

Undisclosed: The State v. Jeffrey Titus
Episode 16: Tales from the Thunder Hog
April 5, 2021

Susan Simpson:

Alright. North side... Fulton State Game Area.

...

Bobby Brown:

I heard shots off, way off in the distance. I figured it was coming from the direction that Doug was at. I figured he got a deer... that's what I figured I was walking back to.

[00:24] Rabia Chaudry: After hearing those two gunshots, Bobby Brown had not immediately headed back in stepdad Doug's direction. He had waited for a time -- just in case Doug had missed his shot, and that deer had been flushed out.

Bobby Brown:

I took my time. When I did go, I was walking real slow, trying to be quiet. Hoping one would come through the swamp.

It was 20, maybe 30 minutes later before Bobby made his way back to where Doug had been. There, he found his stepfather's body, face-down and tangled up in some logs. And not far from him was a second body, also face-down. Bobby did not recognize the second man, but scattered about him were the contents of his wallet.

Bobby ran to Doug's friend Mark Perry, who was hunting in the woods nearby, and took him back to where the bodies were. And then, Bobby and Mark split up -- each running for help in a separate direction.

Susan Simpson:

So what happened on your way back out to the road?

Bobby Brown:

I ran into that guy. He had glasses. I thought he had blonde hair.

[01:27] Rabia Chaudry: Bobby's immediate reaction to encountering the man had been to raise his shotgun and point it directly at his head. The man had quickly tried to calm Bobby down, and asked him, "Is anyone hurt?"

Bobby Brown:

I told him, "No... there's people dead out here." He asked me to take him to them.

Susan Simpson:

He's the first guy you see, and he says, "Take me back to the bodies?" or just, "Take me back there?"

Bobby Brown: Or show me, or... yeah.

The man had looked at the bodies that Bobby showed him, but he hadn't made any offers of assistance. That's when Bobby realized the man wasn't going to be any help, so he turned and ran to look for help from elsewhere.

Bobby never saw the blonde man in glasses again. He was gone before the police arrived. No one ever got his name.

That day though, there had been hunters everywhere in the Fulton Game Area. It was the first Saturday of deer season, and there was so much blaze orange out that some hunters described the forest as looking like a pumpkin patch.

Among the hunters out that day were a group of friends from the town of Parchment. They'd been hunting on the other side of Bear Creek, and when they heard Bobby's cries for help, they had rushed back to their trucks and driven over to try to help. When they pulled into the parking area there off of X Avenue, though, they discovered someone had beaten them there.

Phil Dooley:

Me and Mark was the first ones there. There was an old ambulance, and there was two gentlemen standing there and the guy goes, "Hey, man!" He goes, "You guys wanna go see two dead bodies?"

The man had- what I remember was, Stephen King glasses...

Steven King and his quieter companion were gone before the police arrived. And, just like the man Bobby pointed his gun at, they were never identified.

But if they had been, Jeff Titus might not be in prison today.

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**Rabia Chaudry:** Hi, and welcome to Undisclosed. This is *The State v. Jeff Titus*. Today is the final episode in the series. My name is Rabia Chaudry. I'm an attorney and author of *Adnan's Story*, and I'm here with my colleagues Susan Simpson and Colin Miller.

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

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

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[04:40] Jeff Titus:

But like I say, I didn't do it. I was thirty miles away. All I did was walk back there that day and find a gun. And I wish I'd never found that gun.

Somehow, Doug Estes's shotgun had ended up at a location over 125 feet away from where he and Jim Bennett had been killed. That's where, two days after the murders, Jeff Titus says he found the gun, lying beside a tree limb on the forest floor.

For a while after that, Jeff had gone about bragging to anyone who would listen -- or anyone who would pretend to listen -- about how he'd been able to find the shotgun when the police hadn't. But then, a few months after the murders, Jeff's story suddenly changed. He began to tell friends and coworkers a different explanation for how it was he'd been able to find that shotgun.

Stan Driskell:

The story I got had to do with this Big Jack business. And that made no sense.. That's the reason, in effect, that I let them record the conversation I had with him, to try and track down some kind of meaning with that. Because all I know is the story about his finding a gun is... suspect.

[05:38] Colin Miller: The "Big Jack business" that Stan Driskell is referring to is Jeff's story about what his friend and co-worker, Big Jack Warren, had told him a few months after the murders.

Jeff Titus:

That's what Jack told me. He said, "That was the only reason you found that gun." He said somebody else found it, they took it home, and then when they found out about the murders they brought it back. Now, he never told me who.

Jacinda Davis:

Do you think he knew? Do you think he knew who? Or it was just a theory?

Jeff Titus:

I think he probably did. He probably does. But he just flat out denied it. But he told me, because it was down in the power plant on third shift.

[06:18] At Jeff's trial, Big Jack testified he'd never told Jeff anything about someone taking the gun away, and later returning it. And lot of Jeff's other coworkers at the VA ended up testifying against him too -- mostly, they testified about vaguely recalled conversations they'd had with Jeff Titus more than a decade earlier, and how he'd said something or another about how he'd found the gun, taken it home, and then returned it to the game area.

Jeff Titus:

And they turned around and said, well, I said that. And it ain't what I said, it's what Big Jack told me. And I just repeated it.

Stan had found the Big Jack story to be strange the first time he'd heard it from Jeff. But after Stan learned from the cold case detectives that Big Jack had denied ever telling Jeff someone else had found the gun, he'd begun to think the story was more than just strange -- it was downright suspicious.

In Stan's first letter to Jeff after his conviction, he described how his doubts about the Big Jack story had later grown, at least temporarily, into doubts about Jeff's innocence.

Quote; Rabia Reading:

Shortly before the trial [though] my disquiet over this issue abated since I finally accepted that shotgun/Big Jack story was probably a fabrication. It then became possible to conceptualize scenarios of what might be the real story behind the shotgun. Although it does not present either you or

the police in a desirable light, the scenario I finally developed accords with your story to the VA people while providing an explanation of how you could have had possession of the shotgun without being the perpetrator of the crime.

[07:45] Colin Miller: Based on Stan's conclusions about the Big Jack story, Stan's advice to Jeff was for him to finally come clean. To finally admit that he'd found a gun, brought it home with him, and then realized that had been a huge mistake -- so he put it back, pretended to find it again, and came up with the Big Jack story as a cover.

Jeff rejected his friend's advice. He wrote back to Stan: "[D]on't believe everything someone says I said, ok. I was told by Big Jack what he said, it is not a fictitious story."

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[08:19] Susan Simpson: Stan was right, though. The Big Jack story is strange. And suspicious. And I too found myself wondering if Jeff was lying about it.

But I'd wondered as well if the Big Jack story could all just be a big misunderstanding. What if, all those years ago, Big Jack had just been offering up a theory about how Jeff Titus had been able to find the gun?

After speaking to Big Jack Warren, it made a lot of sense to both Jacinda and I how a misunderstanding like that could've happened.

