GA v. Lacy Boles-Day 4

(0:00 - 0:15)

If you tell me it's too much, then it's too much, and then we won't do it. I'm looking at some of these witnesses we've got coming up. We have one more law enforcement witness, and then we have the medical examiner.

(0:15 - 0:23)

I expect those to be really long. Other than that, these witnesses should go pretty quickly. We've got people from GBI, people that knew that they'd come to testify.

(0:24 - 0:30)

That's it. It might go pretty quickly. It normally goes longer than we expect.

(0:36 - 0:59)

Then we're starting a multi-defendant case the next Monday. And January 4th, multi-defendant murder case. And December 14th, maybe? I think we've got it.

(1:00 - 1:05)

I don't know. I'm not going to tell you. I'm back on January 4th.

(3:19 - 5:30)

Are we still waiting on a juror? Are we still waiting on a juror? We are? Okay. Okay, we're good. Thank you.

(5:31 - 5:37)

Mr. Leighton, we have an easel. Do you need it now or you just want to hand these to right now? We'll get someone real quick. Okay.

(6:10 - 6:23)

We're good. Thank you. The court is adjourned.

(6:24 - 6:29)

I'm going to try it. Say again. I'm going to try it.

(6:30 - 6:33)

Whatever you want to do. Whatever you want to do. I'll give you some notes.

(6:37 - 6:50)

May I please record? We don't need it today. Your honor, we're going to recess on Friday. The witnesses brought up from the- They may still be hearing this.

(6:50 - 6:57)

Oh. They could be over here sitting. Get confirmation it's not happening.

(7:00 - 12:03)

Okay. Let me double check. Got him? Alright.

(12:03 - 12:33)

Alright. Are you all ready? Yes sir. Ready? Okay.

(12:33 - 12:47)

Thank you. Do you want us to hold them? If you would. Yeah.

(12:47 - 12:51)

Well, we don't have a lever to hold them. Yeah. Hold up.

(12:52 - 12:53)

Hold up. Hold up. Hold up.

(12:53 - 13:03)

Hold up. Alright. All right.

(13:05 - 13:27)

Your Honor, when we reached in on Friday afternoon, Mr. Leon, we went to the DA's office and talked to a witness that they brought up from Florida to testify. It used to be in Pauline County Sheriff's Office. He had a number of photographs, and when we viewed all the photographs, they asked him all the questions they wanted to ask him.

(13:27 - 13:42)

And what it boiled down to is we have just a very few photographs we wanted to introduce. It's going to be without objection. And I was going to let Mr. Cadaway do it with this witness on redirect.

(13:43 - 13:51)

But I just wanted to know. That's why these photographs were brought up. And this eliminates a witness that might have been a little bit lengthy.

(13:54 - 13:58)

All right. Is that true, Mr. Steele? Yeah. All right.

(13:58 - 14:01)

That's all good. Well, thank you for that. All right.

(14:01 - 14:41)

That's the way we'll do it. We can have the jury now. Good morning, everybody.

(14:42 - 14:47)

Welcome back. Hope you all had a great weekend. Hope your football team won, whatever team that is.

(14:48 - 15:02)

You may have heard some of our discussions in the jury assembly room. I was told that the audio was on out there, so this might not come as a surprise to you. One of the concerns that I've had in this case is scheduling, and I'm sure that's a concern for you all as well.

(15:03 - 15:41)

We got news that one of you had an unforeseen event come up and needs to go to a funeral Thursday. And so any time I ask you about scheduling, what I try to do is give you the information here, not get an answer from you, so that nobody's put on the spot and you all can go back and talk about it, and then you can tell the bailiff. So as to that person who needs to leave town, the question is can you leave at noon or do you have to leave first thing in the morning? Whatever your answer is, that's okay, but that's just a suggestion and we'd like to know.

(15:42 - 16:02)

We know that we're putting a lot on you all, and sometimes I have an idea or a suggestion, and it's just too much, and your answer will be no. But sometimes your answer will be yes. What we're faced with is probably going the remainder of this week, but it's going to be a short week for reasons outside of our control, and that's not blaming anybody.

(16:02 - 16:22)

That's just life. That will put us into next week, where next week is a very special week for all of

us because it's Thanksgiving and we need to finish before Thanksgiving. One idea is to work late today, tomorrow, and Wednesday, or if not all three days, two of those days or one of those days.

