

UNDISCLOSED, The State v. Greg Lance
Episode 5 - With Friends Like These
October 7th, 2019

Rabia Chaudry: Hi Undisclosed Listeners, Rabia here. Thank you so much for tuning into our fall season and thank you for listening to all of our series and supporting us all of these years. I want to ask that you please support our sponsors, because our sponsors support us, and a big thank you to them. Without them, we couldn't continue to do the work to help the wrongfully convicted. The second thing I want to say before we dive into today's episode is this: whether it's this case or any other case that we've worked on, we've actually got a tipline, so if anybody out there has some information they think could help us in our investigation into this case, The State vs. Greg Lance, or any of the cases we've worked on, please give us a call. The tipline is (410)-205-5563.

A trigger warning for our listeners first: this episode contains a brief description of an incidence of domestic violence.

[1:35] Rabia Chaudry: We're all familiar with the phrase, "I'll believe it when I see it with my own eyes". Not only are we familiar with it, but we actually believe that the truth about something can be ascertained if you witness it first hand.

And we don't just believe this about ourselves, we put a lot of stock in the first hand accounts of other people. And that's why eye witness statements and testimony are so vital in a criminal investigation and trial. If a witness is strong enough - meaning they're credible, consistent, believable, they have a lot of power to convince a jury one way or the other.

But, when a witness is not so great, like let's say they have some serious credibility issues, or they are in general problematic, but their statements line up with other witness statements and testimony, then the corroboration between witnesses becomes powerful evidence.

So powerful that for a jury, if you have different people kind of telling you all the same or similar story, it's too much of a coincidence for those stories not to be true.

And, to take it up a notch, when those witnesses are the defendant's friends, and the friends testify under oath for the prosecution as State's witnesses, it can be the death knell for the entire defense.

Rabia Chaudry: Hi and welcome to Undisclosed: The State v. Greg Lance. This is Episode 5: With Friends Like These. My name is Rabia Chaudry. I'm an attorney and author of The New York Times best seller: *Adnan's Story*. I'm here with my colleagues, Susan Simpson and Colin Miller

Susan Simpson: Hi, I'm Susan Simpson. I'm an attorney in Washington, D.C., and I blog at TheViewFromLL2.

Colin Miller: Hi, this is Colin Miller. I'm an Associate Dean and Professor at the University of South Carolina School of Law, and I blog at EvidenceProf Blog.

[3:50] Rabia Chaudry: You may recall from episode two of this series that investigators began interviewing Greg Lance's friends from the day of the murders, speaking to his girlfriend Becky, his friend Keith (who was also initially considered a suspect), and Keith's girlfriend Kay as they interrogated Greg separately.

They learned early on that a couple other men lived with Greg and Becky in their house on the trailer park - David Anderson and Eric Tanner. According to both Becky and Greg, Tanner was home the night of the murders and he saw Greg there. So of course Tanner would become an important witness.

Ultimately, at trial two years later, four witnesses who were friends or close acquaintances of Greg ended up testifying against him and provided powerful evidence of his premeditation and guilt.

Every one of these men was instrumental in securing Greg's conviction, because each one of them had damning first hand evidence to offer.

In today's episode we'll look at three of these four witnesses and what they had to say during the investigation, in the order that they went on to testify at trial: Mike Snow, Rocky Harmon, Eric Tanner, and Keith Herbstreith.

[5:02] Susan Simpson: Mike Shawn Snow was first approached by TBI Agent Winkler on August 21st, 1998. This was, just to place it in the timeline, 16 days after the murders, but a day before investigators first spoke to Judy Wells and Joe Brown about all the hanky panky at the Heron farm. It was also the day after the reward had been announced by the governor.

And at this point, they hadn't yet done any searches on the Heron farm, and the Tec 9 hadn't been found yet either.

Snow told Agent Winkler that he first met Greg in April of 1998, about four months prior, when he went to work with him pouring concrete. According to Snow, a short while after he started working for Greg, he was approached by Greg who told him he had a problem. Greg said that some people were trying to foreclose on his property and Greg nervously asked if Snow knew anyone who could make them disappear.

While Mike Snow had a healthy rap sheet, murdering people wasn't really up his alley. He told Greg though that he may know someone who knows someone. Snow told Agent Winkler that Greg told him to find out how much it would cost.

