

TERRY HOBBS
HOBBS VS. NATALIE PASDAR, ET AL

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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

TERRY HOBBS)
PLAINTIFF,)
)
VS.) NO. 4:09-CV-0008BSM
)
NATALIE PASDAR, INDIVIDUALLY)
AND NATALIE PASDAR, EMILY)
ROBISON AND MARTHA SEIDEL)
d/b/a DIXIE CHICKS)
DEFENDANTS.)

VOLUME I, Pages 1 - 200

ORAL DEPOSITION OF

TERRY HOBBS

JULY 21, 2009

KELLY D. HILL

7010 RICHWOOD ROAD

LITTLE ROCK, ARKANSAS 72207

(501) 353-2220

KELLY HILL, CCR
501-353-2220

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1 ANSWERS AND DEPOSITION OF TERRY HOBBS, a
2 witness produced at the request of the
3 Defendants, was taken in the above-styled and
4 numbered cause on the 21st day of July, 2009,
5 9:02 a.m., before Kelly Hill, a Certified Court
6 Reporter, taken at the law offices of Huckabay,
7 Munson, Rowlett & Moore, 400 West Capitol Avenue,
8 Suite 1900, Little Rock, Arkansas, 72207, in
9 accordance with the Federal Rules of Civil
10 Procedure.

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2

3 ON BEHALF OF PLAINTIFF:

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ALSO PRESENT: TOM HALLUM, VIDEOGRAPHER

KELLY HILL, CCR
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S T I P U L A T I O N S

The attorneys for all parties present stipulate and agree as follows:

Objections:

Reserve all objections, except as to the form of the questions and the nonresponsiveness of the answers, until the time of trial, which objections are waived if not made at the taking of the deposition.

Signature:

Read & Sign.

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P R O C E E D I N G S

1
2 VIDEOGRAPHER: I am Tom Hallum, your
3 videographer, and I represent Atkinson-Baker,
4 Incorporated of Glendale, California.

5 I'm not financially interested in the facts,
6 nor am I a relative or employee of any attorney
7 or any of the parties.

8 The date is July 21st, 2009. The time is
9 9:02 a.m. This deposition is taking place at the
10 law offices of Huckabay, Munson, Rowlett & Moore,
11 400 West Capitol Avenue, Suite 1900, Little Rock,
12 Arkansas.

13 This is case No. 4-09-CV-0008BSM, entitled
14 Terry Hobbs Versus Natalie Pasdar, Individually
15 and Natalie Pasdar, Emily Robison and Martha
16 Seidel d/b/a Dixie Chicks. This plaintiff is
17 Terry Hobbs.

18 This deposition is being taken on behalf of
19 the defendant. Your court reporter is Kelly
20 Hill. Counsel will now introduce themselves and
21 the witness will be sworn in.

22 MR. DAVISON: Dan Davison and
23 D'Lesli Davis with the law firm of Fulbright &
24 Jaworski, representing Ms. Pasdar.

25 MR. MOORE: John Moore and Melissa

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1 Bandy representing Ms. Pasdar.

2 MR. WELLENBERGER: Bob Wellenberger,
3 Thompson, Coe, Cousins & Irons, representing the
4 Dixie Chicks.

5 MR. HILAND: Cody Hiland and Ted
6 Thomas representing the plaintiff, Terry Hobbs
7 TERRY HOBBS,
8 having been first duly cautioned and sworn to
9 testify the truth, the whole truth and nothing
10 but the truth, testified on his oath as follows:

11 EXAMINATION

12 BY MR. DAVISON:

13 Q. State your name for the record, sir.

14 A. Terry Wayne Hobbs.

15 Q. Mr. Hobbs, you can put your hand down now.

16 Mr. Hobbs, my name is Dan Davison, and I
17 represent Natalie Pasdar in connection with the
18 lawsuit that you have brought against her. And
19 you understand that you're here today to answer
20 questions?

21 A. I do.

22 Q. And you understand that you took an oath to
23 tell the truth and nothing but the truth,
24 correct?

25 A. I do.

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1 Q. And you understand, I assume, that the
2 testimony you give here today has the same force
3 and effect as though you were testifying in front
4 of a judge and a jury?

5 A. I do.

6 Q. All right. A couple of ground rules, Mr.
7 Hobbs, if we could before we kind of get started,
8 I think it'll make the day go a little faster. I
9 will endeavor to ask questions that hopefully you
10 understand, but if I ask a question that you
11 don't understand, if you would tell me that you
12 don't understand it, I'll try to rephrase it; is
13 that fair?

14 A. That sounds fair.

15 Q. And if you -- if you tell me that you don't
16 understand it, I'm going to assume that you do
17 understand the question; is that a fair
18 assumption, sir?

19 A. It is.

20 Q. All right. I will also try to give you the
21 courtesy of letting you finish your answer before
22 I start my next question. If you would allow me
23 to -- allow me the same courtesy of letting me
24 finish my question before you start your answer;
25 does that make sense?

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1 A. It does.

2 Q. Because the court reporter has a hard time
3 taking down if both of us talk at the same time.
4 And she also have a very difficult time taking
5 down shakes of the head or uh-huhs or huh-uhs, so
6 if you could answer out loud verbally, that would
7 be helpful; is that agreeable, sir?

8 A. I agree.

9 Q. All right. Now, in Texas, you know, I -- I
10 certainly typically don't have a problem being
11 heard, and I will try to speak up. I do know
12 sir, that you have a tendency to be soft-spoken
13 at times. So even though we're on videotape, if
14 you would try to answer out loud, as forcefully
15 as you can, I think that'll -- that'll help both
16 the videographer, it'll help Mr. Wellenberger who
17 is on the phone, and it'll help the court
18 reporter; is that fair?

19 A. Sounds fair.

20 Q. All right. Mr. Hobbs, could you tell the
21 ladies and gentlemen of the jury why you sued my
22 client?

23 A. For her statements against me that she made
24 on the internet.

25 Q. Anything else?

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1 A. And her actions in the -- on the -- here in
2 Little Rock.

3 Q. That's at the rally?

4 A. Yes, sir.

5 Q. All right. Any -- any other reasons that you
6 sued my client?

7 MR. THOMAS: I object to the extent
8 that that calls for a legal conclusion, because
9 it requires him to apply facts to the law.

10 Q. I'm just asking you, sir, for the reasons why
11 you filed a lawsuit against my client. You said
12 the letter on the internet and the rally.
13 Anything else?

14 MR. THOMAS: Continuing objection.
15 You go ahead and answer, Terry.

16 A. Probably -- or not probably -- for the -- all
17 the emotions, distress, the anger.

18 Q. That her statements caused you?

19 A. Correct.

20 Q. Well, they certainly weren't things that you
21 had never heard before, is it?

22 A. No.

23 Q. As matter of fact, they are things that had
24 been said for years and years about you, isn't
25 it?

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1 A. Some people say.

2 Q. Well, I mean, you said. You've said in press
3 releases and in the newspaper that these are
4 things that have been said time and time again
5 against you for years and years; isn't that
6 right?

7 A. It is.

8 Q. As a matter of fact, you said you previously
9 testified -- not testified -- you've been quoted
10 in the newspapers as saying that the press was
11 out to get you for years, correct?

12 A. I'd have to see that quote.

13 Q. Well, that's something that you've thought,
14 isn't it, that the press has been out to get you
15 for years and years?

16 A. I had to -- no, I don't think I thought that.

17 Q. Well, you filed a grievance against
18 Mr. Riordan, didn't you?

19 A. I did.

20 Q. And who is Mr. Riordan?

21 A. He's the defense attorney for Damien Echols.

22 Q. All right. And when did you file that
23 grievance against him?

24 A. I'm not sure of the date, but probably '07,
25 '08.

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1 Q. All right. And the reason for that is
2 because you think he's out to get you?

3 A. No. I think their actions were out to get
4 me.

5 Q. Well, you said -- isn't it true, Mr. Hobbs,
6 that from basically the time of the murder and
7 the convictions -- the murders and the trial and
8 the conviction and all the appeals that have gone
9 forward since that time, you've been -- you've at
10 least been at the center of this controversy
11 about who killed the boys and were the boys
12 wrongly convicted --

13 MR. THOMAS: Objection. Calls for a
14 legal conclusion.

15 Q. No, that hasn't been a controversy?

16 A. No.

17 Q. What do you say that?

18 A. Why do you say that?

19 Q. Well, I get to ask the questions here, sir,
20 so --

21 A. Because it's not a true statement.

22 Q. Okay. So there's -- there hasn't been an
23 ongoing controversy about whether or not the
24 West Memphis Three killed the three boys?

25 MR. THOMAS: Objection. Calls for a

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1 legal conclusion. Do we need to make the regular
2 stipulations regarding reservation of objections
3 except as to form of the question? I don't know
4 if y'all have a standard stipulation that you do
5 in Texas.

6 MR. DAVISON: We just take them by
7 the rules, that's fine.

8 MR. THOMAS: Okay.

9 Q. Hasn't there been there a controversy since
10 the convictions to whether or not the boy -- the
11 West Memphis Three were wrongfully convicted?

12 A. In some people's mind.

13 Q. Okay. And -- well, there's been national
14 press on the subject, hasn't there?

15 A. There has.

16 Q. And there have been several books written on
17 the subject, hasn't there?

18 A. A few.

19 Q. There have been shows on CNN about it, right?

20 A. There has.

21 Q. There's been shows on Geraldo about it?

22 A. Yes.

23 Q. And there have been shows on America's Most
24 Wanted about it?

25 A. There has.

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1 Q. In fact, you've been in all those shows,
2 haven't you?

3 A. A part of them, uh-huh.

4 Q. That's a yes, correct?

5 A. It is a yes.

6 Q. And that's been since the time of the
7 convictions going forward to today, right, that
8 controversy?

9 MR. THOMAS: Object to the extent
10 that it calls for a legal conclusion.

11 Q. You get to still answer. He has to just make
12 objections to preserve them, but --

13 A. Can you repeat the question?

14 MR. DAVISON: Could you read the
15 question back, ma'am?

16 (Requested information was read.)

17 Q. Right?

18 A. I didn't understand that question.

19 Q. All right. Well, the controversy of whether
20 or not the West Memphis Three actually killed the
21 three little boys and whether or not they were
22 wrongfully convicted, that's been a controversy
23 from shortly after the verdict was returned until
24 we sit here today, right?

25 A. Correct, it has.

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1 MR. THOMAS: Continuing objection
2 that it calls for a legal conclusion. Mr. Hobbs
3 is not required to define what a public
4 controversy is or what a controversy is.

5 MR. DAVISON: Ted, we're going to
6 take the deposition by the rules, which means you
7 get to say objection form, period. And then if
8 I think that I need any education about what the
9 objection is, then I'll ask you, but we're not
10 going to sit here for the rest of the day and
11 have you coach the witness. So I'd ask that you
12 follow the rules and basically say objection
13 form, or instruct the witness not to answer,
14 which is all the rules allow you to do.

15 MR. THOMAS: I'm permitted to state
16 the basis for the objection, and what I don't
17 want you to do is come in and ask 50 questions
18 because I object to 49 of them and not 50 and
19 trying to say that waive the objection with
20 respect to the 50th question.

21 MR. DAVISON: You can object as to
22 form to all 50 questions.

23 MR. THOMAS: Continuing -- well,
24 then it's going to be like that. Continuing
25 objection to the notion that Mr. Hobbs is

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1 required to define what is or isn't a public
2 controversy, because that's a legal concept, and
3 we're here to take a factual deposition.

4 MR. DAVISON: Yes, we are.

5 Q. Isn't it true, Mr. -- you wrote a journal,
6 did you not, Mr. Hobbs, from May the 5th, 1993
7 forward?

8 A. I have done a lot of writing.

9 Q. Well, you produced a four volume journal to
10 us, correct?

11 A. Correct.

12 Q. And in that journal, don't you state that the
13 press is out to get you?

14 A. No.

15 Q. You don't say that?

16 A. No.

17 Q. Do you think folks are out to get you?

18 A. No.

19 Q. Okay. Mr. Hobbs, how would you describe
20 yourself to the jury, as we sit here today?

21 A. As being a pretty good man.

22 Q. Okay. Well, tell me about yourself.

23 A. I am presently divorced from a marriage that
24 has been interrupted by the death of our child.

25 Q. And that's from Pam Hobbs?

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1 A. Correct.

2 Q. Okay. As you sit here today, what do you
3 think your reputation in the community is?

4 A. The people that know me like me.

5 Q. Okay. But generally, what -- if you had to
6 describe your reputation to folks, other than
7 just as good man, what else would it be?

8 A. Hard-working man, good dad, good husband in
9 the past, pretty good man.

10 Q. Are you an honest fellow?

11 A. I try my best.

12 Q. Law-abiding man?

13 A. I do pretty good at it.

14 Q. And that's your reputation today?

15 A. Well, that's -- some people might not think
16 so.

17 Q. Well, what people don't think so?

18 A. Who knows.

19 Q. As we sit here today, do you know of anybody
20 that thinks otherwise of you?

21 A. Yeah. There's people that has asked me
22 questions about all this stuff that shouldn't
23 have never been.

24 Q. And that's been going on for a long time,
25 hasn't it?

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1 A. About the past couple of years.

2 Q. When do you first recall being asked those
3 sorts of questions?

4 A. What kind of questions?

5 Q. The questions you just said have been going
6 for the last couple of years?

7 A. People has come up and asked me, did you kill
8 some babies.

9 Q. Who asked you that?

10 A. Friends. People that don't even know me. I
11 don't even know them.

12 Q. And you were asked that question on CNN,
13 right?

14 A. Sure.

15 Q. When were you on CNN?

16 A. Roughly '07, '08.

17 Q. Was that before or after the DNA results?

18 A. After.

19 Q. Was it after?

20 A. I'm guessing after.

21 Q. Well, I don't want you to guess. I mean,
22 that's one of the things -- and I know Ted --

23 A. I don't keep up with the dates.

24 Q. I know Ted doesn't want you to guess.

25 A. I'm not keeping up with the dates.

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1 Q. So the first time you were ever asked if you
2 were -- if you had killed the three boys, it's
3 your testimony it was after the DNA results?

4 A. Probably.

5 Q. When were you on Geraldo?

6 A. '94 I think.

7 Q. When were you on Cooper 360?

8 A. '08, '07.

9 Q. Before or after the DNA?

10 A. After.

11 Q. Okay. And Larry King?

12 A. I didn't do Larry King.

13 Q. Was it -- was it your daughter that did Larry
14 King?

15 A. It was.

16 Q. And when did she do Larry King?

17 A. '07, '08.

18 Q. Okay. Did you ask her to go on Larry King?

19 A. I advised her not to.

20 Q. Why did you advise her not to?

21 A. Because I don't want my children drug into
22 this.

23 Q. What do you hope to get out of the lawsuit?

24 A. Justice.

25 Q. How do you define justice?

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1 A. In a court of law.

2 Q. You want money, don't you?

3 A. I want justice as the Courts deem.

4 Q. You're going to ask the Court to award you
5 money, right?

6 A. I ain't asking for nothing.

7 Q. So you're not going to ask the Court to award
8 you money?

9 A. Justice.

10 Q. That's not my question. You're going to
11 sit -- you're going to get on the witness stand
12 and you're going to ask the Court to award you
13 money?

14 A. I don't -- no, I'm not asking for money.

15 Q. You're not asking for money. Then what do
16 you -- how do you define justice?

17 A. Whatever the Court deems necessary.

18 Q. An apology, is that enough?

19 A. Whatever the Courts decide.

20 Q. No, I'm not asking -- I'm asking what you
21 want to get out of this lawsuit, Mr. Hobbs?

22 A. If I would sit here to be honest.

23 Q. Then that's what -- I want you to be totally
24 honest.

25 A. I would sit here and say I'd like to see the

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1 Dixie Chicks humiliated like they have caused me.
2 I think that's a little bit fair.

3 Q. Okay. So you want to humiliate the Dixie
4 Chicks. How would you do that?

5 A. Let the Courts decide.

6 Q. Why did -- why did you focus on the Dixie
7 Chicks? They're not the only people -- as a
8 matter of fact, they're not the first people that
9 made these allegations. Why are you focused on
10 the Dixie Chicks?

11 MR. THOMAS: Object to the extent
12 that it requires -- calls for a legal conclusion.

13 Q. Answer the question, sir.

14 A. Why am I focused on it, because they speak
15 the loudest.

16 Q. Louder than Larry King?

17 A. I didn't do Larry King.

18 Q. Louder than Geraldo?

19 A. Geraldo never accused me.

20 Q. Louder than CNN?

21 A. They had questions.

22 Q. Okay. When did you first meet Mr. Hiland?

23 A. Mr. Hiland?

24 Q. Hiland, I'm sorry.

25 MR. DAVISON: I apologize, Cody.

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1 A. A year ago maybe.

2 Q. How did you meet him?

3 A. I was on a mission.

4 Q. What was your mission, Mr. Hobbs?

5 A. To find some attorneys to look at my
6 complaint and see if I had something worth
7 fighting for.

8 Q. How many lawyers did you have to go to?

9 A. I talked to several.

10 Q. How many?

11 A. I don't keep up with it.

12 Q. More than -- more than one?

13 A. More than one.

14 Q. More than two?

15 A. More than two.

16 Q. More than 10?

17 A. Roughly. Probably.

18 Q. More than 15?

19 A. Probably not.

20 Q. More than 10 lawyers, and was Mr. -- was Cody
21 the only one that would take your case?

22 A. No. I had a few of them that said they would
23 like to do this.

24 Q. Who?

25 A. I don't know their names. I don't keep up

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1 with them.

2 Q. Do you keep any records of who you talked to?

3 A. I do, but I don't have them on me.

4 Q. Well, as you sit here today, can you recall
5 any of the other 10 lawyers that you went to talk
6 to?

7 A. Chris Carnahan, I talked to him.

8 Q. Where is Chris?

9 A. He's here in Little Rock somewhere, I
10 believe. He's in Arkansas.

11 Q. Who else?

12 A. There's some more in Arkansas, but I don't
13 know their name. There was -- I don't recall
14 their names.

15 Q. Okay. Any in Tennessee?

16 A. Sure.

17 Q. How many did you talk to in Tennessee?

18 A. I don't know the number.

19 Q. Would that be in addition to the 10 that you
20 talked to here?

21 A. Probably be in the equation.

22 Q. Meaning they would be part of the 10?

23 A. Correct.

24 Q. Okay. When did you retain Cody to represent
25 you in this case?

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1 A. Roughly a year ago.

2 Q. Do you have a written fee agreement with him?

3 A. We do.

4 Q. What's that agreement?

5 A. That's --

6 MR. THOMAS: Objection, privileged.

7 MR. DAVISON: Are you instructing
8 him not to answer?

9 MR. THOMAS: Yes.

10 Q. You have this on -- your attorney has this on
11 a contingent fee basis, correct?

12 A. That's our business.

13 Q. Your attorney has it on a contingency fee
14 basis, correct?

15 A. Correct.

16 Q. That means he gets paid if you get paid,
17 right?

18 A. That's part of it.

19 Q. All right. Who's paying expenses?

20 A. Well, we've covered our own.

21 Q. So you're paying all the expenses?

22 A. I paid my -- I've paid some.

23 Q. Who else has paid some?

24 A. Mr. Cody paid some.

25 Q. Anybody else paid some?

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1 A. Not that I'm aware of.

2 Q. Okay. How did you find Cody; did somebody
3 recommend him to you?

4 A. Someone did.

5 Q. Who recommended him to you?

6 A. Mr. Chris.

7 Q. Who is Mr. -- Mr. Chris is the lawyer here in
8 town?

9 A. Uh-huh.

10 Q. You have to answer out loud.

11 A. Yes, sir.

12 Q. All right. And when did you meet Mr. Thomas?

13 A. I don't know. A long time ago over the
14 phone.

15 Q. How long -- give me a time frame.

16 A. 10 years, 15 years, 12 years.

17 Q. What was the context in which you met Mr.
18 Thomas?

19 A. Just talking to him.

20 Q. Was it in conjunction with the West Memphis
21 Three?

22 A. Seemed like it was.

23 Q. What was the -- what was the circumstances in
24 which you met Mr. Thomas 10, 15 years ago?

25 A. I didn't like the way some of the procedures

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1 happened the night of May the 5th, and I talked
2 to Mr. Ted about this.

3 Q. What procedures didn't you like on the
4 night --

5 MR. THOMAS: Objection to the extent
6 that it calls for privileged communications.

7 MR. DAVISON: I'm not asking what he
8 talked to you about. I'm asking what procedures
9 he didn't like.

10 Q. What police procedures didn't you not like
11 the night of the May the 5th?

12 A. We were so desperately trying to get them to
13 help us search for our kids, and they would not.

14 Q. Is Mr. Thomas a criminal lawyer; do you know?

15 A. I'm not aware of that.

16 Q. Did you call him the night of the 5th, May
17 the 5th?

18 A. No, I did not.

19 Q. When did you call him -- how long after May
20 the 5th, 1993 did you first talk to Mr. Thomas?

21 A. I'm not sure.

22 Q. Well, I mean, was it hours, days, weeks,
23 months? Give me some sense, sir.

24 A. Months or years.

25 Q. Months or years. Do you know if it was '93?

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1 A. Don't know that.

2 Q. Do you know if it was before or after the
3 conviction?

4 A. Don't know that.

5 Q. When was the first time you spoke with an
6 attorney about the events that occurred on May
7 the 5th, 1993?

8 A. I'm not sure.

9 Q. Did you speak with an attorney in '93 about
10 that event?

11 A. Yes, I believe we did.

12 Q. Who did you speak with? I'm not asking what
13 you spoke about, I'm just asking who you spoke --
14 who you spoke with?

15 A. Seemed like it was Wayne Emans.

16 Q. Who is Mr. Emans?

17 A. He's an attorney.

18 Q. Is Mr. Emans a criminal attorney?

19 A. He is.

20 Q. Why did you speak with a criminal attorney in
21 '93 about the events about the murder of the
22 three little boys?

23 A. Not knowing who to talk to, we just called
24 someone up out of the phone book and talked to
25 him.

KELLY HILL, CCR
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1 Q. Was he your -- did you establish an
2 attorney/client relationship with him?

3 A. No, I did not.

4 Q. Okay. What did you speak with him about?

5 A. The night of the -- the procedures of the
6 night of May the 5th.

7 Q. What about the procedures on the night of May
8 the 5th?

9 A. He --

10 MR. THOMAS: Objection. It's
11 privilege regardless of whether he knows or
12 doesn't no whether they established a
13 relationship. If he talks to a lawyer, and it
14 has anything to do with any conceivable
15 representation, it's privileged. I instruct him
16 not to answer.

17 MR. DAVISON: I disagree. He's
18 testified, Ted, that there was no attorney/client
19 relationship established.

20 MR. THOMAS: He's not a lawyer that
21 can -- that's qualified to make that concession.

22 Q. Did you pay him any money?

23 A. No.

24 Q. Did you sign -- was there any sort of --

25 A. No.

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1 Q. -- retainer agreement signed, anything in
2 writing between you to?

3 A. No, sir.

4 Q. You just picked up the phone and called and
5 asked him some questions?

6 A. And went down and talked to him.

7 Q. Okay. Tell me what you talked about.

8 A. I don't remember.

9 MR. THOMAS: Objection. That's
10 privileged.

11 Q. Did he give you any advice?

12 MR. THOMAS: Objection. That's
13 privileged.

14 MR. DAVISON: No, not whether or not
15 he gave -- just yes or no whether or not he gave
16 him any advice, that's not privileged.

17 Q. Did he give you any advice?

18 A. Don't remember.

19 Q. And any other questions about that you're
20 refusing to answer based upon the advice of Mr.
21 Thomas, correct?

22 A. No.

23 Q. No?

24 A. Because I don't remember everything that's
25 happened in the past.

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1 Q. So you don't remember -- you just remember
2 you talked to a criminal attorney in '93, but you
3 don't remember what you talked about; is that
4 right?

5 A. Correct.

6 Q. And it was about the events of the evening of
7 May the 3rd -- May the 5th, correct?

8 A. Uh-huh. Yes.

9 Q. Okay. What did you do to prepare for the
10 deposition today, sir? Anything?

11 A. Read some papers.

12 Q. What did you read?

13 A. Just some papers.

14 Q. What papers?

15 A. I don't know what they are. A bunch of
16 garbage.

17 Q. You have no idea what papers you read?

18 A. Yeah. Some statements.

19 Q. What statements?

20 A. From Sharon Nelson.

21 Q. What statements from Sharon Nelson?

22 A. A bunch of garbage.

23 Q. Well, what did Ms. Nelson say in those
24 statements that you think is a bunch of garbage?

25 A. How she believes that I told her I found the

1 boys' body before the police.

2 Q. When did you -- when did she make those
3 statements, Mr. Hobbs?

4 A. I don't know who she made them to. It's on
5 the paper.

6 Q. I asked -- I asked when she made those
7 statements?

8 A. I don't know.

9 Q. Do you know who she made those statements to?

10 A. Sure don't.

11 Q. Do you know when she made those statements?

12 A. No, sir.

13 Q. You haven't sued her, have you?

14 A. No, sir.

15 Q. Okay. Why not?

16 MR. THOMAS: Objection to the extent
17 that it calls for a legal conclusion.

18 MR. DAVISON: I didn't ask him for a
19 legal conclusion.

20 Q. I'm asking you why --

21 MR. THOMAS: You're asking for a
22 legal strategy. You're asking for why he did
23 stuff, and you're asking for the manner in which
24 he chose to exercise his rights under the law,
25 and that relates to legal strategy.

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1 Q. You can answer the question, Mr. Hobbs.

2 A. And the question was?

3 Q. Why haven't you sued her? She said you found
4 the bodies before the police. That would be a
5 pretty damning thing if it was true, wouldn't it?

6 A. Well, there's been a lot of people say
7 garbage like that.

8 Q. Well, my question --

9 A. I hope I get to address them all.

10 Q. Well, this is your chance. Why haven't you
11 sued her?

12 A. Well, maybe she's on the list.

13 Q. You've got a list of folks you're going to
14 sue?

15 A. Couldn't tell you. Maybe in my mind.

16 Q. Okay. Well, if you were going to sue folks,
17 who would you sue?

18 A. Everyone --

19 MR. THOMAS: Object to the extent
20 that it calls for a legal conclusion.

21 Q. Who?

22 A. Everyone that brought my name up.

23 Q. Everybody?

24 A. I think deserves something.

25 Q. Do you want to humiliate all of them?

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1 A. I'm a victim of this.

2 Q. That's not my question. You want to
3 humiliate everyone who's brought your name up;
4 isn't that right?

5 A. I'd like to see the Courts address every one
6 of them.

7 Q. Well, you said you want to humiliate the
8 Dixie Chicks. Do you want to humiliate everyone
9 who brought your name up?

10 A. That sounds fine to me.

11 Q. Sounds fine to you. All right. What other
12 papers did you look at in preparation for the
13 deposition?

14 A. Some other packs -- pile of garbage.

15 Q. Well --

16 A. I can't think of them.

17 Q. I appreciate that, but I need to know what
18 pile of garbage you looked at, Mr. Hobbs?

19 A. I don't know.

20 Q. You can't remember a single other piece of
21 paper?

22 A. I don't know what they was called. Just a
23 pile of papers.

24 Q. Well, explain to me how tall -- how tall a
25 pile of papers did you look at? Use your hand

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1 from the table.

2 A. Half-inch.

3 Q. Half-inch, okay.

4 A. Or less.

5 Q. Or less. Okay. And do you recall how
6 many -- how many different documents were in that
7 half-inch of paper?

8 A. No. After I started reading them -- oh,
9 yeah, I'm sorry. The police interview.

10 Q. Of you in '07?

11 A. Roughly, if that's when it happened.

12 Q. All right. That was before -- that police
13 interview, that was before November of '07 when
14 Ms. Maines posted her letter and appeared at the
15 rally that you're suing her on, right?

16 A. Sounds good.

17 Q. Well, that's when -- I mean, not sounds good.
18 That's when it was, wasn't it?

19 A. I don't know. I don't keep up with the
20 dates.

21 Q. You don't keep up with the dates. Well, if I
22 you that you were interviewed -- that your police
23 interview was several months prior to Ms. Maines
24 posting her letter or appearing at the Little
25 Rock rally, would that sound about right to you?

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1 MR. THOMAS: Objection. Calls for
2 speculation. He said he didn't know.

3 Q. I'm not asking --

4 A. I still don't know.

5 Q. Still don't know. You know that your
6 interview is available on the internet, isn't it?

7 A. It is.

8 Q. In fact, the video is available on the
9 internet. You can get on Youtube and look at it,
10 can't you?

11 A. You sure can.

12 Q. How long has that been available on the
13 internet?

14 A. Couldn't tell you.

15 Q. Why did the police want to talk to you?

16 A. Ask the police.

17 Q. Okay. Okay. Other than looking at this
18 half-inch paper that you can't recall, what else
19 did you do to prepare for your deposition, Mr.
20 Hobbs?

21 A. Tried to sleep on it.

22 Q. Tried to get a good night sleep?

23 A. I tried. It didn't happen.

24 Q. I appreciate that. What else did you do?

25 A. Prayed about it.

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1 Q. Prayed about it. Anything else?

2 A. No.

3 Q. You met with your lawyers?

4 A. I did.

5 Q. When did you meet with them?

6 A. Last night.

7 Q. And who was present?

8 A. Mr. Ted and Mr. Cody.

9 Q. Anyone else present?

10 A. No, sir.

11 Q. How long did you meet with your lawyers
12 preparing for today?

13 A. 30, 40 minutes.

14 Q. Is that the only time you've met with them
15 preparing for today?

16 A. I would say yeah.

17 Q. Okay. And have you talked to anybody, other
18 than your lawyers, about the fact that you're
19 being deposed today?

20 A. Maybe it's -- I might have told some people
21 at work that I'm coming up here for a deposition.

22 Q. Did you tell them about what or just a
23 deposition?

24 A. Oh, they know.

25 Q. They know?

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1 A. They have followed this story all the way
2 through.

3 Q. Well, who would you have told at work?

4 A. Who. I work with a bunch of men.

5 Q. Okay. Have you spoken with anybody over the
6 phone about the deposition or preparing for the
7 deposition?

8 A. I'm not sure.

9 Q. Have you spoken -- did you speak -- other
10 than just getting with your lawyers about the
11 date and the logistics, the date, the where, the
12 when, have you spoken with your lawyer on the
13 phone preparing for the deposition?

14 A. No, I don't believe so.

15 Q. Okay. Any reason you can't give truthful
16 testimony here today, Mr. Hobbs?

17 A. Well, if I don't remember something, it's --
18 that happens.

19 Q. Well, and if you can't --

20 A. I'm trying my best to be just as honest as
21 I'm sitting here.

22 Q. I appreciate that. And I don't want you to
23 guess, and Ted and Cody don't want you to guess.
24 If you can't remember something or you don't
25 know, just tell me that you don't know.

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1 A. Right.

2 Q. But I don't -- but if you do know, I'm
3 entitled to, I think, the best answer -- to
4 answer to the best of your knowledge?

5 A. Exactly.

6 Q. But there's no reason why you can't give
7 truthful testimony here today?

8 A. Correct.

9 Q. You're not on any sort of medication that
10 would impact your -- your ability to focus or
11 concentrate or give truthful answers?

12 A. I am not.

13 Q. And you haven't done any drugs?

14 A. I don't do drugs.

15 Q. You've done drugs in the past, haven't you?

16 A. I don't do drugs.

17 Q. That's not my question. You've done drugs in
18 the past, haven't you?

19 A. I'm not a druggie.

20 Q. Mr. Hobbs, did you not understand my
21 question?

22 A. I heard your question.

23 Q. And my question was very simple. Have you
24 done drugs in the past?

25 A. I tried medications in the past.

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1 Q. Medications. What medications?

2 A. Whatever the doctor gives you.

3 Q. So the only drugs that you've done in the
4 past are drugs that doctors have prescribed; is
5 that your testimony?

6 A. Well, I have smoked a joint.

7 Q. Other than -- other than smoking a joint, any
8 other drugs that you have used, other than drugs
9 that doctors have prescribed for you?

10 A. I'm not in the business.

11 Q. That's not my question. My question -- I'm
12 not asking if you're in the business of being a
13 drug dealer. My question is, is other than
14 smoking a joint or two, as you call it, as you
15 said, what other drugs have you done, other than
16 drugs that have been prescribed by physicians?

17 A. Young and dumb, you probably will try
18 anything, and I haven't tried anything, but I've
19 never been in the drug world. I'm not on drugs.
20 Never been on drugs.

21 Q. So it's your testimony that the only drugs
22 that you have ever done are drugs that have been
23 prescribed to you or a joint or two; is that your
24 testimony under oath, Mr. Hobbs?

25 A. Well --

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1 Q. And remember, you are under oath.

2 A. I know that.

3 Q. So my question is, other than drugs that a
4 physician has prescribed --

5 A. I tried cocaine a few times. Big deal.

6 Q. Tried cocaine a few times. So we've got some
7 joints, some cocaine. What other drugs?

8 A. None.

9 Q. Crystal meth?

10 A. I'm not in it.

11 Q. I'm sorry?

12 A. I'm not in the business.

13 Q. That's not my question. My question --

14 A. I don't do crystal meth.

15 Q. My question, sir, is under oath, can you --
16 is it your testimony that you have never done
17 crystal meth?

18 A. I tried it with my wife.

19 Q. You tried it. Okay. So you have done
20 crystal meth. Now we know you've done joints,
21 you've done crack, you've done cocaine, you've
22 done crystal meth?

23 A. I've never done crack.

24 Q. You've never done crack?

25 A. No, sir.

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1 Q. What other drugs have you done?

2 A. None.

3 Q. None. How many drug convictions do you have,
4 Mr. Hobbs?

5 A. None.

6 Q. None, you've never --

7 A. One.

8 Q. Well, is it none or is it one; what is it?

9 A. A joint, a half a joint.

10 Q. That's the only time you've ever been
11 arrested for drugs?

12 A. Or whatever, anything to do with drugs.

13 Q. That's the only time was one joint?

14 A. Yes, sir. Half a joint.

15 Q. Half a joint. When were you arrested for
16 half a joint?

17 A. '04, '05. I'm just guessing. I'm not sure
18 of the date.

19 Q. And it's your testimony that's the only time
20 you've ever been arrested, right?

21 A. Uh-huh.

22 Q. You have to answer --

23 A. The only time I ever --

24 Q. We'll get to all the other arrests and
25 convictions. The only time you've ever been

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1 arrested for drugs is that half a joint in '04 or
2 '05; that's your testimony under oath?

3 A. Correct.

4 Q. Okay. Do you have a list -- you said you've
5 got a list of folks in your mind that you want to
6 sue. Give me the list.

7 A. Everybody who brought my name up about
8 suspecting me as a suspect, I feel like should be
9 dealt with in the courts.

10 Q. Okay. Other than just a general category, do
11 you have a list of specific folks that you want
12 to sue?

13 A. Everyone who brought my name up.

14 Q. My question is, do you have specific
15 individuals or entities in mind?

16 A. Oh, I would love to sue that defense team.

17 Q. Okay. And that would be Mr. Riordan and
18 those folks?

19 A. All his clowns.

20 Q. Okay. All his clowns. Who else?

21 A. Everybody else that brought my name up.

22 Q. I'm asking for specific -- did you have any
23 specific names, Mr. Hobbs?

24 A. Mark Byers.

25 Q. You want to -- why do you want to sue Mark

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1 Byers?

2 A. For calling me a child killer.

3 Q. When did he do that?

4 A. On TV. Ask him.

5 Q. My question is, when did he call you a child
6 killer on TV?

7 A. On Larry King.

8 Q. When did he do that?

9 A. Whenever they done the Larry King Live show.

10 Q. All right. Well, why haven't you sued him?

11 A. Well, he might be on the list.

12 Q. Well, okay. My question is, if he came on TV
13 and called you a child killer, and -- I'm
14 assuming you didn't do it. Did you do it? Did
15 you kill those three little boys?

16 A. I can't believe you.

17 Q. Well, sir, my question is, is you've sued my
18 folks for a lot of bad things, and one of the
19 things is just basically saying that the wrong --
20 that they were wrongfully convicted, and the
21 killer of the three little boys is still at
22 large. And my question to you, sir, is did you
23 kill those three little boys?

24 A. No, sir.

25 Q. You know a lot of people think you did?

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1 A. I don't care. That's why I'm here today.

2 Q. Were you involved in the murder of the three
3 little boys?

4 A. No, sir. One of them little boys was my
5 stepson.

6 Q. I appreciate that, sir. Do you think the
7 West Memphis Three, the three that were convicted
8 in '94, do you think they did it?

9 A. Sure do.

10 Q. No doubt in your mind?

11 A. Correct.

12 Q. Has there ever been a doubt in your mind?

13 A. No.

14 Q. You would agree with me, sir, that there is a
15 doubt in a lot of other people's minds?

16 A. I don't care about that.

17 Q. You don't want them to get a new trial, do
18 you?

19 A. Justice has taken it's toll, and I appreciate
20 the justice system.

21 Q. My question, sir, is you don't want the West
22 Memphis Three to get a new trial, do you?

23 A. They don't deserve one.

24 Q. Then I take it you don't want them to get a
25 new trial?

KELLY HILL, CCR
501-353-2220

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1 A. Exactly.

2 Q. And the reason is?

3 A. They killed three little boys.

4 Q. If there's a doubt that they killed -- killed
5 the three little boys, do you think they deserve
6 a new trial?

7 A. There's never been a doubt proven.

8 Q. Not in your mind?

9 A. Or the minds of the justice system.

10 Q. And you realize that those appeals are still
11 underway?

12 A. I don't care.

13 Q. But you understand that?

14 A. I do.

15 Q. Okay. When was the last time you spoke with
16 a criminal lawyer about the killing of the West
17 Memphis -- about the killing of the three little
18 boys?

19 A. A criminal lawyer?

20 Q. Yes, sir.

21 A. Ross Sampson.

22 Q. When did you -- and Mr. Sampson, he's a
23 criminal lawyer you consulted with regard to the
24 three killings, correct?

25 A. He's more than a criminal lawyer.

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1 Q. I appreciate that, but you consulted him in
2 conjunction with criminal issues?

3 A. No.

4 Q. Okay. He's a -- he's your spokesman, right,
5 to the public?

6 A. He was at that time.

7 Q. What time are we talking about?

8 A. '07.

9 Q. So in '07 --

10 A. Roughly '07.

11 Q. Mr. -- you retained Mr. Sampson to be your
12 spokesman?

13 A. Mr. Sampson agreed to speak for me.

14 Q. Okay. Speak to you, you mean speak to --
15 speak to the public?

16 A. To the media, to the public.

17 Q. Okay. And is Mr. Sampson still your public
18 spokesperson today?

19 A. No, he is not.

20 Q. At what -- from what period of time was Mr.
21 Sampson your media spokesman?

22 A. During '07, I'm thinking. I'm not sure.

23 Q. Okay. Well, when in '07 did you first
24 contact Mr. Sampson about being your media
25 spokesman?

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1 A. I'm not sure.

2 Q. Well, was it spring, winter, fall, summer?

3 A. Fall probably. I'm just guessing the fall.

4 MR. THOMAS: Objection. Calls for
5 speculation.

6 Q. I don't want you to guess. I just want you
7 to give me the best answer that you can.

8 A. I just did.

9 Q. Was it before or after -- did you retain Mr.
10 Sampson to be your media spokesman before or
11 after you were interviewed by the West Memphis
12 police in '07?

13 A. Probably before, if I remember right.

14 Q. Okay.

15 A. I'm guessing again, because I don't remember.

16 Q. Okay. How much did you -- did you have a
17 written agreement with Mr. Sampson?

18 A. Mr. Sampson didn't charge me a penny.

19 Q. That's not my question.

20 A. No, I did not, not on this issue.

21 Q. Not on the being a media spokesperson issue?

22 A. Correct.

23 Q. He was authorized to speak on your behalf?

24 A. I give him the permission.

25 Q. Without getting into the specifics of what --

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1 well, let me back up. Was he acting as your
2 lawyer then or just a media spokesman?

3 A. A spokesman.

4 Q. Not a lawyer?

5 A. Correct.

6 Q. He wasn't giving you any legal advice?

7 A. Other than tell me not to talk to them, and
8 that's why I told him -- that's why I'm getting
9 with you. I want you to tell them.

10 Q. So as the media spokes representative or
11 consultant, Mr. Sampson advised you not to speak
12 to the media, right?

13 A. Probably. I don't remember.

14 Q. Well, did he? I mean --

15 A. Ask him.

16 Q. Well, I'm asking you.

17 A. I don't remember.

18 Q. You don't remember if Mr. Sampson told you
19 to -- to or not to --

20 A. I told Mr. Sampson I wasn't going to talk to
21 the media, and I want you to do it for me.

22 Q. Okay.

23 A. So he did.

24 Q. Okay. And he was authorized to do so on your
25 behalf?

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1 A. Correct.

2 Q. And did you and he talk about what he should
3 tell the media?

4 A. Yeah.

5 Q. What did you -- what did you guys talk about
6 that he should tell the media?

7 MR. THOMAS: Objection. Calls for
8 privileged communication.

9 MR. DAVISON: He's already said it
10 wasn't in a legal capacity.

11 MR. THOMAS: He's not free to waive
12 that.

13 MR. DAVISON: It's his privilege to
14 waive. He's the only one that can.

15 MR. THOMAS: I instruct him not to
16 answer about any conversations he had with Mr.
17 Sampson.

18 Q. Are you refusing to answer that question?

19 A. I do.

20 Q. Okay. You said that's the only -- that Mr.
21 Sampson didn't charge you for that
22 representation. I take it from your answer that
23 he's charged you in other contexts?

24 A. Uh-huh.

25 Q. You have to answer out loud, Mr. Hobbs.

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1 A. Yes.

2 Q. What -- what other representation or how --
3 when else did you hire Mr. Sampson in which he
4 represented you in which you paid him money?

5 A. He did a Hollywood film contract with us.

6 Q. Is that the Dimension Film, or is that a
7 different one?

8 A. It's Dimension Films.

9 Q. And he -- he was your entertainment lawyer I
10 guess?

11 A. That's what he listed in the phone book as.

12 Q. Entertainment lawyer. So he's an
13 entertainment lawyer and also a criminal lawyer?

14 A. He is.

15 Q. Okay. And he represented you when you sold
16 your life story to Dimension Films, right?

17 A. He did.

18 Q. And that was your life story in conjunction
19 with the murders that we refer to as the West
20 Memphis Three, right?

21 A. That's my life story.

22 Q. Well, they were -- they were particularly
23 interested in the West Memphis Three and the
24 murders, correct?

25 A. I'm not sure. I just sold them my life

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1 story.

2 Q. How much money did you sell them your life
3 story for, Mr. Hobbs?

4 A. Is it relevant?

5 Q. Yes, sir.

6 A. 12,500.

7 Q. That's what you got, and Pam got 12,500, too?

8 A. We did.

9 Q. And you anticipated that they were going to
10 make a movie out of that, right?

11 A. We were led to believe that.

12 Q. And you were cool with that, right?

13 A. Well, they presented it in a way that you
14 felt comfortable with it.

15 Q. And you were comfortable having your life
16 story and your involvement with the murders and
17 the trial made into a movie, and that's why you
18 sold them the life story?

19 A. Exactly wrong.

20 Q. Well, why --

21 A. You just sat there and said my involvement
22 with the murders. That's a stupid question.

23 Q. Your involvement, meaning your stepson --
24 whatever your involvement was, whether it be your
25 step -- how you found that he was missing, to the

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1 trial, to the hubabub afterwards. I didn't say
2 that you were involved, Mr. Hobbs. But your
3 involvement, whatever that is, as the stepson, as
4 the stepfather --

5 A. As a parent.

6 Q. As a parent.

7 A. As a parent.

8 Q. You were comfortable with selling your story
9 and having that story made into a movie that
10 would have national release, were you not?

11 A. I guess.

12 Q. Yes or no?

13 A. I guess.

14 Q. I'm sorry. Yes or no?

15 A. We did sign a contract.

16 Q. And you anticipated that a movie with a
17 national release would be made?

18 A. Correct.

19 Q. And you were okay with that?

20 A. At that time we were.

21 Q. All right. And actually you sat down on two
22 separate occasions and gave a detailed interview
23 to Dimension Films, did you not?

24 A. We talked to them, yes.

25 Q. And they asked -- on two separate occasions,

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1 at least two separate occasions?

2 A. Seemed like it.

3 Q. And you told them basically what happened
4 that day, right?

5 A. Some. We didn't go into detail like you
6 think.

7 Q. Well, I've read it. I've read the -- I've
8 read the notes.

9 A. Okay.

10 Q. Were you honest and truthful about what
11 happened?

12 A. I try to be.

13 Q. You didn't make stuff up?

14 A. Correct.

15 Q. And what you told those folks actually
16 happened, right?

17 A. Well, I'm not sure what I told them. It's
18 been a while ago.

19 Q. You tried to be truthful at the time?

20 A. I do.

21 Q. Okay. And the journals, the handwritten
22 journals that you produced in this case?

23 A. Uh-huh.

24 Q. Do you remember those?

25 A. I do.

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1 Q. You started making those journals May the
2 5th?

3 A. No, sir.

4 Q. When did you start making them?

5 A. Sometime in the nineties, early nineties.

6 Q. In the early nineties?

7 A. Uh-huh.

8 Q. Before or after the murders?

9 A. After.

10 Q. Okay. Do you recall how long after the
11 murders?

12 A. I don't.

13 Q. And in the journals, you set out kind of what
14 happened from your perspective, correct?

15 A. As I seen it that night.

16 Q. And were you truthful and honest in those
17 journals?

18 A. The best I could be and can be.

19 Q. Okay. And so what you put in the journals is
20 how you recall everything came down that night?

21 A. Through my eyes, yes.

22 Q. Okay. And you have attempted to sell those
23 journals to book publishers, have you not?

24 A. Yes.

25 Q. When did you start trying to sell those

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1 journals to book publishers?

2 A. I'm not sure.

3 Q. Can you give me a time frame, sir?

4 A. No, sir.

5 Q. Has it been -- when was the last -- do you
6 recall when the first time you did?

7 A. No.

8 Q. Do you recall the last time you did?

9 A. No.

10 Q. Do you recall who you sent it to?

11 A. No.

12 Q. Do you recall how many people you sent it to?

13 A. No.

14 Q. Did anyone -- did you ever get any response
15 from any of the folks that you sent it to?

16 A. No, other than -- yes, I think I did. I
17 think one of them told me to send them \$1200 and
18 they would work on it.

19 Q. Okay. Did you keep any documents or records
20 of the folks that you sent the -- the journals
21 to, the publishers?

22 A. No, not that I can recall.

23 Q. Do you ever recall telling folks that you had
24 a book deal?

25 A. Sure.

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1 Q. You were lying?

2 A. No, no, I don't think I said a had a book
3 deal, no.

4 Q. Okay. You never told anybody you had a book
5 deal?

6 A. Maybe not like you're trying to say. I might
7 have told them I was working on one, would like
8 to get one.

9 Q. Okay. But you never told anybody you had a
10 book deal?

11 A. I'm not sure.

12 Q. Well, if you did, that would be a lie,
13 wouldn't it?

14 A. I'm not sure.

15 Q. Well, have you ever had a book deal?

16 A. No.

17 Q. So if you told somebody you had a book deal,
18 that would be a lie?

19 A. I might have told somebody I was working on
20 one at the time.

21 Q. Do you consider yourself an honest man, Mr.
22 Hobbs?

23 A. I try.

24 Q. Who else have you sold your life story to
25 other than Dimension Films?

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1 A. Nobody that I can recall.

2 Q. So if you -- if someone else -- so you've
3 never testified to that -- or not testified --
4 you've never said that, that you sold your life
5 story or had a deal to sell your life story to
6 somebody else?

7 A. I'm not sure.

8 Q. You're not sure or you didn't?

9 A. I don't recall saying something like that.

10 Q. And do you recall any other efforts or
11 discussions with folks to sell your story, life
12 story, to other entities, for book deals or movie
13 deals or anything like that?

14 A. Well, we've always talked about books.

15 Q. Uh-huh.

16 A. But I don't know of anyone else that I've
17 talked to to buy it.

18 Q. Okay. What about movies or films?

19 A. The HBO made a couple of documentaries.

20 Q. Right. And that's Paradise Lost and Paradise
21 Lost 2?

22 A. It is.

23 Q. Any other films?

24 A. No.

25 Q. Were you compensated with regard to the HBO

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1 films about the murders?

2 A. No, sir.

3 Q. Did you -- you signed releases so that you
4 could appear in those, right?

5 A. I'm not -- I don't remember.

6 Q. You were okay with being in those?

7 A. Well, we -- we all talked about it.

8 Q. Who's we?

9 A. Every family involved.

10 Q. What did you -- of the three little boys?

11 A. Correct.

12 Q. All right. And what do you recall discussing
13 with the family of the three little boys about
14 the two HBO movies?

15 A. Some of us didn't want to do it, some of them
16 wanted to do it.

17 Q. How did you come out on that?

18 A. How did you come out, I don't recall. They
19 were going to do it anyway.

20 Q. Did you watch the video -- the documentaries?

21 A. Well, I did.

22 Q. What do you think of them?

23 A. Totally wrong.

24 Q. In what respects?

25 A. The portrayal.

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1 Q. Portrayal of who, you?

2 A. No.

3 Q. Of who?

4 A. The convicted.

5 Q. How was it totally wrong?

6 A. They kind of portray them as being innocent.

7 Q. Okay. How else were the documentaries
8 totally wrong?

9 A. I couldn't tell you.

10 Q. You've never been deposed before, have you,
11 Mr. Hobbs?

12 A. Been where?

13 Q. Deposed, had to do this before?

14 A. No.

15 Q. Okay. Never testified in court before?

16 A. No.

17 Q. Okay. Never been a party to a lawsuit
18 before? You have to answer out loud?

19 A. No.

20 Q. No. Okay.

21 MR. THOMAS: I think he's been a
22 party in a divorce proceeding.

23 MR. DAVISON: I understand that.

24 Q. I meant more of a civil.

25 A. No, sir.

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1 Q. Okay.

