

UNDISCLOSED: The State v. Greg Lance
Episode 12 - The Man Who Knew Too Much
December 2nd, 2019

Rabia Chaudry: Hi Undisclosed Listeners. Thank you so much for tuning into the Greg Lance case and to tuning into all of our cases. We couldn't continue to do our work to help the wrongfully convicted without your support, and here's two more ways you can support us and our work. First, please support our sponsors, because they support us. The products and services that we bring to you, are products and services that we love. They're sponsors that we love. So make sure to patronize them for yourself, for family, for friends, as a gift ... pass it along. And a big thank you to our sponsors who have stood by us for now nearly 5 years. Another way to support us, a really important way, by the way, is to actually subscribe to our podcast. Subscribe to us on iTunes, Stitcher, Spotify, or wherever you listen to your podcasts, and please make sure to leave us a 5-star review, because that helps other people discover this podcast, and the more people that listen, the better it is for our work. Thanks again, and now let's get into this week's episode.

Lacy Harness:

Greg, I don't know him, I have never met him, but I know he's in there for somethin' he didn't do. Don't let him give up. Your son never got his chance. Even though it's hard, and he knows it's hard, but he just never got the chance to be a daddy that he deserved to be. That's very very sad.

Rabia Chaudry: That was Lacy Harness, who we heard from in last week's episode. To refresh your memory, Lacy was one of the people we know for sure was at the Horn residence, across the street from the Kolesnikows, on the night they were murdered. Lacy has said many times that he believes that Sam and Peggy Horn were responsible for murdering Victor and Alla. And for good reason. Lacy witnessed a lot of things that night and the next morning, and even more things that we'll get into today, but one thing he didn't do is connect Sam Horn to the murder weapon. Remember, the Tec 9, with a flashlight and green cord attached to it, the police found it a little over a month after the murders, not far from the victims house on their next door neighbor's, Mr. Bohannon's, property. Lacy did say that Sam owned a Tec 9 but he also says that Sam owned hundreds of weapons and that they came and went, Sam would get stolen weapons and ditch them, trade them for drugs, hide them on the property, throw them in wells... so Lacy isn't quite clear on when Sam Horn possessed a Tec 9. And he also never says that he saw Sam with such a weapon all rigged up with a cord and flashlight. But that doesn't mean there weren't other ways to connect Sam to the gun.

Hi and welcome to Undisclosed. 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.

Hi, this is Susan Simpson, I'm an attorney in Washington D.C. and I blog at The View From LL2.

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 Evidence Prof Blog.

[4:12] Rabia Chaudry: You might recall that tracking the weapon ended up being an exercise in frustration for the investigators. They traced the serial number of the weapon to a man named Darrel Smith, and he told them that he traded the gun to Robert Sheppard, the owner of Sheppard's Auto sales. And when they checked with Sheppard's, well, it checked out. Sheppard confirmed that he had in fact gotten the gun from Darrel Smith. But after that the trail went cold. Sheppard thought maybe the weapon was stolen in a robbery at his store that took place in January of 1997, a year and a half before the murders. But the police report that listed all the stolen weapons didn't include the Tec 9.

Then Sheppard thought he sold it to a man named Tommy Jones. He was so sure of it he called Tommy as the police recorded the conversation and asked him about the gun. Tommy essentially told him to eff off, he said never bought or traded such a gun from him, and there wasn't any paper trail to show that he had either. In an early report Investigator Phillip Gentry noted, referring to the detectives who had interviewed both Tommy Jones and Robert Sheppard, "They think Jones is telling the truth and Mr. Sheppard, being a used car salesman, could be deceitful." But, contrary to their initial instincts, Sheppard agreed to a polygraph, which he passed just fine, and Tommy Jones refused to take one.

The police even put Robert Sheppard under hypnosis, thinking maybe he forgot what he did with the weapon, but the hypnosis didn't produce any leads either. So at the end of the day, they gave up trying to figure out where that gun had disappeared to from Sheppard's, and at trial they were never ever able to connect it to Greg. In fact they didn't even offer a theory of how Greg ended up with the gun, they just left that a big blank hole for the jury to fill in with their own imaginations.

But *Greg* didn't give up trying to figure out where the gun came from and where it went. And so, in 2005, well after his conviction, he hired a post-trial defense investigator, retired FBI agent Jim Harcum, who tracked down Darrel Smith to talk to him again about when he traded Robert Sheppard the weapon.

Susan Simpson: This time though, Smith had a completely different story. He never traded the gun to Sheppard, he said. In fact, he had given the Tec 9 to his daughter Tosha Ann Smith when she got married. It was for the express purpose, he said, of using the gun as a down payment for a trailer, a trailer they had bought from Robert Sheppard. Defense investigator

Harcum then spoke to Tosha, who confirmed that, yes, her parents had given her the gun to use as a down payment not long before her and her fiance at the time were planning on getting married. Tosha married Jerry Beason in December of 1997, and she recalled that they bought a trailer in the late summer a few months prior - the weather was hot and uncomfortable she remembered. It was sometime between July and September of 1997. Harcum then visited Jerry Beason, who was now divorced from Tosha, and he confirmed the same thing from him. The Tec 9 was given to Robert Sheppard when he and Tosha had bought a trailer from Sheppard shortly before they got married in December of 1997.

So according to these three witnesses, Robert Sheppard acquired the gun in the late summer of 1997, a year before the murders. And he got it as a down payment, which means he should have had a record of getting it. But he told investigators that he had gotten it back in 1995 or 1996 from Smith, and in fact Smith had said the same thing when he was interviewed right after the murders. That he had given Sheppard the gun in '95 or '96, traded it to him for a car.

But now, in 2005, that story was completely different. And the biggest difference was the timeline of when Sheppard got the gun, and all of it was really just based on their statements. At no time did anyone produce any kind of documentation showing when the transaction took place. But if the 2005 statements by Darrel Smith and his daughter Tosha Smith and her ex husband Jerry Beason are correct, and Sheppard didn't get the gun until summer of 1997, that means it certainly couldn't have been stolen in the January 1997 robbery that took place at his store.

And if it wasn't stolen in the robbery, that means Robert Sheppard got rid of it some other way, a way that apparently he didn't want the police to know about. What could that reason have been? Well, for instance, if he had used the gun for some kind of illegal transaction, like for drugs. Or perhaps because he didn't want to help the police trace the murder weapon to the murderer, because it could put his own life in danger.

And that's exactly the theory that Jim Harcum thought for why Sheppard hadn't told the truth about how he had gotten rid of that gun.

[9:13] Jim Harcum

I do remember him claimin', you know, he didn't know what happened to the gun or somethin' like that. But I know that my thoughts were that that gun was a key thing right there, that it didn't add up. I just, I knew, I felt strong that he was not being truthful about his knowledge. Now whether he was afraid of somethin', I don't know. He never did cough up anything about where that gun went to. Sheppard knows exactly what happened to that gun. I'm satisfied of that. I was at the time, you know. And like I said, I've had dealings with Sheppard over the years as an agent, and I really felt like I could possibly get it out of him, but I never could. He never would cough up what happened to that gun, what he did with it. I really felt, as a gut feeling, that he might have been very

concerned of some reprisal from somebody, you know. But I never tied Sam to that thing, or anybody really.

Rabia Chaudry:

Yeah. I mean when the TBI comes to him and says, look this weapon is involved in a murder, and he knows where the weapon went, I'm guessing he didn't want to get involved.

Jim Harcum:

Oh, no question about it, I would say that's exactly right.

Rabia Chaudry:

Yeah.

Susan Simpson: In 2005, after talking to Darrel, Tosha, and Jerry, Harcum also interviewed Robert Sheppard, and Sheppard repeated the robbery story to him. Harcum then asked him if he knew Greg Lance. He didn't, said Sheppard. But Sam Horn? Yes, Sheppard said. He did know him. He didn't say anything much at all about Sam Horn though, and Jim Harcum believed then, as he believes now, that the key to solving this case is in whatever it is that Sheppard hasn't told anyone.

Jim Harcum:

Let me just throw this out for whatever it's worth - I always thought Sheppard's the key. Not that Sheppard had anything to do with it, but I really believe he knows where that gun came from or where it went to, it was where it went to if I recall correctly. That was the key, you know. There was no question about him having that gun at one time.

Rabia Chaudry:

I think he can conclusively tie the weapon-- he knows where it went, he can tie it to...

Jim Harcum:

That was my conclusion in that whole thing, that he knew exactly where that weapon went to and could tie it together. That's exactly right, that was my thought.

[15:05] Colin Miller: Robert Sheppard told Harcum that while he knew Sam Horn, he never had any dealings directly with him. Which, while possible, is highly unlikely for two reasons: first, well Sam Horn was really well connected to and active in the local gun scene. And second, because Sheppard had helped track Sam down after he broke into his friend's business and stole a safe.

Robert Sheppard:

We followed the tracks in the snow and chased him down, me and Tom did, and got the safe back.

Rabia Chaudry:

Do you remember when that was?

Robert Sheppard:

No, I don't.