And, here is what Snow says next:

"After our first talk I went to this person I know, but I don't want to tell his name. I know he knows people. I told this person what Greg wanted, this person said he would get in touch with this person and get back with me. Either that afternoon or the next day I went back to Greg at his house and told him I had talked to this person but the person said he would need some money up front, in addition to checking and getting back with me."

Greg's hands and lips shook, said Snow, and he told him he had just paid a lawyer around \$3000 and didn't have the money at the moment, but would have some the next day. Greg told him to come back to work the next day, and Snow did - he worked the next day on Muddy Pond Road, pouring a driveway, or maybe it was a slab for a garage, the details change later in the statement.

At the end of the workday, in the evening, Greg handed him \$2500 in 100 dollar bills. Snow thought this was on a Friday, because he remembered he also got paid for his labor that same evening.

Snow returned home and called that person, whoever person that was, to tell him Greg gave him \$2500. That person called another person and then called Snow back.

Sorry, he said, that wasn't enough for a double homicide. The prospective hitman wanted \$5000 up front, and \$5000 at the back end.

[7:36] Colin Miller: In the written statement taken by Agent Winkler, Snow then doubles back and recalls that along with \$2500, Greg gave him a letterhead that had a Mr. and Mrs. whose name started with a "K" and who lived on a road that looked like "popular". These, he said, were the people that Greg wanted dead.

Snow took the cash and the letterhead and stored them in a safe at his house, and after the failed negotiation with the hitman, didn't reach out to the intermediary again.

Snow said he tried to reach Greg all weekend but couldn't get a hold of him - he was either at Nascar or the National Guard. Or maybe, he said, that was the weekend Greg went shooting with Keith and got shot himself.

Regardless, he didn't connect with Greg for a day or so but once he got in touch, on that Sunday or Monday, he told Greg the hitman wouldn't do it, it wasn't enough money. Greg told him to return the cash because he had found someone in the Guard that would do it.

The next day Snow went to work on a job for Greg in Murfreesboro and not long after Greg approached him and asked him if he could find him a pistol, his exact words being, "something that was stolen, something he could get rid of".

Snow said he didn't want anything else to do with the matter, and Greg backed off. That would be the last day he worked for Greg. A month and a half later, said Snow, he went to jail.

He was in jail when the murders occurred and his girlfriend Danielle Murdoch read an article about the murders over the phone to him. He recognized the victims names from the letterhead that Greg had given him.

Snow's statement ends with a few random details - like the fact that he had only even seen Greg get mad once and that Greg had some "kinfolk" staying with him at the house and he didn't want those people there when the Kolesnikows were murdered, and finally, that Greg said Alla was the one causing the problems and that if she was

out of the scene Greg wouldn't have any problems with Victor. And there's one detail that doesn't seem to be so random - he says he doesn't have a phone at his house, he uses a payphone for all his conversations. At least he did when he wasn't in jail.

[9:32] Rabia Chaudry: Which is exactly where he was not only when he learned of the Kolesnikow murders, but also when Agent Winkler took his August 21st statement, at the Putnam County Jail.

The notes for the entire interview are roughly two typed pages long, even though the interview begins at exactly at 10:20 am and ended sometime after 2:30 pm. While we can't be certain exactly when it actually started - Undisclosed listeners should know by now to take police notes with a grain of salt - the interview does begin by noting the time as 10:20 am, though Snow signs a Miranda waiver at 9:30 am. The notes don't state when the interview ends but there are two small addendums that contain those random details, and those two addendums at the end of the document note the time as 2:15 pm and then 2:30 pm.

Even if the interview was confined to those exact times, it means it was a six hour interview. And that's a many hours longer than you'd expect to be reflected in only two pages of notes. According to the state records, it's also the only time they took a statement from Snow, but they did attempt to corroborate him by interviewing his girlfriend, Danielle, the very same afternoon.

TBI Agent Kroffsik interviewed Danielle at 4:40 pm at the Putnam County Sheriff's department, and present with him was investigator Phillip Gentry of the State Fire Marshal's office.

Just to refresh your memory, this is again August 21st, the day that it is documented in two different places that investigators conducted the first search of the Heron farm, a search they later said: 'actually, sorry, it took place on the 24th' after they got Mike Heron's permission. Now it just so happens that in his notes Gentry specifically mentions in one of his reports that that first search was conducted on the same afternoon they interviewed Danielle. So now we know that that first search, it wasn't on the 24th at all, it was on the 21st. Of course there's a possibility that there were three searches, but that's another rabbit hole altogether.