Jacinda Davis:

Did you suggest to him, "Well, maybe someone brought it back to the crime scene?"

Big Jack Warren:

That's what I feel. I feel somebody took the gun and realized that they made a mistake and they brought it back and threw it down somewhere.

[09:08] Susan Simpson: Big Jack's theory about what happened to the shotgun doesn't sound all that different to the Big Jack story that Jeff says that he was told.

Jeff Titus:

What Big Jack told me, he said the only reason I found it is because somebody else in Athens found it.

Susan Simpson: But he didn't confirm to you that he knew the person, did he?

Jeff Titus: What?

Susan Simpson: Did he say outright, "I know the person, or...?"

Jeff Titus: No.

Jacinda Davis: Was it just a theory, Jeff?

Jeff Titus:

I don't think, the way he said that, that it was a theory. The way he said it was like he knew who it was, but he wasn't saying.

[9:40] Susan Simpson: Athens is a little farm town just to the east of Fulton. And it's this oddly specific detail about the person who found the gun being from Athens that makes me doubt the conversation between Big Jack and Jeff could've all just been a hypothetical.

But if this wasn't a hypothetical, then who was the person from Athens that Jack could have been referring to?

Susan Simpson:

So, did you... Are you from Athens? Do you have any connections there?

Warren: No, we're from here.

Susan Simpson: Ok, do you know anyone from Athens?

Big Jack Warren: No. No.

If Big Jack doesn't know anyone from Athens, then he couldn't have known someone from Athens who took the gun and brought it back to the crime scene.

[10:23] Colin Miller: This isn't the only problem with the Big Jack story either. Aside from emergency responders and Sheriff's deputies, there are only a limited number of people who are known to have had access to the crime scene -- and so could potentially have had an opportunity to take the shotgun.

There's Doug's stepson Bobby Brown, of course. And Doug's friend Mark Perry. And Ron Elwell -- the neighbor to the north, who Mark Perry ran to for help, and who came back with Mark to the crime scene.

Ron Elwell:

It was him and I for the longest time, and I never seen another hunter, I didn't see anything.

Susan Simpson: So, you all were alone there. And then?

Ron Elwell: We were, for quite a while.

Susan Simpson: And you think it's Clarence and one of his sons?

Ron Elwell: Yeah, there was only one of them, and it must have been Todd. So.

Susan Simpson: Okay.

[11:01] Colin Miller: When it began to grow dark, and Ron Elwell still had not returned from the woods, his wife Sandy had gotten worried, and called her neighbors, Clarence and Pat Jones, to see if someone could go one check on Ron.

The Joneses lived on the property just behind the Elwells -- they had a junkyard there, off of X Avenue. Clarence and Pat's older son Troy, was not at home when Sandy called, but their younger son, Todd, happened to have been home from college that weekend. So it was Clarence and Todd who had headed back into the woods to find Ron.

Ron Elwell:

I don't remember Clarence coming clear, coming clear in.

Susan Simpson:

Yeah. Todd says he was there very briefly, and he just peaced out.

Ron Elwell:

Yeah, I don't, I don't remember them coming back to where we were.

Todd Jones ended up testifying at Jeff Titus's trial. He said it was just him and his dad that went back to look for Ron, because his brother Troy hadn't been home at the time. And they had approached the crime scene, but they hadn't gotten too close -- they had

stayed a couple dozen feet away from the bodies. And Todd said he said he hadn't remained in the woods long at all -- once they'd located Ron, and once Todd had gotten a glimpse of the two dead men lying there on the forest floor, he'd turned around and quickly left again.

So that's a total of five known witnesses who were near the crime scene that night, and theoretically could've taken the shotgun: Bobby Brown, Mark Perry, Ron Elwell, and Clarence and Todd Jones. But other than Bobby, none of those five had ever been at the crime scene alone -- and could not have taken the gun without someone else seeing that they had done so.

[12:40] Susan Simpson: This list is not quite complete, though. Because in addition to those five known witnesses, there was a sixth witness too. We just don't know his name.

Susan Simpson: But Bobby does say he pointed the gun at someone.

Jacinda Davis:

He does. And we kept thinking, "It's gotta be Snow. It's gotta be... somebody. It also means - when he said that - Bobby pointed the gun at somebody..."

Susan Simpson: Right away.

Jacinda Davis: ... right away.

Susan Simpson: Before he saw anyone else.

Jacinda Davis: Before he saw anyone else.

When I started working on this case, I hadn't thought of this man that Bobby pointed his gun at as a new witness at all. I'd assumed he was someone that we already knew had been at or near the crime scene -- Bobby must have pointed his gun at one of them, and they just hadn't ever mentioned it in any witness statement they ever gave. We just had to figure out which witness it was.

We knew it couldn't be Mark Perry -- Bobby would have recognized him, obviously. And Ron Elwell never even saw Bobby that entire night, so it can't be him, either.

Ron Elwell also doesn't think it could have been Clarence or Todd Jones that Bobby encountered either.

Susan Simpson: Did Clarence mention the boy pointing a gun at him?

Ron Elwell: Boy, if he did, I don't remember that.

[13:41] Clarence Jones is much older than the person Bobby describes pointing the gun at. His son Todd has blonde hair and glasses, so could be a closer fit for Bobby's description. But both Clarence and Todd came much later in the evening -- they were out much too late to be the person that Bobby ran into just as he was leaving the crime scene.

With those five witnesses ruled out as being the man Bobby pointed a gun at, we started working our way down the list of all the other witnesses known to be anywhere near the crime scene that night.

Susan Simpson: Was the kid like, was he pointing the gun at anyone?

Bill Polmateer: No, but you could tell he was just, really distraught.

...

Dooley: Yeah, he was upset. Yeah.

Susan Simpson: Did he point a gun at you?

Dooley: No! No!

Every known witness at the game area denied being the man that Bobby pointed a gun at.

Jacinda Davis:

The other thing Bobby said is that he pointed this gun at someone, and he never saw that person again that entire night. He said, "They just disappeared, I don't know what happened to them. I never saw them again."

It was while trying to puzzle out who Bobby had pointed the gun at that I finally realized what was not adding up about their reports about who was at the crime scene that night. Because there were only five witnesses who were ever seen there, but there are seven witnesses who claimed to have been there.

[14:56] Rabia Chaudry: Five days after the murders, investigators received a call from an unnamed source. The source said he worked with a guy named Jack Badger, who'd been telling all his coworkers about how he'd been at the crime scene at the Fulton Game Area. Badger claimed to have heard a shot, followed by a yell for help, and then, when he'd gone over to see what had happened, he found two people standing next to a dead body that was lying face-down on the forest floor. There was a second body nearby too, but this one, Badger said, had been leaning up against a tree.

When the two people standing by the first body noticed Jack Badger standing there, they'd fled across a field, hopped into a car, and driven away. That's when Badger had walked over and seen a billfold lying on the ground near one of the bodies. Its contents had been strewn about.