Rabia Chaudry:

So Sam broke into this other place and stole a safe and he was tracked down by snow tracks?

Robert Sheppard:

Oh yeah, we followed his, it had snowed while he was there and it was the only set of tracks on the road, we followed 'em right to his house!

Rabia Chaudry:

(Laughs.)

Robert Sheppard:

It's true!

Still, when we spoke to Sheppard, he insisted on the same thing he had for years: that he had no idea where that gun went, and he knew nothing about a connection to Sam Horn.

Greg, as we've mentioned before, definitely didn't know Sam. But Greg got to learn all about Sam when he was incarcerated, and it wasn't just from Billy Cleghorn. Others also talked to him, and told Greg they knew Sam Horn was connected to the murder, and they knew he was connected to the gun. One of these men was a man named James Myers. Myers worked at the Bend Of The River Gun Shop, the shop that had originally sold the Tec 9 to Darrel Smith before Smith gave it to Robert Sheppard. James Myers had a lot of information about Sam to tell Greg - Sam Horn and him had a bit of history, and James wrote that history down in a sworn affidavit in 2014.

Back in the late 90s, Sam would come into the Bend of the River gun shop nearly every week, said James, to buy all kinds of bullets. Sam was often geeking, said James, and he didn't always want bullets right off of the shelf, he wanted stolen bullets. Sometimes he paid for the bullets, and sometimes he traded them for meth. James had no trouble selling Sam bullets because James usually had a supply of both stolen bullets and guns. In his affidavit James stated, "I stole a lot of guns and sold them to Sam Horn, Alvie Horn, and Mike Horn." Sam, he said, would buy any gun that James could get his hands on.

And once, said James, he and three others broke into a house in Jackson County and stole three entire cabinets full of guns. The police traced the theft to his partners in crime, who told the police they had sold all of the stolen guns to Sam Horn.

Putnam County detectives Doug Burgess and Bobby Lane made a visit to Sam, who denied having them. The police hauled the three snitches in front of Sam to confront him about selling him the guns, they gave him a few hours to turn the guns in, and they left. Sam, said James, turned over the stolen guns to the police and no one ever got charged. Not him, not his co-conspirators, not Sam Horn. Which didn't surprise him because, according to his affidavit, when Sam owned his cab service he used it to sell cocaine. For years, before he got into meth, Sam bought and sold guns and traded them for cocaine, with trades going both ways, and while it was an open secret, Sam was never arrested for any of it. James said that he and most others suspected that Sam had some kind of arrangement with the cops, maybe he was an informant, because no matter what Sam didn't seem to ever get in trouble with the law. Whatever it was, it wasn't kosher because James Myers said that with his own two eyes he saw local cops at Sam's house as Sam was cooking meth.

And, said James, "Most everyone that knows Sam Horn knows he is a killer. Everyone was afraid of him because they know he would not hesitate to kill them if they ever crossed him. It is common knowledge among the people that know him that Horn killed the Russian couple that lived across the road from him."

Rabia Chaudry: Now, James Myers wasn't specifically able to connect Sam Horn to the murder weapon, but he wasn't the only one who came to Greg with information. In a handwritten note, Greg documents that two men named Bruce Henry and Derrick Whittenberry told him that they had personally seen Sam in possession of a Tec 9 gun with a small black flashlight taped to it. The flashlight, they said, had a knobby rubber handle with a switch on the bottom. And the gun was a little rusty around the end of the barrel area. Now if you check out the title image for Addendum 4 of this series, you'll see that the murder weapon was in fact rusty around the barrel.

But another witness went a step further than these men, and told Greg that he not only saw the murder weapon in Sam's possession, but he actually even fired it. That was a man named Chris Henry, that Greg met in prison in January of 2000, as he was awaiting trial. Chris Henry had known Sam Horn for years - they were friends once - and he was one of the many young men who ran dope for Sam and he was an addict himself. Henry had at one point borrowed stuff from Sam to make his own meth and when he failed to return it, Sam threatened to kill him.

Sam had also pulled a gun on Jackie, as we heard before, and on someone who never expected it - Lacy Harness. Lacy's father was one of Sam's best friends and Lacy grew up around Sam so he never thought he would be in danger from him. But he was wrong.

[20:31] Lacy Harness:

We been all like family, you know, until he pulled the gun on me. I was like, man, after all these years and all the stuff we been through, you know, I'm not gonna tell Dad about this, because Dad don't need to know nothin' like this. You and him still friends as far as he's concerned and as far as I'm concerned. Said, I ain't got to come out here, you know, I ain't got to take your shit, get busted with you guys, you know, but I did have a couple cars up there and I just left 'em. I left the cars sittin' there. Two months later I run into Billy, Billy pulls a gun on me. He was datin' Samantha. I seen him at the store and he followed me down the road. Well I pulled over, "Man what's going on? What do you want? You ain't followin' me for no reason," you know. He was like "Well, Sam told me to give this to you," and he whips out a gun. I said, "Give me what? I don't wa- like that gun." He's like, "No, he wants me to shoot you." I looked down and I looked through the car at Samantha, and I said, "For real? Your dad's gonna be that way?" and she said, "Billy don't do it. Don't do it. Billy, it ain't worth it," you know.

Billy Cleghorn let Lacy go that day, and Lacy stayed away from the Horns ever since. And that seems to be the pattern, because that's what Chris Henry did too. Henry stayed out of Sam's way ever since Sam threatened him, knowing that he would make good on his promise to kill him. Chris Henry told Greg that he believed Sam had killed the Kolesnikows and was willing to testify but he was worried for his own life if Sam found out he had been talking. As he later told Joyce, Chris Henry was scared to death of Sam.

But still, Henry drew a map of Sam's house for Greg. He told him that it was impossible for Sam to look out of either one of his front facing windows and see the Kolesnikow house. Sam kept heavy curtains drawn and junk piled up so no one could look out or in, which was not uncommon for a meth house. So that meant that the statement Lacy Harness gave that Sam had woken him up as he was asleep on the sofa and that he pointed to the burning house through the window, wasn't true. It couldn't have been true because there wasn't any way to look through those windows if Chris Henry was right.

Well, Greg turned over Chris Henry's information to his attorneys as they prepared for trial. But his defense team never contacted Henry or called him to the stand. But Henry did eventually testify, just not at the trial. Remember, after Greg was convicted but before he was sentenced, his new attorney filed a motion for a new trial at which Greg testified. Well, that was also when Chris Henry testified.

Henry told the court that Sam Horn had told him that "the Russians" had threatened to turn Sam in for manufacturing meth because he had fallen behind in his mortgage payments. This conversation, Henry said, took place before the Kolesnikows were murdered. Henry went on to testify that Sam told him that he would "knock on their front door - - he said he was too old to go to prison, that he would die before he got out anyway; that he would knock on their front door, shoot them, and burn their house down behind him and leave."

And later, after the Kolesnikows had been killed said Henry, Sam told him that he had taken care of the problem. And Henry understood it to mean that Sam had killed the Viktor and Alla. Chris Henry also told the court that not only did Sam Horn own a Tec 9, Chris Henry had fired that Tec 9 himself.

But District Attorney General William Gibson was quick to get Chris Henry to admit on cross examination that he was a meth addict, that he was on meth at the time he says all of these things happened, and that Sam Horn was also on meth at the time he allegedly said anything about the Kolesnikows. And that caused enough damage to his credibility that Chris Henry's testimony wasn't strong enough evidence to grant Greg a new trial.

[24:38] Susan Simpson: It was the same tactic DA Gibson used to prevent Billy Cleghorn from testifying before the jury at Greg's actual trial the previous year. We heard from Billy Cleghorn in last week's episode, and he told us, as he has said in many statements over the years, and in court, that he was at Sam Horn's house that night, the night of the murders. Billy said that he pulled into Sam's driveway as the Kolesnikow house was burning and that Sam had come rushing out to tell him to leave before the police got there. Billy also later heard Peggy and Samantha things that were incriminating about their family's involvement in the murder.

Now remember, Billy had told all this to Greg in prison, a good year before Greg's trial, and he had also told the authorities. He even sent them to talk to Paula Laccamore, who corroborated some of his statements. Billy did testify at the trial the following year in October of 2000, just not in front of the jury. The prosecutors objected to Billy's testimony, telling the court it would be mostly hearsay, so the judge had Billy testify outside of the jury's presence to determine whether any of it could be admissible.

[25:50] Billy told the court that Samantha relayed to him that she was on the porch the night the murders took place, having fallen asleep on a recliner out front. She awoke to the sound of gunfire and saw lights go on across the road. Not long after, her parents had returned from the Kolesnikow house with a bunch of stolen items and she could smell gasoline on them.