Anyway, back to Danielle's interview, unlike the interview with Snow himself, hers is tape recorded, and we have the transcript.

The interview starts off by asking Danielle if she came voluntarily to the Putnam County Sheriff's Office to give the statement, and she responds she did.

"What is this about?" They ask her, as if they have no idea.

"Uh, about the Kol, uh, Kolsn, uh..."

She can't say their name so Kroffsik fills it in for her, "Kolesnikows?"

Danielle goes on to say that one day Snow approached her while they were doing construction at the Ford Mobile Home park and told her Greg had offered him \$10,000 to kill the Ukrainian couple. When pressed about when this happened, she said at least about two and a half months prior. Later in the interview she remembered it was after Snow and her had sort of broken up and then gotten back together, after he had gotten arrested then released back in May. She also recalled the conversation happened right before she started working for Greg, which would have been the end of May or early June. Or, maybe she said, it was the middle of May.

When her boyfriend told her Greg offered to pay him to have some folks killed, Danielle said she didn't ask Snow any questions about who the target was, first stating it wasn't her business, then saying Snow didn't want her to have too much information in order to protect her.

And that was it, that was all the information she had. Snow, she said, never spoke of it to her again.

[13:00] Susan Simpson: Anything else she knew about the murders, she said, she read in the newspaper.

Had she ever seen Snow with a large amount of money? Kroffsik asked her.

No, she said. Not \$10,000, she said.

"No, I didn't say like \$10,000," Kroffsik tells her.

Later in the interview they return to the issue of the money and she said, "I don't keep track of Shawn's money. Shawn's money in his pocket is Shawn's money".

Kroffsik asks her if she would be happy if Snow got out of jail.

"I'd love to have him out of jail. I'm pregnant man. I've got bills to pay. I'm trying to keep up house for us you know. I'm..yeah, I'd love to have him out of jail".

Kroffsik says to her that he is concerned, she wouldn't have a reason to lie to him would she? Would she be lying just to get Snow out of jail because she needed the help?

This may be a good moment to tell you that Snow was in jail at that time because about a month earlier he had assaulted his pregnant girlfriend in a bar parking lot and a police officer had witnessed it. Danielle had protested the arrest, and said it was a lie, that he hadn't hit her. She even went to the stand and called the officer a liar. Nonetheless, Snow got locked up for the incident because it violated his parole.

And what was he on parole for? Well... assaulting Danielle, previously.

She explained to Kroffsik, "You know, we weren't like...it wasn't a fist fight or anything, but I tackled him and he picked me up and put me into the wall. You know, he slapped me upside the head a couple of times".

So, back to why she was coming forward to tell the authorities about Greg offering Snow money, she goes on to say she was just doing the right thing. It had nothing to do with getting her boyfriend out of jail.

But then, she also admits that she was prompted to come into the station after three officers showed up at her house, along with Snow, to look for a piece of paper - apparently they had been dispatched to find the letterhead Snow said Greg gave him. They came up empty... though not really. Because it did draw Danielle into the station.

[17:13] Colin Miller: Agent Kroffsik then asked Danielle if she could tell him anything about Greg, or about whether she had ever seen him with a weapon. Or Keith? Or Becky?

She didn't know any of them well enough, she said, to know if they owned weapons.

Had she ever seen Greg get mad?

Not really, she said, maybe just irritated if one of the workers wasn't working. Greg was, she said, at their work sites every single day. The sites she remembered working at, she said, were Muddy Pond and Murfreesboro.

Now there are some glaring issues with the statements Snow and Danielle give on this day, so let's start by acknowledging those:

First, Snow repeatedly refers to whoever it was who he contacted to get a murder estimate as "the person." Not once do the investigators press him about the identity of the person, who could have corroborated these conversations, though it's not completely likely that anyone would admit to being a hitman interlocutor. Still, it undermines Snow's story that he will not identify who he spoke to.

Second, their stories don't remotely match. Snow tells investigators that Greg asked him to find out how much it would cost to have the Kolesnikows offed, not that Greg offered him anything. But Danielle says Snow came over to her and told her that Greg had offered him \$10K to have the couple killed. Did Snow lie to Danielle the day this all allegedly happened? Maybe. That, or she misunderstood, or she misremembered, or she or Snow (or both) were lying now.

Next, there's the issue of timing. Snow told authorities that he had met Greg in April and Greg solicited him shortly thereafter. There are reams of documents and records that Greg and his mother Joyce held onto all these years, including some pay records, which aren't complete by a long shot.

