

**Peremptory Writ of Mandamus Exhibits
In re Mr. Tony Gooch, et al
Vs.**

**Tennessee Board of Judicial Conduct
Board Chair Dee David Gay
Attorney General Ronald L. Coleman**

FILED

July 29 2024

Clerk of the Appellate Court
Rec'd By _____

**Case No. M2022-01395-SC-R8-CO
Case No. M2022-01395-CCA-R3-CD
Case No. No. 2020-D-2065
Case No. 3:22-CV-00076**

“EXHIBITS”

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EXHIBIT C7

M2022-01395-CCA-R3-CD

VOL. 7

1

IN THE CRIMINAL COURT
FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE, DIVISION I

STATE OF TENNESSEE,)
Plaintiff,)
)

vs.)

TONY GOOCH,)
LOUIS STEELE)
Defendants.)

Case Number:
2020-D-2065

FILED
APR 17 2023
Clerk of the Appellate Courts
Rec'd By _____

Transcript of Trial Volume II

March 1, 2022

THE HONORABLE STEVE DOZIER, PRESIDING JUDGE

APPEARANCES:

FOR THE PLAINTIFF:

Jenny Charles
Chantley Frazier
Wilmoth Baker
Ross Boudreaux
Assistant District Attorney Generals
Nashville, Tennessee 37201

FILED
Davidson County
Criminal Court Clerk

JAN 18 2023

BY XJS
Deputy Clerk

FOR THE DEFENDANT TONY GOOCH:

Nick McGregor
Attorney at Law
Nashville, TN 37201

FOR THE DEFENDANT LOUIS STEELE:

Jason Chaffin
Attorney at Law
Nashville, TN 37201

Shana Crawford, CCR

Official Court Reporter

Criminal Court - Division I

(615) 862-4200 * (931) 494-1191

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1 investigation?

2 A. Yes, sir, it did.

3

4 GENERAL BAKER: No further questions.

5 THE COURT: All right. Questions,
6 Mr. McGregor.

7

8 CROSS-EXAMINATION BY MR. MCGREGOR:

9 Q. I'll start with this: Did you ever go
10 to that Brentwood Hyatt?

11 A. No.

12 Q. On January 8th, were you working like a
13 routine patrol or some sort of robbery detail?

14 A. Routine patrol.

15 Q. Hearing this over the radio be on the
16 lookout for a specific car?

17 A. Correct.

18 Q. All right. The Mustang didn't take you
19 on any type of high speed chase?

20 A. No.

21 Q. Driver didn't get out and run?

22 A. No.

23 Q. You mentioned that they pulled into the
24 Jersey Mikes. Is that the Jersey Mikes near Rosa
25 Parks over in North Nashville?

1 A. It's on Rosa Parks, yes, sir.

2 Q. On Rosa Parks?

3 A. Yes, sir.

4 Q. And when they pulled in, that was at a
5 parking lot, right?

6 A. Correct.

7 Q. I take it right out in front of that
8 restaurant?

9 A. Yes, sir.

10 Q. Was the car stopped at the time you
11 activated your blue lights?

12 A. I initiated my lights to stop the
13 vehicle.

14 Q. To stop it?

15 A. Yes.

16 Q. Okay. At the time of the initiation of
17 these blue lights, basically when your blue lights
18 come on, they didn't put it in gear and take off?

19 A. Correct. No.

20 Q. As you stopped them, were you able to
21 see them pulling off clothes or throwing things
22 around in the car?

23 A. No.

24 Q. You mentioned that you had been
25 following, and if following is not the term, correct

1 me. But you've been following them without your blue
2 lights on to, kind of see where they were going but
3 not spook them. And you mentioned that you were in
4 lane one of travel and they were in lane two of
5 travel?

6 A. Yeah, that's correct. I didn't -- I
7 wasn't following them to see where they were going.
8 I was following them to buy more time for us to get
9 more resources.

10 Q. Keep eyes on them, right?

11 A. Correct.

12 Q. And lane one is which lane?

13 A. So if you're in the correct lane of
14 travel and there's multiple lanes, you count from
15 left to right, one to two.

16 Q. I take it for most of the time that you
17 were keeping eyes on them, that you were able to see
18 their car from your front seat there?

19 A. Correct.

20 Q. Which would mean that anything you could
21 see, they may be able to see or, at least likely be
22 able to see from behind them?

23 A. For the most part.

24 Q. And the blue lights, did those come on
25 as a result of any type of traffic violation?

1 A. No.

2 Q. The purpose for the blue lights was?

3 A. An investigative stop.

4 Q. At which time, you must have felt
5 comfortable there were more officers coming in the
6 area?

7 A. Correct.

8 Q. Did you have to get out and draw your
9 gun?

10 A. No, I don't believe I drew my gun.

11 Q. Did you walk right up to the driver
12 door?

13 A. I did.

14 Q. And there was -- and they didn't put you
15 in any type of danger?

16 A. No.

17 Q. Again, weren't scuffling anything
18 around?

19 A. Not that I recall.

20 Q. And that's something you would have been
21 on high alert for?

22 A. Yep.

23

24 MR. MCGREGOR: One moment, sir.

25 Those are my questions.

1 THE COURT: All right. Questions on
2 behalf of Mr. Steele?

3 MR. CHAFFIN: No questions, Your Honor.

4 THE COURT: Any redirect?

5 GENERAL BAKER: No redirect.

6 THE COURT: All right. Thank you, sir.

7 You can step down and be excused.

8 All right. Ladies and gentlemen, we are
9 going to break for lunch. Remember what I've said
10 about not discussing the case, forming any opinion
11 about it. We'll get back here at 1:20. So if you'll
12 step down the hallway, we'll break for that lunch
13 recess.

14

15 (Jury exits the courtroom.)

16

17 THE COURT: All right. You can let
18 Mr. Gooch step back. We will be in lunch recess.

19

20 (Lunch break.)

21 * * *

22

23

24

25

**Vol. 4 Pre-Trial Transcript of Ineffective
Assistance Hearing**

EXHIBIT C11

M2022-01395-CCA-R3-CD

VOL. 4

1

IN THE CRIMINAL COURT
FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE, DIVISION I

STATE OF TENNESSEE,)
Plaintiff,)
)
Vs.) Case Number: 2020-D-2065
)
)
TONY GOOCH,)
Defendant.)

FILED

APR 17 2023

Clerk of the Appellate Courts
Rec'd By _____

Transcript of Motion Hearing
February 3, 2022

THE HONORABLE STEVE DOZIER, PRESIDING JUDGE

RECD
Davidson County
Criminal Court Clerk

APPEARANCES:

JAN 23 2023

FOR THE PLAINTIFF:

Jenny Charles
Assistant District Attorney General
Nashville, Tennessee 37201

BY *[Signature]* Deputy Clerk

FOR THE DEFENDANT TONY GOOCH:

Nick McGregor
Attorney at Law
Nashville, TN 37201

Shana Crawford, CCR

Official Court Reporter

Criminal Court - Division I

*(615) 862-4200 * (931) 494-1191*

1 P-R-O-C-E-E-D-I-N-G-S

3 THE COURT: Now, Mr. Gooch is here, and
4 you, Mr. McGregor, where are we on that?

5 MR. MCGREGOR: Mr. Gooch has indicated
6 he would like to address the Court about my
7 representation of him.

8 THE COURT: Okay. And --

9 MR. MCGREGOR: The trial is set for
10 February 28th, if that helps remind --

11 THE COURT: No, I've got that. I'm
12 just trying to -- so you've been on for a while?

13 MR. MCGREGOR: Oh, it will be a --
14 we've bypassed two hopeful trial dates that neither
15 worked because of COVID.

16 THE COURT: Right.

20 THE COURT: All right. And what are
21 you wanting to be heard on, Mr. Gooch?

22 MR. GOOCH: You know what this man told
23 me?

24 THE COURT: No, I don't.

25 MR. GOOCH: This man told me that the

1 police and DA Jennifer Charles will not be exposed
2 for framing me. He told me -- I've got it right
3 here, he say you can't never believe some day that
4 this system will ever be exposed. He said the police
5 and the DA Jennifer Charles will not be exposed, but
6 rather the jury will convict you and you will spend
7 decades in prison just hoping someone will listen.
8 He says I understand that they rigged the show up
9 procedures against you, but he's beginning me to
10 plead guilty.

11 He says I -- he says that I do know that
12 the DA inappropriately charged me, but you still
13 asking me to plead guilty. He says -- he admitted
14 right here that I was not identified as a suspect in
15 this case. He says even if the judge ruled that the
16 show up was unconstitutional, it would not result in
17 a dismissal of your case, but that's not what the law
18 says. I've got the law book right here, and that's
19 not what the law says.

20 THE COURT: Well, that is what the law
21 says.

22 MR. GOOCH: I got the law right here
23 and I can tell you exactly what it says.

24 THE COURT: The law you've got is
25 wrong. Because if I suppress the show up, that

1 doesn't mean they are going to dismiss the case.

