

Undisclosed: The State v. Jeff Titus
Episode 4: Slug/00/slug/00/slug
November 16, 2020

Rabia Chaudry: When Doug Estes and Jim Bennett were shot and killed out in the Fulton Game Area, both had been out there hunting, and both had been armed. But only one gun was found at the crime scene. Although Jim Bennett's old black powder rifle was lying not far from the bodies, Doug Estes's Mossberg 12 gauge shotgun could not be located.

It did not remain missing for long. Two days after the murders, Jeff Titus called to report that he'd found a shotgun in the game area, not far from the crime scene. He told them he'd spotted it when he went back near the game area to check his own traps.

Jeff Titus:

I wish I would have never gone back there. Because that just started everything. Because I found a gun that they couldn't find, and I found it. Then all of a sudden, now that makes me a suspect. And like I say, I've offered to take polygraphs, truth serum, hypnosis, anything.

Back in December 1990, just a couple weeks after he found the shotgun, Jeff had in fact taken a polygraph test.

Jacinda Davis:

I have a copy of your polygraph here. So if you don't mind, I'm gonna read you a couple of them.

Jeff Titus: Ok.

Jacinda Davis: Ok?

Jeff Titus: Ok.

Jacinda Davis [reading from the record]:

Do you know for sure who shot either of those men at Fulton, November 17th?

Jeff Titus: No.

Jacinda Davis:

Before the police picked up that shotgun, did you move it in any way?

Jeff Titus: No.

Jacinda Davis:

Regarding that shotgun, did you handle it in any way before the police were called?

Jeff Titus: (Talk over) No. No.

Jacinda Davis:

And the last one was have you now told me the complete truth about those shootings, November 17th, to the best of your knowledge?

Jeff Titus: Yes.

Jacinda Davis:

And then this is the conclusion: After careful analysis of the subjects polygrams, it is in the opinion of the undersigned that the subject was truthful in the relevant issues for which he was being tested.

Jeff Titus: Right. And I was.

[03:06] Rabia Chaudry: That Jeff Titus passed the polygraph isn't meaningful evidence that he's innocent. Polygraphs - as most of us know - are not admissible in court, and for good reason. But to the cold case detectives who began working the case in 2000, the fact that Jeff Titus passed a polygraph test *did* prove something important. It proved he was a sociopath. Who was able to lie, and kill, without remorse.

For the original detectives on the case, though, who first worked the case in 1990, there was another explanation for why Jeff had been able to find the missing shotgun.

Detective Wiersema:

As I said before, Jeff Titus knew that land because he hunts and traps it, he notices if there's anything unusual. Just because he found a gun, that doesn't lead me in any way, shape, or form, to believe that he is guilty of a homicide.

[04:23] Rabia Chaudry: Hi, and welcome to Undisclosed. This is Episode 4 of our series of *The State v. Jeff Titus*. My name is Rabia Chaudry. I'm an attorney and author of the New York Times Bestseller, *Adnan's Story*, and I'm here with my colleagues Susan Simpson and Colin Miller.

Susan Simpson: Hi, this is Susan Simpson. I'm an attorney in Washington, D.C., and I blog at [TheViewFromLL2](#).

Colin Miller: Hi, this is Colin Miller, I'm an Associate Dean and Professor at the University of South Carolina School of Law, and I blog at [EvidenceProfBlog](#).

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[05:05:29] Susan Simpson: According to the prosecution's theory in this case, the reason that finding the shotgun makes Jeff Titus guilty of murder is that there's no way he actually found the shotgun where he says he did. The police had already searched that area the day before, on Sunday morning, the day after the murders. The shotgun hadn't been there.

Which means for Titus to have found the gun there on Monday, someone had to have taken the shotgun away from the game area before the police arrived, and then brought it back after the search was over.

It also means that if Titus is guilty of killing Jim Bennett and Doug Estes, it wasn't enough for him just to get away with murder. He'd also needed to flaunt the fact that he'd gotten away with it, by returning the victim's gun and then pretending to have found it. That's the prosecution's theory about what happened, anyway.

But for the shotgun to be proof of Jeff Titus's guilt, there has to be a really good reason to think that the shotgun really hadn't been in the game area- that the police really hadn't found it. So how thorough had their search been, anyway?

[06:31] Colin Miller: By the time the police arrived at the Fulton Game Area on the night of the murders, it had already turned dark. Not yet pitch black, but close enough to make no difference, especially back in the woods. The only reason anyone was able to see anything that night was thanks to the local fire department, who had brought in lights and a generator to illuminate the scene.

Deputy Russ Richards was one of the first deputies to arrive at the scene that night, but it wasn't long before over a dozen other law enforcement officers joined them there.

Deputy Russ Richards:

Then, like I said, everybody - the rest of the detectives, crime scene people, command officers, everybody shows up at the scene. Bring up the 30-van with big lights, everything else to light everything up.

The lights put up by the fire department were bright, but still. There's only so much lights can do in a dark forest at night time, and unfortunately, the crime scene photographs in this case reflect that. Most of the photos are extreme close-ups of individual pieces of evidence, and the few shots of the broader scene are blurry and dark, making it difficult to get a real sense of how the scene was found.

Detective Roy Ballett had not been in town that weekend, and so had not been at the scene, but in hindsight he thinks the decision to move ahead and process the crime scene that same night had been a mistake.

[07:47] Detective Ballett:

As cruel as it sounds, probably the best thing that should have been done at that time - which was well after dark when this was investigating - would have been to just simply lock off the scene and wait until the following morning for daylight when people could be looking around for any evidence that might have been around.

Aside from Bobby Brown and Mark Perry, who had been out hunting with Doug that day and found the bodies, the only known person to have seen the bodies while it was still daylight is Ron Elwell. Mark Perry had run to Ron for help, and brought him back to the crime scene.