But still, there was one single pay record for Snow in the documents, dated March 19, 1998, showing he had worked on three projects that week - at a scrapyard, a Pier 1, and a Logan's restaurant. Clearly he was working for Greg before April, but maybe not long before April.

But he also recalled Greg getting shot by Keith at the Heron farm, an incident that happened in early March, before Mike Heron moved to California. So if Snow had only gotten to know Greg when he began working for him, it seems he was already working for him in early March. And if Greg solicited him for the murders shortly thereafter, that would put us still sometime in March or early April.

[19:26] Now, Danielle's timeline is completely different. She says all this went down in mid-May, after Snow had been released from jail for assaulting her. And there is indeed a record of Snow being arrested on April 22, 1998 for domestic violence assault.

So which, if either of them, is telling the truth? Well the problem with Snow's story is that he says that Greg approached him and told him he was being foreclosed on so he

needed these people taken care of. But the Kolesnikows didn't file the foreclosure action against Greg until May 1st - so Snow couldn't be right. Which means that Danielle could be right, that this conversation did happen in mid-May.

Despite these discrepancies, authorities found Snow vital enough to their case that they still put him on the stand at Greg's trial two years later.

Two weeks after giving investigators this statement, he was released from prison. Another two months later, all charges related to the assault were dismissed entirely. In the following years, Snow would go on to face criminal charges 14 more times, including multiple times for assault and domestic violence, public intoxication, vandalism, burglary, and even attempted murder.

[20:40] Rabia Chaudry: Another witness the State deemed important enough to put on the stand at Greg's trial was a man by the name of Rocky Harmon.

Rocky Harmon was first interviewed by Agent Bob Kroffsik on October 5, 1998. He had been a friend of Greg's since high school, since 1986. They were friends all these years, and still friends today, Rocky said.

According to Rocky's police statement, again, taken October 5, early that year, in June, not long before the Kolesnikows were murdered, Greg had asked Rocky how much it would cost to have someone killed. Rocky responded that he thought it would cost around \$10,000. Rocky said that Greg stayed quiet, and he felt, "like he was hinting or probing to see if I would be interested in doing it."

But Rocky then walked away, and apparently Greg never mentioned another thing about it to him. But, he told Kroffsik, on the day of the murders, he called Greg and asked him, "Did you get your little problem taken care of?"

Now, the interview notes state that Rocky was referring to a guy that Greg had bought the trailer park from because Greg had mentioned he was getting screwed and his trailer park may be taken away from him.

Greg told him he couldn't talk and he hung up. Rocky says he called right back, immediately, but Greg again said he couldn't talk and hung up again. And apparently that same night, Greg came over with his girlfriend Becky to Rocky's sister's house and told Rocky that the reason he couldn't talk to him over the phone was that the TBI was there, at his house, questioning him about the murders and he was also afraid his

phones were tapped. Greg also told him that night that if the police came to talk to him, to keep his mouth shut.

Rocky went on to say in his interview that Greg always thought he would make a great hitman, and while he never asked him to kill anybody, Greg had asked him to rough up some tenants who weren't paying rent at the trailer park.

He said that a year or two earlier Greg had asked him how he would kill someone and destroy evidence. So Rocky told him he would knock on the target's door and shoot them dead or maybe use a sniper rifle, and then he would burn the evidence.

The interview notes say next, "We had many talks about how to commit murder and get away with it."

Finally, he says, at one point later, Greg and Becky then came over to have pizza with him and his girlfriend, Michelle, and they began talking about the murders. When Rocky said to Greg that he thought he was probably a suspect, Becky responded, "Well, a wife can't testify against her husband."

That's right, by that point, shortly after the murders, Greg and Becky had gotten married. And we'll get back to that.

[23:19] Susan Simpson: That pretty much summed up Rocky's first interview. There are notes in the defense file that show the following year, Agent Kroffsik met with Rocky again, on June 24th, and asked him to wear a wire to go speak to Becky, Greg's wife. Rocky agreed and went and talked to her the following day, then reported back to Kroffsik.

Unfortunately, we've been unable to find the TBI notes of the interviews for these two days, but we did find this: a handwritten note by Joyce, Greg's mother, that's dated June 25, 1999.

It seems that Greg's habit of meticulously keeping notes and records comes from his mother, because between the two of them they have thousands of pages of records and documents saved relating to Greg's businesses and this case. Suitcases upon filing cabinets upon boxes of them.