Following the tip from Badger's coworker, Detective Wiersema went out to interview him. Badger denied the report, though. "I never said that I saw bodies or any such thing," Badger told him. "I just heard about the murders while out at my friend Troy Jones's house. We'd stopped by to pick up some clothing for Troy, and Troy's mom told us that some guys had been shot in the woods, and that Troy's dad Clarence had gone out looking for Ron Elwell."

Jack Badger said that he and Troy had started back into the woods to look for Clarence, but Clarence had returned home just as they were leaving. So in the end, Badger told the detective, he and Troy had never actually gotten anywhere near the bodies. He'd never seen them himself, he said.

[16:25] Susan Simpson: A couple weeks later, a second tip was called in about Jack Badger. This one came in from Jim Bennett's father, who had learned that, on the night of the murders, Jack Badger had borrowed his girlfriend's Z-24, which is basically a Chevy Cavalier. It was very similar to the car that had been seen in the ditch.

So detectives went and interviewed Jack Badger's girlfriend, who we're going to call Tina. In 1990, Tina had been a bartender over at the Thunder Hog, the local bar in Leonidas.

Susan Simpson: Did you know a guy named Jack Badger?

Tina: Yes.

Susan Simpson: Ok. How did you know him?

Tina: Uh... I was dating him. And I remember he took my car - him and his other friend but I don't know--

Susan Simpson: Troy?

Tina: Troy. Yeah, took my car and then they come back to the bar.

[17:10] Susan Simpson: Tina asked that we not use her real name. Not because of anything having to do with the murders -- she would just rather not have it known that she had once dated Jack Badger.

On November 17, 1990, Jack Badger told Tina that he and his friend Troy Jones were going out deer hunting -- or maybe he'd told her they were going to set up a deer blind, she's not sure which now.

Susan Simpson: And did they deer hunt a lot?

Tina: I don't know, I don't... I only dated him for like a week.

That night, while bartending at the Thunder Hog, Jack Badger had called Tina. "I'm at The Office Bar, in Athens," he told her. "I need you to pick me up."

"I can't pick you up," Tina told him. "I'm working."

But Jack Badger was insistent. So eventually Tina asked her friend Kathy to go pick him up.

Susan Simpson: Justine was there that night as well, I guess.

Tina: I'm thinking she was. She probably knew more about it than me, because she knew Jack pretty well. As a matter of fact, she was the one who set me and Jack up, I believe.

[18:03] Susan Simpson: After getting Jack from the bar in Athens, Kathy had taken him back to the Thunder Hog to see Tina.

Tina: ... and they were all in shock. They said they just saw the body in...

Susan Simpson: They just *found* the body?

Tina:

That's what... they went out into the woods to go deer hunting or something and they found the body up against the tree. That's all they told me.

Susan Simpson: Did they seem shook up, though?

Tina: Oh, very.

Susan Simpson: Like, they seemed emotional and...

Tina: Yes. Jack did. I don't think Troy was with them, I think it was just Jack.

After getting to the Thunder Hog, Jack Badger had begged to borrow Tina's car, and she'd agreed. Though he ended up being gone with it much longer than Tina had expected.

Tina:

It seems to me that he was supposed to be back with my car like, at seven and then he didn't get there till like, closing time?

Susan Simpson: So you were annoyed or nervous or... ?

Tina:

Wondering where my car was at. And I'm thinking because they found the bodies, they had to wait for the police to get... I don't know. I don't know.

Tina's Z-24 resembled the Ditch Car -- but the good news is we can be pretty confident that it was *not* the Ditch Car. It did not have a broken tail light that the Ditch Car had, and Badger does not at all resemble the Ditch Man composite. And most importantly, Jack Badger had *not* borrowed Tina's car until early in the evening, after the murders had already taken place. So Jack Badger is not the Ditch Man.

[19:22] Though, there was another car sighting that night at the game area that may be relevant here. A witness who had been driving through Fulton that night around 6:30 or so, had seen police cars blocking the roads into the game area. And as he passed by, he saw a car very similar to Tina's that had pulled into a field, just behind where the roads into the game area had been blocked off by police.

Tina does not know where Jack Badger took her car that night. And until we spoke to her, she had not been aware that neither Jack Badger nor Troy Jones had ever spoken

to police on the night of the murders. Nor was she aware that, when Badger was interviewed a few days later, he'd denied that he'd ever seen any bodies in the game area.

But Tina felt certain that he hadn't been lying when he told her he'd seen the bodies.

Susan Simpson:

I was curious if you'd say like he seemed like he was putting it on, or if he was--

Tina:

Yeah, I don't think he was. From what I saw - because I was like, in shock ... yeah. I don't think he was. And that's what scared me. And that's when I'm like, oh my God.

Susan Simpson: So nothing at the time made you doubt the story?

Tina:

Because he was wiggled out. He was crying and he was bawling.

Tina said she'd only seen Badger once or twice after that night at the Thunder Hog. His behavior had been erratic and concerning, and she'd broken things off. So there was not that much more about Badger that she could tell us.

Tina: You ought to talk to Kathy.

Susan Simpson: Swinehart?

Tina: Yeah. Because she was--

Susan Simpson: Yeah.

Tina: From what I recall she was pretty good friends with him.

[20:47] Susan Simpson: Kathy had driven Jack Badger from the Office bar to the Thunder Hog that night, and we were hoping maybe he'd told her more about what happened out at the game area during the car ride over.

Our conversation with Kathy had been very brief though. She said remembered Jack Badger, vaguely, and remembered the Fulton Game Area murders, vaguely, but that

was about it. "Wish I could help you," she told us, "but it's been too damn long. I don't remember anything."

Jacinda Davis:

She's lying. 100 percent.

[21:18] Colin Miller: The next time Jack Badger's name came up in this case was in 2000, when the cold case team went back to Tina and interviewed her again. She told them the same thing she'd told the original detectives in 1990. But then she added something else.

"Four months ago, I ran into Jack Badger's friend Troy Jones," Tina told the cold case team. "And I asked him, 'Hey, weren't you with Badger when you found those guys dead in the woods?' Troy had said that he was, and that one of the men had been up against a tree, and there'd been a shotgun like he'd been hunting, and the other guy had looked like he'd been running away when he was shot. It had been a horrible sight," Troy told her.

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[22:03] Rabia Chaudry: In November of 2001, one of the detectives on the cold case team must've also come to the realization that this case had a problem. And that problem was Jack Badger and Troy Jones.

By that point, though, the cold case team was just a month away from arresting Jeff Titus. Their investigation had already been winding down. But the cold case team must've decided this problem was too big to ignore completely.

We don't know what caused the cold case team to realize there was a problem here -- that part isn't recorded. What we do know is that two cold case detectives went to interview Clarence Jones, and they'd had a very specific question they needed to ask him.

Quote; Susan Reading:

"I interviewed [CLARENCE] JONES in reference to his recollections of the homicides on November 17, 1990. I specifically wanted to know if he remembered JACK BADGER or his son TROY JONES being back at the crime scene[.]"