2 So go ahead. So he's right on that one.

3 MR. GOOCH: The stop was documented at
4 3:42 p.m. and the stop lasted -- and the stop ended
5 at 5:14 p.m., that's a total of 92 minutes. Pursuant
6 to the United States Supreme Court, we have never
7 approved a seizure of the person for a prolong
8 90-minute period here and cannot do so. The
9 90-minute detention is sufficient to render the
10 seizure unreasonable. This is the highest court in
11 the nation. This is the highest court. The United
12 States Supreme Court held that the length of the stop
13 must be reasonable.

14 It has been clearly established --
15 Justice Marshall noted in the United States Supreme
16 Court as I have just argued, such reasoning puts the
17 horse before the cart by failing to focus on the
18 critical threshold question of the intrusiveness of
19 the stop, particular it's length. State versus
20 Norris, the defendant's attorney was deficient in
21 failing to focus on the precise length of the
22 defendant's detention and such argument had a
23 reasonable probability.

24 Do you mean to tell me I've been
25 blackmailed about these laws? You've been on this

1 case and you ain't brought this to my attention?

2 THE COURT: Okay. Just -- he wants you
3 to address me.

4 MR. GOOCH: I'm -- I'm --

5 THE COURT: Not -- we don't need to get
6 in bantering back and forth with your lawyer.

7 MR. GOOCH: This right here, the stop
8 -- on the very first day, DA general Charles had
9 every reason to know this violated the federal
10 constitution. This -- this 92-minute, two-hour
11 traffic stop has been held unreasonable by the US
12 Supreme Court. And I got the laws right here, Judge
13 Dozier.

14 THE COURT: Well, that just depends
15 on -- they may have arrested you at 3:43.

16 MR. GOOCH: It's already -- it's been
17 documented, Judge Dozier, it's been documented. It's
18 already been documented.

19 THE COURT: Okay. Anything --

20 MR. GOOCH: So I've been -- you mean to
21 tell me I've been in custody three years in violation
22 of the federal constitution and this man going to
23 sit here and send me a letter harassing me to plead
24 guilty. You think I'm going to plead guilty to
25 something I didn't do? You got to be crazy. And

1 then he going to say the police and the DA won't be
2 exposed for framing me? I got the letter right here.

3 THE COURT: Okay. I don't know. How
4 are they framing you?

5 MR. GOOCH: They got fake witnesses in
6 the indictment and the law has been clearly
7 established that fake witnesses in the indictment has
8 been clearly held to be related to a police coverup.
9 The DA, Jennifer Charles, Officer Thomas Miller --
10 they conspired to conceal Officer Thomas Miller's
11 role in this case, who violated my federal -- who
12 violated my rights. And it appears that he knows
13 what going on. He know the corruption in this case
14 is going on. And his state of mind right here proves
15 it. He say you can't believe some day that the
16 system will ever be exposed. Why can't they be
17 exposed? Why can't they be held accountable for
18 their corruption? Let the Courts know why can't they
19 be held account able for what they did to me?

20 THE COURT: Okay. Anything else you
21 want to add?

22 MR. GOOCH: That's why we are here
23 today, he's violated -- he's violated the two part
24 *Strickland* test, he's been held deficit because he
25 fails to focus on the length of the stop. The US

1 Supreme Court held that the length of the stop must
2 be reasonable. The stop lasted nearly two hours,
3 that's a violation of my federal -- of my -- I've got
4 the right to be -- I got the right pursuant to the
5 Fourth Amendment that protects me against
6 unreasonable searches and seizures.

7 Now, I told this man I didn't never give
8 them consent to search. And I told him to object.
9 This man did not object. He's sitting here
10 purposely -- he should know that once you don't
11 object, that's waiving my constitutional rights. You
12 are waiving my rights by you causing more damage to
13 this case than any one of these attorneys that I have
14 done had. I told you that they didn't have no
15 consent to search and you did not object to that.

19 THE COURT: Okay. We are not asking
20 questions back and forth, just reference anything you
21 want to say.

22 MR. GOOCH: He don't have -- he
23 standing here today because he know what he's done is
24 wrong. And for you to sit here and tell me that they
25 can't be exposed for what they doing and then you're

1 not even -- I asked him for evidence on my case, do
2 you know what he tells me? I said where's the --
3 where is the reason -- where is the document showing
4 why they stopped me? There was no probable cause for
5 the stop. You know what he says? I don't know.

6 I says where are the show sup recordings
7 of Natalie Agosto? Well, why has this be withheld
8 from me? This is Brady material. This is material
9 to our defense. He don't care to -- to help. He
10 don't care to -- to even aid the defense in anything.

11 I've been trying to get in touch with
12 this man. I haven't even heard from this man. I
13 haven't even heard from this man.

14 THE COURT: Well, that wouldn't be
15 accurate.

16 MR. GOOCH: This man -- I've been
17 trying -- this man has -- it's so crazy how he come
18 here in the courtroom in this fancy suit like he got
19 it all together, but when he leave outside of this
20 courtroom, this man doesn't even -- this man pretends
21 like I don't even exist. So don't even come in here
22 and try to fool the Courts and act like you're just
23 doing your job. You're not doing your job. He's not
24 doing his job.

25 And I'm asking right here today to be

1 released from custody because I've been held
2 illegally. I've been wrongfully arrested, wrongfully
3 incarcerated and this man does nothing to expose it.

4 In fact, to clarify, he -- he won't even
5 expose the fact that I was wrongfully caught --
6 wrongfully arrested. He won't even make -- he won't
7 even object to the -- he won't even object to the
8 illegal traffic stop in this case. And then it's
9 been for -- it's been documented that only one phone
10 was recovered in this case. They set up a deposition
11 scheme and came to -- they set up a deposition scheme
12 -- a deposition hearing and came to court and said
13 that two phones were recovered. I got -- it's been
14 documented that only one phone was recovered. How
15 all of the sudden it gets -- you set up a -- in all
16 of the affidavits on the cases they documented that
17 one phone was recovered.

18 There is a fraud that has been
19 perpetrated upon this Court and I can't get them held
20 accountable for it because I don't have no one to aid
21 me to help me hold them accountable for what they are
22 doing. What they are doing is unlawful. And what
23 you have been doing, Jennifer Charles, is unlawful
24 and you won't get away.

25 I've contacted the TBI, I've got the

1 letter right here. I got the letter right here.
2 I've contacted the TBI. I'm trying everything I can
3 to possibly help, to possibly help get some exposure
4 to the corruption that's going on in this case.

5 Documentary evidence has been falsified
6 and he won't even reconcile or even mention it. He
7 won't even bring it to the Court's attention. How do
8 you stand here with a license sitting here telling
9 people that you can't believe some day that the
10 system will be exposed? If you know that someone is
11 being mistreated, if you knew that someone was being
12 done wrong, why can't they be -- why can't they be
13 exposed?

14 THE COURT: Okay. Let me ask you
15 something: Why are you waiting three weeks before
16 the trial to bring anything to the Court's attention?
17 Why now?

18 MR. GOOCH: I didn't -- I didn't wait.
19 I've been making complaints.

20 THE COURT: Not to me.

21 MR. GOOCH: I haven't been able to get
22 in court. This man won't even get me in court.

23 THE COURT: Somehow you got in here
24 today.

25 MR. GOOCH: You know how I got in here

1 today? Because I begged my way to get in here. You
2 know what I told him? I say --

3 THE COURT: Why haven't you done that
4 for a year and a half?

5 MR. GOOCH: I have been doing that. I
6 have -- the whole last -- the whole --

7 THE COURT: People write me all of the
8 time complaining about their lawyers, we get them on
9 the docket and hear from them. Why now?

10 MR. GOOCH: I've been -- I got a
11 timeline of plenty of complaints I've made to the
12 Board about the -- about the defendant --

13 THE COURT: I'm talking about me.

14 MR. GOOCH: I haven't been in your
15 courtroom and the -- I've only went -- in the year of
16 2021 --

17 THE COURT: We've had suppression
18 hearings, January of last year. I mean, you've been
19 here often times.

20 MR. GOOCH: What do you mean? I only
21 went to your -- I only been to court one time in the
22 year of 2021, I don't -- let's speak about the
23 dockets that they false -- by law, the State was
24 required to show probable cause within 48 hours by
25 law.

1 They falsified -- the Court dockets were
2 falsified stating that I appeared to court within 48
3 hours. They had a warrantless arrest. I never went
4 to court within 48 hours. This is an extreme fraud
5 that's been going on in this case and this man won't
6 even -- he won't even adjust it. He won't even
7 address it. I've contacted the TBI. I'm doing
8 everything I can. I've contacted the board. We sat
9 down personally and had a conversation about all of
10 this.

11 THE COURT: You said you hadn't heard
12 from him.

13 MR. GOOCH: I'm saying the last time I
14 did hear from him we had -- we had this discussion.

15 THE COURT: You said five minutes ago
16 you never heard from him.

17 MR. GOOCH: No, I'm saying -- no, I'm
18 saying I have not -- I barely see this man.

19 THE COURT: Oh.

20 MR. GOOCH: I'm saying the times that I
21 did see him, I addressed my complaints to him. And
22 this is what he -- this is how he repays me. He
23 returns in the letter saying that they won't be
24 exposed for what they are doing. We've sat down and
25 had a talk about all of this.