Here is what this note says:

“An uneventful day until evening while checking in with Becky. She said Rocky was outside. That really surprised me. Jim and I both told her not to talk to him but she went out to see what he had to say. He told her he’d like to help Greg if he needed anything. Says they’ve been to him and said they were going to put him away for life or electrocute him. Becky thinks he was wired. Says she saw a patch. With friends like him who needs enemies?”

[24:34] Susan Simpson: Apparently Rocky wasn’t able to get anything of investigative value out of Becky that day, but he would go on to testify at the trial, for the State, although in meaningfully different ways than his original statement.

Long before he ever testified though, sharp eyes should have caught a blatant lie in his original statement: that those phone calls he said he made to Greg on the day of the murders never happened. Phone records for August 5th, 1998 for the house phone show that a single 12 am phone call that lasted one minute came in. And phone records for that day on Greg’s cell phone show two calls made on August 5th - the 12:28 call that Becky made to Greg, after he left the motel where he had met with another woman, and phone records for that day, on Greg’s cell phone show that there were 2 calls made on August 5th. The first was a 12:28 am call that Becky made to Greg after he left the hotel, where he’d met with another woman, and when he was on his way back to the house.

The second call was an outgoing call at 7:09am.

There is not a single other call made or received on Greg’s phones on the day of the murders, when Rocky said Greg hung up on him because the TBI was there questioning him. In other words, if those calls ever took place, they definitely didn’t take place on the day of the murders. Or, they never happened at all.

[27:07] Colin Miller: Eric Tanner was next up, after Rocky, to testify against Greg at his trial. And his testimony was pretty important. The problem is this: we know that Tanner was interviewed multiple times by investigators in the months after the murders. We know that he took a polygraph test and passed it. We even know that they once asked Keith to wear a wire and record a conversation with him.

But here’s the problem - we don’t have a copy of any of those interviews, or record of that polygraph, or even a transcript of that wired conversation with Keith. Not in the defense files, not in the District Attorney’s files (which are incredibly sparse, by the

way), and not in the files Greg's family was able to obtain from the Fire Marshall's records.

If there's anyone who has these documents, and likely many more we're missing, it's the TBI itself. And try as they might, they haven't been able to get TBI to turn them over. Here is the response the TBI gave to Greg's family in 2015:

After reviewing the request, this office is unable to provide you with either all or part of the requested record(s). The basis for this denial is T.C.A. §10-7-504(2) (A), which states in part "All investigative records of the Tennessee bureau of investigation....shall be treated as confidential and shall not be open to inspection by members of the public. The information contained in such records shall be disclosed to the public only in compliance with a subpoena or an order of a court of record."

So we're going to skip Eric Tanner for now, but you will be hearing what he testified to at trial in next week's episode.

[28:33] Rabia Chaudry: While these three previous witnesses were all important in pulling together threads of premeditation, the big fish, the great whale in fact, was Keith Herbstreith.

Keith managed to go from being a suspect along with Greg, to being the only one who could tie him to the murder weapon. And this all came together over many, many, many police interviews.

In the very first interview with authorities, on the day of the murder, August 5, 1998, Keith had very little of value to offer in terms of evidence of Greg's guilt. He told Agent Kroffsik, who interviewed him at the house, that he had managed Greg's trailer park for about two years and that was how he knew Victor, for the same amount of time.

He had last seen Victor the day before, around 5:30 pm when he had come by with his wife do an inspection of the park. But because Greg wasn't home, Victor left. Keith deviates a bit from Greg's story then, because Greg had said when he arrived home that day after work, Victor was already on his way out. But Keith says, instead, that Greg had been at the park and then he left around 5 pm, about half an hour before Victor showed up, and then he returned back later. But, he also followed up this

statement that he had short term memory problems and it was hard to remember details for him.

Nonetheless, he says Greg then returned after Victor left, and they did some paperwork. In the meantime their girlfriends, Kay and Becky, went to pick up some alcohol for their girls night, brought him back some liquor, and then they both left to go to Kay's trailer.

Greg took a shower and left around 8 pm and Eric Tanner and David Anderson, the two men who lived with Greg, showed up at the house. Keith then went over to Kay's, ate dinner with the two women, and watched a couple of episodes of *Mash*.

Later that night, Kay and him dropped Becky off back at home, around 10:30 from Kay's statements, and then they went back home and went to bed. The next morning, the day he was actually being interviewed, he learned of the fire at the Kolesnikow place and went over to the trailer park to begin his work day.