(16:22 - 16:42)

What that would look like is I would have dinner brought in, and somewhere around 5 o'clock, you all would go back into the jury room and you'd have dinner, and then we'd come back out and we'd work another couple hours as late as you all wanted to go. That's an idea. If the answer is no, it's too much, you just say no.

(16:42 - 16:50)

So talk about that, please, during the break. All right. Is the state ready to resume? The state's ready, Your Honor.

(16:50 - 16:54)

We had Nicholas Harding. All right. We had passed the witness at that point.

(16:55 - 17:07)

Okay. Welcome back. You understand you're still under oath? Yes, Your Honor.

(17:07 - 17:34)

All right. Yes, sir. Ready? Your Honor, may I approach with State's Exhibit Number 210? Yes, sir.

(17:35 - 17:41)

211, 212, 213, and 214. Yes, sir. May I approach you, sir? Yes, sir.

(17:41 - 17:59)

I'm going to show you a smart State's Exhibit Number. It's kind of a joint submission in the interest of time. Can you take a look at those and tell me whether you recognize those items and that they accurately depict what is contained therein? Of each one.

(17:59 - 18:13)

If there's some that you recognize, some you don't, just tell us that as well. I recognize them all, sir. And they're fair and accurate photographs of what they depicted at the time, as far as you know? They are.

(18:14 - 18:24)

Your Honor, it's really a joint submission. I'm just trying to do it for time. But if it's okay with the

State, I'm moving for the Admission of State's Exhibit Number, and I think it's 210 through 214.

(18:28 - 18:31)

Those are all of it. Thank you. Okay.

(18:36 - 18:50)

The reason why you... Well, you took an oath to be an officer, right? I did, Your Honor. Wherever you worked, it's always required. True? Yes, sir.

(18:51 - 19:00)

It's because law enforcement officers have a lot of power in our community. The community gives law enforcement a lot of power. Is that fair to say? It's fair.

(19:01 - 19:47)

And part of that power is, in a scene like this, that you were tasked to be the lead detective, you know, late in the game, but the lead detective, is because you need to, as well as your teammates, everybody on the prosecution team, collect evidence. Is that fair to say? It's fair. And the reason why we collect evidence, I'm saying we, the reason why you and scientists look at it, prosecutors look at it, and eventually jurors look at it, is because the goal is, in front of a fair, wise court, like we have, a just court, is to produce the best and highest evidence so the jurors get good information.

(19:47 - 19:51)

That's really the goal. True? Yes, sir. That is the goal.

(19:51 - 20:14)

And physical evidence is critical in an investigation because it can tell what happened. It can tell a story, right? Yes, physical evidence is important. And as opposed to a human being, I'm not saying they're lying, but emotions can get involved, trauma can get involved, bias can get involved, maybe it's intentional.

(20:14 - 20:20)

Sometimes human beings can be accurate with what they say. Sometimes they can be inaccurate. Is that all fair? That's fair.

(20:21 - 20:30)

But physical evidence doesn't have an agenda. It's the blood evidence, the DNA, the fingerprints, whatever. True? The photographs.

(20:31 - 20:41)

Yes, sir. So in this case, you didn't bring to the juries a theory or guesswork. You tried to bring the best evidence you could.

(20:41 - 20:55)

I did. And you do, and the jurors know, you come in afterwards, and I'm not criticizing anybody, but you come in afterwards and there's some benefits to that and there's some downside to that. Is that fair to say? It's fair.

(20:55 - 21:09)

Because by the time you come in, several weeks or months have passed. True? I believe, yes, it's been several weeks when I came in. And because of that, certain things, it's beyond your control.

(21:09 - 21:19)

So you can't go back and get Lacey Ball's clothing. I mean, you just can't do it, right? No, I could not. You can't go back and photograph what Lacey looked like that night.

(21:20 - 21:24)

It's just over. Those days have passed, right? That is correct. And that should have been done.

(21:24 - 21:31)

No one's criticizing. That should have been done by the people who are on the scene responding immediately. Fair.

(21:31 - 21:59)

It's fair. You also have the benefit, though, because you get to look at what is there and get to contemplate and nobody's rushing you and saying, well, what can I do with this, what can I do with this, et cetera, right? That's fair. And you can come up with the ideas and go forward with what your coworkers did and you can add to it if you want to add to it or subtract from it depending upon where the investigation should lead.

(22:00 - 22:02)

Fair to say. Fair to say. All right.