And that this was a crime scene, and not a hunting accident, had quickly become apparent.

Ron Elwell:

It was obvious they were both hit in the back. I mean, you can't shoot each other in the back. I mean, that was pretty evident, so.

Sandy Elwell:

Didn't you say it was like the one guy was trying to crawl under the ... log, right?

Ron Elwell:

Yeah, because... I forgot the name- Doug. He was underneath a log, like, he

was, to me, I mean, that's what it looked like, like he was trying to get away.

[08:55] Colin Miller: The victim who had fallen among the logs was Doug Estes. Though how exactly his body had been positioned there is a little unclear. Most the witnesses describe him as having been partially *under* a log -- as if he'd pitched forward and fallen, so that he slid under a log that was raised a little above the forest floor. And some who were at the crime scene recall that Doug may have been over some of the other logs as well -- as if he'd been running, trying to get away when he was shot, and had pitched forward over them.

In crime scene photos, Jim Bennett, the second victim, is shown laying on his back, but that's not how he was positioned when Ron Elwell first saw him. He had been turned over later, likely by the ambulance team.

Ron Elwell: No, I'd never seen his face.

Ron Elwell does not remember if he saw any weapons near the bodies. There was one thing in particular about the scene, though, that immediately stood out to him.

Ron Elwell:

I remember distinctly, though, they, that there was business cards strewn everywhere, like, the shot might have, must have blew it, something right out of his pocket or his wallet or something. I don't remember.

Susan Simpson:

From the crime scene photos, it seems like they were scattered quite a ways.

Ron Elwell:

They were. They were. They were blowed all over the place, and there was... there was quite a few of them.

Ron Elwell's first impression had been that whoever shot Jim Bennett had somehow managed to shoot through his wallet as well, causing its contents to scatter around. That wasn't what happened, though. Bennett's wallet hadn't been shot out -- someone had taken it out of his pants pocket, pulled out the contents, and scattered them around. The now-empty wallet had then been tossed aside a little ways further still, deeper into the brush.

There was never an inventory taken of the wallet contents, so we don't know exactly what all was there. But some of the cards were visible in the crime scene photos, and a

few others are described in the crime lab paperwork documenting the fingerprints found on them, and from that we know that Bennett had been carrying a bank card, a Personal Lawyer Network card, a community college ID, assorted business cards for local businesses, things like that.

There was no money found though. Which was strange. According to Bennett's girlfriend, Kimber, Bennett had been carrying a good deal of cash on him that day.

Jacinda Davis:

Did, did it ever occur, did you think that maybe that proved it was a potential robbery, that his wallet --

Detective Wiersema:

Oh, that was a possibility, another possibility. Because all we knew was that his wallet was out, the papers were strewn, cards.

Given the Carhartt-style overalls that Doug Estes had been wearing, it would have been very difficult for anyone to get access to his wallet, and probably would have been impossible for them to do so without first moving him out of the logs he'd fallen in. And there was no indication anyone had tried.

But with the way Bennett's wallet had been removed, with the cash taken and the rest of the contents tossed aside, it certainly made it look as if, in addition to the murders, there might have also been a robbery.

And to some investigators, like Deputy Russ Richards, that was the whole point: to make it *look* like a robbery.

[11:55] Deputy Russ Richards:

It was the poorest robbery I'd ever seen because you could see that they'd just taken the wallet, taken the business cards and stuff out and just tossed them in all directions. You're just gonna throw it straight down - you're not going to take the time to stage it all.

Susan Simpson: A number of other officers that I spoke to had felt the same way as Deputy Richards. They thought the evidence this had been a robbery had been, well, simply trying too hard.

Not all of the investigators thought the crime scene had been staged, though. Cold case team Detective Mike Brown has his own theory about why the contents of Bennett's wallet had been scattered around the crime scene.

Susan Simpson:

So, why do you think Titus would've pulled out the- the guy's wallet?

Detective Mike Brown:

To find out who the hell they are. Why wouldn't he?

SS: Why would he care?

DMB: He's a trophy hunter. He wants to know who he killed.

SS: Do you think he robbed them- or robbed one of 'em?

DMB: No...

SS: You don't think so? But Bennett had some cash. Bennett did have money. And it was gone.

DMB: No, I don't think he, I don't think he robbed 'em.

SS: Well, what happened to the money that Bennet had?

DMB: Hell, I don't know.

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[14:57] Susan Simpson: That Jim Bennett's wallet had been removed, but Doug Estes's wallet had not, was one difference in how the victims were found at the crime scene. And there was another difference between them that could potentially have important implications for the case.

Detective Roy Ballett:

Both of them were shot with shotguns. One with a slug. Which is a large projectile out of a twelve-gauge shotgun. Probably about that big around, the size of a twelve-gauge barrel, and possibly about that long.

That's a solid piece of lead going right through your body. Bennett was shot with buckshot. The only thing you can use those particular rounds in is a shotgun. It's too large for a rifle. The projectile would be much smaller and much more velocity behind it.

[16:01] Rabia Chaudry: So, if you have two victims that were shot within seconds of one another, but who were shot with different kinds of ammunition, that's kind of a big deal, right? That means they were shot with two different guns, fired by two different shooters.

Well, not so fast. As Detective Roy Ballet explained, there's another possible explanation.

Detective Roy Ballett:

In the old times, it used to be people would load their shotgun, first shot with a slug, second with buckshot. So that if they missed with the slug or wounded it perhaps, the buckshot would spread and perhaps - it's, like, about a dozen pellets about the size of a ball bearing, small ball bearing, and those would spread out so you would have a wider range of hitting something.

So, sure, the fact that one of the victims was shot with a slug and the other with buckshot *could* mean there were two shooters. Or... it could just mean there had been a single shooter who loaded his shotgun in an old school way.

Jacinda Davis:

So, did you consider, maybe, there were, it could be one person or it could have been two shooters?