6 MR. MCGREGOR: So here's where we are
7 with that, and I had not seen Mr. Gooch -- Mr. Gooch
8 has been refusing visits since that day, since the
9 release from MTMHI.

10 MR. GOOCH: That's not true.

11 MR. MCGREGOR: I've done my best to get
12 in touch with the sheriff about MTMHI findings. I
13 don't -- in my opinion, yes, it might be something
14 that needs to be readdressed. But I think Mr. Gooch
15 would also think that I'm just trying to do him wrong
16 or be a scourge on his life by saying yes to that.

17 THE COURT: Okay. And from your
18 perspective, Mr. McGregor, you've heard Mr. Gooch's
19 statement, but is there -- he may not all know this
20 -- he knows a lot about the law, but obviously you
21 have to have some legal basis to file various motions
22 from an ethical standpoint, but do you -- I know
23 we've had this suppression hearing a year ago that
24 the Court issued an order on, but any other
25 suppression motions you think there is a legal basis

1 to file specifically on the stop?

2 MR. MCGREGOR: Much of what -- the
3 stop, no. But much of what -- much of what he takes
4 issue with or what I've explained to him to be jury
5 questions.

6 THE COURT: Yeah, the coverup, you
7 could do that through cross-examination and a rigged
8 show up. But I'm just -- I don't know what happened
9 between 3:42 and 5:14, so is there anything to file
10 on his issue about the stop?

11 MR. MCGREGOR: No. I don't know if the
12 Court wants me to get into the facts or --

13 THE COURT: No, I'm just asking, you
14 don't think there is a legal basis to file anything?

15 MR. MCGREGOR: No, I do not. I have
16 not thought so. And I've prepared for this trial
17 twice, so it's not something that I'm still
18 exploring. It's been set two other times and we were
19 ready to go. If the Court will recall we were maybe
20 three or four days from it before the Vanderbilt
21 order was issued.

22 THE COURT: I've got one from July of
23 '21, but I know this is a superseding indictment, so
24 maybe there was a trial date before that.

25 MR. MCGREGOR: I think there was

1 February of '21 also, it sounds about right. And
2 yeah, that would be accurate the July one.

3 THE COURT: Okay. So where do you
4 stand having heard now what Mr. Gooch is -- there was
5 one set for in May of '20, that would have been
6 probably a COVID issue.

7 MR. MCGREGOR: Maybe it was may then.

8 THE COURT: But where do you stand on
9 you effectively ethically representing Mr. Gooch?

10 MR. MCGREGOR: It's a mix. I'm
11 Mr. Gooch's third attorney. And I have noticed that
12 he tends to have the same problems once the real
13 discussion of the State's theory of the case comes
14 out. But at the same time, if he is refusing to
15 speak to me, I also don't know if there is something
16 that can be --

17 MR. GOOCH: Your Honor, excuse me.

18 MR. MCGREGOR: -- rectified.

19 THE COURT: Hang on. I will ask you a
20 question here. Do you -- Mr. Gooch, are you between
21 now and this trial date willing to speak and work
22 with Mr. McGregor?

23 MR. GOOCH: No, my life is in danger
24 with this attorney. I've asked him to withdraw.

25 THE COURT: So you're telling me --

1 MR. GOOCHE: I've asked him to withdraw.

2 I've asked him to withdraw. When I asked him to
3 withdraw -- I asked him to withdraw last summer.

7 MR. GOOCH: No, I asked --

8 THE COURT: That's just a yes or no.

9 | Are you going to speak with him or not?

10 MR. GOOCH: No, sir.

11 THE COURT: Okay.

12 MR. GOOCH: I don't trust this attorney
13 with my life. He's not -- he's not -- he does
14 haven't the mental capacity. He doesn't --

15 THE COURT: Well, that's not accurate.

16 Did you not trust Mr. Norman?

17 MR. GOOCH: No.

18 THE COURT: Did you not trust

19 Mr. Waggnor?

20 MR. GOOCH: No, I've had personal
21 issues with all of these attorneys and I've addressed
22 this with the Board.

23 THE COURT: I've gathered -- you can
24 kind of see a pattern here, you get close to trial
25 and you don't like your attorney.

1 MR. GOOCH: No, it's been -- it's not
2 that getting close to trial, I don't like my
3 attorney. It's just the time's when he was on this
4 case, I've asked him -- and you just asked him: You
5 don't see a legal basis to object to the stop? And
6 you see what he just said? He just said no, I just
7 told you what the United States Supreme Court
8 requires and demands. The stop must be reasonable
9 under the circumstances. The United States Supreme
10 Court held that we have never approved the seizure of
11 the 90-minute detention and cannot do so. The
12 90-minute detention is sufficient to render the
13 seizure unreasonable. And he just sit here and said
14 he don't see a legal basis for objecting. That's
15 what I'm talking about. I've got the law right here.

16 THE COURT: Anything the State wants to
17 add?

18 GENERAL CHARLES: I would agree with
19 the Court's assessment, there is pattern. We GET
20 closer to trial, Mr. Gooch has problems with his
21 attorney. This is -- it's -- Mr. Gooch is not the
22 first person to display this pattern, won't be the
23 last. The State and the victims on this case have
24 waited a tremendous amount of time with COVID; there
25 is nothing anyone can do about that. But there is

1 something somebody can do about this situation and
2 that is continue to leave it set for trial.

3 If Mr. Gooch doesn't want to work with
4 Mr. McGregor, some people can't get out of their own
5 way and that's the situation he's going to find
6 himself in. Mr. McGregor and I have discussed this
7 case. He's been provided with all of the income.
8 He's extremely knowledgeable about the facts of this
9 case and we are ready to try this case.

10 MR. GOOCH: Jennifer Charles, you know
11 you ain't even got no evidence on me to even take me
12 to trial.

13 THE COURT: Okay. Mr. Gooch, that's
14 ridiculous. Don't be talking to people individually.
15 You can talk to me.

16 MR. GOOCH: Excuse me.

17 THE COURT: So your oral motion to have
18 Mr. McGregor relieved will be denied. If you,
19 Mr. McGregor, think there needs to be some sort of
20 further discussions with Dr. Brown or anybody else,
21 then let the Court know.

22 MR. MCGREGOR: Yes, sir.

23 THE COURT: But I will leave it set for
24 2/28. All right. You can step back.

1 I the undersigned, Shana Crawford, official
2 court reporter for the 20th Judicial District of the
3 State of Tennessee, do hereby certify the foregoing
4 is a true accurate and complete transcript to the
5 best of my knowledge and ability of the proceedings
6 had and evidence introduced in the captioned cause.

7 I further certify that I am neither attorney
8 for, nor related to the parties to this cause and
9 furthermore that I am not a relative of any attorney
10 or counsel of the parties hereto or financially
11 interested in the action.

12

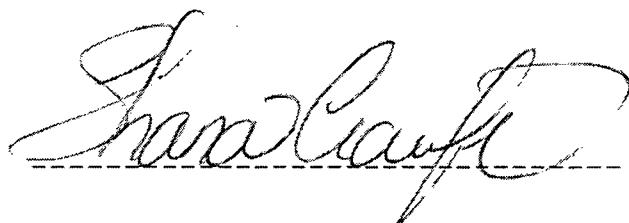
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A handwritten signature in black ink, appearing to read "Shana Crawford". The signature is fluid and cursive, with a horizontal line drawn underneath it.

18

Shana Crawford, LCR

19

Official Court Reporter

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**Vol. 5 Pre-Trial Transcript of Ineffective
Assistance Hearing**

EXHIBIT C12

M2022-01395-CCA-R3-CD

VOL.5

1

IN THE CRIMINAL COURT
FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE, DIVISION I

STATE OF TENNESSEE,

Plaintiff,

)

)

)

Vs.

Case Number:

2020-D-2065

)

TONY GOOCH,

Defendant.

)

FILED

APR 17 2023

Clerk of the Appellate Courts
Rec'd By _____

Transcript of Motion Hearing

February 23, 2022

THE HONORABLE STEVE DOZIER, PRESIDING JUDGE

APPEARANCES:

FOR THE PLAINTIFF:

Jenny Charles

Assistant District Attorney General

Nashville, Tennessee 37201

FOR THE DEFENDANT TONY GOOCH:

Nick McGregor

Attorney at Law

Nashville, TN 37201

FILED
Davidson County
Criminal Court Clerk

JAN 23 2023

BY _____


Deputy Clerk

Shana Crawford, CCR

Official Court Reporter

Criminal Court - Division I

(615) 862-4200 * (931) 494-1191

P-R-O-C-E-E-D-I-N-G-S

3 THE COURT: All right. Some of these
4 motions, Mr. McGregor, we may -- I've got marks on
5 them. We may have already dealt with.