Billy also told the court that when Sam and Peggy came over to Jackie's, Peggy had been rambling. Billy stated,

2 A. It didn't make no sense, you know, stuff she was
3 going on about. She didn't really say nothing. She was
4 saying little stuff like she left her blouse, which I didn't
5 know what she was talking about, you know what I mean?
6 She said stuff like the best way to kill somebody
7 is to tie a flashlight on a gun; then she said something
8 about she left her blouse over there. Then she said she was

While the testimony seemed like compelling evidence for Greg Lance, the court found that it had to meet a standard defined by the Supreme Court in *Tennessee v. Howard Brown* - that the accused's right to defense trumps the hearsay rule and therefore allows a confession to a crime to be admissible from someone who isn't present to testify if that confession has been sufficiently corroborated and the hearsay testimony has an indicia of reliability.

In order to test the reliability of Billy Cleghorn's testimony, he was recalled to the stand to be cross examined. And on cross examination, DA Gibson got him to admit that Billy, Sam, Peggy, Samantha, the entire lot of them, had been essentially high on meth the entire timeframe of the crime.

He also drew out from Billy that he had not come forward with this information until a year after the crime, and after he had been arrested. The prosecutor pressed him to admit he'd only come forward and offered the information because he'd been hoping for some kind of a deal.

Billy didn't admit that, but he did admit under cross that Sam and him hadn't been on good terms for a bit- ever since Billy had shot Sam in the rear end, something else that Billy told us about when we went to visit him.

[27:57] Rabia Chaudry:

There was an incident between you and Sam where he got shot? Can you tell us about what happened there?

Billy Cleghorn:

It was an accident.

Rabia Chaudry:

It was an accident?

Billy Cleghorn:

Yeah.

Rabia Chaudry:

Okay.

Susan Simpson:

What happened?

Billy Cleghorn:

We- There was always pistols around the house. And he had a little Derringer, it was like a little revolver. It was so small, that you could pull the little trigger back, and then it's got a little hammer, and I was playing with it, and it just went off. Shot him right there.

Rabia Chaudry:

Yeah, he had to go to the hospital.

Billy Cleghorn:

Yeah.

Susan Simpson:

Oh, under the table. That's how.

Billy Cleghorn:

Yeah.

Rabia Chaudry:

Okay.

Susan Simpson: So yeah, it was an accident, but it certainly didn't look for Billy that he was now here testifying against Sam.

Finally DA Gibson pointed out that Billy had a record of 51 charges, going all the way back to when he was 10 years old.

It's worth noting here that Prosecutor Gibson didn't disqualify any of their own witnesses for drug use or criminal histories or even for severe mental illness. Gibson only considered these matters to be disqualifying when it came to the defense's witnesses and despite it being clear that by the time of trial Billy Cleghorn had nothing to gain by testifying against Sam Horn. Still, Gibson was determined to keep his testimony out. And he succeeded.

Billy's drug and criminal history deeply undermined the reliability of Billy's proffered testimony, and besides, as DA Gibson pointed out, Billy was just relaying what he heard other people say, people who could have been subpoenaed by the defense. Which was a good point. Sam, Peggy, Samantha could all have been subpoenaed for the defense to attempt to get the same information into the record.

Believe it or not, they actually were subpoenaed at the insistence of Greg's mother, who forced his reluctant attorneys to go along with it. But it amounted to nothing. The Horns appeared in the courtroom one day with what appeared to be their own attorney, and Joyce heard the lawyer tell them they could all leave, and they did. It was never clear to her what happened, but presumably Greg's attorneys made it clear to the Horn's attorney that the defense had no intention of calling the Horns to testify.

Ultimately, the jury never heard any witness testimony connecting Sam or Peggy Horn to the murders.

[32:31] Rabia Chaudry: Other than the witness testimony, there was one actual piece of physical evidence concerning Sam Horn that Greg's lawyers tried, but failed, to get into the record at Greg's trial. It's a truly strange document that makes you wonder what was really going on with the investigators, why they seemed to be actively ignoring what was plain as day right in front of them.

That document is dated September 18, 1998 at 11:15am, the morning after the murder weapon was found at the Bohannon farm. A cover sheet to the document notes "Putnam county investigators Doug Burgess, Gary Roach, and arson investigator Phillip Gentry talked with Sam Horn. Attached to this memo is a copy of the notes they took along with a drawing of the gun made by Sam Horn."

The attached document is handwritten and captioned with the title "Drawed by Sam Horn".

Underneath the caption is the hand drawn image of a gun, one that looks an awful lot like the gun the police had found the very night before, down to what seems to be something attached to the top of the barrel of the gun. Something that could well be a flashlight.

Next to the gun is written, "middle of 1992 Claude Wright had a gun that looked like this drawing. Claude Wright came out the door of his home carrying the gun."

Now, Claude Wright, in case you don't remember given the avalanche of names this case involves, was Victor Kolesnikow's handyman and he lived at Greg's trailer park. From what we know, he was also the last person to see Victor alive the night before the murders, when Victor

came to the trailer park to do the inspection but he didn't cross paths with Greg. And Sam Horn would have known Claude because Claude was often at Victor's place doing odd jobs.

Now a lot of things about this document have baffled me. First, we don't know why or how the document came to be. Did the police go to Sam Horn after they found the murder weapon? If so, why? Or did Sam himself go to the police having somehow found out that they found the weapon, in the hopes he could deflect attention towards someone else, instead of him? After all, Sam Horn had no idea that Greg was already the investigator's lead suspect, so in Sam's mind he might have thought it was best to put the investigators on Claude Wright's tail when it came to the gun.

But, if that was the case, why did he specifically note that he saw Claude with the gun in 1992, why didn't he place the gun in Claude's possession closer in time to the crime? And if Sam was alleging that he saw Claude with this gun in 1992, was he alleging that even way back then it had a flashlight attached to it?

To be fair, it might be unreasonable to try and figure out why Sam, who was high on meth constantly, was doing anything at that point. But what about the investigators? Why didn't they look at this picture and think, wait a minute. Wait just a minute...

Which brings me back to the same question I've raised, the same question everybody wondered about - why was Sam Horn like rubber when it came to criminal culpability?

Sam Horn drew this weapon for the police the day after they found it, a month after the Kolesnikows were murdered. But there is no indication the police did anything at all to investigate Sam after he made this drawing. They didn't search his property, they didn't take his fingerprints. And by the time Greg's trial took place two years later, they had Billy and Paula's statements. They had to know there was a strong reason to suspect Sam Horn, but they did nothing about it.

And we know that they knew how likely a suspect Sam was because on December 13, 1999, ten months before the trial, defense investigator Ronald Lax stopped by to speak to Assistant District Attorney Patterson. In a report of that meeting, Lax wrote:

"He began the conversation by bringing up Sam Horn and the information which had been developed implicating Sam Horn in the murders. He added that information at least gave us something to chase and could definitely be used as reasonable doubt. I asked him if he was not pursuing those areas of investigation and he stated that TBI [Special] Agent Robert Kroffsik was pursuing those leads. Patterson then added that he had rather prosecute Sam Horn than Greg Lance. He went on to state Sam Horn and Cleghorn both had bad reputations in the area. He also provided information that Sam Horn's daughter Samantha Horn, who is only 17 years of age but who is dating

Cleghorn, was recently arrested for shoplifting. He said the items she was shoplifting were consistent with someone who was trying to operate a meth lab."

Well, as we explained earlier, Greg's lawyers did attempt to point to Sam Horn as an alternate suspect at the trial, but weren't able to make a dent in that direction. People who were at the trial and those who subsequently reviewed the trial transcripts pretty much all thought Greg's lawyers failed him on that and other fronts.

Jim Harcum:

I just remember at the trial, I read the transcripts back then, and they did a terrible job. Terrible, I thought.

Rabia Chaudry:

His lawyers, yeah.

Jim Harcum:

I mean, if you've read it, you'd see the same thing.

Rabia Chaudry:

I have. I believe that. They dropped the ball many, many times. Yeah.

Jim Harcum:

I can't even remember who his lawyers were, but anyway. I just remember that I thought it was awful, the way... you know.

[37:55] Rabia Chaudry: But well before trial, anytime anyone spoke directly to TBI Agent Kroffsik about the Horns- because, remember, Assistant DA Patterson said that Kroffsik was the lead in checking out Sam Horn- Kroffsik just wasn't interested.

Billy Cleghorn:

They wasn't trying to hear it.

Susan Simpson:

They didn't want to hear it?

Billy Cleghorn:

No. Because, you know how it is. Once they charge somebody, they wasn't gonna...

Rabia Chaudry:

They don't wanna go back.

Billy Cleghorn:

I can't believe it. They didn't even do nothing, with Sam... I don't know about that deal,

to tell you the truth.

Lacy Harness told Greg's mother Joyce the same thing - that he twice spoke to TBI agent Kroffsik and both times told him the Horns were involved but that Kroffsik didn't want to hear it.

Lacy Harness:

I told this guy, not this guy, not Greg. I told that investigator, I said-

Joyce Argo:

Jim Harcum?

Lacy Harness:

No. The TBI.

Joyce Argo:

The TBI. What did you tell them?

Lacy Harness:

I told him that I knew Sam did it. But he didn't want me to exactly come out and say Sam did it because it would put me and my family in danger. But he didn't want me to say Sam did it. He tried to cover up the fact, he said, well, nothing you say is gonna help anyway, you was on meth. Just because I was there don't mean I was on meth.