Detective Roy Ballett:

Could have been. I, I just assume because of the proximity to the shots, boom, boom. That's about the time it takes to shoot, rack one back, point and shoot a second time. I don't believe there was a second shooter, but there could have been.

Not all detectives who have looked at this case have reached this same tentative conclusion that Roy Ballett did, though. Here's Detective Mattison, who investigated the case as part of the cold case team:

Detective Mattison:

My theory has always been, there had to be two shooters. Because you got two

guys facing away from the shooter. Whoever got shot first, you know, they're shot directly or maybe offset just a, you know, tiny bit.

Susan Simpson: But basically, straight in the back.

Detective Mattison:

Straight in the back, straight through front to back. Blew out their sternum, stuff like that.

Susan Simpson:

The body position seems strange. I could, I could see how you could have two people shot in the back. Like, I could see that scenario happening in some way. But the way they fell, one person in the middle couldn't have done it.

Detective Mattison: Right. Exactly.

[18:27] Susan Simpson: Based on the way the bodies are shown in the crime scene photos and the hand-drawn crime scene diagrams, I have to agree with Detective Mattison. For the victims to have been shot where they fell, I struggle to understand how one person could have been in a position to fire both shots, in the time the shooter had available. Doug Estes had to have been shot by someone standing to the south of where Jim Bennett fell, and Jim Bennett had to have been shot by someone to the west and north of where he was. It just doesn't add up in a way that makes one shooter possible.

But that of course only holds true if you assume that the bodies had fallen in the same place where the police found them in. And you can't assume that, because we know for a fact that they weren't. Both Estes and Bennett had been rolled over onto their backs before investigators arrived there with their cameras to document the scene.

Which means there's too much uncertainty to really say, one way or the other, if it would've been possible for a single person to have shot both victims. The investigators have theories, but there's no way to prove any of it.

[19:37] Colin Miller: So two types of projectiles were used to kill the victims, which may, or may not, mean they had been killed by two different weapons. But ammunition aside, both victims were otherwise shot under very similar circumstances.

Detective Wiersema:

It was close range. From what I recall, it was within five, six feet.

Jacinda Davis:

So, not necessarily you would have to be a good marksman from that. That's pretty close range.

Detective Wiersema:

Absolutely not with a shotgun. Yeah, you're good. Yep. Could be anybody with a shotgun.

The medical examiner who performed the autopsy in this case made the determination that the victims had been shot from a relatively short range, though the weapon had not been in contact with the victims when it was fired. Bennett had been shot from a distance of approximately 4-5 feet, while Estes had been shot by someone who was no more than 8 feet away.

Both men had been shot in the same place.

Detective Roy Ballett:

At that period of time you had to have what was called a license tag- a back tag- and it was customary to pin your deer license in a plastic back tag that would be basically just about between your shoulder blades. That's pretty much where everybody wore it.

It's, it's almost like there was a bullseye there and whoever it was aimed for that license tag.

In closing arguments at Jeff Titus's trial, the prosecutor stressed how Titus, the expert marksman, had killed Bennett and Estes by shooting them, quote, "through the hunting tag dead center." And by shooting the victims in their back tags, the prosecutor told the jury, Titus hadn't just been committing murder – he'd been making a statement.

Mike Brown, the cold case team detective, agrees with this interpretation of the evidence.

Detective Mike Brown:

He was marching him over there and he shot him in the back in the target- in the... the target you wear on your back.

Susan Simpson: Yeah, the tag.

Detective Mike Brown:

Yeah. He shot him in that. At that time, Bennett comes up, sees what's going on, he turns around and starts to run, and Titus shoots him in the tag. So, he shoots both of them in the tag. So he shoots both of them in the tag, which is sending a message. That's sending a message.

[21:58] Susan Simpson: This thing about both Doug Estes and Jim Bennett having been shot through their back tags is something that comes up again and again in this case. It was repeated several times at trial, and I've heard it many times in interviews with investigators, both from the cold case team and the original detectives.

When I got a chance to go into the Sheriff's Department and review the physical evidence in this case, I was so startled when Jim Bennett's back tag was pulled out of the box and shown to me.

Male voice:

From Bennett?

Susan Simpson:

Yeah, should be yellow. [plastic crinkling] So there's the tag. Wait, oh, the tag was shot. You see the hole in it? There's some tiny little holes in the plastic, but they don't seem to go all the way through.

Male voice:

I'm guessing that these are old ones, as well. Maybe he just puts the new one in, in the top each year?

Susan Simpson:

Yeah, but he was supposed to be shot through the tag.

Male voice:

I don't see any shots through that tag.

If I stared really hard, I could see some crinkling of the edge of the plastic tag holder that had been pinned to Bennett's back. So maybe it had been hit. Though I had trouble convincing myself the crinkling had really been damage caused by a gun.

And for that matter, although the edge of Doug Estes's plastic tag holder had been unquestionably shot, the damage there was limited to a thin strip in the upper corner. The back tag itself, like with Bennett's, hadn't been touched.

It certainly did not appear, anyway, to be the work of a marksman aiming for the back tags. So if Detective Mike Brown is right, and the way the victims were shot had been a message, I have no idea what the message sender could've been trying to say.

[23:48] Rabia Chaudry: The search for the missing shotgun had begun that night at the crime scene, as soon as investigators had realized Doug Estes's weapon couldn't be located.

Jacinda Davis:

Finding the gun would be important. Finding the missing gun.

Detective Roy Ballett:

It would be important to, number one, to show that that wasn't the weapon used, which in that case if it had been, it would have been taken from Estes in some manner—but it was found fully loaded.

That night, there had been no shortage of officers at the scene, and some who are familiar with this case are skeptical that the shotgun would not have been found right away, had it really been there.