Clarence Jones gave the cold case team the same answer he had given every other time he'd been interviewed in this case.

Quote; Susan Reading:

"We asked Clarence Jones about the information we were getting that Troy Jones and Jack Badger were two individuals who first found the bodies of the hunters. According to Clarence, that was completely not true and could not have been possible, since neither Badger nor Troy Jones were anywhere in the area."

[23:15] Rabia Chaudry: In the days following the interview with Clarence Jones, the cold case detectives also interviewed Troy's brother Todd, his mother Pat, and his neighbor Ron Elwell. They asked each of them the same question they'd asked Clarence.

Quote; Susan Reading:

TODD JONES states that he remembers his mother being at home, [and] he and his father CLARENCE had been summoned to the State Game Area because someone had been shot. ... [TODD JONES] only remembers seeing his mother at home, he does not remember seeing his brother TROY or JACK BADGER.

Quote; Rabia Reading:

[PAT JONES], when asked whether or not she saw her son TROY JONES or JACK BADGER that day, indicates she did not see JACK BADGER at her house and her son TROY live[s] at the residence so she is sure she saw him that day but she did not remember when.

Quote; Colin Reading:

[RON] ELWELL was interviewed in reference to whether or not he remembered TROY JONES and JACK BADGER being at the homicide scene. ... [RON] ELWELL does not recall TROY JONES or JACK BADGER being at the scene on November 17, 1990. I asked ELWELL if he remembered seeing either of those two individuals on that day. ELWELL said he did not remember seeing them[.]

[24:08] Rabia Chaudry: The cold case team also interviewed Jack Badger and Troy Jones, and asked them the same question they'd asked Troy's family and neighbor.

Both Jack and Troy gave the cold case team the same answer. Yes, they said, they had been back there at the crime scene at the same time as everyone else.

Jacinda Davis: This just doesn't make sense.

Susan Simpson: He's there for half an hour...

Jacinda Davis: ... and no one remembers that he's there for half an hour?

Jacinda and I called Kevin to explain why we had suddenly become so interested in Troy and Badger -- two witnesses who, up until that point, we'd all assumed were insignificant figures in this case.

Jacinda Davis:

And the other thing, I don't know if I told you, Troy Jones -- the one who lives there at the corner -- his dad was there. We know that for a fact. His brother was there, and the neighbor was there. Those three people do not report seeing Troy or Badger there.

Susan Simpson: They're very adamant they never saw them.

Jacinda Davis: And the mother also says, "No, I never saw Troy."

Kevin: They would've had to have seen the bodies before everybody else got there, then. That's the only possible scenario.

[25:11] Susan Simpson: When Jacinda and I spoke to Troy's brother Todd, we had told him about what his brother said about being there at the crime scene. Todd claimed he'd never heard before that his brother had said he was there, "It just didn't make sense," Todd said. "Troy couldn't have been there when we were there."

Jacinda Davis:

He didn't see his... he actually came to this conclusion on his own: "That would have meant that they had to get there before we did."

[25:34] Susan Simpson: The cold case team must have come to the same realization. That's why they'd gone out and conducted a flurry of interviews that were all aimed at trying to resolve this question of why Jack Badger and Troy Jones said that they were at the crime scene, when everyone else who was there says they weren't.

But then it seems like the cold case team just... gave up on this line of investigation. They simply dropped the issue. And moved on to arresting Jeff Titus.

Jacinda Davis:

But what doesn't make sense... ok. You're saying like, "Oh, Werkema's trying to fix it." But he doesn't fix it.

Susan Simpson: You can't. There's no way to fix it, that's the problem.

Jacinda Davis:

The only way to fix it is if someone says, "Yeah, we saw them out there."

Susan Simpson: But they're not willing to do that.

Jacinda Davis: They're not willing to bend.

[26:07] Susan Simpson: In fact, further investigation into this issue seems like it was just making the cold case team's problem worse. One witness we spoke to was a friend of Troy's that the cold case team had also tracked down. And Troy's friend told us that Troy had once told him about how he had been there at the crime scene that night. And in the course of this conversation, Troy made a curious comment -- he'd mentioned how, after being back there, he'd been concerned that he and Jack Badger had left footprints there at the scene.

I asked Troy's friend why Troy and Jack had even been there in the first place. "I think they just wanted to see a dead body," he told me.

The only two people who could really answer this question about what is going on here are Troy Jones and Jack Badger themselves.

Jacinda and I decided to try speaking to Jack Badger first. But when we stopped by his house, he hadn't been home. Or, at least, that's what the woman who answered the door told us, when we'd explained why we were there.

It was a day or two after that when Jacinda and I went to speak to Troy Jones. We had just knocked on his front door when we heard the sound of a truck starting up, and looked over to see that Troy had apparently gone out a side door to the garage, and was trying to drive away.

Unfortunately for him, Jacinda had accidentally parked our car in a way that meant he was partially blocked from getting out. And it slowed his exit down just enough for us to

walk over there and start talking to him. We'd started to introduce ourselves, but Troy told us he already knew who we were. Jack Badger had told him all about it.

And after our interview with Troy, Jacinda and I called Kevin to update him on how it'd gone.

[27:42] Susan Simpson:

Basically, so Jack Badger, when we went by his house, he freaked out. He went to his ex-friend Troy's house, and leaves a note and says, "You've gotta come talk to me." So Troy drives out to talk to him, and he's freaking out. Troy says he told him like, "You brought this on yourself, you've been running your mouth.

Jacinda Davis:

And Troy tells him, "You have nothing to worry about, you were with me and Tim Laplant that day, remember?"

Tim was another friend of Troy's, and Troy told us after he'd gotten that note from Jack and driven over to see him, he'd told Jack just to remember he didn't do nothing. And that the three of them had been together: it was you, me, and Tim Laplant.

Jacinda Davis:

He even... it was like a dramatic one, two, three! of us were together.

Susan Simpson:

He did do that, like he put his hands out and counted.

Jacinda Davis:

And I was thinking, I don't care who you were with that morning, because by the time you got here, Tim was long gone.

Susan Simpson: Why is Tim even part of the story?

Jacinda Davis: Yeah. "One, two, three."

Tim Laplant, for his part, no longer recalls anything this day. When we'd asked him if Badger and Troy Jones had been over at his house that day, he'd told us that, if they said they'd been there, then yeah they probably were, but he didn't recall anything about it.

As for what had actually happened that night at the game area, Troy told us more or less the same thing he'd told the cold case team twenty years ago. He and Jack had gotten to his house that evening, and his mom had told them that someone had been shot in the Game Area, and that his father had gone out to check on Ron Elwell. His mom had asked if he and Jack could go out to look for them, so they had, and gone back to the crime scene and waited there, for approximately half an hour.

But when I told Troy that neither his mom or dad, or Ron Elwell remembered seeing either him or Badger out there, Troy seemed unfazed. 'I know they saw me there,' he said. 'We were all in a little group looking at one another. I was there, so was Jack.'

