURT: The objection is overruled.

Q. You have in the past in talking about what happened told a whole lot of different stories about it, haven't you?
A. I give a couple different statements, yes, I did.
Q. And in deciding whether you were going to be prosecuted for perjury, it would be up to the District Attorney to decide whether you were telling the truth or not here, wouldn't it?

MR. RUSHER: Objection.

A. I don't know nothing about that.

THE COURT: Well, sustained in that form.

Q. Do you understand that it would be up to the District Attorney as to whether to seek to have you prosecuted for perjury?
A. I guess.
Q. And they have asked you to tell the truth?
A. Well, I said I'd tell the truth.
Q. Did they explain to you what they thought the truth was?
A. No, they didn't.

MR. RUSHER: Your Honor, there's no evidence we have explained anything to him. What happened is before the Court.

THE COURT: The objection is overruled.

Q. Did they?
A. No, they did not.
Q. Did you have a chance to go over a paper that the District Attorney's office fixed up about the discussions they have had with your lawyer?
A. Yes, I think so.
Q. And you know that your lawyer was wanting to get your original plea offer again if you get a new trial. Did you know that?
A. Not for sure. Well, she went over it, but I don't know.
Q. She went over this with you?
A. Yes. She read it to me briefly.

Q. Did you understand what she said to you?
A. Most of it.
Q. And you understand that your lawyer had asked the District Attorney's office to recommend to the Governor that your sentence be reduced?
A. Yes.
Q. And did you understand that the Assistant District Attorney told your lawyer that he would not be personally opposed to that happening if you testified truthfully?
A. You have lost me now. I don't know.
Q. Did you know -- do you know now that the DA's office told your lawyer that they wouldn't be personally opposed, they wouldn't be against recommending to the Governor your sentence being reduced?
A. I guess.
Q. And did you know that your lawyer said -- I mean, that the District Attorney told your lawyer or told you through your lawyer that they would not be personally opposed to you getting the original plea offer back that you had if you have a new trial? Did you know that?
A. I guess so.
Q. Did you know that the District Attorney told your lawyer and you that they thought that those things would be reasonable?

A. I guess.
Q. And do you know that the District Attorney told you and your lawyer that if you testify what they call truthfully, that they would feel or that Mr. Wilson would feel that you deserved some help? Did you know that?
A. Yes, but they didn't promise me nothing.
Q. They wouldn't make any hard and fast promises, right?
A. They didn't promise nothing.
Q. And you don't know for sure if you're going to even get a new trial, do you?
A. No, I don't.
Q. Mr. Coffey, talking about December 8, were you drunk at the time after drinking that beer there with Mr. Hartley in his trailer?
A. I wasn't exactly drunk.
Q. What would you say?
A. I was high, but I --
Q. Over what period of time was it that you drank half of that twelve-pack you had?
A. Probably an hour, hour and a half.
Q. And when did you start drinking that?
A. It was around 11:30 or so.
Q. Okay. And sometime after you drank that beer, you went to the liquor store?

A. Yes.
Q. And did you take anything with you to the liquor store?
A. Did I do what?
Q. Take anything with you.
A. Take anything with me?
Q. Yes, sir.
A. No.
Q. Any money?
A. Yeah, $3.35.
Q. Where did that come from?
A. Coy give it to me.
Q. Where did that come from from Coy?
A. Out of the bib of his coverall. He had two bibs and one had change in it. He just pulled three one-dollar bills out and thirty-five cents, give me exactly the right change to get it.
Q. Did you know whether there was other money in there?
A. Not at that time.
Q. You didn't know at that time? Did you find out later?
A. Yes, I did.
Q. And the money was loose in the bibs?
A. What he give me, but --
Q. Okay. That's what you saw then; is that right?
A. That's what he give me, yeah.
Q. And you say -- what time was it, around 3:00 or 3:30

that you went to the liquor store?
A. Yes.
Q. And took you about ten minutes to get down there?
A. Yes.
Q. On the way down there did you see anybody you knew?
A. No, I didn't, I don't think so.
Q. Did you walk?
A. Yes.
Q. What route did you take going out of the trailer park?
A. I just come straight up the trailer park like I always do, walk through there and right through the A&P. Yes, I did see Rhonda.
Q. Okay. Let's go back to the route you took. You say straight through the trailer park. Were you on one of the roads?
A. Yeah, I walked up the main four-lane right to the liquor store.
Q. But as far as the trailer park -- Coy's trailer is back in the back in that trailer park, isn't it?
A. Yes.
Q. At the end of one of the roads?
A. Yes.
Q. Is the road that it's on called Winter Drive?
A. Yes.
Q. And when you left Coy's trailer, what way did you go out

of the trailer park?
A. I come straight up.
Q. Out Winter Drive?
A. Yeah.
Q. Stayed on Winter Drive?
A. Yeah.
Q. And at the end of it did you go right-handed?
A. Let's see. Yeah, it would have been right-handed, up by the A&P.
Q. And up by the A&P?
A. Yeah.
Q. And somewhere along the way you saw who?
A. Rhonda Carson.
Q. And is that your girlfriend who you just broke up with?
A. Used to be.
Q. Well, how long ago was it -- on December 8, how long had it been since you broke up?
A. About a month and a half.
Q. Okay. Where did you see her?
A. She was standing there at the Coke machine.
Q. At the A&P?
A. Uh-huh, at the front.
Q. Okay. You didn't stop to talk to her, did you?
A. Yeah. I said hello to her.
Q. You said hello?

A. (Witness nods head)
Q. Did you linger or did you go on to the liquor store?
A. I went on up to the liquor store and come back and she was still standing there.
Q. You told the District Attorney it took you about ten minutes to get up there; is that right?
A. Yes.
Q. When you were there, how long did you stay?
A. Just went in, asked the fellow who run the cash register would he get me a pint of Popov vodka, and he said it was $3.00 and I think 30 cents or a dime, something. I gave him the right change.
Q. So how long did you stay?
A. Just in there and out.
Q. Would it have been less than five minutes?
A. Probably two minutes.
Q. Okay. And when you came out, where did you go?
A. Went straight back.
Q. Did you stop on the way back?
A. Just for a minute.
Q. Where did you stop for a minute?
A. Stopped there and talked to Rhonda just for a second.
Q. Was she at the A&P again?
A. She was still standing there.
Q. Where was she standing at the A&P?

A. In front of it.
Q. Was anybody with her?
A. There was a car there with a couple other people she was talking to. I don't know.
Q. Do you know who they were?
A. No, I don't.
Q. Do you know what she was doing other than just standing there talking to the couple people in a car?
A. No, I don't, not for sure.
Q. What did you say to her?
A. I just told her I was sorry we broke up and stuff, hugged her, and that was about it.
Q. You were sorry that you broke up?
A. (Witness nods head)
Q. And you hugged her?
A. (Witness nods head)
Q. Did you leave then?
A. Yes, went and walked to the mailbox there where I met Bob.
Q. Was that on Greenway Drive where you walked?
A. Yes, right up there where you cut -- Winter Drive, whatever you want to call it, yeah.
Q. But you were on the street there?
A. Yes.
Q. And was Rhonda in the front or around the side of the

A&P?
A. She was at the front.
Q. Okay. So when you walked away from the A&P, did you see Rhonda there at the A&P anymore after you walked around the side of it?
A. No. I walked on up there and met Bob and he asked me where I was going, and I told him I was going up Coy's and told him I went to the liquor store and got him some liquor. He wanted to know if he had any money. I said, I don't know. He said, let's go over there.
Q. When you saw Bobby, who was with him?
A. He was by hisself.
Q. And he was, you said, at the mailboxes?
A. Yeah.
Q. Did you see where he came from?
A. Apparently he -- I don't know if he come back from Coy's or -- he was just standing there.
Q. Just standing there? Is that on Greenway Drive?
A. The road coming down where the mailboxes is. I don't know what you call it.
Q. What was he wearing then, can you remember?
A. Yes, one of them big heavy coats, raincoat.
Q. Heavy raincoat?
A. (Witness nods head)
Q. Is that -- have you ever called that a long Ryder coat?

A. Whatever, yeah, or just a raincoat is what I call it.
Q. How long was it?
A. It probably come down to past -- a little past your ankles -- or not down to your ankles but about that far from your ankles (Indicating).
Q. About six or eight inches above your ankles?
A. Yeah.
Q. What color was it?
A. I think it was tan-looking, brown, tan-looking.
Q. Besides that tan, full-length raincoat that he was wearing, what else do you remember Bobby having on?
A. I know he had a couple shirts on underneath it and a cap and a pair of shoes. I think it was tennis shoes.
Q. Can you say what color any of that stuff was?
A. I know he had blue jean pants on and I don't know whether it -- if his shirt was blue or what.
Q. But there was a couple shirts, you said?
A. Yeah, because it was in the wintertime. It was kind of cold that day.
Q. Could you say how cold it was?
A. It was probably -- I don't know, at least 30 degrees.
Q. Do you think it was higher or lower than freezing?
A. It was probably higher than freezing.
Q. Do you remember how you were dressed?
A. Yes.

Q. How were you dressed?
A. Let's see, I had a pair of green Levi pants on and a flannel shirt and --
Q. What color was your shirt?
A. It was all different colors. Well, red and blue, just striped -- no, it was a windbreaker that I had on that Shirley give me.
Q. A windbreaker?
A. Uh-huh. It had a hood on it, and I had a vest that Bob give me, a blue vest.
Q. What was on top?
A. The vest was on top, the blue vest.
Q. And under it was a windbreaker?
A. Uh-huh.
Q. With a hood?
A. Yes.
Q. What color was the vest?
A. I don't know. It had writing on it.
Q. You don't know what it said?
A. Huh-uh.
Q. What about the windbreaker, what color was it?
A. The vest I had on?
Q. The windbreaker.
A. Oh, it was grey, I think, greyish. The one that had the hood on it?

Q. Yes, sir.
A. Had the hood.
Q. Okay. And you had those on. What was under that?
A. I think I had -- I ain't for sure -- a T-shirt or something.
Q. What kind of trousers or pants did you have on?
A. Green Levis.
Q. Green Levis? What kind of shoes?
A. Just regular boots, short boots, goes up to your ankle.
Q. Do you know what color they were?
A. Brown.
Q. And you say Bobby had a hat on?
A. Yes.
Q. Do you know what color it was?
A. It was some kind of baseball cap. I ain't for sure.
Q. Baseball cap? Did you have a hat on?
A. No.
Q. Did you have anything tied around your waist?
A. No.
Q. Did you have anything white that was showing on?
A. No, because I had that blue vest and it didn't have no arms on it and the windbreaker arms was sticking out of it.
Q. And it wasn't white, the windbreaker wasn't?
A. I think it was grey. It might have been white,

whitish-grey or something.
Q. Were you carrying that bottle of liquor?
A. Yeah, I had the bottle of liquor.
Q. Was it in your hands or did you have it in a pocket?
A. I had it stuck down in here (Indicating).
Q. Did you ever pull it out?
A. No.
Q. Could you see it from where it was?
A. Huh-uh.
Q. Or could somebody else have seen it?
A. No.
Q. Did you have anything in your hands?
A. No, I didn't.
Q. How about Bobby, did he have anything with him?
A. He just had that coat on and he didn't have nothing in his hands. He kept his hands to his side. I think he might have had his guitar that day, too.
Q. Does Bobby carry a guitar with him sometimes?
A. Yes, he does.
Q. Does he carry that in a case or just out?
A. In a case.
Q. What color case does he use?
A. Black case.
Q. Anything else about the case that makes it different than any other guitar case?

A. He had a string tied to it. I know he cut a hole out in it one day, tied a string in it, because the thing broke where you carry it.
Q. So it had a string for a handle?
A. More or less, yeah.
Q. Did he play the guitar?
A. Yes.
Q. How many guitars did he have, do you know?
A. One is all I know of.
Q. Do you remember him using the guitar on the 8th of December?
A. I do the 7th, that night, because he was sitting there -- I come down there about 3:00 in the morning. He was sitting there at the kitchen table playing the guitar drinking wine.
Q. Down where?
A. At Coy's.
Q. Do you remember for sure if he had the guitar when he was standing at the mailboxes?
A. I ain't for sure. I ain't for sure. I can't really --
Q. How come you can't remember that? Was it because you were drinking?
A. I think he didn't have it.
Q. Or is it because you hurt your head?
A. It's just been so long. I really ain't thought about

it.
Q. You hadn't thought about that since then?
A. I never even -- no, not that guitar.
Q. But when you met Bobby, you and him agreed to go up there and rob Coy is what you testified to; is that right?
A. Yes. I didn't want to do it, but he wanted to.
Q. But you then agreed to do it, didn't you?
A. Yes.
Q. Went with him?
A. Yes.
Q. Was anybody with you then?
A. Rhonda come up there, but she didn't come in the trailer. She was outside. I think she must have went up the bank or something.
Q. Did she come to the mailboxes?
A. Yeah. She walked up there, but she never did go inside.
Q. What went on while she was there at the mailboxes?
A. I don't know. Me and Bob went on in the trailer. The door was open. We went on up there.
Q. Well, when y'all were making your agreement to go do this, was Rhonda standing there?
A. No. She was -- right when we started to walk up, she come in behind us.
Q. Did you go ahead and walk up? Did you talk to her

before you walked?
A. I told you yeah, I said hello to her and I was sorry we broke up, and that was all I said.
Q. No, I mean there at the mailboxes.
A. No.
Q. Did she come with you?
A. Did she what?
Q. Did she come with you when you walked up Winter Drive?
A. She come in behind us, but there wasn't no conversation between us.
Q. When you say behind you, do you mean that she was following you?
A. Uh-huh.
Q. How far behind?
A. I guess she was from here to middleways of that back row there, the seats.
Q. About half the length of the courtroom?
A. Yes.
Q. And what was she wearing, can you remember that?
A. Yeah. She had Levis on, she had her white tennis shoes on, and she had her jacket on, red and grey jacket.
Q. Did she have any kind of hat on?
A. She didn't have no hat on.
Q. Did she have anything in her hands?
A. No.

Q. Was she walking behind you when you walked up Winter Drive with Bobby?
A. She was a distance from us.
Q. Behind you?
A. Yeah.
Q. And did you know she was following you?
A. Yeah, you could tell, look back there.
Q. And you'd noticed her back there?
A. Yeah.
Q. When you and Bobby were walking up Winter Drive, were you one ahead of the other or side by side, can you remember?
A. We was pretty close, I would say.
Q. Do you remember anything about what side you were on?
A. Let's see. I ain't for sure. I think I was walking on the right-hand side. I ain't really for sure.
Q. How long had it been then before you -- since you'd seen Coy?
A. Just before I left to go get the liquor.
Q. Uh-huh. When did you next see him?
A. When we arrived at the trailer, went in.
Q. What was he doing?
A. He was sitting there on the bed.
Q. Did you arrive together, you and Bobby?
A. Yes.

Q. Where was Rhonda when y'all got there?
A. Well, I don't know. After we went in the house, she was just -- I guess she stood there for a minute and then I didn't see her no more after that.
Q. Stood where?
A. She was close to Coy's trailer there.
Q. Well --
A. It might have been the one down below it or something.
Q. Where was she standing?
A. You could see her in the driveway.
Q. In whose driveway?
A. The main driveway.
Q. On the road there?
A. Where the road is.
Q. The road called Winter Drive?
A. Yeah.
Q. Standing out on Winter Drive?
A. Yeah, there on the side.
Q. Was there a porch there at Coy's trailer?
A. Yes, there was.
Q. Is that the way you went in, by going across the porch?
A. No. We went up the steps and through the front door.
Q. But do the steps go up onto the porch?
A. Yeah.
Q. And so you went across it?

A. We walked up the steps, yeah.
Q. Uh-huh. Who went in first?
A. Bob did. I went behind him.
Q. Right behind him?
A. Yeah.
Q. When you went in the door there, where was Rhonda, can you say?
A. She was standing out there on the street.
Q. Had you talked to her by then other than up at the A&P like you said?
A. Huh-uh. I thought her and Bob were dating or something. I don't know.
Q. You thought her and Bob had something going on?
A. Yeah.
Q. What made you think that?
A. Because -- I don't know, she followed us up there. I just thought that they were seeing each other.
Q. Anybody say anything to you about that?
A. No.
Q. Were you upset with Bobby because of that?
A. I never did -- no, not really.
Q. But you told her that you were sorry that y'all had broke up?
A. Yeah.
Q. Two days before that, would that have been a Tuesday?

A. Yeah.
Q. Can you remember what you did on Tuesday?
A. We stayed at -- I'll tell you exactly where we stayed. We stayed at the motel, Red Carpet Inn.
Q. The Red Carpet Inn?
A. Yes, we sure did.
Q. Did you spend the night there, do you mean?
A. Yeah.
Q. Tuesday night?
A. (Witness nods head)
Q. Is that where you got up Wednesday morning?
A. No. We got up at Jolene's Wednesday morning.
Q. I thought you said you got up at Jolene's Thursday morning.
A. Well, it was Thursday morning. Okay.
Q. Okay. Tuesday, now, do you remember where you -- do you remember Tuesday?
A. Yeah.
Q. Who were you with then?
A. Me and Bob and -- who's that fellow that got shot -- the fellow -- I can't think of his name. He's over here in jail. Had a big dog with him.
Q. You and Bob and some other man?
A. Yeah. I don't know his name. His mama shot him anyway.

Q. On that Tuesday did you go to Coy's?
A. Yeah.
Q. Who went with you?
A. Bob was -- well, Bob was already down there. I didn't go down there till later on. I slept.
Q. On Tuesday?
A. Yeah. Bob was down there all week.
Q. On Tuesday night didn't you get thrown in jail?
A. Yeah, we was down at -- let's see, me and Bob went to the liquor store and got two pints of vodka and just had opened one and the Boone PD come. Well, Rhonda was out there. I don't know what she said, and they called the police and they brought us to jail.
Q. Okay. But did you stay at the Red Carpet Inn that night, too?
A. Yeah, that's where we went. Roger Winkler, yeah, and met Monroe and Roger Winkler. That's who was with us.
Q. Who is Monroe?
A. Monroe Brown.
Q. And you met him at the Red Carpet Inn?
A. No. He come up the jail to get me and Bob, see.
Q. And got you out of jail?
A. And we went down to Sollecito's and started drinking.
Q. And did you -- had you already got your room at the Red Carpet Inn by then?

A. Well, let's see. We stayed down there a while and Bob went on down to Coy's, I think. Yeah, he went on down to Coy's, and I went --

Q. How do you know where he went?

A. Because I went down there later on that night and he was down there.

Q. That was Tuesday night?

A. Yeah.

Q. Do you remember, did you spend the night at the Red Carpet Inn?

A. Yes, I did.

Q. Do you know where Bobby stayed Tuesday night?

A. Well, he come back to the motel, him and Roger. I don't know how long he stayed. Then I woke up and they was gone.

Q. Now, what motel are you talking about?

A. The Red Carpet Inn.

Q. Okay. On Tuesday did you ever go down to the Longvue?

A. That evening we went down there.

Q. Now, was that before or after the Red Carpet Inn?

A. That was after.

Q. And what did you do down there?

A. We just went down there to get some liquor. Next thing I know, we went to the liquor store and got some liquor and come back and we went to jail.

Q. From the Longvue?
A. From the Longvue Motel. They pulled in there, Rattlesnake [sic] and three or four other officers, and they searched me and Bob, I guess, and they took a knife and a sock and a bottle. Didn't take nothing from me but my wallet.
Q. Did you see what was taken off of Bobby on Tuesday night?
A. Yeah, because Pam and -- I think it was Danny or one of them, they took the bottle and stuff. But they give it back to him.
Q. Are you talking about the jailers?
A. Yeah.
Q. What did you see them take from Bobby?
A. He had a knife with a grip on it and he had the trailer hitch ball in his sock.
Q. In a sock?
A. Yeah, white sock.
Q. Where did it come from? Did you see where it was on him?
A. It come out of his coat pocket.
Q. What kind of coat did he have on that night?
A. That same jacket.
Q. That what, long raincoat?
A. (Witness nods head)

Q. Did you spend Tuesday night at the jail, Mr. Coffey?
A. No. We didn't stay for I guess about 30 or 40 minutes, called Monroe, and they said somebody sober could come and get us, and he come and got us and we went down there to Sollecito's and started drinking and stuff, just like I said. Bob went on down to Coy's later on that night and I went to the Red Carpet Inn.
Q. On Wednesday did you see Bobby?
A. Yes, I did.
Q. Where was that?
A. We was drinking. Let's see, we left -- he was -- we left the Red Carpet Inn. We was down at Coy's that morning before the break of daylight. We was down there waiting and we got two bottles of Cisco wine and drunk it.
Q. Did you get that at the A&P?
A. Yeah.
Q. And you saw -- you were drinking with Bobby in the morning on Wednesday; is that right?
A. Yeah, I was.
Q. And was that at Coy's?
A. We was at Coy's. We was drinking at Coy's, but we left because we run out of something to drink.
Q. What time did you leave Coy's on Wednesday?
A. I guess it was -- it was pretty early, because -- I

guess just the time for the A&P to open. About 30 minutes me and Bob sat there and finished that bottle of wine. Then we got two more and we went back and got two more and --

Q. On Wednesday what was the last time you saw Bobby, on Wednesday?

A. Wednesday? Let's see. We went down to Henrick's, sat there drinking. I went up to Jolene's. That was about -- I don't know, it was in the evening. I ain't for sure what time it was.

Q. Would you say it was in the middle of the afternoon?

A. Around -- I guess it was about 3:00 or 4:00. I know it was getting pretty late.

Q. And you went to Jolene's?

A. Yeah.

Q. Do you know where Bobby went?

A. No, I don't.

Q. Who was with him?

A. Who was with Bob?

Q. Yes.

A. When I left, he was there at Henrick's and -- let's see, Mike Dare was down there and Cora Ann and Greg Richardson.

Q. Did Bobby say anything to you about where he was going?

A. No.

Q. Did he have his guitar with him then?
A. No, he didn't.
Q. Do you know where it was?
A. (Witness shakes head) I think -- yeah, he left it at Coy's, I'm pretty sure. He left it at Coy's.
Q. Now, you have called a bunch of names who were at Henrick's. Who is Greg Richardson?
A. Supposed to be Cora Ann's boyfriend. I don't know. He's from Virginia.
Q. Who is Cora Ann?
A. She's my cousin, Cora Ann Teague.
Q. And did you see Greg Richardson on that day?
A. Yeah, I seen him that evening.
Q. Can you tell the folks here on the jury what Greg Richardson looks like.
A. He's about six foot, about Bobby's size, and he had long hair like Bobby. Bob's just a little heavier than him. That's just about it. They look just alike from the back.
Q. What color hair does Greg have?
A. Black.
Q. And that was Wednesday when you saw them at Henrick's?
A. Yeah.
Q. Did you see Greg again that week?
A. Yeah, I seen him and Bob that Thursday morning before I

went uptown.
Q. Whereabouts did you see Bobby the Thursday morning before you went uptown?
A. Crossing the road to go to the liquor store.
Q. I'm sorry?
A. Crossing the road to go to the liquor store.
Q. They were crossing the road going to the liquor store?
A. Getting ready to cross the road.
Q. Okay. What time of day was that? Was that before 9:00?
A. Yeah, because -- no, it was about 9:00. It might have been 9:30, because I just woke up, took a shower at Jolene's, and I had to go uptown.
Q. But didn't you go uptown at 9:00?
A. Yeah, I went there and -- see, I walked down the A&P, met Jim Earp there -- well, I first wanted to go out to the flea market, get a ride back out to my dad's. He said he wasn't going out there, he had to go open the store. So I told him I wanted to go up there. I had an appointment with my attorney and I had to see her.
Q. But you caught a ride downtown on Wednesday morning with Jim Earp, right?
A. It was Thursday morning.
Q. I'm sorry, Thursday morning. You caught a ride downtown with Jim Earp and --
A. Uptown or whatever.