(22:02 - 22:21)

Now, the whole point of that is really for the jury, where people like me or the prosecutor, we weren't there at the time. Anyone wasn't there at the time of the shooting that we know of except for Lacey and Mr. Akers. True.

(22:22 - 22:38)

That is true. So we're trying to figure out as best we can what does the evidence show, right? Yes, sir. And it's your job, as well as your coworkers and the prosecutors, to present such competent evidence to convince the jurors and the judge will charge on the law.

(22:38 - 22:42)

But you have the burden proof. You realize that, right? I do. Okay.

(22:46 - 22:55)

So in the case – To that last question, the state and the prosecutors have the burden proof. This detective is under no burden other than the producer. That's the evidence he's got.

(22:55 - 23:02)

He's got no burden proof in this courtroom other than the truth. That's his only burden. Okay.

(23:02 - 23:13)

Do you care to respond to that, Mr. Steele? All right. Well, I'll sustain it if Mr. Steele wants to re-ask the question again. Yes, sir.

(23:15 - 23:28)

All right. I want to talk with you about certain evidence in the case, if I can. There's physical evidence that's photographs.

(23:28 - 23:40)

Whatever you need, if I don't show it to you, I'm not trying to hide it or say there's another exhibit that's a better exhibit or whatever. Okay? Yes, sir. Just tell me if I leave out something or you need something to look at.

(23:44 - 24:46)

So with regards to – and let me get the exhibit. Do you mind helping me out? I'd like to show you, and then with the court's permission, it's in evidence. State's exhibit number 290, if you don't mind.

(24:53 - 24:57)

This is already evidence. I just want to show it to you. May I approach you? Yes, sir.

(24:58 - 25:06)

It's on the back. Yes, sir. I'm going to put it on the screen.

(25:06 - 25:19)

If you need to see it just better than this technology, just let us know. Your Honor, may I display? Yes. The assistance of the DA's investigator, I think.

(25:19 - 25:31)

State's 290. Do you remember testifying to this exhibit last week? I do on Friday, yes, sir. And I'm focusing on what I believe you focused on.

(25:31 - 25:40)

These are some photographs. Is that fair to say? It is. And it says some, like, memories, and I can't read it, but something like that.

(25:41 - 25:47)

It's a collage of photographs on a placard. Is that correct? That is correct. All right.

(25:47 - 26:19)

And this was taken when you were in Lacey and Ms. Acres' home on March 5th of 2020. Is that fair to say? Yes, sir. And when you walked through the home with Lacey and you wanted to see the safe before you took Lacey back, with her permission, to the sheriff's office to be interviewed, which the jurors saw that video, audio recording, you noticed, and I think you told the jurors, that it was of interest to you that there's no photographs of Mr. Acres in the home.

(26:19 - 26:29)

Do you remember testifying to that? I do remember, sir. And why was that of interest to you, if you don't mind? Explain. And you took note of it, so I assume it was of interest to you.

(26:29 - 26:42)

I just noticed that there was no photographs of Mr. Acres in the house anymore that I saw. And when you noticed that, it registered in your mind. Fair to say? It did.

(26:42 - 26:50)

And you thought it was interesting. I'm not saying it proves anything to this case, but you just

thought it was an interesting fact, I guess. Yes, sir.

(26:50 - 27:00)

Because it really doesn't prove that Lacey came down the steps with a gun or Mr. Acres committed suicide. It's just an interesting fact, I guess. It was an interesting fact, sir.

(27:01 - 27:20)

I'm going to ask you to look at some photographs and just tell me if you recognize these photographs. Okay? Yes, sir. I'm going to be right there with you.

(28:26 - 30:19)

Okay. Okay. I am going to show you what I've marked as Ms. Bowles number 134, 135, and 133.

(30:19 - 30:31)

I've given those to prosecutors. May I approach you? Yes, sir. You can take a peek at each one individually.

(30:31 - 30:50)

Just tell me whether you recognize those photographs and the people depicted in them. There appear to be some photographs of Dan and Lacey. Okay.

(30:51 - 31:40)

Do you recognize the, I think it's 133, 134, and 135, Ms. Bowles' exhibits? I mean, I recognize that there are pictures of them. And do they look like what they looked like during their life together? Yes. Your Honor, I move for the admission of Ms. Bowles, 133, 4, and 5. I'd like you to do me a favor, if you don't mind, investigator.