Then Troy told us what had happened when he and Badger had first made it back to the crime scene.

[29:41] Jacinda Davis:

He says he went back in the woods and the first person he sees is Bobby Brown pointing a gun at him. But the timing is off. Bobby would have been gone by then.

Susan Simpson:

That was like, one of the first things that happened. Way before even Elwell is there, or Clarence Jones. There's no plausible scenario where these guys could have seen Bobby Brown at the crime scene like he's describing. Not... and have it not be shady.

Kevin Fitzpatrick:

But what did they say? They say that they went back there and saw the bodies and saw Bobby Brown, that's basically their story?

Susan Simpson:

Well, what he said at first, he said the kids pointed the gun at him and he says, "Whoa, we heard the shouts for help and went out here."

Troy said that the kid - Bobby - had pointed a gun at his face and accused him of committing the murders. Troy told us that he said to the kid, "No dude. We just heard somebody yell for help, and I'm assuming that was you."

Susan Simpson:

I swear, when he was talking about Bobby, he was saying, "We heard you yelling 'help.'"

Jacinda Davis: Yeah no, he did say that. He messed that up.

Troy must've realized his error as well, or maybe he saw the surprise on my face. Because I'd asked him, "Wait -- *you* heard somebody yell for help?," and he'd quickly corrected himself: No, my mom and dad heard the yells for help, I didn't hear it, I wasn't at home.

Jacinda Davis:

By the time he would have gotten home, his mom had said, your dad went down there... Like, Bobby's not yelling anymore at that point. (crosstalk Susan: No.) Bobby's in whoever's house, making his phone call, trying to reach his mother. (crosstalk Susan: Yeah.) The timing is off.

Susan Simpson: The timing is way off.

Jacinda Davis: For them to have run into Bobby.

Susan Simpson: There's just no way his story is true.

Jacinda Davis:

The only way his story is true is if he was first there, he was there before anyone else.

I asked Troy what the crime scene had looked like when he'd been back there, and he'd described how the larger body - that of Doug Estes - had been laid out face down. 'I think he was running away,' Troy told us, 'but the guy from Leonidas, he was leaned up against the tree sitting. Like he was in a sitting position.'

Susan Simpson:

Against a tree? Was someone trying to help and they put him against the tree?

Jacinda Davis:

'Cause like also... how do you get shot through the back if your back is leaning against a tree?

Susan Simpson: He didn't die instantly.

Jacinda Davis:

There is talk about someone crawling. So the police, somebody leaks that one of them crawled. Everyone assumes it's Doug, because of his position of his head under the tree...

Susan Simpson: But it is *not* Doug.

Jacinda Davis: ...But it's actually... (crosstalk, Susan, in unison) Jim Bennett.

Bennett's body had fallen between two trees. But around the base of one of those trees, there had been bloodstains and scuff marks in the leaves, as if someone had been dragged or maybe crawled.

Jacinda and I had begun to wonder if maybe Bennett hadn't fallen between those two trees after he was shot. Maybe he'd staggered, for a moment. Maybe he'd leaned back against a tree trunk before he died.

It's the only explanation I can think of, anyway, for how Troy Jones and Jack Badger could've possibly seen what they say they saw.

[32:51] Susan Simpson: Sometime after speaking to Troy Jones, Jacinda and I went to interview the group of young hunters from Parchment. The ones who told us that, when they arrived at the parking area off of X Avenue, there had been two men already there - one of whom was wearing Steven King glasses. And that man - the one we're calling Steven King, for short - had kept trying to get them to come back to see these two bodies in the woods.

I asked one of the hunters, Bill Polmateer, about what else Steven King had said to them, when they were standing there in the parking area.

Susan Simpson:

Did he describe the scene to you? Did he tell you how the hunters were shot, what they looked like?

Bill Polmateer: Yeah.

Susan Simpson: What'd he say?

Bill Polmateer:

He said that one of them was leaned up against the tree and he was shot in the chest, the other one was laid over his belly over a log and all the contents of his wallet was on the ground, is what he said. And he said there was no guns back there, nothin'.

Susan Simpson:

So you feel pretty sure about the tree... One's against the tree-

Bill Polmateer:

He said he was sitting against the tree with his legs crossed, with his head down, like he never even seen it comin', is what he said.

Bill's friend, Phil Dooley, had been the first in their group to arrive at the parking area off of X Avenue. So he was the first to encounter Steven King. I asked Phil the same question I'd asked his friend.

Phil Dooley:

I heard that they both took one to the chest, you know. Like, one sitting, like still sitting, and one looked like maybe he had been standing. Like walking up to the ones who had... I don't know.

Susan Simpson: You said sitting...

Phil Dooley: Like, one was sitting against a tree, shot.

Neither of the hunters from Parchment ever saw the crime scene for themselves. Their descriptions are based on what they remember Steven King telling them.

They had never gotten Steven King's name, and both he and his friend were gone before police arrived. But the hunters from Parchment recalled a few details about Stephen King that might hint at who he could have been.

[34:41] Susan Simpson: And you're definitely sure...

Bill Polmateer: I thought he lived in the area.

Susan Simpson: Why do you say that?

Bill Polmateer:

Because, well it seemed like he said he didn't travel far to get there. If I remember.

Phil Dooley told me that when he'd pulled up at the parking area, Steven King and his friend had been hanging out next to the ambulance, even though they weren't wearing any sort of clothes that would mark them as first responders, or as ambulance employees.

Susan Simpson:

And he seemed kind of cozy with the ambulance, it seems like.

Phil Dooley:

Yeah, oh yeah! He was leaning right up against it!

This affinity between Steven King and the ambulance seems potentially relevant. There were two ambulance attendants that arrived on the crime scene that night. One of them had been a guy named Bobby Burgette, who both Troy and Jack Badger had gone to high school with.

In fact, in Jack Badger's very first statement, he'd mentioned to Detective Wiersema that he knew Bobby Burgette and had seen him pull up in an ambulance. And when Jacinda and I spoke to Troy Jones, he'd repeatedly brought up Bobby Burgette to us as well, though he'd done so in a strangely derogatory way. In our conversation, Troy Jones called Bobby Burgette an "idiot" or a "fucking idiot" at least four or five times. And he couldn't really explain why, when I asked him either. He just said he'd grown up knowing Bobby Burgette, and that's how he knew he was an idiot.

Still, maybe back in 1990, Troy and Bobby Burgette had been on friendlier terms. And maybe that's why Steve King had been seen lounging against the ambulance in the game area.

There's also another detail too that Billy had remembered about what Steven King said that could be relevant here.

Bill Polmateer:

He just said, I found these bodies. Come check it out.

Susan Simpson: Did he say, 'I found them'?

Bill Polmateer:

Yeah. He said, I found these bodies. Come check it out.

That's the same thing Tina remembered Jack Badger saying to her that night at the Thunder Hog. He told her that he and Troy had found the bodies.