6 MR. MCGREGOR: We -- I mean, we got
7 close to trial once before, so some of them -- I
8 think some of them --

9 THE COURT: Which ones of them do you
10 think need to be addressed?

11 MR. MCGREGOR: So from the -- are you
12 asking from the old ones?

13 THE COURT: Yes.

14 MR. MCGREGOR: The only one that stands
15 out that needs to be addressed is about the removal
16 of masks during any in-court identification. And I
17 had some just general questions about what the Court
18 setting will be like and who is required to wear a
19 mask or if anybody is required?

20 THE COURT: Nobody is required to wear
21 one. I mean, the government has backed off of that,
22 so jurors, about half of them do, half of them don't.

23 MR. MCGREGOR: Okay. And then will
24 they all be sitting in the box?

25 THE COURT: Uh-huh.

1 MR. MCGREGOR: Okay. So then the only
2 thing regarding masks would just be during the
3 State's request for any in-court identification that
4 everybody wearing a mask remove it so that way it
5 isn't suggestive as to who the witness is to choose.

6 THE COURT: Like if someone is asked to
7 identify one of the defendants?

8 MR. MCGREGOR: Correct.

9 THE COURT: Their mask --

10 MR. MCGREGOR: Do you see this person
11 in the courtroom, it shouldn't just be -- it
12 shouldn't be limited to just whose face is visible,
13 is what I'm asking.

14 THE COURT: Okay. But if I ask two
15 people to remove their mask, is that the Court
16 implying you ought to look at those two people?

17 MR. MCGREGOR: I think if it's just
18 asked anybody wearing a mask, it wouldn't say
19 singling anybody out to remove a mask.

20 THE COURT: Who all would I ask for
21 them to take their mask off?

22 MR. MCGREGOR: I don't know who will be
23 wearing a mask. It could be jury -- jurors, it could
24 be State's witnesses, members of the public, but if
25 the witness is asked to identify somebody -- identify

1 the person in the courtroom, I'm asking that
2 everybody's face be visible at the time of --

3 THE COURT: Including jurors?

4 MR. MCGREGOR: Yes, sir. That would
5 remove any suggestion as to who possibly in the
6 courtroom it could be.

7 THE COURT: What if they identify them
8 without removing a mask?

9 MR. MCGREGOR: If they can -- if the
10 witness can identify somebody without it in terms of
11 are we talking about the --

12 THE COURT: Why wouldn't I just say --
13 there's a witness up here and they are looking around
14 and they say, well, I'm not really sure, can that
15 person remove their mask; you don't think that is a
16 proper way to do it?

17 MR. MCGREGOR: That would be all right.

18 THE COURT: Okay. All right.

19 MR. MCGREGOR: And the big thing that
20 I -- Mr. Gooch hasn't indicated if he will be wearing
21 his mask during the trial. But the big thing is that
22 I don't want Mr. Gooch to be asked specifically to
23 remove his mask before --

24 THE COURT: Yeah, I mean, I would just
25 leave it up to the witness. They may say, well, I

1 can't tell with people having their mask on. And
2 then I will say, well, who -- does someone -- do I
3 look like them or who do you want to remove their
4 mask.

5

6 MR. MCGREGOR: Yes, sir.

7 THE COURT: Okay. And what -- I have
8 motion to exclude defendant's refusal to speak to
9 police, I mean, that wouldn't be brought up, right?
10 Is the State planning on asking somebody, did they
11 refuse to speak to you?

12 GENERAL CHARLES: No, Judge. I think we
13 have already heard this.

14 THE COURT: Okay. Well, let me go back
15 to the whichever the ones do you think haven't been
16 heard?

17 MR. MCGREGOR: I think that was the one
18 because when we had talked about it, the mask mandate
19 was still in place, so more people would have been --

20 THE COURT: Okay.

21 MR. MCGREGOR: But otherwise, I think
22 from the previous two trial settings, I believe that
23 everything has been litigated. And then in the past
24 few weeks, I filed some that were not litigated.

25 THE COURT: Okay. Where are those

1 because I --

2 MR. MCGREGOR: I imagine they are in
3 the Court's file, and I say that because I --

4 THE COURT: Okay. I've got a -- when
5 you say resent, I've got some from February 10th.

6 MR. MCGREGOR: Yes, sir.

7 THE COURT: Okay. That one deals with
8 reflect a presumption of innocence?

9 MR. MCGREGOR: Yes, sir.

10 THE COURT: Okay. But I mean, there is
11 case law that says otherwise, right?

12 MR. MCGREGOR: You know, when I look at
13 the presumption of innocence and how you go from
14 innocent to guilty, not guilty to innocent, I would
15 ask the verdict form reflect that.

16 THE COURT: Okay. Well, I will do the
17 verdict form as the case law -- as approved that,
18 yes, their presumption of innocence all though the
19 jury instructions and obviously that presumption
20 remains throughout the course of the trial like I
21 tell the jury. But when they get to deciding has the
22 case proven this, it would go count one and lessers,
23 count two, lessers, and the last one would be not
24 guilty, because that's how they work through it.

25 So I guess from your perspective, that

1 one would be denied.

2 And I have: Response to discovery where
3 you've listed -- have you gotten this Alan Bates
4 person subpoenaed?

5 MR. MCGREGOR: Alan Bates is from the
6 property room and I may not need him. But if -- that
7 kind of segues into another motion just to have the
8 State bring all of the property from this case.

9 THE COURT: Okay. Can the State do
10 that?

11 GENERAL CHARLES: Yes, Judge. I made
12 arguments for that.

13 MR. MCGREGOR: And so I don't think I
14 will need Officer Bates. Officer Bates is the
15 daytime shift for the property room is who that is.

16 THE COURT: Okay. They will have who
17 they think -- yeah, they will have the property, so
18 that one is -- and then you have listed your --

19 MR. MCGREGOR: My investigator.

20 THE COURT: Okay.

21 GENERAL CHARLES: And Judge, I would
22 just like to state for the record that I've let
23 Mr. McGregor and Mr. Chaffin know that if they need
24 somebody subpoenaed to go ahead and subpoena them. We
25 are going to be calling the victims obviously, most

1 of the law enforcement on the indictment, but if
2 there is someone that they would like to call and
3 make sure that they are here and they are here at
4 9 o'clock in the morning on Monday because we put all
5 of our witnesses on call that they can go ahead and
6 subpoena them.

7 THE COURT: Okay. I mean, I suppose if
8 somebody is on their -- I don't know how would they
9 know, maybe somebody that isn't on an indictment that
10 may not be subpoenaed by the State?

11 A. Well, I mean, we're not necessarily
12 going to call every single officer on the indictment.
13 And every single officer on the indictment, one of
14 the officers may have written a supplement report
15 that isn't relevant whatsoever.

16 THE COURT: Right. I'm just -- do you
17 care to be heard Mr. McGregor?

18 MR. MCGREGOR: If the State sometime in
19 the next few days can put together a witness list?
20 But if there is somebody that I need for trial whose
21 name appears in discovery.

22 THE COURT: To make sure that he's heard
23 then you can get your own subpoena I guess.

24 MR. MCGREGOR: Which I can do. If there
25 is somebody that I decide that I need then I will do

1 that.

2 THE COURT: All right. I have a motion
3 to exclude prior attempted theft conviction.

4 MR. MCGREGOR: Yes, sir. So the State
5 filed a notice of impeachment for Mr. Gooch, and on
6 there was the -- was an attempted theft.

7 THE COURT: Uh-huh.

8 MR. MCGREGOR: That he had plead guilty
9 to which would have been in the ten-year range.
10 There is not a lot of case law in it I will stand on
11 the motion that in terms of attempted theft. But I
12 would ask that that not be -- the jurors not be
13 allowed to hear that should Mr. Gooch testify.

14 THE COURT: All right. Does the State
15 care to be heard?

16 GENERAL CHARLES: I did file the
17 notice. It is well within the ten-year period and
18 it's very close in time to when this crime was
19 allegedly committed. It is probative, they are
20 charged with aggravated robbery, however, that's not
21 theft. And due to the fact that it is a crime
22 indicative of honesty -- dishonesty, and it is so
23 close in time with the alleged new offenses, I would
24 ask that I be permitted to ask him about that should
25 he testify.

1 THE COURT: Okay. Well, one, I don't
2 have to rule on that at this point because I don't
3 know what may develop during the trial in terms of
4 the weighing process. But yes, an attempted theft is
5 a theft-related offense that is more probative --
6 those type offenses are more probative about
7 credibility, but I will just take under advisement
8 that and rule on it when I'm required to, which is
9 prior to Mr. Gooch deciding whether to testify.
10 Because I will gather more information during the
11 course of the trial as to how Mr. Gooch's
12 credibility -- how vital that is to the trial
13 process.

14 And I've got a special request from 2/10
15 about mere presence. Does the State care to be heard
16 on criminal possibility and mere presence of the
17 crime is not sufficient?

18 GENERAL CHARLES: Well, you know, we
19 talked about jury instructions some yesterday. I
20 understand they are not the gospel, but very smart
21 people put these instructions together and I would
22 just ask Your Honor to read the pattern jury
23 instruction.