You're supposed to be investigating this case. This was after June. He was like, we know Sam did it. And...

Joyce Argo:

Bob Kroffsik said he knew that Sam did it?

Lacy Harness:

Yeah. He said we know Sam did it. Sam and Peggy did it.

I feel so bad about the boy still being in jail over it, but Bob convinced me there was nothing I could do to help him.

[39:48] We may never know why investigators turned a blind eye to the most likely suspect in this case, Sam Horn, but two decades later, we do have a clearer understanding of what happened on the night the Kolesnikows were murdered. And that is, thanks again, to what Lacy Harness told Joyce this year.

Colin Miller: We began this series by laying out the timeline of the crime in episode one.

It seemed that everything pertinent that happened on August 5th, 1998 took place not long before the 3:30am 911 call that was placed alerting the authorities that the Kolesnikow house was on fire.

The Redmon brothers, David and James, who lived across the street, told authorities that they had arrived home from work around 2:30am, and when they did so, the Kolesnikow house was quiet and only the Kolesnikows' own two vehicles were parked in their driveway.

The brothers retired to their respective trailers, grabbed some food, and were getting ready to turn in for the night when they heard a boom-like explosion that was definitely not gunfire, and then heard a loud car peel away from the scene.

Neither of them saw the car so they couldn't describe it, but they both said they saw it take off toward town, though by the time they got to trial James changed his story and said he actually saw the car slowly come down Victor's driveway and then take off. Nonetheless, David went over to James's trailer and James had his wife call 911.

Neither brother reported hearing a car approach the area after they got back from work, so the authorities weren't sure how Greg or whoever the perp was arrived to the Kolesnikow house without being noticed. Both brothers were sure there was no third unknown car at the Kolesnikow house when they arrived home from work, which meant the perp had to have gotten there after they got home.

The police tried to do a re-enactment in the dead of the night, which the Redmons witnessed, but it didn't pan out. They tried to cruise a car with its engine off down the road and up the Kolesnikow driveway and they weren't able to recreate the sound of the car driving away that the brothers said they heard.

That's no surprise though, because the most likely scenario is that there was no such car, and the Redmons concocted the story as a red herring. Or, the car they heard speeding away was Billy Cleghorn booking it out of there after Sam told him to scram.

Now, in the hours after the murders the police interviewed the two brothers, but not their wives. But before the trial, defense investigator Ron Lax did speak to the wives. And both of them told him that the Redmons had arrived from work not around 2:30am, but in fact, around 1am. In fact, James Redmon also told Lax the same thing, that he had gotten home around 1am, but that he hung out until around 2:30 or 3am and then went to bed but woke up when he heard the fires from across the street.

David, however, maintained that he arrived home around 2:30am, which didn't add up for a few reasons: First there's the fact that three other witnesses put him at home at 1am. Next there's the fact that the brothers told Ron Lax that they rode home together from work because they

both worked at the same company. And, finally, there are their timecards. They showed they punched out around 12:45am.

It was a fifteen minute drive home, so it seems pretty certain the brothers got home around 1am. And that's very, very important. Because remember, Greg was captured on video at the minimart buying beer around 12:45am.

Not long after, Greg was seen at home eating in his kitchen by the state's own witness Eric Tanner. You may recall when Eric Tanner was initially interviewed, he told the police that he saw Greg at home at 1:30am but at trial he testified it was 12:30am. Tanner had to be reminded by defense counsel that no, he had originally said it was at 1:30am.

We told you in a previous episode that this time change Tanner was trying to make at trial was significant. That's because Eric Tanner didn't just pull that 12:30am time out of nowhere. The state knew that Greg was seen at the minimart at 12:45am, they couldn't get around that fact.

If Eric was able to establish that Greg was home at 12:30, the state could have then argued that Greg left the house, stopped for beer *after* Eric saw him and not before, then went straight to the victims' house and gotten there before the Redmons got home from work that night.

But if Greg was buying beer at 12:45 am and Eric saw him at 1:30am, that means Greg would have arrived at the victims' house *after* the Redmons got home from work. And they couldn't figure out how he could do that.

Lucky for the State, they never had to fill in that big hole, the jury didn't catch it and defense counsel failed miserably in pointing it out.

[46:10] Susan Simpson: Another big missing piece during both the investigation and the trial was establishing where the Horns were that evening. When the police spoke to Sam and Peggy they told them they had been in Nashville all evening and returned home around 1:30am. They said they'd gone to sleep around 2am, but then woken up when they heard the fire trucks.

There is no evidence, though, that the police actually checked that story out.

And the Redmons, in their initial statements after the murders, they never mentioned the Horns either. They didn't mention if they were home, when they got home, what they were up to at all that evening. Neither did the other neighbors who came out that night to witness the Kolesnikow house burn down - witnesses such as Sally Pelliciotti and Don Savage.

Sally lived to the immediate left of Victor and Alla's house and walked down the road when she heard the fire engines. In her statement the next morning she stated, "I did not see the people

from the wood siding house in the two hours I waited to hear about the Kolesnikows.” The house she’s referring to is the Horn residence.

And Don Savage of Savage Auto Parts, who lived a bit further down from Sally, said in his statement that he hurried out of his house and went down the hill towards the Kolesnikows’ when he heard the fire trucks pull up. He said he was almost there at the Kolesnikows’ house when, “I heard a hammering or pecking sound and thought the firemen were trying to tear a window or wall out possibly to get someone out, then I hurried up to help but that turned out to be someone working in the back of the old West house.”

The West house he was referring to was again, the Horn residence. And when we went to meet Mr. Savage he told us the same thing. That that night, as the fire was raging, he heard hammering, like someone was doing construction work, from the back of the Horn house. But the Horns themselves, he said, were nowhere to be seen.

And both Sally Pelliciotti and Dan Savage noted that while normally there were flood lights on 24/7 at the Horn house, on the night of the fire, it was eerily dark.

If what Lacy Harness had to tell Joyce was true, there was every reason for the Horns to have kept the lights off and to disappear. Because, if Lacy was right, that night they had murdered Victor and Alla Kolesnikow.

On August 3rd, the Kolesnikows had filed an eviction and foreclosure notice against David Redmon. That was what alerted Sam and Peggy that they were running out of time and that they had to take care of things soon. So, according to Lacy, on the afternoon of August 4th, Sam and Peggy drove their van across the street and into the field behind Victor and Alla’s house.

Lacy Harness:

I do know I did see Sam and Peggy go across that field in that van. It was unmistakable. Like I said, the side door was gone off of it, and one of the back doors.

They came back and forth during the day but late that night, said Lacy, he sat down on the porch watching across the street because Sam and Peggy were behind the Kolesnikow house in their van. When the cops asked him if he had seen any cars coming or going that night he said no, he hadn’t. But he didn’t, of course, tell them that the Horns had been stalking the Kolesnikows.

Lacy Harness:

He’s like, ‘Well, do you remember the maroon car, or the car- a vehicle pulled in?’ I’m like, no. There ain’t been anybody over there all night. Because I was sitting there waiting on Sam to come back across the field with his van. I said, no, I ain’t seen nobody come or go.

Now, we heard from Billy that Samantha Horn told him that her mother Peggy had gone over earlier in the day and asked Alla to use her bathroom and when she'd done so, Peggy had unlatched a window from the inside - a technique that she had perfected with her mother Rose Redmon when they burgled antique shops and houses.

Colin Miller: Late that night either Sam or Peggy snuck into the Kolesnikow house through that window and shot the victims.

Lacy Harness:

I didn't hear any gunshots, because... I don't know if that gun had one of them baffles on it- silencers on it or not. But Sam had a silencer there for it.

I don't know. I know your boy didn't do it, though. I do know that.

[50:42] That could explain why no one heard gunshots that night, not the Redmons, not the neighbors Pelliciotti and Savage, both of whom had multiple times told investigators that they had heard gunfire from the Horn residence all the time. But that night? They hadn't heard anything.

Lacy didn't say that he definitely knew what happened inside the Kolesnikow house but he had heard things. From where, he doesn't say.

Lacy Harness:

Somebody had mentioned he was shot several times, but it was like a just... random. He had one in his leg, one in his abdomen, and one in his chest around his heart, in his shoulder, and in the head. That's a lot of shooting.

Lacy then says something interesting that may be his way of giving us a clue as to what really happened.

Lacy Harness:

I'd like to know how long he'd been dead. See, nobody knows how long before they went back and cleaned up the mess. They was over in the field by themselves, and it could've happened when they first when over there. Because she was supposed to have been paying the rent, and she was behind in the rent. And somebody that would probably rent would be like, 'Yeah, come on it. Give me my money.' And that's when- I mean, it could have taken place any time that day.

That's a fair point. There isn't any reason to believe that Victor and Alla were killed right before the house went up in flames. They could have been murdered hours earlier, giving the Horns time to go through the house and search for the deed that Peggy desperately wanted as well as to snatch up the items she wanted to keep for herself.