[36:30] Jacinda Davis:

Why... why is Troy - assuming this person is Troy, we don't know for sure, but assuming this person is - why is he sticking around? Like why-

Susan Simpson: I think to get footprints back there.

Jacinda Davis: To get footprints back there?

Susan Simpson:

I think he's afraid... Wade Harnish** said Troy was afraid of the footprints. (crosstalk Jacinda: you're right.) So I think he stays to get people to go back there and contaminate the scene, not knowing the cops are never gonna look at the footprints in the first place.

Jacinda Davis:

Then why not come clean then, and say, Yeah, we found the bodies-

Kevin Fitzpatrick:

Because if you're them, they probably can't see themselves being able to get out of a scenario of a potential murder rap, right?

Susan Simpson: Yeah.

Kevin Fitzpatrick:

They don't strike me as the type that the cops are just gonna believe when they say, We had nothing to do with this.

Both Troy Jones and Steven King, whoever he is, described the crime scene in similar terms. And there's one detail in their description that makes me think that they didn't have anything to do with this. They said Jim Bennett had been shot while sitting, or perhaps sleeping, with his back up against a tree. And that it seemed as if someone had snuck up and shot him in the chest.

Bill Polmateer:

...One sittin' against the tree, with his arms down, his legs were crossed, like he never even seen it comin', the person just walked up to him and shot him while he was sleeping.

Bobby Brown says though, it was clear to him when he found the crime scene, that that is not what had happened.

[37:51] Bobby Brown: You could tell he was not shot in the chest.

Susan Simpson: If he's sitting against a tree, you can't...

Bobby Brown: Right.

Susan Simpson:

If he really thinks the guy is shot in the chest, he doesn't know he's shot in the back.

Bobby Brown: It looked like, yeah. His chest was bowed out.

Susan Simpson: Well, but could you tell exit from entry wound?

Bobby Brown: No, yeah, only because I rolled him over.

Susan Simpson:

But if you just see front, you might think that's the entrance wound spread out?

Bobby Brown: Yeah, you wouldn't be able to tell.

Troy Jones had to have been one of the first people at the crime scene, because by his own admission, he was the man Bobby encountered as he left the crime scene in search of help.

Susan Simpson:

Like you feel certain that there's only one guy you ever pointed a gun at that day?

Bobby Brown: Yeah.

When we spoke to Troy, he denied that he'd been there before his father Clarence or Ron Elwell had been. And he denied that he and Jack Badger ever had anything to hide

about their presence at the crime scene. They just hadn't been interested in giving statements to the police, he said. That's why they had left before the police could arrive. 'It had nothing to do with me and Jack,' Troy said. 'Because I know where we were that whole afternoon.'

As for Jack Badger, I was never was able to interview him. The one time I spoke to him directly had been very brief and the only thing he would tell me was, "That was all a very long time ago, and I don't want to talk about it."

But Jack's prior statements in the case file show that there is something he and Troy are not being truthful about.

Jacinda Davis: Badger and Troy were up to something.

Susan Simpson:

This is the worst, because I'm convinced they're hiding something, like utterly convinced, but I cannot say what it is.

Jacinda Davis: Right.

Susan Simpson: But something is not adding up.

Jacinda Davis: And they could be hiding something completely different.

Susan Simpson: I know, I know.

Jacinda Davis: Like, they could have been back there burying cocaine.

Susan Simpson:

(Laughs). They were poaching a deer and they're like, Oh my gosh, the DNR is gonna come for us.

Jacinda Davis:

Whatever they were up to, it was not something they wanted people to know about.

One thought I kept going back to though, is how in the statement to the cold case team, Jack Badger described how apprehensive and nervous he'd been, how tense things had felt there at the crime scene. There'd been a man there who was very upset, and very armed - and for all Badger knew, this was the guy who'd just blasted two hunters away.

And Troy told us that both he and Jack had both been unarmed when they were there in the woods.

What if, in a moment of panic, Jack Badger had seen a shotgun lying there in the woods and he'd grabbed it, to use for his own protection, just in case the murderer was still out there in the woods, lurking behind a tree somewhere?

Although, based on the first report on Badger in the case file - the one about how he told people at work he came across two people standing over a body, who then fled the scene when he saw them -- there's another possibility that can't be entirely ruled out.

[40:24] Kevin Fitzpatrick:

The other thing is, based on what you guys have told me and what I think is possible... if they were sitting in that blind near there, they saw who did it.

Susan Simpson: Yeah.

Kevin Fitzpatrick:

And they know who did it or they know, or they just know it was someone, and they don't want any part of that. But imagine if they know who did it, imagine if it's somebody from around there and they're just kind of like, fuck this. Like, we don't want this guy coming after us.

After we talked to Troy, Jacinda and I had gone back to see Bobby Brown again. We'd wanted to find out from him if there is any possible way that what Troy Jones had described could be reconciled with the crime scene that Bobby had encountered.

Bobby Brown: James Bennett was face down.

Susan Simpson:

I just think... the way this guy said it... I really think he saw the body of Jim against a tree.

Bobby Brown:

He was there before me, then. If he was sayin' that, then he's probably the one that moved him.

It was Bobby who came up with the theory that may best explain the evidence in this case. If somebody found the bodies before me, Bobby told us, but they never came

forward to tell the police about it, then they probably pocket checked the victims. People can be heartless like that, he said.

Jacinda and I had considered and rejected far more elaborate scenarios. But Bobby's theory offered an explanation for something that Jacinda and I had been struggling to understand. If Jack Badger and Troy Jones really had seen Jim Bennett sitting against a tree, as both have repeatedly claimed over the years, then how come Bennett was lying face down when Bobby found him?

Susan Simpson:

But uh, if you're sitting against a tree, how do you get the wallet out?

Bill Polmateer: Yeah, if he's sittin' on it.

Susan Simpson: Yeah.

We know from the blood stains found in Jim Bennett's pockets that his wallet was removed after his death. But if Jim Bennett really had died sitting against a tree, then no one could have removed his wallet without first moving him.

Later on I interviewed Bobby again, this time about Rich Vendeville. That's the same guy that Jeff Titus met in prison. The one who had an absurd amount of knowledge about Titus's case and who claimed to have been an informant for cold case Detective Werkema. Turns out that Rich Vendeville had been in jail with Bobby Brown too, and, just like with Jeff Titus, Vendeville had tried to make friends with Bobby. Bobby told me Rich Vendeville was the reason that, when he'd heard about someone else claiming to have found the bodies, he'd suggested that they might've robbed Doug and Jim.

Because, while he and Vendeville had been in jail together, Vendeville had told Bobby a story about how he'd once been walking out in the woods when he came across a man who'd committed suicide. So, Vendeville said, he'd robbed the body, and then kept on walking.

And something like that could've happened here too.

[43:03] Susan Simpson:

Because it was opening season in this crowded place. Everyone's like, 'It's so crowded.' It hadn't occurred to me before, but it is weird that no one else came through in that half hour.

