

1 THE COURT: No, she's -- I assume she's on her way
2 back.

3 MS. COLSTON: Yes, sir, she is. She's moving her
4 car to the parking deck.

5 THE COURT: Why don't you folks just go in the jury
6 room for about five minutes until she gets back?

7 [The jury leaves the courtroom and court is in recess for
8 give minutes.]

9 [Jury returns to the courtroom.]

10 *****

11 AISLINN HOGUE

12 was called as a witness by and on behalf of the State, and
13 after being first duly sworn, was examined and testified as
14 follows:

15 DIRECT EXAMINATION

16 BY MS. COLSTON:

17 Q If you will, please speak up so the jury can hear
18 you and tell us your name.

19 A Aislinn Hogue.

20 Q Where do you live at, Aislinn?

21 A Cedartown.

22 Q And who do you live there with?

23 A Mom and Dad.

24 Q Your mom and dad's? Your mom's name and dad's name
25 are?

1 A Sharon and Jimmy.
2 Q Sherry and Jimmy Hogue?
3 A Yes, ma'am.
4 Q How old are you, Aislinn?
5 A Eighteen.
6 Q Do you know the defendant in this case, Joey
7 Watkins?
8 A Yes, ma'am.
9 Q How do you know him?
10 A I dated him.
11 Q Okay. And you dated him from when to when?
12 A November to August.
13 Q Of what years?
14 A '99.
15 Q November '99 to August 2000?
16 A Yes, ma'am.
17 Q And do you remember were you dating him? That's
18 during the time period -- were you dating him during the time
19 period of January the 11th, 2000?
20 A Yes, ma'am.
21 Q Does that date stick out in your mind?
22 A Yes, ma'am.
23 Q You didn't know Isaac Dawkins; did you?
24 A No, ma'am.
25 Q When -- during the time that -- on January 11th,

1 2000, you had to talk to several people about the events of
2 that night; have you not?

3 A Yes, ma'am.

4 Q Now I need you to tell the jury about the events of
5 that day. Tell me about what you were doing earlier in the
6 day. Did you go to school?

7 A I had to go for a half of day.

8 Q Half of day? What time did you get out of school?

9 A I went in the afternoon because I had a ball game
10 and I was out sick.

11 Q So you went -- you go to school during the day and
12 you just kind of go --

13 A I just went because I wanted to play in my ball
14 game that day.

15 Q All right. 'Cause you were sick and you wanted to
16 play so you kind of -- you really didn't go to classes; you
17 just went to school to play your game. All right. What time
18 did you go to school?

19 A I believe I went that morning till about 12, so I
20 could go eat at 12.

21 Q So you went into the school that morning and you
22 got out probably about 12?

23 A Yes, ma'am.

24 Q And you went to eat?

25 A Yes, ma'am.

1 Q Where did you go eat?

2 A Probably McDonald's.

3 Q Probably McDonald's? All right. When was the
4 first time that day you talked to Joey Watkins?

5 A After my first game.

6 Q After your first game? Did you talk to him in the
7 morning like before you went to school?

8 A Yes, ma'am.

9 Q Okay. So the first time you would have talked to
10 him would have been about 7:00 that morning?

11 A Yes, ma'am.

12 Q And then you talked to him again. The next time
13 you talked to him was after your first game?

14 A Yes, ma'am.

15 Q What time would have that been?

16 A Around seven, seven-thirty, I think.

17 Q Okay. What time did you leave your first game?

18 A Around seven.

19 Q Do you remember giving a statement to the
20 detectives in this case back -- Debbie Burnett, I believe it
21 was? Do you need to look at that to help refresh your
22 memory?

23 A Kind of.

24 Q Okay. That's been a while ago. I understand. And
25 also do you remember coming in and talking to Mr. Harkins and

1 myself as well? Did you call Mr. Watkins as soon as you got
2 home?

3 A Yes, ma'am.

4 Q What was the reason you called him as soon as you
5 got home?

6 A He was supposed to be at my game.

7 Q Did he know that you were sick?

8 A Yes, ma'am.

9 Q When had you told him you were sick?

10 A I'd been sick most of that week.

11 Q Most of that week? All right. But had you earlier
12 discussed with him that he was supposed to come to your game?

13 A Yes, ma'am.

14 Q And did you -- how many games did you have
15 scheduled that day?

16 A Two.

17 Q Two? What time did the first one start?

18 A Four, four-thirty.

19 Q Okay. And how long did it last?

20 A They normally last about an hour, an hour and half
21 or longer.

22 Q Did you play that entire game?

23 A Yes, ma'am.

24 Q So you played until five to five-thirty to maybe
25 six? no later than six?

1 A It shouldn't have been.

2 Q Shouldn't have been? I'm going to let you look
3 back at your statement too about what time you might have
4 left; how long it was before you got home. Starting at page
5 six Debbie Barnett asked you: All right. So then he took you
6 home and you got home about what time? I know it's hard to
7 remember but about what time?

8 You said, with my daddy driving? Why did you say that?

9 A He drives really slow.

10 Q Okay. So with your daddy driving, how late did you
11 say?

12 A Six-thirty.

13 Q Six to six-thirty? Six-thirty and then six to six-
14 thirty, somewhere in there? All right. So you would have
15 gotten home between six and six-thirty or six-thirty or
16 seven?

17 A Uh-huh.

18 Q Not as late as seven?

19 A Shouldn't have been.

20 Q Do you remember telling Mr. Harkins and I that it
21 was around six-thirty. It could have been as close to ten
22 till seven?