Q. Well, to Boone from down at Watauga Village Shopping Center?
A. Yeah, yeah.
Q. And that same Thursday morning you saw Greg and Bobby?
A. Yeah.
Q. Crossing the road to the liquor store?
A. Getting ready to cross the road.
Q. Was that before or after you went to Boone with Jim Earp?
A. That was right when I was walking up to -- getting ready to get going up to the A&P. Well, I was going up there to call Dad to come get me, but I met Jim and asked him if he would run me out to the flea market where Dad was, and he said he didn't have time, he had to open the store. So I said, well, I guess I'll just ride uptown, because I had an appointment.
Q. So you saw Bobby fixing to cross the road Thursday morning sometime before 9:00, didn't you?
A. Yeah, about -- it was probably 9:00, 9:15.
Q. Okay. Did you see Greg any more after that point on Thursday morning?
A. No, I did not.
Q. When was the next time you saw him?
A. Last time I saw him was in jail.
Q. When was that?

A. That's been months ago.
Q. How long after December 8 was it?
A. I guess sometime in February or March. I ain't for sure.
Q. Is Greg good friends with your father?
A. He works for my dad, yes.
Q. Do you know if he's still dating your cousin Cora Ann?
A. No, they ain't together no more.
Q. Now, when you went to Coy's trailer on the 8th after coming back from the liquor store, you say you were the first person to hit him?
A. Yeah, I slapped him in the face.
Q. Did you hit him with your fist?
A. Well, I slapped him. I don't know. I didn't really hit him. I slapped him.
Q. Was it with an open hand or a fist?
A. Open hand.
Q. How did he react to that? Did it knock him down?
A. No.
Q. Was he already down?
A. No, he wasn't down. He was standing up.
Q. And you say that it was after that that Bobby hit him?
A. Yes.
Q. When you hit him, do you remember what hand or which hands? Did you hit him with both hands or one?

A. I guess it was my left hand.
Q. How come you guess it was that?
A. Well, I usually use my left hand.
Q. What do you mean, usually?
A. I'm left-handed.
Q. Okay. And can you do things right-handed, too?
A. I guess, yeah.
Q. Well, I mean, you're not -- do you know what ambidextrous is?
A. Huh-uh.
Q. You're not both right-handed and left-handed, are you?
A. Huh-uh.
Q. When you saw Bobby you say hitting Coy with a white sock --
A. Yes.
Q. -- where was Coy?
A. He was standing up.
Q. All right. Standing where?
A. In front of his bed.
Q. In his trailer?
A. Yes.
Q. Where were you?
A. Behind him.
Q. Behind Coy?
A. I was behind Bob.

Q. Where was Bob?
A. Bob was swinging at him, knocked him down, hit him three or four times.
Q. Well, compared to Coy standing up there, where was Bobby?
A. Bob was standing right over him, or right in front of him.
Q. Do you mean face-to-face?
A. Yeah, from -- yeah, distance (Indicating).
Q. How far behind Bobby were you?
A. Probably two foot. I don't know.
Q. Okay. When you said as far as from you to the DA a little bit ago, was that wrong?
A. I don't remember saying that.
Q. Okay. Do you remember what you said?
A. I said at a distance that Rhonda -- you asked me how far Rhonda was from us. That's what I said.
Q. Okay. When you saw Bobby hitting Coy, did you stay behind him?
A. Yes.
Q. Can you demonstrate using your hands how he was holding the sock?
A. He just jerked it out of his pocket and was swinging it.
Q. Do you remember what pocket it came out of?
A. I think it was his left pocket, because he's

left-handed, too.
Q. And where was Coy, standing there facing him?
A. He stood there just for a second till he was knocked down.
Q. Okay. What were you doing?
A. I don't know. I was panicked then.
Q. Panicked? You don't remember what you did?
A. I remember Bob picked the wallet up and give me some money and I ran out of there.
Q. Well, after Coy was standing up, did anybody hit him any more?
A. After he was -- that was the last time he was hit is when he was knocked down when Bob hit him.
Q. After he was down, nobody hit him?
A. Not after he -- no, after -- huh-uh.
Q. While he was getting hit, were they standing face-to-face?
A. Yeah, just like if you would stand and punch somebody in the face, yeah.
Q. And were you watching the whole time?
A. Of course. I was there.
Q. Okay. And in your panicked state did you notice what happened with that white sock?
A. No, I don't know.
Q. But you did notice the wallet?

A. Yeah. It was a long wallet.
Q. Can you describe what it looked like?
A. It was like one of them banker wallets, like that (Indicating).
Q. A banker -- biker wallet?
A. No. It was like one of them First Union where you put your money in, the bank things.
Q. Bank bag?
A. Yeah.
Q. Had you ever seen that before?
A. Yeah, I think I have, yeah.
Q. Where did you see it before?
A. Sometimes he carried it in his back pocket.
Q. In his back pocket?
A. Yes.
Q. That day did you see him -- ever see Coy with it?
A. Not till it fell out of his bibs.
Q. It fell -- not until it fell out of his bibs?
A. His coveralls.
Q. You say the bibs had two pockets in them?
A. Yeah.
Q. Could you tell which pocket it came out of?
A. One of them zipped up and the other one was open, so I don't know. I just know it fell out of his pocket.
Q. Okay. And do you remember what color that bank bag was?

A. I think it was green, I'm pretty sure.
Q. Did it have a zipper on it?
A. Yes, it did.
Q. Did you see inside of it?
A. No, I didn't.
Q. Did you touch it?
A. No, I didn't.
Q. Did you see what happened to it?
A. I seen Bob stick it in his pocket.
Q. What pocket did Bob stick it in?
A. I don't know. He stuck it down in one of his long pockets.
Q. But you didn't see what happened with the white sock?
A. I'm pretty sure -- I don't know what he done with it, but I think he put it back in his pocket. I don't know. I can't say for sure, but -- I don't know.
Q. Well, are you for sure what happened to the bank bag?
A. Yes.
Q. When was the last time you saw that white sock?
A. The last time I saw it is when he was using it. I ain't seen it since. I know it had some kind of stripe on it. It was red, I think, red at the top.
Q. It had a red stripe on it?
A. Ring, yeah.
Q. Did you see where the money that you ended up with came

from?
A. Yes. Bob took it out of the wallet.
Q. Out of that bank bag?
A. Uh-huh.
Q. Did you see him take it out of it?
A. Yes. He handed it to me.
Q. You didn't see what else was in that bag, though, when you say where the money came from?
A. No, I didn't.
Q. When you saw -- after having seen Coy take that loose money out of his bibs when you went to the liquor store, did you check to see if there was any more loose money in there?
A. No, I didn't. He just handed it to me.
Q. And you stayed around there two or three minutes after Coy went down?
A. I guess it was a minute or so. It wasn't too long, I know. I just took out of there running. I went and called Shirley Faircloth, and Bob come through there.
Q. Which way did you run?
A. Went between -- well, I come up through -- you know where -- I went between the trailers there and come up through where the dumpster is, the trash.
Q. You didn't go back out Winter Drive?
A. No, I didn't come -- I didn't go back up to the main

entrance.

Q. Did you cut across the back of the trailer park and go towards the A&P?

A. Uh-huh. I was sitting there on the bench calling Shirley and here come Bob just a few minutes later.

Q. Who is Shirley?

A. Shirley Faircloth. It's this girl I was seeing.

Q. And you went and called her for a ride?

A. Well, what it was, I was just -- we went to Blowing Rock.

Q. Did you call her to come get you?

A. Yeah. Well, I called her earlier that day -- I left that out -- because she said Hazel Byers was down there and she was going to take her somewhere and she'd come pick me up in 15 or 20 minutes.

Q. So you had called Shirley asking for a ride earlier, right?

A. Yes.

Q. But she couldn't give you a ride right then?

A. She had to take Hazel somewhere. I don't know.

Q. And so you called her again asking for a ride after you ran away from --

A. She told me to call back.

Q. Was that after you ran away from Coy's trailer that you called her back?

A. Uh-huh.
Q. When you ran away from Coy's trailer, do you know whether it was daylight out?
A. It wasn't exactly dark. It was getting ready. It was kind of dim. I mean, it wasn't getting dark, but it was -- wasn't long it would have been dark.
Q. And did Shirley come get you at the A&P?
A. Yes, she did.
Q. Was it dark by the time she got there?
A. No, it wasn't hardly dark then.
Q. When you came out of there, did you see anybody?
A. Did I see anybody?
Q. Yes.
A. No.
Q. In the trailer park?
A. No, I didn't.
Q. Did you talk -- you didn't talk to anybody?
A. Just Bob when he --
Q. What had happened with Rhonda?
A. I don't know where she got to. I think she went up the hill. I don't know where she went. I never did see her anymore.
Q. Never saw her again?
A. Huh-uh. I seen Bob just briefly for a second.
Q. Well, did you ever see her again in your life? I mean,

the next day --

A. Oh, yeah, I seen her in court. They questioned her and I don't know what took place. She didn't pass the polygraph, what I hear, but I never did hear nothing else about it is all.

Q. That was the 8th. You didn't see her again on the 8th?

A. Didn't see her what?

Q. Did you not see her again on the 8th after you went inside the trailer?

A. No, I didn't see her anymore.

Q. Did you see her on the 9th?

A. No.

Q. Or the 10th?

A. No.

Q. And where did you call from when you called Shirley?

A. I called at the A&P, that telephone there.

Q. Is it a pay phone?

A. Pay phone.

Q. Is that on the outside of the A&P building?

A. Yes, it is.

Q. How many times did you call from that phone?

A. I called her I think once.

Q. And is that -- was that a local number?

A. Yes.

Q. You didn't call collect, did you?

A. No.
Q. How long was it before Shirley got there to pick you up?
A. It was probably -- it wasn't long, about 10 minutes, 10, 15 minutes at the most.
Q. When you called her, did you call her at home?
A. Yes.
Q. At that time where was she living?
A. At 124 Cole Street.
Q. Cole Street?
A. Well, where the Wilco is, yeah, where they're building the new four-lane going to Wilkes.
Q. Is that the Wilco out in Perkinsville?
A. Yes.
Q. What kind of car did she come get you in?
A. It was a Gala -- I think it was an Oldsmobile, something, Pontiac. I don't know.
Q. A big car?
A. Yeah.
Q. Was anybody with her?
A. She was by herself.
Q. When you went back to the A&P over there, did you see anybody that you knew?
A. No.
Q. You said that when you were there in Coy's trailer, you saw some blood?

A. Yes.
Q. Where did you see blood?
A. It was on the curtains and on the floor, I guess, or on the bed.
Q. Did you see it getting there?
A. I seen it splatter.
Q. You saw it splatter?
A. On the curtains.
Q. Was there very much of it?
A. Not that much of it.
Q. Did you see what caused it to splatter?
A. I guess when he hit him, it splattered. I don't know.
Q. Did you see that?
A. I seen blood fly when he hit him.
Q. Did it get on anything besides the bed and the curtains?
A. I wouldn't -- all I seen, it was on the curtains and some might have got on his bed or couch or whatever.
Q. That white sock, it didn't get any on it, did it?
A. Oh, you know it did, yeah.
Q. Well, did you see it?
A. Well, of course.
Q. How much was on it?
A. Glob, I guess, a glob of red blood.
Q. And it was on the white sock?
A. Yes.

Q. Did you see what happened with the sock?
A. I don't know what he done with the sock.
Q. Did it get on you?
A. They took -- no. I cut my finger the day before that. I had some blood on my clothes, but it was my blood. I done that a couple days before that. Me and Jane Johnson was uptown.
Q. So you didn't get any of Coy's blood on you?
A. No, I didn't. I don't think Bob got any on him. I don't see how he didn't.
Q. You don't think Bobby got any on him, but you can't understand why, is that what you're saying?
A. Yeah. I mean, with blood there, I figured surely it would have got on one of us or something. But they didn't find no blood. Well, they found blood on me, but it was my blood.
Q. The bottle of Popov, did anybody ever open that up?
A. Yeah, it was open.
Q. Who opened it?
A. I guess Coy opened it, took the first drink out of it.
Q. Did anybody else drink out of it?
A. At that time I don't think so. I don't know. We might have drunk out of it.
Q. How long were you there before this hitting started?
A. I guess three or four minutes. It wasn't long.

Q. And you don't remember if you drank any of that vodka?
A. I don't think I did.
Q. Do you remember if Bobby drank any of it?
A. Let's see. Yeah, he might have took a drink of it.
Q. How much of it got drunk, did you notice?
A. I don't know. They said they found a bottle. I don't know if it was the same bottle. If they brought -- when they brought -- it was over half gone. I don't think that was the same bottle, because it was a brand new bottle. I don't know if that was it or not. They said that's the one they found under his bed.
Q. Did you see where the bottle was when the fighting started?
A. Coy had it laying there on the bed. He always took -- you notice when he drinks, he just takes a drink and he'll usually stick it back under his mattress.
Q. Did it get any blood on it?
A. I don't know.
Q. Did you -- where was Bobby when you last saw him?
A. When I last saw him?
Q. Uh-huh, on that day?
A. He was going towards -- you know where the guitar place is? Around that way. That's the last time I seen him till we was arrested.
Q. Was that before or after you ran away when you saw him?

A. Oh, that was after I ran away, then he come through there.
Q. Where did he come through?
A. He come straight through behind the A&P.
Q. And was that after you?
A. Yes, because I got out of there. I left.
Q. How long after you was it?
A. It might have been a minute or two. It couldn't have been no more. Two minutes.
Q. Was anybody with him?
A. No.
Q. Did you see his guitar then?
A. No, I didn't.
Q. How was he dressed then?
A. The same clothes he had on.
Q. Did you see the white sock?
A. No, I didn't.
Q. Did you see the Popov bottle?
A. No.
Q. Did you see any blood?
A. I was in such a shock, I didn't really pay no attention.
Q. Was anybody with him?
A. He was by hisself.
Q. Were you at the A&P when you say you saw him?
A. Yeah.

Q. Did you say anything to him?
A. I didn't say nothing to him, no.
Q. How far away from him were you when you saw him?
A. From here to right there where the DA's sitting.
Q. Something like 15 or 20 feet?
A. It might have been 10 feet.
Q. And was he running?
A. Yeah. He just told me to keep my mouth shut. That's all that was said.
Q. Did you say something?
A. I didn't say nothing.
Q. Where did he go?
A. I told you, he went behind the --
Q. I don't know where the guitar store was. Can you describe --
A. Well, you know where the old Roses is? Right there, that last store. He went around that way, behind that last building. I don't know whether -- whatever it is, the music shop or whatever.
Q. Were you beside, behind, or in front of the A&P building?
A. I was in front, right there at them benches.
Q. The benches out front?
A. Yeah.
Q. Did you see Bobby walk across that big parking lot?

A. Yeah, he went across the parking lot. He had to.
Q. Were there other people out there?
A. I didn't see nobody that evening. I think Fairvalue was done closed. There may have been somebody over there at that gas station. I ain't for sure.
Q. And did you watch Bobby until he got -- disappeared from your sight?
A. Yeah. He was out of sight in I guess a minute.
Q. Was anybody with him ever?
A. He was by hisself.
Q. Do you know what time that was?
A. No, I don't.
Q. Was it dark yet?
A. No, it wasn't dark.
Q. Was it getting dark?
A. It was getting dark.
Q. Was the A&P still open?
A. I think, yeah, it was.
Q. Was it busy over at the Chinese restaurant?
A. I didn't pay no attention to the restaurant over there. I know there wasn't many people there.
Q. Did you know if Coy had a ring?
A. No, I don't. I think he used to wear a watch, but I don't know --
Q. Wear one ring?

A. He used to wear a watch, but I ain't never seen him wear a ring.
Q. Did you ever know about him having a gold ring?
A. No, I don't.
Q. Did he have a knife?
A. I think he did have a little piece of a knife, yeah.
Q. What kind of knife was it? What did it look like?
A. I ain't for sure. Just an old cheap knife. I don't know.
Q. Did you know, did he keep it anywhere special that you know of?
A. Not that I know of. I think -- he always laid it there. Last time I seen it, it was laying on the table there.
Q. What table, kitchen table or some kind of coffee table or what?
A. There at the kitchen where he fixes coffee.
Q. Was that a folding knife?
A. I think it had a blade or two in it.
Q. What color was the handle on it?
A. I don't remember. It might have been black or something. It was a bigger knife. Wasn't a small knife. I know it had two blades in it.
Q. By the time all this happened, you said at first you were high. Had you gotten any higher from drinking or

anything else?
A. No.
Q. Now, did you notice whether Bobby had been drinking?
A. Of course. He'd been drinking.
Q. Of course?
A. (Witness nods head)
Q. How could you tell?
A. Because we'd been drinking all week together.
Q. But that day did you see him drinking any?
A. Yeah.
Q. Did you drink with him that day?
A. I think he drunk -- well, he had -- yeah, he had some wine on him in his coat. He always kept a bottle or two of wine.
Q. So you saw some wine in his coat, is that what you're saying?
A. He always kept a bottle of wine with him.
Q. But I'm asking what you remember about the 8th of December. Do you remember seeing Bobby with wine on December 8?
A. I think, yeah, he had a bottle, but -- you could smell it. You could tell he was drinking. You know, anybody that drinks, you can smell it.
Q. What kind of shape was he in?
A. He was -- I guess he was just high like me. He could

drink a whole lot just like me. I guess he got high tolerance. We'd been drinking for days.

Q. Had you, too?

A. Yes.

Q. You were still feeling what you'd been drinking for days?

A. Yeah, yeah, I felt high, yeah, but I wasn't plumb out of my mind. I was high.

Q. That day, the 8th, on that day, that white sock you talked about, is the first time you saw that there in Coy's trailer that day?

A. No. First time I ever saw it, didn't even know Bob carried it. They took it from him at the jailhouse.

Q. But that wasn't that day, was it?

A. No, huh-uh.

Q. But on the 8th did you see it before you say he pulled it out at Coy's trailer?

A. I seen it two days before that.

Q. Okay. But on the 8th, the first time you saw it on the 8th was there at Coy's trailer; is that right?

A. Yeah.

Q. You said that you talked to Bobby at the mailboxes about whether Coy had any money?

A. He asked me if he had any money, and I said, I don't know. I said, I'm going to take his liquor up there.

Q. You didn't know whether he had any money?
A. No, not at that time, because he give me $3.35. I don't know whether -- he was pretty tight with his money, so --
Q. How come you agreed to rob him if you didn't know if he had any money?
A. I don't know. I guess I'm just easy to talk into something. I don't know.
Q. This fellow you say that you were drinking with at one time during that week named Henrick, what's his -- is his last name Ossowski?
A. Yeah.
Q. Does he live there in that trailer park?
A. Yes.
Q. Can you describe what he looks like?
A. He's got -- he's a German, blonde-haired, about five foot eight, five-nine, I guess, weigh about 140, 150 pounds.
Q. What color is his hair?
A. Blonde.
Q. Does he have anything special he wears?
A. Yeah. He wears a leather jacket.
Q. Anything special about that leather jacket different than any other?
A. He's just got all different kinds of pins on it.

Q. Pins and things hanging on it?
A. Yeah.
Q. And is it black?
A. Yeah.
Q. Or dark-colored?
A. Yeah. He bought it from Richard Rominger.
Q. And who is Joe Cothren?
A. I don't know. I don't even know the fellow. I've seen him one time. I said he was up there, but that was a lie. I didn't even see Joe Cocker [sic] that day.
Q. How many times do you reckon you said he was up there?
A. I might have told it once or twice.
Q. Do you know of anything that you had with you there at Coy's that got left behind when you left?
A. No, I don't, because what I had on is all I had.
Q. Had you kept any of your belongings there?
A. No.
Q. Do you know of anything that anybody else left behind there?
A. I don't know. There's people always coming and going. Ain't no telling.
Q. How about -- did you know of anything Bob had with him when you say he was in there that he didn't come away with?
A. Not that I know of.

Q. What do you reckon happened to his guitar?
A. I don't know what he done with the guitar. He might have took it somewhere else. I don't know. I know the last time I seen him playing, he was at the kitchen table playing and it was about 3:30 in the morning, 3:30, 4:00. That was on Wednesday.
Q. Well, he only had a couple minutes to take it somewhere else between the time you ran away and you saw him next, didn't he?
A. He might have -- I don't know. See, he went back down there that Wednesday. I went to the motel. I don't know where he went after that. He could have went anywhere. I didn't see him.
Q. Did you say you thought he had it with him when you saw him at the mailboxes on the 8th?

MR. RUSHER: Objection. That's not what he said.

THE COURT: Overruled.

A. I said that, but it was on Wednesday when I saw him have it.
Q. So you remember right now?
A. It was on Wednesday.
Q. Were you lying then or just your memory got bad on you?
A. I made a mistake. No, I wasn't.
Q. The shirts you were wearing that day, you burned them

that same night, didn't you?

A. No, I did not. They went to Shirley Faircloth's and got my clothes. I didn't burn nothing.

Q. You didn't tell anybody you burned anything either, did you?

A. I didn't burn nothing. I didn't have no reason to burn nothing.

Q. The very next morning -- you spent the night at Shirley Faircloth's that night of the 8th, didn't you?

A. Yes, I did.

Q. And it was the very next morning that you got woke up by the police at the door there?

A. I didn't get woke up by the police. Hazel Byers called and said they found Coy Hartley dead. Shirley asked me if I knowed anything about it, and I didn't say nothing. I said no. That's all I said. And the police come and they said they wanted to question me about a probation violation. I was going to go back to court -- or back to prison on the 3rd. And I come with them, and they asked me where my clothes was. I took a shower that morning. I wore them clothes to Blowing Rock. That man right there that's sitting behind you, he seen me that night with the same clothes on, that police officer right there. I don't know his name.

Q. The sheriff's deputy back there?

A. I think it was him or his -- T.W. Caldwell, one of them. He was at the --
Q. Either Caldwell or Fletcher?
A. It was one of them. I didn't change clothes till that morning. I took a shower that morning.
Q. But the next morning you got a phone call from Hazel saying that Coy was dead?
A. Yes.
Q. And Shirley asked you, she said, they're not going to blame that on you, are they, didn't she?
A. It was something like that.
Q. And you said -- and you lied to her and told her you didn't know anything about it?
A. I said -- yeah.
Q. And you say the police came there wanting to question you about a probation violation?
A. Something about going back to court, because they were supposed to send me back to prison on the 6th.
Q. Was it probably about 9:00 that they came up there and got you?
A. I don't know what time it was. It might have been -- I know I had got up. I had took a shower. It was about 9:00 or 10:00. It might have been 11:00. I ain't for sure.
Q. Did they take you in then on the 9th?

A. Yes, they did. They questioned me for about five hours, I think.
Q. That wasn't about a probation violation, was it?
A. No, it wasn't. And they asked if they needed a search warrant to go get my clothes, and I told them they was down there in the clothes hamper, so they went and got them.
Q. And you gave them a long statement telling them all about what you said you knew about Coy that day, didn't you?
A. Yes, I did. But a lot of it was false.
Q. Did you give that statement because you wanted to or because they asked you about it?
A. Well, they asked me about it.
Q. Can you describe for the jury there the way that they treated you that day, what kind of questions they asked, the way they treated you.
A. Basically like the questions you was asking me. I guess they was trick questions, whatever. I don't know what you want to call them.
Q. How many hours did you talk to them or did they talk to you?
A. I guess it was four or five hours.
Q. Who was it that you were talking to, do you remember?
A. Mr. Shook and Jim Harrison and Steve Wilson, I believe.