Bill Polmateer, who'd been with the group of 5 hunters from Parchment that drove over to the parking area near the crime scene after hearing Bobby Brown's cries for help, is one of them. He remembered the woods were crawling with police officers that night, and the whole area had been lit up like a stadium.

Bill Polmateer:

You know, the other thing that I found weird was how far back it was. They took back lights, you know, the, the things they, they crank up, and they had that lit up back there where we could see from the road. Lit up. And they didn't find the guns until... the next day or something.

Susan Simpson: Day and a half.

Bill Polmateer: There's no way.

Susan Simpson: Really? Why do you say that?

Bill Polmateer:

There's no way. There's no way they would not have missed those guns. As many police officers, as many people that were out there and as much light as they had, there's no way they would have missed those guns.

[25:30] Rabia Chaudry: It's true there were a ton of law enforcement officials out there that night. And by all accounts the lighting they'd brought was pretty intense. But even though the public game area on the east side of Bear Creek is a relatively small area, it's still a forest. And trying to search a forest at night for something the size of a shotgun isn't going to be an easy task. Especially when that forest is also full of swamp and sinkholes.

[26:00] Susan Simpson: When I spoke to Deputy Thomas Harmsen, the crime scene specialist who'd drawn the diagrams of where evidence had been found, I'd shown him a map I'd made which had his diagrams overlaid onto a larger map of the Fulton State Game Area. And when I did, he'd noticed my map had a marker on the spot where Titus had ultimately found the shotgun. He'd pointed at it and remarked, "Oh -- *that's* where the shotgun was found? Yeah, I never would have seen that. I never got close to there." From what Deputy Harmsen remembers, while he was processing the crime scene that night, he'd never had reason to be over where the gun had been.

Which means the only search that would've turned up the weapon, had it been where Titus found it, is the one that was done the next morning, in daylight. That job fell to Deputies Tom Sharp and Russ Richards, who'd stayed out at the game area overnight to keep watch on the crime scene.

Deputy Russ Richards:

... because in the morning, what we were gonna do was do a grid search.

Susan Simpson: Mhm.

Deputy Russ Richards: You know what a grid search is?

Susan Simpson: Yeah.

Deputy Russ Richards: Mhm, ok.

[26:52] Colin Miller: When daylight broke, Sharp and Richards began their grid search, scouring the area around the crime scene for the missing shotgun. And as Deputy Russ Richards remembers it, he and Sharp combed through the entirety of the patch of woods where the bodies had been found.

Deputy Russ Richards:

We used basically markers that we could see - whether that be trees, posts, whatever. And three feet apart, back and forth, because we were looking for the one shotgun. And I can honestly say, without any doubt whatsoever, that there was no shotgun to be found anywhere in that area. If there was a stick, bottom line is, you reached out to move it and make sure it's a stick and not a shotgun, because if there's leaves on top of just part of a barrel or something... and after we went East-West, we went North-South, so that basically there was- we wanted to remove any... if there was any uncertainty. It's like, no. We covered the whole thing thoroughly. There was absolutely no gun.

[28:30] Colin Miller: As Deputy Russ Richards remembers it, and as he testified at Titus's trial, the grid search that he and Deputy Sharp had done the morning after the murders was thorough, and it included a search of the specific location where, 24 hours later, Titus would report that he had found the shotgun. And if that's the case, and the shotgun was not there at the time of their search, well, that would mean that someone had taken the gun from the scene, and then brought it back later. And because Jeff Titus is the one who found it... well, he's the one who must've brought it back.

But cold case team Detective Rich Mattison thinks there's a simpler explanation for why Jeff Titus succeeded in finding the gun when both Richards and Sharp had been unable to do so.

Detective Rich Mattison:

It was found further away than what they said in the report of the ground they covered, and it could have been there the whole time and nobody found it.

In the police report he'd written to document their search efforts that morning, Deputy Sharp had been very specific: the grid search had been done in a 50 to 60 foot radius out from the crime scene.

But the place where Jeff Titus found the shotgun was 125 feet away from the crime scene. And actually -- as we'll get into more later -- it was even further than that. But for now, let's call it 125 feet. Because 125 feet is, obviously, quite a bit more than 50 or 60 feet.

If Deputy Sharp's report is accurate, then the grid search that was done the morning after the murders *would not* have included the area where the gun was ultimately found

by Jeff Titus. And that would mean there's no reason to believe the gun had ever been removed from the game area in the first place.

That's the conclusion the original investigators, Detective Bruce Wiersema and Detective Roy Ballet, came to as well.

Detective Bruce Wiersema:

Yeah, so, anyway, we don't feel that they would have found that gun at that time.

[30:27] Susan Simpson: At Titus's trial, Sharp and Richards testified that they'd done a grid search of the entire section of forest back there. In fact, they told the jury, they'd specifically searched the spot where the gun was found. Which is why Deputy Richards was able to testify that he could, "positively say, without doubt, that gun was not there the next morning." He stands by that today.

Susan Simpson:

One of the reports says that the search was like 60 feet wide, or something?

Deputy Richards:

No, it was (laughs), like I said, we went from the edge of the field all the way back into the swamp, from Titus's property well beyond the area where the bodies were.

Susan Simpson:

So you think that the ... the numbers on the report probably aren't accurate?

Deputy Richards:

As far as, uh?

Susan Simpson:

If it says 60 ...

Deputy Richards:

If it says 60 feet, that's well, that's ... that's gonna be short.

Susan Simpson:

Okay.

[31:20] Susan Simpson: So, maybe Deputy Sharp's report was mistaken about the size of the area that he and Deputy Richards actually did search. Or maybe it's not. There's no way now, anyway, to conclusively prove it one way or the other.

But still. The report says there, in black and white, that the deputies only searched an area that went up about 50 to 60 feet from the bodies. This seems like it would be pretty good evidence for Jeff Titus. At the very least, it raises doubts about whether the shotgun really would've been found by the deputies' search. If you're a defense attorney, it really seems like the kind of thing that you'd want to raise at trial.

