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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DISTRICT

TERRY HOBBS,

Plaintiff,

VS.

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

NATALIE PASDAR, Individually,
And NATALIE PASDAR, EMILY
ROBISON, and MARTHA SIEDEL,
D/b/a DIXIE CHICKS,

DEFENDANTS.

VOLUME II

DEPOSITION

OF

TERRY HOBBS

AUGUST 11, 2009

DANETTE CROUCH, CSR
BLUES CITY REPORTING
POST OFFICE BOX 732
SOUTHAVEN, MISSISSIPPI 38671

BLUES CITY REPORTING
(662) 349-7070

1 The deposition of Terry Hobbs is taken on
2 behalf of the Defendants, on this the 11th day of
3 August, 2009, pursuant to notice and consent of
4 counsel, beginning at approximately 9:02 a.m. in
5 the offices of Bass, Berry & Sims, 100 Peabody
6 Place, Suite 900, Memphis, Tennessee, 38103.

7 This deposition is taken pursuant to
8 the terms and provisions of the Federal Rules of
9 Civil Procedure.

10 All forms and formalities, including
11 the signature of the witness, are waived and
12 objections alone as to matters of competency,
13 relevancy and materiality of the testimony are
14 reserved, to be presented and disposed of at or
15 before the hearing. Objections as to the form
16 of the question must be made at the taking of
17 the deposition.

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1 (9:02 A.M.)

2 VIDEOGRAPHER: I'm Gene Chambers,
3 your videographer, and I represent
4 Atkinson-Baker, Inc. in Glendale, California. I
5 am not financially interested in this action, nor
6 am I a relative or employee of any attorney or
7 any of the parties.

8 The date is August 11th, 2009. The
9 time is 9:02 a.m. This deposition is taking
10 place at Bass Berry & Sims, 100 Peabody Place,
11 Suite 900, Memphis, Tennessee, 38103.

12 This is Case No. 4:09-CV-08BSM
13 entitled Terry Hobbs vs. Natalie Pasdar
14 individually, and Natalie Pasdar, Emily Robison
15 and Martha Siedel, doing business as Dixie
16 Chicks. The deponent is Mr. Terry Hobbs.

17 This deposition is being taken on
18 behalf of the defendants. Your court reporter
19 is Ms. Danette Crouch from Blues City Reporting.

20 Counsel, will you please introduce
21 yourselves?

22 MS. DAVIS: D'Lesli Davis and Dan
23 Davison for defendant, Natalie Pasdar.

24 MR. WELLENBURGER: Bob

1 Wellenberger for the Dixie Chicks.

2 MR. HILAND: Cody Hiland with Ted
3 Thomas for the plaintiff, Terry Hobbs.

4 TERRY HOBBS,
5 called as a witness, having been duly sworn, was
6 examined and testified as follows:

7 CONTINUED DIRECT EXAMINATION

8 BY MS. DAVIS:

9 Q Mr. Hobbs, you remember that I'm
10 D'Lesli Davis, and I'm an attorney representing
11 Natalie Pasdar in this case; correct?

12 A Correct.

13 Q And you understand that you're -- this
14 is just a continuation of the last day of the
15 deposition that we took of you. You're still
16 under oath, and the testimony you're giving is
17 still just the same as if you were sitting in a
18 courtroom?

19 A Yes, ma'am.

20 Q And all the agreements we had and
21 instructions about if you don't understand one
22 of my questions, you will let me know, if you
23 need to take a break, you will let me know,
24 those are still in effect. Is that okay?

1 A That's okay.

2 Q Mr. Hobbs, you appeared on the Maury
3 Povich show in August of 1994; correct?

4 A I'm not sure of the date, but we did a
5 Maury show, yes.

6 Q Do you remember that it was in 1994,
7 about a year after the murders?

8 A Roughly so.

9 (Whereupon, Exhibit No. 20
10 was marked to the testimony
11 of the witness.)

12 Q (By Ms. Davis) Let me show you what
13 I've marked as Deposition Exhibit No. 20, which
14 is an article entitled, "Retrial Sought in '94
15 Slayings, by Cathy Frye, May 31st of 2008." I
16 think there was some discussion of this in your
17 last deposition, but I just wanted to make sure
18 that that's a true and correct copy of an
19 article in which you gave some quotes.

20 (Brief pause.)

21 Q Does that sound right?

22 A I'm not sure if I give quotes on this
23 or not.

24 Q Let me -- let me clarify then. I

1 think in your last deposition you mentioned that
2 you had contacted Cathy Frye in an attempt to
3 talk to her about getting the truth out there
4 about the West Memphis 3. Does that sound
5 familiar?

6 A Out of Little Rock?

7 Q I'm sorry?

8 A Ms. Frye out of Little Rock?

9 Q Yes.

10 A I remember that.

11 Q And I think if you look at Exhibit 20,
12 you can see that this article was written by
13 Cathy Frye.

14 A Okay.

15 Q Does that sound familiar?

16 A That looks familiar.

17 Q I believe you met with her around May
18 of 2008 at a barbecue restaurant ---

19 A Here in Memphis.

20 Q --- in Memphis; correct?

21 A Yes.

22 Q And I've read through that article
23 which is titled, "Retrial Sought," and I've read
24 through some of the notations in your journal

1 and I -- I think I understand what you were
2 testifying to in your last deposition about the
3 reasons that you went to the press on a number
4 of occasions, and I want to make sure that I'm
5 right about that; okay?

6 A Go right ahead.

7 Q When you say that you wanted to get
8 the truth out, there was a lot of conversation
9 through the years about the West Memphis 3
10 deserving a new trial; correct?

11 A There has been.

12 Q And for years there's been discussion
13 about them getting the raw end of the deal in
14 their trials; correct?

15 A There has been.

16 Q And when you talked about wanting to
17 get the truth out, one of the things you were
18 trying to accomplish in talking to the press was
19 to make it clear that you believed that the West
20 Memphis Police and the prosecutors had done a
21 good job in investigating and prosecuting the
22 true killers in the murders; correct?

23 A Correct.

24 Q And that the West Memphis 3 belonged

1 in prison?

2 A Correct.

3 Q And that there was no need for further
4 investigation or further appeals of their
5 convictions; the authorities had the right guys?

6 A In my opinion, they do.

7 Q And you wanted the press and the
8 public and people that were wondering about
9 whether the West Memphis 3 deserved a new trial
10 to understand that that was your opinion on the
11 matter; correct?

12 A Correct.

13 Q And when you agreed to sell your life
14 story to Dimension Films and to sit down with
15 the Dimension Films film makers and talk about
16 the murders and allow Dimension Films to use
17 your life story and the life story of Stevie in
18 a potential motion picture, you also were
19 wanting to make sure that that truth that we
20 just discussed got out to the public and to the
21 authorities; correct?

22 A Probably so.

23 Q And that if there was going to be a
24 movie made about the West Memphis 3 and whether

1 they were wrongfully convicted, you certainly
2 wanted your position on the matter to be clear,
3 and that was that the authorities had tried and
4 prosecuted the killers; correct?

5 A Correct.

6 Q And that they should stay in jail and
7 that there was no further need for investigation
8 of anybody; correct?

9 A Correct.

10 Q And later then, to the extent that
11 anybody was concerned about whether you were
12 involved in the murders and whether there needed
13 to be any investigation of you, you wanted the
14 truth out there that you were not involved --
15 involved in the murders; correct?

16 A Correct.

17 Q And that there didn't need to be any
18 investigation of you; correct?

19 A Correct.

20 Q You have not done any research to
21 determine what specific evidence the Damien
22 Echols defense team will present at a hearing on
23 the habeas corpus filing, have you?

24 A Probably not.

1 Q You haven't reviewed the filing that
2 Damien Echols made to try to get a new trial and
3 get released, have you?

4 A I don't keep up with it like that.

5 Q And I appreciate that; and just to
6 make sure that we're clear, you haven't actually
7 looked at the documents he filed with regard to
8 habeas, have you?

9 A No.

10 Q And you haven't kept up, as you say,
11 with regard to what specific evidence he plans
12 to present at the federal hearing?

13 A Correct.

14 Q We had talked earlier about Deposition
15 Exhibit No. 8, and I've put in front of you all
16 of the deposition exhibits we had at your last
17 deposition. So if for any reason you need to
18 refer to any of those, please do.

19 But Deposition Exhibit No. 8 was the
20 Dimension Films contract that you signed
21 regarding your life story and Stevie's life
22 story. Do you recall that contract?

23 A I did do one with them.

24 Q And, to clarify -- I may have

1 misspoken. That -- the Deposition Exhibit No. 8
2 is not actually a signed copy of that contract.

3 A Correct.

4 Q Do you have a signed copy of that
5 contract?

6 A It's probably somewhere.

7 Q Just don't know where?

8 A Right.

9 Q Is it your best recollection that the
10 only thing wrong with Deposition Exhibit No. 8,
11 the unsigned contract, if you were to compare it
12 to the actual signed contract, is that amount of
13 payment? That's the only difference?

14 A I'm not sure. I would have to read
15 them to both and compare them.

16 Q Would you do that for me? Would you
17 agree to go back and look for the signed version
18 of that contract?

19 A I'm not sure where -- if I can even
20 find it.

21 Q If Ross Sampson has a copy of the
22 signed version of the Dimension Films contract,
23 would it be okay with you if he produced it to
24 us?

1 A Sure.

2 Q A chronology is a description of
3 events and when they occurred. Isn't that
4 correct?

5 A Okay.

6 Q Do you agree with that?

7 A I do.

8 Q I'm sorry. I spoke over you.

9 A I do. I do.

10 Q And based on your understanding -- and
11 I know you're not an expert in DNA and forensic
12 testing, but you do have an understanding that
13 those -- those tests are expensive; correct?

14 A Yes, ma'am.

15 Q We've talked a lot about events that
16 occurred in 2007. I want to pick a time frame,
17 December 31st of 2006. I want to talk about
18 the time frame just real briefly from the date
19 of the murders, May 5th of 1993, to
20 December 31st of 2006. Are you with me on
21 that time frame?

22 A I am.

23 Q During that time, no one ever accused
24 you -- no one in the press ever accused you of

1 being involved in any way in the murders. Is
2 that correct?

3 A Not to my knowledge.

4 Q And other than a few comments that
5 we've discussed regarding Pam Hobbs' family, are
6 there any other persons from the date of the
7 murders to December 31st of 2006 that you know
8 considered that it was possible that you were
9 involved in the murders?

10 A Not that I'm aware of.

11 Q When you met with the West Memphis 3
12 investigators and the criminal profiler, what
13 did they tell you about who they were?

14 A What did they tell me? Ron Lax,
15 defense investigator for the West Memphis 3.

16 Q So he did tell you at least that he
17 was affiliated with and working for the West
18 Memphis 3?

19 A Correct.

20 Q And did Rachel Geyser and John Douglas
21 also tell you that they were affiliated with and
22 working with and for the West Memphis 3?

23 A I believe they did.

24 Q And you understood that Ron Lax and

1 Rachel Geysler and John Douglas were working to
2 help the West Memphis 3 either -- it's kind of
3 back to what we were talking about before -- get
4 a new trial or get out of prison; correct?

5 A To my understanding.

6 Q And you understood that what they were
7 doing, in their attempts to either help the West
8 Memphis 3 get a new trial or get out of prison,
9 was trying to gather evidence that would be
10 favorable to the West Memphis 3?

11 A I do.

12 Q And at no time did Ron Lax, Rachel
13 Geysler or John Douglas ever tell you that your
14 communications with them were confidential;
15 correct?

16 A I had asked them if I -- if I am being
17 recorded or videoed, and I was told, "no."

18 Q But they never told you that the
19 discussions you were having with them were
20 confidential and would not be disclosed to
21 anyone, did they?

22 A I don't believe they did.

23 Q And it seems to me -- and correct me
24 if I'm wrong, but it seems to me that one of the

1 reasons you were also meeting with the West
2 Memphis 3 investigators, Ron Lax, Rachel Geyser,
3 John Douglas, was also part of this mission to
4 get the truth out ---

5 MR. THOMAS: Object to the
6 characterization of his mission to get the truth
7 out.

8 Q (By Ms. Davis) In other words ---

9 COURT REPORTER: I couldn't hear
10 all of that.

11 MR. THOMAS: Object to the
12 characterization of his mission to get the truth
13 out.

14 Q (By Ms. Davis) In other words, you
15 wanted the West Memphis 3 investigators to
16 understand, in the same way that you had wanted
17 the public and the authorities to understand,
18 that you believed -- and I will just break it
19 down -- that the West Memphis Police had done a
20 good job in catching the killers; correct?

21 A They did.

22 Q And you wanted the West Memphis 3
23 investigators to know that as well; correct?

24 A Right.

1 Q And you wanted the West Memphis 3
2 investigators to know that you felt like the
3 prosecutors had done a good job in getting an
4 appropriate conviction of the killers when they
5 convicted the West Memphis 3; correct?

6 A Correct.

7 Q And that to the extent you could
8 impart to those West Memphis 3 investigators
9 that there was no need for further
10 investigation, you wanted to do that; correct?

11 A Well, they -- I did, and there's also
12 something else you're overlooking. I wanted --
13 I mentioned this before to someone. I wanted to
14 go down and see what kind of people that are
15 trying to get some killers out of prison.

16 Q And I -- that's one of the reasons
17 quite frankly that I'm following up on this line
18 of questions. I saw -- I got your transcript
19 back of the first day of the deposition. Did
20 you have an opportunity to look at that?

21 A No.

22 Q Okay. And in reading that, I saw that
23 comment where you said you wonder what kind of
24 people would try to get killers out of prison,

1 and that's one of the reasons I'm following up.

2 MR. THOMAS: The rules don't
3 contemplate you going back through the transcript
4 after seven hours and then coming back in here
5 and pounding him.

6 MS. DAVIS: Well, I'm not trying
7 to pound him. I'm ---

8 MR. THOMAS: What we need to do
9 is move to new topics. What we don't need to do
10 is go to the transcript and use extra time. You
11 know, we want to get this thing done today.

12 MS. DAVIS: I that understand
13 that Mr. Thomas, and I'm trying to do that.

14 Q (By Ms. Davis) But in follow-up to
15 that, I'm trying to understand your testimony.

16 MR. THOMAS: You've made three or
17 four references to previous transcripts.

18 Q (By Ms. Davis) And let me just finish
19 this line of questioning; and that is to say
20 that in going down and meeting with the West
21 Memphis 3 investigators to see what kind of
22 people would want to get killers of out of
23 prison, you wanted to take that opportunity to
24 inform the West Memphis 3 investigators that the

1 right guys were in prison and there was no need
2 for further investigation; correct?

3 A At the time, yes. Little to know that
4 I was under their investigation.

5 MS. DAVIS: And I'll object to
6 everything but, "at the time, yes," as being
7 nonresponsive.

8 Q (By Ms. Davis) Did you tell John
9 Mark Byers about the DNA evidence when Ron Lax
10 told you about your DNA evidence?

11 A I'm not sure.

12 Q Do you have any recollection of
13 calling Mr. Byers and informing him of that DNA
14 evidence some time in May or June of 2007?

15 A I don't recollect that.

16 Q Is it possible that you did?

17 A It could be. I'm not sure.

18 Q If Mr. Byers said that you called him
19 and told him about the DNA evidence before he
20 had heard about the Hobbs DNA evidence from any
21 other source, would you agree that that's
22 probably likely what you did?

23 MR. THOMAS: Objection; lack of
24 foundation, also calls for speculation.

1 Q (By Ms. Davis) You can answer.

2 A I wouldn't believe anything John Mark
3 Byers said.

4 Q Is it fair to say that you and John
5 Mark Byers were friends for a time?

6 A I tried to be.

7 Q What period of time was it that you
8 and Mr. Byers actually had a good relationship?

9 A I don't think we ever had a good
10 relationship.

11 Q What was the time period that you were
12 trying to be friends with Mr. Byers?

13 A During and after the trials.

14 Q And how long after the trials?

15 A Well, we went our separate ways, and I
16 would run across him or call him every once in a
17 while.

18 Q Can you tell me a time period that
19 your relationship with Mr. Byers went south?

20 A Probably when I found out that he had
21 been recording me and not to my knowledge.

22 Q And when was that?

23 A I'm not sure.

24 Q Is it 2007, 2008?

1 A Roughly.

2 Q Can you narrow it down to one of those
3 years?

4 A Not really.

5 Q Mr. Hobbs, I'm going to have to go
6 into some material now that may be sensitive,
7 and I want you to know that I'm not trying to
8 make you uncomfortable or embarrass you. It's
9 just the nature of this case in which certain
10 sensitive events occurred in 1993 and also the
11 fact that you've placed your reputation in issue
12 at bringing this lawsuit. So, please,
13 understand as I ask you some of these questions
14 that I'm not -- I'm not trying to upset you.

15 (Whereupon, Exhibit No. 21
16 was marked to the testimony
17 of the witness.)

18 Q (By Ms. Davis) Let me show what's
19 been marked as Deposition Exhibit No. 21, and
20 that is an affidavit prepared by Sharon Nelson
21 who is a former girlfriend of your's, I believe,
22 according to your past testimony. You have seen
23 this document before; correct?

24 A We did this last time.

1 Q You mentioned overall that you thought
2 it was a bunch of garbage last time, but is this
3 the document -- Deposition Exhibit No. 21 is the
4 document you were referring to as a bunch of
5 garbage?

6 A Part of it is, yes, ma'am.

7 Q What is the other bunch of garbage
8 that you're referring to with regard to
9 Ms. Nelson?

10 A The part that she said that I found
11 the boys first, and anything she said about that
12 is a lie.

13 Q Let me -- let me just read this real
14 quickly then. In Paragraph 5:

15 "I recall a few times that Terry
16 did talk about Stevie when Terry
17 and I were alone together. Terry
18 told me he discovered the bodies
19 of the boys the night they were
20 killed. He said that the bodies
21 were buried under water. Terry
22 told me that they were dead when
23 he found the bodies. Terry said
24 that he saw some bites and there

1 were some cut-like marks. He told
2 me those bodies were nothing I
3 would ever want to see when I'd
4 ask what they looked like when he
5 found them. Terry told me he
6 found the bodies before he picked
7 up Pam, his ex-wife, from her job
8 that night. Terry said he waited
9 to tell her and the police until
10 it was time for Pam to get off
11 work."

12 Are those statements by Ms. Nelson
13 true?

14 A No, ma'am.

15 Q Specifically, did you find the bodies
16 of the three little boys prior to picking Pam up
17 from work?

18 A No, I did not.

19 Q Did you ever tell Sharon Nelson that
20 you found the bodies of the boys prior to
21 picking them (sic) up from work?

22 A Not one time.

23 Q Do you have any explanation for --
24 well, let me back up. Are you saying that

1 Sharon Nelson is lying in her affidavit?

2 A Exactly.

3 Q Do you have any explanation for why
4 Sharon Nelson would lie about something that
5 serious in her decla -- or her affidavit?

6 A Her fifteen minutes of fame.

7 Q Any other explanation for why
8 Ms. Nelson would lie about something so
9 important other than that she wanted to be
10 famous for a few minutes?

11 A I have no explanation for that.

12 (Whereupon, Exhibit No. 22
13 was marked to the testimony
14 of the witness.)

15 Q (By Ms. Davis) I'm going to show you
16 what I'm marking as Deposition Exhibit No. 22,
17 and I'll direct your attention to Page 7 of this
18 document. I'll represent to you that this is a
19 copy of the testimony of Regina Meek at the
20 trial of Damien Echols and James Baldwin.