23 A Yes, ma'am.

24 Q How long does it take to get from your school to
25 home?

1 A With Daddy driving it takes 30 to 35 minutes.

2 Q Okay. How about with you driving?

3 A Fifteen.

4 Q How about with Mom?

5 A Fifteen.

6 Q Fifteen? All right. So you got home around 6:30.

7 It could have been a quarter till seven, ten till seven,
8 something like that? The first thing you did when you got
9 home, Aislinn, what did you do?

10 A I called Joey.

11 Q You called Joey from your home phone?

12 A Yes, ma'am.

13 Q Where did you call him at?

14 A His house.

15 Q His house and his house is where?

16 A In Rome.

17 Q And what was the purpose of you calling him as soon
18 as you got home?

19 A To see where he was at.

20 Q And had -- did he -- as far you knew had you told
21 him yet that you were sick and you were home instead of at
22 the game?

23 A No.

24 Q So what were you going to tell -- to see where he
25 was at for what reason?

1 A To tell him I was at home instead of at the school.

2 Q That you were at home instead of at the school?

3 And was that -- you said that was the first time you talked
4 to him since 7:00 that morning when you talked to him before
5 you left for school?

6 A Yes, ma'am.

7 Q Now the next -- when you talked to him, who
8 answered the phone? When you called, who answered the phone?

9 A Tim.

10 Q Tim, Tim Hughes?

11 A Tandi's boyfriend.

12 Q Tandi's boyfriend? Tandi is Joey's sister; is that
13 right?

14 A Yes, ma'am.

15 Q Now Tim answered the phone and what happened? Was
16 Joey there?

17 A He was just walking out the door.

18 Q Just walking out the door? So what did Tim say?

19 A He'd get him real quick.

20 Q That he would get him real quick? Did Joey come
21 back to the phone?

22 A Yes, ma'am.

23 Q And what did you tell him?

24 A I told him I was at home because I had gotten real
25 sick.

1 Q And when you told him that you were at home, what
2 did he say?

3 A He said, I'll be there in a few minutes. Well,
4 give him time to get there.

5 Q Give him time to get there? And does Joey drive
6 pretty fast generally?

7 A Sixty, sixty-five?

8 Q Normal then traffic typically when you were in the
9 car. So at ten till seven, how long did y'all talk or ever
10 what time it was between six-thirty and ten till seven?

11 A We didn't talk but just a minute. He just told me
12 he was on his way 'cause he was running late 'cause he went
13 fishing that day.

14 Q Okay. So he went fishing that day and he was
15 running late. Now, Aislinn, I know you were sick. Tell us
16 how sick you were.

17 A In the locker room floor, about passed out.

18 Q You were in the what? locker room floor?

19 A Uh-huh.

20 Q Passed out? You'd been throwing up all week?

21 A Yes, ma'am.

22 Q And you played that game?

23 A Yes, ma'am.

24 Q But you didn't play the second game though?

25 A Uh-uh.

1 Q You couldn't do that?

2 A Couldn't.

3 Q And your daddy came to get you? So your dad was
4 with you when you got home?

5 A Yes, ma'am.

6 Q Now where was your mom?

7 A She takes score for our basketball teams.

8 Q So she had to stay at the games?

9 A Yes, ma'am.

10 Q Because there was a second game that night? The
11 next time that you talked to Joey -- do you remember the next
12 time you talked to Joey?

13 A I remember him calling.

14 Q Did he call from his home or from his cell phone?

15 A Cell phone.

16 Q Do you know how long it was after the time that you
17 hung up with him when he was still at his house?

18 A It wasn't that long.

19 Q It wasn't that long? You don't know though?
20 You're not sure?

21 A I'm not sure.

22 Q But it was -- did you sleep off and on?

23 A Yes, ma'am.

24 Q Because you were sick? All right. What did you
25 talk about that time that you talked to Joey?

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A I don't remember.

Q You don't remember? Do you remember hearing anything in the background, Aislinn?

A No, ma'am.

Q Do you remember any part of the conversation?

A Not at that time.

Q I've asked you to think about this and have you been thinking about it? You don't remember anything from it?

A I just -- I remember him saying he'd been fishing with Toby all day.

Q Okay. Was that the first conversation though, when he told you he was running late?

A I remember him calling back and telling me he was sorry for being late and wasn't at my game.

Q All right. So he called back and told you that. You remember that part. Anything else that you can remember?

A No, ma'am.

Q All right. Now do you remember how long that conversation was?

A It wasn't that long.

Q Could it have been as long as four minutes?

A Maybe.

Q Maybe? Now did you hear from him again?

A Yes, ma'am.

Q Before he got to your house?

1 A Yes, ma'am.

2 Q And how long was it before you heard from him
3 again?

4 A I'm not sure.

5 Q That's okay. And what did he want that time?

6 A See if I wanted any Gatorade from the store.

7 Q All right. So how long was it after he called you
8 and asked you about the Gatorade, when did he show up at your
9 house?

10 A Close to eight, I believe.

11 Q Close to eight?

12 A Somewhere in there.

13 Q All right. So do you know how long you were home,
14 and I know you were sick and if you don't, just tell me, but
15 how long you were home from the time that you got there till
16 the time that he got there?

