

**\*\*THIS IS A CAPITAL CASE\*\***  
**\*\*EXECUTION SET FOR DECEMBER 3, 2024, AT 6:00 PM CENTRAL\*\***

No. \_\_\_\_\_

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**IN THE  
SUPREME COURT OF THE UNITED STATES**

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Christopher Collings, Petitioner,

v.

David Vandergriff,  
Warden, Potosi Correctional Center, Respondent.

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On Petition for Writ of Certiorari  
to the Supreme Court of Missouri

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**PETITIONER'S APPENDIX  
TO THE PETITION FOR WRIT OF CERTIORARI**

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Supreme Court of Missouri  
en banc

SC100640

State ex rel. Christopher Collings, Petitioner,  
vs.  
David Vandergriff, Respondent.

- ☐ Sustained
- ☐ Overruled
- ☐ Denied
- ☐ Taken with Case
- ☐ Sustained Until
- ☐ Other

Order issued: Petitioner for writ of habeas corpus denied.

By: Mary R. Russell  
Chief Justice

August 15, 2024  
Date



# In the Supreme Court of Missouri

May Session, 2024

State ex rel. Christopher Collings,

Petitioner,

No. SC100640      HABEAS CORPUS  
County Circuit Court No. Not provided  
Western District Court of Appeals No. Not provided

David Vandergriff,

Respondent.

*Now at this day, on consideration of the petition for a writ of habeas corpus herein to the said respondent, it is ordered by the Court here that the said petition be, and the same is hereby denied and motion for discovery and suggestions in support denied.*

STATE OF MISSOURI-Sct.

*I, BETSY AUBUCHON, Clerk of the Supreme Court of the State of Missouri, certify that the foregoing is a full, true and complete transcript of the judgment of said Supreme Court, entered of record at the May Session thereof, 2024, and on the 15<sup>th</sup> day of August, 2024, in the above-entitled cause.*

*WITNESS my hand and the Seal of the  
Supreme Court of Missouri, at my office in  
the City of Jefferson, this 15<sup>th</sup> day of August,  
2024.*

 Clerk

, Deputy Clerk



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Supreme Court of Missouri

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vs.

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**MANDATE**

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**JUDGMENT**

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**IN THE SUPREME COURT OF MISSOURI**

<b>State of Missouri ex rel.</b>	)	
<b>CHRISTOPHER COLLINGS</b>	)	
	)	
<i>Petitioner,</i>	)	<b>No. SC100640</b>
	)	
<b>v.</b>	)	
	)	<b>THIS IS A CAPITAL CASE</b>
<b>DAVID VANDERGRIF, Warden,</b>	)	
<b>Potosi Correctional Center,</b>	)	
	)	
<i>Respondent.</i>	)	

**PETITION FOR WRIT OF HABEAS CORPUS**

Comes now Christopher Collings, by and through undersigned counsel, and petitions this Court, under Rule 91, for a Writ of Habeas Corpus granting him relief from his conviction and death sentence.

**INTRODUCTION**

Petitioner Christopher Collings is an inmate housed in Potosi Correctional Center in Mineral Point, Missouri. Respondent David Vandergriff is the Warden of Potosi Correctional Center. In this case, the State failed to disclose prior to trial or during direct appeal or post-conviction proceedings, that a principal witness against Mr. Collings, Wheaton Police Chief Clinton Clark, had four AWOL convictions for deserting his post during his military service and served time in military prison. The State did not disclose this information until after Collings’s federal habeas proceedings began. The State then argued to the federal court that Collings could not rely on the existence of the prior undisclosed convictions because he failed to raise the claim in the state court below. Thus, the State relied on their own misconduct as both a shield and sword to thwart

Collings's attempts to obtain relief from the State's abdication of its duty under *Brady v. Maryland*, 373 U.S. 83 (1963).

Under *Brady*, prosecutors must disclose evidence that a defendant may use to impeach a government witness. *United States v. Bagley*, 473 U.S. 667, 676 (1985); *State v. Robinson*, 835 S.W.2d 303, 306 (Mo. banc 1992) (citing *Bagley*, 473 U.S. at 674-77; *Brady*, 373 U.S. at 86-89; Mo. Sup. Ct. R. 25.03(A)(9)). The State's late disclosure of such information does not preclude a petitioner from obtaining habeas relief in this Court. *State ex rel. Engel v. Dormire*, 304 S.W.3d 120, 124-26 (Mo. banc 2010). When the State has failed to disclose the impeachment information until after the conclusion of a criminal defendant's direct appeal and post-conviction proceedings, the defendant is entitled to a vacatur of his conviction upon a showing that (1) the grounds for relief were not known to him during his direct appeal or post-conviction proceedings and (2) the suppression of the evidence prejudiced him. *Id.* at 126.

Mr. Collings has satisfied this standard. This Court should vacate his conviction and sentence.

### **JURISDICTIONAL STATEMENT**

This Court has original jurisdiction over this petition because it involves a prisoner under a sentence of death. Rule 91.02(b). "Habeas corpus is the last judicial inquiry into the validity of a criminal conviction and serves as 'a bulwark against convictions that violate fundamental fairness.'" *State ex rel. Amrine v. Roper*, 102 S.W.3d 541, 545 (Mo. banc 2003) (quoting *Engle v. Isaac*, 456 U.S. 107, 126 (1982)). Habeas relief may issue

when the prisoner's conviction or sentence violates the constitution or laws of Missouri or the United States. *State ex rel. Nixon v. Jaynes*, 63 S.W.3d 210, 214 (Mo. banc 2001).

This Court may grant habeas relief on claims that were not asserted on direct appeal or in post-conviction proceedings pursuant to Rule 29.15 if the petitioner demonstrates a manifest injustice, cause and prejudice, or a jurisdictional defect. *Jaynes*, 63 S.W.3d at 215; *Engel*, 304 S.W.3d at 125. "Cause is established where there is a factor at issue external to the defense or beyond its responsibilities." *Engel*, 304 S.W.3d at 125-26 (citing *Strickler v. Greene*, 527 U.S. 263, 283 n. 24 (1999)). To satisfy this standard, a petitioner must establish that the grounds for relief were not known to him during his direct appeal or post-conviction case. *Id.* at 126. In the context of a *Brady* claim, "prejudice is identical to" that necessary to warrant relief under *Brady*. *Id.*

Here, due to the State's abdication of its duty to disclose Clark's four AWOL convictions for deserting his post during his military service, the grounds for relief presented in this petition were unknown to Collings during his direct appeal or post-conviction case. Given the importance of Clark's testimony, Collings readily meets the *Brady* prejudice standard.

## STATEMENT OF THE CASE

### A. Factual Background

#### 1. David Spears confessed to the murder.

Nine-year-old R.F. lived with her mother, Colleen Munson, and stepfather, David Spears, in Stella, Missouri. *State v. Collings*, 450 S.W.3d 741, 747 (Mo. banc 2014). On November 2, 2007, Spears, Christopher Collings, and Nathan Mahurin were drinking

alcohol and smoking marijuana together at Spears's house. *Collings v. State*, 543 S.W.3d 1, 5 (Mo. 2018). Later in the evening, the three men went to Collings's trailer and left R.F. home alone. *Id.* On the way, they stopped at a convenience store and purchased more alcohol. *Id.* They continued drinking and smoking at Collings's trailer for about an hour, and then Mahurin and Spears left. *Id.* Mahurin took back roads to take Spears home and then Mahurin returned to his home. *Id.*

The next morning, Munson returned from her overnight work shift and could not find R.F. *Id.* Munson woke Spears and asked him where R.F. was. *Id.* Spears said R.F. was staying with a friend, but he could not identify the friend; his insistence that R.F. was with a friend caused Munson to delay calling the police. *Collings*, 450 S.W.3d at 747. Later that afternoon, Munson contacted the local sheriff's department to report R.F. missing. *Id.* Law enforcement began to investigate R.F.'s disappearance. *Id.*

Spears met with investigators on several occasions in the following days. He told an officer he recalled R.F. waking him and asking permission to go to a friend's house. Ex. 5 at 4-5. This information was not true.

On November 3, 2007, Spears called and left a voicemail for Mahurin. Ex. 6 at 39. Spears told Mahurin to confirm to law enforcement that Spears left his home with Mahurin to assist Collings with gassing up his vehicle. *Id.*

Spears then tried to convince investigators that he only left his residence on the night his stepdaughter disappeared for a few minutes. *Id.* at 130-31. He said he and Mahurin departed the residence to take gas to Collings as Collings had run out on his drive home. *Id.* However, Munson informed law enforcement that Collings did not have a

vehicle at the house that night. *Id.* Mahurin provided Spears's voicemail to law enforcement. *Id.* When law enforcement confronted Spears about the lies, he then admitted Collings did not have a vehicle at his home that night. *Id.* Spears acknowledged he left R.F. at home alone when the three men traveled to Collings's home. *Id.*

After hearing about R.F.'s disappearance, a childhood friend of Spears, Amber Walters, went to see Spears and check on how he was doing. Ex. 7 at 107. Spears was focused on his relationship with Munson and lamented that the disappearance negatively impacted his marriage. *Id.* Spears did not express any concern for R.F. *Id.* Spears offered that he didn't know where R.F. was located, but if he were going to dispose of a body, he would do it in the Fox Sinkhole. *Id.*

On November 7, 2007, Spears agreed to ride with Mark Bridges, Newton County Coroner, to search for R.F. Bridges was friendly with Spears and had employed Spears at his car dealership in Neosho, Missouri. Ex. 14 at 4. Investigators believed Spears would be willing to speak openly with Bridges during the ride-along, so they had Bridges wear a recording device. *Id.* at 27.

Spears directed Bridges to the Fox Sinkhole despite its remote location. Ex. 8 at 25, 26, 32, 33. Spears was familiar with the sinkhole and believed that would be an ideal location to hide a body. *Id.* at 32, 33. Once there, Spears located the opening, and both Bridges and Spears peered into the cave. *Id.* at 52-53. Bridges mentioned that he thought he could see something at the bottom of the hole. *Id.* at 53-58. On November 9, 2007, law enforcement returned to that location and discovered R.F.'s body.

Spears was taken into custody the next day. He then confessed to having raped and murdered R.F. Ex. 9 at 3. He said he drove to the Collings property and found R.F. and Collings together. *Id.* Spears admitted he had intercourse with R.F. and then used a string or cord to strangle her to death. *Id.* He did so after Collings purportedly stated, “It’s gotta be done.” *Id.* at 3, 4. Spears loaded R.F. into the back of his mother’s Chevrolet Suburban and drove her to the Fox Sinkhole to dispose of her body. *Id.* at 4. Spears claimed that Collings was with him at the sinkhole. *Id.*

Spears’s confession matched the investigative timeline. Mahurin dropped Spears off at his residence near midnight on November 2, 2007. Trial Tr. Vol. 10, pp. 3734-35. Spears then called his mother to and left his residence shortly after she arrived. Trial Tr. Vol. 19, pp. 5887-88. Spears left his home in his mother’s Suburban, Spears’s whereabouts were unknown, and he did not return home until just before 7:00 AM on November 3, 2007. *Id.* at 5888-89.

Spears’s confession also matched with the cadaver dog evidence. Spears stated R.F.’s body was in the Suburban Spears drove that night. Ex. 9 at 3-4. Investigators used a cadaver dog to search various locations thought to be associated with the murder. Trial Tr. Vol. 19, pp. 5906-23. Only the Suburban had positive identifications. *Id.* The trained cadaver dog positively identified locations at the driver’s side door as well as in the cargo area of the vehicle. *Id.* at 5915, 5918.

On this evidence, law enforcement charged Spears with R.F.’s murder. Spears challenged his confession, but the trial court ruled held that he voluntarily provided a statement to law enforcement. The State later struck a deal with him in which he pleaded



guilty to endangering the welfare of a child and hindering a felony prosecution and received consecutive four- and seven-year sentences. *State of Missouri v. David Wesley Spears*, Pulaski County Circuit Court No. 08PU-CR00681-01.

**2. Clinton Clark sought a confession from Collings.**

While law enforcement naturally focused the bulk of their attention on Spears, law enforcement also repeatedly questioned Collings about his potential involvement because Collings was one of the last people to see R.F. alive. Wheaton Police Chief Clinton Clark viewed Collings as a suspect and affirmatively contacted law enforcement handling the investigation seeking to be investigate and pursue a confession from Collings. Supp. Trial Tr. Vol 6, p. 1219. After speaking with Collings, “Chief Clark contacted the FBI and told them about his talk with Collings. The FBI believed if Collings were going to confess or reveal any information, it would be to Chief Clark. Hence, the FBI encouraged Chief Clark to help in the investigation, to which Chief Clark agreed.” *State v. Collings*, 450 S.W.3d 741, 749 (Mo. banc 2014). Afterward, Clark actively pursued questioning of Collings expressly to extract a confession. Supp. Tr. Vol. 3, pp. 586, 604; Supp. Tr. Vol. 4, pp. 662-63.

Clark obtained authorization to make additional approaches to Collings, and Clark did so on several occasions in the week following R.F.’s disappearance. *Collings*, 450 S.W.3d at 749-50. Clark then reported back his findings to the FBI. *Id.* On November 9, 2007, Collings made several statements to Clark. The first was an unrecorded statement made at the Muncie Bridge outside of Wheaton, Missouri. *Id.* at 50-51. According to Clark, while at the Muncie Bridge, Collings confessed to raping and killing R.F. *Id.* After

returning to the Wheaton Police Department, Collings gave another statement that was unrecorded. *Id.* at 751. Collings later gave two more statements that were videorecorded. *Id.* at 751-52.

Clark testified during the suppression hearing that he and Collings mutually agreed to go to the Muncie Bridge. Supp. Tr. Vol. 4, p. 954. Clark stated that he provided Collings with a written *Miranda* waiver prior to taking Collings to the Muncie Bridge for questioning. Supp. Tr. Vol. 4, pp. 657, 666-67. The only evidence the State offered to support Clark's timing of the *Miranda* warnings was Clark's testimony itself. *Id.* All the other available evidence regarding the timing of the *Miranda* warnings contradicted Clark's testimony.

Case records reflected the *Miranda* form was signed at 3:00 PM, *after* the initial interrogation at the Muncie Bridge. *Id.*; Ex. 15. Corroborating testimony from two law enforcement officers observed Collings sign the form *after* he returned from the initial interrogation at the Muncie Bridge. Supp. Tr. Vol. 2, pp. 258, 321, 326-27. Furthermore, this timing was consistent with Chief Clark's call log indicating that he and Collings arrived back at the station following the Muncie Bridge interrogation at approximately 3:00 PM. Supp. Tr. Vol. 4, pp. 667-70.

After Collings was charged, even though Clark knew—from attending Collings's arraignment and from Collings himself—that Collings was represented by counsel who had advised Collings not to talk about his case, Clark continued “to pose questions and interject personal comments about their relationship in an effort to get Collings to speak.” *Collings*, 450 S.W.3d at 757. This questioning, which Clark knew was being recorded,

went on for approximately 40 minutes, even though “Collings stated unequivocally, at least nine times, that he could not answer any questions regarding the case on the advice of counsel.” *Id.* This Court found Clark’s conduct was an “egregious and blatant violation of Collings’ constitutional rights[.]” *Id.* at 758.

### **3. The State failed to disclose Chief Clark’s prior convictions.**

The State charged Collings with R.F.’s murder, and the State’s case heavily depended on the statements Clark obtained from Collings on November 9, 2007. On January 22, 2008, prior to the suppression hearing and trial, Collings requested impeachment information under *Brady v. Maryland* regarding the State’s witnesses, including Clark. Trial L.F. 1 at 12; Ex. 16. Defense counsel subsequently made additional discovery requests for impeachment information. Trial L.F. 2 at 261-62. On or about April 1, 2011, after the suppression hearing but before the trial, the State made the following limited disclosure regarding Clark’s criminal history:

Chief Clint Clark, Wheaton Police Department, had one reported incident being arrested in Barry County on January 6, 1968 for Desertion from the U.S. Army with the charge amended to AWOL and an investigative arrest in Rogers, Arkansas on November 5, 1968 for investigation of forgery with no disposition shown on either charge.

Ex. 10 at 5752. This was the only information the State disclosed about Clark’s prior criminal history even though there was substantially more information readily available to the State and relevant to their constitutional obligation to disclose *Brady* and *Giglio* material.

The State did not disclose important impeachment information concerning Clark, specifically that his arrest led to an AWOL conviction and sentence and that he had three

other convictions and sentences for AWOL. Ex. 2 at ¶ 12; Ex. 3 at ¶ 7. The State continued to suppress this information throughout Collings’s trial, direct appeal, and state post-conviction proceedings. Ex. 4 at ¶ 7. It was not until after Collings raised a *Brady* claim in his federal habeas petition that the State finally disclosed records substantiating Clark’s significant criminal history. Ex. 1.

As part of its pleading in response to Mr. Collings’s habeas petition, the State disclosed a redacted copy of Clark’s military records. Ex. 1. The State’s records acknowledged that Clark’s arrest on January 6, 1968, led to an AWOL conviction and sentence. *Id.* The records also revealed three additional convictions for the same offense. *Id.* at 3-6, 9-10. Clark was ordered to serve a sentence of six months of hard labor in the Post Stockade at Fort Leonard Wood, Missouri. Clark was then released in January 1969, and within three weeks of his release, he deserted his post again until he was apprehended on or about May 9, 1969. *Id.* at 13-14, 16. Clark was again sentenced to six months imprisonment in the Post Stockade at Fort Leonard Wood, Missouri until his discharge “under conditions other than honorable” on October 23, 1969. *Id.* at 16. Clark was absent or in-custody for 726 of the 890 days of his service in the military. *Id.*

The State’s suppression of Clark’s convictions prevented trial counsel from inquiring about the circumstances of his convictions during his deposition and from using them to impeach Clark at the suppression hearing and at trial.

## **B. Procedural History**

The State’s case against Collings was based primarily on Collings’s November 9, 2007 statements and Clark’s testimony about them. The trial court conducted a multi-day

suppression hearing, and the only evidence the State offered to support Clark's timing of the *Miranda* warnings was Clark's testimony itself. All the other available evidence regarding the timing of the *Miranda* warnings contradicted Clark's testimony. However, due to the State's suppression of Clark's convictions and other impeaching information, Collings did not have this information and was unable to use it to discredit Clark at the suppression hearing.

The State continued to suppress the impeaching information throughout Collings's pre-trial and trial proceedings, which likewise prevented Collings from using it at trial. The State's suppression also prevented Collings from investigating whether Clark's convictions disqualified him from servicing as a police officer or whether he disclosed the convictions as part of his application to be a police officer. Ex. 2 at ¶¶ 13, 15; Ex. 3 at ¶¶ 9, 10.

The suppression of Clark's convictions also prevented Collings from relying on them to establish residual doubt, which was one of the principal arguments for a sentence other than death. PCR Tr. Vol. 2, p. 390. Defense counsel presented evidence establishing that Spears was one of the last people to see R.F. alive, that he acted suspiciously the day she disappeared, and that dogs alerted to the scent of human remains in the Suburban that he was driving on the night of the offense. Trial Tr. Vol. 10, pp. 3647, 3650, 3652-53, 3695; Vol. 19, pp. 5905, 5913. Although counsel did not present Spears's confession to raping and killing R.F., counsel did present the statements of law enforcement officers providing evidence of Spears's involvement to Collings. Trial Tr. Vol. 14, pp. 4847-64; PCR Ex. 29.

If Spears’s confession that he was the sole person who committed the fatal act was true, then Collings’s confession—obtained by Clark—could not also have been true. Ex. 2 at ¶ 17; Trial Tr. Vol. 20, p. 6489. The jury thus would have had reason to question whether the police tactics and investigation implicating Collings were reliable. *Id.* But due to the State’s suppression of Clark’s prior convictions, the jury could not consider Clark’s convictions when assessing residual doubt. *Id.*

On direct appeal, Collings argued that Clark obtained the November 9, 2007, statements in violation of his Fifth, Sixth, and Fourteenth Amendment rights. This Court deferred to the trial court’s credit of Clark’s testimony and found that the trial court correctly determined that Clark provided Collings with the appropriate *Miranda* warnings prior to Collings’s statement at the Muncie Bridge, even though the trial court also determined that Collings was not in custody at the time. *Collings*, 450 S.W.3d at 755. This Court affirmed Collings’s conviction and sentence. *Id.* at 768.

Though this Court affirmed, the Court recognized that Clark, not long after obtaining Collings’s initial statements and “in an effort to get Collings to speak[,]” engaged in other conduct that was an “egregious and blatant violation of Collings’ constitutional rights[.]” *Collings*, 450 S.W.3d at 757-58. Like the trial court, this Court was unaware of Clark’s convictions due to the State’s failure to disclose.

The State continued to suppress Clark’s convictions throughout Collings’s post-conviction review proceedings. Ex. 4 at ¶ 7. As was the case with trial counsel, this suppression prevented post-conviction counsel from investigating whether Clark’s convictions disqualified him from servicing as a police officer and his disclosure of the

convictions as part of his application to be a police officer. *Id.* at ¶¶ 7-10. The State's suppression also prevented post-conviction counsel from including Clark's convictions in their claims regarding the reliability of Collings's confession. *Id.* at ¶ 10. Furthermore, the State's suppression prevented post-conviction counsel from raising any due process claims under *Brady* stemming from the State's failure to disclose the convictions to trial counsel as well as any other potential claims related to the relationship of Clark's convictions and his service as a police officer. *Id.*

After the conclusion of Collings's state post-conviction proceedings, Collings petitioned for federal habeas corpus relief. That petition included a *Brady* claim regarding the culpability phase of the trial, and in response to that claim, the State finally disclosed Clark's convictions. Ex. 1. During the pendency of the habeas petition, the United States Supreme Court issued its decision in *Shinn v. Ramirez*, 596 U.S. 366 (2022). Collings sought a stay of the habeas proceedings in the federal district court under *Rhines v. Weber*, 544 U.S. 269 (2005), so he could return to state court to comply with the new obligations of *Ramirez*. The State opposed the motion and further contended that, although the State had never previously disclosed Clark's convictions, because the suppressed evidence was not a part of the prior state court record, the district court could not consider it. Ex. 11 at 9.

The district court denied the *Rhines* motion and entered a separate order denying habeas relief. *Collings v. Griffith*, No. 18-CV-08000-MDH, 2022 WL 4677562, at \*1 (W.D. Mo. Sept. 30, 2022). The district court found that Collings (who was limited to the prior state court record) had not shown that a failure to disclose occurred. *Collings*, 2022

WL 4677562 at \*11. The court ruled that even if it could consider Clark’s convictions, Collings could not show prejudice. *Id.* In this ruling, the court applied a higher prejudice standard than this Court and the United States Supreme Court applies to *Brady* claims. *Contrast Engel*, 304 S.W.3d at 126 (finding that in the context of a *Brady* claim, “prejudice is identical to” that necessary to warrant relief under *Brady*); *Bagley*, 473 U.S. at 682 (equating the *Brady* materiality standard with the reasonable probability standard of *Strickland v. Washington*, 466 U.S. 668 (1984)) *with Collings*, 2022 WL 4677562 at \*8 (finding that “the standard of prejudice is higher than that required to establish ineffective assistance of counsel under *Strickland*.”) (citing *Charron v. Gammon*, 69 F.3d 851, 858 (8th Cir. 1995)). The Eighth Circuit denied Collings’s application for appellate review. *Collings v. Griffith*, No. 23-1064, 2023 WL 9231488, at \*1 (8th Cir. June 28, 2023).

Collings subsequently requested review in the United States Supreme Court. On April 2, 2024, the Supreme Court declined to grant review. *Collings v. Vandergriff*, 144 S. Ct. 1123 (2024). The next day, the State moved this Court to set Mr. Collings’s execution date.

### REASONS FOR GRANTING THE WRIT

- Claim I:**     **Mr. Collings’s conviction was secured in violation of his right to due process of law because the State, contrary to its obligations under *Brady* and Rule 25.03, failed to disclose four criminal convictions of the police officer who obtained incriminating information from Collings.**
- A.**     **The State violated Collings’s due process rights.**



In *Brady*, the Supreme Court held that “the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution.” 373 U.S. at 87. “Impeachment evidence . . . falls within the *Brady* rule.” *Bagley*, 473 U.S. at 676. Accordingly, this Court has recognized that “[p]rosecutors must disclose, even without a request, exculpatory evidence, including evidence that may be used to impeach a government witness.” *Robinson*, 835 S.W.2d at 306 (citing *Bagley*, 473 U.S. at 674-77; *Brady*, 373 U.S. at 86-89; Mo. Sup. Ct. R. 25.03(A)(9)).

This duty rests, in part, on the unique role of prosecutors in the criminal justice system. Indeed, this Court has recognized that a prosecutor is “the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done.” *Engel*, 304 S.W.3d at 127-28 (internal quotations omitted); *Banks v. Dretke*, 540 U.S. 668, 696 (2004) (“We have several times underscored the special role played by the American prosecutor in the search for truth in criminal trials.”) (internal quotations omitted); *see also Robinson*, 835 S.W.2d at 306 (citing *Bagley*, 473 U.S. at 675 & n.6).

A *Brady* violation has three components: “The evidence at issue must be favorable to the accused, either because it is exculpatory, or because it is impeaching; that evidence must have been suppressed by the State, either willfully or inadvertently; and prejudice must have ensued.” *Strickler v. Greene*, 527 U.S. 263, 281-82 (1999). Under *Brady*, “[e]vidence qualifies as material when there is any reasonable likelihood it could have

affected the judgment of the jury.” *Wearry v. Cain*, 577 U.S. 385, 392 (2016) (internal quotations omitted). A petitioner “need not show that he ‘more likely than not’ would have been acquitted had the new evidence been admitted.” *Id.* (citing *Smith v. Cain*, 565 U.S. 73, 75 (2012)). Rather, “[h]e must show only that the new evidence is sufficient to ‘undermine confidence’ in the verdict.” *Id.* “The question is not whether the defendant would more likely than not have received a different verdict with the evidence, but whether in its absence he received a fair trial . . . resulting in a verdict worthy of confidence.” *State ex rel. Koster v. Green*, 388 S.W.3d 603, 608 (Mo. banc 2012) (citing *Kyles v. Whitley*, 514 U.S. 419, 434 (1995)).

Like the due process requirements of the *Brady* line of cases, Rule 25.03 requires the prosecution, upon written request of defendant's counsel, to disclose exculpatory evidence to the accused prior to trial. This rule “imposes an affirmative requirement of diligence and good faith on the state to locate records not only in its own possession or control but in the control of other government personnel.” *Merriweather v. State*, 294 S.W.3d 52, 55 (Mo. banc 2009).

Even when the suppressed evidence does not come to light until after the conclusion of a defendant’s trial, the defendant may pursue a state habeas action asserting a *Brady* claim. *Engel*, 304 S.W.3d at 124-25. In *Engel*, the petitioner did not learn of the suppressed evidence until after the conclusion of his federal habeas proceedings and “nearly 26 years after the alleged crimes for which he was convicted.” *Id.* If the defendant can establish that (1) the grounds for relief were not known to him during his

direct appeal or post-conviction proceedings and (2) the suppression of the evidence prejudiced him, then he is entitled to vacatur of his conviction(s). *Id.* at 126.

Here, throughout Collings’s trial, direct appeal, and post-conviction proceedings, the State abdicated its duty to disclose Clark’s four AWOL convictions resulting from his military service. Accordingly, the grounds for relief presented in this petition were unknown to Collings during his direct appeal or post-conviction case. Given the importance of Clark’s testimony to the State’s theory and Collings’s defense, the State’s failure to disclose Clark’s convictions prejudiced Collings.

**1. Clark’s impeachment evidence was favorable to the defense and the prosecution had a duty to disclose it prior to trial.**

A criminal defendant may use the convictions of a state’s witness to impeach that witness. *Merriweather*, 294 S.W.3d at 55-56. Without question, impeachment evidence falls within the *Brady* rule. *Bagley*, 473 U.S. 667, 676 (1985). Accordingly, prosecutors must disclose such impeaching evidence. *Id.*; *Robinson*, 835 S.W.2d at 306.

R.S.Mo. § 491.050 provides that “any prior criminal convictions may be proved to affect [a witness’] credibility in a civil or criminal case and, further, any prior pleas of guilty, pleas of nolo contendere, and findings of guilty may be proved to affect his credibility in a criminal case.” Under this section, a litigant has an absolute right to impeach a witness’ credibility by showing the witness’ prior criminal conviction. *State v. Baker*, 636 S.W.2d 902, 906-07 (Mo. banc 1982). This right includes evidence of a witness’ court-martial convictions. *State v. Himmelmann*, 399 S.W.2d 58, 61-62 (Mo. 1966) (concluding that a court martial is a criminal offense and “evidence of appellant’s

court-martial conviction for murder was properly received for purposes of impeaching defendant under Section 491.050”); *State v. Zinn*, 562 S.W.2d 784, 788 (Mo. Ct. App. 1978) (same); *State v. Mitchell*, 659 S.W.2d 4, 5-6 (Mo. Ct. App. 1983) (“We do not question the validity of courts martial for the purposes of military order and discipline. Further, we find nothing objectionable in the use of courts-martial for the purpose of impeaching a witnesses’ credibility.”).

Military courts have recognized that crimes involving unauthorized absences are particularly relevant to a factfinder’s assessment a witness’ propensity for untruthful testimony. For example, in *United States v. Brenizer*, 20 M.J. 78 (C.M.A. 1985), the court explained:

We recognize that unauthorized absences often reflect irresponsibility and a disregard for duty and authority on the part of the absentee. It is not illogical, therefore, for factfinders to infer that a servicemember who thinks so little of his service commitment as to depart without authority may also take lightly his obligation to testify truthfully, especially when his own neck is on the block.

*Id.* at 81.

Like the undisclosed conviction in *Merriweather*, the four undisclosed convictions in this case were favorable to the defense. The trial court’s decision not to suppress Collings’s statements was based on crediting Clark’s word against all other evidence. However, the trial court did not know that Clark had four previous convictions for being absent without leave during most of his military service. Similarly, although the crux of the State’s case against Collings at trial were the statements Collings made to Clark, the jury did not know about Clark’s four convictions. This information would have been

relevant to the court and the jury's determination of Clark's credibility. *Merriweather*, 294 S.W.3d at 57; *see also Wearry*, 577 U.S. at 392-93 (2016) (finding prejudice due to the suppression of impeaching evidence when the State's case was "built on the jury crediting [the State's witness's] account rather than [the defense account.]").

The undisclosed convictions also may have put Clark's November 5, 1968, investigative arrest for forgery into context, which would have provided even more impeachment information. Ex. 2 at ¶ 9. The undisclosed records show that among Clark's four court-martials for AWOL, one states that "on or about 25 October 1968" Clark absented himself from "Fort Huachuaca, Arizona, and did remain so absent until on or about 8 January 1969." *Id.* The logical inference from this information is that the November 5, 1968, investigative arrest for forgery in Rogers, Arkansas, relates to Clark's use of a false name or identity to avoid his arrest for AWOL. *Id.* If such a falsehood occurred, it would constitute a specific instance of conduct bearing on the Clark's character for truth or veracity. *Id.*; *see also Mitchell v Kardesch*, 313 S.W.3d 667, 670 (Mo banc 2010).

The convictions carried further relevance because they may have prevented Clark from serving as a police officer in the first place. The Missouri Department of Public Safety licenses peace officers, and under its provisions, "[a] person may be eligible for licensing as a peace officer if the individual . . . has no criminal history as outlined in Section 590.080.1 and Section 590.100.1, R.S.Mo." Licensing Information, Missouri Department of Public Safety, <https://dps.mo.gov/dir/programs/post/licensing.php>. R.S.Mo. § 590.100.1 states, "The director shall have cause to deny any application for a

peace officer license or entrance into a basic training course when the director has knowledge that would constitute cause to discipline the applicant if the applicant were licensed.” R.S.Mo. § 590.080.2(2) outlines the circumstances constituting cause for discipline and includes “any criminal offense, whether or not a criminal charge has been filed, has been convicted, or has entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, or the United States, or of any country, regardless of whether or not sentence is imposed[.]”

The Uniform Code of Military Justice, under which Clark was prosecuted, are laws of the United States codified at 10 U.S. 47. Thus, because Clark was convicted four times in a criminal prosecution under the laws of the United States, he may not have been eligible to be a police officer. Given this eligibility limitation, Clark may not have disclosed his convictions when he applied to be a police officer.<sup>1</sup> In any event, the fact that such convictions may render a person ineligible for service as a police officer would have been relevant to Clark’s credibility regarding his police work in this case. Clark’s convictions also would have been relevant to defense’s counsel’s strategy during jury selection. Ex. 2 at ¶ 16; Ex. 3 at ¶ 12.

Clark’s impeachment evidence was favorable to the defense. The State had a duty to disclose it prior to trial.

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<sup>1</sup> Collings remains unaware whether Clark properly disclosed his prior criminal convictions to the Missouri Department of Public Safety or his law enforcement employers because the State has not met its obligations to disclose all *Brady* material, inclusive of Clark’s relevant personnel records. After filing this petition, Collings intends to file a motion for discovery requesting the records pertaining to Chief Clark’s law enforcement application.

## 2. The State suppressed Clark's convictions.

There is no dispute that the State did not provide Clark's convictions prior to trial and did not provide them until after Collings's federal habeas proceedings began. This constitutes a suppression, even if the trial prosecutor did not have personal knowledge of the convictions. As this Court and the United States Supreme Court have recognized, "*Brady* provides that 'the individual prosecutor has a duty to learn of any favorable evidence known to the others acting on the government's behalf in the case, including the police.'" *Engel*, 304 S.W.3d at 127 (quoting *Kyles*, 514 U.S. at 437). Moreover, Rule 25.03 imposes an affirmative duty on the prosecution to seek out and disclose criminal information that is in the control of other governmental entities, not just information that is actually known by the prosecutor. *Merriweather*, 294 S.W.3d at 55.

In *Merriweather*, this Court held that the prosecution's failure to disclose the victim's out-of-state conviction was an issue of "fundamental fairness" violating both Rule 25.03 and the defendant's due process rights. *Merriweather*, 294 S.W.3d at 55. The prosecution in *Merriweather* violated its duty to disclose impeachment information when it failed to obtain criminal conviction information from Illinois, even though it was from out of state. *Merriweather*, 294 S.W.3d at 55-56. Because Missouri officials had access to the Illinois records through the NCIC database, they had a duty to discover and disclose that information to the defense.

The State had the same duty here. Even if the local prosecutor did not know about the four convictions, the Missouri Attorney General's Office—who also prosecuted Collings at trial and who ultimately provided the impeachment information after

Collings's direct appeal and post-conviction proceedings—was either aware of Clark's convictions or at least had access to the impeachment information. However, despite being involved in the prosecution from the outset of the case, the Missouri Attorney General's Office either withheld the impeachment information or violated its duty to obtain it and provide it prior to Collings's trial. Instead, the Missouri Attorney General's Office simply allowed Clark to testify under oath on at least three occasions (pretrial deposition, suppression hearing, and trial) and never disclosed Clark's four convictions.

The prosecution had a duty to disclose Clark's impeaching information regardless of whether Collings asked for it. *Robinson*, 835 S.W.2d at 306; *Bagley*, 473 U.S. at 674-77; *Brady*, 373 U.S. at 86-89; Mo. Sup. Ct. R. 25.03(A)(9)). Here, Collings did ask for it prior to trial, but the State did not disclose it until after the conclusion of Mr. Collings's direct appeal and post-conviction proceedings. Thus, the State suppressed the impeachment information.

### **3. The State's suppression of the impeachment evidence prejudiced Collings.**

The absence of the evidence of Clark's convictions renders Collings's verdict unworthy of confidence. The State's case against Collings was based primarily on Collings's November 9, 2007, statements and Clark's testimony about them. However, because the State did not disclose Clark's convictions, Collings was unable to use Clark's convictions to challenge the reliability of Clark's testimony regarding how he obtained Collings's statements as well as the reliability of the statements themselves. The State's



failure to disclose prevented Collings from using this impeaching information during Clark's deposition, the suppression hearing, and the trial.

Chief Clark's credibility as a law enforcement officer was central to the trial court's consideration of the motion to suppress. Clark took the lead role in engaging with Collings in the days following R.F.'s disappearance. He met with Collings on multiple occasions throughout the week and, importantly, was the first person to meet with Chris on the day officers discovered R.F.'s body. According to the State's case, Collings provided a full confession when he was alone with Clark at the Muncie Bridge, a location that Clark and Collings agreed to.

The State contended that Clark issued a written *Miranda* warning to Collings prior to the interrogation on the Muncie Bridge. At the suppression hearing, the *only* evidence the State offered to support Clark's timing of the *Miranda* warnings was Clark's testimony. All the other available evidence regarding the timing of the *Miranda* warnings contradicted Clark's testimony. Case records reflected the *Miranda* form was signed at 3:00 PM, *after* the initial interrogation at the Muncie Bridge. Supp. Tr. Vol. 4, pp. 657, 666-70. This timing was consistent with the signed *Miranda* form, Clark's Daily Log listing the timing of the warning coming *after* the Muncie Bridge confession, as well as the testimony from the two law enforcement officers who observed Collings sign the form after returning from the Muncie Bridge. Supp. Tr. Vol. 2, pp. 258, 321, 326-27; Supp. Tr. Vol. 6, pp. 1247-48; Ex. 13. Furthermore, the timing was consistent with Chief Clark's call log indicating that he and Collings arrived back at the station following the Muncie Bridge interrogation at approximately 3:00 PM. Supp. Tr. Vol. 4, pp. 667-70.

However, in evaluating whether Clark’s testimony should have been believed instead of the contradicting evidence, the trial court did not know about Clark’s four prior convictions nor that he may not have been eligible to be a police officer in the first place. Had the court had that that information, it would have been logical for the court to infer considering the contradictory evidence that “a servicemember who thinks so little of his service commitment as to depart without authority may also take lightly his obligation to testify truthfully, especially [because] his own neck [was] on the block.” *Brenizer*, 20 M.J. at 81. Had defense counsel successfully suppressed the November 9, 2007, statements, the State would have lacked sufficient evidence to make a submissible case.<sup>2</sup>

At trial, the State again relied heavily on Collings’s statements. The physical evidence collected from Collings’s property was obtained after the statements, and without the statements, this evidence—a random piece of string and ashes from a burn barrel—would have lacked all relevance for admission. The State would have been left with a tenuous hair comparison and partial DNA profile that would not have supported a first-degree murder conviction.

Accordingly, the State used Chief Clark as a storyteller, walking the jury through the week and his various interactions with Collings. Trial Tr. Vol. 13-14, pp. 4510-4805. Most importantly, Clark added details furthering the State’s narrative—some of which he

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<sup>2</sup> Given that Spears admitted to murdering R.F., the State might have agreed to a lesser charge and sentence. *See State of Missouri v. David Wesley Spears*, Pulaski County Circuit Court No. 08PU-CR00681-01 (plea agreement after Collings’s conviction in which Spears pleaded guilty to endangering the welfare of a child and hindering a felony prosecution and received consecutive four- and seven-year sentences).

had not shared in the various times he previously testified under oath.<sup>3</sup> Trial Tr. Vol. 13, pp. 4578-4601. The State even suggested the defense impeach Clark, all the while failing to disclose to the defense the information they needed to do so. Trial Tr. Vol. 13, p. 4588.

As at the suppression hearing, Clark's credibility was at issue. But because the State did not disclose Clark's convictions, the jury was unable to consider them when assessing the reliability of Clark's testimony regarding how Clark obtained Collings's statements and therefore the reliability of the statements themselves.

In *Merriweather*, this Court faced a similar circumstance and explained that where the case "hinged on which witness—[the State's witness] or Merriweather—the jury chose to believe," the prior conviction of the State's witness was important impeachment information relevant to the jury's determination of the witness' credibility. 294 S.W.3d at 57; *see also Wearry*, 577 U.S. at 392-93 (2016) (finding prejudice due to the suppression of impeaching evidence when the State's case was "built on the jury crediting [the State's witness's] account rather than [the defense account.]"). Had the court or the jury been aware of Clark's credibility issues—including that he may not have been eligible to be a police officer in the first place—Clark's testimony would have been cast in an entirely different light more favorable to Collings's defense. *See Banks*, 540 U.S. at 701-702 (finding suppressed impeachment information relevant to the reliability of the jury's

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<sup>3</sup> Clark testified that Collings told him that he burned a foam mattress. Trial Tr. Vol. 13, pp. 4697, 4702. Clark, though, never noted that in his reports nor did he offer that detail in his sworn deposition. *Id.* The physical evidence is inconsistent with Clark's testimony. Ex. 12 (Declaration of Ronald Gronemeyer) at ¶¶ 10-11. Clark also denied Collings signed a *Miranda* form while at the police station following his unrecorded confession at the Muncie Bridge. Trial. Tr. Vol. 13, pp. 4672-4676.

verdict); *Engel*, 304 S.W.3d at 128 (“In determining whether the suppressed impeachment evidence was material, the reviewing court must evaluate not only the ways that the witness *was* impeached, but also the ways that he was *not* impeached that would have been available had the *Brady* claim evidence been disclosed.”) (internal citations and brackets omitted).

The fact that the trial court and the jury were unaware of this important impeachment information when assessing Clark’s credibility and the reliability of Collings’s statements renders its verdict case unworthy of confidence. *Kyles*, 514 U.S. at 434 (the question regarding materiality is whether, in the absence of the suppressed evidence, the defendant “received a fair trial, understood as a trial resulting in a verdict worthy of confidence”); *Wearry*, 577 U.S. at 392-93 (finding in a witness credibility case that the newly revealed evidence undermined confidence in the defendant’s conviction); *Koster*, 388 S.W.3d at 632 (“the undisclosed evidence would have allowed defense counsel to greatly undercut the credibility” of a witness whose testimony involved “a critical issue in the jury’s assessment”); *Engel*, 304 S.W.3d at 128 (nondisclosure of impeachment evidence caused the verdict to be “not worthy of confidence”). The State’s suppression of Clark’s convictions prejudiced Collings and deprived him of his due process right to a fair trial.

**B. The State’s suppression of the impeachment evidence precluded Collings’s knowledge of grounds for relief during his direct appeal or post-conviction proceedings.**

Because the State suppressed the impeachment of evidence of Clark’s convictions until after the conclusion of Collings’s direct appeal and post-conviction proceedings,

Collings did not have knowledge of grounds for relief, and this claim was not presented in the initial-review post-conviction proceedings. It is therefore procedurally defaulted. *Coleman v. Thompson*, 501 U.S. 722, 753-55 (2001). However, Collings’s satisfaction of the cause and prejudice standard excuses any procedural default. Thus, the fact that this claim was not raised earlier does not bar this Court from now adjudicating it on its merits.

A state habeas petitioner asserting a *Brady* claim establishes cause by showing that the grounds for relief were not known to him during his direct appeal or post-conviction case. *Engel*, 304 S.W.3d at 126. Under *Brady*, the prosecution in Collings’s case had a duty to disclose Clark’s impeaching information. However, although Collings asked for this information prior to trial, there is no dispute that the State did not disclose it until after the conclusion of Collings’s direct appeal and post-conviction proceedings.

Due to the State’s failure to disclose, the grounds for relief were not known to Collings during his trial, direct appeal, or post-conviction proceedings. Ex. 2 at ¶ 7; Ex. 3 at ¶ 7; Ex. 4 at ¶ 7. Collings therefore has shown cause for not presenting this claim earlier. *Engel*, 304 S.W.3d at 126 (claims “rest on a collection of new evidence . . . unknown or unavailable when [petitioner] previously sought relief”); *see also Banks*, 540 U.S. at 696 (“A rule . . . declaring ‘prosecutor may hide, defendant must seek’ is not tenable in a system constitutionally bound to accord defendants due process”) (quoting *Bracy v. Gramley*, 520 U.S. 899, 909 (1997)). As in *Engel*, “[j]ustice requires that this Court consider all available evidence uncovered following [Collings’s] trial that may impact his entitlement to habeas relief.” *Engel*, 304 S.W.3d at 126.

Collings also has satisfied the prejudice component of the cause and prejudice standard. In the context of this claim, “prejudice is identical to” that necessary to warrant relief under *Brady*. *Id.* As discussed above, the trial court and the jury were unaware of Clark’s convictions when assessing Clark’s credibility and the reliability of Collings’s statements. This Court likewise was unaware of Clark’s convictions during Collings’s direct appeal and post-conviction appellate proceedings. Given the importance of Clark’s testimony to the State’s case, particularly as the sole evidence contradicting all the other reliable evidence indicating that Collings did not receive a *Miranda* warning prior to the Muncie Bridge interrogation, the failure to disclose Clark’s convictions renders the verdict in this case unworthy of confidence. This Court should adjudicate this claim and grant relief.

**Claim II: Mr. Collings’s death sentence was secured in violation of his right to due process of law because the State, contrary to its obligations under *Brady* and Rule 25.03, failed to disclose four criminal convictions of the police officer who obtained incriminating information from Collings.**

**A. The State violated Collings’s due process rights.**

Even if this Court does not find that the State’s suppression of Clark’s convictions warrants the vacation of Collings’s conviction, the Court nonetheless should grant sentencing relief. “[T]he suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt **or to punishment**, irrespective of the good faith or bad faith of the prosecution.” *Brady*, 373 U.S. at 87 (emphasis added). As in *Brady* itself, the State’s suppression of Clark’s convictions warrants sentencing relief.

**1. Clark's impeachment evidence was favorable to the defense and the prosecution had a duty to disclose it prior to trial.**

As in the culpability phase of the trial, Clark's convictions were favorable to the defense. Studies of capital jurors reveal "residual doubt over the defendant's guilt is the most powerful mitigating fact," so the "best thing a capital defendant can do to improve his chances of receiving a life sentence . . . is to raise doubt about his guilt." Stephen P. Garvey, *Aggravation and Mitigation in Capital Cases: What Do Jurors Think?*, 98 Colum. L. Rev. 1538, 1563 (1998); *see also* Ursula Bentele & William J. Bowers, *How Jurors Decide on Death: Guilt Is Overwhelming; Aggravation Requires Death; and Mitigation Is No Excuse*, 66 Brook. L. Rev. 1011, 1058 (2001) ("lingering doubt about the defendant's guilt . . . is the factor that makes jurors most likely to reject a death sentence). Accordingly, one of trial counsel's principal arguments for a sentence other than death was based on residual doubt. PCR Tr. Vol. 2, p. 390.

Given that Spears's confession, the jury had reason to question the reliability of the police tactics and investigation implicating Collings. Clark's convictions would have helped trial counsel show that doubt existed with respect to the reliability of Collings's statements.

Clark actively pursued questioning of Collings expressly to extract a confession. Supp. Tr. Vol. 3, pp. 586, 604; Supp. Tr. Vol. 4, pp. 662-63. According to Clark, Collings first confessed to the murder when Collings was alone with Clark on the Muncie Bridge. Clark's testimony also was the sole evidence indicating that Chris received *Miranda* warnings before this statement. All the other evidence at trial indicated that Chris did not

receive *Miranda* warnings until after making this statement. Thus, Clark's convictions were relevant to whether his testimony regarding the *Miranda* warnings was reliable.

Moreover, because Clark was convicted four times in a criminal prosecution under the laws of the United States, he should not have been eligible to be a police officer. Given this eligibility issue, he may not have disclosed them on his application to become a police officer, which of course would have been untruthful. In any event, his convictions would have been relevant to Clark's credibility regarding his police work in this case. Clark's convictions also would have been relevant to defense's counsel's strategy during jury selection. Ex. 2 at ¶ 16; Ex. 3 at ¶ 12.

## **2. The State suppressed Clark's convictions.**

As discussed above, there is no dispute that the State did not provide Clark's convictions prior to trial and did not provide them until after Collings's federal habeas proceedings began. This constitutes a suppression, even if the trial prosecutor did not have personal knowledge of the convictions. *Engel*, 304 S.W.3d at 127 (quoting *Kyles*, 514 U.S. at 437); *Merriweather*, 294 S.W.3d at 55.

## **3. The State's suppression of the impeachment evidence prejudiced Collings.**

The absence of the evidence of Clark's convictions renders Collings's sentence unworthy of confidence. As mentioned above, one of counsel's principal reasons for a sentence other than death was residual doubt. "[L]ingering doubt about the defendant's guilt . . . is the factor that makes jurors most likely to reject a death sentence." Bentele, 66



Brook. L. Rev. at 1058. The omitted evidence of Clark’s convictions was an important piece of this argument that the jury were unable to consider.

During the sentencing proceeding, defense counsel presented evidence and argument for a sentence other than death due to the involvement of R.F.’s stepfather, David Spears, in the offense. Counsel presented evidence establishing that Spears was one of the last people to see R.F. alive, that he acted suspiciously the day she disappeared, and that dogs alerted to the scent of human remains in or on the Suburban that he was driving on the night of the offense. Trial Tr. Vol. 10, pp. 3647, 3650, 3652-53, 3695; Vol. 19, pp. 5905, 5913. Counsel also argued it was impossible R.F.’s bloody body was in Mr. Collings’s truck because there was no blood found there. Trial Tr. Vol. 17, pp. 5609-11. Although defense counsel did not present Spears’s confession to raping and killing R.F., counsel did present the statements of law enforcement officers providing evidence of Spears’s involvement to Collings. Trial Tr. Vol. 14, pp. 4847-64; PCR Ex. 29.

Given that Spears—R.F.’s own stepfather—confessed to raping and killing R.F., the jury had reason to question whether the police tactics and investigation implicating Collings were reliable. Ex. 2 at ¶ 17; Trial Tr. Vol. 20, p. 6489. If Spears’s confession admitting that he was the sole person who committed the fatal act was true, then Collings’s confession to being the sole person committing the fatal act could not also have been true. *Perry v. Rushen*, 713 F.2d 1447, 1452 (9th Cir. 1983) (concluding that “third party confessions, if believed, would *necessarily* exonerate the defendant of the primary offense.”); *see also Chambers v. Mississippi*, 410 U.S. 284, 302 (1973) (finding

that a third-party confession was “critical evidence” on the question of reasonable doubt). Even if Spears’s confession was “not completely accepted by the jury, evidence of a third-party confession casts a dark cloud of reasonable doubt over the guilt of the defendant.” *Farmer v. Ratelle*, 131 F.3d 146, \*2 (9th Cir. 1997).

In *Merriweather*, this Court explained that where the case “hinged on which witness—[the State’s witness] or Merriweather—the jury chose to believe,” the prior conviction of the State’s witness was important impeachment information relevant to the jury’s determination of the witness’ credibility. 294 S.W.3d at 57; *see also Wearry*, 577 U.S. at 392-93. Had the jury been aware of Clark’s credibility issues—including that he may not have been eligible to be a police officer in the first place—the jury would have assessed in an entirely different light the reliability of police tactics and investigation implicating Collings as well as Collings’s statements themselves. *See Banks*, 540 U.S. at 701-702; *Engel*, 304 S.W.3d at 128.

Especially given Spears’s confession, Clark’s convictions undoubtedly were relevant to the jury’s assessment of residual doubt and the reliability of Collings’s statements. The fact that the jury was unaware of Clark’s convictions renders its sentence in this case unworthy of confidence. *Kyles*, 514 U.S. at 434; *Wearry*, 577 U.S. at 392-93; *Koster*, 388 S.W.3d at 632; *Engel*, 304 S.W.3d at 128. The State’s suppression of Clark’s convictions prejudiced Collings and deprived him of his due process right to a fair sentencing trial.

**B. The State’s suppression of the impeachment evidence precluded Collings’s knowledge of grounds for relief during his direct appeal or post-conviction proceedings.**

Due to the State's failure to disclose, the grounds for relief were not known to Collings during his trial, direct appeal, or post-conviction proceedings. Ex. 2 at ¶ 7; Ex. 3 at ¶ 7; Ex. 4 at ¶ 7. Collings has shown cause for not presenting this claim earlier. *Engel*, 304 S.W.3d at 126; *see also Banks*, 540 U.S. at 696. Justice requires that this Court consider all available evidence uncovered following Collings's trial relevant to his claim for habeas relief. *Engel*, 304 S.W.3d at 126.

As discussed above, the jury assessing residual doubt was unaware of Clark's convictions when evaluating his credibility and the reliability of Collings's statements. Especially given Spears's confession to being the sole person who committed the fatal act, the omission of Clark's convictions from the jury's consideration renders the sentence in this case unworthy of confidence. This Court should adjudicate this claim and grant relief.

### CONCLUSION

WHEREFORE, for all the foregoing reasons, Petitioner Christopher Collings respectfully requests that this Court, after examining the evidence and the applicable law, issue a writ of habeas corpus vacating his conviction and death sentence and granting him a new trial or sentencing hearing. In the alternative, Petitioner requests that the Court appoint a Special Master to take evidence of the claim raised here and grant such other and further relief as the Court deems fair, just, and equitable under the circumstances. Petitioner further requests that this Court deny the State's motion to set the execution date

in *State v. Collings*, No. SC92720, so that these *Brady* claims can be fully and properly adjudicated.

Respectfully submitted,

/s/ Daniel E. Kirsch

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### **CERTIFICATE OF SERVICE**

I hereby certify that on this 27th day of June 2024, the foregoing was filed via the Case.net system and was sent via email to Michael.Spillane[at]ago.mo.gov.

/s/ Daniel E. Kirsch

Counsel for Petitioner

### Affidavit of Charles Moreland

I, Charles Moreland, after being duly sworn, declare under penalty of perjury the following to be true and correct to the best of my knowledge and belief:

1. I am over the age of 18, am of sound mind, and am competent to testify regarding all the matters below.
2. I am an attorney with the Missouri State Public Defender's System("MSPD"). I started with the Central Capital Trial Office in Columbia, Missouri in 1993 and I remain in that unit to this day.
3. I represented Christopher Collings on his first-degree capital murder charge. My co-counsel on the case was Janice Zembles, the then-lead attorney in the Central Capital office.
4. In this case, Chris was charged along with his then-friend, David Spears, with the murder of Rowan Ford, Spears's stepdaughter. David Spears confessed to the murder, and the physical evidence from the crime scene was consistent with Spears's confession.
5. The principal evidence against Chris were his statements made to Wheaton Chief of Police Clinton Clark. According to Clark, Chris first confessed to Rowan's murder after Clark drove Chris to the Muncie Bridge outside of Wheaton, Missouri. Clark testified that they agreed on the location, and Clark and Chris were alone at the bridge. Clark testified he had Chris sign a *Miranda* waiver prior to driving to the bridge. However, Clark's report and the *Miranda* waiver undermined Clark's account; both indicated that the time the *Miranda* waiver was signed was after Clark and Chris returned

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EXHIBIT 2
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from the bridge. In addition, other officers testified to observing Chris signing the *Miranda* waiver after returning from the bridge with Clark.

6. Clark attempted to obtain additional statements from Chris after Chris had been arrested and arraigned on the murder charge. Clark went to see Chris at the local jail. Their encounter was recorded, and Clark repeatedly asked Chris about the murder and attempted to get a statement from Chris. Chris repeatedly invoked his right to counsel, but Clark persisted in his attempts and continued to try to persuade Chris to speak with him about the murder. The Missouri Supreme Court concluded that Clark's behavior was an "egregious and blatant violation of Collings' constitutional rights[.]" *State v. Collings*, 450 S.W.3d 741, 758 (Mo. banc 2014).

7. I have recently reviewed military records listing multiple guilty pleas and convictions of Chief Clark. My understanding is that the Missouri Attorney General's office disclosed these convictions and other information to Chris's federal habeas counsel. These records were not disclosed to me (or my co-counsel) during Chris's pre-trial or trial stages.

8. The recently disclosed records show that Chief Clark had four AWOL convictions and that he had pleaded guilty to each charge. He was sentenced to confinement in military prison. It appears that his conduct resulted in him losing 726 days of service. His discharge was other than honorable.

9. After seeing these records of Clark's convictions, I went back and reviewed my case file. Several discovery requests were made on Chris's behalf. I believe the first one was filed by predecessor counsel on January 22, 2008. It specifically requested any


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record or prior criminal convictions or persons the State intended to call as witnesses at a hearing or the trial. We did not receive Clark's convictions prior to Clark's deposition. Nor did we receive his convictions prior to the suppression hearing. We would have used these convictions in both settings to inquire about the details of his convictions and to impeach his credibility.

10. Instead, the only disclosure we received regarding Chief Clark stated as follows: "Chief Clint Clark, Wheaton Police Department, had one reported incident of being arrested in Barry County on January 6, 1968 for Desertion from the U.S. Army with the charge amended to AWOL and an investigative arrest in Rogers, Arkansas on November 5, 1968 for investigation of forgery with no disposition shown on either charge." We received this on April 1, 2011, and jury selection was set to begin on April 7, 2011.

11. The April 1 letter also included a seismic shift in the State's position regarding a video of a statement of Collings that included officers mentioning David Spears's confession. Previously, the State had argued that the jury could not hear Spear's confession and obtained a ruling permitting them to redact them from the video. Accordingly, we planned our defense based on the understanding that Spears's statements would not come in. But in the April 1, 2011 letter, the State reversed its position and said that if it played the redacted portion of the video, we could play the remainder of the video including Spears's statements. As a result of this change in the State's position, we asked for continuance, and the court granted that motion.

  
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Page 3 of 6



12. Despite this continuance, the State never disclosed Clark's convictions. Under *Brady* and Rule 25.03, the State was obligated to do so.

13. My general understanding was that prior convictions disqualified someone from being a police officer. As a result, I would not ask law enforcement officers about prior convictions in depositions or during their testimony. Had I known of Clark's convictions, I would have investigated whether his convictions should have disqualified him. I would have been curious to know whether he disclosed them on his application and would have wanted to see his personnel or other employment records. If he was untruthful there, I would have sought to use that untruthfulness to impeach his testimony in Chris's case.

14. My review of Clark's military records puts into context Clark's disclosed "... investigative arrest in Rogers, Arkansas on November 5, 1968, for investigation of forgery ...." The military records document that, among Clark's four (4) court-martials for AWOL, one states that "on or about 25 October 1968" Clark absented himself from "Fort Huachuaca, Arizona, and did remain so absent until on or about 8 January 1969." THE logical inference is that the November 5, 1968, investigative arrest for forgery in Rogers, Arkansas was because Clark used a false name or identity in order to avoid his arrest for AWOL. Such a falsehood is a specific instance of conduct that bears on the witness' character for truth or veracity. *Mitchell v Kardesch*, 313 SW3d 667, 670 (Mo banc 2010).

15. I also would have wanted to re-open Clark's deposition to explore his criminal history on the record before trial. Likewise, I would have sought to re-open the

  
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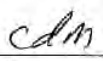
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suppression hearing where Clark's credibility was directly at issue. Clark's testimony provided the only evidence suggesting that Chris received a *Miranda* warning before his alleged confession at the Muncie Bridge. Clark's convictions would have been very important information for the court to consider in evaluating his credibility. The State's failure to disclose denied us the opportunity to take these steps.