But all that searching leaves behind clues. And one way to get rid of the clues, any evidence the Horns had been there, was to burn it all down.

Lacy Harness:

The fire actually started, and I was actually coming outta the roof. By the time I was coming outta the roof, ya know, he had time to make it back home and take a shower. I don't know how far back their bedroom was, or exactly where it was in the house, but if it was me, ya know, it would have started in the bedroom, 'cause that would've been where the most had been touched. After they was shot, that probably would have been the first place they searched. They touched everything. And then went there, on out through the house, looking for whatever, ya know, their safe, their papers, whatever.

Joyce asked Lacy if he knew whether Samantha had gone over to the Kolesnikow house with her parents, but he denied it. He said both Samantha and his sister Jenny were asleep the entire night. And, he said again, he was asleep until Sam woke him up, dripping wet from a shower, and told him about the fire across the street.

The Redmons came to the door of the house, said Lacy, but they didn't come in. They just came by to tell them 911 had been called. Lacy walked outside, down to the end of the driveway, he said, before the police got there, and noticed something.

Lacy Harness:

The garage door was shut back, when the house was on fire.

Joyce Argo:

Okay.

Lacy Harness:

I did remember that because I walked up to David's house, and was talking to him. I was like, "Man, what's going on?" He's like, "I don't know. I just got home." And when I looked over there, the garage door was shut [Joyce: Okay.] But the garage door was shut when I went up to David's, through David's driveway, the night it was on fire.

Now, to orient you, if you were facing the Kolesnikow house from the road, their bedroom was at the front right part of the house. That was the part of the house that had almost completely burned to ashes. The burn pattern ran through the house from their bedroom, through their kitchen, and out to the garage, which was on the far left side of the house, again if you were facing the house from the road.

And outside the garage was the long driveway where the Kolesnikow vehicles were standing that night.

According to Lacy, the Horns shot the Kolesnikows, searched the house, made a trip or two to retrieve the items they wanted, and then went back to burn the house down. They poured gas from the bedroom through the house and out to the garage but then closed the garage door as they left.

And the gas can they used to haul the gasoline to commit the arson? Lacy said that Peggy had mistakenly left it inside the garage before she closed it.

Lacy Harness:

Yeah, I'm pretty sure he had a garage door opener, and that's where they found her gas can -- inside the garage door so ...

Joyce Argo:

Oh really?

Lacy Harness:

Yeah.

Joyce Argo:

The gas can ...? Peggy's ...

Lacy Harness:

That she snatched up outta that cop's hands, yeah.

Joyce Argo:

... was actually in the garage?

Lacy Harness:

In the garage, yeah.

What Lacy is referring to there is that the next morning, Peggy saw one of the police officers on the scene with her gas can. She booked it across the street and snatched it out of his hand. And, inexplicably, the police officer let her.

Now we raised the question of the mysterious gas can, whether one even existed, in the first episode of this series. All of the newspaper accounts quoted the Sheriff as saying numerous times that no gas can was found on the scene. He went even further, saying that any gas can used in the arson would have likely been incinerated along with the rest of the house.

But then we had the TBI reports that do list a red plastic container, but never call it a gas container. At trial though, the state's expert did say that she tested a gas can that was given to her and, to no one's surprise, showed it contained gasoline at one time.

[57:10] Rabia Chaudry: I can't tell you how many times I have peered closely at the color crime scene photographs, straining to see if I could identify a red plastic gas can. There's a red cooler in some of the pictures, but that's presumably containing the water for the first responders. You can also see some red plastic buckets in the distance, way behind the house near the chicken shed.

But there's not a single picture of a red plastic gas container, or whatever the red plastic container was that was taken into evidence. There are, however, other pictures that made me pause.

It's a series of four pictures showing an investigator leaning over a reddish, rusty, metal barrel-like container, which looks like it's about 20 inches high and a foot in diameter, with a 2 to 3 inch hole on the top. The investigator takes out a length of cotton, lowers it into the container and then packs up the cotton in an evidence box.

If you check out the documents for this week's episode you can see the pictures yourself.

There is no mention of this metal container, which clearly looks like a gas container, in the evidence log or at trial. It just disappears. I had no idea, not until Joyce spoke to Lacy Harness and his sister Jenny Harness, what the relevance of this container was.

And it was by sheer luck that we were able to figure it out.

Lacy and Jenny's mother knew the Horns very well because, remember, her husband was best friends with Sam. Today, mother Harness is quite elderly and unwell. She has periods of lucidity but she isn't always there.

It just so happened that when this series began airing, the Cookeville Herald Citizen newspaper ran a small piece about it. Here's Jenny talking to Joyce about it:

Jenny Harness:

She hadn't had a newspaper in years. Hadn't really, really read the news. She listened to the radio and stuff, but somebody had brought her a newspaper, out of the blue, and this was in the newspaper. Like it was meant for her to see it.

And that jogged Mother Harness's memory. Because remember, the morning after the murders Jenny's parents came to the Horn house to pick her up. They were all there when the police was across the road still sifting through the crime scene.

Jenny Harness:

And then she's like, "Wow," and then she starts talking. She's like, "Yeah, Peggy was saying something about her gas can." When the news people were there, they was collecting evidence and stuff, and Peggy wanted to know why they had her gas can.

Joyce Argo:

Her old, antique gas can?

Jenny Harness:

And I said I know it was an antique gas can 'cause back then she collected ... just like sticks of wood, weird shit -- I'm sorry for my language, but it was just like, why would you have that in your house? Random, just ... sticks.

Joyce Argo:

Mmm-hmm.

Jenny Harness:

I mean, it was odd to me (laughs). It's still odd to me. And I'm like, okay ... but it's kinda like she said that for a reason.

Joyce Argo:

Yeah.

Jenny Harness:

And my mom was like, "What do you mean your gas can?"

Lacy Harness:

She took ... okay, the police come out of the house with her gas can in his hand. She walks over and snatched it out of his hand, like, "Well, there's my gas can!" and I was like, "WHAT?!"

The picture of the rusty metal gas can? That was Peggy's can, the antique can that she left inside the garage, according to Lacy. And because she marched across the street and took it from the investigator, it just disappeared from the evidence altogether.

Just to be clear, neither Lacy or Jenny Harness, or their mother had any idea that we had these pictures, and no one asked them about this can or any gas can.

But their information plugged a hole in the case that we weren't able to until now, and the pictures corroborate their account, which lends overall credibility to what the Harnesses have been telling Joyce.

But not complete credibility. Because despite Lacy insisting that he fell asleep on the night of the murders, on the Horn's front porch, and then miraculously ended up on the sofa inside the

house - which is oddly the exact same story Samantha says happened with her that evening - all of it's highly unlikely.

That's because Lacy knows too much. He swears that Samantha and his sister, Jenny, were asleep all night inside the house and they never went across the street to the Kolesnikows. How would he know that if he was asleep all night himself? He couldn't know it, he couldn't be certain of it, unless he was awake.

Lacy knows after the Kolesnikows were killed, the Horns spent a lot of time in the bedroom searching, and then they expanded their search to the rest of the house. How does he know that? He never said that Sam or Peggy ever mentioned it to him or anyone else. No one else has ever relayed this information, unlike some of the other stuff that we know numerous people heard Peggy say in the days after the murders. Only Lacy knew this detail.

Lacy knows that Peggy left her gas can inside the garage. How did he know that? Because all Lacy says is that he saw an investigator outside in the yard with a gas can and Peggy going over there and snatching it away from him. Lacy has no way of knowing where that investigator found the gas can inside the house.

And Lacy knows something else. He knows that the Horns closed the garage door behind them after they were done, because Lacy said he walked over to David Redmon as the house was burning across the street, and he could see that the garage door was closed. He doesn't say that he heard from anyone that the garage door had been closed - he says that he SAW that it was closed.

But that's impossible. There is no way to see the Kolesnikow's garage door from the Redmon or Horn properties. The garage door was on the far side of the Kolesnikow house, facing in completely the opposite direction.

In fact, we even have a picture of the Kolesnikow house taken the morning of the murders that proves there was no way to see the garage door, because that picture is taken from the driveway that leads up to the Horn and Redmon homes, exactly where Lacy Harness says he was standing, and we'll include that picture in this week's documents on our website so you can see it for yourself.

Which all means that the only way Lacy could have seen that the garage door was closed was if he was on the Kolesnikow property with the Horns when they left it.

And it's also the only way he could have known many of the other random details he threw in, like where Peggy left her gas can and where they searched for the deed and that no one else was there. He knows all of this because he wasn't asleep on a porch across the street. Lacy Harness was with Sam and Peggy Horn at the Kolesnikows' the night they were murdered.

[1:05:46] Susan Simpson: But aside from those questions that Lacy's statement leaves us with, there's no evidence he was actually there that night, in the house when Victor and Alla were shot. And Lacy Harness doesn't have a criminal record. Not one that we were able to find, anyway. And even though a few people that knew the Horns say that it was Peggy who shot the Kolesnikows and Sam who burned the house down, Peggy doesn't have a violent criminal history either.