17 A Maybe an hour, hour and a half.

18 Q Okay. So was your mom there?

19 A No, ma'am.

20 Q How long was it before she got there?

21 A She -- I believe she got there around ten because
22 there's a boys' game and the girls' two.

23 Q And she got there and she had to keep score for the
24 boys' game too?

25 A Yes, ma'am.

1 Q So was Mr. Watkins still there when your mama --
2 your mama got home?
3 A Yes, ma'am.
4 Q All right. How long did he stay after she got
5 home?
6 A Thirty minutes to an hour, I believe.
7 Q Thirty minutes to an hour? Do you know how late he
8 stayed?
9 A No, ma'am.
10 Q You don't remember?
11 A I fell asleep.
12 Q Fell asleep. What did y'all do that time that he
13 was there and you were sick?
14 A I slept.
15 Q You slept. So you really don't know what all was
16 going on? Would you wake up, wake up off and on?
17 A Off and on.
18 Q What was Mr. Watkins doing when you'd wake up?
19 A He'd be sitting beside me on my bed.
20 Q Did he turn on television or --
21 A The television is always on.
22 Q All right. The television is always on. Did he
23 talk on the phone any?
24 A I remember him calling his house.
25 Q Do you remember him making any other calls?

1 A No, ma'am.

2 Q Do you remember telling me he stayed on the phone
3 about the whole time?

4 A With his house.

5 Q So he was calling -- he stayed on somebody at his
6 home about --

7 A Yes, ma'am.

8 Q -- the whole time he was there?

9 A Yes, ma'am.

10 Q Did you know Brianne Scarbrough?

11 A I knew it was Joey's ex-girlfriend.

12 Q Okay. How did you --

13 A I've seen her in the mall and she'd call my house.

14 Q When?

15 A I think after me and Joey started dating sometime.

16 Q And you can't get into and substance of any
17 conversations but are you and Brianne kind of friends?

18 A Now?

19 Q Now?

20 A Yes, ma'am.

21 Q And back in the time that you were dating Joey, did
22 he tell you that was his ex-girlfriend?

23 A Yes, ma'am.

24 Q Did he talk about her?

25 A Yes, ma'am.

1 Q A lot or a little?

2 A A good bit.

3 Q Now when Joey got to your house, can you tell me
4 how he was acting?

5 A No, ma'am. I remember him kind of being like just
6 -- he wasn't really talking as much as he normally did to me.

7 Q Okay. What else do you remember?

8 A Just him talking on the phone and that's about all
9 I can remember of that.

10 Q Did he appear nervous?

11 A In ways.

12 Q Do you remember telling the detectives he did?

13 A [No audible response.]

14 Q And when you say in ways, what do you mean?

15 A He was just -- he didn't talk and that's not Joey
16 to me.

17 Q Okay. He generally talks all the time?

18 A To me.

19 Q Did you know Mark Free?

20 A Yes, ma'am.

21 Q And how did you know him?

22 A Through Joey. It was Joey's friend.

23 Q Okay. How -- were they close or just kind of
24 friends?

25 A They said they had been like good friends since

1 they were real little.

2 Q Did you see Mark Free with Joey a lot?

3 A Not a lot. We'd go over there.

4 Q Was Joey with Mark Free a lot when he wasn't with
5 you? Do you know?

6 A I don't know that.

7 Q Okay. And did he ever tell you anything about
8 Isaac Dawkins?

9 A He didn't get along with Isaac.

10 Q Is that what he told you?

11 A That Isaac came to his house one night trying to
12 start a fight.

13 Q He said he tried to start a fight? Who did he say
14 tried to start the fight?

15 A He said Isaac did.

16 Q He said Isaac did?

17 A Uh-huh.

18 Q Okay. Did he ever say that he fought with -- he
19 tried to fight with Isaac?

20 A He said that his daddy tried to get Isaac to go in
21 the back yard and they wouldn't call the cops or nothing;
22 they could fight that night.

23 Q He told you that his daddy said what?

24 A That they could go in the back yard and fight
25 instead of just out in the street.

1 Q All right. I'm not trying to pull anything out of
2 you that you don't know and I know you don't know anything.
3 I'm just checking to make sure that I haven't missed
4 anything. That's all I have, Aislinn. The defense will
5 have some questions for you. Okay?

6 MR. ABERNATHY: Thank you, Ms. Colston.

7 *****

8 CROSS-EXAMINATION

9 BY MR. ABERNATHY:

10 Q Good morning, Ms. Hogue. Ms. Hogue, my name is Rex
11 Abernathy and I'm representing Mr. Watkins and I've not had
12 an opportunity to speak with you. When you -- you say you
13 talked to Joey on the morning of January the 11th, the day
14 that this tragic incident happened and the fishing trip
15 occurred?

16 A Yes, sir.

17 Q Do you recall about what time it was?

18 A It was always before I went to school. I always
19 called or he called.

20 Q And did you call him on his cell phone or his home?

21 A I'm not too sure.

22 Q You don't know. Did you call him on his cell phone
23 that day about maybe 3:42?

24 A I can't remember.

25 Q You don't really remember? could have? may have?

1 A May have.

2 Q Okay. And you remember talking to some
3 investigators early on during this?

4 A Yes, sir.

5 Q And then later on you were interviewed by Ms.
6 Debbie Burnett and she taped it?

7 A Yes, sir.

8 Q Now if -- moving back to the phone conversations.
9 You say you could have talked to him around 3:42 that day.
10 That would have been Georgia time obviously from your home.
11 Did you talk to him -- do you think the phone call you made
12 later that evening could have been around 6:48 p.m.?

13 A Could be.

14 Q When you talked to Tim?

15 A Could have.

16 Q And did Tim, after you talked to Joey and he told
17 you he'd be over in a little bit, did he tell you he was
18 going to jump in the shower? Did Tim tell you that?

