

No. 25-_____

IN THE UNITED STATES SUPREME COURT

William Ewing,
Petitioner,

v.

United States of America,
Respondent.

On Petition for Writ of Certiorari to the United States Court of Appeals for the
Sixth Circuit

APPENDIX TO
PETITION FOR WRIT OF CERTIORARI

VOLUME 2

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1 BY MS. KLOPF:

2 Q. What's happening here?

3 A. Well, he stuck the gun really close to my face that you
4 can't see because my camera wasn't working. And so I just
5 stepped back and was like, "Hey, I value my life. You can
6 have it."

7 Q. Okay. How close did the gun feel to you?

8 A. I could almost kiss it.

9 Q. How did you know it was a gun?

10 A. Because I know what a gun looks like.

11 Q. What kind of a gun did you think it was?

12 A. I thought it was kind of a 9mm gun.

13 Q. What's your experience with firearms?

14 A. I'm not a professional, but I do own guns.

15 Q. Okay. Are you familiar with 9mm guns?

16 A. Yes.

17 Q. Can you generally describe what the gun looked like?

18 A. It was a black gun, metal color gun. I just noticed
19 that it had a bigger -- a bigger hole like a 9mm, much bigger
20 than like a 22 bullet.

21 Q. How did having a gun that close to you make you feel?

22 A. I just kind of went numb and was like is this for real.

23 Q. What are you doing with your hands in this picture?

24 A. That's when I just put my hands up and was like, "You
25 can have it."

1 THE COURT: It sounds like he doesn't need to go
2 into it on cross if you're not going --

3 MS. KLOPF: Exactly. What I'm saying,
4 Mr. Cartwright, is that if you are not crossing her at this
5 point I'll just leave it alone.

6 THE COURT: Why don't we do this: If he intends
7 to cross her on it, you're going to have redirect. You can
8 bring some stuff up.

9 MS. KLOPF: I know. I'd just rather front it.

10 THE COURT: I understand.

11 MR. CARTWRIGHT: Okay.

12 MS. KLOPF: So I'll just leave it alone then?

13 MR. CARTWRIGHT: Leave it alone.

14 MS. KLOPF: Okay. Great.

15 (Bench conference concluded.)

16 BY MS. KLOPF:

17 Q. At any point did you see the nose or mouth of the person
18 who did this to you?

19 A. No.

20 Q. How has experiencing this affected you?

21 A. It's just made me a little more aware that things really
22 can happen, even in a small community.

23 Q. Do you still work at this store?

24 A. Yes.

25 Q. How does that make you feel?

1 A. I still lock my door when I'm there by myself. I've
2 always worked with money. Now I'm nervous to work with
3 money.

4 Q. And just to confirm, did these men take the money from
5 your store?

6 A. Yes.

7 MS. KLOPF: One moment, Your Honor. No further
8 questions.

9 CROSS-EXAMINATION

10 BY MR. EVANS:

11 Q. Good morning, Ms. Wells.

12 A. Good morning.

13 Q. I just have a couple quick questions for you. My name
14 is Luke Evans. I represent Mr. Carney in this case. You
15 talked about seeing the shorter man, as you described him,
16 with a firearm?

17 A. Yes.

18 Q. What color was the firearm?

19 A. It was dark, like gun metal color.

20 Q. Okay. But all one color?

21 A. I believe it was. I'm really not sure.

22 Q. Okay. And earlier in your testimony, in reference to
23 that firearm, I think you said -- you referenced it as
24 looking like a 9mm?

25 A. Yes.

1 A. Correct.

2 Q. What about the shorter robber? What observations did
3 you make of whether or not the shorter robber had a gun?

4 A. The shorter robber also had a gun. It was pointed at
5 our two other associates, Derek and Geraldine. His gun had
6 an extended mag on it.

7 Q. What type of personal experience do you have with guns?

8 A. I have enough experience with guns to decipher if a gun
9 is real or not.

10 Q. From having the gun close to you and pointed at you back
11 on April the 4th, 2022, and what we're seeing here on this
12 video, did you believe that the gun that was pointed at you
13 was a real gun by the taller robber?