(31:40 - 31:56)

Can you blow up on – what number is that? Is that 290 of the states that's on the screen right now? Yeah, of course. It's 290. Can you blow it up to the one, the photograph? I just want to – and we'll come back to it if we need to, but it's right there, I believe.

(31:57 - 32:08)

You could try your best. Right there, actually. That one right there.

(32:08 - 32:30)

Can you make that any better? Chair, with the Court's permission, can the lights be adjusted?

That's all right. Thank you, Your Honor. Do you see this picture right here in the collage? I do.

(32:30 - 32:49)

And I'm just focusing on that one. I'm not going to go through each one of these or other pictures in the house, but I'm just focusing on this one. I'd like you to – I'm going to show you or ask you to help me to review Ms. Bowles' number 135, if you don't mind.

(32:49 - 32:58)

I'm going to hand one, just the same copy. If you want to use the original, I will, to the investigator. May I approach you, Your Honor? Yes.

(32:58 - 33:19)

May I approach you? This is Ms. Bowles, 135. From Stage 290, if you need to see it in person, this is just focusing on that same picture. Do you see these two people? Yes, sir, I do.

(33:19 - 33:33)

Do you recognize that as Lacey Bowles and Mr. Akers? I do. And then just for clarity, I'm going to also ask the Court if I can display 134, Ms. Bowles' number. May I approach you? Yes.

(33:33 - 33:49)

May I approach you, sir? And this is just another close-up. You see Mr. Akers here on the – would be my right and Ms. Bowles on my left? I do. Okay.

(33:50 - 34:04)

Now that picture is actually hanging in the home of Ms. Bowles on May 5th – excuse me, March 5th, 2020. Do you realize that now? I do not. You don't think that this is – I didn't recognize that picture.

(34:04 - 34:18)

But do you recognize it now? I mean, I see that it is Ms. Bowles and Ms. Akers, but I did not see that picture. And when you say you didn't see it? On March 5th, I did not see it, sir. Well, let me show you State's exhibit number 290 again up front.

(34:19 - 35:07)

May I approach you? Yes. It's on this Court screen. Do you see it? Yes, sir, I see it.

(35:07 - 35:29)

Is it the same picture as what was hanging in Lacey Bowles' home, Ms. Akers' home, on March 5th, 2020? It's extremely hard to tell on this, but I see there is a picture there, and there are two individuals in it. But I cannot accurately say that that is the picture. Well, I'm going to hand you, with the Court's permission, the actual picture so it's not on the screen, okay? Okay.

(35:29 - 35:34)

And then you tell us whether that's the same picture or not. And the jurors will have it out with them as well. Yes, sir.

(35:34 - 36:18)

Okay? May I approach you? Yes, sir. May I approach you? Yes, sir. Do you still feel certain on your testimony that there wasn't a photograph of Mr. Akers hanging in that house when you went through it? As I said in my testimony, I did not see any photos.

(36:19 - 36:24)

But there may have been one that you just missed, right? There may have been one I missed. I did not see any. Okay.

(36:28 - 36:49)

You have in front of you all these exhibits that we just put in, the ones that are on the record just a moment ago? Yes, sir. Are you telling the jury that that is not a close-up? Ms. Bowles' exhibit numbers are not a close-up of states number 290. Are you telling them that? I'm sorry, sir.

(36:49 - 37:11)

Which exhibit are you referring to? Ms. Bowles' exhibit numbers that I just handed you. This one? Or Ms. Bowles? I'm sorry, Ms. Bowles? They're zoomed in, but I did not see that picture that day. Let me show you another picture that was hanging in the house when you went through it.

(37:11 - 39:35)

You made the observation that no photographs of Mr. Akers in the house, okay? Thank you. I'd like to show you what I'll remark unless the state wants to keep their exhibit number. I'll remark it as Ms. Bowles' number 136 and 137.

(40:20 - 40:34)

I'm going to show you what I remarked as Ms. Bowles' number 136, 137, and 137. Yes. Tell me whether you recognized from March 5, 2020, what the house looked like in that image.

(40:40 - 40:50)

These are accurate. And those were taken at your command by your fellow co-worker, fair to say? Your Honor, I move for the admission of Ms. Bowles' 136 and 137. No.

(40:52 - 41:09)

May I display them, Your Honor? Yes. May I approach you? Can you just announce which one you're displaying, if you don't mind? Ms. Bowles' 136. Ms. Bowles' 136.