All of Peggy's offenses have been related to theft, drugs, or writing bad checks. And no one has ever reported seeing Peggy even holding a weapon, much less firing one, and no one has ever reported seeing her physically threaten anyone, or in any other way being violent.

As for Sam, well there's pretty much no one we've met who knew Sam who wasn't at one time or another threatened to be killed by him or had a gun pulled on them by him. It was Sam who owned dozens and dozens of weapons and was always shooting things up. And it was Sam who got in a nearly physical altercation with Victor over the well he wanted to build. And it was Sam who told numerous people that he would have to take care of the Kolesnikows before they turned him in for making meth.

And then there's this - that more than one person heard Peggy, after the murders, say something to the effect of, "this is now three people I have helped kill." While we can't be sure who this third person would have been, it could be Charles Hamlet she was referring to, the businessman that the Horns set up to blackmail who ended up dying in a motel room before they could carry out their scheme. But Peggy didn't say she killed any of them, according to people who heard these statements. She just said that she'd helped kill them.

But unlike with Lacy Harness, there is some physical evidence that could suggest that Peggy was there that night, in the Kolesnikow house. Because it's not just her post-murder ramblings at Jackie's house, or the gas can, or what her daughter Samantha told Billy and Paula. There's also physical evidence. Because while the house was nearly burned down to the ground, there was some evidence that survived the fire. Evidence that Greg and his family and his defense team at trial never knew about. But all the way back in 1999, Billy Cleghorn, his brother Jackie Cleghorn, and Jackie's wife, Rachel Cleghorn, did seem to know about it.

All of them gave statements about the things Peggy Horn said in the weeks after the murders. And they said that when she was geeking out, and rambling, and talking about the spirits and flashlights and murder ... there was one more thing she mentioned that all of these witnesses heard directly. Something about being worried about shirt or a blouse that she'd left behind.

And Paula Laucamore, who wasn't at Jackie's house to witness Peggy's unraveling, was told the same thing by Samantha Horn. That her mother had left behind a shirt and they were worried about getting caught.

But there was no evidence of any such shirt in the case files. Not in the evidence logs, not in the crime scene pictures, not in discovery, nowhere. It was this weird little detail that popped up a few times but never merited much attention because there was nothing else to go on. So, as important as this shirt thing might have been, it just kind of slipped by.

And so did the years. Greg was convicted in 2000 and began decades of fighting for another chance through the appellate process. Part of that fight meant getting as many of the official case files from the different state agencies as possible - the Putnam County Sheriff's office, the TBI, and the Fire Marshall.

In 2015, after dozens and dozens and dozens of public information requests filed by Linda, Greg's amazing, relentless advocate, they finally received a copy of the Arson Records from the State Fire Marshal's department.

Linda Bowsman:

And the other issue we had when I wrote to the Bomb and Arson Division in Nashville, I believe it was in 2015, we got their records and inside of their package of information was a receipt for a shirt that was found on the picnic table at the ... where the crime was committed, at the Kolesnikow's residence.

This receipt was in fact a statement dated August 8, 1998, three days after the murders. It read:

I, Sergei Lebed, found the stripe shirt
on the picnic table in the rear
of the house on August 6, 98
& turned it in to the

Putnam County Sheriff
Department on
Aug. 8, 1998

Sergei Lebed

I, Sergei Lebed, found the striped shirt on the picnic table in the rear of the house on August 6, [19]98. I turned it in to the Putnam County Sheriff[s] Department on Aug. 8, 1998. [Signed] Sergei Lebed.

Sergei Lebed was Victor's son. The day after the murders, Lebed found a shirt on the picnic table in the yard behind his parent's burned out house, and he turned that shirt in to the Putnam County sheriff's office. From there, it disappeared.

This receipt came as a shock to Greg's family because it was potential physical evidence that had never been disclosed to the defense.

And it also seemed like it might explain Peggy's rantings about a shirt she left behind.

The shirt was always behind the house, on a picnic table, far enough away where it hadn't gotten burned in the fire, and possible left there that night after someone fled the house after setting it on fire.

And this receipt seemed to be independent corroboration of what Billy, Jackie, Rachel, and Paula all said back in 1999. They'd have had no way of knowing about a shirt left behind at the crime scene. It was never reported anywhere in any of the news coverage, and they didn't even know what shirt Peggy was referring to, although Lacy did.

[1:11:26] Lacy Harness:

The best to my knowledge it was a white shirt that she was wearing. It was long sleeved. It was like it had some flowers on it. And she had it tied up, ya know, how they use to do it. They'd take the bottom of it and tie it up and just button it first on top. That's what she left in, but I never seen that shirt again.

Lacy never saw the shirt again and neither did Peggy. It was evidence suppressed by the State, and made to disappear.

~Guitar music~

[Singing: *It's amazing how you could speak right to my heart ...*]

[1:12:29] Colin Miller: Greg didn't know how to play a guitar when he entered prison, but to win and keep his wife Becky's heart, he learned how.

Greg Lance:

You know, I learned to play guitar because Becky wanted me to and I just ... I learned for her. She said if I could learn to play Hotel California she'd love me forever, and I learned to play the heck out of that thing.

[Singing: *... The smile on your face lets me know that you need m. The truth in your eyes say that you'll never leave me ...*]

The years however, take a toll on everyone. Despite what some people may think about Greg's infidelity and his sudden marriage to Becky, those things weren't a reflection on how he ever felt about her.

[Singing: *... You say it best when you say nothing at all ...*]

Greg loved Becky, and their daughter Rebecca, with all his heart. We have years of letters he wrote to friends and family in which he spoke about Becky. Remember when Rocky Harmon, Greg's childhood friend with severe psychiatric issues, wrote to him and apologized for testifying against Greg? In one of his letters back to Rocky, Greg wrote the following:

"You know how I felt about Becky. I had talked to you several months before that we were seriously talking about trying to have a baby. We were already thinking up names. Remember, you practically begged me not to. You said Becky was not the woman for me. You told me that I was making a mistake. Becky and I have been together over three years now. She is not the person you knew...Becky is the only woman for me. I thank you once again for introducing us. You're not going to believe this but Becky has never yelled at me in anger. I told her early on that Elizabeth used to hit me and yell at me, I told Becky that I wouldn't put up with it and I wouldn't treat her that way either. We

respect each other, talk things out like adults. Becky has stayed by my side all of this time because she knows I am innocent. I was in bed asleep with her when Victor and Alla were killed. I just want to go home where I belong, taking care of my wife and baby girl.”

Greg never did return home to be with his wife and daughter, and as the years wore on, Becky was no longer able to stay by his side.

Joyce Argo:

Becky and Greg ... Becky was seeing another man, and she told me that she felt guilty about ... she was actually living with this man named David. And they were putting a life together. David had a daughter a couple of years older than Rebecca, and she and Rebecca were good friends. And then Becky actually moved into David's house and so they had a home, you know, for a change. And she only wanted a divorce because she felt bad about living with another man and being married to Greg. She just couldn't swing back and forth between going to the prison and then going back to David. I know that she tried. She had talked to Greg, I guess, about a divorce, and when I got wind of it I went to her and talked to her, and I said, "Becky, don't do this. Greg has not asked you to do that. Of course you have needs that need to be met. Just don't divorce Greg." And so she didn't for awhile, but then she did finally go ahead and divorce him.

Rabia Chaudry:

Why didn't you want her to divorce him?

Joyce Argo:

Because they were still in love. They loved each other. They really did, they loved each other. And when they were at the junkyard in Florida, they were the happiest little couple you've ever seen. Becky was cravin' french fries the whole time. They were thrilled about being pregnant, looking forward to the baby. They just had a lot of fun there, ya know? They were free. They were able to love. They were beautiful together.

[1:16:32] Colin Miller: Thanks to Joyce's pleas, Becky did hold on a few years more, but eventually she did file for a divorce. She ended up getting married again to a man named Jeff, but the marriage was abusive and dragged her back into drugs and alcohol. She also suffered from crippling rheumatoid arthritis and smoked pot to relieve the pain.

When Becky gave birth to a son and marijuana was detected in her and baby's bloodstreams, the Department of Children's Services got involved and decided that neither child was safe in the home.

In 2009 Greg received a notice from DSC telling him to appear for a hearing to determine if Rebecca would be removed from her mother's home.

Greg was deeply opposed to the move. Having grown up far from his own mother, he worried about the impact being in a stranger's home would have on his ten year old daughter. He wrote back, "My daughter Rebecca means more to me than anyone else. I love her with all my heart and I would never want to see her hurt by anyone...I know that Becky and Jeff love Rebecca as much as I do so I do not want to see Rebecca taken from her mother.

For the next three years, Greg fought DSC from prison as Becky struggled to stay sober and her husband was ordered to take parenting and domestic violence classes. But by early 2012 Becky was on her third strike with the court, having tested positive for drugs thrice, had separated from her husband Jeff and gotten a restraining order, and both of her children were poised to be taken from her and placed elsewhere.