21 Do you recall in your interview by the
22 West Memphis Police Department that you told the
23 West Memphis Police that you had searched the
24 woods with Lieutenant Regina Meek from the West

1 Memphis Police Department?

2 A I don't recall that.

3 Q As you sit here today, do you recall
4 whether you searched the wooded area with
5 Lieutenant Regina Meek?

6 A Ms. Regina Meek came out to the wooded
7 area. We followed her over there. She got out
8 of her car. She walked down in the woods just a
9 few minutes, and she come back.

10 Q And ---

11 A It was hot and muggy, full of
12 mosquitos, and that was her reason that she told
13 us.

14 Q And ---

15 A It was shift change.

16 Q If Ms. Meek testifies, as she did in
17 Deposition Exhibit No. 22, that she was out of
18 her car for three to four minutes and did not
19 cross the pipe bridge into the woods, would you
20 disagree with that testimony?

21 A No, I wouldn't disagree.

22 Q And would you consider -- based on
23 your recollection of events and your
24 consideration of Lieutenant Meek's testimony

1 that you have in front of you, would you
2 consider that to be searching the woods with
3 Lieutenant Meek, her getting out of the car for
4 three or four minutes and walking to the pipe
5 bridge?

6 A No, because it was a three-acre area.

7 MS. DAVIS: Let me mark as
8 Deposition Exhibit No. 23 the testimony of Dana
9 Moore. This is trial testimony.

10 (Whereupon, Exhibit No. 23
11 was marked to the testimony
12 of the witness.)

13 Q (By Ms. Davis) In your journals and
14 in your Dimension Films interview, and I think
15 in a few other places, you have indicated that
16 you were with Dana Moore and Mark Byers between
17 6:00 p.m. and 6:30 on May 5th of 1993, and that
18 the three of you guys were discussing where the
19 kids were and starting to search and calling the
20 police officers. Do you recall that you have
21 previously made those statements?

22 A I met Ms. Moore in her front yard.

23 Q Do you recall that you, on numerous
24 occasions, said that that meeting in the front

1 yard with Ms. Moore and Mr. Byers occurred
2 around 6:00 or 6:30 p.m. on May 5th of 1993?

3 A I don't want to put a time on it, but
4 we did have a meeting in the front yard.

5 Q Well -- and I understand you're not
6 putting a time on it today. My question is a
7 little more specific. Do you recall that on
8 past occasions you have said that 'that' meeting
9 in the front yard with Ms. Moore and Mr. Byers
10 occurred around 6:00 or 6:30 p.m. on May 5th
11 of 1993?

12 A No, ma'am.

13 Q You just have no recollection of that
14 as you sit here today?

15 A Well, I don't know the time.

16 Q Let me direct your attention to the
17 second page of the Dana Moore testimony,
18 beginning about halfway down the page.

19 Mr. Fogleman asks Ms. Moore:

20 "Later did you see him," meaning
21 her son, Michael Moore, "with
22 somebody else besides Steve
23 Branch?

24 "A Yes, sir. Chris Byers.

1 "Q Where did you see them at that
2 time?

3 "A Going north on 14th Street.

4 "Q Were they walking or --

5 "A They were riding their bikes.

6 "Q How many bikes were there?

7 "A There was two bikes."

8 And then down towards the end, about
9 four lines up:

10 "Q What time of the day was it?

11 "A 6:00 o'clock."

12 Did I read that correctly?

13 A That's what it -- correct.

14 Q Ms. Moore testified that she saw the
15 boys at 6:00 p.m. on May 5th of 1993. Does
16 that refresh your recollection about whether or
17 not the meeting you had in Ms. Moore's front
18 yard with Mr. Byers and Ms. Moore discussing the
19 missing boys could have occurred substantially
20 later than 6:00 p.m.?

21 A No, it don't.

22 Q Is it possible that on the occasions
23 you stated that you met with Ms. Moore and
24 Mr. Byers at 6:00 p.m. or 6:30, you were

1 mistaken?

2 A I'm not sure of the time. I know we
3 had the meeting.

4 Q Is it possible that you were mistaken
5 in past accounts by you of what happened on
6 May 5th, 1993 when you say that meeting
7 occurred at 6:00 p.m. or 6:30 p.m.?

8 A I'm not sure about the time.

9 MS. DAVIS: And I'll object to
10 that answer as being nonresponsive.

11 Q (By Ms. Davis) My specific question
12 is: Is it possible, Mr. Hobbs, in past versions
13 or past accounts of those events that you were
14 mistaken when you said you met with Ms. Moore
15 and Mr. Byers at 6:00 p.m. or 6:30 on May 5th of
16 1993?

17 A It's possible.

18 Q Is it possible that your meeting with
19 Ms. Moore and Mr. Byers did not occur until
20 approximately 8:00 or 8:30 p.m.?

21 A I guess it's possible.

22 Q You don't have any reason to believe
23 that Ms. Moore is lying in her deposition
24 testimony, do you?

1 A (Witness shakes head.)

2 (Whereupon, Exhibit No. 24
3 was marked to the testimony
4 of the witness.)

5 Q (By Ms. Davis) Let me show you what
6 I'm marking as Deposition Exhibit No. 24, which
7 is a declaration of John Mark Byers. I'll give
8 you a moment to look at that.

9 (Brief pause.)

10 Q Let me direct your attention to
11 Paragraph 17. Mr. Byers states:

12 "In fact, I met Hobbs at my house
13 at approximately 8:20 or 8:30 p.m.
14 I know it was 8:20 or 8:30 p.m. or
15 so because, number one, Dana Moore
16 had last seen the boys riding
17 their bikes around 6:00 p.m.; and
18 two, I called the police to report
19 Christopher missing around 8:08
20 p.m. Simply put, I did not and
21 Dana Moore did not even think the
22 boys were missing at 6:00 p.m. or
23 6:30 p.m."

24 Did I read that entry correctly,

1 Mr. Hobbs?

2 A You did.

3 Q I'm sorry?

4 A You did.

5 Q And does that additional testimony
6 from Mr. Byers, in conjunction with what we've
7 just read from Ms. Moore, suggest to you that
8 the time that you met Ms. Moore and Ms. Byers
9 (sic) in the front yard of her house on
10 May 5th of 1993 was not around 6:00 or
11 6:30 p.m., but was rather around 8:00 or 8:30
12 p.m.?

13 A Okay. Sounds good.

14 Q Does -- does that sound correct?

15 A I don't know about correct.

16 MR. THOMAS: Objection; lack of
17 foundation. Asked and answered. He's said what
18 he had to say about this at least 20 times.

19 Q (By Ms. Davis) Let me direct your
20 attention to Paragraph 26 in Mr. Byers'
21 declaration. I think it's the last paragraph.
22 I'm going to read it.

23 "On one occasion I asked Hobbs,
24 'What if those three -- the West

1 Memphis 3 didn't do it? What
2 happened it if was an accident?
3 Of course, it is preposterous to
4 think that three eight-year-old
5 boys could be killed in the way
6 they were and it was an
7 accident.' "

8 Hobbs responded:

9 "You are right. It could have
10 been an accident, and that would
11 be like a drunk driver. That
12 person would not be a monster."

13 And then Mr. Byers goes on and talks
14 about his feelings about what you said. Is that
15 a true and accurate account of a conversation you
16 had with Mr. Byers?

17 A No, I don't recall this one.

18 Q Is it possible that that conversation
19 occurred?

20 A No.

21 Q Are you accusing Mr. Byers of lying in
22 Paragraph 26 when he describes this conversation
23 with you?

24 A I'm saying I don't believe that

1 statement.

2 Q I understand that. Mr. Byers has
3 sworn that that conversation occurred, and I'm
4 asking you if it's your position that Mr. Byers
5 is lying in this declaration of Paragraph 26.

6 A Yes, ma'am.

7 Q Can you think of any explanation why
8 Mr. Byers would lie about having that
9 conversation with you?

10 A No. You would have to ask him.

11 Q Let me show you what I'm going to mark
12 as Deposition Exhibit No. 25, which is a
13 declaration from Pam Hobbs, your ex-wife.

14 (Whereupon, Exhibit No. 25
15 was marked to the testimony
16 of the witness.)

17 Q (By Ms. Davis) Let me direct your
18 attention to Paragraph 40 in that declaration.
19 Paragraph 40 states:

20 "At approximately 9:00 p.m., Terry
21 came to Catfish Island to pick me
22 up at the end of my work shift.
23 He walked into the restaurant and
24 went directly to the pay phone.

1 He did not say anything to me. He
2 did not tell me who he was
3 calling, and he did not tell me
4 that Stevie was missing."

5 Did I read that correctly?

6 A You read it correctly.

7 Q Is Ms. Hobbs' representation of what
8 happened at Catfish Island on May 5th of 1993,
9 when you went to pick her up from work, a
10 correct representation?

11 A No, ma'am.

12 Q What is incorrect about Paragraph 40?

13 A "He walked into the restaurant,"
14 wasn't true.

15 Q You did not walk into the restaurant?

16 A I did probably, but not like this.

17 Q Is it true that you walked into the
18 restaurant at approximately 9:00 p.m. and went
19 directly to the pay phone?

20 A After she came out to our car.

21 Q Did you have any conversation with
22 Ms. Hobbs prior to walking into the restaurant
23 and going to the pay phone?

24 A Sure.

1 Q And what was that conversation?

2 A She come out to the car, like she has
3 in the past, with some candy; two pieces of
4 candy, one for Stevie, one for my daughter,
5 Amanda. When she didn't see Stevie, she asked
6 me, "Where's Stevie?"

7 Q And ---

8 A I said, "We haven't been able to find
9 Stevie yet."

10 Q So, when Ms. Hobbs states that you did
11 not say anything to her and walked straight into
12 the restaurant, to the pay phone, that is
13 incorrect?

14 A Correct.

15 Q Is it your position that Ms. Hobbs is
16 lying in Paragraph 40?

17 A She's misrepresenting the story.

18 Q Can you think of any reason that
19 Ms. Hobbs would misrepresent those events?

20 A You would have to ask her.

21 Q So, the answer is, "No, you can't
22 think of any reason"?

23 A Correct.

24 Q Did -- is it true that you did not

1 tell Ms. Hobbs that you were going to call the
2 police?

3 A I'm not sure.

4 Q It's possible?

5 A It's possible.

6 Q Let me direct your attention to
7 Paragraph 42. It's on the next page, I believe.

8 "Terry then came out to the car.
9 He told me that he had Amanda with
10 him all evening while I was at
11 work and that they had been
12 searching for Stevie since they
13 dropped me off from work."

14 Did I read that correctly?

15 A You did.

16 Q Did you tell Pam Hobbs that you had
17 Amanda Hobbs, your daughter, with you the entire
18 time after you had dropped her off from work?

19 A Not like this.

20 Q What did you tell her about having
21 Amanda with you the whole time?

22 A First, I didn't go out to the car.
23 "He told me he had Amanda with him all evening,"
24 I probably didn't tell her that because I didn't

1 have Amanda with me all evening.

2 Q Did you tell Ms. Hobbs that you had
3 been searching for Stevie since you dropped her
4 off at work?

5 A Probably. I'm just going to say
6 probably. I told her we hadn't been able to
7 find him.

8 Q Let me direct your attention to
9 Paragraph 63 of Ms. Hobbs' deposition, that is,
10 Deposition Exhibit 25. Ms. Hobbs states:

11 "I never saw a black man or a bum
12 on May 5th or 6th, 1993 that I
13 thought looked suspicious. From
14 1993 to 2007, Terry never told me
15 he saw a black man or a bum on
16 May 5th or 6th, 1993."

17 Did I read that correctly?

18 A You read it right.

19 Q Is Ms. Hobbs telling the truth in
20 Paragraph 63?

21 A Well, I would have to say that we seen
22 a man on the street, and he was kind of a poor
23 looking man walking.

24 Q When Ms. Hobbs states that you never

1 mentioned to her seeing a black man or a black
2 bum on May 5th or May 6th of 1993, is she
3 telling the truth?

4 A She was with me when we saw him; and,
5 no, she's not telling the truth.

6 Q And I don't want to have any confusion
7 over what I'm asking. I understand it's your
8 testimony that Ms. Hobbs was with you when you
9 saw this black bum. My question to you is: Is
10 it correct that you never discussed the black
11 bum with Ms. Hobbs from May of 1993 to the
12 present?

13 A No, that's not true.

14 Q And is it your position that Ms. Hobbs
15 is lying about the black bum in that paragraph?

16 A She's misrepresenting it.

17 Q Can you think of any reason that
18 Ms. Hobbs would misrepresent whether or not you
19 two had discussed a black bum that was seen on
20 May 5th or May 6th of 1993, the approximate
21 date of the murders?

22 A You would have to ask her.

23 Q You can't think of any reason?

24 A No.

1 Q Let me show you what I'm going to mark
2 as Deposition Exhibit No. 26, which is a
3 declaration from Marie Hicks.

4 (Whereupon, Exhibit No. 26
5 was marked to the testimony
6 of the witness.)

7 Q (By Ms. Davis) Who is Ms. Hicks,
8 Mr. Hobbs?

9 A Pam's mother.

10 Q Stevie's grandmother?

11 A Yes, ma'am.

12 Q Amanda's grandmother?

13 A Yes, ma'am.

14 Q Is she a good grandmother?

15 A She's their grandmother.

16 Q Is she a good grandmother?

17 A I would hope so.

18 Q Do you have any personal knowledge of
19 whether she's a good grandmother?

20 A I would say she would be one.

21 Q Let me direct your attention to
22 Paragraph 17 of Ms. Hicks' declaration. She
23 states:

24 "I was very close to Stevie and he

1 would frequently visit me or stay
2 over night at my house."

3 Is that true?

4 A Yes, ma'am.

5 Q (Reading.)

6 "On one occasion Stevie was
7 over at my house visiting. He had
8 been playing, and I went to look
9 for him. I could not find him.
10 Ultimately, I found Stevie hiding
11 in one of my closets. When I
12 asked him why he was in the
13 closet, he told me he had gone to
14 the bathroom, defecated his pants.
15 Stevie told me that he was scared
16 that Terry would hurt him for
17 messaging -- quote, messing his
18 pants and told me that Terry
19 always punished him severely when
20 he had, quote, accidents. Stevie
21 told me that Terry had locked
22 Stevie in the closet as punishment
23 for having such accidents."

24 Did I read Paragraph 17 correctly?

1 A Yeah, you did.

2 Q Is it true that you would lock Stevie
3 in the closet as punishment for having toiletry
4 or bowel accidents?

5 A No.

6 Q Can you think of any reason why Stevie
7 would be hiding in one of the closets when he
8 had an accident with regard to his bowels or a
9 toiletry accident?

10 A No.

11 Q Do you dispute that Ms. Hicks is
12 telling the truth in Paragraph 17?

13 A Yes.

14 Q On what basis?

15 A He was eight years old. He didn't
16 have bowel or bathroom problems.

17 Q And so, it's your testimony that when
18 Stevie was seven or eight, he was not having any
19 sort of toiletry, bowel or urinary accidents?

20 A Correct.

21 Q And so based on that alone, you
22 dispute Ms. Hicks' testimony?

23 A Most definitely.

24 Q Can you think of any reason that

1 Ms. Hicks would make up the events reflected in
2 Paragraph 17 about the accidents and you -- or
3 sorry -- and Stevie telling her that you locked
4 him in the closet?

5 A You might need to ask her.

6 Q Okay. As you sit here today, can you
7 think of any reason she would want to do that?

8 A No.

9 Q Let me direct your attention to
10 Paragraph 18. It reads:

11 "One time Terry and his daughter,
12 Amanda, were at my house." I
13 think "at" is left out there.
14 "Out of nowhere, Amanda announced,
15 'Daddy Terry sticks his finger up
16 my butt.' Terry jumped up and
17 grabbed Amanda and took her to
18 another room. When they came
19 back, Amanda said that she had
20 been lying, that her daddy had not
21 stuck his finger in her rear end.
22 I knew a four year old would not
23 just come up with that statement
24 out of the blue if there had not

1 been some sort of abuse."

2 Did I read that correctly?

3 A Yeah.

4 Q First, let me ask you if you recall
5 this incident occurring.

6 A It never happened.

7 Q As you sit here today, under oath,
8 it's your testimony that there was never a time
9 that Amanda said that you had, quote, stuck your
10 finger up her butt or anything like that?

11 A Not to my knowledge. I never heard
12 this one before.

13 Q And I take it then that it's your
14 position that Ms. Hicks is lying in Paragraph 18
15 when she discusses this issue?

16 A Most definitely.

17 Q And can you think of any reason that
18 Ms. Hicks would want to lie about something this
19 serious, as the events reflected in Paragraph
20 18?

21 A I don't know why.

22 Q Let me show you what I'm going to mark
23 as Deposition Exhibit No. 27, which is a
24 declaration of Jo Lynn McCaughey.

1 (Whereupon, Exhibit No. 27
2 was marked to the testimony
3 of the witness.)

4 Q (By Ms. Davis) And who is Jo Lynn
5 McCaughey?

6 A Pam's sister.

7 Q Let me direct your attention to
8 Paragraph 16, and I'll let you take just a
9 minute to read through that paragraph.

10 (Brief pause.)

11 Q I'll read the paragraph, and I'll
12 begin with the second sentence:

13 "In 2003 or 2004, Terry asked me if
14 I felt like he had murdered
15 Stevie. I asked him why he was
16 questioning me like that. He said
17 he wanted to know. I told him
18 that if he asked me, then I was
19 going to tell him what I truly
20 felt. I told him I believed he
21 was involved in Stevie's murder
22 either directly or indirectly. He
23 told me that hurt his feelings."

24 Let me stop there for a moment. Did

1 that conversation occur?

2 A No, ma'am.

3 Q Did you and Jo Lynn McCaughey ever
4 have a discussion about whether you had been
5 involved in Stevie's murder?

6 A No.

7 Q Did you and Jo Lynn McCaughey ever
8 have a conversation about whether Jo Lynn
9 McCaughey thought you were in some way involved
10 in Stevie's murder?

11 A Not to my knowledge.

12 Q I'm going to continue reading:

13 "I told him I believed he was
14 involved in Stevie's murder either
15 directly or indirectly. He told
16 me that hurt his feelings. Then
17 we were talking about whether
18 Christopher Byers had been
19 mutilated; and Terry said the
20 pathologist had said the cut was
21 so precise, that if it wasn't done
22 by a surgeon, perhaps it was done
23 by a jeweler. My husband is a
24 jeweler, so I said that theory did

1 not quite fit. I looked at him,
2 and Terry then said something
3 like, 'You know, I've got
4 experience from working in a
5 slaughter house, don't you (sic)?"

6 Did that enter -- exchange occur
7 between you and Ms. McCaughey?

8 A No, ma'am.

9 Q Do you, in fact, have experience
10 working in a slaughter house?

11 A Of course.

12 Q Why do you say, "of course"?

13 A My dad built a packing house back in
14 the '70s.

15 Q What years were you working in the
16 slaughter house?

17 A In the early to mid '70s.

18 Q And what type of work did you do at
19 the slaughter house?

20 A We were butchers.

21 Q And I gather there were hogs that were
22 butchered?

23 A Yes.

24 Q And what other types of meat did you

1 guys pack?

2 A Beef -- beef and pork.

3 Q And were you actually involved in
4 slaughtering the animals?

5 A Sure.

6 Q On a daily basis?

7 A Every day.

8 Q And have you ever had any discussions
9 with anybody in Pam Hobbs' family in which you
10 discussed your experience working in a slaughter
11 house in conjunction with discussing the murders
12 of Stevie, Michael and Christopher?

13 A No.

14 Q I take it then it is your position
15 that Ms. McCaughey is lying in Paragraph 16.

16 A Correct.

17 Q And as you sit here today, can you
18 think of any reason that Ms. McCaughey would lie
19 and make the statements she makes -- makes in
20 Paragraph 16?