14 A. There's no doubt in my mind that that gun was real.

15 Q. No doubt?

16 A. Correct.

17 Q. What about the gun that you observed with the shorter
18 robber?

19 A. That gun was also real.

20 Q. Is that based on the experience that you had with guns?

21 A. Yes, that's based on the experience I have with guns, as
22 well as what I saw at that moment.

23 MR. MONTMINY: Kindly hit play.

24 (Video played.)

25 MR. MONTMINY: Pause.

1 by and wiping down that doorknob; correct?

2 A. I don't know.

3 Q. Okay. The firearms. You've talked a little bit about
4 the firearms, and I just want to ask you. The one you've
5 described as the taller robber, what did the firearm look
6 like?

7 A. He also had a semi-automatic handgun.

8 Q. Was it a two-tone handgun? Stainless? Black? All
9 black? Do you recall?

10 A. Based on memory, I would say black, but I'm not
11 confident in that.

12 Q. Okay. The gentleman that you've described as the
13 shorter robber, do you recall a description of that firearm?

14 A. That was also a semi-automatic handgun. I remember that
15 one was more tan. And that one also had the extended mag on
16 it.

17 Q. You said it was a tan-in-color firearm?

18 A. Correct.

19 Q. Okay. Now, you also gave some descriptors closer in
20 time to the robbery and also here today in court in reference
21 to the height of each of the robbers. Was there anything --
22 what were you using as a reference point to try to gauge -- I
23 know you said above-average -- taller robber is above-average
24 height, shorter robber is below-average height, then you had
25 your own kind of estimation of what that was.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA

vs

(1) FREDRICK EUGENE CARNEY
(2) WILLIAM JOHN EWING III

Case No. 3:22-cr-00174

BEFORE THE HONORABLE
WILLIAM L. CAMPBELL, JR., DISTRICT JUDGE

TRANSCRIPT OF PROCEEDINGS

June 12, 2023

VOLUME 3

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1 A. Yes, sir.

2 Q. All right. What I'd like you to do is I'd like to take
3 the time you need and explain to the men and women of the
4 jury what Mr. Carney said to you. Okay?

5 A. Yes, sir. We were on the way to the strip club, and he
6 was like, "I'm going to tell you something, but you can't
7 tell anybody." And I was like, "Okay." And he was like,
8 "How do you think we got the money to go to the casino and go
9 on, like, all the dates and stuff we've been going on?" And
10 I was like, "I don't know." And he was like, "Go to Google
11 and look up Smyrna Regions Bank robbery." So I looked it up.
12 And he was like, "Who does that look like?" And I was like,
13 "That looks like you."

14 And then he told me to Google Cash Express, like a
15 chain of robberies through Cash Express. So I did it. And
16 then he clicked the pictures on my phone. And like, say this
17 is my phone, he was like, "This one's me. This one's me."
18 And he was like, "Can you tell that one's me?" Because he
19 had a mask on, on one of them. And just told me which ones
20 were him.

21 Q. Did he admit to you that night that he had committed
22 robberies of businesses?

23 A. Yes, sir.

24 Q. Okay. Other than robberies of a business, like, I
25 think -- did he say a Cash Express?

1 Q. Right after that night at the strip club?

2 A. Yes, sir.

3 Q. Okay. According to you. Now, you told police -- well,
4 and let me say this. On April 24th, you called the police.
5 They came to the Thortons gas station in Smyrna and met with
6 you; right?

7 A. Yes, sir.

8 Q. And you actually gave information to the police on that
9 date; right?

10 A. Yes, sir.

11 Q. And you gave a written statement?

12 A. Yes, sir.

13 Q. And they also took a statement -- you know, they were
14 taking a statement. You were talking to them, as well as
15 what you wrote down; right?

16 A. I guess so.

17 Q. Right? Okay. And I want to make sure we're clear on
18 this. You said to them -- or in your written statement, you
19 went to the strip club this weekend, and he told you that he
20 robbed Regions Bank; right?

21 A. Yes, sir.

22 Q. That they put money in a backpack; right?

23 A. Yes, sir.

24 Q. There was a high-speed chase after the Regions Bank
25 robbery?

1 A. Yes, sir.

2 Q. -- right?

3 A. Yes, sir.

4 Q. And you're telling me that the police didn't want
5 specific information? Didn't they specifically talk to you
6 on 4/24 in that Thortons gas station parking lot about, "Tell
7 me everything that you know about Mr. Carney and these
8 robberies;" right?