But Titus's attorneys never did. The jury never heard about it.

So, one way or the other, the deputies did not find Doug Estes's missing shotgun? How, then, did Jeff Titus end up finding it?

Jeff Titus:

I was walking, checking my traps because I still had fox sets out, even though it's, like I say, it's deer season, you gotta get them early. And, but I went out and checked them, and I walked over to where the area had been cordoned off for the crime scene or whatever. I mean, I know people were back in there hunting because I'd seen people the next night or whatever, the night before, seen somebody. And I walked over there and was walking to go down to where the, I suspected the crime scene was, and there was a shotgun laying there next to a tree limb. I never touched it. I turned around and went up to the house and I called the sheriff's department. I said, "Are you missing a gun from the shooting the other night out here at the Fulton State Game area?" "Why are you asking?" I said, "Well, I just found the gun in the woods." And they said, "Well, we'll send somebody out to talk to you." And then I went back with my camera, took a picture of it, in case it turned up missing or whatever, while I went back up and waited for the deputies to come.

[33:21] Rabia Chaudry: It wasn't just the sheriff's department that Titus called though. He also called the local newspaper, the Kalamazoo Gazette. Actually, as some of the original detectives remember it, it was *only* the Gazette that Jeff Titus had called. The Gazette, in turn, had called them and alerted them to the fact someone had found a gun.

Detective Wiersema:

It just makes you want him to be guilty, doesn't it? (Laughs). I mean, really!

Kevin Fitzpatrick:

He's not doing himself any favors.

Detective Wiersema:

He's not doing himself any favors, throughout this whole thing, especially at work

Jeff Titus has always claimed that he called the police before he called the Gazette, though the police themselves remember it this way. But Titus doesn't deny making the call to the paper.

Jacinda Davis:

How do you explain it?

Jeff Titus:

Um ... can't explain it. I really can't. I mean, you know, it, it could have been just, you know, like that, but like I said, I turned around and called them and, for my reasoning, you know, I just did it. Name in the paper, whatever. You know, turn around and find something in a crime scene.

Jeff Titus got more than just his name in the paper. The article about how he'd found the missing game had been run on the front page of the newspaper's metro section, with his photo right there beside the headline.

Still, while Detective Wiersema found Jeff Titus's behavior in calling the Kalamazoo Gazette to be suspicious, the fact that Jeff had found the shotgun when the deputies hadn't wasn't something that seemed odd or surprising to him. To Wiersema, it seemed like the gun would've been easy to miss.

Detective Wiersema:

I .. I just remember he said th-, there it is. And I was looking and I couldn't even see it, and he's pointing to it and I go up there and I see, and then I do see, yeah, what looks to be a shotgun laying next to the branch, the limb and leaves and stuff, ok.

The police took several photographs of the shotgun. Including several photographs of Jeff Titus pointing to it on the forest floor.

Detective Wiersema:

Of course, Johnson was suspicious as well, because, what's this guy doing, you know? So, he took a picture of him, Jeff, pointing at it, just to have a record of that.

The photos show that leaves had blown over the shotgun, partially obscuring it. But it doesn't look as if it had been purposefully hidden from view -- it's just that on a forest floor full of black and brown sticks, the black and brown gun was well camouflaged

When Jacinda and Susan walked back through the crime scene with Ron Elwell, the neighbor who'd first gone back to the crime scene, they looked through the photos while trying to locate the spot where Jeff had originally found the gun. But even in the photos that are focused and centered on the shotgun, it's not something that immediately jumps out at you.

Susan Simpson:

Yeah, you can see the, this is, this tree right here that we're next to, and it's facing a different angle, but yeah. That, you can see the gun, right? It's somewhere in there. It's hard to see it.

Jacinda Davis:

Isn't that the gun right there?

Susan Simpson:

No, I think that's a log.

Jacinda Davis:

Oh, no. Where is the gun?

Ron Elwell:

Well, that's a good, uh ...

Jacinda Davis:

Let me see that.

Ron Elwell:

Right there's your good indicator of how hard it ... there it is.

Susan Simpson & Jacinda Davis:

There it is!

Jacinda Davis:

Oh my god. Three of us, and we couldn't see it!

Ron Elwell:

I mean, one, one evening back here and a little bit of wind would easily cover.

Not everyone agrees that the shotgun would have been difficult to find, though. Some people think the shotgun should have been completely obvious to anyone walking back there.

And Jeff Titus is one of them.

Jacinda Davis:

The, the cold case detectives, working the ... when, you know, he says, well, you know, only the killer would have found the gun.

Jeff Titus:

I don't go along with that. The gun was laying there. Like I say Anybody could have found that that would have walked by it.

[37:19] Susan Simpson: If the case against Jeff Titus had been based solely on him finding the missing shotgun, I don't think he would've ended up being charged in this case, let alone convicted. There's just too much uncertainty there. Even if you think that the search done by Deputies Sharp and Richards would've most likely turned up the gun, you have to at least allow for the possibility that they simply didn't find it. Maybe they overlooked it there in the leaves, or maybe they didn't search quite the right area.

But there was something else notable about the shotgun that Jeff had found: it had no fingerprints on it. Not a single one. And as a juror from his trial recalls, it was this lack of fingerprints that was the truly damning evidence against Jeff Titus.

Susan Simpson:

Do you remember anything about the prosecution's case that was compelling, particularly compelling or stood out to you?

Juror Sid Paul:

The gun. They brought out the gun, and the defense was kind of, you know, a combination of the prosecution and defense, the gun was found by Titus.

Susan Simpson:

Mm-hmm.