21 A I don't know.

22 Q Can't think of any reason?

23 A No.

24 Q Let me direct your attention to

1 Paragraph 33:

2 "Terry has repeatedly sexually
3 molested his daughter, Amanda.
4 Not long before Stevie's death,
5 when Amanda was four year -- four
6 years old, Amanda told me that
7 Terry had put his finger into her
8 booty."

9 Have you heard that Amanda told Jo Lynn
10 McCaughey, her aunt, that you put your finger in
11 her booty?

12 A No.

13 Q Do you believe that that is a lie?

14 A Of course.

15 Q And can you think of any reason that
16 Ms. McCaughey would lie about that event?

17 A I don't know why.

18 Q Have you ever had any conversations
19 with you daughter, Amanda Hobbs, about whether
20 or not when she was under the age of 15 she
21 accused you of any sexual wrongdoing?

22 A Not to my knowledge.

23 Q Well, as you sit here today -- because
24 I would think that would be a conversation that

1 would stick out in your mind, wouldn't it, a
2 conversation with your daughter about whether
3 you had sexually molested her?

4 A I've never sexually molested my
5 daughter.

6 Q I understand that's your testimony.
7 My question to you is a little bit different.
8 Have you ever had any conversations with Amanda
9 about whether she ever accused you of sexual
10 wrongdoing prior to let's say the date she
11 turned 15?

12 A I'm not sure.

13 Q Just don't know one way or the other?

14 A Just don't know.

15 Q It's entirely possible that you and
16 Amanda have had discussions in which you talked
17 about Amanda accusing you of sexual wrongdoing
18 when she was under the age of 15; correct?

19 A I don't know. I ain't never touched
20 my daughter.

21 Q It's possible you guys have talked
22 about it; correct?

23 A I don't know. I don't remember.

24 Q Don't remember one way or the other?

1 A Not that kind of -- we don't talk
2 about garbage, and this is -- well, I don't know
3 where you get this stuff from; but, no, this
4 didn't happen.

5 Q I understand it's your position it
6 didn't happen, but I just want to be real clear
7 about this. As you sit ---

8 A I don't see how much more clear you
9 can get than it did not happen.

10 Q I'm talking about a different topic
11 though now. As you sit her today, in 2009,
12 Mr. Hobbs, you just can't remember whether you
13 and Amanda have ever talked about the fact that
14 she accused you of sexual wrongdoing while she
15 was a minor?

16 A I don't know.

17 Q Let me direct your attention to
18 Paragraph 35 of Ms. McCaughey's declaration:

19 "Throughout the years, Amanda has
20 repeatedly accused Terry of sexual
21 abuse. In approximately 2002,
22 Amanda told me that Terry had
23 grabbed her breasts. On one
24 occasion, Amanda called me at 3:00

1 a.m. and asked me to come and get
2 her in Paris, Tennessee and take
3 her away from Terry. She refused
4 to go back home to Terry."

5 Let me ask you first, did you ever
6 grab, in 2002, your daughter, Amanda's, breasts?

7 A No, I have not.

8 Q Do you have any recollection of Amanda
9 accusing you in 2002 of grabbing her breasts?

10 A No. And I have never been to Paris,
11 Tennessee.

12 Q And do you have any recollection of
13 Amanda calling Jo Lynn McCaughey at any point
14 and asking her to come get her and take her away
15 from you?

16 A No.

17 Q Let me direct your attention to
18 Paragraph 37. Let me back up for a second. I
19 gather then that you believe that everything
20 contained in Paragraph 35 is a lie.

21 A Most definitely.

22 Q Let me direct your attention to
23 Paragraph 37. Ms. McCaughey states:

24 "Later, when Amanda was older, she

1 again told me that Terry had
2 sexually abused her and that he
3 was physically abusive to her when
4 she was pregnant. She said that
5 Terry slammed her into a sink,
6 causing the loss of a pregnancy."

7 Let's break that down. Have you ever
8 been physically abusive to Amanda?

9 A No.

10 Q Were you ever physically abusive to
11 Amanda when she was pregnant?

12 A No.

13 Q Have you ever slammed Amanda into a
14 sink?

15 A No.

16 Q Did Amanda ever lose a pregnancy?

17 A No.

18 Q Did Amanda ever go to the hospital as
19 a result of trauma while she was pregnant?

20 A No.

21 Q Have you ever had any conversations
22 with Amanda about you being physically abusive?

23 A No.

24 Q So, I take it that it's your testimony

1 that Ms. McCaughey is lying in Paragraph 37.

2 A Most definitely.

3 Q Let me turn your attention to

4 Paragraph 42:

5 "Terry physically abused Stevie
6 when they were alone. Terry had a
7 bad relationship with Stevie. He
8 would punish Stevie by hitting him
9 with a belt until he drew blood.
10 Terry would also punish Stevie by
11 locking him in a closet."

12 Are any of those statements true,
13 Mr. Hobbs?

14 A No, ma'am, they are not.

15 Q Are all of those statements lies by
16 Ms. McCaughey?

17 A Most definitely.

18 Q Let me direct your attention to the
19 last paragraph of McCaughey's declaration:

20 "Terry has promised Pam that if he
21 wins this case, he will pay her
22 50,000 dollars immediately. He
23 has told her that he plans to make
24 250 million dollars from winning

1 this case."

2 Have you promised Pam Hobbs that if you
3 win the case you will pay her 50,000 dollars?

4 A No, ma'am.

5 Q Have you promised Pam that if you win
6 the case you will donate 50,000 dollars to the
7 charity that she would like to set up?

8 A No, ma'am.

9 Q Have you told Pam that if you win this
10 case you will pay her any money?

11 A No.

12 Q Have you told Pam if you win this case
13 you will donate any amount of your winnings to
14 her charity?

15 A No.

16 Q And have you ever told Pam that you
17 plan to make 250 million dollars off this case?

18 A No.

19 Q Have you ever told anybody that you
20 plan to make 250 million dollars on this case?

21 A No.

22 Q Have you ever told anybody what you
23 expect to make off this case?

24 A I ain't ask -- I ain't gonna expect

1 nothing.

2 Q I'm sorry?

3 A I didn't expect nothing.

4 Q So, it's your testimony -- and you
5 mentioned this earlier in your first deposition.
6 Are you abandoning in your claim for monetary
7 damages in this case? This case you don't want
8 any money?

9 A I think we requested a jury trial.

10 Q You requested a jury trial and you
11 requested monetary dollar damages. Do you still
12 want dollar damages from the jury?

13 A I don't recall -- recall that dollar
14 damages.

15 Q As you sit here today, putting
16 everything else aside, are you going to ask the
17 jury to pay you money or not?

18 A I'm just going to let it all fall in
19 the hands of the jury.

20 Q But the jury is only going to give you
21 things that you ask for. So, my question ---

22 MR. THOMAS: Objection.

23 Q (By Ms. Davis) --- to you here
24 is ---

1 MR. THOMAS: Calls for a legal
2 conclusion.

3 Q (By Ms. Davis) --- are you going to
4 ask for money in this case or is this just about
5 bringing the case?

6 A We'll deal with that when we get to
7 it.

8 Q It's true, Mr. Hobbs, that you are
9 going to ask that the jury order Natalie Pasdar
10 and the Dixie Chicks to pay you money; correct?

11 A We'll deal with that when we get
12 there.

13 Q It's entirely possible, isn't it?

14 A Is it?

15 Q Well, it's what you've alleged and
16 asked for in your complaint.

17 MR. THOMAS: Objection; calls for
18 a legal conclusion.

19 Q (By Ms. Davis) You've already asked
20 for money from Ms. Pasdar and from the Dixie
21 Chicks. My question to you is if you intend to
22 ask for money from Ms. Pasdar and the Dixie
23 Chicks at a trial of this matter. This is not
24 just about getting the finding from the jury

1 that doesn't involve money; correct?

2 A We'll cross that bridge when we get to
3 it.

4 Q You just don't know as you sit here
5 today whether you're going to ask for money. Is
6 that your testimony?

7 MR. THOMAS: Objection; goes to
8 the legal strategy. He doesn't know what we're
9 going to do at the trial.

10 MS. DAVIS: That's my question to
11 him.

12 A We'll deal with that at the trial.

13 Q (By Ms. Davis) Do you have any idea,
14 as you sit here today, whether you're going to
15 ask for money from Ms. Hobbs (sic)?

16 A We'll wait and see when we get there.

17 Q The answer to that question is, "no,
18 you just don't know"?

19 A Okay.

20 Q Is that the truth?

21 A Sounds good.

22 Q My question is is that the truth.

23 MR. THOMAS: Objection; asked and
24 answered ---

1 Q (By Ms. Davis) "Yes" or "no"?

2 MR. THOMAS: --- 15 times.

3 Q (By Ms. Davis) Is that correct?

4 A We'll cross that bridge when we get to
5 it.

6 (Whereupon, Exhibit No. 28
7 was marked to the testimony
8 of the witness.)

9 Q (By Ms. Davis) Let me show you what
10 I'm marking as Deposition Exhibit No. 28, which
11 is a different declaration from Ms. Hobbs; and
12 I'll direct your attention first to Paragraph 7,
13 which states:

14 "During our marriage, Terry --
15 Terry was a regular user of drugs.
16 He frequently smoked marijuana in
17 our home and out of the house. He
18 also used crystal Methamphetamine
19 and cocaine."

20 Is it true that you were a regular user
21 of drugs?

22 A (Inaudible).

23 Q Is it true that you smoked marijuana
24 in the home?

1 A We did sometimes.

2 Q And you say, "we." I'm just asking
3 you about you.

4 A Me and Pam.

5 Q You, in fact, did smoke marijuana in
6 the home with an eight-year-old son and a
7 four-year-old daughter?

8 A No.

9 Q You smoked marijuana in the home after
10 Stevie died?

11 A Probably.

12 Q How frequently?

13 A I'm not sure.

14 Q Once a week, twice a week?

15 A I'm not sure.

16 Q Just can't give me any sort of
17 ballpark of how frequently?

18 A Right.

19 Q Too many times to remember?

20 A Or not enough.

21 Q You -- tell me, was it more than 50
22 times?

23 A Couldn't tell you.

24 Q More than 100?

1 A Couldn't answer.

2 Q More than 500?

3 A Couldn't tell you. Don't count them.

4 Q How many times did you use crystal
5 meth in the home?

6 A Long enough to see it wasn't for me.

7 Q How long did that take?

8 A Not long.

9 Q Several months?

10 A No.

11 Q Weeks?

12 A Or less.

13 Q What about cocaine, how many times did
14 you use cocaine in the house?

15 A Not enough to count.

16 Q So, essentially, the statements that
17 Ms. Hobbs makes in Paragraph 7 are correct?

18 A To some degree. I'm not a user of
19 drugs.

20 Q Let me direct your attention to
21 Paragraph 8. Paragraph 8 refers to the evening
22 that you hit Ms. Hobbs and shot her brother.
23 Let me read it.

24 "Terry was violent and he hit me

1 twice. In 1999, Terry got into an
2 argument. I insinuated that Terry
3 had a girlfriend. As I attempted
4 to leave the house to get away
5 from Terry and just drive around
6 to cool off, Terry fought me for
7 the car keys. When he couldn't
8 get the keys, Terry hit me in the
9 face with a closed fist. I was
10 truly hurt and was worried that he
11 had broken my jaw because he had
12 hit me so hard. I called my
13 family and I talked to my brother,
14 Kevin Hicks. I asked him what a
15 broken jaw felt like. My brother
16 and parents immediately came to
17 check on me. I told Terry my
18 family was coming to take care of
19 me, and I believed that Terry
20 would leave the house. Instead
21 Terry waited outside for them,
22 sitting on the tailgate of the
23 truck."

24 Is Paragraph 8 a true statement?

1 A No.

2 Q What's not true about it?

3 A I wasn't -- I'm not violent, never
4 have been.

5 Q Let me -- let me just stop you for a
6 second because I -- let's be clear about that.
7 It is your testimony that you are not a violent
8 man?

9 A Correct.

10 Q You are not an angry man?

11 A Angry over things that has happened in
12 the past two years, yes.

13 Q Fair enough. You are not angry in the
14 sense that you become physically abusive?

15 A Correct.

16 Q And you do not fly into rages?

17 A Correct.

18 Q And you do not beat your children?

19 A No.

20 Q What else is wrong with Paragraph 8
21 other than that you are not a violent man?

22 A I didn't have a girlfriend. I was a
23 married man.

24 Q Have you ever cheated on any of your

1 wives?

2 A No.

3 Q You hesitated.

4 A So.

5 Q Or were you thinking of an event?

6 A No.

7 Q You were -- how many times have you
8 been married?

9 A Twice.

10 Q Are you seeing anyone now?

11 A No.

12 Q You hesitated on that too.

13 A And?

14 Q I'm wondering if you're thinking
15 about ---

16 A No.

17 Q --- somebody that might be an answer
18 to that question.

19 A No.

20 Q Okay. What else is wrong with
21 Paragraph 8?

22 A I didn't hit Pam. That's what it says
23 here, with a fist. I never have hit my wife
24 with a fist.

1 Q Well, you've testified before that you
2 backhanded her. So the debate is whether it
3 was ---

4 A Through hand spanking.

5 Q Okay. Like show me how?

6 A (Indicating.)

7 Q Well, harder than that; right?

8 A Right.

9 Q It was a hard hit -- a hard backhand?

10 A It was a slap backhand.

11 Q And what else is wrong with Paragraph

12 8?

13 A I didn't break her jaw.

14 Q I don't think she said you broke her
15 jaw. She said it felt like a broken jaw. What
16 else?

17 A And I didn't sit outside and wait on
18 them.

19 Q Anything else?

20 A Number eight, I don't know.

21 Q Anything else on number eight that as
22 you read it -- through it, you think it is
23 false?

24 A A whole bunch -- most of it, yeah.

1 Q Well, you've listed for me the things
2 that you think are false. Is there anything
3 else other than what you've listed?

4 A Let me reread it.

5 Q Sure.

6 (Brief pause.)

7 A And it didn't happen in 1999.

8 Q What year was it?

9 A '94.

10 Q Anything else you can see that's
11 incorrect or false about Paragraph 8 of the Pam
12 Hobbs deposition that is marked as Deposition
13 Exhibit 28?

14 A Well, she talked to one brother.
15 Her -- his step-brother and her brother come
16 down with her parents.

17 Q She talked to Kevin Hicks, but Jackie
18 Hicks came down with the parents?

19 A Correct.

20 Q Okay. Anything else?

21 A Now it looks pretty good. Okay.

22 Q Mr. Hobbs, why didn't you leave after
23 you found out that Pam's family was coming down
24 to check on her after you had hit her?

1 A First of all, I didn't hit her.

2 Q Backhanded her.

3 A Second of all, it was my home. I
4 don't have to leave.

5 Q But you understood that Pam's father
6 and her mother and her brother would be angry
7 with you for laying a hand on her at all,
8 whether it was a closed fist or a backhand;
9 right?

10 A Okay. But does it say in here she hit
11 me too?

12 Q Let me -- you understood that her
13 father, her mother, and her brother would be
14 angry with you for laying a hand on her, whether
15 it was a closed fist or a backhand, and whether
16 or not Pam had touched you; correct?

17 A Correct.

18 Q That's just the nature of family;
19 right?

20 A Does it say in here I called the
21 police as soon as she told me that they was
22 coming down? No, it don't.

23 Q Fair enough. I'll get to that in just
24 a second. But before you called the police,

1 after Pam tells you the family is coming and you
2 know they're going to be mad, doesn't it make
3 sense to just leave and let the situation cool
4 off?

5 A No. I didn't do nothing.

6 Q You had just slapped your wife.

7 A Well, she had been provoking me for
8 three days over one simple woman.

9 Q She was asking for it?

10 A You might ask her.

11 Q You might say that; right?

12 A Well, you don't provoke somebody for
13 three days over something that's not there.

14 Q It's your testimony that because Pam
15 was -- because Pam kept bringing up her belief
16 that you had a girlfriend over the course of
17 three days, it was appropriate for you to
18 backhand her. Is that your testimony, sir?

19 MR. THOMAS: Object to the term,
20 "appropriate."

21 A No.

22 Q (By Ms. Davis) Wouldn't it have been
23 prudent -- let's put it that way -- for you to
24 leave the premises, even though it was your

1 house, when you found out that Pam's family was
2 coming to check on her after you had backhanded
3 her?

4 A No.

5 Q Why not?

6 A It's just as prudent for them to stay
7 home and mind their own business.

8 Q Your position is that after you
9 backhanded your wife, it would have been more
10 prudent for her family to stay home, not come
11 check on her and, quote, mind her own business
12 than it would have been for you to leave the
13 house for a couple of hours and let them check
14 on her without you there provoking the
15 situation. Is that correct?

16 A I wasn't there provoking nothing. I
17 lived there. That's my home.

18 Q You had a gun in your pants, didn't
19 you?

20 A I did.

21 Q And you don't consider going out to
22 meet her family after you had backhanded her
23 with a gun in your pants provocation?

24 A I didn't go out to meet her family,

1 and they never knew I had a gun ---

2 Q Where were ---

3 A --- in my pants.

4 Q Where were you -- exactly. They
5 didn't know. Jackie Hicks and his dad and his
6 mother did not know you had a gun in your pants
7 when you were talking to them, did they?

8 A I didn't talk to them. They come out
9 the talk to me.

10 Q And where did the shooting occur?

11 A Outside of my home.

12 Q You were, in fact, outside; correct?

13 A Correct.

14 Q You met them outside when they came to
15 check on Pam; correct?

16 A No.

17 Q How did you get outside to shoot
18 Jackie Hicks?

19 A I had a front door and I had a back
20 door.

21 Q And?

22 A They come in the front and I went out
23 the back.

24 Q They came in the front door, you went

1 out the back?

2 A Correct.

3 Q And how did you shoot Jackie in the
4 front yard?

5 A Well, they came in the front and I
6 went out my garage and stood out there by my
7 truck and called the police the second time.

8 Q And where did the shooting occur?

9 A Out there by my truck.

10 Q In the back yard?

11 A In my driveway.

12 Q In the front?

13 A Correct.

14 Q So, how did the shooting occur in the
15 front if you had gone out in the back?

16 A I went out in my garage, I called that
17 my back.

18 Q Got you. So, your garage was in the
19 front of the house?

20 A Correct.

21 Q Let me direct your attention to

22 Paragraph 9:

23 "As they were fighting, Terry
24 pulled out a gun and shot Jackie

1 in the abdomen. He was moving to
2 again shoot Jackie and my father
3 started walking toward Terry. At
4 that point, Terry pointed the gun
5 at my dad and said, quote, you
6 better not go any farther, I'll
7 shoot you too, you fat, mother
8 fucker."

9 Did I read that correctly?

10 A You read it correctly.

11 Q Did you say that? Is that how that
12 transpired?

13 A No.

14 Q Is Pam lying in Paragraph 9?

15 A This is not a true statement.

16 Q Is Pam lying?

17 A Evidently.

18 Q And the last portion of Paragraph 9
19 states that there was ultimately a surgery to
20 remove that bullet; and her brother died as a
21 result of complications from that surgery. Are
22 you aware of that?