Q. And that was the day -- and you told them from the get-go that you saw Bobby and Joe Cothren?
A. Yes, I did.
Q. You said you didn't have anything to do with killing Coy?
A. Yeah. I said I wasn't there, yeah. I don't know if I actually said -- I don't know exactly what it was.
Q. Do you know of anybody besides you and you say Bobby who saw any blood around that place before the police got there?
A. Could you -- repeat.
Q. Over at Coy's trailer, you say that you saw blood?
A. Yes.
Q. And you say that Bobby was there?
A. Yes.
Q. And would you say that Bobby saw blood?
A. I guess he did, yeah.
Q. And who else saw blood over there?
A. Me, and I guess when the police arrived, they seen it.
Q. What about Rhonda?
A. Rhonda didn't even come inside.
Q. Did you talk to Rhonda about what was going on?
A. I never did talk to her. I said -- I told you I talked to her twice that day, just said hello and that was it.
Q. Do you know Bonnie Jean Crawley?

A. No, I don't.
Q. Some woman that works at the Hospitality House some teaching named Bonnie Jean or Bonnie or Jean?
A. I don't know her.
Q. Do you remember seeing somebody down around Makoto's earlier in that week where you and Bobby were drunk and Bobby was asking about getting his hair cut?
A. No, I don't.
Q. You don't remember that?
A. No.
Q. Do you remember drinking and being down around Makoto's?
A. Makoto's? Yeah, I remember being down there.
Q. When was that?
A. That was on that Tuesday before we got took to jail.
Q. Was that the same night that you got took to jail and got out with Monroe Brown?
A. Yes, it was that evening. I don't know whether it was night. It was sometime in that evening.
Q. What were you doing down around Makoto's?
A. Well, we was just down there drinking, seeing Henrick and all of them. Wasn't nothing unusual going down there.
Q. Were you at somebody's place?
A. Yeah, we was down at Henrick's for a while and I went up Jolene's, just like I said.

Q. And was Bobby there?
A. Yeah.
Q. You remember yourself having a fifth of liquor?
A. I don't remember having no fifth of liquor. I know I got one that night I went to Jolene's.
Q. That was the same night, wasn't it?
A. Yeah, a fifth of Jack Daniels, yeah.
Q. And that was what night?
A. That was Wednesday night.
Q. Wednesday night?
A. Yeah. That Tuesday night we didn't have no liquor. We had two pints of liquor.
Q. Okay. Now, was that -- the night that you were at Makoto's, was that the night you went to jail or some other night?
A. Makoto's? No, we didn't go to jail that night. We was at the Longvue when we went to jail. That was on Tuesday.
Q. On Tuesday when you went to jail, Mr. Coffey, they picked you up at the Longvue?
A. Yes.
Q. Had they come to see you and talk to you, the police, before then about giving some -- about being in trouble with people and you asked them to let you go to the Longvue so that you could stay there instead of go to

jail?

A. No. Bob asked them if we could go over there to see somebody, and they wouldn't -- they took us on to jail. They poured our liquor out.

Q. Where were you when he was wanting to go over there?

A. Where was we? We was right there in front of the Longvue Motel.

Q. On that same side of the street?

A. Yes.

Q. Is that across the street from The Peddler?

A. I don't know if it's The Peddler. No, the -- let's see, Longvue -- there's a Pantry right up above it. Yeah, I guess there is a Peddler there across there, that restaurant.

Q. Had you been to The Pantry with Bobby on that Tuesday night?

A. To The Pantry?

Q. Yes, sir, there across from the Longvue?

A. I don't know if we went over there to get a chaser or not. I think we did. Yeah, we was over at The Pantry, that is right, went over there and got a chaser. And Rhonda, Rhonda was right there. She's the one that had the law come up there. I don't know.

Q. And that was Tuesday?

A. Yeah. I didn't even say nothing to her. Then Bob was

walking, had our liquor, we we're going across the road, and the next thing I know, Boone PD pulled in.

Q. That's when they took you to jail?

A. Yeah. They poured the liquor out and put me and Bob in separate cars. I don't know.

Q. Can you name the people that you have talked to about what -- made statements to about what happened at Coy's?

A. The people -- only people I've talked to is just Jim Harrison and Mark Shook and Steve Wilson and my lawyer.

Q. You talked to Jonathan Jones, didn't you?

A. Was he SBI?

Q. Yes, sir.

A. I guess I did.

Q. You talked to your dad about it, didn't you?

A. Yes, I did.

Q. You talked to Shirley about it later on, didn't you?

A. Never did talk to Shirley about it.

Q. If she said you said anything about it in front of her, she wouldn't be telling the truth, would she?

MR. RUSHER: Objection.

THE COURT: Overruled.

A. I didn't understand that.

Q. If Shirley said -- was to say that you said something about Coy's death in front of her about how it happened, that wouldn't be true?

MR. RUSHER: Objection.

THE COURT: Overruled.

A. No.

Q. I'm sorry, what was your answer?

A. No, it wouldn't, because I ain't never said nothing to her about it.

Q. Did you talk to the police or any SBI agents about this case while you were over in Ashe County jail before they brought you over here?

A. No, I have not -- yeah -- I didn't talk about it. He come -- what's his name come over, Steve Wilson, the blonde-headed one.

Q. Right.

A. Wanted to know if I wanted to give a statement, and I said no. I signed a waiver. That was it. I didn't say nothing else to him.

Q. Didn't you tell him that Coy was sitting on the bed?

A. Didn't tell him nothing about that when he come to see me over there, not that I know of.

Q. Have you made statements to a number of people over here in the Watauga County jail about it?

A. Just Mark Shook and Jim Harrison and Steve Wilson.

Q. How long did you spend over there between that time until you were tried for that case?

A. Well, me and Bob was over there a year or so and talked

about it off and on, and he didn't want to testify. He was wanting some -- he was wanting to see my handwriting and stuff, and I give him two samples of my handwriting. I don't know why he wanted to see my handwriting, how I wrote, if I signed them statements. And I told them about signing them statements on him, but that was about it.

Q. How long were you over in the jail before you were tried is what I asked you.

A. I was over there almost a year.

Q. And you didn't talk to anybody over there the whole time?

A. Me and Bob talked about it, I guess Lamont, and I don't know.

Q. Who is Lamont?

A. That police officer they got charged. Him and Bob is good buddies, I guess. I don't know. They was right across from each other.

Q. Who else did you talk to over there?

A. There's been hundreds of people that's come in there. I mean, me and Bob, we've talked about the case off and on. Ain't no telling who's hearing what.

Q. Well, you have said that you told certain lies or untruths to the police about your case?

A. Oh, just about Joe Cocker, and that was basically --

well, that was basically it and a few other things. I can't specifically remember exactly.

Q. Did you tell anything that wasn't true to anybody besides the police?

A. No.

Q. So the other people you talked to, you told them the truth?

A. I didn't talk to nobody else but my dad.

Q. I thought you said hundreds of people have been over there that you talked to.

A. I mean -- no, me and Bob was talking, yeah. No, just -- he thought we was going to beat it and everything and go along with him, so --

Q. Did you tell anybody a lie about your case except for the police?

A. Oh, yeah. I told my lawyer -- at first I told him a lie, yeah. I didn't tell him the truth.

Q. Anybody over in the jail, just people that were there in jail like you?

A. We didn't really go into it much. We was just talking about -- didn't have no evidence on it, no fingerprints or no blood or nothing. Just basically Bob said don't worry about it, everything's going to be all right.

Q. Did you talk to a man named Jonathan Harmon?

A. No, I never did talk to him. I know what you're going

to try to bring up. He's trying to say that I give him a statement, I said that I killed Coy. That's all a lie. Him and Bob, they had all that made up, him and Bob and all of them. That was all a big rumor.

Q. All right.

MR. HEDRICK: I'd ask the witness be instructed to be responsive to the questions.

THE COURT: Well, sustained. Members of the jury, you're not to consider the witness's suspicions.

Q. My question was, did you talk to Jonathan Harmon?

A. Yeah, I've talked to him.

Q. Did you lie to him or tell him the truth?

A. I didn't tell him nothing. He made a bunch of lies up on me. I didn't like him anyway to start with. He was just a little old punk and I just didn't pay no attention to him.

Q. You say you talked to him, right?

A. Yeah.

Q. When you talked to him, the things that you said, were they true or were they a lie?

A. If I talked to him, it was just nature. I just -- depends on what we was talking about.

Q. Did you talk to somebody named Shawn Delp?

A. Who?

Q. Shawn Delp.

A. No idea. I know Shawn Valdez.
Q. Did you talk to him?
A. Yeah. He was supposed to come and testify for us about -- apparently Linda Nelson was his wife or something and --
Q. I just want to know if you talked to him.
A. Yeah, I talked to him, but it wasn't --
Q. Did you tell him the truth?
MR. RUSHER: Your Honor, counsel is interrupting. I think he was telling --
THE COURT: Well, he's answered the question.
A. Yeah, I talked to him.
Q. Did you tell him the truth?
A. Tell him the truth about what?
Q. Whatever it is you told him about this.
A. I ain't told him nothing. I just told him that they had -- I didn't kill Coy. Yeah, I told him the truth. I didn't kill him.
Q. Did you talk to Roger Donald Worley?
A. I know Donald Worley. I didn't talk to him, no.
Q. Did you say anything in front of him that you know of?
A. We was all out there together. We all might have said something about the case. We was always talking about it. I don't know.
Q. Well, when you were always talking about it over there,

did you tell the truth or were you lying?

A. Best of my knowledge, I guess I was telling them the truth.

Q. Do you remember giving six separate statements to the police?

A. I don't know how many I give. I know I give two or three. I don't know how many.

Q. You remember the first time you talked to them was on the 9th of December, wasn't it?

A. Yeah.

Q. That very next day?

A. Yeah, that morning.

Q. And then about a month later on the 6th of January at about 2:00 in the afternoon you talked to the police again, didn't you?

A. Yeah, I did.

Q. You hadn't been arrested up to then, had you?

A. No, I hadn't.

Q. But Bobby already had, hadn't he?

A. Yes, he had.

Q. And you talked to them from about 2:00 until right at 4:30, didn't you?

A. Yes.

Q. Who did you talk to then?

A. I ain't for sure. I think it was Jim Harrison and

Mark.

Q. Okay. What kind of -- how did they treat you when they asked you the questions on that occasion?

A. I guess just -- just like you would be talking to me, but not -- I don't know if it was harsh or -- I don't know, I might have took it as being a little harsh. I don't know.

Q. Did they accuse you of lying?

A. Mr. Harrison did, yes.

Q. Did you change your story when they accused you of that, or part of it?

A. I think so, yes.

Q. And on that same day, that first interview on the 6th of January ended about 4:30, didn't it?

A. I ain't for sure. I think so.

Q. But then come about ten minutes after five you talked to Mark Shook again, didn't you, made another statement?

A. I think so.

Q. You talked to him up till about 6:00?

A. Yeah, I think me and him talked by hisself, because I couldn't talk to Jim. I don't know whether I was having some kind of problem or -- well, it was me. I just couldn't relate with Jim. I don't know, he was kind of pressuring me and I could talk to Mark better.

Q. Mark was a whole lot friendlier to you?

A. Well, I went to school with Mark, so I don't know, I could just talk to him better.
Q. You talked the same kind of language? I think you'd used those words before, hadn't you?
A. Yes.
Q. And then you talked to Mark Shook again on March 21, didn't you?
A. If that's the day we went and took the polygraph, yes, it was.
Q. And you talked -- after you made a statement to Mark Shook that day, you made a statement to Agent Jones?
A. J.J. Jones.
Q. SBI agent, didn't you?
A. Yes.
Q. Then you made another statement after that to Mark Shook, too, didn't you?
A. I guess I did.
Q. And on those occasions, on any of those times did you promise to tell them the truth?
A. Did I -- yeah, I eventually told him the truth, yeah.
Q. But each --
A. I didn't promise, no, but I told them.
Q. And on each of those occasions, though, some of what you said wasn't true, was it?
A. Yes.

Q. And on each of those occasions you never said the same thing twice, did you?
A. No, I didn't.
Q. Every time it was --
A. Well, I didn't fully understand them through all of it. I didn't understand a lot of it.
Q. How come?
A. I just didn't understand it.
Q. Well, I mean, was it because of the way they were asking the questions or the circumstances that you were in or what was the reason?
A. I don't know, I just wasn't -- I don't know. I wasn't on my medication there for a week or two and I don't know if that -- I just didn't want to hear it, I guess, or I just didn't care what I told them. I don't know.
Q. You were not able to pay attention to what they were asking you, is that part of it?
A. I'd say it could have been some of it.
Q. And when is it that you weren't on your medication?
A. Oh, I was out of it for a couple weeks.
Q. Can you say when those weeks were, what month it was?
A. I don't remember.
Q. Do you remember which one of those statements you were making during the time when you weren't on your medicine?

A. No, I don't.
Q. What kind of medicine was it?
A. I take -- let's see, Prozac -- I don't know, I think I was on Prozac then and nerve medication, some other kind of medication.
Q. What's the medication for?
A. It's for being depressed and I don't know what all. I take several different kinds of medication. I do now.
Q. Did you say you do now?
A. (Witness nods head)
Q. What kind of medicine do you take now?
A. I've just been on it about three months for -- I think it's seizures, and it's an antidepressant and I take something for -- hear voices, I don't know, some kind.
Q. What do you take for hearing voices?
A. I don't know what the name of it is.
Q. Well, where did you get it?
A. Psychiatrist put me on it.
Q. Does it help?
A. Yes.
Q. Are you taking that stuff now?
A. Yes.
Q. Do they have to adjust it sometimes?
A. No. It's been helping me good since I went on it.
Q. Do you know the name -- you don't know the name of it?

A. I know one of them is Zoloft and the other one is Cogentin and I don't know what the other one is.
Q. Have you ever heard of Haldol?
A. No, I ain't on no Haldol. That stuff locks you up.
Q. Do they give it to you in pills or shots or what?
A. Capsules.
Q. How often do you have to take that?
A. I take it once at breakfast, once at dinner, and I take a Zoloft at night.
Q. And today what have you had?
A. I've took my Cogentin and my other pill this morning and I've took my other pill at dinner.
Q. What did you take at dinner?
A. It's the same pill, Cogentin, and the capsule pill and I'm taking an antibiotic pill, too.
Q. What's the Cogentin for?
A. I don't know.
Q. Did that get prescribed to you by the psychiatrist?
A. Yes.
Q. And the other pills that you're taking besides the antibiotic, who prescribed them?
A. The doctor, because they pulled some teeth and they got infected.
Q. I'm talking about besides that. Is that something -- are you taking an antibiotic because you had the tooth

pulled?
A. Yeah, I had to. Yeah, it was in my sinus up here that got infected (Indicating).
Q. What else are you taking that's prescribed by the psychiatrist besides the Cogentin?
A. Cogentin and Zoloft and I don't know what the name is of the other pill.
Q. When did you take the Zoloft last?
A. I took it last night. I don't take it till tonight.
Q. Do you know what size dose it is?
A. It's a hundred milligrams.
Q. And what about the Cogentin, how much of that do you take?
A. It's 2.5. I don't know.
Q. And --
A. I take two of them a day.
Q. While you were in jail, you quit taking your medicine for a while?
A. Well, I didn't quit taking it. They just couldn't get it. I run out and had to go back to the doctor.
Q. On December 8 of '94 were you taking that kind of medicine?
A. I ain't for sure. They have had me on two or three different kinds of medicine.
Q. Were you supposed to be taking that kind of medicine on

December 8 of '94?

A. I know they put me on it when I was -- and they changed it again. I went to see the doctor up here, so --

Q. On December 8 of '94 do you know if you were supposed to be taking any medicine?

A. I guess I was, but I don't remember if I took anything or not. I know I was supposed to be taking it.

Q. Who helps you keep up with -- who back then was helping you keep up with your medicine?

A. Pam or whoever at work brings it to me.

Q. Who? I'm sorry, I didn't hear what you said.

A. The head jailer over there, the jailer.

Q. I'm talking about on December 8 of '94.

A. Oh, '94? I wasn't even on no medicine in '94.

Q. Had you been on medicine of that kind before December 8 of '94?

A. Yeah, but it's been a couple years before that.

Q. And you just quit taking that on your own?

A. Yeah. Well, I couldn't afford to pay for it, yeah.

Q. And was that medicine for voices?

A. No, huh-uh.

Q. Was it medicine that had been prescribed by a psychiatrist?

A. Huh-uh.

Q. What was the name of that kind of medicine before

December 8 of '94 you were taking?

A. I don't remember the name. I know it was an antidepressant, that's all.

Q. Do you know who prescribed it?

A. It was a doctor prescribed it.

Q. Well, do you know where the doctor was?

A. Yes.

Q. Do you know the doctor's name?

A. No, I don't.

Q. Where was the doctor?

A. At Banner Elk.

Q. Was it at Cannon Hospital?

A. Yes.

Q. Was that on the fourth floor of Cannon Hospital?

A. Yes.

Q. Were you committed over there?

A. No. I went voluntarily.

Q. Did you stay a while?

A. Yes.

Q. And when was it that you were last at Cannon?

A. Right after my place burned down. That's been -- I can't remember.

MS. FANNON: Your Honor, may I interrupt and be heard out of the presence of the jury?

A. About four or five year ago.

THE COURT: Members of the jury, we're going to take our afternoon recess in a few moments, so I'll let you take a 15-minute recess at this time. Please keep in mind and abide by the instructions I've given you as to your conduct. You're free to step out for a recess.

(The jury exited the courtroom at 3:14 p.m.)

PROCEEDINGS IN THE COURTROOM OUT OF THE PRESENCE OF THE JURY

THE COURT: Okay, Ms. Fannon.

MS. FANNON: Your Honor, I feel this line of questioning is leading to what's already been addressed before, and that is that he is trying to get in the back door what he couldn't get in the front door earlier when he asked for records of Mr. Coffey's stays at Broughton and other places and his records from his attorneys, and I think since he didn't get it pursuant to subpoenas and motions, now he's trying to open the door to get it through Mr. Coffey, and I would advise Mr. Coffey now to invoke his privilege between him, his doctors, and lawyers again as we'd done earlier.

THE COURT: All right. As I said earlier, the privilege in that regard is Mr. Coffey's and it's up to him to invoke it if he wishes to.

MS. FANNON: Can I speak with him?

THE COURT: I don't think an objection -- I know you didn't make an objection, but you asked to be heard. It's up to Mr. Coffey whether he wishes to answer it or not.

THE WITNESS: I'd rather not even talk about it, sir, but he asked me.

THE COURT: Well, your lawyer can explain to you what your rights are in that regard.

Do you wish to be heard at this time, Mr. Hedrick, before we recess as to --

MR. HEDRICK: Your Honor, there's no privilege against him telling -- I mean, you can't keep from the triers of fact a witness's medical history coming from the witness himself. There's no privilege that he can invoke.

THE COURT: Not coming from the witness, but there is a physician -- a psychiatrist-patient privilege and depending on what a person is asked, they have the right to assert the privilege and not tell you. It's their privilege to give up or not as they wish.

MR. HEDRICK: Your Honor, he's given it up, so the door is open. It's out. But I contend that these are -- even if there is a privilege, it should be quite apparent that this is of critical importance in a capital murder case. It's issues that he's voluntarily

talked about already that have been brought up in his own trial by his own attorney. The statute authorizes that to be overcome even if it exists, and I contend it's already been waived.

THE COURT: Ms. Fannon, do you wish to be heard with regard to whether or not what he's being asked is material and competent in this case and whether its disclosure to this jury outweighs the privilege of whether or not this Court should order the witness to testify in this regard?

MS. FANNON: I would, Your Honor. The particular instance that we have already started into here as I was objecting is something that was apparently several years ago that was not at a time when any of these incidents occurred, and it delves into background that is personal to just Mr. Coffey and is not in any way pertinent to this matter. I think he testified it was several years prior to that and he said he had a doctor and that he went to Cannon and that he's on medication, and I think that asking him why he's on it delves into things that he's just not willing to discuss, that it's not something that the import of it to this jury -- I fail to see the importance of it to this jury, given the time lapse, and I just don't think the importance of it outweighs his right to that

privilege. I think we would start causing people not to seek help if we start interfering with that privilege at some later date.

THE COURT: All right. Thank you, ma'am. Do you have something else you wish to say?

MS. FANNON: Your Honor, I don't know the numbers too well, but under 403 in the evidence code, seems to me that there's a question here of excluding it -- first of all, it is confusing, which is one of the areas. We have jumped back and forth from when he was in jail to the date of the incident all the way back to two or three years ago. And under 403, it says even if it's relevant, it may be excluded if its substantial -- if its probative value is outweighed by his interest in asserting these things. We would contend that given the time period that it is certainly outweighed. It's not relevant to this incident what he was taking two years before this incident occurred or whatever the time period was, and that he certainly has a right to not reveal that, knowing that once he reveals it, then his doctor can be brought in to testify.

THE COURT: The Court will find based upon the evidence before it at this time that a physician-patient relationship existed between this witness and any psychiatrist that may have treated him; that it's

apparent that this witness either gave or through testing the psychiatrist received information necessary to enable the health care provider to prescribe certain medications for this witness; that the treatment this witness received is competent and relates to a material fact in the trial of this case in that it may relate to his credibility as a witness wherein he contends he is an eyewitness to the crime with which the defendant is charged and being tried in the case, and up until this time the Court has been advised of no other competent manner by which this information may be brought before the Court.

Based upon those findings, which also included the witness has already testified in response to questions that he had had a previous head injury which required a hospital stay of some days, surgery, has had two plates placed in his head, that he takes several kinds of prescribed medications, one of which is Prozac, that he's now taking medication for hearing voices, all prescribed by psychiatrists, and that he at some time prior to this occasion voluntarily admitted himself to the fourth floor of Cannon Memorial Hospital, which the Court will take notice that of the Court's own knowledge that's the psychiatric ward, and he stated that he has taken prescribed medication today.

Based upon those findings of fact, the Court concludes that the disclosure of this information through this witness is necessary to a proper administration of justice and is competent evidence bearing on a very material thing in this case, being the credibility of this witness's testimony. The Court will therefore order that the witness testify concerning his prior mental or his prior psychiatric treatment which he has received.

Let's take about a ten-minute recess and then we'll proceed.

(A recess was taken at 3:23 p.m., and court reconvened at 3:32 p.m.)

PROCEEDINGS IN THE COURTROOM OUT OF THE PRESENCE OF THE JURY

THE COURT: If Mr. Coffey would return to the stand.

(The witness returned to the stand.)

THE COURT: And if we could have the jury back, Sheriff.

(The jury entered the courtroom at 3:33 p.m.)

PROCEEDINGS IN THE COURTROOM IN THE PRESENCE OF THE JURY

THE COURT: Okay, Mr. Hedrick.

MR. HEDRICK: Thank you, Your Honor.

Q. Mr. Coffey, do you remember the date or the year when

you were last at Cannon Hospital?
A. It was back in '80-something, I don't know.
Q. In '80-something?
A. (Witness nods head)
Q. How long did you stay there?
A. Seven days.
Q. When you got out of there, did they give you certain medicine to take home or prescriptions to get filled?
A. Yes.
Q. Did you follow those recommendations?
A. No, I didn't.
Q. Did you ever -- were you in a hospital again after that?
A. No.
Q. Have you ever been in Broughton Hospital?
A. About 16 year ago.
Q. What was that for?
MS. FANNON: Objection.
THE COURT: Overruled.
A. My dad said I wouldn't stay at home, so I don't know what it was for.
Q. How long were you there?
A. I think two or three days.
Q. When you left there, did they give you medicine to take when you left?
A. I don't even remember.