Jacinda Davis: Right. It's... it's such a small area.

Yes, there had been plenty of time for Jack Badger and Troy Jones to have wandered across the crime scene first. But there was plenty of time for lots of others to have done so as well. And maybe one of them was someone like Rich Vendeville. Someone who, when he saw the bodies, had robbed them. And then kept on walking.

[44:13] Susan Simpson: Bobby's theory about why someone would want to hide the fact they'd found the bodies also brought to mind another report from the case file. It was a page of notes written by Detective Mike Brown, just a few months into the cold case team's investigation. It read:

"Skeeter Cerny called and wanted me to call him, which I did. He told me that he had a party and talked to someone who doesn't want to talk to the police. He told Skeeter there was guys hunting in Fulton at the time of the homicide. He said one of them took the billfold out of the victim's pockets, looked at it, and threw it back down."

The men that Skeeter had named are listed at the bottom of the note. *"Jack Allen Badger. Troy -- father owns a junk yard. All are from Athens."*

[44:55] Susan Simpson: Do you know someone named Troy Jones?

Skeeter Cerny: Troy Jones?

Susan Simpson: Yeah.

Skeeter Cerny: No.

Susan Simpson: Or, Jack Badger?

Skeeter Cerny: Jack Badger? Uh uh, names don't ring a bell at all.

Susan Simpson:

You had one statement in there that I was wondering about, where you told them about those names-

Skeeter Cerny: I did? Me?

Susan Simpson: Yeah.

Skeeter Cerny:

Oh I never said... I don't even know them. I've never even heard of them names (laughs).

Susan Simpson: So you don't know these people.

Skeeter Cerny:

Badger? Jack Badger? Huh. (laughs). I have no clue what the hell they're talkin' about. Where are these guys from? Is it from uh-

Susan Simpson: Athens.

Skeeter Cerny: From Athens. I don't know anyone in Athens.

Skeeter had been unable to shed any light on the origins of this report. So I was hoping Detective Mike Brown, who had written the page of notes, might remember more.

[45:43] Susan Simpson: Do you remember the name Jack Badger?

Detective Mike Brown: Seems like I do, yeah.

Susan Simpson: What do you remember about him?

Detective Brown: (crosstalk) ...you remind me about...

Susan Simpson:

Well, he was a witness, apparently. Him and his friend Troy Jones...

Detective Brown: Boy, that name sounds familiar. But...

Susan Simpson: I think you interviewed them.

Detective Brown: Could be, could be. Cause Jack Badger rings a bell, yeah.

Susan Simpson: But you don't recall what you were talking to them about?

Detective Brown:

Hell no, I'm 80 years old (laughs). I can't recall yesterday (he and Susan laugh).

Susan Simpson: I don't know about that... You seem to recall quite a bit.

[46:24] Rabia Chaudry: Although no one on the cold case team will acknowledge it now, it's clear that, at least for a time, they had in fact been intensely interested in Jack Badger and Troy Jones. Numerous interviews had been conducted in a failed attempt to explain their presence at the crime scene. Other investigations into the pair had been done as well. For instance, in the Kalamazoo County case file, there is what appears to be, bizarrely, a collection of discarded documents from Jack Badger's residence. Things like his girlfriend's dental bills, an old paystub, a fast food receipt, empty envelopes, and stray handwritten notes.

It is unclear what investigative purpose these materials had, but on the same day that Clarence Jones had been interviewed in November of 2001 - and Clarence had denied seeing his son Troy or Jack Badger anywhere near the crime scene - the cold case team decided to get the crime lab involved in the matter. In a report noting that both Jeff Titus and Bobby Brown had been excluded as matches for any prints found at the crime scene, a detective wrote: *"At the time this Laboratory Report was made Lieutenant PIERSON of the Michigan State Police indicates there does remain latent fingerprints and a palm print of value for comparison in this case, therefore the latent prints of JACK BADGER and TROY JONES need to be submitted for comparison."*

Five days later, the cold case team sent in a request to the crime lab to compare the prints of Troy and Jack with the latent prints found on the materials from Jim Bennett's wallet. Both Troy and Jack were listed as suspects in the request.

It's not clear what happened to it after that. If the crime lab ever did carry out the requested latent print comparison, the results aren't recorded in either the crime lab's file or in Kalamazoo County's file.

[48:12] Colin Miller: It wasn't just the detectives on the cold case team, either, who'd been worried about Troy Jones and Jack Badger. The prosecution was worried about them too.

At trial, Prosecutor Scott Brower called both Ron Elwell and Todd Jones to the witness stand. This was a somewhat curious choice for him to make, particularly in calling Todd Jones, as Todd had been at the crime scene for only seconds before he'd turn and left again. He seemingly had no evidence relevant to Titus's guilt that he could offer.

The prosecutor's questions for Ron Elwell and Todd Jones had been brief though. And almost exclusively directed at a single topic: had they seen either Troy Jones or Jack Badger anywhere near the crime scene that night? Both Elwell and Todd Jones confirmed they had not.

Which means the prosecutor had known that Jack Badger and Troy Jones were a problem for him. A big enough problem that he'd needed to try to diffuse it before it blew up his entire case.

Prosecutor Brower needn't have bothered, though. Jeff Titus's attorneys had never noticed that the problem existed in the first place.

[49:11] Susan Simpson: After I got back from my first trip to Kalamazoo, I'd been looking more into Jack Badger's background when I came across an obituary for his father, Jack Badger Senior. He'd died two years before the murders, in 1988. But while skimming through the obituary, there was a line in it that jumped out at me. It said: "Jack Badger Sr. was employed as a boiler operator for the past 13 years at the VA Medical Center."

Jack Badger's father had worked at the VA's power plant. He had worked with Big Jack Warren.

Jacinda Davis: Jack Badger!

Susan Simpson:

I know! I know, I can't believe I didn't look for this sooner. It just seemed so ludicrous, that they could possibly be connected.

Jacinda Davis:

So he does... Oh my god. Big Jack does know people from Athens.

Susan Simpson:

He knows this one person, because, when Jack talked to us he said, I used to be a plumber, but then I worked in the power plant.

Jacinda Davis: (laughs) Oh my god. It seems ludicrous but it's too, it's the connection. It has to be.

Big Jack Warren and Jack Badger Jr. were from two different generations and two different sides of the county. I had assumed - wrongly - that there was no connection

between them. But there was a connection. And Jacinda and I realized we needed to talk to Big Jack Warren again, and ask him some questions we hadn't known to ask the first time we'd met with him.

[50:36] Susan Simpson: Do you know someone named Jack Badger?

Big Jack Warren:

Jack Badger? Yeah, I sure do. I was with him the night he died. And Jack Jr., I don't know where it is down, but he lived down by Athens.