19 A No, said Joey was walking out the door.

20 Q And then did you receive a phone call? How long
21 was that 6:48 conversation?

22 A It wasn't long.

23 Q And then did Joey call you back just a few minutes
24 later?

25 A I remember him calling back.

1 Q And do you think that could have been around 7:15?

2 A Could have been.

3 Q You don't know; do you? Let me ask you this: on
4 your -- do you have -- have you turned over your telephone
5 records or do you have your telephone records? Have you
6 given any to Ms. Colston or the police or anything pursuant
7 to this investigation?

8 A I told them they could get them.

9 Q Okay. And as far as you know, they got your phone
10 records?

11 A Yes.

12 Q And concerning this telephone call at 7:15, the
13 best you recall you talked -- how long do you think you
14 talked?

15 A A few minutes.

16 Q And, Ms. Hogue, when you talked to him that
17 morning, did you all talk about the ball game when you called
18 him before school?

19 A He was supposed to have been there.

20 Q And he had told you he was going fishing; didn't
21 he?

22 A Yes.

23 Q And as far as you knew, he was gone fishing; wasn't
24 he?

25 A Yes.

1 Q At some point in time Ms. Burnett was asking about,
2 do you think he went fishing that day. You just told the
3 jury you thought he did but that day you were saying, no
4 after inaudible; Sutton, inaudible. Did Mr. Sutton tell you
5 anything to make you think he had not gone fishing?

6 A Cell phone records.

7 Q Mr. Sutton told you he had cell phone records and
8 Joey didn't go fishing that day; didn't he?

9 A He didn't say that.

10 Q He said he could place him? What did he say? Do
11 you remember?

12 A No, I don't.

13 Q And have you reviewed your telephone records?

14 A No.

15 Q With the investigators?

16 A No.

17 Q When you -- now when you were going to have your
18 ball game that afternoon, you were sick and there was a
19 junior varsity game playing, the boys' game but they
20 cancelled that game; didn't they?

21 A There was no junior varsity. If they cancelled it,
22 it would have to be a month before or a week -- like a week
23 before.

24 Q Well, you told Ms. Burnett that there was no --

25 A There was no junior varsity boys' game.

1 Q You said it normally starts about four but there
2 was none that day? It wasn't cancelled; there just weren't
3 one. Is that correct?

4 A Not one.

5 Q And then do you recall Ms. Burnett asking you: your
6 game probably started later?

7 And you said, or earlier. It just depends.

8 A Yes, sir.

9 Q And did you say that you called Joey the moment you
10 got home from the ball game?

11 A Yes, sir.

12 Q And that phone call only lasted about a minute?

13 A Yes, sir.

14 Q Now let me ask you this, Ms. Hogue: you had a
15 beeper back in this time; didn't you?

16 A Yes, sir.

17 Q And was that beeper number (770)743-8559?

18 A I reckon.

19 Q Okay. I know it's -- that could have been it? Do
20 you remember Joey beeped you about 6:44 or just four minutes
21 or a few minutes before you called him at home?

22 A I'm not sure.

23 Q You're not sure? But that was your beeper number
24 or you think it was?

25 A I've had so many, I couldn't tell you the number.

1 Q Did you give the investigator, Mr. Sutton or anyone
2 your beeper number and those phone records as well?

3 A I'm not sure.

4 Q You're not sure about that but you could have
5 beeped him?

6 A He could have beeped me.

7 Q Or he could have beeped you before you called him?

8 A Could have.

9 Q And you recall then talking to him at home and
10 we'll see what time later but you say it could have been
11 around 6:48, that phone call. And you recall talking to him
12 a few moments later but you don't know exactly what time; is
13 that correct?

14 A Yes, sir.

15 Q After he left?

16 A Yes, sir.

17 Q And then he talked to you one more time and you
18 were talking about being sick and told him to bring you some
19 Gatorade. That's true; isn't it?

20 A He called and asked me if I wanted any.

21 Q Okay. So you talked to him one more time.

22 A Uh-huh.

23 Q And he brought you some Gatorade; didn't he?

24 A Yes, sir.

25 Q And do you remember about what time he got there?

1 A Around eight, eight something.

2 Q Around eight and that's what you told Ms. Burnett
3 back when you were interviewed, wasn't it; that he got there
4 around eight o'clock? So you talked to him at his house
5 somewhere -- and I'm not trying to trap you, Ms. Hogue --
6 we'll look at records later but somewhere close to seven you
7 talked to him at his house and he arrived at your home
8 somewhere around eight and talked to you on two occasions
9 after he left. You talked to him there but he talked to you
10 two occasions on the cell phone; is that correct?

11 A Yes, sir.

12 Q And you didn't hear anything when you were having
13 this four minute -- I think Ms. Colston asked you could it
14 have been about four minutes long, maybe four minutes and
15 twenty-three seconds. When you talked to him then, you
16 didn't hear anything unusual?

17 A No, sir.

18 Q You didn't hear -- certainly didn't hear any bangs;
19 did you?

20 A No, sir.

21 Q And you -- he wasn't -- you didn't hear about a car
22 chase while you were talking to him; did you?

23 A No, sir.

24 Q And, Ms. Hogue, when he got there now I think you
25 told Ms. Burnett and correct me if I'm wrong when you were

1 talking, he told your mother that he might have seen Isaac's
2 truck?

3 A I believe that's right.

4 Q Wasn't sure but he thought it might have been. Is
5 that right?

6 A Yes, sir.

7 Q But you didn't discuss this with him?

8 A No, sir.

9 Q Because you've told everybody you don't even know
10 Isaac or didn't know him; did you?

11 A No, sir.

12 Q All right. And when you talked to him on the phone
13 you say you didn't notice anything unusual?

14 A No, sir.

15 Q His voice wasn't excited or screaming or anything
16 like that?

17 A No, sir.

18 Q All right. What did y'all talk about for this
19 first phone call before the Gatorade? Do you recall when you
20 had this four minute or so conversation what y'all talked
21 about?