Q. Prescriptions? You don't remember if you had any prescriptions?
A. I don't think so.
Q. How many times have you been in Broughton altogether?
A. Twice.
Q. When was the other time? Was it before or after that time you were there two or three days?
A. It was when I was young. I was about 15, 16, both times I went there.
Q. How many times have you been at Cannon --
A. Twice.
Q. -- Hospital? Excuse me?
A. Twice.
Q. The other time, when was it? One was in the '80s. What about the other?
A. I think it was in -- probably in 1990 when my place burned down.
Q. I'm sorry, 1990 what?
A. It was 1990 or '89 or '90, I think.
Q. And how long were you there on that other time?
A. Seven days.
Q. When you left there, did they give you any medicine to take or prescriptions to get filled?
A. Yes, but I didn't get them filled.
Q. Do you remember what it was for?

A. Antidepressant.
Q. Have you spent time at what's called ARC at Black Mountain?
A. Yes.
Q. How many times have you spent time there?
A. Well, I went twice. I stayed once.
Q. When did you go and stay?
A. I think it was back in -- right before I got arrested I went to -- I went to Lexington, but I didn't stay. I think I went back to Black Mountain and finished the 28 days there.
Q. What was that for?
A. Drinking. Randy Townsend wanted me to go.
Q. Did you have any medicine that they gave you when you came away from there?
A. No.
Q. Have you been under the care of counselors and other people at New River Mental Health in the past ten years?
MR. RUSHER: Objection.
THE COURT: Overruled.
A. I guess, yeah.
Q. Did you get medicine from them?
A. I went over there, but I didn't get the medicine because I couldn't afford to pay for it.
Q. Did you get prescriptions?

A. Yeah, they was wanting to give me prescription medicine, but I never did get it.
Q. Do you know what kind of medicine it was?
A. It was an antidepressant. I don't know.
Q. Was it a psychiatrist who was prescribing it?
A. It was Jolene Hicks. I don't know if she's a psychiatrist or what.
Q. How long have you heard voices?
A. Just recent, being in jail, about three or four months, being down at DOC.
Q. In the past had you ever heard voices before?
A. No.
Q. And the medicine that you take for that, how does it make you feel?

MR. RUSHER: Objection.

THE COURT: Overruled.

A. Makes me feel normal.

MR. RUSHER: Your Honor, our position is, that medicine happened after the events and --

THE COURT: Yes, sir, but he's on it at this time.

MR. RUSHER: Yes, sir.

Q. Mr. Coffey, the statements that you gave to the police when they were questioning you, they put those in writing, didn't they?

A. Yes.
Q. And they would go over those with you after they were put in writing, wouldn't they?
A. Yeah.
Q. And did you get a chance to read them?
A. They read them to me.
Q. Did you read any of them yourself or look at them?
A. I looked at them.
Q. Did you sign them?
A. Yeah, he went over it with me word for word.
Q. And parts of them -- did you make any changes in any of them?
A. I'll say yes, I did.
Q. What was written up in those statements, was that accurate according to what you had said?

MR. RUSHER: Your Honor, without delineating which statement he's talking about, I don't think the witness can answer the question.

THE COURT: Sustained.

Q. Mr. Coffey, the first time that you went in and talked to them for several hours on the 9th of December in '94, did they put that in writing for you?
A. Yes, they did.
Q. And you went over that with them?
A. Yes.

Q. And did what they wrote down accurately reflect what you said?
A. It's what I told him, but it wasn't the truth, a lot of it.
Q. Okay. But the statement was accurate on what you said, right?
A. Yeah.
Q. And you signed it at the place at the bottom where it says this is a true statement, didn't you?
A. I know I signed one of them, one or two of them. I don't know if I signed all of them.
Q. The statement that you made, the first one that you made on the 6th of January from like 2:00 till 4:30, do you remember that being put in writing?
A. I believe all of them was put in writing.
Q. Did you go over that one the way it was written up?
A. I guess so, yes.
Q. And did you sign that one, do you remember?
A. I don't remember if I signed it or not.
Q. The way it was written up, did it say accurately what you told the police?
A. I don't know.
Q. You don't know? Well, you say you went over it?
A. He went over it and I signed it, so I must have agreed with it.

Q. Well, did you make any changes in that one, your first one on the 6th of January of '95?
A. No, I don't think I did. The last time when we went -- I changed it when we went -- took a polygraph and that's when I told the whole truth.
Q. You signed it and told them that --
A. I was telling the truth, but I wasn't telling them the whole truth.
Q. I'm talking about on the 6th. On the 6th you signed that saying it was true; is that right?
A. As far as I recollect, yes.
Q. And it wasn't true, though, was it?
A. It was -- I can't -- it wasn't all true, but most of it was.
Q. And the second time you made a statement on the 6th of January of '95, between ten minutes after five and right at six on that afternoon, did that get put in writing, too?
A. Far as I know, yeah.
Q. Did you go over it?
A. Yeah, they went over everything with me, so --
Q. The way it was written up, did it show what you had said accurately?
A. Yeah, the way he wrote it down.
Q. Did you sign it as being a true statement?

A. Only one. I remember signing one and I don't remember what date it was that I signed it.
Q. Did you tell them it was true?
A. I guess I did, yeah.
Q. But it wasn't completely true, was it?
A. Which one was that you was talking about?
Q. The second one on the 6th of January of '95.
A. No, it wasn't all true.
Q. Okay. And the next time you talked, you made a statement to Mark Shook before you went to -- or before you talked to the SBI sergeant in Hickory. Do you remember that?
A. Yes.
Q. Did you see that written up?
A. Yes.
Q. And did you sign it?
A. Yes, I did.
Q. Did it show what you said to be true? I mean, did it show -- did it accurately show what you said?
A. Yes, what he wrote down.
Q. And that was accurate as far as what you said?
A. Yes.
Q. But it wasn't true, was it?
A. The last statement, yes, it was.
Q. No, I'm talking about the one before you talked to the

SBI agent.

A. I don't know. I know some of it wasn't true, I guess.

Q. And then you talked to the SBI agent; is that right? Agent Jones? I'm talking about the 21st of March of this year -- of last year, '95. Do you remember that?

A. Yeah.

Q. And did you tell him the truth?

A. Mark Shook?

Q. No, SBI Agent Jones.

A. Not the whole truth, no.

Q. Did they print up what you said?

A. I ain't for sure.

Q. You don't know about that?

A. I ain't never seen none of them statements. I know Bob had them all. I don't know if he went over them.

Q. Did you remember after that talking again to Mark Shook?

A. I remember talking to him -- the day they took me down for the lie detector is the last time I talked to him.

Q. I'm sorry?

A. They took me down for the lie detector test.

Q. You failed that test, didn't you?

MR. RUSHER: Objection.

A. They never did finish the test.

THE COURT: Overruled.

Q. After that test you talked to Mr. Shook?

A. We stopped in between the polygraph and I just told him I figured there wasn't no use to go on with it, so I just told him the truth, so --
Q. You wanted to talk to Mr. Shook alone, didn't you?
A. Yes, I did.
Q. And he wrote up what you said?
A. Yes, he did.
Q. And went over it with you, didn't he?
A. Yes, he did.
Q. And what he wrote down was accurate? Was it accurate of what you said?
A. Yes.
Q. That wasn't completely true either, was it?
A. Yes, it was.
Q. You wouldn't sign it, would you?
A. No, I didn't sign it.
Q. You refused to sign that statement, didn't you?
A. Yes, I refused to sign it, but they used it against me in court.
Q. And are you in the habit, Mr. Coffey, of signing things that you don't know what they say?
A. I guess. I don't know.
Q. So you sign things without knowing what they say?
A. Well, sign them the best of my knowledge. I don't know everything.

Q. Do you understand that when you sign those statements that -- did you understand on those statements when you signed them or when you were asked to sign them that you were being asked to sign them as being accurate?

MR. RUSHER: Objection.

THE COURT: Overruled.

A. I didn't know how to take it. I guess I just signed them.

Q. You say that you lied because you were scared?

A. Nervous, yeah.

Q. What were you nervous about?

A. I just am when I'm around a bunch of people pressuring me. Like you're pressuring me now, I'm nervous.

Q. Does that mean you're lying now?

MR. RUSHER: Objection.

A. No. I just get nervous. I ain't used to talking to a bunch of people.

Q. But you lied because you were nervous when you talked to the police?

A. I don't know. I just didn't -- I guess I just didn't want to tell the truth.

Q. Why not?

A. I don't know. I was scared to.

Q. Why were you scared to?

A. For a lot of reasons.

Q. Can you tell us what the reasons were or some of them?
A. Well, for one reason, I knew I was going to go to prison and I didn't want to go to prison. And the other reason -- well, I don't know, I shouldn't be scared of Bobby. He's a little bigger than me. But -- I don't know.
Q. Well, he wasn't around when you made any statements, was he?
A. No, but he's tricked me several times.
Q. He was in jail locked up when you made those statements, wasn't he?
A. Yeah, but he was always talking to me every evening when I got back, wanted to know what happened, what went on.
Q. But the first three of these statements you made, you weren't even in jail, were you, hadn't been arrested yet?
A. The first one or two, I give -- I don't know, the first one. I don't know about the second one.
Q. You weren't in jail on the 6th of January of '95, were you?
A. Yes, I was. They arrested me that day.
Q. They arrested you after you made the statements, didn't they?
A. I don't know. I think they may have questioned me -- yeah.

Q. You didn't want to say anything that would get yourself in trouble, did you?
A. Well, I didn't want to say nothing to get neither one of us in trouble, but the truth had to come out sooner or later.
Q. You didn't want to go to prison, did you?
A. No, I didn't.
Q. And you don't like it there now, do you?
MR. RUSHER: Objection.
THE COURT: Overruled.
A. I ain't got no problem with it.
Q. But you would like to get a new trial and get that plea bargain back from the District Attorney, wouldn't you?
A. Yes, I would.
Q. Now, are you in the habit of signing things regardless of whether they're true?
MR. RUSHER: Objection. He already asked him that.
THE COURT: Sustained.
MR. HEDRICK: May I approach the witness, Your Honor?
THE COURT: Yes, sir.
Q. Mr. Coffey, let me show you what's been marked as Defendant's Exhibit No. 1 with a blue sticker here and ask you, do you recognize that signature right there?

A. It looks like my signature.
Q. Okay. Do you recognize that paper?
A. No, I don't.
Q. You don't?
A. No, I ain't never seen it before.
Q. Let me ask you this. Defendant's Exhibit No. 2, do you recognize that signature right there?
A. It looks like my signature.
Q. Do you recognize that paper?
A. Do I recognize that paper? The only time I seen that paper is when she showed it to me.
Q. Your lawyer showed it to you?
A. Uh-huh.
Q. Y'all been talking about that over lunch?
A. No. She talked to me this morning about it. She showed it to me.
Q. Okay. Before you ever -- I thought you said you didn't talk to anybody.

MR. RUSHER: Your Honor, we object to counsel asking about his conversations with another attorney.

THE COURT: All right. Sustained.

Q. Mr. Coffey, is that your signature on Defendant's Exhibit 1?
A. It looks like it, but I don't believe that's my writing. It might be my writing, because Bob and Lamont

wanted me to -- they wanted to see how my handwriting was on them, because he had statements. See, I lied to Bobby about signing statements. He said, well, I want you to write your handwriting in cursive and in print. So I wrote it down on a piece of paper and give it to him. And Lamont's supposedly an expert on handwriting or something. That's the only way he could have got that writing.

Q. Well, is that your signature there on Defendant's Exhibit 1?

A. I don't know. I can't tell you the honest truth. Might be my signature. But there wasn't no -- I mean, I wrote my name down on a piece of paper, but it didn't have no other writing.

Q. What about Defendant's Exhibit 2, is that your signature on it?

A. I don't know. It looks like my writing.

Q. The papers that you say you signed, who handled them besides you?

A. Bobby Bragg and Lamont. He's supposed to have been an expert. He said he worked for the law or FBI or whatever, I don't know, for years about handwriting. I don't know why they wanted me to sign my name on two pieces of paper. It was just a blank piece of paper.

Q. Did you sign that on the 5th day of November of last

year?
A. I didn't even sign that. All I did was write my name down on a regular piece of paper.
Q. What you put your name on, was that the 5th day of November of last year?
A. I don't know what day it was.
Q. Well, you say that Lamont and Bobby handled those papers?
A. Yeah. He wanted to see if he would compare it to my handwriting. See, I told him I didn't sign them statements against him, just keep him off my back from hounding me. But I did.
Q. Who is it you lied to about signing statements?
A. To Mr. Bragg there.
Q. Okay. After you signed the two papers that you say you signed, who did you -- what did you do with them?
A. I gave them to Bob. He said he wanted to see if that was my handwriting. So I don't know what they ever done with them, him and Lamont.
Q. How do you know that Lamont handled it?
A. Because him and Bob was always passing each other stuff. They're right in front of each other. We always pass stuff in the jail. You can pass anything.
Q. Do you remember where you were in the jail at the time that happened?

A. Yes, I do. I was down the third cell. Bob was up in front of me and I was the third cell down.
Q. Do you know what block it was in?
A. It was in the single cells.
Q. Where was Lamont?
A. He was right across from Bob.
Q. What did you do with the pen that you used to sign your name with?
A. I didn't use no pen. I used a pencil. We couldn't have pens back then. They took all the ink pens.
Q. What did you do with the pencil, I'm sorry, that you used to sign your name? Did you keep it?
A. I don't know what I done with that pencil. But I ain't never seen that writing there before till I seen it this morning.
Q. Did you talk to anybody about the papers that you were signing, anybody? Anybody there listening that you know of?
A. I didn't sign no -- Bob just said he wanted to see my signature. He said he wanted me to write it in cursive and in print, so I wrote it down on a blank piece of paper.
Q. Who was there when that discussion happened?
A. There was a lot of people there.
Q. Well, like who?

A. Everybody that was locked up. I don't know who all was locked up.
Q. Any other people participate in that discussion besides you and Bobby?
A. And Lamont. And the way we passed stuff, we just put it in a bag when -- the laundry bag, tie it to a string and throw it up and pick it right up with a fishhook. We made a hook with staples out of a book. We always pass stuff like that, cigarettes, anything.
Q. I'm asking you who was it that was in on that discussion when you were passing those papers around?
A. When he wanted to see the signature?
Q. Yes, sir.
A. My handwriting? Just me and Bob and Lamont. He said he'd compare it, tell if it was my handwriting, since he was an expert, used to be an expert on handwriting and stuff. That's all.
Q. Did you sign two papers on that occasion?
A. I didn't sign nary a paper. I wrote my name down twice on a blank piece of paper.
Q. On just one time -- twice on one piece of paper, is that what you're saying?
A. I wrote my name in print and I wrote my name in cursive and give Bob the paper, passed it back in the bag to him.

Q. Okay. But your name shows on those papers four different times, doesn't it?
A. The way it looks, yeah.
Q. Okay. Did you write your name four different times?
A. I wrote my name down one time in cursive and one time in print.
Q. Was that all on one piece of paper?
A. Yes. It was a blank piece of paper. It was on a yellow piece of paper.
Q. It was yellow?
A. (Witness nods head)
Q. Didn't look like that right there?
A. No. It was yellow.
Q. I mean as far as the way you signed your name?
A. Now, what?
Q. The way that you signed your name on the paper that you say you signed, it looked just like that one on the white there? Didn't you say that looks like your signature?
A. It looks like it. If you know anything -- I can write my name again if you want to bring somebody in and compare it up. I guarantee you it ain't my handwriting.
Q. But it just looks like your handwriting?
A. The way I make -- yeah, some of my N's and my E.

Q. Mr. Coffey, besides first degree murder, what else have you pled guilty to or been convicted of in the last ten years?
A. Driving drunk.
Q. How many times?
A. Twice.
Q. What else?
A. Public drunkenness.
Q. How many times?
A. I don't know.
MR. RUSHER: Judge, that is not --
THE COURT: Excuse me. Just a moment.
A. Four or five times.
MR. RUSHER: Objection, Your Honor. Public drunkenness does not meet the minimum --
THE COURT: Members of the jury, you're not to consider any prior conviction for public drunkenness.
Q. What else, Mr. Coffey?
A. Nothing I know of. I think I had one breaking and entering charge. That's when I was about 14, 15 year old. That's the only thing I ever been into.
Q. You don't remember anything else?
MR. RUSHER: Objection.
A. Just DUI is all I know.
MR. HEDRICK: If I could have a moment, Your

I KENNETH COFFEY I lie AND GAVE
FALSE STATEMENT AGAINST BOBBY BRAGG
HE WAS NOT WITH ME ON DEC. 8-1994
I DID NOT SEE him AT ALL that DAY

Kenneth Coffey 11-5-95
KENNETH COFFEY SIGN

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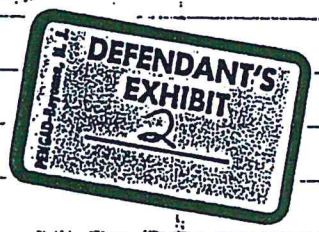


Kenneth Coffey 11-5-95
Kenneth Coffey SIGN

## Detective Mark Shook

Detective Shook testified that at the time of the crime he was a detective with BPD.[65] He further testified to his observations of the crime scene, his involvement in the investigation of the Victim's death, and his interviews of Coffey[66].

## Detective Jim Harrison

Detective Harrison testified that he was a detective sergeant with BPD.[67] He further testified to his observations of the crime scene, items collected from the crime scene, his involvement in the investigation of the Victim's death, and his interviews with Rene Nelson, Jeffrey Nelson, Coffey, and others.[68]

On cross examination, Detective Harrison testified that at the request of defense attorneys, he processed the vodka bottle for latent prints and submitted the latent prints to the SBI for comparison. The lab noted one print of value for identification. The fingerprints of Coffey, Bragg, the Victim, and two employees of the ABC store were submitted for comparison.[69] Detective Harrison further testified on cross examination that he did not have any laboratory analysis performed on the trailer hitch ball.[70] "I personally viewed and examined this trailer hitch ball to see if I could locate any presence of blood or any other matter, and I was not able to."[71] Detective Harrison testified that he felt inside the pocket that

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[65] Id. Bragg TT Pg. 351.
[66] Id. Bragg TT Pgs. 351-456.
[67] Id. Bragg TT Pg. 656.
[68] Id. Bragg TT Pgs. 656-710. These interviews are included in the law enforcement section of the brief.
[69] Id. Bragg TT Pgs. 750-755. No testimony as to results. See summary of forensic testing in section above.
[70] Id. Bragg TT Pg. 781.
[71] Id. Bragg TT Pg. 782.

the trailer hitch ball came out of and looked for blood all over the clothing Bragg was wearing when he was arrested. As he recalled, he did not find any blood on the clothes and the clothes were somewhat soiled.[72]

With respect to what the Victim was wearing at the time of the autopsy, Detective Harrison testified on cross examination that the Victim did not have on overalls.[73] Detective Harrison testified that he did not show the photographs of Bragg, Joe Cothren, or Greg Richardson to Rene Nelson on December 15th, and that he did not discuss with Rene Nelson any payment of funds from CrimeStoppers or any other reward-type agency for her testimony in the case.[74]

## Agent Jonathon Jones

Agent Jones testified that he was an agent for the North Carolina State Bureau of Investigation.[75] He further testified about three statements Coffey made to him on March 21, 1995. These statements were introduced for corroboration purposes.[76] See the statements Coffey made to Agent Jones in law enforcement investigation section above.[77]

## Officer Randall Rasnake

BPD Patrolman, Officer Rasnake, testified at both Coffey and Bragg's trials. His testimony regarding statements made to him by Bragg regarding the trailer hitch ball in a sock

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[72] Id. Bragg TT Pgs. 784-785.
[73] Id. Bragg TT Pg. 791.
[74] Id. Bragg TT Pgs. 804-805.
[75] Id. Bragg TT Pg. 833.
[76] Id. Bragg TT Pgs. 834-855.
[77] Agent Jones testified that he mistakenly wrote "That Kenneth then hit Coy with a sock with a trailer ball in it" and that he should have written "That Bragg then hit Coy with a sock with a trailer ball in it." See Bragg TT Pg. 837.

that Officer Rasnake located during a search of Bragg in early December 1994 differed at the trials. At Bragg's trial Officer Rasnake testified as follows:

> Q: Sir, did you make some comment to Mr. Bragg concerning the trailer hitch ball and the sock?
>
> A: Yes, sir, I did.
>
> Q: What did you say to him?
>
> A: I asked him why he was carrying something like that around.
>
> Q: What did he say?
>
> A: As best I can recall, he stated, I never know when I might need to use it on somebody.
>
> MR. HEDRICK: Move to strike if that's just the best he can recall.
>
> THE COURT: Well, sustained unless you recall what he said. Members of the jury, you're not to consider—
>
> Q: Did you make some notes as to what things were done and said on that night?
>
> A: Yes, sir, I did.
>
> Q: Are you able to look at your notes and refresh yourself as to what was said?
>
> A: Yes, sir.
>
> Q: What did he say?
>
> A: I have written that Bobby said, I never know when I might need to use it on someone.[78]

On cross examination, Officer Rasnake was asked about the inconsistencies between his testimony at Coffey's trial and his testimony on direct examination at Bragg's trial. Officer Rasnake could not recall his testimony at Coffey's trial.[79]

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[78] See Bragg TT Pgs. 536-537.
[79] Id. Bragg TT Pgs. 542-543.

## Officer Gerald Hayes

BPD Patrolman, Officer Hayes testified to seeing both Bragg and Coffey on Tuesday, December 6, 1994 in the area of The Pantry and Longvue Motel. Officer Hayes observed Officer Rasnake search Bragg and seize a white athletic-type sock with a trailer hitch ball inside.[80] He further testified: "There at the scene Patrolman Rasnake asked him why he was carrying something like that around, and Mr. Bragg's statement was, you never know when you might need to use it on somebody."[81] Officer Hayes testified that while he and Bragg were traveling towards the Sheriff's Department in his patrol car he asked Bragg the same question that Officer Rasnake did and that Bragg's reply was "man, you never know, you might need it out there."[82]

## Bonnie Jean Crawley

Crawley testified that she saw Bragg and Coffey at 5:00 PM on Wednesday, December 7, 1994, the day before the murder. She saw them at a shed behind the old Pepper's restaurant. Bragg asked her to cut his hair and she agreed to do it on Friday morning. Crawley testified that both Bragg and Coffey were intoxicated. Crawley testified that she gave this statement to the DA's Office about ten days prior to her testimony in February 1996, which was approximately 14 months after the crime. She testified that she came forward after having a conversation with a friend at the Hospitality House.[83]

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[80] Id. Bragg TT Pgs. 547-550.
[81] Id. Bragg TT Pg. 550.
[82] Id. Bragg TT Pg. 551.
[83] Id. Bragg TT Pgs. 557-565.

## Rene Nelson

Rene Nelson was called to testify about her recollection of events that occurred on Thursday, December 8, 1994. Her entire testimony is included below.

Q. Very busy?
A. Uh-huh.
MR. GABLE: All right. Thank you. That's all I have.
MR. WILSON: Thank you, ma'am. You may come down.
Your Honor, may Ms. Bunting be excused?
THE COURT: Yes.
(Witness excused)
The witness, RENEE NELSON, being first duly sworn, was examined and testified as follows:
DIRECT EXAMINATION (by Mr. Wilson):
Q. Tell us your name, please, ma'am.
A. Renee Nelson.
Q. Ms. Nelson, where do you live?
A. At 120 Winter Drive.
Q. How long have you lived there?
A. Three and a half years.
Q. Who lives there with you, Ms. Nelson?
A. Me and my two sons and my two daughters.
Q. Okay. What ages are your two sons and what are their names?
A. Four and a half and ten, and it's Jeffrey and Cody.
Q. Now, which is the ten-year-old?
A. Jeffrey.