23 A No. Her brother died of crack
24 cocaine.

1 Q Do you have any guilt feelings about
2 shooting her brother?

3 A I wish it had never happened.

4 Q Are you -- do you have guilt feelings?

5 A Not guilt.

6 Q Do you have any remorse over shooting
7 him?

8 A Sure.

9 Q Why?

10 A Because I liked him. I had been in
11 the family for years.

12 Q And so you wish you wouldn't have shot
13 him?

14 A I didn't shoot him.

15 Q You shot him.

16 A I did not.

17 Q The gun just accidentally went off?

18 A To shoot someone, you have to point
19 the gun at them to shoot them; correct?

20 Q Yes.

21 A I didn't point the gun at Jackie.
22 This was an accident.

23 MS. DAVIS: Let's take a small
24 break so we can change the videotape.

1 VIDEOGRAPHER: This is the end of
2 Tape 1 of the videotape deposition of Mr. Terry
3 Hobbs. The time is approximately 10:06 a.m.

4 (Brief recess.)

5 VIDEOGRAPHER: This is the
6 beginning of Tape 2 of the videotape deposition
7 of Mr. Terry Hobbs. The time is approximately
8 10:13 a.m.

9 Q (By Ms. Davis) Mr. Hobbs, are you on
10 any drugs or medication today?

11 A No.

12 Q Have you taken any within the past 24
13 hours?

14 A No.

15 Q Past 48 hours?

16 A No.

17 Q Any reason you can't testify honestly
18 and truthfully today?

19 A I think I'm doing it.

20 Q I told you that I was going to let you
21 tell me about calling the police. Tell me when
22 you called the police in 1994, at the time of
23 this altercation with Jackie Hicks, Jr., Pam's
24 brother, who believed you had been involved in

1 the murder of Stevie.

2 A I called them once inside my home and
3 after I found out that Pam -- when Pam told me
4 she called her family. I called them the second
5 time standing out by my truck before they come
6 out, and I told them that they was here.

7 Q Let's walk through those. The first
8 time you called the police you called them why?

9 A Because I knew they would come down
10 and want to start some trouble.

11 Q And why again didn't you just leave
12 instead of calling the police?

13 A I don't have to leave my home.

14 Q You were making a stand?

15 A Call it what you will.

16 Q And did you call the police the second
17 time before or after you shot Jackie Hicks, Jr.?

18 A Before.

19 Q And ---

20 A Trying to avoid it.

21 Q Avoid what?

22 A An altercation.

23 Q And what specifically had transpired
24 that made you think you needed to call the

1 police a second time?

2 A They had pulled up in my driveway,
3 walked in my house, yelling at me.

4 Q Did anyone call the police when Jackie
5 Hicks, Jr. was shot?

6 A I don't -- I don't know. I'm thinking
7 her mother might have. I'm not sure.

8 Q Do you recall if the police came and
9 arrested you after Jackie Hicks, Jr. was shot?

10 A No. The police showed up; they didn't
11 arrest me. And the ambulance pulled up in our
12 driveway before the police got there.

13 Q Is it your testimony that Pam is lying
14 in Paragraphs 8 and 9 when she describes the
15 events of you shooting her brother?

16 A Well, we done went through eight.

17 Q And now we've kind of gone through
18 nine I think as well.

19 A Well, he didn't die because of me
20 shooting him.

21 Q Let's back up.

22 A I didn't shoot him, but he didn't die
23 because of the gunshot.

24 Q Number one, did you pull out a gun and

1 shoot Jackie?

2 A No.

3 Q You didn't pull the gun out of your
4 pants? It just went off in the back of your
5 pants?

6 A I pulled the gun out and pointed it up
7 in the air and pulled the trigger.

8 Q And somehow that bullet hit Jackie in
9 the abdomen?

10 A I'm laying face down on the ground,
11 had -- he was on my back, had my head twisted
12 up, fixing to break my neck. I'm looking this
13 way. I pulled the gun out, pulled the trigger,
14 and that's all I done (indicating).

15 Q Can you show me? Are you leaned over?

16 A I'm laying ---

17 Q You're laying flat on the ground.

18 A --- flat on the ground.

19 Q So, you pull the gun out of your
20 belt -- show me -- and then just pulled up like
21 that (indicating)?

22 A I had the gun in my front pants.

23 Q In your front pants.

24 A And we were in the front.

1 Q And you're lying on the ground.

2 A And I pull it out and pulled ---

3 Q And just pull it up like that

4 (indicating)?

5 A --- and pulled the trigger.

6 Q And it hit Jackie in the abdomen?

7 A Oh, well.

8 Q I'm sorry?

9 A Yeah, it did.

10 Q Did you just say, "oh, well"? Is that

11 your testimony?

12 A I said that, but it happened.

13 Q What did you mean by -- what did you

14 mean by that?

15 A It happened. It's -- it's been a sad

16 story that it happened, but it happened.

17 Q Did you point the gun at Pam's father?

18 A I did.

19 Q Why?

20 A He was heading over there to me,

21 saying something.

22 Q Was this before or after you shot

23 Jackie?

24 A After the shooting. He came over

1 after.

2 Q So, it's your testimony that after you
3 accidentally shot Jackie, you stood up and
4 deliberately pointed the gun at Pam's father,
5 Jackie Hicks, Sr.?

6 A He was heading over to me, saying
7 something; and I pointed the gun at him, I did.

8 Q So, the answer to that is, "yes"?

9 A Correct, yes.

10 Q And did you say, "You better not go
11 any farther, I'll shoot you too, you fat mother
12 fucker"?

13 A I don't remember. I told him
14 something. I don't remember what.

15 Q Something along those lines?

16 A Something.

17 Q And you certainly didn't scream, "This
18 is an accident. Oh, my gosh. I'm so sorry,"
19 did you?

20 A Probably not.

21 Q And lastly, you mentioned that Jackie
22 Hicks, Jr. died related to crack, not to your
23 shooting him. What you mean by that is that
24 Jackie didn't die immediately following the

1 shooting.

2 A Twelve years later.

3 Q Twelve years later. Do you have an
4 understanding that he did die though as a result
5 of complications of a surgery that was designed
6 to remove the bullet that you placed in him?

7 MR. THOMAS: Objection; lack of
8 foundation.

9 A I don't know.

10 Q (By Ms. Davis) You don't know one way
11 or the other?

12 A No.

13 Q Let me direct your attention to
14 Paragraph No. 10:

15 "Terry would frequently hit the
16 kids with the belt." And again,
17 this is Pam Hobbs testifying. "He
18 would make them hold up their
19 hands in the air as he whipped
20 them. Sometimes when he whipped
21 Stevie, he would leave belt marks
22 on him."

23 Is that true?

24 A No.

1 Q Is it true that you whipped Stevie
2 with a belt?

3 A Yes.

4 Q Is it true that you whipped Stevie and
5 made him hold his hands up in the air?

6 A I didn't want to hit him on the hands.

7 Q So the on -- so that's true?

8 A Yes.

9 Q So, the only thing that's not true
10 about Paragraph No. 10 is that you would leave
11 belt marks on him?

12 A Not that I recall.

13 Q So that's correct? My statement is
14 correct?

15 A Probably.

16 Q To your best recollection, "yes"?

17 A Correct.

18 Q Let me direct your attention to
19 Paragraph 14 of Pam Hobbs' declaration:

20 "Two weeks after Stevie died, Terry
21 left town. Terry left me in
22 Blytheville, Arkansas and moved
23 to Hardy, Arkansas. He said I
24 was too much to handle and that

1 he could not stay around me
2 anymore."

3 Did I read that correctly?

4 A You did.

5 Q And is that a true paragraph?

6 A I'm not sure about the time frame,
7 but, yeah, I had to get away.

8 Q And tell me why.

9 A It was just too many things happening.

10 Q What do you mean specifically?

11 A This thing was taking a toll on Pam.
12 Pam was my wife, and we had never been through
13 something like this; and I just seen Pam doing
14 things that I didn't understand, and her family
15 was -- there was a lot of anger floating around
16 in the family. They was making threats. You
17 know, they even threatened me a few times.

18 Q And they threatened you within a few
19 weeks of Stevie's death because they believed
20 that you were involved in the murders; correct?

21 A Wrong.

22 Q Why did they threaten you?

23 A Just anger.

24 Q Well, what did they threaten you with?

1 What did they say?

2 A Just anger, you know. I don't
3 remember. There was just threats going around.

4 Q Specifically within -- let's pick a
5 month after the members. It is true that
6 members of Pam Hobbs' family believed that you
7 were involved in the murders and told you so;
8 correct?

9 A I don't remember that.

10 Q Within a couple of months?

11 A I don't know.

12 Q You have -- and as you sit here today,
13 you have no recollection of why her family
14 members were threatening you. Is that your
15 testimony?

16 A Other than anger.

17 Q Anger at what though?

18 A We had just lost a little boy. They
19 lost a nephew, a niece (sic), a grandson. Yes,
20 there's a lot of anger that goes along with
21 this.

22 Q It's interesting though, isn't it,
23 that they were angry at you?

24 A I was a stepparent.

1 Q Your name has been removed from
2 Stevie's gravestone. Is that correct?

3 A Sure.

4 Q And you left Pam within a couple of
5 weeks of the murders; correct? That's true,
6 isn't it, sir?

7 A I don't know.

8 Q Within a month.

9 A I don't keep up with some things.

10 Q Within a month of the murders you were
11 gone.

12 A I don't remember.

13 Q Just can't recall as you sit here
14 today. Is that right?

15 A That's right.

16 Q Let me direct your attention to
17 Paragraph 17:

18 "Terry has also mistreated our
19 Daughter, Amanda." This is Pam
20 talking. "In 1993, when Amanda
21 was four years old, my sister,
22 Jo Lynn McCaughey, told me that
23 Amanda had told her that Terry had
24 put his finger into Amanda's

1 booty."

2 And I'm going to continue reading

3 Paragraph 18:

4 "I took Amanda to the hospital in
5 Blytheville, Arkansas so a
6 doctor could do a physical
7 examination. That doctor told me
8 that Amanda had been vaginally
9 penetrated and that she had a
10 yeast infection."

11 Did I read that correctly?

12 MR. THOMAS: Object to the form
13 as triple hearsay.

14 Q (By Ms. Davis) Did I read ---

15 A I wasn't paying attention, but it
16 sounds good.

17 Q All right. Now, it is true that Pam
18 Hobbs, back when Amanda was four, took Amanda to
19 the doctor because there were allegations of
20 sexual abuse; correct?

21 A I don't remember.

22 Q Do you recall whether a doctor gave a
23 examination to Amanda that resulted in him
24 saying that Amanda, at four years old or around

1 that time period, had been vaginally penetrated?

2 MR. THOMAS: Objection; no
3 foundation. Calls for speculation.

4 Q (By Ms. Davis) Is it possible that
5 that happened?

6 A I couldn't tell you.

7 Q Is it possible that you've forgotten?

8 A Some things, yeah. Something like
9 that you've never heard of.

10 Q What do you mean by that?

11 A I never heard that.

12 Q It's your testimony, as you sit here
13 today, that you were never told that Amanda had
14 a physical examination in which the doctor
15 opined that Amanda had been vaginally penetrated
16 around the age of four?

17 A I don't recall that.

18 Q Is it possible that you were told
19 that?

20 MR. THOMAS: Objection; calls for
21 speculation.

22 A I don't recall that.

23 Q (By Ms. Davis) Or that she had a
24 yeast infection. Do you recall that?

1 A She might have had a yeast infection.
2 Babies get that.

3 Q At four years old, do you recall ---

4 A I don't ---

5 Q Let me finish my question. At four
6 years old, do you recall being told that a
7 doctor had examined Amanda and determined that
8 she had a yeast infection?

9 A No.

10 Q Do you recall the police coming to
11 your home and Amanda saying that she knew where
12 her father kept his drugs?

13 A I remember that.

14 Q And she went and found your drugs and
15 gave them to the police officers. Isn't that
16 correct?

17 A She went and found a half a joint.

18 Q And give it to the police officers;
19 correct?

20 A Yes.

21 Q And you were arrested; correct?

22 A I was.

23 Q And how old was Amanda when that
24 happened?

1 A I don't remember.

2 Q Do you remember what year that
3 happened?

4 A No.

5 (Whereupon, Exhibit No. 29
6 was marked to the testimony
7 of the witness.)

8 Q (By Ms. Davis) Let me show you what
9 I've marked as Deposition Exhibit No. 29. This
10 is a declaration of Mildred French. Do you
11 recall at your last deposition we asked you
12 about Mildred French and you did not recall who
13 she was? Do you remember that testimony?

14 A Correct.

15 Q Let me give you just a minute to go
16 through Deposition Exhibit No. 29, the
17 declaration of Mildred French.

18 (Brief pause.)

19 A All right.

20 Q Have you read it?

21 A No. I'm not going to.

22 Q Why not?

23 A It doesn't mean nothing to me.

24 Q Why doesn't it mean anything to you?

1 A It just don't.

2 Q Mildred French was a neighbor of yours
3 back in the '80s, wasn't she?

4 A I don't remember.

5 Q Well, if you would read the Deposition
6 Exhibit No. 29, it might refresh your
7 recollection.

8 A Okay.

9 Q Are you refusing to read Deposition
10 Exhibit No. 29?

11 A It just don't mean nothing to me.
12 Probably just 30 years ago.

13 Q Well, I think some of the events that
14 happened 30 years ago or almost 30 years ago may
15 be relevant. So let's walk through what she
16 says. Beginning with Paragraph No. 3:

17 "In 1982, I was a neighbor of Terry
18 Hobbs in Hot Springs, Arkansas. I
19 lived in a two-story duplex, next
20 door to Terry Hobbs, his wife and
21 their child. On different
22 occasions in the mornings, I
23 caught Terry standing outside
24 looking at me in my window."

1 Did you ever look in at Ms. French in
2 her window?

3 A No.

4 Q Do you recall now that she was your
5 neighbor?

6 A Some old woman was.

7 Q Some old woman was. Could it have
8 been Mildred French?

9 A I don't know her name.

10 Q How old was this old woman that lived
11 next door to you?

12 A I don't know.

13 Q Fifties?

14 A I don't know.

15 Q How old were you in 1982?

16 A I'm not sure.

17 Q Can you add that up for me?

18 A I was born in '58.

19 Q In your twenties.

20 A Okay.

21 Q Paragraph No. 4:

22 "On one occasion I heard a baby
23 crying and sounds that indicated
24 to me that Terry Hobbs was beating

1 his wife and/or his child. I ran
2 next door to Terry's unit and rang
3 the outside bell to Terry Hobbs'
4 residence. After a moment, Terry
5 opened the door and asked me, with
6 disgust in his voice, 'What do you
7 want?' I told him that if he
8 touched his wife or his baby
9 again, I would call the police."

10 Do you remember that event?

11 A No, I do not.

12 Q Did you ever beat your wife or child
13 back in the '80s?

14 A No.

15 Q That was a different wife than Pam;
16 correct?

17 A Correct.

18 Q That was Angela. What was her last
19 name?

20 A Hancock.

21 Q And what was the child's name?

22 A Bryan.

23 Q Your son?

24 A My son.

1 Q And do you recall Ms. French or this
2 old lady neighbor knocking on your door and
3 telling you that if you beat your wife or child
4 again, she would call the police?

5 A No, ma'am. That never happened.

6 Q Are you accusing Ms. French of lying
7 in Paragraph 4?

8 A I'm not accusing nobody. I'm just
9 saying that never happened.

10 Q That's -- that's a lie then. If she
11 swore under oath that that occurred, your
12 testimony is that she's lying?

13 A Yes.

14 Q Let me direct your attention to
15 Paragraph 5:

16 "A few months later, I worked
17 outside in my yard. I went inside
18 my home to take a shower and get
19 cleaned up. I specifically
20 remember that I locked all of the
21 screen doors when I came inside.
22 I went upstairs and took a shower.
23 While I was in the shower, I did
24 not hear anything unusual."

1 Continuing to Paragraph 6.

2 "When I got out of the shower, I
3 reached to put my hand on my
4 housecoat; and at that moment,
5 Terry Hobbs, who had broken in and
6 somehow gotten upstairs into my
7 bathroom, physically grabbed me
8 from behind and grabbed my breast.
9 I screamed at Terry loudly, 'What
10 are you doing in my house?' and
11 screamed, 'get out.' I kept
12 repeating loudly, 'get out,' and
13 Terry hissed, 'shhh' at me.
14 However, I kept yelling for Terry
15 to get out, and ultimately Terry
16 ran out of my home and ran
17 downstairs into his unit. The
18 bathroom window over my tub was
19 partially opened and my yelling
20 could be heard outside. I recall
21 a man was outside across the
22 street working in his yard. I
23 believe that Terry intended to
24 further molest and/or harm me

1 because his actions and demeanor
2 indicated that was his goal, but I
3 believe my continued yelling and
4 screaming alarmed him and caused
5 him to run off. At the time, I
6 was afraid that Terry would rape,
7 harm or even kill me."

8 I would say, "have I read that
9 correctly," but you're refusing to follow along
10 with me in the declaration. Is that correct?

11 A Correct.

12 Q Now, did you break into Mildred
13 French's house?

14 A No.

15 Q Did you break into the unit next door
16 to you in Hot Springs that was occupied by some
17 old lady?

18 A No.

19 Q Did you ever go into the bathroom of
20 Mildred French while she was taking a shower?

21 A No.

22 Q Did you ever go into the bathroom of
23 some old lady that lived next door to you in Hot
24 springs, Arkansas and grab her?

1 A No.

2 Q Did you grab Ms. French's breast?

3 A No.

4 Q Did you ever grab some old lady's
5 breast, the one that was living next to you in
6 the unit?

7 A No.

8 Q Is it your testimony that everything
9 stated in Paragraph 6 is a lie?

10 A Yeah.

11 Q Can you think of any reason that an
12 81-year-old woman -- that's old Ms. French is
13 now. Did you know that?

14 A No.

15 Q Can you think of any reason that an
16 81-year-old woman would be willing to swear
17 under oath to these allegations about you if
18 they weren't true?

19 A No, I don't.

20 Q Do you recall when you lived in the
21 duplex unit in 1982, next door to some old
22 woman, that the police were called and you were
23 arrested?

24 A I wasn't arrested.

1 Q The police were called, weren't they?

2 A Well, we talked about something.

3 Q What is your recollection of those
4 events that Ms. French ---

5 A I don't have ---

6 Q Let me finish my question. What is
7 your recollection of the reason that the police
8 were called and those events that Ms. French
9 remembers so clearly?

10 A I don't have any.

11 Q You have no idea what the police were
12 called for?

13 A No, I don't remember.

14 (Whereupon, Exhibit No. 30
15 was marked to the testimony
16 of the witness.)

17 Q (By Ms. Davis) Let me show you what
18 I'm marking as Deposition Exhibit No. 30, which
19 is a copy of the police report from 1982
20 regarding you and Ms. French. I'll give you a
21 minute to look through that.

22 (Brief pause.)

23 Q Have you had a chance to go through
24 that?

1 A Yeah, I'm going to.

2 Q Okay.

3 (Brief pause.)

4 Q Does Deposition Exhibit No. 30 refresh
5 your recollection that the police came out to
6 talk to you about criminal trespass and assault
7 and breaking and entering ---

8 A I didn't really read it.

9 Q --- at Mildred French's house?

10 A Didn't (unintelligible).

11 Q Is it your ---

12 COURT REPORTER: I can't -- I
13 can't hear the answer.

14 A Didn't really read it.

15 Q (By Ms. Davis) Okay. Are you
16 refusing to read Deposition Exhibit No. 30, the
17 police report related to your attack of
18 Ms. French?

19 A I didn't attack nobody.

20 Q Is it correct that you're refusing to
21 read Exhibit 30?

22 A Correct.

23 Q Why is that?

24 A It don't mean nothing to me.

1 Q You say it doesn't mean anything to
2 you; and yet, this case revolves around your
3 complaint that your reputation has been damaged;
4 correct, sir?