16. Clark's convictions would have been very important information for jury to consider when evaluating the reliability of Chris's statements. Thus, I would have incorporated Clark's convictions in my jury selection. I believe that Clark's service record would have been particularly relevant to other veterans or other people connected to the law enforcement community. In any event, at trial, I would have used Clark's convictions to impeach his testimony.

17. I believe that Clark's convictions would have been particularly relevant at sentencing. Residual doubt was one of our main arguments for a sentence other than death. The jury heard, through the video of Collings's statement, that Spears confessed to raping and killing Rowan. He was one of the last people to see Rowan alive. He acted suspiciously the day she disappeared, including initially lying to police about her whereabouts. Dogs alerted to the scent of human remains in the Suburban he was driving that night. If Spears's confession was true, as the other evidence indicated, then Collings's confession could not also have been true. Clark's convictions would have given the jury even more reasons to question Clark's tactics and whether the statements implicating Chris were reliable. But because we did not have Clark's convictions, we could not use them to support our residual doubt argument.

  
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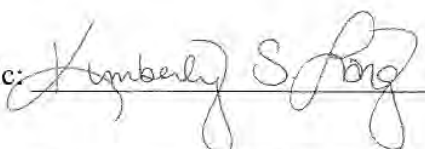
I hereby certify that the facts set forth above are true and correct to the best of my personal knowledge, information, and belief, subject to the penalty of perjury. This 24<sup>th</sup> day of June 2024.

  
Charles Moreland

State of Missouri                    )  
  )  
  )  
  )  
County of Boone                    )

SS:

On this 24<sup>th</sup> day of June 2024, before me, the undersigned notary, personally appeared Charles Moreland, known to me to be the person who signed the proceeding document in my presence and swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.

Notary Public: 

My Commission Expires: 8/31/2024

Commission #: 12410428



KIMBERLY S. LONG  
My Commission Expires  
August 31, 2024  
Boone County  
Commission #12410428

cdm  
CM

### Affidavit of Janice Zembles

I, Janice Zembles, after being duly sworn, declare under penalty of perjury the following to be true and correct to the best of my knowledge and belief:

1. I am over the age of 18, am of sound mind, and am competent to testify regarding all the matters below.
2. I was an attorney with the Missouri State Public Defender's System("MSPD") beginning in 1989 and continuing until my retirement in 2013. I served as the District Defender for the Central Capital Trial Office in Columbia, Missouri from 2000 until my retirement in 2013.
3. I represented Christopher Collings on his first-degree capital murder charge. My co-counsel on the case was Charles Moreland, another attorney in the Central Capital office. Our mitigation investigator on the case was Beth Holzkecht. Chris's case came to our office on a transfer from the Kansas City Capital Office. Our team had to withdraw from another capital case because of a perceived conflict-of-interest so our client was transferred to the Kansas City trial office and Chris's case was transferred to us.
4. In this case, Chris was charged along with his then-friend, David Spears with the murder of Rowan Ford, Spears's stepdaughter. David Spears confessed to the murder of Rowan Ford and the physical evidence from the crime scene was consistent with Spears's confession.

  
JZ

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**EXHIBIT**  
**3**



5. The principal evidence against Chris were his statements made to Wheaton Chief of Police Clinton Clark. According to Clark, Chris first confessed to Rowan's murder when Chris was driven to the Muncie Bridge outside of Wheaton by Chief Clark. Clark and Chris were alone at the bridge, a location they both agreed to according to his trial testimony. Clark testified he had Chris sign a *Miranda* waiver prior to driving to the bridge. However, the *Miranda* waiver noted a time after the bridge interrogation undermining Clark's account. In addition, another officer testified he observed Chris sign the *Miranda* waiver after Chris returned from the bridge with Clark.

6. Clark attempted to obtain an additional statement from Chris after Chris had been arrested and arraigned on the murder charge. Clark went to see Chris at the local jail where their encounter was video- and audio-recorded. Clark repeatedly asked Chris about the murder and attempted to persuade Chris to speak with him about the murder. Chris repeatedly invoked his right to counsel, but Clark persisted in his attempts.

7. I have recently reviewed records listing multiple guilty pleas and convictions of Chief Clark. The State did not provide these records at trial nor any other notice that Clark had prior convictions. My understanding is that the Missouri Attorney General's office disclosed these convictions and the underlying paperwork to Chris's federal habeas counsel. But these records were not disclosed to me (or my co-counsel) during Chris's pre-trial or trial stages.

8. The recently disclosed records show that Chief Clark had four AWOL convictions. He pleaded guilty to each charge, and at least for one conviction, he was

  
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Page 2 of 5

sentenced to confinement in the post stockade. According to the records, he lost 726 days of his military service. His discharge was other than honorable.

9. I was extremely surprised to see these records of Chief Clark's criminal history. I always thought that a police officer would not have any prior criminal convictions because such convictions would have made the person ineligible to be a police officer. Had I known of Clark's convictions, I would have wanted to investigate whether Clark's convictions affected his eligibility to be a police officer and review Clark's law enforcement application records to see whether he disclosed them when he applied to be a police officer.

10. In addition, if the State had provided these records to me when they provided discovery about Clark, (which was after Clark's deposition and the suppression hearing), I would have asked the trial court to re-open Clark's deposition so that I could explore his criminal history on the record prior to trial. I would have made a request for his personnel records, and I would have sought to re-open the suppression hearing where Clark's credibility was directly at issue. Clark's testimony at the suppression hearing was the only evidence indicating that Collings received a *Miranda* warning before his confession. All the other evidence indicated he did not receive this warning until after Clark took him to the Muncie Bridge. We were denied the opportunity to do this because we were not provided with the records of his convictions.

11. Clark's convictions would have been very important to the reliability of Chris's confession. Clark was the State's principal witness against Chris, and the State's

  
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Page 3 of 5

case relied primarily on the statements Clark obtained. Clark's attempts to obtain additional incriminating information from Chris were later found to be an "egregious and blatant violation of Collings' constitutional rights[.]" *State v. Collings*, 450 S.W.3d 741, 758 (Mo. banc 2014). Without question, Clark's convictions would have been relevant to the jury's assessment of the reliability of Chris's statements.

12. I also would have incorporated Clark's convictions when considering the types of jurors we would be interested in having on the jury. Clark's service record would have been relevant to other veterans and members of the law enforcement community,

  
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Page 4 of 5

I hereby certify that the facts set forth above are true and correct to the best of my personal knowledge, information, and belief, subject to the penalty of perjury. This \_\_\_\_ day of June 2024.

Janice Zembles  
Janice Zembles

State of Missouri )  
)  
) SS:  
)  
County of Boone )

On this 25<sup>th</sup> day of June 2024, before me, the undersigned notary, personally appeared Janice Zembles, known to me to be the person who signed the proceeding document in my presence and swore or affirmed to me that the contents of the document are truthful and accurate to the best of her knowledge and belief.

Notary Public: Kimberly S. Long

My Commission Expires: 8/31/2024

Commission #: 12410428



KIMBERLY S. LONG  
My Commission Expires  
August 31, 2024  
Boone County  
Commission #12410428

JZ  
JZ



**Affidavit of Valerie Leftwich**

I, Valerie Leftwich, after being duly sworn, declare under penalty of perjury the following to be true and correct to the best of my knowledge and belief:

1. I am over the age of 18, am of sound mind, and am competent to testify regarding all the matters below.
2. I am an attorney with the Missouri State Public Defender System (MSPD).
3. I have been with the MSPD in the capital post-conviction unit since 2006. Prior to that, I worked in the MSPD Capital Trial Division from 1995-2000. From 2000-2004, I was in private practice representing criminal defendants in state and federal court, and from 2004-2006, I worked in the MSPD trial office in Boone County.
4. As an attorney in the MSPD capital post-conviction unit, I am responsible for investigating and preparing state post-conviction petitions on behalf of my clients. One of my clients was Christopher Collings. Pete Carter was my co-counsel in Chris's case. Mr. Carter passed away in September 2023.
5. In this case, Chris's co-defendant, David Spears, confessed to the murder of Rowan Ford. The physical evidence was consistent with Spears's statement.
6. The principal evidence against Chris were his statements made to Wheaton Chief of Police Clinton Clark. According to Clark, Chris first confessed to Rowan's murder when Chris was alone with Clark on the Muncie Bridge. Clark

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<b>EXHIBIT</b> <b>4</b>
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testified at trial that Clark chose this spot. Clark's testimony also was the sole evidence indicating that Chris received *Miranda* warnings before this statement. All the other evidence at trial indicated that Chris did not receive *Miranda* warnings until after making this statement.

7. I have recently reviewed records listing multiple guilty pleas and convictions of Chief Clark. I had never previously seen these records. My understanding is that the Missouri Attorney General's office disclosed these convictions to Chris's legal counsel during Chris's federal habeas corpus proceedings and after my representation of Chris (and the post-conviction appellate process) had ended. These records were not disclosed to me (or my co-counsel) during Chris's state post-conviction proceedings.

8. I do not believe records of Clark's convictions were disclosed to trial counsel either. I have not seen anything in the case records showing that the prosecution made such a disclosure at any time during the trial court proceedings.

9. The recently disclosed records show that Chief Clark had four AWOL convictions. He pleaded guilty to each charge. At least for his last conviction, he was ordered to be confined in the post stockade. The records show that he lost 726 days of his military service. He received a discharge that was other than honorable.

9. I was surprised to see that Chief Clark had this criminal history. My expectation throughout my practice has been that a police officers would not have prior criminal convictions because such convictions would have precluded the person from becoming a police officer in the first place. Had I known of Clark's

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convictions, I would have wanted to investigate whether Clark's convictions disqualified him from servicing as a police officer and whether he disclosed these convictions on his application to be a police officer.

9. Clark's convictions would have been very important to the post-conviction claims I raised regarding the reliability of Chris's confession. Clark was the State's principal witness against Chris, and Clark's testimony provided the only evidence that Collings received a *Miranda* warning before his confession. Clark engaged in other conduct prior to trial that the Missouri Supreme Court concluded amounted to an "egregious and blatant violation of Collings' constitutional rights[.]" *State v. Collings*, 450 S.W.3d 741, 758 (Mo. banc 2014). Clark's convictions certainly would have been relevant to the trial court and the jury's assessments Clark's credibility and the reliability of Chris's statements.

10. Furthermore, had the State of Missouri disclosed Clark's convictions, I would have raised any due process claims under *Brady v. Maryland*, 373 U.S. 83 (1983), stemming from the State's failure to disclose the convictions to Chris's trial counsel. I also would have raised any claims or arguments I developed related to the relationship of Clark's convictions and his service as a police officer. Due to the State's failure to disclose the convictions during Chris's post-conviction proceedings, I was unable to raise these claims.

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I hereby certify that the facts set forth above are true and correct to the best of my personal knowledge, information, and belief, subject to the penalty of perjury. This 21<sup>st</sup> day of June 2024.

Valerie S. Leftwich  
Valerie Leftwich

State of Missouri                    )  
  )  
  )     SS:  
  )  
County of Boone                    )

On this 21<sup>st</sup> day of June 2024, before me, the undersigned notary, personally appeared Valerie Leftwich, known to me to be the person who signed the proceeding document in my presence and swore or affirmed to me that the contents of the document are truthful and accurate to the best of her knowledge and belief.

Notary Public: Kimberly S. Long

My Commission Expires: 8/31/2024

Commission #: 12410428



KIMBERLY S. LONG  
My Commission Expires  
August 31, 2024  
Boone County  
Commission #12410428



1 IN THE CIRCUIT COURT OF MISSOURI  
2 25TH JUDICIAL CIRCUIT, DIVISION 1  
3 Honorable Tracy L. Storie, Judge  
4  
5 STATE OF MISSOURI, )  
6 Plaintiff, )  
7 vs. ) Case No. 08PU-CR00681-01  
8 DAVID WESLEY SPEARS, )  
9 Defendant.)  
10  
11 TRANSCRIPT OF TESTIMONY  
12 SCOTT STANLEY  
13 On April 15, 2010, the above cause came on for  
14 hearing before the Honorable Tracy L. Storie, Circuit  
15 Judge, Division 1, of the Pulaski County Circuit Court at  
16 Waynesville, Missouri.  
17  
18 APPEARANCES  
19 The State of Missouri was represented by Elizabeth  
20 Bock, Assistant Attorney General, and Johnny Cox,  
21 Prosecuting Attorney, Barry County, Missouri.  
22 The Defendant was present in person and represented  
23 by Cynthia Dryden and Sharon Turlington, Assistant Public  
24 Defenders.  
25  
26 Dana Braby, C.C.R. #834  
27 25th Judicial Circuit of Missouri

1

1 PROCEEDINGS  
2 THE COURT: Are you ready to proceed?  
3 MR. COX: Yes, your Honor.  
4 THE COURT: You may.  
5 Ms. Bock, Ms. Turlington, are you ready to  
6 proceed? Do you need a few minutes?  
7 MS. TURLINGTON: We are ready to proceed. We'll  
8 deal with this later.  
9 (WITNESS SWORN.)  
10 THE COURT: Please be seated.  
11 MR. COX: Thank you, Judge.  
12 DIRECT EXAMINATION  
13 BY MR. COX:  
14 Q. Could you please state your name and occupation  
15 for the Court?  
16 A. Scott Stanley, deputy sheriff.  
17 Q. And where are you a deputy sheriff at?  
18 A. Newton County, Missouri.  
19 Q. And were you so employed on November 3<sup>rd</sup> of  
20 2007?  
21 A. Yes, I was.  
22 Q. And as a deputy sheriff, were you assigned to  
23 road duty?  
24 A. Yes.  
25 Q. Or road patrol?

2

1 A. Yes.  
2 Q. Do you recall being dispatched to a residence at  
3 [REDACTED] in Stella, Missouri?  
4 A. I believe that's the correct address, yes.  
5 Q. And is Stella in Newton County?  
6 A. Yes.  
7 Q. And before going out there, had you been given  
8 some information by Newton County central dispatch about a  
9 child that had been reported missing?  
10 A. Yes. I was given a call to contact David Spears  
11 in reference to his nine-year-old daughter missing.  
12 Q. And had you been — had you been given some  
13 background information as to what central dispatch knew at  
14 that point?  
15 A. Just that a nine-year-old was missing.  
16 Q. Okay. Um, did you go out to that address, then?  
17 A. At first I called him on the phone and talked to  
18 him by phone, and then I drove to his residence.  
19 Q. And the person that answered the phone, did he  
20 identify himself as David Spears?  
21 A. I don't recall.  
22 Q. But —  
23 A. I believe it was him that answered the phone.  
24 Q. It was a man or male voice?  
25 A. Right.

3

1 Q. And during your phone conversation, what did —  
2 what did the person you talked to tell you?  
3 A. He stated that his daughter, [REDACTED], was  
4 missing, that he believed that she had woken him up that  
5 morning and said something about going to a friend's house  
6 and that they had looked for her and couldn't find her.  
7 Q. And did he say what his wife's name was?  
8 A. I believe he said it was Colleen.  
9 Q. And did he state that they conducted a search on  
10 their own up to that point?  
11 A. Yes.  
12 Q. When you — when you got to the residence at  
13 777 Grove Street, who did you first speak with?  
14 A. David Spears.  
15 Q. And is the gentleman you spoke with that  
16 identified himself as David Spears, is he in the courtroom  
17 today?  
18 A. Yes, he is.  
19 Q. Can you point him out, please?  
20 A. The gentleman wearing the white shirt.  
21 Q. Seated at counsel table?  
22 A. Yes.  
23 MR. COX: Judge, I'd ask that you show that he'd  
24 identify the Defendant.  
25 THE COURT: Let the record so show.

4

EXHIBIT  
5

1 MR. COX: Thank you, Judge.  
 2 BY MR. COX:  
 3 Q. Now, were there any other Newton County deputies  
 4 that arrived or responded to the house?  
 5 A. Later on I requested my supervisor, Corporal  
 6 Black to respond.  
 7 Q. And did you speak with David Spears before  
 8 Corporal Black responded?  
 9 A. Yes.  
 10 Q. And what did he tell you in person about it?  
 11 A. That he believed that [REDACTED] had woke him up  
 12 in the morning saying that she was going to go to a  
 13 friend's house. He said that he was a heavy sleeper and  
 14 that he couldn't really recall whether that is what  
 15 happened or if he had dreamed it.  
 16 Then whenever his wife, Colleen, came home,  
 17 noticed that [REDACTED] was not in her room. They then began  
 18 calling friends and searching the area trying to find  
 19 [REDACTED]  
 20 Q. And this was before Corporal Black arrived?  
 21 A. Yes.  
 22 Q. Now — and you spoke with Colleen Spears on the  
 23 scene as well?  
 24 A. Yes.  
 25 Q. Now, did Corporal Black speak with David Spears?

5

1 A. Later on he did, yes.  
 2 Q. Now, did you and Corporal Black have a  
 3 conversation about each of your individual conversations  
 4 with David Spears?  
 5 A. I told Corporal Black what David Spears and  
 6 Colleen had told me.  
 7 Q. And was a decision made to contact someone  
 8 higher up in the chain of command at Newton County?  
 9 A. Yes.  
 10 Q. Who was contacted?  
 11 A. It would either be Chris Jennings, chief deputy,  
 12 or our lieutenant. I can't recall, but I believe it was  
 13 Chris Jennings.  
 14 Q. And after Chris Jennings was contacted, were  
 15 you all asked to take any action from that point?  
 16 A. I was asked to see if David Spears would go to  
 17 the sheriff's department with me to be further  
 18 interviewed.  
 19 Q. And how did you go about asking him?  
 20 A. I believe I asked if he would be willing to come  
 21 down to the sheriff's department so an investigator could  
 22 talk to him so we could find [REDACTED]  
 23 Q. And did you — did he agree to come along with  
 24 you?  
 25 A. Yes.

6

1 Q. And did you have to — did you make any threats  
 2 towards him if he didn't come along with you?  
 3 A. No.  
 4 Q. Did you place him in cuffs when he came along  
 5 with you?  
 6 A. No, he wasn't under arrest.  
 7 Q. Was he in your patrol car?  
 8 A. Yes.  
 9 Q. Where did he ride at in your car?  
 10 A. In the front seat.  
 11 Q. Do you recall how — was Colleen asked to come  
 12 to the sheriff's department?  
 13 A. Not that evening, she was not, no.  
 14 Q. Do you know if she came to the sheriff's  
 15 department that evening?  
 16 A. I don't know if it was that evening or the  
 17 following morning, but she did come down to the sheriff's  
 18 department.  
 19 Q. Now, when you got to the sheriff's department  
 20 with Mr. Spears, did you ask that he fill out a statement?  
 21 A. Yes, I asked if he wanted to fill out a  
 22 voluntary written statement, and he did.  
 23 MR. COX: Could I see State's Exhibit No. 1,  
 24 Judge?  
 25 Thank you.

7

1 BY MR. COX:  
 2 Q. I'm going to show you what's been previously  
 3 admitted as State's Exhibit No. 1. Can you identify that  
 4 document?  
 5 A. It's a voluntary statement written by David  
 6 Spears.  
 7 Q. And you were at the sheriff's department when  
 8 you asked him — let me ask you this: Is that the  
 9 statement that you had him fill out?  
 10 A. Yes.  
 11 Q. Yes. And you were at the sheriff's department  
 12 when you asked him to fill that out?  
 13 A. Yes.  
 14 Q. What's the time on that?  
 15 A. 8:50 p.m.  
 16 Q. If that was at 8:50 p.m., how much time had  
 17 passed from him filling it out to when you first made  
 18 contact at his house?  
 19 A. I would have to see when I was actually  
 20 dispatched to that call.  
 21 Q. Okay. You don't recall —  
 22 A. It was maybe around five something in the  
 23 evening.  
 24 Q. The dispatch record would be more accurate than  
 25 your memory?

8

1 A. Right.  
2 Q. Now, when you asked him to fill that out, did  
3 he, um -- did he seem to have any trouble understanding  
4 what you were asking him to do?  
5 A. No.  
6 Q. Did you -- where in the station did he fill that  
7 out at?  
8 A. This is at my desk.  
9 Q. And, um, before he filled it out, what were  
10 you -- what was he doing?  
11 A. Before he filled it out?  
12 Q. Yes.  
13 A. I just had him -- he was sitting at the chair  
14 next to my desk.  
15 Q. And after he filled it out, what did you have  
16 him do?  
17 A. Then took him into the interview room so that  
18 the investigators could talk to him.  
19 Q. Now, the -- State's Exhibit I, the top portion,  
20 do you know who filled that out?  
21 A. David Spears did.  
22 Q. And did you watch him to see if he had read the  
23 acknowledgment that's at the -- that's at the top of the  
24 page?  
25 A. Whenever I have someone do a voluntary

9

1 statement, I tell them to fill in the top part, leave the,  
2 I'm giving this statement to blank, and then to read the  
3 next sentence and then just start writing.  
4 Q. And the next sentences are the, I do hereby  
5 knowingly, intelligently and voluntarily make this  
6 statement?  
7 A. Yes.  
8 Q. And that's how it starts?  
9 A. Yes.  
10 Q. Now, did he provide some more information in the  
11 written statement in State's Exhibit I than he had told  
12 you out at the scene?  
13 A. The only thing that he added on the written  
14 statement would be the friends that were at his residence,  
15 Chris Collings and Nathan Mahuria.  
16 Q. He added some of the events of the night before?  
17 A. Yes.  
18 MR. COX: Pass the witness.  
19 THE COURT: Cross-examine?  
20 MS. DRYDEN: Thank you, your Honor.  
21 CROSS-EXAMINATION  
22 Q. Is it Officer Stanley?  
23 A. Deputy.  
24 Q. Deputy Stanley. Did you Mirandize David Spears  
25 at any time on November 3<sup>rd</sup>?

10

1 A. No, he was not under arrest.  
2 Q. And when you were transp-- you transported David  
3 Spears to the Newton County Sheriff's Department?  
4 A. Correct.  
5 Q. And where did he sit in the car?  
6 A. In the front seat.  
7 Q. And when you got there, didn't you take him  
8 straight into the interview where you had him -- interview  
9 room where you had him sit down?  
10 A. At first I had him fill out the voluntary  
11 statement at my desk and then took him to the interview  
12 room.  
13 Q. Okay. Um, do you remember giving a deposition  
14 back in -- let me look at the date -- June of this past  
15 year, 2009?  
16 A. Yes.  
17 Q. And I think I was present, along with  
18 Ms. Turlington?  
19 A. Yes.  
20 Q. The court reporter was there?  
21 A. Yes.  
22 Q. And the Prosecutors were there, and I think we  
23 were at the Barry County Justice Center?  
24 A. Correct.  
25 Q. You probably remember we've done it -- had depos

11

1 all over the State, but Barry County Justice Center?  
2 A. Yes.  
3 Q. And you were placed under oath at that time?  
4 A. Correct.  
5 Q. Do you remember me asking you the question, what  
6 happens when you arrive at the Newton County Sheriff's  
7 Department and you telling us that you took him into the  
8 interview room? Do you remember saying that?  
9 A. It was in the deposition, yes.  
10 Q. Okay. Um, but there's actually one step before  
11 that, is what you are saying here today. You actually  
12 took him to your desk first, had him sit down and do the  
13 voluntary statement?  
14 A. He went to the interview room and I took him to  
15 my desk and had him fill out the statement, or I had him  
16 go to my desk, fill out the statement and then the  
17 interview room, but I believe it was to my desk first.  
18 Q. Okay. And so it was a misstatement at the time  
19 and you actually took him to the desk first, is it what  
20 you remember and then interview room?  
21 A. Right.  
22 Q. And someone else was taking over at that point  
23 in time?  
24 A. Yes.  
25 Q. And do you remember who that was?

12



1 A. No, I don't.  
2 Q. And when that person took over, what did you go  
3 and do?  
4 A. I had a call I had to go respond to.  
5 Q. So you went back on the job?  
6 A. Correct.  
7 Q. When you were transporting David Spears to the  
8 Newton County Sheriff's Department on November 3<sup>rd</sup>, he  
9 was physically shaking at the time?  
10 A. Yes.  
11 Q. You thought he seemed upset or nervous?  
12 A. Yes.  
13 Q. His voice was trembling?  
14 A. Yes.  
15 Q. And David — Mr. Spears kept repeating that his  
16 wife was going to be mad or upset at him?  
17 A. Yes.  
18 MS. DRYDEN: Just a moment, your Honor.  
19 BY MS. DRYDEN:  
20 Q. And do you remember Mr. Spears telling you, um,  
21 at the house on [REDACTED] before you took him to the  
22 police station, that he had left [REDACTED] home alone?  
23 A. No, I do not remember that.  
24 Q. That he'd gone out with a friend to deliver him  
25 gas. You don't remember that?

13

1 A. No.  
2 MS. DRYDEN: I don't have anything further, your  
3 Honor.  
4 THE COURT: Redirect?  
5 MR. COX: No, your Honor.  
6 THE COURT: You may step down, Deputy.  
7 Does either of you intend to recall him?  
8 MS. DRYDEN: No.  
9 MR. COX: No, he's —  
10 THE COURT: You are free to leave.  
11 (THE TESTIMONY OF SCOTT STANLEY CONCLUDED.)  
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6 **REPORTER'S CERTIFICATE**  
7 I, Dana Braby, Certified Court Reporter, certify that  
8 I am the official court reporter for Division 1 of the  
9 25th Judicial Circuit of Missouri, Wayneville, Missouri;  
10 that I was present and reported all of the proceedings in  
11 STATE OF MISSOURI, Plaintiff, vs. DAVID WESLEY SPEARS,  
12 Defendant, Case No. 08PU-CR00681-01. I further certify  
13 that the foregoing pages contain a true and accurate  
14 transcription of the proceedings.  
15  
16 DANA BRABY, C.C.R. #834  
17  
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25

15

# NEWTON COUNTY MISSOURI SHERIFF'S DEPARTMENT

208 WEST COLER  
NEOSHO, MO 64850

Page

1

## Incident Supplement

Case No.

07002621

Supp No.

07002621-016

Supp Reported

11/07/2007 00:00:00

Wednesday

Inc Date Range

11/02/2007 20:30:00 To 11/03/2007 09:00:00

Inc Primary Violation

43.400 - Missing Persons

Inc Location

██████████ STELLA, MO 64867

COPY

Title: Supplement

Victim: ██████████

Phone message left on Nathan Mahurin's cell phone, Saturday, 11/3/2007, from David Spears:

"First skipped message"

"Nathan it's David. Listen, if anybody asks why I went with you last night, you didn't know how to get to where Chris was and we had to take him some gas. He was out of gas on the side of the road. Hope you get this before somebody asks you. Thank you."

End of report. ar

000039

Per ID:

CHDP CHRIS JENNINGS

N2

Agency:

NCSO

Reviewed By:

*[Signature]*

Date:

//

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EXHIBIT

6

P 40



<b>NEWTON COUNTY MISSOURI SHERIFF'S DEPARTMENT</b>		Page <b>1</b>	<b>Incident Supplement</b>
208 WEST COLER NEOSHO, MO 64850		Case No. <b>07002621</b>	Supp No. <b>07002621-019</b>
		Supp Reported	11/07/2007 00:00:00 Wednesday
Inc Date Range 11/02/2007 20:30:00 To 11/03/2007 09:00:00		Inc Primary Violation 43.400 - Missing Persons	
Inc Location [REDACTED] STELLA, MO 64867			

Title: *Supplement*

Victim: [REDACTED]

On 11/3/2007 at approximately 2130 hours this officer and Sheriff Ken Copeland began conducting an interview with David Spears, white male, 24 years of age. David Spears is the step-father to the missing juvenile, [REDACTED]. David gave the following account of the events of Friday evening:

He states that he and two friends, Chris Collings and Nathan Mahurin, had went to his house to drink beer and play pool. He advised that his wife, Colleen had left the residence to go to work at approximately 8:30 that night. His mother, Myma Spears, was also at the residence and left shortly after his wife. This left only himself (David Spears), his two friends and his step-daughter, [REDACTED], at the residence. He advised that sometime after 9:00 p.m. the step-daughter had went up to her bedroom and went to bed. He continued by saying that Chris Collings had left the house around 10:00 p.m. to go home. Sometime later than that, Chris Collings called back, advising he ran out of gas and asked if David and Nathan could come and bring him some fuel. At that time, he stated he called for his mother to come to the house to stay with [REDACTED], but she advised that due to complications with her husband, who is on a feeding tube, she was not sure if she could come immediately.

He stated that he and Nathan then left the house to obtain gas to give to Chris, so he could get his vehicle started. He advised they obtained the gas for Chris, also stopped and got some more beer and by the time they returned back to David's residence, it was approximately 1:30 in the morning. He stated at that time he did not recall checking to see if [REDACTED] was still in her bedroom or if she was asleep.

Sheriff Copeland left the room to talk to David's wife, Colleen. He returned a short time later advising David that, according to Colleen, Chris Collings did not have a vehicle at the residence, so how could he have left and ran out of gas. David, at that time, admitted that he had lied and that at this time he was going to give us the truth. David advised that all three subjects left the residence to obtain more alcohol and to take Chris back to his house, which is just east of Wheaton. He stated that at Chris' house they drank some more and that finally they left Chris there and Nathan drove David back to his house. He advised he thought they got there around 1:00 in the morning. He states he did not check on [REDACTED] when they returned to the residence.

After a short time, he decided that he wanted to go out driving around. He stated he went and got in his vehicle, which is an older model Chevy pickup, and left the residence. He said after going a short distance, he realized he did not have enough fuel to go very far, so he returned his truck to the residence and then called his mother again. He asked her to come to the residence and bring her vehicle, so he could use it to go driving around. She arrived at his house a short time later. He states he got in her Chevy Suburban, left the residence, and proceeded to his mother and father's residence to check on his father. He stated at the father's residence, within a short time, he and his father got into an argument, which he states is not unusual. He left there at that time and proceeded to drive around. When asked if

Officer ID:	CHDP CHRIS JENNINGS	N2	Agency:	NCSO	Reviewed By:	[Signature]	Date:	000000
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NEWTON COUNTY MISSOURI  
SHERIFF'S DEPARTMENT  
208 WEST COLER  
NEOSHO, MO 64850

Page 2

## Incident Supplement

Case No.

07002621

Supp No.

07002621-019

Supp Reported

11/07/2007 00:00:00

Wednesday

Inc Date Range

11/02/2007 20:30:00 To 11/03/2007 09:00:00

Inc Primary Violation

43.400 - Missing Persons

Inc Location

[REDACTED] STELLA, MO 64867

## Title: Supplement

he remembered where he went, he could only vaguely say that he remembered driving by Nathan's house, seeing that the lights were all off, he did not stop. He states he could not remember exactly where he drove, other than he knows that a couple of times, he stopped and listened to music.

He also states he might have blacked out a couple of times and at one point, remembered waking up in the middle of the road and it was right at daylight. He stated at that time he then proceeded back to his residence in Stella, gave his mother back her vehicle and she left at approximately 7:00 a.m. He states the next thing he knows it's 9:00 in the morning and his wife Colleen is waking him up, asking him where [REDACTED] is.

During the interview he had advised this officer and Sheriff Copeland that when we spoke to Nathan Mahurin, Nathan would give us the same story about Chris having run out of gas. He gave us the impression that he had talked to Nathan, for them to discuss that story. Shortly after midnight, Nathan Mahurin arrived at the Sheriff's Department and this officer spoke with him in the conference room. He advised that he had not spoken with David and did not know anything about the story of Chris running out of gas. He did however state that he had a couple of messages on his cell phone, which he had not checked. At that time Nathan retrieved his cell phone from his vehicle and played the message for this officer. He advised that he was unsure exactly when the message had come in, but thought it was between 1900 and 1930 hours. This officer could hear on the message a subject identify himself as David. He advised Nathan, on the message, that if anyone should ask the reason they had left the residence was to take Chris gas for his vehicle, as he had ran out. This officer copied the message by holding a tape recorder up to Nathan's cell phone. The message will be transcribed in a supplement report.

When we asked David about the discrepancy in the message, he advised at that time he had not actually spoken with Nathan, but had left a message on his cell phone. I also asked David why they had waited eight or nine hours to report [REDACTED] missing. He advised they had been looking around the house and through the neighborhood all day, because they thought possibly she was at a friend's house.

During the course of the interview, we found that David had told us some lies as well as there was several variations in his story. Due to that fact we asked him if he would be willing to take a voice stress test. He agreed to the test and the test was then administered by Neosho Police Department Detective Oren Barnes (see his report for further information on the stress test).

End of report.

ar

600131

User ID :

CHDP CHRIS JENNINGS

N2

Agency :

NCSO

Reviewed By :

Date :

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[REDACTED]

COPY

SHERIFF'S DEPARTMENT 208 WEST COLER NEOSHO, MO 64850		Case No. <b>07002621</b>	Supp No. <b>07002621-027</b>
		Supp Reported	11/13/2007 00:00:00 Tuesday
Inc Date Range 11/02/2007 20:30:00 To 11/03/2007 09:00:00		Inc Primary Violation 43.400 - Missing Persons	
Inc Location [REDACTED] STELLA, MO 64867			

Title: *Supplement*

Victim: [REDACTED]

On 11/13/2007 at approximately 1500 hours I received information from Chief Deputy Chris Jennings of a female subject by the name of Amber Walters that had called in and said she had spoke with David Spears one night in reference to the missing child, [REDACTED].

On this same date I did make contact with Amber Walters and asked her about her conversation she had with David Spears. Ms. Walters stated that on Wednesday night, 11/7/07, she had made contact with David Spears to express her sympathy and see if she could be any help to David or his family. At this time I asked Ms. Walters what her connection was to David Spears. She stated that she did live with David Spears for a short time, a couple of years ago. Ms. Walters stated that her and David sat out in the car and David began to tell her that he needed to start looking for [REDACTED] and he was going to try and look at this in an aspect of if he was going to dispose of a body, where would he take [REDACTED] and dispose of her. Ms. Walters stated that David continued by saying that he knew of a cave that he called Fox Hollar or Fox Hole and that would be the ideal place to dispose of a body, due to the fact of if you were not from the area and did not know where this Fox Hole or Fox Hollar was at, you would not be able to find it. Ms. Walters stated that at this time, David Spears continued by giving Ms. Walters on how to get to this location, and described it as a hole like cave in the ground and it was approximately a 15-20 foot drop down into the bottom of it.

Ms. Walters stated on a later date she heard that the body of [REDACTED] was recovered at a location called Fox Cave, up by Fox Cemetery. Ms. Walters stated that at that time she considered this to be a valuable point of information and made contact with the Sheriff's Office.

End of report. ar

Officer ID: <b>TREVOR WILLIAMS</b> <i>T. Williams</i> N10	Agency: <b>NCSO</b>	Reviewed By	Date: <b>//</b>
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**COPY**

**EXHIBIT**

**7**

P 107



Type: Criminal

Crime / Incident

### 43.400 Missing Persons

### Алгоритм

7

### Supplemental Names

Diapo      "V" = Victim      "RP" = Reporting Party      "W" = Witness      "S" = Suspect      "O" = Other

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COPY

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Page 1

Transcribed from CD

Recorded November 7, 2007, by Mark Bridges

In re: STATE OF MISSOURI vs. DAVID WESLEY SPEARS

Pulaski County Cause No. 08PU-CR00681-01

Provided by Public Defenders  
For Δ Spears

EXHIBIT

8

<p style="text-align: right;">Page 2</p> <p>1 Please note: Due to the quality of the recorded 2 media, portions were unable to be transcribed. The 3 transcript may also include misinterpreted words. 4 The transcriber was not present at the time of the 5 recording; therefore, this transcript should not be 6 considered verbatim. 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 (indiscernible) 2 UNIDENTIFIED VOICE: Give me a call. 3 MARK BRIDGES: That'll do it. 4 That'll do it. See you all. 5 It's on, right? 6 UNIDENTIFIED VOICE: (indiscernible) 7 MARK BRIDGES: See you all. 8 If we're down in there and he says 9 there's no cell coverage down in there, if we 10 happen to see something -- 11 UNIDENTIFIED VOICE: Call -- 12 MARK BRIDGES: County radio? 13 UNIDENTIFIED VOICE: Yeah. 14 MARK BRIDGES: Okay? 15 UNIDENTIFIED VOICE: Yeah. Just be 16 very sure. 17 MARK BRIDGES: Absolutely. I'll -- 18 as a matter of fact, I'll just ask -- what should I 19 ask them? Have JR call me? 20 UNIDENTIFIED VOICE: Yeah. 21 MARK BRIDGES: That work? 22 UNIDENTIFIED VOICE: That'll do it. 23 MARK BRIDGES: See you all. 24 UNIDENTIFIED VOICE: See you. 25 - 0 -</p>
<p style="text-align: right;">Page 3</p> <p>1 UNIDENTIFIED VOICE: (indiscernible) 2 UNIDENTIFIED VOICE: Ain't it the 3 truth? Ain't it the truth? 4 UNIDENTIFIED VOICE: Seen too many 5 movies about that. 6 MARK BRIDGES: Hey, if I start 7 putting this around my belly, I might look like I 8 was about thirty pounds lighter, Andy. 9 UNIDENTIFIED VOICE: It might help. 10 MARK BRIDGES: Yeah. Little girdle 11 there. 12 UNIDENTIFIED VOICE: Going to be all 13 right? 14 MARK BRIDGES: (indiscernible) 15 UNIDENTIFIED VOICE: Not too tight? 16 MARK BRIDGES: No, not a bit. 17 UNIDENTIFIED VOICE: Okay. I don't 18 think it's going anywhere. 19 UNIDENTIFIED VOICE: Which one's the 20 mike on that? Those two holes? 21 UNIDENTIFIED VOICE: Yeah. 22 MARK BRIDGES: That would help if 23 you'd stick that over. 24 UNIDENTIFIED VOICE: (indiscernible) 25 MARK BRIDGES: Sounds good. How's</p>	<p style="text-align: right;">Page 5</p> <p>1 MARK BRIDGES: I'm going to call 2 David Spears. I'm leaving the Sheriff's Department 3 right now. 4 Hey, Mark Bridges. How you doing, 5 girl? 6 Hanging in there, as they say? 7 Good deal. Good deal. Well, listen, 8 I've had person after person -- I don't 9 (indiscernible) so I finally got -- everybody wants 10 to buy a motorcycle on days that I need to be doing 11 something else, so it's two thirty-eight. I 12 thought I'd head down there if Dave still wants me 13 to. 14 Okay. Sounds good. Sounds good. 15 We're good. Let's see. Now, you go to Longview, 16 go to Longview Cafe, right? And turn east? 17 And go about three miles to Urchin? 18 Okay. Yeah, you're down towards 19 Simco. Okay. 20 Okay. 21 Second house on the right, first -- 22 okay. I'm leaving Neosho right now. 23 With your Suburban in front, I'm 24 sure. 25 I'll be there. Heading Neosho --</p>



<p style="text-align: right;">Page 6</p> <p>1 leaving Neosho right now. Thanks a lot.  2 Bye.  3 - 0 -  4 MARK BRIDGES: Hey, Doug.  5 Nothing. What are you doing, buddy?  6 Well, right -- you mean at this  7 minute?  8 Oh, well, I tell you what.  9 Everything has been so -- so up in the air, you  10 know, with Rosalie getting -- you know, going down  11 with her on the real estate company, we're trying  12 -- I'm trying to regroup. You know, I've had these  13 motorcycles and ATVs, but you know, et cetera, et  14 cetera. But you know that business. Cars and  15 stuff like that, so it's been kind of a little bit  16 shaky in general, if you know what I mean.  17 Well, the only thing is, full-time  18 job pays real part-time wages.  19 It is better than nothing. Benefits  20 and retirement, and those sometimes are more  21 important than salary.  22 Yeah. I think -- I think Tammy that  23 works for her has it listed. Now, I think -- isn't  24 that where Lowe's is temporarily doing their  25 employment office?</p>	<p style="text-align: right;">Page 8</p> <p>1 be back in until late -- I'll get all that  2 information and fax it over to you or e-mail it to  3 you or whatever you want me to do, or just tell you  4 what it is. It wouldn't be a bad idea if we can to  5 just walk in and take a look at it.  6 Did I lose you?  7 Hey, buddy.  8 Yeah, I am in a bad area. I'm going  9 to lose you again. When I get back in, I'll call  10 you with that info, okay?  11 Okay. I'll do it. Okay. See you.  12 Bye.  13 - 0 -  14 Three forty-eight. That was just a  15 call from a friend slash customer on real estate.  16 I'm on HH Highway, heading out toward  17 Longview to David Spears' mom and dad's residence.  18 - 0 -  19 I'm going to be out of  20 (indiscernible) for a while until (indiscernible)  21 Yeah. Yeah. Yeah. I'm heading down  22 (indiscernible) right now.  23 Yeah. (indiscernible) Bye.  24 - 0 -  25 MARK BRIDGES: Okay. Arriving at the</p>
<p style="text-align: right;">Page 7</p> <p>1 Yeah. Yeah.  2 I will do it.  3 Really? And now, for the  4 extermination or for something else?  5 Awesome.  6 Wow. Isn't that something.  7 Good.  8 Shoot, yes.  9 Okay. That is wonderful. Okay.  10 Would you rather lease, or would you rather buy?  11 Uh-huh.  12 Wow.  13 Whoa. Is the price where you can  14 actually pay for it and make a little money at  15 twenty thousand a month? Can't beat that with a  16 stick.  17 That's good income.  18 That is awesome.  19 You need -- you probably need to buy,  20 then, for -- so you have a good write-off.  21 Yeah. Yeah, really. Really. Well,  22 hey, can you hear me okay?  23 I'm heading out -- I'm heading out  24 (indiscernible) area, and it might be kind of  25 spotty. But once I get back in -- I probably won't</p>	<p style="text-align: right;">Page 9</p> <p>1 Spears residence.  2 DAVID SPEARS: Hey, Mark.  3 MARK BRIDGES: Hey, guy.  4 UNIDENTIFIED VOICE: Well, if you  5 guys happen to come up with something, let us know  6 UNIDENTIFIED VOICE: You know, a  7 place where you need to go check and you can't get  8 there and want (indiscernible), call us.  9 UNIDENTIFIED VOICE: We'll check.  10 DAVID SPEARS: Well, tell this man  11 that's why I'm (indiscernible) and we went down  12 there and couldn't see anything (indiscernible) but  13 I want the authorities to know that --  14 UNIDENTIFIED VOICE: Where's this at?  15 UNIDENTIFIED VOICE: As soon as you  16 turn on this back road from Stella, you get up  17 there, the two hills kind of come down to the  18 valley. Well, he was parked right there where the  19 fence kind of (indiscernible)  20 UNIDENTIFIED VOICE: It was a Ford, a  21 white one, four-door.  22 UNIDENTIFIED VOICE: I think it was  23 --  24 UNIDENTIFIED VOICE: A Mercury.  25 UNIDENTIFIED VOICE: I think somebody</p>



<p style="text-align: right;">Page 10</p> <p>1 already looked into that. I heard about that  2 today.  3 UNIDENTIFIED VOICE: (indiscernible)  4 we already looked.  5 UNIDENTIFIED VOICE: I heard about  6 that early this morning. This was --  7 UNIDENTIFIED VOICE: When we came out  8 -- when we came in there --  9 DAVID SPEARS: I've been here for --  10 you've been here -- we've been back from -- we run  11 down there just to see (indiscernible)  12 UNIDENTIFIED VOICE: Well, we seen  13 the car. It's gone.  14 UNIDENTIFIED VOICE: Well, I know  15 there was something about a light-colored Mercury  16 earlier today. (indiscernible) nearly three. It's  17 a little after three now, so that may have been at  18 least a couple three hours ago. So that may have  19 been it, so --  20 UNIDENTIFIED VOICE: Well, I know  21 when we went into Stella, they were coming -- that  22 car was coming out.  23 UNIDENTIFIED VOICE: Okay.  24 UNIDENTIFIED VOICE: And we went back  25 while ago, and --</p>	<p style="text-align: right;">Page 12</p> <p>1 all these sticker thingies on it now.  2 MARK BRIDGES: Oh, baby. Yeah.  3 Yeah.  4 UNIDENTIFIED VOICE: We didn't get to  5 search much because they didn't really --  6 UNIDENTIFIED VOICE: Need our help  7 right now.  8 UNIDENTIFIED VOICE: Said we could do  9 our own.  10 MARK BRIDGES: So many places to  11 look.  12 UNIDENTIFIED VOICE: Well, we're  13 willing to help, at least do something.  14 MARK BRIDGES: Me too.  15 UNIDENTIFIED VOICE: We searched the  16 creek area over there but didn't see no signs of  17 anything. And in Stella.  18 MARK BRIDGES: Like looking for a  19 needle in a haystack.  20 UNIDENTIFIED VOICE: I'm just -- I'm  21 curious about where that car was parked. I don't  22 --  23 MARK BRIDGES: Did it look like it  24 could have been a federal guy?  25 UNIDENTIFIED VOICE: No.</p>
<p style="text-align: right;">Page 11</p> <p>1 DAVID SPEARS: I had a reporter ask  2 me if I had any new information, and I told him  3 everything I know, the police know.  4 UNIDENTIFIED VOICE: Hi.  5 UNIDENTIFIED VOICE: Hi.  6 DAVID SPEARS: If there's any new  7 information, they're going to be the ones to give  8 it to you. You know, I heard about that thing, but  9 I wasn't going to --  10 UNIDENTIFIED VOICE: I'll check with  11 --  12 DAVID SPEARS: -- Spout off to the  13 media when you all are the ones who need to know.  14 UNIDENTIFIED VOICE: I'll check with  15 them and see. I'll let you guys get on going what  16 you're doing, and if you come up with something,  17 let us know.  18 DAVID SPEARS: I'm going to go in --  19 UNIDENTIFIED VOICE: Sure. Yeah, let  20 your mom know where you're going so she don't get  21 worried about you.  22 MARK BRIDGES: You need a coat, girl.  23 UNIDENTIFIED VOICE: Well, I had a  24 sweater on, but we were kind of trying to help out  25 and look around and stuff like that, and it's got</p>	<p style="text-align: right;">Page 13</p> <p>1 UNIDENTIFIED VOICE: The guy was kind  2 of rough looking. Then David was talking about a  3 guy named Trent who's in his fifties. He's a  4 pedophile. He's been missing since Friday.  5 UNIDENTIFIED VOICE: Same day [REDACTED]  6 went missing.  7 UNIDENTIFIED VOICE: And the guy that  8 we saw had to have been in his fifties, at least.  9 UNIDENTIFIED VOICE: He was tapping  10 on his steering wheel, looking out the window, you  11 know, making sure people weren't there.  12 MARK BRIDGES: Like he might have  13 been tweaking a little bit, something like that?  14 UNIDENTIFIED VOICE: Yeah. I mean,  15 he looked like he was really freaking out.  16 UNIDENTIFIED VOICE: Something looked  17 out of place about it.  18 MARK BRIDGES: Huh.  19 UNIDENTIFIED VOICE: We went back to  20 check it out again, and he was gone.  21 UNIDENTIFIED VOICE: Yeah, but Jamie  22 said that it looked like (indiscernible).  23 UNIDENTIFIED VOICE: Kind of looked  24 like someone had been walking through the bushes.  25 MARK BRIDGES: Huh.</p>



<p style="text-align: right;">Page 14</p> <p>1 UNIDENTIFIED VOICE: But I didn't  2 want to get out and check it out because if  3 something -- I didn't want to mess up an  4 investigation. That's why David's going to have  5 them check it out. Or you guys or something.  6 UNIDENTIFIED VOICE: Mark's here.  7 MARK BRIDGES: Hey, lady.  8 UNIDENTIFIED VOICE: Hi, Mark.  9 MARK BRIDGES: How are you holding  10 up?  11 UNIDENTIFIED VOICE: Oh, barely.  12 MARK BRIDGES: As they say, as well  13 as can be expected under the circumstance?  14 UNIDENTIFIED VOICE: Something like  15 that.  16 MARK BRIDGES: That's the standard  17 mumbo jumbo. How's it going with -- with Dad?  18 UNIDENTIFIED VOICE: (indiscernible)  19 but he's screaming about the same shit he's been  20 screaming about (indiscernible).  21 MARK BRIDGES: Oh, God.  22 UNIDENTIFIED VOICE: (indiscernible)  23 UNIDENTIFIED VOICE: Threw it all in  24 the back, didn't they?  25 MARK BRIDGES: What'd they do, they</p>	<p style="text-align: right;">Page 16</p> <p>1 had no problem with me going with you. I was  2 thinking, well, he's already told you all I'm going  3 with him, hasn't he?  4 MARK BRIDGES: Yeah. I cleared it  5 down there. I went down there personally.  6 DAVID SPEARS: But Mark, Floyd  7 (indiscernible).  8 MARK BRIDGES: Hi, Floyd. Mark  9 Bridges.  10 DAVID SPEARS: Are you all legally  11 married now?  12 UNIDENTIFIED VOICE: Yeah, have been  13 for quite some time.  14 MARK BRIDGES: Hi.  15 UNIDENTIFIED VOICE: Hi.  16 DAVID SPEARS: My memory -- right  17 now, yeah. I'm not going to remember things like  18 that.  19 UNIDENTIFIED VOICE: Don't feel bad.  20 I've been married for a long time, and I barely  21 remember.  22 MARK BRIDGES: Me too. It's been  23 thirty one years.  24 UNIDENTIFIED VOICE: It hasn't been  25 near that long for me.</p>
<p style="text-align: right;">Page 15</p> <p>1 go through it with a fine-toothed comb?  2 UNIDENTIFIED VOICE: Yes.  3 (indiscernible)  4 MARK BRIDGES: How does his -- has he  5 been to the doctor? Dave said he was going to --  6 UNIDENTIFIED VOICE: He went to the  7 doctor yesterday.  8 MARK BRIDGES: Yesterday?  9 UNIDENTIFIED VOICE: He's got a skin  10 graft site on his leg that wasn't healing. So he's  11 going to Dr. Cotton. Dr. Cotton is a wound  12 specialist. And they put a --  13 UNIDENTIFIED VOICE: (indiscernible)  14 UNIDENTIFIED VOICE: No, they want  15 me. But I get to drive myself in.  16 DAVID SPEARS: Well, no, because they  17 did get the Oldsmobile, huh?  18 MARK BRIDGES: So Keith and Sandy  19 came down here, huh?  20 UNIDENTIFIED VOICE: Yeah.  21 MARK BRIDGES: Oh, that's nice.  22 DAVID SPEARS: It was real good of  23 them.  24 MARK BRIDGES: That's nice.  25 DAVID SPEARS: They said that they</p>	<p style="text-align: right;">Page 17</p> <p>1 UNIDENTIFIED VOICE: Well, she's been  2 married a little longer than me, and I've been  3 married twenty-six.  4 MARK BRIDGES: Yeah, that's long  5 enough.  6 DAVID SPEARS: You ready to hit the  7 --  8 MARK BRIDGES: Let's do it, buddy.  9 Let's hit the road. Well, wish us luck.  10 UNIDENTIFIED VOICE: Good luck, you  11 guys.  12 UNIDENTIFIED VOICE: If you find --  13 if you find anything (indiscernible).  14 - 0 -  15 MARK BRIDGES: Getting in the car  16 with David right now.  17 DAVID SPEARS: Mark, I appreciate  18 this more than you know, bud.  19 MARK BRIDGES: Well, if we can just  20 do a little bit of good, we'll --  21 DAVID SPEARS: And I'm a mess. I  22 haven't showered.  23 MARK BRIDGES: Do you a little bit of  24 good.  25 DAVID SPEARS: Hey, Mom, when they</p>



<p style="text-align: right;">Page 18</p> <p>1 let you leave, get me some clothes at Wal-mart.  2 Okay.  3 Thank you. They're going to take her  4 in and question her. I hope it doesn't go like it  5 did with me.  6 MARK BRIDGES: I bet you it won't.  7 DAVID SPEARS: They turned around,  8 they told me the (indiscernible) something -- you  9 know, I'm going to believe my mom over anybody.  10 MARK BRIDGES: Uh-huh. Which way you  11 want to go?  12 DAVID SPEARS: Go out toward the  13 highway. The first place I want to check  14 (indiscernible).  15 MARK BRIDGES: This way or this way?  16 DAVID SPEARS: That way.  17 MARK BRIDGES: Okay.  18 DAVID SPEARS: There's a place I want  19 to check while we've still got good daylight.  20 MARK BRIDGES: Good deal.  21 DAVID SPEARS: (indiscernible)  22 MARK BRIDGES: Man, I'm sorry.  23 DAVID SPEARS: Racking -- I've been  24 racking my brain of the places that -- you know,  25 you're good at thinking like a criminal, because</p>	<p style="text-align: right;">Page 20</p> <p>1 suspicion thing. You know --  2 MARK BRIDGES: I am very suspicious  3 of that situation.  4 DAVID SPEARS: I understand that.  5 And I don't blame you. I don't blame you.  6 MARK BRIDGES: It's just because of  7 the talk. I mean, you wouldn't talk that way.  8 DAVID SPEARS: Well, don't get me  9 wrong. I'm not going to lie. I like --  10 MARK BRIDGES: I'm not saying --  11 DAVID SPEARS: -- Women.  12 MARK BRIDGES: Oh, yeah. That's not  13 what I'm saying. Yeah, that's not what I'm saying.  14 DAVID SPEARS: But I mean, yeah, he  15 does have (indiscernible)  16 MARK BRIDGES: A fetish. I just  17 don't know how far it goes.  18 DAVID SPEARS: Yeah, that's --  19 there's -- I think that's Chris' mama's land right  20 there. But I have been to -- we --  21 MARK BRIDGES: Who's that?  22 DAVID SPEARS: That's Floyd.  23 MARK BRIDGES: Oh, Floyd. Which way  24 now?  25 DAVID SPEARS: Okay. I've got to</p>
<p style="text-align: right;">Page 19</p> <p>1 you've been an officer.  2 MARK BRIDGES: Right. I try.  3 DAVID SPEARS: I've been racking my  4 brain. If somebody was going to hide a body, where  5 would they hide it?  6 MARK BRIDGES: That's right.  7 DAVID SPEARS: Where would they hide  8 it?  9 MARK BRIDGES: And --  10 DAVID SPEARS: I'm assuming that's  11 what --  12 MARK BRIDGES: Furthermore, you've  13 got the advantage because here again, by my wild  14 goose chase, if some -- have you talked to Chris?  15 DAVID SPEARS: I haven't seen him.  16 Not today.  17 MARK BRIDGES: If somebody that we  18 know did it, you might --  19 DAVID SPEARS: I know this country  20 better than they do.  21 MARK BRIDGES: Yeah, but you might  22 have an idea of which way he'd go.  23 DAVID SPEARS: Right. Or I  24 understand what you're saying, and Mark, you don't  25 need to apologize for, you know, doing the</p>	<p style="text-align: right;">Page 21</p> <p>1 remember the easiest way to get there. I guess it  2 doesn't matter how rough the roads are --  3 MARK BRIDGES: No.  4 DAVID SPEARS: It's a county vehicle.  5 MARK BRIDGES: County vehicle, not my  6 tires.  7 DAVID SPEARS: Like I said, Mark, I  8 -- at least I can do something.  9 MARK BRIDGES: That's right.  10 DAVID SPEARS: But they want to  11 question Mom. I told them I left my truck and I  12 come back, and I got the Suburban. (indiscernible)  13 I'm like, she didn't say that.  14 MARK BRIDGES: Now, back off a  15 minute. What was that again?  16 DAVID SPEARS: That I left it -- I  17 told them I left my truck. I came back, I got the  18 Suburban, and I left again. But after Mom was  19 there. Mom got there, I left my truck. Then I  20 come back and got the Suburban. That's what I told  21 them.  22 MARK BRIDGES: Uh-huh. Hell, you did  23 leave in your truck.  24 DAVID SPEARS: Right.  25 MARK BRIDGES: I got you.</p>



<p style="text-align: right;">Page 22</p> <p>1           DAVID SPEARS: Well, they told me she 2 said I left in the Suburban. I was like, I don't 3 know how to tell you otherwise, but you're full of 4 it. I didn't say it like that because, you know, 5 you don't want to upset the guy that's already got 6 you in a room. But I told them, I was like, well, 7 I'm telling you the truth. They're like, so you're 8 calling your mom a liar? I'm not calling my mom a 9 liar. I'm thinking you're mistaken. What else can 10 I say? 11           Keith and Sandy come out, spent some 12 time, and they went and spent some time with 13 Colleen. They're trying to help her. 14           MARK BRIDGES: Good deal. 15           DAVID SPEARS: All the help other 16 than like this here that you're doing for me, you 17 know, needs to be sent towards her. She's -- she's 18 more important than I am. If it was your wife that 19 was (indiscernible) you'd feel the same way. Just 20 hang me (indiscernible) somewhere until you're 21 ready to talk to me. My wife (indiscernible) 22           Hey, I heard this rumor about this 23 guy named Trent. 24           MARK BRIDGES: What was that guy was 25 telling me back there?</p>	<p style="text-align: right;">Page 24</p> <p>1 give you the chance to tell your side of the story. 2 I keep telling them, look, I'm telling the people 3 that need to know my story: The police, the FBI. I 4 don't need to worry about you people. I think we 5 need to worry about finding my daughter, not to 6 make it a news story here. 7           I'm assuming that's what I should be 8 doing. 9           MARK BRIDGES: Makes sense to me. 10 They're just out looking for a good scoop. 11           DAVID SPEARS: And so far, I mean, I 12 -- if they're not trying to get me to give a 13 story, if they're just asking a simple question 14 with a simple answer, I don't mind saying 15 something. 16           MARK BRIDGES: Right. 17           DAVID SPEARS: You know, when they 18 want an interview, that's just not happening. They 19 got one from my mom. 20           MARK BRIDGES: Oh, has your mom given 21 one? 22           DAVID SPEARS: Yeah. The whole time, 23 I was sitting there going, shut your mouth. These 24 people -- I mean, there's good reporters and 25 there's bad reporters, right?</p>
<p style="text-align: right;">Page 23</p> <p>1           DAVID SPEARS: Sandy heard it from 2 somebody over there at the house, and I didn't -- I 3 didn't realize who they -- they said 4 (indiscernible) I didn't realize -- I didn't 5 recognize the description. Said that they -- the 6 way they were talking, they'd gotten the 7 information from the FBI. And here's the thing 8 that's really got me scared (indiscernible) is they 9 say that this guy's a registered offender that 10 lives over by (indiscernible) and his wife hasn't 11 seen -- keep going straight. Hasn't seen him since 12 Friday. 13           MARK BRIDGES: Know anything about 14 him at all? 15           DAVID SPEARS: No. 16           MARK BRIDGES: I wonder if he's on 17 the registry list. 18           DAVID SPEARS: They say he is. 19 That's the rumor. 20           MARK BRIDGES: So is somebody 21 following that up? 22           DAVID SPEARS: I don't know, but I 23 just told the police about it. But I've had -- you 24 know, newspeople are showing up left and right now, 25 calling. They keep saying, well, we just want to</p>	<p style="text-align: right;">Page 25</p> <p>1           MARK BRIDGES: Right. 2           DAVID SPEARS: There's the ones who's 3 going to make a sensational story and the ones who 4 are going to make the truth. 5           MARK BRIDGES: Right. That's a nice 6 little entrance. 7           DAVID SPEARS: Yeah, it is. Where 8 we're headed is -- there's a place -- if you don't 9 know it's there, you'll never find it. This is 10 just the back way to it. Where there's a cave, and 11 it's actually not a cave; it's a hole in the 12 ground. And it occurred to me -- 13           MARK BRIDGES: Does Chris know about 14 this place? 15           DAVID SPEARS: Yeah. (indiscernible) 16 you keep saying, sorry I'm suspicious. 17 (indiscernible) You know, at this point, you have 18 to -- you know, it's kind of like they've been 19 blaming me, you know, looking at me. You've got to 20 look at everything. I -- 21           MARK BRIDGES: Well, you always -- 22 you look at the people closest to the situation. 23           DAVID SPEARS: And you work your way 24 out. 25           MARK BRIDGES: And you work your way</p>



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1 out. That's the way I've always done it.  
 2 That's a nice little place down in  
 3 the sticks.  
 4 DAVID SPEARS: That's where  
 5 (indiscernible) lives.  
 6 MARK BRIDGES: Oh, is that  
 7 (indiscernible) place?  
 8 DAVID SPEARS: Yes. It's where I  
 9 bought (indiscernible).  
 10 MARK BRIDGES: Yeah, nice little  
 11 place.  
 12 DAVID SPEARS: His family lives  
 13 there. He's out in the field working right now  
 14 (indiscernible).  
 15 MARK BRIDGES: Yeah, he was in bad  
 16 shape for a while, wasn't he?  
 17 DAVID SPEARS: He's just forgetful.  
 18 MARK BRIDGES: Like Alzheimer's  
 19 forgetful?  
 20 DAVID SPEARS: No, like he had a  
 21 stroke.  
 22 MARK BRIDGES: Oh.  
 23 DAVID SPEARS: Here you want to take  
 24 a left. That's what I've been pondering, the real  
 25 back roads.