22 A He just told me he was sorry for not being at my
23 game; that he was running late.

24 Q Well, now do you know what you talked to him, if
25 you talked to him earlier that day around 3:42? Do you know

1 what you talked about?

2 A No, sir.

3 Q Could you have told him then --

4 MS. COLSTON: I'm going to object, Your Honor. She
5 doesn't even remember the 3:42 conversation.

6 MR. ABERNATHY: She said she could have, Judge.

7 MS. COLSTON: He's just testifying.

8 THE COURT: Well, she's on cross-examination. He
9 can lead the witness.

10 MR. ABERNATHY: Thank you, Judge.

11 MS. COLSTON: I understand that.

12 THE COURT: If she doesn't remember, she doesn't
13 remember. That's a perfectly valid answer but he does
14 have her on cross.

15 MR. ABERNATHY: Thank you, Judge.

16 Q [By Mr. Abernathy] Ms. Hogue, I'm not trying to
17 trick you. I just wonder if you recall if you had this phone
18 conversation with him around 3:42 Georgia time that day did
19 you -- do you recall what you talked about? Do you -- I'm
20 just trying to refresh your memory.

21 A No, sir.

22 Q Do you remember what you talked about that morning
23 when you called?

24 A We only talked about a few minutes, telling him I'm
25 leaving, going to school and I'll see him later.

1 not unusual and most of the time y'all talked after school;
2 didn't you?

3 A Yes, sir.

4 Q And it wasn't unusual that he would go down there
5 and see you after school, go to your house and see you after
6 school?

7 A I'd come up.

8 Q Yeah, one or the other. So it wouldn't have been
9 unusual to at three-thirty or so after school; would it?

10 A It depends on what time I have practice.

11 Q All right.

12 THE COURT: Ms. Colston.

13 *****

14 REDIRECT EXAMINATION

15 BY MS. COLSTON:

16 Q On this day, Aislinn, when you had this game coming
17 up, would it have been unusual for you to have talked to him
18 that day?

19 A I normally get dressed and have to warm up, so it
20 depends on what time the game started and where the coaches
21 were.

22 Q Okay. The fact that you called him at --

23 MR. ABERNATHY: I'll just continue in a moment,
24 Judge. I'm sorry.

25 THE COURT: I thought you were through.

1 MS. COLSTON: I thought he'd finished.

2 THE COURT: I did too.

3 MR. ABERNATHY: That's all right.

4 THE COURT: I'm the one who put Ms. Colston up.
5 That's right. I did.

6 MS. COLSTON: Please go ahead.

7 THE COURT: So go right ahead. Mr. Abernathy, you
8 sit down.

9 MR. ABERNATHY: Oh, okay.

10 THE COURT: I interrupted you, so you can come back
11 in a minute. Let's just let Ms. Colston.

12 MR. ABERNATHY: I'm not -- that's all right. Thank
13 you.

14 Q [By Ms. Colston] The whole purpose, Aislinn, of
15 your phone call at whatever time, between six-thirty and ten
16 till seven, when -- he has just told you that he was just
17 leaving, the purpose of that phone call was what, for you to
18 call Joey?

19 A To find out where he was because he wasn't there.

20 Q Because he wasn't at your game and you thought he
21 was supposed to be there?

22 A Yes, ma'am.

23 Q And the fact that you called him, did you tell him
24 where he needed to come?

25 A Yes, ma'am.

1 Q And why he needed to come there?

2 A Yes, ma'am.

3 Q If you had told him anything earlier in the day
4 about -- had you told him anything earlier in the day that
5 you weren't going to stay for the second game?

6 A No, ma'am.

7 Q When did you realize you weren't going to stay for
8 the second game?

9 A After the first one.

10 Q After the first one, you got even sicker?

11 A Yes, ma'am.

12 Q Now Mr. Abernathy has asked you a bunch of
13 questions about you didn't hear this or you didn't notice
14 this or he was on the phone and all that stuff. I know you
15 were sick. You said you were sleeping off and on. Do you
16 remember anything? I mean, he asked if you noticed his
17 voice, I mean, if he was sounding -- things sounded funny?
18 did you hear any banging in the background or whatever? Do
19 you remember anything about it, whether it was a high-pitched
20 voice or a low-pitched voice or anything? It could have been
21 either or it could have been neither or you just don't know?

22 A I just don't know.

23 Q Okay.

24 THE COURT: All right, Mr. Abernathy.

25 MR. ABERNATHY: Thank you, Judge.

1 THE COURT: I'm sorry and I apologize for
2 interrupting. I thought you were done. Excuse me.

3 MR. ABERNATHY: Judge, it's probably my fault. You
4 don't have to apologize.

5 *****

6 RE-CROSS-EXAMINATION

7 BY MR. ABERNATHY:

8 Q Ms. Hogue, when Joey got to your house, he was by
9 himself; wasn't he?

10 A As far as I know. He came in the house by himself.

11 Q And he was in his white truck?

12 A Yes, sir.

13 Q Ma'am?

14 A Yes, sir.

15 Q And you didn't see anyone else out there with him
16 and he was driving his white truck. You're sure about that?

17 A Yes, sir.

18 Q All right. Thank you.

19 MS. COLSTON: Thank you, Ms. Hogue.

20 THE COURT: All right. Ms. Hogue, you're free to
21 leave. Don't discuss your testimony with anybody,
22 please.

23 MS. COLSTON: Her dad is out there and if we could
24 -- I'll go through it as quickly as possible if we could
25 just get them on out.