At that point, Becky's mother Judy attempted to have all parental rights terminated to get full custody of her granddaughter but again, Greg fought it. He believed Becky was a good mother and her children shouldn't be taken from her, and his own rights certainly shouldn't be terminated.

In January 2012 Greg wrote a letter to Becky's mother in law, Jeff's mother, to tell her what was happening and encourage her to help Becky. Greg wrote the following:

"I know Becky has rheumatoid arthritis and is constant pain. In addition she is probably experiencing a great deal of stress and depression. It is not unusual under those circumstances to self-medicate when someone cannot afford proper legal, medical, and psychological care. Becky received a disability check until age eighteen because of severe dyslexia. What she needs is assistance with housing and medical/psychological care. When reading is easy and automatic as breathing, it is impossible for us to truly understand how difficult dyslexia makes her life. Becky needs help, not condemnation."

[1:19:03] Rabia Chaudry: Greg also wrote about a new ray of hope he had of getting out of prison. He said,

"The University of Tennessee Knoxville Innocence Clinic has recently begun representing me in my criminal case. Extensive new evidence has been obtained that requires a new trial be granted. Since most every relevant State witness has recanted, the Assistant DA admitted there was a considerable amount of reasonable doubt, and the District Attorney has been disbarred I do not anticipate being retried. I would never wish to take Rebecca away from Becky. However, I fully intend to seek joint custody as soon as I am released and make sure my little girl always has a good home."

The next month, on February 9, 2012, Greg wrote his little girl a letter. It's handwritten, just a few short paragraphs, and folded inside are now almost decade old flowers, crumbling and fragile.

The letter reads,

“Happy Valentine’s Day! I hope you get lots of candy and flowers. I would I could send you some but I lost my industry job when I was moved. I picked some flowers for you last year. I pressed them in my dictionary in the flower section. I hope your mom has a happy birthday on the 22nd. Love, Daddy.”

The very next day, on February 10, 2012, Becky Pollard, the love of Greg’s life, was killed in a car accident. Becky was traveling on a two-lane road when an oncoming truck with three passengers swerved into her lane, colliding with her car head first. Along with Becky, all three men in the truck perished too. Becky was 31 years old when she was killed, and she left behind two children, and a lifetime of struggles.

And at twelve years of age, Rebecca was left motherless and with a father behind bars serving two life sentences.

By this time, in 2012, Greg did have someone new in his life. Someone we mentioned in an earlier episode - Jarrah Soifer.

[1:21:23] Jarrah Soifer:

Well, I’m originally from Florida, and I moved to Tennessee in October of 2005, and I went to work for the real estate agent who found us our house here. And she happened to work in the same office as Greg’s mom did, Joyce. Joyce and I hit it off from the moment that we met. We are still friends to this day, and uh, of course Greg and his situation are a huge part of her life and have been for unfortunately way too long, so we got to talking about all of that fairly early on. And I remember thinking to myself, “Man that just sucks so much, I’m so glad it’s not happening to me.”

To refresh your memory, Jarrah was the one who managed to get Keith Herbstreith to do all those fireworks reenactments and get the recantation letters from Marlon Ray, one of the two men who had been trying to buy rabbits at the Heron farm.

Jarrah went from working with Greg’s mother, to meeting his then six year old daughter, to then researching his case, to then meeting Greg himself after exchanging letters for months. It took a while for Jarrah to go from “interested friend” to romantically involved with Greg, and she did so cautiously, having to navigate the other relationships that came along with the package - like his mother and daughter, and Greg’s ex, Becky.

And along with the personal relationship Jarrah threw herself head first into the case.

But it’s not easy being involved with an incarcerated person. For years Greg and Jarrah had the kind of relationship that becomes inevitable with someone who is still fighting for their freedom.

They gave each other personal support and loving companionship, but Jarrah also filled every day with Greg's case work. After six years, Jarrah had to walk away.

Jarrah Soifer:

I was exhausted. I was absolutely exhausted. We had, casewise, gotten to the point that I was not really participating anymore, not because I didn't want to, but I felt I was kind of, I had taken on more of a secretarial role, copies of this, can you type this. The investigative type part of things was done, in the sense that where he was in the process of appeal. I mean he was doing his habeas, and I mean it was just, it became just a personal relationship, which was fine. There was never any issue there, but I realized that my entire life was about him and his case, and I did nothing, thought about nothing, talked about nothing but that. And I hadn't had a good night's sleep in six years, [Rabia: Wow...] and my stress level was through the roof, and that's on me. And I just, I'm losing myself, I can't do this anymore. And he kissed my forehead and he said "I understand." And I'm like- "Just be mad at me - I mean, for crap's sake!" And he said "No, why would I be mad at you for this. I love you. I want you to be happy." He said, "If this is not making you happy, if me is not making... don't! No - go! Go live your life!" And I thought "Of course, you have to be awesome about it. Like, dude!"

[1:25:00] Susan Simpson: This was around the time that Becky died, in 2012, and around the time, as Jarrah said, that she had exhausted all she could do from the investigative end and there finally seemed to be some legal movement on the case. Which is what he was referring to in his letter to Becky's mother in law.

The University of Tennessee Knoxville Innocence Clinic did exist at one time and in 2011 it did indeed take Greg's case. That was the same year that new evidence was disclosed through Greg's diligence and persistence.

Greg and his family had attempted for years to get a copy of the District Attorney's file on his case, but they refused to comply with the public information requests Greg and his family had filed. Finally, Greg sued the DAs office, and a copy of their file was turned over in March of 2011.

In that file was a copy of a discovery document that District Attorney David Patterson had turned over to Greg's attorney Marshall Judd. It was dated June 5th, 2000, four months before Greg's trial.

The document was an FBI interview of an incarcerated man that we will call Dwayne, and we'll tell you in a bit why we are giving him an alias. The interview notes show that this interview happened in May of 2000 in the presence of Dwayne's lawyer.

Dwayne told the FBI that he had personal knowledge of Sam Horn's meth dealings because Dwayne himself was heavily involved in the drug scene. Dwayne also knew a number of Sam's relatives, including two of his nephews, Alex Horn and Mike Horn.

Mike, you may remember, was the man who left engraved dentures when he murdered a woman in 2010. But ten years prior, when Dwayne gave this statement to the FBI, both Mike and Alex Horn were incarcerated with him.

According to the statement, Alex Horn told Dwayne that Sam Horn had killed the Kolesnikows because they had threatened to turn Sam in for cooking meth if he didn't make good on his back payments. The statement went on to say,

"According to Alex Horn, Sam Horn's wife went over earlier in the day and visited with the Kolesnikows. At that time Horn's wife supposedly opened a window so that Sam could come back and get into the residence later."

Now, the shocking part about the disclosure of this document in 2011 wasn't what Dwayne had to say. Dwayne was one of maybe half a dozen men in prison that had approached Greg to tell him they knew Sam Horn was responsible for the murders. So Greg was generally familiar with what Dwayne had to say but he hadn't seen this particular statement before. His attorneys never told him about it.

It was clear why though. Because what shocked Greg was that the FBI statement identified Dwayne's attorney as none other than Marshall Judd, Greg's own defense attorney. And Judd never disclosed to his own client Greg Lance, or to his co-counsel John Nisbet, that he had any conflict of interest.

As Greg's attorney, Judd had a duty to disclose Dwayne's statement to Greg. But as Dwayne's attorney, he had a duty to Dwayne not to disclose the statement, which he used to try and get Dwayne a plea deal, instead of using it to help exonerate Greg.

Due to these conflicts, Judd should have recused himself from the trial, but he didn't. Judd never disclosed the statement, or even that, ironically, a copy of it was then turned over to him in discovery.

And DA General Gibson, knowing full well that Greg's attorney was also representing Dwayne at the same time, didn't disclose it to the court either.

[1:28:57] Colin Miller: Greg raised all of these issues in a 2012 petition for a writ of error coram nobis, which is a post conviction mechanism to bring a new fact to the attention of the trial court, much like the more commonly heard petition for post conviction relief.

But an error coram nobis petition must be filed within one year of the discovery of the new fact, meaning Greg had until March 12, 2012 to file it.

He brought this to the attention of the Innocence Clinic repeatedly, frantically, but got no response. Out of sheer desperation, he filed it himself pro se on the very day it was due. The petition was summarily dismissed just a couple of months later, and Greg appealed it, but the appeal too was denied.

In these past twenty years all of Greg's appeals have been denied. His direct appeal in 2003, denied. His discretionary appeal to the Tennessee Supreme Court, denied. His 2004 pro se petition for post conviction relief, denied. His 2012 petition for writ of error coram nobis, denied. A painstakingly handwritten pro se federal habeas filed in 2007, denied. A writ of cert to the US Supreme Court, denied.

And with every appellate denial was the denial of dozens upon dozens of motions that Greg had filed.

After years of fighting, Greg finally went silent. His depression deepened, and he began to accept that he may never get out of prison.

But then Linda and Joyce got a copy of those Fire Marshall records in 2015, the ones containing the receipt of the shirt that we believe Peggy Horn may have left behind on the night of the murders. And that put some life back into their advocacy.