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1 MARK BRIDGES: Pretty down in here.  
 2 I never spent much of any time down in here.  
 3 DAVID SPEARS: Yeah, it is  
 4 (indiscernible). You've got a degree in  
 5 psychology, don't you?  
 6 MARK BRIDGES: Master's in Christian  
 7 counseling.  
 8 DAVID SPEARS: Is it normal to be  
 9 able to find peace and to think clearly and not be  
 10 freaked out (indiscernible)?  
 11 MARK BRIDGES: Oh, sure, it is. All  
 12 depends on where your thoughts take you, the way I  
 13 look at it. All depends on how well you're doing  
 14 at controlling thoughts at the time.  
 15 DAVID SPEARS: I've been trying to  
 16 stay calm. (indiscernible) I thought you'd want to  
 17 know about it.  
 18 MARK BRIDGES: Well, let's wait until  
 19 we're about done and then let's do it. Pray for a  
 20 new vehicle.  
 21 DAVID SPEARS: I can show you a road  
 22 or two that will tear this thing up fast.  
 23 MARK BRIDGES: I just turned in a  
 24 request for a new vehicle. This thing has a  
 25 hundred and sixty thousand and two hundred and --

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1 DAVID SPEARS: But it still runs  
 2 good.  
 3 MARK BRIDGES: It runs great.  
 4 DAVID SPEARS: So why do you want a  
 5 new one? Just because you can?  
 6 MARK BRIDGES: I want a four-wheel  
 7 drive.  
 8 DAVID SPEARS: Oh.  
 9 MARK BRIDGES: We're getting into a  
 10 lot of cases now -- I had a girl kill herself the  
 11 other day, way back in the sticks. We've had a  
 12 number of situations where we had to have people  
 13 with four-wheel drives haul them out for us.  
 14 That's just not too nice, especially if they're  
 15 bloody and --  
 16 DAVID SPEARS: Right.  
 17 MARK BRIDGES: You know, got all  
 18 those -- you know, it's just not nice to ask  
 19 somebody to do that.  
 20 DAVID SPEARS: I even give them DNA.  
 21 MARK BRIDGES: Now, you actually had  
 22 a polygraph where they put the --  
 23 DAVID SPEARS: Yeah.  
 24 MARK BRIDGES: (indiscernible) on  
 25 you? And the FBI administered it?

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1 DAVID SPEARS: Yes.  
 2 MARK BRIDGES: Did they tell you  
 3 anything about how you did?  
 4 DAVID SPEARS: They told me that the  
 5 one question that concerned them -- and the whole  
 6 time through this test, we discussed the questions.  
 7 You know how they're administered.  
 8 MARK BRIDGES: Uh-huh.  
 9 DAVID SPEARS: And I told them, I was  
 10 like, well, I will do my best to remember that when  
 11 you say cause, you don't mean responsibility.  
 12 Because I was a little (indiscernible) about I went  
 13 home, took a shower, sat down and watched TV, and  
 14 went to sleep. This would be after -- so you know,  
 15 that -- that makes me feel responsible because I  
 16 made bad decisions.  
 17 MARK BRIDGES: Isn't that beautiful,  
 18 that hillside over there?  
 19 DAVID SPEARS: Yeah. You know, it  
 20 makes me feel responsible that I made bad decisions  
 21 that led to this.  
 22 MARK BRIDGES: Uh-huh.  
 23 DAVID SPEARS: And I kept telling  
 24 myself, when they say cause, they mean did you  
 25 physically do it. You know, the whole way through

8 (Pages 26 to 29)



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1 the test. The question is, did you cause the  
2 disappearance of [REDACTED]? And everything else  
3 they showed me was, you know, just like a guy's  
4 really upset, pretty much.

5 MARK BRIDGES: Uh-huh.

6 DAVID SPEARS: You know, little jumps  
7 here and there and stuff. But just one spike, and  
8 I'm like, well, I (indiscernible) if I was lying, I  
9 wouldn't have took the stinking test because it's  
10 the FBI. You've got to assume it's the best one in  
11 the world, you know?

12 MARK BRIDGES: I know exactly what  
13 you mean.

14 DAVID SPEARS: And I know --

15 MARK BRIDGES: I'll tell you what  
16 keeps going through my mind. What keeps going  
17 through my mind is if somebody did it like who we  
18 talked about or if somebody else --

19 DAVID SPEARS: Right.

20 MARK BRIDGES: -- Did it, and we know  
21 you'd been drinking, and you had what I call -- and  
22 I haven't even looked it up. I don't even know if  
23 I'm right.

24 DAVID SPEARS: Right.

25 MARK BRIDGES: But -- but I have

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1 to you, I would think that that is a -- a momentary  
2 incompetency and -- or a -- et cetera, et cetera.

3 And that's a possible defense. That's what -- if  
4 something like that happened, that's what I'm  
5 barking at. That's what I'm hoping.

6 DAVID SPEARS: I see what you're  
7 saying.

8 MARK BRIDGES: Don't know if I'm  
9 right, but it makes sense. I just think -- and I  
10 hope I'm wrong. I hope it's nobody you know. But  
11 I just -- you know how you feel it in your gut?

12 DAVID SPEARS: Yeah.

13 MARK BRIDGES: I feel it in my gut.  
14 And I've had pretty -- been pretty good luck with  
15 that, with --

16 DAVID SPEARS: With your intuition.

17 MARK BRIDGES: With instincts in the  
18 past. Isn't that something? Look at that. Wow.  
19 Looks like you're down in Branson area.

20 DAVID SPEARS: You know, that's why  
21 we're going to Fox -- Fox Cave first, because --  
22 and it's been years since I've been there, but I  
23 can find it. It's -- we were sitting there talking,  
24 me and Floyd. And it occurred to me, Fox Cave. If  
25 you're going to hide a body, you're going to drop

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1 heard about alcohol -- alcohol amnesia.

2 DAVID SPEARS: Yeah, it's where you  
3 just black out.

4 MARK BRIDGES: Well --

5 DAVID SPEARS: Basically.

6 MARK BRIDGES: Black out, I don't  
7 know. I don't know if you can actually see  
8 something and then black out and not know you saw  
9 it. But if you can -- how do I put this? If you  
10 can subconsciously know it but not know it. You  
11 know what I mean? Just subconscious --

12 DAVID SPEARS: (indiscernible)

13 MARK BRIDGES: If that's the case,  
14 then I'm hoping that something we see will -- will  
15 click your memory. Because if it is that person or  
16 possibly --

17 DAVID SPEARS: Right.

18 MARK BRIDGES: Then she's probably  
19 going to be in a location that you would know.

20 DAVID SPEARS: I understand what  
21 you're saying.

22 MARK BRIDGES: That's what I'm  
23 hoping. I'm hoping something will click, and it --  
24 I'm not a lawyer by any means, but if that did  
25 happen and something came back to you, comes back

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1 it where outsiders wouldn't know where to look.  
2 Right?

3 MARK BRIDGES: Right. And your  
4 friends know --

5 DAVID SPEARS: Yeah.

6 MARK BRIDGES: Most of your friends  
7 know this place?

8 DAVID SPEARS: Yeah. When we were  
9 kids, we all drove by it.

10 MARK BRIDGES: That's good. Anybody  
11 ever --

12 DAVID SPEARS: And you can find out  
13 about it. All you got to do is ask an old-timer or  
14 somebody like me that really knows the area, and  
15 tell them, you know, hey, I'm trying to -- I like  
16 historic caves. You know any good ones around  
17 here? They're going to tell you, Fox Cave and Bear  
18 Cave. Bear Cave, I don't -- I can't remember  
19 exactly how to get to it. It's over in Barry  
20 County. Like I said, the reason we're going this  
21 back way is because maybe we'll see something.

22 MARK BRIDGES: What are we close to,  
23 by the way?

24 DAVID SPEARS: We're coming down to  
25 Powell.

9 (Pages 30 to 33)



<p style="text-align: right;">Page 34</p> <p>1 MARK BRIDGES: Is that right? Wow.</p> <p>2 DAVID SPEARS: Oh, yeah, Mark. When</p> <p>3 -- when I said the roads I'm familiar with all</p> <p>4 over the country --</p> <p>5 MARK BRIDGES: You are. Look at that</p> <p>6 through there. Isn't that beautiful? There's a</p> <p>7 washout. I can't believe this road is --</p> <p>8 DAVID SPEARS: They paved it</p> <p>9 recently.</p> <p>10 MARK BRIDGES: Yeah. Is chip and</p> <p>11 sealed.</p> <p>12 DAVID SPEARS: Well, that's because</p> <p>13 it was washing out so bad.</p> <p>14 MARK BRIDGES: You know, I do not</p> <p>15 know if I've ever -- if I have, it was when I was a</p> <p>16 kid -- been down here in Powell.</p> <p>17 DAVID SPEARS: You're about to get a</p> <p>18 good tour of it, Mark.</p> <p>19 MARK BRIDGES: Now, there's supposed</p> <p>20 to be a state -- did the state buy some land down</p> <p>21 here and --</p> <p>22 DAVID SPEARS: That's on the other</p> <p>23 side, over by Cyclone.</p> <p>24 MARK BRIDGES: Cyclone.</p> <p>25 DAVID SPEARS: There's about two or</p>	<p style="text-align: right;">Page 36</p> <p>1 MARK BRIDGES: Cool. I don't think</p> <p>2 I've ever been down in here. It's been a long time</p> <p>3 ago, if I have. It's pretty now.</p> <p>4 Said on the news tonight they have</p> <p>5 like two hundred people from the community.</p> <p>6 DAVID SPEARS: Yeah.</p> <p>7 MARK BRIDGES: Wonder who -- I wonder</p> <p>8 who counted those people. How do you know two</p> <p>9 hundred people are out there? Sounds good in the</p> <p>10 paper, anyway. I hope it was four hundred.</p> <p>11 DAVID SPEARS: Me and Sheriff</p> <p>12 Copeland had a discussion. He still denies that he</p> <p>13 told me to stay away from the search. Kind of</p> <p>14 upsets me. He told me, he says, well, I meant for</p> <p>15 you to stay away from the organized search. And I</p> <p>16 was like, don't you tell that to the people on TV.</p> <p>17 It's election year, right?</p> <p>18 MARK BRIDGES: Very true.</p> <p>19 DAVID SPEARS: I'm not -- after I</p> <p>20 talked to him, and especially after what I've --</p> <p>21 I've -- I've been reading the Bible. I'm going to</p> <p>22 give the man the benefit of the doubt that he was</p> <p>23 just overzealous because he wants to find this</p> <p>24 little girl. (indiscernible) you know, because he</p> <p>25 told me point blank, if they catch you driving out,</p>
<p style="text-align: right;">Page 35</p> <p>1 three hundred acres of preservation, preserve</p> <p>2 property.</p> <p>3 MARK BRIDGES: Now, does Indian Creek</p> <p>4 run through that?</p> <p>5 DAVID SPEARS: Not Indian Creek but</p> <p>6 one of the small tributaries does.</p> <p>7 MARK BRIDGES: But it's not much?</p> <p>8 DAVID SPEARS: A friend of mine when</p> <p>9 I was little, his dad had two hundred and ten acres</p> <p>10 right up against the conservation (indiscernible).</p> <p>11 Best hunting country in the world.</p> <p>12 MARK BRIDGES: Huh.</p> <p>13 DAVID SPEARS: (indiscernible)</p> <p>14 highway.</p> <p>15 MARK BRIDGES: Now, E Highway, does</p> <p>16 that take you back to --</p> <p>17 DAVID SPEARS: This is E. If you</p> <p>18 were -- you know where you turned at Longview to go</p> <p>19 to my mom's?</p> <p>20 MARK BRIDGES: Yeah.</p> <p>21 DAVID SPEARS: If you shot straight,</p> <p>22 you'd be on 76. And if you'd gone straight,</p> <p>23 there'd have been a curve to the right where you</p> <p>24 take 76, to go to Anderson until you hit E. And</p> <p>25 you just go straight onto E.</p>	<p style="text-align: right;">Page 37</p> <p>1 looking for that little girl, (indiscernible) we</p> <p>2 can take care of traffic. Don't you worry about</p> <p>3 it.</p> <p>4 MARK BRIDGES: (indiscernible)</p> <p>5 cliffs.</p> <p>6 DAVID SPEARS: Yeah. You know one of</p> <p>7 the craziest things about all this? I've learned a</p> <p>8 lot about, I don't know, stress management.</p> <p>9 MARK BRIDGES: Uh-huh.</p> <p>10 DAVID SPEARS: Over the last few</p> <p>11 days. I've learned something, that if you have a</p> <p>12 real reason to be upset and if you are at some</p> <p>13 peace where you can read and you're not thinking</p> <p>14 about all the horrible things, then when you go</p> <p>15 back to thinking about the horrible things, you</p> <p>16 feel guilty because you haven't been thinking about</p> <p>17 them all along. Does that make sense?</p> <p>18 MARK BRIDGES: Yeah. Yeah, I used to</p> <p>19 have a bad habit of doing that. And I think that's</p> <p>20 human nature to do that.</p> <p>21 What's this place right here?</p> <p>22 DAVID SPEARS: That's (indiscernible)</p> <p>23 MARK BRIDGES: Oh, is that their --</p> <p>24 okay. I have been down here, then. Yeah. I</p> <p>25 remember that. I think -- I think we did a funeral</p>



<p style="text-align: right;">Page 38</p> <p>1 (indiscernible) north of (indiscernible) I don't 2 know. 3 You know they've got names for -- do 4 they have names for all of these -- these roads 5 down here? 6 DAVID SPEARS: That's (indiscernible) 7 Road. It goes down to (indiscernible)? 8 MARK BRIDGES: What's at 9 (indiscernible)? 10 DAVID SPEARS: Creek. 11 MARK BRIDGES: Pretty good swimming 12 hole? 13 DAVID SPEARS: Yeah, it was. I can 14 tell you a story about when me and my wife first 15 got together. It's kind of funny. We went down 16 there. We -- we just got together. You know how 17 new couples are. 18 MARK BRIDGES: Uh-huh. 19 DAVID SPEARS: We were very amorous. 20 MARK BRIDGES: Uh-huh. 21 DAVID SPEARS: And that actually 22 started a fight between a buddy of mine and his 23 girlfriend. 24 MARK BRIDGES: Because you were -- 25 because you guys were too lovey-dovey?</p>	<p style="text-align: right;">Page 40</p> <p>1 remember right. 2 MARK BRIDGES: Really? 3 DAVID SPEARS: It doesn't, but it's 4 one of the other roads (indiscernible) these are 5 all prime roads (indiscernible) wouldn't you say? 6 MARK BRIDGES: Yeah. Without a 7 doubt. 8 DAVID SPEARS: That's what I've been 9 thinking about. Then I thought we'll go over by 10 Wheaton. Chris' father's house. 11 MARK BRIDGES: That's pretty over 12 there. 13 DAVID SPEARS: I'm sorry. You been 14 losing sleep over this too. 15 MARK BRIDGES: Oh, no. Hey, I tell 16 you what. Even your old nemesis Rocky's been 17 losing sleep over it. 18 DAVID SPEARS: (indiscernible) 19 MARK BRIDGES: I tell you what, he's 20 just -- he just brings it up all the time. He 21 said, I just wish I knew where that little girl is. 22 And of course he has a few choice words to say 23 about if that David had anything to do with it, you 24 know. But he's -- That's pretty. Look 25 at that. Heron. Well, now, that is nice. Look at</p>
<p style="text-align: right;">Page 39</p> <p>1 DAVID SPEARS: Well, what happened 2 was we were all (indiscernible). 3 MARK BRIDGES: Uh-huh. 4 DAVID SPEARS: I left out. He was 5 sitting on a log. I went down and said, man, can 6 you hold my beer for me (indiscernible). We come 7 back, my back was scratched up a lot. And 8 (indiscernible) look what she did to my back. 9 (indiscernible) I said -- I turned around and 10 said, sweetheart, if he tells you that he doesn't 11 like your back -- his back clawed once in a while, 12 he's a liar (indiscernible) liar. 13 She says, Jesse, is that true? He 14 says -- he ducks his head all ashamed, he says, 15 yes. They fought and slept separately. 16 If I recall, we're going to go left 17 here. It's been a long, long time. Like I said, 18 you're going to get a good tour. 19 MARK BRIDGES: Look at this road. 20 DAVID SPEARS: I told you, 21 (indiscernible). 22 MARK BRIDGES: This is nothing more 23 than a one-lane path, isn't it? 24 DAVID SPEARS: Right. 25 (indiscernible) runs off of Fox Church, if I</p>	<p style="text-align: right;">Page 41</p> <p>1 that. Look at this. 2 But he -- you know, he's just like 3 me. He's -- he saw the same thing in Chris. And I 4 think that's exactly where his mind's rocking to, 5 but I didn't influence him. 6 DAVID SPEARS: Oh, I don't think you 7 would. I think other than the police, I'm the only 8 one you've said that to, I'm thinking. 9 MARK BRIDGES: Yeah, I haven't even 10 said that to the police. 11 DAVID SPEARS: Really? I figured 12 you'd already given them your opinion. 13 MARK BRIDGES: Oh, about that? Yeah, 14 oh, yeah. I thought you meant about Rocky. Oh, 15 yeah, I definitely gave them my opinion. 16 DAVID SPEARS: I'm sure they're going 17 to tell him that I'm saying he could have done it. 18 But I just hope he knows I never said that, you 19 know what I mean? 20 MARK BRIDGES: Sure. 21 DAVID SPEARS: Because they'll ask 22 me, is it possible (indiscernible) is it possible? 23 MARK BRIDGES: Sure it's possible. 24 DAVID SPEARS: In theory, he could 25 have beat me and Nathan to the house and been gone</p>



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1 by the time we got there. That's possible, yeah.  
 2 MARK BRIDGES: What do you know about  
 3 Nathan? I don't know this Nathan.  
 4 DAVID SPEARS: I've known him since I  
 5 was in the fifth grade. Kind of an outlaw but not  
 6 a bad person, you know. He and I smoke a little  
 7 pot, few (indiscernible) he called her his  
 8 (indiscernible) Doesn't get to go riding anymore.  
 9 Whole last four years has really changed his life.  
 10 MARK BRIDGES: You know, there isn't  
 11 any way anybody could come to this and find this by  
 12 theirself. You know, like if you wanted to tell  
 13 the Sheriff's Department to come and search this,  
 14 unless it was McDonald County that knew --  
 15 DAVID SPEARS: The roads.  
 16 MARK BRIDGES: The roads, there's no  
 17 way anybody could find this.  
 18 DAVID SPEARS: That's why I'm out  
 19 here is because I don't -- you know, Fox Church,  
 20 it's been a long time since I've been there, but  
 21 I'm -- hell, you know a general location you can  
 22 find.  
 23 MARK BRIDGES: Yeah. Is the church  
 24 still active?  
 25 DAVID SPEARS: Yeah.

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1 MARK BRIDGES: Is it just people from  
 2 the community?  
 3 DAVID SPEARS: Right. It's -- it's  
 4 just a little church. I assume it's still active.  
 5 I haven't been past it in years. But like I said,  
 6 if it's out through here, if this doesn't drop us  
 7 off to it, then it's -- then it was the turn, we  
 8 took the wrong turn. Still, these are definitely  
 9 the back hills.  
 10 MARK BRIDGES: I didn't know McDonald  
 11 County has this pretty -- I knew they had some  
 12 pretty stuff around the lake. I mean around the  
 13 creek.  
 14 DAVID SPEARS: Yeah.  
 15 MARK BRIDGES: Some beautiful views  
 16 up through here.  
 17 DAVID SPEARS: I don't know how to  
 18 feel about thinking this way, but if I was going to  
 19 hide a body, it'd be down in here.  
 20 MARK BRIDGES: Oh, you know it.  
 21 DAVID SPEARS: With all this other  
 22 situation, do you know how hard that is to say?  
 23 You know what I mean?  
 24 MARK BRIDGES: I'm sure you've  
 25 thought of every possible angle of what somebody

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1 could do.  
 2 DAVID SPEARS: Now, what does this  
 3 say? We're hitting Fox Road.  
 4 MARK BRIDGES: Good work.  
 5 DAVID SPEARS: All right.  
 6 MARK BRIDGES: Straight ahead?  
 7 DAVID SPEARS: Uh-huh.  
 8 MARK BRIDGES: What's that flying  
 9 through the trees there?  
 10 DAVID SPEARS: Looks like a -- it was  
 11 gray. I don't know.  
 12 MARK BRIDGES: Huh. Wow, isn't this  
 13 something? (indiscernible)  
 14 DAVID SPEARS: Now that I've had to  
 15 shift gears and try to think like a criminal, you  
 16 know -- when you first started doing that, did you  
 17 find it got easier over time?  
 18 MARK BRIDGES: Oh, absolutely.  
 19 DAVID SPEARS: I adapt really fast.  
 20 Well, you know that.  
 21 MARK BRIDGES: Yeah.  
 22 DAVID SPEARS: And I'm thinking, you  
 23 know, really especially in this season -- and there  
 24 are probably five hundred miles of back roads down  
 25 here in Powell, where you can -- there's no houses

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1 for a mile, two, three miles. A man could slip out  
 2 into these woods, leave his car parked on the side  
 3 of the road or right in the middle of the road, to  
 4 where his tracks never stop.  
 5 MARK BRIDGES: Uh-huh.  
 6 DAVID SPEARS: Sneak out in the  
 7 middle of the woods, move some leaves over, dig a  
 8 shallow grave, cover it back up, and you'd never  
 9 find it without dogs.  
 10 MARK BRIDGES: That's the problem. I  
 11 mean, even like last night, the -- the weeds -- or  
 12 the leaves that fell last night. We had a guy that  
 13 was going to do the lot, and he went and blowed it  
 14 off so he could seal it today. And he came back  
 15 today, and you can't even see the lot back there in  
 16 that alley. That's how many leaves.  
 17 DAVID SPEARS: This intersection,  
 18 we're probably going to turn around and come back  
 19 out. And I don't really care if I'm trespassing on  
 20 somebody's property or not. See, like I said,  
 21 that's Fox Church.  
 22 MARK BRIDGES: That's Fox Church.  
 23 DAVID SPEARS: We'll turn around, and  
 24 we want to go back up the hill.  
 25 MARK BRIDGES: Okay.

12 (Pages 42 to 45)



<p style="text-align: right;">Page 46</p> <p>1 DAVID SPEARS: Because the cave is on  2 the other side. Are you surprised, Mark?  3 MARK BRIDGES: I'm -- no, I'm --  4 DAVID SPEARS: Or are you just lost?  5 MARK BRIDGES: Oh, man, I'm worse  6 than lost. Don't you have a heart attack right  7 now. I'll never get out of here.  8 DAVID SPEARS: You know, yesterday  9 the FBI showed me that -- that polygraph. I  10 thought I was going to have one.  11 MARK BRIDGES: Probably have an  12 anxiety attack.  13 DAVID SPEARS: I've been having them  14 off and on for a while.  15 MARK BRIDGES: Back in here?  16 DAVID SPEARS: No, just run slow up  17 the hill so I can find the stinking cave. It's  18 almost -- in fact, if you want to park there, and  19 we can walk up the hill, that probably would be  20 fine.  21 MARK BRIDGES: (indiscernible)  22 DAVID SPEARS: (indiscernible)  23 MARK BRIDGES: Nobody's going to  24 steal our vehicle  25 DAVID SPEARS: Well, I think we'd see</p>	<p style="text-align: right;">Page 48</p> <p>1 road.  2 MARK BRIDGES: Well, this ain't no  3 normal road, buddy.  4 DAVID SPEARS: No. (indiscernible)  5 Because these here roads is the ones that we should  6 run.  7 MARK BRIDGES: Absolutely. Yeah,  8 they wouldn't -- nobody would ever have any idea to  9 search this.  10 DAVID SPEARS: Yesterday I would have  11 done this with the FBI, but they wanted me to take  12 them everywhere that I remembered. And in fact, I  13 tried to take them on down road -- down one road,  14 and they went the other way.  15 MARK BRIDGES: Oh, so you did go out  16 with them?  17 DAVID SPEARS: I went out with the  18 FBI and showed them everywhere I remember being.  19 So you can guarantee all those places --  20 MARK BRIDGES: Hey, look, there's a  21 vodka bottle.  22 DAVID SPEARS: Yeah. Of course,  23 that's common, you know.  24 MARK BRIDGES: Oh, is it pretty  25 common?</p>
<p style="text-align: right;">Page 47</p> <p>1 them do it.  2 MARK BRIDGES: Me too.  3 DAVID SPEARS: (indiscernible) a lot  4 of roads (indiscernible)  5 MARK BRIDGES: (indiscernible) yeah,  6 those shoes aren't going to be very good.  7 DAVID SPEARS: (indiscernible)  8 Saturday morning.  9 MARK BRIDGES: Uh-huh.  10 DAVID SPEARS: The leaves were pretty  11 much (indiscernible) off in the ditch like this  12 somewhere.  13 MARK BRIDGES: Yeah, she could be  14 covered like I said yesterday. But this is where  15 (indiscernible) Are we going to go on this way, or  16 are we going to go back that way?  17 DAVID SPEARS: (indiscernible)  18 MARK BRIDGES: We'll go on this way  19 after the fact.  20 DAVID SPEARS: (indiscernible)  21 MARK BRIDGES: Uh-huh.  22 DAVID SPEARS: (indiscernible)  23 MARK BRIDGES: We'll go this way?  24 Okay.  25 DAVID SPEARS: (indiscernible) normal</p>	<p style="text-align: right;">Page 49</p> <p>1 DAVID SPEARS: Yeah. It's really  2 common.  3 Okay. Literally Fox Cave's a hole in  4 the ground. (indiscernible) covered it up where  5 it's going to be hard to see.  6 MARK BRIDGES: Is it pretty close to  7 the road?  8 DAVID SPEARS: (indiscernible) I  9 think it may be (indiscernible) last time I laid  10 eyes on Fox Cave when we walked up to it, I was  11 fifteen.  12 MARK BRIDGES: Oh, baby.  13 DAVID SPEARS: We're talking ten  14 years. (indiscernible)  15 MARK BRIDGES: (indiscernible) any  16 reason to hang out at Fox Cave?  17 DAVID SPEARS: People go spelunking.  18 You know, take your girlfriend down there and scare  19 the hell out of her.  20 MARK BRIDGES: Oh, really?  21 DAVID SPEARS: I saw a board  22 (indiscernible).  23 MARK BRIDGES: Well, walking up this  24 hill, you can tell how out of shape I am.  25 DAVID SPEARS: Are you winded?</p>



<p style="text-align: right;">Page 50</p> <p>1 MARK BRIDGES: Not winded, but I can 2 feel it in my legs already. 3 DAVID SPEARS: (indiscernible) I 4 know we'll regret this later, but (indiscernible) 5 don't you think? 6 MARK BRIDGES: Yeah. How far down in 7 would it be? Way down in that hole? 8 DAVID SPEARS: Not very far from the 9 road. 10 MARK BRIDGES: Oh, good. 11 DAVID SPEARS: I know it's not -- 12 MARK BRIDGES: Well, don't fall in 13 it. 14 DAVID SPEARS: No. Then you'll have 15 to go get radio for them to rescue me too. 16 MARK BRIDGES: Yeah, and I'll tell 17 them, come to Fox Cave. They'll say, where? 18 DAVID SPEARS: (indiscernible) Why 19 is this all covered up? 20 MARK BRIDGES: See, there's so many 21 places. 22 DAVID SPEARS: Yeah. The reason I 23 moved all that is I didn't know if the cave was 24 there. In theory, the way it was stacked up, 25 something could have been under it.</p>	<p style="text-align: right;">Page 52</p> <p>1 MARK BRIDGES: Along with what? 2 Wow, what a ridge. 3 DAVID SPEARS: I don't know if that's 4 the same hole or not. I thought it was on this 5 side of the fence. You haven't seen anywhere 6 there's a big indention, have you? 7 MARK BRIDGES: No, not a thing. 8 DAVID SPEARS: Would it be possible 9 an old farmer filled it in? 10 MARK BRIDGES: Sure could. 11 DAVID SPEARS: In the last ten years? 12 MARK BRIDGES: Sure could. 13 DAVID SPEARS: Might have lost a calf 14 down in it or something. You've never heard of Fox 15 Holler Cave, did you? 16 MARK BRIDGES: No, I sure haven't. 17 First time I've ever heard of it. 18 DAVID SPEARS: (indiscernible) 19 MARK BRIDGES: Here's a hole. 20 DAVID SPEARS: How big a hole? 21 MARK BRIDGES: Might be from a tree. 22 About six foot wide. 23 DAVID SPEARS: Rock or dirt? 24 MARK BRIDGES: Looks like dirt. It's 25 got leaves in it.</p>
<p style="text-align: right;">Page 51</p> <p>1 MARK BRIDGES: Sure. 2 DAVID SPEARS: I know it's out here. 3 But finding the damn thing. See what I mean about 4 it's hard to find? I've been to it, but I don't 5 know exactly where it is. 6 MARK BRIDGES: Yeah, it's been a long 7 time. Somebody dumped -- looks like somebody 8 dumped their Christmas tree here. That's what this 9 is. 10 DAVID SPEARS: Yeah. I guess it is. 11 There's the old rock cliff, so that 12 means -- yeah. Definitely (indiscernible) 13 MARK BRIDGES: Definitely what? 14 DAVID SPEARS: Went down in my boots. 15 (indiscernible) 16 MARK BRIDGES: That's an 17 understatement. I know which way's west. I can go 18 that far. 19 DAVID SPEARS: (indiscernible) 20 MARK BRIDGES: Yeah. I can drive 21 west until the sun goes down. 22 Don't hurt yourself. 23 DAVID SPEARS: (indiscernible) 24 MARK BRIDGES: All right. 25 DAVID SPEARS: (indiscernible)</p>	<p style="text-align: right;">Page 53</p> <p>1 DAVID SPEARS: (indiscernible) 2 MARK BRIDGES: I bet you this is it. 3 DAVID SPEARS: Okay. 4 MARK BRIDGES: Yeah, because it's got 5 rock down in it. 6 DAVID SPEARS: (indiscernible) but 7 I'm getting there. 8 MARK BRIDGES: Yeah, this is it. 9 DAVID SPEARS: How deep is it? 10 MARK BRIDGES: There's a beer bottle 11 down in here. 12 DAVID SPEARS: See anything else? 13 MARK BRIDGES: No. 14 DAVID SPEARS: See, you didn't even 15 know where it was, and you found it. You're good 16 at this. 17 MARK BRIDGES: I don't know. There's 18 something white down here, but it's under a tree. 19 DAVID SPEARS: What's it look like? 20 MARK BRIDGES: I can't tell. 21 DAVID SPEARS: You want me to come 22 there? 23 MARK BRIDGES: Yeah, come look at it 24 and see if it looks like anything familiar to you. 25 I don't know --</p>



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<p>1 DAVID SPEARS: Oh, boy.</p> <p>2 MARK BRIDGES: Yeah.</p> <p>3 DAVID SPEARS: Well, you did find it,</p> <p>4 didn't you?</p> <p>5 MARK BRIDGES: Yeah, this is it,</p> <p>6 isn't it?</p> <p>7 DAVID SPEARS: Yeah.</p> <p>8 MARK BRIDGES: Cool. And you need to</p> <p>9 look from -- from that angle in this way, because I</p> <p>10 can't see back this way.</p> <p>11 DAVID SPEARS: I'm trying to get over</p> <p>12 there best I can without falling in the damn thing.</p> <p>13 Now, Mark, don't slip.</p> <p>14 MARK BRIDGES: Yeah, it'd be a long</p> <p>15 fall.</p> <p>16 DAVID SPEARS: Yeah, and I don't</p> <p>17 think you've got a rope and stuff, do you?</p> <p>18 MARK BRIDGES: No, I don't.</p> <p>19 DAVID SPEARS: I'd have to go back.</p> <p>20 I don't even know how to work the radio.</p> <p>21 MARK BRIDGES: Just push the buttons.</p> <p>22 DAVID SPEARS: And talk, right?</p> <p>23 MARK BRIDGES: That's right.</p> <p>24 DAVID SPEARS: I lost Mark Bridges.</p> <p>25 I lost Mark Bridges.</p>	<p>1 bottles, rotten wood.</p> <p>2 MARK BRIDGES: So you think people</p> <p>3 actually rappelled down in there, or they just</p> <p>4 threw them in there?</p> <p>5 DAVID SPEARS: I know they did. I</p> <p>6 watched people go down there.</p> <p>7 MARK BRIDGES: Is that right?</p> <p>8 DAVID SPEARS: That's why this log's</p> <p>9 here.</p> <p>10 MARK BRIDGES: Oh, really?</p> <p>11 DAVID SPEARS: You can guarantee they</p> <p>12 left a rope around it.</p> <p>13 MARK BRIDGES: Yeah.</p> <p>14 DAVID SPEARS: We never did. The</p> <p>15 people I watched go tied off to that tree right</p> <p>16 there or to a fence post.</p> <p>17 MARK BRIDGES: Uh-huh.</p> <p>18 DAVID SPEARS: Okay. I don't see</p> <p>19 anything but dead wood and beer bottles. That</p> <p>20 white thing you were seeing --</p> <p>21 MARK BRIDGES: It's over this way.</p> <p>22 DAVID SPEARS: Towards you?</p> <p>23 MARK BRIDGES: No, it's towards you.</p> <p>24 It's on the other side, back in that way.</p> <p>25 DAVID SPEARS: Here. I'm going to</p>
Page 55	Page 57
<p>1 MARK BRIDGES: This is cool.</p> <p>2 DAVID SPEARS: Here. I'm going to</p> <p>3 come around where (indiscernible)</p> <p>4 MARK BRIDGES: Can you look back this</p> <p>5 -- from there, can you look back this direction?</p> <p>6 DAVID SPEARS: I wonder how sturdy</p> <p>7 that log is.</p> <p>8 MARK BRIDGES: Seems to be real</p> <p>9 sturdy.</p> <p>10 DAVID SPEARS: Well, we're about to</p> <p>11 find out.</p> <p>12 MARK BRIDGES: Except this part right</p> <p>13 here.</p> <p>14 DAVID SPEARS: If I fall, just have</p> <p>15 somebody come get me (indiscernible).</p> <p>16 I know we'll regret this later. Take</p> <p>17 this for a second. If I wedge myself between the</p> <p>18 tree and the sign, I might be all right.</p> <p>19 MARK BRIDGES: I can tell you've done</p> <p>20 this before.</p> <p>21 DAVID SPEARS: Really?</p> <p>22 MARK BRIDGES: That you -- you've</p> <p>23 been an explorer extraordinaire.</p> <p>24 DAVID SPEARS: I doubt that. Yeah, I</p> <p>25 can see all the way back in there. I see beer</p>	<p>1 lean over the log so that I can look backwards.</p> <p>2 MARK BRIDGES: Okay.</p> <p>3 DAVID SPEARS: Light we're shining</p> <p>4 down there on with (indiscernible).</p> <p>5 MARK BRIDGES: See what I'm talking</p> <p>6 about? It's right in there.</p> <p>7 DAVID SPEARS: Okay. I'm going to</p> <p>8 have to come around, then. I can't see anything</p> <p>9 from here. Yeah, I might have climbed a cliff or</p> <p>10 went in a cave once or twice, Mark. I was a fat</p> <p>11 boy, but I did seem to get around a little bit, you</p> <p>12 know. (indiscernible)</p> <p>13 MARK BRIDGES: Not very good, is it?</p> <p>14 DAVID SPEARS: No. (Indiscernible)</p> <p>15 before I go down in that thing.</p> <p>16 MARK BRIDGES: You know it. See what</p> <p>17 I'm talking about right in there?</p> <p>18 DAVID SPEARS: Here. See where they</p> <p>19 tied off to that root? Can you go that way?</p> <p>20 MARK BRIDGES: Uh-huh.</p> <p>21 DAVID SPEARS: I see that huge tree</p> <p>22 log in there.</p> <p>23 MARK BRIDGES: See underneath it?</p> <p>24 Something that's white and long.</p> <p>25 DAVID SPEARS: Yeah. It looks like a</p>



<p style="text-align: right;">Page 58</p> <p>1 -- I don't know. Almost like a flattened out 2 plastic bag or something. 3 MARK BRIDGES: I don't know how it 4 got down there under that tree. 5 DAVID SPEARS: If I had a 6 (indiscernible) hook, I could go after it. 7 MARK BRIDGES: You know it. 8 DAVID SPEARS: What do you think? Is 9 it something? 10 MARK BRIDGES: I don't have any idea. 11 DAVID SPEARS: I mean, it's not, but 12 -- it doesn't look to be about like -- does it 13 look any bigger than that to you? 14 MARK BRIDGES: Couldn't -- bed sheet. 15 Could it be a bed sheet? I'm thinking that's 16 (indiscernible) here. 17 DAVID SPEARS: I understand, and I 18 see where you're going with that. 19 MARK BRIDGES: I hate to miss 20 something, there be something here and miss it. 21 DAVID SPEARS: Is there a rock handy 22 somewhere? 23 MARK BRIDGES: Isn't that something? 24 In McDonald County, and you can't find a rock? 25 DAVID SPEARS: I wonder if there's a</p>	<p style="text-align: right;">Page 60</p> <p>1 Now I'm changing my mind. 2 DAVID SPEARS: You know, I would -- I 3 would openly admit suddenly things are looking kind 4 of funny. Well, that doesn't look like anything? 5 MARK BRIDGES: No. 6 DAVID SPEARS: I mean, it could be 7 (indiscernible) but she's not down there. 8 MARK BRIDGES: Right. 9 DAVID SPEARS: And as many people 10 party (indiscernible) 11 MARK BRIDGES: Isn't that wild that 12 they go to that? 13 DAVID SPEARS: No, it's normal. 14 MARK BRIDGES: What do you figure, 15 they park right up along here? 16 DAVID SPEARS: Yeah. Or they park 17 down the road and they walk up. You'd be amazed 18 how close the girls will cuddle up to you or -- 19 MARK BRIDGES: In a cave? 20 DAVID SPEARS: No, on a cool night 21 walking up there. (indiscernible) 22 MARK BRIDGES: Fox Cave. I can now 23 say I've seen a hole in the ground that's a cave. 24 DAVID SPEARS: Pretty good sized one 25 too, isn't it?</p>
<p style="text-align: right;">Page 59</p> <p>1 -- if we can find a stick that long. 2 MARK BRIDGES: Well, it would be a 3 long one. 4 DAVID SPEARS: If it was anything, 5 it'd be a pillow. 6 MARK BRIDGES: Okay. Well, we've 7 looked, so -- 8 DAVID SPEARS: I mean, it's obviously 9 not very big. 10 MARK BRIDGES: Yeah. If somebody 11 wants to come back and look again, maybe we'll -- 12 you know, but they're going to have to go down in 13 there, I'd imagine. 14 DAVID SPEARS: That or they're going 15 to have to have like a telescoping wand. 16 MARK BRIDGES: Right. 17 DAVID SPEARS: So they can kind of 18 poke at it and see what it is for sure 19 (indiscernible). You know, for a minute, I thought 20 that was Chris' truck. I thought that that was 21 Chris' truck. I was going to say -- 22 MARK BRIDGES: Look out. Now you're 23 changing your mind. That's right. 24 DAVID SPEARS: No, I mean -- 25 MARK BRIDGES: That's what I'd say.</p>	<p style="text-align: right;">Page 61</p> <p>1 MARK BRIDGES: It is a pretty good 2 sized one. 3 DAVID SPEARS: Did it surprise you to 4 see me crawling around like that? 5 MARK BRIDGES: Big old spelunker. 6 Spelunker, is that the way they say it? 7 DAVID SPEARS: You know the -- the 8 big (indiscernible) we went by, by the 9 (indiscernible) creek from the highway? 10 MARK BRIDGES: Yeah. 11 DAVID SPEARS: I used to be able to 12 make it halfway up those before I had to go back 13 down. 14 MARK BRIDGES: Wow. 15 DAVID SPEARS: When I was a kid -- 16 well, when I was twelve years old, I could still do 17 the splits. And I was three hundred pounds. 18 MARK BRIDGES: You had extra momentum 19 pushing you down, didn't you? 20 DAVID SPEARS: Actually, no, it was 21 -- it was limberness. 22 MARK BRIDGES: Limberness. 23 DAVID SPEARS: I can still sit the -- 24 the heel of my right foot on the hood of your van. 25 MARK BRIDGES: Wow.</p>



Page 62	Page 64
<p>1 DAVID SPEARS: (indiscernible)</p> <p>2 MARK BRIDGES: Well, you ought to be</p> <p>3 able to do that karate.</p> <p>4 DAVID SPEARS: I've taken some</p> <p>5 martial arts. I probably have more training than</p> <p>6 my belts show, because my belts -- I'm still in the</p> <p>7 first -- first color. Since my best friend was the</p> <p>8 instructor, I learned a little more. He noticed</p> <p>9 when I spar that my favorite strike is one of them</p> <p>10 hay hook roundhouses.</p> <p>11 MARK BRIDGES: Uh-huh.</p> <p>12 DAVID SPEARS: And so he taught me</p> <p>13 all the tricks to open them up so that they can't</p> <p>14 block it before it strikes. And then he received</p> <p>15 one. That didn't go well.</p> <p>16 All the way up, I was looking way</p> <p>17 down that ravine.</p> <p>18 MARK BRIDGES: Yeah. Well, if you</p> <p>19 know one place, you know stuff close to it. You're</p> <p>20 right. Smart move.</p> <p>21 DAVID SPEARS: You have no idea how</p> <p>22 much I appreciate this, Mark.</p> <p>23 MARK BRIDGES: Hey, I'll tell you</p> <p>24 what. It makes me feel better too.</p> <p>25 DAVID SPEARS: If the --</p>	<p>1 pull onto the side of the road so that I could pee.</p> <p>2 MARK BRIDGES: I just did myself.</p> <p>3 DAVID SPEARS: You may</p> <p>4 (indiscernible).</p> <p>5 MARK BRIDGES: I don't know about</p> <p>6 (indiscernible).</p> <p>7 DAVID SPEARS: How many people you</p> <p>8 know who can say that?</p> <p>9 MARK BRIDGES: Yeah. That's right.</p> <p>10 DAVID SPEARS: (indiscernible)</p> <p>11 MARK BRIDGES: Hey, that'd be a good</p> <p>12 place right there.</p> <p>13 DAVID SPEARS: Because there's a</p> <p>14 little ravine on the other side.</p> <p>15 MARK BRIDGES: Yeah. It's kind of</p> <p>16 hidden from the road.</p> <p>17 DAVID SPEARS: And there's not a lot</p> <p>18 of vegetation to show that you've come through.</p> <p>19 MARK BRIDGES: True.</p> <p>20 DAVID SPEARS: Footprints would be</p> <p>21 almost impossible to find.</p> <p>22 MARK BRIDGES: True.</p> <p>23 DAVID SPEARS: I don't see anything</p> <p>24 out of the (indiscernible) you know, like</p> <p>25 (indiscernible) dirt. Coming back down, that's</p>
Page 63	Page 65
<p>1 MARK BRIDGES: Feels like we're doing</p> <p>2 something.</p> <p>3 DAVID SPEARS: Human nature is that</p> <p>4 the act of doing something is better than sitting</p> <p>5 idle.</p> <p>6 MARK BRIDGES: That's right.</p> <p>7 DAVID SPEARS: I finally had to tell</p> <p>8 one of the FBI agents because they asked me how far</p> <p>9 I went in school, and I told them, this would be a</p> <p>10 whole lot easier if you'll talk to me like I was</p> <p>11 college educated.</p> <p>12 MARK BRIDGES: Don't treat me like a</p> <p>13 --</p> <p>14 DAVID SPEARS: If you treat me like a</p> <p>15 country bumpkin, we're going to have trouble.</p> <p>16 MARK BRIDGES: Like you say, leaves</p> <p>17 could fall here overnight because of that freeze.</p> <p>18 DAVID SPEARS: But there'd be some</p> <p>19 kind of (indiscernible) you know.</p> <p>20 MARK BRIDGES: Yeah, hopefully.</p> <p>21 DAVID SPEARS: This sounds -- this is</p> <p>22 out of the blue, but I thought you would -- you</p> <p>23 have a twisted sense of humor.</p> <p>24 MARK BRIDGES: Uh-huh.</p> <p>25 DAVID SPEARS: I made an FBI agent</p>	<p>1 going to suck, because I know that stuff will cut</p> <p>2 the heck out of your feet.</p> <p>3 MARK BRIDGES: Oh, baby.</p> <p>4 DAVID SPEARS: So I'll do what I've</p> <p>5 always done in times like this.</p> <p>6 MARK BRIDGES: Down on your rear?</p> <p>7 DAVID SPEARS: Yeah.</p> <p>8 MARK BRIDGES: Yeah, now, if I'd done</p> <p>9 something, this would have been a good place</p> <p>10 because like you say, it's kind of like a little --</p> <p>11 DAVID SPEARS: Well, if you ever have</p> <p>12 to put somebody away --</p> <p>13 MARK BRIDGES: I know where to go,</p> <p>14 don't I?</p> <p>15 DAVID SPEARS: Do you know they even</p> <p>16 went as far as -- they found out I'm writing a</p> <p>17 novel.</p> <p>18 MARK BRIDGES: Uh-huh.</p> <p>19 DAVID SPEARS: And they wanted to</p> <p>20 know all about it.</p> <p>21 MARK BRIDGES: Uh-huh.</p> <p>22 DAVID SPEARS: And I figured it's</p> <p>23 something I can think about for a few minutes and</p> <p>24 not freak out. So sure, I'll tell you the story.</p> <p>25 MARK BRIDGES: Do they have it? Do</p>



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1 they have your novel?  
2 DAVID SPEARS: Well, I only have  
3 eight pages written.  
4 MARK BRIDGES: Oh.  
5 DAVID SPEARS: But (indiscernible).  
6 MARK BRIDGES: Do you have any -- do  
7 you have any sites on the computer that they would  
8 find interesting, because I -- I know that -- well,  
9 from Colleen, I know that somebody got your  
10 computer.  
11 DAVID SPEARS: Uh-huh.  
12 MARK BRIDGES: Or her computer.  
13 DAVID SPEARS: They took the  
14 computer.  
15 MARK BRIDGES: Well, obviously they'd  
16 be asking you about it by now, so surely they would  
17 know something.  
18 DAVID SPEARS: What?  
19 MARK BRIDGES: If they thought there  
20 was anything out of the ordinary.  
21 DAVID SPEARS: I'm assuming that they  
22 can do all the stuff on the computer  
23 (indiscernible) pretty quick.  
24 MARK BRIDGES: I would think so. I  
25 don't know that. Be my guess. Back this way?

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1 DAVID SPEARS: Yeah.  
2 MARK BRIDGES: I think most people  
3 visit sites that -- you know, that they don't sit  
4 there and talk to anybody about, but --  
5 DAVID SPEARS: Well, there's nothing  
6 -- there's nothing like (indiscernible).  
7 MARK BRIDGES: Right. Right.  
8 DAVID SPEARS: There's not like any  
9 sites with stuff like that on there. No.  
10 MARK BRIDGES: Right.  
11 DAVID SPEARS: No.  
12 MARK BRIDGES: Okay. Which way?  
13 DAVID SPEARS: You want to go that  
14 way.  
15 MARK BRIDGES: Yeah?  
16 DAVID SPEARS: You want to head  
17 towards Wheaton.  
18 MARK BRIDGES: Now, is there anything  
19 that -- around -- obviously, Chris' --  
20 DAVID SPEARS: Look at that. Looks  
21 like they got a cemetery.  
22 MARK BRIDGES: Really.  
23 DAVID SPEARS: Fox Cemetery.  
24 MARK BRIDGES: Fox Cemetery. Now, I  
25 have heard of Fox Cemetery. Nice iron fence around

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1 it. Somebody paid some bucks.  
2 DAVID SPEARS: (indiscernible)  
3 MARK BRIDGES: Fox Cemetery. Nice  
4 little cemetery.  
5 DAVID SPEARS: It is.  
6 MARK BRIDGES: Wonder how long that  
7 fence has been up, how many years.  
8 DAVID SPEARS: I don't know. As long  
9 as I can remember.  
10 (Indiscernible) over by Wheaton.  
11 MARK BRIDGES: Good.  
12 DAVID SPEARS: Couple places.  
13 MARK BRIDGES: Now, are these places  
14 that Chris wouldn't have told them about or  
15 wouldn't -- they wouldn't have been able to find?  
16 I don't know what Chris told them. I heard him  
17 tell about sites, but I don't know what sites. I  
18 heard him telling them about a place that had -- he  
19 said there's a pond over here and there's a pond  
20 over here, and he said there's open land on the  
21 front. And then I thought he said woods on the  
22 back. I was standing there in the kitchen.  
23 DAVID SPEARS: Yeah. Yeah.  
24 MARK BRIDGES: And then the FBI agent  
25 walked in, so they had --

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1 DAVID SPEARS: (indiscernible)  
2 probably.  
3 MARK BRIDGES: Well, that's all I  
4 heard.  
5 DAVID SPEARS: I -- you know, I don't  
6 really care what him or Nathan or anybody else is  
7 telling, to be honest.  
8 MARK BRIDGES: Well, I'm just saying  
9 --  
10 DAVID SPEARS: I know.  
11 MARK BRIDGES: -- What sites --  
12 DAVID SPEARS: I don't know.  
13 MARK BRIDGES: Any sites that --  
14 DAVID SPEARS: (indiscernible) I  
15 can't think of any.  
16 MARK BRIDGES: Of course, he wouldn't  
17 tell them -- if he was responsible, he wouldn't  
18 tell them a site that he frequented that she might  
19 be at, I don't think. Unless he's trying to blame  
20 it on somebody else like you or --  
21 DAVID SPEARS: Right.  
22 MARK BRIDGES: The other guy --  
23 Nathan? What's the other guy's name?  
24 DAVID SPEARS: Nathan.  
25 MARK BRIDGES: Okay. Hey, we're back

18 (Pages 66 to 69)



<p style="text-align: right;">Page 70</p> <p>1 to civilization.</p> <p>2 DAVID SPEARS: We're going to take a</p> <p>3 (indiscernible).</p> <p>4 MARK BRIDGES: Oh, we're over Mike's</p> <p>5 Springs, Mike's Creek.</p> <p>6 DAVID SPEARS: We're going to take</p> <p>7 the back way over to Wheaton, because he knows all</p> <p>8 these roads. I know all these roads.</p> <p>9 MARK BRIDGES: I've heard of Mike's</p> <p>10 Creek.</p> <p>11 DAVID SPEARS: Right. He's obviously</p> <p>12 rode -- you know, even a (indiscernible) get her</p> <p>13 out here somewhere, they probably just drug her</p> <p>14 over the fence, and she wouldn't be found until he</p> <p>15 was long gone.</p> <p>16 MARK BRIDGES: Right. Well, one good</p> <p>17 thing about it, which would kind of show that --</p> <p>18 that possibly he didn't have anything to do with it</p> <p>19 is he hasn't -- he hasn't fled the country.</p> <p>20 DAVID SPEARS: Right. Well, that's</p> <p>21 the same thing with me.</p> <p>22 MARK BRIDGES: Right.</p> <p>23 DAVID SPEARS: But I -- but I</p> <p>24 (indiscernible) I just -- I feel my head spinning.</p> <p>25 I told them, I was like, you got to be dumb if you</p>	<p style="text-align: right;">Page 72</p> <p>1 know of that they don't know about.</p> <p>2 DAVID SPEARS: Right.</p> <p>3 MARK BRIDGES: That the authorities</p> <p>4 don't know about, which would be a place that he</p> <p>5 would know but wouldn't tell them.</p> <p>6 DAVID SPEARS: Right.</p> <p>7 MARK BRIDGES: And I'm hoping that</p> <p>8 you would know those places.</p> <p>9 DAVID SPEARS: I know -- the only</p> <p>10 places that I'm not real familiar is down around</p> <p>11 where his brother lives, because that's a huge</p> <p>12 chunk of property. (indiscernible) in that old</p> <p>13 truck you helped me get.</p> <p>14 MARK BRIDGES: Uh-huh.</p> <p>15 DAVID SPEARS: Get around down there</p> <p>16 on that farm.</p> <p>17 MARK BRIDGES: Have they gone through</p> <p>18 it with a fine-toothed comb too?</p> <p>19 DAVID SPEARS: I don't know. But I</p> <p>20 don't think he would -- I don't know that he would</p> <p>21 take her down there because -- you know I know</p> <p>22 Chris pretty well.</p> <p>23 MARK BRIDGES: Uh-huh.</p> <p>24 DAVID SPEARS: Chris, if he --</p> <p>25 MARK BRIDGES: Okay. Tell me this.</p>
<p style="text-align: right;">Page 71</p> <p>1 think I'm going to (indiscernible). Let me ask you</p> <p>2 a question. (indiscernible) if I did something to</p> <p>3 my child, if I was responsible for her missing and</p> <p>4 you presume dead, do you think those two days that</p> <p>5 I was in the house just waiting for a call or</p> <p>6 something, don't you think I'd have disappeared?</p> <p>7 You know?</p> <p>8 MARK BRIDGES: Uh-huh.</p> <p>9 DAVID SPEARS: Because, you know,</p> <p>10 they thought (indiscernible), but you and I both</p> <p>11 know -- you grew up maybe not in the country, but</p> <p>12 -- well, you just watched me in the woods. I</p> <p>13 could disappear and be fucking gone.</p> <p>14 MARK BRIDGES: Right.</p> <p>15 DAVID SPEARS: And I -- there's no</p> <p>16 sense in doing that because I have nothing to hide.</p> <p>17 There's nothing to run from. I've taken</p> <p>18 responsibility for what I did do, which is I left</p> <p>19 her alone.</p> <p>20 MARK BRIDGES: Well, if my theory's</p> <p>21 right -- which it's not even a theory.</p> <p>22 DAVID SPEARS: It's a hypothesis.</p> <p>23 MARK BRIDGES: It's my hypothesis,</p> <p>24 right. She's going to be at -- if she is somewhere,</p> <p>25 she's going to be at some place that several people</p>	<p style="text-align: right;">Page 73</p> <p>1 How well do you know him? I mean, how much time</p> <p>2 have you over the years --</p> <p>3 DAVID SPEARS: (indiscernible)</p> <p>4 MARK BRIDGES: How long -- how many</p> <p>5 years have you known him?</p> <p>6 DAVID SPEARS: Probably ten years.</p> <p>7 MARK BRIDGES: Ten years. Out of</p> <p>8 those ten years, how much have you been with him on</p> <p>9 a regular basis?</p> <p>10 DAVID SPEARS: He gone to Arkansas</p> <p>11 two or three times for -- this last time, I think</p> <p>12 it was for like I want to say three years.</p> <p>13 MARK BRIDGES: Uh-huh.</p> <p>14 DAVID SPEARS: I can't give you an</p> <p>15 exact time frame (indiscernible) time frame.</p> <p>16 MARK BRIDGES: But you've been in</p> <p>17 close proximity to him for --</p> <p>18 DAVID SPEARS: A number of years.</p> <p>19 MARK BRIDGES: For a number of years.</p> <p>20 Okay. Go ahead.</p> <p>21 DAVID SPEARS: I can -- I can finish</p> <p>22 his sentences without having him tell me, you know.</p> <p>23 I know the guy pretty well. And if Chris were</p> <p>24 going to do something, he wouldn't -- I can't even</p> <p>25 believe I'm having this discussion, but it's</p>



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1 logical to have it.  
 2 MARK BRIDGES: Sure.  
 3 DAVID SPEARS: That's why I'm doing  
 4 it.  
 5 MARK BRIDGES: You're working it  
 6 through your brain.  
 7 DAVID SPEARS: If he was going to do  
 8 something, he wouldn't panic and dump the evidence  
 9 at the first place. He would --  
 10 MARK BRIDGES: That he thought of?  
 11 DAVID SPEARS: Right.  
 12 MARK BRIDGES: Right.  
 13 DAVID SPEARS: He would methodically  
 14 think it out in a manner where he felt the evidence  
 15 would never be found.  
 16 MARK BRIDGES: That's why I'm hoping  
 17 that it'd be someplace you know of, because they  
 18 might never find it if it's not a place that you've  
 19 been with him in the past.  
 20 DAVID SPEARS: And I don't think he  
 21 would bury the body. I don't think he would dump  
 22 the body. Like we're doing this because we're  
 23 hoping.  
 24 MARK BRIDGES: Right.  
 25 DAVID SPEARS: I think he would -- I

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1 think he would hide the body until he could get in  
 2 contact with someone in like the scrap industry,  
 3 where was at the big scrap yard in Arkansas. You  
 4 know where they -- down around -- (indiscernible)  
 5 big companies use chemicals to clean metals that  
 6 will dissolve tissue. You understand that.  
 7 MARK BRIDGES: Yeah.  
 8 DAVID SPEARS: He's too smart to do  
 9 the hog farm bit, because they don't digest the  
 10 teeth, and he knows that, you know. He's too smart  
 11 to just dump her in a ditch. He's too smart to  
 12 sink her in a pond or drop her in a creek. I  
 13 believe that (indiscernible). Could I be wrong?  
 14 You can't read a man's (indiscernible) you can  
 15 think you know him, but you can't -- it's never a  
 16 hundred percent, no matter how well you know  
 17 somebody.  
 18 MARK BRIDGES: Sure.  
 19 DAVID SPEARS: They might act  
 20 differently under pressure.  
 21 MARK BRIDGES: Right.  
 22 DAVID SPEARS: But I think he would  
 23 dispose of the body in a manner that there would  
 24 never be any evidence to prove or link him to it  
 25 other than him getting the body to that point.