2 A. I've been through a divorce, two of them.

3 Q. Two of them. It happens. What -- very
4 briefly, sir, what's your educational background?

5 A. High school.

6 Q. Finish high school?

7 A. No.

8 Q. 10th grade, is that the last year?

9 A. Roughly, I believe it was.

10 Q. Okay. Did you finish the 10th grade?

11 A. I don't remember.

12 Q. Okay. Where did you go to school?

13 A. Well, I went to Cave City High School and
14 (inaudible) High School here in Arkansas.

15 Q. Okay. Why did you drop out?

16 A. I couldn't tell you. Young and dumb.

17 Q. Okay. No other formal education?

18 A. No. Manager's training, I graduated there as
19 a manager.

20 Q. You graduated where as a manager?

21 A. Manager's Training Center in Memphis.

22 Q. Okay. Where did you currently live?

23 A. Memphis, Tennessee.

24 Q. What's the address?

25 A. It's been 2591 Kilgore Cove.

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1 Q. Is that a house?

2 A. It is.

3 Q. Do you own that house?

4 A. No, sir.

5 Q. Who owns the house?

6 A. Dave Kilpatrick.

7 Q. Do you rent it from Mr. Kilpatrick?

8 A. Some. A room in there.

9 Q. So he lives there as well?

10 A. Uh-huh, him and his wife.

11 Q. Okay. And how long have you lived with
12 Mr. Kilpatrick?

13 A. A couple of years.

14 Q. Who else lives there?

15 A. Their daughter.

16 Q. How old is she?

17 A. 20-something.

18 Q. Who else lives there?

19 A. Her boyfriend.

20 Q. What's his name?

21 A. Ernest.

22 Q. Ernest what?

23 A. I don't know.

24 Q. Okay. Who else lives there?

25 A. Nobody that I know of.

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1 Q. Okay. Where did you live before that?

2 A. On Macon Road.

3 Q. What address?

4 A. I don't remember.

5 Q. Is it a house?

6 A. It was.

7 Q. Did you own that house?

8 A. Rented.

9 Q. Who did you rent it from?

10 A. I don't recall his name.

11 Q. Did he live there, too?

12 A. No. He lived in Mississippi.

13 Q. Okay. Was that in Tennessee?

14 A. The Macon Road house was in Tennessee.

15 Q. How long have you lived in Tennessee?

16 A. Since '94.

17 Q. Consistently since that time you've lived
18 there?

19 A. Uh-huh.

20 Q. You have to answer out loud.

21 A. Yes.

22 Q. Okay. Where do you currently work?

23 A. Discount Building Supply.

24 Q. How long have you worked there?

25 A. A little over two years.

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1 Q. And what do you do for them?

2 A. I'm a salesman.

3 Q. What do you sell?

4 A. Anything to build a house with.

5 Q. Okay. Have you had any discussions with
6 anybody there about this lawsuit?

7 A. Oh, we talk about everything there.

8 Q. Do you talk about the lawsuit?

9 A. We have.

10 Q. Who have you talked to the lawsuit about at
11 your work?

12 A. Probably every employee there.

13 Q. Can you -- can you name the five people that
14 you've talked to the most about this lawsuit at
15 your -- at the job?

16 A. Probably Terry, Brett, Chris.

17 Q. I'm sorry. I need -- Terry?

18 A. Terry Davis.

19 Q. Terry Davis?

20 A. Brett Anderson.

21 Q. Brett Anderson?

22 A. Chris Cook.

23 Q. Okay. Who else?

24 A. I don't even know the rest of them's last
25 names.

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1 Q. Well, what are their first names?

2 A. Vince.

3 Q. And who else? Give me one more.

4 A. Luther.

5 Q. What have you talked to them about the
6 lawsuit about?

7 A. Huh?

8 Q. What have you talked to them about about the
9 lawsuit?

10 A. I'm not sure. I don't keep up with it.

11 Q. Okay. Have you told them you're going to get
12 rich off this lawsuit?

13 A. No, nothing about money.

14 Q. Have you told anybody you're going to get
15 rich off this lawsuit?

16 A. Not that I can recall.

17 Q. Have you told anyone that you've already
18 received an offer to pay you off in this lawsuit?

19 A. Huh-uh.

20 Q. You have to answer out loud.

21 A. No.

22 Q. And if you did -- if you did, that would be a
23 lie, wouldn't it?

24 A. I imagine. Ain't no one offered me nothing.

25 Q. So if you told someone that you had been

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1 offered money, that would be a lie, right?

2 A. I guess.

3 Q. And have you ever told anybody that you would
4 pay them a portion of the money that you got out
5 of this lawsuit?

6 A. No.

7 Q. So if anybody testified about that, they
8 would be lying?

9 A. Yeah.

10 Q. Because you're not going to share your money,
11 are you?

12 A. I'm not about money.

13 Q. Okay. You're not about money. You're about
14 humiliation, right?

15 A. Okay.

16 Q. Isn't that right? Isn't that what this is
17 all about, humiliation; isn't that what you said?

18 A. Earlier.

19 Q. Well, is that right? Is that what this is
20 all about, Mr. Hobbs, humiliation?

21 MR. THOMAS: Objection. It assumes
22 facts not in evidence. He didn't say it was all
23 about --

24 MR. DAVISON: You know what? It's
25 objection form or not, or we're going to get on

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1 the phone with the judge, okay? You can't -- you
2 can't coach this witness. I get to ask my
3 questions.

4 MR. THOMAS: You cannot misrepresent
5 his answer to your question.

6 MR. DAVISON: Well, then object --
7 object to form.

8 MR. THOMAS: That's what I did.

9 MR. DAVISON: And then you started
10 to talk.

11 MR. THOMAS: You're
12 mischaracterizing the evidence.

13 Q. Can you answer the question, Mr. Hobbs?
14 Isn't this all about humiliation?

15 A. It's to me is about justice.

16 Q. You've been humiliated about the allegations,
17 right, that have been made against you?

18 A. Correct.

19 Q. And you want to get revenge and humiliate
20 against people who made --

21 A. I want my day in court. I want my form of
22 justice as the Court deems necessary. That will
23 make me a little more happier.

24 MR. DAVISON: We need to change the
25 tape so let's go off, and then I've just got

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1 about five minutes and we'll take a break, but I
2 want to ask one set of question. Off the record.

3 VIDEOGRAPHER: We've going off
4 record to change tapes at 9:59 a.m.

5 (Off the record.)

6 (Back on the record.)

7 VIDEOGRAPHER: We're now back on
8 record after a tape change at 10:02 a.m.

9 Q. (By Mr. Davison) Mr. Hobbs, you understand
10 that you are still under oath?

11 A. I do.

12 Q. Okay. I have -- I'll be honest, as part of
13 this lawsuit, I have learned more about the
14 events of May the 5th than I ever knew about.
15 And I'll also be honest, in that, in reading
16 these materials, looking at your police
17 interview, reading your journal, listening to
18 what other people said, it's -- it's still
19 unclear to me as to what happened that night, so
20 I wanted you to tell the ladies and gentlemen of
21 the jury, in your own words, what -- what
22 happened that night and what you did from when
23 you got off work until the three little boys were
24 found. I want you to tell us in your own words
25 what happened. Can you do that?

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1 A. I can.

2 Q. Please do.

3 A. But I'd rather not.

4 Q. Well, I appreciate that you'd rather not, but
5 I need you to. You've brought this lawsuit --

6 A. If you had to relive something like this.

7 Q. Mr. Hobbs, you've brought the lawsuit. You
8 chose to relive it. And so I want you to look
9 into that camera and tell the ladies and
10 gentlemen of the jury under oath what happened
11 that day and what you did.

12 A. I did what a parent would have done.

13 Q. I want you to walk me through from when you
14 got off work what you did and what happened until
15 the little boys were found. And I apologize if
16 it's hard to relive. I have two little boys of
17 my own, and I can only imagine --

18 A. No, you can't.

19 Q. I can only imagine the pain.

20 A. You cannot.

21 Q. Well, maybe I can't, but I've lost -- I've
22 lost a brother to sudden death as well, so I
23 think I have a little empathy, maybe not as much.
24 But I need you, since you brought this lawsuit,
25 to look into that camera and tell the jury what

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1 happened.

2 A. As a parent, I come home from work May the
3 5th, 1993.

4 Q. Yes, sir.

5 A. I noticed that one of my children was not
6 home. I asked my wife, where is Stevie. He's
7 gone off riding his bicycle with his friend
8 Michael Moore. I did what any other parent would
9 have done. I go outside and I look down the
10 street seeing when he is supposed to come home.
11 He was supposed to have been home by 4:30.

12 Couldn't -- didn't see him on the sidewalk.
13 Pam cooking supper. Why? Had to be at work by 5
14 o'clock. We -- we don't eat supper because
15 Stevie is not home, and we'd always eat supper
16 together. And it comes 5 -- getting close to 5
17 o'clock and we decide to go ahead and take Pam to
18 work.

19 Q. That's you and Amanda?

20 A. Me and Amanda and Pam.

21 Q. And Pam. You and Amanda decide to take Pam
22 to work?

23 A. We all three decided that it was time for her
24 to go to work.

25 Q. Between 4:30 and when you got home, it was

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1 time to take Pam, other than walking out and
2 looking in the street. Did you do anything to
3 find Stevie?

4 A. Not before then.

5 Q. All right. Go ahead.

6 A. We take Pam to work by 5 o'clock. We stopped
7 over at the Moore's house.

8 Q. Pam worked where?

9 A. At Catfish Island restaurant.

10 Q. Okay. And how --

11 A. In West Memphis.

12 Q. How long did it take you to get from your
13 house to the catfish place?

14 A. Roughly 10 minutes.

15 Q. And did she get there right at 5:00 or a few
16 minutes before?

17 A. She usually tried to go in a few minutes
18 early.

19 Q. Okay. And then you and Amanda then went back
20 to your --

21 A. We stopped by the Moore's house, Michael's
22 Moore's parents' home, on the way over there to
23 take Pam to work.

24 Q. Were -- were they home?

25 A. No.

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1 Q. Did you ring --

2 A. The daughter was there.

3 Q. Did you -- you rang the bell and talked to
4 the daughter?

5 A. Pam -- I'm not sure if it was me or Pam that
6 done that.

7 Q. Well, Pam -- Amanda was what, four?

8 A. Correct.

9 Q. So you sat in the car and sent your
10 four-year-old to the door?

11 A. I said Pam.

12 Q. Oh, Pam. I thought it was -- well, no, hold
13 on now. We've already dropped --

14 A. We were on our way to take Pam to work.

15 Q. Okay. Well, my question before -- and I
16 apologize. My question before had been, before
17 you got home -- after you got home and before you
18 dropped Pam off, what you had done other than go
19 outside in the street, and you said nothing. Now
20 you and Pam and Amanda stopped at the Moores on
21 the way or was that after you dropped Pam off?

22 I'm -- you can see why I'm confused, Mr. Hobbs?

23 A. On our way to take Pam to work we stop at the
24 Moore's home.

25 Q. Okay. So Pam was still with you at that

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1 time?

2 A. Yes, sir.

3 Q. Okay. And Pam went to the front -- to the
4 Moore's house?

5 A. One of us did.

6 Q. You or Pam, you don't remember which?

7 A. Correct.

8 Q. And you rang the bell, and Mrs. Moore wasn't
9 there but their daughter was there?

10 A. Yes.

11 Q. And who was their daughter?

12 A. Dawn Moore.

13 Q. And how old was Dawn at the time?

14 A. I think she was a little bit older than
15 Stevie.

16 Q. Okay. Eight, nine, 10?

17 A. Something like that. I'm not sure.

18 Q. Okay. And no one -- no one else was home.
19 Stevie obviously wasn't there?

20 A. Correct.

21 Q. Okay. And so -- and then at that point, you
22 went from the Moore's to the catfish place?

23 A. We did. Took Pam to work.

24 Q. And you got to the catfish place a little bit
25 before 5:00, and it took five minutes to get from

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1 your house to the catfish place. Where is the
2 Moores in relation to the route you would have
3 taken from your house?

4 A. The only route to -- from our home to her
5 work.

6 Q. Well, do you recall what time you left your
7 house to --

8 A. No, I don't.

9 Q. -- to stop at the Moores?

10 A. No.

11 Q. Okay. All right. So you drop -- then you
12 drop -- you and Amanda drop Pam off and 5
13 o'clock?

14 A. Roughly.

15 Q. And then you go -- roughly. And then you go
16 back home. You don't stop at the Moores again,
17 right?

18 A. I stopped at the Moores' home on the way back
19 to see if the boys had made it there.

20 Q. Okay.

21 A. And they were not there.

22 Q. And did you go to the front door or did
23 Amanda?

24 A. I did.

25 Q. Okay. So now you went to the front door.

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1 And was just the daughter there still?

2 A. Yes.

3 Q. Anybody else there?

4 A. Not that I could see.

5 Q. All right. Then -- then what happened?

6 A. Well, we ride around the neighborhood looking
7 for them, because we know they're on bicycles.

8 Q. So you and Amanda drove around the
9 neighborhood?

10 A. We did. We did that for a while.

11 Q. Do you recall how long?

12 A. No, I don't. But anyway, we're riding around
13 the neighborhood looking for our little boys on
14 bicycles. We don't find them.

15 Q. Did you know who Stevie was with at that
16 point?

17 A. He was supposed to have been with Michael
18 Moore. That's all I knew.

19 Q. Okay.

20 A. So we --

21 Q. Where did you drive around looking?

22 A. Our neighborhood that we live in, West
23 Memphis.

24 Q. Okay. All over West Memphis?

25 A. In our neighborhood.

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1 Q. What's the -- does the neighborhood have a --

2 A. It does not.

3 Q. What would be the boundaries of the area in
4 which you searched then, Mr. Hobbs?

5 A. From our home to his home.

6 Q. To the Moore's home?

7 A. Correct.

8 Q. And where is the Robin Hood area; where is
9 that in relation to that?

10 A. Robin Hood was behind the Moore's and Byers'
11 home.

12 Q. Okay. Okay. So you stopped at the Moores.
13 No one except the daughter is there. You drive
14 around with your four-year-old daughter for a
15 while?

16 A. Right.

17 Q. Then what happened?

18 A. And we go back to our home and we parked the
19 car, and me and Amanda walk around the
20 neighborhood.

21 Q. Do you recall about what time that is, sir?

22 A. No, I don't.

23 Q. Was it before 6:00 or after 6:00?

24 A. I don't recall.

25 Q. Okay.

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1 A. But we're riding around the neighborhood --
2 or walking around at this point.

3 Q. Okay.

4 A. Seeing if we could hear them, you know, see
5 them or something, and we don't. So we go back
6 to our house, and Dawn Moore is pulled up in my
7 driveway.

8 Q. Do you know about what time you went back to
9 your house?

10 A. No, I don't.

11 Q. Any sense, 7 o'clock, 6:30, 7:00, 8:00, 9:00?

12 A. No, I don't.

13 Q. Was it light?

14 A. It was still daylight.

15 Q. Okay. So you went back to your house, and
16 Ms. Moore then came to your house?

17 A. She pulls up in our driveway.

18 Q. Okay.

19 A. And she asked us if Michael Moore is at our
20 house, and I said no, is Stevie at yours, and she
21 said, no, but I'm heading back to her house -- or
22 she's heading back to her house. And I said,
23 we'll follow you over there and see if the boys
24 are there.

25 We get over at her house, the boys are not

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1 there. And we're standing in her front yard
2 talking, and here comes John Mark Byers walking
3 across the street, and that's the first time I
4 met John Mark Byers.

5 Q. Do you recall about what time this was, sir?

6 A. No, I don't. And he asked is Christopher
7 over at the Moore's home, and we -- you know,
8 Dawn -- or Dana speaks up and tells him no. And
9 it might have been then when we figured out they
10 all three might have been together.

11 VIDEOGRAPHER: Mr. Hobbs, I hate to
12 interrupt, but you're covering your microphone.

13 MR. DAVISON: Thank you, sir.

14 Q. How long were you at the Moores before Mr.
15 Byers showed up?

16 A. I'm not sure.

17 Q. Five minutes, 10 minutes, a half-hour?

18 A. I'm not sure.

19 Q. Was it a short period of time or a long
20 period of time?

21 A. I'm not sure.

22 Q. How long were you at the Moore's house?

23 A. It wasn't that long, but I don't know how
24 long. It wasn't long.

25 Q. Okay. All right. So then what -- Mr. Byers

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1 shows up looking for his son, right?

2 A. Correct.

3 Q. Then what happened?

4 A. We just split up and start looking for them.

5 Q. Okay. Split up --

6 A. Dawn stays at the home and says she'll wait
7 by the phone in case somebody called. I take my
8 daughter over to a friend's home.

9 Q. Who is that?

10 A. David Jacoby and his wife Bobbie, they had
11 little kids also. David goes with me and we
12 start riding around looking for the little boys.
13 At the same time the Byers and Mark and Melissa
14 are riding around looking for their boy, and we
15 continue this for all the way up to the next
16 morning.

17 Q. Okay. I need to fill in a few -- obviously
18 fill in a few -- few blanks. How long were you
19 at Mr. Jacoby's house?

20 A. Long enough to drop my daughter off and see
21 if he'd go help me.

22 Q. And did he go help you?

23 A. He went around with me and we rode around
24 looking, he sure did, all the way up till early
25 in the morning.

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1 Q. Well, let's back up. So what -- what time --
2 do you recall what time you left Amanda at Mr.
3 Jacoby's house?

4 A. No, I don't.

5 Q. Do you recall how -- and you and Mr. Jacoby
6 rode around in a car looking?

7 A. We did.

8 Q. Your car or his car?

9 A. Probably mine.

10 Q. What kind of car were you driving?

11 A. I don't remember.

12 Q. Where did you drive around?

13 A. The whole city of West Memphis.

14 Q. Just in your neighborhood or just all --

15 A. The whole city of West Memphis.

16 Q. Okay. Did you play any Guitar Hero while you
17 were at Mr. Jacoby's?

18 A. I don't recall. I don't remember that.

19 Q. You don't remember playing Guitar Hero at Mr.
20 Jacoby's for a while?

21 A. Not that day. I don't remember.

22 Q. You used to play Guitar Hero a lot at his
23 house, right?

24 A. No. Never.

25 Q. Never played Guitar Hero at his house?

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1 A. I played guitars at his house.

2 Q. Guitars. I'm sorry.

3 A. But not the game.

4 Q. I apologize. Do you recall playing guitars
5 at his house that night?

6 A. No.

7 Q. You don't recall or you didn't?

8 A. I don't recall.

9 Q. Did you smoke any marijuana while you were at
10 his house?

11 A. No.

12 Q. That night?

13 A. No.

14 Q. Do any other drugs while you were at his
15 house that night?

16 A. No.

17 Q. While you were out looking for the boys,
18 prior to the time that you went to pick Pam up at
19 work, did you ever find the boys?

20 A. No.

21 Q. If somebody testifies that they saw you with
22 the boys that night?

23 A. Do what?

24 Q. If somebody testified that they saw you and
25 the boys, would they be lying?

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1 A. Uh-huh. They would be lying.

2 Q. Because you never find the boys?

3 A. No, I never found them.

4 Q. Never found them alive?

5 A. Never found them at all.

6 Q. So if someone were to testify that they saw
7 the three little boys standing behind you on the
8 evening of May the 5th, prior to the time that
9 you went to pick up Pam, they'd be mistaken?

10 A. Most definitely. I can't wait to hear that
11 one.

12 Q. Did you see Stevie at all that day, May the
13 5th?

14 A. No, I did not.

15 Q. Did you see any of the three boys that day?

16 A. No, I did not.

17 Q. So you didn't give Stevie -- what time was
18 Stevie supposed to be home, you said 4:30?

19 A. Pam told me 4:30.

20 Q. Okay. You never gave Stevie permission to
21 stay out later that night?

22 A. No. I never seen Stevie that day.

23 Q. Okay. Did you talk to Stevie that day?

24 A. No.

25 Q. Did you have a phone in your house?

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1 A. Uh-huh, we did.

2 Q. Was it working?

3 A. Sure.

4 Q. Okay. So you and Mr. Jacoby -- so you
5 dropped your daughter Amanda off at Mr. Jacoby's,
6 and you and Mr. Jacoby drove around all over West
7 Memphis looking for the three little boys?

8 A. Good answer.

9 Q. Well, that's not my answer. That's your
10 testimony, right?

11 A. It is.

12 Q. Okay. And you never found them?

13 A. We never.

14 Q. Never saw them?

15 A. Never.

16 Q. At some point, then you -- what time did you
17 stop looking with Mr. Jacoby?

18 A. David had to be at work May the 6th roughly
19 a.m., early a.m. May the 6th.

20 Q. When did you call the police to report that
21 your son was missing?

22 A. When we picked Pam up from work.

23 Q. Which was?

24 A. 9:00 p.m., May the 5th.

25 Q. 9:11 exactly, correct?

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1 A. Okay.

2 Q. Does that sound about right that you made the
3 call at 9:11?

4 A. I know we called from Catfish Island when I
5 picked her up at work.

6 Q. And at that point, Stevie was four-and-a-half
7 hours late?

8 A. 4:30 to 9:00.

9 Q. Why didn't you call the police sooner?

10 A. I was busy looking and just thinking he was
11 playing at some boy's house.

12 Q. Were you mad at him?

13 A. No.

14 Q. You weren't mad at him for being late?

15 A. No. No. We didn't act like that.

16 Q. You didn't act like that? What do you mean
17 by that, sir?

18 A. We just didn't act like that.

19 Q. Were you lenient with him; you didn't punish
20 him much?

21 A. I was -- we was good parents.

22 Q. That's not my question. Did you punish him
23 much?

24 A. No.

25 Q. Didn't you tell the police in June of '07

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1 that you used to hit him with a belt?

2 A. We correct him with a belt. We would whoop
3 him with a belt, but, no, we didn't go around
4 hitting with belts.

5 Q. Well, when you got mad at him, you would hit
6 him -- you would punish him with a belt?

7 A. No.

8 Q. No? So you were lying to the police then?

9 A. No, sure wasn't.

10 Q. Well, what is it? When you would punish him,
11 would you hit him with a belt or not?

12 A. Well, there was other forms of punishment
13 besides whooping them with belts.

14 Q. I understand that, but would you whoop him
15 with a belt?

16 A. I have.

17 Q. And you used to leave marks on him, didn't
18 you?

19 A. Not that I ever seen.

20 Q. Do you lose your temper very often?

21 A. No.

22 Q. Pretty even keel guy?

23 A. Try to be.

24 Q. Have you ever hit your wife?

25 A. Slapped her once.

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1 Q. Only once?

2 A. Uh-huh.

3 Q. You have to answer out loud.

4 A. Yes.

5 Q. All right. So how long before you had to go
6 -- because it's just you and Amanda went to pick
7 up am, Pam, right?

8 A. Correct.

9 Q. So at some point you had to go back to Mr.
10 Jacoby's house to get your daughter?

11 A. Yes.

12 Q. At what point did you go back to Mr. Jacoby's
13 house to get your daughter?

14 A. Before I went and picked Pam up.

15 Q. I understand that. How long?

16 A. I don't know.

17 Q. Did you spend any time at Mr. Jacoby's house
18 after you were out looking and you came back to
19 get Amanda before you went to pick up Pam, or was
20 it -- let's get -- come on, Amanda, we got to go?

21 A. I'm sure I took her over there, dropped her
22 off -- or took him back home, picked her up and
23 we picked Pam up. I'm not sure how long we was
24 there.

25 Q. Did you have something to drink?

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1 A. I don't drink.

2 Q. Glass of water?

3 A. No.

4 Q. And you don't drink? You don't drink
5 alcohol?

6 A. No.

7 Q. Did you then?

8 A. A little bit, socially.

9 Q. Socially. Well, did you have anything to
10 drink that night?

11 A. No.

12 Q. And it's your testimony you weren't mad at
13 your stepson for being out late?

14 A. Correct.

15 Q. When you and Mr. Jacoby were driving around
16 looking for Pam -- looking for Stevie, prior to 9
17 o'clock, did you get out of the car at all?

18 A. Sure.

19 Q. Where?

20 A. Different places in West Memphis.

21 Q. Do you recall --

22 A. Go under -- we pulled up into this wooded
23 place, walked down a path under a bridge.

24 Q. What wooded place?

25 A. I don't know what it's called. Just -- we

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1 didn't know what we was looking for, we was just
2 looking.

3 Q. So you were just walking around in the woods?

4 A. At different times, yes.

5 Q. Did you ever end up walking around in what's
6 referred to as Robin Hill -- Robin --

7 A. We have. We done that.

8 Q. So you and Mr. Jacoby got out and walked
9 around in the Robin -- Robin Hood Hills area
10 prior to the time you picked Pam up looking for
11 the little boys?

12 A. I'm not sure if we went to Robin Hood, but we
13 was all over West Memphis looking for them.

14 Q. My question to you, sir, is when you and Mr.
15 Jacoby were looking for the three little boys,
16 prior to the time that you picked up Pam, did you
17 get out of the car and walk around the Robin --

18 A. I'm not sure.

19 Q. Well, wouldn't that be something -- that
20 would seem to be something that you would
21 remember, if that's where the little boys were
22 eventually found and you were there. So it's
23 your testimony you can't recall if you searched
24 the area where the three little boys were
25 actually found?

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1 A. Correct. No, we didn't.

2 Q. I'm sorry?

3 A. We didn't.

4 Q. You didn't? You didn't search the area?

5 A. Where they were found like you said, no.

6 Q. What about that general area? Did you get
7 out of the car in that general area?

8 MR. THOMAS: Is this question still
9 referring to the same time frame?

10 MR. DAVISON: The same time frame.

11 MR. THOMAS: 15 minutes ago?

12 MR. DAVISON: Absolutely, Ted.

13 A. No, I don't recall. I'm not sure.

14 Q. You don't recall?

15 A. We were in and out all over town, getting in
16 and out going different places looking for our
17 little boys.

18 Q. Okay. And then anything else that you did
19 other than drive around with Mr. Jacoby, in and
20 out of the car, different places, prior to the
21 time that you picked up Pam?

22 A. Not that I recall.

23 Q. Okay. You picked up Pam 9 o'clock?

24 A. (Nodding head up and down.)

25 Q. She came out with some candy for both kids?

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1 A. Correct.

2 Q. And did you tell her that Stevie was still
3 missing or did you walk right past her to make a
4 call?

5 A. No. She come out with two pieces of candy,
6 and she says, where is Stevie, and I said, we
7 haven't found him yet.

8 Q. And then what did she say?

9 A. He's dead.

10 Q. And what did you say?

11 A. Don't say that.

12 Q. Then what happened?

13 A. One of us went and called the police.

14 Q. Who?

15 A. I don't know.

16 Q. You don't remember if you called the police
17 or Pam called the police?

18 A. Sure don't. Don't care.

19 Q. You called the police, didn't you?

20 A. I don't -- couldn't tell you.

21 Q. You don't know?

22 A. Don't know.

23 Q. Do you know what the police were told when
24 they were called at 9:11?

25 A. Huh-uh.

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1 Q. You have to answer out loud.

2 A. No.

3 Q. Do you know what the police's response was?

4 A. They came out and took a police report.

5 Q. Came out where?

6 A. To Catfish Island. We were still there when
7 they came.

8 Q. And how long -- how long did it take for them
9 to get to Catfish Island?

10 A. I'm not sure. It wasn't long.

11 Q. Half-hour, five minutes, hour?

12 A. I'm not sure.

13 Q. What's -- what's not long in that sense of
14 time, Mr. Hobbs?

15 A. I'm not sure of that. We called the police
16 and they showed up. No one timed them.

17 Q. And who was looking for Stevie at this time
18 while you were waiting at Catfish Island for the
19 police to show up?

20 A. Well, I don't know who was looking for
21 Stevie. I don't know.

22 Q. To your knowledge, was anybody?

23 A. I don't know if there was anybody out there
24 looking for Stevie.

25 Q. Well, was anybody looking for the other two

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1 boys as well?

2 A. You would hope.

3 Q. But you don't know that?

4 A. Correct.

5 Q. And then the police came to Catfish Island,
6 you made a police report, right?

7 A. We did.

8 Q. And then what happened -- then what happened?

9 A. We leave Catfish Island, and we go to Robin
10 Hood with the police.

11 Q. Why did you go to Robin Hood with the police?

12 A. That's the last place that we had heard that
13 someone had seen them.

14 Q. Well, wait a second now. Who said that they
15 had seen the boys at Robin Hood?

16 A. A lot of people.

17 Q. Who?

18 A. I don't know their names.

19 Q. Can you give me one person who told you,
20 prior to the time that the police came to
21 Catfish, who told you that they had seen the boys
22 at Robin Hood?

23 A. No, I cannot.

24 Q. Well -- and you told the police that they
25 were last seen at Robin Hood, right?

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1 A. That's what we had been told.

2 Q. Who told you -- and when you say we, that's
3 what somebody had told you?

4 A. Exactly.

5 Q. And who had told you that the boys were last
6 seen at Robin Hood?

7 A. I'm not sure of their names.

8 Q. Well --

9 A. A local.

10 Q. Where did you find these people?

11 A. We were going door to door or people out in
12 their front yards asking, have you seen three
13 little boys.

14 Q. On bicycles?

15 A. Uh-huh. Yes. Someone had told us that we
16 had seen them going into Robin Hood.

17 Q. And do you recall -- you don't recall who
18 that was?

19 A. No, I don't.

20 Q. It was someone in your neighborhood?

21 A. No. In the neighborhood, the Robin Hood.

22 Q. Was it a man or a woman who told you that?

23 A. Seemed like it was a man.

24 Q. Do you recall -- I take it you don't know
25 that person's name?

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1 A. Correct.

2 Q. Do you know how old that person was?

3 A. No.

4 Q. Teenager, elderly person?

5 A. Older person.

6 Q. Kind of old like me or old like my
7 grandfather?

8 A. I couldn't tell you. Just older. An adult.

9 Q. An adult. Okay. And was this between 4:00
10 and 6:00 before you went to the Jacoby's that
11 somebody told you this or was this when you were
12 with Mr. Jacoby driving around?

13 A. It was before I picked Pam up.

14 Q. That's not my question.

15 A. I'm not sure of your answer.

16 Q. Well, that's not my answer, it's your answer.
17 I want to know, did the person who told you that
18 they had last seen the boys in the Robin Hood
19 area, was that before or after you went to Mr.
20 Jacoby's house?

21 A. I'm not sure.

22 Q. Were you alone searching for Stevie anytime
23 between 4:00 and 6 o'clock?

24 A. No.

25 Q. Were you alone searching for Stevie anytime

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1 between -- well, let me back up. Between 4:00
2 and 6:00, it was you and Amanda?

3 A. Me and Amanda after we took Pam to work.

4 Q. Okay. And Amanda at this point was four?

5 A. She was.

6 Q. And between 6 o'clock and, say, 7 o'clock,
7 were you alone at any point and time looking for
8 Stevie?

9 A. Not, not to my knowledge.

10 Q. It was always with Amanda?

11 A. Amanda or David.

12 Q. And Mr. Jacoby --

13 A. And there's a time I picked David up.

14 Q. All right. And then you were with David from
15 the time that you dropped Amanda off at his house
16 until you went back to his house to pick up
17 Amanda to go get Pam; is that your testimony?

18 A. I was with David and a lot of other people
19 from time to time.

20 Q. And the other people were the other people in
21 the neighborhood looking for the three little
22 boys?

23 A. Yes, sir.

24 Q. Okay. After you picked Amanda -- after you
25 picked Pam up, you went back to your house?

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1 A. We went to Robin Hood first.

2 Q. Went to Robin Hood first. With the police?

3 A. Correct.

4 Q. Did you go into the woods?

5 A. We did.

6 Q. Did you see anything?

7 A. Woods. Grewed up brush.

8 Q. How long were you at Robin Hood with the
9 police?

10 A. I don't recall.

11 Q. Was it a long time or short time?

12 A. Short time, because it was coming up on their
13 shift change.

14 Q. Do you recall when the shift change was?

15 A. No, I don't.

16 Q. And how many police officers were with you
17 and Pam and Amanda looking in the Robin Hood
18 area?

19 A. Well, first of all, Amanda wasn't there.

20 Q. Oh, I thought Amanda -- I thought you went
21 straight from Catfish to --

22 A. No. I think she sat in the car. I don't
23 think she got out.

24 Q. Okay. But she was with you in the car but
25 didn't get out?

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1 A. Right.

2 Q. Okay. Okay. And then you and Pam and the
3 police officer got out?

4 A. Uh-huh. Yes.

5 Q. How many police officers were there?

6 A. One.

7 Q. And do you recall who that was?

8 A. Regina Meeks.

9 Q. Okay. And how long -- you don't recall how
10 long you spent there?

11 A. No, but it wasn't long.

12 Q. Five minutes?

13 A. Maybe that or a little longer.

14 Q. And then after that you went home?

15 A. I believe we did.

16 Q. Okay. And what did you do when you got -- do
17 you recall what time you got home?

18 A. No, sir.

19 Q. Approximate?

20 A. No.

21 Q. Do you have any idea, a sense of how long
22 between the time Pam had gotten off work until
23 the time you got home?

24 A. No, I don't.

25 Q. What happened when you got home?

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1 A. Well, we changed clothes and went back out.

2 Q. Pam changed both clothes out of her work
3 clothes?

4 A. She did.

5 Q. And you changed clothes?

6 A. Probably. I don't remember.

7 Q. Why would you have changed clothes?

8 A. I said probably. I don't remember.

9 Q. If -- probably -- if you changed clothes, why
10 would you have changed clothes?

11 A. Because I wanted to.

12 Q. Why?

13 A. I don't have a why.

14 Q. You just did?

15 A. If I did, it's because I wanted to. I might
16 have had on nicer clothes and wanted to put on
17 something that wasn't so nice. We had been out
18 there in the woods.

19 Q. Okay. And how long were you at home before
20 you and Pam then went back out?

21 A. I'm not sure.

22 Q. And did you and Pam then go out together?

23 A. We did.

24 Q. Who was watching Amanda?

25 A. Probably the Jacobys.

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1 Q. Did you take Amanda to the Jacobys or were
2 the Jacobys at your house?

3 A. No. We probably took her back over there.

4 Q. So you took -- I'm just trying to figure out
5 what happened. So then you and Pam changed, you
6 took Amanda to the Jacobys?

7 A. We did.

8 Q. You and Pam took Amanda to the Jacobys,
9 dropped her off, and then went and searched some
10 more?

11 A. Yes, sir.

12 Q. Where did you go -- and just you and Pam at
13 that point?

14 A. David might have went with us. As a matter
15 of fact, David did go with us.

16 Q. Walk or driving?

17 A. Driving.

18 Q. Your car or his car?

19 A. Probably ours.

20 Q. Okay. Do you recall what car?

21 A. No, because -- no, I don't.

22 Q. Okay. Where did you go look?

23 A. Well, we -- it was kind of hard to get your
24 focus off of Robin Hood, because we were told
25 that they were last seen going into Robin Hood,

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1 and not knowing was Robin Hood was, when you go
2 out there and look at it, it was a place that you
3 didn't want to see your kids hanging out at, so
4 we went back to Robin Hood.

5 Q. Direct off from the Jacobys?

6 A. Well, I'm not going to say direct.

7 Q. But that was where you were -- it's where you
8 ended up?

9 A. It was.

10 Q. Do you recall about what time you got to
11 Robin Hood with you and Mr. Jacoby and Pam?

12 A. No, I don't.

13 Q. Did you get out of the car? Did you guys get
14 out of the car?

15 A. We did.

16 Q. Did you walk back into the woods?

17 A. Yeah, we did.

18 Q. Were there areas of the woods that you just
19 didn't go back in because you didn't -- didn't
20 like the feeling?

21 A. Just didn't -- we didn't know what was out
22 there.

23 Q. That's not my question. My question was,
24 were there parts of the woods that you have said
25 that you just got a bad feeling and you didn't

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1 want to go back into?

2 A. Yeah.

3 Q. Describe -- describe that for me.

4 A. Well, it's dark, and you don't know what's
5 out there, so you just don't want to go out
6 there.

7 Q. But your stepson is out there?

8 A. We didn't know that.

9 Q. Well, you know he's somewhere?

10 A. Well, we didn't know he was out there.

11 Q. You knew he was out there missing?

12 A. We knew he was last seen going -- someone
13 said they had last seen him going in there. We
14 did not know he was out there.

15 Q. And did you say, I'm not going back in there?

16 A. I don't recall that.

17 Q. Did you say, I have a bad feeling about this
18 place; I'm not going back there?

19 A. Well, it was a part of it.

20 Q. And who did you --

21 A. I might have said that.

22 Q. Who would you have told that to, I've got a
23 bad feeling about this place; I'm not going back
24 there?

25 A. David and my father-in-law, Jackie Hicks, Sr.

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1 Q. Oh, Jackie was with you now, too?

2 A. He was.

3 Q. Who else was with you?

4 A. Well, there was different people at different
5 times.

6 Q. How many people -- when did your
7 father-in-law hook up with you after you went to
8 the Jacobys?

9 A. Pam called him.

10 Q. That's not -- my question was, when did he
11 hook up with you as part of the search, because
12 when we left the Jacobys, it was you and Mr.
13 Jacoby and Amanda -- I'm sorry -- and Pam in the
14 car. So I'm trying to figure out when all these
15 other people joined up with you?

16 A. Amanda was probably at the -- stayed at the
17 Jacobys.

18 Q. Exactly. And it was you and Pam and
19 Mr. Jacoby?

20 A. And her dad and mother were in route from
21 Blytheville to West Memphis.

22 Q. And how did they know to end up at Robin
23 Hood?

24 A. We met up with them somewhere.

25 Q. Where?

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1 A. Couldn't tell you.

2 Q. When?

3 A. Couldn't tell you.

4 Q. Was that before or after you had been to
5 Robin Hood the first time?

6 A. Probably after. Well, I know it was.

7 Q. First time was with the police?

8 A. Right. The first time might have been before
9 the police when we was in the neighborhood
10 walking around.

11 Q. With you and David?

12 A. And some of the neighborhood locals.

13 Q. Okay. And then you went back with the
14 police?

15 A. Correct, and with Pam.

16 Q. And Pam. And then you went -- you and
17 Mr. Jacoby and Pam. Was that just the three of
18 you, and then you went back a fourth time, or did
19 you have your father-in-law and a bunch of other
20 folks there?

21 A. We were in and out of Robin Hood all night
22 long.

23 Q. Okay. Okay. And at one point Mr. Jacoby had
24 to go home because he had to be at work the next
25 day, right?

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1 A. Correct.

2 Q. And what time was that did Mr. Jacoby --

3 A. a.m., early a.m.

4 Q. What time did you take Mr. Jacoby back to his
5 house?

6 A. I'm not sure.

7 Q. Before midnight or after midnight?

8 A. After.

9 Q. Before 2:00 or after 2:00?

10 A. I'm not sure.

11 Q. Sometime between midnight and 2:00?

12 A. Before daylight.

13 Q. That's not my question.

14 A. I'm not sure.

15 Q. Before 2:00?

16 A. I'm not sure.

17 Q. After you dropped Mr. Jacoby off at his
18 house, you went back to your -- you and Pam went
19 back to your house?

20 A. Seemed like we might have.

21 Q. Well, you did, right, that's what's in the
22 journal; that's what's been testified to; that's
23 what you told the police, right?

24 A. Okay.

25 Q. Well, I'm not okay. That's what you told the

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1 police, right?

2 A. Right.

3 Q. And then -- then what happened?

4 A. Well, we go to school the morning of the 6th,
5 where the boys went to school, to see if they
6 have arrived at school, and they were not there.

7 Q. Okay. So when you got home, after you
8 dropped Mr. Jacoby off and you and Pam went home,
9 what happened, Mr. Hobbs, between then and when
10 you went to school?

11 A. Well, I know the media showed up and did a
12 live interview, because we had been trying to get
13 -- we were in and out of the police department
14 three -- two or three times that night down there
15 asking them for help. We were --

16 Q. And the police weren't searching at that
17 point, were they?

18 A. We didn't see them.

19 Q. Okay. It was all just private citizens?

20 A. Family.

21 Q. Family?

22 A. Friends.

23 Q. Neighbors, friends. But the media showed up,
24 they were at the school, right, or were they at
25 your house?

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1 A. Seemed like the media was out in Robin Hood.
2 I don't really remember, but it seemed like they
3 were in Robin Hood.

4 Q. Okay. But my question is between, say, 2
5 o'clock when you -- or whenever you dropped
6 Mr. Jacoby off, sometime between midnight and
7 2:00, and you went back to the house --

8 A. Seemed like I dropped Mr. Jacoby off -- or I
9 didn't drop him off -- or we might have, I'm not
10 sure -- but he had to be at work a.m. on the 6th.

11 Q. I understand that. And so he got --

12 A. I wanted him to go to work and tell our boss
13 what we was doing.

14 Q. So is it your testimony Mr. Jacoby was with
15 you all night until he went to work; is that your
16 testimony?

17 A. Well, he was with Pam -- there was a time he
18 was with Pam, and there was a -- or we might have
19 all been together, yeah, I wouldn't doubt it.

20 Q. Well, I'm trying to figure out what happened,
21 and I want you to tell me the best you can, Mr.
22 Hobbs, under oath, did you take Mr. Jacoby home
23 sometime before 2:00 so he could get some sleep
24 before work, or was he with you right up until
25 the time he had to go to work?

KELLY HILL, CCR
501-353-2220

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1 A. I don't remember that.

2 Q. Was there a point in time when you went home
3 and left Pam at home?

4 A. No.

5 Q. So Pam was with you all night?

6 A. Or her dad and mom, they come down and we
7 went in separate vehicles. There was a time when
8 me and David rode around. There was a time when
9 me and Pam rode around. There was a time we all
10 followed each other around.

11 Q. From -- I want to specifically focus on what
12 happened, say, between 1:00 in the morning and
13 6:00 in the morning. Where were you?

14 A. With family and friends and the police.

15 Q. And there was -- so it's your testimony there
16 was never a point and time when you were alone
17 between 1:00 and 6:00 a.m.; is that your
18 testimony, sir?

19 A. I believe that's correct.

20 Q. Okay. And were you out searching this entire
21 time or were you at home?

22 A. Searching.

23 Q. So you never were at home?

24 A. Well, there was a time we went home. I'm not
25 sure what time, but, yeah, there was a time we

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1 went home.

2 Q. And then after you went home, did you go back
3 out?

4 A. Sure.

5 Q. And did Pam go with you?

6 A. Yeah.

7 Q. Okay. Where did you go searching then?

8 A. Robin Hood, riding around West Memphis, at
9 the school.

10 Q. And did you do -- there's been some
11 discussion in the media over the years about you
12 doing laundry the evening of the 5th or the
13 morning of the 6th; do you recall that?

14 A. Didn't happen.

15 Q. You didn't do any laundry?

16 A. No, I didn't.

17 Q. So if someone were to testify that they saw
18 you doing laundry in the morning of the -- the
19 evening of the 5th or morning of the 6th, beds --
20 bed sheets, drapes, curtains, clothes, all that
21 crap, all that stuff, they would be lying?

22 A. Most definitely.

23 Q. Would you agree with me, that under the
24 circumstances, that if you had done laundry, that
25 that would have been a most unusual time to do

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1 it?

2 A. Well, I'm not going to agree with you,
3 because it didn't happen.

4 Q. But if it did happen?

5 A. It didn't.

6 Q. Assume with me that it did --

7 A. I will not.

8 Q. Would you agree that it would be most unusual
9 to do laundry at that point, given what's going
10 on in your life at that point, sir?

11 A. Somebody -- well, it didn't happen in my
12 life, so I don't know how to answer that.

13 Q. If Pam would have done laundry, would you
14 have agreed that that would have been the most
15 unusual time to do laundry?

16 A. We don't have a schedule for doing things.
17 We just done them.

18 Q. That's not my question. Would you agree,
19 that if someone's child had been missing, is
20 missing, and that a police report has been filed
21 and that family and friends are out searching the
22 night and searching the woods, that it would be
23 most unusual for a parent of one of those missing
24 children to do laundry?

25 A. If it happened, it probably would be.

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1 Q. Would be most unusual?

2 A. I would think.

3 Q. Did you speak with the media on the morning
4 of the 6th?

5 A. I'm not sure.

6 Q. Mr. Hobbs, we've been going for some period
7 of time. This is probably a good time to take a
8 break. A five-minute, what I like to call a
9 personal comfort break.

10 A. Sounds good.

11 VIDEOGRAPHER: We're going off
12 record for a break at 10:43 a.m.

13 (A break was taken.)

14 (Back on the record.)

15 VIDEOGRAPHER: And we're now back on
16 record after a break at 10:58 a.m.

17 Q. (By Mr. Davison) Mr. Hobbs, you understand
18 you're still under oath?

19 A. Yes, sir.

20 Q. Why do you think the little boys were killed?

21 A. Don't know why.

22 Q. Do you think it was something that got out of
23 hand or --

24 A. I don't know.

25 Q. -- do you think it was planned?

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1 A. I don't know.

2 Q. Did you ever tell anybody that you thought it
3 was something that got out of hand?

4 A. I don't remember that.

5 Q. Do you remember telling anybody that you
6 didn't think people could handle the truth of
7 what happened?

8 A. I don't recall that.

9 Q. You don't recall that?

10 A. Huh-uh.

11 Q. If somebody testified that you said that,
12 would they be lying?

13 A. I'm not sure.

14 Q. In your journal, you said that the boys were
15 overkilled; what did you mean by that?

16 A. The Medical Examiner made that statement. I
17 was just repeating him.

18 Q. So it's okay to repeat things that are said
19 in court?

20 A. I did mine.

21 Q. I'm sorry?

22 A. I did mine.

23 Q. I still didn't hear you. I'm sorry.

24 A. I did repeat his statement.

25 Q. And that's okay; that doesn't -- there's

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1 nothing wrong with that, is there?

2 A. I don't know.

3 Q. Well, you didn't think you did anything wrong
4 when you repeated what the Medical Examiner said
5 in court, did you?

6 A. That's what he said.

7 Q. Well, did you think you were saying or doing
8 anything when you repeated what was said in
9 court?

10 A. No.

11 Q. Okay. After you divorced Pam, or maybe even
12 before you divorced Pam, you had a girlfriend,
13 didn't you?

14 A. That would have been after.

15 Q. Okay. After you divorced Pam. You had a
16 girlfriend, right?

17 A. I had a lady friend.

18 Q. What was her name?

19 A. One of them was Sharon Nelson.

20 Q. Okay. When you start -- when did you start
21 dating Ms. Nelson?

22 A. I couldn't tell you.

23 Q. Is she an honest lady?

24 A. Well, you might want to ask her.

25 Q. I'm asking you. Do you have an opinion as to

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1 whether or not she's an honest and truthful lady?

2 A. I don't know.

3 Q. Do you have any reason to doubt anything that
4 she says?

5 A. Sure do.

6 Q. Why?

7 A. Because of the statement that she made to
8 somebody.

9 Q. And what statement are you referring to?

10 A. The one that you have a copy of.

11 Q. Okay. You don't know what statements I have.
12 What statement are you --

13 A. I do, too.

14 Q. What statement are you referring to?

15 A. The one you have a copy of made by Ms. Sharon
16 Nelson.

17 Q. Well, what did she say that causes you to
18 question whether or not she's an honest and
19 truthful woman?

20 A. She made the statement that I told her that I
21 discovered the boys' body before the police.

22 Q. What else did she say?

23 A. I couldn't tell you.

24 Q. Did you ever tell her that?

25 A. Never, not one time in my life.

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1 Q. Did you do drugs when you were around her --

2 A. No.

3 Q. You didn't do any drugs when you were around
4 her?

5 A. No.

6 Q. Do any drinking when you were around her? Is
7 that still when you were drinking?

8 A. If I did, it would have been a beer.

9 Q. Just a beer?

10 A. Probably. I'm not sure if I did or not.

11 Q. And at what time was she your -- not
12 girlfriend -- woman friend, lady friend?

13 A. You said what time?

14 Q. During what time frame?

15 A. After I divorced Pam.

16 Q. When did you divorce Pam?

17 A. Seemed like that was in '05, '06. '05 maybe.

18 Q. And how long after you divorced Pam in '05,
19 '06 did you get this lady friend?

20 A. I don't know.

21 Q. '06, '07, '07, '08?

22 A. Sounds good.

23 Q. No, I'm not trying to put words in your
24 mouth. I want you to tell me when you first --

25 A. I don't keep up with stuff like that.

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1 Q. Did you live with her?

2 A. No.

3 Q. No?

4 A. I had my own home.

5 Q. Had your own home. She was your lady friend?

6 A. Uh-huh.

7 Q. Close?

8 A. Close, no.

9 Q. Intimate?

10 A. I don't know.

11 Q. Well, were you intimate with her?

12 A. I doubt it.

13 Q. So you don't remember if you remember
14 intimate with her?

15 A. Probably.

16 Q. Probably?

17 A. Yes. She's not the type that you just hook
18 up with.

19 Q. What do you mean by that?

20 A. She wasn't my pick of the litter.

21 Q. And what do you mean by that?

22 A. Just what I said.

23 Q. When you say she wasn't your pick of the
24 litter, what does that mean? I'm not familiar
25 with that term.

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1 A. There's nicer ladies out there.

2 Q. But you spent time with her?

3 A. I did.

4 Q. Had conversations with her?

5 A. Sure.

6 Q. Had conversations with her about Stevie and
7 the murders?

8 A. About Stevie, sure.

9 Q. Sure. Had conversations with her about the
10 murders?

11 A. No.

12 Q. No. No conversation -- no conversations
13 about the trial?

14 A. Probably with the trial.

15 Q. With the trial. Any conversations with her
16 about the West Memphis Three?

17 A. Probably.

18 Q. Okay. And did you tell her -- at any point
19 and time did you discuss with her what happened
20 -- what you thought happened to the three little
21 boys?

22 A. Probably to some degree.

23 Q. What did you tell her?

24 A. I couldn't tell you.

25 Q. Were you honest and truthful with her?

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1 A. I tried to be.

2 Q. And -- now, she has said that you told her
3 that you found the little boys prior to the
4 police finding them, right?

5 A. I read that.

6 Q. Okay. Did you? Did you find the little boys
7 prior to the police finding them, Mr. Hobbs?

8 A. No, sir. Mike Allen of the West Memphis
9 Police Department found those little boys.

10 Q. My question is, did you find them before he
11 did?

12 A. No, I did not.

13 Q. Did you put them underwater before he did?

14 A. No. He didn't do it either.

15 Q. Oh, he didn't do it either. It never said he
16 did it. As a matter of fact, no one -- Ms.
17 Hobbs -- Ms. Pasdar didn't say you did it either,
18 did she? She didn't say you did that.