Jack Badger Sr. had been a close friend of Big Jack Warren's. They'd worked together at the VA for many years, and hunted together down at Badger Sr.'s farm down in Athens. But Big Jack and his daughter Kelly told me they didn't know much about Jack Badger Sr.'s son.

Kelly Warren:

Jack kind of... Junior hangs with a rough crowd. Yeah, he wouldn't be someone we'd just associate with.

Susan Simpson:

So you didn't stay in touch with him, you don't think? Or...?

Kelly Warren: When's the last time you talked to Jack Jr.? The funeral?

Big Jack Warren: Basically, about then.

Susan Simpson: Did you ever talk to Jack Jr. about this case?

Big Jack Warren:

No. he was in an unsettled period of time in his life. He had gotten in trouble, like in Battle Creek. There's a strip of several bars, and he'd go there and drink and maybe get in trouble, or come to fistfight. And one time the way he got away was to hid in the dumpster (laughs).

Susan Simpson: (Laughs). Did it work?

Big Jack Warren: Yeah.

Susan Simpson:

Did you ever hear that Jack Badger Jr. may have been involved in this case?

Big Jack Warren:

No. I never heard Jack Badger's name being used, I definitely would have perked up hearin' the name because I thought so much of his dad. If you was to tell me that he possibly knows somebody... (Kelly: From the bars) Yeah. I would believe that.

Kelly Warren:

I heard that later, when I used to shoot pool with my sister and her husband.

Big Jack Warren: See, I always thought-

Kelly Warren: He was friends with one of those guys.

We left our second interview with the Warrens with no firm answers. And more questions than ever.

Jacinda Davis: I was hoping for a big revelation.

Susan Simpson: Me too. Nothing's ever easy, though.

Big Jack says he never heard anything directly from Jack Badger Jr. about the murders, and I don't have anything that would contradict that. But I still wonder if Big Jack could've heard something about Jack Badger Jr. from someone else.

Susan Simpson:

Is there anyone else at the power plant who was close to Jack Badger, or that Junior might have been close to?

Big Jack Warren: No. From that time period I'm the only one still alive.

Even if Big Jack doesn't have any direct knowledge about Jack Badger's ties to this case, there are others who worked at the power plant who might've known more. The problem is, they're no longer around to confirm it, one way or the other.

But that story Jeff says he was told - about how someone from Athens took the gun away, and then panicked, and returned it to the crime scene - yeah, it sounded pretty far-fetched at first. And the prosecutor used it at Jeff's trial to show what a liar he was.

But after learning about Jack Badger and his father's close friendships at the VA, Jeff's story no longer sounded far-fetched to me. It just sounds like he just heard some workplace gossip about a former colleague's son.

And there's a question no one has ever asked Jack Badger that I think could be important here. On the night of the murders, why had he been so desperate to borrow his girlfriend's car? Where exactly was it that he'd needed to go? And was it Tina's car that a witness saw that night, pulled off deep into a field off of X Avenue, as if someone had been trying to find a way past the police barricades and back into the Fulton game area?

From the beginning, there was an assumption in this case that whoever killed Doug Estes and Jim Bennett is the same person who went through Jim's wallet, and moved Doug's shotgun. This assumption went unquestioned and even shaped the direction of investigations outside of Michigan.

FBI Agent Harry Trombitas:

If there was any kind of contact between the shooter and one of the victims, that would not be Dillon. He would never seek somebody's wallet. Then there was the report of the shotgun missing. Logic would tell you, if it was Dillon, you know, and after he shot, he would be on his way out of there so quick he would not have time to, certainly go through personal belongings, but to grab somebody's shotgun. So if that activity did in fact happen, I can tell you that's not Tom Dillon.

This same logic was used to rule out possible suspects in Michigan as well. In fact, for the cold case team, it was enough to eliminate every single suspect but one: Jeff Titus. Only Jeff Titus, they said, could've had the motive to take the shotgun from the crime scene after committing the murders.

[55:17] Jacinda Davis: Do you think Titus will ever walk out of prison?

Prosecutor Stu Fenton:

No, he won't. He's exhausted his appeals, he got life in prison, it's first degree murder. And he killed two people by shooting them in the back. He's exactly where he deserves to be and he will die there.

Shortly after Jeff Titus's conviction, Stan Driskell, his friend, wrote a letter to him. Stan was attempting, in his own verbose way, to offer Jeff a glimmer of hope for the future.

"Last night I lay abed and contemplated [your case], the saga of Fulton Woods unfolded [to me] as a five act Greek Tragedy. Act 1 is short, comprising a single

actor, identified neither [to] audience nor cast members. Act 1 culminates in violent murder.

Act 2, extending over the subsequent decade, unfolds as a collage of your loosely related acts and foolish public statements, inexorably motivated by the plethora of conflicting forces that drive you. Events of Act 2 become the grist of multiple, self-serving interpretations during Acts 3 and 4.

Act 3 introduces the Villains in the form of the Cold Case Team. While the Villains present themselves to the audience as the defender of "truth and justice", they are, in actuality, driven by imperatives of a perfect conviction record, [which] leads to presumed individual rewards. To this end, the Villains scavenge the collage of Act 2, [but] reveal only those components supportive of their self-serving goals.

Appearing in Act 4 are "the Judge", "the Attorneys", and "the Jury". A thoughtful audience will perceive that [the] rules enforced by the Judge permit only tantalizing glimpses of Acts 2 and 3, [and] thus disallows objective contemplation of Act 1.

Act 4 ends with the Villain's Attorney shamelessly fabricating an emotion-laden scenario, anchored in fantasy. The Protagonist's Attorney counters this fantasy with a vacuous summation that would shame a high school debating society.

Act 5 is yet to be written."

Act 5 has been the longest and slowest act so far in this Greek Tragedy.

[57:20] Jeff Titus:

It's just so slow. I mean, I'm on my 19th year pretty soon. That's, oh, 19 and a half years.

Jacinda Davis: You sound less hopeful than you have in the past.

Jeff Titus:

Every time I get my hope built up, it gets let down. And I'm still here. I don't get no breaks. I mean... I didn't do it, and every time I turn around I get denied. All these judges deny, deny, deny.

Jeff Titus's attorneys at the University of Michigan Innocence Clinic hope to bring Jeff Titus's case before the courts again, though. And to try, once again, to have the courts finally confront the fact that this conviction is, at best, based on smoke and mirrors. And at worst, it is based on the cold case team's belief that Jeff Titus just looks guilty.

Which means, although this is our last regularly-scheduled episode in our series on Jeff Titus, it will not be our final episode on Jeff's case. Because this case isn't over yet. Act 5 is still being written.

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Thanks for listening to Season 5 of Undisclosed: The State Vs. Jeff Titus.

A huge special thanks for this season goes out to Kevin Fitzpatrick, Jacinda Davis, and others at Red Marble Media -- without them, this season would not have been possible.

There's still one more addendum to go, though. So send us your questions for our discussion this Thursday on the final episode of Jeff Titus's case.

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

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

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*Transcribed by Skylar Park and Brita Bliss*