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1 MARK BRIDGES: Chris -- has he had  
 2 time to do that since this happened?  
 3 DAVID SPEARS: No. All day Saturday,  
 4 he was at Mount Vernon at his friend's  
 5 (indiscernible).  
 6 MARK BRIDGES: Okay.  
 7 DAVID SPEARS: He went up there.  
 8 Saturday he was with his family in Ridgely and then  
 9 he went to Mount Vernon Sunday morning, and they  
 10 contacted him. So he would have -- he wouldn't --  
 11 for him to have got ahold of [REDACTED], he would have  
 12 had to beat me and Nathan back to the house, took  
 13 her out of the house, did whatever he had intended  
 14 doing --  
 15 MARK BRIDGES: Would he have a  
 16 vehicle to do that?  
 17 DAVID SPEARS: His truck.  
 18 MARK BRIDGES: Okay.  
 19 DAVID SPEARS: And then --  
 20 MARK BRIDGES: Would that have been  
 21 hard to do?  
 22 DAVID SPEARS: To beat us to the  
 23 house?  
 24 MARK BRIDGES: Yeah.  
 25 DAVID SPEARS: No. We didn't run

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1 down the highway, and he did. If he -- if he done  
 2 it, he would have run down the highway. I'm trying  
 3 to run this through my mind. If I'm -- if it --  
 4 MARK BRIDGES: Well, I'm hoping  
 5 something will come to your mind that -- that was  
 6 blocked. That's what I'm hoping.  
 7 DAVID SPEARS: But -- and I -- and I  
 8 understand why you think there's something in my  
 9 mind that I've just blocked.  
 10 MARK BRIDGES: I don't know if there  
 11 -- no. I really don't know if there is at all.  
 12 DAVID SPEARS: You're just hoping.  
 13 MARK BRIDGES: I'm hoping there is.  
 14 I don't have the foggiest of an idea if there is.  
 15 DAVID SPEARS: You know, as strange  
 16 as it is, I've been hoping I can think of something  
 17 too. Think that -- anything that would point us in  
 18 the direction of where she is. But he would have  
 19 had to have been through the house and gone in five  
 20 minutes.  
 21 MARK BRIDGES: (indiscernible)  
 22 DAVID SPEARS: Five minutes. Which  
 23 means --  
 24 MARK BRIDGES: That means he'd have  
 25 had an hour and a half, or not that long?

20 (Pages 74 to 77)



<p style="text-align: right;">Page 78</p> <p>1 DAVID SPEARS: He would have had -- I  2 don't remember what time -- I don't know what time  3 we left his house. But I know that if he run down  4 the highway, he could have walked in, picked her  5 up, thrown her in the truck, and left before we got  6 there. I know (indiscernible)  7 MARK BRIDGES: Did he ever in your  8 whole life ever show any interest in little kids?  9 DAVID SPEARS: No.  10 MARK BRIDGES: See, that's kind of  11 strange, then.  12 DAVID SPEARS: No.  13 MARK BRIDGES: He never showed any  14 interest.  15 DAVID SPEARS: (indiscernible)  16 MARK BRIDGES: As close as he was to  17 you, you would think that he would have told -- you  18 know, I mean, he's opening up with you.  19 DAVID SPEARS: Oh, yeah.  20 MARK BRIDGES: If he said, hey, you  21 know, I got this strange fetish that I try to --  22 that I subdue, you'd think he's close enough to you  23 to talk about it.  24 DAVID SPEARS: Right.  25 MARK BRIDGES: And you know he's been</p>	<p style="text-align: right;">Page 80</p> <p>1 MARK BRIDGES: I guess we're not too  2 far away.  3 DAVID SPEARS: (indiscernible)  4 MARK BRIDGES: Probably about  5 (indiscernible) if it's that bad of reception,  6 possibly I might be able to get the east. See, I  7 don't have McDonald County, just Newton County.  8 DAVID SPEARS: It won't switch over  9 to their channel?  10 MARK BRIDGES: Yeah, I can get  11 McDonald County. I can get Barry County. I can  12 switch over to --  13 DAVID SPEARS: I'm not worried about  14 it because I have a credible person with me, and as  15 much as I hate to have to think about that too, I  16 have to -- I've made sure that everywhere I've been  17 since I've become under suspicion is accounted for  18 and is credible.  19 MARK BRIDGES: Well, we're very  20 accounted for, and they know what we're doing.  21 DAVID SPEARS: Believe me,  22 (indiscernible) -- I don't know if it's down this  23 way or not.  24 MARK BRIDGES: You want to try it or  25 --</p>
<p style="text-align: right;">Page 79</p> <p>1 around her so much.  2 DAVID SPEARS: Yeah. He lived in my  3 house.  4 MARK BRIDGES: Right.  5 DAVID SPEARS: That is where I'm  6 getting this (indiscernible). If he was going to  7 do something -- he'd babysit her sometimes.  8 MARK BRIDGES: Right.  9 DAVID SPEARS: Something would have  10 happened, you know.  11 MARK BRIDGES: Wellcome to Flag  12 Springs. Is that what you were talking about?  13 DAVID SPEARS: This is Flag Springs.  14 (indiscernible) This is up around 86 Highway.  15 MARK BRIDGES: Oh, got you. I've  16 never even heard of this.  17 DAVID SPEARS: Well, I told you you'd  18 get a great tour. I wish it could be under better  19 circumstances, Mark.  20 MARK BRIDGES: This is owned by  21 Missouri Conservation?  22 DAVID SPEARS: Yeah.  23 MARK BRIDGES: Huh. Any water on it,  24 or are they just --  25 DAVID SPEARS: No (indiscernible)</p>	<p style="text-align: right;">Page 81</p> <p>1 DAVID SPEARS: Well, we can go this  2 way. I don't think it's a road, because if it was a  3 road, it'd look like this.  4 MARK BRIDGES: Okay.  5 DAVID SPEARS: The thing is, though,  6 that you might run these roads (indiscernible).  7 MARK BRIDGES: Yes, sir. That's  8 camping areas, isn't it?  9 DAVID SPEARS: Yeah, that's a little  10 rest area.  11 MARK BRIDGES: Oh, that's pretty.  12 DAVID SPEARS: (indiscernible)  13 MARK BRIDGES: (indiscernible)  14 DAVID SPEARS: Yeah. (indiscernible)  15 MARK BRIDGES: Yeah, they sure do. I  16 had no idea they had that down here.  17 This guy already getting his hunting  18 started?  19 DAVID SPEARS: It is deer season.  20 MARK BRIDGES: Yeah. Good thing I  21 got a red shirt on.  22 DAVID SPEARS: (indiscernible)  23 MARK BRIDGES: That's right. They  24 better not be shooting at us.  25 DAVID SPEARS: You understand why</p>



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1 hearing that rumor about (indiscernible) that  
2 supposedly his wife hasn't seen him since Friday,  
3 that got me really --

4 MARK BRIDGES: Well, I'm just glad  
5 they've got so many people looking. Especially, I  
6 mean, you know, that are -- I don't know why they  
7 -- and I don't know if they did, but I was told  
8 today that they finally called in some dogs. And I  
9 was wondering if they didn't, why did they wait  
10 until today?

11 DAVID SPEARS: Yeah.

12 MARK BRIDGES: If they was going over  
13 all those areas. Maybe they didn't. I don't know.  
14 But my son told me that a guy, I think his name  
15 is Allen Brown, works for the (indiscernible) on  
16 some kind of state response team and they called  
17 him today and wanted to know if he'd bring his dog  
18 in. So they hadn't called him until then. He  
19 thought they'd call him this weekend.

20 DAVID SPEARS: Mark, I got to tell  
21 you.

22 MARK BRIDGES: Uh-huh.

23 DAVID SPEARS: I figure I'm  
24 comfortable stating anything that they've discussed  
25 with me to you because --

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1 MARK BRIDGES: Sure.

2 DAVID SPEARS: -- You're an official.

3 MARK BRIDGES: Sure.

4 DAVID SPEARS: They claim that their  
5 cadaver dogs -- I'd never heard of a cadaver dog.

6 MARK BRIDGES: Oh, yeah. That's what  
7 Allen has.

8 DAVID SPEARS: (indiscernible)

9 MARK BRIDGES: Really?

10 DAVID SPEARS: They claim that. And  
11 the only thing that I can think of is my dad, you  
12 know, with his cancer, and they said that they done  
13 the skin graft and the (indiscernible) that dog  
14 will eat rotten meat (indiscernible) before it's  
15 ever been cleaned out (indiscernible) a long, long  
16 time. I can't wrap my brain around why they would  
17 say that.

18 MARK BRIDGES: Me neither.

19 DAVID SPEARS: I mean, hell, there,  
20 any of those things (indiscernible) have to do with  
21 it? Because I don't even know anything about this  
22 cadaver dog thing. (Indiscernible) because I've  
23 been lied to about the evidence they have. You  
24 know what I mean?

25 MARK BRIDGES: Yeah. Sure do.

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1 DAVID SPEARS: That's standard police  
2 procedure, telling them you've got something on  
3 them that you don't, isn't it?

4 MARK BRIDGES: It all depends on what  
5 kind of a rationale they allow them to use. Some  
6 agencies won't allow you to use a lie to extract a  
7 --

8 DAVID SPEARS: Truth.

9 MARK BRIDGES: A truth. And some  
10 will. That all depends. Like the FBI --

11 DAVID SPEARS: On who's in charge?

12 MARK BRIDGES: I don't know. I don't  
13 know if it -- if it's a -- you know, like if they  
14 have a standard set procedure that everybody's got  
15 to use or if it's by office or, you know, region.  
16 I don't know.

17 DAVID SPEARS: I think he's been  
18 telling (indiscernible) about all the stuff I just  
19 told you about (indiscernible). Have you ever  
20 heard of them grafting hog -- I think it's grafted  
21 onto your -- a wound?

22 MARK BRIDGES: I know that they use  
23 -- I've heard that they use a valve in a pig's  
24 heart to replace aortic valves.

25 DAVID SPEARS: It was a hog part of

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1 some sort that they grafted onto my father's leg.

2 MARK BRIDGES: Isn't that gross?

3 DAVID SPEARS: You know,  
4 (indiscernible) before he was diagnosed with  
5 cancer, my wife saying she could smell it.

6 MARK BRIDGES: Yes.

7 DAVID SPEARS: And I don't know if  
8 maybe -- could that have something to do -- if  
9 they're telling the truth about cadaver dogs  
10 (indiscernible)?

11 MARK BRIDGES: Could be. Now, that's  
12 something that I've never had anything to do with  
13 at all.

14 DAVID SPEARS: Well, (indiscernible)  
15 information on something like this. You're the guy  
16 (indiscernible) because you know.

17 MARK BRIDGES: Yeah. I don't -- you  
18 know, it would be surprising to me -- I mean, I can  
19 see them smelling something that was rotten and  
20 going after that as far as being, you know, the  
21 rotten thing. But what I don't know is what -- you  
22 know, what would -- like a little girl that was  
23 just killed, let's say.

24 DAVID SPEARS: There wouldn't be a  
25 cadaver smell.

22 (Pages 82 to 85)



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<p>1 MARK BRIDGES: Why would there be any  2 rotten smell? That person wouldn't smell any  3 different than a live person, I wouldn't think.  4 DAVID SPEARS: Right.  5 MARK BRIDGES: Unless I'm offbeat.  6 DAVID SPEARS: Only if they -- only  7 if they had vacated their bowels and their bladder.  8 MARK BRIDGES: Right.  9 DAVID SPEARS: (indiscernible)  10 MARK BRIDGES: They could smell that.  11 Sure.  12 DAVID SPEARS: If that's what they're  13 going on, my dad has a continence problem. You  14 know, they can check that up.  15 MARK BRIDGES: Right.  16 DAVID SPEARS: His doctor's even said  17 he's come in and smelled like urine.  18 MARK BRIDGES: Huh.  19 DAVID SPEARS: So I just -- I don't  20 know.  21 MARK BRIDGES: Hey, how is it  22 spending time with dear old Dad? Is he driving you  23 crazy yet?  24 DAVID SPEARS: Yes.  25 MARK BRIDGES: Is he driving your mom</p>	<p>1 MARK BRIDGES: I don't ever remember  2 -- I don't know if I've ever even been -- what  3 road is this?  4 DAVID SPEARS: UU.  5 MARK BRIDGES: UU, you say?  6 DAVID SPEARS: Yeah.  7 MARK BRIDGES: I don't think I've  8 ever been on this before.  9 DAVID SPEARS: Well, part of it --  10 we're taking the obscure what-if.  11 MARK BRIDGES: Yeah.  12 DAVID SPEARS: That's -- that's --  13 MARK BRIDGES: I think you need to go  14 on a hunch. That's what you need to do. You need  15 to work off a hunch. And I know that's what you're  16 doing.  17 DAVID SPEARS: Just thinking of  18 everywhere that people that I know -- I know they  19 know the areas and are unlikely areas.  20 MARK BRIDGES: Right.  21 DAVID SPEARS: Because it wouldn't be  22 something that would be -- it's not like they're  23 going to throw the evidence on the courthouse  24 steps.  25 MARK BRIDGES: Right. I just feel it</p>
Page 87	Page 89
<p>1 crazy?  2 DAVID SPEARS: Yes.  3 MARK BRIDGES: I was talking to her a  4 little bit outside. She said, if he wouldn't keep  5 bringing up things from ten years ago, we'd be a  6 lot better off.  7 DAVID SPEARS: Yeah.  8 MARK BRIDGES: How is she settling in  9 to taking care of him?  10 DAVID SPEARS: She's not.  11 MARK BRIDGES: Well, look at this.  12 Are we back to pavement again?  13 DAVID SPEARS: Hang a left. Sort of.  14 This is UU. This (indiscernible) than I thought.  15 MARK BRIDGES: UU. Flag Springs  16 Conservation Area.  17 DAVID SPEARS: These are all roads  18 that we've all run.  19 MARK BRIDGES: Yeah.  20 DAVID SPEARS: Everyone I know has  21 run.  22 MARK BRIDGES: So at least we know,  23 if they've got a sign that leads you to Flag  24 Springs.  25 DAVID SPEARS: Right.</p>	<p>1 in my bones. I just -- I just -- I just breathe  2 it. Every time I think of it, I think  3 (indiscernible).  4 We're down by Washburn.  5 DAVID SPEARS: Well, we're not  6 (indiscernible).  7 MARK BRIDGES: Now, where did you say  8 his brother lives?  9 DAVID SPEARS: Almost in Arkansas.  10 (indiscernible).  11 MARK BRIDGES: Oh.  12 DAVID SPEARS: I've been there I  13 think two or three times. I'm not sure I can find  14 it.  15 This is a road I haven't been on in  16 years. When I was running on this one,  17 (indiscernible)  18 MARK BRIDGES: Well, look at that.  19 - 0 -  20 MARK BRIDGES: Hi, this is Mark.  21 Oh, just a little. That's okay.  22 Yeah, sure. Sure thing.  23 Yeah. Yeah. Yeah. Well, me and  24 David are out as we speak. We're out looking.  25 Yeah. Yeah, isn't it wild?</p>



<p style="text-align: right;">Page 90</p> <p>1 Isn't it wild? Yeah, we're down --</p> <p>2 we don't even know -- well, David knows where we're</p> <p>3 at. (indiscernible)</p> <p>4 Well, he knows where -- where we're</p> <p>5 at. I'm lost as a goose.</p> <p>6 I don't know even know how -- I don't</p> <p>7 know even know how I'm getting you on the cell</p> <p>8 phone. He says we're down around Washburn</p> <p>9 somewhere.</p> <p>10 Yeah, it's a bad, bad deal. Just</p> <p>11 pray, buddy. Pray.</p> <p>12 Okay. Bye.</p> <p>13 - 0 -</p> <p>14 MARK BRIDGES: Did you know</p> <p>15 (indiscernible)</p> <p>16 DAVID SPEARS: Yeah.</p> <p>17 MARK BRIDGES: I think that's who</p> <p>18 that was.</p> <p>19 DAVID SPEARS: You're not sure? You</p> <p>20 talk to people and don't even know who you're</p> <p>21 talking to?</p> <p>22 MARK BRIDGES: A lot. A lot. This</p> <p>23 thing, I can't see the numbers where they come up</p> <p>24 unless I have my glasses on.</p> <p>25 DAVID SPEARS: You need to go have</p>	<p style="text-align: right;">Page 92</p> <p>1 DAVID SPEARS: Yeah.</p> <p>2 MARK BRIDGES: Wow. I've heard these</p> <p>3 names for years.</p> <p>4 DAVID SPEARS: Well, either -- this</p> <p>5 will either bring us back by Ridgely or back over</p> <p>6 to U Highway south of Rocky.</p> <p>7 MARK BRIDGES: I used to listen to</p> <p>8 the conservation guys talk about their Ridgely</p> <p>9 repeater. Say, yeah, we're going to shoot off a</p> <p>10 Ridgely repeater.</p> <p>11 DAVID SPEARS: Never heard of that.</p> <p>12 MARK BRIDGES: It's out on some --</p> <p>13 just some tower or something in the middle of</p> <p>14 nowhere. The Ridgely repeater.</p> <p>15 DAVID SPEARS: Anybody that wants</p> <p>16 (indiscernible) this country (indiscernible) isn't</p> <p>17 it?</p> <p>18 MARK BRIDGES: But the odds if we</p> <p>19 would happen to find her down here in this area</p> <p>20 would really point us towards a certain direction.</p> <p>21 DAVID SPEARS: Yeah. And I would</p> <p>22 hope -- I'm hoping a find would get them off of me</p> <p>23 a little.</p> <p>24 MARK BRIDGES: Absolutely. Like</p> <p>25 totally.</p>
<p style="text-align: right;">Page 91</p> <p>1 that surgery to get your eyes fixed.</p> <p>2 MARK BRIDGES: I can't because I've</p> <p>3 got astigmatism. It doesn't work on that.</p> <p>4 DAVID SPEARS: You can't have it</p> <p>5 done?</p> <p>6 MARK BRIDGES: No. Now, the other</p> <p>7 eye (indiscernible). I almost hate to risk it</p> <p>8 because it's my only good eye. Unless they could</p> <p>9 give me an awful good chance they wouldn't botch</p> <p>10 it.</p> <p>11 DAVID SPEARS: Yeah.</p> <p>12 MARK BRIDGES: Well, look, there be</p> <p>13 pavement.</p> <p>14 I wouldn't have guessed I could have</p> <p>15 got cell coverage over here.</p> <p>16 DAVID SPEARS: Neither would I. You</p> <p>17 need to get one of those things that goes on your</p> <p>18 -- stand that you plug the phone into.</p> <p>19 MARK BRIDGES: Yeah, I used to have</p> <p>20 one. And then they -- they went to the smaller</p> <p>21 phone, and it was obsolete.</p> <p>22 That's pretty nice looking.</p> <p>23 DAVID SPEARS: That road -- it's been</p> <p>24 years, but I believe we're back behind Ridgely.</p> <p>25 MARK BRIDGES: Behind Ridgely?</p>	<p style="text-align: right;">Page 93</p> <p>1 DAVID SPEARS: Or if -- if you run on</p> <p>2 the assumption of Chris, he would have had between</p> <p>3 roughly twelve p.m. And between six and seven a.m.</p> <p>4 when he would have eaten breakfast (indiscernible)</p> <p>5 because he (indiscernible) because he isn't dumb.</p> <p>6 He's a lot smarter than he acts.</p> <p>7 MARK BRIDGES: Is he? I wondered</p> <p>8 that.</p> <p>9 DAVID SPEARS: Because he -- didn't</p> <p>10 he strike you as a dumbass?</p> <p>11 MARK BRIDGES: Yeah. Well, he</p> <p>12 strikes me as -- yeah. Yeah.</p> <p>13 DAVID SPEARS: (indiscernible)</p> <p>14 MARK BRIDGES: Are you -- oh, now,</p> <p>15 that's -- that makes me more suspicious of him.</p> <p>16 DAVID SPEARS: You know, I like to</p> <p>17 think I've made some mistakes (indiscernible) I'd</p> <p>18 like to think I'm a pretty intelligent person.</p> <p>19 MARK BRIDGES: You are.</p> <p>20 DAVID SPEARS: And he is -- I'll give</p> <p>21 you an example. Math. How many people you know</p> <p>22 that can give you figures like when you're talking</p> <p>23 about an inch and three quarters and call it three</p> <p>24 sixteenths in their head?</p> <p>25 MARK BRIDGES: Not many.</p>



<p style="text-align: right;">Page 94</p> <p>1 DAVID SPEARS: He can rattle them 2 off. He'll go da da da, and he'll give you a 3 number, and it's right. 4 MARK BRIDGES: See, I wouldn't have 5 guessed that. That's -- that's scary. That makes 6 me more concerned now than ever. 7 DAVID SPEARS: I didn't mean to make 8 it worse. 9 MARK BRIDGES: Hell. I mean, I just 10 didn't know if he was smart enough to do this. 11 DAVID SPEARS: Chris is smart enough, 12 if he'd ever apply himself to getting and education 13 and going to college, he'd have a Ph.D. 14 MARK BRIDGES: Really? 15 DAVID SPEARS: And probably graduated 16 (indiscernible). Anything the man sets his mind 17 about and doesn't let other things distract him, 18 it's done. 19 MARK BRIDGES: Wow. 20 DAVID SPEARS: I know -- well, I know 21 I'm mounting a case against my (indiscernible) but 22 I'm just telling you about the (indiscernible). 23 MARK BRIDGES: Hey, if he did it, 24 hey. He needs to be responsible for it. I'm hoping 25 he's -- I'm hoping he's (indiscernible).</p>	<p style="text-align: right;">Page 96</p> <p>1 MARK BRIDGES: But no place -- 2 DAVID SPEARS: I know them better 3 than he does. That's because -- well, I think I 4 know them better. Before he and I became friends, 5 he ran around a lot more (indiscernible) you know, 6 previously, than he did (indiscernible) running 7 around (indiscernible) but I don't -- but other 8 than going to his brother's, I know every road he 9 knows. And probably a couple he doesn't. 10 (indiscernible) 11 MARK BRIDGES: He did? 12 DAVID SPEARS: No. On this 13 (indiscernible) things I didn't know. I know -- I 14 was concerned about (indiscernible) you know. But 15 I go to sleep -- 16 MARK BRIDGES: It's a comfort. Look 17 at that in that hillside. Isn't that cool? 18 DAVID SPEARS: I read -- you know, I 19 read the Bible, you know. (indiscernible) my eyes 20 closed. 21 MARK BRIDGES: It's like a 22 supernatural comfort that you shouldn't have comes 23 over you. 24 DAVID SPEARS: I've never -- I'd have 25 never believed it until (indiscernible).</p>
<p style="text-align: right;">Page 95</p> <p>1 DAVID SPEARS: No. 2 MARK BRIDGES: Hope they give him a 3 polygraph and he fails it and -- and then he -- 4 DAVID SPEARS: Well, I failed the 5 polygraph, so (indiscernible). 6 MARK BRIDGES: Yeah, but look what 7 you failed it on. 8 DAVID SPEARS: I mean -- 9 MARK BRIDGES: I mean, like you say, 10 you felt responsible by leaving. 11 DAVID SPEARS: (indiscernible) 12 MARK BRIDGES: There's a reason that 13 you would -- 14 DAVID SPEARS: (Indiscernible) I've 15 come (indiscernible) with the things I have to live 16 with and the things that I don't, because 17 (indiscernible) you know. 18 MARK BRIDGES: Right. 19 DAVID SPEARS: I'm looking at every 20 cliff because you know (indiscernible). 21 MARK BRIDGES: Oh, yes. 22 You ever remember him hanging down 23 here anyplace? 24 DAVID SPEARS: Oh, we roamed these 25 roads.</p>	<p style="text-align: right;">Page 97</p> <p>1 MARK BRIDGES: Well, I've seen it 2 work so many times. Peace in the midst of the 3 storm. 4 DAVID SPEARS: (indiscernible) 5 MARK BRIDGES: It's almost eerie, 6 man. 7 DAVID SPEARS: Well (indiscernible) I 8 don't know that I could (indiscernible) 9 MARK BRIDGES: You can in time. I 10 think you really can. I know you can. You just 11 have to -- it's almost like you have the will to do 12 it, and then you get help doing it. After you will 13 to do it, then you get this supernatural help. 14 DAVID SPEARS: This sounds silly, but 15 -- 16 MARK BRIDGES: Look at that cliff. 17 DAVID SPEARS: Yeah. 18 MARK BRIDGES: Isn't that cool? 19 DAVID SPEARS: The FBI -- I didn't 20 know any details. I kind of skirted around, but 21 they can pretty well (indiscernible) I think could 22 lead me -- if he could lead me to what I need to 23 do, I would do everything I could to try to 24 (indiscernible) I'd do anything that I had to do 25 (indiscernible) I just -- I felt like that's what I</p>

25 (Pages 94 to 97)



<p style="text-align: right;">Page 98</p> <p>1 should do. But I really don't think -- if I hadn't  2 been reading the Bible, I don't think I'd have  3 thought so.  4 MARK BRIDGES: You know, in a real  5 eerie way, I think we're hearing that, you know  6 what I mean?  7 DAVID SPEARS: I think so.  8 This is U Highway. We're  9 (indiscernible)  10 MARK BRIDGES: Oh, really?  11 DAVID SPEARS: This is U Highway,  12 south of Rocky Comfort (indiscernible) right on the  13 corner.  14 MARK BRIDGES: Really?  15 DAVID SPEARS: About two miles  16 (indiscernible).  17 MARK BRIDGES: You know, in a kind of  18 a supernatural way, if she is dead, she is in a far  19 better place than we are. Her body's not, and I  20 just pray that they find her body so it can have  21 proper --  22 DAVID SPEARS: (indiscernible)  23 MARK BRIDGES: Proper services and --  24 and animals won't tear it up.  25 DAVID SPEARS: (indiscernible) or</p>	<p style="text-align: right;">Page 100</p> <p>1 hunting (indiscernible).  2 MARK BRIDGES: Oh, really? Now, I've  3 heard about that.  4 DAVID SPEARS: Johnny Cash has even  5 hunted on that place.  6 MARK BRIDGES: Wow. That's quite the  7 little place.  8 DAVID SPEARS: When they first put it  9 together, I tried to go to work there.  10 MARK BRIDGES: Wow.  11 DAVID SPEARS: (indiscernible)  12 MARK BRIDGES: Right. But back to  13 what I was saying, we know she's at peace, and  14 she's happy.  15 DAVID SPEARS: Yes.  16 MARK BRIDGES: But there's a bunch of  17 people that's lives need to be affected in a  18 positive way. I mean in an eternal effect, that  19 would never have been touched that might have spent  20 eternity in hellfire if this hadn't had -- hadn't  21 happened.  22 DAVID SPEARS: (indiscernible) U  23 Highway, south of Rocky Comfort.  24 MARK BRIDGES: South of Rocky. Wow.  25 I wonder if somebody actually lives there all the</p>
<p style="text-align: right;">Page 99</p> <p>1 anything.  2 MARK BRIDGES: And that's right.  3 Tear it up and carry it off. I've had, you know,  4 bodies that have -- in the woods where --  5 DAVID SPEARS: (indiscernible)  6 MARK BRIDGES: That just animals just  7 totally tear them apart.  8 DAVID SPEARS: (indiscernible)  9 talking about that. I can't quote Scripture very  10 well, but it reminded me of one of the things that  11 Jesus said, and I don't remember all the context.  12 He said for -- for the (indiscernible) and the body  13 only (indiscernible).  14 MARK BRIDGES: Oh, that's good.  15 DAVID SPEARS: Do you remember --  16 MARK BRIDGES: Yes. I couldn't tell  17 you where it's at, at all.  18 DAVID SPEARS: I want to say it's in  19 -- not John. It's in Mark. Matthew, Mark, Luke,  20 John, right?  21 MARK BRIDGES: Very good.  22 DAVID SPEARS: (indiscernible)  23 MARK BRIDGES: Hey, that's quite a  24 little place.  25 DAVID SPEARS: (indiscernible) be</p>	<p style="text-align: right;">Page 101</p> <p>1 time. And where would they work? Why would --  2 DAVID SPEARS: (indiscernible)  3 MARK BRIDGES: -- You live way out in  4 the sticks like this?  5 DAVID SPEARS: Maybe they've got one  6 of them fancy home businesses and makes a million  7 dollars.  8 MARK BRIDGES: Yeah. Maybe they have  9 an airstrip right behind it.  10 DAVID SPEARS: I know there's one of  11 those over (indiscernible).  12 MARK BRIDGES: Oh, there is?  13 DAVID SPEARS: It's just a quiet  14 piece of field ground, but he runs his prop planes  15 down, take off and land. And he's got a  16 watchtower.  17 MARK BRIDGES: Really.  18 DAVID SPEARS: FBI agent  19 (indiscernible) but it still strikes me as weird.  20 And it hits me at the weirdest times. I got an FBI  21 agent to pull over on the side of the road to let  22 me pee. And then on the way back to the police  23 station, he was like, man, I really got -- I got to  24 piss. God, I got to piss. I said, you pulled over  25 and let me. I can show you somewhere to pee. He</p>



<p style="text-align: right;">Page 102</p> <p>1 said, I'm from the city. I don't do that outdoors 2 stuff. 3 And Vinnie, the guy in the back seat 4 (indiscernible) he says, Dave, don't you let him 5 fool you none. I tell you what, if I had to pee, 6 you'd be pulling over, I'd be standing on the side 7 of the road. 8 MARK BRIDGES: So you had two guys 9 out with you? 10 DAVID SPEARS: Yeah. (indiscernible) 11 MARK BRIDGES: Uh-huh. Wonder where 12 he's out of. 13 DAVID SPEARS: Little Rock. 14 MARK BRIDGES: Little Rock, Arkansas? 15 DAVID SPEARS: (indiscernible) you 16 leave here (indiscernible) you leave here 17 (indiscernible) without telling us something that 18 you know, it's like a slap in the face to the FBI. 19 Because they want to (indiscernible) I'm not saying 20 they're going to take you in a room and beat you, 21 but they're not going to show you any 22 (indiscernible). I said, I understand that. I 23 said, you've all been very (indiscernible) federal 24 government. You don't make an enemy of an agency 25 that can track you down anywhere in the world and</p>	<p style="text-align: right;">Page 104</p> <p>1 MARK BRIDGES: I'll actually know 2 where I'm at again. 3 DAVID SPEARS: I've really got you 4 turned around, haven't I? 5 MARK BRIDGES: Yeah. You get me back 6 to there, I know a little bit about 7 (indiscernible). 8 DAVID SPEARS: You know, when those 9 FBI agents had me take them out, we weren't even 10 really -- we weren't out as far as you and I've 11 just been. I had this obscure (indiscernible) I 12 was like, you know, these guys are absolutely lost. 13 One hundred percent. They've got (indiscernible) 14 but they have no idea where they are. They can -- 15 they must not be too awful worried that I ain't 16 going to lead them into some hillbilly ambush and 17 then split. I was thinking, these guys are really, 18 truly lost. 19 I mean, they were -- they were 20 writing down the sign -- you know, the street names 21 so they can come back and search the area. I mean, 22 they were (indiscernible) Vinnie (indiscernible) 23 you got any idea where you're at? He goes, hell, 24 no. Vinnie said, hell, neither do I. 25 MARK BRIDGES: Did you say take a</p>
<p style="text-align: right;">Page 103</p> <p>1 make you miserable. 2 MARK BRIDGES: (indiscernible) 3 resources at their disposal. 4 DAVID SPEARS: And if they can't get 5 you, then they call the NSA or the CIA, and then 6 you're really -- 7 MARK BRIDGES: Then look out. I seen 8 too many movies about that. 9 DAVID SPEARS: (indiscernible) you 10 said you'd cooperate, and we're going to hold you 11 to that. You're going to keep cooperating. I was 12 like (indiscernible) I do have some say at this 13 point, but if they charge me, suddenly I ain't 14 doing (indiscernible). And I only say that because 15 I have to plan for the worst. 16 MARK BRIDGES: Sure. 17 DAVID SPEARS: Does that sound 18 horrible? 19 MARK BRIDGES: No, not really. 20 DAVID SPEARS: It feels that way, 21 Mark, let me tell you. You get to the end of this 22 highway, you're going to take a right 23 (indiscernible). 24 MARK BRIDGES: Wow. 25 DAVID SPEARS: Over by Wheaton.</p>	<p style="text-align: right;">Page 105</p> <p>1 right? 2 DAVID SPEARS: Right. 3 (Indiscernible) my mom. You know, the funny thing 4 is, Mom is a lot stronger than I am, but she 5 doesn't have (indiscernible) I do. If they get 6 kind of nasty with her -- 7 MARK BRIDGES: Did they get that way 8 with you at all? 9 DAVID SPEARS: Yes. 10 MARK BRIDGES: The FBI did? 11 DAVID SPEARS: Not -- not like 12 (indiscernible) did. But they did get a little 13 nasty. But I understood, and that's why I didn't 14 (indiscernible) 15 MARK BRIDGES: (indiscernible) 16 DAVID SPEARS: Now, with my mother, 17 if they get nasty with her -- we think maybe you're 18 lying to cover up for your son, or you've been 19 telling is a lie, and she's going to go postal. 20 (indiscernible) 21 MARK BRIDGES: Yeah. I can see her 22 -- like you said about raising that leg up and 23 putting it on the van? I can see her raising that 24 leg up. 25 DAVID SPEARS: She can't anymore with</p>



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1 that steel rod. (Indiscernible) you know what?  
 2 You can just (indiscernible).  
 3 Hopefully it doesn't, because I know  
 4 how that can go.  
 5 MARK BRIDGES: Not your fault.  
 6 DAVID SPEARS: Still, I hope she  
 7 doesn't go postal on a federal agent.  
 8 MARK BRIDGES: I just wonder where  
 9 all these people they have down here are working  
 10 at.  
 11 DAVID SPEARS: (indiscernible)  
 12 MARK BRIDGES: No.  
 13 DAVID SPEARS: And you would think --  
 14 I told them, I know this country inside and out.  
 15 You know. At one point I even told them, I says,  
 16 well, why don't you give me (indiscernible) and a  
 17 highlighter, and I'll highlight every road I'm  
 18 familiar with.  
 19 MARK BRIDGES: Wow.  
 20 DAVID SPEARS: (indiscernible)  
 21 MARK BRIDGES: I'd like to see this  
 22 -- I heard them talking about a helicopter that's  
 23 mounted with heat-seeking equipment. Now, I'd like  
 24 to see that baby working.  
 25 DAVID SPEARS: But if she's dead like

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1 we're afraid, it won't do any good, will it?  
 2 MARK BRIDGES: Not if it's got to the  
 3 temperature of -- I would guess. I don't know  
 4 anything about them, but -- never had anything to  
 5 do with them, but you would guess that they would  
 6 be -- it would be cooled off to the temperature of  
 7 -- you know, that --  
 8 DAVID SPEARS: (indiscernible)  
 9 MARK BRIDGES: Yeah.  
 10 DAVID SPEARS: Last night  
 11 (indiscernible)  
 12 MARK BRIDGES: Yeah.  
 13 DAVID SPEARS: I can't see it  
 14 working.  
 15 MARK BRIDGES: Me either.  
 16 DAVID SPEARS: (indiscernible)  
 17 MARK BRIDGES: Well, if I was the  
 18 sheriff, I'd never have known you.  
 19 Look, purple roof.  
 20 DAVID SPEARS: Yeah.  
 21 MARK BRIDGES: (indiscernible)  
 22 DAVID SPEARS: If I'd have known you  
 23 -- and even if we'd have never known each other,  
 24 Mark, you'd have handled things a little  
 25 differently.

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1 MARK BRIDGES: I've tried to handle  
 2 things with --  
 3 Well, that's quite a little set-up,  
 4 isn't it?  
 5 DAVID SPEARS: It's an auction house.  
 6 MARK BRIDGES: That's what?  
 7 DAVID SPEARS: (indiscernible)  
 8 Auctions. Kennels. (indiscernible) kennels  
 9 (indiscernible)  
 10 MARK BRIDGES: What do they auction?  
 11 DAVID SPEARS: Dogs.  
 12 MARK BRIDGES: Really? They actually  
 13 have a dog auction?  
 14 DAVID SPEARS: Yes. (indiscernible)  
 15 I think they do other stuff too, but that's --  
 16 MARK BRIDGES: I wonder if that's  
 17 that one that that guy named Hughes used to own.  
 18 DAVID SPEARS: You know how you were  
 19 talking about hunches?  
 20 MARK BRIDGES: Uh-huh.  
 21 DAVID SPEARS: Tell you what. I'm  
 22 going to take you to this creepy place that we used  
 23 to all go --  
 24 MARK BRIDGES: Oh, that'd be a good  
 25 lick.

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1 DAVID SPEARS: It's a graveyard.  
 2 MARK BRIDGES: Straight ahead? Good.  
 3 DAVID SPEARS: Yeah. You know it  
 4 just -- it occurred to me when we got over here.  
 5 It's a scary place. No one can see you pull up the  
 6 drive to it unless they're on the road behind you  
 7 or in front of you. It's -- I can't say it's a  
 8 hunch as in, I think that could be it.  
 9 MARK BRIDGES: Yeah.  
 10 DAVID SPEARS: It's one of those --  
 11 you know, it would be a good place to go.  
 12 MARK BRIDGES: Right.  
 13 DAVID SPEARS: (indiscernible) I'm  
 14 trying to (indiscernible) to prove he is or isn't  
 15 involved. You know.  
 16 MARK BRIDGES: Right.  
 17 DAVID SPEARS: So up here, you want  
 18 to go on around the corner (indiscernible) by the  
 19 building I told you about (indiscernible). I don't  
 20 know if he ever will, after watching the news.  
 21 MARK BRIDGES: Hey, you ought to stop  
 22 in right now, he'll want to tell you.  
 23 (indiscernible) I really get a kick out of that.  
 24 DAVID SPEARS: (indiscernible) I  
 25 assume just waiting for me to come over and get

28 (Pages 106 to 109)



<p style="text-align: right;">Page 110</p> <p>1 him, but I'm not -- (indiscernible) You know, if I  2 needed money, Mom and Dad have a little bit. You  3 know, he told me if you need -- do you need money?  4 Do you need food? What do you need? I was like, a  5 friend. You know.  6 MARK BRIDGES: A good friend.  7 DAVID SPEARS: (indiscernible)  8 That's Bobby Brown's farm (indiscernible)  9 MARK BRIDGES: What kind of farming  10 does he do?  11 DAVID SPEARS: See that building?  12 The one right next to it.  13 MARK BRIDGES: Yeah.  14 DAVID SPEARS: We just put up  15 (indiscernible)  16 MARK BRIDGES: What's he do with it?  17 DAVID SPEARS: He's going to be an  18 apple (indiscernible)  19 MARK BRIDGES: Where does he get his  20 apples at?  21 DAVID SPEARS: (indiscernible)  22 MARK BRIDGES: Oh, is that  23 (indiscernible) what's his last name?  24 DAVID SPEARS: Brown.  25 MARK BRIDGES: Is that that Brown</p>	<p style="text-align: right;">Page 112</p> <p>1 (indiscernible)  2 MARK BRIDGES: They smash it, don't  3 they?  4 DAVID SPEARS: Yeah. Not right then,  5 but somebody told me about once a week they pick up  6 scrap.  7 MARK BRIDGES: Oh, really.  8 DAVID SPEARS: And it wouldn't be  9 uncommon for stuff to stink in a scrap yard. You  10 know, them raccoons (indiscernible) stuff like  11 that.  12 MARK BRIDGES: Yeah.  13 DAVID SPEARS: It wouldn't be  14 uncommon.  15 MARK BRIDGES: Yeah.  16 DAVID SPEARS: I can't believe I'm  17 sitting here thinking that, but it's -- it's  18 logical.  19 MARK BRIDGES: It is very logical.  20 DAVID SPEARS: And honestly, if --  21 (indiscernible) if I were going to do it, how would  22 I do it?  23 MARK BRIDGES: Right.  24 DAVID SPEARS: I would  25 (indiscernible) put a hole in the gas tank so you</p>
<p style="text-align: right;">Page 111</p> <p>1 Orchard over there?  2 DAVID SPEARS: I don't know.  3 MARK BRIDGES: Over on 60?  4 DAVID SPEARS: No. Bobby has  5 (indiscernible) Bobby has apples, peaches. He has  6 small strawberry (indiscernible).  7 MARK BRIDGES: (indiscernible)  8 DAVID SPEARS: But anyways. Well,  9 here -- here's one for you. God, that's a horrible  10 thought. If we run on the assumption  11 (indiscernible) that Chris is (indiscernible)  12 suspect, it would be interesting to know -- I like  13 that. You raised your hand. It would be  14 interesting to find out how much scrap he's hauled  15 in.  16 MARK BRIDGES: That's exactly what --  17 what hit my mind when you were talking about that.  18 DAVID SPEARS: That's a horrible  19 thought, but you know.  20 MARK BRIDGES: If he took scrap in,  21 would it include cars?  22 DAVID SPEARS: Yes.  23 MARK BRIDGES: Well, you take a car  24 in --  25 DAVID SPEARS: Okay. If -- if</p>	<p style="text-align: right;">Page 113</p> <p>1 don't have to (indiscernible). It can just be a  2 hole punched in it. Doesn't have to be any bigger  3 or nothing. Just so they know there's no fuel in  4 it. So you put the vehicle (indiscernible) and  5 pull the gas tank, cut the top off of it, stuff a  6 body that small in it, and before you do it, poke a  7 hole in the tank from the outside in, and then  8 cover it with black tape so that you can't see  9 anything in it and it looks like you're looking up  10 into an empty tank.  11 MARK BRIDGES: Are they supposed to  12 look in them?  13 DAVID SPEARS: No, he don't, but you  14 know, in theory.  15 MARK BRIDGES: Right.  16 DAVID SPEARS: And that way nothing  17 (indiscernible) -- nothing would leak out.  18 MARK BRIDGES: Very interesting. You  19 know, if he had time, what would be a better thing  20 to do would be to pull it open or cut it open,  21 which I know he must have a cutting torch around  22 probably, and then weld it -- you know, spot weld  23 it back together.  24 DAVID SPEARS: Right.  25 MARK BRIDGES: Wouldn't that be a</p>



<p style="text-align: right;">Page 114</p> <p>1 good way to go about it?</p> <p>2 DAVID SPEARS: And back up</p> <p>3 (indiscernible).</p> <p>4 MARK BRIDGES: (indiscernible) almost</p> <p>5 foolproof.</p> <p>6 DAVID SPEARS: Or pull the seats, you</p> <p>7 know, like a large bench seat. Pull the springs</p> <p>8 out of it, stuff the body in where the springs and</p> <p>9 batting were, put the seat back in (indiscernible)</p> <p>10 then load the (indiscernible) and then haul it.</p> <p>11 MARK BRIDGES: Wow.</p> <p>12 DAVID SPEARS: Isn't it sad that I</p> <p>13 can think up something like that?</p> <p>14 MARK BRIDGES: No. If I'd been</p> <p>15 involved with that kind of stuff, that's the first</p> <p>16 (indiscernible).</p> <p>17 DAVID SPEARS: Well, I've never</p> <p>18 thought of doing something like that, but you know.</p> <p>19 It would be almost a perfect crime, wouldn't it?</p> <p>20 MARK BRIDGES: Oh, it would. I think</p> <p>21 it would.</p> <p>22 DAVID SPEARS: I know they say</p> <p>23 there's no such thing, but without a body -- like</p> <p>24 we'll say hypothetically they never find a body,</p> <p>25 which has happened before. Without a body, it's</p>	<p style="text-align: right;">Page 116</p> <p>1 a witness or --</p> <p>2 MARK BRIDGES: No.</p> <p>3 DAVID SPEARS: Gunpowder or --</p> <p>4 MARK BRIDGES: I don't remember.</p> <p>5 There were no witnesses. It was all</p> <p>6 circumstantial.</p> <p>7 DAVID SPEARS: That worries me</p> <p>8 considerably, Mark.</p> <p>9 MARK BRIDGES: Why?</p> <p>10 DAVID SPEARS: Because they -- they</p> <p>11 think I did it. If they never find her, they're</p> <p>12 going to try to prosecute somebody.</p> <p>13 MARK BRIDGES: But if they don't have</p> <p>14 any circumstantial evidence, they can't do it.</p> <p>15 DAVID SPEARS: (indiscernible)</p> <p>16 MARK BRIDGES: Way I would call it is</p> <p>17 beyond a reasonable doubt.</p> <p>18 DAVID SPEARS: (indiscernible)</p> <p>19 MARK BRIDGES: Right?</p> <p>20 DAVID SPEARS: Right.</p> <p>21 MARK BRIDGES: Right here?</p> <p>22 DAVID SPEARS: Right. I'm just going</p> <p>23 to look to see if there's any recent tracks,</p> <p>24 because people don't come up here very often.</p> <p>25 MARK BRIDGES: And this is actually a</p>
<p style="text-align: right;">Page 115</p> <p>1 the perfect crime.</p> <p>2 MARK BRIDGES: I was on the first</p> <p>3 trial -- in the first trial -- Gary Lynch was the</p> <p>4 prosecutor -- that he actually prosecuted a case</p> <p>5 without the body and did it on circumstantial</p> <p>6 evidence.</p> <p>7 DAVID SPEARS: Did he win?</p> <p>8 MARK BRIDGES: Yeah. He won. And</p> <p>9 they went down -- luckily enough, I didn't have to</p> <p>10 go. But they went to a big trash dump, and</p> <p>11 wherever this ended up was like -- wasn't like</p> <p>12 Newton or McDonald. I don't remember the</p> <p>13 situation. But --</p> <p>14 DAVID SPEARS: It ended up far?</p> <p>15 MARK BRIDGES: They -- yeah. And</p> <p>16 they had them all down there going through trash.</p> <p>17 DAVID SPEARS: Did they find the</p> <p>18 body?</p> <p>19 MARK BRIDGES: No, never found it.</p> <p>20 Never found it.</p> <p>21 DAVID SPEARS: How strong was the</p> <p>22 circumstantial evidence?</p> <p>23 MARK BRIDGES: You know, it's been</p> <p>24 too long. I can't remember (indiscernible).</p> <p>25 DAVID SPEARS: I mean, did they have</p>	<p style="text-align: right;">Page 117</p> <p>1 cemetery?</p> <p>2 DAVID SPEARS: It goes right through</p> <p>3 the (indiscernible) cemetery.</p> <p>4 MARK BRIDGES: (indiscernible)</p> <p>5 DAVID SPEARS: (indiscernible)</p> <p>6 MARK BRIDGES: I'm sorry?</p> <p>7 DAVID SPEARS: They call it</p> <p>8 (indiscernible).</p> <p>9 MARK BRIDGES: Oh (indiscernible).</p> <p>10 DAVID SPEARS: Haunted for years.</p> <p>11 MARK BRIDGES: All right.</p> <p>12 DAVID SPEARS: And when I say</p> <p>13 "haunted," I don't mean spookly wooklies; I mean</p> <p>14 -- well, the story is the beast of Concord.</p> <p>15 (indiscernible)</p> <p>16 MARK BRIDGES: No, I like it. I</p> <p>17 wonder if they have any strange stuff going on at</p> <p>18 -- at Halloween up here.</p> <p>19 DAVID SPEARS: (indiscernible) I</p> <p>20 don't see where somebody spun out like they were in</p> <p>21 a hurry. Do you?</p> <p>22 MARK BRIDGES: No.</p> <p>23 DAVID SPEARS: And back there's a</p> <p>24 barbed wire fence you'd have to go over to get back</p> <p>25 into the woods. This is pretty close to</p>



<p style="text-align: right;">Page 118</p> <p>1 (indiscernible).</p> <p>2 MARK BRIDGES: Whose?</p> <p>3 DAVID SPEARS: The cop.</p> <p>4 Do you see anything worth climbing</p> <p>5 out and looking?</p> <p>6 MARK BRIDGES: I don't.</p> <p>7 DAVID SPEARS: It was just somewhere</p> <p>8 I thought that --</p> <p>9 MARK BRIDGES: This isn't a place</p> <p>10 that he would have hung out, is it?</p> <p>11 DAVID SPEARS: We used to come up</p> <p>12 here.</p> <p>13 MARK BRIDGES: Where would you have</p> <p>14 hung out up here?</p> <p>15 DAVID SPEARS: Right here. We'd get</p> <p>16 out and walk through the cemetery with the girls.</p> <p>17 You know the old scam. You take the girls -- you</p> <p>18 know, that's horrible, but it's true. You know, if</p> <p>19 you spook a girl where she gets --</p> <p>20 MARK BRIDGES: (indiscernible)</p> <p>21 DAVID SPEARS: Somebody to protect</p> <p>22 her.</p> <p>23 MARK BRIDGES: That's right.</p> <p>24 DAVID SPEARS: Help me, help me. And</p> <p>25 I -- most teenage boys did that either with their</p>	<p style="text-align: right;">Page 120</p> <p>1 jacket.</p> <p>2 DAVID SPEARS: It looks like</p> <p>3 somebody's rearranged things, knocked that</p> <p>4 tombstone off, broken that one. There's a sock.</p> <p>5 MARK BRIDGES: Looks like somebody</p> <p>6 got naked up here, doesn't it?</p> <p>7 DAVID SPEARS: Oh, it's been known --</p> <p>8 look at this. Like a --</p> <p>9 MARK BRIDGES: Animal (indiscernible)</p> <p>10 DAVID SPEARS: Dog or something.</p> <p>11 MARK BRIDGES: Wonder if they were</p> <p>12 doing some kinky things up here after Halloween.</p> <p>13 Or at Halloween.</p> <p>14 DAVID SPEARS: There's a beer carton.</p> <p>15 Someone's clothing up here.</p> <p>16 MARK BRIDGES: Yeah. Looks like they</p> <p>17 were just having them a wild old time. That</p> <p>18 doesn't look familiar at all, that jacket, does it,</p> <p>19 or the shirt?</p> <p>20 DAVID SPEARS: I'll go over and take</p> <p>21 a look at it. I'm terrible about not knowing which</p> <p>22 side of the stones to walk on.</p> <p>23 MARK BRIDGES: Oh, don't even worry</p> <p>24 about it. See, there's some more -- what's that</p> <p>25 right there?</p>
<p style="text-align: right;">Page 119</p> <p>1 guy friends or (indiscernible). Yeah, there's a</p> <p>2 lot of stories about this place, some of them</p> <p>3 fairly credible.</p> <p>4 MARK BRIDGES: I guess we can get out</p> <p>5 and take a stroll.</p> <p>6 DAVID SPEARS: Yeah. In fact, if you</p> <p>7 want, I'll lead you over here towards the back of</p> <p>8 the cemetery. Did you say you were interested in</p> <p>9 paranormal stories?</p> <p>10 MARK BRIDGES: Oh, yeah.</p> <p>11 DAVID SPEARS: (indiscernible)</p> <p>12 supposedly -- oh, what the fuck? Pardon my French.</p> <p>13 That looks kind of weird.</p> <p>14 MARK BRIDGES: That a shirt?</p> <p>15 DAVID SPEARS: I don't know.</p> <p>16 (Indiscernible). Now, remember, this is right</p> <p>17 after Halloween (indiscernible).</p> <p>18 MARK BRIDGES: What's --</p> <p>19 DAVID SPEARS: Mark, come over here</p> <p>20 and look at this.</p> <p>21 MARK BRIDGES: What's this right</p> <p>22 here?</p> <p>23 DAVID SPEARS: I don't know. This</p> <p>24 looks like a shirt.</p> <p>25 MARK BRIDGES: That looks like a</p>	<p style="text-align: right;">Page 121</p> <p>1 DAVID SPEARS: Flowers.</p> <p>2 MARK BRIDGES: Here's a Dr. Pepper</p> <p>3 bottle. Dr. Pepper bottle.</p> <p>4 DAVID SPEARS: Yeah, that's what</p> <p>5 Chris drinks.</p> <p>6 MARK BRIDGES: Yeah.</p> <p>7 DAVID SPEARS: It occurred to me when</p> <p>8 you said that.</p> <p>9 MARK BRIDGES: Yeah. There's a --</p> <p>10 there's your -- how about Bud Light?</p> <p>11 DAVID SPEARS: He doesn't drink beer.</p> <p>12 MARK BRIDGES: Oh, he doesn't?</p> <p>13 Doesn't like his beer?</p> <p>14 DAVID SPEARS: (indiscernible) story</p> <p>15 (indiscernible) years and years ago (indiscernible)</p> <p>16 tried to get away (indiscernible).</p> <p>17 MARK BRIDGES: Uh-huh.</p> <p>18 DAVID SPEARS: (Indiscernible) big</p> <p>19 trees on either side of the walk-through.</p> <p>20 MARK BRIDGES: Uh-huh.</p> <p>21 DAVID SPEARS: (indiscernible) she</p> <p>22 woke up (indiscernible).</p> <p>23 MARK BRIDGES: Isn't that sad?</p> <p>24 DAVID SPEARS: Yeah.</p> <p>25 MARK BRIDGES: Go ahead. I'm sorry.</p>



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1 DAVID SPEARS: (indiscernible)  
2 anyway, she wakes up in the morning (indiscernible)  
3 she thinks it's dew out of the trees. She thinks,  
4 well, he's probably out there getting coffee or  
5 whatever, you know.

6 MARK BRIDGES: Uh-huh.

7 DAVID SPEARS: And she realizes, you  
8 know, it's been awhile and I ain't heard from him.  
9 So she goes out there and turns around. What she  
10 heard dripping was blood on the tent, and he was  
11 strung up between the two trees (indiscernible).

12 MARK BRIDGES: And supposedly up  
13 here?

14 DAVID SPEARS: Right. Between those  
15 two trees is the story.

16 MARK BRIDGES: Wow.

17 DAVID SPEARS: And oh, God, it gets  
18 creepy. And supposedly it was done by  
19 (indiscernible). Now, I personally know a guy who  
20 claims that he saw (indiscernible) thousands of  
21 times as a kid. (Indiscernible) well, he'd never  
22 brought her up here (indiscernible) in that time  
23 frame. And he said he watched the beast walk  
24 across right at the ridge where you can't see this  
25 way.

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1 MARK BRIDGES: Uh-huh.

2 DAVID SPEARS: You know, just right  
3 across the crest of that hill, a beast that had to  
4 have been every bit of nine and a half feet tall  
5 with arms that hung down almost to its knees. Said  
6 it had a mouth looked like a werewolf, said hell,  
7 it may even be a werewolf, but it was silver and it  
8 was huge.

9 MARK BRIDGES: Wow.

10 DAVID SPEARS: (indiscernible) this  
11 is what I mean when I said there's a lot of  
12 stories.

13 MARK BRIDGES: Yeah.

14 DAVID SPEARS: And another story  
15 (indiscernible).

16 MARK BRIDGES: Uh-huh.

17 DAVID SPEARS: (Indiscernible)  
18 between the wheel and the cab. You know, like in a  
19 full-size Chevrolet.

20 MARK BRIDGES: Uh-huh.

21 DAVID SPEARS: And (indiscernible)  
22 you know, it takes off. It grabs (indiscernible)  
23 lifts the back wheels off the ground.

24 MARK BRIDGES: And what happened  
25 after that?

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1 DAVID SPEARS: Well, when it slammed  
2 the vehicle down, they ran fourth gear wide open,  
3 so they took off pretty quick. And there was four  
4 of them (indiscernible) and one (indiscernible)  
5 where he just grips the bumper and picks it up.

6 MARK BRIDGES: Isn't that something?  
7 You know, I saw several Bud Light  
8 cans.

9 DAVID SPEARS: Uh-huh.

10 MARK BRIDGES: Saw one back there,  
11 one over here.

12 DAVID SPEARS: Yeah.

13 MARK BRIDGES: Wow, there's --

14 DAVID SPEARS: And I know people  
15 (indiscernible) that stuff. I can't believe they  
16 would. I know they do, you know what I mean? I've  
17 got a cousin buried here. I didn't know it until I  
18 saw their last name, you know.

19 MARK BRIDGES: There's another beer  
20 bottle right -- or beer can back there.

21 DAVID SPEARS: Yeah. Bud Light's a  
22 real common beer, Mark.

23 MARK BRIDGES: Yeah. Yeah, I just  
24 wondered if they're all from the same --

25 DAVID SPEARS: Party? Probably.

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1 MARK BRIDGES: The same case back  
2 there.

3 DAVID SPEARS: What's this?

4 MARK BRIDGES: Oh, look how they did  
5 that. Etched it in a rock.

6 DAVID SPEARS: (indiscernible). You  
7 can see why this would be a good place  
8 (indiscernible).

9 MARK BRIDGES: Yes. I wonder if that  
10 plane has anything to do with anything.

11 DAVID SPEARS: Maybe. Well, they can  
12 watch us walk around here and look all they want.  
13 Somebody was saying, well, they can't -- they can't  
14 (indiscernible). First of all (indiscernible) the  
15 FBI, (indiscernible). Second of all, they don't  
16 have to bug your house. They've got things, all  
17 they have to do, they can put it across the street  
18 (indiscernible) from your neighbors, and they can  
19 hear everything that goes on in your house and look  
20 right in whenever they want.