Q. All right. And I believe you said you had a daughter?
A. I got two daughters.
Q. Okay. What are their ages?
A. Amber is six and Heather is three.
Q. You live on Winter Drive, you said, in the Greenway trailer park?
A. Uh-huh, yes.
Q. Ma'am, do you know where -- or prior to the 8th of December, '94, did you know where Coy Hartley lived?
A. Yes, sir, I did.
Q. Where did he live in relation to your residence, ma'am?
A. He lived at the end of my street.
Q. All right. Ma'am, did you know Coy Hartley?
A. Yes, I knew who he was, yeah.
Q. Do you know how long he had been living there at his residence?
A. No. He'd been there for quite a while. I really can't remember if I did know at some time or not.
Q. Was he there before you?
A. Uh-huh, I think so.
Q. Ma'am, let me show you what is marked as State's Exhibit 1 and I'll ask you if that fairly and accurately depicts Mr. Hartley's residence there on Winter Drive.
A. Yes, that's his house.
Q. Ma'am, I'll show you three photographs marked as State's

Exhibits 6, 7, and 8 and I'll ask you to examine those and determine -- and then I'll ask you some questions about them, all right?

A. All right.

Q. Ma'am, does that fairly and accurately depict the street you live on, Winter Drive?

A. Yes, sir.

Q. Does it depict, ma'am, the residence of Coy Hartley? Does one of them depict that?

A. They all three have his trailer in it, yeah.

Q. All right. Do any of those depict your house, your home in relation to Mr. Hartley's?

A. One of them does.

Q. Which one? If you'll look at the back, there's a red tag with a number. What number is that?

A. No. 7.

Q. All right. Would you take --

MR. WILSON: Your Honor, we would tender State's Exhibit 7 into evidence to be used to illustrate the witness's testimony.

THE COURT: Allowed.

Q. Ma'am, would you take State's Exhibit 7, step to the jury, and show them where your mobile home is and where Mr. Hartley's mobile home is on State's Exhibit 7.

A. (Indicating)

Q. Can you point out your mobile home on that photograph.
A. Can I?
Q. Yes.
A. Yeah.
Q. Would you point it out for the jury. Where is your mobile home?
A. (Witness left stand) This one right here is mine (Indicating).
Q. And where on that photograph is Mr. Hartley's -- was Mr. Hartley's mobile home?
A. All the way at the very end, the last one.
Q. All right. Thank you, ma'am. You may take your seat.
A. (Witness returned to stand)
Q. Ma'am, at that time did you know the defendant seated at the end of the table down here, Robert Charles Bragg?

THE WITNESS: Could you take your glasses off?

MR. HEDRICK: Your Honor, this isn't the place for an experiment.

THE COURT: The objection is overruled. He can remove his glasses.

(Defendant removed his glasses)

A. I know who he is with his glasses off, but with them on I don't know who he is. I can't tell.
Q. Okay. Do you know if that is Robert Charles Bragg?

A. Yes. I can tell by his face features, yes.
Q. Does he look different now from when you knew him?
A. Yeah.
Q. How does he look different, ma'am?
A. Well, I'd only seen him five other times before in my neighborhood and he had bushy hair and a mustache.
Q. Let me show you, ma'am, a photograph, if I can dig it out of here, a photograph marked as State's Exhibit 30 and I'll ask you if that fairly and accurately depicts the defendant Robert Charles Bragg as you knew him on and prior to December 8.

MR. HEDRICK: Objection, Your Honor. We need to see that.

A. Yes, sir.

MR. HEDRICK: Move to strike.

THE COURT: Well --

MR. WILSON: (Indicating)

Q. Did you get some water, ma'am?
A. Uh-huh.
Q. All right.

THE COURT: Motion to strike is denied.

Q. Ma'am, did you also on December 8, 1994, know Kenneth Eugene Coffey?
A. Yes, sir, I did.
Q. All right. Now, ma'am, are you aware of the day

December 8 when events occurred on the day that Mr. Hartley died?

A. Do you mean do I remember the day or --.

Q. Yes.

A. Is there some reason in particular I did?

Q. Do you remember things you did and things that happened on that day?

A. Most of it, yeah.

Q. Now, ma'am, on that day did you see the defendant Robert Charles Bragg and/or Kenneth Coffey?

A. Yes, sir, I did.

Q. Where did you see them?

A. Going up my street.

Q. What time was it that you saw them?

A. About a quarter till five.

Q. Now, was that in the morning or the afternoon?

A. The afternoon.

Q. All right. Around a quarter till five in the afternoon?

A. It was between a quarter till and five.

Q. Okay. Now how is it you're able to place that time, Ms. Nelson?

A. Because that's what time I always go to the day-care, or when I used to go to the day-care to pick up my children.

Q. All right. Now, on that day did you -- December 8, did

you go to the day-care?
A. Yes, sir.
Q. Why was it -- why is it that you went to the day-care on December 8?
A. Because I had to go pick up my children from the day-care.
Q. All right. What time did you go pick them up?
A. Between a quarter till and five.
Q. All right. Did you make some arrangements to pick them up on that day?
A. Yes.
Q. What arrangements did you make?
A. I always go up to my mom's and get my sister to keep an eye on Jeffrey, and my neighbor, my great aunt, usually takes me.
Q. Did you do that on that day?
A. Uh-huh.
Q. What time did you leave to go to day-care?
A. I don't remember the exact minute. I know it was between a quarter till five and five, because I went out -- it was like a quarter till five and when I got to day-care, it wasn't much after five.
Q. Okay. How far is the day-care from your residence?
A. About a two-, three-minute drive maybe.
Q. Was it before you went to day-care or after you returned

that you saw the defendant Bragg and Kenneth Coffey?
A. Before.
Q. All right. Where was Jeffrey at the time these events occurred?
A. In the yard playing.
Q. All right. Ma'am, how was it that you came to go outside into the yard?
A. Because Jeffrey was screaming for me to come outside.
Q. Okay. How long was that before you went to day-care?
A. Five or ten minutes.
Q. When you went outside, what did you see?
A. I saw him and Kenneth Coffey following Coy up the road (Indicating).
Q. When you say him and you pointed, are you indicating --
A. I saw Bobby and Kenneth following Coy up the road.
Q. Following what?
A. Following Coy up the road.
Q. When you say up the road, what road are you talking about?
A. Up my street.
Q. All right. How far were they behind him?
A. I don't remember. Not too far. I don't remember.
Q. Tell us how they were dressed, what they were doing.
A. I really don't remember what they were wearing. I remember what they were doing, though.

Q. What were they doing?
A. They were taunting him --
MR. HEDRICK: Objection to they.
THE COURT: Well, she can identify who they were.
Q. Did you hear one of them say something?
A. Yeah.
Q. Who did you hear say something?
A. I heard Bobby say, Ain't that right, you son of a bitch, and -- to Coy.
Q. Could you tell what their condition was, Bobby Bragg and Kenneth Coffey?
A. No.
Q. Could you tell if they were intoxicated or not?
A. I'm not really sure. I think maybe they were being --
MR. GABLE: Objection to what she thinks.
THE COURT: Sustained as to what she thinks. Do not consider that.
A. They were staggering.
THE COURT: Just a minute, ma'am. He'll ask you another question.
THE WITNESS: Sorry.
Q. As you saw them, did either of them have anything in their hands?
A. Yes.

Q. What and who?
A. Bobby had something that looked like a dark sock with something round in the bottom of it, because it was dragging, so I know that something was in it. It was like sagging.
Q. Ma'am, as you watched them go up the street, what did you see Mr. Hartley do?
A. He was just talking like he was ignoring them.
Q. All right.
A. He walked to his house.
Q. Did you see what the defendant and Kenneth Coffey did?
A. They followed him up there.
Q. Up where?
A. To his house, up the end of my street.
Q. Ms. Nelson, by what name did you know Bobby Bragg?
A. I don't know Bobby. I know who he is. But the children in our neighborhood called him Big Bob.
Q. Ma'am, where were you as you observed the defendant and Kenneth Coffey walk up Winter Street behind Mr. Hartley?
A. In the road.
Q. Did you say anything to them?
A. Huh-uh.
Q. When you lost sight of Kenneth Coffey and Bobby Bragg, where were they?
A. They went into Coy's yard. I don't know that they went

into his house, because I wasn't up there.

Q. All right.

A. I couldn't see that far.

Q. Ma'am, did you learn -- when did you learn of Mr. Hartley's death?

A. Later that evening.

Q. How did you learn?

A. My mom had said that --

MR. HEDRICK: Objection to what her mother said.

THE COURT: Sustained.

Q. Well, did you learn from what your mother told you?

MR. HEDRICK: Objection.

THE COURT: What was the question?

MR. WILSON: I said, did she learn from what her -- her conversation with her mother.

THE COURT: Overruled.

Q. Is that when you learned of it?

A. Yes.

Q. What time was that?

A. I don't remember. I think it was like right as dark was approaching. I really don't remember.

Q. Now, Ms. Nelson, you first talked to a law enforcement officer about this when?

A. I think it was the next morning I talked with an SBI

agent.

Q. Did you tell him what you have testified to in court?

A. No.

Q. Why not?

A. I started to tell him and I was scared and I told him that I didn't -- I just didn't know anything. I didn't -- not know that Mr. Hartley had been murdered until the next day.

Q. When did you tell -- what officer did you talk to later and tell these things to?

A. Mark Shook and Jim Harris [sic].

Q. Now, is that Mr. Harrison seated here behind me?

A. Yes, sir.

Q. When did you talk with him?

A. I guess -- I don't remember if it was the next day or a couple days after. I don't remember.

Q. Ma'am, as you watched the defendant and Kenneth Coffey walk up Winter Drive, what opportunity did you have to see his face? How far did you see them walk?

A. Do you mean like their distance from me to you maybe?

Q. Yes. How far were you from them? What opportunities did you have to see them?

A. Well, at first they went right by me, and then -- I mean, they were like as far as from me to the bench there from Mr. Hartley, and I could see them as they

walked all the way to the end of my street.

Q. Could you see the facial features of Mr. Bragg and Mr. Coffey?

A. No.

Q. Could you see their faces?

A. Yeah, I could see their faces, but not like if they were -- you know --

Q. But did you have an opportunity to see their --

MR. HEDRICK: Objection.

A. To look at them in their face?

THE COURT: Overruled.

Q. Yes. Did you have an opportunity to look to their face?

A. Yeah, I seen who they were, because -- like I said, they went right in front of me.

Q. Who were those people that you just --

MR. HEDRICK: Objection.

THE COURT: Overruled.

Q. Who were those people that you saw?

A. I saw Bobby, Kenneth, and Mr. Hartley.

Q. Now, when you say Bobby, who are you talking about?

A. Robert (Indicating).

Q. All right. You're pointing again to the defendant?

A. Yes.

MR. WILSON: Your Honor, we would at this point tender State's Exhibit 30 into evidence.

MR. GABLE: We have an objection, Your Honor.

THE COURT: Do you wish to be heard?

MR. GABLE: Yes, we do, Your Honor.

THE COURT: Members of the jury, I'll ask if you would to step into the jury room for just a few moments.

(The jury exited the courtroom at 3:55 p.m.)

PROCEEDINGS IN THE COURTROOM OUT OF THE PRESENCE OF THE JURY

Mr. Gable: Just briefly, Your Honor, we would not object to that photograph if the writing on the bottom was not shown to the jury.

THE COURT: Well, I'll let it be admitted into evidence. Before it's shown or exhibited to the jury, you need to make some effort to -- so that the writing is concealed.

MR. WILSON: I can have that done, Your Honor.

THE COURT: If we could have the jury back.

(The jury entered the courtroom at 3:57 p.m.)

PROCEEDINGS IN THE COURTROOM IN THE PRESENCE OF THE JURY

THE COURT: Okay, Mr. Wilson.

MR. WILSON: That's all for this witness, Your Honor. We would like to have State's Exhibit 30 passed to the jury.

THE COURT: Okay, sir, when he returns with

it. I have admitted it.

Go ahead.

CROSS-EXAMINATION (by Mr. Gable):

Q. Ms. Nelson, how well do you remember the events of the day of December 8 of '94?

A. Do you mean is there a particular reason I remember that day?

Q. Yes.

A. I had a nephew that was born that day.

Q. And that was his birthday or he was born that day?

A. He was born on that day.

Q. And what was the weather like that day?

A. It was a pretty warm day for December.

Q. How were you dressed?

A. I had on shorts and a short-sleeve shirt.

Q. Shorts and a short-sleeve shirt?

A. No, jeans, jeans and a short-sleeve shirt.

Q. And how was your son dressed?

A. I don't remember how he was dressed.

Q. Do you recall testifying in another proceeding here that he was dressed in shorts that day?

A. No, but it is possible. He wears shorts all year long.

Q. So you do recall that you had a short-sleeve shirt on?

A. Uh-huh.

Q. No jacket or anything?

A. I don't remember.
Q. And how did you get to the day-care?
A. My friend Nancy took me.
Q. Is that Nancy Cordin?
A. Uh-huh.
Q. And do you work?
A. Not now.
Q. Did you work then?
A. Uh-huh.
Q. What hours did you work that day?
A. I did not work that day. I didn't work on Thursday.
Q. What occupation did you have back then?
A. I worked at Burger King.
Q. Did you have a chance to go over your testimony with anyone before you testified here today?
A. No, sir.
Q. When was the last time you discussed your testimony with anyone?
A. November, I guess.
Q. Do you recall having a conversation with SBI Agent Steve Wilson on the morning of December 9?
A. Yeah. That was the very next morning, yes.
Q. All right. Do you recall telling him that you had saw Kenneth Coffey come out of Mr. Hartley's yard?
A. Yeah, and I got -- I didn't -- I don't think I told him

anything more than that. I was scared, because he told me Mr. Hartley had been murdered, so I just didn't want to talk to him at all.

Q. Well, do you remember telling Mr. Wilson that when you saw Mr. Coffey, he was walking fast towards Greenway drive and he was looking wild?

A. Yes, sir, I do remember saying that.

Q. You do remember saying that. And that is not true, is it?

A. Yes, sir, it is.

Q. So you saw Kenneth Coffey come out of the yard of Coy Hartley's trailer walking towards Greenway and he was looking wild?

A. Yes, sir, I do remember saying that, yes.

Q. All right. And is that in fact what happened? Did you see that?

A. Yes.

Q. And what time of day did you see that?

A. That was earlier in the morning. I don't remember, before lunch, after, somewhere close to lunch -- I don't remember.

Q. Well, you said it was approximately 5:15 p.m. Do you recall that?

A. No. It's been over a year. I mean, I don't remember everything. But I do remember who I saw.

Q. Do you recall telling Agent Wilson that you did not like him and you thought he was trash?
A. Yes, sir, I do.
Q. That's Kenneth Coffey you were talking about, right?
A. Yes. I don't know that much about Mr. Bragg to have an opinion of whether I like him or not.
Q. And you told Agent Wilson that Kenneth was wearing a dark-colored flannel shirt or a jacket at that time, correct?
A. I don't remember.
Q. What were you scared of?
A. If someone was murdered in your neighborhood, would you be afraid?
Q. So you were afraid because someone was murdered in your neighborhood?
A. And they didn't know who did it. Wouldn't you be afraid? If you were a single woman alone with your children, would you not be afraid if you were in my neighborhood?
Q. So when was the next time you talked to any police officers?
A. I don't recall if it was the next day or a couple days after.
Q. And what changed your mind in between?
A. My son, because he was scared because what we had seen,

and we thought it was the right thing to tell what we had seen.

Q. So the first time you were interviewed, you did not tell Agent Wilson the truth; is that correct?

A. I told him part of it. I was scared. I didn't want to say anything.

Q. How many times have you been interviewed?

A. I don't remember.

Q. Do you read the --

A. Two or three maybe.

Q. Do you read the Watauga Democrat?

A. Sometimes.

Q. Did you read the Watauga Democrat on the 9th of December, which was a Friday?

A. I don't remember -- I don't ever buy the newspaper. Once in a while my mom gets it and if I'm up there, I look through it.

Q. Do you remember reading the Watauga Democrat --

MR. WILSON: I object to what may have been said in the Watauga Democrat, Your Honor.

Q. -- the next Monday?

THE COURT: He hasn't asked her what was said in the Democrat.

You can answer it yes or no if you recall reading it the next Monday. That's what he asked you.

A. I don't remember if I read the paper the next Monday or not. Like I said, I hardly ever read the newspaper.

Q. Do you remember telling one of the police officers that you saw yesterday's newspaper and a picture of Bobby Bragg?

A. After he questioned me, he showed me the newspaper and asked me if that was the man I seen. After.

Q. Who is Jeffrey's father?

A. Jeff Nelson.

Q. Where does he live?

A. Mountain City.

Q. Does Jeffrey visit his father?

A. Uh-huh.

MR. WILSON: Objection, irrelevant.

THE COURT: Well, sustained.

Q. Has Jeffrey ever been -- your son Jeffrey ever been in Shady Valley?

A. Uh-huh. He has an uncle that is from Shady Valley.

MR. WILSON: Objection.

THE COURT: Overruled.

Q. When was the last time he was in Shady Valley?

A. I don't know. I don't know where him and his dad go when they're in Tennessee. I'm not there. I couldn't tell you.

Q. Do you know the last time he went to Tennessee with his

dad?

A. A couple weekends ago.

Q. Prior to December 8 of 1994, had he been in Shady Valley, Tennessee?

A. Do you mean like recently to that date?

Q. Yes.

A. I don't remember. Like I said, I don't know where him and his dad go or what they do when they're in the state of Tennessee. I'm not there with them, so I don't know what they do.

Q. Did you say you know Kenneth Coffey?

A. Yeah, I know -- yeah.

Q. How do you know Kenneth Coffey?

A. He used to live in our neighborhood with this lady named Rhonda Carson.

Q. Where did they live at?

A. Like on the first street. But I could see straight across through my neighbor Harold Jones's yard straight across and see their trailer from my door, from my porch.

Q. While they were residents there, did you ever have any difficulties with them?

A. Yeah. It was more or less with Rhonda. She thought that I called her with the landlord and talked to him, but he even went and told her I never talked to him

about her.

Q. Well, did you ever have any words with Kenneth about that?

A. He had words with me.

Q. What were those words?

A. That he would beat my brains out or something or another. I don't remember. It's been like two years ago almost since that happened. I don't remember.

Q. Were you ever in Kenneth's trailer?

A. In that trailer?

Q. Yes.

A. No, I don't think -- no. I went over there and got Jeffrey a couple times, but I was just at the door. I never actually stepped into the door. Jeffrey used to go over there and play with Rhonda's son TJ, I think. He used to like playing Nintendo with Jeffrey. He wasn't there long with his mom, though.

Q. And you say you'd seen Bobby, as you called him, or Big Bob, four or five times before?

A. Not on that day but in our neighborhood, yeah. I didn't know him except if I had seen him -- I mean, like I said, I've never had acquaintance with him. I never talked to him or anything like that, no.

Q. Do you recall giving a statement as to what he was wearing that day?

A. I do not remember what he was wearing that day.
Q. But you remember him carrying something in his hand?
A. Yeah, I can remember that it was dark like a sock and it had something round and heavy in it.
Q. Did someone suggest that to you?
A. No, sir. That was --
Q. No one has ever mentioned that to you?
A. No, sir.

MR. RUSHER: Your Honor, counsel interrupted her.

THE COURT: Let her finish her answer.

Q. And you could tell it was round?
A. You could tell it was round because -- dragging and sagging, like if you hold a sock up in the air and you can tell something round is in the bottom of it. You could see that something round was in it.
Q. How long was the sock?
A. I don't know. It was a man's sock. A foot or so, I guess. It was just hanging.
Q. Which hand did he have it in?
A. The right hand, I think. The right hand.
Q. Was he swinging it?
A. Well, it was moving back and forth. Yeah.
Q. And what color was it?
A. I don't remember. It was dark. I don't remember. It

was dark. I don't remember if it was black or brown or dark blue.

Q. Do you remember seeing a guitar?

A. No.

Q. Do you remember seeing sunglasses?

A. I don't remember. No. No, he didn't have glasses on.

Q. No glasses on?

A. Neither one of them did, no.

Q. What about a cap?

A. I really don't remember.

Q. Well, you say it was warm that day and you were in a short-sleeve shirt, correct?

A. Uh-huh.

Q. Well, do you remember either one of them being in a long coat?

A. I think that Bobby had on like a military jacket, like greenish-brown color, but I'm not really positive.

Q. Like what they call a field coat, is that what you're talking about?

A. I guess that's what you call it, like a military coat.

Q. Did you see anyone that had blonde hair that day in a leather jacket?

A. Do you mean with them that day?

Q. No, in that area around that same time.

MR. WILSON: Well, I object to that, Your

Honor, relevance.

THE COURT: Overruled.

A. No, I don't.

Q. Do you know Henry or Henrick Ossowski?

A. I never heard the name.

Q. What about Greg Richardson?

A. I don't know that name either.

Q. Did you see Rhonda Carson that day?

A. No.

Q. Was anyone else behind them walking along that day?

A. No. There was no one else on that street.

Q. Was Coy carrying anything?

A. I don't remember. I know he had his cane.

Q. You saw him with a cane?

A. He always had his cane.

Q. Well, did you see him that day with his cane?

A. Yeah, he always had his cane.

Q. Could you describe it.

A. His cane?

Q. Yes.

A. I don't remember if it was actually a cane or not. Sometimes he had a cane and sometimes he had an old stick.

Q. How was Coy dressed?

A. I don't remember. I think his bib overalls. I really

don't remember.
Q. You think they were bib overalls?
A. I think. I don't remember.
Q. And you watched him walk all the way up the street, correct?
A. I watched them go all the way up the street, but as far as if they went into Mr. Hartley's house, I don't know. I couldn't see that far. I mean, I can't see his door from where I live.
Q. Well, my question was, you watched them go all the way up the street?
A. Yes, sir.
Q. And approximately how far is it from the front of your trailer -- you were in the front of your trailer, correct?
A. Uh-huh, and I was in the road.
Q. In the front of your trailer?
A. Yes.
Q. And how far is it from the front of your trailer to where you saw them disappear up by Coy's trailer?
A. I don't know. It's quite a way.
Q. How long do you think it took them to walk that?
A. Just a minute. A minute, maybe two minutes.
Q. And no one else was walking on that street at the time?
A. No, sir.

Q. And you don't recall seeing a guitar?
A. No.
Q. Have you ever been in Coy's trailer?
A. Not until after he died, no.
Q. Did you ever tell the police officer that you thought Coy was drunk that day?
A. Yeah, because he was staggering.
Q. Did he say anything?
A. No.
Q. When he walked by you, did he say anything?
A. No. I don't remember. I don't think so, no.
Q. Was Coy wearing a beard then?
A. I don't think so.
Q. He was clean-shaven at that time?
A. I think.
Q. Do you recall if he had a hat on or not?
A. No, he didn't have a hat on. He hardly ever wore a hat.
Q. Ms. Nelson, is it at all possible that these events occurred on Tuesday, December 6?
MR. WILSON: Object to what's at all possible.
A. No, I --
THE COURT: Overruled.
A. The way I remember this day is because I didn't work

that day. I never work on Thursday, period. That's how I remember that day. If it had been on Tuesday, I would have probably just then got home from work or been getting off from work around this time. I always take Thursday off.

Q. Ms. Nelson, did you receive any money or any promise of money for your testimony or information in this case?

A. No, sir, I did not. I was never offered anything. They never even asked me to talk with them.

Q. Did you ever discuss a Crime Stoppers reward with anyone?

A. I've never been badgered or harassed by any of them. I've never been forced to do or say anything, no.

Q. My question is, did you ever discuss with them anything about a Crime Stoppers reward at all?

A. No, sir, I have not.

Q. Did you discuss it with anyone?

A. No, sir, I have not.

Q. The day you saw this happen in front of your trailer, did you hear Kenneth say anything?

A. No. He was laughing at whatever Mr. Bragg was saying. It was like they were whispering or talking quiet amongst each other. Whatever he was saying, Kenneth was laughing about it. But I don't know what they were saying.