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THE COURT: Sure.

MS. COLSTON: Thank you.

THE COURT: Let's go ahead and do that.

MS. COLSTON: James Hogue.

MR. ABERNATHY: Judge, may I step out for a moment?
Mr. O'Dell is going to handle this witness.

THE COURT: That's fine.

MR. ABERNATHY: And I've got something to check on.
Thank you.

THE COURT: Come up, Mr. Hogue. Oh, that's not Mr.
Hogue. There we go.

MS. COLSTON: Mr. Hogue, I'm sorry to keep you
waiting.

MR. HOGUE: That's fine.

JAMES HOGUE

was called as a witness by and on behalf of the State, and
after being first duly sworn, was examined and testified as
follows:

DIRECT EXAMINATION

BY MS. COLSTON:

Q Mr. Hogue, if you will, please speak up so the jury
can hear you and tell us your name.

A James R. Hogue.

Q Where do you live at, Mr. Hogue?

1 A Cedartown, Georgia.

2 Q Whereabouts in Cedartown?

3 A On Branch Road.

4 Q Branch Road? Where is that?

5 A It's about four to five miles outside of Cedartown
6 on the Piedmont Highway, 278 West.

7 Q Okay. So to get there you'd go 27 and you take the
8 bypass, the new Cedartown bypass? It's not new; it's been
9 there a while.

10 A You can but it's not necessary.

11 Q You can go --

12 A The easiest way is to go straight into town where
13 the old Moore's Drugstore is, take a right and go right out
14 the highway.

15 Q Take a right?

16 A Yes, ma'am.

17 THE COURT: Toward Alabama?

18 Q Toward Alabama?

19 A Toward Piedmont, Alabama.

20 Q Not towards Rockmart?

21 A Right.

22 Q I was thinking toward Rockmart. Very good. So how
23 long have you been living out there?

24 A Oh, about 26, 7 years.

25 Q Aislinn Hogue, is that your daughter?

1 THE COURT: I think you're going to have --

2 MS. COLSTON: That's --

3 THE COURT: That's right.

4 Q [By Ms. Colston] The night of January the 11th, did
5 you know that your daughter wasn't going to stay for the
6 second game that night?

7 A Ma'am?

8 Q Did you know that your daughter wasn't going to
9 stay for the second game that night?

10 A No, ma'am.

11 Q Okay. Until you received a call from your wife to
12 go get her?

13 A Right.

14 Q Now you went and got her at the school?

15 A Yes, ma'am.

16 Q How long did it take to get to your house from the
17 school?

18 A Approximately maybe 10, maybe 12 minutes. See, I
19 drive very slow.

20 Q We've heard. How far is it from the school to your
21 house? how many miles is it?

22 A Say five -- about six, seven miles.

23 Q Six or seven miles? And during that -- in that six
24 or seven miles, what time -- do you remember what time you
25 picked up Aislinn?

1 A It was probably right after 8:00.

2 Q Eight p.m.?

3 A Uh-huh.

4 Q Okay. If Aislinn said it was around six-thirty or
5 so, would that be more correct?

6 A Well, it could be.

7 Q Okay.

8 A Because it was kind of early because I went home
9 from work and was cooking me something to eat when my wife
10 called.

11 Q Okay.

12 A I know the ball games usually were over around 8:00
13 or something like that.

14 Q The ball games were over around eight o'clock?

15 A They have to quit so early but there was still
16 another game going on.

17 Q So you don't know?

18 A I don't wear a watch. I don't keep up with the
19 time.

20 Q Very good. That's fine. We will ask you then do
21 you remember when Joey Watkins came in?

22 A No, he rang the doorbell and I was in the kitchen.
23 I went and let him in and we walked back towards the bedroom.

24 Q He walked back towards Aislinn's room?

25 A Yes, ma'am.

1 Q Did he speak to you?

2 A He always says, hello or something like that.

3 Q Anything else?

4 A No, ma'am, not to me that night.

5 Q Not to you that night? Did you have an occasion
6 -- were you around him that night?

7 A Well, I went in. After I took him, I went back in
8 the kitchen. He sat down on the side of Aislinn's bed. I
9 picked my mess up.

10 Q Let me ask you, what was Aislinn doing?

11 A She was laying in the bed.

12 Q Could you tell whether she was asleep or awake or -
13 -

14 A I thought she was awake.

15 Q Okay.

16 A When she first got there. I glanced at her and,
17 you know --

18 Q Uh-huh.

19 A -- that was it. I went and cleaned my mess up and
20 went and fed the dog the scraps and came back in.

21 Q So you were outside and then you came back in?

22 A Came back in.

23 Q When you went outside, did you see what Mr. Watkins
24 was driving?

25 A It was a small pickup truck.

1 Q What color, if you remember?

2 A I know white or beige, something like that.

3 Q Okay. A light colored truck?

4 A Yeah, light colors.

5 Q Now you came back in from feeding the dog. What
6 happened?

7 A Well, I went in and put the rest of the mess up and
8 went in and Aislinn's bedroom door is right next to the
9 opening to the kitchen/dinning room. And I heard him say his
10 friend had just got killed.

11 Q His friend had just got killed?

12 A Yes, ma'am, that's what I heard him say.

13 Q Are you absolutely certain about that, Mr. Hogue?

14 A Yes, ma'am.

15 Q You know Aislinn doesn't remember?

16 A I don't know if Aislinn -- Aislinn says she don't
17 remember it.

18 Q Okay.

19 A But I went back in the kitchen and I walked right
20 back, you know, finished putting the stuff in the dishwasher
21 and I went back out. I didn't stay to listen, pay anymore
22 attention to it.