21 MARK BRIDGES: Right.

22 DAVID SPEARS: I don't  
23 (indiscernible) count the freckles off of it.

24 MARK BRIDGES: Yeah.

25 DAVID SPEARS: Look at that.

32 (Pages 122 to 125)



<p style="text-align: right;">Page 126</p> <p>1 Somebody's been out here on a two-wheeler like a  2 dirt bike or something. The only way I can think  3 of to make a track like that.  4 MARK BRIDGES: Out having a good  5 time. Yeah, like a needle in a haystack.  6 DAVID SPEARS: Yeah. See, we're not  7 but four or five miles from Chris' house right now.  8 MARK BRIDGES: Oh, really?  9 DAVID SPEARS: Really.  10 MARK BRIDGES: See, look. There's  11 another one, same can.  12 DAVID SPEARS: Yeah. Found almost  13 all of that thirty-pack.  14 MARK BRIDGES: That's right. Just --  15 just hanging around. Now, see, there's -- those  16 look like car tracks in through there, don't they?  17 DAVID SPEARS: Yeah, but I would say  18 that's the caretakers.  19 MARK BRIDGES: Oh, you're probably  20 right.  21 DAVID SPEARS: Because I mean, you  22 can tell it's been mowed.  23 MARK BRIDGES: Yeah.  24 DAVID SPEARS: Well --  25 MARK BRIDGES: And they probably have</p>	<p style="text-align: right;">Page 128</p> <p>1 DAVID SPEARS: (indiscernible)  2 Mark's like, well, I'm not going to try.  3 MARK BRIDGES: I'll (indiscernible).  4 Yeah.  5 DAVID SPEARS: You know, and I've  6 been trying not to think of statistically, somebody  7 is not going to have her.  8 MARK BRIDGES: Uh-huh.  9 DAVID SPEARS: How long they keep  10 their prey, I guess, because they're predators, is  11 what they are.  12 MARK BRIDGES: Right.  13 DAVID SPEARS: How long they keep  14 their prey alive.  15 MARK BRIDGES: Some of them -- you  16 know, they just convicted that guy up in --  17 DAVID SPEARS: Up in --  18 MARK BRIDGES: Was it Kansas City?  19 That the boy went missing and somebody saw a car  20 description, and somebody up -- it's either St.  21 Louis or Kansas City. And so the police went  22 there, and they found the guy with the boy, and he  23 had another boy that disappeared like, oh, gosh,  24 what'd they say, thirteen years ago?  25 DAVID SPEARS: So when we were</p>
<p style="text-align: right;">Page 127</p> <p>1 to have a key to get in through the gate, wouldn't  2 they?  3 DAVID SPEARS: Uh-huh.  4 One of the other stories about this  5 place -- and this (indiscernible) actually just a  6 little (indiscernible). I was up here with some  7 guys. I went back because there was another guy in  8 the car. It was just cold; I just didn't really  9 want to be out here, and you know (indiscernible)  10 creepy. I don't care who you are.  11 They were standing out by that second  12 pine tree.  13 MARK BRIDGES: Uh-huh.  14 DAVID SPEARS: And one of them's  15 like, look, man, I'm going to start running and  16 screaming, and when we get back, I'm going to tell  17 them something reached out and grabbed my shoulder.  18 The other one says, man, that sounds like a good  19 idea.  20 About the time Barry reared back to  21 take off, a squirrel jumped out and landed on his  22 shoulder. He freaked out. The other guy's just  23 standing back there laughing his butt off.  24 (indiscernible)  25 MARK BRIDGES: Yeah.</p>	<p style="text-align: right;">Page 129</p> <p>1 talking about that circumstantial evidence stuff,  2 that really kind of made me worry because I just --  3 I don't know how much of them accusing me of being  4 guilty, telling me they knew it was tactics to try  5 to get me to tell them I was guilty, how much of it  6 was, I know you're freaking guilty.  7 MARK BRIDGES: Well, one thing that  8 you've seen, you haven't been charged with nothing.  9 DAVID SPEARS: No. That's why I keep  10 -- that's what keeps me from, you know, shifting  11 into panic mode legally. I mean, (indiscernible).  12 MARK BRIDGES: I'd say that they are  13 just trying to figure out what in the world  14 happened.  15 DAVID SPEARS: Well, and I'm starting  16 to think -- and maybe it's because (indiscernible)  17 because I can't help but think that if he really  18 believed I was a hundred percent guilty, I'd have  19 to believe he wouldn't be very simple at all, no  20 matter what. On the other hand, with the FBI  21 breathing down his neck, he might be on his best  22 behavior too.  23 MARK BRIDGES: I don't know.  24 DAVID SPEARS: Because they told me,  25 when they walk into an investigation, the county</p>



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1 boys are just there to do what they're told. Have  
 2 you ever had to work with the FBI?  
 3 MARK BRIDGES: Not very much. No, I  
 4 haven't.  
 5 DAVID SPEARS: You know, Mark, I  
 6 appreciate you coming with me, because I can't  
 7 think of a better person if we do find her to be  
 8 with me. You know what I mean?  
 9 MARK BRIDGES: Well, I've had a lot  
 10 of -- I've had a lot of practice.  
 11 DAVID SPEARS: Well, not just that.  
 12 You -- you're credible. You are an authority.  
 13 You're the authority they would call when they  
 14 found out she was found.  
 15 MARK BRIDGES: On the Newton County  
 16 side, they would.  
 17 DAVID SPEARS: Well, wouldn't --  
 18 wouldn't you end up over here -- well, this is  
 19 Barry County. Wouldn't they still call you because  
 20 it was a Newton County crime?  
 21 MARK BRIDGES: No, they'd call Barry  
 22 County and then try to figure out if it happened in  
 23 Newton County or Barry County.  
 24 (indiscernible)  
 25 DAVID SPEARS: (indiscernible)

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1 MARK BRIDGES: Have you had any  
 2 conversations at all with Colleen?  
 3 DAVID SPEARS: (indiscernible)  
 4 MARK BRIDGES: Really? Civil?  
 5 DAVID SPEARS: Yeah. (indiscernible)  
 6 MARK BRIDGES: What she told me when  
 7 I talked to her Sunday night.  
 8 DAVID SPEARS: Was that she loved me;  
 9 she just didn't trust me.  
 10 MARK BRIDGES: Right now, she just  
 11 couldn't (indiscernible) she knew for one that you  
 12 didn't have any involvement. (indiscernible) she  
 13 didn't say this, but that's what I read. She said  
 14 she can't trust you right now.  
 15 DAVID SPEARS: And I understand.  
 16 MARK BRIDGES: I love him, but I  
 17 can't trust him right now.  
 18 DAVID SPEARS: And the reason I  
 19 haven't been really bugging her to talk to me,  
 20 because --  
 21 Here you want to take the third road.  
 22  
 23 I figured the best thing I could do  
 24 for her state of mind is to respect her -- her  
 25 space.

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1 MARK BRIDGES: Sure. Look at that  
 2 big -- look at that big horse.  
 3 DAVID SPEARS: (indiscernible)  
 4 fifteen and a half hands.  
 5 MARK BRIDGES: What's a big horse?  
 6 DAVID SPEARS: Clydesdale.  
 7 MARK BRIDGES: How many hands is a  
 8 Clydesdale, any idea?  
 9 DAVID SPEARS: They could be up to  
 10 like (indiscernible).  
 11 MARK BRIDGES: How'd they ever come  
 12 up with hands?  
 13 DAVID SPEARS: (indiscernible)  
 14 MARK BRIDGES: What do they do, like  
 15 this?  
 16 DAVID SPEARS: Yeah.  
 17 MARK BRIDGES: Isn't that odd they'd  
 18 use that as a measurement still?  
 19 DAVID SPEARS: (indiscernible) I  
 20 think it's five inches, so you'd have a  
 21 fifteen-hand horse would be --  
 22 MARK BRIDGES: Seventy-five inches?  
 23 DAVID SPEARS: Yeah. Which is  
 24 (indiscernible).  
 25 MARK BRIDGES: Now, is that at the --

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1 like what part of the body?  
 2 DAVID SPEARS: I believe it's the  
 3 shoulder.  
 4 MARK BRIDGES: Shoulder?  
 5 DAVID SPEARS: (indiscernible)  
 6 At the green sign, take a right.  
 7 (indiscernible) coming up on the other side of  
 8 Wheaton. We're going to go right past Chris'.  
 9 MARK BRIDGES: Oh, really? Now, when  
 10 you say "Chris" you mean -- is this his dad's  
 11 place?  
 12 DAVID SPEARS: (indiscernible)  
 13 MARK BRIDGES: Now, his dad's still  
 14 alive, right?  
 15 DAVID SPEARS: Yeah, his dad lives in  
 16 Wheaton at the retirement apartment complex.  
 17 MARK BRIDGES: Oh.  
 18 DAVID SPEARS: (indiscernible) find a  
 19 way to do it. And I think probably the reason I  
 20 haven't heard -- because I haven't heard from  
 21 Nathan at all.  
 22 Turn right.  
 23 (Indiscernible) probably  
 24 (indiscernible).  
 25 MARK BRIDGES: Is that right?

34 (Pages 130 to 133)



Page 134

1 Isn't that cute (indiscernible)  
 2 alongside the road.  
 3 They're probably getting somewhat  
 4 weary.  
 5 DAVID SPEARS: Of what?  
 6 MARK BRIDGES: Looking. Their spot,  
 7 and they might have something going on we don't  
 8 know about, but --  
 9 DAVID SPEARS: Getting weary of  
 10 looking?  
 11 MARK BRIDGES: Yeah, I would think  
 12 so.  
 13 Nice place.  
 14 DAVID SPEARS: How long does a search  
 15 like this go on?  
 16 MARK BRIDGES: Man, I don't know.  
 17 Good question.  
 18 DAVID SPEARS: If it were your  
 19 department, how long would (indiscernible) before  
 20 you started pulling guys off?  
 21 MARK BRIDGES: Once they ran all  
 22 their leads, every known lead whatsoever, I would  
 23 start winding it down. And what they've got going  
 24 in their favor right now is if she happens to be in  
 25 the woods somewhere, a lot of times they don't --

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1 DAVID SPEARS: It's hunting season.  
 2 MARK BRIDGES: It's hunting season.  
 3 Find a lot of people during hunting season around  
 4 the United States. They'll go by smells. They'll  
 5 smell something, they'll want to see if it's a dead  
 6 deer.  
 7 DAVID SPEARS: Yeah.  
 8 MARK BRIDGES: They'll go, and lo and  
 9 behold.  
 10 What are we on now?  
 11 DAVID SPEARS: I don't know the name  
 12 of the road.  
 13 MARK BRIDGES: Pretty nice road.  
 14 Wish Newton County had some roads like this.  
 15 DAVID SPEARS: (indiscernible)  
 16 MARK BRIDGES: I don't know if I'd  
 17 want to have that house down there when the wind  
 18 was going past those -- is that chicken or turkey,  
 19 I wonder? When the wind was blowing over this way,  
 20 I don't know if I'd want to live there.  
 21 Wonder who's this place is. They've  
 22 got the chippers and --  
 23 DAVID SPEARS: I don't know. The  
 24 place on the right up here is (indiscernible)  
 25 Chris' adopted sister.

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1 MARK BRIDGES: Right here? Wonder  
 2 what he does (indiscernible) with a bucket truck.  
 3 DAVID SPEARS: I know they have a  
 4 trimming service.  
 5 You got a right-hand turn coming up  
 6 here about (indiscernible). I don't know  
 7 (indiscernible)  
 8 Well, at least I know the gas we're  
 9 running (indiscernible) coming out of the  
 10 taxpayers' dollars.  
 11 MARK BRIDGES: Your tax dollars at  
 12 work.  
 13 DAVID SPEARS: (indiscernible)  
 14 MARK BRIDGES: That's right.  
 15 DAVID SPEARS: He told me, he said,  
 16 you know -- you know (indiscernible) doing whatever  
 17 you can to find that little girl. (indiscernible)  
 18 MARK BRIDGES: That's right. Who  
 19 would be in a black and white down here?  
 20 DAVID SPEARS: Either (indiscernible)  
 21 or Barry County. They're searching Chris' farm.  
 22 MARK BRIDGES: Ah hah. Boy, are they  
 23 ever.  
 24 DAVID SPEARS: Oh, I can't even be  
 25 involved anywhere near there. Looks like they're

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1 winding down now.  
 2 MARK BRIDGES: Yeah. Man, are they  
 3 searching. Got everybody and his brother down  
 4 here, don't they?  
 5 DAVID SPEARS: (indiscernible) would  
 6 you?  
 7 MARK BRIDGES: These guys  
 8 (indiscernible) or are these --  
 9 DAVID SPEARS: I don't know  
 10 (indiscernible).  
 11 MARK BRIDGES: Wow. Wonder if this  
 12 is the first -- everybody's leaving this way.  
 13 DAVID SPEARS: I figured they'd  
 14 search Chris' place. I thought they already had.  
 15 MARK BRIDGES: That's very  
 16 surprising. I wonder if he told them something.  
 17 DAVID SPEARS: Probably, would you  
 18 like to search my place?  
 19 MARK BRIDGES: Yeah. Is there any  
 20 ponds up on this property?  
 21 DAVID SPEARS: (indiscernible)  
 22 MARK BRIDGES: Is there a second one?  
 23 DAVID SPEARS: I don't remember.  
 24 There might be. I've been out there, but I've  
 25 never, you know, really gone --

35 (Pages 134 to 137)



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1 Here go straight across.  
 2 MARK BRIDGES: So that's his dad's  
 3 place?  
 4 DAVID SPEARS: You know, I think that  
 5 one of the reasons the FBI wanted me to go out and  
 6 ride around with them was so that it would kill  
 7 time until the polygrapher got there.  
 8 MARK BRIDGES: Could be.  
 9 Hey, they've got cadets from the  
 10 MSSC. That was a MSSC student training car. I  
 11 wonder if they brought a whole bunch of police  
 12 cadets down here.  
 13 DAVID SPEARS: I don't remember who  
 14 it was I was telling this. I think my sister. I  
 15 said, this is a horrible, horrible situation. My  
 16 dad's got this little book that's about finding  
 17 good from bad things. Have you ever seen those? I  
 18 mean, like trying to help people find something  
 19 good about bad things. And the only good thing I  
 20 can find out of all of this is that I have a whole  
 21 new outlook on religion.  
 22 MARK BRIDGES: And that's the most  
 23 important thing in life, because as the Scripture  
 24 says, this life is nothing but a vapor, a twinkle  
 25 of the eye, and then it's gone.

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1 (Indiscernible) donkey farm?  
 2 DAVID SPEARS: (Indiscernible) even  
 3 my destination (indiscernible) guarantee my  
 4 daughter's safety. If I -- you know, if I could  
 5 make some sort of deal with the Almighty, you bring  
 6 my little girl home safe and make sure she'll have  
 7 a good life, you can send me downstairs. I don't  
 8 care. That's a horrible thing to say, but that's  
 9 my little girl.  
 10 MARK BRIDGES: Yeah. I know what you  
 11 mean.  
 12 DAVID SPEARS: The idea of going to  
 13 hell doesn't please me, but (indiscernible).  
 14 MARK BRIDGES: I just can't fathom  
 15 eternity.  
 16 DAVID SPEARS: It's a hard --  
 17 MARK BRIDGES: Hard --  
 18 DAVID SPEARS: Hard number to figure,  
 19 isn't it?  
 20 MARK BRIDGES: Yeah. It's  
 21 (indiscernible) talking today, and he said if a  
 22 bird picked up a twig and flew around the world and  
 23 dropped it back at another location, went and got  
 24 another one around the world and brought it, by the  
 25 time he'd moved a whole forest, that would just be

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1 a --  
 2 DAVID SPEARS: Fraction.  
 3 MARK BRIDGES: Fraction. I can't  
 4 fathom that. I can't fathom infinity.  
 5 Boy, that's a beautiful field.  
 6 DAVID SPEARS: Hard to fathom, but I  
 7 meant what I said. And I know that you would feel  
 8 the same way if this was your child.  
 9 MARK BRIDGES: Man, I don't know. If  
 10 I knew that she was in a better place than this --  
 11 because I'd know she was already there, and I was  
 12 going to see her.  
 13 DAVID SPEARS: I guess that's  
 14 probably a saner way to look at it.  
 15 MARK BRIDGES: Okay. Where now?  
 16 DAVID SPEARS: You want to make a  
 17 right.  
 18 MARK BRIDGES: Hey, this is kind of a  
 19 nice area.  
 20 DAVID SPEARS: I guess that's  
 21 probably a saner way to look at it, Mark. I just  
 22 --  
 23 MARK BRIDGES: I mean, that's what --  
 24 we're put on this earth to try to work -- not work,  
 25 but -- but accept the free gift so that we can get

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1 there. Everybody's supposed to do that. So I want  
 2 that free gift.  
 3 DAVID SPEARS: I know you're all  
 4 about free stuff, Mark.  
 5 MARK BRIDGES: Amen, brother.  
 6 DAVID SPEARS: Oh, I didn't tell you.  
 7 That truck you helped me get that I (indiscernible)  
 8 it paid for itself. Even if I had to pay in cash,  
 9 it paid for itself. (Indiscernible).  
 10 MARK BRIDGES: Now, what's around  
 11 this bridge? Is this a hangout?  
 12 DAVID SPEARS: It's just -- I know  
 13 people have partied here, and it's got  
 14 (indiscernible), you know what I mean? There's  
 15 usually (indiscernible).  
 16 MARK BRIDGES: There's a little kitty  
 17 kitty. Coming down here, I saw a couple of -- I  
 18 saw a couple of raccoons, baby raccoons playing on  
 19 the side of the road.  
 20 DAVID SPEARS: Yeah.  
 21 And then what I pondered was  
 22 hypothetically, if somebody did it and they  
 23 panicked, and if they knew about (indiscernible) it  
 24 might be a possibility, you know.  
 25 (indiscernible)

36 (Pages 138 to 141)



<p style="text-align: right;">Page 142</p> <p>1 MARK BRIDGES: I'll grab you by the 2 foot. 3 DAVID SPEARS: Thanks. 4 (Indiscernible). If I was in my boots, I'd walk 5 that side, but in these, there ain't no way. 6 MARK BRIDGES: This bridge have a 7 name? 8 DAVID SPEARS: Muncie Chapel Bridge. 9 MARK BRIDGES: Muncie Chapel Bridge. 10 So now I can say I've been at Muncie Chapel Bridge. 11 DAVID SPEARS: Well, you'll see 12 Muncie Chapel when we get to -- 13 MARK BRIDGES: Oh, really? Is that a 14 church, I take it? 15 DAVID SPEARS: Yeah. 16 MARK BRIDGES: I vaguely remember 17 hearing that name. Muncie Chapel. Many people go 18 there? Any idea? 19 DAVID SPEARS: I have no idea. 20 MARK BRIDGES: Afraid you was going 21 to fall? 22 DAVID SPEARS: I felt (indiscernible) 23 going on top of me. 24 MARK BRIDGES: Uh-oh. 25 DAVID SPEARS: I was afraid I was</p>	<p style="text-align: right;">Page 144</p> <p>1 DAVID SPEARS: Those, I can handle. 2 MARK BRIDGES: Well, I don't smell 3 anything. 4 DAVID SPEARS: (indiscernible) by 5 now. 6 MARK BRIDGES: You would think so. 7 Nothing near that ledge right there, is there? 8 DAVID SPEARS: No. Here, I'll get 9 down here and see. Check it out. You know, being 10 on your knees to pray is one thing, but I'm 11 spending a lot of time on my knees for other stuff 12 too. 13 MARK BRIDGES: That cat's 14 (indiscernible) now it's -- what are you guys doing 15 in my neck of the woods? 16 Well, now we know where all the 17 coppers were. 18 DAVID SPEARS: Yeah. 19 MARK BRIDGES: Hope there's nobody 20 coming. I'm going to take a whiz. 21 DAVID SPEARS: (indiscernible) 22 MARK BRIDGES: Yeah. 23 DAVID SPEARS: (indiscernible) 24 MARK BRIDGES: Okay. 25 Of course you'd know I'd wait until</p>
<p style="text-align: right;">Page 143</p> <p>1 going to be in the water, half naked, cold, wet, 2 and embarrassed. 3 MARK BRIDGES: I got -- I got a 4 heater. 5 DAVID SPEARS: Clear all the way 6 across. You do see why that would be 7 (indiscernible). 8 MARK BRIDGES: Oh, I know. 9 DAVID SPEARS: (Indiscernible) how 10 long it takes to get down there. 11 MARK BRIDGES: That's right. 12 DAVID SPEARS: And the other things I 13 have to do (indiscernible) if somebody did dump 14 something here, I don't think it would get out of 15 that pool, you know what I mean? 16 MARK BRIDGES: Yes. 17 DAVID SPEARS: You see, it's real 18 shallow there. 19 MARK BRIDGES: Yeah. 20 DAVID SPEARS: And here's not deep 21 enough to hide anything. 22 MARK BRIDGES: No. 23 DAVID SPEARS: (indiscernible) 24 MARK BRIDGES: Like doing a bunch of 25 pushups.</p>	<p style="text-align: right;">Page 145</p> <p>1 somebody was coming. 2 DAVID SPEARS: Yeah. 3 (Indiscernible). 4 MARK BRIDGES: Hey, you know right 5 there, that looked like it could have been an eagle 6 that just flew into that tree. 7 DAVID SPEARS: Yeah. 8 MARK BRIDGES: Don't know it, but it 9 kind of looked like one. 10 DAVID SPEARS: I didn't get a good 11 look at it. But we do have bald eagles around 12 here. (Indiscernible). 13 MARK BRIDGES: Turn around and go 14 back or go on this way? 15 DAVID SPEARS: You can turn around 16 and go back the other way. You know, it's starting 17 to get really frustrating that we haven't -- it 18 feels a lot better doing something than doing 19 nothing. 20 MARK BRIDGES: There's so much -- is 21 there a place to turn around back there, or do I 22 need to -- 23 DAVID SPEARS: You can go up the hill 24 to (indiscernible). 25 Yeah, the way they were moving, I'm</p>



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1 sure they (indiscernible) you don't want to turn  
 2 around right here on this corner. Somebody'll come  
 3 around that corner and smack you.  
 4 MARK BRIDGES: (Indiscernible) that's  
 5 some good-looking green grass right there, isn't  
 6 it?  
 7 DAVID SPEARS: Yeah. You notice  
 8 nature a lot.  
 9 MARK BRIDGES: Oh, yeah.  
 10 DAVID SPEARS: (Indiscernible).  
 11 You know something I still have not  
 12 been able to understand, even reading the Bible?  
 13 When you pray, are you praying to Jesus or are you  
 14 praying to God? You know, because the only way to  
 15 the Father is through the Son. I know that.  
 16 MARK BRIDGES: Right. Look at that.  
 17 Crappy hillbilly. I like that.  
 18 DAVID SPEARS: And you know what the  
 19 best part about that is? (Indiscernible).  
 20 MARK BRIDGES: Yes, that's right. So  
 21 what did he mean? Did he mean crappy or did he  
 22 mean crappy?  
 23 DAVID SPEARS: You never know.  
 24 MARK BRIDGES: Hard to say, isn't it?  
 25 DAVID SPEARS: Yeah.

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1 MARK BRIDGES: Is that the way you'd  
 2 spell both of them?  
 3 DAVID SPEARS: Crappy would be  
 4 C-R-A-P-P-Y.  
 5 MARK BRIDGES: That's what I would  
 6 think.  
 7 DAVID SPEARS: But no, that's  
 8 something I still haven't been able to figure out.  
 9 MARK BRIDGES: Well, and that's  
 10 something that I think everybody's going to get a  
 11 rude awakening. I don't know, rude awakening, going  
 12 to get a -- going to get an awakening to, because  
 13 how the three are one (indiscernible).  
 14 DAVID SPEARS: (Indiscernible).  
 15 MARK BRIDGES: Right. You pray --  
 16 you pray in Jesus' name to the Father, but then  
 17 Jesus is in the Father, and the Father's in me, it  
 18 said. So --  
 19 DAVID SPEARS: And the Holy Ghost is  
 20 the embodiment --  
 21 MARK BRIDGES: Yeah.  
 22 DAVID SPEARS: The spirit of the  
 23 Almighty on Earth.  
 24 MARK BRIDGES: Yeah.  
 25 DAVID SPEARS: So -- but they're

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1 separated in such a way that it's (indiscernible).  
 2 MARK BRIDGES: Yeah. They're three  
 3 in one, but how can they be three in one and be  
 4 separate, you know, so to speak? It's something I  
 5 don't think the human mind -- there's a lot the  
 6 human mind can't comprehend.  
 7 DAVID SPEARS: (Indiscernible).  
 8 MARK BRIDGES: Oh, God. Drive you  
 9 crazy.  
 10 DAVID SPEARS: Some of them I  
 11 understand. Some of them I'm still working on.  
 12 MARK BRIDGES: Amen, brother. Preach  
 13 it.  
 14 DAVID SPEARS: I've made it Matthew,  
 15 Mark, Luke, and I'm on -- I'm in John 6 now. I  
 16 don't know if that's very far to make it in a short  
 17 period of time or not.  
 18 MARK BRIDGES: That is very good.  
 19 Some good books they always say to read, the power  
 20 books, are General Electric Power Company. That's  
 21 the way you remember it. Galatians, Ephesians,  
 22 Philippians -- or no, General Electric Power --  
 23 Galatians, Ephesians, Philippians --  
 24 DAVID SPEARS: Corinthians?  
 25 MARK BRIDGES: And Corinthians.

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1 Those are real good books to --  
 2 DAVID SPEARS: Those are all in the  
 3 New Testament, aren't they?  
 4 MARK BRIDGES: Oh, yeah. They're all  
 5 right together. General Electric Power Company.  
 6 DAVID SPEARS: I'll get there, then.  
 7 Because what I've been doing is reading --  
 8 MARK BRIDGES: You're -- if you've  
 9 made that much sense of it so far, which most  
 10 people have a hard time with, you're doing real  
 11 good.  
 12 DAVID SPEARS: I don't know, Mark.  
 13 You teased me one time about being a preacher, I  
 14 think.  
 15 MARK BRIDGES: Look out.  
 16 DAVID SPEARS: You never know. It  
 17 might happen.  
 18 MARK BRIDGES: Look out. Preach it,  
 19 Brother David.  
 20 Okay. Which way now, Brother Dave?  
 21 DAVID SPEARS: Straight ahead.  
 22 MARK BRIDGES: Now, what -- is this  
 23 Muncie Chapel?  
 24 DAVID SPEARS: Yes.  
 25 (Indiscernible) no, it wasn't you.

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<p style="text-align: right;">Page 150</p> <p>1 It was my little preacher buddy (indiscernible). I  2 think he might have said something. My old  3 preacher buddy down in Bella Vista. He was -- I  4 wasn't really his boss, but since I knew the  5 department and his boss was gone, I was in charge.  6 MARK BRIDGES: Uh-huh.  7 DAVID SPEARS: He got  8 (indiscernible). He drove me nuts. (Indiscernible)  9 he was fifty-four years old. Named Michael  10 (indiscernible). Very Irish. You know, he's not  11 got the red hair, but I mean, you could -- when he  12 puts on the dark cap that he always wore, you could  13 tell where he's from. He --  14 MARK BRIDGES: Did he talk with a  15 little brogue?  16 DAVID SPEARS: No. No. Even though  17 he spent years managing a golf resort in Jamaica.  18 MARK BRIDGES: That'd be a hard life.  19 DAVID SPEARS: And then he came back  20 up here and got religion. Married a woman out of  21 the church. He has no children. He -- but he's --  22 I mean, he's just a really great guy. And we'd --  23 we discussed religion. In fact, I used on him what  24 I've used on (indiscernible). You'll get a kick  25 out of this (indiscernible).</p>	<p style="text-align: right;">Page 152</p> <p>1 MARK BRIDGES: Yeah  2 DAVID SPEARS: Okay. And my answer  3 is, you take this boy that's part of a tribe in  4 South America. The aborigines. Now, the only  5 (indiscernible) you know, the rain forest. He's  6 never even heard the word Jesus. He grows up  7 believing in (indiscernible).  8 MARK BRIDGES: (indiscernible)  9 DAVID SPEARS: You know, whatever  10 (indiscernible).  11 MARK BRIDGES: I know exactly what  12 you mean. And I think it says that the only way to  13 the Father is through the Son. But I don't think  14 anybody has -- what were they saying?  15 DAVID SPEARS: (indiscernible)  16 MARK BRIDGES: I often wonder about  17 those people that never have the opportunity one  18 time. I really, really wonder about that.  19 DAVID SPEARS: I don't -- I don't  20 really wonder about it, and I'll tell you why.  21 Because I believe that (indiscernible) about  22 forgiveness and all that good stuff. Then he'll  23 look upon someone who's never heard his name  24 (indiscernible).  25 MARK BRIDGES: I think God would</p>
<p style="text-align: right;">Page 151</p> <p>1 I want to go over the road again that  2 they took me down. It's where when I woke up  3 (indiscernible) maybe I'll (indiscernible).  4 MARK BRIDGES: Oh, that's good.  5 That's very good.  6 DAVID SPEARS: I took them down all  7 the roads I remember being on, but you know, it  8 doesn't hurt to try it again.  9 MARK BRIDGES: Very true.  10 DAVID SPEARS: And it's on the way to  11 where we need to go.  12 MARK BRIDGES: Very good.  13 DAVID SPEARS: Anyways, my argument  14 was this: God is a good, benevolent God.  15 MARK BRIDGES: Uh-huh.  16 DAVID SPEARS: That's a given. Now,  17 if you listen to some of the people that preach,  18 they say, period, bottom line, it doesn't matter,  19 extenuating circumstances, you have not been saved,  20 accepted Jesus Christ into your heart as your  21 savior, that he died on a cross two thousand years  22 ago, and tried to live a Christian life, you're  23 going to (indiscernible). Correct? If you listen  24 to some of the people that preach, that's how they  25 preach the Good Book.</p>	<p style="text-align: right;">Page 153</p> <p>1 maybe know their heart. I mean, he's so much  2 smarter. I mean -- I mean, there's no comparison.  3 Maybe he would know who would be -- the whole  4 thing, what it boils down to, the way I understand  5 it, is Satan decided with his pride that he wanted  6 to be like God. So he takes off and takes a third  7 of the angels with him. God said, that will never  8 happen again. He'll never allow anybody in heaven  9 again that would do something like that. The way I  10 understand the Scriptures.  11 DAVID SPEARS: Was how hell was  12 created?  13 MARK BRIDGES: That's correct.  14 DAVID SPEARS: (Indiscernible)  15 against the authority of God.  16 MARK BRIDGES: That's right. So is  17 God smart enough to know who he could quote,  18 unquote, trust in heaven and who he couldn't?  19 That's -- that's what I wonder.  20 DAVID SPEARS: Of course he is. He's  21 the Almighty.  22 MARK BRIDGES: So is that what's  23 going to happen, maybe? I don't know.  24 DAVID SPEARS: (indiscernible) and of  25 course, I don't know the Good Book cover to cover</p>



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1 yet.

2 MARK BRIDGES: Well, find out and  
3 tell me, because I've never -- I haven't ever see  
4 anything about it.

5 DAVID SPEARS: I can put it this way:  
6 This is something I believe, and if I didn't  
7 believe it, I wouldn't be reading the book.

8 MARK BRIDGES: Right.

9 DAVID SPEARS: God created  
10 everything. He knows every man's heart. He knows  
11 every thought, every action, every feeling. He  
12 knows everything. He's God.

13 MARK BRIDGES: Right.

14 DAVID SPEARS: That's kind of an all  
15 encompassing word.

16 MARK BRIDGES: Right.

17 DAVID SPEARS: Now, if you've never  
18 had the opportunity to accept Jesus because you've  
19 never heard of the name --

20 MARK BRIDGES: Right.

21 DAVID SPEARS: I think that he would  
22 judge you on what's in your heart, because when it  
23 comes down to it, what you -- I think  
24 (indiscernible) as many people that lived a live  
25 that wasn't straight and narrow and in the end

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1 MARK BRIDGES: Wow.

2 DAVID SPEARS: They described the  
3 taillights, and it was the difference between his  
4 and her opinion. It could have been a Crown  
5 Victoria, but they agreed it was a (indiscernible)  
6 car. It's the large one (indiscernible).

7 Take a right.

8 I'll tell you something else that I  
9 haven't said to them, because (indiscernible) you  
10 know, when they kept saying that they thought I  
11 knew -- they thought I knew something. I didn't,  
12 but (indiscernible) don't you think Mom would have  
13 seen me take something out of the house and put it  
14 in the Suburban? She drives it over there for me  
15 to take the Suburban. You know, wouldn't you  
16 think?

17 They even said, well, I bet she was  
18 wrapped in that blanket she was sleeping on. I was  
19 like, that blanket's laying in the floor of her  
20 room, thank you. You know.

21 MARK BRIDGES: Now, what's this?

22 They're saying that there's a sheet missing now.

23 DAVID SPEARS: I haven't heard that.

24 MARK BRIDGES: That was in the paper,  
25 sheet off the bed missing.

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1 realized the mistakes they had made --

2 MARK BRIDGES: Like the  
3 (indiscernible)

4 DAVID SPEARS: (indiscernible) I  
5 think -- well, I guess a good way to put it is I  
6 think there'll be some drunks in through the gates  
7 of heaven, as there will every-Sunday churchgoers.

8 MARK BRIDGES: Well, that'd break  
9 some people's theology, wouldn't it?

10 DAVID SPEARS: Is that -- does that  
11 make any sense?

12 MARK BRIDGES: Sure does.

13 DAVID SPEARS: Because, well, like  
14 you said, and I read that (indiscernible) you know,  
15 Lord, take me with you. You know. And I don't  
16 know how it was worded, but (indiscernible), you  
17 know, don't leave me here to be --

18 MARK BRIDGES: That little white car  
19 they were talking about seeing (indiscernible).

20 DAVID SPEARS: They were talking  
21 about -- I wish I could have seen it, because I  
22 could have told him exactly (indiscernible).

23 MARK BRIDGES: Uh-huh.

24 DAVID SPEARS: It's a mid late  
25 eighties, dirty, very dirty, white (indiscernible).

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1 DAVID SPEARS: I don't know that  
2 there's been a sheet on the bed.

3 MARK BRIDGES: Oh.

4 DAVID SPEARS: Could they have run on  
5 the assumption that there was a sheet on the bed?

6 MARK BRIDGES: Could be.

7 DAVID SPEARS: I can't recall Colleen  
8 making the bed and putting a sheet on it.

9 MARK BRIDGES: I don't know.

10 DAVID SPEARS: Take a left right  
11 here. That will get us back over by my mom's. I'm  
12 sure we (indiscernible).

13 MARK BRIDGES: No, I'm fine. You got  
14 a place you want to check --

15 DAVID SPEARS: (Indiscernible) here.

16 MARK BRIDGES: You got anyplace you  
17 want to check first?

18 DAVID SPEARS: Yeah, well, this --  
19 this is the back roads. Those are the ones that I  
20 know real well.

21 MARK BRIDGES: Okay.

22 DAVID SPEARS: And this is one of the  
23 ones that I (indiscernible).

24 MARK BRIDGES: Okay.

25 DAVID SPEARS: You said, you know, if

40 (Pages 154 to 157)



<p style="text-align: right;">Page 158</p> <p>1 something would jog my memory.  2 MARK BRIDGES: (Indiscernible).  3 DAVID SPEARS: But I'm not aware of a  4 sheet missing. No one has told me that.  5 MARK BRIDGES: Well, I just read it  6 in the paper.  7 DAVID SPEARS: Those -- you know,  8 those kind of -- the TV reporter asked my mom if  9 she knew my friends Chris, Nathan, and Trent.  10 MARK BRIDGES: Trent, huh?  11 DAVID SPEARS: That's -- that's the  12 pedophile.  13 MARK BRIDGES: Everybody actually  14 asked that?  15 DAVID SPEARS: They asked my mother  16 if she knew people today, and they put in Trent.  17 MARK BRIDGES: Wonder where they came  18 up with the name -- how they got the name Trent.  19 DAVID SPEARS: I don't know. Mom  20 said -- she said, I've never seen a Trent. I never  21 saw anybody by that name. And then when they come  22 back up there to ask her if I had a lawyer, she  23 said no. He cannot afford one, and he has not been  24 charged, so one has not been appointed.  25 That's the old car.</p>	<p style="text-align: right;">Page 160</p> <p>1 MARK BRIDGES: Oh, gosh.  2 DAVID SPEARS: Or was it in --  3 MARK BRIDGES: Yesterday's or --  4 DAVID SPEARS: You read it yesterday?  5 MARK BRIDGES: Yeah, it's in  6 yesterday's paper.  7 DAVID SPEARS: Okay. If you read it  8 yesterday, they never mentioned it to me.  9 You know --  10 MARK BRIDGES: That wouldn't be  11 something Colleen would have told me, is it?  12 DAVID SPEARS: Well, they'd have  13 still mentioned it to me, wouldn't they?  14 MARK BRIDGES: I don't know.  15 DAVID SPEARS: You know, I --  16 MARK BRIDGES: I heard it on the  17 news, heard it on -- in the paper, heard it from  18 her. I'm thinking I may have read it in the paper  19 or heard it on the news, one or the other.  20 DAVID SPEARS: That -- that would  21 have been yesterday?  22 MARK BRIDGES: Yeah.  23 DAVID SPEARS: So I don't know why I  24 wasn't questioned about that too.  25 MARK BRIDGES: Because I just glanced</p>
<p style="text-align: right;">Page 159</p> <p>1 MARK BRIDGES: That's the old car?  2 DAVID SPEARS: Yeah. That's where  3 all the drunks go.  4 MARK BRIDGES: So they're having a  5 fish fry Friday, huh?  6 DAVID SPEARS: But -- and when she  7 came back up there, my mom was like, and you know,  8 come to think of it, I don't know anybody by the  9 name of Trent. And my son just informed me that he  10 doesn't know anybody by that name either. So I  11 don't -- she goes, I don't know where you got your  12 -- Mom used one of them big fancy words, which  13 sounds funny coming out of her mouth, she says,  14 your information's erroneous.  15 MARK BRIDGES: Oh, great. Wonder why  16 it just hasn't hit the like FOX News, people like  17 that yet.  18 DAVID SPEARS: I'm just trying to  19 figure out why we're (indiscernible) the sheet's  20 missing. I'm sure they'll ask me questions about  21 that, aren't you?  22 MARK BRIDGES: I don't know. It's  23 already been in the paper.  24 DAVID SPEARS: Nobody's mentioned it  25 to me. Was it in today's paper?</p>	<p style="text-align: right;">Page 161</p> <p>1 at the paper today, because I was in a hurry.  2 DAVID SPEARS: Well, I --  3 MARK BRIDGES: I had guys coming in  4 -- go figure. I don't have anybody coming in.  5 Then I'm trying to get out up here and out of  6 Neosho, get over here, and I have some guy call  7 that's (indiscernible) him in. I like to never got  8 rid of him. Then I had some other guy for  9 (indiscernible) that showed up, and then he wants  10 to sit there and look at the little catalog  11 forever.  12 But I finally said, well, listen.  13 You know, I'm really -- I said, I really got my  14 note on the door. I've got to go. And if you want  15 to look later, you know, give me a call. Finally  16 ran him out after (indiscernible).  17 DAVID SPEARS: Yeah. You know, with  18 all the questioning and all the theories, I've been  19 trying to think, you know, like you said  20 (indiscernible) and the way you said it, maybe I  21 blocked something out.  22 MARK BRIDGES: Uh-huh.  23 DAVID SPEARS: And I've been trying  24 to, you know -- I've been trying to keep my mind  25 open to all those possibilities, and I'm</p>



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1 (indiscernible).  
 2 MARK BRIDGES: I know the mind can do  
 3 strange things. I've watched kids put up with  
 4 abuse by putting up barriers in their mind so they  
 5 wouldn't remember it. Then they'd come back years  
 6 later and remember it. Just the mind has some very  
 7 interesting protective maneuvers that it does to --  
 8 you know, when you see something (indiscernible)  
 9 you know, that protects you from -- from breaking  
 10 down.  
 11 DAVID SPEARS: Right. It's the fight  
 12 or flight mechanism, you know.  
 13 MARK BRIDGES: Yeah.  
 14 DAVID SPEARS: Whatever you -- self  
 15 preservation.  
 16 MARK BRIDGES: That's it.  
 17 DAVID SPEARS: (indiscernible) to  
 18 keep your mind.  
 19 MARK BRIDGES: That's it. So you  
 20 don't go crazy.  
 21 DAVID SPEARS: Yeah, but those are  
 22 people who don't want to remember those things.  
 23 You know what I mean? Does that make any sense?  
 24 MARK BRIDGES: Yeah.  
 25 DAVID SPEARS: I want to remember

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1 anything possible.  
 2 MARK BRIDGES: I'm just wondering if  
 3 -- if you obviously don't remember -- well, do you  
 4 remember how much alcohol you had to drink?  
 5 DAVID SPEARS: I told them I was  
 6 guessing a twelve-pack and some shots.  
 7 MARK BRIDGES: See, that's not enough  
 8 to cause --  
 9 DAVID SPEARS: Right.  
 10 MARK BRIDGES: -- Alcoholic amnesia,  
 11 I wouldn't think.  
 12 DAVID SPEARS: Right. And I smoked  
 13 some pot with Chris, which, you know -- if I'm not  
 14 drinking, the thought of getting stoned never  
 15 crosses my mind.  
 16 MARK BRIDGES: Uh-huh.  
 17 DAVID SPEARS: But you know, and --  
 18 MARK BRIDGES: That's not enough to  
 19 --  
 20 DAVID SPEARS: Right. I understand  
 21 that. But I -- I will say I had an empty stomach,  
 22 and I'd worked all day, you know.  
 23 MARK BRIDGES: Uh-huh.  
 24 DAVID SPEARS: I hadn't eaten since  
 25 we went up to the cafe that day.

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1 MARK BRIDGES: Uh-huh.  
 2 DAVID SPEARS: You know, like at  
 3 twelve thirty, one o'clock.  
 4 MARK BRIDGES: Uh-huh.  
 5 DAVID SPEARS: So I can't -- I do  
 6 know when I drink, if I get drunk enough to get  
 7 stumbly, I'm drunk enough to not remember much of  
 8 anything.  
 9 MARK BRIDGES: So do you remember  
 10 getting drunk enough to get stumbly? You feel it  
 11 coming on? You feel that coming on?  
 12 DAVID SPEARS: I can remember being  
 13 stumbly a little.  
 14 MARK BRIDGES: Really? That's very  
 15 interesting.  
 16 DAVID SPEARS: What do you mean?  
 17 MARK BRIDGES: That means you could  
 18 have forgot.  
 19 DAVID SPEARS: Well, I'm just -- and  
 20 I'm not saying it because you all are trying to --  
 21 MARK BRIDGES: Sure.  
 22 DAVID SPEARS: There's a reason I  
 23 don't remember.  
 24 MARK BRIDGES: Sure.  
 25 DAVID SPEARS: Just I know myself. I

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1 know (indiscernible).  
 2 MARK BRIDGES: Right.  
 3 DAVID SPEARS: And if I'm -- and if I  
 4 smoke pot when I drink, all that does is intensify  
 5 the alcohol.  
 6 MARK BRIDGES: Really? Now, see,  
 7 that's interesting.  
 8 DAVID SPEARS: It doesn't -- you  
 9 know, some people it sobers up.  
 10 MARK BRIDGES: Uh-huh.  
 11 DAVID SPEARS: It doesn't with me.  
 12 It just --  
 13 MARK BRIDGES: Sends you a little bit  
 14 more -- make you a little bit more loopy.  
 15 DAVID SPEARS: Right.  
 16 MARK BRIDGES: Do you ever remember  
 17 having a situation in the past where for a period  
 18 of time you couldn't remember?  
 19 DAVID SPEARS: Yeah (indiscernible).  
 20 MARK BRIDGES: Ah hah.  
 21 DAVID SPEARS: I don't get -- I  
 22 couldn't remember (indiscernible) truck. Don't  
 23 even remember how I got home. I've been just so  
 24 tired, physically tired, that I don't remember  
 25 driving home. Does that make sense?

42 (Pages 162 to 165)



<p style="text-align: right;">Page 166</p> <p>1 MARK BRIDGES: Yeah, sure does.</p> <p>2 DAVID SPEARS: And I told them that.</p> <p>3 And you know, they stand by what you just said.</p> <p>4 That's not enough to cause a blackout or to "lose</p> <p>5 time," is the term they used. Losing time is what</p> <p>6 they call it.</p> <p>7 MARK BRIDGES: Well, if you didn't</p> <p>8 remember (indiscernible) you weren't remembering so</p> <p>9 well, there's a possibility you could have drank</p> <p>10 more and not even known it.</p> <p>11 DAVID SPEARS: That's true. But you</p> <p>12 know, I took a guess. And I will (indiscernible) a</p> <p>13 guess. You know, I've never been one to count how</p> <p>14 much I drink. You know, unless the next day I</p> <p>15 found all the empty (indiscernible), you know.</p> <p>16 I'll give you an example. Mark,</p> <p>17 you've never been a big drinker. I know you said</p> <p>18 (indiscernible).</p> <p>19 MARK BRIDGES: Not a lot, no.</p> <p>20 DAVID SPEARS: Have you -- you've</p> <p>21 never been drunk enough that you've forgotten?</p> <p>22 MARK BRIDGES: No.</p> <p>23 DAVID SPEARS: Okay. When you drink</p> <p>24 enough that you get where you can't remember</p> <p>25 things, (indiscernible).</p>	<p style="text-align: right;">Page 168</p> <p>1 that I took, of course, because it's pretty fuzzy.</p> <p>2 I remember talking to my dad, just me and my dad</p> <p>3 bickering because I was drunk. That's one of those</p> <p>4 anger -- I remember it.</p> <p>5 MARK BRIDGES: Uh-huh.</p> <p>6 DAVID SPEARS: I remember wanting to</p> <p>7 go past Nathan's. I have a vague memory of going</p> <p>8 through Rocky. And I told them I'm pretty sure I</p> <p>9 went past Nathan's. It's not like I can say</p> <p>10 (indiscernible) it's just what I think</p> <p>11 (indiscernible).</p> <p>12 MARK BRIDGES: Right.</p> <p>13 DAVID SPEARS: And then over too --</p> <p>14 over on that road where we came down, where I</p> <p>15 wanted to come -- when we come up from -- from the</p> <p>16 bridge across the highway and went over there where</p> <p>17 I told you, this is the road that I woke up on and</p> <p>18 rushed home.</p> <p>19 MARK BRIDGES: Uh-huh.</p> <p>20 DAVID SPEARS: And between Rocky and</p> <p>21 there, that's (indiscernible). But they keep</p> <p>22 telling me that they think that -- I can't say what</p> <p>23 they really think. I get the impression they think</p> <p>24 whatever happened, happened between when Nathan</p> <p>25 dropped me off and Mom got there, and when I left,</p>
<p style="text-align: right;">Page 167</p> <p>1 MARK BRIDGES: That's okay.</p> <p>2 DAVID SPEARS: It's like things come</p> <p>3 and go, you know what I mean? You'll have like --</p> <p>4 MARK BRIDGES: You'll get some</p> <p>5 flashes?</p> <p>6 DAVID SPEARS: You'll have like fuzzy</p> <p>7 --</p> <p>8 MARK BRIDGES: Uh-huh.</p> <p>9 DAVID SPEARS: Pretty clear, because</p> <p>10 something got you worked up or excited or scared or</p> <p>11 -- a strong emotion usually links to something you</p> <p>12 remember like, you know, I remember him trying --</p> <p>13 slapping my wife's ass, or something like that.</p> <p>14 But you won't remember walking out to the car.</p> <p>15 MARK BRIDGES: Right.</p> <p>16 DAVID SPEARS: You know, like I</p> <p>17 remember talking to my dad. I really don't</p> <p>18 remember the drive over to my dad's. I'm sure I</p> <p>19 basically went straight over there would be my --</p> <p>20 what I would normally have done. That would be my</p> <p>21 intuition that that's what I did.</p> <p>22 MARK BRIDGES: Uh-huh.</p> <p>23 DAVID SPEARS: Came back. I went to</p> <p>24 the truck, I came back, and I got the Suburban</p> <p>25 (indiscernible). I'm having to guess on the route</p>	<p style="text-align: right;">Page 169</p> <p>1 I left and disposed of the child, is what they put</p> <p>2 off.</p> <p>3 MARK BRIDGES: You mean, after your</p> <p>4 mom already got there?</p> <p>5 DAVID SPEARS: Right. My mom can</p> <p>6 testify that my truck, when I started it to leave</p> <p>7 after she got there, hadn't been running, had not</p> <p>8 been run recently. Because you remember the old</p> <p>9 carburetor cars? If it ain't set just right, it's</p> <p>10 a pain in the butt to warm up?</p> <p>11 MARK BRIDGES: Right.</p> <p>12 DAVID SPEARS: And it was cold. So I</p> <p>13 even went as far as to ask my mom, my truck was</p> <p>14 cold, wasn't it? She could hear me fighting with</p> <p>15 it. I need to know -- my own mom, you know. And</p> <p>16 she said, yeah, you know, you sat out there</p> <p>17 fighting with it to get it to run. Once it warms</p> <p>18 up, it runs perfect, but you know (indiscernible)</p> <p>19 cold natured (indiscernible).</p> <p>20 So -- and it was the only vehicle</p> <p>21 there. So there -- you know what got me to run down</p> <p>22 that line of thought?</p> <p>23 MARK BRIDGES: What's that?</p> <p>24 DAVID SPEARS: What's made me think</p> <p>25 out all that is trying to figure out how I can</p>



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1 explain to them that there's no way I could have  
2 done it. You know.  
3 Mark, I know you've probably been  
4 under a lot of stress at some point in your life,  
5 maybe not like this.  
6 MARK BRIDGES: Oh, baby.  
7 DAVID SPEARS: I'm sure you have.  
8 MARK BRIDGES: Sure.  
9 DAVID SPEARS: It's hard to keep  
10 focused or your mind straight or anything.  
11 MARK BRIDGES: Sure.  
12 DAVID SPEARS: And I'm sure that  
13 they're going to question you about everything we  
14 talked about on this drive (indiscernible).  
15 MARK BRIDGES: I can -- I can  
16 honestly say there's a -- there's a blank memory  
17 time that you just flat don't remember.  
18 DAVID SPEARS: (Indiscernible).  
19 MARK BRIDGES: I just hope that -- of  
20 course, we wouldn't know if they already found her,  
21 I guess. But I would just wish they'd find her  
22 before another night. That bothers me so much.  
23 And I know it shouldn't because -- I mean, her  
24 spirit's gone. If it's gone. You know, if there's  
25 not something else to it. Why does the thought of

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1 a little girl laying out in the cold that doesn't  
2 even have a spirit anymore bother me so much?  
3 DAVID SPEARS: Because it's a little  
4 girl.  
5 MARK BRIDGES: I think -- I guess I  
6 think of [REDACTED]. Think of [REDACTED], if she was  
7 laying out someplace. Even though I know that  
8 she'd be gone, it just --  
9 DAVID SPEARS: It's the idea of  
10 someone -- and you met [REDACTED]  
11 MARK BRIDGES: Oh, yeah.  
12 DAVID SPEARS: Sweetest little girl.  
13 MARK BRIDGES: Oh, she was a --  
14 DAVID SPEARS: They asked me how my  
15 relationship with [REDACTED] was -- or is, if we ever  
16 find her alive. You saw me and her together.  
17 (indiscernible) your relationship with her? I  
18 said, I'd (indiscernible) it great. She calls me  
19 Daddy. That's got to say something.  
20 MARK BRIDGES: Just like a dad. A  
21 natural dad.  
22 DAVID SPEARS: And that's  
23 (indiscernible) in our relationship. You know.  
24 This is where I used to take a lot of  
25 (indiscernible).

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1 MARK BRIDGES: Really, they got a  
2 road called Indian Creek?  
3 DAVID SPEARS: Uh-huh.  
4 MARK BRIDGES: Why is it called  
5 Indian Creek? Is Indian Creek actually --  
6 DAVID SPEARS: Because that low water  
7 back there used to be a major tributary until the  
8 water table dropped forty feet.  
9 MARK BRIDGES: To Indian?  
10 DAVID SPEARS: Right.  
11 MARK BRIDGES: So that's just through  
12 your place, huh?  
13 DAVID SPEARS: Right. We didn't have  
14 the carport for that fancy little (indiscernible)  
15 so we just had the (indiscernible).  
16 MARK BRIDGES: Huh. Now, why did you  
17 move from there?  
18 DAVID SPEARS: Because  
19 (indiscernible).  
20 MARK BRIDGES: I mean, any reason why  
21 you wanted out of there?  
22 DAVID SPEARS: Just it wasn't very  
23 nice.  
24 MARK BRIDGES: Oh, got you.  
25 DAVID SPEARS: And I didn't really

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1 want to live in her house my whole life.  
2 MARK BRIDGES: Got you.  
3 DAVID SPEARS: Does that make sense?  
4 MARK BRIDGES: Yeah.  
5 DAVID SPEARS: We talked it over  
6 (indiscernible) house (indiscernible) but it was a  
7 really good deal. It was really good timing.  
8 MARK BRIDGES: Now, is this all  
9 family stuff?  
10 DAVID SPEARS: No, that's owned by  
11 Hatfields. This is owned by Randy (indiscernible)  
12 cousin. At one time --  
13 MARK BRIDGES: (Indiscernible).  
14 DAVID SPEARS: Huh?  
15 MARK BRIDGES: Go ahead.  
16 DAVID SPEARS: At one time, Great  
17 Grandpa Dave owned all of this. And then  
18 (indiscernible) over there all the way over to the  
19 people on the other side of (indiscernible). This  
20 is the neighbor's -- my Great Grandpa Dave built  
21 that house.  
22 MARK BRIDGES: Really.  
23 DAVID SPEARS: Wonder if there's  
24 anything I can do tomorrow.  
25 MARK BRIDGES: I don't know.

44 (Pages 170 to 173)

<p style="text-align: right;">Page 174</p> <p>1 Anything you can think of?</p> <p>2 DAVID SPEARS: Probably think on it</p> <p>3 all night.</p> <p>4 MARK BRIDGES: Oh, there's KY3.</p> <p>5 DAVID SPEARS: In there talking to my</p> <p>6 dad.</p> <p>7 MARK BRIDGES: Now, whose Lincoln's</p> <p>8 that?</p> <p>9 DAVID SPEARS: I don't know. I guess</p> <p>10 I'm going to go in and deal with the news media.</p> <p>11 MARK BRIDGES: What's that say?</p> <p>12 Eight?</p> <p>13 DAVID SPEARS: They're in there</p> <p>14 talking to my dad. He's probably talking their ear</p> <p>15 off. I've never had to deal with media.</p> <p>16 You want to come out this way</p> <p>17 tomorrow?</p> <p>18 MARK BRIDGES: You call me and let me</p> <p>19 know, brother.</p> <p>20 DAVID SPEARS: All right. I'm going</p> <p>21 to go in here and deal with these people that I</p> <p>22 don't want to deal with.</p> <p>23 MARK BRIDGES: Yippee.</p> <p>24 DAVID SPEARS: First words out of my</p> <p>25 mouth are going to be please turn the camera off.</p>	
<p style="text-align: right;">Page 175</p> <p>1 MARK BRIDGES: You want me to stick</p> <p>2 around?</p> <p>3 Hey, Dave, give me a call. Let me</p> <p>4 know. Give me a call and let me know.</p> <p>5 - 0 -</p> <p>6 MARK BRIDGES: Five fifty-three p.m.</p> <p>7 Mark Bridges. I'm leaving David Spears at his</p> <p>8 mom's residence on Urchin Drive. Young lady met</p> <p>9 him with a -- gave him a hug, handed him a beer,</p> <p>10 driving a probably '88 to '91 model Lincoln</p> <p>11 Towncar, soccer sticker on the back. There was a</p> <p>12 KY3 television SUV in the yard. I'm going to turn</p> <p>13 this unit off now.</p> <p>14 - 0 -</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	



07002621

**VOLUNTARY STATEMENT**

Case No.: 07002621

**Start Date:** 11/09/2007

**Start Time:** 2038 hours

**Place:** Newton County Sheriff's Office

**Person Giving Statement:** David Wesley Spears

**Address:** [REDACTED]

**Phone:**

**DOB:** [REDACTED]

**SSN:** [REDACTED]

**Education Level:** 8<sup>th</sup> Grade

**Officer(s) Present for Statement:** Chief Deputy Chris Jennings, Coroner Mark Bridges

I have read this statement consisting of \_\_\_\_\_ pages, and I certify that the facts contained therein are true and correct. I further certify that I made no request for the advice or presence of a lawyer before or during any part of this statement, nor at any time before it was finished did I request that this statement be stopped. I also declare that I was not told or prompted what to say in this statement.

\_\_\_\_\_  
Signature of Person Giving Statement

Witness: \_\_\_\_\_

Witness: \_\_\_\_\_



001042



CJ: Chief Deputy Chris Jennings

DS: David W. Spears

CJ: This will be a taped statement, case number 07002621. It is 11/9/07, 2038 hours. Present in the room is myself, Chief Deputy Chris Jennings, Mark Bridges and David W. Spears. David's date of birth is [REDACTED]; his social security number is [REDACTED]. David has an 8<sup>th</sup> grade education. David, we've been talking for quite awhile tonight in reference to [REDACTED]. Tell me about the circumstances that lead to her disappearance last Friday night.

DS: Do you want me to start at the very beginning? And tell the whole story.

CJ: That'd be fine, yes.

DS: Nathan showed up at where I was working with Chris. We...after work...took...irrelevant, we took Chris (inaudible)...Chris purchased some alcohol. I believe it was like a 12 pack...to start. We were gonna have a few beers. Chris was going to stay the night at the house, Nathan was gonna go on home. I got...we got to the house at about 7:00. We had...we had a few beers. We had some shots, it was like tequila and vodka mixed with Smirnoff...the shots (inaudible). My wife woke up...they went down to the store to get more alcohol and I sent the gas can with 'em and some money to get gas for her car. We put gas in her car. I had called my mother cause I didn't know if they had gas at the station, cause earlier that day they had been out. My mother arrived shortly before my wife left for work. [REDACTED] come down and kissed her mother goodbye. [REDACTED] went to bed about the same time my mother left. We shot pool, continued to drink. Chris and Nathan went into the computer room...Chris was showing off the girls that he made friends with on MySpace...I don't know one of the sites he might have visited, but uh...then we deci...something came up about, you know, that Chris had left all his pot at the house and we were gonna go over there and he might stay there and he might not...over at his house. I called my mom, she told me something to the effect that she couldn't come over at that time. I went back out to the car and told them that, you know...I just went ahead and stay, cause I couldn't leave [REDACTED] alone. Nathan told me, you know, hey...you know...of a morning, sometimes his fiancé or old lady, whatever you want to call her, takes him to work, they have to leave their kids alone for an hour. They're asleep, you know. It's not that big a deal. So I went back in the house and I checked on [REDACTED] she was asleep in her bedroom on the floor. We go...I go back out to the car and we leave. We...we go to Chris'. It's my understanding we stop at the store. I...I remember bright lights but I don't really remember the gas station. We got out to Chris'...we're in his trailer...we're, you know, continuing to drink. There's...hell there's, I don't know if it's a pint of a half pint, but it's Seagrams and...we're Chris rolls up a joint. I think actually we smoked two. And we're bull shittin' and you know...gettin' fucked up. And uh...Chris decides he's gonna stay there. He's gonna crash...he's, you know, he's had enough. And we uh...I get a cellophane of roaches from Chris and uh...Nathan's gonna take me home. And I did talk about, you know, I prefer back roads. I've always been a back road person. Chris tells me humor him, you know, he knew a couple back roads...Nathan. We uh...me and Nathan leave. We take the long route, back roads, home. He drops me off. That's about 12:00. We uh...I go inside. I told Nathan I was gonna check on [REDACTED] I went inside...I go up the stairs and walk down the hall. When I looked in her room, she's not there. I freak out.

07002621

CJ: Had Nathan left?

DS: Nathan left.

CJ: Okay.

DS: Um....he...he was pulling out of the driveway by the time I got to the door. Um.....I stormed through the house, upstairs, downstairs trying to find [REDACTED]. Uh.....I don't know what told me she was at Chris', but something clicked and I called Mom and said "You gotta get over here." Uh.....the moment she got there I jumped in my truck.

CJ: Did your mom know she was gone?