19 MR. THOMAS: Objection. Calls for a
20 legal conclusion.

21 Q. You're not aware of Ms. Hobbs -- Ms. Pasdar
22 ever saying you did that, are you?

23 A. You need to check with her.

24 Q. No, I need to check with you. Are you aware
25 of her saying at any point and time that you

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1 killed those little boys?

2 A. Yeah, I believe she did.

3 Q. When? When did she say you killed --

4 A. In Little Rock on the internet.

5 Q. And when you say Little Rock, you mean the
6 rally?

7 A. Uh-huh.

8 Q. Have you looked at the Youtube video of that
9 rally?

10 A. No, I haven't.

11 Q. Do you know if your name is even mentioned at
12 the rally?

13 A. Seemed like it was.

14 Q. Why do you say that? Who told you that it
15 was?

16 A. The newspaper, the media, TVs.

17 Q. And they said that she -- and it's your
18 testimony that the media and the newspapers
19 reported that Ms. Pasdar mentioned you by name at
20 the rally?

21 A. She brought up the new DNA, and everybody
22 knew what the new DNA was all about.

23 Q. How did they know?

24 A. Ask them.

25 Q. Well, I'm going to ask you, and the reason

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1 is, is after the DNA results, you were informed
2 by the DNA results, you picked up or you had
3 somebody pick the phone and call the media
4 yourself, didn't you?

5 A. I don't remember that.

6 Q. You don't remember reaching out to the media
7 to get your story out about the DNA prior to --

8 A. Sure.

9 Q. You did, didn't you?

10 A. After the fact.

11 Q. After what fact?

12 A. That they come up with some new DNA.

13 Q. Right. But it was before the -- it was
14 before you were interviewed by the police that
15 you reached out to the media, isn't it?

16 A. I'm not sure.

17 Q. It was before they filed their habeas corpus
18 that you reached out to the media, wasn't it?

19 A. I'm not sure.

20 Q. Who reached out -- did you reach out to the
21 media or was that Mr. Sampson or someone else?

22 A. The media came looking for me.

23 Q. But didn't you call the media?

24 A. Well, the media came looking for me. I went
25 and got ahold of Mr. Sampson and asked him if he

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1 would talk to the media, because I was tired of
2 them.

3 Q. You called Jamie Roach, didn't you -- Janice
4 Broach? You called Janice Broach, didn't you?

5 A. I've called Janice several times.

6 Q. And who is Janice Broach?

7 A. She's Janice Broach. She's a reporter.

8 Q. For who?

9 A. Channel 5 in Memphis.

10 Q. Channel 5. That one of the networks?

11 A. Local TV station.

12 Q. Do they have a network affiliation, like NBC
13 or ABC Fox?

14 A. I'm not sure. Seems like they do, but I'm
15 not sure.

16 Q. Okay. And how many times over the years have
17 you reached out to Ms. Broach?

18 A. I've talked to her a few times, but I'm not
19 sure how many.

20 Q. More than five?

21 A. I imagine.

22 Q. More than so?

23 A. I couldn't tell you.

24 Q. How many times have you called her about a
25 story?

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1 A. I'm not sure.

2 Q. Isn't it true, Mr. Hobbs, that prior to the
3 time the D -- that the new DNA results were made
4 public, that you called Ms. Broach, told her
5 about the results, and that you wanted to talk to
6 her about it?

7 A. I'm not sure about that.

8 Q. You did do it, though, didn't you?

9 A. I'm not sure.

10 Q. You or somebody on your behalf?

11 A. I'm not sure.

12 Q. You're not sure. Well, who would know? If
13 Ms. Broach testifies to that, do you think she's
14 a liar?

15 A. No, I like -- I trust her.

16 Q. You think -- so if she said that you did, you
17 think that would be right?

18 A. Well, I don't know what she would say, but --

19 Q. If someone were to testify that you contacted
20 the media, prior to the public release of the
21 DNA, in an effort to get your side of the story
22 out on the DNA, would that be a lie?

23 A. I don't know. I don't recall that.

24 Q. Well, did you contact -- did you contact the
25 media and try to get your side of the story out?

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1 A. I did at one point.

2 Q. When was that?

3 A. After all this stuff was going on.

4 Q. What stuff are you talking about?

5 A. They had my DNA supposedly out there, and
6 people were looking at me like he was a suspect.
7 That's when I wanted my story out there.

8 Q. And this was before you were interviewed by
9 the police, right, because the police were
10 responding to all --

11 A. I'm not sure about that.

12 Q. The police were responding to all the
13 questions and public inquiry about whether or not
14 it was your DNA found in the ligature of that
15 little boy, right?

16 A. I'm not sure. The police have never told me
17 that it was my DNA.

18 Q. Well, didn't the police and some of the press
19 say, that, yeah, it was your DNA, but that it got
20 there by -- what do they call it -- transfer?

21 A. Okay.

22 Q. Didn't the police -- didn't the police say
23 that?

24 MR. THOMAS: Objection. That's a
25 hearsay statement.

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1 A. Yeah, I'm not sure.

2 Q. You don't recall the police ever saying that
3 that was your DNA, but it got there via innocent
4 transfer?

5 A. I do recall the police saying that Mr. Hobbs
6 was not a suspect in '93 and he's not one in '07.

7 Q. That's not my question. My question was, do
8 you recall the police saying that it was your
9 DNA, but that it had gotten there through
10 innocent transfer?

11 A. I don't recall that.

12 Q. Do you recall Mr. Sampson testify -- not
13 testifying -- stating in a question to the media,
14 that, sure, it could be your DNA, but it would
15 have gotten there through innocent transfer? Do
16 you recall Mr. Sampson saying that in your
17 presence to the immediate?

18 A. I don't remember. You'll have to ask Ross.

19 Q. Isn't that what happened?

20 A. What?

21 Q. That it is your hair and it got there through
22 innocent transfer?

23 A. The police has never told me it was my hair.

24 Q. That wasn't my question, now, was it, Mr.
25 Hobbs?

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1 A. Well, you might need to ask them, because I
2 don't know.

3 Q. Do you think it was your hair?

4 A. No.

5 Q. Why not?

6 A. It could have been.

7 Q. Could have been. Do you know what percentage
8 of the population matched that hair?

9 A. Seemed like it was one in -- versus two or
10 three million.

11 Q. One in two or three million?

12 A. I'm just guessing. There were statistics on
13 it.

14 Q. One or two -- two or three million match or
15 one or two in two or three million can be
16 excluded?

17 A. Whichever.

18 Q. Well, there's a big difference, isn't there?

19 A. I'm not sure.

20 MR. THOMAS: Objection, lack of
21 foundation. He's not an expert on DNA or
22 statistics.

23 Q. Who -- who first told you about the DNA
24 match?

25 A. Ron Lax.

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1 Q. And who is Mr. Lax?

2 A. He is a -- one of the investigators for
3 Damien Echols.

4 Q. And what did you say when Mr. Lax told you
5 that your DNA was found in the ligature of one of
6 the knots that tied up the three little boys?

7 A. I don't remember what all was said. I
8 probably cussed him.

9 Q. You don't like him, do you?

10 A. I don't know him. I've met him through this.

11 Q. You don't like him, do you?

12 A. I met him through this. He has -- he could
13 have had a better attitude.

14 Q. Would it be fair to say you're not going to
15 exchange Christmas cards?

16 A. Exactly.

17 Q. Do you recall what Mr. Lax told you?

18 A. Oh, yeah.

19 Q. What did he tell you?

20 A. What are you going to do when I sic the dogs
21 on you.

22 Q. Meaning -- meaning what to you?

23 A. Ask him.

24 Q. Well, when he told you, what are you going to
25 do when I sic the dogs on you, what did you

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1 understand that to be?

2 A. I wouldn't cooperate with him. I owed him
3 nothing.

4 Q. That's not my question. My question, is what
5 did you --

6 A. He threatened me with the dogs. Now, you
7 might ask him what are the dogs.

8 Q. And what did you say in response when he
9 threatened you with the dogs?

10 A. Probably a bad word.

11 Q. Anything else?

12 A. Probably two bad words.

13 Q. Just cussed him out and left?

14 A. Probably.

15 Q. All right. And after he told you, that's
16 when you called Janice Broach, isn't it?

17 A. I'm not sure about that time frame.

18 Q. Okay. Let's go back to your lady friend.
19 She also testified, that not only had you found
20 the little boys prior to the time that the police
21 did, but you said that they were buried
22 underwater. What did you mean when you said
23 that?

24 A. Well, you -- you pick up on that through the
25 media, because the media had put out there that

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1 the boys were buried underwater; that's the only
2 way we knew that.

3 Q. So you did tell her that the boys were buried
4 underwater?

5 A. I'm not sure.

6 Q. Well, did you or didn't you?

7 A. I don't know.

8 Q. Do you think Pam is a good person?

9 A. I was married to Pam for 17 years.

10 Q. Do you think she's a good person?

11 A. I wouldn't have stayed married to her if I
12 didn't think otherwise.

13 Q. Do you think she's an honest person?

14 A. I think she has some problems.

15 Q. That's not my question. People can have
16 problems and still be honest folks. Mr. Hobbs,
17 my question is, do you think she's an honest
18 person?

19 A. No, not all the time.

20 Q. Do you think she's a truthful person?

21 A. Not all the time.

22 Q. When do you think she's not honest and
23 truthful?

24 A. When she's mad.

25 Q. Any other time?

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1 A. She gets mad.

2 Q. Any other time?

3 A. I'm not sure.

4 Q. Was she a good mom to Stevie?

5 A. Sure.

6 Q. Good mom to Amanda?

7 A. Sure.

8 Q. I'm going to ask about some of the other --

9 let me back up. Do you think that Pam would be
10 honest and truthful in her statements regarding
11 the murders and the involvement of either the
12 West Memphis Three or you?

13 A. Pam has been wishy-washy. She jumped from
14 one side to the other.

15 Q. My question to you, sir, is do you think that
16 she'll be an honest and truthful person when it
17 comes to what happened with regard to the West
18 Memphis Three and the murders and your
19 involvement in the search, all of the actions
20 about the event?

21 A. Do I think she would be honest, I would hope
22 so.

23 Q. Okay. You have no reason to think otherwise?

24 A. Oh, yeah, there's reasons.

25 Q. There's reasons. Just because you --

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1 A. Depends on what day she gets up.

2 Q. What do you mean by that?

3 A. She'll get up one day thinking one thing, and
4 she'll get up the next day thinking the other.

5 Q. Okay.

6 VIDEOGRAPHER: Mr. Davison, we have
7 less than a few minutes.

8 MR. DAVISON: Why don't we change
9 the tape then.

10 VIDEOGRAPHER: We're going off
11 record for a tape change at 11:15 a.m.

12 (Off the record.)

13 (Back on the record.)

14 VIDEOGRAPHER: We're back on record
15 after a tape change at 11:17 a.m.

16 Q. (By Mr. Davison) Mr. Hobbs, you understand
17 you're still under oath?

18 A. I do.

19 Q. Other than Ms. Nelson -- other than the
20 statement about you finding the bodies before the
21 police did, other than that statement, do you
22 believe that she is an honest person?

23 A. After that statement, you don't know what to
24 believe about her.

25 Q. Any other statements that she's made that you

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1 think are false?

2 A. I -- I don't know. I don't know what all
3 she's made.

4 Q. Why do you think -- why do you think -- I
5 guess your testimony is she's making that up?

6 A. We talked you know, about whatever, but when
7 it come to that, that's fabricated.

8 Q. Okay. When you say you talked about
9 whatever, you talked about the murders and the
10 search and all that, I would assume that that's
11 something that you talked with your lady friend
12 about?

13 A. Okay.

14 Q. A big part of your life?

15 A. Okay.

16 Q. Is that fair?

17 A. That's fair.

18 Q. All right. And when you were talking to your
19 lady friend about it and whatnot, why do you
20 think she's making it up?

21 A. You have to ask her that.

22 Q. I'm asking you.

23 A. I don't know.

24 Q. You don't know?

25 A. Huh-uh. I don't know.

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1 Q. Who is Marie Hicks?

2 A. That's Pam's mother.

3 Q. Like her?

4 A. She was my mother-in-law for 17 years.

5 Q. That's a loaded question, but do you like
6 her?

7 A. I always tried to get along with her.

8 Q. All right. Do you think she's -- she's an
9 honest lady?

10 A. Oh, no.

11 Q. Oh, no?

12 A. No, sir.

13 Q. Why do you say that?

14 A. Because I've done been through that one.

15 Q. What do you mean by that?

16 A. I heard that woman lie on me like a dog.

17 Q. What have she said -- lie like a dog about
18 you?

19 A. In court up there in Blytheville.

20 Q. I'm sorry?

21 A. Ex parte. They tried to get an ex parte
22 against my daughter, and they got up in front of
23 that judge and told some of the biggest lies you
24 ever heard.

25 Q. That's about the allegations that you

1 sexually abused Amanda?

2 A. All kinds of things. Allegations of that and
3 drug abuse and drug addiction and alcoholic, and
4 I'm none of the above.

5 Q. And was this in the divorce or was this
6 something else?

7 A. This was before the divorce.

8 Q. Okay. She made -- she got up and testified
9 at court that you had used drugs?

10 A. Oh, yes.

11 Q. And that's a lie?

12 A. Uh-huh.

13 Q. Right?

14 A. Uh-huh.

15 Q. And she testified --

16 A. They was talking about he's a drug addict,
17 you know.

18 Q. And you weren't a drug addict?

19 A. Never have been.

20 Q. What's a drug addict? How do you define a
21 drug addict, Terry?

22 A. Someone that uses drugs all the time, I
23 guess.

24 Q. All right.

25 A. I don't know.

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1 Q. And she testified that you abuse alcohol?

2 A. Uh-huh.

3 Q. Right?

4 A. Uh-huh, she did.

5 Q. And she testified that you abused Amanda,
6 right, sexually abuse Amanda?

7 A. I'm not sure about that one, but I've heard
8 it out of this family.

9 Q. Well, there were formal allegations that you
10 sexually abused your daughter, were there not?

11 A. I know that.

12 Q. And they were brought to court?

13 A. I don't think they ever been brought to
14 court.

15 Q. Brought to court?

16 A. No.

17 Q. What do you recall the allegations that the
18 family made against you about abusing your
19 daughter?

20 A. What do I recall?

21 Q. Uh-huh.

22 A. A bunch of junk, garbage, bunch of stuff they
23 sat around and make up just to have something to
24 do.

25 Q. And you never did that -- you never abused

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1 your daughter?

2 A. No, sir, I never have.

3 Q. Someone --

4 A. I love my daughter. I love my son.

5 Q. Someone who did that -- someone who is a
6 child abuser, you would agree would have a pretty
7 poor reputation in the community, would they not?

8 MR. THOMAS: Objection. Calls for a
9 legal conclusion.

10 Q. Just in your opinion, if someone who is a
11 child abuser, would they have a poor reputation
12 in the community?

13 A. I would think.

14 Q. Okay. And what about someone who is a drug
15 addict, would they have a bad reputation in the
16 community, Mr. Hobbs?

17 A. I would think.

18 Q. And someone who uses cocaine, would they have
19 a bad reputation in the community?

20 A. You would think.

21 Q. Okay. And someone who uses marijuana, would
22 they have a bad reputation in the community?

23 A. Ask the community. I'm not sure.

24 Q. I'm asking you?

25 A. I don't know.

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1 Q. Do you think less of someone who uses drugs?

2 A. I try not to judge people.

3 Q. Okay. What about someone who shot a
4 brother-in-law with a .357 Magnum in the stomach,
5 would they have a bad reputation in the
6 community?

7 A. No.

8 Q. No. It's okay to go around shooting people
9 in the stomach?

10 A. No.

11 Q. No?

12 A. You don't know the circumstances.

13 Q. Well, you shot your brother-in-law in the
14 stomach with a .357, didn't you?

15 A. No, I did not.

16 Q. You didn't shoot your brother-in-law in the
17 stomach with a gun?

18 A. No.

19 Q. He was never shot?

20 A. There was a gun discharged, and no one knew
21 where it went. No one pointed a gun at anybody
22 to shoot somebody with.

23 Q. Let's back up here. Your brother-in-law was
24 shot, right, in the stomach?

25 A. I'm not sure where.

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1 Q. Your brother-in-law was shot, though, right,
2 with a handgun?

3 A. He was hit with a bullet.

4 Q. And whose gun did the bullet come from?

5 A. Mine.

6 Q. And who was holding the gun when it went off?

7 A. I was.

8 Q. And the gun was loaded with hollow point
9 bullets, right?

10 A. Correct.

11 Q. And you were charged -- criminal charges were
12 brought against you, right?

13 A. And soon dropped.

14 Q. Were you ever convicted at all on that?

15 A. No, sir.

16 Q. No. What -- we'll come back to that in a
17 little bit, Mr. Hobbs. Who's Jackie Hicks?

18 A. Well, there was a Sr. and a Jr.

19 Q. Okay. I'm talking about the Sr. I'm sorry.

20 A. That's Pam's dad. My ex-father-in-law.

21 Q. What did you think of him?

22 A. I respected him.

23 Q. Honest, truthful fellow?

24 A. Pretty good man.

25 Q. Pretty good man?

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1 A. Uh-huh.

2 Q. How about Jackie, Jr.?

3 A. Boy. Big boy.

4 Q. That's the guy who got shot? You didn't
5 shoot him, but that's the guy that got shot?

6 A. Okay.

7 Q. No, I'm asking you. Is that the same fellow
8 that magically got shot?

9 A. He is.

10 Q. Okay. And he's dead now, right?

11 A. He is.

12 Q. Died of a drug overdose?

13 A. I'm not sure. They said, I think, one time
14 there was a blood clot in his lungs, and I heard
15 drugs. I don't know really exactly.

16 Q. Who is Jolynn McCaughey? Who's Jolynn?

17 A. I don't know. I know a Jolynn, but I don't
18 know her last name.

19 Q. All right. Who is Jolynn?

20 A. Pam's sister.

21 Q. You and Pam's -- older sister or younger
22 sister?

23 A. Younger.

24 Q. Do you guys get along?

25 A. Probably not.

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1 Q. Why not?

2 A. She's caused a lot of problems in my home,
3 and I didn't appreciate that.

4 Q. How did she cause problems in your home, Mr.
5 Hobbs?

6 A. Her drug usage.

7 Q. So she used drugs?

8 A. Ask her.

9 Q. Well, I'm asking you. You said her drug
10 usage. Does she use drugs?

11 A. She was feeding them to my wife, and I did
12 not approve of that.

13 Q. Did she feed them to you?

14 A. I tried it with them, and I didn't like what
15 they were doing. I tried to run -- I run her off
16 over that.

17 Q. What drugs did you try from her -- or with
18 her?

19 A. Her crystal.

20 Q. Her crystal. So you did use crystal meth?

21 A. One time -- I have tried it.

22 Q. Okay. I thought you said earlier you hadn't,
23 but I apologize.

24 A. Huh-uh.

25 Q. Is she a truthful and honest person?

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1 A. No, sir.

2 Q. No, sir?

3 A. Not in my opinion.

4 Q. Has she got it out for you?

5 A. She does.

6 Q. Why?

7 A. She thinks I killed her brother.

8 Q. That'd be Jackie, Jr.?

9 A. Correct.

10 Q. When did Jackie die?

11 A. I'm not sure.

12 Q. Did she have it out for you before?

13 A. She thinks I killed her nephew.

14 Q. That would be Stevie?

15 A. Yes, sir.

16 Q. Why does she think you killed Stevie?

17 A. I don't know.

18 Q. Well, you --

19 A. You'll have to ask her.

20 Q. Why do you understand she thinks you killed
21 her nephew Stevie?

22 A. I don't know.

23 Q. She's never told you why she thinks you
24 killed Stevie?

25 A. Well, no.

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1 Q. I'm sorry?

2 A. No. I might have heard she thought I didn't
3 like him or something, but you'll have to ask
4 her.

5 Q. Okay. Who's Judy Saddler?

6 A. Pam has a sister named Judy. I don't know
7 her last name.

8 Q. Younger sister, older sister?

9 A. Younger.

10 Q. Do you like Judy?

11 A. I tried to like them all.

12 Q. Do they like you?

13 A. No.

14 Q. Why -- do you understand why not?

15 A. They think I killed their brother.

16 Q. Jackie, Jr. And they also think you killed
17 Stevie, don't they?

18 A. They do. I've heard that.

19 Q. As a matter of fact, they've been pretty
20 vocal in the press about that, haven't they?

21 A. I've heard that.

22 Q. I'm sorry?

23 A. I have heard that.

24 Q. And they've been pretty vocal in the press
25 for a couple of years, hadn't they?

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1 A. They have.

2 Q. And you've had to defend yourself from the
3 press and the media for a couple of years about
4 the Hicks family thinking you killed Stevie,
5 haven't you?

6 A. The Hicks and others.

7 Q. The Hicks and others. For a couple of years,
8 you've had to defend yourself about being a
9 murderer or one of the murderers; isn't that
10 right?

11 A. I have.

12 Q. And this DNA and everything that's come up in
13 the last couple of yours, that's just on top of
14 it; that's just new proof or allegations about
15 the same thing, isn't it?

16 A. Uh-huh.

17 Q. I'm sorry. You have to answer out loud. You
18 have to answer out loud.

19 A. Yes.

20 Q. Yes.

21 A. A lot of people has drug my name into it over
22 this.

23 Q. And that's been -- that's been really since
24 shortly after the convictions, right? The
25 Paradise Lost 2 came out and raised all kinds of

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1 questions about who the right -- you know, who
2 the murderers were and --

3 A. Not about me. Not about me.

4 Q. When did you start to get in the press, sir,
5 and having to defend yourself about allegations
6 that you were the murderer or one of the
7 murderers?

8 A. If I had said anything it was within the past
9 couple years.

10 Q. Past couple of years?

11 A. Uh-huh.

12 Q. Okay. Who's Paula Hicks, another sister?

13 A. Pam's sister.

14 Q. Younger or older?

15 A. Younger.

16 Q. Honest -- do you like -- bla-bla-bla. Do you
17 like her? Do you like Paula?

18 A. I try to like them all.

19 Q. Try to like them all. Do they like you --
20 does she like you?

21 A. No.

22 Q. No. Because she thinks you killed Jackie,
23 Jr., and also Stevie, right?

24 A. I guess.

25 Q. I mean, that's what they told you, right?

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1 A. That's what I heard.

2 Q. And that's what they told the press, right?

3 A. Uh-huh.

4 Q. You have to answer out loud.

5 A. I don't know if Paula -- I don't know if
6 Paula has said it to the press, but I have heard
7 it amongst the family.

8 Q. And you've heard it in the community, right?

9 A. Well, not really in the community. I just
10 heard it on TV, newspapers.

11 Q. And that's over the last several years?

12 A. No.

13 Q. No?

14 A. Last couple of years.

15 Q. Last couple of years. When you say couple,
16 what --

17 A. Two. I think this all started in '07.

18 Q. When the DNA results came out?

19 A. Exactly.

20 Q. And at that point, everything just piled on
21 top of one another, didn't it?

22 A. Yeah.

23 Q. Yeah. David Jacoby, good friend of yours?

24 A. He still is.

25 Q. Do you like him?

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1 A. I always have.

2 Q. Honest fellow?

3 A. Seems to be.

4 Q. Truthful fellow?

5 A. Seems to be.

6 Q. Does he have any reason to lie about --

7 A. Not on me.

8 Q. Not on you?

9 A. I don't know about anything else.

10 Q. Okay. Have you talked to him about this
11 lawsuit?

12 A. I probably have.

13 Q. Have you promised him any money?

14 A. No.

15 Q. No. You haven't said, I'm going to give you
16 some money when I get all this money from the
17 Dixie Chicks?

18 A. Not one time.

19 Q. Not one time?

20 A. No.

21 Q. What about anybody from the -- from Pam's
22 side of the family; have you ever promised
23 anybody from Pam's side of the family a bunch of
24 money?

25 A. No.

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1 Q. No?

2 A. No.

3 Q. So if somebody testifies to that fact, that
4 you've said that you'd give them or their trust
5 or foundation's money, they would be lying?

6 A. I have told Pam over the years that I had
7 always wanted to see her do her mommy thing.

8 Q. What do you mean mommy thing?

9 A. Well, it's an organization that we've put
10 together -- that she really put together.

11 Q. So you did tell Pam that --

12 A. No.

13 Q. So you didn't tell Pam you would give her any
14 money for her foundation?

15 A. No.

16 Q. Out of any settlement --

17 A. I've always told her in the past, I'd like to
18 help you get this going.

19 Q. That's not my question, Mr. Hobbs. My
20 question is --

21 A. The answer is no.

22 Q. You've never told Pam Hobbs you would give
23 her or her foundation money from any settlement
24 or judgment that came out of this?

25 A. Correct.

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1 Q. And if she testified otherwise, she'd be
2 lying?

3 A. Correct.

4 Q. Have you talked to David Jacoby about the
5 allegations in this lawsuit?

6 A. Such as?

7 Q. The fact you're suing the Dixie Chicks or
8 Natalie Maines and what you're suing them over?

9 A. You can't help but read it in the paper and
10 see it on the news.

11 Q. Right. Because your attorney issues a Press
12 Release right the day it's filed, right?

13 A. I'm not sure.

14 Q. Well, you knew that, right?

15 A. Looks like -- it's sitting right there.

16 Q. Well, I'm asking you. You knew he was going
17 do file a Press Release the days it was filed,
18 right?

19 A. No, I did not.

20 Q. You didn't? You didn't talk about it?

21 A. I don't believe we did.

22 Q. Okay. Did you talk to David about what his
23 testimony will be if and when he is deposed?

24 A. No.

25 Q. No. What about Bobbie Jacoby?

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1 A. That's David's wife.

2 Q. Like her? Nice lady?

3 A. I haven't seen Bobbie in 10 years probably.

4 Q. Honest lady?

5 A. I don't know.

6 Q. Do you think she would be truthful and honest
7 about the events surrounding this lawsuit and the
8 West Memphis Three murders?

9 A. I don't see why not.

10 Q. Okay. John Mark Byers, you don't like him
11 much, do you?

12 A. I don't have nothing to do with him.

13 Q. Not my question. My question is you don't
14 like him much, do you?

15 A. I can't stand him.

16 Q. Why?

17 A. For the stuff he did.

18 Q. What did he do?

19 A. A lot of things.

20 Q. Tell me.

21 A. Get on Larry King Live and called me a
22 killer. Get on local TV and call me a killer.
23 Get in the newspapers and call me a killer.

24 Q. And you're not a killer, are you?

25 A. No, sir.

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1 Q. Okay. How is the -- where did you file the
2 lawsuit against Mr. Byers?

3 A. Well, that's probably coming up in 2012,
4 because I never filed a lawsuit against Mr.
5 Byers.

6 Q. Why not?

7 A. He might be on the list, but we've never done
8 that yet.

9 Q. Okay. Have you talked to Mr. Byers? Did you
10 say, John Mark, you got it wrong, I didn't do
11 this?

12 A. No.

13 Q. Why not?

14 A. Because he knows better.

15 Q. Knows better to talk to you?

16 A. He knows that I didn't have nothing to do
17 with this.

18 Q. Why is he saying it then?

19 A. Ask him.

20 Q. Why do you think he's saying it? If he knows
21 you didn't have anything to do with it, why is he
22 saying --

23 A. I would think that anybody that brings my
24 name up in this manner has an issue upstairs.

25 Q. A little crazy?

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1 A. Something.

2 Q. So I take it you don't think he was honest -
3 he's an honest and truthful fellow?

4 A. No, sir.

5 Q. Do you think he was involved in the murders
6 at all?

7 A. No.

8 Q. No?

9 A. Huh-uh.

10 Q. There was a point and time where folks
11 thought he did it, didn't they, or was involved?

12 A. I know.

13 Q. Did you ever -- did you ever question whether
14 or not he was involved in the murders?

15 A. No.

16 Q. No. Now, you say you know, that at some
17 point, folks thought he was involved. Why do you
18 say that?

19 A. Because they were.

20 Q. How do you know that?

21 A. They come up in the trials.

22 Q. Came up in the trials. Came up after the
23 trials, too, didn't it?

24 A. Both places.

25 Q. Came of in the --

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1 A. During the trials and after.

2 Q. Came up in the --

3 A. HBO documentary.

4 Q. Came up in some of the books, too?

5 A. Right.

6 Q. How many books have been written about these
7 murders?

8 A. I'm not sure.

9 Q. One, two, three, four, half a dozen?

10 A. I'm not sure.

11 Q. Have you read any of them?

12 A. I read some of the Devil's Knot, but, no, I
13 haven't read more than that piece of that book.

14 Q. What part of the Devil's Knot did you read?

15 A. I don't know. Just starting at the front and
16 read some of it, and tossed it in the trash.

17 Q. You don't own -- you don't have any books --
18 you don't own any books?

19 A. No.

20 Q. Have you sued any of the publishers or
21 authors of those books?

22 A. We put a stop to one during the trials that
23 Commercial Newspaper started. They were taking
24 our story and they made a book about it, and we
25 put a stop to that.

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1 Q. Because they weren't authorized, right?

2 A. Correct.

3 Q. They haven't paid you for it?

4 A. It wasn't about the payment. It was about
5 they done it the way they done it.

6 Q. What do you mean by that?

7 A. Just ask them. Sneaking around doing things
8 wrong.

9 Q. Like such as?

10 A. Doing it without your consent. Taking your
11 story and trying to capitalize on it.

12 Q. They didn't have an agreement like the
13 Dimension Films agreement?

14 A. Right.

15 Q. Have you read the Blood of Innocence; have
16 you read that book?

17 A. No, I hadn't.

18 Q. Do you know when that book was published?

19 A. No, sir.

20 Q. Have you read -- you said the Devil's Knot,
21 you read that?

22 A. Just a little bit of it.

23 Q. When do you recall reading that?

24 A. I'm not sure.

25 Q. Do you recall how much you read?

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1 A. No.

2 Q. Do you know when this was published?

3 A. No.

4 Q. Did you read the book the Last Pinnacle of
5 the Son?

6 A. No, I haven't.

7 Q. Do you know when this was published?

8 A. No.

9 Q. Did you read the book Almost Home, My Life
10 Story, by Damien Echols?

11 A. No.

12 Q. Do you know when it was published?

13 A. No, I don't.

14 Q. Have you read any of the other books that are
15 out there about this?

16 A. No, I haven't.

17 Q. No interest?

18 A. Correct.

19 Q. Mr. Hobbs, let me hand you what's been marked
20 as Deposition Exhibit 1, which is a Deposition
21 Notice of you in this case, and ask if you've
22 seen that document before?

23 (Deposition Exhibit No. 1 was
24 marked.)

25 Q. Have you seen that before?

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1 THE WITNESS: Have I seen it?

2 Q. Have you seen that document before, Mr.
3 Hobbs?

4 A. I have.

5 Q. You have. When did you first see it?

6 A. I believe.

7 Q. Did you see it yesterday when you were
8 getting ready for your deposition; is that one of
9 the documents?

10 A. Oh, no, I don't think I seen this one.

11 Q. You hadn't seen this one before?

12 A. Well, hang on just a minute. Deposition
13 Exhibit 1, no, I don't think I've seen this one
14 yet.

15 Q. This is just a pleading that was forwarded to
16 your counsel setting up the deposition here
17 today.

18 A. Okay.

19 Q. But at the very bottom, you're asked to bring
20 documents with you that have not previously been
21 produced that are responsive to my client. First
22 set of document requests for interrogatories. My
23 sole question to you, sir, did you bring any
24 documents with you today?

25 A. No.

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1 Q. Do you know of any documents, Mr. Hobbs, that
2 you have that are responsive to the discovery
3 requests that have not been produced?

4 MR. THOMAS: Objection. Calls for a
5 legal conclusion.

6 Q. Just asking if you know of any documents that
7 you have related to this dispute that haven't
8 been produced?

9 A. No.

10 Q. Would it be fair to say that every document
11 that you have related to this dispute you've
12 given to your lawyers, and what they've done with
13 it, you just don't know?

14 A. Well, I do have -- and they know about it
15 because I give it to them.

16 Q. What's that?

17 A. Police reports I've had to file here within
18 the past couple of months on people, and one of
19 them is an intimidation report.

20 Q. Who did you file the police reports against?

21 A. Some man from Australia come in threatening
22 me with the Dixie Chicks.

23 Q. Do you mean? What happened. Explain to me
24 what happened.

25 A. You can read the report.

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1 Q. Well, I'm asking you, sir, since you didn't
2 bring the report.

3 A. Well, I don't recall exactly what it said,
4 but you can get a copy of it and you can read it.

5 Q. I'd like you to tell me what you recall
6 happened that resulted in your filing a complaint
7 against some Australian fellow?

8 A. The way they done it. Come to our job posing
9 as tourists, carrying cameras in their pockets
10 hidden, asking for permission to walk around and
11 take pictures of a country-looking lumberyard.
12 Got the permission.

13 Once they singled me out and found me,
14 started filming me and telling me, the Dixie
15 Chicks are going to get you, and we hear that
16 you're going to get a piece of them. I asked the
17 young man to leave the premises. I went down and
18 filed a police report to the fact.

19 Q. When did this happen?

20 A. A couple of months ago. Maybe two or three
21 months.

22 Q. Do you recall the gentleman's name?

23 A. Stu. He told everybody his name was Stu.

24 Q. Okay. Did he leave when you asked him to
25 leave?

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1 A. There was two of them, and they eventually
2 left, but not right then.

3 Q. How long were they on the premises?

4 A. I'm not sure.

5 Q. 10 minutes, 15 minutes, five minutes?

6 A. Probably.

7 Q. Probably less --

8 A. 15 or longer.

9 Q. Okay. How long before you asked them to
10 leave?

11 A. Once I figured out what they were up to.

12 Q. And how long did that take?

13 A. Well, they walked around. They had been
14 there 10 minutes before they found me.

15 Q. Before they found you?

16 A. 10 or 15 minutes before they found me.

17 Q. Do you have any reason to believe that Ms.
18 Pasdar or the Dixie Chicks were behind that, or
19 is that just some, lack of a better work, crazy
20 fellow?

21 A. What happened happened. I don't know who's
22 behind it. What happened happened.

23 Q. And what have the police done to follow-up on
24 that, anything?

25 A. I couldn't tell you.

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1 Q. Have you had any communications with the
2 fellow since?

3 A. No. I think he took back off to Australia.

4 Q. Have you seen him since?

5 A. No.

6 Q. No. Who else witnessed this?

7 A. About eight or nine other people at work.

8 Q. Are they all in the -- listed in the police
9 report?

10 A. Sure.

11 Q. Sure. Okay. All right. What other -- you
12 said you've got a couple of reports, or is that
13 the only one?

14 A. There's another one.

15 Q. All right. Tell me what happened there, Mr.
16 Hobbs.

17 A. There was investigator from New York out here
18 investigation, and I don't really remember, other
19 than we tell him to leave. He calls me outside
20 and says a bunch of stuff, that he don't believe
21 that the boys killed them that's in prison, and
22 he's telling me all this stuff. And I look at
23 him, and I said, I really don't care what you
24 have to say. You convince the judge, the jury,
25 the Prosecutor, the D.A. and the investigators on

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1 this, and then you can come back and talk to me.

2 Q. Was this someone who was a private -- your
3 understanding was a private citizen, or was it
4 someone associated --

5 A. A private investigator.

6 Q. I understand.

7 A. Hired by Lori Davis.

8 Q. Hired by Lori Davis. Okay. What happened?

9 A. Damien Echols' wife.

10 Q. Yes, sir. When did this happen?

11 A. After the Stu incident.

12 Q. Okay. And so this was within the last month
13 or so?

14 A. Last couple of months. Two or three months
15 ago.

16 Q. Okay. And has there been any follow-up with
17 regard -- with the police on that?

18 A. I'm not sure.

19 Q. Do you have any reason to believe the Dixie
20 Chicks or Ms. Pasdar were involved in that at
21 all?

22 A. I don't know.

23 Q. I'm sorry?

24 A. I don't know.

25 Q. You don't know. Okay. Any other reports?

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1 A. No, not that I know of.

2 Q. Okay.

3 MR. DAVISON: We would ask for those
4 reports, Cody.

5 Q. Let me hand you what's been marked as Exhibit
6 2, Mr. Hobbs, which is a copy of the lawsuit that
7 you caused to be filed against Ms. Pasdar and the
8 Dixie Chicks, and ask if you have seen that
9 document before?

10 (Deposition Exhibit No. 2 was
11 marked.)

12 A. I have.

13 Q. And when is the first time you saw it?

14 A. When we sat down and put it together.

15 Q. And who is the we?

16 A. My attorneys.

17 Q. Cody?

18 A. And Mr. Ted.

19 Q. I'm sorry?

20 A. Both of my attorneys.

21 Q. Both of your attorneys. Did you look at
22 drafts of it or was it presented to you, here, it
23 is, let's go? My question is, did you see drafts
24 of it before it was filed?

25 A. Huh-uh.

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1 Q. I'm sorry. You did not? You have to answer
2 --

3 A. I seen it before it was filed.

4 Q. All right. When you saw it, did you read
5 through it and make sure it was true and correct?

6 A. I did.

7 Q. Did you make any changes to it as -- as it
8 was being drafted?

9 A. No, I don't think so.

10 Q. You don't think so. Is everything in this
11 complaint, to your knowledge, true and correct,
12 sir?

13 MR. THOMAS: Objection. Calls for a
14 legal conclusion.

15 Q. I'm just asking to your knowledge, are you
16 aware of anything in here that's not right?

17 A. Huh-uh.

18 Q. No. So you stand by everything factually
19 that's alleged in this complaint?

20 A. I do.

21 Q. You do. And you authorized it to be filed?

22 A. I did.

23 Q. And you were okay with your lawyer issuing a
24 Press Release about the filing?

25 A. I wasn't aware of that, but I'm okay with it.

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1 Q. You're okay with it. All right. Let me go
2 through a couple of things in here, Mr. Hobbs.
3 Paragraph 1 says you're a resident of Memphis,
4 Tennessee. And you've lived in Memphis,
5 Tennessee for a number and number of years, have
6 you not?

7 A. I have.

8 Q. And you work in Memphis, Tennessee?

9 A. I have.

10 Q. And your circle of friends are in Memphis,
11 Tennessee?

12 A. Well, not only that, but there are some.

13 Q. The majority of your friends are there?

14 A. Okay.

15 Q. Is that right?

16 A. Okay.

17 Q. Is that -- is that yes?

18 A. Yes. Yes.

19 Q. All right. And any harm that had been caused
20 or suffered by you as a result of things that are
21 in the complaint would have -- you would have
22 suffered in Tennessee, correct?

23 MR. THOMAS: Objection. Calls for a
24 legal conclusion.

25 Q. You can still answer.

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1 A. Well, my name was spread all around Arkansas,
2 all around the country.

3 Q. Uh-huh.

4 A. All around the world by a group of narrow
5 minds.

6 Q. By a group of -- I'm sorry?

7 A. Narrow mind.

8 Q. Narrow minds. What's the group; is that that
9 West Memphis Three website and --

10 A. It's everybody involved.

11 Q. Which would be the West Memphis Three web,
12 the --

13 A. Even your client, sir.

14 Q. Even my client. Okay. But it would be the
15 West Memphis Three, it would be the internet, it
16 would be -- it would be --

17 A. Where this was found.

18 Q. -- Lori. It would be the defense team?

19 A. Seems like this right here was found on the
20 internet, too.

21 Q. And you read it -- when you read it, you were
22 in Tennessee, right?

23 A. Probably.

24 Q. Why did you sue in Arkansas?

25 A. My case originated in Arkansas.

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1 Q. How so?

2 A. The murders of our children.

3 Q. So the case really he evolves all the way
4 back to the murders, correct?

5 A. It started in Arkansas.

6 Q. And it's been continuous?

7 A. I've had attorneys tell me in Tennessee, your
8 fight is in Arkansas, take it to Arkansas.

9 Q. Who told you that?

10 A. Attorneys in Tennessee.

11 Q. Which attorneys?

12 A. I couldn't tell you.

13 Q. When?

14 A. So I have done this.

15 Q. When did they tell you?

16 A. When I talked to them about it.

17 Q. When?

18 A. So I had -- I don't know when. So I have
19 done that. I have taken it back across the river
20 to Arkansas where I'm a native of.

21 Q. Okay. And so just so -- your fight is in
22 Arkansas because the murders were in Arkansas?

23 A. And everything else that's happened. You
24 know, your client coming to our state and bashing
25 my name, throwing my name around.

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1 Q. And that's the rally?

2 A. Yeah. Part of it.

3 Q. When else has my client, Ms. Pasdar, been to
4 Arkansas and bashed your name around?

5 A. She done it there, and then she goes home and
6 does it on her internet.

7 Q. I'm talking about when she comes to Arkansas?

8 A. Okay. Well, she did.

9 Q. To the rally?

10 A. Okay.

11 Q. Because that's the only thing you're
12 complaining about, right, in Arkansas, is the
13 rally?

14 MR. THOMAS: Objection. That calls
15 for a legal conclusion.

16 MR. DAVISON: No, it doesn't.

17 MR. THOMAS: Sure, it does. You
18 can't cut off your liability for something that
19 they did based on what he says.

20 MR. DAVISON: I'm not talking about
21 liability. Ted, I'm talking about the underlying
22 facts that form the basis of the claim.

23 Q. The only facts in Arkansas that form the
24 basis of the claim that touch the state of
25 Arkansas is her appearance at the rally, right?

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1 A. I don't know.

2 MR. THOMAS: Same objection.

3 Q. Right?

4 A. I'm not sure.

5 Q. You're not sure. Well, other than the rally
6 and the murders and the fact that the habeas
7 corpus filings were made here in the state of
8 Arkansas, what other contacts with the state of
9 Arkansas arise out of your suit, sir; can you
10 think of any?

11 MR. THOMAS: Objection. Calls for a
12 legal conclusion.

13 Q. Just asking for facts.

14 A. I'm not sure.

15 Q. Okay. You're aware that the appeals of the
16 West Memphis Three are still ongoing, correct?

17 A. I am.

18 Q. So when you say that in Paragraph 11 of the
19 complaint that they haven't been reversed on
20 direct appeal, the appeals are still open and
21 ongoing, correct?

22 MR. THOMAS: Objection. Calls for a
23 legal conclusion. He doesn't know what direct
24 appeal or habeas corpus is.

25 Q. You can answer the question, Mr. Hobbs.

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1 A. Well, I don't know if they're ongoing or not.
2 Seemed like I thought they was over.

3 Q. You thought they were over?

4 A. Yeah.

5 Q. Why do you think that?

6 A. Because they just had their appeals, and they
7 were all denied again.

8 Q. Okay.

9 A. There's some point when you got to quit this.

10 Q. Okay. You would agree with me -- are you
11 aware that -- let me show you. It'll make it a
12 little easier here and try to get through these a
13 little faster here.

14 In Paragraph 12 you state, that Damien Echols
15 has been unsuccessful in seeking a retrial based
16 on based what he has characterized as new DNA
17 evidence believed to be sufficient to cast out on
18 his conviction.

19 What did you understand -- what do you mean
20 when you say that?

21 MR. THOMAS: Objection. According
22 to the pleading, it's not necessarily his
23 statement. It's a statement made on his behalf.
24 He's not required to parse legal documents for
25 you.

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1 MR. DAVISON: I'm not asking him to
2 parse them. I'm just asking what he meant when
3 he said that.

4 MR. THOMAS: He doesn't know what
5 parse is. Read it. You've got a little more
6 education than he does.

7 Q. You can answer the question, Mr. Hobbs.

8 A. I'm not going to answer it.

9 Q. Why not?

10 A. Because my attorneys.

11 MR. THOMAS: You can answer it to
12 the best --

13 Q. He hasn't instructed you not to answer.

14 MR. THOMAS: Answer it to the best
15 of your ability.

16 Q. He'll tell you -- and trust me, he's a good
17 lawyer. He'll tell you when not to answer my
18 questions. So my question is, what did you mean
19 when you said that?

20 A. That he doesn't think that the evidence has
21 anything to do with him and it belongs to
22 somebody else.

23 Q. Well, you understand, from all of the press
24 and all of your dealings, that none of the
25 defendants, the West Memphis Three defendants'

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1 DNA were found on any of the victims, were they?

2 A. Correct.

3 Q. The only DNA that was found was DNA that
4 is -- has been publicly linked to you and/or Mr.
5 Jacoby; isn't that right?

6 MR. THOMAS: Objection, lack of
7 foundation.

8 A. Yeah.

9 Q. Well, you understand, from reading the press
10 and talking to the police --

11 A. The police has never told me, that was your
12 hair.

13 Q. But they said it's linked to you. They can't
14 exclude you, can they?

15 A. They said it could be one of.

16 Q. Right. And the percentage of folks that
17 would be -- that would be matched is --

18 A. If it was my hair --

19 MR. THOMAS: Objection, lack of
20 foundation and personal knowledge.

21 Q. I'm sorry?

22 A. If it was my hair?

23 Q. Right.

24 A. I raised that boy.

25 Q. You raised Stevie?

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1 A. I did.

2 Q. All right. And so it's possible it's your
3 hair, but it just got there because Stevie was in
4 your house all the time, right?

5 A. He lived with me.

6 Q. He lived with you. As a matter of fact,
7 that's what Mr. Sampson said in the public, isn't
8 it, well, it could be his. I mean, we're not
9 saying it's not, because it could be transfer,
10 and he was -- Stevie lived at the house all the
11 time, right?

12 A. Uh-huh.

13 Q. You have to answer out loud.

14 A. Yes.

15 Q. And you authorized Mr. Sampson -- you know,
16 you said, Mr. Sampson, we need to get this
17 message out; that's what we need to tell folks,
18 right?

19 A. Right.

20 Q. And you've never publicly denied that it's
21 your hair, have you?

22 A. I've never been convinced it was my hair,
23 and, yes, I have said, I don't believe it was my
24 hair.

25 Q. Why do you say that?

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1 A. Because I don't believe it was my hair. If
2 it was, I don't care.

3 Q. You don't care if it was your hair, because
4 Stevie was at your house all the time?

5 A. He was my stepson.

6 Q. All right. How do you explain Mr. Jacoby's
7 DNA --

8 A. I don't have no explanation for that.

9 MR. THOMAS: Objection to the
10 characterization that it's his DNA.

11 Q. How do you explain the DNA that's been
12 connected with Mr. Jacoby being found at the
13 crime scene?

14 A. I have no explanation.

15 Q. Because Mr. Jacoby, at least as far -- come
16 out so far was never at the crime scene, so his
17 DNA could never get there, right?

18 A. I couldn't tell you.

19 Q. Couldn't tell you. And you spent -- I mean,
20 we went over this a lot this morning. You spent
21 a lot of time with Mr. Jacoby that day, right?

22 A. That afternoon and evening we did.

23 Q. Looking --

24 A. And through the night.

25 Q. Looking for the boys?

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1 A. Yes, sir.

2 Q. Getting out of the car?

3 A. Uh-huh. Yes.

4 Q. Walking around the woods?

5 A. We did.

6 Q. Now, do you -- do you have an explanation for
7 how the DNA that's been associated with you ended
8 up not in Stevie's ligature but Michael Moore's

9 ligature? I can understand perhaps innocent
10 transfer if it was in Stevie's -- if it was in
11 the knots that tied Stevie's --

12 A. I guess secondary --

13 Q. Let me -- remember we talked about earlier,
14 let me finish my question, then you get to
15 answer.

16 MR. THOMAS: Objection.
17 Argumentative.

18 A. You asked me --

19 MR. THOMAS: Ask him a question and
20 don't get in his face.

21 MR. DAVISON: I'm not -- I'm not in
22 his face.

23 Q. I'm just simply trying to say, can you
24 explain to me, sir, how secondary transfer could
25 get from you to the knots in the shoestrings that

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1 tied little Michael Moore's hands and feet behind
2 him?

3 MR. THOMAS: Objection. It assumes
4 facts not in evidence, because it assumes the
5 shoestrings on the boy were the shoestrings used
6 to tie the boys, which has not been established.

7 Q. So the shoe -- okay. So the shoestrings --
8 you'll agree with me that the DNA that's been
9 associated with you was found in the knot that
10 tied the shoestrings of Mickie -- Michael Moore,
11 correct?

12 MR. THOMAS: Objection to the
13 characterization of found in a knot.

14 Q. In the ligature?

15 MR. THOMAS: Or a ligature. There's
16 no proof that that happened, so if you want to
17 assume hypothetically --

18 Q. You can --

19 MR. THOMAS: -- that it was in a
20 knot, then he can react to your assumption.

21 Q. Answer the question, Mr. Hobbs.

22 A. I'm not going to agree with you.

23 Q. Well, I'm just asking you how you can explain
24 how the DNA that's been associated with you was
25 found in the ligature of the shoestrings that

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1 tied Michael Moore?

2 MR. THOMAS: I object on the basis
3 of there's no factual -- there's no foundation
4 that this witness has personal knowledge as to
5 where the hair was found.

6 Q. You can --

7 MR. THOMAS: It was a shoestring
8 that was found.

9 Q. You can answer the question, Mr. Moore.

10 A. Mr. Hobbs.

11 Q. Can you explain it to the -- I'm sorry. I
12 apologize. I apologize very much. Mr. Hobbs,
13 can you explain to the judge and jury how that
14 happened?

15 A. No, I have no explanation for that.

16 Q. Can you explain -- and you can't explain to
17 the judge and jury how the DNA associated with
18 Mr. Jacoby was found at the crime scheme?

19 A. No, because I don't believe that.

20 MR. THOMAS: Objection for the same
21 basis. He doesn't have factual --

22 MR. DAVISON: You know what? You've
23 made your objection. Object as to form, and
24 let's be quiet and not coach the witness, okay.

25 MR. THOMAS: I'm not coaching the

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1 witness.