24 THE COURT: Okay. I mean, there are --
25 there are cases that say -- I'm not sure every

1 instruction about criminal responsibility contains
2 mere presence, but yeah, that is -- nobody wants
3 anybody to be convicted just because they are
4 standing around mere presence. So there is nothing
5 wrong with giving that instruction.

6 Any other motions?

7 MR. MCGREGOR: I had a question for
8 clarification, but otherwise no motions.

9 THE COURT: Okay. What is that?

10 MR. MCGREGOR: So prior to me taking
11 the case it was litigated about severance and
12 redactions. And I have a redacted version of
13 Mr. Steele's audio, but I just wanted some
14 clarification as to what the Court's ruling had been
15 in terms of that. And the way I take it is: It is
16 redirected to not mention Tony Gooch, is that -- that
17 was the Court's ruling when Mr. Norman had filed
18 something regarding Mr. Steele's statements.

19 THE COURT: I don't -- I would be to
20 look back at it. But if there -- does the state --

21 MR. MCGREGOR: I have a -- I have a
22 redacted version, but I also -- since I wasn't part
23 of that portion --

24 THE COURT: Just removing references to
25 Mr. Gooch?

1 MR. MCGREGOR: It's a very brief
2 statement about -- by Mr. Steel in admitting guilt.

3 THE COURT: Does the State have that
4 version?

5 MR. MCGREGOR: I'm sure. That's who
6 gave it to me, I assume.

7 THE COURT: Okay.

17 MR. MCGREGOR: No, because that's not
18 indicative to Mr. Gooch. I actually think there is
19 case law that makes that very clear.

20 THE COURT: Yeah, as long as -- yeah.

21 MR. MCGREGOR: And it's not -- if he
22 were to say Mr. Gooch and I, that would be something
23 that I would object to, but it's not...

24 THE COURT: Right. I mean, obviously
25 if they either one take the stand. then it's --

1 MR. MCGREGOR: That changes what comes
2 in, I understand that. But...

3 THE COURT: Yeah, I mean it's open
4 season, sort of.

5 MR. MCGREGOR: But I just wanted to
6 make sure that that was -- that what I was listening
7 to and reading was --

8 THE COURT: That's the version that you
9 are contemplating using?

10 GENERAL CHARLES: I -- yes, did I send
11 you a redacted copy?

12 MR. MCGREGOR: You did.

13 GENERAL CHARLES: Would you -- and I
14 don't doubt that I did, but will you send that back
15 to me?

16 MR. MCGREGOR: I will.

17 GENERAL CHARLES: And are you asking
18 for any other redactions other than what I sent?

19 MR. MCGREGOR: I don't think so. I
20 will take another look because I know that we are
21 coming up, but I don't -- yeah, as long as Mr. Steele
22 is not referencing Mr. Gooch I think that -- I think
23 that will be all right with that.

24 THE COURT: Okay. Then the State's
25 motions that we dealt with with Mr. Steele, I don't

1 know if you were in here or not, Mr. McGregor?

2 MR. MCGREGOR: I was, but Mr. Gooch
3 wasn't.

4 THE COURT: You don't have any --
5 dealing with motion in limine number one, any bunch
6 of exhibits that the State --

7 MR. MCGREGOR: No, sir. Anything that
8 I would make an exhibit would come from the State's
9 response to discovery.

10 THE COURT: Okay. And the State was
11 seeking, and you would obviously be on that as well,
12 any potential stipulation so they don't have to
13 redact a search warrant that -- but they can send you
14 that.

15 MR. MCGREGOR: They will send that and
16 I will take a look.

17 THE COURT: Any -- and the State's not
18 filed any 608(b) notice as far as truthfulness,
19 untruthfulness other acts on Mr. --

20 MR. MCGREGOR: Other than the attempted
21 theft?

22 THE COURT: Well, yeah. 609.

23 MR. MCGREGOR: 609.

24 THE COURT: 608.

25 GENERAL CHARLES: I don't think I filed

1 any 608 on anyone.

2 THE COURT: Okay.

3 GENERAL CHARLES: And I had filed --
4 are we on state's motions or --

5 THE COURT: Uh-huh.

6 GENERAL CHARLES: Okay. Number two --
7 there was a former, she was on the civilian side of
8 the police force, Courtney Bouche, which I had
9 provided materials to both defense counsel and why
10 she was terminated. It was -- I think she had a --
11 she was -- tested positive for marijuana. I don't
12 think that that's admissible under 608(b). So I
13 would just ask if either one of the defense attorneys
14 wants to get into that, we have a jury out where that
15 question is asked.

16 THE COURT: Okay. Do you have issues
17 with that?

18 MR. MCGREGOR: I don't plan to. But I
19 will address the Court outside of the presence of the
20 jury, if we do.

21 THE COURT: If you do, okay. We've
22 dealt with the redactions.

23 Anything else from the State?

24 GENERAL CHARLES: No, Judge.

25 MR. MCGREGOR: There was the one that

1 was mentioned about the sheriff and the
2 incomparability; is that something that --

3 THE COURT: That was just applied to
4 Mr. Steele.

5 MR. MCGREGOR: Okay.

6 THE COURT: Is the way I read it. I
7 don't even know if your client would know anything
8 about what they are referencing.

9 All right. Anything further from your
10 perspective, Mr. McGregor?

11 MR. MCGREGOR: This wouldn't necessarily
12 be a court thing, but maybe helpful too, I think the
13 Court knows that there is some communication -- been
14 some communications with Mr. Gooch and I. I need to
15 know his shoe size and pant size for this.

16 THE COURT: Do you, Mr. Gooch, plan on
17 having someone bring civilian-type clothing so you
18 don't wear orange jumpsuits?

19 MR. GOOCH: At this point, I'm
20 undecided, so I will just give him my size.

21 THE COURT: Okay. You can write that
22 down for him. Okay. Anything further Mr. McGregor?

23 MR. MCGREGOR: I don't believe so.

24 THE COURT: All right.

25 MR. GOOCH: May I be heard, please ?

1 THE COURT: What's that?

2 MR. GOOCH: I filed a federal lawsuit
3 and I'm here to serve this lawsuit.

4 THE COURT: On who?

5 MR. GOOCH: My civil rights --

6 THE COURT: Who are you speaking of
7 wanting to serve?

10 THE COURT: Who are you -- who are you
11 wanting to sue.

12 MR. GOOCH: Jennifer Charles and --
13 Jennifer Charles and Justin Vaughn, Brian Musgrave,
14 Brian Riddle, Detective David Boon, Kimberly
15 Rockwell, Thomas Miller, Officer William King,
16 Defendant Brandon Hughes, Seth T. Norman, Defendant
17 Jason Chaffin, Nicholas McGregor, George Waggoner,
18 General Session Judge William Higgins, Private
19 Investigator Martin, Private Investigator Sarah for
20 violating my civil rights.

21 I've been denied a fair trial because as
22 I stated to them, I was falsely arrested and Jennifer
23 Charles attempted to cover up the false arrest by
24 tampering with governmental records. And I've
25 explained this situation multiple times to the

1 attorneys who refused to report it. And, Your Honor,
2 refusing to report a crime is misprison of a felony.

3 Now, the private investigators that's on
4 this case are aware of the unlawful facts that have
5 been committed towards me in this investigation.
6 I've asked to be treated fairly and I've asked to
7 report the corruption. And neither one of these
8 attorneys have come forward to report the abuse
9 that's being done to me.

10 I've asked the federal courts to
11 intervene and they have jurisdiction to intervene
12 under section 28-14-431, any time a defendant is
13 denied or is unable to enforce his constitutional
14 rights, the federal courts have jurisdiction to have
15 the State case transferred to the federal court. And
16 I have that right here under section --

17 THE COURT: Okay. So you have already
18 filed the lawsuit?

19 MR. GOOCH: Yes, it's right here.

20 THE COURT: No, I'm saying have you
21 already filed it with the federal court?

22 MR. GOOCH: Yes. Yes, it's filed.

23 THE COURT: Okay.

24 MR. GOOCH: I've asked the Court
25 documents --

1 THE COURT: Well, I mean, as far as
2 serving individuals, you would have to -- all of
3 those police officers you would have to serve though
4 Metro Legal, they are across the street. The --
5 General Charles I guess would be represented with the
6 attorney general's office, so I don't --

7 MR. GOOCH: Here -- here is her copy.
8 Can you please hand that to her?

9 MR. MCGREGOR: I don't know if -- if
10 the judge tells me to.

11 THE COURT: I don't -- you can't serve
12 people in court. I mean, you have to serve them
13 through the proper people and that would be the
14 attorney general's office, you can look up on-line
15 they are down here at the building downtown. And the
16 police -- how did you serve the police officers?

17 MR. GOOCH: Well, that's why I was here
18 today to give notice of the nature of the lawsuit.

19 THE COURT: Well, this court isn't a
20 facilitator of serving lawsuits. I mean , you have
21 to -- did you hear back from the federal court?