DS: No. My mother know.....knew nothing about any of this. Um.....I fly like a....hounds of hell are at your heels....towards Chris', you know, I'm trying to get to my daughter. And we.....I pulled in the driveway and....I go in and he's there on top of her and I freak out and I don't know what he says to me. He says something.....I don't know what it is.

CJ: Did he have his clothes on?

DS: No. At least not all of 'em. He was on top of her doing something with her.

CJ: Did [REDACTED] have any clothes on?

DS: I don't think so. I couldn't see much of [REDACTED]. Um.....next thing I know....I'm where he was. And.....you know, I'm above her and....he hands me this cord....

CJ: Just a minute. Did you have your clothes on?

DS: My pants were down.

CJ: Did you have intercourse with her?

DS: Yes. He hands me this cord and....I....I choke her with it. I realize she's gone. She's.....she's really gone. And it's.....the next few moments were real....are real fuzzy. I....I know I'm panicking'.

CJ: Did he say anything to you?

DS: I don't know exactly what he said. But I know that somehow....you know I....I got the impression....go get the Suburban.

CJ: Earlier you told me that he made a comment, it had to be done. Is that correct?



07002621

DS: Yes.

CJ: What did he say?

DS: He hands me the cord and he says "It's gotta be done."

CJ: Describe the cord to me.

DS: It's a white cord, um.....common on chicken house curtains. Which there's a lot of it around out there. At that farm.

CJ: What's it used for?

DS: Chicken house curtains.

CJ: Okay.

DS: Um.....I leave in my truck. Go back and get the Suburban and then....I don't let Mom know that there's anything wrong. At, you know.....you know I don't want Mom to know anything. And.....(inaudible) also goin' through my mind. I promise you I'll check on Dad. Cause, you know, she's telling me that she needs to go home cause Dad's there. I tell her I'm gonna check on him and I convince her to give me the keys. Which is.....really I have keys for the Suburban for, you know, I guess cause I wanted her permission to take it. And.....I go back to Dad's and I check on him and that's.....around 3:30. I believe that's what the clock said was 3:30...when I looked at it. And I don't remember a lot of the drive to Wheaton. I remember coming through Rocky. I get there and I don't watch him load her. I.....I know he is, but I.....I don't watch. I.....I don't know if I was.....just turned my head or if I was at the other end of the vehicle. And.....he's driving. We end up down at Fox Cave. And.....I don't know if.....if I got out of the vehicle or not, but I remember.....seeing him come back up out of the cave without her. And then I don't remember the ride back from the cave. I can only assume that we went back to his house. By where I woke up the next morning, um....I woke up on I believe the name of the road is Quincy. It was after sun up. The headlights were still on...the engine was running and the Suburban was in park. And I rush home and tell Mom she needs to get to the house. I'm.....I don't even realize what's happened. I passed out on the couch. And Colleen wakes me up and asked where [REDACTED] is and....she asks me. I tell her I don't know and....and I really believe that when I tell her that. Do I need to go on?

CJ: Just for clarity, in this statement you told me that you, David Spears, and Chris Collings both had intercourse with [REDACTED]. And at that time then....Chris handed you a white cord which you placed around [REDACTED] neck and strangled her. Is that correct? That's what you've told me.

DS: Yes.

CJ: One more time, please.

001845



0700262

DS: Yes.

CJ: Okay. Is there anything else you want to add to this statement?

DS: Only that.....I.....I don't know what was going through my head. I was.....by far not in my.....it's not an excuse or a reason. It just is. And that this entire time I've been talking to the police.....I told 'em that I didn't know where she was and that I didn't do anything to her. I really believed it. And that.....that....Mark talked to me....through what happened so that I could recall it to tell people so I could take accountability.

CJ: Ending time of statement 2050 hours, 11/9/07, Chief Deputy Chris Jennings.

End of tape

ar

001046



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER  
ATTORNEY GENERAL

REPLY TO:  
149 Park Central Square  
Suite 1017  
Springfield, MO 65806  
(417) 895-6567  
Fax: (417) 895-6382

March 31, 2011

Janice Zembles (*Via overnight mail*)  
Charles Moreland  
Office of the Public Defender  
Capital Division  
1000 W. Nifong, Building F, Suite 100  
Columbia, MO 65203

APR 01 2011

**Re: State of Missouri v. Christopher Collings  
Phelps County Case No. 08PH-CR01205**

**DISCLOSURE**

Dear Ms. Zembles and Mr. Moreland:

Please find enclosed bate stamped pages 005748 through 005848. Most of this is Spears' jail correspondence. Collings' brief correspondence is on top. The criminal history summaries are the first items. I will have the MULES printouts on the civilians in Rolla should you desire to inspect or copy them.

The State will use a map of the Wheaton-Stella-Fox Cave area from the Missouri Atlas and Gazetteer. Due to the size of the page, I am unable to copy it for you. We will have it available before the evidence begins in Rolla so you may view it.

We will have a formal response to your most recent most recent motion on Monday, but it is our position that if the State plays the redacted portions of the second video in question, you have the option to play the remainder in guilt phase as a part of your case.

Please feel free to contact me if you have any questions.

[www.ago.mo.gov](http://www.ago.mo.gov)

**EXHIBIT  
10**

Christopher Collings  
March 31, 2011  
Page 2

Sincerely,

CHRIS KOSTER  
Attorney General



Elizabeth A. Bock  
Assistant Attorney General  
Southwest Regional Office

EAB:slf

Enclosures

cc: Phelps County Circuit Court w/o enclosures  
Johnnie Cox



**Barry County Sheriff's Office**

505 East St., Cassville, MO 65625

**Supplemental Narrative Report**

Report Date 09/25/2007 0000	Type of Incident MURDER 1ST DEGREE	Complaint No. A07-3692	Case Status PA
Supplemental Narrative Sequence No. 0088			
Date / Time 03/11/2011 0910	Officer ID / Name 56 Major Leonard Collins #5	Description CRIMINAL HISTORY ON INVESTIGATORS	
Supplemental Narrative			

On 03-10-2011, I was contacted by Chris Willyard of the Prosecuting Attorneys Office requesting criminal history on the Barry County Officers involved in this investigation.

The following personnel did not have any identifiable records on their criminal history: Sgt. Gary Allen, Barry County; Sheriff Robert Evenson, McDonald County (formerly Detective Evenson with Barry County); Sheriff Mick Epperly, Barry County; Detective Doug Henry, Barry County and Chief Dana Kammerlohr, Cassville Police Department.

Chief Clint Clark, Wheaton Police Department, had one reported incident of being arrested in Barry County on January 6, 1968 for Desertion from the U. S. Army with the charge amended to AWOL and an investigative arrest in Rogers, Arkansas on November 5, 1968 for investigation of forgery with no disposition shown on either charge.

The computer printout of the criminal histories is available on request.

Officer	56 Major Leonard Collins #56	Approving Officer
/ /		/ /
Page 1 of 1	Printed 03/11/2011 0921	

005752

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

CHRISTOPHER COLLINGS,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 4:18-CV-08000-MDH
	)	
WILLIAM STANGE,	)	Capital Case
	)	
Respondent.	)	

**Respondent's Suggestions in Opposition to  
Petitioner's Motion to Stay or Hold in Abeyance**

- I. *Shinn v. Ramirez* prohibits evidentiary hearings and expansion of the record unless a petitioner meets the requirements of 28 U.S.C. § 2254(e)(2).**

In *Shinn v. Ramirez*, 142 S. Ct. 1718 (2022), the United States Supreme Court held, “[W]hen a federal habeas court convenes an evidentiary hearing for any purpose, or otherwise admits or reviews new evidence for any purpose, it may not consider that evidence on the merits of a negligent prisoner’s defaulted claim unless the exceptions in § 2254(e)(2) are satisfied.” *Shinn*, 142 S.Ct. at 1738.

The *Shinn* court also reaffirmed the holding of *Holland* that “§ 2254 (e)(2)’s ‘restrictions apply *a fortiori* when a prisoner seeks relief based on new evidence without an evidentiary hearing.” *Id.* at 1738. The same statutory restrictions that apply to evidentiary hearings apply when a petitioner seeks to



expand the record with new evidence “*for any purpose*,” even if the petitioner does not request an evidentiary hearing. *Id.* (emphasis added); *Holland v. Jackson*, 542 U.S 649, 653 2004.

Federal Habeas Rule 7 allows a district judge to permit expansion of the record in a habeas case but the conditions prescribed by 28 U.S.C. § 2254(e) must be met. *Mark v. Ault*, 498 F.3d 775, 788 (8th Cir. 2004). That is, a petitioner must show that his claim relies on a new rule of constitutional law made retroactive to cases on collateral review by the United States Supreme Court, or that the factual basis of the claim could not previously have been discovered through due diligence **and** the facts underlying the claim would show by clear and convincing evidence that but for constitutional error no reasonable fact finder would have found the petitioner guilty of the underlying offense. 28 U.S.C. § 2254(e)(2).

Further Section 2254(e)(2) only applies where a petitioner produces evidence that could show innocence of the **underlying offense**. § 2254(e)(2). This standard requires clear and convincing evidence of innocence of the crime itself, and so it does not apply to penalty phase claims under the language of the statute. *Thompson v. Davis*, 916 F.3d 444, 458 (5th Cir. 2019) (evidence under § 2254(e) is limited to determinations of guilt, not petitioner’s eligibility for the death sentence); *Hope v. United States*, 108 F.3d 119, 120 (7th Cir. 1997) (the plain language of 28 U.S.C. § 2255(h), similar to § 2254(e) excludes claims



concerning eligibility for the death sentence); *but see Thompson v. Calderon*, 1151 F.3d 918, 924 (9th Cir. 1998) (a challenge to petitioner’s eligibility for the death penalty was a challenge to the “underlying offense”).

**II. The prohibition on expansion of the record also applies to gateway innocence allegations.**

In *Shinn*, the United States Supreme Court held that “in *McQuiggin* we explained that we have no power to layer a miscarriage-of-justice or actual-innocence exception on top of the narrow exceptions already included in § 2254(e)(2).” *Shinn* 142 S.Ct. at 1736; *McQuiggin v. Perkins*, 569 U.S. 383, 395–396 (2013). So, a Petitioner may not avoid the statutory bar on expansion of the record through a gateway innocence claim, just as he may not avoid the bar by alleging cause and prejudice.

**III. Case law indicates the bar on expansion of the record may not be stipulated away.**

Even if the parties were to agree to expand the record on a claim adjudicated in state court, it would be error for a district court to do so. See *Foster v. Cassidy*, 2016 WL 3564240 at \*3 (E.D. Mo. June 22, 2016) citing *Moore v. Mitchell*, 708 F.3d 760, 789 (6th Cir. 2013). Those decisions apply by analogy to *Martinez* claims where it is now clear that 28 U.S.C. § 2254(e)(2) also applies. See *Shinn*, 142 S. Ct. at 1730 n.1 (declining to apply forfeiture based on failure to object to some evidentiary development before the district court or the Ninth Circuit Court of Appeals). Respondent objects to this Court

considering any material not in the state court record on the merits of Petitioner's claims.

**IV. Petitioner's claims are exhausted through procedural default.**

In *Shinn*, the United States Supreme Court reaffirmed the principle that claims that are not raised in accordance with state court rules are procedurally barred as opposed to unexhausted. *Shinn*, 142 S. Ct. 1718. The Court held that if the state courts would dismiss a claim for failure to follow procedural rules then the claim is exhausted through default. *Id.*

Missouri, like the federal courts, permits review of defaulted claims through gateway actual innocence. *Clay v. Dormire*, 37 S.W.3d 214, 217 (Mo. 2000). Missouri also uses cause and prejudice analysis to permit review of defaulted claims. *State ex rel. Nixon v. Jaynes*, 63 S.W.3d 210, 215–216 (Mo. 2001). So in general, a claim that this Court would reject based on procedural bar would also be rejected by the Missouri courts on the same basis, and under *Shinn* the claim is exhausted through default.

All the claims on which Petitioner seeks a stay for state court review are claims of ineffective assistance of trial counsel for which he alleges that ineffective assistance of post-conviction counsel provides cause to excuse the default. But in Missouri allegations of ineffective assistance of post-conviction counsel are “categorically unreviewable” and cannot provide a basis for



subsequent post-conviction review. *Barton v. State*, 486 S.W. 3d 332, 337–339 (Mo. 2016) (declining to adopt a rule similar to *Martinez v. Ryan* and denying successive post-conviction review to a capital defendant). There is no procedure in Missouri courts to allege or present evidence about ineffective assistance of post-conviction counsel, so there is no basis to stay for state review in this matter. *Id.* In *Barton*, the Missouri Supreme Court explicitly held that “litigants who received ineffective assistance of post-conviction counsel may not receive relief in Missouri state courts” and that the petitioner “was not required to seek further relief in the Missouri courts as a necessary step to pave the way for a federal habeas petition.” *Id.* at 338–339. The Missouri Supreme Court opinion is clear. The claims are exhausted through default.

**V. Petitioner’s claims would not meet the requirements for a *Rhines* stay if they were unexhausted, which they are not.**

Petitioner filed his original 279 page habeas petition in this case on April 16, 2019, over three years ago. Document 8. Petitioner did not ask for a stay to litigate unexhausted issues in state court. *Id.* Instead he filed a motion for stay to exhaust state remedies only on July 1, 2022, over three years into the litigation of the case. *Id.*

Three factors to be considered in deciding to grant a stay for exhaustion of state court claims are: 1) good cause for failure to exhaust; 2) the unexhausted claims are potentially meritorious; and 3) the petitioner has not



engaged in potentially dilatory litigation tactics. *Howard v. Norris*, 699 F.3d 801 (8th Cir. 2010). There is no good cause why Petitioner could not have filed a Missouri state habeas petition years ago if he really thought his claims were unexhausted. But he did not. This shows both lack of good cause for failure to exhaust sooner, and creates a strong inference of dilatory tactics. Petitioner's claims are exhausted through procedural default, and they did not become unexhausted merely because *Shinn* foreclosed Petitioner's arguments that he could further develop the record in federal court.

Section 28 U.S.C. 2254(b)(1) and (b)(2) bar granting relief on an unexhausted claim where there is available state court process to review the claim, but permit denying such a claim on the merits. Petitioner cannot reasonably argue that he believed his claims were really unexhausted and he had available state court process, but nevertheless filed a petition where the claims could be denied on the merits, but relief could not be granted on the merits. Petitioner's requested stay will only unnecessarily delay this case, and "a federal habeas court may never 'needlessly prolong' a habeas case . . . particularly given the 'essential' need to promote the finality of state convictions." *Shinn*, 142 S.Ct. at 1739 (citing *Calderon v. Thompson*, 523 U.S. 538, 555 (1998)). The claims before this Court are exhausted and have been fully briefed for over a year. See Document 33, 275 page Amended Traverse filed June 15, 2021. The Court should decide the matter on the state court

record, as required by federal law. § 2254(e)(2).

**VI. Gateway innocence analysis does not excuse the default of Claims 11 and 17.**

Petitioner alleges that his Claim 11, alleging that counsel was ineffective for not presenting a diminished capacity defense, should be reviewed based on gateway actual innocence. In Petitioner's view, if counsel had chosen to pursue that strategy, no reasonable juror would have voted to convict. The claim is without merit for the reasons presented at 41–43 of Document 10 that the choice of a defense was a matter of trial strategy and there was no prejudice. Petitioner alleges that gateway actual innocence excuses the default of Claim 17, a claim that penalty phase counsel was ineffective for not presenting an addiction expert and an expert about childhood trauma. The claim is without merit for the reasons presented in Document 10 at 49–50 that counsel made a reasonable decision on how to conduct the penalty phase and no prejudice resulted.

Petitioner's Claims 11 and 17 necessarily fail the gateway actual innocence test. To pass the gateway actual innocence test a petitioner must present new evidence that was unavailable at trial and undiscoverable through due diligence, in light of which no reasonable juror would have convicted. *Barton v. Stange*, 959 F.3d 867, 872 (8th Cir, 2020). But if the evidence was undiscoverable at the time of trial or sentencing, counsel cannot have been



ineffective for not presenting it.

Further as to Claim 17, actual innocence at the penalty phase requires a showing that the petitioner is innocent of an element of the underlying crime or the aggravating factors qualifying him for the death penalty. *State ex rel. Johnson v. Blair*, 628 S.W.3d 375, 387–388 (Mo. banc 2021). Putting on additional mitigating evidence would not do that.

**VII. Claims 4 and 5 are barred and must be analyzed on the record reviewed in state court.**

Petitioner, in his Claim 4, alleged that a *Brady* violation resulted from not disclosing the local police chief's military record from 1968 and 1969, and his Claim 5 alleged that trial counsel was ineffective for not discovering and using the record. Both claims are meritless as the events are so remote in time to have little or no logical or legal relevance to events in this case.

Petitioner pleaded in his Claim 4 that the police chief had been a deserter Document 8 at 48. Petitioner alleged that the State provided disclosure prior to trial that the police chief had been charged with desertion and that the charge had been amended to AWOL in 1968 and that the chief had been arrested for the investigation of a forgery in 1968. *Id.* at 49–50. In his Claim 5 Petitioner alleged that counsel ineffectively failed to investigate and use the chief's military records based on the information disclosed by the State before trial. *Id.* at 56–57.



In response to this allegation Respondent found and presented to Petitioner and the court military records of the chief. Resp. Ex. 43. Respondent does not agree to the admission or consideration of these documents in light of *Shinn*. See *Foster v. Cassady*, 2016 WL 3564240 at \*3 (E.D. Mo. June 22, 2016) (citing *Moore* 708 F.3d at 789). Consideration of the claims should be limited to the state court record, both in considering procedural bar and in considering the merits of the claims.

### Conclusion

For these reasons, the Court should deny the motion to stay or hold in abeyance.

Respectfully submitted,

**ERIC S. SCHMITT**  
Attorney General

*/s/ Michael J Spillane*

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**Certificate of Service**

I hereby certify that a true and correct copy of the foregoing was electronically filed by using the CM/ECF system on this 13th day of July, 2022.

/s/ Michael J Spillane

MICHAEL J SPILLANE

Assistant Attorney General



& Associates, LLC  
Forensic Engineering

**Declaration of Ronald F. Gronemeyer  
Pursuant to 28 U.S.C. § 1746**

1. My name is Ronald F. Gronemeyer and I am a resident of Columbia, Illinois.
2. I have over 45 years experience in the fields of fire suppression, prevention, and investigation. I worked with the St. Louis Fire Department for 32 years. During those years, I was a firefighter, company commander, fire cause investigator, and captain. For my last 13 years with the Department, I was the Chief Investigator responsible for supervision and training a full-time staff of investigators and management of major fire and explosion investigations. Since 2006, I have worked as a Senior Fire Origin and Cause Analyst for MK & Associates, LLC.
3. I have degrees in Fire Protection, Mechanical Engineering Technologies, and Building Code Enforcement. I was an Adjunct Professor of Fire Investigation at St. Louis Community College. I possess both state and national certifications in the field of Fire and Explosion Investigation and am licensed in several states as a private investigator/detective.
4. I have provided expert consultation or testimony as a fire investigation specialist in approximately 150 state and federal cases.
5. In 2010, Charlie Moreland initially contacted me regarding the Chris Collings case. I previously had worked with Mr. Moreland on other cases.
6. The purpose of Mr. Moreland's request was to inspect the fire debris and if possible identify any artifacts that may have forensic value. Also, to review photographs that he

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provided of a barn that contained a burn barrel and opine on the results as to whether or not a rolled up eggshell foam mattress had been burnt in the barrel.

7. The scope of my investigation was to opine on my findings of the debris inspection and my analysis of the barn barrel fire depicted in the photographs produced and reviewed.
8. Regarding the fire debris inspection: Based on my experience while sifting through fire debris, most metal objects survive the fire due to flame temperatures that do not exceed the melt point of the metals. Hypothesizing, that if a pair of blue jeans that contain metal pieces, that those metal pieces would have survived the fire and been recoverable. My inspection did not reveal any such metal artifacts. As far as I know, other investigators did not find any such metal artifacts in the burn debris.
9. When asked about analytical analysis of fabric identification and/or comparisons, I am not qualified to render such opinions as it is beyond my expertise. This type of investigation would require a forensic material engineer/scientist to apply standardized tests for identification and comparative analysis. Any hypotheses rendered without accepted methodology would not be reliable nor credible.
10. Regarding the burning of an eggshell polyurethane foam mattress within the burn barrel located in the barn: When polyurethane material burns as described, the heat release rate (HRR) is high compared to other combustibles. The result is a very hot (intensity), dirty, soot producing fire. The heat vector produced from the fire would have been intense and localized directly above the barrel and impinged on the underside of the roof. As distance increased from the center point, the heat would diminish.
11. Review of received photographs did not exhibit evidence of a fire pattern supporting the notion that suggests that a polyurethane mattress was burned in the calf barn burn barrel.

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Page 3 of 3

Although the underside of the barn roof is not shown properly in scene documentation, if remarkable, it would or should have been depicted in this area.

I declare that the forgoing is true and correct to the best of my knowledge.

Sept. 4, 2020  
Date

Ronald F. Gronemeyer  
Ronald F. Gronemeyer

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CLINTON R. CLARK  
CHIEF OF POLICE  
WHEATON, MO 64874

# OFFICER'S DAILY REPORT

OFFICER 201 BADGE NO. Friday DATE 11-9-17  
EQUIPMENT NO. 1385 ON DUTY FROM 2345 TO 10 TOTAL HOURS  
ODOMETER READING START 10275 FINISH 76.7 TOTAL MILES  
EQUIPMENT CONDITION START EQUIPMENT CONDITION FINISH

## LOG OF ACTIVITIES

TIME RECEIVED	TIME COMPLETED	TIME CONSUMED	SOURCE OF COMPLAINT	LOCATION, TYPE OF ACTIVITY AND ACTION TAKEN
1330			10-111	Looking for Chris Cullings
1415			10-6	Chris Cullings at City Hall. From there to Municipal Chapel Bridge. Miranda Green and Pearson obtained @ 3:30 pm - once Enroute to Bridge Harry to ask By Phone at Bridge Christopher Cullings freely admitted he raped and killed [REDACTED] [REDACTED] at H-S Residence off Farm Rd 1015 south of Ash Grove back to inside met FBI agents Tappley and Jennings from newton to St. Francis and Henry for interview. Christopher Cullings confessed for second time.
1455			10-15-5891	To Harry to Sheriff Dept For video tape of interview.
1710				10-23 - BCSO - Interview Christopher Cullings with Robert Friesen. He confessed for a third time of H-S own free will.
			10-23	Cullings Farm off Farm Road 1015 with FBI G.S.T. Team a Sheriff Epperley. 001030 Back at mp office - with mes Pitman - Reporting Chris Cullings Took 5 toy Parks a Metal Box



[illegible]

### ACTIVITY AND TIME SUMMARY

ACTIVITY AND TIME SUMMARY								
TRAFFIC ACTIVITY			CRIMINAL ACTIVITY			ADMINISTRATIVE AND GENERAL		
NO.	HRS.	MIN.	NO.	HRS.	MIN.	NO.	HRS.	MIN.
ACCIDENTS INVESTIGATED			INVESTIGATIONS			SUPERVISION		
ACC. INV. RESULTING IN			ARREST-FELONIES			OFFICE DETAIL		
HAZARDOUS ARREST			ARREST-MISDEMEANORS			PUBLIC TALKS		
HAZARDOUS ARRESTS IN. ACC.			SPECIAL DETAIL			EQUIPMENT SERVICES		
OTHER HAZARDOUS ARRESTS			PREMISES EXAMINATION			& REPAIRS		
NON HAZARDOUS ARRESTS			COMPLAINTS			CIVIL COURT		
PARKING CONTROL & ARRESTS			COURT			PATROLLING		
FIXED POST DUTY			GRAND JURY			OTHER INVESTIGATIONS		
SPECIAL TRAFFIC DETAIL						PROCESSING RECORDS		
TRAFFIC COMPLAINTS								
COURT								
WRITTEN WARNINGS								
TOTAL TRAFFIC			TOTAL CRIMINAL			TOTAL ADM. & GENERAL		

**APPROVED BY:**

RANK

1 IN THE CIRCUIT COURT OF MISSOURI  
2 25TH JUDICIAL CIRCUIT, DIVISION I  
3 Honorable Tracy L. Storie, Judge  
4  
5 STATE OF MISSOURI, )  
6 Plaintiff, )  
7 vs. ) Case No. 08PU-CR00681-01  
8 DAVID WESLEY SPEARS, )  
9 Defendant.)

10 TRANSCRIPT OF TESTIMONY  
11 MARK BRIDGES

12 On April 15, 2010, the above cause came on for  
13 hearing before the Honorable Tracy L. Storie, Circuit  
14 Judge, Division I, of the Palaski County Circuit Court at  
15 Waynesville, Missouri.

16 APPEARANCES

17 The State of Missouri was represented by Elizabeth  
18 Bock, Assistant Attorney General, and Johnny Cox,  
19 Prosecuting Attorney, Barry County, Missouri.  
20 The Defendant was present in person and represented  
21 by Cynthia Dryden and Sharon Turlington, Assistant Public  
22 Defenders.

23 Dana Braby, C.C.R. #834  
24 25th Judicial Circuit of Missouri  
25

1

1 PROCEEDINGS

2 THE COURT: Is the State ready to proceed?

3 MR. COX: Yes.

4 THE COURT: Is the Defendant ready to proceed?

5 MS. TURLINGTON: Yes.

6 THE COURT: Mr. Cox or Ms. Bock, whoever, you  
7 may.

8 MR. COX: The State would call Mark Bridges.  
9 (WITNESS SWORN.)

10 THE COURT: Be seated right there, please  
11 (indicating).

12 You may inquire.

13 MR. COX: Thank you, Judge.

14 DIRECT EXAMINATION

15 BY MR. COX:

16 Q. Could you please state your name and occupation  
17 for the Court?

18 A. My name is Mark Bridges, B-R-I-D-G-E-S, and I'm  
19 the Newton County Coroner in Neosho, Missouri.

20 Q. In addition to being the coroner, do you have  
21 any other businesses that you make a living with?

22 A. I've got some other businesses. Let's put it  
23 like that. Several LLCs, yes.

24 Q. Okay. Is the — is the coroner's position  
25 essentially a part-time —

2

1 A. Yes.  
2 Q. — position in Newton County?  
3 And, um, prior to — have you held any other  
4 elected offices in Newton County?  
5 A. Many years school board, um, and 1995, '96, '97,  
6 '98, I was the Newton County Sheriff.  
7 Q. And have you lived in Newton county all of your  
8 life?  
9 A. Yes.  
10 Q. Now, at one time did you operate a car lot in  
11 Neosho?  
12 A. I owned one, correct. I was — most of the time  
13 a silent partner in it, yes.  
14 Q. And are you familiar with a David Spears?  
15 A. Yes, I am.  
16 Q. And is Mr. Spears in the courtroom today?  
17 A. Yes, he is.  
18 Q. Can you point him out, please?  
19 A. White shirt, sitting here with the two young  
20 ladies.  
21 MR. COX: I'd ask the record to reflect he's  
22 identified the Defendant.  
23 THE COURT: Did you make sure she got the young  
24 in the record?  
25 MS. DRYDEN: We want to make sure it's on the

1

1 record.  
2 THE WITNESS: Heavy on the young.  
3 THE COURT: Yes, the Court will take judicial  
4 notice of that.  
5 MR. COX: Thank you, Judge.  
6 BY MR. COX:  
7 Q. At some point in time in the past, was  
8 Mr. Spears employed by you?  
9 A. Somewhat. It was kind of a draw-type of a  
10 commission thing, the best I remember it, yes.  
11 Q. And what — what was his job in working for you?  
12 A. Well, he — I wanted him to run the business and  
13 try to take over the business was my ultimate goal.  
14 Q. What business is that?  
15 A. The — it was motorcycles, four-wheelers and  
16 automobiles. More at that time I think motorcycles and  
17 four-wheelers and things of that sort.  
18 Q. And was that business located in Neosho?  
19 A. Yes, it was.  
20 Q. And what did he do for you in working at that  
21 business?  
22 A. He could do a little bit of everything. He was,  
23 um — had the gift of gab and very — seemed to be very  
24 intelligent and could — had a good mechanical aptitude.  
25 He could do a little bit of everything in that field.

2

1 Q. Was he a salesman also?  
2 A. Yes.  
3 Q. Now, how long — when did he start working for  
4 you or with you?  
5 A. Yeah. That's going to have to be a guess.  
6 Somewhat of an educated guess, I guess, because the season  
7 is spring and summer and then it drops off. So I'm sure  
8 it would have been during the spring and the summer, and  
9 we parted ways probably when it got cold. That's a  
10 general. I'd have to look at records to be more precise  
11 in that.  
12 Q. What year would that have been?  
13 A. It would have been early — best I remember  
14 would have been 19— excuse me — 2007.  
15 Q. And, um, at some point in time, did the — did  
16 the business essentially not pan out, the business  
17 relationship not pan out?  
18 A. Right.  
19 Q. And were there any hard feelings or bad terms as  
20 far as —  
21 A. No.  
22 Q. — ending it?  
23 A. No.  
24 Q. Now, when you — when Mr. Spears was working for  
25 you, did you have a regular interaction, conversations

5

1 with him?  
2 A. Yes.  
3 Q. And would you consider — and at that time did  
4 you consider him a friend?  
5 A. Yes.  
6 Q. Did you know him before he came to work for you?  
7 A. No.  
8 Q. And did you maintain your friendship up and  
9 through the month of November of — or to the beginning of  
10 November of 2007?  
11 A. The way I recall, I don't think I saw much of  
12 him after he left. We might have talked on the phone a  
13 couple of times, but until he called me on that day, I  
14 don't remember much contact with him.  
15 Q. And let's — let's talk but that day. Did you  
16 get — do you recall receiving a phone call from him  
17 regarding a situation that occurred at his house?  
18 A. Yes.  
19 Q. And do you recall what day that was?  
20 A. I believe it would have been the 3<sup>rd</sup>. It was on  
21 a Saturday.  
22 Q. Of November?  
23 A. Of November, correct.  
24 Q. And, um —  
25 A. That would be 2007, yes.

6

1 Q. And did he call you?  
2 A. Yes, he did.  
3 Q. And what was the information that he — he  
4 relayed to you at that first phone call?  
5 A. That his stepdaughter, [REDACTED], was missing.  
6 Q. What — anything else?  
7 A. Basically that — and we had several phone  
8 conversations, so I don't know which one was which as far  
9 as him relaying information. But he said that he was  
10 concerned because he had been left with her to take care  
11 of her, and she had disappeared.  
12 He said he was a heavy sleeper. She could have  
13 gone somewhere and even talked to him and he'd said okay.  
14 So we talked about what clothes she had on and, you know,  
15 if she'd ran away, all of the scenarios that you would  
16 talk about if somebody was — you know, ran away or just  
17 gone to a friend's house.  
18 Q. And on November 3<sup>rd</sup>, 2007, did he know that  
19 you were the county coroner?  
20 A. Yes.  
21 Q. Did he know that you had been a former sheriff  
22 of Newton County?  
23 A. I believe he did, yes.  
24 Q. Do you recall what time that first call was made  
25 from him to you?

7

1 A. Not exactly. The stamped times on the  
2 recordings from central dispatch in Newton County would  
3 probably be more precise than me. I'm going to guess it  
4 was mid to late morning.  
5 Q. When he called you, did you make any phone  
6 calls?  
7 A. Yes, I called — yes, I called Newton County  
8 central dispatch.  
9 Q. Now, did you — do you recall how many phone  
10 calls you received from him on November 3<sup>rd</sup>?  
11 A. You know, I don't. They could have been longer  
12 conversations and a few are shorter conversations and  
13 several. I just couldn't say for sure.  
14 Q. Did you ever give him any recommendations as to  
15 what to do as far as contacting the authorities?  
16 A. Yes. The best of my memory, it's either I told  
17 him and then later on I might have even told him I would,  
18 because he had a — I would say a fear of law enforcement  
19 somewhat. So I don't remember if he actually called them  
20 or I called them for him. I couldn't say.  
21 Q. Now, when you say he had a fear, did — what  
22 gave you that impression, of law enforcement?  
23 A. He told me. He'd had some problems with —  
24 Q. Was that related to do any specific law  
25 enforcement agency, or was it related to his license?

8



1 A. I think it's more related to his license and —  
2 yes.  
3 Q. And are you aware of what his driver's license  
4 status was at that time?  
5 A. I understood that his licenses were suspend.  
6 Q. Now, did you ever go into the Newton County  
7 Sheriff's Department on November 3<sup>rd</sup> of 2007?  
8 A. No, I did not.  
9 Q. Did you ever have a personal face-to-face  
10 conversation with Mr. Spears on November 3<sup>rd</sup>?  
11 A. No, I did not.  
12 Q. Did you become aware that an investigation was  
13 started by the sheriff department into where [REDACTED]  
14 went to or what had happened to her?  
15 A. Yes. Late that evening I got a call from Brad  
16 Black, that was a deputy, and we he a conversation about  
17 his going down to the scene.  
18 Q. Did you — did you relate to then — relate to  
19 them what David Spears had told you?  
20 A. I'm sure I did.  
21 Q. Now, did you have any contact with Mr. Spears  
22 the next day, on the 4<sup>th</sup>?  
23 A. I — I couldn't say. I don't know.  
24 Q. Okay. Do you recall having any?  
25 A. I don't recall, no. I could very well have.

9

1 Q. And do you recall having — let me back up just  
2 a little bit.  
3 On November 3<sup>rd</sup>, that Saturday that he was  
4 calling you, did you have any more contact other than  
5 these phone calls with Mr. Spears?  
6 A. In person, you mean?  
7 Q. Yeah.  
8 A. No.  
9 Q. Okay. And on November 4<sup>th</sup>, you don't believe  
10 you had any conversations with him?  
11 A. You know, it could have been.  
12 Q. Okay.  
13 A. Like I said, there were several calls there, and  
14 I just couldn't say for sure what days they were on.  
15 Q. When he would call you, what number would he  
16 call you at?  
17 A. Probably always been on my cell phone.  
18 Q. And I'm going — just go day by day here.  
19 November 5<sup>th</sup> of 2007, the Monday of that week, did  
20 you — do you recall having any conversations with  
21 Mr. Spears then?  
22 A. Let me see. I think that we searched on the 7<sup>th</sup>  
23 and 8<sup>th</sup>, so I would imagine I did. You know, dates, it's  
24 been so long ago, I couldn't say what days I talked with  
25 him.

10

1 Q. At some point in time, did — did either Newton  
2 County or the F.B.I. contact you about being a — being an  
3 aid in the — aiding in the investigation of the case?  
4 A. Yes, they did.  
5 Q. And what were they wanting to have you do?  
6 A. They wanted me to — and it could have been  
7 that — I can't tell you how it transpired, if I called  
8 and told them we've — we'd had conversations with the  
9 sheriff's department, so I couldn't tell you for sure who  
10 made the first contact. But they wanted me to wear a  
11 small recorder and go out and search with David.  
12 Q. And what day did you — did you come into  
13 contact with Mr. Spears where you had been — where you  
14 started recording your conversations?  
15 A. The first time I remember seeing David in person  
16 would have been — I believe it was on the 7<sup>th</sup>. I think  
17 we searched on the 7<sup>th</sup> and 8<sup>th</sup>.  
18 Q. Now, prior to your — your search with  
19 Mr. Spears, did you have some phone calls with him?  
20 A. Yes, we did. We did have conversation.  
21 Correct.  
22 Q. And did you — did you record — did they  
23 provide you any equipment to record your phone calls on  
24 your cell phone?  
25 A. Yes, they did.

11

1 Q. And did you record those phone calls that you  
2 had with Mr. Spears before you went with him on the search  
3 on November 7<sup>th</sup>, 2007?  
4 A. Before and during.  
5 MR. COX: May I approach, your Honor?  
6 THE COURT: Yes, sir, you may.  
7 BY MR. COX:  
8 Q. I'm going to show you two — really it's three  
9 exhibits that have been marked as State's Exhibit 7<sup>th</sup>, 7A  
10 and 7B. And can you tell me what seven and 7A are?  
11 A. I've never seen this before, but I just know  
12 from what it says on it, it's the — all of the  
13 conversations we had.  
14 Q. Okay. And this — can you look at 7B and tell  
15 me what that is?  
16 A. Yes. I've looked at this several times. It's  
17 the transcript of the conversations that we had.  
18 MS. TURLINGTON: Is that actually 7A? You just  
19 said 7A.  
20 THE WITNESS: 7B it says here.  
21 BY MR. COX:  
22 Q. The transcript, is that correct?  
23 A. Yes, a transcript, correct.  
24 Q. And 7B, is it the transcript of the in-car  
25 conversation you had with Mr. Spears? If you would look

12

1 at it and tell me if that's . . .

2 A. Yes. As far as I can tell, it's just the  
3 in-car.

4 Q. Is 7<sup>th</sup> -- 7<sup>th</sup> and 7A, is that the CD recording  
5 of the in-car conversation you had with Mr. Spears?

6 A. I would have to listen to it. Nobody ever  
7 showed me this, but it's marked as such, yes.

8 Q. Okay. But you have read the transcript in 7B?

9 A. Yes, I have.

10 MR. COX: Okay. And for today's purposes,  
11 Judge, I would offer 7, 7A and 7B into evidence. I  
12 understand some of the issues, but, I mean, it's for  
13 today.

14 MS. TURLINGTON: For purposes of this hearing,  
15 we are not objecting, but we're not waiving any objections  
16 we may have for trial.

17 THE COURT: And you won't. But they are  
18 admitted for the purposes of this motion to suppress only.

19 (STATE'S EXHIBIT NOS. 7, 7A AND 7B WERE ADMITTED  
20 INTO EVIDENCE.)

21 MS. TURLINGTON: Just because -- we received a  
22 list, and the numbering on this list is different from the  
23 numbering that we actually have, so it's confusing for me.  
24 So 7<sup>th</sup> is the envelope and 7A is the disk?

25 MR. COX: Yes.

13

1 MS. TURLINGTON: All right. I just want to make  
2 sure I have it right.

3 MR. COX: I didn't fix that.

4 MS. TURLINGTON: I got it.

5 MR. COX: Judge, I'm going to offer these into  
6 evidence.

7 THE COURT: And they have been admitted.

8 BY MR. COX:

9 Q. Mr. Bridges, this conversation, this in-car  
10 conversation, were you wearing a wire, a body wire?

11 A. Correct. It was a recorder.

12 Q. A recorder?

13 A. Uh-huh.

14 Q. And this conversation that's recorded in 7<sup>th</sup>, 7A  
15 and 7B, how many -- approximately how many hours were you  
16 out driving around with Mr. Spears?

17 A. I'm going to guess between the two days,  
18 probably between six and eight.

19 Q. What about the first day, the one we're talking  
20 about here?

21 A. Probably half that time, three to four.

22 MR. COX: Your Honor, I'm not going to play this  
23 three-hour conversation here today. Um, I -- I've told  
24 Defense counsel that previously, just because I think our  
25 time constraints, we would -- I'm just offering it to you

14

1 to let you review it.

2 THE COURT: It's been offered and admitted. Are  
3 you asking me to read the transcript, the 7B that was  
4 gleaned from 7A? Is that --

5 MR. COX: Yes.

6 MS. TURLINGTON: That's fine. I'm not asking  
7 that you play this particular tape in court today. I have  
8 questions about specific things on the tape, and I can  
9 just refer to the transcript with Mr. Bridges if that's  
10 necessary.

11 THE COURT: You may. And then I will read the  
12 entire transcript before making a decision.

13 MR. COX: That was just a Court time situation.  
14 I just felt if I offered that to you and gave you the  
15 opportunity to review it on your own, if that's acceptable  
16 to you, Judge.

17 THE COURT: And I will.

18 MR. COX: Okay.

19 BY MR. COX:

20 Q. Now, prior to your driving around with  
21 Mr. Spears, what kind of conversations were you having  
22 with him on the phone? Were you talking about the case?

23 A. You mean what we have written -- the transcripts  
24 that we --

25 Q. Yes. Yes.

15

1 A. Yes, talking about her being missing and he was  
2 having some trouble remembering. Our conversation was he  
3 was having trouble remembering what had happened. The  
4 best I remember, it was about they had gone out drinking.  
5 And I told him what my suspicions were, and we had some  
6 conversations about that also.

7 Q. And these phone calls prior to going on your  
8 drive-around, were you trying to coordinate what time you  
9 would go and whether you could go, things like that?

10 A. Correct.

11 Q. And did he -- did he tell you that he wanted to  
12 go with you to drive around and look?

13 A. Yes.

14 Q. And, um, during your conversation -- may I  
15 approach, your Honor?

16 THE COURT: Yes, sir.

17 BY MR. COX:

18 Q. I'm going to show you what's been marked as  
19 State's Exhibit No. 9, which is a cassette tape of your  
20 conversations, and then State's Exhibit 9A. Can you  
21 identify 9 and 9A?

22 A. Here again, I can't identify 9, but I can  
23 identify 9A.

24 Q. And have you read through 9A?

25 A. Yes, I have.

16



1 MR. COX: Your Honor, and, again, just for  
2 today's purposes for this hearing's purposes, I'd offer 9  
3 and 9A.  
4 MS. TURLINGTON: And, again, for this hearing,  
5 we have no objection.  
6 THE COURT: Again, any ruling I make as to  
7 admissible will be for the purposes of this motion only,  
8 and we can make a continuing record that there obviously  
9 will be no binding precedential affect on the trial  
10 itself. That's why we're here.  
11 MR. COX: And I understand we're lay a proper  
12 foundation at trial for all of these, but —  
13 THE COURT: But 9 and 9A, again, for the  
14 purposes of this motion are admitted.  
15 (STATE'S EXHIBIT NOS. 9 AND 9A WERE ADMITTED  
16 INTO EVIDENCE.)  
17 BY MR. COX:  
18 Q. Now, in your discussions — in one of your  
19 discussions with Mr. Spears, did you talk about the F.B.I.  
20 coming over to his house the day before? On your  
21 November 7<sup>th</sup> discussions, did you talk about the F.B.I.  
22 coming over to his house on November 6<sup>th</sup>?  
23 A. We talked on several days about the F.B.I., so  
24 I — I'm sure we did.  
25 Q. Did he — did he specifically mention —

17

1 A. I have no — specifically what the conversation  
2 was to know exactly what you are talking about.  
3 Q. Did he ever mention the F.B.I. coming over to  
4 his house and not wanting to talk to him?  
5 A. And then ever not wanting to talk to him?  
6 Q. Because he'd asked for a lawyer.  
7 A. Yes, I do remember that.  
8 Q. And did he, um — did he tell you what happened  
9 in that conversation with the F.B.I.?  
10 A. Yes, he did.  
11 Q. What did he tell you?  
12 A. And I've had my memory refreshed by going over  
13 these on this also,  
14 Q. Would it help to review State's Exhibit —  
15 A. No, I remember.  
16 Q. — Exhibit A?  
17 A. Yes, I do remember. Do you want me to go ahead  
18 and tell you?  
19 Q. Yes.  
20 A. He had had a conversation with Sheriff Copeland,  
21 He told me that — he told me that Sheriff Copeland had  
22 talked to him about, you know, he'd better get to talking  
23 because he could get a needle put in his arm if he  
24 didn't — didn't talk, in so many words, and he was really  
25 scared. So he told them that he wanted an attorney, and I

18

1 understand that they stopped talking at that time. The  
2 F.B.I. then came over and they didn't want to talk to him,  
3 because he'd invoked that right.  
4 Q. And what did he say he did when they came over?  
5 A. He told me he pulled a female F.B.I. agent off  
6 to the side and told her this situation and then about not  
7 wanting to talk and that he did want to cooperate because  
8 he wanted to help find her. And then I understand from  
9 our conversation that then they started talking again.  
10 Q. And did you learn during your conversation on  
11 the phone with Mr. Spears on November 7<sup>th</sup> that he had, in  
12 fact, gone and spoken with the F.B.I. on November 6<sup>th</sup>, the  
13 day before?  
14 A. The dates are fuzzy, but I'd have to look at the  
15 6<sup>th</sup> to be specific, but, yes, that he had talked to the  
16 F.B.I. I think the 6<sup>th</sup> is right, yes.  
17 Q. Do you recall how many calls you had with him on  
18 November 7<sup>th</sup> before you went out on your drive?  
19 A. No, I don't.  
20 Q. I'm going to — may I approach again?  
21 THE COURT: Yes, sir, you may. Mr. Prosecutor,  
22 on this witness you don't need to ask permission.  
23 MR. COX: Okay. It will be several times.  
24 THE COURT: On other witnesses, you probably  
25 need to, but on this one, here on you may.

19

1 BY MR. COX:  
2 Q. State's Exhibit No. 10A, I understand it's —  
3 pardon me. This is a cassette tape of some other  
4 conversations had you with Mr. Spears. Are you familiar  
5 with the cassette tape?  
6 A. No, I'm not.  
7 Q. Okay. But State's Exhibit 10A, have you had a  
8 chance to — are you familiar with that?  
9 A. Yes, I am.  
10 Q. And in State's Exhibit 10A, what — what does  
11 it — what is it?  
12 A. That's a conversation that we had — do you want  
13 me to summarize what's on it?  
14 Q. Well, is it a telephone conversation you had  
15 with Mr. Spears on November 7<sup>th</sup> before you went out on  
16 your drive with him?  
17 A. Yes, it is.  
18 Q. Okay. And is there — did you note a time that  
19 that conversation occurred?  
20 A. Nineteen minutes until eleven, and today would  
21 be Wednesday, the 7<sup>th</sup>. I'm going into recording now.  
22 Q. So at 10:41 #T a.m., you had this conversation?  
23 A. Ended, yes.  
24 Q. That's — it end at 10:41 a.m., and that's the  
25 conversation, State's Exhibit 10A?

20



1 A. Correct.

2 Q. Can you tell me who made — who initiated that

3 phone call?

4 Let me ask that a different way. Can you tell

5 who called who first?

6 A. That's what I'm —

7 Q. Okay.

8 A. It says, this is Mark and David says, hey, Mark,

9 it's David.

10 Q. So if the transcript says, this is Mark, that's

11 you answering the phone?

12 A. I would take it that it's me answering the

13 phone, yes.

14 THE COURT: Let me ask for clarification. Is

15 10A the transcript? You kept saying the conversation.

16 MR. COX: Yes, Judge. I'm sorry.

17 THE COURT: 10 is the tape, and 10A is the

18 transcript of the tape, is that what you are saying?

19 MR. COX: Yes.

20 And, again, I would, for today's purposes, for

21 this hearing's purposes, offer 10 and 10A into evidence.

22 THE COURT: Ms. Turlington?

23 MS. TURLINGTON: No objection for purposes of

24 this hearing.

25 THE COURT: Then both are admitted, again, for

23

1 the purposes of this hearing only.

2 (STATE'S EXHIBIT NOS. 10 AND 10A WERE ADMITTED

3 INTO EVIDENCE.)

4 BY MR. COX:

5 Q. Now, do you know who prepared these transcripts?

6 A. No, I do not.

7 Q. And they were provided to you by my office?

8 A. Correct.

9 Q. After — after you had the phone conversations

10 in 9A and 10A, did you go pick up Mr. Spears?

11 A. Yes, I did.

12 Q. Where did you pick him up at?

13 A. I think there are directions on here. He gave

14 me directions to his house, and I picked him up at his

15 house.

16 Q. Okay.

17 A. That would be his mom and dad's house.

18 Q. And do you recall where that was?

19 A. It was on Urchin Drive, if I remember right,

20 down in the — I don't know if that would be a Stella

21 address or a Rocky Comfort address, down in that area in

22 Missouri.

23 Q. Is it Urchin, U-R-C-H-I-N?

24 A. That sounds right.

25 Q. Okay.

22

1 A. I spelled it on the tape, I remember.

2 Q. Now, um, what were you driving when you went to

3 pick him up?

4 A. County vehicle. It was a van.

5 Q. And is that a county vehicle that you use at

6 your job as coroner?

7 A. I had a Suburban now, but I did have a van, yes.

8 Q. And do you recall approximately what time it was

9 that you picked him up?

10 A. I'm thinking that day it was somewhat in the

11 noonish area. One of the two days was in the noonish

12 area, around a little before or a little after.

13 Q. And what did you go do after you picked him up?

14 A. We went searching.

15 Q. When you say searching, what do you mean?

16 A. For [REDACTED] — went searching some locations.

17 I had talked to him quite a bit — I can go into

18 why if you want me to, but we went searching for [REDACTED]

19 body.

20 Q. And were you — were you looking for places that

21 he thought someone could — could put a body?

22 A. That's correct.

23 Q. And did you also go looking for places that

24 Chris Collings could potentially have put a body?

25 A. That had always been my theme, a place that be

23

1 would know of that Chris Collings might have put a body.

2 Q. Did you go to a place known as Fox Cave?

3 A. Yes, we did.

4 Q. Had you ever been to Fox Cave before?

5 A. No, I hadn't.

6 Q. And when you got to the cave, what did you do?

7 A. Well, the first thing we did is climb up a hill

8 and try to find it, and that proved to be a little bit

9 difficult. It's a hole in the ground, basically.

10 Q. And how far off — is it off of a county road?

11 A. Yes.

12 Q. How far?

13 A. I'm going to guess not very far off the road.

14 I'm going to guess it's not even a quarter of a mile. It

15 might be a little over. Approximately a quarter. Of

16 course, we spent some time wandering around, so it might

17 not have even been that far.

18 Q. Now, when you went to the cave, um, did you —

19 you say it's a hole in the ground?

20 A. Correct. Probably about — I'm going to say

21 about six foot, the diameter would be about six foot

22 across, to the best of my memory.

23 Q. Did you look down in it?

24 A. Yes, we did.

25 Q. Did you find anything that you could identify as

24

1 a body?

2 A. Not as a body. We - there was something in  
3 there that raised my suspicions, but I couldn't tell if it  
4 was a body, no.

5 Q. Did you go to other locations in Newton County  
6 after that?

7 A. Not in Newton County. I think basically we had  
8 been in - more in Barry County and McDonald County.

9 Q. Approximately how long did you go around looking  
10 for - or going down backroads?

11 A. I'm going to say approximately three hours,  
12 three-and-a-half hours maybe.

13 Q. Did you have any more conversation - and this  
14 entire time was recorded?

15 A. Yes, it was.

16 Q. Did you - did you have any - strike that.

17 Sorry, Judge.

18 Did you, um, take Mr. Spears back home when you  
19 were finished?

20 A. Yes, I did.

21 Q. At any time during this drive with Mr. Spears,  
22 did you have him in cuffs?

23 A. Oh, no.

24 Q. Did you have him - any other people with you?

25 A. No.

25

1 Q. Um, the conversation you had with him, was it -  
2 can you describe it?

3 A. We talked about a lot of things, you know, about  
4 David, the way he was feeling, about his trouble  
5 remembering what happened that night. If you want to use  
6 the word blocking. We talked about [REDACTED] We talked  
7 about his relationship with what was going on with his now  
8 ex-wife Colleen, a number of things.

9 Q. Was it a cordial conversation?

10 A. Oh, very.

11 Q. Was it, um - did you ever yell or scream at him  
12 during it?

13 A. Oh, no. No. He's a friend.

14 Q. Did you ever accuse him of anything in a  
15 confrontational manner?

16 A. No.

17 Q. After you took him back home, did you have any  
18 more conversations with him on November 7<sup>th</sup>?

19 A. I don't know if it was the 7<sup>th</sup> after I took him  
20 home or the next morning. We'd have to go by the  
21 transcripts about, you know, going out the next day. I  
22 don't know if it was that evening or the next morning.

23 Q. Well, did you have conversations with him, then,  
24 on the 8<sup>th</sup> of November?

25 A. Yes, we did go out again -

26

1 Q. And -

2 A. - for the search.

3 Q. - whose idea was it to go search again on the  
4 8<sup>th</sup>?

5 A. In a conversation, David really wanted to  
6 search. He wanted to be doing something. So I said I'd  
7 be more than happy to search with him. I can't say  
8 that - who brought it up, but he really wanted to search.

9 Q. And I'm going to show you what's been marked as  
10 Exhibits 8, 8A and 8B, which would be - again, 8 is the  
11 envelope, 8B is the actual CD, and 8B would be the  
12 transcript.

13 Did you wear a recording device or some sort of  
14 body recorder when you went with him on November 8<sup>th</sup>?

15 A. Yes, I did, the same recorder. As far as I  
16 know, the same recorder.

17 Q. And did you, um, have it - let me ask you this  
18 about November 7<sup>th</sup> and 8<sup>th</sup>. On both of those days, did  
19 you have the recorder on before he got in the car?

20 A. Yes, I did.

21 Q. And did you leave it on until he got out of the  
22 car?

23 A. Yes, I did.

24 Q. Um, and some of the phone conversations when you  
25 would talk to him, was the recorder on at the very

27

1 beginning of the call?

2 A. The problem that I had when he called me was I  
3 had to get it ready and get it plugged into the - my cell  
4 phone, so I might have missed a little bit of the first  
5 conversation to get it plugged into my cell phone if he  
6 called me.

7 Q. That's some of the cell phone conversations?

8 A. Yes.

9 Q. And -

10 A. But always when we went out, I'd have the  
11 recorder on before I met with him.

12 MR. COX: Again, Judge, I'd offer State's  
13 Exhibits 8, 8A and 8B for this hearing's purposes.

14 MS. TURLINGTON: No objection for purposes of  
15 this hearing.

16 THE COURT: They are admitted.

17 (STATE'S EXHIBITS 8, 8A AND 8B WERE ADMITTED  
18 INTO EVIDENCE.)

19 BY MR. COX:

20 Q. On November 8<sup>th</sup>, do you recall where - where  
21 you went on the 8<sup>th</sup>, on that Thursday?

22 A. Wow. I wasn't familiar with the sites, but we  
23 searched under bridges and different areas. I believe  
24 we - I believe that's the day we went to a cemetery. I  
25 can't say for sure. Maybe went to the cemetery the first

28



1 day. Went down to some of the places where Chris' relatives lived.

3 I haven't reviewed closely the second day, I only have reviewed the first day, so I'm not quite up — just going by remembrance of a couple of years — you know, several years ago right now.

7 Q. Did he — when you went around to these places, did you attempt to say, at least loud enough for the recorder to pick up, where you were going and what location you were at?

11 A. Yes, I did.

12 Q. And on November 8<sup>th</sup> when you were driving around, did you continue to have conversations with him about whether he could remember what had happened or —

15 A. Yes.

16 Q. — questions along those lines?

17 A. Yes.

18 Q. And did you have — were you still also looking for someplace that Chris Collings may have put [REDACTED]?

20 A. Yes.

21 Q. Or her body?

22 A. Yes.

23 Q. Prior to going, um, out on your search on November 8<sup>th</sup>, did you have phone calls with Mr. Spears?

25 A. Yes.

29

1 Q. And did you attempt to record those —

2 A. Yes, I did.

3 Q. — as well?

4 I'm going to show you what's been marked as State's Exhibits 10B and 10C. Are those transcripts of the telephone calls you had with Mr. Spears? I guess we'll talk about 10B first. Is that a —

8 A. Yes. Yes.

9 Q. And did you — the last page of 10B, did you attempt to note when that phone call ended?

11 A. Yes, I did.

12 Q. What — when was that?

13 A. This was a conversation with David Spears. It's 11-8-07, and he called me. Didn't have the recorder ready. Few pleasantries exchanged, and he asked me if I'd go out with him to search with him today. Twenty-five minutes until ten, right now, and that would be what that last recording was in reference to.

19 Q. And this was — this was at 9:35 on November 8<sup>th</sup> —

21 A. Correct.

22 Q. — that the recording ended?

23 A. Correct.

24 Q. And then 10C, is that also a transcript of a recording of a phone call that you had with Mr. Spears on

30

1 November 8<sup>th</sup>?

2 A. Yes, it is.

3 Q. And that was — was that — is there a time noted on that transcript?

5 A. Yes. It says it's 1:07, and I just had a conversation with David Spears. He asked me to come pick him up to do some searching. I'm showing it was 11-8-07, and I was going to the sheriff's department to get things taken care of there, which means get the mike on and things and head down to David's parents' house.

11 Q. And after you went to the sheriff's department, you went to Mr. Spears' house?

13 A. Correct.

14 Q. Approximately how long did you drive around with Mr. Spears on the 8<sup>th</sup>?

16 A. I'm going to say it was probably another three or four hours.

18 Q. And I asked you this earlier, but the conversations you had with Mr. Spears on 8<sup>th</sup>, you started the recorder before you picked him up?

21 A. Yes.

22 Q. And then you — you turned it off after you dropped him off?

24 A. Yes.

25 Q. Now, on the 8<sup>th</sup>, did you have any — any other

31

1 conversations related to, um, whether he was able to remember what happened?

3 A. I'm sure I did, yes.

4 MR. COX: And, Judge, this is for clarification for the record. State's Exhibit 10 contains two conversations that occurred on November 7<sup>th</sup>, and they are the first two conversations that are on State's Exhibit 10. And then — which would be State's Exhibit 10A — pardon me — that is — I misspoke. And then 10B is also on State's Exhibit No. 10, and it is from November 8<sup>th</sup>. And then 10C is also on State's Exhibit No. 10, and it is from November 8<sup>th</sup>.

13 THE COURT: And, again, as you refer to B and C, those are the transcripts —

15 MR. COX: Yes.

16 THE COURT: — of the tape, which is 10?

17 MR. COX: Yes, which contains multiple conversations. So I just wanted to clarify that for the record and for your — for your benefit.