2 MR. DAVISON: Yeah, you are. The
3 rules say --

4 MR. THOMAS: If I was coaching the
5 witness, I'd say there was seven percent of the
6 population hasn't --

7 MR. DAVISON: You know what? We're
8 going to stop --

9 MR. THOMAS: -- been excluded from --

10 MR. DAVISON: You want to keep going
11 on this?

12 MR. THOMAS: -- so one of us can't
13 be excluded --

14 MR. DAVISON: Do you want to keep
15 going on this?

16 MR. THOMAS: No, I don't.

17 MR. DAVISON: Okay. Then follow the
18 rules.

19 MR. THOMAS: I'm following the
20 rules.

21 MR. DAVISON: No, you're not.

22 MR. THOMAS: And you're asking
23 questions that he doesn't have a foundation of
24 knowledge to answer. He has no personal --

25 Q. In Paragraph -- in Paragraph 13, Mr. Hobbs,

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1 you say that the case involving the West Memphis
2 Three has attracted national attention focused on
3 the sufficiency of the evidence used in achieving
4 a conviction. What did you mean when you said
5 attracted national attention?

6 MR. THOMAS: Objection. You haven't
7 established the fact that he said it.

8 MR. DAVISON: He looked at the
9 complaint, reviewed it, approved it and
10 authorized it to be filed. These are his words,
11 these are his complaints against my client, and I
12 think I'm entitled to understand what he meant
13 when he said that the case has attracted national
14 attention.

15 So fine. If you want an objection as to
16 form, object as to form, otherwise, let's be
17 quiet and not coach the witness, or we're going
18 to get on the phone and call the judge.

19 MR. THOMAS: I have objected as to
20 form. It's not required to parse legal
21 terminology in pleadings.

22 Q. You can answer the question, Mr. Hobbs.

23 A. All right. Let's read the question again.

24 Q. What did you mean in Paragraph 13 when you
25 said the case is attracting national attention?

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1 A. Well, it has.

2 Q. Why do you say that?

3 A. Because it's drawn a lot of attention, it
4 really has. It's brought in HBO. It's brought
5 in the Dixie Chicks. It's brought in other
6 people out there who has doubts, you know, and
7 that's their issues, not mine.

8 Q. When did the case start to draw national
9 attention, from the get-go?

10 A. Probably.

11 Q. Okay. What celebrities are you aware of that
12 have taken up the cause of the West Memphis
13 Three, in addition to Ms. Pasdar?

14 A. No -- I mean, I've heard of some. Johnny
15 Depp, I've heard his name. I've heard of Will
16 Ferrell's name. And I'm not sure of, you know,
17 how many others have, but you hear names from
18 time to time. People see them wearing the Free
19 the West Memphis Three T-shirts, sweatshirts, and
20 you hear that.

21 Q. There's bumper stickers on cars all over
22 town?

23 A. Sure.

24 Q. I saw one driving in this morning. Free the
25 WM3?

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1 A. They flew an airplane over Little Rock one
2 time with a banner behind it.

3 Q. Are you aware that the Pearl Jam lead singer
4 is taking up the cause?

5 A. I heard that.

6 Q. Winona Rider is taking up the cause?

7 A. Oh, well.

8 Q. Metallica is taking up the case?

9 A. Oh, well.

10 Q. Oh, well?

11 A. Oh, well.

12 Q. What do you mean by oh, well?

13 A. I could care less.

14 Q. Okay. But you would agree that it is a
15 well-known and controversial issue, right?

16 A. In some people's mind.

17 MR. THOMAS: Objection. Calls for a
18 legal conclusion.

19 Q. And it has been a well-known and
20 controversial issue for a number of years, as a
21 matter of fact, from shortly after the
22 convictions were announced, correct?

23 A. In some people's mind.

24 Q. Right.

25 A. I think there was a jury of 12 people that

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1 seen through all the BS and give them what they
2 deserved.

3 Q. When did you first become aware of the letter
4 that Ms. Pasdar posted on the website?

5 A. I don't have a date.

6 Q. The letter was -- is dated November 26th,
7 2007, and my question to you, Mr. Hobbs, is when
8 -- how shortly after that time did you become
9 aware of it?

10 A. I'm not sure.

11 Q. Within a couple of days, couple of weeks,
12 couple of months?

13 A. I'm not sure. I've had a lot of people call
14 me up and say don't look, you ain't going to
15 believe this.

16 Q. Who called you? Don't look about the letter
17 or just about everything that's on the internet?

18 A. All the above.

19 Q. Who called --

20 A. Including your letter.

21 Q. Who called -- it's not my letter.

22 Ms. Pasdar's letter. Who called and told you
23 about Ms. Pasdar's letter?

24 A. Family and friends.

25 Q. Who?

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1 A. Family.

2 Q. What family?

3 A. Brothers. I got two brothers, and they live
4 on that internet.

5 Q. Which -- what are your brothers' names?

6 A. Mike and Joe, Jr.

7 Q. And where does Mike live?

8 A. Mountain Home, Arkansas.

9 Q. Do you have an address for him?

10 A. I don't.

11 Q. Telephone number?

12 A. I do.

13 Q. What's his telephone number?

14 A. 870 -- I'll have to look it up.

15 Q. Okay. If I leave a blank in the deposition,
16 will you agree to fill that in?

17 A. I doubt it, but I'll see what we can do.

18 Q. All right. And how about your other brother,
19 what's his name?

20 A. Joe Hobbs, Jr.

21 Q. Okay. Where does Joe Hobbs, Jr. live?

22 A. Hardy, Arkansas.

23 Q. Do you know what street he lives on?

24 A. No, I don't.

25 Q. Do you know his telephone number?

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1 A. I'll have to look it up.

2 Q. And so one of your brothers called and told
3 you about Ms. Pasdar's letter?

4 A. Probably both of them.

5 Q. And you don't recall when?

6 A. No.

7 Q. What did they tell you about the letter?

8 A. Don't look. You ain't going to believe what
9 this is saying about you.

10 Q. And did you look anyway?

11 A. I have.

12 Q. When did you look?

13 A. I'm not sure.

14 Q. Did you look -- do you even have -- do you
15 have the internet?

16 A. I've had it for years.

17 Q. Okay. And so did you look at the inter --
18 did you look at the website with the posting at
19 some time shortly after your brothers let you
20 know about it?

21 A. Sure.

22 Q. Sure. Nothing new in that letter, other than
23 it came from Ms. Pasdar, was there?

24 MR. THOMAS: Object. It requires a
25 legal conclusion.

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1 Q. No new allegations in that letter, other than
2 the fact that who signed it, right?

3 A. They didn't have to do that.

4 Q. Well, that's not my question. My question
5 is, there was nothing new in the letter, other
6 than the fact that it came from Natalie Pasdar,
7 right?

8 A. That's something that she didn't have to do
9 but she chose to do it.

10 Q. I appreciate. I appreciate that she didn't
11 have to do it, and that she chose --

12 A. Took my name and run with it like the rest of
13 them have.

14 Q. Mr. Hobbs, can you answer my question, which
15 is --

16 A. I don't care.

17 Q. You don't care about answering my question?

18 A. I'm getting that way.

19 Q. Okay. Well, I'm going to ask -- we're going
20 to keep asking it until I get an answer, which
21 is, there was nothing new in that letter that
22 hadn't been said time and time again, other than
23 the fact that Ms. Pasdar signed it; isn't that
24 right?

25 MR. THOMAS: Objection to the form

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1 of the question.

2 MR. DAVISON: That's fine.

3 MR. THOMAS: Because it assumes that

4 --

5 MR. DAVISON: You know what? You
6 just object to form.

7 MR. THOMAS: No, I have to state the
8 basis for my objection.

9 MR. DAVISON: Only if I ask for it.
10 Only if I ask for the basis, and I'm not.

11 Q. So my question, sir, is would you answer my
12 question?

13 A. What was your question?

14 MR. DAVISON: Can you read it back.

15 (Requested information was read.)

16 MR. DAVISON: That's fine.

17 Q. Mr. Hobbs, you would agree with me, that
18 nothing in Ms. Pasdar's letter was new, other
19 than the fact that it came from her, came from
20 Natalie Maines; that's what made it new, isn't
21 it?

22 A. Correct.

23 Q. Correct. Everything else --

24 A. She got in our business when she shouldn't
25 have.

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1 Q. Everything else, all of the allegations, all
2 of the statements -- not allegations -- all of
3 the statements that are in there had been said
4 many times in the press before, hadn't they?

5 A. Right.

6 Q. Okay. And it had been said in the national
7 press many times before, right?

8 A. Celebrities tend to draw a different crowd.

9 Q. But my question is, those same facts, those
10 same statements, had been made in the national
11 press many times before, had they not?

12 A. Probably so.

13 Q. I mean, they had, hadn't they?

14 A. Probably so.

15 Q. Probably so. And you had been having to deal
16 with the effects of those statements for many
17 months prior to the time Ms. Pasdar made her
18 letter, had you not?

19 A. Okay.

20 Q. Well, is that a yes or no?

21 A. That's a yes.

22 Q. That's a yes.

23 A. And why is she the type, when someone is
24 down, kick them down a little bit lower, put
25 their foot and smash them down.

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1 Q. Is that what you think she did?

2 A. Exactly. She can stay in Texas and mind her
3 own business.

4 Q. What else?

5 A. Ain't nothing else to say.

6 Q. Nothing else to say. Okay. When you found
7 out about the letter that was posted on the
8 website, Ms. Pasdar's letter, what did you do?

9 A. Got a little more mad about it.

10 Q. Okay. Just because it's one more celebrity
11 that's trying to get them a new trial?

12 A. Taking cheap shots at me.

13 Q. What was the cheap shot; what in the
14 letter -- and the letter is attached?

15 A. I read the letter.

16 Q. All right. Well, I want you to point out to
17 me --

18 A. Mention my name about anything.

19 Q. I'm sorry?

20 A. Cheap shot mentioning my name about anything.

21 Q. All right.

22 A. It's been done a million times. Tell that
23 woman to mind her own business.

24 Q. What else do you want to say?

25 A. That's it.

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1 Q. How many times does your name appear in this
2 letter?

3 A. I don't remember.

4 Q. What in here is a cheap shot? What in
5 Exhibit A to your complaint, what in there is a
6 cheap shot?

7 A. My name being in there at all.

8 Q. So she just -- you don't think she had the
9 right to bring your name -- to bring your name or
10 get involved in the -- in this debate?

11 A. Exactly.

12 Q. Why didn't she have the right to get involved
13 in the debate, Mr. Hobbs?

14 A. Who give her the right?

15 MR. THOMAS: Objection. Calls for a
16 legal conclusion.

17 Q. What is your -- do you have an understanding
18 of the First Amendment?

19 A. Sure.

20 Q. What is your understanding of the First
21 Amendment of the Constitution?

22 A. Free speech.

23 Q. What does that mean do you?

24 A. People can shoot off if they want to.

25 Q. Okay. Was Ms. Pasdar exercising her First

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1 Amendment rights when she sent this letter?

2 MR. THOMAS: Objection. Calls for a
3 legal conclusion.

4 Q. I'm not asking for a legal opinion. I'm
5 asking for your opinion. Was Ms. Pasdar
6 exercising her First Amendment right, freedom of
7 speech?

8 A. Without merit.

9 Q. Without merit, but she was exercising her
10 right?

11 A. Without merit.

12 Q. She has the right to say that she thinks that
13 they're entitled to a new trial; she can say
14 that, can't she?

15 A. She can say anything she wants.

16 Q. Okay.

17 A. But be sure you can back it up.

18 Q. If she simply said, I think that the West
19 Memphis Three are entitled to a new trial, is she
20 entitled to say that?

21 A. Sure.

22 MR. THOMAS: Objection. Calls for a
23 legal conclusion.

24 Q. Do you think that she has done anything wrong
25 to you if she says that?

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1 A. Humiliation.

2 Q. But if she just says, I think the West
3 Memphis Three got a raw deal and need a new
4 trial, that's humiliation to you?

5 A. I think that's kind of wrong to say, but
6 people shoot off stuff like that all the time.

7 Q. I mean, that's been going on for almost 18
8 years, hadn't it -- or not 18 -- 16 years?

9 A. Yeah. It's been going on a while.

10 Q. 16 years people have been saying they got a
11 raw deal and they need a new trial?

12 A. They did. They have.

13 Q. And there's nothing wrong with Ms. Hobbs
14 advocating for people to donate money to West
15 Memphis Three fund, is there?

16 A. Sure.

17 Q. So there is something wrong with that?

18 A. Yeah.

19 Q. What's wrong with that?

20 A. I wouldn't think that you should do something
21 like that.

22 Q. You shouldn't say, you can exercise your
23 rights -- rights in America and donate money to a
24 cause that you believe in?

25 A. She don't believe in that cause.

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1 Q. Well, hold on. Why do you say that Ms.
2 Pasdar doesn't believe in this case?

3 A. You said Ms. Hobbs.

4 Q. I'm sorry. Did I say Ms. Hobbs?

5 A. You did.

6 Q. I apologize. I meant Ms. Pasdar.

7 A. Well --

8 Q. Can Ms. Pasdar -- is there anything wrong
9 with Ms. Pasdar -- well, there is -- I guess Ms.
10 Hobbs would be Amanda, right?

11 A. No. Pam is still a Hobbs.

12 Q. Pam Hobbs. Well, Pam sure as heck thinks you
13 did it, doesn't she?

14 A. Who did what?

15 Q. She thinks you killed Stevie?

16 A. She thinks who killed Stevie?

17 Q. You.

18 A. No.

19 Q. She doesn't think that?

20 A. No.

21 Q. She doesn't think you were involved?

22 A. No.

23 Q. And if she testified to that fact, what would
24 you say?

25 A. Pam, you know better than that.

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1 Q. And what if she says, no, I know you, Terry,
2 and I think you did it?

3 A. She ain't going to tell you that.

4 Q. Really?

5 A. She ain't going to tell somebody that.

6 Q. What about if Amanda said that?

7 A. Amanda ain't going to say something like
8 that.

9 Q. What about if the whole -- Amanda's whole
10 side of the family says that?

11 A. Pam's side?

12 Q. I'm sorry. Pam's side.

13 A. They would say something like that.

14 Q. And Mark Byers will say that, won't he?

15 A. Probably. He has.

16 Q. A lot of people -- a lot of people will say
17 that, won't they?

18 A. They have.

19 Q. They have. And they've been saying that for
20 well prior to the time that Ms. Pasdar posted her
21 letter on the internet in November of '07,
22 haven't they?

23 A. The louder the --

24 Q. It's not my question about how loud. My
25 questions is, they've been saying it for a long

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1 time prior to Ms. Pasdar putting the letter on
2 the internet, right?

3 A. It has happened.

4 Q. And they've been saying that a long time
5 prior to the rally on the courthouse steps in
6 Arkansas, right?

7 A. It has happened.

8 Q. Well, it has happened, and it happened a long
9 time prior to the rally on --

10 A. Not with my name. My name come up the same
11 year of the rally.

12 Q. Right. And your name was never mentioned at
13 the rally, was it?

14 A. I wasn't there.

15 Q. Well, you sure as heck sued on it?

16 A. Well, she needs to stay in Texas.

17 Q. She just needs to stay in Texas and mind her
18 own business? That's not my question. My
19 question is, your name was not mentioned one time
20 at the rally in Arkansas, was it?

21 A. No, but it -- read between the lines, sir.

22 MR. THOMAS: Objection, lack of
23 foundation.

24 Q. What between the lines, Mr. Hobbs, about what
25 was said at the rally?

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1 A. I don't remember what was at the rally.

2 Q. I've got a transcript of the rally. Do you
3 want to see it?

4 A. No, I don't.

5 Q. Well, then tell me what was said at the rally
6 reading between the lines that you think causes
7 you harm?

8 MR. THOMAS: Objection, lack of
9 foundation, personal knowledge, as to what happen
10 at the rally.

11 MR. DAVISON: He sued on it.

12 Q. Tell me about it. What was said at the rally
13 that you're complaining about?

14 A. I wasn't there.

15 Q. Well, we testified -- you testified earlier
16 that the rally is one of the bases -- one of the
17 two bases of the lawsuit, right, the letter and
18 the rally? And what she said at the rally you
19 think caused you damage and you want to humiliate
20 her?

21 A. Read it to us.

22 MR. DAVISON: Let's go off the
23 record and change tapes.

24 VIDEOGRAPHER: We're going of the
25 record for a tape change at 12:16 p.m.

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1 (Off the record.)

2 (Back on the record.)

3 VIDEOGRAPHER: We're back on record
4 after a tape change at 12:18 p.m.

5 MR. DAVISON: Thank you.

6 Q. (By Mr. Davison) Mr. Hobbs, you understand
7 you're still under oath, and your testimony today
8 still has the same force and effect as though you
9 were testifying in front of a judge and a jury,
10 correct?

11 A. I do.

12 Q. All right. You didn't attend the rally, did
13 you?

14 A. No, I did not.

15 Q. Did you -- how did you find out about it,
16 that Ms. Pasdar was there?

17 A. It was all over the news.

18 Q. All over the news. Did you -- have you gone
19 to the internet and watched the speech?

20 A. No.

21 Q. No. When it was on the news, what do you --

22 A. I might have seen it on the TV, but I didn't
23 go to the internet.

24 Q. Well, they didn't show the whole -- they
25 didn't show her whole statement, even though it

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1 was pretty short; they didn't show the whole
2 thing on the TV, did they, just a little blurb,
3 right?

4 A. Probably.

5 Q. And we've seen the TV excerpts, and I think
6 they've been produced and stipulated to here.

7 A. Okay.

8 Q. You've seen all the stipulations, right?

9 A. Probably.

10 Q. I mean -- let me back up here. That's a good
11 question. Have you seen the four stipulations
12 that have been entered in this case?

13 A. As being?

14 Q. Answered in this case. There are four
15 stipulations. I can show them to you, but
16 they're pretty thick. The four stipulations that
17 have been entered by the parties in this case;
18 have you seen that?

19 A. Huh-uh. No.

20 Q. You have to answer out loud.

21 A. I don't think so.

22 Q. Did -- have you reviewed all of the newspaper
23 articles and whatnot that have been exchanged
24 between the parties, newspaper articles, magazine
25 articles, TV reports, internet articles about the

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1 case in the West Memphis Three; have you reviewed
2 those?

3 A. I have kept up with several of them.

4 Q. Okay. Of the statements -- of the articles
5 that are contained in any of the four
6 stipulations, you're not aware of any statement
7 attributed to you in which you're misquoted, are
8 you?

9 MR. THOMAS: Object as to form, lack
10 of foundation.

11 Q. You still get to answer, Mr. Hobbs. You're
12 not aware of any -- of any of the documents or
13 exhibits that form the basis of the Stipulation
14 1, 2, 3 or 4 where you're misquoted, are you?

15 A. No, I'm not sure.

16 MR. THOMAS: Same objection.

17 Q. I'm sorry? You said you're not aware,
18 correct?

19 A. Correct.

20 Q. And as far as -- so we can -- as far as this
21 lawsuit is concerned, you believe that you were
22 in fact accurately quoted in the articles that
23 are attached as exhibits to the four
24 stipulations; is that correct?

25 MR. THOMAS: Object as to form, lack

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1 of foundation.

2 A. I'm not sure.

3 Q. But you're certainly not aware where you were
4 misquoted?

5 A. Oh, I'm sure that's happened.

6 Q. Where do you recall being misquoted?

7 A. I don't have it in front of me, but I
8 wouldn't doubt if there's misquotations out
9 there.

10 Q. All right. Well, then I guess we'll -- we'll
11 go through the exhibits later and we'll see if
12 you can see where you are misquoted, or if you
13 were.

14 So how did you find out -- the rally you
15 found out because it was on the TV, right?

16 A. And a reporter called me.

17 Q. Who called you?

18 A. Ms. Janice Broach.

19 Q. The same one you called about the DNA earlier
20 in the year?

21 A. I've talked to Janice millions of times.

22 Q. How many times do you call her as opposed to
23 she calls you?

24 A. I don't know.

25 Q. I mean, do you call her as many times as she

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1 calls you?

2 A. Well, we don't call each other on a regular
3 basis, no.

4 Q. But when there's something -- something
5 new --

6 A. Back during all these allegations, I talked
7 to Janice.

8 Q. As a matter of fact, Janice, that's the same
9 one we talked about earlier this morning when you
10 called her in the spring to let her know about
11 the DNA results, right?

12 A. I'm not sure.

13 Q. I mean, that's the same Janice, right?

14 A. Janice Broach, Channel 5, Memphis, Tennessee.

15 Q. Why have you talked to her a million times?

16 A. Because I can, because I want to.

17 Q. And she takes your calls?

18 A. Sure.

19 Q. And she takes your calls because it's kind of
20 an ongoing story?

21 A. Probably. And she returns my calls if I need
22 her to.

23 Q. Okay. What -- what do you recall Janice --
24 you and Janice talking about the day of the
25 rally?

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1 A. She called me up and wanted to know if I was
2 in the rally because she heard that I was.

3 Q. Was this before the rally took place or
4 after?

5 A. During the rally sounded like. She was there
6 at the time.

7 Q. Okay. She was there. All right. And
8 obviously you weren't?

9 A. Correct.

10 Q. She's got -- did she call you on a cell or
11 did she call you at home?

12 A. No, I -- I have a cell phone.

13 Q. How long have you had a cell phone?

14 A. 10 years probably.

15 Q. Did you have a cell phone back in '93?

16 A. I don't think so.

17 Q. I think they were pretty new back then?

18 A. Yeah. They was probably coming out then.

19 Q. Did you -- after the rally -- well, let me
20 back up. When she called you -- any other
21 conversations other than Janice asking if you at
22 the rally?

23 A. Not about the rally. She called me from the
24 rally that day.

25 Q. What did you guys talk about?

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1 A. She asked me if I was here at the rally. She
2 said, someone said they spotted you, and I said,
3 no, Janice, I'm at work.

4 Q. What else did y'all talk about? Did you talk
5 about the DNA results?

6 A. I don't remember.

7 Q. Talk about what Ms. Pasdar was saying?

8 A. Probably.

9 Q. What --

10 A. I don't remember what was said, but it was at
11 that rally that she called me.

12 Q. Okay. Did you ultimately -- did you
13 subsequently review what was said at the rally by
14 Ms. Pasdar?

15 A. In the papers.

16 Q. In the papers. Anywhere -- anywhere else?

17 A. Probably on TV.

18 Q. TV. Anywhere else?

19 A. Maybe in the magazines.

20 Q. What magazines?

21 A. Whatever magazines printed it. Time Magazine
22 had a piece in there about it. Probably others.
23 I don't remember.

24 Q. Okay. So Time had an article about the
25 rally?

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1 A. I believe they did, yes.

2 Q. CNN cover it?

3 A. Well, it was all over the airways again.

4 Q. It was all about the court filings that
5 Damien -- not Damien -- that the West Memphis
6 Three had filed though, right; that's what was
7 all over the airways, the new evidence, the DNA
8 filings?

9 A. New evidence.

10 Q. I mean, that's what -- that's what was being
11 covered. It wasn't the rally where Natalie spoke
12 for three minutes, was it?

13 A. Yeah, it was there. It was on the news.

14 Q. It was mentioned, but the focus of the CNN
15 and the time and all those other articles was the
16 substance of the habeas filing, right?

17 A. I guess. I'm not sure.

18 Q. Let me hand you what's been marked as Exhibit
19 3. That, Mr. Hobbs, is a transcript of Ms.
20 Paskar's statements at the rally, and I would
21 like you to tell me, one, where you're mentioned,
22 and, two, what do you think she said about you
23 that caused you damage?

24 (Deposition Exhibit No. 3 was
25 marked.)

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1 MR. THOMAS: Objection. Calls for a
2 legal conclusion.

3 Q. And we can break it up if you like. Where in
4 there are you mentioned by name, Mr. Hobbs?
5 You're not mentioned, are you?

6 A. Not by name.

7 Q. Where -- what is said -- what does Ms. Pasdar
8 say at the rally that caused you injury?

9 MR. THOMAS: Object to form. I
10 think it calls for a legal conclusion.

11 A. All the evidence.

12 Q. Where are you reading, sir?

13 A. When you see the films and when you go to the
14 website, you'll learn about the case and all the
15 evidence that is there, and this is there now,
16 you just feel like what can I do.

17 Q. Okay.

18 A. We know what she's talking about there. All
19 the new evidence is the crap they come up with
20 about me, which has no merit whatsoever.

21 Q. Anything else that she says that you --
22 during the rally that you believe caused you any
23 injury, sir?

24 MR. THOMAS: Same objection.

25 MR. DAVISON: That's fine.

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1 Q. Or is that it? Anything else, Mr. Hobbs?

2 A. I don't know.

3 Q. I'm sorry?

4 A. I don't know.

5 Q. Well, see, this is my one chance where I get
6 to ask you the questions, so if there's something
7 else in this statement that you are complaining
8 about that you think caused you injury, I want to
9 know about it now.

10 MR. THOMAS: Objection. He's not
11 required to lay out legal theories.

12 MR. DAVISON: I'm not asking for
13 legal theories. I'm asking --

14 MR. THOMAS: Sure, you are. You're
15 asking -- you're asking for him to apply the
16 proof of the law, asking for legal strategy. And
17 you're asking him to say that he won't make an
18 argument later on.

19 Q. You can answer the question, Mr. Hobbs.

20 A. Well, I would feel like she's saying her
21 scientifically proven statement is what they come
22 up with the stuff about me.

23 Q. Okay. Anything else?

24 A. No.

25 Q. That's it. All right.

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1 MR. DAVISON: We can go ahead and
2 take a break for lunch. We've been going for a
3 little bit.

4 VIDEOGRAPHER: We're going off the
5 record for a break at 12:30 p.m.

6 (A break was taken.)

7 (Back on the record.)

8 VIDEOGRAPHER: We are back on record
9 after a break at 1:20 p.m.

10 MR. DAVISON: Ted, did you want
11 to --

12 MR. THOMAS: Yes. Very quickly, I'd
13 like to reserve the right to read and sign, which
14 I forgot to do on the front end.

15 MR. DAVISON: Also, before we start,
16 I wanted to put on the record -- you know, Cody
17 and Ted, correct me if I'm wrong -- that with
18 regard to finishing the deposition this
19 afternoon, we've agreed, that if I need to leave
20 for the airport, that Ms. Davis can step in on
21 behalf of Ms. Pasdar and ask some additional
22 questions, and there's no objection from you guys
23 on, for a legal term, tag-teaming?

24 MR. THOMAS: That's correct.

25 MR. DAVISON: All right. And also,

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1 we discussed, right before we came back in, our
2 desire -- everybody's desire to try to finish the
3 deposition of Mr. Hobbs today, if possible, but
4 with the understanding that it may be -- that as
5 we approach the end of the business day, that
6 either the lawyers get tired or Mr. Hobbs gets
7 tired, and no one wants the witness to get tired
8 and provided inaccurate testimony, so that we
9 would evaluate the ability or the need to adjourn
10 the deposition to then reconvene at a time that
11 is convenient to both the witness and all
12 counsel, right?

13 MR. THOMAS: Yes.

14 MR. DAVISON: All right. And then
15 finally, we reached an agreement in the hall,
16 that with regard to both the plaintiff's motions
17 for partial summary judgment for the one that was
18 filed a couple of weeks ago, as well as the one
19 that was filed yesterday, we have agreed to
20 extend the date by which the defendants need to
21 respond to those motions until September the
22 15th, and --

23 MR. THOMAS: Now, is that both
24 motions?

25 MR. DAVISON: Both motions. Both

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1 motions. And that we, by way of full disclosure,
2 that the defendants anticipate filing motions for
3 summary judgment in that time frame, and that we
4 will be similarly accommodating with regard to
5 extensions of time that you guys think that you
6 need, so that with the goal of being to avoid any
7 Rule 56(f) motions, to be able to get the
8 discovery that either side needs to respond, and
9 to have a single date by which the Court could
10 consider the motions and hearing; is that right?

11 MR. THOMAS: That's correct.

12 MR. DAVISON: So we will prepare the
13 appropriate paperwork to extend the response
14 dates with regard to plaintiff's two motions for
15 summary judgment. We'll get that to you guys to
16 look at this week with the goal of getting that
17 filed. And we appreciate the professionalism in
18 that regard, and understand that it will be
19 reciprocated.

20 MR. THOMAS: Thank you.

21 MR. DAVISON: Bob, are you okay with
22 all that?

23 MR. WELLENBERGER: Yeah. My only
24 concern is the February trial date, and we're
25 pushing -- I mean, if we don't file a motion for

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1 summary judgment, we need to get ours on file if
2 we're going to do it.

3 MR. DAVISON: We're going to do it
4 and we'll get it on file. And, you know, if we
5 can get our responses filed earlier, we'll do it,
6 but --

7 MR. WELLENBERGER: No, I understand
8 all that, but I'm just concerned that with a
9 February trial date and we don't get all the
10 responses and things in for summary judgment
11 motions until, you know, November, it's going to
12 be tough.

13 MR. DAVISON: We'll get it done.

14 MR. WELLENBERGER: No, it's not just
15 that, but it's also Cody responding --

16 MR. DAVISON: Absolutely.

17 MR. WELLENBERGER: -- okay. I'm
18 fine with all of it.

19 MR. DAVISON: Perfect. Everybody
20 ready?

21 Q. (By Mr. Davison) Good afternoon, Mr. Hobbs.

22 A. Been there.

23 Q. You understand you're still under oath?

24 A. I do.

25 Q. Still has the same force and effect in front

1 of the judge and the jury testifying?

2 A. I do.

3 Q. And you did really well this morning on
4 speaking up and verbally. If I could ask you to
5 continue that this afternoon. I know sometimes
6 in the afternoon people get a little tired, and
7 voices tend to trail off. If you could speak up,
8 I'll try to do the same; is that fair?

9 A. Sounds good.

10 Q. All right. Would it be -- you also spoke
11 with a woman by the name of Cathy Frye at the
12 Arkansas Democrat Gazette, correct?

13 A. I did.

14 Q. As a matter of fact, you reached out and
15 called her, right?

16 A. I think so.

17 Q. And you did, because she was another person
18 in the media that you wanted to contact and get
19 your story out about the DNA, right?

20 A. I didn't know Cathy. I just wanted someone
21 in the media and the newspaper to hear what I had
22 to say, and they assigned Cathy to this.

23 Q. Okay. And you spoke with her several times I
24 assume?

25 A. A few times.

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1 Q. A few times. And you spoke with her both
2 before and after Ms. Pasdar's letter appeared on
3 the internet, correct?

4 A. I'm not sure about the time frame.

5 Q. All right. Do you recall when you first
6 spoke with her?

7 A. No.

8 Q. Okay. It was in '07, though, right?

9 A. I'm not sure.

10 Q. Okay.

11 A. I don't know. I'm not sure of the dates.

12 Q. She did -- there was an article in the
13 Arkansas Democrat Gazette that came out in early
14 '08, correct; do you recall that article?

15 A. I'm not sure of the date.

16 Q. Not the date, but you recall that the article
17 came out, right?

18 A. I know we did an article. I'm not sure when
19 it come out.

20 Q. Do you recall how many articles came out in
21 the Arkansas Democrat Gazette?

22 A. No.

23 Q. More than one?

24 A. Oh, yeah.

25 Q. Oh, yeah. How many?

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1 A. I don't know.

2 Q. A bunch?

3 A. I don't know. I live in Tennessee.

4 Q. All right.

5 MR. THOMAS: Just by clarification,
6 with respect to which -- the case as a whole or
7 written by Ms. Frye.

8 MR. DAVISON: Fair enough.

9 Q. Let me ask you -- let me show you an article,
10 Mr. Hobbs, if I could. This is -- it's Exhibit
11 39.

12 MR. DAVISON: Ted, to Stipulation
13 No. 1.

14 Q. Mr. Hobbs, this is an article written by
15 Cathy Frye, appeared in the Arkansas Democrat
16 Gazette February 3, 2008, and ask if you -- and
17 this is one of the --

18 A. I remember this.

19 Q. Reputation is ruined, says stepdad of boy
20 killed in '93. And this was one of the articles
21 that Ms. Frye wrote, right?

22 A. Looks like it.

23 Q. Yeah. You have to speak up for everybody to
24 hear.

25 A. It looks like it.

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1 Q. Looks like it. And in here talks about,
2 among other things, the DNA report, right?

3 A. Yes.

4 Q. And how you're linked to it, correct?

5 A. Okay.

6 Q. Well, it does that, right; you recall that?

7 A. Very vaguely.

8 Q. Okay. Well, I mean, you -- this is one of
9 the articles you worked with --

10 A. Right. I haven't read it recently, so I'm
11 not really sure.

12 Q. I appreciate that. Do you recall reading it
13 when it came out?

14 A. Sure. I recall doing it.

15 Q. You recall doing it. Working with the
16 reporter on it?

17 A. Right.

18 Q. Okay. And when you were working with the
19 reporter on it and it came out, do you recall
20 reading it when it was published on February 3rd?

21 A. Right.

22 Q. Okay. And when it came out, do you recall
23 anything in there that you said, man, this is
24 wrong?

25 A. I recall some things that was put in there

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1 that I wish she hadn't have put in there the way
2 she put it in there, I believe.

3 Q. As you sit here --

4 A. If that's the article I'm thinking about.

5 Q. As we sit here today, do you recall what you
6 wished she hadn't put in there like she put in?

7 A. Her talking about my dad. And I don't know

8 -- sometime I think they pick up some of this

9 stuff from other people and put it in there

10 whenever you're doing an interview with them.

11 Q. There has been -- there has been some
12 discussion in the press about your relationship
13 with your father, hasn't there?

14 A. There has.

15 Q. And some discussion in the press about how
16 perhaps you were abused by your father, correct?

17 A. I was not.

18 Q. But there's been that discussion, correct?

19 A. There has.

20 Q. There has been. You love your father?

21 A. Very much so.

22 Q. And I guess every son loves his father. One
23 of the -- as this article talks about the DNA, it
24 also talks about your linkage to the DNA that's
25 found at the scene. It talks about damage to

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1 your reputation, doesn't it?

2 A. Okay. Yes.

3 Q. I mean, it does. That was one of the things
4 that you really wanted to get out to Ms. Frye,
5 which is how all of this discussion has ruined
6 your reputation, right?

7 A. Right.

8 Q. And February 3, 2008, that was a month and a
9 half after the letter posted -- the letter by Ms.
10 Pasdar, right?

11 A. Okay.

12 Q. The letter by Ms. Pasdar was November 26,
13 '07, right?

14 A. Right.

15 Q. And it was after -- a little more than a
16 month after the rally, because the rally was in
17 December, right?

18 A. Right.

19 Q. And this article is an attempt by you to get
20 out to the public how your reputation has been
21 ruined by the defense allegations, right?

22 A. All of the above.

23 Q. All right. No where in here do you mention
24 at all Ms. Pasdar or the rally or the Dixie
25 Chicks, do you?

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1 A. I don't know. I haven't read it in a while.

2 Q. Briefly look through it, sir, and tell me if
3 anywhere when you're trying to get your story out
4 to the press of where your reputation has been
5 ruined by these allegations, where in that story
6 you talk about the rally, the Dixie Chicks or Ms.
7 Pasdar. There's not a single word in there about
8 them, is there?

9 On the second page of the article it talks
10 about how in February that you learned that the
11 DNA has been linked to you, correct, February
12 '07, right?

13 A. That's when them investigators showed up at
14 my house, and they were the ones who told me.

15 Q. Right?

16 A. About that.

17 Q. Right. And that's the first time you knew
18 about it?

19 A. Right.

20 Q. Right.

21 A. In 16 years -- or 15 years at the time.

22 Q. And then it says here in March, March 7, that
23 would be March 7 of '07, right?

24 A. I'm not sure. It doesn't have a year on it.

25 Q. Well, we talk about January -- sorry --

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1 February '07, and then it says on March '07, I'm
2 assuming '07, you suffered an emotional
3 breakdown. Did you suffer an emotional breakdown
4 in March of '07?

5 A. I ain't going to say what year, but, yeah, I
6 had some problems with all this crap.

7 Q. And that was in the spring of '07, right?

8 A. I ain't going to say what year.

9 Q. Well, what year was it? When did you have an
10 emotional breakdown, put a sign in your front
11 yard, putting your contents up for sale, and you
12 lived -- you lived in your yellow Ford pickup
13 with your teenager daughter; that was spring of
14 '07, right?

15 A. Yeah. If that's the date on here, yes.

16 Q. And that -- and so you had the breakdown, you
17 were feeling the effects of all the pressure
18 building up, that was months and months prior to
19 the time that Ms. Pasdar put her letter on the
20 internet or spoke at the rally, right?

21 A. Looks like it.

22 Q. All right. So she certainly didn't have any
23 result -- any -- any cause -- she didn't cause
24 any of that, emotional breakdown in '07 or the
25 living in your pickup truck with your daughter.

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1 And the daughter is Amanda, right?

2 A. It is.

3 Q. Okay.

4 MR. THOMAS: Object to extent that
5 it requires a legal conclusion relative to
6 causation.

7 Q. Other than -- I'm going to back up for a
8 second. Before lunch we were talking about the
9 rally. Other than your brothers, have you spoken
10 with anybody about what Ms. Pasdar said at the
11 rally and your lawyers? I'm not seeking to -- I
12 don't want to know what you told your lawyers
13 about the rally or what Ms. Pasdar said, but
14 other than your brothers that you told me about
15 before lunch, have you spoken with anybody about
16 the rally or what Natalie said?

17 A. I'm not sure.

18 Q. As we sit here today, can you recall of any
19 discussions that you've had with anybody about
20 the rally or what Ms. Pasdar said, other than
21 your lawyers?

22 A. I'm not sure.

23 Q. Well, see, my -- when you say I'm not sure,
24 Mr. Hobbs -- and I appreciate that I don't want
25 you to guess or speculate -- but this is my one

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1 chance to find out. And so if you know of
2 someone that you spoke with, I need to know that
3 so that we can ask questions about it or figure
4 out if it's somebody I need to talk to. If you
5 don't -- if you don't believe or you don't recall
6 anyone, then simply tell me that and we can move
7 on to something else?

8 A. I've had friends come by. I had one friend
9 that I don't have anymore because of this.

10 Q. About -- and I'm talking about specifically
11 the statements at the rally.

12 A. Exactly -- or not the rally. I'm talking
13 about the Natalie Pasdar's --

14 Q. Letter?

15 A. Not her statements, but her actions showing
16 up and jumping on the bandwagon, well, let's bash
17 Mr. Hobbs. The more people that got on the
18 bandwagon, the more people started to believe it.

19 Q. So it's not what she said, it's just the fact
20 that she was physically present in Little Rock?

21 A. I don't know.

22 Q. Well, I mean, do you not -- well, let's back
23 up.

24 A. Her presence evidently meant something to
25 somebody.

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1 Q. Who is this friend, former friend?

2 A. Larry Mayno.

3 Q. Where -- where does Larry Mayno live?

4 A. Memphis, Tennessee.

5 Q. Do you have an address for him?

6 A. Not on me.

7 Q. Do you know what part of town he lives in?

8 A. I do.

9 Q. What part of town does he live in?

10 A. I don't know his address.

11 Q. I asked what part?

12 A. East side.

13 Q. East side. Does he work with you?

14 A. No.

15 Q. No. How do you know Larry?

16 A. We had worked in the past together.

17 Q. Where?

18 A. In construction.

19 Q. Okay. How long have you known Larry?

20 A. I don't know. I don't know how many years.

21 Q. Is he a good friend or an acquaintance?

22 A. Has been.

23 Q. Has been. When did -- but you don't recall
24 when you first met him. When did Larry say he
25 didn't want to be your friend anymore?

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1 A. He never made the statement like that.

2 Q. Well, how would you describe your
3 relationship with him now?

4 A. I ain't had one with him.

5 Q. Okay. And the reason is because Natalie
6 appeared at the rally?

7 A. The reason -- I ain't going to say the reason
8 is, but the day I went by to visit with him.

9 Q. Uh-huh.

10 A. He told me, he said, Terry, you've got all
11 these people after you, and he called out the
12 Dixie Chicks' name. And it's like he's starting
13 to believe it, because the more people got out
14 there saying my name, the more I felt like he
15 believed them.

16 Q. Okay. Did you try to convince him you didn't
17 have anything to do with it?

18 A. I tried.

19 Q. What did you tell him?

20 A. The truth.

21 Q. Which is? I didn't do it?

22 A. Yeah. I didn't do it, and I don't care what
23 all them yodel brains have got to say about it.

24 Q. And he didn't believe you?

25 A. I felt like he didn't.

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1 Q. Okay. Okay. Well, now, the press had been
2 kind of building up or reporting the DNA findings
3 and whatnot for several months -- several months
4 beginning in the spring of '07 going forward
5 until Natalie made her letter, posted her letter,
6 right?

7 A. Okay.

8 Q. Well, I mean --

9 A. Sounds good.

10 Q. Isn't that right? Isn't that what happened?
11 Right? Let's look at document 9 in Stipulation
12 1, which is a July 20, 2007 report from Action
13 News. Action News, that's Janice Broach, right?
14 That's the lady you dealt with, right, wanted to
15 get your story out, right?

16 A. Okay.

17 Q. I mean, that's the same Janice, right?

18 A. It is.

19 Q. Action 5 News?

20 A. Right.

21 Q. Action News 5, that's where she works right?
22 Right?

23 A. Right.

24 Q. Did she -- and this is a report of the -- she
25 reported, did they not, Channel 5 News, on July

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1 20, 2007, new DNA testing by the defense shows
2 that none of the genetic material recovered from
3 the murder scene link the West Memphis Three to
4 the scene. Instead, defense attorneys say, the
5 test found DNA from Terry Hobbs, the stepfather
6 of one of the murdered boys. They reported that
7 in July 2007, didn't they?

8 A. Oh, yeah.

9 Q. Okay. Did you -- did you start to get some
10 calls from neighbors or friends when this was
11 reported by Janice?

12 A. Oh, yeah.

13 Q. All right. And was this report, July, 27th
14 report, was this a result of you reaching out to
15 her to try to get your story out? You say, I
16 have to laugh at that and say there's something
17 wrong with someone who would think that. This is
18 part of your trying to get the story out about
19 the DNA, right?

20 A. Probably. It looks like it.

21 Q. It looks like it. In here, this Exhibit 9 to
22 Stipulation 1, did you say all those things in
23 there? Are you accurately quoted, Mr. Hobbs?

24 A. Yeah, I guess. I don't know.

25 Q. Okay. And so you did say, if Michael Moore

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1 or Christopher Byers had a piece of my hair on
2 their shoestrings, well, these little boys came
3 to my house and played with our little boy pretty
4 regularly, you said that, right?

5 A. Right.

6 Q. And so it's also reported here by Channel 5
7 News, the DNA results also reveal, according to
8 court documents, that most of the DNA at the
9 crime scene came from the victims, but some of it
10 cannot be connected to the victims or the
11 defendants. I don't know what to make of that,
12 Hobbs said. It's their job to do what they do.

13 A. Uh-huh.

14 Q. You quoted that right -- quoted correctly
15 there?

16 A. Yeah.

17 Q. Yeah. And some of that DNA is also linked to
18 Mr. Jacoby, right?

19 A. I don't know. There's one in so many million
20 that could be him or could not be him. Same as
21 mine.

22 Q. So it's your -- it's your belief and your
23 understanding that the DNA reports show that it's
24 pretty common to have a match like that; is that
25 your understanding?

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1 MR. THOMAS: Objection, lack of
2 foundation.

3 Q. I'm just asking for your understanding?

4 A. No.

5 Q. I mean, it's a pretty common -- I mean, it's
6 a pretty close match from -- isn't it?

7 A. No. Not from what I understand it wasn't.

8 Q. What do you understand it to be?

9 A. One in so many millions it could have been.

10 No one has ever told me, it's your hair or it's
11 David's hair. The defense has come up with this
12 and tried to convince everybody it was. The
13 police has never one time said, yes, it was, to
14 me.

15 Q. Okay.

16 A. Tricks of the trade y'all call it.

17 Q. Exhibit 10 to Stipulation 1, another
18 article -- or another newscast from Channel 8 in
19 Jonesboro, Arkansas, Mother of West Memphis Three
20 victim speaks out about the new DNA -- oh, I have
21 one question. I'm sorry.

22 Back here on Exhibit 9, talk about, according
23 to court documents, do you have an understanding
24 of what court documents they're referring to
25 here, the DNA results also revealed according to

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1 most documents. That's the habeas filing, right?

2 A. I'm not sure. I'm not sure.

3 Q. Did you understand that to be, when you spoke
4 with Janice, trying to get your story out, that
5 that was the court filings?

6 MR. THOMAS: Just by point of
7 clarification, the habeas filing occurred in
8 October. This was months before the habeas
9 filing. It can't be the habeas filing.

10 Q. Do you know what court documents they're
11 referring to?

12 A. No.

13 Q. In the -- in the newscast on Channel 8 in
14 Jonesboro, July 20, 2007, the TV station reports,
15 now over a decade later, defense attorneys are
16 saying the piece of hair found in one of the
17 victim's shoelaces could link the crime scene to
18 Stevie Branch's stepfather, Terry Hobbs. I mean,
19 would -- and I can go through several of these,
20 Mr. Hobbs. I don't need to or don't necessarily
21 want to. But would it be fair to say, that
22 starting in late spring, early summer '07, it was
23 fairly well-known to those that followed the West
24 Memphis Three case that your DNA had been linked
25 to the crime scene?

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1 MR. THOMAS: Objection. He can't
2 possibly know what other people thought based on
3 news report.

4 MR. DAVISON: I can ask what he
5 thinks.

6 Q. Do you think it's pretty well known at least
7 your D -- it was out there in the press. The
8 press was reporting that your DNA was linked to
9 the crime scene?

10 A. Right, the press was reporting that.

11 Q. Okay.

12 A. But it still doesn't mean that any of that
13 out there was my DNA.

14 Q. I appreciate that.

15 A. Or it doesn't mean that to me.

16 Q. Did you ever talk to the police about the
17 DNA?

18 A. No.

19 Q. They never asked you about it?

20 A. Oh, I'm not sure. I went and answered some
21 questions for them. I don't remember what kind
22 of questions we had. I done that video with
23 them. I read that thing, and that's a joke.

24 Q. What -- what video? The press -- the press
25 conference?

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1 A. No, no.

2 Q. What video, Mr. Hobbs?

3 A. The one that they got me in that room asking
4 me all them questions.

5 Q. That's -- that's part of when the police --
6 West Memphis police then interviewed you again in
7 June of '07?

8 A. Okay.

9 Q. Is that right?

10 A. Sounds close.

11 Q. Now, how many times have you been interviewed
12 by the West Memphis police in conjunction with
13 the murders?

14 A. None probably. This one they did. I'm
15 thinking there might have been one -- one I know
16 I went and done fingerprints and feet prints, and
17 I still -- I'm still never -- not a suspect, and
18 I wasn't one back then. Please note that.

19 And I have made this statement: If you think
20 I'm a suspect, call the police department, and
21 they will set you -- clear that up for you.

22 Q. On Channel 5, July 21st, this is Document No.
23 12 in Stipulation 1, Ms. Broach says, now doing
24 new DNA testing shows a hair from one of the
25 boys' stepfather, Terry Hobbs, was found in

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1 shoelaces to tie up the eight year --
2 eight-year-old boys?

3 A. So?

4 Q. So I'm just saying that it was reported
5 widely that your DNA was found, correct?

6 A. Yeah.

7 Q. Okay. And it was reported widely well prior
8 to the time that Ms. Pasdar posted her letter or
9 appeared at the rally, right?

10 A. It was going on at the time she jumped on the
11 bandwagon.

12 Q. On Channel 5 on the 21st, they also talk
13 about finding the knife and the knife that
14 Stevie's grandfather had given him in your stuff?

15 A. So?

16 Q. Did you have any your possession, Mr. Hobbs?

17 A. I don't know. I think I still have his
18 pocketknife.

19 Q. You have Stevie's pocketknife?

20 A. I think so.

21 Q. And is that a pocketknife that Stevie carried
22 with him on a regular basis?

23 A. Until I found it. Until I seen my stepson,
24 who wasn't old enough to have a pocketknife, I
25 felt like. I took the pocketknife from him and

1 put it in a drawer with the rest of our
2 pocketknives.

3 Q. How would you respond to witnesses who would
4 testify that Stevie carried that knife with him
5 up until the time that he disappeared?

6 A. I think you'll find out people will say
7 anything, but they don't have the facts.

8 Q. What facts do you have to prove that you took
9 the knife from Stevie?

10 A. I was his dad. I was acting as a responsible
11 parent. Not letting a six, seven, eight-year-old
12 little boy carry a pocketknife.

13 Q. Aren't you aware that his mommy -- his mother
14 said that he carried the knife with him up until
15 the time that he disappeared?

16 A. She also said I killed the boys, too, and
17 yes, I'm very much aware of all that.

18 Q. The knives were reported in some of the -- in
19 the letter that Ms. Pasdar posted on the
20 internet, wasn't it?

21 A. Okay.

22 Q. That's one of the things, right, that you're
23 complaining about that?

24 MR. THOMAS: Object to the
25 characterization, complaining about the knife. I

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1 think the petition said the knives were not used.

2 Q. Document 13 to Stipulation 1, Mr. Hobbs, it
3 is an article from the Crittenden Times written
4 by Laura Smith. Have you seen this one before?

5 A. I don't know.

6 Q. Where is Crittenden, Arkansas?

7 A. Crittenden County.

8 Q. Crittenden. I'm sorry. Where is that?

9 A. West Memphis, Arkansas.

10 Q. It's in West Memphis. And do you remember
11 talking to Laura Smith?

12 A. I have talked to Laura a lot.

13 Q. Talked to her a lot over the years?

14 A. Uh-huh.

15 Q. Over the years from --

16 A. As a friend.

17 Q. As a friend and as a reporter?

18 A. Right.

19 Q. Do you have a relationship with her as a
20 friend as opposed to a reporter?

21 A. Well, she was just being a friend. I think
22 she was a curious reporter.

23 Q. Curious reporter. Who befriended you. Okay.
24 Fair enough. Have you ever been aware that the
25 police department, in light of the -- that the

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1 police department has attributed the DNA found on
2 the suspects that is attributed to you to
3 secondary transfer?

4 A. I've heard rumor to that, but I'm satisfied
5 with that.

6 Q. You're satisfied with that?

7 A. Yeah.

8 Q. What do you mean by that, you're satisfied
9 with that?

10 A. Because it happens.

11 Q. Secondary transfer?

12 A. I could walk out of here today with some of
13 your DNA on me.

14 Q. I don't know how to respond to that. Exhibit
15 13 to Stipulation 1, talk about -- talk about the
16 new DNA. The news of the results of the DNA
17 testing on the crime scene evidence is brought
18 local and national attention back to the victims'
19 families for the three men in prison for the
20 murders and West Memphis itself.