22 MR. GOOCH: Yes. Yes.

23 THE COURT: What did they say?

24 MR. GOOCH: They said I had to -- I
25 have to give notice of who I'm -- who are the

1 defendants on the lawsuit and to serve them. And
2 since I had court, I thought this would be proper
3 for --

4 THE COURT: Well, their -- 90 percent
5 of the people, 95 percent of the people that you
6 mention aren't here, so -- like General Charles can't
7 take service for a police officer or herself. You
8 have to serve it through the proper people, it would
9 be Metro Legal for the police department. I don't --
10 the private investigators, you would have to send it
11 to them personally, I guess.

12 MR. GOOCH: All right.

13 THE COURT: But I mean, nobody is --
14 everybody in this courtroom next week will be
15 treating you fairly. Mr. McGregor is aware of, I
16 suppose, what cover up -- I forget what other words
17 he used, if he thinks that's the proper thing to do
18 in front of the jury to inquire with these officers
19 about how they have mistreated you or been unfair or
20 hidden evidence or changed documents, what all you
21 are referencing, he will ask witnesses about that.

22 MR. GOOCH: Your Honor, I -- as far as
23 this -- as far as this investigation, when it's --

24 THE COURT: If it's all shoddy, then he
25 will point it out and --

1 MR. GOOCH: Your Honor, as -- when he
2 was assigned to the case, immediately -- I let him
3 know immediately that these officers did not never
4 have my consent to search. And I've explained today
5 you on February 3rd at the hearing that the US
6 supreme court held --

7 THE COURT: What are you talking about
8 searching what?

9 MR. MCGREGOR: His car is what he's
10 talking about.

11 THE COURT: They've got search warrants
12 for that.

13 MR. GOOCH: When they first -- when
14 they stopped my car, they didn't never explain to me
15 why they stopped my car. They never explain to me
16 why they even stopped the car and then after -- after
17 I refused to give them consent to search the car, I
18 was immediately forced into the back of a police
19 officer.

20 THE COURT: Okay.

21 MR. GOOCH: The arrest -- there was no
22 probable cause for the arrest. I've explained this
23 to him and any time that the length of the stop is
24 unreasonable --

25 THE COURT: Yeah, we discussed that

1 last time.

2 MR. GOOCH: So what I'm saying is --
3 what I'm saying is --

4 THE COURT: But if they put you
5 understand arrest, that ends the running of the
6 clock, you are just under arrest. They are doing
7 stuff with your car, then that doesn't have anything
8 to do with some illegal timeframe in which you were
9 detained, you were under arrest.

10 MR. GOOCH: Well, he's supposed to --
11 he's -- in order to raise -- to reserve issues on
12 appeal, you have to raise them in the court.

13 THE COURT: But he's got to have a
14 legal basis to ask. He doesn't want to stand up and
15 look like -- he can't ethically stand up and be
16 arguing about something that doesn't have a basis to
17 argue.

18 MR. GOOCH: Your Honor, it does have a
19 basis because the US Supreme Court held that any time
20 the police stop -- the U.S. Supreme Court held and it
21 says in United States -- in the U.S. Supreme Court
22 held in Rodriguez versus United States, it has been
23 held that a police stop is that takes longer than
24 necessary --

25 THE COURT: Well, see that's -- you're

1 reading stuff that -- you can't be detained on the
2 roadside beyond -- there is no definitive timeframe,
3 but it can be 10 minutes, it can be 20. It depends
4 on the circumstances before someone is arrested. But
5 what you've already said is: You were arrested and
6 put in the back of the patrol car, so that -- all of
7 what you are reading doesn't matter.

8 MR. GOOCH: And yeah, I was involuntary
9 transported to a police station. Your honor, the
10 U.S. Supreme Court held that --

11 THE COURT: Everybody that's
12 transported to a police station in the back of a car
13 in handcuffs would probably be not there voluntarily.

14 MR. GOOCH: Yeah. But what I'm saying
15 is the U.S. Supreme Court held that a defendant who
16 is transported to a police station during a traffic
17 stop exceeds the scope of a valid investigative stop.
18 That's -- that is the law. That is the U.S. Supreme
19 Court that held that. And I have them documents for
20 you, Your Honor.

21 THE COURT: Well, like I said, I think
22 we are talking about apples and oranges. But what
23 you need to be concerned about with -- and this is
24 just my piddly observations and advice to you having
25 been -- tried I don't know 600, 700 trials, and 150

1 something as a lawyer, what you need to be concerned
2 about is cooperating with Mr. McGregor so he puts the
3 best foot forward before this jury about whether you
4 are guilty of aggravated rape and aggravated robbery
5 and don't be so hung up on what happened three, four,
6 years ago on the side of a road.

7 MR. GOOCH: Your Honor.

8 THE COURT: Uh-huh.

9 MR. GOOCH: If my rights has been --
10 the 4th Amendment protects me from unreasonable
11 searches and seizers.

12 THE COURT: Sure.

13 MR. GOOCH: How come that -- how come
14 that's not being honored? I'm guaranteed the right
15 to --

16 THE COURT: Mr. McGregor would file
17 something if he thought there was a legal basis to
18 file it.

19 MR. GOOCH: Your Honor, this man
20 told -- I explained to you the situation --

21 THE COURT: Uh-huh.

22 MR. GOOCH: -- with me and Nick
23 McGregor, Your Honor. You are forcing me to go to
24 trial and I told you that this man has refused --
25 he's failed to investigate. The Court dockets was

1 falsified against me. Immediately when I got --
2 immediately when I got sent to jail, the State was
3 required to show probable cause and bring me before a
4 magistrate within 48 hours. The Court documents were
5 falsified stating I appeared in court within 48 hours
6 after my arrest. I never went to court within 48
7 hours after my arrest. That court --

8 THE COURT: Well, you had been taken
9 before a magistrate.

10 MR. GOOCH: I was never taken -- I was
11 never taken before a magistrate within 48 hours of my
12 arrest. The Court documents was falsified against me
13 stating that I appeared in court within 48-hours.

14 THE COURT: It's not a court. It's in
15 front of a magistrate.

16 MR. GOOCH: I was never taken in front
17 of a magistrate. That's what I'm saying, Your Honor,
18 you're being -- this -- Your Honor, you are being --
19 the facts of this case is being manipulated by
20 Jennifer Charles and he's not exposing the corruption
21 that's going on in this case.

22 THE COURT: Okay. That's what I'm
23 saying: We are -- the only people that need to know
24 about the exposure is the jury. So he's going to
25 point all of that out for you if it's a valid thing

1 to point out.

2 MR. GOOCH: And Your Honor I -- I'm
3 asserting a Brady violation --

4 THE COURT: This says you were arrested
5 on January 9th, of 2019, at 1:46 a.m. and that's when
6 you were served with the warrants. The commissioner
7 signed it on January 8th, at 2353, so that's
8 midnight. So you were taken within a couple of
9 hours.

10 MR. GOOCH: Your Honor, that's false.
11 That's inaccurate. I was not arrested on January --
12 on January 9th at that time, Your Honor. I was
13 arrested on January 8th, of 2019, during the --

14 THE COURT: Yeah, on the side of the
15 road, that's what -- and the warrants were signed on
16 1/8 at 2353, so you did go in front of a magistrate.
17 They signed it Marie Stacy.

18 See you get all hung up on little
19 technical stuff when you need to be worried about 12
20 people deciding whether you raped somebody.

21 MR. GOOCH: I didn't -- I didn't --

22 MR. MCGREGOR: He's not charged the --

23 MR. GOOCH: I'm not charged with --

24 THE COURT: Or the aggravated robbery
25 or especially aggravated kidnapping.

1 MR. GOOCH: I didn't rob nobody. I'm
2 not guilty of these --

3 MR. MCGREGOR: Well, stop. We can get
4 into that on Monday.

5 THE COURT: Well, that's what the trial
6 is about. That's what you need to be worried about.
7 Not whether Marie Stacy saw you within two hours or
8 four hours.

9 MR. GOOCH: I'm -- I -- so I don't have
10 rights? So when my rights are --

11 THE COURT: Sure you do.

12 MR. GOOCH: So because I'm -- okay. So
13 I'm allegedly being accused my rights just get
14 violated and no one says anything about it? Just let
15 it --

16 THE COURT: You've got a fine attorney
17 that will say whatever needs to be said in front of
18 the jury starting Monday morning. So let Mr. Gooch
19 step back.

20 * * *

21

22

23

24

25

1 I the undersigned, Shana Crawford, official
2 court reporter for the 20th Judicial District of the
3 State of Tennessee, do hereby certify the foregoing
4 is a true accurate and complete transcript to the
5 best of my knowledge and ability of the proceedings
6 had and evidence introduced in the captioned cause.

7 I further certify that I am neither attorney
8 for, nor related to the parties to this cause and
9 furthermore that I am not a relative of any attorney
10 or counsel of the parties hereto or financially
11 interested in the action.

12

13

14

15

16

17

A handwritten signature in cursive script, appearing to read "Shana Crawford", is written over a dashed horizontal line.