Q. When you finally did talk to Officers Harrison and Shook, where was that at?
A. Me and Jeffrey decided that we would call them and talk to them. We didn't know what we was saying would help. I mean, we didn't know. So they come and got us, because we don't have a car, and they took us to the police department.
Q. And what day was that?
A. I don't remember if it was the next day or a couple days after.
Q. Well, they showed you a newspaper at that time, correct?
A. After they talked to us.
Q. After they talked to you?
A. (Witness nods head)
Q. Well, when you say after, was it the same day or did they come back at a later time?
A. No, it was the same day, but after we give them our statement and after we talked to them.
Q. So that must have been sometime on or after Monday, correct?
A. I guess it was like the next week. Like I say, it was the next day or a couple days after. That was Thursday, so I know we didn't talk to anyone on the weekend.
Q. And how long were you in the police station that evening?

A. I remember a couple hours.
Q. And it took you a couple hours to tell them what you're telling us here?
A. Well, they kept asking us, you know, to make sure.
Q. So they kept on asking you. How many times did you go over this?
A. I know we give them our statement and they'd ask me if that was the truth what I told them, and they'd ask me again and who that I had seen and about what time it was, more or less the same what you're doing now.
Q. Well, you haven't been here for more than two hours.
A. Not yet.
Q. How old are your younger children?
A. They're three, four, six, and ten.
Q. And except for the ten-year-old, the rest of them all go to day-care?
A. No. Amber goes to kindergarten. None of them are in day-care now. I been on medical leave of absence since July, so none of them are in day-care now.
Q. But on December 8 of '94, you had two of them in day-care?
A. Three.
Q. You had three in day-care?
A. Uh-huh.
Q. And you sent them to day-care on days when you did not

work?

A. I have been sick for about a year and a half. On days when I had doctors' appointments, I would send them -- like I'd take them like about 12:00 and go back and get them. So no, they didn't spend all day at the day-care. And when I got off early, I'd go get them when I got off.

Q. So did you have a doctor's appointment that day?

A. I have a doctor's appointment every Thursday.

Q. Every Thursday. What time was your doctor's appointment?

A. That day? It was at 3:45. My appointments are usually always between 3:00 and 3:30 to 4:00.

Q. What doctor do you go to?

A. Dr. Taylor. I see Dr. Taylor every Thursday.

Q. And you went to him at 3:45?

A. I'm pretty sure, yeah. My appointments are always between 3:00, 3:30, and 4:00.

Q. How did you get there?

A. Walk.

Q. All right. And how long were you at Dr. Taylor's office?

A. Maybe thirty, forty minutes. Not long. Thirty minutes. I usually just go on and get like my wrist checked and my height and weight and blood pressure. I

have chronic fatigue syndrome which makes me really drained, exhausted, and I also have a carpal tunnel syndrome and I have problems lifting and grasping.

Q. And Dr. Taylor treats you for those?

A. Uh-huh.

Q. And you went to Dr. Taylor's office at approximately 3:45? You walked there?

A. Yeah. Doesn't take but maybe five minutes to walk to there from where I live.

Q. And you walked back?

A. Uh-huh.

Q. And how did your children get to day-care that day?

A. I usually catch the bus to the day-care in the mornings and go back --

Q. What time did you take them that day?

A. I take them at about 7:30, but that day I didn't.

Q. Well, what time that day did you take them?

A. Around 3:00, sometimes 12:00, 1:00, 2:00. If I don't work, I usually don't take them till about lunch. This way they have got breakfast, they have spent the morning at home, or lunch, you know, depending on what time my doctor's appointment is.

Q. I'm talking about December 8. What time during the day did you take your children to day-care?

A. I guess 12:00.

Q. But you're not sure?
A. I don't even remember.
Q. You don't remember?
A. You have me confused. I'm sorry.
Q. All right. Do you remember how you got there?
A. I ride the bus to the day-care almost every morning or afternoon. Whenever I take them, I ride the bus.
Q. Well, did you do so on December 8?
A. To get them to the day-care?
Q. Yes.
A. Yeah, I rode the bus.
Q. And then you took the bus home?
A. No. I'd have to wait another hour. I walked home.
Q. You walked home?
A. Yeah. It takes like maybe ten minutes to walk from the day-care to where I live.
Q. Where is your day-care?
A. It's on Winklers Meadow right next to the mall -- well, right before the mall.
Q. That's that little road in the curve there the other side of Brendle's?
A. No. It's on up around the corner just a little ways.
Q. Do you have to go past Brendle's to get to it?
A. Uh-huh, and I usually walk behind Brendle's through the field, because it's quicker. It's about a ten-minute

walk.

Q. Just a few more minutes, Ms. Nelson. You say you have seen Mr. Bragg before?

A. Just wandering around the neighborhood, yeah.

Q. And that's all you have seen him, just around the neighborhood?

A. Yeah.

Q. You never had a conversation with him?

A. I've never spoken to him, never talked to him, nothing, no.

Q. Do you ever recall seeing him carrying a guitar?

A. I don't remember.

Q. Do you ever recall seeing him wearing sunglasses?

A. I don't remember.

Q. Are you absolutely sure it was him that you saw on these other occasions around the trailer park?

A. I remember him because he had bushy hair.

Q. And that's the only reason?

A. Yeah. He was scary-looking. He looked evil.

Q. And that's the only thing that you recall?

A. Of how I know him? Yeah. I mean, I just know people -- a lot of people I know just because I know the name or say hey or someone said that is someone. No, I didn't know him.

MR. GABLE: Thank you, Ms. Nelson.

## Jeffrey Nelson

Jeffrey Nelson was called to testify about his recollection of events that occurred on Thursday, December 8, 1994. His entire testimony is included below.

MR. WILSON: Thank you, ma'am. You may step down.

(Witness excused)

MR. HEDRICK: Your Honor, could the attorneys approach?

THE COURT: Yes, sir.

(Counsel approached the bench and conferred with the Court.)

THE COURT: Okay, Mr. Wilson.

The witness, JEFFREY NELSON, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION (by Mr. Wilson):

Q. Now, Jeffrey, I may need to -- okay, don't talk right into it. It will make your voice sound funny.

Tell us your name.

A. Jeff Nelson.

Q. Jeff, where do you live?

A. Greenway.

Q. How long have you lived there in Greenway?

A. Since I was two.

Q. Two? How old are you now, Jeff?

A. Ten.

Q. And do you go to school, Jeff?

A. Yes.

Q. Where do you go to school?

A. Hardin Park.
Q. Okay. What grade are you in, Jeff?
A. Fifth.
Q. Now, how long have you been at Hardin Park School?
A. Since I was in kindergarten.
Q. Since you were in kindergarten you have gone the whole time there?
A. Yeah.
Q. Jeff, I want you to think back to about a year or so ago. Do you remember Coy Hartley?
A. Yes, I do.
Q. Did you know Coy Hartley?
A. Yes.
Q. How did you know Coy Hartley?
A. He lived in my neighborhood.
Q. Okay. Did you ever talk to him or see him?
A. Yes.
Q. What occasion did you have to talk with him, get to know him?
A. He usually gave us like baseball gloves and stuff. He was -- he used to aggravate us sometimes when we wouldn't mind.
Q. Now, when you say us, who are you talking about?
A. Me and my friend.
Q. Okay. The kids in the neighborhood?

A. Yeah.
Q. Did you like Coy?
A. Yeah.
Q. Now, you live -- where did you say you lived?
A. In Greenway.
Q. Were you living there -- do you remember the day that Coy Hartley was killed?
A. December 8.
Q. Okay. Were you living there in Greenway then?
A. Yes.
Q. Who was living there -- who lived in your home there in Greenway?
A. Me, my mom, and my two sisters and my brother.
Q. Jeffrey, I want to show you some pictures. Do those three pictures look like your -- I want you to look at those three pictures. Does that look like your street where you live there in Greenway?
A. Yes.
Q. Okay. Do you remember what Coy Hartley's house looked like?
A. Yes. It --
Q. Okay. Tell us what it looked like.
A. It was at the top of the road and it was like greyish.
Q. Okay. Was it a house or a mobile home?
A. It was a mobile home.

Q. I'll show you another picture that's marked as State's Exhibit 1. Does that look like where Coy lived?
A. Yes.
Q. Okay.

MR. WILSON: And the three pictures, for the record, that I showed him before, Your Honor, were State's Exhibits 6, 7, and 8.

Q. Jeffrey, on the day that Coy Hartley was killed, did you go to school on that day?
A. Yes, I did.
Q. What time did you get home from school?
A. About 3:15.
Q. Is that what time you normally get home?
A. Yeah.
Q. How did you get home from school?
A. The bus.
Q. Okay. When you got home from school, what did you do, Jeff?
A. I did my homework.
Q. Who was at your house when you got home?
A. My mom.
Q. Okay. Where was your brother and your sister?
A. At day-care.
Q. Okay. Did they normally go to day-care?
A. Yeah.

Q. Was your mom working then?
A. No. She was working, but she was home.
Q. Okay. Why was she home on that day?
A. Because she gets off and then she goes to day-care to get my brother and sister.
Q. Okay.
A. And my other sister.
Q. Your other sister?
A. Yeah.
Q. Now, Jeffrey, what time did you -- how long did it take you to do your homework after you got home?
A. I'm not for sure.
Q. Okay. Well, did it take you five minutes or thirty minutes?
A. No. Well, estimating, about thirty.
Q. About thirty? Okay. What did you do after you did your homework?
A. I went out.
Q. You went out?
A. Outside.
Q. What did you do outside?
A. I played soccer.
Q. Who did you play with?
A. With my friends.
Q. Now, where were you when you played soccer?

A. In my yard.
Q. How long did you play soccer?
A. I'm not for sure.
Q. Jeffrey, at the time did you know Kenneth Eugene Coffey?
A. Yes, I did.
Q. How did you know Kenneth Coffey?
A. He used to go to Rhonda's house.
Q. Okay. Did you know somebody that lived at Rhonda's house?
A. Yeah, TJ.
Q. Okay. Did you used to play with him?
A. He used to be my friend at that time, but not no more.
Q. Did you know the defendant here at the end of the -- or next to the -- the person next to the end of the table there, Robert Charles Bragg? Did you know him?
A. He used to go to -- he used to live -- my dad lives in Tennessee and my uncle's mom lives there and he used to go there and his name was Robert Greg Bragg or something like that and my uncle's arrested him before.
Q. Okay. What name did you know the defendant Robert Bragg by?
A. Bobby Bragg.
Q. Bobby? Had you heard people call him something in the neighborhood?
A. I'm not for sure.

Q. Okay. Have you ever heard the name Big Bob?

MR. HEDRICK: Objection.

MR. GABLE: Leading, Your Honor.

THE COURT: Sustained.

Q. Now, Jeffrey, after you played in the yard for a while, did you see Bobby Bragg and Kenneth Coffey?

A. Yeah.

Q. Where did you see them?

A. Going up the road.

Q. Okay. Did you see anybody else there?

A. Yeah.

Q. Who else did you see?

A. Coy.

Q. Where was Coy?

A. Going up the road.

Q. Now, who was in front, Bobby --

A. Coy, Coy.

Q. Okay. Where on the road on your street was Coy when you saw him?

A. I'm not for sure.

Q. Okay. How far behind him was the defendant and Kenneth? Half the street, a third of the street, how would you describe it?

A. I don't really know.

Q. Okay. What were they doing -- what were Kenneth Coffey

and Bobby Bragg doing when you saw them?
A. Walking up the road.
Q. Okay. Could you hear them say anything?
A. No.
Q. Could you see them doing anything?
A. No.
Q. What did you do when you saw them going up the road?
A. I rode my bike up the road.
Q. Okay. Where was your mom?
A. She was going to get my -- she was in the house, but she was going to get my brother and sister.
Q. All right. Did you tell her?
A. She came outside.
Q. What made her come outside?
A. I went in the house.
Q. Okay. What did you say to your mom?
A. I told her to come outside.
Q. Why did you want your mom to come outside?
A. To look.
Q. To look at what?
A. Him (Indicating). Bobby and Kenneth.
Q. Why did you want her to look at Bobby and Kenneth?
A. Because I was confused.
Q. Because why?
A. I was confused.

Q. You were confused? What were you confused about?
A. That they might do something to Coy.
Q. Well, did she come outside?
A. Yes, she did.
Q. When your mom came outside, what did you do?
A. I rode my bike up the road.
Q. As you rode your bike up the road, Jeffrey, what did you see?
A. Them go in the house.
Q. Saw who go in the house?
A. Bobby and Kenneth.
Q. What house did you see them go in?
A. Coy's.
Q. Did you see where Coy went?
A. In the house.
Q. After you saw that, how long after Coy went in was it that Bobby and -- the defendant and Kenneth Coffey went in?
A. I'm not -- right after.
Q. Right after? Were all three of them together?
A. No.
Q. Were Bobby and Kenneth together?
A. Yes.
Q. Now, you need to answer --
A. Yes.

Q. Okay. Who was with -- if anyone, who was with Coy?
A. Nobody.
Q. After you saw them go in, Jeffrey, what did you do?
A. I went back down the road.
Q. When, Jeffrey, did you find out that Coy Hartley was dead?
A. When the ambulance went up the road and I went up there and Jay went to take him some food and he told us that --

MR. HEDRICK: Objection to what somebody said.

Q. Yeah, don't tell us, but -- when you went up there, someone -- that's when you became aware of it?
A. Yeah.
Q. Did you talk to the police about what you saw?
A. Yes.
Q. When did you do that?
A. I talked with Mark Shook and the one behind you right there (Indicating).
Q. You're pointing and saying Mark Shook?
A. Yeah.
Q. Are you talking about this person here in the blue coat?
A. Yeah.
Q. And the one to my left in the striped coat?
A. Yes.
Q. When did you talk to them, Jeffrey?

A. I'm not for sure.
Q. Okay. Was it the same day that you saw Bobby and Kenneth go up the road or was it a later date?
A. I think it was a later day.
Q. Did they come to see you or did you go to see them?
A. They come to my house. They come to my house.
Q. Did they take you somewhere?
A. Yeah. They took me up to the police station or up -- the police station, I think.
Q. How did they know to come to your house and talk with you, Jeffrey, do you know?
A. (Witness shakes head)
Q. Had you and your mom had some conversation about talking to the police?
A. Oh, yes.
Q. What conversation did you and your mom have?
A. To -- we went up there. We was -- he was talking to us and asking us questions.
Q. Okay. But had you and your mom talked about whether or not you should talk to the police?
A. I don't know.
Q. You don't remember?
A. No.
Q. All right. Now, you say you followed -- you saw the ambulance go up to Coy's house and you walked up there?

A. No, I was going up that way and Jay said that he --
Q. Okay, don't tell what someone said. But you just started up there?
A. Yeah.
Q. Was that the same day that you saw Bobby Bragg and Kenneth Coffey?
A. Yeah.
Q. Is that the same day that Coy was killed?
A. Killed, yeah.
Q. How long was it after you saw Bobby and -- Bobby Bragg and Kenneth Coffey follow Coy up the road was it before you saw the ambulance go up there?
A. Can you repeat that?
Q. From the time that you saw Bobby Bragg and Kenneth Coffey follow Coy up to his house, how long was it after that when you saw the ambulance going up to Coy's house?
A. It was like 6:00 or 6:30 when -- I don't know.
Q. At 6:00 or 6:30 that what?
A. At 6:00.
Q. That you saw what?
A. The ambulance. I think 6:00.
Q. The ambulance?
A. Yeah.
Q. Do you know about what time it was that you saw Bobby and Kenneth follow Coy up to his house?

A. I'm not sure.

MR. WILSON: All right. That's all.

MR. HEDRICK: Your Honor, may we proceed?

THE COURT: Yes, sir.

MR. HEDRICK: Thank you.

CROSS-EXAMINATION (by Mr. Hedrick):

Q. Jeffrey, if that thing is in your eyes, you can pull it down lower, then it won't be in your eyes. Is that better?

A. (Witness nods head)

Q. Okay. Do you remember what day of the week the 8th of December in 1994 was?

A. No. No, sir.

Q. But it was a school day, wasn't it?

A. Yes.

Q. And you're ten years old right now?

A. Yes.

Q. And when's your birthday?

A. July 22.

Q. So do you know how old you were on December 8 of '94?

A. I was nine.

Q. Nine years old then?

A. Yes.

Q. And you went to school on that day?

A. When -- the 8th?

Q. December 8.
A. Yes.
Q. And that was Hardin Park School?
A. Yes.
Q. And you rode the bus back home?
A. Yes.
Q. And where does the bus let you out?
A. It lets me off the end of the street of Winter Drive.
Q. Are there some mailboxes down there?
A. Yes.
Q. Okay. And that day did you get off the bus there at the mailboxes?
A. Yes.
Q. When you got off the bus at the mailbox, did you go straight home or did you go somewhere on your way home first?
A. Straight home.
Q. Okay. How far down the road is it you have to go before you get to your house?
A. Two trailers up. Two trailers up.
Q. Okay. When you're going down the road, is your trailer on the left or the right?
A. The right.
Q. And if you look down at the end of the road down there, is Coy's on the left?

A. Yes.
Q. Okay. And do you know how far that is from where your trailer is down to Coy's?
A. No, sir.
Q. Can you say, is it farther than the back of the courtroom?
A. Yes.
Q. A lot farther than that?
A. Yes.
Q. Okay. And when you got home that day off the bus, do other kids get off there with you?
A. Yeah.
Q. And do you remember who was with you that day?
A. There's a lot of kids that gets off the bus. I mean --
Q. Do you remember anybody special for sure who was with you that day?
A. Eddie and Nick and Brittany, this girl, and Josh.
Q. How old is Eddie?
A. Eddie?
Q. Yes, sir.
A. I think he's thirteen.
Q. Now?
A. Yeah.
Q. And how about Nick?
A. He's eleven.

Q. And Brittany, how old is she?
A. I think she's nine.
Q. And Josh, how old is Josh?
A. He's eight.
Q. And did they go with you when you left the bus up your road towards your place or did they go different ways?
A. They go to their trailers. They go up that way, but they go to the other side.
Q. Do they go down your road, Winter Drive?
A. When they go to the bus?
Q. No. When they got off that day with you, did they go down Winter Drive with you?
A. Yeah, they went up that way.
Q. And besides the school kids that were there off the bus, did you see anybody else out there then?
A. I don't think so.
Q. You don't remember seeing anybody else? And you went straight on to your house?
A. Yeah, to my house.
Q. And when you got there, who was at your house?
A. My mom.
Q. And you have some brothers and sisters there, too?
A. Yeah.
Q. Were they there then?
A. No, they was at day-care.

Q. And is that over at Winklers Meadow?
A. Yeah.
Q. And what was your mom doing when you got home?
A. She was getting ready to go get my brother and my two sisters.
Q. When you say getting ready, how was she getting ready?
A. She was going to go find somebody to take her to go get my brother and sisters.
Q. Do you know who she was going to get to take her?
A. No.
Q. Do you know who she did get to take her?
A. No.
Q. What time was it when you got home?
A. About 3:15.
Q. Okay. What time do you get off the bus?
A. At 3:15.
Q. Okay. So you went straight home. It didn't take you just a second to get to the house?
A. Yeah. I live two trailers from there.
Q. When you got home, what did you do?
A. I went and did my homework.
Q. Did your homework?
A. Yeah.
Q. Do you know how long that took?
A. About thirty minutes.

Q. Did you do that in your room or at your house?
A. Yeah, I did it at my house.
Q. Took about thirty minutes?
A. Yeah.
Q. Was your mom there while you did your homework?
A. Yeah.
Q. Okay. Do you know, had your mom been at work that day?
A. She -- yeah.
Q. Where did she work that day?
A. I'm not for sure.
Q. What --
A. I think she worked at Burger King, but I'm not for sure.
Q. Well, how come you know she went to work that day?
A. Because she was at work and she comes home and she gets ready, finds somebody to go get my brothers and sister -- brother and sisters from day-care and then she comes back home.
Q. But how do you know that it was that day that she was at work?
A. Because she goes to work.
Q. Every day?
A. No, not every day.
Q. Okay. But are you sure you remember she went to work that day?

A. I'm pretty positive, yeah.
Q. Okay. And does your mom go to the doctor some days?
A. What do you mean?
Q. Does she have some certain days that she goes to the doctor?
A. I'm not for sure.
Q. Okay. You say your mom you think was working at Burger King then?
A. Yeah.
Q. Does she wear any special clothes when she goes to Burger King?
A. She wears blue pants, a blue shirt, and a little name tag, her name tag.
Q. Can you remember if she was wearing that that day when you got home?
A. No, because she takes her -- she takes her stuff off and she puts more clothes on and she goes --
Q. And do you remember what you were wearing that day?
A. Me? No, sir.
Q. When you got home from school, did you change clothes?
A. I'm not for sure if I changed or just went outside after I did my homework. I'm not for sure.
Q. After you did your homework, you went outside?
A. Yeah.
Q. And where did you go?

A. Out to play soccer.
Q. Played soccer?
A. Yeah.
Q. Where did you play soccer?
A. In my yard.
Q. In your yard?
A. Yeah.
Q. Okay. Did you stay there in your yard playing soccer?
A. Huh?
Q. Did you stay there in your yard playing soccer?
A. Yeah, I was playing soccer.
Q. Who was playing with you?
A. Eddie, Stephen, Nick, and me.
Q. Is Eddie and Nick the same ones that were on the bus with you?
A. Yeah, yeah.
Q. Were they playing soccer when you got out there?
A. No.
Q. Then you just got up with them and played soccer?
A. Yeah, we played soccer.
Q. Okay. Do you know what time it was you got out there?
A. No.
Q. How long did you play soccer?
A. I'm not for sure.
Q. Well, while you were out there playing soccer, did you

see anybody else besides your friends?

A. Yeah.

Q. Did you see your mom come out?

A. Yeah. No, I went in the house and got my mom.

Q. Okay. Why did you go in and get her?

A. Because I seen Bobby and Kenneth go up the road.

Q. Okay. When you went in there to get her, did you know where Coy was then?

A. He was going up the road.

Q. Did you see him?

A. Yes, I did.

Q. Where was he when you first saw him?

A. Going up the road.

Q. When you say up the road, do you mean in --

A. Up to his house.

Q. Towards his house?

A. Yes.

Q. Was he coming from down towards the mailboxes?

A. I'm not for sure.

Q. Was he at your house or already past it?

A. He was going up the road. I'm not for sure if he passed it or he was right near or what.

Q. Were you playing soccer when he went by?

A. I think so.

Q. Do you know what time it was?

A. When I was playing soccer?
Q. When you saw Coy.
A. No.
Q. Well, was it daylight?
A. Yeah.
Q. And it was after you finished your homework?
A. Yeah.
Q. And had your mom gone to get your brother and sister at day-care yet?
A. No.
Q. What time does your mom go to get your brother and sister at day-care?
A. I'm not for sure, because she has to be there before 5:30.
Q. Does she -- how much before 5:30 did she go that day?
A. She usually leaves about 4:30 or something. She goes all different times. I don't know.
Q. You don't remember on that day when she went?
A. No.
Q. But she hadn't gone yet when you saw Coy?
A. No.
Q. And when you saw Coy, can you remember if he was past your trailer or coming to it or at it?
A. I don't know.
Q. Did you talk to him?

A. No.
Q. Did he say anything?
A. No.
Q. You said that he aggravated you sometimes. Did he aggravate you that day?
A. No.
Q. What do you mean when you say he aggravates you sometimes?
A. Like he played around with us. He like -- he tries to like say -- tried to like be mean, but he's not, you know, like tried to aggravate us, like say stuff and he don't mean it.
Q. Okay. But he didn't do any -- say anything to you that day at all?
A. No, sir.
Q. And did you see Coy's face that day?
A. Yes.
Q. Was that before you went in the house to get your mom?
A. Yes -- no. No -- yes, yes.
Q. Okay. So you saw him from the front?
A. Uh-huh.
Q. Is that right?
A. Uh-huh.
Q. How close were you to Coy when you saw him?
A. I don't know exactly.