21 Would you agree, Mr. Hobbs, that the results
22 of the DNA testing in the summer of '07 brought
23 national and local attention back to the
24 families, the men in prison, West Memphis itself?

25 A. That sounds like that's one reporter's

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1 opinion.

2 Q. Well, do you agree with that opinion?

3 A. Not necessarily.

4 Q. Do you disagree with that?

5 A. Not to the families.

6 Q. Okay. Do you disagree that it brought local
7 and national attention back to the events, the
8 murder?

9 A. Okay.

10 Q. Who did it; would you agree with that?

11 A. Sure.

12 Q. Sure. The article goes on to say, the
13 results found that no genetic material recovered
14 at the crime scene belonged to Echols -- the West
15 Memphis Three, and with the exception of one
16 hair, all of the DNA recovered at the scene that
17 was tested belonged to the victims.

18 The hair was reportedly Hobbs', meaning
19 yours, and police attributed his hair to
20 secondary transfer. So would you agree --

21 A. It's about time they spoke up.

22 Q. So they're saying it's your hair, but it's
23 secondary transfer, right?

24 A. Well --

25 Q. That's how you read that, right?

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1 A. Yeah. You just read it.

2 Q. Okay. Well, I mean, is that what you
3 understood, that in -- that the summer of '07,
4 when the police were asked to comment on the
5 hair, they say, well, it's Mr. Hobbs', but it's
6 secondary transfer. Is that how you read that?

7 A. That's how I just read that.

8 Q. And you agree with that?

9 A. What's that?

10 Q. That it --

11 A. That it is secondary?

12 Q. That it is --

13 A. I ain't going to say it is, because I don't
14 know.

15 Q. Okay. But you agree, that at least in the
16 summer of '07, the police attributed it as your
17 hair, but said it got there by secondary
18 transfer?

19 A. Sound good.

20 Q. Sounds good to you. Here's an article by the
21 American Chronicle August 15, 2007. It's Exhibit
22 14 to Stipulation 1 by a fellow named Frank
23 Brooks. Did you ever talk to Frank Brooks at the
24 American Chronicle?

25 A. No.

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1 Q. No. Okay. And it talks about -- not
2 surprising, given the time frame August of
3 2007 -- talks about the DNA and the reports. In
4 the paragraph here, the third full paragraph on
5 the second page -- well, that's -- according to
6 DNA status report filed by the defense and
7 acknowledged by the prosecution, DNA evidence has
8 arisen that cannot be linked to other defendants
9 or the victims. As of this time, there is no
10 identity match for the DNA, except for one
11 surprising piece of evidence that managed to turn
12 up, a strand of hair belonging to Stevie Branch's
13 stepfather, Terry Hobbs, was found intertwined
14 with a knot in one of the shoelaces used to tie
15 up one of the victims. This is no longer a case
16 of similarity or possibility. Terry Hobbs has
17 been genetically matched to the scene of the
18 crime through DNA testing. Do you recall seeing
19 this article?

20 A. No.

21 Q. No?

22 A. No.

23 Q. Articles like it?

24 A. Similar, yeah.

25 Q. Did you sue Mr. Brooks or the American

1 Chronicle?

2 A. Not yet.

3 Q. Not yet?

4 A. I'll need a copy of that.

5 Q. Well, your lawyers have it. It's been
6 produced. It's been stipulated. This was out
7 there in the public months prior to Ms. Pasdar
8 making the statements that you complain of.

9 A. Just put him on the list.

10 Q. Put him on the list. A little more
11 vengeance. Exhibit 16, Stipulation 1, is
12 something from the internet stipulated to the
13 Democratic Underground.com., entitled Echols
14 attorneys file new motion claiming wrongful
15 conviction in the West Memphis Three case.
16 You're aware that there were many message boards
17 and blogs that talk about the case, right, Mr.
18 Hobbs?

19 A. Sure.

20 Q. As a matter of fact --

21 A. Here's one.

22 Q. Oh, that's actually on the internet. It's
23 not a blog.

24 A. Oh.

25 Q. But fair enough. Fair enough. Have you ever

1 posted on the internet blogs?

2 A. No.

3 Q. About this case?

4 A. No.

5 Q. How about anyone on your behalf, your
6 brothers, your family?

7 A. I have -- I have asked my family not to do
8 this. We don't believe in lowering ourself to
9 this level or this level, if you will.

10 Q. Uh-huh.

11 A. That's how we're -- we are raised.

12 Q. Okay. Do you know if -- if your brothers or
13 others on your behalf have filed and made
14 postings on the blogs?

15 A. I don't know. I don't know that.

16 Q. How about Mr. Sampson when he was acting as
17 your press agent -- or press spokesman?

18 A. I never told him to.

19 Q. Did you tell him not to?

20 A. I'm not sure.

21 Q. Okay. The statement that is in -- on Exhibit
22 16 talks about the evidence in today's filings
23 include, and then there are several -- one, two,
24 three, four, five, six, seven bullet points --
25 I'm sorry -- eight bullet points. Those are the

1 same bullet points that you complained of
2 Ms. Pasdar, right?

3 A. I'm not sure.

4 Q. You even took a point of -- the filing
5 includes a chronology of Hobbs' activity on the
6 night of the crimes when he washed his clothes
7 for no other reason than to hide evidence of the
8 crimes?

9 A. Well --

10 Q. I mean, that's -- I mean, it's almost word
11 for word, isn't it?

12 A. Sounds like it.

13 Q. And this is -- this is over a month prior to
14 Ms. Pasdar's posting, correct?

15 A. And?

16 Q. And I'm just saying these same statements and
17 these same allegations were posted worldwide and
18 the subject of national media attention prior to
19 the time that Ms. Pasdar made the statements that
20 you're complaining of, right?

21 A. Okay.

22 Q. I mean, that's correct, right?

23 MR. THOMAS: Object as to form.
24 It's one publication. He had no personal
25 knowledge as to where the extent of that one

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1 publication --

2 Q. Would you agree with me, Mr. Hobbs, that
3 these types of factual statements and allegations
4 were the subject of national and international, I
5 think you said earlier, attention, starting in
6 the spring of '07 basically up and through today?

7 A. Uh-huh. Right.

8 Q. Correct?

9 A. Correct.

10 Q. You didn't sue any of these people, right?
11 Do you need to put them on the list?

12 A. Not yet.

13 Q. Not yet. Well, put them on the list.

14 A. I hope I can deal with every one of them.

15 Q. Arkansas On-Line Press Services, October 30,
16 '07, again, reports, in October of '07 that hair
17 matching your DNA is found in the -- at the crime
18 scene, right? I mean, there are -- there are a
19 bunch -- would it be fair to say --

20 A. I've seen it.

21 Q. -- there would be page after page after
22 page, week after week after week of those
23 allegations; isn't that right?

24 A. Correct.

25 Q. And that all happens -- it happened long

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1 before Ms. Pasdar made her statements, but
2 certainly continues to today, correct?

3 A. Correct.

4 Q. As a matter of fact, here's --

5 A. Are you trying to justify her doing it?

6 Q. I get to ask my questions, sir. As a matter
7 of fact, here's an article from the Los Angeles
8 Times talking about -- and which is Exhibit 18 to
9 Stipulation 1. Talking about your DNA found at
10 the crime scene, another hair found on the tree
11 root at the crime scene contained the DNA of
12 David Jacoby who, according to court documents,
13 was with his friend Hobbs in the hours before an
14 after the victims disappeared. That's true, too,
15 right?

16 A. Probably.

17 Q. Well, probably. It is true, isn't it?

18 A. What? David was with me?

19 Q. David was with you before and after, right?

20 A. Before?

21 Q. And after the victims disappeared?

22 A. He was at home when I went by his house, and
23 he went to work the next morning. He went to
24 work.

25 Q. You can't explain how his hair got there, can

1 you?

2 A. Other than --

3 MR. THOMAS: Object as to form.
4 Assumes facts not in evidence.

5 Q. Can you explain -- can you explain how DNA
6 consistent with Mr. Jacoby's DNA was found at the
7 crime scene, Mr. Hobbs?

8 A. I don't think it was found at the crime
9 scene. It might have been found in the woods. I
10 don't think it was at the crime scene like you're
11 saying.

12 Q. If it was found at the crime scene, would
13 that be a damning fact in your opinion?

14 A. No.

15 Q. No?

16 A. Because me and him never have been to the
17 crime scene. I didn't go there a long time
18 after.

19 Q. Have you ever been there?

20 A. Sure.

21 Q. When did you first go to the crime scene?

22 A. Probably a year later.

23 Q. Why?

24 A. My wife wanted me to go with her. She felt
25 like she needed to go.

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1 Q. Okay. Did you -- I think you said you had
2 internet and had access to the internet, right?

3 A. At the time.

4 Q. At the time. What about today?

5 A. I can always go to the library and get on it.

6 Q. Yes, sir, you can. You're aware that the
7 West Memphis Three defense team held a press
8 conference, are you not?

9 A. When?

10 Q. At the time that the DNA filings -- at the
11 time that the habeas was filed?

12 A. Oh, I'm not sure.

13 Q. Have you ever seen the video of the press
14 conference that's on the West Memphis Three
15 website?

16 A. Probably not. Now, just because we're
17 related to it don't mean we care about everything
18 that goes along with it.

19 Q. Has anyone ever told you about the defense
20 team's press conference at the time they filed
21 the habeas?

22 A. Just the one they done in Memphis.

23 Q. When did they do the one in Memphis?

24 A. I'm asking you. Is that the one you're
25 talking about?

KELLY HILL, CCR
501-353-2220

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1 Q. Well, what press conferences are you aware --
2 I believe it is. I believe it is.

3 A. Never mind. I don't know if it was or not.

4 Q. Well, did you watch the press -- did watch a
5 video of the press conference that the defense
6 team held in Memphis, Mr. Hobbs?

7 A. Probably. I seen them acting -- seen them
8 doing something on there. I don't know what it
9 was about.

10 Q. About the DNA?

11 A. Uh-huh, it was.

12 Q. About your DNA?

13 A. Yeah.

14 Q. And about Jacoby's DNA?

15 MR. THOMAS: Object to
16 mischaracterization. It's actually opposite of
17 what the video says.

18 Q. And the knives?

19 A. See, when you see this stuff, most of the
20 time I don't watch it.

21 Q. Well, did you watch it or not? I'm not
22 asking about most of the time. I'm asking did
23 you watch the video --

24 A. Probably some of it. Then I don't care much
25 about what anybody on that defense team has to

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1 say.

2 Q. Well --

3 A. Or I will turn it.

4 Q. Why did you watch some of it?

5 A. Because people call you up and say, hey, turn
6 it over here and watch this.

7 Q. Okay.

8 A. And you might turn over there and catch a
9 piece of it, and it's over with.

10 Q. Just like your attorney filed a Press Release
11 when he filed this lawsuit, are you aware that
12 the defense team filed a Press Release when they
13 made their habeas filing?

14 A. I just told you.

15 Q. No, you didn't tell me, sir. My question is
16 entirely different, which is, are you aware that
17 there's a difference between a press statement
18 and a press conference? Are you aware, that at
19 the time the defense team filed their habeas,
20 that they issued a written Press Release?

21 A. Probably not.

22 Q. Never seen it?

23 A. I'd have to see it to recognize it.

24 Q. Okay. Let me hand you, Mr. Hobbs, what we'll
25 mark as Deposition Exhibit 4, and ask if you have

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1 seen this document before?

2 (Deposition Exhibit No. 4 was
3 marked.)

4 A. I don't believe I have.

5 Q. Is this Press Release consistent with your
6 understanding of what was announced by the West
7 Memphis Three defense team at the time the habeas
8 filing was filed?

9 MR. THOMAS: Object to the
10 characterization of Press Release. It assumes
11 facts not in evidence.

12 A. This is from who?

13 Q. The defense team.

14 A. I might have seen it and I don't remember.

15 Q. Would you have seen it at the time that it
16 was filed or -- or issued?

17 A. Probably not.

18 Q. When --

19 A. Coming from the defense team, I don't follow
20 them too much, especially since they was all
21 hating on me.

22 Q. Well, you visited a lot with their
23 investigators, didn't you?

24 A. A few times until I figured out what they was
25 up to.

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1 Q. Would you agree with me, Mr. Hobbs, that the
2 bullet points that are on the first -- those
3 eight bullet points that are on the first and
4 second page on the Press Release are, in fact,
5 the same information that's contained in Ms.
6 Pasdar's November 26th letter?

7 A. Familiar.

8 Q. I'm sorry?

9 A. Looks like it.

10 Q. Okay.

11 A. But you're talking about some wrong
12 statements.

13 Q. Wrong statements that --

14 A. Pasdar made.

15 Q. Well, they're statements that the defense
16 team made that you disagree with --

17 MR. THOMAS: Objection to
18 characterization. We don't know where that
19 document came from. It's not an authentic
20 document.

21 Q. If that is in fact the Press Release and it
22 was issued by the defense team, would you agree
23 with me, Mr. Hobbs, that the statements that Ms.
24 Hobbs -- Ms. Pasdar made are simply the same
25 statements that the defense team said were

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1 supported in their Federal Court filing?

2 A. I don't know. I'm not sure.

3 Q. Well, isn't -- isn't it a fact that the
4 statements --

5 A. Because I'm reading this right here, and this
6 is a wrong statement. This places Hobbs at the
7 crime scene. Didn't happen.

8 Q. Isn't it a fact that Ms. Pasdar's statements
9 are simply a restatement of what the West Memphis
10 Three defense team said that was contained in the
11 habeas filing?

12 MR. THOMAS: Restate the objection.

13 MR. DAVISON: That's fine.

14 A. I don't know.

15 Q. Isn't that what she did?

16 A. I don't know.

17 MR. DAVISON: I think the court
18 reporter -- the videographer says we need to
19 change tapes.

20 VIDEOGRAPHER: We're going off
21 record for a tape change at 2:07 p.m.

22 (Off the record.)

23 (Back on the record.)

24 VIDEOGRAPHER: We're back on record
25 after a tape change at 2:13 p.m.

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1 Q. (By Mr. Davison) Still under oath, right,
2 Mr. Hobbs?

3 A. Yes, sir.

4 Q. When you first saw -- or first learned of the
5 letter that Ms. Pasdar posted on the Dixie
6 Chicks' website in late November or early
7 December of '07, did you make any effort to reach
8 out to Ms. Pasdar or the Dixie Chicks?

9 A. No, sir.

10 Q. Why not?

11 A. Why should I?

12 Q. See why they posted it to get them to retract
13 it. Did you take any effort to communicate with
14 them whatsoever?

15 A. I shouldn't have to. I shouldn't be in that
16 position.

17 Q. So I take it your answer to my question is
18 no?

19 A. Exactly. They interfered in my business, our
20 family's business. We ain't done nothing to
21 them.

22 Q. What else? Anything else?

23 A. No.

24 Q. Why do you think the little boys were
25 murdered?

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1 A. I don't know why.

2 Q. How do you think they were murdered?

3 A. I don't know how.

4 Q. When were they murdered?

5 A. I'm not sure about that either.

6 Q. Where were they murdered?

7 A. West -- I think West Memphis. I don't know.

8 Q. Who murdered them?

9 A. The three young men in prison.

10 Q. Is it a matter -- do you believe, sir, that
11 it's a matter of public concern as to who
12 murdered the three little boys?

13 MR. THOMAS: I object to the extent
14 it calls for a legal conclusion.

15 MR. DAVISON: I'm asking his
16 opinion.

17 Q. Does he have an opinion as to whether or not
18 it's a matter of public concern of who murdered
19 the three little boys?

20 A. It doesn't matter what I think. They're
21 going to get involved anyway.

22 Q. That's not my question. Sir, would you
23 answer my question?

24 MR. THOMAS: Same objection.

25 A. Repeat the question.

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1 Q. Is it a matter of public concern as to who
2 murdered the three little boys?

3 A. Shouldn't be, but it is.

4 Q. Shouldn't be, but it is. Why shouldn't it be
5 a matter of public concern as to who committed
6 three heinous murders?

7 A. Because there's three bastards sitting in
8 prison for it today.

9 Q. And that was -- and that -- that trial back
10 in '94 was a matter of national and international
11 concern, was it not?

12 A. So?

13 Q. So it was a matter of public concern back
14 when the West Memphis Three were tried and
15 convicted, but it's not a matter of public
16 concern now if there are questions about the
17 sufficiency of the verdict in the trial and the
18 evidence?

19 A. I'm happy with the trial's --

20 Q. I understand that, but my question is, is it
21 your testimony that it was a matter of public
22 concern at the original trial, but it's not a
23 matter of public concern today?

24 A. It doesn't matter to me what the public
25 thinks about it.

KELLY HILL, CCR
501-353-2220

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1 Q. You testified -- you told us earlier that
2 it's not a matter of public concern now because
3 there was a trial. And my question to you, sir,
4 is was it a matter of public concern in what,
5 early to mid-nineties, when there was a trial,
6 but it's not a matter of public concern now?

7 A. I don't know.

8 MR. THOMAS: Objection to the extent
9 it calls for a legal conclusion.

10 MR. DAVISON: I'm asking for this
11 witness' opinion.

12 A. I don't know.

13 Q. So you don't know if it's a matter of public
14 concern about who murdered the three little boys
15 today?

16 A. There's three boys sitting in prison.

17 Q. Is it --

18 A. Today for it.

19 Q. Is it -- is it possible, Mr. Hobbs, that they
20 were wrongfully convicted?

21 A. Not in my opinion.

22 Q. Is it possible -- well, you -- while you may
23 believe and have the opinion that they were
24 properly tried and properly convicted, you will
25 acknowledge, won't you, sir, that others have an

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1 entirely different opinion?

2 A. Everybody is entitled to their own opinion.

3 Q. And everybody is entitled to express that
4 opinion, are they not?

5 A. To some degree.

6 Q. Okay. And is it -- it is a matter of public
7 concern -- you would agree with me, sir, that
8 it's a matter of public concern about whether or
9 not the West Memphis Three were wrongfully tried
10 and convicted of murder; that can be an issue of
11 public debate, can it not?

12 A. A low mentality public probably.

13 Q. Your wife Pam is entitled to her opinion as
14 to whether or not the West Memphis Three were
15 wrongfully tried and convicted, are they not?

16 A. She is.

17 Q. And you're entitled to your opinion as to
18 whether or not they were wrongfully tried and
19 convicted, correct?

20 A. I am.

21 Q. I'm sorry?

22 A. I am.

23 Q. Your wife Pam is entitled to her opinion as
24 to whether or not you were involved in the --

25 A. She is entitled.

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1 Q. Right. And Ms. Pasdar is entitled to her
2 opinion as to whether or not the West Memphis
3 Three were wrongfully convicted, is she not?

4 A. She is.

5 Q. And the Dixie Chicks are entitled to their --
6 to have opinion an opinion as to whether or not
7 the West Memphis Three were wrongfully convicted,
8 correct?

9 A. They are.

10 MR. THOMAS: Are those being offered
11 as deposition exhibits?

12 MR. DAVISON: These are all
13 deposition exhibits. I don't know that I need to
14 offer them other than Federal Rules. They're
15 just exhibits.

16 MR. THOMAS: But they will be
17 attached to the deposition?

18 MR. DAVISON: Oh, absolutely.

19 Q. Paragraph 19 to your complaint, sir, that you
20 reviewed and approved prior to the time it was
21 filed, you state, that Ms. Pasdar's repeated
22 libelous publications concerning involvement of
23 plaintiff, which is you, was, among other things,
24 false and reckless at the time of publication.
25 And my question to you, sir, is what facts --

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1 facts do you have to support your belief that her
2 statements were reckless?

3 A. Because she don't know what she's talking
4 about.

5 Q. How do you know that?

6 A. Because she's accusing me.

7 Q. Other than the fact that you don't think she
8 --

9 A. And I know that I didn't do this.

10 Q. Do you know what she looked at?

11 A. I don't even care.

12 Q. You don't care?

13 A. What she looked at.

14 Q. The fact that, in your opinion, she's wrong
15 makes it reckless?

16 A. Sure. Why not?

17 Q. Do you have any reason to believe that she
18 knew that what she was saying was false at the
19 time that she said it?

20 A. I have no have recollection.

21 MR. THOMAS: Object to the extent
22 that it calls for a legal conclusion.

23 Q. I mean, you have no base -- you have not
24 factual basis to say that Ms. Pasdar knew that
25 what she was saying was false at the time she

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1 said it, do you?

2 MR. THOMAS: Objection to the extent
3 that it calls for a legal conclusion.

4 MR. DAVISON: I'm asking for facts,
5 Counsel.

6 A. I would think that she probably read the
7 police report where they said that he wasn't a
8 suspect then, he ain't now, and then she just
9 shot off.

10 Q. Do you know that she read the police report?

11 A. I don't. Do you?

12 Q. See, I get to ask the questions. That's the
13 great thing about today, Mr. Hobbs, is I get to
14 ask the questions.

15 A. I don't know if she didn't.

16 Q. Do you know if she looked at the Press
17 Release?

18 A. I don't know what she looked at.

19 Q. Do you know if she watched the press
20 conference?

21 A. I don't know what she watched.

22 Q. Do you know who she talked to, if anyone, on
23 behalf of the defense team?

24 A. I don't know.

25 Q. So as we sit here today, you have no facts

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1 that would support your belief that Ms. Hobbs --
2 that Ms. Pasdar knew that what she was saying was
3 false at the time she said it?

4 MR. THOMAS: Same objection as
5 earlier.

6 Q. Right?

7 A. I don't know where she get her information
8 from, but she should have talked to somebody who
9 knew about it.

10 Q. My question -- I need you to answer my
11 question, because it's an important question, Mr.
12 Hobbs, which is, do you have any facts or do you
13 have any documents that support your allegation
14 that Ms. Hobbs -- Ms. Pasdar knew that the facts
15 that she was stating on either her letter or at
16 the rally were false at the time she made it?

17 MR. THOMAS: Same objection.

18 Q. You don't, do you?

19 A. I don't know where she gets her information
20 from.

21 Q. Okay. You just know you didn't do it, and
22 you just know it's not your DNA? Do you know
23 it's not your DNA? You don't know one way or
24 another if it's your DNA, do you?

25 A. Well, I've never been convinced it was mine.

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1 The police has never pulled me in there and said,
2 this is yours.

3 Q. That's not my question. My question is, you
4 don't know for a fact that it's not yours, do
5 you?

6 A. I don't know it is, I don't know if it's not.

7 Q. Paragraph 21, Mr. Hobbs. The acts of the
8 defendants have caused you to suffer personal
9 injuries, right; that's what you said, right?

10 A. And?

11 Q. What personal injuries?

12 A. Emotional.

13 Q. What other personal injuries?

14 A. Dealing with my family over it, watching my
15 kids go through it, that causes you problems,
16 too.

17 Q. Emotional. How have your emotional injuries
18 manifested themselves? And is this separate from
19 the personal breakdown you had in March when you
20 lived in the back of your car?

21 A. Okay.

22 Q. Is it? Are these the same personal injuries
23 -- emotional injuries?

24 A. No. I had to deal with a lot of things
25 through all this.

1 Q. And I am sympathetic and appreciate that, I
2 really am. But my question to you, sir, as
3 representing my client, is -- I'm trying to
4 figure out what damage, what emotional damages
5 you have suffered as a result of the statements
6 that my client made as opposed to the national
7 and international scrutiny that's been going on
8 for months and months and months prior to the
9 time that my client had anything to say?

10 MR. THOMAS: Objection to the extent
11 it calls for a legal conclusion.

12 Q. I'm simply asking you what damages you have
13 suffered?

14 MR. THOMAS: Same objection.

15 A. I don't know.

16 Q. Can you sit here -- can you point to me one
17 damage have been separate and apart from all of
18 the things that we talked about in the summer and
19 the spring of '07 that is caused as a result of
20 what Pasdar said?

21 MR. THOMAS: Objection --
22 requires -- to the extent it requires a legal
23 conclusion.

24 MR. DAVISON: I'm not asking for a
25 legal conclusion, Counsel.

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1 MR. THOMAS: Sure, you are.

2 MR. DAVISON: I'm asking for the
3 facts.

4 MR. THOMAS: You're asking -- you're
5 asking for him to apply the facts to the law of
6 causation.

7 MR. DAVISON: I'm asking for facts.

8 MR. THOMAS: He doesn't know what
9 proximate cause is.

10 MR. DAVISON: I'm just asking for
11 facts.

12 MR. THOMAS: You're linking the
13 facts you're asking due to causation, which is a
14 legal concept, which he is not required to
15 address.

16 Q. Can you answer the question, Mr. Hobbs?

17 A. No.

18 Q. No. Have you been to any doctors since
19 November of '07?

20 A. I have a doctor friend I call.

21 Q. What doctor friend?

22 A. Mike Mitchell. He wanted me to come in and
23 visit with him. I was aggravated and mad and
24 would not go. I just wanted him to give me
25 something for my blood pressure.

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1 Q. Okay. So you didn't go?

2 A. No.

3 Q. Have you sought any -- have you sought and
4 received any care from a physician due to this
5 emotional distress?

6 A. No, but I could.

7 Q. But you haven't as you sit here today?

8 A. I just don't believe in too much doctoring.

9 Q. Okay. Are you able, Mr. Hobbs, to separate
10 the emotional injury that you suffered as a
11 result of the underlying murders themselves as
12 opposed to what Ms. Pasdar said in November of
13 '07?

14 MR. THOMAS: Objection to the extent
15 it calls for a legal conclusion.

16 Q. I just asked if you can separate that -- that
17 injury?

18 A. I'll say no.

19 Q. Can you separate it from the stress and the
20 emotional toil that I'm sure the trials
21 themselves put upon you and your family?

22 A. No.

23 Q. How about the ongoing appeal -- appeals by
24 the three boys, can you separate that out?

25 A. No one has ever brought my name into it up

1 until '07.

2 Q. My question is, sir, are you able to separate
3 any injury -- the emotional injury --

4 A. No.

5 Q. -- between the ongoing appeals and what Ms.
6 Pasdar said?

7 A. No. Because they had been going on before
8 she come along.

9 Q. What about the anxiety and the stress and
10 injury that your interaction with the defense
11 team and their investigators has caused you, Ron
12 Lax?

13 A. Caused me a lot of problems.

14 Q. As a matter of fact, you have testified -- or
15 not testified -- you quoted in the newspaper and
16 said they ruined your life?

17 A. They helped.

18 Q. Helped. And the -- Mr. Riordan and the
19 defense counsel, they have ruined your life?

20 A. They had a part of it, too.

21 Q. Are you able to distinguish any of that, the
22 ruining of your life, by the investigators or the
23 defense counsel from the letter that Ms. Pasdar
24 posted on the website or the statement that she
25 made at the rally?

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1 A. You put them all together, and I shouldn't
2 have a life, should I.

3 Q. I didn't say that. I certainly didn't say
4 that, and that wasn't my question. My question
5 is --

6 A. That's how it is.

7 Q. My question is can you separate it out?

8 A. I don't have to.

9 Q. Can you? I'm asking you if you can?

10 A. No.

11 Q. Can you separate out the emotional injury
12 that you have suffered as a result of the
13 countless newspaper, media, television articles,
14 about the murder, the appeals, and quite frankly,
15 the recent connection of your DNA to the crime
16 screen, separate and apart from that -- Ms.
17 Pasdar's letter or statement at the rally?

18 A. No.

19 Q. You state any -- other than -- talking about
20 personal injuries. Talked about emotional
21 injury. Any other personal injuries, Mr. Hobbs,
22 or is that pretty much it from the personal
23 injury side?

24 A. I don't know.

25 Q. I'm sorry?

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1 A. Yeah, that's it.

2 Q. Yeah, that's it. Okay. Talks about -- the
3 next one, injury to your reputation. How has Ms.
4 Pasdar's statement in the letter or at the rally
5 injured your reputation as compared to --

6 A. Just add injury to injury is what it does.

7 Q. Add injury to injury. Because Ms. Pasdar
8 certainly wasn't saying anything new, was she?

9 A. No.

10 Q. And she -- all it was, it was just one more
11 celebrity --

12 A. Let's kick him while he's down.

13 Q. Well, one more celebrity asking folks to
14 become involved, to send money and make the
15 politicians aware of what was going on; that's
16 what she was doing, wasn't it?

17 A. Wasn't nothing --

18 MR. THOMAS: Object to the
19 characterization of the letter.

20 Q. There wasn't anything going on? They hadn't
21 filed a habeas?

22 A. I don't know.

23 Q. There wasn't --

24 A. Just trying to make a bunch of nothing out of
25 nothing.

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1 Q. Well, why would she do that?

2 A. Ask her.

3 Q. Well, I'm asking you. Do you have an opinion
4 as to why --

5 A. I don't know why.

6 Q. -- she thinks she would do that?

7 A. I don't care why. She needs to mind her own
8 business.

9 Q. Because -- because it's none of her business
10 if you were involved?

11 A. I wasn't involved, and her saying I was. You
12 need to understand that.

13 Q. It's none of her business if three innocent
14 teenagers -- what were young teens, now young
15 adults -- sit in jail for crimes they didn't
16 commit; that's not her business, is it?

17 A. Then maybe she needs to address that and
18 leave me out of it.

19 Q. What was your reputation -- I want you to
20 tell me what your reputation was prior to
21 November the 26th, 2007, Mr. Hobbs. Taking into
22 account your whole life experience and everybody
23 that knew you, what was your reputation?

24 A. Pretty screwed up one, ain't it.

25 Q. Is that your answer?

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1 A. No.

2 Q. Okay.

3 A. That's off the record.

4 Q. It's not off the record. I would --
5 honestly, I would agree it's pretty screwed up.

6 A. Yeah.

7 Q. Wouldn't you?

8 A. Seems like the more people that gets ahold of
9 it, they try to make it the worse for you.

10 Q. Well, you've got -- go ahead. I'm sorry.
11 What was your reputation in the community prior
12 to November the 26th, 2007?

13 A. A man that's been through hell.

14 Q. Okay. And what was your reputation after Ms.
15 Hobbs made the statement and appeared at the
16 rally; it was the same, wasn't it?

17 A. Ms. Pasdar.

18 Q. I'm sorry. Ms. Pasdar. After Ms. Pasdar
19 posted her letter and spoke at the rally, your
20 reputation was the same, wasn't it?

21 A. Let's kick him while he's down.

22 Q. But had the -- had your reputation changed?

23 A. Couldn't get any better.

24 Q. Couldn't get any worse, could it, or could
25 it?

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1 A. Yeah, it could get worse.

2 Q. Could be worse?

3 A. The more big-mouths out there shooting off,
4 yeah, it gets worse.

5 Q. You'll agree that you've led a, shall we say
6 a colorful life?

7 A. I've had a good life up until the murders of
8 our little boy.

9 Q. And then it all went south, didn't it?

10 A. It could have been better.

11 Q. Arrested for drug -- drug use and possession?

12 A. Half a joint.

13 Q. Accused of molesting your teenage daughter,
14 divorced, bankruptcy, lawsuits, you shot your
15 brother-in-law, nationally connected through
16 international press in the summer of '07 with
17 DNA -- you DNA at a crime scene, the murder of
18 your little boy and two other little boys?

19 MR. THOMAS: Objection. It's a
20 compound question.

21 A. And?

22 Q. That was your reputation prior to November of
23 '07, wasn't it?

24 MR. THOMAS: Same objection.

25 A. And?

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1 Q. And it's the -- how can it get worse?

2 A. Well, it would get better if people would
3 quit jumping on the bandwagon.

4 Q. How could it get worse? How did what Ms.
5 Pasdar say damage your reputation anymore than
6 what the conduct you had led through the last 15
7 years done?

8 A. She just pulls more in -- people influence in
9 that people don't even pay attention until
10 celebrities get on board.

11 Q. So she threw light on the subject?

12 A. She didn't throw light on nothing. She shot
13 off.

14 Q. My question to you, sir, is how did your
15 reputation change, other than the fact that Ms.
16 Pasdar shot off and brought more people to look
17 at the West Memphis Three website and what went
18 on, which is what she said, look at the website,
19 look at the evidence, look -- look at the habeas
20 corpus -- bla -- the court pleadings, and make a
21 judgment for yourself, how is that any different
22 than throwing light on the facts and asking
23 people to make their own minds up; how did that
24 damage your reputation?

25 A. Because people tend to believe celebrities.

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1 Even though some of them don't know what they
2 talking about, people will follow their stories.

3 Q. Any other -- any other way that your
4 reputation was harmed, Mr. Hobbs?

5 A. Ain't no telling.

6 Q. No, this is the time to tell.

7 A. There ain't no telling.

8 Q. Can you --

9 A. No telling what other quacks out there
10 quacking off.

11 Q. Can you -- can you articulate for me any
12 other -- this is my one chance before you get up
13 on the witness stand and take the oath again in
14 front of the Federal Court judge and swear what
15 went on. This is my chance to find out how you
16 believe you've been harmed, and so I want to know
17 how your reputation has been --

18 A. I've been threatened. Has anyone told you
19 that?

20 Q. No, sir.

21 A. I have been.

22 Q. Who threatened you?

23 A. Some quack on the internet.

24 Q. When did this happen?

25 A. There's a police report over there. It's the

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1 second police report that I couldn't think about.

2 Q. Okay.

3 A. There's a police report about it.

4 Q. All right. When did this happen?

5 A. A couple of months ago.

6 Q. Okay.

7 A. And these people are reading everything they
8 see on the internet and forming an opinion, okay,
9 and now they're threatening me over this crap.

10 And don't sit here and try to get me to feel good
11 about it, because I don't, and this woman
12 shooting off like she has has no right to jump in
13 there and do that.

14 Q. We need both police reports, obviously.

15 A. Oh, yeah, I guarantee you they're at the
16 police department.

17 Q. Any other damage to your reputation, sir?
18 Anything else you want to tell me you're going to
19 tell the jury about how you've been harmed as a
20 result of my client's conduct?

21 A. No comment. No, I don't know.

22 Q. No?

23 A. (Witness nodding head back and forth.)

24 Q. Okay. The third element of your damages
25 here, Mr. Hobbs, you say that injury to your

1 business and -- professional and business.

2 You've got professional and business damages.

3 All right. Well, what professional and business

4 damage -- and I'm reading from Paragraph 21 --

5 what professional and business damages do you

6 have that you're seeking to recover? Anything?

7 A. It would be nice to see people quit coming in

8 my business and saying, do you see what they're

9 on TV saying about this man today. They're

10 talking to me and they're talking about me,

11 threatening me, making their threats. It would

12 be nice if these people way back here --

13 Q. Which page?

14 A. -- wherever it is. It would be nice -- I

15 don't have the Dixie Chicks' report. It would be

16 nice if them people back there would quit doing

17 what they're doing so I can go to work and not

18 have to worry about people coming in my place of

19 business and threatening the person, they don't

20 even know who it is, and it's me, because of what

21 everything that has happened in the past. That

22 happens.

23 Q. What happens?

24 A. Well, I just told you.

25 Q. Oh, that happens. Okay. So it's happened

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1 more than the fellow from Australia?

2 A. Exactly.

3 Q. How many times?

4 A. I don't keep up with them. I get tired of
5 them.

6 Q. More than five, more than 10? Once a month,
7 once a year? How often does it happen, Mr.
8 Hobbs?

9 A. Just like I told you, I don't keep up with
10 them.

11 Q. Well, I'm trying to get a sense for how often
12 folks -- that you say folks come in your business
13 and hassle you?

14 A. I'll have to just say there's people sitting
15 right in there and here, too.

16 Q. I'm sorry. Say what? I didn't understand.
17 There are people out here in the conference room?

18 A. People at my work that has sat there and
19 heard the people come in and say stuff about it.

20 Q. People just talk about you, and you don't
21 like it?

22 A. They don't even know it's me they're talking
23 about. They're just in there talking about it.

24 Q. It meaning the West Memphis Three and --

25 A. About the new DNA, about the stepdad that

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1 they think done it. They're showing his picture
2 all over the news.

3 Q. Okay. Well, have you been fired from your
4 job because of that?

5 A. No.

6 Q. Have you lost hours because of it?

7 A. Yeah. I've had some problems.

8 Q. What problems?

9 A. Losing time, sleep.

10 Q. We're not talking about sleep at the moment.
11 I'm talking about have you lost time from work
12 because people are coming in and hassling you
13 about it?

14 A. No, I don't lose time. I go back and stay
15 away until people leave.

16 Q. Okay. And you just don't come -- who's your
17 boss?

18 A. His name is Terry Davis.

19 Q. Where does he work? What's the name of your
20 company right now?

21 A. Discount Building Supply.

22 Q. And you're a salesman?

23 A. I am.

24 Q. What's the business address of your company,
25 sir?

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1 A. The business what?

2 Q. Address.

3 A. 1625 -- no. 1225, or something, North
4 Hollywood, Memphis, Tennessee.

5 Q. Okay. And what are your duties as a
6 salesman?

7 A. Sell products.

8 Q. Who do you sell product to?

9 A. Public.

10 Q. Public's Grocery?

11 A. People.

12 Q. People in the public. Give me --

13 A. It's a Home Depot type operation.

14 Q. Okay. So you basically help people find
15 things, like if you need to come in and find
16 something to fix my washer?

17 A. Correct.

18 Q. You'd help me?

19 A. Correct.

20 Q. Okay. And how long have you had that job?

21 A. A little over two years.

22 Q. Two years. What did you do before?

23 A. Courier work.

24 Q. Courier. What kind of courier work?

25 A. Transporting goods from one place to another.

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1 Q. Like a truck driver?

2 A. No. A courier.

3 Q. Courier. Papers?

4 A. Papers, letters, boxes. Your own private
5 contractor.

6 Q. Okay. Was -- why did you move from a courier
7 to a salesman? Better job?

8 A. No. That is the time when all this stuff
9 started coming out on the news, and had made my
10 mind up that I was going to just move and get
11 away from Memphis. I was tired of the crap that
12 was going around on the news.

13 Q. So you left town and got a different job?

14 A. Well, I didn't get to leave town.

15 Q. Right. But that was your goal; you wanted to
16 leave town?

17 A. Right.

18 Q. So people come in and they want to talk -- as
19 you're helping them find stuff to fix the washer
20 and dryer or the sink, they just -- part of the
21 conversation comes up about the West Memphis
22 Three?

23 A. You wouldn't believe it.

24 Q. All right. How often does that happen?

25 A. Used to happen quite a bit.

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1 Q. And they would do that not even knowing that
2 you're Terry Hobbs, right?

3 A. Exactly. Just seeing it on the news, they
4 would just come in and start talking about it.

5 Q. And this has been going on since you got
6 there, right?

7 A. I started there just before this started.

8 Q. All right. And those types of people coming
9 in wanting to talk about the West Memphis Three,
10 that happens pretty much from the get-go when you
11 started?

12 A. I started before it started on the news.

13 Q. Okay. Did that same sort of discussions or
14 community discussion happen while you were a
15 courier?

16 A. No, because it hadn't started yet.

17 Q. Hadn't started yet. Did it all start in the
18 spring of '07 when the DNA results were released?

19 A. Right.

20 Q. Right. Okay. Same -- do you have the same
21 position today as when you started in '07?

22 A. I do.

23 Q. Same -- same pay scale?

24 A. Roughly.

25 Q. Hadn't been demoted?

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1 A. No.

2 Q. Hadn't been promoted?

3 A. No.

4 Q. Just kind of the same status quo?

5 A. There are no promotions there. You're just
6 there.

7 Q. Just status quo?

8 A. Yeah.

9 Q. Okay. How else have you been hurt in your
10 professional or business, Mr. Hobbs?

11 A. I don't know.

12 Q. Well, see, this --

13 A. Dealing with the public.

14 Q. This is -- this is my time to ask and this is
15 your time to tell me.

16 A. I just told you.

17 Q. Just dealing with the public?

18 A. I shouldn't have to deal with the public over
19 this.

20 Q. Again, Paragraph 23, sir, talking about
21 intentional affliction of emotional
22 distress/outrageous conduct. Paragraph 23, you
23 talk about that Ms. Pasdar's conduct was
24 intentional and reckless. What facts, if any, do
25 you have to demonstrate that her conduct was

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1 intentional? You don't have any, do you, other
2 than what you've told me so far?

3 A. You would almost have to think, if she didn't
4 intentionally mean to do something, she would
5 never had got here and did what she did.

6 Q. Have you told me all the facts -- as we sit
7 here today on July the 21st, 2009, have you told
8 me every fact that you know of that you believe
9 supports your allegation that Ms. Pasdar's
10 conduct was intentional with regard to the
11 spreading of lies for falsehoods?

12 A. Well, I think it was intentional.

13 Q. Why do you think that?

14 A. Because she shouldn't have never come in here
15 and did what she did.

16 Q. And that's the only basis you've got for the
17 intentional, that she shouldn't have come in and
18 did -- have done what she did, and the basis --
19 and because of that, she intentionally said
20 things that she knew was false; is that your
21 testimony; is that the basis of your lawsuit?

22 A. I don't know.

23 Q. Well, I mean, this is my chance -- again,
24 this is my chance to --

25 A. I --

1 Q. You can't say I don't know. This is my
2 chance to find out?

3 MR. THOMAS: Object to the extent
4 that it calls for a legal conclusion. Again, you
5 try to apply the evidence to the proof to get him
6 to admit that the legal standard is improper when
7 he's not required to know the legal standards.

8 Q. Can you tell me -- I'm just trying to find
9 the facts. I'm not trying to trick you.

10 A. The facts are in that other page there where
11 your client comes up here, gets in on the
12 bandwagon, bashes me for all the wrong reasons,
13 and you're trying to sit here and justify it.

14 Q. And you're talking about the rally at that
15 point? When she comes up here, that's the rally,
16 right, and the letter campaign that she asked
17 folks to take a look at it and send letters in to
18 the governor? You didn't like that, did you?
19 Draws -- draws the light of day on things. Draws
20 attention to you?

21 A. For all the wrong reasons. Because she says
22 it doesn't make it so.

23 Q. Any other facts, Mr. Hobbs, that support your
24 belief that she was acting intentionally or
25 recklessly?

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1 A. You will have to ask her.

2 Q. As you sit here, you know of nothing else?

3 A. You will have to ask her.

4 Q. Well, I'm asking you. Do you know of
5 anything else?

6 A. Huh-uh, no.

7 Q. No. Okay. And 23, resulting in severe
8 emotional mental and physical injuries, are those
9 the same injuries that we talked about earlier,
10 Paragraph 21?

11 A. I don't know.

12 Q. Any -- any other injuries?

13 A. No.

14 Q. No.

15 A. I don't know. Emotionally, mentally.

16 Q. I mean, this is the same we talked about,
17 right?

18 A. Okay.

19 Q. Well, no, you can't just agree to me. I'm
20 asking you, is it the same damages in harm --

21 A. Same.

22 Q. Nothing new? You have to answer out loud,
23 sir.

24 A. No.

25 Q. Paragraph 25 says, that the acts of the

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1 defendants placed plaintiff in a false life.

2 What false life did the letter place you in?

3 MR. THOMAS: Object to the extent it
4 calls for a legal conclusion.

5 Q. What do you claim -- what false light do you
6 claim that the letter placed you in?

7 MR. THOMAS: Same objection.

8 MR. DAVISON: That's fine.

9 A. She put it out there and people believed it.
10 What do you call that?

11 Q. Okay. Some would call it the truth, sir.

12 A. And some call it whatever.

13 Q. All right. Let's look at Exhibit A which is
14 the letter. Would you agree with me, sir, that
15 from where her signature is through the top is
16 Ms. Pasdar explaining that she thinks she has the
17 personal belief, I believe that three men are in
18 prison for crimes they didn't commit. She tells
19 folks to go to the website to look at the
20 evidence, and to make a donation to Arkansas Take
21 Action in hopes that the judge will grant a new
22 trial. Would you agree that that's the gist of
23 the letter from her signature to the top?

24 MR. THOMAS: Object to the extent it
25 calls for a legal conclusion.

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1 Q. Would you agree that that's the gist of that
2 part of the letter?

3 MR. THOMAS: Same objection.

4 A. I guess.

5 Q. Is that a yes?

6 A. I haven't read it.

7 Q. Well, I want you to read it.

8 A. Not as of right now, I haven't read it.

9 Q. Well, then I want you -- this is -- you
10 haven't read it till today?

11 A. I have read it before today, but I haven't
12 taken the time to read it today.

13 Q. Okay. I want you to read -- and we can go
14 off the record while you do that so we don't burn
15 up tape. I want you to read from the very top
16 where it says November 26th, 2007 letter, the
17 letter from Natalie Maines, down to where she
18 says, sincerely, Natalie Maines Pasdar.

19 A. I've read it in the past.

20 Q. Do you need to read it again?

21 A. No. I don't even care about it.

22 Q. You don't care about it. All right. Well, I
23 want you to tell me, sir, isn't the gist of that
24 part of the letter where she basically says she
25 thinks the boys were wrongfully convicted, that

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1 she encourages people to watch the HBO
2 documentaries, to look at the Court findings, and
3 then contribute to the defense fund? It's really
4 a call, you know, please -- please get involved.
5 You'll agree that that's the gist of the letter,
6 right?

7 MR. THOMAS: Same objection.

8 A. Yeah.

9 Q. Okay. And then from where it says,
10 sincerely, Natalie Maines, from there down, which
11 will roll over to the last page, second page, and
12 those are the eight bullet points that attempt to
13 summarize what's in the recent court filings and
14 which have been publicized for many weeks and
15 months earlier, correct?

16 A. Okay.

17 MR. THOMAS: Objection.

18 Mischaracterizes the evidence.

19 Q. Do you agree with that?

20 A. Yeah.

21 Q. Yeah. That's -- and you may not agree with
22 the characterization, but you'll agree that
23 that's what -- you may disagree with the
24 conclusions that the evidence points to, but
25 you'll agree that that's what's in the findings,

1 right -- or the filings, correct?

2 MR. THOMAS: Objection. There's
3 no -- there's no basis, no foundation.

4 MR. DAVISON: And we want objection
5 form. We're not coaching, Ted.

6 MR. THOMAS: There's no --

7 MR. DAVISON: I'll note your
8 objection to form.

9 MR. THOMAS: There's no foundation
10 for him having read the pleadings. You cannot
11 get concessions for him -- from him what
12 aren't -- are not in the pleadings when he hasn't
13 read them.

14 MR. DAVISON: You know what? I'm
15 about tired of coaching the witness.

16 MR. THOMAS: I'm not coaching the
17 witness.

18 MR. DAVISON: Yes, you are. That's
19 exactly what that is.

20 MR. THOMAS: You haven't established
21 whether or not he read the pleadings.

22 MR. DAVISON: Well, then object to
23 form and --

24 MR. THOMAS: That's what I did.

25 MR. DAVISON: -- then stand by your

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1 objection, and if I have a question about what
2 you can enlighten me on, I will certainly ask.

3 MR. THOMAS: I can state the basis
4 for my objection.

5 MR. DAVISON: Not unless I ask. The
6 Federal Rules say not unless I ask. You object
7 as to form or you instruct the witness not to
8 answer. And I'm about tired and I've about had
9 it of you coaching this witness.

10 MR. THOMAS: I've about had it with
11 you trying to get concessions about him from a
12 document that he's never read. There's no
13 foundation for the document. It's not valid. I
14 mean, the judge isn't going to say, oh, Mr. Hobbs
15 says it's a public concern, therefore, it must be
16 a public concern.

17 MR. DAVISON: You know what?

18 MR. WELLENBERGER: I think that the
19 point that Dan is making, is that you object as
20 to form, and the witness has to say, I haven't
21 read it, so I don't know. You don't tell him
22 that he hasn't read it so he knows how to answer.

23 MR. THOMAS: I'm objecting to lack
24 of foundation.

25 MR. DAVISON: That's objection as

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1 form --

2 MR. THOMAS: And assume -- and that
3 you assume facts that aren't evidence.

4 Q. You'll agree with me, won't you, Mr. Hobbs,
5 that the points that are following Ms. Pasdar's
6 signature are the very points that are in the
7 Press Release that I showed you earlier, and
8 which were -- and which were reported in some of
9 the press clippings that I showed you earlier
10 that attempt to summarize some of the defense
11 filings?

12 MR. THOMAS: Object as to form.

13 MR. DAVISON: Thank you.

14 MR. THOMAS: Mischaracterization of
15 a Press Release.

16 MR. DAVISON: Thank you.

17 A. I've seen them before.

18 Q. You've seen them before. And where did you
19 see them before?

20 A. Everywhere.

21 Q. Everywhere. In the Press Releases, right?

22 A. Right.

23 Q. And -- in the newspaper, right?

24 A. Right.

25 Q. On the TV?

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1 A. Right.

2 Q. In the court filings?

3 A. I haven't --

4 Q. I haven't read the court filings. Okay. On
5 the -- in the video press -- the press
6 conference?

7 A. I didn't really watch it.

8 Q. But these are the same things they talked
9 about; you know that?

10 MR. THOMAS: Object as to form. He
11 says he didn't read it, and you can't ask him
12 what they say, because he didn't see it.

13 MR. DAVISON: You know, I'd like to
14 know the factual basis -- or not the factual --
15 the basis on which you think you can say anything
16 more than an objection form, because I'm about to
17 seek sanctions from the Court, Ted.

18 MR. THOMAS: Call him up.

19 MR. DAVISON: You know what? We
20 just may. So what's the basis for your belief
21 that you can say anything more than objection
22 form or don't answer the question based --

23 MR. THOMAS: You can state the
24 factual basis of my objection.

25 MR. DAVISON: No. The rules --

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1 MR. THOMAS: If you want to do
2 something, then do it.

3 MR. DAVISON: The rules clearly
4 state that all you can say is objection form, and
5 then if I then have a question about whether or
6 not your objection as to form is proper, then I
7 can ask you to explain, but if you don't, the law
8 in the case, I think are fairly clear, that you
9 stepped way over the line of proper advocacy when
10 you start to coach the witness by speaking
11 objections. That's the very reason why the rules
12 were amended.

13 MR. THOMAS: When you say -- when
14 you say -- when you say I'm only supposed to
15 object to form.

16 MR. DAVISON: Yeah.

17 MR. THOMAS: And then you're trying
18 to dump all this stuff in at some other point,
19 and then you're going to be right there saying,
20 well, he didn't state what his objection is.