9 A. Yes, sir.

10 Q. And you had seen them. What do you mean, like they
11 didn't show you; right? You had seen them on Google,
12 according to what you say?

13 A. Yes, sir. I just wasn't able to do it on my phone right
14 there in front of them. They said that an agent would
15 contact me.

16 Q. You forgot it? Did you forget?

17 A. No, I didn't forget.

18 Q. Night before, Mr. Carney's telling you that he's robbed,
19 according to your later testimony -- what is it? I mean,
20 have mercy, it's -- he robbed -- let's see. According to
21 later on, you ended up telling them that he showed you
22 pictures of Cash Express, Murfreesboro and admitted to it,
23 Nashville at Charlotte Pike and admitted to it, and
24 Greenbrier --

25 A. Yes, sir.

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 2 MIDDLE DISTRICT OF TENNESSEE
 3 NASHVILLE DIVISION

4 UNITED STATES OF AMERICA }

5 vs }

Case No. 3:22-cr-00174

6 (1) FREDRICK EUGENE CARNEY }

(2) WILLIAM JOHN EWING III }

7 - - - - -

8
 9 BEFORE THE HONORABLE
 10 WILLIAM L. CAMPBELL, JR., DISTRICT JUDGE

11 TRANSCRIPT OF PROCEEDINGS

12 June 13, 2023

13 VOLUME 4

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1 MR. MONTMINY: Nothing further, Your Honor.

2 THE COURT: All right. Ma'am, you may step down.
3 (Witness excused.)

4 MR. MONTMINY: United States would call Stanley
5 Shoemaker.

6 COURTROOM DEPUTY: Raise your right hand, please.

7 STANLEY SHOEMAKER,
8 called as a witness, having been duly sworn, was examined and
9 testified as follows:

10 THE WITNESS: I do.

11 COURTROOM DEPUTY: State your full name for the
12 record, please, and spell your last.

13 THE WITNESS: Stanley Shoemaker,
14 S-H-O-E-M-A-K-E-R.

15 DIRECT EXAMINATION

16 BY MR. MONTMINY:

17 Q. Good morning, sir. Just make yourself comfortable.
18 Maybe tilt your chair so you can face the men and women of
19 the jury. If you could please introduce yourself to the men
20 and women of the jury.

21 A. What's that, sir?

22 Q. If you could introduce yourself to the men and women of
23 the jury.

24 A. I'm Stanley Shoemaker.

25 Q. Okay. Mr. Shoemaker, are you currently employed?

1 A. Yes, sir.

2 Q. Where do you work?

3 A. T & S Autos.

4 Q. And what is that?

5 A. That's a car lot.

6 Q. Where?

7 A. In Old Hickory, Tennessee.

8 Q. A car lot to sell cars?

9 A. Yes, sir.

10 Q. And how long have you been working at T & S Autos?

11 A. Off and on, about five or six years.

12 Q. And what is your current position at T & S Autos?

13 A. I help run the place. I sell cars. A little bit of

14 everything.

15 Q. Are they new cars? Used cars? Combination of both?

16 A. Used cars.

17 Q. All used cars?

18 A. Yes, sir.

19 Q. What I'd like you to do is, if you could -- there's a

20 notebook in front of you. If you could please see if you can

21 turn to tab No. 39.

22 A. Okay.

23 Q. It's a little hard to maneuver, but see if you can get

24 to 39.

25 A. Okay.

1 Q. Just look up when you're done looking at that document.

2 A. Sir?

3 Q. Just look back up when you're done looking at it.

4 A. Okay.

5 Q. Sir, were you working on May 27, 2021, at T & S Autos?

6 A. I was.

7 Q. Now, looking at Exhibit 39, do you recognize that
8 document?

9 A. I do.

10 Q. How do you recognize that document?

11 A. It's one of our standard contracts there at T & S Autos.

12 Q. Is that a normal business record?

13 A. Yes, sir.

14 Q. Is that something that you do in business during the
15 regular course of business?

16 A. Yes, sir.

17 Q. And describe more specifically what it is for a moment
18 to the jury.

19 A. It's just a standard contract, states the car that we're
20 selling and who we're selling it to, how much we're selling
21 it for. It, you know, describes all the information for
22 selling the car.