[30:42] Rabia Chaudry: Keith remembered that he had thrown some papers in the burn barrel that morning, and that the barrel had been smoldering when he got to Greg's place.

Basically everything Keith said in his first interview is corroborated by the interviews taken of Greg, and their girlfriends Becky and Kay, on the very same day.

Then, at the very end of his interview, Keith is asked a series of questions by the investigators:

- 1) *Can you think of any justification for someone to kill Victor and Alla?*
 - a) *Answer: no justification for murder*
- 2) *When we catch who killed them do you think of any reason or circumstance they should get a break or second chance?*
 - a) *Answer: I don't know*
- 3) *What should happen to someone that would commit a crime like this?*
 - a) *Answer: I'm not for or against the death penalty, it doesn't effect me. I have no opinion.*

The interview notes end with, *"I didn't kill Victor or Alla. I wasn't at their house last night or early this morning. I don't know who killed them. I don't know anyone that would want them dead."*

[31:49] Susan Simpson: On August 12th, about a week after the murders and after Keith's first interview, Agent Kroffsik seized Keith's 1983 Pontiac Sunbird to be processed at the crime lab. The inventory of the contents of the car is extensive, but mostly junk - coins and pens and empty beer cans and food wrappers and random tools.

Keith's car was fully processed, with both vacuum samples and carpet samples taken, and a number of soda and beer cans, plus a box of matches, and two red rags taken to be tested. His car wasn't released until November 9, three months later, and a month after he had given a polygraph and statement tying Greg to the cord and flashlight found on the gun.

On the morning of September 28th, more than a month after they took his car, Keith allegedly paged agent Kroffsik and told him he wanted to come in to give an interview. He had some information he wanted to share with him.

Kroffsik agreed to meet him and his girlfriend Kay at the Waffle House at 12:15 pm. After a couple of hours there, they went to the Cumberland County Sheriff's office together to give taped, formal interviews.

Keith was interviewed first, at 2:30 pm.

Agent Kroffsik began the interview by reviewing what had happened that morning - that over a cup of coffee they'd had some conversation about whatever information Keith had about the murder.

Kroffsik then asks Keith, "*You understand you're not under arrest right?*" and Keith said, "*That's correct.*"

Keith's interview starts off by going over when he started working for Greg at the trailer park, and he said everything was going pretty good until Victor sent Greg a letter that spring saying he wanted the trailer park back.

That, he said, was when "*this whole thing really started to unravel.*"

Greg was upset with the foreclosure proceedings and, said Keith, he didn't seem too optimistic about his chances in court.

Kroffsik then takes Keith to August 4th, the day before the murders. As in his initial statement, Keith says that Greg left about 30 minutes before Victor arrived to inspect the park.

"Was there anything unusual about his departure?" asked Kroffsik

"He...he was uh, he seemed rather hurried, which was unusual for him. Uh, he's never hurried. He's...he drives fast and is always in a hurry but he never acts hurried...he acted very hurried and he was carrying a small canvas bag," said Keith.

It appeared to him to be bulging with something. And it also seemed to Keith that Greg was trying to hide it from him.

Keith said that Greg had missed the inspection scheduled with Victor but Greg hadn't asked for the inspection to be rescheduled, which Keith thought was odd. Kroffsik prompted Keith to talk about something that he had mentioned earlier - that before the murders, as they smoked together on his front porch one night, Greg had told him they would have to do something about Victor and Alla. And, more importantly, that a few weeks before that Greg had asked him either once or twice whether he knew anyone who could be a "gun for hire" to kill Victor.

Keith said he'd brushed it off when Greg had asked this; they had been drinking, but then later, about a week or so before the murders, when Greg said they needed to do something about the Kolesnikows, Keith asked him if he couldn't just beat them in court.

Greg responded, "No."

From there, it got pretty specific. According to Keith, Greg said, *"I'm gonna have...I'm gonna have to kill them,"* and Keith had asked, *"You're gonna have to kill them?"* and Greg said, *"Well, yeah. I've done it before."*

[35:06] Colin Miller: Now, it's important to note that Agent Kroffsik doesn't stop and ask Keith what in the hell Greg is talking about, who did he kill, and when did he kill before, but instead Keith just keeps moving along, saying he told Greg he didn't think it was a good idea.

Kroffsik then prompts Keith to tell him about an incident that happened a week or ten days after the murders.