20 THE COURT: That's fine.

21 BY MR. COX:

22 Q. Now, do you recall after — did you pick — I'm sorry. Lost my train of thought.

24 On November 8<sup>th</sup>, 2007, did you pick Mr. Spears up at his house again?

32



1 A. Mother and dad's house, yes.  
2 Q. His mother and dad's house.  
3 Did you drop him off there when you were done?  
4 A. To the best of my memories, yes.  
5 Q. Do you recall if there were any conversations  
6 about whether the F.B.I. was conducting surveillance of  
7 him?  
8 A. Yes, we talked about that.  
9 Q. And whether the F.B.I. was aware that you were  
10 speaking to him, that you were —  
11 A. Oh, yes, I told him we were talking.  
12 Q. And that you were going out on these searches?  
13 A. Yes.  
14 Q. Now, after you dropped him off on  
15 November 8<sup>th</sup>, do you recall having any other  
16 conversations with him on that day?  
17 A. I don't remember, no. If it wasn't recorded, I  
18 didn't.  
19 Q. Okay. And every phone call that you had with  
20 him, did you attempt to record?  
21 A. Yes, I did.  
22 Q. Either all of it or as much of it as you could?  
23 A. Yes, I did.  
24 Q. Now, on November 9<sup>th</sup>, do you recall if that  
25 was the day, that morning that [REDACTED] body was

33

1 found?  
2 A. Yes, it was.  
3 Q. And do you recall where it was found?  
4 A. In Fox Cave.  
5 Q. Now, do you recall having a conversation with  
6 David Spears on November 9<sup>th</sup>, a telephone conversation?  
7 A. Yes.  
8 Q. And did you record it?  
9 A. Yes.  
10 Q. And do you recall what time of day it was that  
11 you talked with him?  
12 A. No, I don't, without looking at the recording.  
13 Q. I'm going to show you what's been marked as  
14 State's Exhibit 11, it is a cassette tape, and then  
15 State's Exhibit 11A and 11B —  
16 A. Yes, sir.  
17 Q. — which are both transcripts of the  
18 conversation on State's Exhibit 11. Are you familiar with  
19 State's Exhibit 11A?  
20 A. Yes, I am.  
21 Q. And how about 11B?  
22 A. Yes, I am.  
23 Q. Does it appear that 11A and 11B are two parts of  
24 the same conversation that you had with Mr. Spears?  
25 A. Yes, because there's no ending where I — I

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1 signed off, so to speak, on this one.  
2 MR. COX: Okay. And, um, I'd offer State's  
3 Exhibits 11, 11A and 11B.  
4 MS. TURLINGTON: No objection for purposes of  
5 this hearing.  
6 THE WITNESS: And also show the one here, too.  
7 THE COURT: They are admitted.  
8 (STATE'S EXHIBIT NOS. 11, 11A AND 11B WERE  
9 ADMITTED INTO EVIDENCE.)  
10 BY MR. COX:  
11 Q. I was going to ask you that. Could you look at  
12 State's Exhibit 11B, and does it indicate a time that that  
13 conversation ended?  
14 A. Yes. I just finished conversation with David  
15 Spears. It's 5:15. I'm going inside the sheriff's  
16 department. I'll be turning this tape off.  
17 Q. And is it fair to say that that conversation,  
18 then, that occurred on November 9<sup>th</sup>, had occurred in  
19 the — in the minutes or the time period just before  
20 5:15 p.m.?  
21 A. Where I turned off the tape, you mean?  
22 Q. Yes.  
23 A. Yes.  
24 Q. It's not two conversations, one that was in the  
25 morning and then another one in the afternoon?

35

1 A. Correct.  
2 Q. It's not that situation?  
3 A. Right.  
4 Q. It's one conversation?  
5 A. Right.  
6 Q. And do you recall, did you have the recorder on  
7 when the conversation started?  
8 A. It doesn't look like I was by the first  
9 statement I make on here.  
10 Q. Do you recall what you-all talked about just  
11 before you got the recorder started?  
12 A. I can just tell you judging from what's here. I  
13 would be — I have no recollection of it other than what  
14 I'm reading here.  
15 Q. Okay. So you don't have any independent  
16 recollection of what your conversation was before the  
17 transcript starts —  
18 A. No, I don't.  
19 Q. — on State's Exhibit 11A?  
20 A. No, I don't.  
21 Q. And during your conversation on November 9<sup>th</sup>  
22 on the phone with Mr. Spears, did he indicate to you that  
23 he knew that [REDACTED] body had been found?  
24 A. If I remember right from reading in here, he had  
25 seen it on TV already.

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1 Q. And, um, did you talk with him about where her  
2 body had been found?  
3 A. Yes, I did.  
4 Q. And did you have any conversations about how  
5 that looked for him?  
6 A. Yes, I did.  
7 Q. And what was that?  
8 A. I told him that he really needed to try to  
9 engage his memory and — because now that the body's been  
10 found, he's the one that led me to the body, so it would  
11 make him look guilty. So he needed to really try to  
12 remember what happened so everybody doesn't point the  
13 finger at him.  
14 Q. And referencing back to your November 7<sup>th</sup>, um,  
15 drive with Mr. Spears, would the recording show what your  
16 conversation was, um, and what efforts you were taking to  
17 find Fox Cave on that date? Is the recording more  
18 accurate than what you've testified here today?  
19 A. Oh, definitely.  
20 Q. What were his responses to your discussions  
21 about him — you wanting him to remember what happened  
22 or —  
23 A. He was obviously very concerned, and he said he  
24 wanted to remember.  
25 Q. Did he — did he say that he'd been upset and

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1 had been grieving?  
2 A. Oh, we talked about that nonstop. But, yes, he  
3 said he had been grieving after — actually after he had  
4 heard it on the news.  
5 Q. And is the entirety of your conversation with  
6 him that you did get to record located in State's  
7 Exhibits — or contained in State's Exhibits 11A and 11B?  
8 A. The best of my knowledge, yes.  
9 Q. At the end of 11B you indicated a time that  
10 you'd stopped your conversation?  
11 A. Yes.  
12 Q. Did you have any more phone conversations with  
13 him from the end of 11B until you saw him at the Newton  
14 County Sheriff's Department that evening?  
15 A. If — 11B, which I believe it is on the back of  
16 11B, when I talked to him about the sheriff called me and  
17 wanted me to see if he would come in. I was going to send  
18 a detective from Newton County, F.B.I. agent down and he  
19 didn't have to come in. You know, they wanted to talk to  
20 him. And I think that's in the last part of 11B. That  
21 would be the last time I talked to him until I saw him.  
22 Q. Okay. And let's go ahead and talk about the  
23 last parts of your conversation with him contained in 11B.  
24 Were you talking with Mr. Spears when you got another  
25 phone call?

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1 A. Yes, I was.  
2 Q. Who was that other phone call from?  
3 A. Steven Bock. Mr. Bock's deputy coroner for me,  
4 and he's also an investigator for the prosecutor's office.  
5 Q. And is he — are you aware of if he's any  
6 relation to Elizabeth Bock?  
7 A. I don't believe he is, no.  
8 Q. And what was it that you talked with Mr. Bock  
9 about?  
10 A. Well, he had transported the body of [REDACTED]  
11 to Springfield for an autopsy with Henry Stout, who was an  
12 investigator with the sheriff's department. So he had my  
13 van, and I had his truck. And so we were trying to  
14 coordinate me getting my van back and me giving him his  
15 truck.  
16 And he had walked into the sheriff's department  
17 and I guess was talking with the sheriff about it, and  
18 told the sheriff from my conversation with him that —  
19 Q. That you were talking —  
20 A. I was on the phone with David, so then the  
21 sheriff called me back.  
22 Q. And did you talk with Sheriff Ken Copeland?  
23 A. Yes, I did.  
24 Q. And does State's Exhibit 11B show — does it  
25 have your conversation with Mr. Copeland?

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1 A. I'm going to have to find it. I know it does.  
2 The problem is, it doesn't say Ken Copeland, and it lists  
3 Bock as Bob on here. I was trying to figure out who Bob  
4 was, and I figured out that's Steven Bock. So I'd have to  
5 read through to find my conversation with Copeland, unless  
6 you can show me a certain area if you have it marked.  
7 Q. If you could refer to Page 10 of 11B.  
8 A. Okay. I'm there.  
9 Q. Specifically Line No. 7. Is that the  
10 conversation you had with —  
11 A. Yes, it is. Yes, it is.  
12 Q. — Mr. Bock?  
13 A. Yes, it is.  
14 Q. And at some point in time, is one of the  
15 unidentified men, um, Sheriff Copeland?  
16 A. I think in Line 14 on 10 it says unidentified  
17 man, hey, this is, and it's — it says indiscernible.  
18 Q. But that was Ken Copeland?  
19 A. Yes.  
20 Q. And what was your response when this — when  
21 Sheriff Copeland said, hey, this is Ken?  
22 A. Hello. How are you doing, and he told me to  
23 send an F.B.I. agent and Trevor Williams, the deputy  
24 investigator for the sheriff's department, over to see if  
25 David would come down.

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1 Q. And did he tell you anything about what their  
2 intentions were?

3 A. He says we're not going to arrest him, but we  
4 want him to come down here. And then I said, you want me  
5 to tell him that? Do you want me to go on?

6 Q. Sure.

7 A. And it says, and Sheriff Copeland says, yeah,  
8 tell him. And then if you'll just come in, we'll fill you  
9 in on what's going on. Okay. Sounds good. Okay.  
10 Good-bye.

11 Q. And then did you talk with David Spears again?

12 A. Yeah. And then I pulled David back up and said,  
13 are you there? And he says yeah.

14 Q. And did you explain to David that there was  
15 going to be a sheriff's deputy and an F.B.I. agent coming  
16 to his house?

17 A. Almost verbatim what Copeland had told me, I  
18 told him.

19 Q. What did you tell him?

20 A. Do you want me to read it?

21 Q. If you --

22 A. It's easier, yeah.

23 Q. Go ahead and tell us.

24 A. Bob just called me back. He's inside and the  
25 sheriff just got on the phone and said there's an F.B.I.

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1 agent and Trevor, one the undercover guys who David knew,  
2 by the way, he trusted a little bit more than some of the  
3 other people. Was on his way down to ask you to come in.

4 He says -- he said, they're not coming down to  
5 arrest you. They just want to talk to you. So he said,  
6 come inside, and they'd fill me in on what's going on,  
7 just like he said. I just wondered if somebody else has  
8 coughed something up, David says. So they're on their way  
9 to pick me up, and I said, yeah.

10 Q. And then what did -- did David Spears respond to  
11 that?

12 A. Says, but they're not coming to arrest me.  
13 They're just coming out to talk to me.

14 Q. And what was your response?

15 A. I said, that's exactly what they told me. He  
16 said they want to do talk and I don't know. So I said,  
17 okay. I said, do you want me to tell him that, and he  
18 said, yeah, tell him that.

19 Q. Now, I'm going to ask you to then pick back up  
20 on Page No. 12, Line 24.

21 A. Okay.

22 Q. Who's speaking in that one?

23 A. David Spears.

24 Q. And what is he saying?

25 A. You know, I've been telling myself that, you

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1 know, if they want to yell at me like they did before,  
2 that I won't talk to them, but . . .

3 Q. And then what did you say?

4 A. Well, just tell them that.

5 Q. And did he respond?

6 A. You know, if they -- then there's a couple of  
7 lines, and then I said, say that.

8 Q. And then did Mr. Spears make another statement?

9 A. If they want me to come in, I'll come in.

10 Q. And then did you --

11 A. Just --

12 Q. Did you continue on this line of --

13 A. Yes.

14 Q. -- of how he was going to be treated?

15 A. Yeah. It says, just tell them to talk civilly  
16 and not to yell, and talk in a civil voice. That's fine.  
17 And just tell them, I can't stand any more of this  
18 yelling. If you want to yell, then interview over.

19 Q. And what was his response to that?

20 A. I don't know how that looks, but I understand.  
21 I said, it doesn't really make any difference how it  
22 looks. He says, yeah.

23 Q. And at that point are you aware of whether --  
24 did they go pick up Mr. Spears?

25 A. Yes, they did.

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1 Q. And ask if he would come in and -- I'll  
2 withdraw. Withdraw that.

3 Now, did you wait at the sheriff's department  
4 for Mr. Spears to arrive?

5 A. I believe I did.

6 Q. And were you present in the interview on  
7 November 9<sup>th</sup> with you -- or with Chris Jennings and  
8 Mr. Spears?

9 A. Yes, I was.

10 Q. And during the interview with Chris Jennings and  
11 Mr. Spears, do you recall if there was any yelling going  
12 on between anybody involved in that?

13 A. No. That's -- I told him that, and it says  
14 right here that, David, he doesn't respond well to -- to  
15 somebody yelling at him. And if you want him to have a  
16 civil conversation, so many words, if you want to have a  
17 civil -- you treat him with respect.

18 Q. And do you recall whether there was a civil  
19 conversation between Chris Jennings and you and David  
20 Spears?

21 A. Yes, there was.

22 Q. And he was being interviewed by Chris Jennings.  
23 Was he being asked to remember what happened?

24 A. I asked him numerous times.

25 Q. And was he -- did he provide more information?

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1 A. Yes, he did.  
2 Q. Do you recall whether you prayed with  
3 Mr. Spears?  
4 A. I wouldn't believe I would have. It's a  
5 possibility. I might have said, oh, Lord, help him to  
6 remember. I said that numerous times, but as far as pray,  
7 no, I don't remember it. If you call that praying, yes.  
8 Q. But you are not sure if that even happened?  
9 A. I wouldn't be a bit surprised if it happened.  
10 Yeah, it probably did.  
11 Q. And were you in a particular room in the  
12 sheriff's department when you —  
13 A. Interrogation room, yes.  
14 Q. Do you recall David Spears ever — ever telling  
15 you that he — telling anyone that he wanted to stop?  
16 A. No.  
17 Q. Or trying to get up and leave?  
18 A. Oh, no.  
19 Q. Do you recall him requesting that an attorney be  
20 present during that interview?  
21 A. No, he did not.  
22 MR. COX: Pass the witness.  
23 THE COURT: Cross-examine?  
24 CROSS-EXAMINATION  
25 BY MS. TURLINGTON:

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1 Q. Mr. Bridges, before the incident where [REDACTED]  
2 [REDACTED] was reported missing and eventually found murdered,  
3 you'd known David Spears and had a relationship with him?  
4 A. That's correct.  
5 Q. And you actually considered David to be a friend  
6 of yours?  
7 A. Correct.  
8 Q. And I think probably even to this day, you  
9 consider David to be your friend in some ways?  
10 A. Correct.  
11 Q. And David had worked for you when you had the  
12 car business; is that correct?  
13 A. Correct.  
14 Q. And when he was working for you, you kind of  
15 mentored him in that business, didn't you?  
16 A. Yes. That was the whole idea. He was valuable.  
17 Q. And David had a good relationship with you when  
18 he worked for you?  
19 A. Yes.  
20 Q. And it was a relationship, he trusted you?  
21 A. Yes. I think so, yes.  
22 Q. And at times David came to you for advice?  
23 A. Uh-huh. Yes.  
24 Q. I'm sorry. She writes it down.  
25 A. Yes.

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1 Q. So he did come to you for advice at times?  
2 A. Not often, but probably some — and I'm — I'm  
3 trying to think. Maybe family issues, money issues,  
4 things like that.  
5 Q. Okay. And I believe you have given a deposition  
6 before, and I believe you said he came to you with some  
7 family problems and some money issues?  
8 A. He could, yeah. I remember it.  
9 Q. And things that weren't even necessarily related  
10 to his work. Correct?  
11 A. Yes.  
12 Q. All right. And David knew that you had  
13 previously been the sheriff of Newton County?  
14 A. Correct. I believe he did. I don't remember  
15 specific conversation, but I believe he did, yes.  
16 Q. And that was common knowledge in those parts;  
17 it's an elected position?  
18 A. Yes.  
19 Q. And that you were currently coroner of Newton  
20 County?  
21 A. Correct.  
22 Q. Which is — has some official duties anyway?  
23 A. Correct.  
24 Q. Government duties?  
25 A. Correct.

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1 Q. And when you were sheriff — I forget what year  
2 you ended being sheriff, but it's been several years?  
3 A. 1988.  
4 Q. It's been quite a while since were sheriff. I  
5 think you said 1988?  
6 A. I left December 31<sup>st</sup>, 1988.  
7 Q. Okay. So it's been 20-something years now at  
8 this point in time.  
9 But when you were sheriff and you did work in  
10 law enforcement, you had some training in interrogation of  
11 suspects?  
12 A. Correct.  
13 Q. And one of the things that you're aware of is  
14 interrogating a suspect is a technique called  
15 good-cop/bad-cop?  
16 A. Correct.  
17 Q. And that is something that you actually even  
18 used when you were in law enforcement to interrogate  
19 people?  
20 A. Many times.  
21 Q. And I'm just guessing, but I'm kind of guessing  
22 that you were more of a good-cop role person?  
23 A. All depend on the situation.  
24 Q. Okay.  
25 A. Yeah.

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1 Q. But you could —  
2 A. I did them both.  
3 Q. You could play that role, the good cop?  
4 A. Yes. Usually whoever had the best rapport with  
5 the person would be the good guy and the other guy would  
6 come be the bad guy. A lot of times he didn't even know  
7 the suspect, the bad guy.  
8 Q. All right. So it was based on the rapport with  
9 the person being interrogated?  
10 A. Correct. Many times anyway, yes.  
11 Q. All right. And if you had a rapport with that  
12 person, you would play the good cop role, generally?  
13 A. Correct.  
14 Q. Now, you also have a degree in Christian  
15 counseling?  
16 A. A master's — seminary master's, yes.  
17 Q. Okay. And that is from Andersonville  
18 Theological Seminary in Andersonville, Georgia.  
19 A. In Camilla, Georgia.  
20 Q. I'm sorry. I thought it was Andersonville?  
21 A. It was an online degree.  
22 Q. And David Spears was aware that you had that  
23 degree?  
24 A. I couldn't say. I don't know that to be a fact.  
25 Very possibly.

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1 Q. Okay. And I believe in — when you were riding  
2 around with David Spears November 8<sup>th</sup>, David Spears  
3 actually mentions that he believes that you are a  
4 Christian counselor and says you are a good counselor?  
5 A. I think he said, I believe you have a degree in  
6 psychology, and I think I said, no, not in psychology, if  
7 I remember right.  
8 Q. Okay. And I'm going to show you — hold on just  
9 a second. Sorry. This will just take me a second here.  
10 THE COURT: Do you need to take a recess for a  
11 couple of minutes, or are you okay?  
12 MS. TURLINGTON: I think — no, I think we may  
13 be okay.  
14 THE COURT: Okay.  
15 MS. TURLINGTON: Oh, okay.  
16 BY MS. TURLINGTON:  
17 Q. You gave a deposition in this case, um — strike  
18 that.  
19 There's a recording of a transcript of your  
20 ride-around with David on November 8<sup>th</sup>, 2007; is that  
21 right?  
22 A. Yes, ma'am.  
23 Q. Okay. And I don't recall. That is State's  
24 Exhibit — I have them numbered differently than you do,  
25 and I received —

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1 MR. COX: That would be 8A.  
2 MS. TURLINGTON: Do you have Exhibit 8A?  
3 Is it okay if I approach the witness?  
4 THE COURT: Yes, you may.  
5 MR. COX: The Judge may have it up here.  
6 THE COURT: Which one is it?  
7 MS. TURLINGTON: 8A.  
8 THE COURT: I think the only one you've handed  
9 me is 7.  
10 MR. COX: 8B. That's 8B. My numbering system  
11 when I had the 8, 8A and 8B.  
12 MS. TURLINGTON: I have the list that doesn't  
13 have the 8A and 8B, and it's confusing.  
14 BY MS. TURLINGTON:  
15 Q. All right. I'm going show you Page 54 of  
16 Exhibit 8B. And if you could, just take a look at Page 54  
17 and just read down to about Line 12.  
18 A. Now I know why you were a good counselor. Start  
19 there?  
20 Q. Yes. So David Spears says to you on  
21 November 8<sup>th</sup> when you are riding around in the car, at  
22 least mentions that he knows you are a counselor?  
23 A. Yes. He says, I've been staying pretty calm  
24 after being accused. Started to say calm. I say, sure it  
25 is. He says, now I know why you are such a good counselor

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1 is because you are easygoing. Me and Mom talk about — at  
2 night about the discussion about religion you and I had.  
3 I thought a lot about it last night, actually.  
4 Q. Okay. So in that conversation David mentions  
5 you being a counselor. So he at least knows that you are  
6 a counselor, even if we can't say for sure he knows you're  
7 a Christian counselor?  
8 A. I would imagine he knows I'm a Christian  
9 counselor.  
10 Q. It doesn't come up in that conversation that you  
11 were talking about religion also?  
12 A. Yes. If he knew that much, I'd say he knew  
13 that.  
14 Q. Okay. Now, throughout the week, um, that [REDACTED]  
15 was missing, you were either wearing a wire when talking  
16 with David or taping your phone conversations, and that is  
17 after you met with the F.B.I.?  
18 A. Correct.  
19 Q. Okay. David was not aware that you were wearing  
20 a wire at least on these ride-alongs?  
21 A. Well, we had conversations about the bear in the  
22 air, the plane following us around, and we had — I told  
23 him that everything could be bugged.  
24 Q. Okay. But he didn't know that you were  
25 participating in that process?

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1 A. No, he did not.  
 2 Q. Okay. But you were aware, at least, that he was  
 3 being under surveillance, he was being surveyed?  
 4 A. Well, no. I did when we kept seeing the  
 5 airplane fly over us. They didn't inform me of that, no.  
 6 Q. Okay. But it was obvious because there was a  
 7 plane flying around?  
 8 A. Right. We found it out together. Let's put it  
 9 like that.  
 10 Q. All right. So even though David didn't know  
 11 that you were participating in this surveillance of him,  
 12 you were providing the information that you gained through  
 13 talking to him to the F.B.I.?  
 14 A. That's correct.  
 15 Q. But at the same time you were also being  
 16 friendly towards David?  
 17 A. That's correct.  
 18 Q. Okay. Now, during any of these conversations  
 19 that you had with David either on these ride-alongs or in  
 20 any taped phone conversations or even in any conversations  
 21 before that weren't taped, prior to November 9<sup>th</sup> in the  
 22 interrogation room in Newton County Sheriff's Department,  
 23 David never made any statements to you that were  
 24 incriminating that he was involved in the death or  
 25 disappearance of [REDACTED]?

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1 A. You mean when we had the — oh, yes, he did.  
 2 Q. No. Before he went —  
 3 A. Oh, I thought you said the day we had the — the  
 4 interrogation, if you will call it that.  
 5 Q. Let's break it down. When David called you on  
 6 November 3<sup>rd</sup> and told you [REDACTED] was missing, he didn't  
 7 give you any indication or he didn't say he was involved  
 8 in her being missing?  
 9 A. He said he felt guilty, but he didn't say it was  
 10 because of that. Because he left her alone.  
 11 Q. Right, but not because he had abducted her or  
 12 raped her?  
 13 A. Correct.  
 14 Q. And then in any conversations that you may have  
 15 had with David between the time you talked to him on the  
 16 3<sup>rd</sup> and the time you saw him on the 7<sup>th</sup>, in any of those  
 17 conversations, he never said anything to you that — about  
 18 being involved in killing or abducting [REDACTED]?  
 19 A. No, he did not.  
 20 Q. And on November 7<sup>th</sup> when you were riding around  
 21 with David for three or four hours, he never said anything  
 22 about being involved in killing or raping [REDACTED]?  
 23 A. No.  
 24 Q. And on November 8<sup>th</sup> when you rode around with  
 25 him again for three or four hours, he never said anything

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1 about being involved in raping or killing [REDACTED]?  
 2 A. No.  
 3 Q. And in any phone conversation that you had that  
 4 was taped and that you gave to the F.B.I, he never said  
 5 anything about being involved in raping or killing [REDACTED]?  
 6 A. No.  
 7 Q. And if we added it up, you probably talked to  
 8 him for three or four hours on both ride-alongs. So  
 9 that's around six to eight hours?  
 10 A. Correct.  
 11 Q. And you had numerous phone conversations. And  
 12 obviously the conversations would be more accurate, but  
 13 there are numerous conversations, so it could be a couple  
 14 of hours of phone conversations as well?  
 15 A. Possibly, yes.  
 16 Q. So we may have up to ten hours of you talking to  
 17 David —  
 18 A. Correct.  
 19 Q. — throughout that week?  
 20 And in none of those conversations does David  
 21 say anything that indicates he's guilty of raping or  
 22 killing [REDACTED]?  
 23 A. Correct.  
 24 Q. Okay. So the first time that that information  
 25 comes out is in the interrogation room, in the Newton

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1 County Sheriff's Department on November 9<sup>th</sup>?  
 2 A. That's correct.  
 3 Q. All right. From the very beginning when you  
 4 heard about [REDACTED] being missing, you had a hunch that  
 5 Chris Collings was involved?  
 6 A. After we'd figured out that it was actually a  
 7 missing persons. I could say probably even from the  
 8 minute he talked to me, the sound of his voice — thank  
 9 you very much — the sound of his voice, you could tell  
 10 something was wrong, just reading in between the lines.  
 11 But, yes, immediately I had in my mind that Chris Collings  
 12 was probably involved and there was foul play.  
 13 Q. Okay. And, actually, your suspicion was that  
 14 Chris was involved. You didn't really think David was  
 15 involved, but he was covering for Chris?  
 16 A. I knew that if Chris had done something — in my  
 17 own mind that if Chris had done anything, he would have  
 18 told David. He looked up to David.  
 19 Q. But you didn't necessarily believe that David  
 20 was involved?  
 21 A. No, I did not.  
 22 Q. You believed that David had more information  
 23 that he wasn't telling you?  
 24 A. Yes, I did.  
 25 Q. Because David was telling you that the night

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1 the [REDACTED] disappeared, he had been drinking very heavily?  
 2 A. That's what he told me.  
 3 Q. And he couldn't remember everything that  
 4 happened?  
 5 A. Correct.  
 6 Q. That he had had an alcoholic blackout?  
 7 A. We had a conversation about that.  
 8 Q. And that's what he told you in that  
 9 conversation, that he had a blackout?  
 10 A. I might have suggested that. I don't know if  
 11 that's what he told me. I went over every scenario, and  
 12 don't know who brought up that subject.  
 13 Q. Okay. And let's talk about that for a second.  
 14 It's also possible you suggested to David that he had some  
 15 kind of a blackout and he was repressing memories?  
 16 A. Yeah. Yes. Either he brought that up or I  
 17 brought that up. But, yes, I had conversations. Of  
 18 course, the record would reflect.  
 19 Q. And that was throughout the week—  
 20 A. Correct.  
 21 Q. —that you had conversations with him about  
 22 repressing memories?  
 23 A. Correct.  
 24 Q. I'm not necessarily saying you are saying he  
 25 repressed memories, but this was, like, a technique that

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1 you were using with him?  
 2 A. Correct.  
 3 Q. To provide him with what you call an out?  
 4 A. Yes.  
 5 Q. So when he says that he can't remember what  
 6 happened and that he's drinking heavily, you suggested to  
 7 him or continued to suggest to him that he was repressing  
 8 information that was in there and that he couldn't recall?  
 9 A. Correct.  
 10 Q. And that there might be ways that by driving  
 11 around or by talking about it he might recall these things  
 12 that he was repressing?  
 13 A. Correct.  
 14 Q. And throughout the week, you were using every  
 15 opportunity that you could to work on David by talking to  
 16 him about repressing memories or recalling traumatic  
 17 events that he — he was blocking?  
 18 A. Correct.  
 19 Q. Did you specifically talk to him about instances  
 20 where people had blocked out crimes and then later  
 21 recalled it?  
 22 A. I probably did.  
 23 Q. You specifically talked to him about people  
 24 being unable to remember traumatic events but then  
 25 bringing it up later?

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1 A. Yeah, more children. If I remember right, we  
 2 talked about children and blocking, mentally blocking  
 3 traumatic events.  
 4 Q. And you specifically told him about a story  
 5 about somebody who had committed a crime and told him  
 6 somebody they —  
 7 A. That's right, I did.  
 8 Q. — remember the crime, and later he recalled and  
 9 told everyone that he'd actually done it?  
 10 A. Correct.  
 11 Q. About you yourself don't have any specific  
 12 psychological training. You are not a psychologist?  
 13 A. No, I'm not.  
 14 Q. You are not a psychiatrist?  
 15 A. No, I'm not.  
 16 Q. You don't have a medical degree that would allow  
 17 you to diagnose whether someone is actually repressing  
 18 memories or not?  
 19 A. Correct.  
 20 Q. But this was just an angle, if you will, I think  
 21 that's what you called it, that you were using on him  
 22 through the week?  
 23 A. Correct.  
 24 Q. And David was telling you this whole week that  
 25 he just couldn't remember what happened?

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1 A. Correct.  
 2 Q. You believe that you can tell when someone is  
 3 being truthful with you most of the time; is that true?  
 4 A. Some of the time anyway, unless they're  
 5 psychopath and, you know, something of the sort, yes.  
 6 Q. But that's something that you believe you are  
 7 fairly accurate at?  
 8 A. Somewhat, yes.  
 9 Q. And you are basing that on their body language?  
 10 A. Yeah, many things.  
 11 Q. The rate of speech?  
 12 A. Right.  
 13 Q. Posture?  
 14 A. Eyes.  
 15 Q. The person's demeanor?  
 16 A. Right.  
 17 Q. Looking you in the eye?  
 18 A. Right, speech.  
 19 Q. Okay. Now, another tactic that you employed  
 20 with David throughout this week was to suggest to him that  
 21 Chris was involved, and I believe you believed that, that  
 22 Chris was involved in this?  
 23 A. Yes, I did.  
 24 Q. And suggested that to David?  
 25 A. Yes, I did.

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1 Q. That Chris was involved, and you then asked  
2 David to try to think of places Chris could have either  
3 killed [REDACTED] or dumped her body?  
4 A. Correct.  
5 Q. Is that true?  
6 A. Yes.  
7 Q. Okay. So on November 7<sup>th</sup> when and you David  
8 went out riding around on the first day, the first place  
9 that you went to was Fox Cave. Correct?  
10 A. Correct.  
11 Q. And the reason you went to Fox Cave is you  
12 specifically said to David, where would Chris hide [REDACTED]  
13 or dump her body?  
14 A. Correct.  
15 Q. And David said Fox Cave, and that was someplace  
16 that David and Chris had both been?  
17 A. That was my understanding, yes.  
18 Q. Okay. And I believe on November 8<sup>th</sup>, David  
19 tried to find another cave called Bear Cave. Do you  
20 recall that, but you never found it?  
21 A. Vaguely. Yes, I don't remember reading about  
22 that, but it's --  
23 Q. And you actually went to a post office?  
24 A. Yes.  
25 Q. And asked for directions?

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1 A. Yes. I do remember that, yes.  
2 Q. And I don't know if you know this, but the  
3 people in the post office immediately called the F.B.I. or  
4 local law enforcement?  
5 A. No, I didn't.  
6 Q. Saying that you had been there?  
7 A. No, I did not.  
8 Q. Okay. But that was an attempt to find Bear  
9 Cave, another cave that Chris knew about?  
10 A. If -- yeah. I remember -- I remember going to  
11 the post office, but Bear Cave, vaguely. I don't remember  
12 reading anything about it on the transcript, though. It  
13 might have been there and I just --  
14 Q. You never actually found it.  
15 A. Okay.  
16 Q. Does that sound familiar?  
17 A. Vaguely.  
18 Q. Okay. If that's what the transcript reflects --  
19 A. Absolutely.  
20 Q. -- you have no argument with that?  
21 A. Absolutely.  
22 Q. But that was another place that David was trying  
23 to take you that Chris would have known about?  
24 A. Yes.  
25 Q. And other places that you went after Fox Cave,

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1 you went to Chris' brother's place --  
2 A. We were reading about that.  
3 Q. -- and Chris' mother's place?  
4 A. Yes.  
5 Q. You went to anyplace that Chris' relatives might  
6 even know about?  
7 A. I remember talking about that, yes. We drove a  
8 lot of places, yes.  
9 Q. Some of the places you drove around, they were  
10 all connected to Chris?  
11 A. Correct.  
12 Q. And when you got to Fox Cave, you got out of the  
13 car and you and David were actually looking for it?  
14 A. Yes.  
15 Q. Correct?  
16 And you had a hard time finding it at first?  
17 A. Correct.  
18 Q. In fact, I think both of you were stumbling  
19 around for a while before you're the one that actually  
20 found it?  
21 A. Right. Afraid we might fall in a deep hole.  
22 Q. Right. And I believe you are the one that found  
23 it first?  
24 A. Yes.  
25 Q. When you were riding around with David on

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1 November 7<sup>th</sup>, you specifically said to David that -- and  
2 this is in reference to alcoholic and blackouts. I don't  
3 know if you can actually see something and then blackout  
4 and not know you saw it. But if you can -- how do I put  
5 this? If you can subconsciously know it but not know it.  
6 you know what I mean, it's just subconscious. Do you  
7 remember you specifically said that to David?  
8 A. After reading it, I remembered reading that,  
9 yes.  
10 Q. Okay. You suggested to him that alcohol amnesia  
11 may be a defense?  
12 A. Correct.  
13 Q. Do you know if that's true or not?  
14 A. No, I don't.  
15 Q. Okay.  
16 A. I also put in there I'm not an attorney right in  
17 front of that, my little disclaimer.  
18 Q. Okay. But you did suggest that you think it  
19 might be a defense, at least you think that?  
20 A. Right.  
21 Q. During the ride-along on November 7<sup>th</sup>, you also  
22 went to a place called Muncie Chapel Bridge?  
23 A. Correct.  
24 THE COURT: Was that Muncie?  
25 MS. TURLINGTON: Muncie, M-U-N-C-I-E, Chapel

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1 Bridge.  
2 THE COURT: Thank you.  
3 BY MS. TURLINGTON:  
4 Q. That was another place you went because Chris  
5 Collings might know about that place?  
6 A. Correct.  
7 Q. Were you aware that that's where Chris Collings  
8 actually took Clint Clark to confess?  
9 A. No, I'm not.  
10 Q. Now, on the November 7<sup>th</sup> ride-along, you also  
11 had conversations with David about the Bible?  
12 A. Correct.  
13 Q. And I'm not going to go through the whole  
14 conversation, but at least one of those conversations was  
15 at least about ten minutes long?  
16 A. Okay.  
17 Q. So it wasn't just in passing. These were  
18 conversations that lasted a little bit.  
19 A. Okay.  
20 Q. You told David is one of these conversations  
21 that even people who are alcoholics or bums or who commit  
22 crime would go to heaven.  
23 A. Could go to heaven.  
24 Q. They could if they make it right with the man  
25 upstairs?

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1 A. Correct.  
2 Q. And that's something that you actually believe?  
3 A. Oh, absolutely.  
4 Q. But you were also trying to tell that to David  
5 so that if he had information that he wouldn't feel bad  
6 about telling it to you?  
7 A. Probably not, those statements right there, but  
8 other statements, yes.  
9 Q. Because this whole ride-along you were really  
10 trying to get him to give you information?  
11 A. Correct.  
12 Q. Either by getting him to recall a memory or tell  
13 you something that he knew?  
14 A. Correct.  
15 Q. And if David wanted to talk about religion, you  
16 would have been happy to do that if that was a way to get  
17 him to talk to you?  
18 A. Very much so.  
19 Q. And on November 8<sup>th</sup>, it was pretty much the  
20 same thing. The whole time you were talking to David  
21 about trying to remember; is that true?  
22 A. Yes, I'm sure.  
23 Q. And using this tactic of trying to suggest to  
24 him that he had blacked out and he was repressing things?  
25 A. I don't know if we had many conversations about

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1 blackouts, just that you need to try to -- if it's  
2 blocked, you need to try to remember. Blackouts, I don't  
3 remember talking about it very often, no. It could be.  
4 Whatever the record shows.  
5 Q. But repressed memories or blocking memories, you  
6 definitely talked about that?  
7 A. I think that's what we talked about, if you are  
8 blocking it, you need to remember.  
9 Q. You talked about that in phone conversations  
10 with David as well; is that correct?  
11 A. Whatever the record would show, yes.  
12 MS. TURLINGTON: Okay. And if I could just have  
13 a minute, because my numbering system is -- and the chart  
14 that I was given or the list I was given has different  
15 numbers than these transcripts. Could I just have a  
16 second to look at these phone transcripts and figure out  
17 what number is what before I start asking him questions?  
18 THE COURT: As a matter of fact, it's been about  
19 an hour and a half. Let's take a recess for a couple of  
20 minutes to do that.  
21 MS. TURLINGTON: That would be good.  
22 THE COURT: I'll refill a coffee cup. We'll be  
23 in recess.  
24 (OFF THE RECORD.)  
25 THE COURT: Ms. Turlington, are you ready to

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1 proceed at this point?  
2 MS. TURLINGTON: Yes, I think we've figured out  
3 all of the numbering issues and gotten everything  
4 straightened out.  
5 THE COURT: Good. You may proceed.  
6 MS. TURLINGTON: Thank you.  
7 BY MS. TURLINGTON:  
8 Q. Mr. Bridges, I want to ask you a couple of  
9 questions about specific things that were said in  
10 telephone conversations between you and David Spears. All  
11 right?  
12 A. Okay.  
13 Q. And I'm going to ask you to first take a look  
14 at -- it's marked State's Exhibit 9A.  
15 A. You say 9?  
16 Q. 9A.  
17 A. Okay. Got it.  
18 Q. Got it there.  
19 And if you'd just turn to the page, just Page 3  
20 at the very beginning just to we know what we're talking  
21 about here.  
22 A. Okay.  
23 Q. This appears to kind of start out in mid  
24 conversation; is that correct?  
25 A. Yes, it does.

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1 Q. Okay. And it appears that David Spears is  
2 telling you about being interrogated for 12 hours?  
3 A. In what page and line was that?  
4 Q. This is on Page 3.  
5 A. Yeah, but the — of the four corners, is that  
6 six?  
7 Q. Let me — is it okay if I approach, Judge?  
8 THE COURT: You may approach.  
9 BY MS. TURLINGTON:  
10 Q. Let me show you —  
11 A. Six is —  
12 Q. Let me show you how this works. These are darn  
13 confusing for everyone. The pages go like this. Page 2,  
14 3, 4, 5.  
15 A. Right.  
16 Q. But this has an addition. I don't know why they  
17 have this, but they also — don't look at these page  
18 numbers at the bottom. Read these page numbers  
19 (indicating).  
20 A. I'm following you. You don't pay any attention  
21 to the bottom.  
22 Q. Don't pay any attention to the bottom.  
23 A. Okay. Got you.  
24 Q. All right. So looking at Page 3 of the  
25 transcript —

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1 A. Okay.  
2 Q. — it appears this is a telephone conversation  
3 that starts just in the middle of the conversation?  
4 A. Right.  
5 Q. So this is one where you had to turn on the  
6 recorder right after David called?  
7 A. Correct.  
8 Q. Okay. And it starts out with him telling you  
9 about being interrogated for 12 hours. And I'm looking  
10 at, like, Lines 10, 11, 12.  
11 A. How long — do you want me to read it?  
12 Q. No. But that's appears to be what he's talking  
13 about, like he's telling you that he was down at the  
14 police station for 12 hours?  
15 A. Yes. 10 a.m. to 10 p.m.  
16 Q. Yeah. Okay.  
17 Now, I'm going to ask you to turn to Page 13.  
18 A. Okay.  
19 Q. And just read to yourself Page 13.  
20 A. Starting at Line 37.  
21 Q. You can start — yeah.  
22 A. Okay.  
23 Q. Now, this is where you specifically told David  
24 Spears about a story where someone had repressed a crime  
25 and was later able to talk about it?

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1 A. Correct.  
2 Q. And then turning to the next page, David tells  
3 you that really after he left the house, he just can't  
4 remember anymore. He says, and I'm quoting, that's where  
5 my memory goes straight downhill?  
6 A. I see that. Correct.  
7 Q. And now I'm going to direct your attention to  
8 Page 16.  
9 A. Okay.  
10 Q. And you start talking to David about [REDACTED]  
11 needing a proper burial here, and you tell him that —  
12 that she needs to go someplace that's warm or something so  
13 that, you know, to give her a proper burial because she  
14 might, you know —  
15 A. Little girl laying out in the cold. right.  
16 Q. Right. And that was something that you said to  
17 David. Correct?  
18 A. Correct.  
19 Q. And that was something to play on David's  
20 sympathy?  
21 A. Correct.  
22 Q. To try to get him to tell you if he — anything  
23 that he might have known?  
24 A. Correct.  
25 Q. But at this time he still says, I don't remember

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1 anything?  
2 A. Correct.  
3 Q. And I'm going to direct your attention to  
4 Page 24.  
5 A. Okay.  
6 Q. And on Page 4 looking at Line 20, David Spears  
7 specifically told you that when he was speaking with  
8 Sheriff Copeland at the Newton County Sheriff's  
9 Department, he asked for a lawyer, and he said that  
10 Sheriff Copeland was telling him, I'm going to prove you  
11 are guilty; I am going to see to it that they put a needle  
12 in your arm; that's what I'm going to do?  
13 A. Correct.  
14 MR. COX: Your Honor, just for clarification  
15 purposes, I would object, because that's not actually what  
16 the transcript says.  
17 THE COURT: Well, if it doesn't properly quote  
18 the transcript, then I think it's well taken. The  
19 transcript's been admitted. It's — it's in evidence, but  
20 it needs to be accurate on the record.  
21 MR. COX: Specifically —  
22 MS. TURLINGTON: I think I read it straight from  
23 the transcript.  
24 THE WITNESS: To be accurate, you have to add  
25 the statement before that.

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1 MR. COX: I'm talking about Page 24, Lines 24  
2 and 25.  
3 MS. TURLINGTON: Oh, I think that's what — it  
4 says your.  
5 MR. COX: Yes.  
6 MS. TURLINGTON: Okay. I think I read that  
7 wrong.  
8 THE COURT: I don't have that — it's been  
9 admitted, but I don't have it in front of me.  
10 BY MS. TURLINGTON:  
11 Q. Okay. I believe I read one word wrong, and I  
12 believe it actually says — and this is David Spears  
13 telling you about when he asked for a lawyer in talking  
14 with Sheriff Copeland. And David Spears said to you, and  
15 I explained why I asked for a lawyer, because, you know,  
16 when a man tells you, I know you are guilty, I'm going to  
17 prove you are guilty and I'm going to see to it they put a  
18 needle in your arm, that's what you are going to do.  
19 That's what David said?  
20 A. Correct.  
21 Q. Okay.  
22 THE COURT: And you all stipulate that is  
23 verbatim from Exhibit 5?  
24 MS. TURLINGTON: And it is my fault. I believe  
25 I read the word "I" instead of "you."

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1 BY MS. TURLINGTON:  
2 Q. All right. Now, I'm going to ask you to take a  
3 look now at what has been marked State's Exhibit 11B. And  
4 this, again, appears to be a phone conversation between  
5 you and David Spears that begins in the middle of a  
6 conversation.  
7 A. Correct.  
8 Q. Is that correct?  
9 And it appears to be, um — this is from after  
10 [REDACTED] body was found, so this would have been  
11 November 9<sup>th</sup>.  
12 A. Okay.  
13 Q. Does that appear to be correct?  
14 A. Yes.  
15 Q. All right. And I'm going to ask you to turn to  
16 Page 9, and you said to David Spears in this conversation  
17 that — and I'm just going to quote from the transcript —  
18 A. What line would that be, ma'am?  
19 Q. I'm starting at Line 6.  
20 A. Okay.  
21 Q. Most people think that, oh, man, this stuff  
22 might look terrible on me and, you know, I might spend  
23 20 years or I might spend 100 years in — in prison, but  
24 that is not what's important. That's — that's nothing.  
25 What's important is getting things straightened out with

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1 the man upstairs and making sure that from this moment on  
2 that what — you've got things right for eternity. That's  
3 the important thing.  
4 The other stuff, hey, if something happens and  
5 it's not something that — that you did wrong, then, hey,  
6 yeah, they'll punish you for it, but in the long-run, you  
7 are going — you are going to be a happy man. I can  
8 guarantee it.  
9 And you told that to David Spears on  
10 November 9<sup>th</sup>?  
11 A. Correct.  
12 Q. And this was the last phone conversation you had  
13 with him before he was taken to the sheriff's department  
14 by F.B.I. Agent Hewitt and local Officer Trevor Williams?  
15 A. Correct.  
16 Q. Because actually at the end of this transcript  
17 it shows you talking with, um, I believe Sheriff Copeland  
18 and then David telling him they are going to come pick you  
19 up; is that correct?  
20 A. Correct.  
21 Q. Okay. And I believe you stated this earlier.  
22 Um, in this conversation, David is telling you that he  
23 doesn't like being yelled at?  
24 A. Correct.  
25 Q. And you told the Newton County Sheriff's

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1 Department that the way to approach David was not to yell  
2 at him but to be nice with him and be respectful?  
3 A. Very true.  
4 Q. And then I'm also going to draw your attention  
5 to one more transcript, and that is 11A. And did you find  
6 that?  
7 A. Yes, I did.  
8 Q. And I'm going to ask you to open that up at look  
9 at Page 5.  
10 A. Okay.  
11 Q. And this, again, is a transcript of a telephone  
12 conversation that you had with David Spears. And looking  
13 at Line 17 on Page 5 — actually, I'm going to go back  
14 further to Line 12 on Page 5. You specifically said to  
15 David Spears, and you know you have an absolute — I don't  
16 know if I'm going to say absolute, but I would have to  
17 think that you have a —  
18 MR. COX: Judge, and I'm sorry, but she's  
19 reading the transcript, and she added a word in there.  
20 And I'm not trying to be a jerk about it, but, um, I  
21 believe it says, but I would think not, I would have to  
22 think. And I — I'm sorry about that. I'm really not  
23 trying to —  
24 MS. TURLINGTON: Sorry.  
25 THE COURT: You may re-read it.

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1 MR. COX: But since this is on the record.  
2 MS. TURLINGTON: And I'm not trying to -  
3 MR. COX: I know she's not. I know she's not.  
4 THE COURT: You may re-read it.

5 BY MS. TURLINGTON:

6 Q. All right. And I'm starting at Line 12. And  
7 you know you have an absolute - I don't know if I'm going  
8 to say absolute, but I would think that you have a - a  
9 defense because you can't remember.

10 And then it says, David Spears indiscernible.

11 And then you continue, Line 17. You can't remember  
12 your - you had an amnesia period, which would be  
13 temporary mental - temporary mental insanity. I don't  
14 know. It's not insanity. What malfunction - what  
15 malfunction, what would you call it? Temporary mental  
16 incapacitation. Temporary mental incapacitation.

17 And that's something that you told David Spears  
18 before he was interrogated on November 9<sup>th</sup>?

19 A. Correct.

20 Q. And then moving on to November 9<sup>th</sup>, you were  
21 present in the interrogation room with Mr. Spears in the  
22 Newton County Sheriff's Department?

23 A. Yes, I was.

24 Q. And at that particular time on November 9<sup>th</sup>,  
25 you were not a member of the Newton County Sheriff's

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1 Department?

2 A. No, I wasn't.

3 Q. You were not working for law enforcement  
4 specifically at that time?

5 A. Well, it depends on how you classify the coroner  
6 in the State of Missouri.

7 Q. But you weren't employed by the sheriff's  
8 department?

9 A. No. I was elected coroner, yeah.

10 Q. And your primary duties were not investigating  
11 crimes in Newton County?

12 A. Investigate, certify cause of death is my  
13 statutory duty.

14 Q. Okay. But things like collecting evidence,  
15 interrogating witnesses, that would not be your normal  
16 duties as coroner?

17 A. No, correct. On occasion I did, but not  
18 usually.

19 Q. And when you were here on this particular day,  
20 you were here both as a confidential informant for law  
21 enforcement. Correct?

22 A. Correct.

23 Q. And as a friend to David Spears?

24 A. Correct.

25 Q. And as of November of 2007, although you were

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1 coroner, you were not a qualified law enforcement officer  
2 at that time?

3 A. My post-certification I had to give up when I  
4 was elected coroner.

5 Q. Okay. Now, the only people in the room during  
6 this interrogation on November 9<sup>th</sup> were you, David  
7 Spears and Chris Jennings?

8 A. Correct.

9 Q. Okay. And this interrogation was not recorded  
10 in its entirety?

11 A. That's what I come to find out from you, yes.

12 Q. Okay. And you didn't know that at the time?

13 A. Correct.

14 Q. That was not your decision?

15 A. No, it was not.

16 Q. Okay. In fact, you actually believed that every  
17 single thing in the room was being recorded; is that true?

18 A. Yeah. I figured the room, you know, has closed  
19 circuit TV. It has all of that, so I didn't - you know,  
20 I didn't even think about it.

21 Q. And you didn't even learn until much later that  
22 that wasn't the case?

23 A. That's correct.

24 Q. Okay. Now, when you first brought David into  
25 the room and you began talking to him with Officer

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1 Jennings -

2 A. Yes.

3 Q. - David was saying that he could not remember  
4 what happened the night [REDACTED] disappeared?

5 A. Correct.

6 Q. And he kept saying that at a certain point in  
7 time he had been dropped off by Nathan Mahurin. Correct?

8 A. I know Nathan was in the mix there. I don't  
9 know Nathan Mahurin, but I remember him - you know, I  
10 don't know if he said those things in the interrogation  
11 room, but I know them. I just don't know if I know them  
12 from conversations or from the interrogation room.

13 Q. Okay. But at the beginning of this  
14 interrogation, David Spears was saying at a certain point  
15 in time he had been partying with Nathan Mahurin and Chris  
16 Collings. Correct?

17 A. At some point, yes, I learned that.

18 Q. And then at some point in time he went back home  
19 and went out back-roading?

20 A. Correct.

21 Q. And David was saying that he didn't remember a  
22 lot of what happened during the night after the point  
23 where he went home and went out back-roading?

24 A. And I don't remember that being in the  
25 interrogation room. I remember learning that earlier.

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1 Q. Okay. But in the interrogation room, he was  
2 definitely saying, I don't remember what happened?  
3 A. That's correct.  
4 Q. I do not remember what happened to [REDACTED]?  
5 A. That's correct.  
6 Q. Okay. You were not accepting him saying I don't  
7 remember, though?  
8 A. That's correct.  
9 Q. You were still urging him to recall repressed  
10 memories or somehow remember?  
11 A. Right.  
12 Q. And I think that was kind of something that you  
13 kept doing over and over with him is just remember,  
14 remember?  
15 A. That's correct.  
16 Q. Okay. And I think you said earlier you may have  
17 said something like, Lord, give him the strength to  
18 remember?  
19 A. Yeah. And I don't even know if he would have  
20 heard that. That might have been something I whispered.  
21 I don't know that I did it. Where that came from, I don't  
22 know.  
23 Q. Okay. But you may have done something like  
24 that?  
25 A. Very possible, yeah.

81

1 Q. Do you think you possibly could have, like, been  
2 standing by David and put your hands on his shoulders and  
3 said, Lord, let him have the strength to remember?  
4 A. Anything's possible. I don't remember that,  
5 though. It's possible, yes.  
6 Q. If that had happened, you would not consider  
7 that praying?  
8 A. No.  
9 Q. Okay. Now, at the time that you were in the  
10 interrogation room on November 9<sup>th</sup>, David Spears still  
11 did not know that you had been wearing a wire during any  
12 of your ride-alongs or your phone conversations?  
13 A. Correct.  
14 Q. And during this interrogation, Chris Jennings  
15 could have given David Spears factual information about  
16 the case and you wouldn't have known that?  
17 A. Now say that one more time. I'm sorry.  
18 Q. During this interrogation, it is possible that  
19 Chris Jennings could have given David specific information  
20 about this case. You wouldn't have known that?  
21 A. I was in there. I don't know what you are  
22 talk- I don't understand.  
23 Q. All right. You weren't present when Chris  
24 Collings made a statement, so you didn't know what Chris  
25 Collings said?

82

1 A. Correct.  
2 Q. And at the time you didn't know the specifics of  
3 what Chris Collings statement's were?  
4 A. Correct.  
5 Q. So if Chris Jennings was saying things that  
6 contained information about what Chris Collings had said  
7 already, you wouldn't have even known that?  
8 A. Correct. Yes. Right.  
9 Q. You didn't know what Chris Collings said?  
10 A. That's correct.  
11 Q. Okay. At some point in time during this  
12 interrogation, David talked about there being a pillow  
13 involved?  
14 A. Correct.  
15 Q. Potentially being used to smother [REDACTED]?  
16 A. Correct.  
17 Q. At some point Chris Jennings showed David photos  
18 of [REDACTED]?  
19 A. I remember photos, yes.  
20 Q. And I believe there was one of [REDACTED], like her  
21 school picture, and one where [REDACTED] was in the bottom of  
22 Fox Cave dead?  
23 A. See, that would be a good thing to talk to Chris  
24 about. I don't remember that, but it's very possible. I  
25 remember her school picture, yes.

83

1 Q. Okay. And you do remember there being photos,  
2 but you don't remember specifically what the photos were?  
3 A. Correct. I do remember her school picture.  
4 Q. And showing photos of the deceased would be a  
5 tactic that could be used to play on the sympathy of a  
6 suspect?  
7 A. Correct, or to break them down.  
8 Q. Okay. Now, after David made a statement to you  
9 on November 9<sup>th</sup>, his mother, Myrona Spears came down to  
10 the sheriff's department. I believe you gave her either  
11 \$0 or \$100 at some point; is that correct?  
12 A. Correct.  
13 Q. And during this interrogation on November 9<sup>th</sup>,  
14 you played a relatively active role; you didn't just sit  
15 there?  
16 A. My — my focus on was getting him to remember.  
17 Chris' focus was the interrogation.  
18 Q. Okay. But you didn't just sit there not saying  
19 anything?  
20 A. No. I talked to him quite a bit.  
21 Q. Okay. And I think — and this is just quoting  
22 from your deposition that if the interrogation took two  
23 hours, you did about 45 minutes of it. Does that sound  
24 correct?  
25 A. When I say that, a lot of that time, you know, I

84

1 could have said -- let's say, for instance, I could have  
 2 said it 15 times or 20 times, and a lot of his time was  
 3 spent trying to remember. So that's when I say that. I  
 4 might not have said, you know, more than ten or fifteen  
 5 times. I don't remember, but it is -- there's a lot of  
 6 time him trying to remember.

7 Q. All right. And I'm going to show you -- Judge,  
 8 may I approach the witness?

9 THE COURT: Yes, you may.

10 BY MS. TURLINGTON:

11 Q. You gave a deposition in this case on August 5<sup>th</sup>  
 12 of 2009?

13 A. Correct.

14 Q. And I was present and Ms. Dryden was present?

15 A. Correct.

16 Q. And there was a court reporter there, and you  
 17 took an oath to tell the truth?

18 A. Correct.

19 Q. And at that time -- and I am going to direct you  
 20 to Page 152 of your deposition.

21 THE COURT: I'm sorry. What date was that  
 22 deposition? Would you repeat that, please?

23 MS. TURLINGTON: This was from August 5<sup>th</sup> of  
 24 2009.

25 THE COURT: Thank you.

85

1 And for the purpose of this witness, you may  
 2 approach without asking permission.

3 MS. TURLINGTON: Okay. Thank you.

4 BY MS. TURLINGTON:

5 Q. And I'm just going to hand you your deposition  
 6 and just -- and look at Line 10.

7 A. On page?

8 Q. 152.

9 A. 152, Line 10?

10 Q. It's the top, right-hand corner square.

11 A. Right. Got it.

12 Q. All right. And your answer -- in general we're  
 13 talking about how much time you spent in the  
 14 interrogation. Your answer was, let's say if it was two  
 15 hours, and this is a guess and I'm not even remembering,  
 16 I'm going to guess maybe 45 minutes to his hour and  
 17 15 minutes?

18 A. Correct.

19 Q. Okay. And that was you at that time in your  
 20 deposition under oath saying how much time you believe you  
 21 proportionately spent interrogating David Spears?

22 A. I think we're saying the same things.

23 Q. Okay.

24 A. Forty-five minutes of mine would include David  
 25 trying to remember. So I still stand by what I say.

86

1 Q. Okay. But at the time in your deposition, you  
 2 didn't explain it that way?

3 A. Well, I mean, I couldn't have talked -- it just  
 4 stands to reason.

5 Q. Do you feel like at a deposition anyone  
 6 prevented you from providing that additional information?

7 A. Not at all. Not at all.

8 Q. But today you have this additional information  
 9 to qualify your answer?

10 A. Correct. I know a lot more today than I knew  
 11 then, as a matter of fact.

12 Q. You know a lot more today --

13 A. Yes.

14 Q. -- about what happened --

15 A. From reading my information.

16 Q. And still looking at Page 152, I asked you at  
 17 Line 17, yes, best guess. Your answer was -- and then my  
 18 question was, but it was more than maybe ten minutes of  
 19 talking and your answer was, yes, I imagine, yes?

20 A. And where was that at?

21 Q. That's Page 152, and that's at Lines 16, 17, 18  
 22 and 20.

23 A. Right. I did a lot of guessing that day. Yes.

24 Q. Okay. And when Mr. Spears started giving  
 25 information on November 9<sup>th</sup> in the interrogation room,

87

1 you were actually shocked that he was involved; is that  
 2 correct?

3 A. Very much so.

4 Q. And one other thing. Mr. Bridges, I believe the  
 5 first time when we were doing your deposition you told us  
 6 about these phone recordings that you had done with the  
 7 F.B.I. Do you recall that?

8 A. Correct.

9 Q. And I believe at the time that was the first  
 10 time that we were able to confirm that that had actually  
 11 taken place?

12 A. That's my understanding, yes.

13 Q. Okay. And we did not have these transcripts or  
 14 the phone recordings at that time?

15 A. That's correct.

16 Q. Okay. And that was something we actually  
 17 learned from you, um --

18 A. Yeah.

19 Q. -- in August of 2009?

20 A. That's why my memory is much better, because  
 21 I've been able to read, you know, what I did that day and  
 22 obviously then I didn't have that information.

23 Q. Because we didn't have the recordings or the  
 24 transcripts to provide to you before the deposition?

25 A. Correct.

88

1 Q. Because we didn't have them?

2 A. I didn't even know I was coming in until that

3 day, so I just got hit cold with it.

4 Q. And before you went into the interrogation with

5 David on November 9<sup>th</sup>, um, do you know — did you know how

6 [REDACTED]'s body got into Fox Cave?

7 A. No. I still don't know that.

8 Q. You didn't hear from the coroner from Barry

9 County or anyone else?

10 A. No, I did not. No.

11 Q. I don't have any other questions. Thank you.

12 THE COURT: Redirect?

13 MR. COX: If I could have just a moment, Judge.

14 THE COURT: You may.

15 REDIRECT EXAMINATION

16 BY MR. COX:

17 Q. Mr. Bridges, um, when Ms. Turlington asked you

18 about this timing of your portion of the interview with

19 David Spears versus Chris Jennings' portion, you know what

20 I'm talking about?

21 A. Yes.

22 Q. We're not talking about you-all taking shifts?

23 A. Oh, no way.

24 Q. Where you stayed in the room with Chris — with

25 David Spears for while and Jennings stepped out?

89

1 A. Correct.

2 Q. That's not what happened?

3 A. No.

4 Q. Or vice versa where you stepped out and he came

5 in?

6 A. Right. No. We were in there together.

7 Q. Okay.

8 A. I still can't tell you 45 minutes is right or

9 less. I couldn't tell you, no.

10 Q. Well —

11 A. I was guessing. I'm still guessing.

12 Q. When you say 45 minutes, are you trying to say

13 that 45 minutes was dedicated solely to you asking

14 questions? Is that what you are saying?

15 A. No. I was just trying to get him to remember.

16 Q. Okay.

17 A. And he was trying to remember. That's my

18 reference.

19 Q. Okay. So when your — when Chris Jennings is

20 asking David Spears questions on November 9<sup>th</sup>, you're

21 also interspersing comments as well?

22 A. Correct.

23 Q. Okay. So this 45 minutes, um, that was a guess

24 on your part?

25 A. Still is.

90

1 Q. Back at the deposition?

2 A. Yeah.

3 Q. It's a guess here today; is that right?

4 A. Correct.

5 Q. And even when you said, let's say if it was two

6 hours, that was also just a guess?

7 A. It might not have been two hours. Correct.

8 Q. Okay.

9 A. It went so fast, it could have been — it could

10 have been an hour. It could have been three hours. I

11 just — I couldn't say.