23 Q. Like a bill of sale?

24 A. Bill of sale is what it is, yes, sir. It's a contract
25 bill of sale.

1 Q. And you recognize it as -- is your name on there?

2 A. Actually, I don't see my signature on here.

3 Q. Okay. But you recognize that document?

4 A. I do recognize the document, yes.

5 MR. MONTMINY: At this time, the government would
6 move Government's Exhibit No. 39 for ID into evidence.

7 MR. EVANS: No objection.

8 MR. CARTWRIGHT: No objection.

9 THE COURT: Without objection, Government's 39 is
10 admitted.

11 (Government's Exhibit 39 received in evidence.)

12 MR. MONTMINY: And permission to publish.

13 BY MR. MONTMINY:

14 Q. All right. Mr. Shoemaker, we're looking at
15 Government's Exhibit No. 39, and I see the T & S Autos and
16 your address; correct?

17 A. That is correct.

18 Q. All right. And we see that this is, in fact, the bill
19 of sale that you referenced; correct?

20 A. Yes, sir.

21 Q. From this document, can you explain to the jury who
22 you're selling a car to?

23 A. To a Fredrick Carney.

24 Q. I'm circling in the top left. Is that the person you're
25 selling the vehicle to?

1 A. Yes, sir.

2 Q. And could you describe to the jury the type of vehicle
3 that you're selling to Fredrick Carney?

4 A. A 2014 Chevrolet Impala, four-door, red, with
5 88,929 miles on it.

6 Q. Okay. And in the middle of the document, what am I
7 circling there?

8 A. That's where he signs the contract.

9 Q. Okay. Thank you. Now, explain this row right here that
10 I've got circled.

11 A. Okay. Looks like selling him the car, \$7,995, plus the
12 state tax was 605, local and business tax totaling 8660.

13 Looks like he gave 1500 down.

14 Q. Where do we see that? Would that be --

15 A. Where it says "Down payment." Yes, sir.

16 Q. All right. And, sir, for any of these documents that
17 are on the screen, you can actually touch the screen if it
18 helps you show exactly where it is that would help explain
19 this to the jury. Okay?

20 A. Okay. So you want me to go back through it?

21 Q. No, I'm just saying if this helps you to explain.

22 A. I can see it.

23 Q. What was the date of the sale? Could you show where
24 that is on this --

25 A. The date of the sale?

1 Q. Yes.

2 A. Looks like it was the 27th day of May of '21.

3 Q. Could you circle it where you see that, sir?

4 A. Yes, sir. Right here (indicating).

5 Q. So May 27, 2021, is when you and your car dealership
6 sold this red Chevy Impala to Fredrick Carney?

7 A. Yes, sir.

8 Q. All right. Sir, if you could also turn to, in your
9 notebook, what's marked as Exhibit No. 40.

10 A. Okay.

11 Q. And do you recognize that?

12 A. I do.

13 Q. How do you recognize that?

14 A. It is also a standard contract from T & S Autos, Bill of
15 Sale.

16 Q. Is that done in the normal course of business?

17 A. Yes.

18 MR. MONTMINY: At this time, the government would
19 respectfully move Government's Exhibit 40 for ID into
20 evidence.

21 MR. EVANS: No objection.

22 MR. CARTWRIGHT: No objection.

23 THE COURT: Without objection, Government's
24 Exhibit 40 is admitted.

25 (Government's Exhibit 40 received in evidence.)