They were driving to Murfreesboro late one night and Greg suddenly said to him, "*Keith by the way, the night of the murders, I...*", and Keith had cut him off, telling him he didn't want to know anything.

Greg responded, "*Well that's cool man, 'cause I didn't do it and there's nothing to tell.*"

The next salient part of the interview is when Keith is asked by Kroffsik what he knew about Rocky and if he had overheard a conversation between Greg and Rocky.

He said he hadn't overheard the conversation [said Keith,] but Greg told him about a conversation he had with Rocky.

According to Keith, Greg told him that a couple of days after the murders Rocky called him and said if he was still having problems with Victor, he would kill him for \$50. "*I'll take him out, man, fifty bucks,*" Rocky said.

When Greg told Keith the story he was incredulous. He couldn't believe Rocky would do that, knowing his lines were probably tapped because he was a suspect.

Kroffsik asked Keith, had Greg ever mentioned asking Rocky to kill Victor? No, responded Keith.

There's more to this interview, much more, but it has to do with what happened on August 2nd, the day Judy Wells and Joe Brown heard the shooting at the Heron farm, and what Keith knew of Greg's movements that day. But we'll be circling back to that in a couple of episodes, so for now will move on to another important point Kroffsik leads Keith to - that Greg had [called] Kay and told her he lost the key to a safe he kept in his house.

He had, according to Keith, taken the key off his truck keyring when the TBI arrived, afraid if they saw the key they would try to open the safe. Well, at least that's what Kroffsik virtually leads Keith to say in the interview - that Greg hid the key from the TBI and then lost it altogether.

"Did he ever tell you what might be in the safe he was trying to hide?" asked Kroffsik.

"No," responded Keith.

Then we get to the big reveal - that in April or May of that year Keith had bought a roll of green cord at Walmart to put in his boat to use for an anchor line or tie off to a tree while fishing. He never did get to use it in his boat though because at some point in June he strung the line over a tree limb and tied a 2x6 to it to fashion a big tree swing in the front of Greg's yard.

At some point, though, the swing fell from his weight. Then, on the fourth of July Keith got the great idea to tie firecrackers to the rope and throw it back up over the tree.

Later, he saw Greg take the rope down but didn't know what he did with it and hadn't seen the rope since.

Now this was major information - a breakthrough if you will. It helped to establish that the green cord tied to the gun was from Greg's yard.

That's because the rope attached to the gun had dark smudges spotted here and there on it - smudges that Kroffsik now connected to the fireworks that were once tied to it going off.

Later in the interview Keith relayed an incident in which Greg told him and two other people - either Kay and Becky, or Eric Tanner and David Anderson, he couldn't recall who - that he thought his house may be bugged so not to have any conversations about the murders in the house or on the phone.

According to Keith, Greg said, "any time we talk to someone we are creating a new witness."

[38:54] Rabia Chaudry: Keith again met with Agent Kroffsik on September 30th and gave a short interview - so short that the notes from the interview are only two paragraphs long.

In this interview Keith tells Kroffsik that about a year and a half earlier Greg had contracted with a customer to build a house, but that customer had gotten dissatisfied and filed a lawsuit against Greg and Keith and other subcontractors.

Sometime after the lawsuit was filed, said Keith, Greg told him *"If the house burnt down with no one in it the insurance would pay off the contractors and the lawsuit would be over."* Did Keith know someone *"dumb enough to do it but smart enough to keep their mouths shut?"* Greg asked.

Now, Keith avoided the question altogether, and as far as he knew, the house never did burn down. But this statement did help bolster the theory that arson was part of Greg's MO.

A couple of days later, Keith was interviewed again by Kroffsik, on October 2nd. The interview report opens by noting that Keith had just been given a polygraph test, so let's start there.

The report of the test notes that the polygraph began at 10:10 am and that Keith agreed to undergo the test to prove he wasn't involved in the Kolesnikow murders.

Keith waived his right to an attorney and he answered four relevant questions:

Q: Did you help kill those people?

A: No

Q: Did you kill those two people?

A: No

Q: Has anyone told you they killed those people?

A: No

Q: Were you present when those two people were killed?

A: No

The polygraph record then notes that after answering the questions Keith continued to deny any involvement in the murders. But unfortunately for him, he failed the test. The results read: "it was concluded that Herbstreith was practicing deception when answering the relevant questions."

According to the report, the polygraph ended at 1:30 pm, nearly three and a half hours after it started.