(41:11 - 41:35)

And this is just another photograph focusing on that same memories, making memories, I think it says, minute. And that's that same photograph, right? Yes, sir. Does that help you, and the investigator can zoom in if he can, does that help you to show that that is the exact same photograph that I showed you in Ms. Bowles'? It does appear to me.

(41:35 - 42:03)

So, in fact, now, and I appreciate, you just missed it, right? Yes, sir. In fact, there is at least one, and I'm not saying there's not others, but there's at least one picture that we can see based upon what was taken at that search warrant on March 5, 2020, that there is a photograph or more of Mr. Akers in the home. Fair? There's only one photograph that I see here.

(42:04 - 42:09)

Okay. That I did miss. But you changed your testimony from last Friday.

(42:10 - 42:18)

I missed. Yeah, that's okay. People, human beings miss things, they make mistakes, right? Yes, sir.

(42:19 - 42:40)

Okay. Now, I'd like to go and talk to you about the nail, the white nail, the acrylic nail. Yes, sir.

(42:40 - 42:45)

In the safe. Yes, sir. Do you understand what I'm referring to? Yes, sir, I do.

(42:45 - 43:24)

I want to just show you some photographs, and they're already in evidence, but just to make sure that we're talking about the same thing. Mayor Bergeron? Yes? I'm showing you State's Exhibit number 203, 204, 205, 206. They're already in evidence.

(43:25 - 43:30)

Yes, sir. Mayor Bergeron? Yes, sir. Mayor Bergeron? Yes, sir.

(43:30 - 43:46)

Please take a memory of that, and then we're going to display that to you. You're on, Mayor Bergeron. The investigator.

(43:47 - 43:49)

Yes, sir. Display it. Thank you.

(43:53 - 44:08)

Just to orient the jury, the investigator can put on the item just looking into the safe, and then it gets closer up to the, what I'll call, an acrylic white nail. And then announce the numbers, if you don't mind, that you've displayed. State's 203.

(44:10 - 44:25)

So this is the inside of the safe, which is in evidence already. And I don't have the evidence number in my mind, but the jurors have seen that safe, right? Yes, sir. And you would not call it, or would you call it a gun safe? I refer to it as a gun safe.

(44:26 - 44:38)

That's a gun safe to you? To me. Is it because it held the gun, or the holster of the gun? Or is it just that's typically what a gun safe looks like? In my experience, that's what a gun safe looks like. Okay.

(44:40 - 44:50)

And what we're doing here, since I'm focusing, I'm going to ask you questions about the acrylic now. We're going to show more pictures of it. But right there is what we're talking about.

(44:50 - 45:03)

Is that fair to say? Yes, sir. And then if the investigator can put up the next one, just to orient the jurors on a closer image. Stage 205.

(45:08 - 45:15)

And again, we're talking about like right there. There's another object here. If I can move back, I can't see your pointer.

(45:15 - 45:24)

I'm only looking at my screen. Can you see your pointer right here? Yes, I can now. Kind of in the middle left of the safe? Yes, sir.

(45:24 - 45:28)

Okay. And then we're going to do one more. I believe maybe two.

(45:31 - 45:44)

Stage 206. And this is on top of the safe. And this is the item taken out just to be photographed more clearly of the, what I'm calling an acrylic nail, white nail.

(45:45 - 45:56)

Yes, sir. And an acrylic white nail, it's just, it kind of is a press on over the nail of a human being. Is that true? I would believe so, yes.

(45:56 - 46:07)

Okay. And tell the ladies and gentlemen jury when that nail got into that safe. I cannot.

(46:08 - 46:41)

Was it, could it have been a month before December 22, 2019 that it's been in that safe? It could have been. And could it have been the morning of December 22, 2000, December 19, 2022? It could have been. And could it have been in the days after December 22, 2019 until March 5th, 2020 if it wasn't put there by Ms. Bowles? You're saying after the incident, sir? Yeah.

(46:42 - 46:48)

According to Ms. Bowles, she didn't have access to the safe. Right, but other people may have had access. Other people, yes.

(46:49 - 46:56)

So according to Ms. Bowles, she did not have the key to the safe. Sure. And we're going to talk about that too, if that's okay.

(46:56 - 47:09)

Yes, sir. But I'm just saying in reality, on oaths, the truth is we don't know when that acrylic white nail came into that safe. Is that fair to say? It's fair to say.