1 MR. MONTMINY: Permission to publish?

2 BY MR. MONTMINY:

3 Q. Could you describe to the jury what this document is.

4 And if it helps to circle the screen, that would be helpful,
5 too.

6 A. It's a contract selling Latika Poole a 2014 Chevrolet
7 Impala for \$6995.

8 Q. Was that the same Chevy Impala?

9 A. It is the same Chevy Impala.

10 Q. As the prior exhibit?

11 A. Yes, sir, I believe it is.

12 Q. So this is the person that purchased it?

13 A. Yes, sir.

14 Q. And what was the date of this?

15 A. It was April 5, 2022.

16 Q. Is that the date at the bottom?

17 A. It is.

18 Q. Right here (indicating)?

19 A. Yes, sir.

20 Q. Okay. And what was the down payment, if any?

21 A. The down payment amount?

22 Q. Was there a down payment?

23 A. Yes, sir. Looks like it was \$1500.

24 Q. If you could mark where that is.

25 A. Yes, sir. Right here (indicating).

- 1 Q. Okay. Very good. And would this be the signature of --
- 2 A. It would be, yes.
- 3 Q. And her name is Latika Poole?
- 4 A. Yes, sir.
- 5 Q. And the top, under the name Latika Poole, that's the
- 6 address that she gave, 721 Flint Ridge Drive?
- 7 A. Yes, sir.
- 8 Q. Whites Creek?
- 9 A. What's that?
- 10 Q. Whites Creek, Tennessee?
- 11 A. Yes, sir, Whites Creek, Tennessee.
- 12 Q. If you could please go to -- look in your notebook under
- 13 Exhibit 41, please.
- 14 A. Okay.
- 15 Q. And then look back up when you're done.
- 16 A. Okay.
- 17 Q. Do you recognize Exhibit 41?
- 18 A. Yes, sir.
- 19 Q. How do you recognize Exhibit 41?
- 20 A. That is also a standard contract for T & S Autos, Bill
- 21 of Sale.
- 22 Q. Were you working on April 5, 2022?
- 23 A. I was.
- 24 Q. On April 5, 2022, were you working in your normal
- 25 capacity at the T & S Auto?

1 A. Yes, sir.

2 Q. And Exhibit 41, that's in the normal course of business?

3 A. Yes, sir.

4 MR. MONTMINY: Government would respectfully move
5 Government's Exhibit 41 for ID into evidence.

6 MR. EVANS: No objection.

7 MR. CARTWRIGHT: No objection.

8 THE COURT: Without objection, 41 is admitted.

9 (Government's Exhibit 41 received in evidence.)

10 MR. MONTMINY: Permission to publish?

11 THE COURT: Yes.

12 BY MR. MONTMINY:

13 Q. Describe to the men and women of the jury what this
14 document is.

15 A. It is a contract selling Fredrick Carney a 2014 Dodge
16 Charger, four-door, black, with 72,000 miles for \$13,900.

17 Q. Okay. And what was the date of the sale?

18 A. The date?

19 Q. What's that?

20 A. What did you say?

21 Q. What was the date that you sold --

22 A. April 5, 2022.

23 Q. Here in the bottom here?

24 A. Yes, sir.

25 Q. Okay. I've underlined the vehicle description. Is that

1 the 2014 Dodge Charger, four-door, black?

2 A. Yes, sir.

3 Q. The down payment was what?

4 A. Looks like the down payment was \$1130.

5 Q. Can you circle that for us?

6 A. Yes, sir. (Indicating.)

7 Q. And did Fredrick Carney sign the document?

8 A. Yes, sir.

9 Q. And if you could circle that.

10 A. (Indicating.)

11 Q. So this occurred on April the 5th of last year. So

12 we're talking about, you know, what, 14 months ago?

13 A. Yes, sir, I think so. Yes.

14 Q. Do you remember that day?

15 A. I think I pretty well remember it.

16 Q. Do you remember selling the Dodge Charger to Fredrick

17 Carney?

18 A. Yes.

19 Q. So we had two documents on April the 5th, 2022. We had

20 the red Chevy Impala; correct?

21 A. Uh-huh.

22 Q. And is your testimony that Latika Poole purchased that

23 red Chevy Impala?

24 A. Yes, sir.

25 Q. And then we have this document here with Mr. Carney

1 purchasing the black Dodge Charger; is that accurate?

2 A. Yes, sir.

3 Q. Can you explain to the jury what happened that day about
4 these two people and the events that occurred that day?

5 A. Yes, sir. Fredrick Carney was in the Chevrolet Impala
6 and wanted to trade it in. So he came in with Ms. Poole, and
7 I took the Impala back in on trade towards the 2014 Dodge
8 Charger. And then I turned around and sold the Impala to
9 Ms. Poole.