Linda created a website for Greg, justice4Greg.com, and Joyce wrote nearly two dozen letters to as many innocence organizations she could find: The Jeffrey Deskovitch Foundation, the Equal Justice Initiative, Centurion Ministries, The House of Renewed Hope, a dozen different Innocence Projects, and repeatedly to innocence super attorney Kathleen Zellner.

Not long after, the Undisclosed team came across Greg's case and reached out to the contact person on his website, which turned out to be Linda Bowsman.

And here we are, nearly two years later, looking forward to what we can do to help Greg get home.

[1:31:25] Rabia Chaudry: You may be asking what can be done now, now that in the past 20 years so many appeals have been denied? Well the truth is there is still much that can be done, and there is still much more to find out.

We've mentioned a couple of times how difficult it has been for Greg's family to get copies of official files and that the TBI has never turned over their file. Well, once Greg gets back in court, a judge can compel the TBI to turn over their file and who knows what it could contain? What exculpatory, previously withheld evidence it may have hidden away.

We know there's a lot of things that were never turned over to the defense, like a plaster cast a neighbor witnessed the police take of tire treads at the crime scene, like pictures investigators took of Greg's hands and arms and legs on the day after the murders. There are even dozens of missing lab reports that Greg's defense team has never seen.

Then there is the evidence that could be DNA tested. Today's DNA testing is not like DNA testing of the past. It is much much more sensitive and can pick up traces, even traces from a mere human touch, that were unimaginable in the past. All of the physical evidence, like the wire cutters found in the Kolesnikow yard, the gun, the cord and the flashlight, even the batteries inside the flashlight, and most importantly, the shirt that Victor's son found in his parent's yard -- all of it can be DNA tested, because none of it ever has been.

There should also still be cans of evidence taken from the crime scene that new forensic techniques could shed some light on. At least, we think those cans of evidence should still exist.

In 2006, a strange odor assaulted the workers at the Putnam county Justice Center. It reeked like an open sewer according to the local newspaper, making people sick and nauseous. When they investigated, it turned out to be coming from the evidence vault. And in the vault they traced it to one particular box, with metal cans of evidence from the Greg Lance case.

According to the court clerk they weren't sure what was in the cans but one of them had its lid blown right off and that was where the smell was coming from. They resealed the evidence and then they used fans and air fresheners to get rid of the smell.

So yes, those cans should still exist for further testing, with their rotten sewage smell and all.

Recently a witness also gave us a new lead on possible physical evidence connecting Sam Horn to the murders that, once checked out, we will brief you on in a future update episode.

There are still the fingerprints found on the batteries in the flashlight that was strapped to the gun. The prints that didn't match Greg or anyone he knew, but they've never been compared to Peggy or Sam Horn. And we have Peggy's prints, right here in our own files.

But Sam, magic man that he has always been, being able to escape from the law, he had no prints on file at the Sheriff's office. But in 2005, the TBI told Greg that they did have a copy of Sam Horn's prints. And we can get them through a court order and then we can have the prints found on the batteries compared to Sam and Peggy's prints.

There are also so many witnesses, like the ones we heard from throughout the series, who connect the Horns to the murders. Like Dwayne, who in the years since his FBI statement, has repeatedly corresponded with Greg's family, and he's even corresponded with me, assuring us that he is willing to testify when he's called. But for now, Dwayne is incarcerated in a dangerous place, and he's scared of law enforcement. So we thought it best that his identity be protected.

And let's not forget all of Lacy's new admissions, including information we've never heard before. And if my hunch is right, Lacy has much more information he's able to give us, and maybe he one day will. If for no other reason but to keep himself from getting dragged into a future prosecution.

There are witnesses who were willing to testify years ago, but never made it in front of a jury, like Billy Cleghorn and Paula Laucamore, and Chris Henry, and others we actually haven't even named in this series because well, that would have required another half dozen episodes.

And I am willing to bet there are others who know something, people we haven't even heard of, but who may come forward. Because according to Billy Cleghorn and others, nearly everyone in Sam's orbit knew that he did it. And that was quite a lot of people.

Which takes us to the Horns themselves.

Sam died a long time ago, in 2002. His death was ignoble, to put it kindly. He overdosed at his cousin's house and instead of calling an ambulance, his cousin dragged Sam's body to some other location where it was discovered abandoned days later.

Lacy Harness:

Sam had a massive heart attack, doing some metha-amphetmines that didn't, hadn't been properly...[Joyce: cooked] right....

Joyce Argo:

Put together, and that's what killed him.

Lacy Harness:

...that's the stage it got to, well, I ain't going to go into that...but it happened at his cousin's house, where he passed. They drug him outside, cuz' they were doing it in the house!

Joyce Argo:

What was his name, James?

Lacy Harness:

All I know is he was called Monkey Man.

Joyce Argo and Linda Bowsman:

That's right, Monkey Man. He died in his yard? Or in the house, and they drug him outside?

Lacy Harness:

Yeah, they drug him out and propped him up on a fence post or a tree...

Joyce Argo:

It was snowing. [Linda: Really?] They put him out there in the snow. They supposedly found him the next morning outside.

Lacy Harness:

Yep.

The next year, in 2003, you'll be surprised to learn that Greg sued the estate of Sam and Peggy Horn. His civil complaint stated, "Sam Horn with the aid of Peggy Horn killed Victor and Alla Kolesnikow and then conspired to cover up their guilt and place the blame on Greg Lance. Their acts and continuing cover up have led to the wrongful arrest and imprisonment of Greg Lance."

Greg asked for ten million dollars in damages and a declaratory judgement that Sam Horn killed Victor and Alla Kolesnikow. Three years later, in 2006, the Court entered a default judgement against Peggy Horn, putting aside the issue of damages for later. But later never did come, probably because the estate of Peggy and Sam Horn didn't have a dime to its name.

Or maybe it was because Peggy just up and left. According to a statement that Rachel Cleghorn gave to defense investigator Jim Harcum years ago, Peggy wanted out, out of the area as soon as possible. Right after the murders, she was ready to pack up and flee the area and start over somewhere else.

Peggy Horn, said Rachel, wanted to become a different woman.

Well, we don't know if she became a different woman, but we know she's still alive. She did leave Tennessee, as did her daughter Samantha Horn, and well, we know where they are.

We also know, through various sources, that they have been listening to this podcast. And we've been told they are very anxious about all of this.

It's likely that Peggy and Samantha will continue to follow what happens in Greg's case as we get back into court, and as we compare fingerprints and test DNA that has never been done before. I know I would be watching like a hawk, with breath held.

It might even be that one of them decides to come forward, hoping perhaps to be able to make a deal, before anyone is implicated through new testing.

Anything's possible. Confessions, exonerations, and plea deals alike.

Especially because Greg's case has caught the eye of arguably the most powerful law firm in Tennessee, and more than one innocence project.

And like all of our other cases, Undisclosed will be there every step of the way, for as long as it takes, to get justice for the victims by helping exonerate the innocent.

We have high hopes that one day Greg will join the ranks of the other defendants we've covered, who are now finally home.

A big thanks to all of our listeners for joining us for the Greg Lance series. You can learn more about his case from the documents on our website undisclosed-podcast.com or by visiting Greg's site justice4Greg.com. To wrap up this year we will be dropping a couple of bonus episodes and then we'll return in the spring with a number of new cases, all leading up to our big fall season led by Susan Simpson. It's a case involving two murders, possibly three wrongfully convicted people, and a killer who might soon walk free. You won't believe this, and other, incredible stories, coming in 2020.

Next time, on Undisclosed.

Greg Lance has been in prison since 1999. If you'd like to drop him a note of support, or a card, or anything to let him know you are following his story and thinking about him, address your letters to:

Gregory Paul Lance
ID# 00325463
The Bledsoe County Correctional Complex
1045 Horsehead Rd
Pikeville, TN 37367

Now, lots of thank you's. A big thank you to all of our sponsors who help make this episode, this series, and really all of our work possible. We could not continue to investigate wrongful convictions and try to help those wrongfully convicted if we didn't have our sponsors. So, if you want to support our work, if you want to support the folks that we are trying to help in our series, please support our sponsors, they make the production possible.

Thank you to our Wizard of Oz who keeps everything running like clockwork behind the scenes- Executive Producer Mital Telhan. Thank you to our audio producer extraordinaire, Rebecca LaVoie, host of one of my favorite podcasts, *Crime Writers On*. Thank you Baluki for our logo, Patrick Cortez for our theme song. Thank you to Linda Bowsman and the family of Greg Lance for working with us in order for us to do an investigation into this case. And a huge thank you to my legal intern for this entire series, Usrah Qureshi, who has just put in days and days and weeks and weeks of going through documents and organizing things and just making my life easier. And finally, thank you to all of our listeners for staying with us case after case, year after year, Follow us on social media. We're on Twitter at the handle @UndisclosedPod, and remember to tweet us your questions for the Undisclosed Addendum using the hashtag #UDAddendum. We're also on Facebook and Instagram and our website is www.undisclosed-podcast.com.

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