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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.

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**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:

1  
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.]