10 Q. All right. And does that happen sometimes in your car
11 dealership business?

12 A. Yes. Yes, it has.

13 MR. MONTMINY: Could I have a moment, Your Honor?

14 BY MR. MONTMINY:

15 Q. Could you describe -- on the April 5, 2022, date in
16 which Mr. Carney came in with the red Chevy Impala and then
17 exchanged it for the black Dodge Charger, and then the red
18 Chevy Impala was bought by Ms. Poole, could you explain how
19 the ultimate down payment was made?

20 A. Can I explain what?

21 Q. How the down payment was made, whether it was by cash or
22 check.

23 A. It was cash, that I recall. It was cash.

24 Q. And then similarly for the Dodge Charger purchased by
25 Fredrick Carney on April 5, 2022, how was the Charger down

1 payment made? Was it by cash or check?

2 A. It was by cash also.

3 Q. And you remember that?

4 A. Yes, sir.

5 MR. MONTMINY: Thank you very much, sir. No
6 further questions, Your Honor. Thank you.

7 THE WITNESS: Okay.

8 CROSS EXAMINATION

9 BY MR. EVANS:

10 Q. Good morning, Mr. Shoemaker.

11 A. Good morning.

12 Q. Just got a couple questions for you.

13 A. Okay.

14 Q. First, you went over these bill of sales, and you
15 distinctly remember Mr. Carney and Ms. Poole coming in on
16 April 5th; is that right?

17 A. I do.

18 Q. And you said the down payments were made in cash?

19 A. Yes, sir.

20 Q. And Ms. Poole made a cash down payment?

21 A. Yes, sir.

22 Q. And then Mr. Carney made a cash down payment?

23 A. Yes, sir.

24 Q. You remember a couple weeks later, around late April,
25 April 25th, when law enforcement, FBI, originally reached out

1 to you about this transaction?

2 A. I believe I remember that, yes, sir.

3 Q. All right. And at that time they asked you for these
4 documents; right?

5 A. Yes, sir, I think so.

6 Q. And specifically identified Fred Carney and Latika
7 Poole; correct?

8 A. Yes, sir.

9 Q. Okay. After April 25th, when they reached out to you by
10 phone, and you knew they were the FBI and asking about
11 Mr. Carney and purchases of these vehicles, at any time did
12 you call Mr. Carney and alert him that law enforcement was
13 looking into his purchase of these vehicles?

14 A. No, sir, I did not.

15 MR. EVANS: All right. Thank you. I don't have
16 any further questions.

17 THE WITNESS: Okay.

18 MR. EVANS: Oh, one moment, Your Honor. No, no
19 further questions.

20 MR. CARTWRIGHT: No questions.

21 MR. MONTMINY: Brief follow-up.

22 REDIRECT EXAMINATION

23 BY MR. MONTMINY:

24 Q. Defense counsel just asked you if you, yourself,
25 contacted -- made any phone calls regarding contacting

1 Mr. Carney. Do you know if anyone from your auto dealership
2 made any calls to Carney?

3 A. I do not know of anyone that did, no, sir.

4 Q. You don't know one way or the other?

5 A. No, sir.

6 MR. MONTMINY: No further questions.

7 RECROSS-EXAMINATION

8 BY MR. EVANS:

9 Q. Mr. Shoemaker, you were the one that dealt with
10 Mr. Carney; correct?

11 A. Yes, sir.

12 Q. And to your knowledge, was anyone else selling
13 Mr. Carney cars, or did they know Mr. Carney?

14 A. I mean, he could have talked to others. There are a
15 couple other people there. To my knowledge, I don't recall
16 whether he did or didn't.

17 Q. Okay. And you don't have any knowledge of anyone from
18 the car dealership reaching out to Mr. Carney to alert him
19 about the FBI?

20 A. Not personally, no, sir, I don't.

21 Q. Okay. And do you recall even -- after you got that call
22 from FBI, do you even recall telling anybody else in the car
23 lot that they called?