12 Q. Okay. And your part of the interview was

13 encouraging David to remember?

14 A. That's correct.

15 Q. Is that a fair statement?

16 A. That's a fair statement.

17 Q. Were you demanding that he remember?

18 A. No.

19 Q. And when David Spears would remember something

20 that had happened that evening, did you encourage him if

21 he could remember more information?

22 A. Yes.

23 Q. Or information that happened before that, what

24 he remembered?

25 A. Correct.

91

1 Q. Or after?

2 A. I'm sure I encouraged him, yes —

3 Q. Okay.

4 A. — to remember more.

5 Q. Do you specifically recall Chris Jennings

6 feeding facts or information to David Spears?

7 A. I don't remember that at all. I'm not saying it

8 didn't happen. I just don't remember that, because I

9 still — since I don't remember this day about Chris'

10 statement.

11 Q. Do you know what a mean by feeding information

12 to him?

13 A. Yes, I do.

14 Q. Giving him facts and asking, is that what

15 happened? Did you —

16 A. No, I don't remember that.

17 Q. Did Chris Jennings do that?

18 A. No, I do not remember that. Now, I'm not saying

19 he didn't say, Chris is over there confessing. I don't

20 even remember that, but he could have well have.

21 Q. Okay. But you don't recall —

22 A. I know he knew that. I knew that we had been

23 told that he had confessed, but I didn't know what he had

24 confessed to, and he never told David that he said that

25 David did anything, no.

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1 Q. Well -- and my question is, though, do you  
2 recall Chris Jennings providing information to David  
3 Spears that he may have gotten from Christopher Collings?  
4 A. I do not remember that, no.  
5 Q. Okay. And I think we kind of -- you kind of  
6 clarified that on cross, but before your deposition, you  
7 hadn't been provided transcripts of any of your  
8 conversations?  
9 A. No, I had not.  
10 Q. Or even had an opportunity to listen to them?  
11 A. No, I had not.  
12 Q. And that's -- is that what you meant by you know  
13 more today than you did then?  
14 A. Absolutely.  
15 Q. Okay.  
16 MR. COX: Nothing further.  
17 THE COURT: Recross?  
18 MS. TURLINGTON: Just briefly.  
19 THE COURT: You may.  
20 **RECROSS-EXAMINATION**  
21 **BY MS. TURLINGTON:**  
22 Q. Did you talk about this case with Chris Jennings  
23 between your deposition and today?  
24 A. No, I have not.  
25 Q. Have talked with Sheriff Copeland about this

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1 case between --  
2 A. No, I have not.  
3 Q. -- the deposition and today?  
4 A. One short conversation when I delivered these to  
5 him, and I made a comment about him, um, talking to people  
6 about sticking needles in their arm and kind of razed him  
7 a little bit when I gave it to him, but that's the only --  
8 we didn't have any conversation about the case.  
9 Q. So you delivered the transcripts of your  
10 conversation -- your phone conversations?  
11 A. Of his, yes.  
12 Q. To Sheriff Copeland?  
13 A. Yes. I picked them up.  
14 Q. You picked them up --  
15 A. Yes.  
16 Q. -- from Copeland?  
17 A. Yes.  
18 MR. COX: Okay, Judge -- I'll wait. Sorry.  
19 THE COURT: Do you have any further questions.  
20 Ms. Turlington?  
21 MS. TURLINGTON: Nothing further.  
22 THE COURT: Redirect?  
23 **FURTHER REDIRECT EXAMINATION**  
24 **BY MR. COX:**  
25 Q. Now, you picked up the transcripts of the

94

1 depositions from my office. Correct?  
2 A. Correct.  
3 Q. And you delivered Sheriff Copeland's transcript  
4 to him?  
5 A. I delivered all of them to him, all of the  
6 transcripts, the three transcripts. I just -- I just  
7 transported them, yes.  
8 Q. Okay. His transcript, Sheriff Copeland's  
9 transcript?  
10 A. Sheriff Copeland, Chris Jennings and Oren  
11 Barnes.  
12 Q. Okay. Did you provide the transcripts of your  
13 phone calls to Sheriff Copeland?  
14 A. Oh, no. No.  
15 Q. Those were provided to you?  
16 A. Yes. Correct.  
17 Q. By my office?  
18 A. Correct.  
19 Q. Okay. And what you just testified about getting  
20 something from Sheriff Copeland, did you mean that you got  
21 the transcripts from Sheriff Copeland?  
22 A. If I did, I misunderstood. I took them to him.  
23 MR. COX: Okay. Nothing further.  
24 MS. TURLINGTON: No more questions.  
25 THE COURT: You may step down.

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1 **THE WITNESS:** Thank you.  
2 **THE COURT:** Does either of you intend to recall  
3 him?  
4 **MS. TURLINGTON:** No.  
5 **THE COURT:** Does the State intend to recall him?  
6 **MR. COX:** No.  
7 **THE COURT:** Then you are free to leave.  
8 **THE WITNESS:** Thank you.  
9 **(THE TESTIMONY OF SHERIFF KENNETH COPELAND**  
10 **CONCLUDED.)**  
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**REPORTER'S CERTIFICATE**

I, Dana Braby, Certified Court Reporter, certify that I am the official court reporter for Division 1 of the 25th Judicial Circuit of Missouri, Waynesville, Missouri; that I was present and reported all of the proceedings in STATE OF MISSOURI, Plaintiff, vs. DAVID WESLEY SPEARS, Defendant, Case No. 08PU-CR00681-01. I further certify that the foregoing pages contain a true and accurate transcription of the proceedings.

**DANA BRABY, C.C.R. #834**

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**WHEATON POLICE DEPARTMENT  
YOUR RIGHTS**

- Q. Do you understand that you have the right to remain silent?
- A. yes
- Q. Do you understand that anything you say can and will be used against you in a court of law for the offense or offenses that you are being questioned about?
- A. yes
- Q. Do you understand that you have the right to a lawyer of your own choice to be present while you are being questioned?
- A. yes
- Q. Do you understand that if you are unable to hire a lawyer you can request and receive appointment of a lawyer to be present while you are being questioned?
- A. yes
- Q. Do you understand that you have the right to refuse to answer any or all questions?
- A. yes
- Q. Do you understand that you have the right to stop answering questions at any time?
- A. yes
- Q. Do you wish at this time to answer questions without a lawyer present?
- A. yes

Clinton Clark  
(Witness)

L. Chris Collings  
(Defendant)

4-11-07 3:00pm  
(Date/Time)

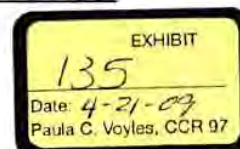
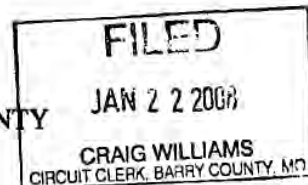


EXHIBIT  
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IN THE CIRCUIT COURT OF BARRY COUNTY  
STATE OF MISSOURI

STATE OF MISSOURI,	)	Cause No. 07BR-CR01348
Plaintiff	)	
	)	Division No.
v.	)	
	)	
CHRISTOPHER L COLLINGS,	)	
Defendant	)	
	)	

REQUEST FOR DISCOVERY

Comes now the defendant, pursuant to Rules 25.03 and 25.04 Mo. R. Crim. p. and §565.032 (1986), and requests the following within ten (10) days and/or throughout the duration of this cause :

1. The names and last known addresses of persons whom the State intends to call as witnesses at any hearing or at trial , together with their written or recorded statements, and existing memoranda reporting or summarizing part or all of their oral statements .
2. Should the defendant notify the State of its intent to rely upon the defense of mental disease or defect pursuant to § 552.030 RSMo (1994) or alibi, the defendant specifically requests the names and addressed of all witnesses the State intends to call as rebuttal witnesses , together with any written memoranda of their statements . Wardius v. Oregon, 412 U.S. 470, 93 S.Ct. 2208, 37 L.Ed.2d 82 (1973); State v. Curtis, 544 S.W.2d 580 (Mo. banc 1976).
3. Any written or recorded statements and the substance of any oral statements made by the defendant or by a codefendant , a list of all witnesses to the making, and a list of all witnesses to the acknowledgment , of such statements, and last known addresses of such witnesses .
4. Those portions of any existing transcript of grand jury proceedings which relate to the offense with which defendant is charged , containing testimony of the defendant or testimony of persons whom the State intends to call as witnesses at a hearing or trial.
5. Any existing transcript of the preliminary hearing and of any prior trial held in the defendant's case if the State has such in its possession or if such is available to the State .

EXHIBIT  
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6. Any reports or statement of experts, mad in connection with the particular case, including results of physical or mental examinations and of scientific tests, experiments or comparisons.

7. Any books, papers, documents, photographs or objects which the State intends to introduce into evidence at the hearing or trial , or which were obtained from or belong to the defendant .

8. Any record or prior criminal convictions or persons the State intends to call as witnesses at a hearing or the trial .

9. A written statement by counsel for the State setting forth facts relating to the time, place and persons making any photographic or electronic surveillance relating to the offense with which the defendant is charged , made either of the defendant or of conversations to which the defendant was a party or of his premises .

10. Any material or information within the possession or control of the State which tends to negate the guilt of the defendant as to the offense charged , mitigate the degree of the offense charged , or reduce punishment.

11. All items set out in the foregoing paragraphs which are known to the State to be in possession of control of other government personnel .

12. The statements of all persons who have been interviewed by an agent of the State in connection with the subject matter of this cause and whom the State does not presently intend to call at trial .

13. The memoranda of summaries of any oral statement made to any agent of the State by any person in connection with the subject matter of this cause whether or not:

- a. the statement, if in writing, has been signed or approved by the witness, and
- b.the statement relates to the proposed subject matter of the direct testimony of the witness at trial .

14. The statements of persons or memoranda or recordings of any oral statement pertinent to the subject matter of this case whether of not made to an agent of the State .

15. Any memoranda, documents or statements used by the State during the investigation of this case .

16. The names and addresses of all persons who may have some knowledge of the facts of the present case .

17. All reports and memoranda prepared on behalf of the State or otherwise used in connection with the investigation of this case .

18. All reports, memoranda and any other data in the hands of the State and its agents in regard to defendant.

19. Pursuant to Missouri Revised Statutes § 565.005, notice of all statutory and non- statutory aggravating circumstances the prosecution will rely upon if the death penalty is sought, and any material or information within the possession or control of the State which the prosecution intends to use as evidence of all aggravating circumstance or as evidence in general during any penalty phase in this cause .

20. Any material or information within the possession of control of the State relating to the mitigating circumstances of RSMo § 565.032 (1994).

21. The names and addresses of persons known to the State or law enforcement agencies having information relating to the mitigating circumstances of RSMo § 565.032 (1994).

22. Statements of any person or persons which were shown , read, played or paraphrased to the defendant during any interrogation or interview conducted by an member of any law enforcement agency .

23. Current or most recent addresses and telephone numbers , know to law enforcement agencies, of all persons interviewed in the course of the investigation of the incident.

24. Copies of booking slips of the defendant prepared pursuant to his arrest in this case.

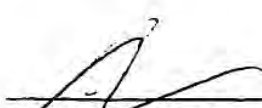
25. All press releases prepared by any law enforcement agencies relating to the defendant, this case, the incident, or the investigation .

26. Copies of all 911 tapes, and other police radio calls or dispatches reflecting the initial call for assistance to and through those reflecting the arrest of the defendant.

27. Notice of the State's intent to use DNA evidence and the name of the lab conducting any DNA testing , and the type of DNA testing which was conducted.

Respectfully submitted,



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Clate Baker, Mo Bar No. 33449  
Attorney for Defendant  
P.O. Box 685  
305 Dairy Street  
Monett, MO 65708  
Phone 417-235-8828  
Fax 417-235-5140

**Certificate of Service**

I certify that a true copy of the above and foregoing was personally served on all parties  
this 22 day of June, 2008

---

Clate Baker

## NATIONAL PERSONNEL RECORDS CENTER

1 ARCHIVES DRIVE ST LOUIS, MO 63138-1002  
www.archives.gov

March 27, 2019

CODI POTTS  
PUBLIC DEFENDER  
818 GRAND BLVD STE 300  
KANSAS CITY, MO 64106-1910

**RE:**           **Veteran's Name: CLARK, Clinton Ray**  
                  **SSN/SN:**  
                  **Request Number: 2-22656261394**

Dear Recipient:

Thank you for contacting the National Personnel Records Center. We are providing the releasable military service information based on restrictions imposed by the military services consistent with Department of Defense regulations and the provisions of the Freedom of Information Act and the Privacy Act of 1974. The releasable information requested, if present in the record, has been transcribed, photocopied, or a combination of both, in order to comply with your request.

This record contains sensitive personal information which, if disclosed, would constitute a clearly unwarranted invasion of personal privacy to the veteran, the veteran's family, or third party mentioned in the record. We have redacted and/or withheld that information in accordance with the personal privacy exemption of the Freedom of Information Act (FOIA), 5 U.S.C. § 552(b)(6).

If additional information is needed, the Privacy Act of 1974 requires the written consent (signature) of the individual to whom the record pertains. If the individual is deceased, we must have the written consent of the next of kin and proof of death. The next of kin is defined as: unremarried widow or widower, son, daughter, father, mother, brother or sister. The following are acceptable forms of proof of death:

- Death certificate
- Newspaper article (obituary) or death notice
- Coroner's report of death
- Funeral director's signed statement of death
- Verdict of coroner's jury
- If death occurred outside the United States, any document similar to one of the preceding five, or a report of death signed by a United States consul or other agent of the State Department.

<b>EXHIBIT</b> <b>17</b>
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If you consider this an adverse response under the FOIA, and are not satisfied with our action on this request, you may contact our FOIA Public Liaison Kevin Pratt for assistance at:

1 Archives Drive  
St. Louis, MO 63138  
(314) 801-0582  
[kevin.pratt@nara.gov](mailto:kevin.pratt@nara.gov)

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, MD 20740-6001

[ogis@nara.gov](mailto:ogis@nara.gov)  
[ogis.archives.gov](http://ogis.archives.gov)  
202-741-5770  
1-877-684-6448

If you have questions or comments regarding this response, you may contact us at 314-801-0800 or by mail at the address shown in the letterhead above. If you contact us, please reference the Request Number listed above. If you are a veteran, or a deceased veteran's next of kin, please consider submitting your future requests online by visiting us at <http://vetrecs.archives.gov>.

Sincerely,



ERICA COSTELLO  
Archives Technician (AFN-MC4C)



**We Value Our  
Veterans' Privacy**  
*Let us know if we have  
failed to protect it.*

Enclosure(s)

**Please complete our on-line survey.** We really want to know how we did answering your request. Go to [www.archives.gov/veterans/survey](http://www.archives.gov/veterans/survey) and enter your request number 2-22656261394. The survey should only take a few minutes and is used to help improve service to our customers.

INFORMATION RELEASABLE UNDER THE FREEDOM OF INFORMATION ACT	
<b>NAME:</b>	CLINTON RAY CLARK
<b>BRANCH OF SERVICE AND SERIAL/SERVICE NUMBER(S):</b>	UNITED STATES ARMY RA 16 960 400
<b>DATES OF SERVICE:</b>	ACTIVE DUTY: MAY 17, 1967 TO OCTOBER 23, 1969
<b>DUTY STATUS:</b>	DISCHARGED
<b>RANK/GRADE:</b>	PRIVATE/E1
<b>SALARY:</b>	N/A
<b>SOURCE OF COMMISSION:</b>	N/A
<b>PROMOTION SEQUENCE NUMBER:</b>	N/A
<b>ASSIGNMENTS AND GEOGRAPHICAL LOCATIONS:</b>	SEE ATTACHMENT
<b>MILITARY EDUCATION:</b>	N/A
<b>DECORATIONS AND AWARDS:</b>	NATIONAL DEFENSE SERVICE MEDAL, MARKSMAN BADGE M-14
<b>TRANSCRIPT OF COURT-MARTIAL TRIAL:</b>	NOT IN FILE
<b>PHOTOGRAPH:</b>	N/A
<b>PLACE OF ENTRY:</b>	KANSAS CITY, MO
<b>PLACE OF SEPARATION:</b>	FORT LEONARD WOOD, MO
<b>FOR DECEASED VETERAN ONLY</b>	
<b>PLACE OF BIRTH</b>	
<b>DATE OF DEATH</b>	
<b>LOCATION OF DEATH</b>	
<b>PLACE OF BURIAL</b>	
NOTE: N/A denotes information is not available in the veteran's records	



3

IN THE MISSOURI SUPREME COURT

<i>In re:</i>	)	
	)	
<b>CHRISTOPHER COLLINGS</b>	)	
	)	
<i>Petitioner,</i>	)	<b>No. SC100640</b>
	)	
<b>v.</b>	)	
	)	<b>THIS IS A CAPITAL CASE</b>
<b>DAVID VANDERGRIFF, Warden,</b>	)	
<b>Potosi Correctional Center,</b>	)	
	)	
<i>Respondent.</i>	)	

**MOTION FOR DISCOVERY AND**  
**SUGGESTIONS IN SUPPORT**

Petitioner Christopher Collings, by and through undersigned counsel, respectfully moves this honorable Court for an order appointing a special master and directing the Attorney General to produce all potentially impeaching information regarding former Wheaton Chief of Police Clinton Clark, who was a state witness in the prosecution of Christopher L. Collings (in Phelps County Case No. 08PH-CR01205). In support of this motion, Mr. Collings relies upon Article I, §§ 2, 10, and 18(a) of the Missouri Constitution; Amendments 5, 6, 8 and 14 to the United States Constitution; *Brady v. Maryland*, 373 U.S. 83 (1963), *Kyles v. Whitley*, 514 U.S. 419, (1995), and their progeny; Missouri Supreme Court Rules 25 and 68.03; and his rights to due process and a full and fair hearing in state post-conviction and habeas corpus proceedings, and states as follows:

Mr. Collings has a state habeas action pending before this Court. The petition raises two *Brady* claims based on newly discovered impeachment evidence regarding the



State's principal law enforcement witness, Chief Clark, that the State failed to provide to Collings prior to Clark's deposition, the suppression hearing, and trial. The State also failed to provide this information during Collings's direct appeal and post-conviction proceedings.

Although the State has never disclosed any impeachment information during Collings's trial, direct appeal, or post-conviction proceedings, the Attorney General finally disclosed Chief Clark's four prior convictions for AWOL in response to Collings's federal habeas petition. Pet. Ex. 1. Under *Brady*, the State had and has a duty to disclose these and any other impeachment information in Chief Clark's criminal history to Collings. Only the State had or has access to the records including these convictions. To the extent that the records regarding these convictions contain any impeachment information not yet disclosed, Collings requests discovery of that impeachment information.

In addition to the four AWOL convictions, Chief Clark was arrested in Rogers, Arkansas on November 5, 1968, for investigation of forgery. Only the State had or has access to the records including this arrest, and absent a disclosure from the State, Collings has no way of determining whether this arrest resulted in a conviction. Collings requests discovery of the entirety of the impeachment information contained in Chief Clark's criminal history records, including the forgery arrest and the AWOL convictions.

Collings further requests discovery of all records related to Chief Clark's law enforcement application and other relevant records regarding his licensing and employment as a law enforcement officer. The Missouri Department of Public Safety

licenses peace officers, and under its provisions, “[a] person may be eligible for licensing as a peace officer if the individual . . . has no criminal history as outlined in Section 590.080.1 and Section 590.100.1, RSMo.” Licensing Information, Missouri Department of Public Safety, <https://dps.mo.gov/dir/programs/post/licensing.php>. R.S.Mo. § 590.100.1 states, “The director shall have cause to deny any application for a peace officer license or entrance into a basic training course when the director has knowledge that would constitute cause to discipline the applicant if the applicant were licensed.” R.S.Mo. § 590.080.2(2) outlines the circumstances constituting cause for discipline and includes “any criminal offense, whether or not a criminal charge has been filed, has been convicted, or has entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, or the United States, or of any country, regardless of whether or not sentence is imposed[.]”

The Uniform Code of Military Justice, under which Clark was prosecuted, are laws of the United States codified at 10 U.S. 47. Thus, because Clark was convicted four times in a criminal prosecution under the laws of the United States, he may not have been eligible to be a police officer. Given this eligibility limitation, Clark may not have disclosed his convictions when he applied to be a police officer. In any event, the fact that such convictions may render a person ineligible for service as a police officer would have been relevant to Clark’s credibility regarding his police work in this case. Collings requests discovery of Chief Clark’s law enforcement application and any other law enforcement records, including but not limited to any licensing or employment records, related to or referencing his prior convictions or arrest for forgery.

As this Court has recognized, even when suppressed impeachment evidence does not come to light until after the conclusion of a defendant's direct appeal or post-conviction proceedings, the defendant may pursue a state habeas action asserting a *Brady* claim. *State ex rel. Engel v. Dormire*, 304 S.W.3d 120, 124-25 (Mo. banc 2010). If the defendant can establish that (1) the grounds for relief were not known to him during his direct appeal or post-conviction proceedings and (2) the suppression of the evidence prejudiced him, then he is entitled to vacatur of his conviction or sentence. *Id.* at 126.

Mr. Collings already has established that the grounds for relief in his state habeas action were not known to him during his direct appeal or post-conviction proceedings. However, Collings does not know the full extent of the State's non-disclosure. Particularly because the State previously suppressed Chief Clark's AWOL convictions and these convictions may have rendered Clark ineligible to be a police officer in the first place, Collings has reason to believe additional impeaching information may exist.

To fully develop his claims for relief, Mr. Collings must have access to all impeaching information concerning Chief Clark. Collings also requests fact-development procedures to permit him to develop and present additional evidence related to Clark's law enforcement application or any other relevant evidence. *See, e.g., State ex rel. Woodworth v. Denny*, 396 S.W.3d 330, 333 (Mo. banc 2013) (appointing a special master under Rule 68.03 to take evidence and issue findings of fact and conclusions of law in state habeas action asserting a *Brady* violation).



## SUGGESTIONS IN SUPPORT

As a general proposition, “the credibility of witnesses is always a relevant issue in a lawsuit.” *State v. Smith*, 996 S.W.2d 518, 521 (Mo. App. W.D. 1999). “Anything that has the legitimate tendency of throwing light on the accuracy, truthfulness, and sincerity of a witness is proper for determining the credibility of the witness.” *State v. Strughold*, 973 S.W.2d 876, 891 (Mo. App. E.D. 1998).

Under *Brady*, “[p]rosecutors must disclose, even without a request, exculpatory evidence, including evidence that may be used to impeach a government witness.” *State v. Robinson*, 835 S.W.2d 303, 306 (Mo. banc 1992) (citing *United States v. Bagley*, 473 U.S. 667, 676 (1985); *Brady*, 373 U.S. at 86-89; Mo. Sup. Ct. R. 25.03(A)(9)). The prosecution’s duty encompasses impeachment information that tends to undermine or weaken its case for the death penalty as well as impeachment information relevant to the culpability phase of a trial. *Brady*, 373 U.S. at 87 (“[T]he suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution.”). This duty rests, in part, on the unique role of prosecutors in the criminal justice system. Indeed, this Court has recognized that a prosecutor is “the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done.” *Engel*, 304 S.W.3d at 127-28 (internal quotations omitted); *Banks v. Dretke*, 540 U.S. 668, 696 (“We have several times underscored the special role played

by the American prosecutor in the search for truth in criminal trials.”) (internal quotations omitted); *see also Robinson*, 835 S.W.2d at 306 (citing *Bagley*, 473 U.S. at 675 & n.6).

In Missouri, a witness may be questioned during cross-examination on whether he or she committed or admitted committing a specific crime. *State v. Mitchell*, 704 S.W.2d 280, 289 (Mo. App. 1986); R.S.Mo. § 491.050 (prescribing that “any prior criminal convictions may be proved to affect his credibility in a civil or criminal case and, further, any prior pleas of guilty, pleas of nolo contendere, and findings of guilty may be proved to affect his credibility in a criminal case.”). This inquiry is permissible even though the witness has not been convicted of a crime. *Mitchell*, 704 S.W.2d at 289. The reason for such questions is “to test the credibility of a witness however irrelevant the acts may be to the facts in issue and however disgraceful the answer may be to the witness.” *State v. Franklin*, 755 S.W.2d 667, 671 (Mo. App. 1988); *see also Chism v. Cowan*, 425 S.W.2d 942, 948 (Mo. 1967).

Of course, criminal convictions themselves constitute important impeachment evidence. R.S.Mo. § 491.050 provides that “any prior criminal convictions may be proved to affect [a witness’] credibility in a civil or criminal case . . . .” Under this section, a litigant has an absolute right to impeach a witness’ credibility by showing the witness’ prior criminal conviction. *State v. Baker*, 636 S.W.2d 902, 906-07 (Mo. banc 1982). This right includes evidence of a witness’ court-martial convictions. *State v. Himmelmann*, 399 S.W.2d 58, 61-62 (Mo. 1966) (concluding that a court martial is a criminal offense and “evidence of appellant's court-martial conviction for murder was properly received for purposes of impeaching defendant under Section 491.050”); *State v.*

*Zinn*, 562 S.W.2d 784, 788 (Mo. Ct. App. 1978) (same); *State v. Mitchell*, 659 S.W.2d 4, 5-6 (Mo. Ct. App. 1983) (“We do not question the validity of courts martial for the purposes of military order and discipline. Further, we find nothing objectionable in the use of courts-martial for the purpose of impeaching a witnesses’ credibility.”).

Military courts have recognized that crimes involving unauthorized absences are particularly relevant to a factfinder’s assessment a witness’ propensity for untruthful testimony. For example, in *United States v. Brenizer*, 20 M.J. 78, 81 (C.M.A. 1985), the court explained:

We recognize that unauthorized absences often reflect irresponsibility and a disregard for duty and authority on the part of the absentee. It is not illogical, therefore, for factfinders to infer that a servicemember who thinks so little of his service commitment as to depart without authority may also take lightly his obligation to testify truthfully, especially when his own neck is on the block.

Furthermore, a defendant may during cross-examination inquire into specific instances of conduct relevant to the truth and veracity of the testifying witness. *Mitchell v Kardesch*, 313 S.W.3d 667, 670 (Mo banc 2010); *State v. Harrison*, 213 S.W.3d 58, 73 (Mo. Ct. App. 2006); *see also State v. Williams*, 492 S.W.2d 1, 7 (Mo. App. E.D. 1973) (“We hold that specific acts of either misconduct or immorality, which may or may not have been the basis of a conviction, may be shown if the specific misconduct discredits the veracity of the witness”). The failure to disclose prior convictions on a law enforcement application or other law enforcement records, including but not limited to licensing or employment records, would be relevant to the truth and veracity of the



testifying police officer. Thus, such conduct is impeaching information the prosecution must disclose. *Engel*, 304 S.W.3d at 127.

On January 22, 2008, prior to the suppression hearing and trial, Collings requested impeachment information under *Brady* regarding the State's witnesses, including Clark. Trial L.F. 1 at 12; Pet. Ex. 16. Defense counsel subsequently made additional discovery requests for impeachment information. Trial L.F. 2 at 261-62. On or about April 1, 2011, after the suppression hearing but before the trial, the State disclosed a single-page report regarding Clark:

Chief Clint Clark, Wheaton Police Department, had one reported incident being arrested in Barry County on January 6, 1968 for Desertion from the U.S. Army with the charge amended to AWOL and an investigative arrest in Rogers, Arkansas on November 5, 1968 for investigation of forgery with no disposition shown on either charge.

Ex. 10 at 5752. This was the only information the State disclosed about Clark's prior criminal history.

The State did not disclose impeachment information concerning Clark, specifically that his arrest led to an AWOL conviction and sentence and that he had three other convictions and sentences for AWOL. Pet. Ex. 2 at ¶ 12; Pet. Ex. 3 at ¶ 7. The State continued to suppress this information throughout Collings's trial, direct appeal, and state post-conviction proceedings. Pet. Ex. 4 at ¶ 7. It was not until after Collings raised a *Brady* claim in his federal habeas petition that the State finally disclosed it. Pet. Ex. 1.

As part of its pleading in response to Mr. Collings's habeas petition, the State disclosed a redacted copy of Clark's military records. *Id.* The State's records acknowledged that Clark's arrest on January 6, 1968, led to an AWOL conviction and

sentence. *Id.* The records also revealed three additional convictions for the same offense. *Id.* at 3-6, 9-10. Clark was ordered to serve a sentence of six months of hard labor in the Post Stockade at Fort Leonard Wood, Missouri. Clark was then released in January 1969, and within three weeks of his release, he deserted his post again until he was apprehended on or about May 9, 1969. *Id.* at 13-14, 16. Clark was again sentenced to six months imprisonment in the Post Stockade at Fort Leonard Wood, Missouri until his discharge “under conditions other than honorable” on October 23, 1969. *Id.* at 16. Clark was absent or in-custody for 726 of the 890 days of his service in the military. *Id.*

Although the State finally disclosed this information in Collings’s federal habeas proceedings, the State argued to the federal court that Collings could not rely on the existence of the prior undisclosed convictions because, due to the State’s prior non-disclosure of the Clark’s convictions, the suppressed evidence was not a part of the prior state court record and therefore could not be considered in federal court. Pet. Ex. 11 at 9. In so doing, the State relied on its own misconduct as both a shield and sword to thwart any attempt of Collings’s to raise a *Brady* claim due to the State’s failure to timely disclose Clark’s convictions.

Without this Court’s intervention, Mr. Collings will not have any way of obtaining Clark’s law enforcement application and other relevant records. Similarly, Collings does not have any other way of determining if other impeachment information concerning Clark was suppressed from him.

## DISCOVERY REQUESTED

Only the State had or has access to records regarding Chief Clark's criminal history. Under *Brady*, the State had and has a duty to disclose Clark's prior convictions and any other impeachment information to Mr. Collings. Collings requests discovery of the entirety of the impeachment information contained in Clark's criminal history records.

Similarly, only the State had or has access to records regarding Clark's law enforcement application, licensing, and employment maintained by the Missouri Department of Public Safety; Barry County, Missouri, including but not limited to the Barry County Sheriff's Office; and the City of Wheaton, Missouri, including but not to the Wheaton Police Department. Under *Brady*, the State had and has a duty to disclose any impeachment information contained in these records. Collings requests discovery of the entirety of the impeachment information contained in Clark's law enforcement application and other law enforcement employment or licensing records, including but not limited to, all documents and data related to Clark's prior convictions or having any tendency to show: (a) dishonesty; (b) drug use; (c) alcohol abuse; (d) mental health or emotional stability problems; (e) an impaired ability to receive information through the senses, recall that information, and later to relate that information to others; (f) specific instances of conduct relevant to credibility; and (g) any other impeaching information.

Mr. Collings also specially requests discovery of impeaching information in Chief Clark's personnel files from the Missouri Department of Public Safety; Barry County, Missouri, including but not limited to records from the Barry County Sheriff's Office;



and the City of Wheaton, Missouri, including but not limited to records from the Wheaton Police Department. “Personnel files” include, but are not limited to, internal investigation files, disciplinary files, complaint files, performance review files, psychological testing records, training records, grievances files, medical/psychological/stress-related leave request files, and any other similar files.

In other state habeas cases asserting *Brady* violations, this Court has appointed a special master under Rule 68.03 to take evidence and issue findings of fact and conclusions of law. *See, e.g., Woodworth*, 396 S.W.3d at 333. To the extent that the any requested records are privileged, Mr. Collings requests this Court to order production for in camera review by a special master or this Court. *See id.*; *State v. Newton*, 963 S.W.2d 295, 297 (Mo. Ct. App. 1997) (explaining that an appellate court can conduct an independent in camera review). Collings also requests fact-development procedures to permit him to develop and present additional evidence related to Clark’s law enforcement application or any other relevant evidence. *See, e.g., Woodworth*, 396 S.W.3d at 333.

Even when suppressed evidence does not come to light until after the conclusion of a defendant’s direct appeal and post-conviction proceedings, the defendant may pursue a state habeas action asserting a *Brady* claim. *Engel*, 304 S.W.3d at 124-25. In this capital case, due to the State’s failure to disclose Clark’s impeachment information, the trial court and the jury were unaware of Clark’s convictions when assessing Clark’s credibility and the reliability of Collings’s statements. This Court likewise was unaware of Clark’s convictions during Collings’s direct appeal and post-conviction appellate proceedings.

Mr. Collings's habeas petition asserts that given the importance of Clark's testimony to the State's case, the failure to disclose Clark's convictions renders the jury's culpability verdict in this case unworthy of confidence. Similarly, especially because the victim's stepfather, David Spears, confessed to being the sole person who committed the fatal act, the fact that the jury was unaware of Clark's convictions when assessing residual doubt renders its sentence in this case unworthy of confidence. As in *Engel*, "[j]ustice requires that this Court consider all available evidence uncovered following [Collings's] trial that may impact his entitlement to habeas relief." *Engel*, 304 S.W.3d at 126. Thus, to fully develop his claims for relief, Collings must have access to all impeaching information concerning Chief Clark.

WHEREFORE, Petitioner Christopher Collings moves this Court for an order appointing a special master under Rule 68.03 to conduct fact-development procedures and directing Respondent, through his counsel at the Missouri Attorney General's office, to produce the requested materials listed above, or, in the alternative, to the extent that any of the requested materials are privileged, to order their production for inspection in camera by the special master or this Court, and to grant such other relief as the Court deems fair, just, and equitable under the circumstances, including the denial of the State's motion to set an execution date in *State v. Collings*, No. SC92720.

Respectfully submitted,

/s/ Jeremy S. Weis

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Attorneys for Petitioner

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 1st day of July 2024, the foregoing was filed via the Case.net system and was sent via email to Michael.Spillane@ago.mo.gov.

/s/ Jeremy S. Weis

Attorney for Petitioner



**IN THE SUPREME COURT OF MISSOURI**

State of Missouri ex rel.	)	
CHRISTOPHER COLLINGS,	)	
	)	
Petitioner,	)	Case No. SC100640
	)	
v.	)	THIS IS A CAPITAL CASE
	)	
DAVID VANDERGRIFF, Warden,	)	
Potosi Correctional Center,	)	
	)	
Respondent.	)	

**SUGGESTIONS IN OPPOSITION TO PETITION FOR WRIT OF  
HABEAS CORPUS**

Christopher Collings, Petitioner, committed rape and murder of nine-year-old child on November 2, 2007. *State v. Collings*, 450 S.W.3d 741, 741–53 (Mo. 2014). The jury found that the murder involved torture and therefore was outrageously wanton, vile, horrible, and inhumane. *Id.* at 752–753. The jury also found that Petitioner killed the victim as a result of her status as a potential witness to her own rape *Id.* at 753. The trial occurred in March 2012.

Petitioner now alleges in this Court that the State committed a *Brady* and Rule 25.03 violation by not disclosing that Police Chief CC had several military convictions for being AWOL in the 1960s.

In March 2011, roughly one year before trial, the trial prosecutor disclosed that Police Chief CC had been arrested by the U.S. Army in 1968 for desertion with the charge amended to AWOL, and that he had been the subject

of an “investigative arrest” in Arkansas in 1968 for “investigation of forgery” and that no disposition was known on either charge. Resp. Ex. 10. Nothing in the record indicates that Petitioner ever followed up on this disclosure during the ordinary course of state court review either with the prosecutor or by seeking records from the military to determine the disposition of the AWOL charge. *See Collings v. State*, 543 S.W.3d 1 (Mo. 2018) (post-conviction appeal not mentioning the matter).

In his 2018 federal habeas petition, years after the 2011 disclosure, Petitioner raised the issue of Chief CC’s military record for the first time, alleging a failure to disclose. Resp. Ex. 11 at 8. Petitioner also alleged that counsel had been infective for not investigating the chief’s military records and using them based on the pretrial disclosure. *Id.* at 8. In response to the allegation, the Respondent in the federal habeas litigation obtained Chief CC’s military records, which Respondent did not possess until that time, and provided them to counsel for Petitioner and the federal district court. *Id.* at 9. Respondent filed the records under seal in federal court to protect Chief CC’s privacy.

The United States District Court for the Western District of Missouri rejected the failure to disclose claim and the ineffective assistance of counsel claim. *Collings v. Griffith*, 18-CV-8000-MDH, 2022 WL 4677562 (W.D. Mo. 2022) at \*11–\*12.

The federal district court found that Petitioner acknowledged that the failure to disclose claim was procedurally barred. *Id.* at \*11. The district court also found that the AWOLs occurred in 1968 and 1969, decades before Chief CC was involved in Petitioner's case. *Id.* The court held that even if there was a failure to disclose, which the federal court found had not been proven, there was no reasonable probability the outcome of the proceeding was changed. *Id.*

The federal court also rejected the ineffective assistance of counsel claim for similar reasons. *Id.* at \*12. The federal district court held that "there is no reasonable probability that the outcome of the proceeding was changed because the defense did not try and introduce the decades old military record of the police chief." *Id.* Petitioner does not raise the ineffectiveness claim in this Rule 91 litigation. Instead, he provides affidavits from trial counsel stating how important the chief's military records allegedly were, but not providing any plausible explanation why they did not follow up on the matter if the records were as important as they now claim. Resp. Ex. 2, 3.

The district court denied a certificate of appealability that would have permitted Petitioner to appeal the denial of federal habeas relief. *Id.* at \*24. The district court held that reasonable jurists could not debate whether the issues should have been resolved in a different manner, and the issues did not otherwise deserve further proceedings. *Id.* The United States Court of Appeals



for the Eight Circuit agreed, and after careful review of the file also denied a certificate of appealability and dismissed the appeal. *Collings v. Griffith*, 23–1064, 2023 WL 9231488 (8th Cir. Feb. 28, 2023).

This Rule 91 claim necessarily fails for two reasons. First, Petitioner cannot show cause to excuse the default of the failure to disclose claim when he was put on notice long before trial that the police chief had an AWOL charge while in the military. Second, as the district court held, the chief’s military records of AWOLs decades before he was involved in Petitioner’s case do not create a reasonable probability that the outcome of trial was changed and reasonable jurists cannot debate the correctness of the district court’s resolution of the matter.

Petitioner does not have good cause for not raising the failure to disclose claim in the ordinary course of review. *See Collings* at \*11 (citing *O’Neal v. Bowersox*, 73 F.3d 169 (8th Cir. 1995), noting that O’Neal could have obtained the undisclosed convictions of a corrections officer who witnessed the murder, but O’Neal did not, and in any event there was no reasonable probability the outcome of the proceeding was changed). To fully establish cause for a *Brady* claim a petitioner must establish that he did not know or “have reason to know about” the undisclosed information in time to raise the issue in direct appeal or post-conviction litigation. *Ferguson v. Dormire*, 413 S.W.3d 40, 54 (Mo. App. W.D 2013).

Here, Petitioner was informed roughly a year before trial that Chief CC had been charged with AWOL while in the military. Trial counsel could have obtained the chief's military records and evaluated them if counsel thought the matter was important enough. But counsel did not. Similarly, direct appeal counsel and post-conviction counsel could have obtained the records, but they did not. Petitioner acknowledged as much by alleging in the federal habeas litigation that counsel was ineffective for not doing so. There is no good cause for not presenting the failure to disclose claim in the ordinary course of review.

The military records are also not material. As the district court held, there is no reasonable probability the outcome of Petitioner's trial was changed because Chief CC was convicted of being AWOL in the 1960s decades before he had anything to do with Petitioner's case. The federal courts were correct in finding that this not a resolution that is debatable among reasonable jurists.

### **Conclusion**

The Court should deny the petition.

Respectfully submitted,

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*/s/ Michael J. Spillane*  
\_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was electronically filed by using the Case.Net system on this 3 day of July, 2024.

*/s/Michael J. Spillane*

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MICHAEL J. SPILLANE  
Assistant Attorney General



IN THE SUPREME COURT OF MISSOURI

State of Missouri ex rel.	)	
CHRISTOPHER COLLINGS	)	
	)	
<i>Petitioner,</i>	)	No. SC100640
	)	
v.	)	
	)	THIS IS A CAPITAL CASE
DAVID VANDERGRIFT, Warden,	)	
Potosi Correctional Center,	)	
	)	
<i>Respondent.</i>	)	

REPLY SUGGESTIONS IN SUPPORT OF  
PETITION FOR WRIT OF HABEAS CORPUS

Comes now Christopher Collings, by and through undersigned counsel, and submits this reply containing suggestions in support of his petition for a writ of habeas corpus granting him relief from his conviction and death sentence.

INTRODUCTION

The State’s position in response to Petitioner Collings’s *Brady* claim is remarkable in its failure to acknowledge its basic discovery obligations and its attempt to place the blame on Collings for the State’s willful failure to disclose *Brady* information. Instead of acknowledging that officers of the court charged with the capital prosecution of Collings abdicated their duty when they did not disclose Chief Clinton Clark’s multiple criminal convictions to Collings’s counsel—the non-disclosure of which is not in dispute—the State places the blame on Collings and his counsel for failing to uncover the State’s deception in time to present the claim to the Missouri state courts before this petition.

Sugg in Opp. at 4. The State's response is antithetical to the constitutional obligations recognized by the United States Supreme Court and this Court's binding precedents.

The State does not contest that under R.S.Mo. § 491.050, a litigant has an absolute right to impeach a witness' credibility by showing the witness' prior criminal convictions. *State v. Baker*, 636 S.W.2d 902, 906-07 (Mo. banc 1982). The State also does not dispute that specific instance of conduct bearing on a witness' character for truth or veracity is impeachment information. *Mitchell v Kardesch*, 313 S.W.3d 667, 670 (Mo banc 2010). The State acknowledges that Chief Clark has at least four criminal convictions for AWOL and that it *never provided* Chief Clark's four previous convictions (nor any of Clark's other relevant impeachment material requested in Collings's pending motion for discovery) to trial, direct appeal, or post-conviction counsel. Sugg in Opp. at 1-2.

To justify its conduct, the State now posits that it did not have any duty to provide this impeachment information to Collings's counsel. Sugg. in Opp. at 4. As this argument goes, it was Collings's prior counsels' duty to obtain the impeachment material on their own, and because they did not do so, Collings cannot establish cause for not knowing of the grounds for relief earlier. But the controlling precedent of this Court and the United States Supreme Court is contrary to the State's position. Furthermore, only the State—not any of Collings's prior counsel—had access to the impeachment materials. Thus, the State's cause argument has no merit.

The State's prejudice argument similarly lacks merit. The State only offers one conclusory statement in response to Collings's prejudice showing: that Clark's four

convictions occurred “in the 1960s decades before he had anything to do with Petitioner’s case.” Sugg in Opp. at 5. But any conviction used for impeachment would have to have occurred prior to the case in question, and there is no time limit on age of convictions that can be used for impeachment. R.S.Mo. § 491.050 (authorizing the use of “any prior criminal convictions” for impeachment purposes). The age of the prior convictions had no bearing on the State’s obligation to disclose them to Collings’s trial team. *Id.*. Furthermore, courts have specifically recognized that convictions of a servicemember for departing military service without authority are relevant to whether that servicemember might also take lightly his obligation to testify truthfully, especially when the servicemember’s testimony is crucial to the case. *See, e.g., United States v. Brenizer*, 20 M.J. 78, 81 (C.M.A. 1985). Finally, the State’s own actions of waiting until after the suppression hearing and after Chief Clark’s deposition to make any impeachment disclosure and never providing Clark’s convictions until after Collings’s direct appeal and post-conviction proceedings belie its present contention that the impeachment information would not have been meaningful during the trial proceedings.

Justice requires that this Court grant Collings’s request for discovery and consider all available evidence relevant to his claim for habeas relief. *State ex rel. Engel v. Dormire*, 304 S.W.3d 120, 126 (Mo. banc 2010).



## REASONS FOR GRANTING THE WRIT

### A. **The State’s suppression of the impeachment materials precluded Collings’s knowledge of the grounds for relief during his direct appeal or post-conviction proceedings.**

The State argues to this Court that it does not have an obligation to produce impeachment materials to the defense. Sugg in Opp. 1-2. The State’s position is in direct conflict with this Court’s rules of criminal procedure and long-standing precedent from this Court and the United States Supreme Court. The State makes no attempt to distinguish the binding precedents.

In *State v. Robinson*, this Court held that “[p]rosecutors must disclose, even without a request, exculpatory evidence, including evidence that may be used to impeach a government witness.” 835 S.W.2d 303, 306 (Mo. banc 1992) (citing *United States v. Bagley*, 473 U.S. 667, 674-77 (1985); *Brady v. Maryland*, 373 U.S. 83, 86-89 (1963); Mo. Sup. Ct. R. 25.03(A)(9)). Likewise, in *Engel*, this Court held that “*Brady* provides that ‘the individual prosecutor has a duty to learn of any favorable evidence known to the others acting on the government’s behalf in the case, including the police.’” 304 S.W.3d at 124-26 (quoting *Kyles v. Whitley*, 514 U.S. at 419, 437 (1995)). This Court also has held that Rule 25.03 “imposes an affirmative requirement of diligence and good faith on the state to locate records not only in its own possession or control but in the control of other government personnel.” *Merriweather v. State*, 294 S.W.3d 52, 55 (Mo. banc 2009).<sup>1</sup>

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<sup>1</sup> The State repeatedly emphasizes that almost a year elapsed between its limited disclosure of Clark’s impeachment information and the start of the trial. Sugg. in Opp. at 1, 5. This evidence shows that the State had plenty of time to provide Clark’s

The State does not address any of this binding authority and, remarkably, does not even cite to a single authority in its response recognizing its obligation to disclose exculpatory and impeaching information to the defense. Instead, this State relies on one non-binding Eighth Circuit authority that is not even factually on-point with the instant case. Sugg. in Opp. at 4 (citing *O'Neal v. Bowersox*, 73 F.3d 169 (8th Cir. 1995)).<sup>2</sup> The State's reliance on *O'Neal* is misplaced.

First, unlike the precedents of this Court and the United States Supreme Court, *O'Neal* is not binding precedent on this Court's consideration of Collings's instant claim. See *State v. Mack*, 66 S.W.3d 706, 710 (Mo. banc 2002) (holding "general declarations of law made by lower federal courts do not bind this Court"). Thus, to the extent that *O'Neal* conflicts with the decisions of this Court and the United States Supreme Court, *O'Neal* is not controlling authority.

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impeachment evidence yet failed to do so. Collings first requested this information on January 22, 2008. Ex. 16. 1,002 days (or two years, eight months, and 28 days) elapsed between that request and the start of the suppression hearing on October 20, 2010. An additional 495 days (or one year, four months, and seven days) elapsed from the start of the suppression hearing to the beginning of *voir dire* on February 27, 2012.

<sup>2</sup> The State repeatedly attempts to paint Collings's Rule 91 petition as an appeal of the district court's decision. However, a Rule 91 action is not an appeal of a federal district court decision but an independent action in this Court. This action references multiple impeachment materials in addition to Clark's convictions that no court—including the federal district court—has ever considered due to the State's failure to disclose them. Similarly, no court—including the federal district court—has ever considered Collings's sentencing claim arising out of the fact that the jury assessing residual doubt was unaware of Clark's convictions and other impeachment materials when evaluating Clark's credibility and the reliability of Collings's statements obtained by Clark, especially given Spears's confession to being the sole person who committed the fatal act.

Second, the facts of the *O'Neal* decision are materially different. Robert O'Neal was a death-sentenced Missouri inmate who filed a second and successive federal habeas corpus petition alleging a *Brady* violation by state authorities. *O'Neal*, 73 F.3d at 170. The Eighth Circuit affirmed the district court's denial of the petition as an abuse of the writ of federal habeas corpus because O'Neal failed to show why he could not have obtained the factual basis of the claim prior to filing his first petition. *Id.* The court evaluated O'Neal's claims in light of specific federal habeas statutes and doctrines, such as the abuse of the writ doctrine, that are not at issue here. *See* 28 U.S.C. § 2244. Moreover, unlike O'Neal, Collings has never been able to uncover the impeachment information on his own. *O'Neal* does not provide any basis for this Court to deny relief.

Third, the State's interpretation of the rule of *O'Neal* conflicts with the controlling authority of this Court and the United States Supreme Court. The United States Supreme Court has held that "[a] rule . . . declaring 'prosecutor may hide, defendant must seek' is not tenable in a system constitutionally bound to accord defendants due process." *Banks v. Dretke*, 540 U.S. 668, 696 (2004). The Supreme Court further clarified that "[o]ur decisions lend no support to the notion that defendants must scavenge for hints of undisclosed *Brady* material." *Id.* at 695. Accordingly, this Court has held that cause is established when the grounds for relief were not known to a defendant during his direct appeal or post-conviction proceedings. *Engel*, 304 S.W.3d at 126. It is irrelevant whether the prosecutor had direct knowledge of the *Brady* evidence because the prosecutor is "the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and



whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done.” *Id.* at 127 (footnote omitted) (quoting *Strickler v. Greene*, 527 U.S. 263, 281, 119 S.Ct. 1936, 144 L.Ed.2d 286 (1999)). The Court further has held that in the context of a *Brady* claim, when the State has failed to disclose impeachment information until after the conclusion of a criminal defendant’s direct appeal and post-conviction proceedings, a habeas petitioner has established cause. Collings unquestionably has satisfied *Engel*’s cause standard. *Id.*

Fourth, even if this Court were to now adopt a new rule requiring a petitioner to show also that he would have been unable to obtain the records in question on his own, Collings nonetheless has established cause resulting from his inability to obtain the relevant conviction records in on his own. Collings’s current counsel attempted to obtain the relevant military records of the single desertion charge the State disclosed after the suppression hearing, but counsel did not have the access to do so. Ex. 10; Ex. 17. Accordingly, the response Collings received did not provide any evidence of Chief Clark’s prior convictions. Ex. 17. However, the State did not face any barriers to the information including all of Clark’s convictions, the sentencing details, and additional military records relevant to his credibility as a witness. *Contrast* Ex. 1 *with* Ex. 17. Thus, the State’s contention that Collings could have obtained the convictions on his own is demonstrably false.

Similarly, Collings would not have been able to obtain the other impeachment information on this own. Only the State has access the NCIC databases that would contain the disposition of Clark’s forgery charge. U.S. Department of Justice, National

Crime Information Systems, available at <https://www.justice.gov/tribal/national-crime-information-systems> (explaining that NCIC is “[a] criminal records database allowing *criminal justice agencies* . . . to get criminal histories) (emphasis added); *see also Merriweather*, 294 S.W.3d at 56 (recognizing the State’s access to the NCIC database); *State v. Rouner*, 679 S.W.3d 141, 144 (Mo. App. W.D. 2023) (citing a sheriff officer’s testimony that NCIC is “a secure database that only law enforcement can access.”). Likewise, only the State has access to Clark’s law enforcement application on which he should have disclosed his convictions or any other law enforcement employment records containing information about these convictions. *State ex rel. Jackson County Grand Jury v. Shinn*, 835 S.W.2d 347 (Mo. App. W.D. 1992) (concluding that the public policy of Missouri is that personnel records of police officers are closed to the public).<sup>3</sup> The State also had unique access to Chief Clark as he was an integral part of the State’s case-in-chief against Petitioner Collings. Therefore, even if this Court were to apply a new rule requiring a petitioner to show additionally that he would have been unable to obtain the records in question on his own, Collings has satisfied that burden.

Finally, adopting the rule the State proposes would require this Court to render Rule 25.03 null and void. If it is now trial counsel’s duty to obtain the impeachment information, and not the State’s duty to provide it, then there would be no need for Rule

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<sup>3</sup> Due to the State’s failure to disclose Clark’s convictions, Collings did not know that there was a particular need to examine Clark’s law enforcement application or other employment records. Ex. 2 at ¶ 13; Ex. 3 at ¶¶ 9-10; Ex. 4 at ¶¶ 9-10.

25.03. The State has not provided any legitimate reason why this Court should take the backward step of invalidating this rule.

Perhaps the real reason underlying the State's cause argument is that the State wants this Court to adopt a system that will render Missouri courts powerless to address *Brady* violations in the future. After all, if this Court finds that the State's failure to provide impeachment information does not constitute cause for a defendant's failure to bring a *Brady* claim, that ruling effectively will greenlight the State's withholding of impeachment evidence in future cases. So long as the State withholds the information throughout the defendant's direct appeal and post-conviction proceedings, the defendant will never have any opportunity for Missouri courts to redress that constitutional violation.

Such a scheme would deny an important avenue for wrongfully convicted individuals to establish their right to relief. *See Ferguson v. Dormire*, 413 S.W.3d 40 (Mo. App. W.D. 2013) (state habeas action in which the court found the State withheld *Brady* material "resulting in a verdict that is not worthy of confidence."); *State ex rel. Woodworth v. Denney*, 396 S.W.3d 330 (Mo. banc 2013) (state habeas action filed to pursue *Brady* claim resulting in this Court finding the outcome was not "worthy of confidence."). This Court should not condone this injustice. Comment, Rule 4-3.8 ("A prosecutor has the responsibility of a minister of justice and not simply that of an advocate. This responsibility carries with it specific obligations to see that the defendant is accorded procedural justice and that guilt is decided on the basis of sufficient evidence."); *see also State v. Banks*, 215 S.W.3d 118, 121 (Mo. banc 2007) ("The



prosecutor may prosecute with vigor and strike blows but he is not at liberty to strike foul ones.’”) (quoting *State v. Burnfin*, 771 S.W.2d 908, 912 (Mo. App. 1989).

Under the controlling law, the State had a duty to provide Chief Clark’s impeachment information. The State’s failure to do until after the conclusion of Collings’s direct appeal and post-conviction proceedings precluded Collings’s knowledge of the grounds for relief during those proceedings. *Engel*, 304 S.W.3d at 126. Thus, Collings has shown cause for not presenting this claim as part of his direct appeal or post-conviction proceedings. *Id.*

**B. The State’s suppression of the impeachment materials prejudiced Collings.**

The State does not provide any substantive response to Collings’s prejudice showing. Instead, the State only offers one conclusory statement: that Clark’s four convictions occurred “in the 1960s decades before he had anything to do with Petitioner’s case.” Sugg in Opp. at 5. No legal reasoning or analysis supports this statement, and this Court should not give it any weight.

First, any conviction used for impeachment would have to have occurred prior to the case in question. R.S.Mo. § 491.050 provides that “any *prior* criminal convictions may be proved to affect [a witness’s] credibility in a civil or criminal case and, further, any prior pleas of guilty, pleas of nolo contendere, and findings of guilty may be proved to affect his credibility in a criminal case.” (emphasis added). This statute “places no limit on the age of convictions used for impeachment[,]” *State v. Givens*, 851 S.W.2d 754, 759 (Mo. App. E.D. 1993), and litigants have an absolute right to use a witness’

prior convictions to impeach that witness' credibility. *Baker*, 636 S.W.2d at 906-07.<sup>4</sup> The age of prior convictions has no bearing on the State's obligation to disclose them. Thus, the fact that that Clark's convictions occurred decades prior to his conduct in Collings's case does not render them irrelevant to Clark's credibility.

Second, courts have specifically recognized impeaching value of a prior conviction like AWOL. As one court explained, "a servicemember who thinks so little of his service commitment as to depart without authority may also take lightly his obligation to testify truthfully, especially when his own neck is on the block." *Brenizer*, 20 M.J. at 81. The State does not offer any explanation as to why Clark's prior conduct would not have been similarly meaningful to the factfinders in this case, particularly given that the statement he obtained was critical to the State's case at both phases of Collings's trial. And if it is true that Clark's convictions also should have rendered him ineligible to be a police officer in the first place, then his convictions have even more "to do with Petitioner's case." Sugg. in Opp. at 5.

Third, the State's own actions belie its present contention that the impeachment information would not have been meaningful. If the State believed that to be true, why did it wait to disclose any impeachment information regarding Clark until after obtaining a favorable ruling at the suppression hearing? After all, the State knew prior to the

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<sup>4</sup> To the extent that the State is inviting this Court to ignore the plain language of R.S.Mo. § 491.050 and impose a time limit on the prior convictions that can be used for impeachment, this Court should find—as it has in the past—that such a change could only be made by the General Assembly, not this Court. *State v. Williams*, 603 S.W.2d 562, 568 (Mo. 1980).

suppression hearing that the *only* evidence supporting its version of the timing of the *Miranda* warnings came from Clark himself. Similarly, the State knew that because of the lack of physical evidence supporting the case against Collings, plus the fact that Spears admitted to committing the fatal act himself, the statement Clark obtained was critical to the State's case against Collings. And when the State finally disclosed limited impeachment information regarding Clark, why did the State not disclose Clark's convictions? The answer to these questions is obvious; the State recognized that evidence of Clark's convictions would have been damaging to its case.

Clark's impeachment information was material despite the State's present claim to the contrary. Sugg. in Opp. at 5. This Court has recognized that the *Brady* materiality standard

is established when "the favorable evidence could reasonably be taken to put the whole case in such a different light as to undermine confidence in the verdict." *Kyles*, 514 U.S. at 435, 115 S.Ct. 1555. "The question is not whether the defendant would more likely than not have received a different verdict with the evidence, but whether in its absence he received a fair trial, understood as a trial resulting in a verdict worthy of confidence." *Id.* at 434, 115 S.Ct. 1555.

*Engel*, 304 S.W.3d at 128.

The State relied exclusively on Clark's testimony (against all other evidence to the contrary) to establish that Collings received a *Miranda* warning prior to the Muncie Bridge interrogation, and the State repeatedly referenced Clark and Collings's statements to him during closing argument at both phases of the trial. Trial Tr. Vol. 17, pp. 5579-95, 5625-39; Trial Tr. Vol. 20, pp. 6463-81, 6502-07. The State's actions at trial of not providing Clark's convictions corroborate the importance of the impeachment



information. So does the State's continued resistance to disclosing the additional impeachment information regarding Clark, particularly his law enforcement application.

Given the importance of Clark's testimony to the State's case, particularly as the sole evidence contradicting all the other reliable evidence indicating that Collings did not receive a *Miranda* warning prior to the Muncie Bridge interrogation, the failure to disclose Clark's convictions renders the verdict in this case unworthy of confidence. Likewise, at sentencing, especially given Spears's confession to being the sole person who committed the fatal act, the omission of Clark's convictions from the jury's consideration of residual doubt renders the sentence in this case unworthy of confidence. The State's failure to disclose Clark's impeachment information prejudiced Collings.

### CONCLUSION

WHEREFORE, for all the foregoing reasons as well as those in the petition for a writ of habeas corpus, Petitioner Christopher Collings respectfully requests that this Court, after examining the evidence and the applicable law, issue a writ of habeas corpus vacating his conviction and death sentence and granting him a new trial or sentencing hearing. In the alternative, Petitioner requests that the Court grant Petitioner's motion for discovery, appoint a Special Master to take evidence of the claim raised here, and grant such other and further relief as the Court deems fair, just, and equitable under the circumstances. Petitioner further requests that this Court deny the State's motion to set the execution date in *State v. Collings*, No. SC92720, so that these *Brady* claims can be fully and properly adjudicated.

Respectfully submitted,

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I hereby certify that on this 17th day of July 2024, the foregoing was electronically  
filed via the Case.net system.

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