5 A This was 30 years -- whatever happened
6 here 30 years ago.

7 MS. DAVIS: I will object to the
8 answer as nonresponsive.

9 Q (By Ms. Davis) This case revolves
10 around your allege -- allegations that your
11 reputation has been damaged by Ms. Pasdar;
12 correct?

13 A Correct.

14 Q And I want to talk about your
15 reputation and your concern for your reputation.
16 And when I look at Deposition Exhibit No. 29 and
17 Deposition Exhibit 30, which involve allegations
18 of you attacking and sexually molesting a woman,
19 that strikes me as something that relates to
20 your reputation. Do you disagree?

21 A It never happened. Allegations.

22 Q I'm -- I'm confused now. My
23 understanding was ---

24 A You said I molested and sexually -- I

1 ain't never did that in my life.

2 Q Here is my confusion. I thought you
3 had testified previously that something happened
4 back in 1982 but you didn't recall what it was.

5 A Right. And it wasn't nothing like
6 that.

7 Q Is it possible that ---

8 A No.

9 Q --- Ms. French is telling the truth?

10 A No. If she said I molested her or
11 whatever you just said, no, that never happened.

12 Q Why are you refusing to look through
13 the report to see exactly what did happen?

14 A That's 30 years ago. I don't care
15 what happened 30 years ago.

16 Q You don't care what your reputation
17 was 30 years ago?

18 A I didn't have a bad one.

19 Q You're not suggesting that the police
20 are lying with regard to their report, are you?

21 A I don't know. I ain't read it.

22 Q And refuse to?

23 A (Witness nods head.)

24 Q Let's continue on with Ms. French's

1 declaration. Paragraph 7:

2 "I called the police to report
3 Terry's break-in and attack. I
4 believe the police filed an
5 incident report on the matter."

6 Paragraph 8:

7 "I also went that day to Terry's
8 mother-in-law who lived nearby and
9 told her all what Terry had done,
10 that he had broken into my home
11 and had assaulted me in my
12 bathroom. I told the
13 mother-in-law that Terry was a
14 very sick man and that he required
15 counselling immediately. The
16 mother-in-law told me that her
17 family was not in favor of sending
18 Terry to counselling. She was a
19 member of some sort of Pentecostal
20 church. I told her then that I
21 would pursue the matter with the
22 police."

23 Do you have any recollection of
24 Ms. French or the old woman that lived next door

1 to you in the duplex in Hot Springs having a
2 discussion with your mother-in-law about you
3 attacking her?

4 A No, I don't.

5 Q Paragraph 9:

6 "That night, after I told my
7 landlord about the attack, my
8 landlord set up a meeting in which
9 both Hobbs and I sat down
10 face-to-face in front of the
11 landlord. Terry's father-in-law
12 was also there. I said to Terry,
13 'Tell them what you did to me.'
14 Terry said, 'I didn't do nothing.'
15 After I articulated what Hobbs had
16 done to me, Terry looked at me
17 square in the eye and said calmly,
18 'It never happened.' He was cool
19 and collected as he told me it
20 never happened. If you had not
21 known for certain Terry was lying,
22 you would not have been able to
23 tell by his demeanor that he was
24 lying. I was sickened and

1 frightened by Terry's ability to
2 deny his horrific and perverted
3 actions and seemed so calm in
4 doing so. I looked at Terry and
5 told him, 'You are a liar and you
6 are sick.'

7 Paragraph 10:

8 "Terry looked back at me with cold,
9 dead eyes and said, 'Yeah, I'm
10 sick."

11 Here is my question to you: Do you
12 recall having a meeting with your neighbor and
13 the landlord regarding Ms. French's or the old
14 lady's allegations?

15 A No, I don't.

16 Q Are you testifying that that meeting
17 never took place or are you testifying that it's
18 possible it did, you just don't remember?

19 A I don't recall that meeting.

20 Q Is it possible it occurred?

21 A It's possible it didn't because I
22 don't remember that.

23 Q But it's possible it did?

24 A I didn't say that.

1 Q It's not possible it occurred?

2 A Right.

3 Q There was no such meeting?

4 A Not to my knowledge.

5 Q And again, can you think of any reason
6 that Ms. French would make up and swear to a
7 meeting like she describes in Paragraph 9 and
8 10?

9 A You would have to ask Ms. French.

10 Q I did, and she's testifying in her
11 declaration. Let me direct your attention to
12 Paragraph 11:

13 "The landlord kicked Terry and his
14 family out of Terry's unit as a
15 result of his attack."

16 Were you kicked out of the duplex unit
17 you shared next door to an old lady in Hot
18 Springs, Arkansas?

19 A No, ma'am.

20 Q So that's a lie too?

21 A Correct.

22 Q Do you recall the name of your
23 landlord?

24 A No.

1 Q Paragraph 12:

2 "I appeared in court to press
3 charges against Terry Hobbs.
4 Though I do not remember the
5 specifics, I do recall that at the
6 hearing Terry was ordered to go to
7 counselling and the matter was
8 resolved in that manner. I do not
9 know if Terry went to counselling,
10 but he was supposed to go to
11 counselling at a facility located
12 on 7th Street in Hot Springs."

13 You've previously testified that you
14 were ordered to go to counselling; correct?

15 A Probably.

16 Q You just don't recall why?

17 A Right.

18 Q But you're sure it wasn't because you
19 had attacked your neighbor?

20 A Right.

21 Q And you're sure it wasn't because you
22 sexually molested an old woman?

23 A I never done that.

24 Q Let me direct your attention to what

1 I'm going to mark as Deposition 31.

2 (Whereupon, Collective
3 Exhibit No. 31 was marked
4 to the testimony of the
5 witness.)

6 Q (By Ms. Davis) And this is the
7 declaration of Judy Sadler. Who is Judy Sadler?

8 A That's one of Pam's sisters.

9 Q Let me direct your attention to
10 Paragraph 7 from Judy Sadler. She testifies:

11 "I was very close to Stevie, and we
12 frequently had personal, private
13 conversations."

14 Is that a true and correct statement,
15 that Judy Sadler was close to Stevie?

16 A She was close to Stevie, yes.

17 Q And then she states:

18 "When Stevie was 8, I was only 15.
19 So we were fairly close in age."

20 Is that a true statement?

21 A Seven years difference.

22 Q (Reading.)

23 "Stevie was very scared of
24 Terry. Stevie told me that on

1 many occasions Terry had locked
2 Stevie in the closet as punishment
3 for things he had done. I have
4 personal knowledge that Terry beat
5 Stevie on multiple occasions."

6 Now you've got Ms. Sadler, another
7 witness testifying that you locked Stevie in the
8 closet. Does that refresh your recollection
9 about whether you did, in fact, lock Stevie in
10 the closet?

11 A I have never in my life locked any of
12 my kids in the closet.

13 Q Or beat them?

14 A Or beat them.

15 Q So, in the second portion of Paragraph
16 7, it's your testimony that Ms. Sadler is lying?

17 A Whatever. Yeah.

18 Q And can you think of any reason that
19 Ms. Sadler would want to lie about you on a
20 matter as important as that?

21 A Might need to ask her.

22 Q I'm asking you, sir.

23 A I can't think for her.

24 Q Can you think of any reason? I'm not

1 asking you to think for her. I'm asking you to
2 think as you sit here. There are a lot of
3 people saying really bad things about you,
4 Mr. Hobbs. Do you agree with that?

5 A Sure.

6 Q Does that concern you?

7 A It causes you a lot of problems. It
8 can.

9 Q And my specific question with regard
10 to Ms. Sadler is: Why would she be lying about
11 you? Can you think of any reason?

12 A Anger.

13 Q Anger over what?

14 A The loss, and the way we've had to
15 live our life in the past 16 years.

16 Q So, your testimony is when we talk
17 about these people from Pam Hobbs's family
18 saying these things about you in these
19 declarations, you attribute it to them being
20 angry over the death of their son?

21 A Son, nephew, yes.

22 Q And that suggests to me that they all
23 think you were involved.

24 A I can't help that.

1 Q Let me direct your attention to

2 Paragraph 8:

3 "When Stevie had just turned" --

4 Are you going to read it with me?

5 A (Witness shakes head.)

6 Q (Reading.)

7 "When Stevie had just turned

8 seven years old, he told me that

9 Terry made him and Amanda, age

10 three or four, watch pornography."

11 Did you ever make Stevie and Amanda

12 watch pornography?

13 A No, ma'am.

14 Q Is Judy Sadler lying there?

15 A Yes.

16 Q And if Stevie told her that, was

17 Stevie lying?

18 A We never watched pornography.

19 Q If Stevie told Judy that ---

20 A Yeah. And I don't believe Stevie said

21 that.

22 Q (Reading.)

23 "When he made Amanda and Stevie

24 watch pornography, he would always

1 have Amanda on his lap."

2 It's your testimony that's a lie as

3 well?

4 A We never watched pornography.

5 Q Is it your testimony that statement is
6 a lie as well?

7 A It's a lie.

8 Q (Reading.)

9 "He -- Stevie told Terry that he
10 didn't want to watch the
11 pornography. If Stevie told Terry
12 that he didn't want to watch the
13 pornography, Stevie (sic) would
14 lock Stevie into the closet until
15 about 30 minutes before Pam got
16 home."

17 Is that a true or false statement?

18 A That's a false statement.

19 Q (Reading.)

20 "Stevie said that Terry told Stevie
21 not to tell anyone what they were
22 doing, and that if he did, Terry
23 would kill Stevie's grandmother,
24 Marie Hicks, Stevie's grandfather,

1 Jackie Hicks, Sr., and Pam."

2 Is that true?

3 A No, it's not true.

4 Q And if Stevie told Judy that, was
5 Stevie lying?

6 A Stevie didn't say that.

7 Q Paragraph 9:

8 "Stevie also told me that Terry
9 would make Stevie watch Terry
10 masterate."

11 Is that true, sir?

12 A No, it's not true.

13 Q Can you think of any reason that Judy
14 Sadler would say that about you if she had not
15 heard that from Stevie?

16 A You would have to ask Judy.

17 Q Can you think of any reason?

18 A No.

19 Q (Reading.)

20 "Additionally, Terry would make
21 Stevie sexually molest Amanda."

22 Did that happen, sir?

23 A Never.

24 Q Can you think of any reason Judy

1 Sadler would make that allegation, that serious
2 allegation about you?

3 A No.

4 Q It's your testimony that that's a lie?

5 A It is.

6 Q (Reading.)

7 "Terry would watch and tell Stevie
8 what to do sexually to Amanda.
9 These were not isolated
10 incidents. They were recurring
11 from the time Stevie was six until
12 his death."

13 It's your testimony that that's a lie?

14 A It's a lie.

15 Q Let me direct your attention to
16 Paragraph 13 of Judy Sadler's declaration. It
17 says:

18 "Attached hereto" --

19 You can read along with me.

20 "Attached hereto is Exhibit 1 are
21 true and correct copies of pages
22 from Amanda Hobbs' journal in her
23 handwriting. In it Amanda
24 discussed the sexual and physical

1 abuse that Terry inflicted on
2 her."

3 And you can turn back following the end
4 of the declaration. There are pages from
5 Amanda's journal. The first page of the journal
6 says:

7 "This book belongs to Amanda
8 Hobbs."

9 Do you recognize the handwriting on
10 these pages as being Amanda's handwriting?

11 A No.

12 Q Is it your testimony it's not Amanda's
13 handwriting?

14 A I don't know whose it is.

15 Q Sir, can you recognize your daughter's
16 handwriting?

17 A No.

18 Q Why not?

19 A I don't really read -- she didn't
20 write much. I ain't sure she wrote this.

21 Q Let's read through it. It's
22 July 18th of 2008:

23 "You know, I think I'm the only 19
24 year old" --

1 Do you want to read along with me, sir?

2 A I'm listening.

3 Q Okay.

4 "You know, I think I'm the only 19
5 year old that can't remember what
6 happened in my life ten years ago.
7 I can only remember one good thing
8 and I was in Kindergarten. The
9 rest is just bad. When I was six
10 or seven, I had a boyfriend that's
11 name was David. Well, I stayed
12 the night with him and his dad
13 messed with me. Then when I was
14 nine or ten, my dad's friend,
15 David, messed with me."

16 And I should state for the record, it's
17 my understanding she's not referring to David
18 Jacoby in that sentence.

19 "Then when I was 15, I started
20 getting" -- excuse my language --
21 "fucked up all the time. Now I
22 don't remember what happened in my
23 life last year. What I want to
24 know, what happened to me when I

1 was a child that made me how I am
2 today. Was I traumatized as a
3 child that I had to turn to drugs
4 to forget about it? I used to
5 tell my mom my dad messed with me.
6 I honestly don't remember. As far
7 as I remember, from 15 until now
8 my dad never touched me sexually,
9 but he beat the hell out of me.
10 But what if he did mess with me
11 when he knew I was at the age I
12 would never remember? I used to
13 dream about my dad having sex with
14 me, but it was just a dream; but
15 what if it was a sign? Why would
16 a four-year-old child say their
17 father touched them just for the
18 hell of it? I don't remember
19 saying it or it happening, I just
20 know I said it. Why me? Why was
21 I so attractive to grown ass men?
22 I was just a child. What did I do
23 to deserve that? I just feel like
24 something happened to me to make

1 me do the things I've done to
2 make me feel like I fail at
3 everything I do. I feel like I'm
4 not going to heaven for whatever
5 it was, and it hurts to not
6 remember or know what I've done,
7 if I've don it, if it was done to
8 me. Am I the way I am because I
9 have my father's awful blood or
10 because of my childhood? Why is
11 it that I'm always depressed
12 unless I'm fucked up? Why do I do
13 my son the way I do? Is it
14 because of the way my dad did me?
15 God, please take my father out of
16 me. I don't want to be like him.
17 I love him, he's my dad, but we
18 both know how he hit me, and I
19 don't want to be angry like him or
20 violent like him. God, you
21 are the only one who knows if I
22 was messed with as a child; and if
23 I was and I did something to
24 deserve it, please forgive me;

1 but, Father, please take this
2 feeling away from me."

3 That's pretty traumatic stuff, isn't
4 it, Mr. Hobbs?

5 A I guess.

6 Q How does that make you feel?

7 A Well, I don't know how to feel about
8 it because I don't know who wrote it, and I
9 don't really care about it. It's a bunch of
10 garbage, more of your garbage that you've
11 collected.

12 Q Mr. Hobbs, with all due respect, if
13 your daughter wrote that, it's not my garbage,
14 is it?

15 A I don't believe it's her's.

16 Q If your daughter did write that, are
17 you accusing her of lying?

18 A I don't think she wrote something like
19 that.

20 Q Assume with me that she did,
21 Mr. Hobbs.

22 A No, I will not.

23 Q Can you think of any reason that your
24 daughter would make those statements about you?

1 A This come from the Hicks family, and
2 you just sit here and look through this whole
3 pile of stuff from the Hicks family, and that
4 tells me a whole lot about this letter.

5 Q My question to you, sir ---

6 MS. DAVIS: I'll object to that
7 answer as being nonresponsive.

8 Q (By Ms. Davis) Can you think of any
9 reason that your daughter would make those
10 statements about you, sir?

11 A She didn't make them.

12 Q If she did, can you think of any
13 reason she would?

14 A She didn't make them.

15 Q Is it still your testimony that you
16 never hit your daughter?

17 A Correct.

18 Q Is it still your testimony that you
19 never sexually molested her?

20 A Never one time.

21 Q Is your daughter, Amanda Hobbs,
22 emotionally troubled?

23 A She -- she's had some problems.

24 Q And what are they?

1 A Huh? Seeing her daddy's name drug all
2 around the world by your client. It's a
3 problem. It's caused us some issues.

4 Q And just to be clear, as you sit here
5 today in 2009, it's your testimony that any
6 problems your daughter has are the result of
7 comments Natalie Pasdar -- Natalie Maines Pasdar
8 of the Dixie Chicks made?

9 A And everybody else involved.

10 Q Let me ask you that then. As you sit
11 here today in 2009, it's your testimony that any
12 problems your daughter, Amanda Hobbs, has are as
13 a result of actions taken by the press, the West
14 Memphis 3 defense team, the investigators and
15 the Dixie Chicks?

16 A That's a big part of the problems that
17 she's had.

18 Q Do you take any personal
19 responsibility for any problems that Amanda
20 Hobbs has?

21 A I have been a good daddy.

22 Q So the answer to that is, "no"?

23 A Correct.

24 Q We've got so many negatives going on,

1 now let me ask it this way to make it clear.

2 A I don't have any negatives.

3 Q You do -- I meant grammatical
4 negatives. You do not take responsibility,
5 personal responsibility, for any of the
6 emotional or other problems that your daughter,
7 Amanda Hobbs, has. Is that correct, sir?

8 A In this stack of papers, no.

9 Q I'm not talking about that stack of
10 papers. I'm talking about your daughter, sir.

11 A I have been a good daddy to my
12 daughter.

13 Q And I take that to mean that when we
14 talk about emotional or other problems that your
15 daughter has had, you do not feel you are
16 responsible for any of those. Is that correct?

17 A Correct. I've been a strong -- I have
18 been a father figure to my daughter.

19 (Whereupon, Exhibit No. 32
20 was marked to the testimony
21 of the witness.)

22 Q (By Ms. Davis) Let me show you what's
23 been marked as Deposition Exhibit No. 32, which
24 is a declaration from David Jacoby. Mr. Jacoby

1 is a friend of your's; correct?

2 A He is.

3 Q And he is also a major alibi witness
4 for you with regard to your whereabouts on the
5 night of May 5th of 1993; correct?

6 A He's one alibi.

7 Q Let me direct your attention to
8 Paragraph 6. Excuse me for just a second.

9 (Brief pause.)

10 Q (Reading.)

11 "On May 5th of 1993, I worked at
12 the Memphis Ice Cream Company. I
13 got home from work at
14 approximately 4:30 p.m. on that
15 day. Sometime between 5:00 p.m.
16 and 5:30 p.m. on May 5th of
17 1993 -- it could have been as a
18 late as 6:00 p.m, but I believe it
19 was between 5:00 and 5:30 p.m. --
20 Terry Hobbs came over to my
21 house."

22 You don't disagree with that paragraph,
23 do you?

24 A Well, I'm not sure about the time

1 frame.

2 Q It's possible you got there between
3 5:00 and 5:30?

4 A It's possible I went over to his
5 house.

6 Q Between 5:00 and 5:30?

7 A I ain't gonna to say that.

8 Q Well, it's either not possible or it's
9 possible.

10 A Well, I went over to his house.
11 That's possible.

12 Q Is it possible you got there between
13 5:00 and 5:30?

14 A I'm not sure.

15 Q So, it is possible?

16 A I'm not sure.

17 Q If you're not sure, then it's
18 possible.

19 A Call it what you will.

20 Q Let me direct your attention to
21 Paragraph 7:

22 "I believe I saw Terry's stepson,
23 Stevie Branch, ride by on his
24 bicycle in the street in front of

1 my house. I also believe I saw
2 two other little boys with Stevie.
3 One of the other boys who went by
4 the front of my house was on a
5 bicycle, and the other boy was on
6 a skate board."

7 Did I read that correctly?

8 A Looks like it.

9 Q Is it true that Stevie rode by David
10 Jacoboby's house on his bike when you were over at
11 David's house on May 5th of 1993?

12 A I don't see how that's possible.

13 Q It -- are you saying that Mr. Jacoby
14 is lying in that statement?

15 A No, because he didn't make a
16 statement. He said he believes. He isn't sure.

17 Q But that's what he believes, sir.

18 A Oh, well. Ask him.

19 Q Sir, this relates to whether your son
20 was alive while you were at David Jacoby's house
21 on May 5th of 1993.

22 A I don't know what happened. I don't
23 know where he was at when I was at David's
24 house, but I went to get David to help me --

1 help me go look for him; and don't you think if
2 I seen him riding on the sidewalk or street
3 behind me, I would have said, "There he goes.
4 Never mind"?