21 MR. MOORE: Ted, you know -- I mean,
22 I know Dan is from Texas, but you know the rule
23 in Arkansas is what he's saying it is. Any
24 Federal judge is going to say object form,
25 period, and let the deposition continue. You are

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1 going overboard. Your record is preserved --

2 MR. THOMAS: I'm going to state --
3 I'm going to preserve the record.

4 MR. MOORE: Your record is preserved
5 at this point.

6 MR. THOMAS: I'm going to preserve
7 the record, because when he says it's something
8 15 times that something is a Press Release to try
9 to get my client to concede that it's a Press
10 Release when it's not in fact a Press Release,
11 I'm going to say something about it.

12 MR. DAVISON: Objection form
13 preserves it, and you know it. You're a good
14 enough lawyer that you know that.

15 MR. THOMAS: I'm saying whether it
16 is or isn't a Press Release is not coaching the
17 witness. It simply isn't. Look at it. It's
18 not --

19 Q. Are there -- and I think the record is pretty
20 clear, Mr. Hobbs. From where it says, the
21 following to DNA and forensic evidence presented
22 in the Federal Court hearing, and then it goes
23 through the various eight points. Do you have
24 reason to believe that any of those statements
25 are false?

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1 A. Any of what statements?

2 Q. The things that start in late October through
3 the end of this exhibit, are they false?

4 MR. THOMAS: Object, compound
5 question. You're asking him for -- to get a
6 blanket approval of a long list.

7 Q. You can answer the question, Mr. Hobbs. And
8 we can take it paragraph by paragraph if you'd
9 like, sir.

10 A. You're asking me if I think any of these
11 statement here are wrong?

12 Q. Yes.

13 A. I would start -- do you want to do it
14 paragraph by paragraph?

15 Q. I think that makes sense.

16 A. Yeah. Damien Echols was wrongfully
17 convicted.

18 Q. Okay.

19 A. I don't believe that.

20 Q. Okay. Would you agree with me that the
21 papers that were filed in Federal Court in
22 Arkansas certainly allege that?

23 A. It doesn't mean that's fact, but things like
24 that happen.

25 Q. Things like what happen?

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1 MR. THOMAS: Object as to form.

2 Assumes facts not in evidence.

3 Q. Things like what happen, wrongfully
4 convicted; people are wrongfully convicted,
5 aren't they?

6 A. No, no. People making statements like this.
7 As a matter of fact, everything has happened in
8 the courts, as you call it. Nothing has changed.

9 Q. You will agree with me that the papers that
10 were filed at the Federal Court in -- in October
11 attempt to establish that Damien Echols was
12 wrongfully convicted?

13 MR. THOMAS: Object as to form, lack
14 of foundation.

15 Q. You know that to be the case from all the
16 Press Release, that that's what they're trying to
17 do; they're trying to say he's wrongfully
18 convicted and give him a new trial, right?

19 A. You know what? If you was sitting on death
20 row and it was your time to die, and you had a
21 yellow streak running down your back, wouldn't
22 you not come up with any and everything that you
23 could possibly to save your own life?

24 Q. If I was sitting on death row and didn't do
25 it, I certainly would as well.

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1 A. Well, you should have sat in the same trial
2 that I sat in, then you probably wouldn't be
3 thinking like that.

4 Q. So do you think Mr. -- do you think Damien
5 Echols is not entitled to pursue and exhaust his
6 legal rights, sir?

7 A. I think his legal rights should be removed
8 from him from day one after a conviction, but the
9 appeals process allows them to do this kind of
10 stuff right here, which is kind of a system that
11 needs reworked.

12 Q. Okay. Okay. You would agree with me,
13 though, as part of that appellate process that
14 Mr. Echols' team, defense team, made a filing
15 that in October attempted to persuade the judge
16 that he was wrongfully convicted?

17 A. They gave it their best shot.

18 MR. THOMAS: Object as to form, lack
19 of foundation.

20 Q. They gave it their best shot. Would you also
21 agree that the filing that was made in October
22 included DNA evidence that did not link any of
23 the three boys to the crime scene?

24 MR. THOMAS: Object as to form, lack
25 of foundation.

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1 Q. I'm just asking from your understanding, sir.

2 A. I've heard that.

3 Q. Okay. You went to the trial, right, every
4 day?

5 A. Every day.

6 Q. And you know that the prosecution claimed
7 that Mr. Echols has sodomized the boys, right?

8 A. One of them.

9 Q. One of them. And none of Mr. Echols' DNA was
10 found on any of the boys, including the one that
11 was allegedly sodomized, correct?

12 A. I believe so.

13 Q. Okay. As a matter of fact, the only DNA that
14 was found on the boys was DNA that couldn't be
15 identified to anyone; isn't that right?

16 A. Okay.

17 Q. Is that right?

18 A. I don't know.

19 Q. Well, other than -- other than yours, of
20 course?

21 A. They have never said nothing about mine. The
22 defense team brought mine up. It wasn't the law.
23 This is what they do.

24 Q. It's what they filed, and they filed and it's
25 public record, correct?

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1 MR. THOMAS: Object as to form, lack
2 of foundation.

3 Q. That's your understanding, that the defense
4 team made that public filing in an attempt to
5 persuade the judge that the boys were deserved of
6 a new trial, correct?

7 A. Yeah.

8 Q. Okay. Have you ever spoken with anyone about
9 what was in the habeas corpus filings?

10 A. No, not that I know of.

11 Q. That's fine. I didn't mean to interrupt you,
12 sir. We were going through Exhibit A to Exhibit
13 2, which is your complaint, and asking you, from
14 Ms. Pasdar's signature down, what you felt was
15 false, that was set out in there that was false.
16 And I guess we're up to the second -- the first
17 bullet point on the second page. And I know from
18 your testimony that you disagree with the fact
19 that the DNA show the hair belonging to you was
20 found in the ligature of one of the victim's,
21 correct?

22 A. I've heard that. I still ain't been
23 convinced that it was.

24 Q. Okay. You have heard that that was contained
25 in the -- you have -- even though you have not

1 read, you have heard that that was contained in
2 the filings, correct?

3 A. Right.

4 MR. THOMAS: Object as to form, lack
5 of foundation.

6 Q. And you have heard and you know from reading
7 the various Press Releases -- not Press
8 Releases -- the press articles and the TV reports
9 that that was widely circulated. Beginning in
10 June of '07, that was widely publicized to the
11 public that your DNA was found in the ligature of
12 one of the victims, correct?

13 A. Of course.

14 Q. Of course. And as a matter of fact, we
15 looked at the press article -- the press -- one
16 of the press pieces earlier where the West
17 Memphis police attributed your DNA being found to
18 secondary transfer, right; that's how they
19 explained it?

20 A. Okay.

21 Q. Isn't that right?

22 A. Right.

23 Q. I mean, that's how they explained it, right?
24 Do you recall when we looked at that press
25 article?

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1 A. Right.

2 Q. As a matter of fact, is it really a surprise
3 that they had to do that, Mr. Hobbs, given the
4 fact that they had spent so much money and so
5 much time convicting three boys years earlier of
6 that crime, that they said, well, secondary
7 transfer; does that surprise you?

8 MR. THOMAS: Object as to form, lack
9 of foundation, lack of personal knowledge.

10 A. What are you saying --

11 Q. I'm asking if it surprises you given the fact
12 that the West Memphis police had spent so much
13 time and so much money over the years saying they
14 got it right with the convictions, that when DNA
15 attributed to someone else was found in the
16 ligature of one of the victims, that they
17 attributed it to secondary transfer?

18 A. What if it was secondary transfer?

19 Q. What if it wasn't?

20 A. What are you saying?

21 Q. I'm saying that there could be a question
22 about whether or not you were somehow involved in
23 these crimes?

24 A. Well, who says that?

25 Q. Well --

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1 A. Bunch of quacks.

2 Q. We've got four volumes of stipulations of
3 people from the New York Times to CNN to 360 that
4 say --

5 A. That's a bunch of --

6 MR. THOMAS: Object to the form.
7 False characterization to stipulations.

8 Q. How do you --

9 A. Why don't you call the police department and
10 talk to them. Maybe they'll help you out and
11 point you in the right direction.

12 Q. How do you explain Mr. Jacoby's statement --
13 I mean -- not statement -- Mr. Jacoby's DNA,
14 which is the second bullet point?

15 A. I have no explanation for that.

16 MR. THOMAS: Object as to form, lack
17 of foundation.

18 A. He was in them woods all night.

19 MR. THOMAS: Lack of personal
20 knowledge.

21 Q. You were in those woods all night, just you
22 and Mr. Jacoby?

23 A. No. We done been over that.

24 Q. Yes, we have.

25 A. Did you forget?

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1 Q. No, I didn't forget. My question --

2 MR. THOMAS: Objection to the form,
3 lack of foundation.

4 Q. -- were you and Mr. Jacoby in those woods
5 all night?

6 A. Along with other people. I thought we done
7 talked about that.

8 Q. You and Mr. Jacoby, were you guys ever alone
9 when you were searching?

10 A. Probably not.

11 Q. Probably not?

12 A. There was -- might have been a while.

13 Q. Might have been a while?

14 A. Yeah.

15 Q. That you guys were alone?

16 A. Yes.

17 Q. And Mr. -- and it's your testimony Mr. Jacoby
18 was with you all night in the woods?

19 A. We were together quite a bit that night.

20 Q. No, that's not my question. My question is,
21 you testified earlier that you and Mr. Jacoby
22 were together all night in the woods until it was
23 time for him to go to work?

24 A. Exactly.

25 Q. So is that your story or are you changing it?

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1 A. No, we were.

2 Q. All night, you and him together?

3 A. Up till he went to work.

4 Q. Which was at what time?

5 A. And remember, while ago I testified that he
6 was with Pam at one point.

7 Q. Who was with you --

8 A. Did you forget that?

9 Q. Who was with you when he was with Pam?

10 A. Probably her dad.

11 Q. So -- so at no point were you alone?

12 A. No.

13 Q. It was either you and Mr. Jacoby or you and
14 Pam's dad?

15 A. Or me and Pam and her dad.

16 Q. Okay. All night? Pam never stayed home, Pam
17 didn't stay?

18 A. No, Pam didn't stay home.

19 Q. And you didn't go out by yourself in the
20 woods between --

21 MR. THOMAS: Object to the form.
22 Asked and answered. We went over this earlier
23 today.

24 Q. Did you go out in the woods by yourself
25 between 2:00 and 6 o'clock?

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1 A. No.

2 Q. Have you ever told anybody you did?

3 A. No.

4 Q. The fourth bullet point.

5 A. Is it hard to accept the truth?

6 Q. No, sir, it's not.

7 MR. THOMAS: Don't interact with him
8 like that.

9 THE WITNESS: All right.

10 Q. Anything else you want to tell me?

11 A. No.

12 Q. You sure?

13 A. Positive.

14 Q. This is your chance.

15 A. I'm out of here.

16 Q. Fourth bullet point, Scientific Evidence,
17 some of the nation's leading forensic experts say
18 the wounds on the victims' bodies were caused by
19 animals at the crime scene, not by knives used by
20 the perpetrators. That was part of the filings
21 in the court proceeding, but you're aware of
22 that, right, from reading the press articles?

23 MR. THOMAS: Object as to form, lack
24 of foundation and personal knowledge.

25 Q. It's your understanding, right? You have to

1 answer out loud.

2 A. Yeah.

3 Q. I mean, it's not a secret what's in there.
4 We can all read it. It's right there, right?

5 A. Exactly. It just kind of shoots down the
6 theory that you used while ago about the knives.
7 Now you got forensics.

8 Q. You mean the -- you mean Stevie's knife?

9 A. Yeah.

10 Q. Well, there's a difference between the wounds
11 being caused by knives and someone taking the
12 knife that was on Stevie's -- Stevie's body at
13 the time of the murder and having it in their
14 house after the murder?

15 MR. THOMAS: Object as to form.
16 Assumes facts not in evidence.

17 Q. Did you take the knife from Stevie?

18 A. Years before.

19 Q. Years before. When did he get the knife?

20 A. I don't remember.

21 Q. Do you remember how old he was when he got
22 the knife years before?

23 A. No, I don't.

24 Q. Who gave him the knife, his grandfather?

25 A. It's possible.

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1 Q. Well, that kind of gets us to the next bullet
2 point. There were sworn affidavits outlining new
3 evidence by Pam Hobbs about finding the knife --
4 Stevie's knife in Terry's, meaning your, draw,
5 which had been carried by Stevie at all times?

6 MR. THOMAS: Object to form, lack of
7 foundation.

8 Q. You have an understanding from the press --
9 press articles and discussions with folks that
10 that evidence was in the Federal Court filings as
11 well, wasn't it?

12 A. Okay.

13 MR. THOMAS: Form. Lack of personal
14 knowledge.

15 Q. Do you have that understanding that that was
16 in there?

17 A. Yeah.

18 Q. Okay. And how did you get that
19 understanding?

20 A. Reading the papers.

21 Q. Reading the papers. Did you talk to Pam?

22 A. Oh, yeah.

23 Q. Did you talk to Pam and say, Pam -- did Pam
24 tell you, hey, I found Stevie's knife in your
25 drawer, what the heck were you doing with it?

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1 A. No.

2 Q. Do you think that's one of the reasons why
3 Pam thinks you killed Stevie?

4 A. No. Pam don't think that.

5 Q. Pam doesn't think you killed Stevie?

6 A. No, sir. Pam knows better.

7 Q. Well, you've said -- you've said many times
8 and quoted many times in the press, and it's even
9 in your journal, that Pam and the family think
10 that you killed those three little boys?

11 A. Yeah. When they're mad, they say anything.
12 When they're not mad, they'll tell you the truth.

13 Q. So it's only when they get mad that they
14 accuse you of triple homicide?

15 A. Oh, yeah.

16 Q. They'll do anything when they get mad?

17 A. You'll have to ask them.

18 Q. Do you have a temper?

19 A. I try not to have.

20 Q. Were you mad when you shot your
21 brother-in-law?

22 A. No.

23 Q. No?

24 A. I tried to avoid that.

25 Q. By sitting out on your car with your gun in

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1 the back of your -- back of your -- in the belt
2 with 350 -- with the hollow point bullets? Why
3 did you have the gun? You were trying to avoid
4 it?

5 A. I called the police twice.

6 Q. How many guns do you own?

7 A. None at the present.

8 Q. How many -- how many did you own back in '93?

9 A. Two or three.

10 Q. Tell me about them. What kinds?

11 A. I don't remember.

12 Q. Do you recall the type, the millimeter?

13 A. 357.

14 Q. What other kind?

15 A. .25, .9 millimeter.

16 Q. Any other kind of guns?

17 A. No.

18 Q. What happened to the guns?

19 A. Probably the Hicks stoled them.

20 Q. Do you have the guns now?

21 A. No.

22 Q. When did you -- when do you last recall
23 seeing the guns?

24 A. During that time.

25 Q. During the '93 time frame?

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1 A. '94.

2 Q. '93, '94 time frame. Are you aware that the
3 police found a gun in the Robin Hood Hills area?

4 A. I don't care about that.

5 Q. Do you recall -- do you recall if it was same
6 caliber gun that you just said you had, and now
7 you don't know where it is?

8 A. No.

9 Q. No. Would that surprise you that they found
10 a gun at the scene?

11 A. It don't mean nothing to me.

12 Q. Don't mean nothing to you?

13 A. No.

14 Q. Why not?

15 A. Because it ain't my gun.

16 Q. Ain't your gun. Where is your gun?

17 A. Ask the Hicks. They take stuff.

18 Q. I'm asking you. Don't you think -- don't you
19 think it's reasonable for a gentleman who carries
20 three guns and has shot at least one person to
21 know where their firearms are, Mr. Hobbs?

22 A. No.

23 Q. Did you drop the gun in the woods on the
24 night of --

25 A. One is in jail.

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1 Q. -- May the 5th -- did you drop the gun in
2 the woods on the night of May the 5th?

3 A. No. I didn't carry a gun.

4 Q. Did you have a gun with you on the night of
5 May the 5th?

6 A. No.

7 Q. Did you drop it in the woods on the morning
8 of May the 6th?

9 A. I didn't have it with me.

10 Q. Where was it?

11 A. I don't even think -- yeah, I had a gun back
12 then.

13 Q. Where was it?

14 A. I couldn't tell you. Probably at home.

15 Q. Where did you keep your guns at home?

16 A. In a drawers.

17 Q. What drawers? Where?

18 A. I couldn't tell you.

19 Q. You don't remember where you kept your guns?

20 A. Huh-uh. One of them in my truck.

21 Q. Was that the .357?

22 A. That's one of them.

23 Q. Where did you keep the other one -- where did
24 you keep the .357, other than your back pocket?

25 A. In my truck.

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1 Q. In my truck. So you kept two guns in your
2 truck. Where did you keep the third one?

3 A. Probably in the house.

4 Q. Which one did you keep in the house, the .9
5 mill?

6 A. Probably. Don't remember.

7 Q. Don't remember. When you were out tracing
8 around West Memphis on the night of May the 5th
9 or May the 6th, were you afraid for your safety
10 at all?

11 A. No.

12 Q. Is that because you had a gun?

13 A. Didn't have one.

14 Q. Didn't have one with you. Did you have
15 knives with you that night?

16 A. No.

17 Q. No. We need to go off the record, sir,
18 because the videographer needs to change tapes.

19 VIDEOGRAPHER: We're going off
20 record for a tape change at 3:11 p.m.

21 (A break was taken.)

22 (Back on the record.)

23 VIDEOGRAPHER: We're back on record
24 after a tape change at 3:29 p.m.

25 Q. (By Mr. Davison) Mr. Hobbs, you realize

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1 you're still under oath?

2 A. Yes, sir.

3 Q. Just a couple more questions about the last
4 page of Exhibit A to your complaint. And looking
5 at the second bullet point -- second to last
6 bullet point, I'm sorry -- and there, new
7 information, including Mr. Hobbs' statements made
8 to police and recent interviews where he
9 acknowledged that several of his relatives
10 suspect him in the crime. You did tell the West
11 Memphis Police Department that in your interviews
12 in June of '07, did you not, that some of your
13 family members suspect that you were somehow
14 involved in the crime?

15 A. No.

16 Q. You didn't tell -- you didn't say that in the
17 police report -- in the police interview?

18 A. I don't believe I did.

19 Q. But several members of your family do suspect
20 you?

21 A. No, sir.

22 Q. They don't?

23 A. None of my family suspects me of anything.

24 Q. And when I say family, I mean Pam and her
25 side of the family?

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1 (Phone rings.)

2 MR. DAVISON: This may be Bob.

3 MS. DAVIS: Bob?

4 MR. WELLENBERGER: Yes, it's me.

5 MS. DAVIS: Sorry. We're on the
6 record. You ready to go?

7 MR. WELLENBERGER: Ready.

8 MR. DAVISON: Sorry.

9 Q. So maybe I'm confused, Mr. Hobbs. I thought
10 we had established earlier in the day that Pam
11 and her family, formally your family, suspected
12 you of the crime?

13 A. Okay.

14 Q. I mean, isn't that right?

15 A. Correct.

16 Q. Okay. And so several of relatives, meaning
17 Pam and her family, they believe that you were
18 involved in the crime, right?

19 A. Yes.

20 Q. And you in fact told the West Memphis Police
21 Department that?

22 A. Right.

23 Q. Right. When you said relatives, you meant
24 folks that you were currently --

25 A. Pam's side of the family.

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1 Q. Okay. Pam's side of the family thinks that
2 you did it?

3 A. Right.

4 Q. Okay. And you told the police that, and that
5 was actually, as you understand it, and it's been
6 reported in the press earlier, that was part of
7 the October Federal Court filings, correct?

8 A. Okay.

9 MR. THOMAS: Object as to form.

10 Q. I mean, do you have that understanding?

11 A. I do.

12 Q. And the last bullet point, there was an
13 affidavit attached to the filings that -- where
14 it said, mother of one of the two girls who
15 testified that they overheard Echols admit to the
16 crime at a softball game now says that Echols'
17 statement was not serious, and neither she nor
18 her daughter believe he committed the crime.
19 There was that declaration of affidavit?

20 MR. THOMAS: Object as the form.

21 Q. To the filings?

22 A. I don't care about that.

23 Q. Had you heard that there was that filing
24 before?

25 A. No.

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1 Q. No. Have you heard -- or had you heard,
2 prior to November the 27th, 2007, the mother of
3 one of the two girls making that recant?

4 A. I don't believe so.

5 Q. This is the first time you've heard that?

6 A. No. I've seen this paper before. That's --
7 the first time I seen this is probably the first
8 time I heard that.

9 Q. Okay. All right. Fair enough. Fair enough.
10 And as I understand your complaint, Mr. Hobbs,
11 you are complaining about the letter, complaining
12 about the rally, you also complained that the
13 letter was posted on Ms. Pasdar's My Space
14 account, correct?

15 A. The internet.

16 Q. The internet. We're talking about the same
17 letter, whether it was on the Dixie Chicks --
18 Dixie Chicks' website or Ms. Pasdar's My Space
19 account, it's the same letter, right?

20 A. Okay.

21 Q. Is that right?

22 A. I guess.

23 Q. I'm just trying to figure out what you're
24 suing my folks on?

25 A. Okay.

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1 Q. That's fair, isn't it?

2 A. Okay.

3 Q. All right. No other letters that you're
4 complaining about?

5 A. None that I've seen.

6 Q. Okay. Fair enough. We kind of started down
7 this road with the false lie. I started --
8 excuse me, sir -- started down this and we'll
9 talk about false lie.

10 I want you to tell me where in Exhibit A to
11 the complaint you think Ms. Pasdar accuses you of
12 murder?

13 A. Her statements are not any different than
14 anybody else's.

15 Q. Okay. I appreciate that, and I think we've
16 established that. My question to you, sir, is
17 where in there do you believe that statements
18 individually or taken as a whole accuse you of
19 murder of one or more of the three little boys?
20 She doesn't do it, does she?

21 A. Okay.

22 Q. Well, she doesn't, does she?

23 MR. THOMAS: Object as to form, to
24 the extent it calls for a legal conclusion.

25 Q. You can answer the question.

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1 A. No, sir.

2 Q. No, sir. She doesn't accuse you of that,
3 does she? All she does is kind of say, here's
4 what Mr. Echols' defense team filed, go read for
5 yourself. Make your own -- make your own
6 conclusions, which is what she says right in
7 here, right? Go look for yourself, read for
8 yourself, educate yourself and make your own --
9 make your own opinion?

10 A. Okay.

11 Q. Own conclusions?

12 A. Okay.

13 Q. That's what she says, isn't it?

14 A. Okay.

15 Q. I mean, do you agree with that?

16 A. I guess.

17 Q. You have an answer out loud. Do you agree --

18 A. I guess.

19 Q. Okay. There's nothing wrong with people
20 being informed about events and what's going on
21 at the public courthouse, is there? That's what
22 an informed elective should do; isn't that right?

23 A. All right.

24 Q. Would you agree with that?

25 A. I guess.

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1 Q. Okay. Mr. Hobbs, Paragraph 26 -- and it may
2 be that we've gone -- I just want -- you've made
3 several different claims, and I'm just making
4 sure I get all the facts because I'm here today.

5 You say in here, the defendants had knowledge
6 or should have known that the matters -- that the
7 published matters were false. Have you told me
8 -- I know we talked about that earlier a little
9 bit. Have you told me all of the facts that you
10 have that support the allegation that defendants
11 knew that what they were saying was false?

12 MR. THOMAS: Object as to form.

13 A. Well, the police told them. The police told
14 them that Mr. Hobbs hadn't done anything wrong.

15 Q. When did the police talk to Ms. Pasdar or the
16 Dixie Chicks?

17 A. They put it out there in the same newspaper
18 they should have read.

19 Q. So they didn't talk to them. It's just part
20 of what's out there in the public domain that you
21 believe they should have looked at?

22 A. Okay.

23 Q. Is that what you're saying?

24 A. Yes. Why not?

25 Q. Not, yeah, why not. I'm trying to figure out

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1 what you're -- what you're alleging in this
2 lawsuit?

3 A. It's right there.

4 Q. Okay. Do you have any reason to believe that
5 Ms. Pasdar or the Dixie Chicks knew that?

6 A. That's up to them to look at it.

7 Q. You just think they should have looked at
8 everything, and based upon all of that, they
9 should have not made the statements because of
10 what the police were saying so far?

11 A. Well, I believe the police, and they could
12 have believed the police and avoided all this.

13 Q. Do you know if the police still have an open
14 file?

15 A. I don't know. You will have to call them.

16 Q. Have you been to the police department and
17 asked for the file?

18 A. No.

19 Q. Would it surprise you to know that there's
20 still an open file?

21 A. It wouldn't surprise me.

22 Q. Would it surprise you to know that there's a
23 file on one Terry Hobbs?

24 A. That wouldn't surprise me either.

25 Q. And when was the last time you were

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1 interviewed by the police?

2 A. A year or so ago.

3 Q. June of '07?

4 A. Could have been.

5 Q. Had any communications with them since?

6 A. I'm not sure if that was my last time, I'm
7 not sure.

8 Q. Well, how many times have you talked to the
9 police?

10 A. Probably twice in the past couple of years.

11 Q. Okay. When do you recall the first time you
12 spoke to the police in the last couple of years?

13 A. They called me wanting me to come over and
14 interview -- or look at my pocketknives.

15 Q. Okay. Are those the same pocketknives that
16 are referenced -- to your understanding, are
17 those the same pocketknives that are referenced
18 in the filings, in the habeas filings that are --

19 A. Probably.

20 Q. Is it Stevie's pocketknife? We're talking
21 about Stevie's pocketknife?

22 A. No. We're talking about mine.

23 Q. So --

24 A. Not Stevie's.

25 Q. We're talking about different pocketknives?

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1 A. Right.

2 Q. Okay. And do you recall when that was?

3 A. No.

4 Q. No. Was it after the convictions?

5 A. It was in the past couple of years, since
6 '07.

7 Q. Do you have an understanding, Mr. Hobbs,
8 about why, if the police are so certain that they
9 got the three right boys behind bars, that they
10 wanted to talk to you about your pocketknives?

11 A. You have to ask them why.

12 Q. Well, did you ask them why? Say why are you
13 talking to me. You've got the three guys behind
14 bars. One of them is on death row?

15 A. I wanted my knives back, and I still do.

16 Q. Okay. They haven't given you the knives
17 back, have they?

18 A. They don't have them.

19 Q. They don't have them?

20 A. It's my understanding they're in the -- some
21 attorney's possession.

22 Q. Isn't is reason -- isn't the reason they
23 can't give them to you is because the file is
24 still open?

25 A. Oh, I don't know.

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1 MR. THOMAS: Object as to form, lack
2 of foundation.

3 A. I don't know.

4 Q. Did you ask him why -- what type of questions
5 did they ask you about the pocketknives?

6 A. If I could identify my pocketknives.

7 Q. And could you?

8 A. I did.

9 Q. Did you ask why they wanted to know if you
10 could identify your pocketknives?

11 A. I may have at the time. I don't remember.

12 Q. Do you recall what they said?

13 A. No, sir.

14 Q. Do you recall who at the police department
15 you talked to a couple of years ago about your
16 pocketknives?

17 A. Mitchell, Detective Mitchell or Chief
18 Mitchell.

19 Q. Okay. Any other discussions with the police
20 about your pocketknives?

21 A. No.

22 Q. Okay. And then you had another discussion
23 with the police?

24 A. And fingerprints.

25 Q. Was that the same time or another time?

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1 A. Another time.

2 Q. Okay. And do you recall when you were asked
3 to come down and give fingerprints?

4 A. Not exactly.

5 Q. Do you know about how long ago, Mr. Hobbs?

6 A. Within the past two years.

7 Q. And who asked you to come down and get
8 fingerprints?

9 A. I think Mr. Knowles called me, Detective
10 Knowles.

11 Q. Did you ask why he wanted you to come down
12 and give fingerprints if they had the three right
13 boys behind bars already?

14 MR. THOMAS: Object as to form, lack
15 of foundation.

16 Q. Did he tell you why he wanted you to come
17 down and give fingerprints?

18 A. Well, I think it's because we didn't give any
19 back in '93.

20 Q. So you didn't give any in '93, but they
21 wanted you to come down in '06, '07?

22 A. To satisfy the defense.

23 Q. Okay. Did you give fingerprints?

24 A. Sure.

25 Q. Did you give your DNA sample?

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1 A. Sure.

2 Q. You gave a DNA sample to the police?

3 A. I guess. They got fingerprint, feet prints.

4 Q. They get fingerprint and feet print. My
5 question is, did you give the police the DNA?

6 A. Seemed like we did in '93.

7 Q. You gave the police the DNA in '93?

8 A. I was thinking we might have.

9 Q. Okay. You weren't interviewed in '93 by the
10 police, were you?

11 A. Yeah.

12 Q. Were you?

13 A. Yeah.

14 Q. Who interviewed you in '93?

15 A. Different ones.

16 Q. How many times?

17 A. I'm not sure. Yeah, we was asked questions,
18 too.

19 Q. About what? What type of questions did they
20 ask you in '93?

21 A. The same as they asked everybody else. I
22 don't remember.

23 Q. Okay. So you came down -- in the last couple
24 of years, you've gone down and you've talked to
25 the police about the pocketknives, and you want

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1 those back but they won't give them to you. And
2 you gave fingerprint and footprint evidence --

3 A. Uh-huh.

4 Q. -- prints?

5 A. Correct.

6 Q. Did you give new DNA samples then?

7 A. I don't think so.

8 Q. You don't think so?

9 A. Finger and feet.

10 Q. Finger and feet. Okay. Did they take a bite
11 imprint, teeth imprint?

12 A. No.

13 Q. Now, you had -- as I understand it, you had
14 your teeth pulled, right?

15 A. I have.

16 Q. When did you have your teeth pulled?

17 A. Sometimes in the nineties.

18 Q. And do you mind me asking why, sir?

19 A. Because I needed them pulled. I had some bad
20 disease.

21 Q. What disease did you have?

22 A. I'm not sure.

23 Q. How many teeth did you have pulled?

24 A. A lot.

25 Q. Do you have a number?

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1 A. No.

2 Q. Approximately?

3 A. No.

4 Q. Uppers, lowers?

5 A. Both.

6 Q. Both. Who did it?

7 A. My dentist.

8 Q. And who was your dentist?

9 A. Mr. -- Dr. Parker, I believe.

10 Q. And where is Dr. Parker located?

11 A. Blytheville, Arkansas.

12 Q. Do you know if he's still practicing?

13 A. I don't know that.

14 Q. To your knowledge, prior to the time that the
15 -- your teeth were pulled, did anyone compare the
16 imprints of your original teeth to any of the
17 bite marks on the victims?

18 MR. THOMAS: Object as to the form,
19 lack of foundation. The Echols people say there
20 are no bite marks on the victims.

21 Q. Are you aware, are there bite marks on the
22 victims?

23 A. They said in the trials there were not.

24 Q. Okay. So when was the next time? So you
25 have the knives, fingerprint, footprint, no DNA,

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1 no teeth. When is the next time you talked to
2 the police within the last couple of years?

3 A. I haven't.

4 Q. When you had the -- in June of '07, that was
5 a separate one, right, about the DNA, and they
6 asked you to come down?

7 A. And do hand, finger.

8 Q. Oh, that was all that one?

9 A. That's when I done the fingerprint thing.

10 Q. Okay. All right. Any other communications
11 that you can recall, Mr. Hobbs, with any law
12 enforcement agencies about the West Memphis Three
13 murders?

14 A. No.

15 Q. No. Okay. And again, I'm just trying to tie
16 some loose ends up here. Paragraph 26 of the
17 complaint, the defendants all acted recklessly
18 and with reckless disregard as to the falsity of
19 the matter that they were publishing --
20 publicizing. Have you told me all the facts that
21 you know that support that allegation, sir?

22 A. I feel like it.

23 Q. Okay. Paragraph 27 talks about some of your
24 injuries or your damages as a result of that. We
25 talked about mental and emotional distress. Have

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1 you told me -- is that the same mental and
2 emotional distress that we talked about earlier?

3 A. It just went on and on, yes, it is.

4 Q. Any -- but no -- but no new injuries or
5 damages?

6 A. No.

7 Q. Okay. You said here, and other special
8 damages which he is entitled to recover. What
9 other special damages are you seeking?

10 MR. THOMAS: Object to the form.
11 Requires a legal conclusion.

12 Q. I'm trying to figure out what you're suing me
13 for. What other special damages do you seek to
14 recover from the defendants as a result of false
15 libelization as alleged in Paragraph 27?

16 MR. THOMAS: Same objection.

17 Q. You told me -- have you told me all the
18 damages, sir?

19 A. I don't know. I've told you a lot.

20 Q. Can you think of any other damages or special
21 damages that you're seeking to recover, sir?

22 A. Yeah. I'd like to get a public apology.

23 Q. What -- what do you want them to apologize
24 for?

25 A. Sticking their nose in my business.

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1 Q. Not staying in Texas?

2 A. Well, that's a pretty good one.

3 Q. Pretty good one. Everybody from Texas should
4 stay down there, shouldn't they? All right. So
5 you want a public apology -- but that's not
6 damages. What special damages -- what other
7 special damages, if any, do you want?

8 MR. THOMAS: Object as to form.
9 Requires a legal conclusion.

10 Q. What other special damages, other than that
11 what you've told me, do you think you have
12 suffered as a result of the conduct that forms
13 the basis of your complaint?

14 MR. THOMAS: Same objection.

15 Q. You can answer the question, Mr. Hobbs.

16 A. I don't have an answer.

17 Q. You've told me about all your injuries,
18 right?

19 A. Uh-huh. Yeah.

20 Q. Okay. Mr. Hobbs, you know one of the things
21 that we talked about was your reputation, and one
22 of the things that we didn't -- as part of that
23 -- are you currently on probation for shooting
24 your brother-in-law?

25 A. No.

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1 Q. You're not on probation?

2 A. No, sir.

3 Q. No. Who's Mildred French?

4 A. I don't know.

5 Q. You don't know a Mildred French?

6 A. No.

7 Q. I'm sorry?

8 A. No.

9 Q. No. Isn't it true that you were arrested for
10 grabbing her breasts as she got out of the
11 shower? It was a sexual assault?

12 A. Yeah.

13 Q. Do you realize your under oath?

14 A. I realize that.

15 Q. You didn't have to go to counseling for it?

16 A. We went to counseling over something, but it
17 wasn't what you just said.

18 Q. What did you go to counseling over?

19 A. I don't remember.

20 Q. When did you go to counseling?

21 A. I don't -- 30 years ago.

22 Q. For shooting your brother-in-law, you did do
23 six months in jail, didn't you?

24 A. No, I did not.

25 Q. You didn't have 11 years, 29 days -- I'm

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1 sorry -- you didn't have probation?

2 A. I had probation 11/29, 11 months, 29 days.

3 Q. And you didn't go to jail? You didn't go to
4 workhouse?

5 A. No, sir.

6 Q. Mr. Hobbs, let me hand you what has been
7 marked as Exhibit 5, and ask you if you've seen
8 that document before?

9 (Deposition Exhibit No. 5 was
10 marked.)

11 A. Where -- what's this?

12 Q. It is a judgment against one Terry W. Hobbs,
13 Shelby County, Texas -- I'm sorry -- Tennessee,
14 where you were indicted for aggravated assault
15 and pled guilty to simple assault in '94 in
16 conjunction with the shooting of your
17 brother-in-law. Is that your signature at the
18 bottom of the first page, sir?

19 A. It is.

20 Q. Does this refresh your recollection now as to
21 what you were indicted for and what you pled
22 guilty to?

23 A. No. This is -- I don't know where this come
24 from. This is totally wrong.

25 Q. Did you -- is that your signature at the

1 bottom of that page?

2 A. It is my signature.

3 Q. And you see here in the -- where it says
4 right there workhouse?

5 A. Yeah, I see that.

6 Q. You didn't go to workhouse for six months?

7 A. No, sir. No.

8 Q. You weren't -- turn to the second page. You
9 weren't indicted?

10 A. I was indicted, sure.

11 Q. For intentional use of a deadly weapon to
12 cause hand -- the handgun to cause bodily injury
13 to Jackie Hicks, Jr.?

14 A. Right. I was indicted.

15 Q. Indicted for assault?

16 A. Right.

17 Q. Aggravated assault, right?

18 A. Aggravated assault.

19 Q. And you pled guilty to simple assault?

20 A. No.

21 Q. No. What did you plead guilty to?

22 A. Discharging a firearm in the city limits.

23 Q. That's not what the first page says, is it?

24 A. I see.

25 Q. Was the judge that did your case, was that

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1 Judge L.T. Lafferty?

2 A. I don't remember.

3 Q. Did you have an attorney who represented you
4 in this?

5 A. The name is right there, Emans.

6 Q. That was your attorney?

7 A. Wayne Emans.

8 Q. Does that look like his signature?

9 A. Yeah.

10 Q. Yeah?

11 A. I guess. I don't know how he writes.

12 Q. Well, do you recall seeing him write when you
13 get letters from him; do you recall that?

14 A. No.

15 Q. No. But that is your signature at the bottom
16 of the first page?

17 A. Yeah, it kind of looks like it.

18 Q. Okay. All right.

19 A. But all this stuff above it.

20 Q. You've got no explanation for any of that?

21 A. I know it did happen.

22 Q. Okay. All right.

23 A. I know I got a \$50 fine, I did get that.

24 Q. Uh-huh.

25 A. And I got 11/29 probation, period.

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1 Q. Maybe you should have done time in the
2 workhouse and didn't have to do it?

3 A. For what?

4 Q. The assault. Okay. And it's your testimony
5 that you've never heard of a Mildred French?

6 A. Right. I don't know her.

7 Q. Do you know a place called the Charter House?

8 A. That doesn't ring a bell.

9 Q. Did you ever live at the Charter House?

10 A. No. What's that?

11 Q. Were you ever charged with sexual assault at
12 22, when you were 22, 23, 24, that age?

13 A. No.

14 Q. No?

15 A. No, I don't think so.

16 Q. Did you have to go to counsel -- court
17 ordered counseling when you were early twenties,
18 Mr. Hobbs?

19 A. Huh?

20 Q. Did you have to go to counseling in your
21 twenties as a result of any sort of assault?

22 A. Yeah. We had something happen back then. I
23 forget what it was.

24 Q. What happened?

25 A. I don't remember.

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1 Q. Do you recall --

2 A. 30 years ago.

3 Q. Something happened. Criminal justice system
4 get involved?

5 A. I don't remember.

6 Q. You don't remember?

7 A. No.

8 Q. But you know you had to go to some sort of
9 counseling?

10 A. I think.

11 Q. Yeah. You never told Ms. Mildred French that
12 you killed her cat?

13 A. No.

14 Q. And again, talking about your reputation in
15 the community, isn't it true, Mr. Hobbs, that
16 your ex-wife Pam filed complaints against you
17 regarding physical and sexual abuse of Amanda?

18 A. I don't think so.

19 Q. You don't think so? You weren't reported to
20 DHS for physical and sexual abuse by Pam of
21 Amanda?

22 A. Pam told me it was her sister Jolynn that did
23 that.

24 Q. That Jolynn turned you in?

25 A. Right.

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1 Q. But you know a complaint was made against DHS
2 for physical and sexual abuse of Amanda?

3 A. Twice.

4 Q. Twice. When was that time?

5 A. After I got custody of my daughter.

6 Q. Okay.

7 A. In my divorce.

8 Q. Which was when?

9 A. I think '04, '05.

10 Q. That was -- when was the second time?

11 A. Same year. Both of them happened months
12 apart.

13 Q. Okay. Isn't it true, Mr. Hobbs, that Amanda
14 herself has previously accused you of sexual
15 assault?

16 A. No, sir.

17 Q. It's not true?

18 A. Not at all.

19 Q. Anybody who says otherwise is lying?

20 A. Most definitely. Kind of a cheap shot.

21 Q. And I apologize for having to ask that
22 question, sir. Down here, Paragraph 30 of the
23 complaint, Mr. Hobbs. And I don't mean to run
24 you through the mud, I really don't, and I
25 apologize for having to ask those questions. I

1 do.

2 Paragraph 30 of the complaint, sir, talks
3 about the damages that you've suffered,
4 embarrassment, humiliation, psychological,
5 emotional, mental trauma, loss of income and
6 other compensatory damages. Have you told me
7 about all of the damages that you believe you've
8 suffered as a result of the conduct that has been
9 made the subject of your lawsuit against Ms.
10 Pasdar and the Dixie Chicks?

11 A. Yeah.

12 Q. Okay. Mr. Hobbs, let me hand you what's been
13 marked as Exhibit 6, and ask if you've seen that
14 document before?

15 (Deposition Exhibit No. 6 was
16 marked.)

17 THE WITNESS: Is this something we
18 did?

19 Q. That's something -- those are your answers --
20 supposed to be your answers to Ms. Pasdar's
21 interrogatory answers, and my question to you,
22 sir, is have you ever seen these documents
23 before?

24 A. No.

25 Q. No. Let me direct you to Page 7, Mr. Hobbs,

1 in the back of that document. Entitled
2 Verification. Are you on the same page, sir?
3 Oh, I'm sorry. Hold on. I'm sorry. Sir, I gave
4 you the wrong document. This is -- I think -- at
5 least what I gave him was Ms. Pasdar's objections
6 and responses. Is that what I gave you? I need
7 his answers and objections.

8 All right. Let me stand hand you -- let me
9 hand you Exhibit 7, which I know it's entitled
10 Objections and Supplemental Responses to
11 Defendant Natalie Pasdar's First Set of
12 Interrogatories. Exhibit 7, and I'll get you the
13 new Exhibit 6 in a minute, sir, and ask if you've
14 seen that document? I apologize.

15 (Deposition Exhibit No. 7 was
16 marked.)

17 Q. Have you seen that document before, sir,
18 supplemental responses?

19 A. No.

20 Q. I'm sorry?

21 A. No.

22 Q. You've never seen this document before; is
23 that your testimony? You have to answer out
24 loud, sir?

25 A. Yes. I don't recall it.

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1 Q. Okay. That's fine. I direct you attention
2 to -- and this is a document that your lawyer
3 signed, your lawyer served on us. This is a
4 verification. Is that your signature?

5 A. That is.

6 Q. Do you recall reviewing the answers to these
7 interrogatories, and then signing in front of a
8 notary public saying that they were, and all
9 things to the best of your knowledge true and
10 correct?

11 A. Yeah.

12 Q. Okay. So now you do recall that now?

13 A. Yeah.

14 Q. Okay. And who prepared the interrogatory
15 answers? Who prepared these answers? Did you do
16 that or did your lawyers do that?

17 A. Well, I had my attorneys working for me.

18 Q. I appreciate that, and they're doing a fine
19 job, but my question is who prepared -- who
20 prepared the answers; did you prepare the answers
21 or did counsel prepare the answers?

22 A. Counsel.

23 Q. Counsel. And did you review the answers
24 prior to the time that you signed the
25 verification, or did you just sign the

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1 verification knowing that your lawyers would get
2 it right?

3 A. I probably read it and then had them sign --
4 then signed it.

5 Q. So read it and then signed it?

6 A. Probably.

7 Q. Probably or you did?

8 A. We do a lot of stuff over the fax, and this
9 is probably one that we did over the fax.

10 Q. You recall getting a copy of that via the
11 fax?

12 A. Probably so.

13 Q. Okay. And do you recall making any changes
14 or revisions to the answers as prepared by your
15 counsel prior to the time that you signed it?

16 A. Well, I remember this. I remember this.

17 Q. You remember this now?

18 A. Sure do.

19 Q. As a matter of fact, you provided the
20 verification --

21 A. I had to rewrite this.

22 Q. You had to -- well, that's right. You
23 answered -- you had to provide an answer first,
24 and then you had to provide supplemental answers,
25 and that's the second set of answers, isn't it?

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1 A. Okay.

2 Q. Do you recall -- and then a couple of weeks
3 later, we had to get you to verify it, right?

4 A. Right.

5 Q. Do you recall -- you signed the verification
6 and sent it in to Cody, right?

7 A. Right.

8 Q. Right. But you did -- you did review all the
9 answers prior to the time that you signed them,
10 and you told Cody it was okay to send, right?

11 A. Right.

12 Q. Okay. On the supplemental answers, looking
13 at Interrogatory No. 15, which is the -- in fact,
14 it's right before the -- it's the very last
15 question, Mr. Hobbs, before the long single
16 spaced narrative. It starts here -- it starts
17 here and then you start your answer runs here?

18 A. I wrote this.

19 Q. All right. That was my question. Did you
20 prepare this answer to the single-spaced answer
21 to Interrogatory 15 in response to the
22 interrogatory, or is that something that you had
23 had prepared previously?

24 A. This is something I was asked to do.

25 Q. Okay. And the answers that are in Exhibit 7

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1 are, to the best of your knowledge, true and
2 correct answers, right, to all of the questions?

3 A. Well, I hope they are.

4 Q. Okay. On Page 7 -- Interrogatory 7 -- not
5 Page 7, Interrogatory 7. It's right here, sir.
6 You state in response to Interrogatory No. 7,
7 Hobbs, members of his family and acquaintances
8 had interaction with people who believe the false
9 allegation of murder. And I'd like to know what
10 members of your family and acquaintances are you
11 referring to and what people have you had
12 interactions with that believe the false
13 allegations. Well, first of all, what members of
14 your family?

15 A. That done what?

16 Q. That had interactions with people who believe
17 Ms. Pasdar's false allegations of murder. Can
18 you identify for me --

19 A. I can't think of them.

20 Q. Anybody?

21 A. No.

22 Q. All right. What acquaintances are you
23 referring to there, and can you identify
24 somebody? You can't, can you?

25 A. Not right off.

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1 Q. And can you identify the people that they
2 have had interactions with who believe Ms.
3 Pasdar's false allegations of murder? You can't,
4 can you?

5 A. Not right off.

6 MR. DAVISON: Ted, apparently we did
7 not bring a clean set. This is --

8 MS. DAVIS: I'm trying to get it
9 faxed to us right now.

10 MR. DAVISON: That's okay. All that
11 is is highlighted. You can look at it, and
12 there's no handwritten notations, it's just
13 highlighting.

14 MR. THOMAS: You wanted to question
15 him?

16 MR. DAVISON: Yeah. Well, I was
17 going to actually have it marked. I think the
18 court reporter, when she makes a copy of it --

19 MR. MOORE: We should have a clean
20 copy right here.

21 MR. DAVISON: Okay. Well, let's go
22 ahead and we'll mark it -- is that it?

23 MR. MOORE: I think that's ours.

24 MR. DAVISON: Same problem. No. 6.
25 We'll just mark it and then sub it out with a

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1 clean copy. Is that acceptable with you guys?

2 MR. THOMAS: That's fine.

3 Q. Mr. Hobbs, let me hand you what we have
4 remarked as Exhibit 6, which I'll represent to
5 you is a copy of Objections and the Responses to
6 Defendant Natalie Pasdar's First Set of
7 Interrogatories made by you. The highlighting on
8 here -- it's this here, sir. The highlighting on
9 here is my highlighting. We will substitute a
10 copy, a clean copy, when we get it. But my
11 question to you, sir, is have you seen that
12 document before, and disregard the highlighting.

13 A. No, I don't think I have seen it.

14 Q. What I'll tell you, Mr. Hobbs, is this is
15 first set of answers that you had to then go back
16 and provide some additional answers to. Do you
17 recall seeing that set of interrogatories -- that
18 set of written questions first?

19 A. I remember this part of it.

20 Q. The question and answer part?

21 A. Well, they wanted -- y'all wanted to know my
22 doctors' names that I've been to and surgeries
23 I've had done.

24 Q. So they -- so you recall specific -- just
25 answering some specific questions at this point?

KELLY HILL, CCR
501-353-2220

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1 A. Well, given the information that y'all
2 needed.

3 Q. Sure. Okay?

4 A. Signing a form saying that you could have
5 access to my medical records.

6 Q. Correct. And for the record, that is your
7 signature, which is on Page 7 on the
8 verification?

9 A. Yes, it is.

10 Q. All right. And you recall signing that in
11 front of --

12 A. Given the okay to do it.

13 Q. Okay to do it. And when you went through
14 everything is, best to your knowledge, honest,
15 and truthful and complete?

16 A. Yeah.

17 Q. All right. Whose Mary Stone?

18 A. She's my counselor.

19 Q. And when -- and she's the wife of a pastor of
20 a church you attend?

21 A. Yes, sir.

22 Q. Currently attend?

23 A. Yes, sir.

24 Q. And what church is that, Mr. Hobbs?

25 A. Heart Stone Church.

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1 Q. Where is Heart Stone?

2 A. In Memphis.

3 Q. Memphis, Tennessee?

4 A. Yes.

5 Q. And is that -- what denomination?

6 A. Methodist church.

7 Q. A Methodist church. When did you consult
8 with Ms. Stone --

9 A. In the past couple of years.

10 Q. Okay. Starting when?

11 A. Back after this stuff started coming out on
12 the airways.

13 Q. This stuff --

14 A. In '07.

15 Q. In '07. Back in the spring of '07?

16 A. Yes, sir.

17 Q. Okay. And continues till today?

18 A. Correct.

19 Q. What sort of counseling did she provide you?

20 A. Just counseling. I don't know what -- if you
21 were to label it, but she does grief share
22 counseling.

23 Q. Okay. In a group setting or a one-on-one
24 setting?

25 A. Both. It's been both ways.

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1 Q. It's been both ways.

2 A. But it's more of a group than it is
3 one-on-one.

4 Q. When was the last time you went to the -- is
5 this a grief class?

6 A. It is.

7 Q. A grief counseling class at the church?

8 A. It is.

9 Q. For people who have lost spouses or children
10 or loved ones?

11 A. Right.

12 Q. And they meet -- they typically meet weekly
13 or every other week?

14 A. Every two weeks.

15 Q. Every two weeks. When was the last time you
16 went?

17 A. We -- we haven't had one -- they do it for so
18 long, they stop it, they start it back up, and
19 they do it for so long and stop it.

20 Q. And when did you --

21 A. I've done two sessions with them, and we'll
22 be working on the next one coming up.

23 Q. When was the first time that you started to
24 attend grief counseling in conjunction with --

25 A. I'm not sure of the date and time.

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1 Q. Approximately?

2 A. It was in '07.

3 Q. '07. Between '93 and '07, did you attend any
4 grief counseling on behalf -- in connection with
5 the murder of your stepson?