23 Q Did he talk to you about it at all?

24 A No, ma'am.

25 Q Are you absolutely certain you heard that comment?

1 A Uh-huh. That's the only time I heard them talking.
2 Q Okay.
3 A Till it was time for him to go home, you know.
4 Q What time did he go home?
5 A We usually made him leave somewhere around 10:30 or
6 11:00.
7 Q So it was before -- at least by then?
8 A Yes, ma'am.
9 Q Your wife, do you know about what time she got
10 home?
11 A No, ma'am.
12 Q Was she there at any time that Joey Watkins was
13 there?
14 A She may have come in just prior to him leaving.
15 Q Okay.
16 A Because she kept the books and the records of the
17 ball game.
18 Q So she would have gotten home fairly late that
19 night?
20 A Yes, ma'am.
21 Q When Joey Watkins went to leave, when he was
22 leaving that night, did he say anything else to Aislinn in
23 your presence?
24 A No, ma'am, I didn't hear it.
25 Q All right. Did he ask for anything?

1 A Not that I know of.

2 Q How about -- did he ask her anything regarding her
3 car?

4 A I can't remember. I know he did one night.

5 Q Okay.

6 A He wanted to use the car one night and my wife let
7 him use it but I believe he was driving a motorcycle that
8 night and he took the car because it was supposed to have
9 been raining. It was raining.

10 Q Okay. He took Aislinn's car one time because it
11 was supposed to be raining and he had brought his motorcycle?

12 A Yes, ma'am.

13 Q All right. On the night of January the 11th after
14 you heard that conversation regarding a friend getting
15 killed, did he say anything about Aislinn's car that night?

16 A I didn't -- I don't think so. I want to say yes
17 but I can't be sure right now.

18 Q Do you remember talking to my investigator, John
19 Harkins, about that on the phone?

20 A Yes, ma'am, on the phone two or three days ago or
21 something like that.

22 Q Do you remember telling him that he asked to borrow
23 Aislinn's car and you told him -- that he wanted to take it
24 home and leave his truck there?

25 A It seems like I did but I can't be sure. I keep

1 thinking about it and I -- I'm not positive about it being on
2 that 11th.

3 Q We don't want it if you're not positive about it.

4 A That's what I'm saying. I'm not sure it was that
5 day.

6 Q All right. You're not sure it was that day but at
7 some point he did that?

8 A He did, yes, ma'am.

9 Q And what was your response when he asked to take
10 it?

11 A I said, no, the car is in my name and I bought it
12 for that child, for her.

13 Q Okay. And was he in his truck the night he said
14 that?

15 A On the 11th he was in that truck.

16 Q Yes, sir.

17 A But the rest of the time he was in a different
18 vehicle. I never saw that truck again after that day.

19 Q Oh, you didn't?

20 A No, ma'am. He was always in another vehicle.

21 Q And he dated Aislinn for several more months; did
22 he not?

23 A Yes.

24 Q Thank you very much, Mr. Hogue.

25 THE COURT: Mr. O'Dell.

CROSS-EXAMINATION

BY MR. O'DELL:

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2
3
4 Q Mr. Hogue, do you know who has your home phone
5 records?

6 A No, ma'am. No, sir.

7 Q You don't know if you've turned them over the
8 police?

9 A As far as I know, the police have the phone bill.

10 Q Okay. To the best of your knowledge, they do have
11 it?

12 A My wife may have it. I don't have them myself. My
13 wife may have them.

14 Q All right. Now do you remember speaking to
15 Detective Moser a day or two after this, a couple of days
16 after this -- the incident with Isaac, the 11th of January of
17 1999 or 2000?

18 A Yes, sir. They -- I believe it was Moser that
19 called the house and wanted to come down there and talk to
20 us.

21 Q You talked to Detective Moser, didn't you, and your
22 wife and Aislinn?

23 A Yes.

24 Q All three talked to him?

25 A Yes, sir.

1 Q And do you recall telling Detective Moser -- right
2 at the time all this was going on, he asked you about what
3 was Joey's demeanor when he came down there and do you
4 remember telling Detective Moser, he appeared perfectly fine?

5 A I'd have -- I didn't see no problem with it.

6 Q All right.

7 A He walked behind me going to the room like I said.
8 I didn't see nothing exciting about him right there at that
9 time.

10 Q And you didn't tell Moser about Joey saying
11 anything about a friend being killed or anything like that;
12 did you?

13 A No, sir, I didn't. I didn't --

14 Q You found out -- you found out -- a couple of days
15 later when Moser called you, he told you what he was calling
16 about; that they were investigating a murder and they were
17 just following some leads and you didn't --

18 A And I didn't volunteer no information at that time.

19 Q All right.

20 A You know, I just know what he said when I walked by
21 the door that day.

22 Q So from the very beginning you told Moser he was
23 perfectly normal when he got there; he wasn't excited, you
24 know, and things of that nature. Now later on you were
25 interviewed, I think, by Chief Free or Stanley Sutton. Were

1 you interviewed by some other police officers?

2 A There were three or four came to the house.

3 Q All right.

4 A At different times and came to where Aislinn worked
5 at.

6 Q You're not sure when Joey got down there today on
7 the stand?

8 A Not the time.

9 Q All right. Do you recall telling -- well, do you
10 recall telling Detective Moser that it was at eight o'clock?

11 A Well, it could have been. It's been several
12 months. I don't remember. That's what I'm telling you.

13 Q All right.

14 A I'm trying to tell you the truth.

15 Q I understand that. Now could he have told you that
16 is friend got killed the next night or the next night when
17 y'all were talking about all of this?