Q. You don't remember?
A. No.
Q. Do you remember what the weather was like that day?
A. I think it was sunny. Sunny.
Q. Do you know if it was hot or cold or warm or cool?
A. It was warm.
Q. Warm?
A. Warm, yeah.
Q. You don't remember what you were wearing that day?
A. No.
Q. Do you remember what Coy was wearing when you saw him?
A. No, sir.
Q. Do you remember if he had a coat?
A. No, sir.
Q. Do you remember if he had a hat?
A. I think he had a hat on.
Q. What kind of hat did he have on?
A. I don't know.
Q. Did he have anything in his hands?
A. I think he had his cane.
Q. You think he had his cane?
A. Yeah.
Q. What's his cane look like?
A. I'm not for sure now.
Q. Okay. Did he have anything else in his hands except his

cane?
A. I don't know.
Q. Okay. When you saw Coy there at first, did you see anybody else besides you and your friend?
A. Not at first, no.
Q. Okay. Before you went in and got your mom, did you see anybody else?
A. I think so.
Q. What do you think?
A. I think I saw Bobby and Kenneth.
Q. You think you did?
A. Yeah, I think so.
Q. Are you not sure?
A. I'm pretty sure, yes.
Q. Okay. And you didn't see them at first, though, did you?
A. No.
Q. How long was it till you saw them?
A. Like right when I saw them? Do you mean like when I saw them?
Q. Yeah. How long -- you said that you didn't -- you saw Coy but you didn't see Kenneth and Bobby at first?
A. Not at first.
Q. But you saw them later?
A. Yeah.

Q. How much longer was it?
A. No, it wasn't -- it was -- they were going up the road but they were right there when he was right there.
Q. Okay. Where was Coy when you saw Kenneth and Bobby?
A. He was going up the road.
Q. Whereabouts was he according to your trailer? Was he next to your trailer or up towards his or what?
A. He was going up the road.
Q. Well, had he gone past you already?
A. Yes.
Q. Was he close to his trailer?
A. No.
Q. Was he close to your trailer?
A. No.
Q. How close was Kenneth and Bobby to Coy?
A. I'm not for sure.
Q. Well, you say they were behind him?
A. Yeah.
Q. Was everybody walking?
A. Yeah.
Q. Coy walking?
A. Yeah.
Q. Kenneth and Bobby walking?
A. Yeah.
Q. Was anybody running?

A. No.
Q. Were they walking slow or fast, could you tell?
A. I don't know.
Q. You don't know?
A. No.
Q. And did Coy say anything?
A. No.
Q. Did anybody say anything?
A. I'm not for sure. Coy didn't. I don't know if Bobby or Kenneth did.
Q. Did you hear them making any noises?
A. No, I don't think so.
Q. And so why did you go in and get your mom?
A. Because I was concerned.
Q. You were concerned? What made you concerned?
A. About Coy.
Q. You were concerned about Coy?
A. Yes.
Q. Why?
A. I thought something might happen to him.
Q. What made you think that?
A. Because they went up the road behind him and I was scared.
Q. Had you ever seen Bobby before?
A. Yeah.

Q. Where did you see him before?
A. He -- in Shady Valley, because I go there with my uncle and his little -- his son, he goes to see his mom and --
Q. Had you ever seen him in Boone or Greenway before?
A. Yeah, yeah.
Q. How long had it been since you saw him?
A. I'm not for sure.
Q. Had you ever seen him with Kenneth before?
A. I'm not for sure.
Q. Did you know Kenneth?
A. Yeah.
Q. Did you have any -- what did you call Kenneth?
A. Kenneth.
Q. That was his name to you?
A. Yeah.
Q. And had you ever seen Kenneth and Bobby and Coy together before?
A. No, I don't think so.
Q. You say that the only thing you remember Coy having was a stick?
A. Yeah, his cane.
Q. Or a cane?
A. His cane.
Q. Okay. And did anybody else have anything that you saw?
A. I don't know. I'm not for sure.

Q. You don't remember? Did you tell him -- are you hot in your coat?
A. Yeah.
Q. Do you want to take it off?
A. Yeah.
Q. Okay.
A. (Witness removed coat)
Q. Now, you can't say what it is that made you concerned?
A. No. Oh. I was scared.
Q. But what made you scared?
A. That something might happen to Coy.
Q. Okay. But had anybody done anything?
A. No.
Q. Or said anything?
A. No.
Q. And nobody had anything except for Coy having his cane?
A. Yeah, I guess so. I didn't see anything else. I mean -- you know.
Q. And so what did you do when you -- did you go in and see your mom?
A. Yeah.
Q. Did you talk to her?
A. Yeah.
Q. Did you yell in the house for her or did you go in there?

A. I went in there.
Q. Okay. What did you tell her?
A. To come outside.
Q. Did you tell her why?
A. Yeah.
Q. And what did you tell her about why?
A. To come outside and watch them go up the road.
Q. Did she do that?
A. Yes.
Q. Okay. What did you do when she came outside? Did you come back out, too?
A. Yeah, I came with her.
Q. Where did she go?
A. She came outside, too, in the road.
Q. Well, she walked out to the road?
A. Yeah.
Q. Did you walk out there with her?
A. Yeah.
Q. And when you got out there, had they walked down the road some?
A. Down the road?
Q. Were they still walking?
A. Yeah.
Q. Was Coy getting closer to his trailer?
A. Yeah.

Q. How close was he then?
A. I'm not for sure, sir.
Q. Can you say if it was as far as the back of the courtroom here between him and where his trailer was?
A. Yeah, probably.
Q. Or was it closer or further?
A. I think it was closer.
Q. He was -- well, can you say according to something in the courtroom how close Coy got to his trailer when you saw him?
A. About to that door right there down that way.
Q. The side door that has the fire sign over there?
A. Yeah.
Q. And then did you still see Bobby and Kenneth?
A. Yes.
Q. And where were they then? Were they still behind Coy?
A. Yes.
Q. And did Coy -- could you tell if he still had his stick?
A. Yes.
Q. You could see up there?
A. Yeah.
Q. And did you see -- were Bobby and Kenneth still together?
A. Yes.
Q. And where were they? How far behind Coy were they?

A. I'm not for sure. They were behind him.
Q. Well, were they as close as you and me?
A. I'm not for sure.
Q. You don't know?
A. No.
Q. Okay. So what did you do when you saw them up there with your mom?
A. I rode my bike up the road.
Q. When you say up the road, did you go up to where they were?
A. Yes.
Q. And did you see -- what did you do when you rode up there?
A. I rode up there and then I came back down the road.
Q. Hmm?
A. I rode up the road and came back down.
Q. Okay. But when you got up there, did you see Coy again?
A. He went in the house, in his house.
Q. Did you see him go in?
A. He went in his house.
Q. Okay. Did you talk to some people about your mom getting some money to talk to the police and come to court?
A. What?
Q. Do you remember talking to some people about your mom

getting some money to come to court?
A. Money?
Q. Uh-huh.
A. No, sir.
Q. You know a man named or a boy named Shawn Delp?
A. Yes.
Q. Do you remember talking to him about coming to court?
A. No.
Q. You don't remember that? Do you remember talking sometime when he heard you talking about coming to court?
A. No.
Q. You don't remember that? Did you ever see -- have you ever seen Bobby's picture before?
A. No.
Q. Never have?
A. No.
Q. Did you ever see a newspaper with Bobby in it?
A. No.
Q. How about -- did you one time go to the police department?
A. Yes.
Q. Did you and your mom talk to Mr. Harrison and Mr. Shook here at the police department?
A. Yes.

Q. And there at that meeting did they have a newspaper?
A. No.
Q. They didn't have a newspaper?
A. I don't think so.
Q. Did you ever hear anybody around where you lived talking about the newspaper, about what happened to Coy in the newspaper?
A. Yeah, I think I've heard people talking about it.
Q. Okay. And was that before you went down to the police department?
A. I don't know.
Q. You don't know?
A. No.
Q. How come you went to the police department?
A. I don't know.
Q. Well, did you talk to your mom about going before you went?
A. She -- she -- we just went up there and he -- the police, Harrison and Mark, came and got us and took us up there.
Q. And did you call them to come get you?
A. I'm not for sure if my mom did or not.
Q. Did your mom tell you before you went that you were going to go?
A. Yeah.

Q. Did she tell you why?
A. Yeah.
Q. What did she tell you about why you were going down there?
A. Because of Coy, the murder.
Q. Because of Coy?
A. Yeah.
Q. How come you were going there because of Coy?
A. The murder.
Q. Well, were you supposed to go talk to somebody?
A. Yeah.
Q. What were you supposed to go talk about?
A. I don't know.
Q. You don't know?
A. No.
Q. Do you remember going down there?
A. Yeah.
Q. And you talked to Mr. Shook and Mr. Harrison?
A. Yes.
Q. And did they ask you some questions?
A. Yes.
Q. Did you answer those questions for them?
A. Yes.
Q. And did your mom talk to them, too?
A. Yes.

Q. Were you there when your mom was talking to them?
A. Yes.
Q. Do you remember who talked to them first, if it was you or her?
A. I'm not for sure.
Q. You don't remember?
A. (Witness shakes head)
Q. Did they ever write up anything for you to read?
A. Yes.
Q. Who did that?
A. I think Mr. Harrison did, I think.
Q. You think Mr. Harrison did?
A. Yeah.
Q. Did you read it?
A. Yeah.
Q. Did you sign anything?
A. I'm not for sure.
Q. What you read, was that what was your statement?
A. Yes.
Q. And you read it?
A. Yeah.
Q. And did you sign it?
A. I'm not for sure if I signed it or not, but I read it.
Q. Okay. And did you ever see where Kenneth and Bobby went after Coy went in his trailer?

A. In the trailer.
Q. They went in the trailer?
A. Yes.
Q. Where were you when they went in the trailer?
A. I came back down the road.
Q. Were you at your place?
A. I came back down the road.
Q. Well, but where -- were you on your bike when they went in?
A. Yes.
Q. Okay. Did you see them go in the door or just see them go around?
A. No, they was there and then I left.
Q. They were where?
A. On the porch, and I left.
Q. On the porch?
A. Yeah.
Q. Do you know Rhonda?
A. Yeah.
Q. Did you see Rhonda?
A. No. I'm not for sure.
Q. When they were on the porch, did you see Coy?
A. No.
Q. Was he already in there?
A. Yes.

Q. You didn't see them go in the porch door?
A. No. I rode my bike back down the road.
Q. When they were on the porch, what were they doing?
A. Going into the door, going up into the door, and I left.
Q. Okay. And did they have anything with them then?
A. I'm not for sure.
Q. Do you remember what Bobby was wearing?
A. No.
Q. Have you ever seen him wearing sunglasses?
A. I don't know.
Q. Have you ever seen him with a guitar?
A. No.
Q. Do you know somebody named Greg?
A. Who?
Q. Greg.
A. No.
Q. Do you know somebody that looks like Bobby named Greg?
A. Bobby?
Q. Somebody that looks like Bobby whose name is Greg?
A. No.
Q. Do you remember, Jeffrey -- can you remember what Bobby was wearing that day?

MR. WILSON: Objection, asked and answered.

MR. RUSHER: Objection.

THE COURT: Sustained.

A. No, sir.

Q. Can you remember if he had anything on his head?

A. No, sir.

Q. Can you remember if he had a beard or anything like that?

A. I think a mustache.

Q. What did it look like?

A. It was a mustache.

Q. Okay. Was it black-colored or grey or what color was it, can you remember?

A. I don't know.

Q. Do you remember what his hair looked like?

A. Looked like bushy looking.

Q. Bushy hair?

A. Yeah.

Q. Was it black-colored?

A. I don't know.

Q. Did he look like this man right here?

A. He didn't have it like that. He didn't have his hair cut like that.

Q. Well, the man that you saw that day, are you sure that the man you saw that day is this same man here?

A. Yes. Yes.

Q. You're sure of that?

A. Yes.
Q. Did you know about the day after Coy died the police coming to your place?
A. What?
Q. The day after Coy died, did you see a man named Steve Wilson, a police officer? He doesn't have a uniform, but a policeman named Steve Wilson?
A. I'm not for sure.
Q. Do you remember your mom talking to a policeman about seeing Kenneth running away from Coy's trailer?
A. No.
Q. Did your mom tell you that she talked with some policemen before you went down there to see Mr. Harrison and Shook?
A. I think so.
Q. Did your mom talk about what she saw before y'all went down there?
A. Yeah.
Q. Who did she talk to?
A. Oh, I think -- I thought you said talked to me. No, I don't think so.
Q. She didn't talk to anybody except you?
A. Yeah.
Q. Did she tell you that she saw Kenneth Coffey running away?

A. No.
Q. Did she tell you that she saw him looking wild?
A. No.
Q. Did you see Kenneth Coffey running away?
A. No.
Q. You say that you know Bobby from Shady Valley?
MR. WILSON: Objection, asked and answered.
THE COURT: Overruled.
Q. Hmm?
A. No -- yeah.
Q. Did you see him up there?
A. Yeah, my uncle's arrested him before.
Q. Did you see that happen?
A. No.
Q. Okay. But did you see Bobby up in Shady Valley?
A. Before?
Q. Uh-huh.
A. I think so, yeah.
Q. Do you know where it was?
A. No, but my uncle's arrested him before and I wasn't there, but he told me.
Q. Who told you?
A. My uncle.
Q. So what's your uncle's name?
A. Jeff.

Q. Jeff Nelson?
A. No.
Q. Oh.
A. His name is Jeff Hodges.
Q. And when you saw Bobby up in Shady Valley, what was he doing up there?
A. I don't know.
Q. I'm sorry?
A. I don't know.
Q. You don't know?
A. No.
Q. Was he at somebody's house or at a store or where did you see him?
A. I'm not for sure where I saw him at.
Q. Do you remember how old you were when you saw him up there?
A. No.
Q. Did he look different than he does now back then?
A. Yeah.
Q. He did? Can you say how he looked in Shady Valley?
A. He didn't have a haircut or nothing like that.
Q. In Shady Valley he didn't?
A. No.
Q. Do you remember, Jeffrey, coming up here to court when they had Kenneth up here?

A. Yes.
Q. And you got up there and answered questions, didn't you?
A. Yes.
Q. Do you remember when they asked you if you knew whether they went in the house and you said you didn't know that it -- didn't know if they did or not? Do you remember the judge asked you that?
A. Asked me if I seen them go in the house?
Q. Yeah. Do you remember saying that you didn't see if they went in the house or not?

MR. RUSHER: Your Honor, we --

Q. In Coy's house?

MR. RUSHER: We object to him saying do you remember. He can ask --

A. Yeah, because I came down the road.

THE COURT: Overruled.

Q. So you didn't see whether they went in the house or not, did you?
A. No. I came down the road.
Q. Because you left?
A. Yes.
Q. And when you came down the road, did you go back to where your mom was?
A. I went back down the road to my house, trailer, yeah.
Q. Did you stay home the rest of that day?

A. I'm not for sure. I might have went outside. I'm not for sure.
Q. Did your mom go and get your brother and sister?
A. Yes.
Q. Do you know what time that was?
A. She usually goes about 4:30. I mean, I don't know what exactly time she went.
Q. Well, she has to be there before 5:30?
A. Yeah.
Q. Do you know, on that day did she go on time?
A. What?
Q. On that day did she go on time or was she late?
A. She was on time, I think.
Q. And do you know who she went with?
A. No.
Q. Do you remember her coming back?
A. She came back. I don't remember what time.
Q. Okay.
A. Exactly.
Q. Do you remember an ambulance coming?
A. Yes, they went up the road.
Q. And was your mom back home when the ambulance came?
A. Yes.
Q. Now, after you came back home from going up there on the bicycle, did you see anybody else on the road out there?

MR. WILSON: Objection, asked and answered.

THE COURT: Sustained.

Q. Jeffrey, when's the first time you told anybody except your mother about seeing Bobby and Kenneth?

MR. WILSON: Objection, asked and answered.

THE COURT: Overruled.

You can answer the question.

THE WITNESS: What?

THE COURT: You can answer the question.

Q. Can you remember?

A. When again, or --

Q. When's the next time after you told your mom about it that you told somebody else about seeing Bobby and Kenneth?

A. I think Shook and Harrison.

Q. When you went down there?

A. Oh, when I went down to my trailer?

Q. No. When you went down to their office?

A. Yeah.

Q. That's the next time you said anything to anybody except your mom?

A. No. I told my grandma.

Q. You told your grandma?

A. Yeah.

Q. Is her name Linda?

A. Yes.
Q. When did you tell her?
A. I don't know. I think I told her that day.
Q. The same day?
A. Yeah.
Q. That you saw them?
A. Yeah.

MR. HEDRICK: Okay. I don't have any more questions. Thank you.

MR. WILSON: Thank you, young man. Get your coat and you may step down.

(Witness excused)

MR. WILSON: Your Honor, may he and his mother be excused?

MR. HEDRICK: We'd like them to remain available. We don't need them here now.

THE COURT: As long as they remain available.

MR. WILSON: They're right here.

THE COURT: Members of the jury, we're going to take our afternoon recess at this time until 9:30 in the morning. I haven't heard a weather report this afternoon, but earlier I heard that they were calling for the possibility of snow tonight. In the event that we do have some measurable snowfall overnight, if court is going to be delayed past 9:30 in the morning, I

# Defense Case

## The Victim's Money

The defense called Tony Triplett, a friend of the Victim, who testified that two and a half weeks prior to his death, the Victim showed him $2,400 that was under his bib overalls in his shirt pocket in a small billfold with a rubber band around it. Triplett counted the money, which was all in $100 bills.[84] On cross examination, Triplett testified that the Victim kept a "billfold bank deposit thing" in the back pocket of his overalls.[85]

## James Brown

James Brown testified that on Tuesday, December 6, 1994 he went to the jail around 5:00 PM and got Bragg and Coffey out of jail. They went over to Sollecito's and drank a pitcher of beer. Brown further testified that he told Bragg that since they had been picking Bragg up for drinking, Bragg should get out of Boone and stay awhile. Bragg told him he was going to stay that night at the Victim's house and leave town on Wednesday. Brown did not see Bragg on Wednesday.[86]

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[84] Id. Bragg TT Pgs. 881-883.
[85] Id. Bragg TT Pg. 889.
[86] Id. Bragg TT Pgs. 1009-1012.

## Alibi Witnesses

### Gary Edwards

Gary Edwards testified that he saw Bragg at the Harris Teeter in Boone on Wednesday, December 7, 1994 around 3:00 PM. He testified that he knew it was 3:00 PM on that day because he would pick Darlene Laney up when she got off work at Harris Teeter at 3:00 PM. He knew Laney was paid on Tuesdays and he knew it was the day after she got paid that week. Bragg approached him and asked him for a ride to Mountain City, TN. Edwards testified that he told Bragg he could give him a ride after he took Laney back to her apartment. After taking Laney home, Edwards came back to Harris Teeter, arriving around 3:30 or 3:40 PM. Bragg was still there. They put Bragg's guitar and guitar case inside the back of the camper shell and proceeded to Mountain City, TN. Edwards further testified that he gave Bragg a ride to Mountain City, TN because he was involved in the ministry and would help anyone in the surrounding area when he could. Edwards took Highway 321 to Mountain City, TN and dropped Bragg off at a small trailer on Wayland Street. [87]

Private Investigator Vaughn testified with respect to his interview of Edwards. The information he obtained from Edwards was consistent with Edwards' testimony.[88]

### Darlene Laney

Darlene Laney testified that she saw Bragg on Wednesday, December 7, 1994. He came into Harris Teeter, where she worked, a little before 3:00 PM that day. He made a purchase

[87] Id. Bragg TT Pgs. 889-903.
[88] Id. Bragg TT Pg. 1262.

and asked Laney if she could give him a ride to Mountain City, TN. She testified that she told Bragg she did not have transportation, but that Gary Edwards was coming to pick her up, and that Bragg could ask Edwards if he would take him. She was present when Bragg asked Edwards for a ride. Bragg told Edwards he would wait there for him to return.[89]

**Jim Bragg**

Jim Bragg testified that he was Bragg's brother and that he lived in Mountain City, TN. He saw Bragg on Wednesday, December 7, 1994 between 9:00 and 10:00 PM. Bragg came to his home while he was watching TV. When asked if he was watching a Clint Eastwood movie, Jim Bragg answered "probably so."[90] They talked and then he sent Bragg to the basement to play his guitar and sleep. He saw Bragg again the next morning. He gave Bragg a ride to town a little before 6:00 AM. He did not see Bragg again after that.[91]

Private Investigator Vaughn testified that Jim Bragg had cable TV with premium channels in Mountain City, TN. He further testified: "In my research of December 7, 1994, a portion of a microfilm copy of the Johnson City Press Chronicle lists at 10:10 p.m., on the night of December 7, a movie starring Clint Eastwood came on Showtime, a premium channel, in Mountain City."[92]

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[89] Id. Bragg TT Pgs. 905-908.
[90] Id. Bragg TT Pg. 1047. When Bragg was arrested in Mountain City, TN on Saturday, December 10th, he told law enforcement in his interview that day that when he arrived at his brother's house his brother was watching a Clint Eastwood movie. See Statement of Bragg under Law Enforcement Investigation in Brief.
[91] Id. Bragg TT Pgs. 1044-1050.
[92] Id. Bragg TT Pg. 1249.

**Judy Thomas**

Judy Thomas testified that she knew Bragg. She testified that she had a counseling meeting between 5:00 and 7:00 PM on Wednesday, December 7, 1994 in Mountain City, TN and that her counseling meetings are always on Wednesdays. She further testified that after the meeting, between 7:00 and 7:30 PM, she went to Joe and Deborah Smith's house where she was staying. As she was going in, Bragg and Jay Manuel were on the porch. She spoke to them and went into the house. Bragg and Manuel left. Manuel did not come home that night and she was told that he had been picked up for public drunkenness.[93]

Thomas further testified that she saw Bragg again in the morning hours on Thursday, December 8, 1994 at Manuel's trailer. She saw him later that evening at Manuel's trailer around 5:00 or 6:00 PM. That evening, Thomas also walked with Bragg to a payphone at the Boone Trail Dairy Bar so that he could call his sister for money. She observed Bragg call his sister Terri collect and ask her to send him some money. She believed that this phone call was between 5:30 and 6:00 PM. Afterwards they went back to Manuel's trailer and she fixed dinner for Bragg. Thomas testified that she spent the night and slept in the same bed with Bragg on Thursday night.

On cross examination, Thomas testified that she was confused when she spoke to law enforcement on the Saturday after the crime and clarified that she now recalled when she saw

[93] Id. Bragg TT Pgs. 1159-1161. Kathy Terrill, Chief Jailer testified that Manuel was checked into the jail at 7:00 PM on 12/7/1994 and released at 10:45 AM on 12/8/1994. See Id. Bragg TT Pg. 1141.