5 Q Thank you, sir. Though, it is
6 possible that Stevie and the two boys rode by,
7 as David Jacoby suggests in this declaration ---

8 A I don't see how.

9 Q --- on May 5th of 1993; correct?

10 A I don't see how.

11 Q But it is possible?

12 A Not in my opinion.

13 Q Is it your testimony that David Jacoby
14 is lying in Paragraph 7?

15 A I ain't going to say he's lying, but I
16 just don't understand that one.

17 Q Because this is a very serious
18 statement, isn't it?

19 A Is it?

20 Q Well, it is because it has the boys
21 with you around 5:00 or 5:30 on May 5th of
22 1993 ---

23 A Would ---

24 Q Let me finish my question -- when you,

1 sir, said you didn't see them that day.

2 A I didn't see them that day.

3 Q Is it a very serious allegation, isn't
4 it?

5 A Not to me.

6 Q Why not?

7 A Why is it?

8 Q Why does it not concern you that your
9 alibi witness and friend is placing you with the
10 boys between 5:00 and 5:30 p.m. on May 5th of
11 1993 when you said you never saw them?

12 A I never seen them that day.

13 Q Why doesn't that ---

14 A And my friend's not placing them with
15 me.

16 Q Why doesn't that concern you, sir?

17 A Because it never happened.

18 Q Let me direct your attention to
19 Paragraph No. 8:

20 "Terry and Amanda came inside my
21 house. Amanda played with toys
22 and Terry and I sat down and
23 played guitars for up to one
24 hour."

1 You've already stated that it's
2 possible that you went over to David's house and
3 played guitars for one hour; correct?

4 A I didn't say that.

5 Q You said that in your last deposition.

6 A I don't recall playing the guitar. I
7 went over to see if David would help me look for
8 the three little boys.

9 Q But you did concede that it was
10 possible you played guitars, even though you
11 don't recall it?

12 A I don't recall it.

13 Q (Reading.)

14 "At some point while Terry and I
15 were playing guitars, I asked,
16 'where is Stevie?'"

17 Do you not want to follow?

18 A I'm listening.

19 Q (Reading.)

20 "I asked, 'where is Stevie?'
21 because Stevie usually came over
22 to my house with Terry and Amanda
23 and also Pam Hobbs when she came
24 over. Terry responded that Stevie

1 Q Paragraph 9:

2 "Between approximately 6:00 p.m.
3 and 6:30 p.m. on May 5th of
4 1993, Terry got up from playing
5 guitars and told me that he was
6 going to his house to see if
7 Stevie was at home. Terry told me
8 that Stevie was supposed to be
9 home and he thought for sure
10 Stevie would be home before dark
11 or by dark or something to that
12 affect."

13 Did that occur?

14 A No.

15 Q (Reading.)

16 "Terry then left my house. I am 90
17 percent sure that Terry left
18 Amanda at my house for me and my
19 wife to watch and Terry left my
20 house alone."

21 Did you leave Amanda at David Jacoby's
22 house to watch -- I mean, for David Jacoby to
23 watch Amanda and you leave the house alone?

24 A No.

1 Q Are you sure about that?

2 A David was with me.

3 Q My question was: Are you sure about
4 that?

5 A Yeah, pretty sure.

6 Q Not positive?

7 A Well, I went to David's house to get
8 him to go help me look. I left my daughter
9 there and he went with me. We went looking.

10 Q I want to be clear about what you
11 disagree with in Mr. Jacoby's declaration,
12 particularly since he's your alibi witness. You
13 disagree that the boys were there; correct?

14 A Correct.

15 Q You disagree that you told David that
16 Stevie was riding his bike?

17 A Correct.

18 Q You disagree that you left David
19 Jacoby's home alone?

20 A I think David left with me.

21 Q So you disagree with him when he says
22 you left alone?

23 A Okay. Right.

24 Q Paragraph 10:

1 "Terry was gone from my house for a
2 while. Terry returned to my house
3 later and asked if Stevie had come
4 by. When I said, 'no,' I
5 volunteered to go out with Terry
6 to ride with him to look for
7 Stevie."

8 Paragraph 11:

9 "Terry and I drove around the
10 neighborhood for approximately 10
11 to 15 minutes looking for Stevie.
12 We drove near some apartments. We
13 did not stop at any houses or talk
14 to anyone at this point."

15 Paragraph 11:

16 "Terry then dropped me off at my
17 house and said he was going to
18 check a few other places for
19 Stevie. I believe Terry again
20 left alone with Amanda staying at
21 my house."

22 Do you disagree with anything

23 Mr. Jacoby says in those statements?

24 A I don't recall none of that.

1 Q So, those statements are possibly
2 true?

3 A Possibly not.

4 Q But they are possibly true?

5 A Could not be.

6 Q But they could be, sir. My question
7 is: Could they be true?

8 MR. THOMAS: Objection; calls for
9 speculation.

10 A At the same time, they could not be.

11 Q (By Ms. Davis) If you will say, "yes,
12 they could be true," I will let you say, "and,
13 yes, they may not be."

14 A Yes, they could be; and, yes, they
15 could not be.

16 Q And, in fact, with regard to all of
17 the statements we've read in the declaration
18 from Mr. Jacoby, that's correct, all the
19 statements, according to you, could be true, but
20 they could also not be true. Is that fair?

21 A Okay.

22 Q Paragraph 13:

23 "After a while, Terry drove back to
24 my house. I again went with Terry

1 to ride around and look for
2 Stevie. We drove two more times,
3 nearly the same route we had
4 driven before. I remember that we
5 again went by the apartment
6 complex and saw some kids playing.
7 Terry told the kids that he was
8 looking for a little blond headed
9 boy. A little black girl told
10 Terry" -- and there's misprint
11 here -- "he" -- should be she --
12 "had seen that there were some boys
13 riding their bikes near the woods
14 near the apartments, which were
15 the Robin Hood Hills Woods."

16 Is that Paragraph 13 correct?

17 A I don't know. I doubt it.

18 Q It could be true, it could not be
19 true. Is that fair?

20 A Correct. Correct.

21 Q "Terry" -- this is Paragraph 14:

22 "Terry again took me home and
23 dropped me off because it was
24 getting dark, and I was going to

1 change clothes and get flashlights
2 to search further. I do not know
3 where Terry went, but I expected
4 him to come back to get me. I
5 believe he took Amanda with him.
6 I changed clothes, but Terry never
7 showed back up."

8 Same situation, that statement could be
9 true, could not be true. Is that your best
10 testimony?

11 A Correct.

12 Q Paragraph 16:

13 "I was not in Robin Hood Hills
14 Woods searching for Stevie or
15 other missing children alone or
16 with Terry Hobbs on May 5th, 1993
17 at or near 6:00 p.m. or 6:30 p.m."

18 Statement could be true, could not be
19 true?

20 A Correct.

21 Q Mr. Hobbs, your journals contradict
22 themselves with regard to the events of May 5th
23 of 1993. Are you aware of that?

24 MR. THOMAS: Objection; asked and

1 answered. We went over that extensively on more
2 than one occasion in the previous deposition.

3 Q (By Ms. Davis) You can -- you can
4 answer that.

5 A Well, you -- the time frames might be
6 wrong, but a lot of them events, as I seen them,
7 happened.

8 Q You've told many different versions of
9 what you did after dropping Pam Hobbs off at
10 work around 5:00 p.m. on May 5th of 1993, but in
11 all those versions you were always searching for
12 Stevie the whole time; correct?

13 A Correct.

14 Q Now, David Jacoby is saying that you
15 came over to his house at 5:00 something and
16 played guitar for about an hour.

17 A I don't recall that.

18 Q You've repeatedly said that you were
19 with Mark Byers and Dana Moore at 6:00 p.m., but
20 Dana Moore and Mark Byers say you weren't.

21 A Well, I know we met in their front
22 yard. Like I said, I'm not sure of the time.

23 Q You told the West Memphis Police that
24 you searched the woods with Regina Meek, and she

1 said she never went in the woods; correct?

2 A Well, we walked down inside the woods.

3 Q You told the West Memphis Police

4 Department that you were searching the woods

5 with David Jacoby from 6:00 p.m. to 6:30 p.m.,

6 and he says y'all weren't.

7 A Well, I'm not sure of the time.

8 Q You told several different versions

9 about what time you called the police; correct?

10 A I'm sure. I called the police after.

11 Q And now you admit that it was at 9:19

12 p.m., and that was the only time you called ---

13 A That was after I ---

14 Q --- the police.

15 A --- picked Pam up.

16 Q You told Pam that you had Amanda with

17 you the whole time from when you dropped her off

18 at 5:00 p.m. and picked her up at 9:00 p.m., but

19 now you admit that you left her at Jacoby's

20 house; correct?

21 A I didn't tell Pam I had her, and I did

22 leave her at David's house.

23 Q You said you saw a black bum -- in

24 2007, for the first time, you say you saw a

1 black bum on May 6th, and Pam says there was
2 no black bum.

3 A There was.

4 Q You said you weren't a sexual
5 molester, and Mildred French says that you broke
6 into her house and attacked her and sexually
7 molested her back in 1982. Stevie told people
8 that you made him molest his sister, and Amanda
9 has written in the journal that she accused you
10 of sexually molesting her when she was four
11 years old.

12 A Well, I didn't do none of that.

13 Q You said you weren't a violent man,
14 but you've admitted you hit your wife.

15 A Slapped her.

16 Q You shot your wife's brother who
17 thought that you were involved in the murders,
18 and he ultimately died from complications of
19 that gunshot wound. Mildred French says you
20 beat your first wife and child. Judy Sadler,
21 Marie Hicks and Jo Lynn McCaughey said Stevie
22 said you beat him. And Amanda, in her own
23 handwriting, prays that your blood will be taken
24 out of her because you were so violent and angry

1 and beat the hell out of her. What is your
2 response to that, sir?

3 A I don't have one because all that
4 stuff you just said ain't true.

5 Q And none of it concerns you at all?

6 A Well, you just -- sure, you talk about
7 me like I'm a dog.

8 Q It's not me talking about you, sir.
9 Do you understand that?

10 A I don't believe -- a lot of this stuff
11 in there I don't believe.

12 Q You admit that you have Stevie's
13 prized knife that the rest of the family thought
14 would be with him when he died; correct?

15 A It's possible I still have it.

16 Q Pam Hobbs' family thinks you're
17 involved in the murders; correct?

18 A That's their issues.

19 Q And you have a dispute with every
20 single one of your alibi witnesses: Dana Moore,
21 Mark Byers, Regina Meek.

22 A You said ---

23 Q Let me finish. David Jacoby, Pam
24 Hobbs, every one except four-year-old Amanda;

1 correct?

2 A You know what, you're so close to West
3 Memphis Police Department, you could drive --
4 you're welcome to drive over there, look at the
5 videotapes. I'm on the videotape three times
6 going down to the police station asking for
7 help. David Jacoby, Pam Hobbs, Marie Hicks,
8 Jackie Hicks, Sr. were all five of us together
9 going down at that police station.

10 Q Have you ever seen those videotapes?

11 A I don't have to. It's on a recording.

12 MS. DAVIS: Object to the
13 response as being non -- the answer as being
14 nonresponsive.

15 A No.

16 Q (By Ms. Davis) You have never seen the
17 videotapes you're talking about?

18 A No.

19 Q Do you know if they exist?

20 A They've got cameras all over the
21 police department.

22 Q You know they have cameras. Do you
23 know whether the videotapes you're referring to
24 exist?

1 A I'm sure they're in the files. I
2 don't know if they exist or not.

3 Q Thank you, sir. You say you were not
4 ever alone on the night of May 5th and the
5 morning of May 6th, and yet David Jacoby says
6 you left his house twice alone and once with
7 just Amanda. That's correct, isn't it, sir?

8 A I don't know.

9 Q No one can corroborate being with you
10 or your whereabouts for the time period from
11 6:00 p.m. to 8:00 or 8:30 p.m. Isn't that true,
12 sir? You don't have anybody ---

13 A My daughter was with me.

14 Q David Jacoby says your daughter was
15 with him.

16 A From the time I dropped Pam off until
17 David got with me. Me and Amanda rode around,
18 we walked around the neighborhood.

19 Q And from 6:00 p.m. to 8:30, according
20 to David Jacoby, he's got Amanda, you don't.

21 A So.

22 Q So my point is, there's not any
23 witness -- not any of your alibi witnesses can
24 confirm your whereabouts from 6:00 p.m. to 8:30

1 p.m. Isn't that true, sir?

2 A And you're saying what?

3 Q I'm saying that you don't have an
4 alibi witness for two to two and a half hours on
5 the evening of the murders.

6 A I don't know.

7 Q Does that concern you?

8 A No.

9 Q You say you weren't at the crime
10 scene; but, of course, DNA that matches your's
11 is there; correct?

12 MR. THOMAS: Objection; lack of
13 foundation.

14 A I don't know.

15 Q (By Ms. Davis) You say you weren't at
16 the crime scene, but DNA that matches the friend
17 that you had spent an hour with playing guitar
18 is at the crime scene; correct?

19 A I don't know.

20 MR. THOMAS: Objection; lack of
21 foundation.

22 Q (By Ms. Davis) And you say you didn't
23 see Stevie or Michael Moore or Christopher Byers
24 at all on May 5th of 1993.

1 A I didn't.

2 Q And David Jacoby says he saw him when
3 you came over to his house.

4 A You might ask him, but I never seen
5 them on May the 5th.

6 Q If you put all of these statements
7 together and all the evidence together that I've
8 just run through and you're the police, wouldn't
9 you want to look at Terry Hobbs for this murder?

10 MR. THOMAS: Object to the form.

11 A Why don't you take them over to the
12 police and let them look at all this crap.

13 MS. DAVIS: I'll object to that
14 answer as being nonresponsive.

15 Q (By Ms. Davis) The declarations and
16 the evidence on the table as I've just set
17 forth, if you were in charge of figuring out
18 what happened on the night of May 5th of 1993,
19 you would have to look at Terry Hobbs, wouldn't
20 you?

21 MR. THOMAS: Objection; calls for
22 speculation.

23 Q (By Ms. Davis) You wouldn't want to
24 know -- you wouldn't want to look a little

1 further into what Terry Hobbs was doing?

2 A No.

3 Q You wouldn't consider Terry Hobbs a
4 suspect?

5 A I think they put that very statement
6 in the -- in the newspaper for everybody to
7 read.

8 Q I'm not sure the police had all that
9 evidence I just listed for you, sir, when they
10 made that statement.

11 A This is not evidence.

12 Q Sure is, sir.

13 A Evidence to what?

14 Q It's evidence of your whereabouts on
15 the nights of May 5th and 6th, and it's sworn
16 to ---

17 A The police know where I was at.

18 Q --- in admissible form.

19 A The police know where I was at that
20 night.

21 Q None of any of this concerns you?

22 A No.

23 Q Do you think it's funny?

24 A No. I think it's a bunch of crap.

1 Q Are you aware that 48 Hours has been
2 in Arkansas putting together a television
3 program on all of this new evidence?

4 A No.

5 Q Have they called you or tried to speak
6 to you?

7 A No.

8 Q Did you ever see a photograph of your
9 son, Stevie, on the couch with Damien Echols?

10 A I've heard of one. I don't know if
11 I've seen it or not.

12 Q Did you color your hair at the time of
13 the murders?

14 A No.

15 Q Have you ever colored your hair?

16 A I don't believe so.

17 Q Who is George Taylor?

18 A I don't know.

19 Q What's your Social Security number?

20 A Ain't none of your business.

21 Q Are you refusing to give me your
22 Social Security number?

23 A Yeah.

24 Q What's your driver's license number?

1 A I don't know.

2 Q Is it in your wallet?

3 A It is.

4 Q Can you pull it out and get it for me?

5 A Sure. (Witness complied.) 089918391.

6 Q You filed for bankruptcy; correct?

7 A And?

8 Q I'm sorry?

9 A And?

10 Q Did you file for bankruptcy, sir?

11 A Sure.

12 Q You've made a lot of statements like,

13 "and" or "so what" or "so" or -- why do you

14 respond that way?

15 A I don't have to have a reason.

16 Q Are you agitated or irritated that

17 we're going through these details?

18 A No.

19 Q You understand, sir, that by filing

20 this lawsuit, you are the one that put your

21 whereabouts on May 5th and May 6th of 1993

22 into issue?

23 A No.

24 Q You don't believe that happened?

1 A It's never been an issue.

2 Q There's an issue about what you were
3 doing on May 5th and May 6th and whether you
4 were involved in those murders.

5 A Issue with who?

6 Q With the court now that you have filed
7 this lawsuit?

8 A With what court?

9 Q The court ---

10 A The courts did not think I'm an issue,
11 as you put it.

12 Q In The United States District Court
13 For The Eastern District Of Arkansas, Western
14 Division, by filing this lawsuit, you understand
15 that you put all this in issue. It was your
16 action.

17 A The courts do not think I'm an issue
18 in this murder.

19 Q And you base that on the comments made
20 by the West Memphis Police Department; correct?

21 A I base that on the justice system. I
22 base that on the truth. I base that on belief.

23 Q When did you file for bankruptcy?

24 A Couldn't tell you.

1 Q Was it in the '90s?

2 A I'm not sure.

3 Q Could have been the '80s?

4 A It could have been.

5 Q Was it before or after the murders?

6 A After.

7 Q Do you recall how long it was after?

8 A I don't.

9 Q What were the circumstances that
10 caused you to file for bankruptcy?

11 A I don't recall.

12 Q Have you received any charitable
13 donations from people that were sympathetic to
14 the family situation that you were in following
15 the murder of Stevie?

16 A Have I received?

17 Q Yes.

18 A Our families -- all three families
19 did.

20 Q How much did your family receive?

21 A I couldn't tell you.

22 Q More than 10,000?

23 A I couldn't tell you.

24 Q More than 20,000?

1 A I couldn't tell you.

2 Q More than 50,000?

3 MR. THOMAS: Objection; calls for
4 speculation.

5 A I'm not sure.

6 MR. THOMAS: He's already said he
7 couldn't tell you.

8 Q (By Ms. Davis) Is it more than
9 100,000?

10 A I'm not sure.

11 Q I presume you're sure that was it more
12 than a million?

13 A I don't know.

14 Q It could have been more than a
15 million?

16 A Or it could not have been.

17 Q Right. We're back to that. It's
18 possible that you've received, through
19 charitable donations, you and your family, more
20 than a million dollars? It's also possible you
21 didn't?

22 A Correct.

23 MR. THOMAS: Objection; calls for
24 speculation.

1 Q (By Ms. Davis) How -- what would be
2 the best way for me to determine how much your
3 family received as a result of charitable
4 donations arising from people's sympathy over
5 the murder of Stevie?

6 A Ask Father Tinsley. He was in charge
7 of the funds.

8 Q Have you received any funds from
9 people sympathetic to your situation following
10 the death of Stevie, other than the funds you
11 received through this Father Tinsley?

12 A Not that I recall.

13 Q Is it possible you did?

14 A Here we go.

15 Q It's possible you did and possible you
16 didn't?

17 A I didn't. I don't recall.

18 Q Well, are you sure you didn't or do
19 you not recall whether you did or not?

20 A I don't believe we have.

21 Q If we take the charitable gifts that
22 you received from people sympathetic to your
23 situation following the murder of Stevie and we
24 add the amounts that you received from the sale

1 of your life rights to Dimension Films, are
2 there any other sums of money that you or the
3 Hobbs family received arising out of the murder
4 of Stevie?