18

Shana Crawford, LCR

19

Official Court Reporter

20

21

22

23

24

25

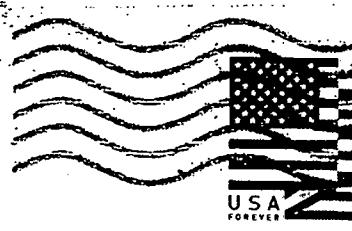
**“Attorney Nicholas McGregor Hate Speech
Letter”**

“EXHIBIT C13

orney Nick McGregor
22 2nd Ave North #416
Nashville, TN 37201

NASHVILLE TN 370

11 JUN 2021 PM 6 L



Tony Gooch #460270

DCSO

Po Box 196383
Nashville, TN 37219-6383

6-14-2-21

EL-EL-1-33 AB

37219-638383

6/11/21

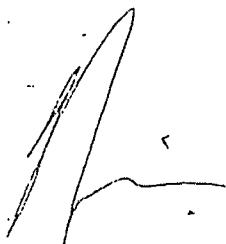
Tony,

Please let me save your life. Nobody is going to think less of you for pleading guilty, the people who care about you will actually be proud that you made the decision to get out someday. I do not envy your situation, having to choose between taking this plea and going to a trial you are sure to lose. If you are convicted of just the 2 aggravated robberies it's 8-12 years on each and the sentencing guidelines will likely make just those 2 charges a total of 24 years for you. I do believe the Especially Aggravated Kidnapping is an inappropriate charge but if the jury doesn't agree then you are facing 15-25 on that charge and it *can* be run consecutive. If you are convicted on those three charges the judge will have the opportunity to sentence you to a time period you may not outlive. Your previous offer was 12 years before I got the case, I think I've got them to 9 years. You've done two and a half already plus you'll be eligible for a 15% reduction at TDOC.

I know this is upsetting and you feel that you are being cheated by the system but you cannot spend the next two or three decades in prison believing that someday the system will be exposed. There does not seem to be a way for us to overcome Steele being in your car after the manager describes it leaving the hotel. I understand the show up is rigged against you and we can point that out but the jury's focus is going to be very heavily on the mustang and Steele. I cannot lie to you and pretend that we've got this and the jury is going to exonerate or acquit you because of problems with the show up, corners cut by the police, the DA having witnesses testify to impeachable evidence, any of that. Encouraging you to take this to trial would be irresponsible of me. It is not going to go like you think. Even if the judge ruled that the show up was unconstitutional it would not result in a dismissal of your case. It would just mean Biddle and Agosto wouldn't identify you...but they really can't anyway because they were robbed by guys in masks and their identification carries almost no weight. I am desperately trying to save your life on this, I know how a trial will end. The police and DA will not be exposed, but rather the jury will convict you and you'll spend decades in prison just hoping someone will listen. You are too smart to let them beat you like this.

I will be back to see you before the next court date, please take 9 years serious. I'm not saying you have to like it but on your 40th birthday when you're still in prison with another decade to go you're going to wish you took my advice. I care too much about to let you make this mistake. If I didn't care I'd just walk you right into trial without any warning. Beat the system by giving yourself a chance to live beyond this sentence.

Rec'd 6/11/2021



**“Tennessee Bureau of Investigation
Documents Denying To Intervene”**

EXHIBIT C20



BILL HASLAM
Governor

TENNESSEE BUREAU OF INVESTIGATION

901 R.S. Gass Boulevard
Nashville, Tennessee 37216-2639
(615) 744-4000
Facsimile (615) 744-4500
TDD (615) 744-4001



MARK GWYN
Director

November 6, 2020

Tony Gooch
Davidson County Sheriff's Office
P.O. Box 196383
Nashville, TN 37219

Dear Mr. Gooch:

The TBI is in receipt of your letter. At this time, the TBI is not interested in speaking with you on any of the items that you have mentioned. Please direct any issues that you have to your legal counsel. The TBI is not authorized to provide legal advice to you and the issues that you are highlighting are all issues that your defense attorney should be exploring.

Sincerely,

Legal Advisor
Tennessee Bureau of Investigation



**“Show-up Detective Kimberlin Rothwell
Investigative Reports That Petitioner Mr.
Gooch Was Never Identified As Suspect”**

EXHIBIT C25



METROPOLITAN NASHVILLE POLICE DEPARTMENT
CRIMINAL INVESTIGATIONS DIVISION – SEX CRIMES
- INVESTIGATIVE REPORT -



Complaint #:	2019-0019450	Type of Report:	Investigative Report
Case Detective:	Detective David Boone	Reporting Officer:	Detective Kimberlin Rothwell
Date of Incident:	01/08/2019	Date of Report:	01/12/2019
Time of Incident:	1523	Type of Incident:	10-67710-53

Location of Incident: 202 Summit View Dr, Brentwood

Victim(s): Anna Biddle, Natalie Agosto, Jonathan Reid-Bradley (juvenile)

Suspect 1: Louis Steele (M/B; DOB: 11/15/1993; OCA: 493522)

Suspect 2: Tony Gooch (M/B; DOB: 06/28/1992; OCA: 460270)

Detectives: David Boone; John Riddle; Kimberlin Rothwell

NARRATIVE

On 01/08/2019, around 1616 hrs., I was called to assist Detective David Boone with rape/robbery investigation. Det Boone advised me that a robbery had occurred at the Hyatt Place Hotel near 4-65 & Old Hickory Blvd (in Brentwood) and potential suspects were stopped in the area of Rosa L Parks & Vantage Way. He further advised that one of the female victim's was sexually assaulted during the robbery. We decided that Det Boone would go to the scene and I would meet the victim's at the Sexual Assault Center (SAC) to assist with conducting show-up identifications and interview victims.

I made contact with Officer Tom Miller, who was with the detained subjects: Louis Steele and Tony Gooch. I briefed Ofc Miller on the show-up.

Midtown Precinct Officers met me at the SAC with two of the victims; Anna Biddle and Jonathan Reid-Bradley (Mrs. Biddle's son). Upon their arrival I instructed them that two subjects were currently being detained in the area and I requested that they allow an officer and me assist them with conducting a show-up identification; both agreed. Mrs. Biddle got in my vehicle and Mr. Reid-Bradley remained in the marked police car for the show-up. I provided Officer Ryan Storm, who was driving Mr. Reid-Bradley, with a recording device to capture the show-up process attempt by Mr. Reid-Bradley. I recorded the show-up process with Mrs. Biddle.

The show-up with Mrs. Biddle was conducted at 1714 hrs, and she identified Steele by saying, "That's the short one." I clarified by asking her which one, and she stated, "The one in the white t-shirt". Mrs. Biddle did not make a positive identification of the other suspect (Gooch), who was also present during the show-up.

I reviewed the recording of the show-up with Mr. Reid-Bradley:

That show-up was conducted at 1712 hrs, and Mr. Reid-Bradley did not identify either subject, by saying that he was "not sure".

Following the show-ups, I then interviewed Mrs. Biddle, then Mr. Reid-Bradley, at the SAC. The interview with Mrs. Biddle was audio recorded.

Mrs. Biddle stated that she had just returned to her place of employment, after picking her son (Mr. Reid-Bradley) up from school; at approximately 1515 hrs. Mrs. Biddle and her co-worker, Natalie (Natalie Agosto-also a victim in this case) were talking for about 10-15 minutes, while Mr. Reid-Bradley sat in the lobby area. Then the two suspects walked in, wearing all black and carrying handguns; both had their faces covered. The two suspects demanded money, specifically \$100 bills. Mrs. Biddle informed the suspects that the only money they had was in the bar area. Mrs. Biddle opened the cash drawer and gave the suspects all of the money.





METROPOLITAN NASHVILLE POLICE DEPARTMENT
CRIMINAL INVESTIGATIONS DIVISION - SEX CRIMES
- INVESTIGATIVE REPORT -



in the drawer. She also lifted the cash drawer up to show the suspects that there was no additional money in it. The suspect who forced Mrs. Biddle to open the drawer (Steele) even collected the loose change. While that was going on, the other suspect (Gooch) held Ms. Agosto at gunpoint. When the suspects weren't satisfied with the money they were getting, Gooch said that he was going to shoot Mrs. Agosto. Mrs. Biddle replied by begging him not to, that her son was there. Gooch, at that point, seemed to notice that Mr. Reid-Bradley was in the lobby area and pointed the gun at him and told him not to move.

Steele, then, took Mrs. Biddle back behind the bar area, forced her onto her knees, while pushing his gun to her head. Steele pulled his penis out of his pants, put it in Mrs. Biddle's mouth and told her that he would shoot her if she did not perform oral sex on him. ~~Mrs. Biddle attempted to beg for Steele not to make her, but he insisted. Steele ejaculated, told Mrs. Biddle to get up and go out~~ the other side of the bar.

Mrs. Biddle ran to a closet and hid until her son came and got her, a few moments later. While she was running away from Steele, Mrs. Biddle came upon a guest who was coming out to see what was going on. Mrs. Biddle then called 911.

Mrs. Biddle did not recognize either of the suspects as people she had known before. I attempted to photograph the bruising on Mrs. Biddle's forehead but the bruising did not show up. I could however tell that a bruise was forming.