6 A. Yes, I have.

7 Q. When did you first go to grief counseling?

8 A. '93.

9 Q. How long did you attend that counseling?

10 A. I don't recall that.

11 Q. Do you recall when you stopped? Was there a
12 period of time in which you stopped going to
13 counseling, Mr. Hobbs?

14 A. There was.

15 Q. And do you recall approximately when that
16 was?

17 A. No. I don't remember that.

18 Q. And I take it, that once the public debate
19 about the DNA results started to come out in the
20 spring of '07, that you found it helpful to you
21 to go back to counseling, or was it --

22 A. Spring of '07 got me kicked out of one
23 homicide group that I was attending.

24 Q. All right. Is that when you went to Ms.
25 Stone's?

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1 A. Correct.

2 Q. Group?

3 A. It was the church.

4 Q. When -- what group did you get kicked out of
5 in the spring of '07?

6 A. Victims to Victory group.

7 Q. And who kicked you out?

8 A. I forget the lady that run the show, but it
9 was her that sent me a letter and asked me not to
10 come back.

11 Q. Did she say why?

12 A. Because of all the stuff that was in the --
13 on the news.

14 Q. And that was in spring of '07, correct?

15 A. Sometimes in '07.

16 Q. Was it before or after Ms. Pasdar's
17 statement? It was before, right?

18 A. I think it was.

19 Q. And the fact that you were asked not to come
20 back to a particular group, that had absolutely
21 nothing to do, as far as you're aware, of any
22 statement by Ms. Hobbs -- I'm sorry -- by Ms.
23 Pasdar or the Dixie Chicks, correct?

24 A. I believe that's right.

25 Q. Okay. Dr. Mike Mitchell, who's that?

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1 A. He was a medical doctor. He's the one I told
2 you while ago I called and asked him something
3 for my nerves -- or blood pressure, whatever it
4 was.

5 Q. Okay. And again, this is about the same time
6 you got kicked out of the support group?

7 A. This is like -- I believe this was last year.

8 Q. Last year in '08?

9 A. Uh-huh.

10 Q. And as I recall your testimony -- and correct
11 me if I'm wrong, Mr. Hobbs -- you did not get any
12 medication from him to control your blood
13 pressure?

14 A. Right. He wanted me to come by and take time
15 off from work, and I couldn't afford all this.

16 Q. Okay. Is that the only interaction you've
17 had with Dr. Mitchell?

18 A. It is.

19 Q. Okay. And Dr. -- is it Winthrop?

20 A. Dr. Winthrop.

21 Q. Who is he?

22 A. He was a company -- a Workers' Comp. doctor.

23 Q. When did you see Dr. Winthrop?

24 A. Years ago. It's been a long time. It was
25 just work-related injuries.

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1 Q. Had that -- I assume that had absolutely
2 nothing to do with what brings us here today?

3 A. Correct.

4 Q. And other visits to medical providers that
5 are in any way connected with the events that
6 bring us here today?

7 A. No. I don't go to the doctors.

8 Q. Where do you stand in your current efforts to
9 get a book deal?

10 A. On hold.

11 Q. What was the last efforts that you took to
12 secure a book deal?

13 A. I don't know. We did the contract with
14 Hollywood, and that was for a movie, and I think
15 probably book rights to. I think our contract
16 has us bound on the book until the movie, if
17 there ever would be one, was made.

18 Q. I'll hand you what's been marked as Exhibit
19 8, Mr. Hobbs, and ask if that is in fact a true
20 and correct copy -- is that a copy of the
21 Dimension Films agreement? I know this is not
22 signed, but this is the one you produced.

23 (Deposition Exhibit No. 8 was
24 marked.)

25 A. I guess.

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1 Q. Do you have a signed copy?

2 A. I'm not sure. Must not have, because that's
3 what I give -- this is what I turned in.

4 Q. That's what you gave Mr. -- your counsel?

5 A. Uh-huh.

6 Q. It says in here -- you said you got 12.5,
7 right, 12,500?

8 A. We did.

9 Q. All right. Is that each? You got 12.5, Pam
10 got 12.5?

11 A. Yeah.

12 Q. Okay. Now, I'm wondering if this is just a
13 draft, because this says you're going to get paid
14 15,000?

15 A. That was wrong.

16 Q. That was wrong. So this was --

17 A. That was --

18 Q. A first draft?

19 A. Yeah, I think.

20 Q. Okay. And so you were negotiating for a
21 better price?

22 A. Ross was.

23 Q. Ross was. And Ross got you a better deal?

24 A. 25.

25 Q. 25 as opposed to 15. That's a pretty good

1 increase?

2 A. Yeah.

3 Q. It says it's dated July 18, 2006. Is that
4 about the time that you did the deal with
5 Dimension, in the 2006 time --

6 A. That was the deal. That's the right date,
7 I'm sure.

8 Q. Okay. But sometime in the summer of 2006,
9 does that sound about right when you did the
10 Dimension Films?

11 A. I thought it was '05, but I can go with '06.

12 Q. You can go with '06. All right.

13 A. Whatever they dated it.

14 Q. And you haven't sold any other rights, any
15 other film rights?

16 A. No.

17 Q. Do you recall there being -- there was a --
18 there's -- I don't want to have to mark this
19 unless I have to, Mr. Hobbs. I can. There's a
20 report on Action 5 News last summer, August the
21 8th, 2008 by Janice Broach that basically says,
22 the man suspected in the West Memphis Three
23 murders 15 years ago is writing a tell-all book?

24 A. Damien?

25 Q. You.

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1 A. The man that's suspected in the murders 15
2 years ago, that's Damien Echols. It wasn't me.

3 Q. Do you recall -- are you writing a tell-all
4 book? Have you told folks that you're writing a
5 tell-all book, Mr. Hobbs?

6 A. No, I haven't.

7 Q. Did you ever tell Janice Broach you're
8 writing a tell-all book?

9 A. No. That's not me. You must be talking
10 about Damien. Wasn't one of his books named that
11 while ago that you were showing me?

12 Q. Let me hand you what's been marked Exhibit 9.
13 Do you recall there being a news -- a TV story
14 last summer by Ms. Broach about your efforts to
15 sell the story?

16 (Deposition Exhibit No. 9 was
17 marked.)

18 A. Yeah, but it wasn't no tell-all thing. I've
19 been writing a story about this for a long time.

20 Q. It says, Terry Hobbs said he just may go to
21 that hearing?

22 A. Which one?

23 Q. The hearing about the DNA results. But he
24 also said he's got a book deal. Have you got a
25 book deal?

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1 A. No, I don't have a book deal.

2 Q. So --

3 A. See, this was a misquote.

4 Q. Oh, that's a misquote?

5 A. Uh-huh.

6 Q. Either that or --

7 A. I don't have a book deal.

8 Q. Did you tell her you had a book deal?

9 A. No. I may have told her I've been working on
10 a book, and they have known about this for years,
11 because I've never kept this a secret.

12 Q. There's a quote from you down there. Part of
13 it is in the hands of a publisher or a book
14 writer -- not a publisher, a writer. I think
15 we're going to have a pretty good story about
16 this, Hobbs said?

17 A. Right.

18 Q. A video of you saying that?

19 A. Yeah, I said that.

20 Q. Okay. Hobbs said it was about 300, 400
21 pages, and someone in Hollywood wants the
22 rights -- first rights to the book. Who in
23 Hollywood wants the rights to the first book
24 you're writing?

25 A. I'm not sure about that, but I have put

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1 together pretty good stories, I feel like. It's
2 something I done.

3 Q. One of the things you want to say in your
4 stories is you're suing the Dixie Chicks; is that
5 part of your book?

6 A. I haven't mentioned them.

7 Q. Do you intend to mention them in your book
8 for your film deal?

9 A. I doubt it.

10 Q. You told the press before 2000 -- the media
11 as well, before 2007 that you were working on a
12 book, did you not?

13 A. I've been working on one, and it hasn't been
14 -- it's nothing new for years. Everybody has
15 known this.

16 Q. Everybody has known that you've been working
17 on a book? Widely reported that you're working
18 on a book, right?

19 A. I've been working on a story.

20 Q. Story. With the hopes of selling it, and
21 making it a book and selling it and making it a
22 movie, right?

23 A. I don't know about the movie part, but the
24 book, there's a story that we have to tell, and
25 one day it will be out there.

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1 Q. Okay. Are you aware of a company called
2 Clear Pictures?

3 A. I've heard of that.

4 Q. Have you ever had any dealings with anybody
5 from a company called Clear Pictures?

6 A. I'm not sure.

7 Q. Have you --

8 A. Ain't that part of Dimension Films?

9 Q. I don't know. Is it?

10 A. I'm thinking it might be.

11 Q. Do you have any agreements with a company
12 called Clear Pictures?

13 A. I'm not a sure. I'd have to -- I don't know
14 what you're talking about just yet.

15 MR. DAVISON: Can I have some more
16 stickers, ma'am?

17 Q. Let me hand you what's been marked as Exhibit
18 10, Mr. Hobbs, which is an article that appeared
19 on November the 27th, 2007 right around the time
20 all the DNA stuff was breaking. And turn your
21 attention to the second page of that, sir. The
22 last -- second to the last paragraph, Carter
23 Malone, account supervisor, Kalisa Hyman, said
24 the firm has been hired by Clear Pictures, a
25 Hollywood production company that plans to make a

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1 movie based on the West Memphis Three murders.
2 The firm has bought the life stories of several
3 people tied to the case. Hyman says the company
4 has also bought Hobbs' life rights, she said?

5 (Deposition Exhibit No. 10 was
6 marked.)

7 A. Oh, this is that Dimension Films.

8 Q. This is -- this is Dimension Films?

9 A. Contract. Yeah, it's probably something
10 associated with them, but this is that.

11 Q. Okay. You don't have a separate deal with
12 any company called Clear Pictures?

13 A. No.

14 Q. As far as you know?

15 A. Right.

16 Q. Okay.

17 VIDEOGRAPHER: Mr. Davison, we have
18 about two minutes left.

19 MR. DAVISON: Why don't we change
20 tapes then.

21 VIDEOGRAPHER: We are going off
22 record for a tape change at 4:27 p.m.

23 (Off the record.)

24 (Back on the record.)

25 VIDEOGRAPHER: We're back on record

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1 after a tape change at 4:30 p.m.

2 Q. (By Mr. Davison) Mr. Hobbs, I just have one
3 or two questions, and then my colleague, Ms.
4 Davis, will have a couple, and then I think
5 Mr. Wellenberger may have a couple of questions
6 as well.

7 In that article, the one that we looked at
8 here, talks about 23 -- some tape --
9 surreptitiously recorded tapes between yours and
10 Mr. Byers. Did you know that Mr. Byers recorded
11 conversations with you?

12 A. No, I didn't know it at that time. That's
13 how I found out, too, on the internet.

14 Q. Have you heard any of those tapes?

15 A. Sure.

16 Q. Sure. What's on those tapes?

17 A. Just us talking.

18 Q. Did you talk about the murders?

19 A. He might have.

20 Q. Did you?

21 A. No. I don't really remember, but you're
22 welcome to listen to them.

23 Q. Do you have them?

24 A. No, I don't.

25 Q. Mr. Byers has them, right?

1 A. I don't know who has them.

2 Q. In that article you talk about yourself as
3 a -- you refer to yourself in a biblical -- let
4 me see -- biblical figure, Job. What did you
5 mean about that?

6 A. Do you know anything about Job?

7 Q. A little. Probably not as much as I should,
8 sir. What did you mean when you referred to
9 yourself as Job?

10 A. Well, read up on Job. It's a pretty good
11 story.

12 Q. Yes, sir. My mama always tries to get me to
13 spend a little time with the good book.

14 A. Doesn't hurt.

15 Q. It can't hurt anybody. What did you mean
16 when you referred to yourself as the biblical
17 figure, Job?

18 A. Well, the story of Job. Job loses
19 everything, everything but his wife and life, and
20 we was probably referring to something like that.

21 Q. Okay. Do you -- I take it you've given a lot
22 of thought over the years about what happened
23 that night on May the 5th, haven't you?

24 A. Sure.

25 Q. Do you -- do you believe that whoever

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1 murdered those boys planned to murder them or did
2 it just kind of happen?

3 A. I don't know.

4 Q. Can you think of any reason why the three
5 little boys would have been murdered?

6 A. No.

7 Q. Do you think it's possible that somebody just
8 got angry and got out of control?

9 A. We don't know.

10 Q. I would assume, that if that happened, that
11 person would feel very remorseful about what
12 happened?

13 A. I would hope.

14 Q. Do you think they would blame themselves or
15 would they seek to blame others or some
16 combination?

17 A. I'm not sure.

18 MR. DAVISON: We can go off the
19 record.

20 VIDEOGRAPHER: We're going off the
21 record for a break at 4:30 p.m.

22 (A break was taken.)

23 (Back on the record.)

24 (Mr. Davison is not present at
25 this time.)

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1 VIDEOGRAPHER: We are back on record
2 after a break at 4:41 p.m.

3 EXAMINATION

4 BY MS. DAVIS:

5 Q. Mr. Hobbs, my name is D'Lesli Davis, and I
6 also represent Natalie Pasdar; do you understand
7 that?

8 A. I do.

9 Q. And you understand you're still oath in the
10 same deposition going forward. No change just
11 because I'm asking questions?

12 A. I do.

13 Q. Okay. We've been talking about the murders.
14 I want to be clear. The murders we've been
15 talking about day in your deposition are the
16 murders of three little boys that occurred in
17 West Memphis, Arkansas on May 5th of 1993,
18 correct?

19 A. Correct.

20 Q. And one of those little boys was your
21 stepson, Stevie Branch?

22 A. Correct.

23 Q. The other two were Michael Moore and
24 Christopher Byers; is that correct?

25 A. Yes, ma'am.

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1 Q. And ultimately three teenagers were convicted
2 of the murders, correct?

3 A. Correct.

4 Q. And that's Jessie Misskelley, Damien Echols
5 and Jason Baldwin; is that correct?

6 A. Correct.

7 Q. And those three teenagers that I just listed,
8 those -- those boys became known as the West
9 Memphis Three in the press, correct?

10 A. Right.

11 Q. At the time of the murders you were married
12 to Pam Hobbs, correct?

13 A. Correct.

14 Q. Did you ever adopt Stevie?

15 A. No, ma'am.

16 Q. You were not interviewed by the West Memphis
17 Police Department in 1993; is that correct?

18 A. I was.

19 Q. Okay. And was it a formal interview?

20 A. Right.

21 Q. Do you know if they recorded it?

22 A. I don't remember that.

23 Q. Did they read you your rights?

24 A. No.

25 Q. Do you recall which police officer

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1 interrogated you?

2 A. Not right off.

3 Q. Do you recall where the interview happened?

4 A. West Memphis Police Department.

5 Q. And did they call you down there to interview
6 you?

7 A. They did.

8 Q. Were you alone or with anyone else?

9 A. Me and Pam went.

10 Q. So the two of you were interviewed together?

11 A. Maybe separate, but we went together.

12 Q. Other than that one interview in 1993, did
13 you have any other interviews with the West
14 Memphis Police Department in '93?

15 A. I can't recall any.

16 Q. Can you recall any in '94?

17 A. Not really.

18 Q. Any interviews with the police in 1995?

19 A. No.

20 Q. '96?

21 A. Not in West Memphis.

22 Q. '97?

23 A. No.

24 Q. '98?

25 A. No.

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1 Q. '99?

2 A. No.

3 Q. 2000?

4 A. No.

5 Q. 2001?

6 A. No.

7 Q. 2002?

8 A. No.

9 Q. 2003?

10 A. No.

11 Q. 2004?

12 A. Not up until '07.

13 Q. All right. So I've got 2005, not interviewed
14 by the West Memphis Police Department; is that
15 correct?

16 A. Right.

17 Q. And 2006 not interviewed?

18 A. I believe.

19 Q. From 1993, the interview when you and Pam
20 went down to the West Memphis Police Department,
21 up until 2007 when you were interviewed by the
22 West Memphis Police Department, did you speak to
23 any law enforcement agency about the murders?

24 A. No, ma'am.

25 Q. The police have repeatedly said that you're

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1 not a suspect in the murders, correct?

2 A. Right.

3 Q. And I'm just going to refer to the May 5th,
4 1993 murders as the murders; is that okay?

5 A. Okay.

6 Q. What is your understanding of why the police
7 are so confident that you were not involved in
8 the murders?

9 A. I think -- well, I kind of feel like they
10 know my whereabouts the night of.

11 Q. And you've mentioned that you were with David
12 Jacoby, you were with Pam Hobbs, you were with
13 Jackie Hicks, Sr. Are there any other witnesses
14 who could provide an alibi for you on the night
15 of May 5th of 1993?

16 A. The West Memphis Police Department.

17 Q. How long do you think you spent with the West
18 Memphis Police Department on May 5th of 1993?

19 A. I made two or three trips down there during
20 the night different times asking for help.

21 Q. And you do not recall what times you went
22 down to the West Memphis Police Department?

23 A. No, I don't.

24 Q. Okay. With the inclusion of officers at the
25 West Memphis Police Department, Amanda Hobbs, Pam

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1 Hobbs, David Jacoby and Jackie Hicks, Sr., are
2 there any other witness or persons that can
3 provide an alibi for you on the night of May 5th,
4 1993 or May -- the day of May 6th, 1993?

5 A. Marie Hicks, Pam's mother.

6 Q. Anyone else?

7 A. And the police.

8 Q. And which specific police officers are you
9 referring to?

10 A. The ones that were on duty at the police
11 officer -- the department.

12 Q. Do you know their name?

13 A. No, I don't.

14 Q. Are there any other persons that can provide
15 an alibi for you on the night of May 5th, 1993 or
16 the morning of May 6 of 1993 that we didn't just
17 list?

18 A. Pam's ex-husbands, and a lot of the search
19 and rescue people that showed up May the 6th
20 a.m.

21 Q. Fair enough. With limiting this to people
22 whose names you know, have we now listed all the
23 persons who could provide an alibi for you on the
24 night of May 5th of 1993 or the morning of May
25 6th of 1993?

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1 A. I don't know.

2 Q. Jessie Misskelley -- can you think of any
3 other names as you sit here right now?

4 A. No, but there's lots of people that was
5 there.

6 Q. I understand. But there are no other names
7 that you can provide right now?

8 A. Right.

9 Q. Jessie Misskelley was convicted and sentenced
10 to life plus 40 years; is that correct?

11 A. Correct.

12 Q. And that occurred in 1994?

13 A. Yes.

14 Q. And then Jason Baldwin and Damien Echols were
15 convicted also in 1994 in a joint trial; is that
16 correct?

17 A. Correct.

18 Q. And Baldwin was sentenced to life in prison
19 without the possibility of parole?

20 A. Correct.

21 Q. And Echols was sentenced to death by lethal
22 injection?

23 A. Yes, ma'am.

24 Q. And according to your understanding, the West
25 Memphis Three are currently in prison?

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1 A. Right.

2 Q. But they have these various appeals pending?

3 A. Right. I guess.

4 Q. Have you listed through your deposition up to
5 this point all of the persons you can name who
6 actually saw the Natalie Pasdar letter on the
7 internet?

8 A. Oh, I don't -- I don't know who all seen it.

9 Q. Well, you mentioned --

10 A. Lots of people seen it.

11 Q. Sorry. You mentioned your brothers?

12 A. Right.

13 Q. Are there any other persons that you can give
14 us their name?

15 A. My sister.

16 Q. What's her name?

17 A. My aunts.

18 Q. Your sister's name is what?

19 A. Cindy Hobbs.

20 Q. And your aunt's name is what?

21 A. Rita, Linda, Connie.

22 Q. Anyone else --

23 A. My mother.

24 Q. What's her name?

25 A. Edith.

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1 Q. Anyone else?

2 A. Cousins.

3 Q. Let's go outside your family. Can you name
4 for me any persons outside your family that saw
5 the Natalie Pasdar letter on the internet?

6 A. Not right off.

7 Q. During the trial, you spoke on camera to the
8 Paradise Lost documentary filmmakers, correct?

9 A. Okay.

10 Q. Is that right?

11 A. Correct.

12 Q. And you went on the Geraldo show in March of
13 1994, Correct?

14 A. Okay. Yes.

15 Q. And you spoke on that show, correct?

16 A. As a guest.

17 Q. And do you recall directly addressing Jessie
18 Misskelley's father on the show?

19 A. No.

20 Q. Were you flown to New York by the Geraldo
21 show and put up at a hotel for that appearance?

22 A. Yes, ma'am.

23 Q. Let me hand you what I'm going to mark as
24 Deposition Exhibit 11, 12, 13 and 14.

25 (Deposition Exhibit Nos. 11, 12,

1 13 and 14 were marked.)

2 Q. And I'll represent to you that these are
3 copies of your journals that were produced to us
4 in the litigation. Look through those Deposition
5 Exhibits and tell me if those are true and
6 accurate copies of your journals.

7 A. Looks like it, right.

8 Q. And I'll note for you, just for ease of when
9 we're talking about these journals, I have put 1,
10 2, 3 and 4 down there so that we can just refer
11 to which journal entry I'm talking about, okay?

12 A. Okay.

13 Q. Let me show you Deposition Exhibit No. 15,
14 and my question to you would be whether that is a
15 true and correct copy of the interview that you
16 and Pam Hobbs gave to the Dimension Films
17 filmmakers regarding the murders, the effect of
18 the murders on your family, the West Memphis
19 Three, and basically just y'all's lives, and
20 this, again, is a document --

21 (Deposition Exhibit No. 15 was
22 marked.)

23 A. Did you get this from them?

24 Q. I'm not sure, as I sit here right now, where
25 we got this document from. Have you ever seen it

1 before?

2 A. I'm not sure I have.

3 Q. Do you need to take a break to look through
4 that to determine if it's correct?

5 A. Do you want me to read every page?

6 Q. No. I was hoping you could -- I was hoping
7 you could flip through it and say --

8 A. I'm trying to recognize some of it.

9 Q. I was hoping you could flip through it and
10 say, yes, this is a true and correct copy of the
11 interview that Pam and I gave?

12 A. Well, I don't want to say that without
13 knowing for sure.

14 Q. Fair enough.

15 A. But it looks like a copy of something.

16 Q. Does it look like a copy of that interview?

17 A. I don't know yet.

18 Q. Well --

19 MR. THOMAS: He's never seen it
20 before.

21 MS. DAVIS: That's fair enough. And
22 if -- and I don't think he's testified to that,
23 by the way.

24 Q. Have you ever seen that document before?

25 A. It don't look like it.

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1 Q. Fair enough.

2 A. We may have --

3 MR. THOMAS: He hasn't seen it
4 before right now.

5 MS. DAVIS: I think we've produced
6 this to you.

7 MR. THOMAS: I believe that's
8 correct.

9 A. It may have been, but I don't recognize this
10 yet.

11 Q. Do you want to take some more time to look at
12 it? All I'm suggesting is that we'll take a
13 break and turn off the video if you need some
14 time to flip through that.

15 A. Well, I'd rather go home.

16 Q. I understand that.

17 A. I've got a three-hour drive.

18 Q. We all -- we all agree with that, but I'm
19 afraid we've got some more to plow through. Are
20 you comfortable, after flipping through
21 Deposition Exhibit No. 15, that that is a copy of
22 the interview that you and Pam Hobbs gave to the
23 Dimension Films filmmakers?

24 A. Okay. That sounds better.

25 Q. And do you recall when that interview

1 occurred?

2 A. '05, '06.

3 Q. When we turn to the four different journals
4 that are Deposition Exhibits 11 through 13, they
5 are not journals like journals I've seen where
6 there's always a date entry before you start
7 writing; would you agree with me about that?

8 A. Right.

9 Q. Is there any way, as you sit here today, that
10 you can tell me when Deposition Exhibit 11 was
11 created, when 12, when 13 or when 14 were
12 created?

13 A. No.

14 Q. Is there any way to glean that at all?

15 A. Probably not, because I started on this back
16 in the early nineties.

17 Q. And I believe you previously testified -- I
18 don't want to go over ground we've already
19 covered. I believe you testified that you
20 started the journal probably in 1993 after the
21 murders?

22 A. Well, sometime after the trials, because the
23 trials went up till '94.

24 Q. Fair enough. '93 or '94 you started the
25 journal?

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1 A. Okay.

2 Q. And am I correct that Deposition Exhibit 11
3 is the beginning, would have been the document
4 that was the first journal and the journal that
5 was started in '93 or '94?

6 A. Probably so.

7 Q. And those journals are in your handwriting,
8 correct?

9 A. Yeah. This so far looks like my writing.

10 Q. Now, some places in there, it looks like
11 somebody with different handwriting has come in
12 and either added a word or made a correction?

13 A. Pam.

14 Q. That was Pam Hobbs's handwriting?

15 A. Yeah. She was correcting me.

16 Q. She's correcting your work. Fair enough.
17 And when did Pam go through your journals and
18 correct the work; was that one time, or did she
19 do it periodically?

20 A. No. One time she got mad and she would take
21 off, and she would just take anything that
22 thought was something of mine, and she would take
23 it, and this is one time she took my writings and
24 come back and kept them for years, and when I
25 finally got them back, this is how I got them

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1 back.

2 Q. They were corrected?

3 A. I guess.

4 Q. Is it your testimony that Pam took
5 Depositions 11, 12, 13 and 14 all at one time?

6 A. If they were all put together at one time,
7 yes. If I was -- had been through with them all,
8 yes, if not, no.

9 Q. So whatever chunk of the journals you were
10 done with whenever this event occurred, Pam took
11 them all with her and kept them for a year or so?

12 A. Or longer.

13 Q. Or longer. And then returned them to you
14 with corrections?

15 A. Yes.

16 Q. Have you reviewed any scripts with regard to
17 any movies based on the story of your life or the
18 murders of the West Memphis Three?

19 A. No.

20 Q. Jackie Hicks, Jr. let you know that he
21 suspected that you had been involved in the
22 murders, correct?

23 A. Yes.

24 Q. And what did he tell you about that?

25 A. He was only believing his sisters.

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1 Q. I understand that's your interpretation of
2 what happened, that he was believing what his
3 sisters said, but what specifically did Jackie
4 Hicks tell you when he let you know that he
5 believed you were involved in the murders of
6 Stevie, Michael and Christopher?

7 A. I don't think he put it to me like that.

8 Q. How did you come to know that Jackie Hicks,
9 Jr. believed you have been involved in the
10 murders?

11 A. After I kept hearing his sisters say all the
12 stuff they was saying, I knew it'd get back to
13 him.

14 Q. Isn't it true that Jackie Hicks, Jr. told you
15 that he was going to kill you for your
16 involvement in the Stevie murder?

17 A. Yes.

18 Q. And when did he tell you he was going to kill
19 you for being involved in the murder of Stevie?

20 A. '93, '94, roughly.

21 Q. Prior to the time that he was shot by you; is
22 that correct?

23 A. Correct.

24 Q. Other than telling you that he believed you
25 were involved in the murders and that he was

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1 going to kill you for your involvement in
2 Stevie's murders, did you have any other
3 conversations with Jackie Hicks, Jr. about
4 whether or not you were involved in the murders?

5 A. I don't think so.

6 Q. When you shot Jackie Hicks, Jr., were you at
7 all motivated by the fact that he believed that
8 you had been involved in the murder of Stevie,
9 Michael and Christopher?

10 A. First of all, I didn't point a gun at Jackie
11 to shoot him. This was an accident, but it
12 happened. Jackie told me he was fixing to break
13 my neck when I pulled the trigger. I didn't know
14 it hit him until it knocked him off of me.

15 Q. Let me turn your attention to Journal No. 2,
16 which is Deposition Exhibit No. 12. There's a
17 bates number at the bottom. Can you see that,
18 Hobbs, yeah. Turn to Hobbs 1026, please.

19 VIDEOGRAPHER: Ms. Davis, could you
20 try moving the microphone just a little bit?

21 MS. DAVIS: Great. Tell me if that
22 works.

23 VIDEOGRAPHER: Thank you.

24 Q. Let me direct your attention to the
25 highlighted portion of Journal 2, and I'm going

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1 to read it aloud and you tell me if I read it
2 correctly.

3 Pam tells me that her brother tells her, that
4 when he walked in our house and seen Pam's face,
5 he had a flashback, and all he could see is what
6 Stevie looked like, so he walks outside my home
7 over to where I'm standing at the back of my
8 pickup and starts his reign of terror on me,
9 which lasted a little while before he met Willy.
10 My gun did have a name. Did I read that
11 correctly? You need to say yes or no.

12 A. Yes. Yes.

13 Q. And that is -- in your handwriting, there's a
14 journal entry about the night that you shot
15 Jackie Hicks, Jr., correct?

16 A. Yeah. It happened.

17 Q. And certainly this journal entry would
18 suggest, not that there was an accidents when
19 your gun went off and you hit Jackie Hicks, Jr.
20 with a bullet, but rather, that after Jackie
21 Hicks, Jr. began to hit you, you introduced him
22 to your gun, Willy; is that correct?

23 A. Not in the manner that you're stating.

24 Q. There's nothing in that journal entry,
25 though, that would reflect that it was an

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1 accident when you killed Jackie Hicks, Jr.; is
2 that fair?

3 A. Are you sure?

4 Q. Can you point me to anything in here that
5 would suggest that your shooting of Jackie Hicks,
6 Jr. was accidental?

7 A. It sure was.

8 Q. Can you point me to anything in your journals
9 that would reflect that?

10 A. I can't at the moment, but it's in here.

11 Q. You don't deny that David Jacoby's hair was
12 found at the crime scene, you just don't know one
13 way or the other; is that correct?

14 A. I don't know where they found it.

15 Q. Exactly. You just don't know if the hair
16 found at the crime --

17 A. I don't know if they found that it was his.

18 Q. Exactly. And that's my point exactly. You
19 just don't know one way or the other whether
20 David Jacoby's' hair was found at the crime scene
21 or not, correct?

22 A. Correct.

23 Q. Did you do the laundry at all on May 6th of
24 1993?

25 A. No, I did not.

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1 Q. Let me turn your attention back to Deposition
2 Exhibit No. 12, the second journal, and I point
3 your attention to Hobbs 1033, I think the last
4 page actually of that journal, 1033.

5 There's an entry that I've highlighted. I'm
6 going to read it to you, and tell me if I read it
7 correctly. 5/19/07, Saturday went to see Ronald
8 Lax, 707 Main Street office, only to find out
9 from Ron that my DNA was found at the crime scene
10 in the form of a hair strand of mine found in the
11 knots that tied Michael Moore's shoestrings in
12 the knot themselves. Did I read that correctly?

13 A. Correct.

14 Q. Is it true, that on May 19, 2007, you went to
15 meet with Ronald Lax?

16 A. Yes.

17 Q. And that is when he first informed you about
18 the DNA evidence, correct?

19 A. Correct.

20 Q. And when you wrote your entry in your journal
21 on May 19 of 2007 about that meeting with Ronald
22 Lax, you didn't make any statements about how it
23 was impossible that your hair would be in the
24 ligature, did you?

25 A. No. I don't see it there.

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1 Q. In fact, the way you've written it, you
2 accept the fact that your hair was found at the
3 crime scene in the knots themselves, correct?

4 A. I ain't going to say I accept it. I wrote it
5 like this.

6 Q. And when you wrote it, you didn't contest
7 whether that hair was yours or not, did you?

8 A. I didn't believe him. I didn't believe Ron
9 Lax.

10 Q. You didn't make any note in your journal that
11 you didn't believe Ron Lax, did you?

12 A. There may be some in there somewhere.

13 Q. On that entry of May 19, 2007 --

14 A. Not on that one.

15 Q. Let me finish my question. I'm sorry. On
16 May 19, 2007, you did not make any notation that
17 you did not believe Ronald Lax, correct?

18 A. Okay.

19 Q. And you did not make any notation that you
20 did not believe that your hair was found in the
21 ligature of Michael Moore's shoestring, correct?

22 A. Okay.

23 Q. And Ronald Lax is an investigator for the
24 West Memphis Three defense team; is that correct?

25 A. Correct.

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1 Q. And how many times did you meet with Ron Lax?

2 A. Two or three.

3 Q. And --

4 A. Maybe just two, maybe just one. I'm not
5 sure.

6 Q. Fair enough. And what years were those?

7 A. This.

8 Q. 2007?

9 A. '07.

10 Q. And why did you --

11 A. Seems like -- there was another time. Hang
12 on. There was another time he come to my home,
13 and that's when -- that was twice so far.

14 Q. So at least twice?

15 A. Right.

16 Q. Maybe three times?

17 A. It's possible.

18 Q. And all those visits with Ron Lax were in
19 2007?

20 A. Correct.

21 Q. And you voluntarily spoke to Ron Lax?

22 A. Correct.

23 Q. And why did you agree to voluntarily speak to
24 Ron Lax in 2007?

25 A. I'll tell you like I told Brent Davis. Brent

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1 is the district prosecuting attorney. I wanted
2 to meet what kind of person that would try to get
3 some killers out of prison.

4 Q. And that explains meeting him the first time.
5 Why would you meet him a second and third time?

6 A. Exactly. Same reason. I wanted to see what
7 they was up to and what was on their mind.

8 Q. Did you want to find out what evidence they
9 had?

10 A. I didn't know the evidence. I just wanted --
11 they wouldn't -- if you'll notice, they wouldn't
12 quit calling my phone.

13 Q. There are other West Memphis Three or Damien
14 Echols investigators that you met with besides
15 Ron Lax, correct?

16 A. Yeah. Lori or Rachel somebody.

17 Q. There's a Rachel Geyser?

18 A. Geyser.

19 Q. And did you meet with John Douglas?

20 A. John Douglas.

21 Q. He's a criminal profiler?

22 A. Yeah.

23 Q. How many times did you meet with Rachel
24 Geyser?

25 A. Once or twice.

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1 Q. And how many times did you meet with John
2 Douglas?

3 A. Once or twice. Twice.

4 Q. And what years were those meetings?

5 A. '07.

6 Q. And why did you met with those investigators
7 and profilers?

8 A. To see what they wanted.

9 Q. And see what they knew?

10 A. Or what they wanted.

11 Q. Did you want to get your version of the
12 events out to them as well?

13 A. No. I wanted to see what they wanted. I was
14 going to tell them, and I did, that I wanted to
15 see what they was up to.

16 Q. Any other reason besides wanting to see what
17 the West Memphis Three investigators were up to
18 that you agreed to meet with Ron Lax, John
19 Douglas, Rachel Geyser?

20 A. Not really.

21 Q. Let me show you what I'm going to mark as
22 Deposition Exhibit No. 16, and I'll represent to
23 you that that is a copy of the police file down
24 at the West Memphis Police Department regarding
25 their interview of you in June of 2007. Have you

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1 ever seen these documents before ?

2 (Deposition Exhibit No. 16 was
3 marked.)

4 A. Not really. They might have done this over
5 the phone.

6 Q. On the third page in this exhibit, there
7 begins a transcript of the police interview of
8 you by the West Memphis Police Department on June
9 21st of 2007. Have you seen a transcript of that
10 police interview by you -- of you?

11 A. Yeah, I think.

12 Q. And certainly when you were speaking to the
13 police they had read you your rights; is that
14 correct?

15 A. No.

16 Q. Did they have you sign any rights form? I
17 believe it's Page 2 here. Is that a true and
18 correct copy of your signature?

19 A. Yeah.

20 Q. Are they --

21 A. Rights form. I don't know what that is.

22 Q. Down at the bottom in the last paragraph, I
23 have read this form and or had it read to me, and
24 I understand my rights listed above. I agree to
25 appear and cooperate with law enforcement

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1 authorities at the above noted place. Did they
2 tell you anything about your rights?

3 A. No. I've never had my rights -- I mean, they
4 may have said you have a right with an attorney,
5 but not criminal like you're trying to make it
6 sound.

7 Q. Certainly -- and I'm not trying to
8 characterize it. I'm just trying to find out
9 what happened. Certainly, though, when you were
10 speaking to the police on June 21st, 2007, as
11 reflected in this transcript that is in Exhibit
12 16, you were being honest and truthful with the
13 officers?

14 A. Try to be.

15 Q. And you were attempting to give your best
16 recollection of the facts?

17 A. Okay.

18 Q. Related to the murders and the events
19 surrounding the murders, correct?

20 A. All right.

21 Q. I'm asking you. I'm not just asking you to
22 agree with me. Is that -- is that a correct
23 statement?

24 A. It is.

25 Q. In January of 2008 you filed a grievance

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1 against one of the West Memphis Three lawyers,
2 Dennis Riordan; is that correct?

3 A. Yes, ma'am.

4 Q. And I'm going to mark this document as
5 Deposition Exhibit No. 17, and my question to you
6 will be, is this a true and correct copy of that
7 complaint?

8 (Deposition Exhibit No. 17 was
9 marked.)

10 A. The Board of Professional Conduct, Office of
11 Professional, it is.

12 Q. And beginning on Page 2 of Deposition Exhibit
13 No. 17, that is your handwriting?

14 A. It is.

15 Q. And everything you stated in Deposition
16 Exhibit No. 17 is also true and correct?

17 A. It is.

18 Q. And the essence of this grievance form is
19 that you're complaining that Mr. Riordan is
20 wrongfully damaging your name because he is
21 suggesting you were involved in the murders; is
22 that correct?

23 A. Correct. One of the ones.

24 Q. And do you have any understanding of what
25 happened at the Supreme Court of Arkansas Office

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1 of Professional Conduct with regard to this
2 grievance?

3 A. Yeah. They referred me to a civil attorney.

4 Q. And do you recall which attorney they
5 referred you to?

6 A. Well, no. They told me to seek advice of a
7 civil attorney.

8 Q. And basically dismissed your grievance?

9 A. Well, so far. They said it was -- they
10 don't -- they sent me a letter about it, but I
11 forget what they say.

12 Q. Did you understand, when you spoke to the
13 various West Memphis Three investigators, that
14 they were recording you?

15 A. No.

16 Q. Did you understand --

17 A. Because I asked them at one point, and they
18 said no.

19 Q. Did you understand that they were going to
20 use your statements, if they could, to help the
21 West Memphis Three get out of jail?

22 A. No, I did not know that.

23 Q. What did you think the West Memphis Three
24 investigators would do with the information you
25 gave them?

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1 A. I didn't really give them nothing that I
2 didn't know. I wasn't expecting for them to turn
3 around and slap me upside the head with it.

4 Q. Did you answer questions that they asked you?

5 A. Some.

6 Q. Did you refuse to answer questions?

7 A. Sure.

8 Q. Do you recall what you refused to answer?

9 A. No.

10 Q. Prior to May 5th of 1993, had you ever been
11 to the Robin Hood Hills woods before?

12 A. No.

13 Q. And you understand what I'm talking about
14 when I say the Robin Hood Hills woods?

15 A. Right.

16 Q. Can you describe for the jury what the Robin
17 Hood Hills woods was?

18 A. It's a three-acre patch of woods in West
19 Memphis that was growed up, and it had a 10-mile
20 bayou run through it.

21 Q. Was it sometimes referred to as the Blue
22 Beacon woods or just Robin Hood Hills woods?

23 A. I don't know.

24 Q. Did you know anyone working at the Blue
25 Beacon in 1993?

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1 A. No.

2 Q. What was going on in your life in May of
3 1993?

4 A. Just a family man.

5 Q. Were you having any problem in your marriage?

6 A. No.

7 Q. Had you and Pam separated before 1993, May
8 5th?

9 A. I don't think. Well, I thing we had, yeah.

10 Q. Had there been discussions of divorce?

11 A. I'm not sure.

12 Q. Do you know what Stevie's position was on
13 whether he wanted you and his mom, Pam Hobbs, to
14 stay together?

15 A. Stevie was a little dude.

16 Q. I know. He was eight years old, wasn't he?

17 A. At the time of the murders. He was a
18 year-and-a-half old when we got married.

19 Q. And I'm asking, in May of 1993, whether
20 Stevie had an opinion on whether he wanted you
21 and his mom, Pam Hobbs, to stay together?

22 A. I don't know that. I don't know that.

23 Q. Did you ever discuss that with Stevie?

24 A. No.

25 Q. Did you have a good relationship with Amanda

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1 and Pam and Stevie in May of 1993?

2 A. Sure.

3 Q. Did you have a good relationship with your
4 in-laws in May of 1993?

5 A. I did.

6 Q. What about with your own family?

7 A. Of course.

8 Q. Did you have any health problems then?

9 A. No.

10 Q. Any job problems?

11 A. No.

12 Q. Financial problems?

13 A. No.

14 Q. Any drug or alcohol problems?

15 A. No.

16 Q. Any mental health issues?

17 A. No.

18 Q. Do you recall if you changed clothes on May
19 5th of 1993 when you came home from work?

20 A. Oh, I'm sure I did.

21 Q. And do you recall --

22 A. I had to -- I wore work uniforms.

23 Q. Do you recall what you changed into from the
24 work uniform?

25 A. No.

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1 Q. That change of -- out of your uniform would
2 have occurred between 4:00 and 4:30 p.m.?

3 A. Or after I got home.

4 Q. And I'm sorry. I was -- I was assuming that
5 you were home by 4:00 or 4:30. What time did you
6 get hom?

7 A. I get home before that.

8 Q. What time?

9 A. Roughly 3:00 to 4:00, somewhere in there.

10 Q. And so once you got home, you would have
11 changed out of your uniform?

12 A. Sure.

13 Q. And then I believe you testified, that at
14 some point after you picked Pam up from work,
15 after 9:00 p.m. on May 5th, 1993, you believe you
16 changed clothes again?

17 A. Well, I know Pam, we took her by the house.
18 I'm not sure if I did.

19 Q. So as you sit here today, you do not know one
20 way or the other whether you changed clothes
21 again on --

22 A. Right.

23 Q. -- May 5th of 1993 after you changed clothes
24 out of your uniform sometime between, say, 3:00
25 or 4:00 p.m. on May 5th?

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1 A. Depends on what I would have had on.

2 Q. I understand. And I don't want you to guess
3 and I don't want you to speculate.

4 A. Right.

5 Q. As you sit here right now, you know you
6 changed clothes once to get out of your uniform,
7 correct?

8 A. Correct. Correct.

9 Q. You don't know whether you changed clothes
10 again the rest of that night?

11 A. I'm not sure about that.

12 Q. But you think you did?

13 A. I think I did.

14 Q. Do you think you changed clothes more than
15 one time after getting out of your uniform or
16 just the once?

17 A. The time out of my uniform, depends on what I
18 put on after I changed the first time.

19 Q. And I just want to try to summarize what I
20 think you're saying, which is, you know you
21 changed out of your uniform between 3:00 and 4:00
22 p.m. on May 5th?

23 A. Okay.

24 Q. You believe you changed one more time
25 depending --

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1 A. I'm not sure.

2 Q. You're not sure?

3 A. This is 16 years later.

4 Q. It's possible?

5 A. It's possible.

6 Q. Is it possible you changed more than once?

7 A. If I did the second time, it would be
8 possible.

9 Q. But you'd just be guessing at that point?

10 A. Correct.

11 Q. And as you sit here today -- not to put too
12 fine a point on it -- you have no idea whether
13 you changed clothes again after you got out of
14 your uniform on May 5th of 1993?

15 A. Sounds good. That's correct.

16 Q. But you do recall you were not carrying a
17 knife that night?

18 A. Right.

19 Q. And you do recall that you were not carrying
20 a gun?

21 A. Right.

22 Q. Do you recall whether you had the gun, the
23 .357 Magnum, or any other gun, in your car on the
24 night of May 5th, 1993?

25 A. I probably didn't even own it at that time.

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1 Q. I believe you previously testified that you
2 thought you had a .357, a .9 millimeter and a .12
3 millimeter. Did you have any of those guns on
4 May 5th of 1993?

5 A. I don't remember. I don't remember when I
6 bought them. I remember when me and Pam got
7 married in '80 -- back in the eighties I had two
8 or three guns, but it seemed like I got rid of
9 them, then I -- seems like I bought the .357 in
10 '93, '94, something like that.

11 Q. Your best recollection, as you sit here
12 today -- and I understand it's been a long time,
13 but we're doing the best we can with the passage
14 of time. As you sit here today, do you recall
15 whether you owned any gun on May 5th of 1993?

16 A. Honestly I might say no.

17 Q. Just no idea one way or the other?

18 A. Right.

19 Q. It's possible?

20 A. It's possible.

21 Q. It's possible you didn't?

22 A. I don't really remember.

23 Q. When you met Mark Byers at Dana Moore's house
24 on May 5th, 1993, that was the first time you had
25 ever met him?

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1 A. Correct.

2 Q. And Mark Byers is Christopher Byers' dad?

3 A. Okay.

4 Q. Is that correct?

5 A. Right. I guess.

6 Q. You don't know if that's true or not?

7 A. Well, there was speculation that she was
8 married to somebody --

9 Q. Let me cut to the chase. I don't want to get
10 off on a --

11 A. Okay.

12 Q. Your understanding was that Mark Byers was
13 living with -- at least living with Christopher
14 Byers' mother?

15 A. Yeah. Was his dad, as I knew it.

16 Q. Fair enough. And that was the first time --
17 at Dana Moore's house was the first time you had
18 ever met Mark Byers?

19 A. Correct.

20 Q. And he came walking up to Dana Moore's house
21 about the time that you arrived at Dana Moore's
22 house?

23 A. A little bit after.

24 Q. Five minutes after?

25 A. Okay.

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1 Q. Not more than that?

2 A. All right.

3 Q. Is that right?

4 A. Something like that.

5 Q. From 5:00 p.m. on May 5, 1993, when you
6 dropped Pam off at work, until sometime around
7 9:00 p.m. when you went to pick Pam up at work at
8 Catfish Island on May 5th of 1993, did you ever
9 call her to tell her that Stevie was missing?

10 A. No.

11 Q. Why not?

12 A. She knew.

13 Q. Why not?

14 A. She already knew.

15 Q. Have you ever told anyone, that during that
16 time period, from 5:00 p.m. to 9:00 p.m. on May
17 5th of 1993, you called Pam to tell her that
18 Stevie was at least still missing?

19 A. No, because I never done that.

20 Q. Did you hear any gunshots at any point while
21 you were searching for Stevie?

22 A. No.

23 Q. Have you ever told anyone that you heard
24 gunshots?

25 A. No.

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1 Q. Which of your family members attended
2 Stevie's funeral? And I'm talking about your
3 side of the family now.

4 A. My old brother, my younger brother, my mother
5 and my dad.

6 Q. So that's Joe, Jr., and what's the other
7 brother?

8 A. Mike.

9 Q. Mike, they were both at the funeral?

10 A. And my cousin Tim, my mother and my dad.

11 Q. Prior to Stevie's funeral, when was the last
12 time you had seen your mother?

13 A. I don't remember.

14 Q. How frequently in 1993 were you seeing your
15 mom?

16 A. I don't remember. They don't live but over
17 them hills. I can go over there.

18 Q. Would you see her once a year?

19 A. Or more.

20 Q. Back in 1993 do you think you saw your mother
21 more than once a year?

22 A. I don't -- I wouldn't -- I'd be speculating.

23 Q. From 1990 to the death of Stevie, do you
24 think your saw your mother at all during that
25 time period?

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1 A. From 1993?

2 Q. Sorry. From January 1 of 1990 through to
3 1993?

4 A. For May 1st --

5 Q. Sorry. We're talking over each other. We've
6 messed ourselves up.

7 A. That's January 1st --

8 Q. From January 1st of 1990?

9 A. Oh, '90.

10 Q. Of 1990.

11 A. Of course.

12 Q. How many times do you think you saw her in
13 that time period?

14 A. I don't know. I wouldn't even guess.

15 Q. More than 10 times?

16 A. I'm not going to answer that.

17 Q. More than five times?

18 A. I don't know.

19 Q. Are you sure you saw her at all during that
20 time period?

21 A. Of course I had.

22 Q. Did Pam ever see her during that time period?

23 A. I would imagine.

24 Q. But you don't know?

25 A. No. If we went over there, Pam would go with

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1 us.

2 Q. We've talked about the names of people that
3 can provide an alibi for you on May 5th and May
4 6th, people that saw you that night. Are there
5 any other facts, that you're aware of, that would
6 demonstrate that you were not involved in the
7 murders, other than these witnesses?

8 A. I don't know where you get that from.

9 Q. I'm just asking. Are there any other facts
10 that you're aware of that would demonstrate your
11 innocence?

12 A. Going to -- we heard that they were at gas
13 stations. We'd go there and you're on film.

14 Q. Do you -- do you recall what gas stations?

15 A. Sure.

16 Q. Which ones?

17 A. Flash Markets, they're in West Memphis. We'd
18 go -- people would tell us -- and Texaco, there's
19 a Texaco gas station, and they got cameras out
20 there.

21 Q. Okay. Video cameras --

22 A. At the police department, they got cameras
23 and audios there.

24 Q. Okay. So there's video cameras at the police
25 station and video cameras at the various gas

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1 stations that you stopped by. Any other facts
2 that you would use to prove that you were
3 innocent and were not involved in the murders?

4 MR. THOMAS: Objection, to the
5 extent it calls for a legal conclusion.

6 Q. And I'm just asking you, as Terry Hobbs, man
7 on the street. You --

8 A. I don't know where you get that question
9 from.

10 Q. You've brought this suit claiming that you've
11 been accused of murder, and I'm entitled to find
12 out what facts you would use to demonstrate that
13 you were not involved in the murders. And we've
14 talked about alibi witnesses --

15 A. Talk to the police department, they'll help
16 you out.

17 Q. Talked about -- let me just walk through what
18 we've got. We talked about the various
19 witnesses, we've talked about the videotape at
20 the police department, we've talked about the
21 videotape at the gas stations. And now you've
22 additionally said that I could talk to the police
23 department, they'll tell me, I assume, that
24 you're not a suspect. That's what the paper
25 says.

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1 Are there any other facts that you have that
2 would demonstrate that you were not involved in
3 the murders, other than what I've just listed?

4 A. Oh, I'm sure there are.

5 Q. Can you think of any of them as you sit here
6 today?

7 A. No. I'm not even going to try.

8 Q. Did the West Memphis Police Department take
9 you fingerprints in 1993 when you and Pam went
10 down to talk to the officers?

11 A. I'm not sure.

12 Q. Did they give you a lie detector test?

13 A. I don't think so.

14 Q. Have you ever been given a lie detector test
15 by anyone regarding the events on the night of
16 May 5th of 1993?

17 A. I don't believe so.

18 Q. Would you agree to take a lie detector test
19 provided by -- let me finish the question --
20 provided it was by a reputable polygraph
21 operator?