5 A Not that I can recall.

6 Q What did you do with the money that
7 you received from Dimension Films?

8 A I don't remember.

9 Q Do you remember buying a canary yellow
10 truck?

11 A Well, I didn't know it was a canary.

12 Q You do remember buying a yellow truck?

13 A I do.

14 Q Does that refresh your recollection
15 that what you did with the funds that you
16 received from the sale of your life story to
17 Dimension Films and the sale of Stevie's life
18 story to Dimension Films was buy a yellow truck?

19 A I'm not sure if we sold Stevie's
20 rights in that or not, but I did buy it -- take
21 part of it to buy that truck.

22 Q What did you do with the rest of it?

23 A Couldn't tell you.

24 Q Did Amanda ever run away from home

1 while she was living with you?

2 A I don't know.

3 Q Do you have any recollection of
4 calling the police and reporting that Amanda had
5 run away in 2004?

6 A No, not right off.

7 Q Doesn't ring a bell?

8 A No.

9 Q Did Pam Hobbs get a restraining order
10 against you in 2005?

11 A I'm not sure.

12 Q That doesn't ring a bell either?

13 A I'm not sure. No, it don't ring a
14 bell.

15 Q Did you have a breakdown in 1993 or
16 1994?

17 A No.

18 Q If your journal says you had a
19 breakdown in 1993 or '94, would that be the
20 case?

21 A I don't believe my journal says that.

22 Q If your journal did say that, would
23 you argue with it?

24 MR. THOMAS: Objection; calls for

1 speculation.

2 Q (By Ms. Davis) Can we rely on your
3 journal?

4 A It's just something I was trying to
5 write a story about.

6 Q I -- you've said that before. Clarify
7 that for me. Are you trying to write a fiction
8 story or are you trying to accurately record the
9 events that occurred on May 5th?

10 A I'm just trying to write a story.

11 Q What does "a story" mean?

12 A To me, this is a story. Just a story.

13 Q A true story?

14 A I don't know if it's true. I don't --
15 I would like to think I'm doing my best with it.
16 Have you ever tried writing something about
17 something like this?

18 Q Mr. Hobbs, do you even know what's
19 true regarding the events of May 5th or May
20 6th of 1993?

21 A Sure do.

22 Q That just may not be included in your
23 journals. Is that correct?

24 A Well, that might be your theory.

1 Q And it might not be included in your
2 Dimension Films interview, the truth; correct?

3 A Well, you can call it what you want.

4 Q And it might not, the truth, be
5 included in your interview with the West Memphis
6 Police Department; correct?

7 A Call it what you want.

8 Q Are all those statements true, sir?

9 A I wouldn't put stock in none of your
10 statements.

11 Q Your -- your accounts to those
12 different entities may or may not be true.
13 That's correct, isn't it, sir?

14 A I'm not sure.

15 MS. DAVIS: Let's take a break
16 and let me see where we're at.

17 VIDEOGRAPHER: This is the end of
18 Tape 2 of the videotape deposition of Mr. Terry
19 Hobbs. The time is approximately 11:16 a.m.

20 (Brief recess.)

21 VIDEOGRAPHER: This is the
22 beginning of Tape 3 of the videotape deposition
23 of Mr. Terry Hobbs. The time is approximately
24 11:29 a.m.

1 Q (By Ms. Davis) Mr. Hobbs, can I get
2 you to produce copies of any Social Security
3 card that you have?

4 A Why you need that?

5 Q Because there -- in some of the
6 records related to you there appear to be two or
7 even more Social Security numbers associated
8 with you, and we're trying to bear down
9 on which ---

10 A I've had one all my life.

11 Q And can you agree to produce that
12 actual card?

13 A No.

14 Q You're refusing to produce that actual
15 card?

16 A Yeah.

17 Q On what basis?

18 A It's irrelevant.

19 Q Do you believe that you still have the
20 card?

21 A I have it in my wallet as I sit here.

22 Q And you know your Social Security
23 number right now, but you are simply refusing to
24 provide us that information?

1 A You already have it.

2 Q We have a number that you put on the
3 top of the medical authorization form. Is that
4 what you're talking about?

5 A Probably. It's on your police report.

6 Q And my question to you is: Can we
7 corroborate the actual card with the number put
8 on the medical authorization form?

9 A I don't know if you can or not.

10 Q Well, we could if we could see it.

11 A Ain't none of your business.

12 Q You've already -- if you've already
13 given me the number and you can ---

14 A It's on your ---

15 Q Let me finish my question, sir. If
16 you've already given me the Social Security
17 number and you can prove it's your Social
18 Security number by producing to me that Social
19 Security card, why would you refuse to prove
20 that that's the correct number by doing so?

21 A Because it's irrelevant.

22 Q Have you ever had more than one Social
23 Security number?

24 A No.

1 Q And if the records at the courthouse
2 in Shelby County, Tennessee reflect different
3 Social Security numbers for you, do you have any
4 explanation as to how that could come to be?

5 A No, I don't.

6 Q Have you ever provided to police or
7 other authorities a Social Security number
8 different than whatever the number is on the
9 card sitting in your wallet?

10 A No.

11 Q Let me direct your attention to
12 Exhibits 6 and 7 that were previously marked at
13 your deposition. Can you flip those open?

14 A (Witness complied.)

15 Q They're the answers to interrogatories
16 filed in this case. Am I correct in stating
17 that your lawyers drafted responses to those
18 questions and submitted them to you for your
19 review and you signed a verification on those?

20 THE WITNESS: Did we?

21 Q Don't ask your lawyer. I'm just
22 asking for your best recollection of what
23 occurred.

24 A I'm not sure.

1 Q You didn't sit down and type up the
2 answers to these questions that are in Exhibit 6
3 and 7, did you?

4 A What's your question?

5 Q My question is: Is what happened is
6 the chronology, so to speak, that your lawyers
7 drafted or typed up these responses for you, you
8 looked at them, and then signed the
9 verification, which is the last page on six and
10 seven?

11 A If my signature is on there, I
12 probably did it.

13 Q Let me show you right here
14 (indicating).

15 A That's my signature.

16 Q So, I'm correct in the way this came
17 down; your lawyers typed up responses, sent them
18 to you, you reviewed them, and then signed the
19 verification?

20 A I guess.

21 Q Does that sound right, sir?

22 A Yeah.

23 Q And that's true for both Exhibits 6
24 and 7?

1 A I guess, yeah.

2 Q And did you ever tell your ex-wife,
3 Pam Hobbs, that you could kill a person and hide
4 the body where no one would find it?

5 A No.

6 Q You're sure?

7 A Yeah.

8 MS. DAVIS: I'll pass the
9 witness.

10 MR. THOMAS: We'll go off the
11 record and we'll do the mikes.

12 VIDEOGRAPHER: We're going off
13 the record. The time is approximately 11:33 a.m.

14 (Brief recess.)

15 VIDEOGRAPHER: We are now back on
16 the record. The time is approximately 11:35 a.m.

17 DIRECT EXAMINATION

18 BY MR. WELLENBERGER:

19 Q Mr. Hobbs, my name is Bob
20 Wellenberger, and I represent the Dixie Chicks;
21 and you've already been questioned quite a bit
22 about this. I'm going to do my best not to go
23 over old ground. So, if I start going there,
24 y'all just say, "that's been covered." I'll

1 confer with co-counsel here, and then if it has,
2 I'll just drop it.

3 Who is Keith Emmis?

4 A I'm not sure.

5 Q What is the Victim's Voice 527?

6 A The victim's boys?

7 Q Voice. It's a 527 organization that
8 Mr. Emmis formed. Are you familiar with that at
9 all?

10 A I don't think so.

11 Q Okay. I just -- Mr. Emmis is listed
12 on your disclosures as a person with knowledge
13 of relevant facts. You -- but you don't know
14 what those facts are?

15 A Keith Emmis?

16 Q Yeah, right.

17 A Not at the moment. I can't recall.

18 Q Okay. Now, the time of death of the
19 three boys was placed between 1:00 a.m. and
20 7:00 a.m. on May 6th by the medical examiner.
21 Do you recall that testimony?

22 A Something like that.

23 Q And if you were in the woods from
24 1:00 a.m. to 7:00 a.m., would you have

1 noticed -- I mean, do you think you would have
2 noticed something going on if there was activity
3 in that -- in the woods?

4 A You would think so.

5 Q And, I mean, I'm curious, and I think
6 there is a lot of curiosity about whether that's
7 where the murders actually happened. Do you
8 have a belief as to whether the murders of the
9 three boys actually happened in Robin Hood Hills
10 Woods?

11 A Well, the police say that's where it
12 happened.

13 Q Okay. And so, you're just satisfied
14 that that's where it happened?

15 A I had to be satisfied with something.

16 Q Okay. And let's go back to the day
17 that the West Memphis 3 were arraigned for
18 murdering Stevie and his two friends. Do you
19 remember that day when -- when they were first
20 brought into the courtroom and charged,
21 arraigned with murdering the three boys?

22 A Yes, sir.

23 Q Now, Stevie's biological father had to
24 be physically restrained from attacking Damien

1 Echols. Is that right?

2 A Correct.

3 Q And then your wife at the time, Pam
4 Hobbs, Stevie's mother, had to be removed from
5 the courtroom because she kept hollering,
6 "punks, punks, punks" at the three?

7 A Correct.

8 Q And you went out with Pam Hobbs when
9 she had to leave the courtroom. Is that
10 correct?

11 A Correct.

12 Q And you were interviewed by the police
13 at the time; correct -- or not by the police,
14 but by the press when you left?

15 A Correct.

16 Q And Pam made statements about the
17 three -- the West Memphis 3 being -- how she
18 would like to beat their heads against the wall,
19 something to that affect?

20 A All right.

21 Q And you made a statement that it was
22 difficult for you to restrain yourself, that you
23 were looking for a rail to jump over or some way
24 to get at the three yourself.

1 A Probably so.

2 Q It was hard to restrain yourself.

3 A Probably.

4 Q And, I mean, you at that point had
5 formed a belief that these three had killed
6 Stevie and his two friends; correct?

7 A We didn't know until that day.

8 Q But on that day, you learned about
9 Mr. Misskelley's confession? How did -- how did
10 you form the belief on that day that these three
11 did the killings?

12 A We were called -- the police called us
13 and told us to be at the court on this day, that
14 we would find -- we would see the three boys
15 that were charged with killing our kids.

16 Q But what made you so convinced -- I
17 mean, Stevie's biological father is having to be
18 physically restrained. Pam is hollering,
19 "punks, punks, punks," and you're looking for a
20 way to get at him yourself. What made you so
21 convinced at that point in time of their guilt?

22 A At this time, you don't know what to
23 think. You know, we -- we got the phone call
24 from the police, and we showed up, and this is

1 what we showed up to.

2 Q Okay. But is it -- is it fair of me
3 to say that at that point in time, on the date
4 they're arraigned, you believed they're guilty?

5 A Probably so.

6 Q Because the police said so?

7 A Right.

8 Q Okay. Now, during each of the
9 trials -- and there was a trial for
10 Mr. Misskelley and a trial for Mr. Echols and
11 Mr. Baldwin. Were you present for each day of
12 the trials?

13 A Yes, sir.

14 Q Did -- did you and Pam sit towards the
15 front of the courtroom?

16 A Probably so, yeah.

17 Q Was there kind of a place reserved for
18 you and the other families of the three children
19 that were killed?

20 A Kind of, yes, sir.

21 Q And -- and you were there behind the
22 prosecution's table?

23 A I don't recall that to be correct.

24 Q Well, you remember -- remember the

1 prosecutor is sitting there. They have a table
2 that's next to the jury box; right?

3 A Yeah, but I don't recall if we sit
4 behind them every day, every trial.

5 Q Okay. All right.

6 A I know we was there.

7 Q But is it fair to say that while you
8 were attending those trials, that you were
9 hoping and believing that the jury would find
10 these boys guilty?

11 A We hoped and believed the truth comes
12 out and that justice takes it -- does its thing.

13 Q Okay. But in your mind at the time --
14 and correct me if I'm wrong, but in your mind at
15 the time, you believed these boys killed Stevie
16 and his two friends; right?

17 A Right.

18 Q And you wanted -- and in your mind,
19 justice was that they be convicted and punished.
20 Is that -- is that right?

21 A Yes, sir.

22 Q And so, in the newspaper -- when the
23 newspaper interviewed you or when a friend asked
24 you what your thoughts were, it was that, "I

1 would like for these boys to get what they gave
2 to my Stevie."

3 A Yes, sir.

4 Q You would -- you expressed I think
5 that you would like to have ten minutes alone
6 with each of them to do to them what they did to
7 Stevie.

8 A Correct.

9 Q Have you ever varied from that belief?

10 A Probably not.

11 Q And to this day, I mean, you're
12 sitting here, you're calling Ms. Pasdar, the
13 Dixie Chicks, the -- anybody that supports the
14 West Memphis 3, you're wanting to know what kind
15 of person would give money and advocate
16 releasing killers from prison?

17 A Correct. Yes, sir.

18 Q And your whole function here -- I
19 mean, one of your primary functions in this
20 lawsuit is to -- to chill the rights of people
21 to advocate for their release?

22 MR. THOMAS: Object to the extent
23 that it calls for a legal conclusion. Go on and
24 answer.

1 A Would you repeat the question?

2 Q (By Mr. Wellenberger) One of the
3 purposes that you're trying to do here in this
4 lawsuit is to chill the rights of other people.
5 You want to -- just to chill the rights of other
6 people to advocate for the release of the West
7 Memphis 3.

8 MR. THOMAS: Same objection.

9 Q (By Mr. Wellenberger) Is that -- is
10 that one purpose of this lawsuit?

11 A One of them.

12 Q Now, Stevie had some friends. Dawn
13 Moore was his girlfriend?

14 A Yes, sir.

15 Q He had gone and bought her a
16 five-dollar gift or something. Is that right?

17 A A little ring.

18 Q Yeah. And then Erin Hutchinson was --
19 I don't know whether he was a friend or an
20 acquaintance, but I think he knew Stevie, didn't
21 he?

22 A They all went to school together.

23 Q In the same Cub Scout group together?

24 A I believe.

1 Q And Erin had been to your house to
2 play, hadn't he?

3 A I believe so.

4 Q And then is there a neighborhood girl
5 named Kim that rode bikes with the boys?

6 A Kim? I don't recall that name.

7 Q Well, in the time since, you know,
8 Stevie was found dead, have you ever gone back
9 and tried to piece together where the boys were
10 after they left your house and before they went
11 missing?

12 A Oh, I'm sure.

13 Q I mean, did you ever find out where
14 they were, where they were riding their bikes,
15 what they were doing?

16 A I never found that out, but I've tried
17 to -- wondered where they were during this time.

18 Q There was some talk about -- there was
19 a street called W.E. Catt Street (sic), which
20 was about a block or two off of 14th Street.

21 A I'm not sure about that.

22 Q Okay. Well, there was some report
23 that they were riding bicycles on W.E. Catt
24 Street with Kim. That's in the police notes.

1 Would you -- did you ever follow up or find
2 anything out about that?

3 A No, sir.

4 Q Okay. Did you ever -- did you ever
5 sit down with Mr. Byers' or Ms. Beyrs' older boy
6 and talk to him about any of this?

7 A Ryan?

8 Q Ryan. Ryan Clark. Isn't it Ryan
9 Clark?

10 A It is.

11 Q Did you ever sit down with Ryan and
12 talk about any of this?

13 A I've -- I've talked to him a few
14 times. I don't -- that's been years ago.

15 Q Did Ryan go through the hearing a
16 gunshot or what he thought might be a gunshot
17 from Robin Hood Woods at 9:00 -- about 9:00 p.m.
18 on May 5th?

19 A I don't remember.

20 Q Did you ever talk to -- to Ryan about
21 seeing the black man on the 7th Street bridge?

22 A No. Ryan was just a child.

23 Q He was, what, 13, 14?

24 A Right.

1 Q But he and some of his friends were
2 out looking through those woods, weren't they?

3 A They were.

4 Q And I think you talked to Ryan that
5 night about maybe there was a manhole or
6 something where they might be.

7 A Right.

8 Q Do you remember that conversation?

9 A I do.

10 Q Could you tell me the conversation?

11 A I remember some of it. They were
12 going to go look and see if they was in that
13 manhole.

14 Q Do you know where that manhole was
15 located?

16 A No.

17 Q Was it behind the Weaver Elementary
18 School?

19 A I'm not sure where it was at. Still
20 don't know where it's at.

21 Q Going back to the time of death, if
22 the boys were there in those woods from
23 1:00 a.m. to 7:00 a.m., that's when they died,
24 that's when they were put in that ditch because

1 two of them drowned -- you went to the trials --
2 could any one of the three West Memphis 3 have
3 been there from 1:00 a.m. to 7:00 a.m.?

4 A I'm not sure. I'm not sure. That's a
5 three-acre area that you're talking about. When
6 you say, "woods" ---

7 Q Yeah.

8 A --- it's three acres, and there --
9 it's a pretty good piece of land.

10 Q I just -- that time of death is
11 confusing. Because you think, you know,
12 something bad happened to those boys between
13 6:30 and 9:00 or something, right after they
14 disappeared, instead of at 1:00 a.m. to
15 7:00 a.m. Didn't -- didn't you think that?

16 A I'm not sure when -- what -- I know
17 what the court said, and I'm not sure of the
18 time of death. I had to believe what the courts
19 say.

20 Q Well, but -- but based on -- based on
21 your thoughts at the time, didn't you think that
22 somebody had gotten them, you know, between 6:30
23 and 9:00 that somebody got them?

24 A We thought all kinds of things back

1 then.

2 Q Now, you worked at the Memphis Ice
3 Cream Company?

4 A Yes, sir.

5 Q And David Jacoby worked there also;
6 correct?

7 A Correct.

8 Q But -- now, you had a sales route?

9 A I did.

10 Q You drove a freezer truck?

11 A Correct.

12 Q And David had a sales route and he
13 drove a freezer truck?

14 A Yes, sir.

15 Q And did the Memphis Ice Cream Company
16 operate at night?

17 A No, no.

18 Q It was just shut down?

19 A Well, we -- it was -- we showed up to
20 work and worked until you got through, and you
21 went home.

22 Q Okay. But my -- did they have a shift
23 that worked at night?

24 A No, sir.

1 Q So, when you brought your trucks back
2 to the Ice Cream Company, you had a place where
3 they parked -- you were supposed to park them;
4 correct?

5 A Correct.

6 Q And was that inside or outside of a
7 fence?

8 A Inside a fence.

9 Q Did you have a key to the lock so that
10 you could get into the -- get in to get your
11 truck when you needed it?

12 A Sure.

13 Q Did -- did they make ice cream there
14 at that ---

15 A No, sir.

16 Q --- location? All right. So, how
17 did -- how did you get ice cream to put in your
18 truck?

19 A When we come in at the end of the day,
20 we would load our trucks up before we went home
21 or we would load them -- if we didn't want to
22 load them at the end of the day, we would load
23 them in the morning before we took off.

24 Q And where did that ice cream come

1 from?

2 A It come shipped in on 18-wheelers.

3 Q So, 18-wheelers would be there, you
4 would unload from the 18-wheelers into your
5 truck?

6 A No, sir. The 18-wheelers onto our
7 freeze -- into our freezers.

8 Q And how long had you worked at Memphis
9 Ice Cream?

10 A All together, about ten years.

11 Q And how long after Stevie's death did
12 you work there?

13 A I started in '89. It happened in '93,
14 and I was there to '98.

15 Q So, even though Pam moved to
16 Blytheville -- or y'all moved to Blytheville and
17 moved in with her family after Stevie's death,
18 you still worked at Memphis Ice Cream?