18 A No, sir.

19 Q Could it have been on a different day?

20 A No, sir.

21 Q You're positive it was that day?

22 A Yes, sir, that's the only time I've talked to him
23 about it, period. The only other time was spoken to it --
24 about it was with his parents. They drove down to the house
25 one night and talked to us.

1 Q And y'all talked about it.

2 A You can ask me what day it was. I have no idea.

3 Q But it wasn't that night?

4 A No, sir.

5 Q All right.

6 A It was a week or so later.

7 Q Okay.

8 A After the detectives had done been to the house.

9 Q And is it possible you're getting all of this stuff
10 sort of confused because you can't remember all of it?

11 A I can't remember the dates and times.

12 Q All right. Now you are sure on that night that he
13 did arrive in that white pickup truck of his; correct?

14 A Yes, sir. I had to walk past it twice or maybe
15 three or four times.

16 Q Okay. And now to the best of your ability you've
17 turned all your phone records over. Would those phone
18 records include long distance records?

19 A I don't know what they requested but we -- we
20 allowed it to be taken. All the records were taken.

21 Q Now the police came down and they started -- did
22 they start telling you things about, oh, he couldn't have
23 been in Alabama fishing because phone records show
24 differently and things like that?

25 A They probably could have.

1 Q They probably did; didn't they? And they told you,
2 you know --

3 A I don't -- that didn't matter to me.

4 Q Well, I understand that.

5 A Because I knew he was at my house the night y'all
6 are talking about.

7 Q And then later on do you recall when some of these
8 detectives came down and then he was telling you he couldn't
9 have done that and all these other things? Back then they
10 got a statement from you saying, well, you know, he was real
11 nervous and he acted real funny? This is like ten months
12 later. Do you remember start telling them that --

13 A He probably -- he got nervous after they started
14 questioning us.

15 Q Oh, so when the police were questioning him?

16 A Yeah.

17 Q Are you saying --

18 A That night he did not act real funny to me.

19 Q That's fine.

20 A On the 11th.

21 Q Not concerned at all but when they started really
22 questioning him, the police --

23 A Then he -- when he would come down to the house, he
24 would be a little jitterous.

25 Q All right. Did he tell you the police were

1 hassling him -- harassing him and bothering him?

2 A He didn't tell me that, no, sir.

3 Q Did he ever tell you they kept following him
4 everywhere he went?

5 A He didn't tell me that, period.

6 Q Y'all didn't have any of those talks?

7 A We didn't have those.

8 Q So you didn't --

9 A Joey and I didn't have those talks, no.

10 Q So you're saying you never told the police later on
11 that he was nervous on that night?

12 A No, not that -- not that I realize. He could have
13 been, you know, after he talked to Aislinn a while but the
14 way Aislinn was sick and everything, I'm not --

15 MR. O'DELL: Your Honor, that's all I have. I'd
16 like to reserve the ability to recall him though.

17 THE COURT: All right. Any other questions of Mr.
18 Hogue?

19 MS. COLSTON: Just one.

20 *****

21 REDIRECT EXAMINATION

22 BY MS. COLSTON:

23 Q Mr. Hogue, you didn't even really talk to him, as I
24 can understand -- talk to Joey when he was at your house; did
25 he?

1 A No, ma'am, I didn't talk to him at all.
2 Q Okay.
3 A Just spoke as we went in and that was it.
4 Q Did he go straight in Aislinn's room?
5 A He went in there and sat on Aislinn's bed and I was
6 walking in and out, in and out.
7 Q Okay.
8 A And kept checking on her.
9 Q Thank you. I appreciate it.
10 MR. O'DELL: One other question.

11 *****

12 RE-CROSS-EXAMINATION

13 BY MR. O'DELL:

14 Q Do you recall telling Detective Moser that he never
15 even discussed anything about an accident or anything at all
16 to you? Ever mentioned a --
17 A He didn't discuss it with me, no, sir. I just
18 overheard him telling my daughter that one little section;
19 that he had a friend that just got killed.
20 Q Oh, so you overheard him telling Aislinn?
21 A Aislinn, yes, sir.
22 Q That he had a friend get killed?
23 A Yes, sir.
24 Q Thank you then. So if Aislinn says that's not true

25 --

1 MS. COLSTON: Objection, Your Honor. He's asking -

2
3 MR. O'DELL: I withdraw it.

4 THE COURT: That's right. Okay. All right.

5 MS. COLSTON: Thank you, Mr. Hogue.

6 THE COURT: You're free to leave right now as long
7 as the folks know how to get in touch with you. Okay?
8 All right.

9 MS. COLSTON: Thank you.

10 THE COURT: All right. Ladies and Gentlemen, we're
11 going to recess right now. I've got 20 minutes after
12 12. Let's take until 10 minutes till 2, an hour and a
13 half. Okay? Remember all the instructions you've been
14 given and we'll see you back here at 10 minutes till 2.

15 The people in the courtroom, y'all hold it down and
16 just wait until the jurors have left.

17 [The jury leaves the courtroom.]

18 THE COURT: All right. Court will be in recess.
19 Remember that strange time that I told you, 10 minutes
20 till 2.

21 MR. ABERNATHY: Thank you, Judge.

22 THE COURT: Nobody leaves the courtroom until the
23 bailiff says it's all right. That means the jurors have
24 left the floor. All right. Court's in recess.

25 [End of morning session.]