Juror Sid Paul:

And he cleans it. He's supposed to have a criminal justice background, and he cleans this gun instead of taking it. And he cleans everything. He cleans the ammunition that was in it, he cleans the gun inside and out. There's no fingerprints, there's no nothing on it. And then he says, oh, I found this just laying here. And he makes a mockery of the deputies who were looking for it and couldn't find it.

[38:51] Colin Miller: Jeff Titus's prints were not found on the shotgun. But neither were Doug Estes's fingerprints, and it was his gun.

Susan Simpson:

Did that seem strange to you?

Detective Mattison:

That kind of suggests that it was wiped clean. But even Marty Johnson said well, you know, the fall of the year, if somebody's got gloves on, they could have put prints but then didn't handle it. They could have wiped them off as well.

Doug Estes had been wearing gloves on the day he was killed. He still has them on in the crime scene photos. They're big, thick gloves, and he'd had to have them off when he loaded his gun back at the parking area off of X Avenue.

Then again, Jim Bennett had been wearing gloves too. And there *had* been fingerprints found on his muzzle-loader -- three of them in fact. Two of them had been Jim Bennett's own prints, though the third was never identified.

Some on the cold case team also thought the lack of any pitting or rust on Doug's Mossberg was another sign that the gun had not been in the woods between the time of the murders and when Jeff Titus found it. But although it was "clean" in the sense there were no prints or rust, the gun hadn't been spotless. There was dirt on it, especially around the muzzle. Actually, there was quite a lot of dirt *inside* the muzzle, too.

Detective Mattison:

So, but the thing of it was, there was a, a plug about two, two or three inches deep, which kind of suggests to me that somebody threw it in, either tomahawked, or just-- and it went end over end and the barrel hit first, you know, impacted the dirt, it was forced in the barrel, then it flops over.

Detective Mike Brown agrees with Mattison's theory about the shotgun being tossed back into the woods. But to Det. Brown, the dirt at the end of the shotgun's barrel had just been another attempt by Titus to stage the scene.

Detective Mike Brown:

... And the thing of it is, that he cleaned that damn gun up so good.

Susan Simpson:

Well, he didn't clean the tip out. The tip was still full of dirt.

Detective Mike Brown:

No, that's where he threw it in there.

Susan Simpson:

Oh, and he threw it back?

Detective Mike Brown:

Yeah, yeah. He's not gonna clean that off. He wants to, people to think, I mean, it's, he didn't, he didn't clean it all up and then walk it back in there. He threw it in there.

Susan Simpson: Like a javelin?

Detective Mike Brown:

Yeah. Yeah.... But even the owner's prints were not on that weapon. I mean, come on.

Mike Brown believes that Titus had touched, and maybe even used, Doug's shotgun in the course of committing the murders. And then, fearing that he might've left fingerprints behind, he'd been forced to take the gun with him in order to clean it off.

[41:03] Susan Simpson: That Titus would've been so evidence-conscious about possible fingerprints on the shotgun seems kind of strange though. Because Detective Brown's theory is also that Titus also went through Jim Bennett's wallet, and looked through the cards there before tossing them all over the place. Why worry about taking the shotgun home to wipe it down, when you've already risked leaving prints on dozens of pieces of paper and plastic?

In fact, a number of fingerprints *were* found on the cards from Bennett's wallet. Some of them were identified as belonging to either Bennett, or other people who had good reason to have their prints found there, but there are at least three prints that, to this day, have never been identified. It seems like *someone* might have prints there at the scene.

Those prints were not Jeff Titus's, by the way. They checked for that.

Anyway, if Mike Brown is right about Jeff Titus taking the time to stage the crime scene, and making the gun look dirty on purpose in order to trick people into thinking the gun hadn't been cleaned at all, well, it seems like it didn't take long at all for Jeff Titus to screw that whole plan up.

[42:47] Rabia Chaudry: When the cold case team reopened the Fulton Game Area case, their first big breakthrough came after Detective Mike Brown realized there was a pool of potential witnesses that had never been thoroughly explored: Jeff Titus's old coworkers.

Detective Mike Brown:

I worked the streets, you know, I worked, I interviewed all of them there. I spent maybe a month and a half, two months out at the VA hospital. That's where Titus worked. I got to know his fellow workers, his security people, his Chief. I got to know his- all the nurses he flirted with every night. I got to know everybody out there. I talked to the National Guard. The people that he was in the Guard with. They said, he's a crazy son of a bitch.

Mike Brown's work paid off. The cold case team interviewed and re-interviewed dozens of Jeff Titus's coworkers from the Veterans Affairs hospital in Battle Creek, where years before Jeff had worked as a security guard. At the time of the cold case investigation, Jeff had not worked at the VA for close to a decade, but many of his old coworkers remembered him -- and remembered him telling them things about the shotgun he'd found.

Jacinda Davis:

So, I told you that I talked to Werkema again, some of the--

Jeff Titus: Right.

Jacinda Davis:

And he- they had some questions they wanted me to ask you.

Jeff Titus: Wiersema or Werkema?

Jacinda Davis: Werkema. The cold case detective.

Jeff Titus: Yeah.

Jacinda Davis:

He said, "Ask Jeff: Why did you tell people you took the gun home? Why did you tell some people that you took--"

Jeff Titus:

I didn't say that. People hear what they wanna hear. Because I could say something to you and it goes to the next person and it totally changes.

[44:43] Rabia Chaudry: If Jeff Titus was going around making confessions to his coworkers about the shotgun he found, then he was doing so by telling just about every single one of them a different version of how it had happened. Their statements about their past conversations with Jeff varied wildly.

For example, one former coworker testified, about two or three years after the murders, that Jeff Titus had told her he'd found the bodies of the two hunters, *and* the gun, and that he'd taken the shotgun with him when he immediately went back to his house to call the police and tell them about the bodies.