Mr. Reid-Bradley stated that his mother had just picked him up from school and they returned to her place of employment. He was sitting in the lobby when the suspects entered the business, and pointed guns at his mom and her co-worker. The suspects asked for money. One suspect took his mother took to the back, while the other stayed in front with him and his mother's co-worker pointing the gun at them. The suspect, who had gone to the back with Mrs. Biddle, then took her back to the back. The suspects then fled, after the shorter suspect took Mrs. Biddle to the back, grabbed Mrs. Biddle's and Ms. Agosto's phones.

I asked Mr. Reid-Bradley about the two guys he saw during the show-up being the suspects; he stated that he did not think that they were the suspects.

I then asked him if he was in fear while the gun was being pointed at him. He said, "Yeah" that it made him nervous.

Upon completing the interviews, I responded to Midtown Hills Police Precinct. There I prepared two search warrants: one for Steele's DNA, and one for Gooch's DNA. The search warrant for Gooch's DNA was executed at the booking sally port. The search warrant for Steele's DNA was executed at Metro General ER.

End of Report



AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Marie Stacey
Judicial Magistrate

Personally appeared before _____ Judge of the Metropolitan Nashville Davidson County General Sessions Court for said State, the undersigned, Detective Kimberlin Rothwell, and now makes oath in due form of law that there is probable and reasonable cause to believe that Tony L Gooch III (black, male, DOB: 06/28/1992, SSN: 413-71-6659) is/are now in possession of certain evidence of a crime, to wit violations of state law(s) as set forth in TCA Section(s) 39-13-502. Aggravated Rape; 39-13-402. Aggravated Robbery; 39-13-304. Aggravated Kidnapping; and the evidence to be searched for is as follows: The body of Tony L Gooch III for DNA, via buccal swabs for saliva.

and any evidence or items which would be used to conceal the forgoing or prevent its discovery.

The Affiant further testifies that the said evidence is now located and may be found in possession of said persons or on said premises located in Davidson County, Tennessee, and more particularly described as follows:
The body of Tony L Gooch III for DNA, via buccal swabs for saliva.

Statement of Facts In Support of Probable Cause

This affidavit is made by Detective Kimberlin Rothwell, who now testifies herein which is based upon information personally observed or received from other law enforcement officers, unless otherwise stated, which your Affiant believes to be true, and is as follows:

About 1525 hrs, on 01/08/2019, a robbery occurred at 202 Summit View Dr, Brentwood, TN 37027 (Hyatt Place Hotel), which is located in Davidson County. Surveillance video shows two unknown male suspects enter the business brandishing handguns. The suspects are wearing black clothing and have their faces covered. One of the suspects, then takes a female employee AB behind the bar area of the location, while the other suspect holds the other employee at gunpoint. Following the robbery, the suspects can be seen leaving the location on foot.

Victim AB reports that the suspects entered and demanded money. The short of the two suspects took AB to bar area where a cash register was. AB emptied the cash register and gave the money to the suspect. The suspects demanded more money from the victim's, who told them that they did not have access to any more money. The taller of the two suspects then pointed a gun at the other employee and stated that he was going to shoot her. AB pleaded with him not to do that. The shorter of the two suspects then forced AB onto her knees, pulled his pants down and forced AB to perform oral sex on him until he ejaculated. The suspect then told AB to walk further into the hotel; the two suspects then fled the location. Another employee at the location was able to follow the suspects down to the entrance of the location and give a vehicle description of their vehicle, which was an orange Ford Mustang with black racing stripes.

At 1542 hrs, MNPD officers made a traffic stop on an orange Ford Mustang with black racing stripes in the area of Rosa L Parks Blvd & Vantage Way, Nashville, TN. The vehicle was occupied by Louis L Steele and Tony L Gooch III. Steele and Gooch matched the descriptions provided by the victims. Both were detained. Show-ups were conducted with the victims, who positively ID'D Steele and Gooch as being the two subjects who robbed them and sexually assaulted AB. AB identified Steele as the shorter of the two suspects and the suspect who forced her to perform oral sex on him.

It is believed that Gooch's DNA will be able to be compared with evidence collected from the crime scenes and used to identify or exclude him as being the person who sexually assaulted AB.

Experience of Affiant

Your affiant has been a sworn police officer with the Metropolitan Nashville police Department since 2008. Your affiant has been assigned to the Sex Crimes Division since December, 2017. Prior to this assignment, your affiant was assigned to the Hermitage Precinct since January 2010. During that time, your affiant has been assigned to Patrol, and the Crime Suppression Unit, prior to becoming precinct detective in October 2011. During my time in the Crime Suppression Unit and Precinct Investigations your affiant has executed and participated in the execution of numerous search warrants that have led the arrest and prosecution of numerous serious felonies, including: murder, robbery, aggravated assault and narcotic related crimes.

I SWEAR THE FOREGOING IS TRUE UNDER PENALTY OF PERJURY.

Kelli Rotman

AFFIANT

Sworn to and Subscribed before me this 8th day of January 2009

Marie Stacey
Signature of Judge

Marie Stacey

Judicial Magistrate

Printed Name of Judge

Metropolitan Nashville Davidson County
General Sessions Court, Division: MC

**“False Arrest Report Time At
11:14pm on January 8, 2019”**

EXHIBIT C21

M.P.D. FORM 106 (REV.04-07) CALEA 82.2.1, 82.3.7				Metropolitan Police Department Nashville, Tennessee		1. M.P.D. Incident Number 20190019489		Juvenile		
Arrest Report		Booking Type <input checked="" type="checkbox"/> Adult Custodial <input type="checkbox"/> Bindover <input type="checkbox"/> Juvenile Custodial	Tap Out	2. Related Incident Number <input checked="" type="checkbox"/> N/A	3. I.D. / O.C.A. Number 460270	4. Arrest Number 190001153	5. Arrest Date / Time 01/08/2019 23:14			
6. Day of Week Tuesday		7. Charge Which Precipitated Arrest AGG ROBBERY/ AGG RAPE								
8. Reason Arrested (Offense / Classification) AGG ROBBERY/ AGG RAPE		9. Social Security Number <input type="checkbox"/> UNK		10. Driver License No. 120562801		State TN				
11. Defendant's Name (Last, First, Middle) GOOCH, TONY, L		12. Alias None								
13. Defendant's Address (Apt No.) 772 ROWAN DR		14. City NASHVILLE								
15. Home Phone 769-487-7234		16. Work Phone 999-999-9999		17. County 2 N						
18. Is Arrestee a College Student? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNK		19. E DTI								
20. Place of Birth NASHVILLE		21. State TENNE								
22. Domestic Violence <input type="checkbox"/> Yes <input type="checkbox"/> No		23. Height 5'10"		24. Weight 215		25. Hair BLACK		26. Eyes BROWN	27. Type of Arrest ON-VIEW	28. Resisted Arrest? N
29. Location of Arrest (Street Address) ROSA L PARKS BLVD & VANTAGE WAY		30. City NASHVILLE						31. State TN		32. Zip-Code 37228
33. Assaulted Officer? N		34. Chemical Agent Used? N		35. Arrestee Armed With: (Second Box if Automatic) <input checked="" type="checkbox"/> Unarmed <input type="checkbox"/> Rifle <input type="checkbox"/> Firearm <input type="checkbox"/> Shotgun <input type="checkbox"/> Handgun <input type="checkbox"/> Other Firearm <input type="checkbox"/> Lethal Cutting Instrument (e.g. Switchblade knife) <input type="checkbox"/> Club, Blackjack, Brass Knuckles						
36. Injury <input type="checkbox"/> Apparent Broken Bones <input type="checkbox"/> Possible Internal Injury <input type="checkbox"/> Severe Laceration <input type="checkbox"/> Apparent Minor Injury		37. Medical Treatment <input type="checkbox"/> Other Major Injury <input type="checkbox"/> Loss of Teeth <input type="checkbox"/> Unconsciousness <input type="checkbox"/> Gunshot						38. Transported By		
39. Described Illness or Injury		40. Examining Physician N/A						41. Medical Treatment Status Admitted Released N/A	42. Style 43. Color	
44. License Number N/A		45. Year 2019		46. Make VTR		47. Model N/A		48. Vehicle Towed By N/A		
49. VIN None Altered UNK		50. VTR No. N/A		51. Vehicle Towed To Tow-in Lot Other		52. Vehicle Towed By N/A				
53. Warrant # S878510		54. Type S		55. Inc. Num 20190019450		56. NCIC Qual 1230		57. TCA 39-13-402(a)(1)		
58. Warrant # S878509		59. Type S		60. Inc. Num 20190019450		61. NCIC Qual 8014		62. TCA 39-13-102(a)(1)(A)		
63. Sev F		64. Class B		65. Sev F		66. Class C		67. Charge Description ROBBERY- AGG WEAPON OR OBJECT		
68. Sev F		69. Class B		70. Sev F		71. Class C		72. Charge Description Assault, Aggravated - Deadly Weapon - Int/Kn		