24 A. I mean, I may have had a conversation with, you know,
25 the people there at T & S that it happened. I don't recall

1 UNITED STATES DISTRICT COURT
 2 MIDDLE DISTRICT OF TENNESSEE
 3 NASHVILLE DIVISION

4 UNITED STATES OF AMERICA }

5 vs }

Case No. 3:22-cr-00174

6 (1) FREDRICK EUGENE CARNEY }

(2) WILLIAM JOHN EWING III }

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8
 9 BEFORE THE HONORABLE
 10 WILLIAM L. CAMPBELL, JR., DISTRICT JUDGE

11 TRANSCRIPT OF PROCEEDINGS

12 June 14, 2023

13 VOLUME 5

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1 round emblem that, during the course of the video and other
2 still imagery, is the Pittsburgh Steeler emblem for the
3 football team the Pittsburgh Steelers. And then obviously
4 we've got a toboggan, or a head covering, that is not
5 proportional to -- it appears to me that someone has taken a
6 lot of hair and pushed up, and then put the covering on it.
7 And therefore causes the back of it to not look proportional
8 to what we would believe it to look like normally. That's an
9 example indicative of putting hair up and putting that head
10 covering on. And, obviously, a COVID-style mask.

11 MR. MONTMINY: Next image, please. And next
12 image, please. And next image, please.

13 BY MR. MONTMINY:

14 Q. And on the image here that we're seeing, the suspect in
15 the white toboggan, is there anything pertinent or relevant
16 regarding the clothing that we see?

17 A. Well, again, the white toboggan itself. Firearm here.
18 This particular shirt is a -- it's a two-tone gray, darker,
19 lighter.

20 Can we scroll up a little bit maybe? I'm sorry,
21 the picture. Is there anything below that, or does it end
22 there? I mean, the pants, but I can't get a clear image from
23 the -- oh, there we go.

24 So the pants that's being worn, kind of maybe like
25 joggers. Of note, would be the pockets that are not

1 down.

2 THE WITNESS: In this particular image, I'll just
3 say that -- maybe I didn't describe the pocket on the taller
4 of the two's pants, but you can -- it kind of goes straight
5 down, as opposed to how, I guess, in my mind like jeans or
6 traditional pants just have pockets that are more horizontal.
7 It just seems to go at a different angle that goes towards
8 the leg or with the leg.

9 BY MR. MONTMINY:

10 Q. Okay. From your investigation of the seven robberies
11 that I listed at the beginning of my questioning to you, did
12 your investigation reveal that in the robberies that had two
13 suspects, there was a taller and a shorter?

14 A. Yes. In each of the robberies where there were two
15 robbers, two suspects, one was more taller than the other
16 one.

17 Q. And anything else on this image before we move on?

18 A. If we could go back one or two images just real quick.

19 Q. Okay.

20 A. One more, please. And stop right there.

21 The shorter of the two robbers is presenting a
22 firearm. I'm going to draw a red line. That's referencing
23 the slide of the firearm, and then this would be what we call
24 the receiver of the firearm, the lower receiver. It is
25 two-tone, identifiable as a silver or gray and then a dark

1 black. And that is a firearm that, as we progress, I'll
2 re-identify.

3 Q. I see. Okay.

4 MR. MONTMINY: If you could scroll down,
5 Ms. Green, please. Thank you very much.

6 THE WITNESS: And this particular image here is
7 another distinctive profile shot of the shorter robber
8 where -- and I'll just -- where the head covering would be
9 indicative of hair being pushed up. And then another image
10 of the pair of shoes that he had on.

11 MR. MONTMINY: Next image, please. And that might
12 be it. Okay.

13 BY MR. MONTMINY:

14 Q. All right. So you're indicating to the men and women of
15 the jury that this April 4th Regions Bank robbery was -- was
16 it essentially the start of your federal investigation?

17 A. It was the inception of the FBI's involvement into the
18 series of robberies that we're discussing today.

19 Q. Okay. So what was the next step once you became aware
20 of this April 4th bank robbery down in Smyrna?

21 A. Agents and TFOs from our office did respond to that bank
22 robbery and interviewed the witnesses who were available,
23 interviewed the employees who were available, and coordinated
24 with corporate security for Regions to obtain surveillance
25 images. And then, while there, would have coordinated with