Another coworker, with another version of this story, told detectives that he'd heard Jeff telling people at the VA that, quote, "Somebody had called him and told him the weapon was still back there." So Titus said he had gone back into the woods to look for the gun, found it, taken it home, and then called the police.

And another story, from still another coworker, had Titus going back into the game area to search for the gun once he learned the police couldn't find the missing weapon -- and when he found it, he'd kept it a few days, in order to, quote, "play a game with the sheriff's department." The coworker who told the police about this version of Jeff's story said Titus told him he'd cleaned the gun, but explained it hadn't been for any malicious reason -- rather, it was because he's the kind of guy that appreciates firearms, and since that gun had been rusted from sitting out for two nights, he'd wanted to get it back in good condition.

Jeff Titus, for his part, denies ever having made these statements to his coworkers. Yes, he'd talked about finding the gun at work -- after all, his picture had been in the paper for it. It wasn't surprising that it'd come up in conversation. But Jeff maintains that he never told any coworkers the things they testified to at trial.

But even Detective Wiersema, who believes Jeff Titus is innocent, has obvious reservations about whether he's telling the truth about how he found the gun.

Detective Wiersema:

I can't answer to the fact that somehow Jeff had possibly removed that weapon, took it home, maybe cleaned it somehow, decided to bring it back. I don't know. I haven't got those, those answers. I know there's answers there but to this point, I don't have them.

[46:42] If Jeff Titus is telling the truth, if he really didn't touch the gun, and really didn't tell any of his coworkers that he had taken it home and cleaned it, it's hard to understand how it is that so many of his coworkers ended up coming forward to tell the police that yes, in fact, he had said those things. Why would all of them have made such a story up?

Susan Simpson:

The thing that gets me though, Jeff, is there are so many people- I know that a lot of people are saying things that aren't true. And people are saying stuff that you never said, but a lot of people are saying that you told them you found the gun and took it home overnight, and those statements I can't disprove.

Jeff Titus:

What they're saying is what I said that Big Jack said... Somebody in Athens found the gun, he took it home, when he found out about the murders, he took it back. That's what I said.

This is the Big Jack Story. It's one of Jeff Titus's explanations for why there are so many stories going around about how he supposedly took the shotgun home, but then brought it back to the crime scene later. Those stories hadn't been about *him*, he says -- they'd been about an entirely different story, told by another VA coworker, who'd heard that some unidentified person had taken the gun home, but then had taken it back again, and that's when Jeff Titus had found it.

Though, by the way, the Big Jack story is also an implicit acknowledgement by Jeff Titus that he *had* gone around talking to his VA coworkers about how he had found the

gun. Because the origin of the Big Jack story is this: one day at work, a few months after the murders, Jeff had been talking again to his coworker Big Jack about how he'd found the missing shotgun. But this time, Big Jack told him: hey, you should stop bragging about that. You finding the gun had nothing to do with you being good at finding things.

Jeff Titus:

When Jack turned around and told me, he said, Jeff, the only reason you found it is because somebody else found it, and then when they heard about the murders, they took it back. But he would never tell me who.

Jacinda Davis:

That story seems so crazy to me, because why would someone take the gun back?

Jeff Titus:

Yeah. I mean, really. If it had been me, I'd have thrown it out in the swamp or someplace where it'd never been found.

According to Jeff, this whole Big Jack story wasn't told to him until a while after the murders. Long enough that by then, Titus had already been cleared as a suspect by the original detectives. So investigators never heard about the Big Jack story until 2001, when the cold case team talked to some of Titus's friends, and they told them about it.

One of those friends was Stan Driskell, Jeff Titus's hunting companion and alibi witness.

Stan Driskell:

He created a story that I never understood because it makes no sense. He said that he knew a man, Big Jack somebody or other- I don't his last name- knew somebody from Athens who had found the gun, taken it home, cleaned it and returned it to the... murder scene. And that is the gun that he claims he found. And that made, given my logic, that made no sense to me. The police said it made no sense to them.

[50:02] Stan Driskell had been troubled by Jeff's story about Big Jack. So troubled that, when the cold case detectives came to him with a request, and asked for his help in investigating his friend, Stan hadn't told them no.

Stan Driskell:

Would I be willing to be taped record by telephone call to Jeff to see if we can get

some story out of him dealing with that and whether he might've had something to do with this crime or not? So I literally at that stage allowed the police to tape my call to Jeff to try and find that out.

Stan had plugged a recorder into his phone, called Jeff up, and asked him about that shotgun he'd found a decade before. On that taped call, Jeff had told him the Big Jack story once again.

The cold case team immediately took that tape and played it for Big Jack Warren, so that he could hear what his buddy Jeff had been saying about him.

Big Jack Warren:

They taped him, he carried a tape for him, and Jeff was called up on the phone and the guy asked him about something that involved me. And Jeff said, yes, Jack's the one that told me about the weapons, or the weapon that was missing for a period of time, how to find it. That was a false hood. That wasn't true. No. I told them, there's no way in Hades that I would have anything to do with anything like that.

[51:52] Susan Simpson: So, do I believe Jeff Titus is telling the truth, about the missing shotgun, and how he came to find it? I've swung back and forth on this question more times than I can count. And in trying to make sense out of the mess of evidence around it, I always ended up feeling like I was trying to solve a jigsaw puzzle the same way I'd solved them as a kid -- by smushing in the little cardboard edges, and wiggling them around until they finally jammed in together.

Sure, the method works. It's one way of putting the puzzle together. Just don't act too surprised when the resulting picture doesn't make a whole lot of sense.

On some days, I had no problem believing there's no mystery here at all -- the deputies had simply missed the shotgun when they'd done their search, and then Jeff had found it. The end. Nothing more complicated than that.

But then, on other days, I'd be pondering parts of the case that just didn't make any sense -- things like the Big Jack story. And I'd go back to questioning again whether the shotgun really had been there in the game area all along, and whether Jeff was telling the truth about it.