Now we know that polygraphs involve a litany of questions that aren't relevant to the crime being investigated, like basic information about the subject, questions that aren't meant to have any emotional reaction, like "what day is today?" Still it's not likely that it took nearly three and a half hours to go through both the relevant and nonrelevant questions, which leaves open the possibility of what really happened in all those hours.

Especially because right after this polygraph that happened at the TBI office in Cookeville, Keith was then hauled into the District Attorney's office to give the interview

in question, on that day, to Agent Kroffsik. And at that interview he suddenly has a plethora of relevant information to provide the investigators.

[42:25] Susan Simpson: Keith was shown a picture of the Tec 9, which was found about two weeks earlier, and stated that while he had never seen Greg with such a weapon, he's heard him talk about one and say that he likes it as a weapon.

More importantly, Keith recognized the green cord attached to the gun in the picture. It looked the same as the green cord he used at Greg's house to rig a swing from a tree, he said. The one he had mentioned in an earlier interview.

And the flashlight? Keith said he recognized that too - it looks like the kind Greg keeps in his truck, and yes, Keith said, he'd handled it before but he'd always returned it back to Greg. The interview notes state that Keith said it was possible that his fingerprints would be on the flashlight battery, but it'd be unlikely because he wasn't big on changing batteries.

Finally, he told Kroffsik, that was all he knew about the case and that he had nothing to do with the murders and he didn't help Lance commit the murders.

Three days later, on October 5th, Kroffsik had Keith call Greg and record the conversation. At the time of this call Greg was out in Arizona helping Mike Heron with the big Jack in the Box construction project.

Keith didn't waste any time on the call, telling Greg that things were getting weird, that Bob Kroffsik was in and out asking all kinds of questions about him.

"Damn" said Greg.

Keith went on to say that, well, he didn't know much about the crime anyway, but he had child support payments due and he was ready to bail. So he was all packed up and moving to Florida. Immediately.

Because Greg was in Arizona, he had been relying on Keith to maintain and run the trailer park, so this put Greg in a bit of a bind now. But Keith would get someone else, Katrina Wright, a former girlfriend of Gregs who had worked at the park previously, to hold the place down for now. Greg told Keith to go ahead and do that, if he didn't mind.

Then they had a brief discussion of closing Keith out and what would be owed to him, and what he was leaving behind in terms of documents. But Keith said he would explain what he could to Katrina.

“Okay,” Greg said. “Just leave me the best you can, all right?” And then Greg followed saying, “I love you.”

“I love you too, man” said Keith, “but I can’t do this shit. They’re trying to get what little I know out of me ...and I don’t ... you know, I don’t want to betray you. But yet, I gotta do what i gotta do.”

“Yeah” said Greg.

And then they said their goodbyes, and that was it.

[44:41] Colin Miller: Now, this call seems pretty uneventful, other than Greg’s seeming nonchalance to Keith saying he didn’t want to betray him. But it may be that it was the most incriminating thing they could get on tape. Because the records show that Keith had actually recorded four conversations with Greg between September 30th and October 5th, all of which were transcribed, but the official file only has the transcript for this one single call.

Could be harmless error, misplaced documents, or could be that the other three made Greg look pretty good and needed to disappear.

After this exchange it seems Keith really did skip town. And why not, he wasn’t needed much more at this point. He had given the police what they needed, cooperating for weeks, interviewing repeatedly, tying the green cord and the flashlight to Greg, as well as providing evidence of Greg’s intent to kill the Kolesnikows.

But he wasn’t gone for good. Keith came back six months later, and gave a strange statement to the police on April 12, 1999.

[45:37] Rabia Chaudry: He told Agent Kroffsik that he remembered back in September, when he was running the trailer park and Greg was out in Arizona, that Greg called him and told him he was thinking of giving Keith half the trailer park.

But Keith had decided he had enough of it all - he had enough of the trailer park and of the investigation, so he changed the subject. He wasn't interested, he didn't want half the park, and Greg also never told him why he offered it to him.

But why did Keith return from Florida to Tennessee to give this cryptic, single paragraph statement?

Well maybe it had something to do with the fact that a week earlier Greg Lance had finally been arrested for the murders of Victor and Alla Kolesnikow.

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
Bledsoe County Correctional Complex
1045 Horsehead Rd
Pikeville, TN 37367

Now, lots of thank yous. 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 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 people 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 Bozeman 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 case 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.

Transcribed by Brita Bliss, Erica Fladell, Dawn Loges, and Skylar Park