19 A Yes, sir.

20 Q So, what is that, about an hour and a
21 half commute?

22 A About an hour.

23 Q And how long did you stay in
24 Blytheville?

1 A Not long. I'm not sure of the length,
2 but it wasn't long.

3 Q Now, Pam had known David Jacoby from
4 Blytheville; right?

5 A Yes.

6 Q And you really -- Pam introduced you
7 to David Jacoby; right?

8 A Correct.

9 Q How long had David Jacoby worked at
10 Memphis Ice Cream?

11 A I got David a job there, and I'm not
12 sure how long he was there.

13 Q Was that like in '92 -- '91, '92?

14 A Roughly.

15 Q But he had been there a year or so?

16 A I don't think he had been there a year
17 yet. I'm just guessing now.

18 Q Now, your route on -- let's just -- I
19 don't want to try to say May 5. I don't want to
20 put you through a memory test of where all you
21 went on May 5, but just give me a typical day of
22 delivering ice cream from Memphis Ice Cream
23 Company, where you would go, and how long it
24 would take, and when you would get off.

1 A I usually try to get to work 5:30,
2 6:00 -- 5:00, 5:30, 6:00, something like that to
3 leave. Go run my route and probably come in
4 1:30, 2:00, 2:30. You know, just if you got
5 there and you beat the heat during the summer,
6 that's what it's about. That's the way I done
7 it.

8 Q And you would get back at 1:30 or
9 2:00, and then you would have to load up ice
10 cream for the next day in your truck?

11 A If you didn't load it the next
12 morning.

13 Q Okay. So, some days you would get up
14 like at 3:30 and get there real early and load
15 up ice cream and other days -- all right, tell
16 me.

17 A No, I never get up at 3:30. No. I
18 would get up at 5:00, try to be at work by 6:00,
19 right between 5:30 and 6:00, and get it loaded.
20 If it was already loaded, get on the truck and
21 leave.

22 Q And your route would take you to -- to
23 Mississippi?

24 A No, I had five routes.

1 Q Okay. I'm just trying to get an idea
2 of what your normal route would be during --
3 during the May 1993 time period.

4 A Say, six, seven-hour route.

5 Q Okay. And, I mean, would go to
6 Mississippi?

7 A One or two days Mississippi, one or
8 two days Arkansas -- or Tennessee, and one day
9 Arkansas.

10 Q How far -- how far west in Arkansas
11 did you go?

12 A Forest City.

13 Q And then north and south of ---

14 A Yeah, Forest City, around the loop to
15 Horseshoe Lake, and back through West Memphis.

16 Q And how far south into Mississippi did
17 you go?

18 A Hernando, 50 miles. Say, roughly
19 50 miles, round trip.

20 Q Okay. And then into eastern -- how
21 far east into Tennessee did you go?

22 A City, Collierville, Oakland, just
23 locally.

24 Q And how many stops roughly would you

1 have a day?

2 A I had 110 a week.

3 Q A hundred and ten a week?

4 A Roughly.

5 Q Do you still see any of those old
6 customers?

7 A I have. I've run across some of them.

8 Q There was one or two that it was
9 really hard for you to go -- and I may be wrong
10 about this, but I was thinking it was really
11 hard for you to go to their stores after Stevie
12 because they were so sorry about what happened
13 to Stevie, and there -- that it made you relive
14 things. Does that -- does that ring a bell?

15 A Sure.

16 Q Who were those folks?

17 A I had a lot of customers that was like
18 that. All of my customers really thought a lot
19 of me because of what I done; and when this
20 happened to us, it's just like I belonged to
21 them. They took it that personal. And they had
22 taken a liking to me, and I would go in their
23 stores. They would cry, you know, and they
24 would get emotional about it and -- and which

1 would bother me, you know, and I would go --
2 just want to do my job but end up having to
3 stand there and either cry with them or try to
4 get them to quit crying. You know, that's how
5 it bothered me, and that's how they took up to
6 me.

7 Q How long did that -- I mean, obviously
8 that didn't go on until 1998. I mean, you
9 got -- they got past that point, I would think,
10 in their relationship ---

11 A Some of them.

12 Q --- with you.

13 A Some of them. Some of them didn't.

14 Q Now, who was the father that -- you
15 gave a name of a father who handled the money
16 for the charitable ---

17 A Father Tinsley.

18 Q Now, which church was he with?

19 A The Episcopalal (sic) Church of
20 West Memphis.

21 Q The churches were really -- I mean, I
22 know the Episcopal Church, that's where the Cub
23 Scout group was part of that.

24 A Right.

1 Q And I think the Moores went to church
2 there.

3 A Yes, sir.

4 Q And so -- I mean, they were kind of
5 central church in this, but do you remember any
6 of the other churches really getting involved in
7 some fashion in ---

8 A No. You would see on their boards,
9 "pray for the families." You know, you would
10 see that, but not direct involvement, not to my
11 knowledge.

12 Q Do you recall after the Misskelley
13 confession was published that there was -- I
14 think, there was an editorial by the West
15 Memphis newspaper about addressing the problem
16 with Satanism. Do you -- do you recall any
17 effort in West Memphis in the churches after
18 Mr. Misskelley's confession was published in
19 that regard?

20 A Probably not.

21 Q Okay. Do you remember an affidavit
22 that was signed by an officer named John Slater
23 of the West Memphis Police Department?

24 A No.

1 Q It seems like there was a shift change
2 at 11:00 p.m. with West Memphis Police
3 Department. Does that sound right?

4 A No. It was around 9:00.

5 Q You think it was 9:00?

6 A I'm thinking it was 9:00. Because
7 when we was out there at the woods, Regina had
8 to go for shift change.

9 Q Mr. Slater -- Officer Slater said that
10 apparently they dropped the ball at shift change
11 and nobody brought up these three missing
12 children. Is that kind of accurate as far as --
13 I mean, you didn't see any other police officers
14 out there after Regina Meek left, did you?

15 A It was after shift change. There was
16 another officer that come out.

17 Q Was that Officer Moore?

18 A I'm not sure.

19 Q Officer Moore was the person that you
20 made the police report to, I believe.

21 A We -- I think we talked to Regina
22 Meeks.

23 Q Well, Regina ---

24 A Seems like I remember Officer Moore's

1 name, but I don't recall.

2 Q I don't want to try to confuse
3 anything, and I don't want to get out a bunch of
4 papers and start reading it.

5 A Right.

6 Q But my recollection is is that Officer
7 Meek took the police report for Byers and Moore
8 at Mr. Byers' house in the 8:00 o'clock time
9 frame.

10 A Something like that.

11 Q And then Officer Moore responded to
12 the catfish place where your wife worked to take
13 the missing persons report on Stevie. I'm not
14 trying to confuse anything. But, now, you
15 were -- you remember Officer Meek, and do you
16 also remember Officer Moore?

17 A I remember the name Officer Moore.

18 Q Okay. This Dimension Films contract
19 you signed, do you have -- do you know what that
20 was going to be based on?

21 A Yeah, that book about the Devil's
22 Knot.

23 Q Now, that's saying to me that you
24 would be a fan of the Devil's Knot. Are you a

1 fan of that book?

2 A No.

3 Q Do you think that book accurately
4 portrays what the West Memphis Police Department
5 did?

6 A I really haven't read it.

7 Q Okay. But you -- you're going to make
8 a movie based on a book that you don't think is
9 right. Is that accurate?

10 A I haven't read the book, and I'm not a
11 fan of Mara Leveritt and we -- I believe we were
12 led to believe that we -- our input would be
13 accounted.

14 Q So, in other words, you would be able
15 to advocate that the West Memphis Police
16 Department had done a good job, and that the
17 prosecution had done a good job, and that they
18 got the right three boys, and they needed to
19 stay where they were, except for Damien, and he
20 needed to go on past the next gate?

21 A Okay.

22 Q Is that -- is that ---

23 A Somewhat.

24 Q Okay. And then, of course, there was

1 the 12,500 dollars. I am -- I am sure that that
2 money came in helpful to you and to Pam. Is
3 that accurate?

4 A I'm sure it did.

5 Q Okay. And at the time you're doing
6 the Dimension Films, is trying to do justice for
7 Stevie even a part of that at this point?

8 A Probably to some degree.

9 Q Now, tell me about that. I mean,
10 just -- what is this doing justice for Stevie
11 about?

12 A Because we felt like this HBO made
13 some bad documentaries. You know, they led us
14 one way and done another, and we wanted to
15 somewhere along the line try to correct that,
16 and I -- when this come along, we probably
17 caught ourself doing that.

18 Q And by "correcting it," you mean ---

19 A Get out some of the truth as we knew
20 it.

21 Q And the truth will be like that Jessie
22 Misskelley gave four confessions, not one?

23 A Okay.

24 Q I mean, is that part of the truth?

1 A If that -- that means a
2 (unintelligible).

3 Q Well, I mean, I'm -- I'm not -- I'm
4 not telling you answers. I'm asking you
5 questions.

6 A I'm not disputing his confessions. He
7 did that, not me.

8 Q And you believe his confessions;
9 correct?

10 A I have no reason not to.

11 Q Now, what -- I mean, you're wanting
12 this film to come in and say the West Memphis 3
13 killed Stevie and his two friends, and they
14 deserve the punishment they got. I mean, that's
15 the -- that's your -- that's part of why you're
16 doing the Dimension Films contract; correct?

17 A I'm not sure about that.

18 Q Okay. What -- what are you unsure
19 about then?

20 A I mean, if that was our mission -- I
21 ain't going to say that that was our mission.

22 Q Was that one of your missions?

23 A It could have been. I'm not sure.

24 Q Well, I mean, I thought you thought

1 you were going to set the record straight on
2 something.

3 A We've been aggravated about the Dim --
4 or the HBO ever since that happened.

5 Q And because it was sympathetic to the
6 West Memphis 3?

7 A It portrayed them in the wrong manner.

8 Q And they should have been portrayed
9 as ---

10 A What they are.

11 Q --- killers; correct?

12 A What they are.

13 Q Well, I mean, that's killers; right?

14 A Correct.

15 Q What did the Dixie Chicks do to you?

16 A They took my name, like everyone else,
17 and spread it around the globe that the new
18 DNA -- and everybody at the time knew what the
19 new DNA was about, and that was a wrong --
20 misleading everybody.

21 Q Well, how was the DNA misleading
22 anybody?

23 A No one's ever said it was my DNA
24 except that defense team.

1 Q Well, the -- okay. But what did the
2 Dixie Chicks' posting, Natalie Pasdar -- what
3 statements did the Dixie Chicks make?

4 A The same as everybody else. They let
5 it be posted on their internet website, kept it
6 up there damn near two years.

7 Q Okay. So, they allowed Natalie
8 Pasdar's letter to be posted on the website?

9 A I didn't do it.

10 Q Well, I mean, that's my question.
11 That's what they did wrong, they allowed Natalie
12 Pasdar's letter to be posted?

13 A (Unintelligible).

14 Q I'm asking you if that's what they did
15 wrong, in your opinion.

16 A Well, in my opinion, it is.

17 Q Now, you're not saying that the Dixie
18 Chicks participated -- as a group, participated
19 in the Little Rock Rally, are you?

20 A We all know who was there.

21 Q Well, that was Natalie Pasdar;
22 correct?

23 A Correct.

24 Q And she didn't -- she wasn't there

1 representing the Dixie Chicks, was she?

2 A She's known as a lead singer of the
3 Dixie Chicks. That was in the papers.

4 Q Okay. So, she can be a lead singer of
5 the Dixie Chicks but still have a life separate
6 and apart from the Dixie Chicks, can't she?

7 A I don't know. That's up to them.

8 MR. WELLENBERGER: I'm going to
9 take a break and see if there's -- I think we're
10 about done.

11 VIDEOGRAPHER: We're going off
12 the record. The time is approximately 12:07 p.m.

13 (Lunch recess.)

14 VIDEOGRAPHER: We are now back on
15 the record. The time is approximately 1:00 p.m.

16 (Whereupon, Exhibit No. 33
17 was marked to the testimony
18 of the witness.)

19 Q (By Mr. Wellenberger) Mr. Hobbs, I
20 had you look at Exhibit 33 during the lunch
21 break, and is this a copy of an article that was
22 in the Memphis Commercial Appeal following the
23 arraignment of the West Memphis 3?

24 MR. THOMAS: We can stipulate to

1 these two articles under the same terms and
2 conditions of Stipulation No. 1 and Stipulation
3 No. 4 that are already filed.

4 MR. WELLENBERGER: Okay. So
5 that's -- that's exhibit -- Deposition Exhibits
6 20 and 33 are subject to the same stipulation as
7 the articles attached to Stipulation No. 1.

8 MS. DAVIS: Agreed.

9 (Whereupon, Exhibit No. 34
10 was marked to the testimony
11 of the witness.)

12 Q (By Mr. Wellenberger) When you were
13 out looking for the boys, were you real
14 concerned before dark?

15 A Sure.

16 Q Now, is -- was it unusual for Stevie
17 and his friends maybe there to get off and get
18 gone and miss meals or be late?

19 A No. I can't speak for his friends. I
20 speak for Stevie; but, no, we kept a tight rope
21 -- or keep up with him pretty good.

22 Q So, it was really unusual for him not
23 to be home at the appointed hour?

24 A Yes, sir.

1 Q And so you were really concerned?

2 A I was.

3 Q I'm going to hand you what I've marked
4 as Exhibit 34, which is just kind of a street
5 map, as I understand it, of where you and the
6 Byers and the Moores lived. Is that -- does
7 that -- does that look like an accurate kind of
8 layout of the streets? Forget the ledging on it
9 for right now. But just the streets?

10 A I guess, yeah. Some -- pretty close.

11 Q And they've marked on there at I think
12 it's A and B are the Byers' and the Moores' home
13 and your home has letter C. Is that -- is that
14 accurate as to where those are located?

15 A Seems like we lived on North McAuley,
16 1600 North McAuley, pretty close.

17 Q And then they also have marked on
18 there where the bodies were located or were
19 found with three X's. Do you see that?

20 A I see three X's.

21 Q Is that where the bodies were found?

22 A I'm not sure about that.

23 Q Okay. Now, as I understand it, you
24 were out in the car or on foot looking for the

1 boys in the afternoon of May the 5th.

2 A Correct.

3 Q After you -- after you had took Pam to
4 work, you came back and you were looking in the
5 neighborhood?

6 A Riding and walking.

7 Q And one neighbor has reported that on
8 Wilson Street -- and I'm looking at Exhibit 34
9 now. On Wilson Street he saw Michael and Stevie
10 on their bicycles, and at one point it looked
11 like Kim was riding with them on Wilson Street.
12 Did -- did you ever go down Wilson Street.
13 Looking for the boys?

14 A Oh, I'm sure I did.

15 Q And you didn't see them anywhere on
16 Wilson Street?

17 A No. And I'm not familiar with this
18 person called Kim.

19 Q Okay. Well, I mean, that's been a
20 long time ago now and I don't know -- I think
21 she was a 10 or an 11-year-old girl that lived
22 in the neighborhood. So, I'm just -- you know,
23 I'm not trying to make you know Kim. I'm
24 just -- that's what was reported. But you had

1 never heard that report before today?

2 A About Kim?

3 Q About the boys riding their bikes on
4 Wilson Street.

5 A Well, a lot of people back then would
6 say this street, this street, this street; and
7 sure I'm sure the Wilson Street was in there.

8 Q Okay. You just don't have a specific
9 recollection of that?

10 A Correct.

11 Q And then another gentleman and his son
12 said that at about -- I think it was 5:45 that
13 Stevie and Michael were on W.E. Catt Street. Do
14 you -- and they had on green backpacks. Does
15 that sound right?

16 A No.

17 Q Okay. You don't think they had on
18 green backpacks, do you?

19 A I'm not sure.

20 Q You don't think these boys were
21 planning to run away, do you?

22 A No.

23 Q Okay. Nothing going on at your house
24 that would make Stevie want to -- want to run

1 away?

2 A Huh-uh.

3 (Whereupon, Exhibit No. 35
4 was marked to the testimony
5 of the witness.)

6 Q (By Mr. Wellenberger) Okay. This is
7 just kind of -- this is Deposition Exhibit 35.
8 Does that look familiar to you? I mean ---

9 A Not really. I mean, if this is West
10 Memphis, if this is the area from an aerial, I
11 can see probably what you're calling Robin Hood,
12 interstate; but I'm not going to say for sure
13 that that's it.

14 Q Okay. Well, let's just -- it's my
15 understanding this is the Blue Beacon Car Wash.
16 Is that -- or truck wash. Does that look right?

17 A Okay. Okay.

18 Q Is that -- I mean ---

19 A If that's what it is.

20 Q Okay. And then this -- the area
21 to ---

22 A East.

23 Q --- my left ---

24 A The east of it.

1 Q --- east of it is going to be the
2 wooded area where the bodies were found.

3 The ---

4 A Tenth Mile Bayou.

5 Q --- Ten Mile Bayou, the pipe bridge
6 that goes across, and then the other -- then
7 across the bayou would be the remainder of Robin
8 Hood Woods.

9 A Okay. Right.

10 Q And this is what you're referring to
11 when you say the three acres?

12 A Right.

13 Q Okay. Now, when you were in the woods
14 after dark, did you have flashlights?

15 A Yes, I believe we had some.

16 Q Were those Mr. Jacoby's that he --
17 or ---

18 A We had some too.

19 Q And so you -- you had had to go home
20 to get the flashlights; correct?

21 A I did.

22 Q And then there was -- there was
23 mosquitos and it was pretty -- some of that was
24 pretty rugged. Did you put on long pants and

1 boots?

2 A I'm sure I probably had on pants.

3 Q Did you do boots or did you just stay
4 with tennis shoes?

5 A I'm not sure. Probably tennis shoes.

6 Q Did you have Poison Ivy or anything,
7 any kind of reaction like that from being out in
8 those woods?

9 A No, sir.

10 MR. WELLENBERGER: Unless you can
11 think of something else we need to ask, I'm just
12 going say that's it.

13 MS. DAVIS: Thank you, Mr. Hobbs.

14 MR. WELLENBERGER: You guys want
15 to ask some questions while we've got him here on
16 the record?

17 MR. THOMAS: I have no questions.

18 MR. WELLENBERGER: Okay.

19 VIDEOGRAPHER: This concludes the
20 videotape deposition of Mr. Terry Hobbs,
21 consisting of three tapes. The time is
22 approximately 1:08 p.m.

23 FURTHER DEPONENT SAITH NOT.

24 (SIGNATURE PAGE ENCLOSED.)

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C E R T I F I C A T E

STATE OF TENNESSEE:

COUNTY OF SHELBY:

I, DANETTE CROUCH, Court Reporter and Notary Public for the State of Tennessee at Large, do hereby certify that I reported in machine shorthand the above-captioned proceedings.

I HEREBY CERTIFY that the foregoing pages contain a full, true and correct transcript of my said Stenotype notes then and there taken.

I FURTHER CERTIFY that I am not an attorney or counsel of any of the parties, nor a relative or employee of any of the parties, nor am I a relative or employee of any attorney or counsel connected with the action, nor am I financially interested in the action.

I FURTHER CERTIFY that in order for this document to be authentic and genuine, it must bear my original signature and my embossed notarial seal and that any reproduction in whole or in part of this document is not allowed or condoned and that such reproductions should be deemed a forgery.

THEREFORE, witness my hand and my official seal in the State of Tennessee on August 12, 2009.

DANETTE CROUCH
Court Reporter and
Notary Public at Large

My Commission Expires:

May 24, 2011