Bragg during the week of the crime based on the meeting she went to on Wednesday, December 7th.[94]

Private Investigator Vaughn testified regarding his interview of Thomas. Although Thomas' testimony with regard to the events surrounding Bragg being in Mountain City, TN was consistent with this interview, some of the times that she recalled those events occurring were not consistent with her testimony.[95]

**Jackie Shoemake**

Jackie Shoemake testified that she knew Bragg. She testified that on Wednesday, December 7, 1994, she and her husband, John Shoemake, went over to Manuel's trailer around 7:30 PM. Bragg was there, but Manuel was not. Shoemake further testified that on Thursday, December 8, 1994, she saw Bragg around 12:30 PM at Manuel's trailer. Both Manuel and Thomas were there at that time. Shoemake was with Bragg most of the day. At approximately 5:00 PM, she left to get food. She then saw Bragg at the Game Room and walked back to Manuel's trailer with him. She left her son with Bragg and Thomas at Manuel's. When she returned, they were still there. She left around 8:00 PM that evening.[96] On cross examination Shoemake testified that she did not go to law enforcement about Bragg's alibi.[97]

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[94] Id. Bragg TT Pgs. 1165-1171.
[95] Id. Bragg TT Pgs. 1242-1245.
[96] Id. Bragg TT Pgs. 1172-1176.
[97] Id. Bragg TT Pg. 1180.

**John Shoemake**

John Shoemake testified that he knew Bragg. He testified that on the evening of Wednesday, December 7, 1994, he went to Manuel's trailer. Manuel wasn't there, but Bragg was. He and Bragg partied together that night. Shoemake further testified that he saw Bragg on Thursday, December 8, 1994 at Manuel's trailer. Early that afternoon, he and Bragg went to his house and played guitar. They later went back to Manuel's trailer and drank beer, then went down the street to play poker around 5:30 PM at "some colored guys' house" after they got off of work. Bragg did not have any money, and Shoemake let him borrow money so that he could play poker that evening. Shoemake testified that he was with Bragg until after dark that evening and that he was out of Bragg's presence for only 45 minutes to an hour at a time on that day.[98] On cross examination, Shoemake testified that he did not go to law enforcement about Bragg's alibi.[99]

**James "Jay" Manuel**

Jay Manuel testified that he knew Bragg. He testified that prior to being arrested on Wednesday, December 7, 1994 he was with Bragg for nine to ten hours. After being released from jail on Thursday, December 8, 1994, Manuel walked to his trailer. The doors were locked, so he walked three trailers down and found Bragg at the neighbor's house playing his guitar. Geraldine Thomas was also there with Bragg. That afternoon, he and Bragg got money together and got Edgar Osborne to give them a ride to the beer store. From the beer store they went straight back to Manuel's trailer. Manuel testified that he later went and played poker for

[98] Id. Bragg TT Pgs. 1180-1185.
[99] Id. Bragg TT Pgs. 1186.

a couple of hours with "some black people," couldn't win, and went back home. He ate dinner at his trailer around 6:00 or 6:30 PM with Thomas and Bragg.[100]

On cross examination, Manuel was confronted with multiple inconsistencies between what he told law enforcement and what he testified to on direct examination. Manuel admitted to being intoxicated during that time period and testified that although he could not remember dates, he knew when he saw Bragg and when he was with Bragg based on when he was arrested for public intoxication on Wednesday, December 7, 1994.[101]

Private Investigator Vaughn testified regarding his interview of Manuel. Although Manuel's testimony with regard to the events surrounding Bragg being in Mountain City, TN was consistent with this interview, some of the times that he recalled those events occurring were not consistent with his testimony. Manuel provided additional information to Vaughn to which Manuel did not testify. This information is also consistent with Bragg being with Manuel on Thursday, December 8, 1994.[102]

**Phyllis Smith**

Phyllis Smith testified that she was the sister of Bragg. She further identified two phone bills that correspond to a phone owned by her and her husband. Smith testified that the first phone bill showed a phone call from Boone, NC on Wednesday, December 7, 1994 at 1:14 PM. Smith testified that she took the call and that it was Bragg. Bragg wanted to borrow some money from her so that he could leave Boone. Smith testified that the second phone bill

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[100] Id. Bragg TT Pgs. 1203-1208. Manuel did not provide a time of day for when he played poker on 12/8/1994.
[101] Id. Bragg TT Pgs. 1208-1210.
[102] Id. Bragg TT Pgs. 1245-1248.

showed a phone call from Mountain City, TN on Thursday, December 8, 1994 at 6:45 PM. Smith testified that she took the call and that it was Bragg. Bragg wanted to let her know he was in Mountain City, TN.[103]

Private Investigator Vaughan testified that he confirmed that the number on the first phone bill corresponded with a pay phone at the west end Pantry on Highway 421 in Boone. He further testified that he confirmed that the number on the second phone bill corresponded with a pay phone at the corner of the Boone Trail Dairy Bar in Mountain City, TN.[104]

**Tom Horne**

Tom Horne testified that he worked for the Mountain City Pawn Exchange. He testified that Bragg pawned a Harmony guitar on November 8, 1994. The guitar was due to be picked up on Thursday, December 8, 1994, but no one picked it up. He further testified that sometime during the week that Bragg was arrested he came into the pawn shop and attempted to pawn a Stella guitar. The pawn shop did not take the guitar on pawn. The pawn shop is closed on Wednesdays and Sundays.[105]

**Belinda Reece**

Belinda Reece testified that she worked as a secretary at the Department of Human Services in Johnson County, TN. [106] Reece testified that she saw Bragg in December of 1994 when he came into the office to ask for an application for TennCare (formerly Medicaid). She

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[103] Id. Bragg TT Pgs. 1254-1259.
[104] Id. Bragg TT Pgs. 1259-1261.
[105] Id. Bragg TT Pgs. 1149-1153. In court, Horne identified the guitar collected from Bragg at the time his arrest as the Stella guitar that Bragg tried to pawn sometime the week of his arrest.
[106] Id. Bragg TT Pg. 1187.

could not recall the date, but testified that there was a weekend in between when she saw Bragg and when she met with the detectives after Bragg's arrest. Reece further testified that the week before she met with the detective, she worked every day except Thursday. She later testified that she had told law enforcement when she originally met with them that she had worked on that Thursday and that Bragg came in during the latter part of the week and therefore it was either Thursday or Friday of that week. She testified that he came in during the morning, not long after she got to work. She arrived at work at 8:00 AM. Reece testified that Bragg asked for a couple of dollars and she gave him $2.00.[107]

**Jewel Triplett and Violet Eller**

Jewel Triplett testified that she worked as a secretary at the Mountain City First Baptist Church in December of 1994. Her hours were Monday through Thursday from 8:30 to 4:00 PM. The church would provide food vouchers, medication, and gas vouchers as charity to people in the community. Triplett testified that she was in charge of the issuance of the vouchers and that the custodian, Violet Eller, and the pastor were authorized to give them out and to sign her name. She testified that the handwriting on a gas voucher dated Friday, December 9, 1994 (State's Exhibit 45) was the custodian's.[108]

Violet Eller testified that she worked as the custodian of the First Baptist Church, Mountain City on Friday, December 9, 1994. She further testified that a man in a tan overcoat came in between 8:30 and 9:30 AM on that day, while she was sweeping the sanctuary. She could not identify Bragg as that man and testified that all she could remember was seeing a tan

[107] Id. Bragg TT Pgs. 1187-1198.
[108] Id. Bragg TT Pgs. 1216-1221.

overcoat. Eller testified that the man in the tan coat asked for money and that she filled out the gas voucher (State's Exhibit 45) and gave it to the man in the tan coat.[109]

## Coffey and Bragg on Thursday, December 8, 1994

Linda Wilcox, Rene Nelson's mother, testified that she lived in the Greenway Trailer Park, that she was home all day on Thursday, December 8, 1994 and that she saw Coffey walking in the direction of the Victim's trailer before 3:00 PM that day, and that no one was with him. She further testified that she had seen Bragg in the trailer park one time and that was before Thanksgiving 1994.[110]

Betty Triplett testified that on Thursday, December 8, 1994 she was at the Greenway Trailer Park visiting her daughter-in-law and grandbaby. She left her daughter-in-law's at 5:50 PM. As she walked home, she saw Coffey sitting on a bench at the A & P. She did not see anyone else while she was walking.[111]

David Brown testified that he lived in the Greenway Trailer Park. On Thursday, December 8, 1994, Brown did not see Bragg. He did not recall ever seeing Bragg before trial. Brown further testified that he saw Coffey on that day and that he observed him going up and down the road four or five times throughout the day. Coffey did not have anyone with him when Brown saw him. The last time he saw him that day was around 5:00 PM or a little after.[112]

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[109] Id. Bragg TT Pgs. 1222-1224.
[110] Id. Bragg TT Pgs. 988-991.
[111] Id. Bragg TT Pgs. 993-997.
[112] Id. Bragg TT Pgs. 1000-1009.

Rhonda Carson testified that she got off work at about 1:00 PM on Thursday, December 8, 1994. After work she went to the Scottish Inn where she was living. She stayed there until around 4:00-4:30 PM when she walked to the A & P to wait on her new landlord. She stood in front of the store. Between 4:30 and 4:45 PM she saw Coffey walking from behind the A & P. He approached her and got in her face. He walked away and went toward the liquor store. Carson testified that she is not sure where Coffey went. Coffey was by himself. Shortly thereafter, her friends came by. She got in the car with them. As she was getting ready to get out of the car and use the pay phone to call her new landlord, she saw Coffey at the payphone. She remained in the car and observed him pick up the phone, dial a number, and hang up the phone. Carson testified that Coffey saw her in the car, but did not talk to her. Coffey then went around the back side of the building. No one was with Coffey. That was the last time that Carson saw Coffey that day. Carson did not know what time this occurred, but testified that her landlord picked her up just before dusk, about 5:00 PM or so.[113] Carson denied telling anyone that there was blood in the Victim's trailer. Carson testified that she first found out about the Victim's death after work on Friday, December 9, 1994.[114] She further testified that the last time she saw Bragg was Tuesday, December 6, 1994.[115]

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[113] Id. Bragg TT Pgs. 1064-1082.

[114] Id. Bragg TT Pgs. 1084-1085. Testimony that Carson first found out about the Victim's death on Friday after work was in direct conflict with what several co-workers of Carson told law enforcement and testified to at Bragg's trial.

[115] Id. Bragg TT Pg. 1069.

## Impeaching Rhonda Carson

Coffey implicated Carson as an observer of the crime in his statements to law enforcement and his testimony.[116] The defense called several co-workers of Carson's to impeach the portions of Carson's testimony in which she denied seeing blood in the Victim's home and first learning of the crime after work on Friday. Kathy Rayfield (Martin) testified that she worked with Carson.[117] She further testified that at approximately 8:30 AM on the morning of Friday, December 9, 1994, Carson said "the person had gotten beat real badly and that there was blood splattered everywhere."[118]

Beatrice Segall testified that she worked with Carson. She further testified that at approximately 8:30 AM on the morning of Friday, December 9, 1994, Carson told a group at work about an old man that had been hurt very badly and about how the blood flew everywhere. Carson did not tell her who the man was, but did tell her that she used to live with him when she had no other home.[119]

Laura Hicks testified that she worked with Carson.[120] Regarding approximately 8:30 AM on the morning of Friday, December 9, 1994, Hicks testified:

> Well, when she came in, she was all excited and said that -- told us that Mr. Hartley had been murdered...she said that she was afraid that she might be murdered, too, and she said there was blood splattered all over the place. And then she was saying that her boyfriend didn't have any money and then he had money after this took place. Then I

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[116] Id. Bragg TT Pgs. 266-270 and Coffey Statements provided in Brief above.
[117] Id. Bragg TT Pg. 1090.
[118] Id. Bragg TT Pg. 1095.
[119] Id. Bragg TT Pg. 1098.
[120] Id. Bragg TT Pg. 1100.

remember her saying – I can't get this straight, because it's – just get bits and pieces of it – that she could hear what was going on inside but she couldn't see.[121]

## Coffey's Statements to Others

Jim Earp testified that on the morning of Thursday, December 8, 1994 he gave Coffey a ride to town around 9:00 AM. During the ride, Coffey offered to sell his ex-girlfriend's ring to Earp for $20. Initially Earp declined, but later agreed to buy the ring for $10. Coffey called Earp the following morning and asked if Earp had that ring.[122] Earp told Coffey that he had sold the ring. Coffey said, "I wish you hadn't done that; I wanted to get it back. I come into some money."[123]

Jonathan Harmon testified that he was in the Watauga County Jail with Coffey during August of 1995. Coffey told Harmon that he went into the trailer of a man named Cory or Coy, that he knew the man had money, that he went to take the money, that when he did the man tried to stop him, and that they wound up getting in a fight and Coffey hit the man. He further testified that Coffey said that when he hit him, he got scared and didn't know what to do so he got the money and left. Coffey told Harmon that he didn't mean to kill him. Coffey further said that he went home, got scared, took a shower, and burned his clothes behind his house in Sampson. Harmon testified that the next day, Harmon was talking to Duane Barksdale who had overheard some of the conversation. Coffey overhead Harmon and Barksdale's conversation and got mad. Coffey called Harmon a lying SOB. Coffey threatened Harmon and Harmon

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[121] Id. Bragg TT Pg. 1100.
[122] Id. Bragg TT Pgs. 1020-1022.
[123] Id. Bragg TT Pg. 1022.

reported this threat to the jailer. Harmon then gave a statement to Detective Harrison. Harmon testified that he agreed to take a lie detector test, but was never given one. Harmon also testified that Detective Harrison asked him if Coffey mentioned anything about Bragg and that Harmon told Detective Harrison that Coffey didn't mention anything about Bragg.[124]

## Trailer Hitch Ball

Gary Potter testified that between Thanksgiving and the early part of December 1994 someone attempted to sell him a trailer hitch ball at his place of employment, Ashe Lake Garage, in Boone, NC. He did not know who the person was and did not see the person in the courtroom. He did not identify Bragg as the individual.[125]

Dwight Moody testified that in early December 1994, Bragg came to his place of employment, Ashe Lake Garage. Bragg asked him if he would be interested in buying a trailer ball hitch for $3. Moody did not purchase the item. Bragg said he wanted the money to buy himself something to eat.[126]

## Discrediting Rene Nelson

The defense called several witnesses to impeach the character of Rene Nelson. Shawn Valdez testified that he had two children with Nelson and that she was a "conniving liar."[127] On cross examination, Valdez admitted that at the time he wasn't seeing his children.[128] Valdez

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[124] Id. Bragg TT Pgs. 963-977.
[125] Id. Bragg TT Pgs. 960-962.
[126] Id. Bragg TT Pgs. 1038-1039.
[127] Id. Bragg TT Pg. 1013.
[128] Id. Bragg TT Pg. 1014.

was later recalled as a witness and testified that on the Saturday after the crime, he asked Rene Nelson if she knew anything about the crime. She stated that "she didn't know anything about it, that Jeffrey had seen two people walking up through the trailer park on Tuesday, and that the police had used him for questioning, had already drug him in for questioning – and this was on Saturday – or were going to be using him for questioning, one of the two."[129]

Julie White testified that she lived in the Greenway Trailer Park and knew Rene Nelson and that Nelson was "a compulsive liar."[130] On cross examination, White admitted that Rene Nelson had recently taken a warrant out against White for assault.[131]

Teresa Delp testified that she knew Rene Nelson and that she "has a reputation for what I know for untruthfulness."[132]

## Discrediting Jeffrey Nelson

The defense called Shawn Delp to testify regarding a conversation that he had with Jeffrey Nelson. Delp testified that approximately three months before Bragg's trial he spoke with Nelson. This conversation took place a couple of weeks prior to Coffey's trial. During this conversation, Nelson told Delp that he was getting a new bicycle. Delp testified that he asked Nelson how and that Nelson said his mother was getting money from the CrimeStoppers for putting Bragg and Coffey away. Nelson told Delp his mother was getting $1000. Delp further testified that Nelson told him that he was testifying for his mom.[133]

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[129] Id. Bragg TT. Pgs. 1030-1031.
[130] Id. Bragg TT Pgs. 1015-1017.
[131] Id. Bragg TT Pg. 1017.
[132] Id. Bragg TT Pg. 1043.
[133] Id. Bragg TT Pgs. 1230-1234.

Delp also testified that he was in jail with Coffey in November of 1995, prior to Coffey's trial. Delp testified that he overheard Coffey on the phone. He did not know to whom Coffey was talking.[134] Delp testified that Coffey told the person on the phone that "he knows that Bobby didn't do this and Bobby did not deserve what was going on and whatever he got, he deserved."[135] An objection was made by the prosecutor and it was sustained.

## Conclusion

At the conclusion of the trial, the jury convicted Bragg of First Degree Murder under the first degree felony murder rule. Bragg was given a sentence of Life Without Parole.

[134] Id. Bragg TT Pgs. 1234-1235.
[135] Id. Bragg TT Pg. 1235.

# X. Coffey Post-Conviction Recantation

On November 4, 1996, Coffey wrote a notarized letter in which he recanted his statements and testimony regarding his involvement in the crime and his knowledge of Bragg's involvement in the crime. The Honorable James L. Baker, Jr. treated the letter as a Motion for Appropriate Relief for Coffey. On December 11, 1996, Judge Baker denied Coffey's Motion. The letter and corresponding Order are included below.

Nov 4, 1996

To Whom It May Concern

My name is Kenneth Eugene Coffey and I want to tell the Truth about the murder of Coy Hartley Dec 8, 1994. And the reason's why I lied about me and Bobby Bragg's involvement. My whole life I've been in and out of mental hospital's I've got plate's in my head and have took large amount's of medicine for as long as I can remember. And the day the law came and questioned me, they had me so scard to death, I would have said my mother did it. Just so they would leave me alone. The Law kept on threatening me telling I would go to death row are spend the rest of my life in prison if I didn't say Bobby Bragg Killed Coy. So that's what I done. I lied and said I seen Bobby Bragg Kill Coy. I feald I had No other choose but to say what the Law wanted to hear from Me. I didn't understand half of what they where telling me. I was scard for my life so I lied. When I testifed against Bobby Bragg in court I lied, the DA and police told me if I didn't I would never get out of prison the rest of my Life. They Promised me help if I would lie on Bobby Bragg, so I did and said what they wanted me to. Even though it was wrong I didn't want to spend the rest of my life in prison. The Truth of the matter is me and Bobby Bragg never Killed Coy. We was all the best of Friend's. I can't

member every thing that I told the Law, but I told them
t they wanted me to say. That's why I made so many
ferent statements. I was scared to death. I asked for
Attorney, but the Law said it was to late for a Attorney
. So that's why I lied about the murder.
. This is what really happend the day of Coy Hartley's
th. I went over to Coy's trailer brought a 12pk of
r with me, Bobby Bragg was there when I got there
all three dranked the beer. I layed down and went
sleep. When I woke up Coy Hartley asked me to
to the ABC store to get a small bottle of
ka. Coy gave me $3.35 in change. I walked over to
ABC store and bought the Vodka. When I came back
Coy's trailer Coy and Bobby Bragg was on the porch
ssing raising hell. I was laughing about it as always
oy's always raising hell when he is drunk. I handed
y the bottle of Vodka and told them I had to go.
obby Bragg asked me to run up town with him to see
I could help him get a ride to TN. I told Bobby
had to go to my girl friend's house are she would
raising hell at me for being gone all day. So I left
and went to the A&P and called my girl friend
come and get me. So she did. When I left Coy
rtley's trailer he was very much alive and well. I

did not see Bobby Bragg are any one else kill Coy. For all I know it could have been a number of different Street people that came to Coy's all the time that could have killed him. Coy's door was opened all the time to any one that came by.

I know id was rong to lie about Coy's murder but I was scared and confussed and the police kept tell me over and over that me and Bobby Bragg killed Coy. Had m scared for My Life and would not let me Call a Lawer.

Yes I lied and I'm sorry as can be. My prayer is that you will look into this case and you'll see I'm telling the Truth. The Real Truth So Help Me God. Please help two innocent men find Justice.

Kenneth Coffey

11-496

Rachel Ann Strand

Notary

Exp: 7-2-99

STATE OF NORTH CAROLINA

COUNTY OF WATAUGA

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

95-CRS-121

STATE OF NORTH CAROLINA )
)
VS. ) ORDER
)
KENNETH EUGENE COFFEY )

Comes now the undersigned Superior Court Judge, and enters this Order pursuant to a handwritten letter (attached hereto) purportedly written by and sent by the Defendant in this case to "Presiding Judge, Watauga County Courthouse."

This Court, having reviewed the correspondence, feels it proper to treat the letter as a Motion for Appropriate Relief, pursuant to Article 89 of North Carolina General Statute Chapters 15A, in that it contains allegations and a prayer for post-trial relief.

This Court finds, however, that the case is currently under appeal to the Appellate Division, and that the Defendant is represented by the Appellate Defender's office in that appeal.

Pursuant to N.C.G.S. 15A-1418, this Court finds it has no authority to hear or entertain a Motion for Appropriate Relief at this time, and therefore Defendant's Motion as presented requesting this Court "look into this case" is DENIED.

The Court further ORDERS that a copy of Defendant's letter and this Order by furnished by the Watauga County Clerk of Superior Court to the Defendant; to the Appellate Defender's office; to the District Attorney; and to the Attorney General's office.

This the 11th day of December, 1996.

HONORABLE JAMES L. BAKER, JR.
SENIOR RESIDENT SUPERIOR COURT JUDGE

# XI. Appeal

Bragg filed a direct appeal through his trial attorney, Jeffrey Hedrick. Notice of Appeal was filed on February 28, 1994.[136] The appeal was heard in the Court of Appeals on November 19, 1997. On February 17, 1998, the North Carolina Court of Appeals issued an opinion finding no error and upheld the conviction.[137]

Attorneys Phillip Griffin and Kristin Parks of North Carolina Prisoner Legal Services filed a Petition for Writ of Certiorari to the North Carolina Supreme Court on February 12, 1999.[138] The North Carolina Supreme Court denied Certiorari on June 24, 1999.[139]

# XII. Other Post-Conviction Efforts

Attorney Phillip Griffin of North Carolina Prisoner Legal Services, filed a Petition for Writ of Habeas Corpus in the United States District Court, Western District of North Carolina on September 15, 1999.[140] On December 24, 2000, the Court entered an Order granting the Respondent's Motion for Summary Judgment and dismissing Petitioner's Petition for Writ of Habeas Corpus.[141]

In September 2006, Attorney Kristin Parks referred the case to the North Carolina Center on Actual Innocence (Center), a non-profit innocence organization. The Center assigned

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[136] Court File (NCIIC Copy) Pg. 98.
[137] 128 N.C. App. 748; 496 S.E.2d 851; 1998 N.C. App. LEXIS 285.
[138] NC Center on Actual Innocence File (NCIIC Copy) Pgs. 956-979.
[139] 350 N.C. 596; 537 S.E.2d. 484; 1999 N.C. LEXIS 579.
[140] NC Center on Actual Innocence File (NCIIC Copy) Pgs. 1111-1133.
[141] Id. Pgs. 1184-1195.

the case to students in the UNC School of Law Wrongful Convictions class, as well as conducted a limited investigation.

# XIII. Referral to Commission

The Center referred the case to the North Carolina Innocence Inquiry Commission in 2010. The Commission received Bragg's questionnaire dated January 6, 2011. On March 25, 2011, Bragg's case was moved into formal inquiry and he signed a waiver of procedural safeguards and privileges with the assistance of his appointed attorney, Carteret County Public Defender, Jim Wallace. The Commission has conducted an investigation and DNA testing in this case. The entirety of the Commission's investigation will be presented in a hearing to the Commissioners on August 31-September 2, 2016.

# XIV. Conclusion

A hearing will be conducted before the North Carolina Innocence Inquiry Commission on August 31, September 1, and September 2, 2016. At that time, the Commission staff will present the evidence discovered during their investigation and other postconviction investigations. Multiple witnesses are expected to testify before the Commission.

The Commission is charged with considering "credible, verifiable evidence of innocence that has not been previously presented at trial or considered at a hearing granted through postconviction relief."[142] Each Commissioner shall determine whether "there is sufficient evidence of factual innocence to merit judicial review."[143]

[142] N.C.G.S. § 15A-1460.
[143] N.C.G.S. § 15A-1468(c).