And then there was a day that Jacinda and I discovered something new about the missing gun and -- thinking I'd understood what that evidence had meant -- I'd walked

away no longer questioning if Jeff Titus was lying. And instead feeling utterly certain that he was.

Susan Simpson: Ideally, he'll just fucking admit it.

Jacinda Davis: He's never gonna admit it.

Susan Simpson: Really?

Jacinda Davis: Hm-m [negative]. I think he's been advised not to at some point, or he thinks it's gonna look bad for him.

Susan Simpson: I mean, sure, but... it already looks bad.

Jacinda Davis: How much worse can it get? Like, you're freaking in prison for the rest of your life.

Susan Simpson: We need the fucking truth! At this point, it doesn't matter how bad it is, as long as it can help us get to the truth. Maybe it won't help him, but anything short of that certainly won't.

I had come to believe that Jeff Titus's story about the missing shotgun was a lie for all of the same reasons, and then some, that Jeff Titus's friend Stan Driskell has always thought it was a lie as well.

Stan Driskell:

This is weird. Dealing with that episode... I actually was willing to say, Jeff might've done this - because the police were saying, you know, we have this kind of evidence, we have this stuff that is suggestive. And being what I am, had he committed the murder - fine, he should go to prison.

I didn't think finding the shotgun made Jeff Titus a murderer. I didn't even think Jeff Titus *lying* about how he found the shotgun made him a murderer, though that would certainly be troubling. But the lie itself, if it was a lie, seemed almost understandable.

Maybe Jeff Titus's story had been *mostly* true. Maybe, like he said, he'd been walking his property line, and spotted the shotgun lying there -- but, like a magpie finding something shiny, the strange gun had been a temptation he'd been unable to resist. Maybe he had touched it. Maybe he'd even taken the shotgun home with him, like his coworkers at the VA had said.

Only, later on, after he'd gotten to thinking about it, he'd realized maybe he hadn't found some magic shotgun that had been dropped off by the firearms fairy. Maybe instead it had belonged to a murder victim and was crucial evidence in a double homicide case. And so he'd tried to fix things by taking it back.

That's how Stan Driskell eventually made peace with the Big Jack story. He didn't believe it, but he didn't believe it made Jeff Titus guilty either.

Stan Driskell:

If he is the one that actually found it and took it and returned it to the crime scene it would not have been done for- as a trophy. He would have done it because he liked guns. He wanted as many guns as he could get his hands on. And if he actually originally found it, took it home and cleaned it and then brought it back, not because it's a trophy, it was because it was a gun and he wanted guns. So that would have been his motivation had he been the, been the person who found it, took it away and brought it back.

And it probably had been found and taken away and brought back because my understanding is the outside of it was clean, clear of fingerprints, and that means somebody did something to it to remove suspicion of something.

As for Big Jack Warren, well. Despite being the Big Jack story's unwilling subject, and despite his confusion over why Jeff Titus would've said something like that about him, it didn't cause Big Jack to doubt Jeff's innocence.

Susan Simpson:

So, what did you think when you heard this tape of Jeff and them talking about -

Big Jack Warren:

I laughed and I th-, I said, you know, that's not true what he's saying. I don't know why he's saying it. I mean, he's implicating me in something that I'm not guilty of. But I don't know what Jeff was thinking at the time. But to get them off him is all I could think about. And then - I don't, I don't hold nothing against Jeff.

Susan Simpson:

Ok. So you haven't talked to Jeff, really since all this happened? You haven't --

Big Jack Warren:

No, the last time I talked to Jeff was at the trial, and I told him Hello. I know you're not supposed to kina do, I guess, that stuff, but. You know, I did consider him a friend. I still consider him a friend. But, why he did the tape deal... I don't know. I'm sure, at the time, he didn't know he was being taped.

I appreciate Big Jack Warren's stoic agnosticism towards the question of why Jeff Titus has said the things he's said about the missing shotgun, but it's not an approach I can share. If Jeff Titus was telling some kind of little white lie about what had happened to the gun -- and I thought there was some good evidence to suggest that yeah, he was -- well, I needed to know that.

[58:10] Because nothing else was adding up. It got to a point where I think I almost *wanted* Jeff to be lying. It would have made my life much easier, anyway, if he'd only just admit that he hadn't been telling the whole truth about this one little thing. Maybe then things in this might start making sense.

Susan Simpson:

You don't think there's any chance that you found the gun Sunday night and waited until Monday to call it in?

Jeff Titus:

No, no. It was Monday morning. Because as soon as I found it, I went back up to the house and called the sheriff's department.

Susan Simpson:

Yeah. So one thing I've wondered is, if, because of the trial, because of everything, it's, is it, is it possible that you feel like you've gotten stuck in the story?

Jeff Titus:

If I got what?

Susan Simpson:

That you've gotten stuck in the story and can't change it now because of everything that's happened.

Jeff Titus:

I can't change it because I'm telling what I, what I know. I found the gun Monday morning.

I hadn't believed Jeff then. I thought I'd known that he was wrong. But that was before I'd learned that there were more things in Kalamazoo County than my theory of the case could've dreamed of.

~

That's all for Episode 4 of Undisclosed: The State v. Jeff Titus. We'll be off next week for Thanksgiving, but will be back with Episode 5 on Monday, November 30th.

And before that though, we'll be back this Thursday with our addendum, to discuss both this episode of Undisclosed and also the most recent episode of *Killer in Question*, on the case of Thomas Frank Cisco. Don't forget to send us your questions on social media, with the hashtag #udaddendum.

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And if any of our listeners out there have information on Jeff Titus's case that you'd like to share, we'd love to hear from you. You can reach us at undisclosedpodcast@gmail.com, or you can call and leave a message at (410) 205-5563.

That's all for this week, and thanks so much for listening.