22 A. No.

23 Q. Why not?

24 A. Why should I?

25 Q. Well, you seem so intent on wanting the world

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1 to know that you were not involved in those
2 murders, and step one of that might be taking a
3 lie detector test.

4 A. Step one might be call the police.

5 Q. I -- let's go to step two then. Step two --

6 A. Step two, call the prosecutor.

7 Q. Let me finish -- let me finish my question.

8 I'm sorry. And you're making -- you're making --

9 I'm duly noting what you're saying. Step one,

10 call the police; they don't consider you a

11 suspect. Step two, call the prosecutor. The

12 prosecutor didn't prosecute you. I hear what

13 you're saying. But is there any reason, that

14 just to be clear and just to let the world know,

15 this world that has such concerns and has caused

16 you so much pain, thinking that you might have

17 been involved in those murders, is there any

18 other reason, other than what you've told me, why

19 you wouldn't agree to have a lie detector test to

20 demonstrate you weren't involved in the murders?

21 A. I don't need to prove myself.

22 Q. Any other reasons besides that?

23 A. No.

24 Q. But you're adamant, you're sure that would

25 not agree to take a lie detector test? As you

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1 sit here today --

2 A. Huh-uh.

3 Q. -- you're sure about that?

4 A. Uh-huh.

5 Q. You're sure?

6 A. I don't have to.

7 Q. Right.

8 A. I ain't done nothing wrong.

9 Q. I understand and I want to move on. I just
10 want to not beat a dead horse, I just want to
11 make clear. As you sit here today, you're
12 absolutely sure that you refuse to take a lie
13 detector test, correct?

14 A. I am

15 Q. That's correct.

16 A. Correct.

17 Q. You're not going to take it?

18 A. I'm not.

19 Q. Other than the Dimension Films interview, the
20 journals, the Answer to Supplemental --
21 Supplemental Interrogatory No. 15, are you aware
22 of any other accounts by you of the events of the
23 night of May 5th of 1993?

24 A. See, I know I have this. I have this.

25 Q. Right.

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1 A. And probably some of this, if that's mine.

2 Q. Right. And we've got -- sorry, I left one
3 out. The West Memphis Police Department
4 interview?

5 A. Right.

6 Q. Are there any other --

7 A. Not that I know of.

8 Q. -- versions of your account, as far as you
9 know?

10 A. Not that I can recollect.

11 Q. No other interviews with other film
12 companies, publishing companies, book writers?

13 A. No, not to my knowledge.

14 Q. You write in your journal, and I can give you
15 page and line on these things if you ever want,
16 as we talk through this, to actually look at what
17 you wrote. Okay. But you wrote in your journal,
18 at times one thinks, could we really handle
19 knowing what really did happen, and you're
20 referring to the murders. And you answer,
21 probably not?

22 A. Right.

23 Q. What did you mean by that entry?

24 A. Could you handle -- could we as parents
25 handle knowing what really happened out there,

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1 probably not.

2 Q. And why do you -- and why do you say probably
3 not?

4 A. Because I went down and looked at our son and
5 seen what he looked like. I would not want to
6 know how that happened.

7 Q. In your journals when you talk about
8 searching the night of May 5th in the woods, and
9 you get to a scary part of the woods where you
10 felt a real presence of evil; do you recall that
11 happening?

12 A. I do recall that.

13 Q. Do you recall the journal entries about that.
14 Just generally?

15 A. Yes, I do.

16 Q. In two different journal entries you state
17 that -- I'll read it to you. When I caught up to
18 David and Jackie, I couldn't even talk about what
19 happened. And then in the other entry you said,
20 as I finally walked out of there and caught up
21 with Jackie, Sr. and David, I could not even talk
22 about it for I did not think they would believe
23 me. Does that refresh your recollection about
24 whether you told anybody on the night of May 5th
25 or May 6th that you felt this presence of evil in

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1 an area of the woods?

2 A. Seemed like I remember that.

3 Q. Okay. So you did not tell anybody about
4 feeling the presence of evil in the woods on the
5 night of May 5th of 1993, correct?

6 A. I'm not sure.

7 Q. As you sit here today, you can't recall?

8 A. Right.

9 Q. But if your journal said you didn't tell
10 anybody, that's probably true, correct?

11 A. Probably.

12 Q. Why wouldn't you tell someone if you felt
13 that there was an area of the woods that had a
14 particular scary aspect or that you had felt the
15 presence of evil?

16 A. Because that's just something men don't do,
17 walking around saying, I got scared.

18 Q. In fact, that area you claim was the area
19 where the bodies of the three little boys,
20 including Stevie, were ultimately found, correct?

21 A. No. No.

22 Q. How far away was it?

23 A. I walked down this little path about 10, 15
24 feet. I don't know how much further down that
25 path the boys' bodies was, but it was down there

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1 somewhere.

2 Q. Did you hear any tree limbs falling while you
3 were in the woods looking?

4 A. I heard some break. Me and Pam was together
5 when this happened.

6 Q. Do you recall telling anyone that the three
7 little boys, Stevie, Chris and Michael, put up a
8 good fight against their assailants?

9 A. Do I recall telling that to somebody?

10 Q. Yes.

11 A. Only if we might have said we hope that they
12 did.

13 Q. Do you recall telling anyone that you knew
14 that the boys, the little boys had put up a good
15 fight?

16 A. No -- well, seemed like Gary Gitchell told us
17 that they, you know, might have put up a fight.

18 Q. Might or did?

19 A. Did.

20 Q. And do you have any understanding on what
21 Gary Gitchell would have based that statement on?

22 A. Stuff under fingernails, and I think one of
23 them was supposed to had something under their
24 fingernails DNA or something.

25 Q. Let me read you an entry from Journal 2,

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1 Hobbs 1010 through 1011. I also remember while
2 I, Terry, was trying to keep my job at the ice
3 cream company, all of my customers were so nice I
4 could not handle it. I would walk in to do my
5 job, and I did not know how many of my customers
6 would hug me, and some of them would even start
7 to cry. This seemed to make me nervous. As nice
8 as my customers were and as nice as all of the
9 employees of Memphis Ice Cream Company were,
10 since they did not -- they did not know what
11 being overly nice to me was doing to me. As long
12 as I've been at the ice cream and had the same
13 customers for years, this kind of being nice to
14 me was making my mind seem like it was frying.
15 Do you recall writing that in your journal?

16 A. I remember something about that.

17 Q. Okay. Why did customers being nice to you
18 about the murders make your mind seem like it was
19 frying?

20 A. Because they was just -- everywhere I go -- I
21 had 110 customers that I called on on a weekly
22 basis, and these people liked me, and then when
23 this happened, it's just like they wanted me to
24 be their family. You know, it's just like they
25 overlaked me.

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1 Q. And that made you extremely uncomfortable?

2 A. I didn't know how to handle that.

3 Q. It made your mind seem like it was frying?

4 A. I didn't know how to handle that.

5 Q. And to get away from that, you took a leave
6 of absence for three or four months; is that
7 correct?

8 A. I did.

9 Q. You did backhand Pam Hobbs the night that you
10 ended up shooting her brother, correct?

11 A. Okay.

12 Q. Is that correct?

13 A. Right.

14 Q. Is that funny?

15 A. Well, you get tired of talking about it after
16 a while.

17 Q. I understand, but I just need for the record
18 for you to state under oath that you did in
19 fact --

20 A. I did.

21 Q. -- backhand Pam Hobbs the night you shot her
22 brother?

23 A. I did.

24 Q. That's correct?

25 A. Correct.

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1 Q. Why do you think the search kept focusing on
2 Robin Hood Hills the night of May 5th and the
3 morning of May 6th?

4 A. Well, we -- that was the last place that
5 people told us they had seen them kids go.

6 Q. Did Dawn Moore tell you that she saw the kids
7 going to Robin Hood Hills?

8 A. I don't think so.

9 Q. If you wrote in your journal, I guess we will
10 never know why the search kept focusing on Robin
11 Hood woods, why would you write that?

12 A. That's why.

13 Q. We know why the search focused on Robin Hood
14 Hills, correct?

15 A. Okay.

16 Q. I mean, I'm right, right? We know that the
17 search focused on Robin Hood Hills, because that
18 was the last place they were seen?

19 A. Right.

20 Q. So why would you write in your journal, I
21 guess we will never know why the search kept
22 focusing on Robin Hood woods?

23 A. I don't know why.

24 Q. At one place in your journal you state that
25 you and family members began to do your own

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1 investigation. There were times when some of us
2 would drive to West Memphis and just drive around
3 trying to investigate ourselves. Do you recall
4 writing that in your journal?

5 A. Sure.

6 Q. What sort of investigation did you do
7 yourself?

8 A. This is a good one. Me and Pam, Pam wanted
9 to go down to West Memphis call ourself
10 investigating what happened to her little boy.
11 So we get down there, and she goes -- wants to go
12 by a Holy Cross Episcopal church, and we went
13 there. Well, the preacher is standing out front
14 of the church. We go up there and, you know,
15 talk to him. And Pam says, can I go back here
16 and pay my regards to my son, and he said sure.
17 We get back there, she tells me, I'm
18 investigating this church.

19 Q. Let me stop you for just a second. I
20 appreciate what you're saying, and it was in
21 answer to my question, but I want to be more
22 specific, and maybe my question wasn't clear.

23 What did you do? You wrote in your journal
24 that you would go investigate. Were you
25 referring to anything other than the time that

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1 you and Pam Hobbs went to investigate at the
2 church?

3 A. Was I referring to, yeah, because I never
4 went and investigated. I would take Pam.

5 Q. Fair enough. And other than going to the
6 church to investigate, did you take Pam anywhere
7 else to investigate the murders?

8 A. Just drive around West Memphis.

9 Q. And that was basically to placate Pam?

10 A. Yes.

11 Q. You knew you were not, quote, investigating
12 the murders?

13 A. Right. We knew that.

14 Q. Let me direct your attention in Deposition
15 Exhibit No. 13 to the highlighted portion of that
16 journal entry, and it is on Page 1063. I'm going
17 to start just a little bit before the highlighted
18 portion.

19 Before I left their home, her brother comes
20 out in the front yard and says to me, Terry, if
21 it was not for my dad, I would kill you. And
22 this is in your handwriting. What he didn't
23 know, I did have a Smith and Wesson .44 Magnum
24 pistol that was loaded in the back of my pants
25 under my shirt, for I knew he had wanted to start

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1 something. Also, I knew I couldn't fight with
2 him. Also, I knew I had not done anything to
3 anyone and, no, no one was going to kill me, like
4 I was told, with Mr. Smith having something to
5 say about it. Did I read that entry correctly?

6 A. Sure.

7 Q. And when you say Mr. Smith, you're referring
8 to your Smith and Wesson .44 Magnum, correct?

9 A. Correct.

10 Q. And this entry relates to the evening that
11 you shot Jackie Hicks, Sr., Pam's brother?

12 A. No.

13 Q. What does this relate to?

14 A. When I went to see my daughter, he would
15 threaten to kill me.

16 Q. So we're back to talking about Jackie Hicks,
17 Jr.?

18 A. Yeah.

19 Q. On this occasion, do you have any
20 recollection of when specifically this was?

21 A. No, but it was one time when we were
22 separated, me and Pam, and I was living in Hardy,
23 Arkansas and she was living in Blytheville.

24 Q. And it was sometime between Stevie's death
25 and the time you actually shot Jackie Hicks, Jr.,

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1 correct?

2 A. Correct.

3 Q. And you carried your Smith and Wesson with
4 you because you were worried that Jackie Hicks
5 was going to beat you up, correct?

6 A. No. He would threaten, I'm going to kill
7 you.

8 Q. And because he had threatened you, you packed
9 your gun?

10 A. Exactly.

11 Q. And you were of the mindset that he was not
12 going to hurt you without having to deal with
13 your gun; isn't that fair?

14 A. Exactly.

15 Q. I want to nail down quickly just a few points
16 regarding May 5th. In -- and I'll represent to
17 you -- and I've got page numbers here if you want
18 to look at any of the journal entries or anything
19 else. But in the Dimension Films interview --
20 well, let me back up.

21 In your journal in two different locations
22 and with the West Memphis Police Department and
23 in your interrogatory responses, you say you
24 spoke to Dawn Moore on the way to taking Pam to
25 work?

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1 A. Her daughter. That's the daughter.

2 Q. Yes. Did you speak to Dawn Moore on the way
3 to taking Pam to work?

4 A. Yeah, Pam did. We did.

5 Q. Okay. And what was your conversation?

6 A. The conversation was, did we -- or is Michael
7 and Chris here.

8 Q. And what did she say?

9 A. Probably not. Well, they wasn't there, so
10 I'm sure it was a no answer.

11 Q. Here's where I'm confused. In the Dimension
12 Films interview you say that no one was home when
13 you and Pam stopped by the Moore's house on the
14 way to take Pam to work around 5:00 p.m. on May
15 5th. In the journals and with the West Memphis
16 Police Department and in your interrogatory
17 responses, you say that Dawn Moore, the daughter,
18 was home and that you spoke to her.

19 A. Dawn was there.

20 Q. Let me stop for a second. Was there anybody
21 home at the Moores -- you're under oath now.
22 Time to absolutely recollect the best you can and
23 tell the truth, give your best testimony. Was
24 there anyone home at the Moores as you and Pam
25 and Amanda stop by the Moores on the way to

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1 taking Pam to work on May 5th of 1993 at
2 approximately 5:00 p.m.?

3 A. Dawn Moore.

4 Q. And what did she tell you?

5 A. I don't remember.

6 Q. Did Dawn Moore tell you that she had seen
7 Michael and Stevie riding their bikes?

8 A. Seemed like that I've heard that somewhere.

9 Q. I'm not asking you whether you heard that
10 somewhere or not. I'm asking you if you
11 recollect Dawn Moore telling you anything about
12 seeing Stevie and Michael riding their bikes?

13 A. I don't recollect that.

14 Q. Do you recollect her telling you where she
15 had last seen them?

16 A. No.

17 Q. Have you spoken to Dawn Moore since May 5th
18 of 1993?

19 A. I'm sure I have, but I don't remember where.

20 Q. Have you spoken to Dawn Moore about the
21 events or the murders?

22 A. No.

23 Q. Since May 5th of 1993?

24 A. No.

25 MS. DAVIS: Okay. Let's take a

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1 quick break so we can change tapes.

2 VIDEOGRAPHER: We're going off
3 record for a tape change at 5:35 p.m.

4 (A break was taken.)

5 (Back on the record.)

6 VIDEOGRAPHER: We're back on the
7 record after a tape change at 5:49 p.m.

8 Q. (By Ms. Davis) Mr. Hobbs, in your journal,
9 Exhibit 11 at Hobbs 954, you state, that after
10 dropping Pam off from work, you go over to David
11 Jacoby's house, and all that happens before you
12 ever see Dana Moore or Mark Byers. In the
13 Dimensions interview, in a different journal, No.
14 3, or Exhibit 13, and in the West Memphis Police
15 Department interview and the Supplemental
16 Interrogatory Responses, you do not have yourself
17 going to David Jacoby's house before you meet
18 Dana Moore and Mark Byers. Which is the correct
19 version of the events?

20 A. You know, I don't remember.

21 Q. As you sit here today, you have no idea --

22 A. This is 16 years ago.

23 Q. Fair enough. But you've written in your
24 journal two different ways.

25 A. Okay.

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1 Q. And as you sit here today, you have no idea
2 whether you went to David Jacoby' before you --

3 A. Sounds fair.

4 Q. -- met with Dana Moore and Mark Byers?

5 A. I'm fine with that.

6 Q. Let me finish my question. As you sit here
7 today, you have no idea whether you went over to
8 David Jacoby's before you met Dana Moore and Mark
9 Byers; is that correct?

10 A. Seemed like I had my daughter with me when I
11 met Mark -- no, seems like she wasn't -- I don't
12 remember.

13 Q. So just to clarify --

14 A. I'm going to leave it like I don't remember.

15 Q. As you sit here today under oath, you have no
16 recollection of whether you went to David
17 Jacoby's before you met Dana Moore and Mark Byers
18 on May 5th of 1993, correct?

19 A. Correct.

20 Q. And if David Jacoby testifies that you went
21 to his house and played guitars for about an hour
22 on May 5 of 1993, is your -- is it your testimony
23 that he is lying?

24 A. My testimony is I don't know.

25 Q. It --

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1 A. I don't remember.

2 Q. It is in fact possible, that on May 5th of
3 1993, after dropping Pam off at work, that you
4 went over to David Jacoby's house and played
5 guitar for approximately an hour, correct?

6 A. I'm not going to say.

7 Q. It's possible?

8 A. Okay.

9 Q. Well, I don't want you to just agree. I'm
10 asking you a question.

11 A. I'm not agreeing. I don't know.

12 Q. Well, fair enough. Let me -- let me phrase
13 it and you can tell me yes or no. Is it
14 possible, that on May 5th of 1993, after dropping
15 Pam off from work, you went to Dave Jacoby's
16 house and played guitar?

17 A. It's possible.

18 Q. Is it possible, that on May 5th of 1993,
19 after dropping Pam off at work around 5:00 p.m.,
20 that you played guitar at David Jacoby's house
21 for up to an hour?

22 A. It's possible.

23 Q. And, in fact, if David Jacoby testified that
24 you did stop by his house after dropping Pam off
25 at work after 5:00 p.m. on May 5th of 1993 and

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1 played guitar for an hour, you would not argue
2 with him, would you?

3 A. No. I don't remember it, but I ain't going
4 to argue with it.

5 Q. There are also several different versions
6 through the different journals, through your
7 Supplemental Interrogatories, through your West
8 Memphis Police Department interview regarding
9 what time you called the police to report Stevie
10 missing.

11 In certain of those accounts you say --
12 particularly the Dimension Films account -- you
13 say that you called the police between 5:00 and
14 5:30 to report Stevie missing, and that you did
15 that before you ever met Mark Byers. Do you
16 recall telling the Dimension Films people that?

17 A. No.

18 Q. Is that true?

19 A. I don't know.

20 Q. Is it -- what is your recollection? Did you
21 call the police at 5:00 or 5:30?

22 A. I don't remember.

23 Q. On May 5th of 1993?

24 A. I don't remember.

25 Q. As you sit here today, using your best

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1 recollection and testifying under oath, you do
2 not recall one way or another whether you called
3 the police on May 5th, 1993 between 5:00 and
4 5:30?

5 A. Correct.

6 Q. But we know that you were trying to give your
7 best version of events to the Dimension Films
8 filmmakers. They had paid you for your story,
9 correct?

10 A. Okay.

11 Q. And if you told them that you had called the
12 police on May 5th of 1993 between 5:00 and 5:30,
13 would we be able to rely on that?

14 A. Whatever you want to do with it.

15 Q. No. It's not -- it's not a question of what
16 I want to do with it. It's a question of which
17 is accurate. There are different versions.

18 A. I don't remember what time we -- I know we
19 called them when Pam got off work.

20 Q. Do you know who called them?

21 A. No, I don't.

22 Q. On May 5th of 1993, it --

23 A. Seems like it might have been Pam.

24 Q. On May 5th of 1993, there was a call from
25 Catfish Island to the police department reporting

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1 Stevie missing, correct?

2 A. Okay.

3 Q. Is that correct?

4 A. I guess.

5 Q. Do you recall whether anyone called the
6 police --

7 A. Pam called.

8 Q. Let me stop for a second. Do you recall
9 whether anyone called the police from Catfish
10 Island on May 5th of 1993 approximately 9:00 p.m.
11 to report your stepson missing?

12 A. Pam called, I believe.

13 Q. Could it have been you calling?

14 A. It's possible.

15 Q. Okay. If the West Memphis Police Department
16 phone log reflects that at 9:19 Terry Hobbs
17 called to report Stevie missing, would you
18 quarrel with that entry?

19 A. No.

20 Q. Catfish Island, Terry Hobbs, missing
21 juvenile. Let me get this marked as Deposition
22 Exhibit No. 18. This is a copy of the West
23 Memphis Police Department log, and I'll show you
24 the entry.

25 (No Omissions)

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1 (Deposition Exhibit No. 18 was
2 marked.)

3 A. If that's what's on there, I'm fine with
4 that. It don't matter to me.

5 Q. Okay. So now your best recollection is that
6 was in fact you that called the police?

7 A. If that's what they have wrote down there.

8 Q. Then yes?

9 A. Okay.

10 Q. And I do not see in that log any call by you
11 to report Stevie missing prior to 9:19.

12 A. Okay.

13 Q. In fact, I don't see a call from anybody to
14 report Stevie missing before 9:19 p.m. on May 5th
15 of 1993.

16 A. Okay.

17 Q. So does that lead you to believe that there
18 were no other phone calls made by you to the
19 police before 9:19 p.m. on May 5th of 1993?

20 A. Sounds fine with me.

21 Q. And I'm not just wanting what sounds fine
22 with you. I'm wanting what actually happened?

23 A. Well, you know, you're talking 16 years ago.

24 Q. I understand that, but here's what's really
25 confusing. The different --

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1 A. Who does it confuse?

2 Q. The different accounts created by you through
3 your journals have different versions of events.

4 A. This is --

5 Q. Sometimes -- let me finish my question.

6 Sometimes you're calling the police at 5:00 or
7 5:30, sometimes you're telling Dana Moore to call
8 the police and report Stevie missing, and
9 sometimes Pam is calling the police at 9:19 p.m.,
10 but you know what never happens, in all your
11 versions Terry Hobbs never calls the police at
12 9:19 p.m., and my only question to you is what
13 occurred?

14 A. What is wrong with whatever occurred?

15 Q. Well, I don't -- this is an important night
16 to you, wasn't it, sir?

17 A. Yeah. And the phone call was made.

18 Q. And I'm just wondering, why something as
19 important as you calling the police escapes your
20 memory?

21 A. It happens.

22 Q. And let me ask you --

23 A. Can you remember every detail 16 years ago?

24 Q. Well, then let me ask you then the follow-up
25 question to that is, why then in your own

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1 journals are there different accounts?

2 A. What is wrong with that?

3 Q. It sounds -- it sounds like you're not
4 telling the truth, to be candid, sir.

5 A. It's just a book.

6 Q. It sounds like you're not telling the truth
7 in the book. Were you trying to be honest in
8 your journals?

9 A. Well, you know never what happened. It's
10 just a book.

11 Q. Is it a fiction book?

12 A. Well, I don't know.

13 Q. It may end up being a fiction book?

14 A. I'm not sure. I hope it's a true story.

15 Q. And not to put too fine a point on it, but
16 this major event is something that you just can't
17 remember right now, and that is, how many times
18 you called the police, whether you called the
19 police and at what time you called the police; is
20 that correct, sir, as you sit here today?

21 A. Looks like I called them once.

22 Q. You're willing to rely on Exhibit 18, the
23 West Memphis Police Department log, as opposed to
24 all of these other versions of your accounts of
25 the events?

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1 A. Why would I dispute that? It's a log.

2 Q. So the answer to my question is, that's
3 correct, you're willing to rely on the West
4 Memphis Police Department log as opposed to all
5 these different versions of events created by
6 you?

7 A. Yeah.

8 Q. What time did you go over to Dana Moore's
9 house and five minutes later meet Mark Byers?
10 Let me -- I'm trying to rush these things along.
11 I know we're trying to get out of here.

12 A. I'm not sure of a time.

13 Q. In the Dimension Films interview, you say it
14 was six o'clock. With the West Memphis Police
15 Department you say it was 5:30 or 6:00. Do those
16 times sound approximately correct to you?

17 A. I don't remember when it was.

18 Q. It could have been 8:00 p.m.?

19 A. I don't remember.

20 Q. As you sit here today then, despite the
21 various accounts that are in all of your
22 journals, your Dimension Films interviews, your
23 interviews with the West Memphis Police
24 Department, as you sit here today, you simply
25 have no recollection of what time it was that you

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1 were over at Dana Moore's house and met Mark
2 Byers; is that correct?

3 A. Correct.

4 Q. And --

5 A. I know I met him over there, but I don't know
6 what time.

7 Q. And if we had to pick one of your versions of
8 the account, what would be the best one to use to
9 determine what time you believe you met Dana
10 Moore and Mark Byers over at Dana Moore's house?

11 A. Whichever one you want to pick.

12 Q. In other words, we just will never know, will
13 we?

14 A. Well, ask Mark, he might remember. Dana
15 might remember.

16 Q. They do remember. I'm asking if you
17 remember, sir?

18 A. No, I don't.

19 Q. And as you sit here today, not only do you
20 not remember what time you met Dana Moore and
21 Mark Byers over at Dana Moore's house, you can't
22 even point to which of your versions was a
23 truthful version; is that correct?

24 A. To me that's just writings.

25 Q. You say they're just writings, but when you

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1 wrote, weren't you trying to be honest about
2 Stevie?

3 A. I was.

4 Q. Weren't you trying to be honest about the
5 events?

6 A. I tried.

7 Q. So what is the explanation for why -- let me
8 finish my question. What was the -- what is the
9 explanation for why there are so many different
10 versions of the events?

11 A. I have no explanation. Do you know that
12 trauma might have played a role in it?

13 Q. Is that what you believe happened; do you
14 believe that these specifics that we're going
15 through today, who called the police, what time
16 you called the police, what time you met Mark
17 Byers, whether you hung out with David Jacoby,
18 whether you went to David Jacoby's house before
19 or after you met Mark Byers? Do you believe that
20 all of the confusion and inconsistencies in your
21 versions relates --

22 MR. THOMAS: Object to the
23 characterization --

24 MS. DAVIS: I'm not -- let me finish
25 my question.

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1 Q. All of those inaccuracies and
2 inconsistencies, that those relate from trauma;
3 is that your testimony?

4 A. Trauma, shock, all kind of things that go
5 along with it.

6 Q. That's your --

7 MR. THOMAS: Maybe it's for sitting
8 here for eight hours being hectoring asking the
9 same questions.

10 MS. DAVIS: I object to the speaking
11 objection.

12 A. I'm tired and ready to go home.

13 Q. Sir, and I understand that. We're going to
14 wrap up here real soon, but I just want your best
15 testimony. Your best testimony is, that the
16 reason for the inconsistencies in this ver --
17 these versions, regardless of when they were
18 created, is as a direct result of trauma and
19 stress; is that correct?

20 A. I cannot answer that.

21 Q. Were you alone at any time the night of May
22 5th, 1993 in Robin Hood Hills?

23 A. Not to my knowledge.

24 Q. Were you alone at any time the night of May
25 5th starting from, let's say, 4:00 p.m. going to

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1 6:00 a.m. on May 6th of 1993?

2 A. Not to my knowledge.

3 Q. Were you searching the Robin Hood Hills area
4 with David Jacoby at 6:00 p.m.?

5 A. I can't answer that.

6 Q. If you previously listed in one of your
7 versions of the events that you were searching
8 the woods with David Jacoby -- in fact, if you
9 told that to the West Memphis Police Department
10 in 2007, from 6:00 to 6:30, would that be honest
11 and accurate -- an honest and accurate account?

12 A. I tried to be. If that's what I told them.

13 Q. If that's what you told the West Memphis
14 Police Department, then that's your best
15 recollection of what you were doing between 6:00
16 and 6:30 is searching the woods with David
17 Jacoby?

18 A. Okay.

19 Q. Is that right?

20 A. If that's what I told them.

21 Q. And if David Jacoby said that he was not
22 searching the woods with you between 6:00 p.m.
23 and 6:30, that he was not even with you between
24 6:00 p.m. and 6:30, what would your response to
25 that be?

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1 A. I probably wouldn't have one. I don't know.
2 I don't try to make things up. If that's where
3 you're getting this from -- I don't sit around
4 and try to make them up.

5 Q. In all of your versions of the events, and by
6 that I mean two different versions in the
7 journals, the Interrogatory Responses, the
8 Dimension Films interview, everything but the
9 West Memphis Police Department interview, you
10 never mention seeing a black bum on the morning
11 of May 6th of 1993, but in June of 2007, when
12 you're being interviewed by the West Memphis
13 Police Department, you mentioned seeing a
14 black -- a black bum. Did you or did you not see
15 a black bum?

16 A. Me and Pam both seen this guy.

17 Q. If Pam says she never saw a black bum --

18 A. She seen him.

19 Q. -- she's lying?

20 A. She ain't going to tell you that.

21 Q. She's lying?

22 A. She didn't say that.

23 Q. When I talk to Pam, Pam is going to tell me
24 she saw a black bum?

25 A. Sure.

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1 Q. Why did you not take any action from May 5th
2 of 1993 until June 21st of 2007 to alert the
3 police or any law enforcement agency that you had
4 seen a black bum departing the Robin Hood Hills?

5 A. For what reason?

6 Q. To help find who committed the murder of your
7 son, sir?

8 A. They had three boys incarcerated.

9 Q. From May of 1993, May 5th of 1993?

10 A. Okay.

11 Q. Through to June of 1993, the police were
12 looking for suspects, were they not?

13 A. Yeah, that's right.

14 Q. And in fact, the case was featured on
15 American's Most Wanted because the police were
16 desperate for leads, correct?

17 A. Okay.

18 Q. And in that month period, you never went to a
19 law enforcement agent and said, I saw a black --
20 let me finish my question, sir -- I never saw a
21 black bum leaving the Robin Hood Hills area where
22 the bodies were ultimately found on the morning
23 of May 6th of 1993, did you?

24 A. Seemed like we did tell them that. I'm just
25 guessing.

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1 Q. You're just guessing now, sir, aren't you?

2 A. I don't remember.

3 Q. And why then --

4 A. I don't remember.

5 Q. -- did you never mention the black bum in
6 any of your versions of the accounts, sir?

7 A. I have no explanation for that, but we did
8 see a guy out there.

9 Q. But you didn't tell anybody that could have
10 done anything about it, did you, sir?

11 A. At the time we seen the man, we didn't know
12 that we had three dead boys.

13 Q. But you knew later that day -- you knew the
14 next day, the next week, didn't you, sir?

15 A. Seems like it was brought up.

16 Q. And you didn't mention the black bum in the
17 Dimension Films interview, in any of your
18 journals, and even as late as this lawsuit in
19 this Supplemental Interrogatory, did you, sir?

20 A. Well, you can ask Pam, because she was with
21 me when we seen him, and seems like there was a
22 few more people around.

23 Q. It's your testimony that you did not see
24 Stevie Branch at all the day of May 5th of 1993,
25 correct?

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1 A. Correct.

2 Q. And if David Jacoby were to testify, that
3 when you came to his door after dropping Pam
4 Hobbs off at work at Catfish Island after 5 p.m.
5 on May 5th of 1993, and that he saw Stevie on his
6 bicycle and two other boys with him over your
7 shoulder out in the street, would he be lying?

8 A. I guess, because that didn't happen.

9 Q. If David Jacoby told the West Memphis Police
10 Department that you told him on the night of May
11 5th of 1993 that you had seen Stevie and told
12 Stevie to be back before dark, would he be lying?

13 A. That didn't happen.

14 Q. Did you have a working home phone on May 5th
15 of 1993?

16 A. Sure.

17 Q. But you didn't use it to call the police on
18 May 5th of 1993; is that correct?

19 A. Call the police for what?

20 Q. That your son was missing, sir?

21 A. We went down to the police department. We
22 called them from Catfish Island.

23 Q. That's not my question, sir.

24 A. No, I did not.

25 Q. You did not call the police at any point from

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1 your home phone, correct?

2 A. Correct. We called them from Catfish Island.

3 Q. Did you ever build Stevie a tree house or a
4 fort?

5 A. No.

6 Q. Did you go into the woods -- and I mean
7 actually into the woods -- to search for Stevie
8 before you picked Pam up at Catfish Island
9 approximately 9 o'clock?

10 A. We could go to the bayou.

11 Q. But you did not go into the woods?

12 A. Not really. It's just a trail.

13 Q. Just to be specific, you did not go into the
14 Robin Hood Hill woods prior to picking Pam up
15 from work at approximately 9:00 p.m. on May 5th
16 of 1993; is that correct?

17 A. Well, if you knew what Robin Hood Hills woods
18 was, it's just a three-acre piece of land that
19 had trees on it.

20 Q. And my question is real simple. Did you go
21 into it before you picked Pam up from work at
22 approximately 9:00 p.m. on May 5th of 1993?

23 A. If you walked on the ground you was in it.
24 So we did go down a path to the 10-mile bayou, so
25 that means you was in it.

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1 Q. Let me get this --

2 MS. DAVIS: Sorry. I'll get mic'd
3 up again.

4 Q. I'm going to mark this as Deposition Exhibit
5 19, and I'll ask you if that's a map of the Robin
6 Hood Hills woods area?

7 (Deposition Exhibit No. 19 was
8 marked.)

9 MR. THOMAS: Do you have another
10 copy of Exhibit 18?

11 MS. DAVIS: Here you go. Sorry
12 about that.

13 Q. Mr. Hobbs, is that a true and correct copy of
14 the map of the Robin Hood -- Robin Hood Hills
15 woods area?

16 A. I guess.

17 Q. And I want you to mark on there everywhere in
18 the Robin Hood Hills woods area that you went
19 looking for Stevie prior to picking up Pam from
20 work at 9:00 p.m. You can use that red pen.

21 A. First of all, will you draw me a picture of
22 Robin Hood Hills?

23 Q. My understanding -- and I'm not from West
24 Memphis -- but my understanding is that this area
25 is the Robin Hood Hills woods area. And my

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1 question to you is, can you mark on Deposition
2 Exhibit No. 19 where in the woods area you went
3 looking for Stevie prior to picking Pam up from
4 work at Catfish Island on May 5th of 1993 at
5 approximately 9:00 p.m.?

6 A. No.

7 Q. Why not?

8 A. Because this don't -- this ain't nothing.

9 Q. I mean, we've got the Blue Beacon truck stop,
10 we've got the woods here, we've got the diversion
11 ditch, we've got rail line here. I'm just
12 wanting to know where you went, particularly if
13 you went into the woods, which is this area, I
14 just want to know where you went before picking
15 Pam up. Can you not do that?

16 A. No.

17 Q. Are you refusing to do it?

18 A. It don't make sense.

19 Q. What doesn't make sense?

20 A. Because there's paths all through there, you
21 know.

22 Q. Is it your testimony, that based on Exhibit
23 No. 19, you simply can't, you're incapable of
24 showing me where you went looking for Stevie
25 prior to picking Pam up on May 5th of 1993 at

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1 approximately 9:00 p.m.

2 A. You can call it what you want, but that don't
3 make sense to me.

4 Q. The map doesn't make sense to you; is that
5 correct?

6 A. Right.

7 Q. And because the map doesn't make sense to
8 you, you're unable and unwilling to mark for me
9 where you went looking for Stevie prior to
10 picking Pam up at 9:00 p.m.?

11 A. We was all -- what do you want me to do, draw
12 a circle on it?

13 Q. I want you -- yeah, I'd be happy for you to
14 draw a circle or draw marks, put Xs where you
15 were, absolutely.

16 A. We was -- we was all over the woods, all over
17 the trails.

18 Q. Basically you're refusing to mark on this
19 map; is that correct?

20 A. I don't know. I'm trying --

21 MR. THOMAS: This is a flat
22 three-dimensional thing. You can't see this when
23 you're standing here at the Blue Beacon.

24 MS. DAVIS: Well, let me -- that's a
25 great point.

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1 Q. Can you, are you capable of drawing for me on
2 this map where you went looking for Stevie prior
3 to picking up Pam at Catfish Island?

4 A. No, this don't make sense.

5 Q. Because the map doesn't make sense you can't
6 do it; is that correct?

7 A. I would have -- see, you can go out there now
8 and it's all mowed down. There ain't nothing
9 left.

10 Q. Sir, I'm going to move on, if you just tell
11 me that you cannot draw where you looked for
12 Stevie before picking Pam up at 9:00 p.m. on May
13 5th of 1993 because the map doesn't make sense;
14 is that true? Is my statement correct?

15 A. Sounds good.

16 Q. Now, is it also true that you cannot draw for
17 me where you went looking for Stevie after you
18 picked Pam up from work because the map doesn't
19 make sense to you?

20 A. Right.

21 Q. Do you have any idea why one of the three
22 murdered eight-year-olds was wearing a Cub Scout
23 shirt?

24 A. No.

25 Q. Did the West Memphis Police Department do a

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1 good job of investigating the murder of Stevie,
2 Michael and Christopher?

3 A. I hope so --

4 Q. And -- do you think so?

5 A. Yes. Yes.

6 Q. It's your opinion that they did?

7 A. Right.

8 Q. And what do you base that opinion on?

9 A. Two trial.

10 Q. And just to be clear --

11 A. Three convictions.

12 Q. And just to be clear, you believe that the
13 West Memphis Three did in fact commit the murders
14 of the three little boys?

15 A. Yes.

16 Q. Were you abused as a child by your father or
17 your mother?

18 A. No.

19 Q. Were your siblings abused?

20 A. No.

21 Q. And I'm talking physical abuse?

22 A. No.

23 Q. Was there any sexual abuse in your family?

24 A. No.

25 Q. Did your father ever publicly humiliate your

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1 mother?

2 A. I hope not.

3 Q. Was your father a preacher?

4 A. Yes.

5 Q. A Pentecostal preacher?

6 A. Yes.

7 Q. Were you raised in a strict environment?

8 A. We was raised in a Pentecostal home.

9 Q. Were you allowed to watch TV?

10 A. We did.

11 Q. Were you allowed to watch TV by your parents?

12 A. We didn't have one.

13 Q. Did you have to wear long-sleeve shirts?

14 A. During the winter, sure.

15 Q. I'm asking if as a religious observance, your
16 parents wanted you to only wear -- you and your
17 siblings to only wear long-sleeve shirts?

18 A. We had short-sleeve shirts.

19 Q. Were you allows to play sports?

20 A. We did, but we wasn't supposed to.

21 Q. Did Stevie have a preference for his
22 biological father, Steve Branch, over you?

23 A. I don't know that.

24 Q. Were you jealous over the attention that Pam
25 gave to Stevie?

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1 A. No.

2 Q. Did you compete with Stevie for Pam's
3 attention?

4 A. No.

5 Q. Did you call Stevie the rat?

6 A. No.

7 Q. Did you call Stevie the snitch?

8 A. No.

9 Q. Did you call Stevie the boy?

10 A. He was a boy.

11 Q. But did you call him the boy?

12 A. No.

13 Q. Did you call him frogleg?

14 A. Yeah.

15 Q. Did you repeatedly tell Pam to get over it
16 after Stevie died?

17 A. No.

18 Q. Did you ever watch pornography with Stevie or
19 Amanda in a room?

20 A. Never.

21 Q. Did you ever watch pornography with Amanda,
22 your daughter, sitting on your lap?

23 A. Never.

24 Q. Did you ever vow to get revenge on Pam for
25 kissing another man?

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1 A. Never.

2 Q. Did Pam kiss another man a few weeks before
3 Stevie died?

4 A. I'm not sure when, but something happened.

5 Q. And tell me what you mean by that.

6 A. She was kissing that Mexican in our house.

7 Q. And that happened a few weeks before Stevie
8 died?

9 A. I'm not sure when.

10 Q. How would we best determine when that
11 occurred?

12 A. Ask the Mexican, ask Pam, maybe they know.

13 Q. What is the name of the man that you refer to
14 as the Mexican?

15 A. Jessie.

16 Q. What's his last name?

17 A. I don't know.

18 Q. Where did he live, at least at the time?

19 A. Somewhere in West Memphis.

20 Q. And that happened sometime in 1993, did it
21 not?

22 A. I'm not sure.

23 Q. Who is Ray Glidewell?

24 A. I'm thinking it's the Ray in Memphis.

25 Q. Is he your drug dealer?

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1 A. No.

2 Q. Have you had a drug dealer named Ray?

3 A. No.

4 Q. Do you frequent gay clubs?

5 A. No.

6 Q. Have you ever been called the Queer Pepsi
7 Driver?

8 A. No. Where do you get all this from?

9 Q. Have you ever -- have you ever sexually
10 propositioned David Jacoby?

11 A. No.

12 Q. Why did you have a fight with Andy Perkins in
13 2005?

14 A. Because I found out that Andy was older than
15 what he told me, and I felt like -- my daughter
16 was 16, I felt like he was molesting my daughter,
17 so we had out issues.

18 Q. How old was Andy Perkins when you had this
19 altercation?

20 A. 23, 22, 23.

21 Q. And did you --

22 A. He told me he was 19.

23 Q. Did you threaten him with a gun?

24 A. No.

25 Q. Did you beat him up?

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1 A. We had a confrontation.

2 Q. There was a fist fight?

3 A. Well, we had differences.

4 Q. Well, that resulted in the police being
5 called; is that correct?

6 A. Sure. And guess what, Mr. Perkins went to
7 jail that night.

8 Q. Would you be willing to provide full palm and
9 handprints to a reputable expert?

10 A. I already have.

11 Q. Would you be willing to provide it again?

12 A. No.

13 Q. Why not?

14 A. You can get them from the state.

15 Q. Well, I think there's a question about
16 whether that's a full -- full set and a fully
17 done print.

18 A. It was full.

19 Q. If there's a question about it, though, and
20 we were asking you -- let me back up. You've
21 testified that you don't want the public to
22 believe that you were involved in any way in the
23 murders, and if we asked you for full palmprints
24 to be taken -- hand and palmprints to be taken by
25 a reputable nationally recognized expert so that

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1 further analysis could be done of palmprints and
2 handprints found at the scene of the crime, you
3 would not be willing to do that, correct?

4 A. Correct, because I've already done that.

5 Q. And the only reason you would not give us
6 palmprints is because you've already done it?

7 A. Right. And you can get it from the state.

8 Q. And there's no other reason that you would
9 refuse to provide palmprints, other than that we
10 could get it from the state?

11 A. Okay.

12 Q. Is that right?

13 A. Sounds good.

14 Q. I want to know if there are any other
15 reasons?

16 A. No.

17 Q. Because just, to me, it seems like you would
18 want to do everything, like take a polygraph or
19 give palmprints, do anything you could --

20 MR. THOMAS: Objection to the
21 characterization --

22 MS. DAVIS: Let me finish my
23 question, and then you can object. That's how it
24 goes.

25 MR. THOMAS: Object to the

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1 characterization --

2 Q. Because to me, it seems like you would want
3 to do any -- take any of these measures that you
4 could to demonstrate that you were not involved
5 in any way in the murder of Stevie, Michael or
6 Christopher?

7 A. What's your name?

8 Q. D'Lesli Davis.

9 A. Leslie.

10 Q. D'Lesli.

11 A. D'Lesli, I haven't done nothing wrong.

12 Q. So why wouldn't you --

13 A. I don't have nothing to prove.

14 MR. THOMAS: Maybe because he thinks
15 that Ron Lax will twist whatever you do --

16 MS. DAVIS: I'm not talking about
17 Ron Lax.

18 MR. THOMAS: This is a guy who's
19 been lied to -- about for years, and he doesn't
20 want to give him another --

21 MS. DAVIS: Fair enough for your
22 colloquy and your coaching. And the problem --

23 MR. THOMAS: There's no coaching.

24 MS. DAVIS: And the problem with
25 coaching the witnesses, it ultimately blows up in

1 your face, because it makes it look like the
2 witness can't answer his own question.

3 MR. THOMAS: He's already answered,
4 and his answer --

5 MS. DAVIS: Okay. My -- are you
6 done? Are you done with the coaching? I don't
7 know if you've gotten it or not.

8 MR. THOMAS: We're gonna be done.
9 You need to wrap it up. You said an hour, and
10 we're an hour and a half into this thing.

11 Q. My question to you, sir, is it seems to me
12 that somebody in your position who has been
13 wrongfully accused, per your allegations, would
14 want to do anything and everything to demonstrate
15 that they were not involved in any way in the
16 murder of their son?

17 A. I already have.

18 MR. THOMAS: Objection. Asked and
19 answered.

20 Q. And so, if the next steps would be to give,
21 even again, a palm or a handprint or give a
22 polygraph, you staunchly refuse to do that; is
23 that correct?

24 A. Correct.

25 Q. Do you have a treasure box?

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1 A. I have more than that.

2 Q. What do you mean by that?

3 A. I have a treasure box.

4 Q. And is it buried?

5 A. I can't wait to hear this one.

6 Q. Do you have a treasure box that's buried?

7 A. Not to my knowledge.

8 Q. Okay. Have you buried any valuables?

9 A. Not to my knowledge.

10 Q. Have you told anybody that you have a
11 treasure box that has been buried?

12 A. I don't remember this one.

13 MS. DAVIS: I'll tell you what I'll
14 do. We've made a lot of progress. I know
15 everybody is tired and wants to break. Because
16 that's the end of that section, I'll be happy if
17 we want --

18 MR. THOMAS: This needs to end.
19 You've had eight hours. This needs to end.

20 MS. DAVIS: Fair enough. We can
21 fight about all that stuff. I'm telling you that
22 there's additional material that needs to be
23 covered.

24 MR. THOMAS: Is it recovered like 90
25 percent of that was?

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1 MS. DAVIS: Nothing that I've gone
2 over has been a recover at all.

3 MR. THOMAS: Every bit of that
4 chronology was recovered, recovered, recovered.
5 Bob covered it two or three times, you covered it
6 two or three times, and there's questions that
7 are in the record 15 or 20 times.

8 MS. DAVIS: That was Dan, not Bob,
9 to be clear, number one.

10 MR. THOMAS: Okay. Now, I'm a liar,
11 too. That was a mistake. I'm not a liar.

12 MS. DAVIS: And number two, I didn't
13 call you a liar, and number three, just because
14 you're wanting to put all these positions on the
15 record, I want to be perfectly clear.

16 Mr. Davison walked Mr. Hobbs through the events
17 of May 5th. When I took over, I did not repeat
18 any of that, but instead asked for explanations
19 for inconsistencies, not based just on his
20 deposition testimony, but on the numerous
21 accounts that exist of that evening, and that's a
22 completely new area. That having been said,
23 we're wasting time quibbling on the record.

24 I am happy to proceed if you'd like to
25 proceed. I am happy to break, let everybody go

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1 home. We can regroup, we'll be back for Bob's,
2 and we can fight about whether I'm entitled to
3 ask anymore questions then.

4 MR. THOMAS: Well, you said an
5 hour --

6 MS. DAVIS: I said at least an hour.

7 MR. THOMAS: -- an hour and a half
8 ago.

9 MS. DAVIS: I said at least an hour.
10 And, I mean, for a lawyer, an half and a half
11 when they said an hour is not -- is not too bad.
12 I think we can swear the court reporter under
13 oath and get her to agree to that.

14 MR. THOMAS: Well, how many more
15 hours are -- or about hours which are hours and a
16 half?

17 MS. DAVIS: If you would like to
18 take a break and let me go through my notes and
19 try to whittle some of these things down, I can
20 in five minutes and give you a better estimate of
21 time.

22 MR. MOORE: I was going to say, I
23 think Mr. Hobbs has had enough today, I really
24 do.

25 THE WITNESS: Thank you.

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1 MR. THOMAS: But he doesn't want to
2 get teed off on again.

3 MR. MOORE: I'm just saying, I know
4 nobody would want to do that, but I think we'd be
5 better off just recessing, and as Leslie said, we
6 can worry about -- you know, if y'all really
7 don't want --

8 MS. DAVIS: Fair enough. Let's take
9 a break and let them -- fair enough.

10 VIDEOGRAPHER: We're going off
11 record for a break at 6:10 p.m.

12 (A break was taken.)

13 (Back on the record.)

14 VIDEOGRAPHER: We are back on record
15 after a break at 6:13 p.m.

16 MS. DAVIS: I think it sounds like
17 counsel for Mr. Hobbs has talked to Mr. Hobbs and
18 has decided that it's best to break the
19 deposition tonight and we will reconvene. Mr.
20 Wellenberger will have questions for sure at the
21 next meeting, and we can talk about the
22 additional questions that I have and how much it
23 is and all that. But we'll reserve the remainder
24 of our questions until that next meeting. Fair
25 enough?

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1 MR. THOMAS: Okay.

2 MS. DAVIS: Thank you, Mr. Hobbs.

3 MR. THOMAS: Bob, did you catch

4 that?

5 MR. WELLENBERGER: I got it.

6 MR. MOORE: Good night, Bob.

7 MR. WELLENBERGER. Thank y'all.

8 VIDEOGRAPHER: We're adjourning the

9 deposition at 6:14 p.m.

10 (Deposition proceedings

11 concluded at 6:14 p.m.)

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1 I, TERRY HOBBS, have read the foregoing
2 deposition and hereby affix my signature that
3 same is true and correct, except as noted herein.

4 CORRECTIONS AND/OR CHANGES AND SIGNATURE

5 PAGE LINE CORRECTION REASON FOR CHANGE

6
7
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9
10
11
12
13
14
15
16
17

18 TERRY HOBBS

19
20 STATE OF ARKANSAS)
COUNTY OF)

21 SUBSCRIBED AND SWORN to before me by the said
22 TERRY HOBBS, on this the day of
23 , A.D., 2009.

24
25 Notary Public in and for
the State of Arkansas
My Commission Expires:

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501-353-2220

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1 CERTIFICATE

2 STATE OF ARKANSAS)
3) ss:
4 COUNTY OF PULASKI)

5 I, KELLY HILL, Certified Court Reporter, a
6 notary public in and for the aforesaid county and
7 state, do hereby certify that the witness, TERRY
8 HOBBS, was duly sworn by me prior to the taking
9 of testimony as to the truth of the matters
10 attested to and contained therein; that the
11 testimony of said witness was taken by me
12 stenographically, and was thereafter reduced to
13 typewritten form by me or under my direction and
14 supervision; that the foregoing transcript is a
15 true and accurate record of the testimony given
16 to the best of my understanding and ability.

17 I FURTHER CERTIFY that I am neither counsel
18 for, related to, nor employed by any of the
19 parties to the action in which this proceeding
20 was taken; and, further, that I am not a relative
21 or employee of any attorney or counsel employed
22 by the parties hereto, nor financially
23 interested, or otherwise, in the outcome of this
24 action; and that I have no contract with the
25 parties, attorneys, or persons with an interest
in the action that affects or has a substantial
tendency to affect impartiality, that requires me
to relinquish control of an original deposition
transcript or copies of the transcript before it
is certified and delivered to the custodial
attorney, or that requires me to provide any
service not made available to all parties to the
action.

21 Kelly D. Hill
22 Certified Court Reporter
23 State of Arkansas
24 Certification #515
25

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