(47:09 - 47:24)

And we don't know if it was before December 22, 2019. I'm using that because God forbid that's

the day of the death of Mr. Akers or after that date, right? It's fair to say. But we do know that it's there at least on March 5th, 2020.

(47:25 - 47:45)

It is. Tell the ladies and gentlemen jury what Lacey Bowles' nails look like on the morning of December 22, 2019. According to the interview with Ogden, her fingernails were white.

(47:45 - 47:50)

OK. That interview occurred December 30th, 2019. Fair to say? Fair to say.

(47:50 - 47:55)

That's eight days after the date I asked you about. Yes, sir. So let me just be more clear.

(47:57 - 48:08)

What would the color or what did the nails appear to be of Lacey Bowles on December 22, 2019? I don't know, sir. Yeah. You'd be guessing.

(48:08 - 48:14)

You're not going to guess, right? No, sir. So you don't know? No. And that's because you weren't at the scene.

(48:14 - 48:24)

This is not your doing. But none of your co-workers ever even took a photograph of Lacey Bowles on December 22, 2019. You realize that? I do.

(48:25 - 48:34)

And nobody put in their notes what her appearance looked like. Do you realize that? Yes, sir. So we really don't know.

(48:34 - 48:50)

And you're not going to guess. That's not what you do, right? You're not a guess guy, right? I'm not. You're not going to tell the jurors that you have any idea of what Lacey Bowles' nails look like on December 22, 2019.

(48:50 - 49:04)

Fair? Fair. Now, I just want to be fair to you. Eight days later, when Lacey came in to speak with Detective Ogden at the sheriff's office, that was video recorded, right? It was.

(49:04 - 49:16)

And the jurors have seen it. I'm not saying you know this, but assuming the jurors have seen that video recording, you've seen it definitely, right? I have. And Lacey Bowles' fingernails are white.

(49:16 - 49:20)

And it appears to be the acrylic press on white fingernails. True. It does, yes.

(49:21 - 49:27)

And it looks like all 10 of them are there. Is that true? It's hard to tell in the video. OK.

(49:30 - 49:44)

But you don't know when those white acrylic nails could have been put on the morning of December 30, 2019. We just don't know, right? It's fair. OK.

(49:46 - 50:27)

With regards to, you can take that down if you want. With regard to the, do you remember there was a conversation about lipstick? You remember something like that with you and the prosecutor? Yes, sir. And that was during the interview with you, and Ms. Bowles put on what you described as lipstick.

(50:28 - 51:21)

It's what it appeared to me. And you didn't bring that up at the time with her. You didn't ask her anything about, can I seize that? You know what I mean? Can I take the lipstick? I mean, you didn't collect it, is my point.

(51:22 - 51:26)

Is that true? No. I didn't see a reason to collect her lipstick. OK.

(51:26 - 51:31)

And she had it. The jurors had already seen the video, audio. Yes.

(51:31 - 51:46)

She had it prominently displayed on the counter, when I say counter, the desk where you were with her. Is that true? Yes. And she reached for it actually a couple of times when you met with her.

(51:46 - 51:50)

Is that true? I remember the one time. There could have been more times. OK.

(51:50 - 52:07)

Well, at least one time. Did you notice that the tip, the color of the tip of the item that she touched to her lip? I did not, sir. I couldn't recall at this time what color it was.

(52:07 - 52:27)

Could it be lip balm, like ChapStick type? I'm used to ChapStick and like an actual ChapStick, like the white or whatever brand it is. I don't think there was any brand or label on that. Did you notice any lipstick? Remember the cup she was drinking from? You were kind enough or your teammate to give her some coffee.

(52:29 - 52:38)

You commented on the odor of it, French vanilla. I think it was hazelnut actually. But no, there was no lipstick that I could see on the cup.

(52:38 - 52:50)

Right. So you're not telling the jury that that was lipstick. It was some sort of item that she put on her, whatever it was that she put on her lips, right? It appeared to be lipstick to me, sir.

(52:50 - 52:57)

OK. Did it have a color? I didn't see a color. Could it have been lip balm? It's possible.

(52:58 - 53:07)

I believe that's an asked and answered. I'm going to show you what's already, oh, I'm sorry. I'm going to show you what's already in evidence.

(53:11 - 53:26)

State's Exhibit Number 146. May I approach you? Yeah. May I approach you? Yes, sir.

(53:26 - 53:35)

I'm going to show you what's already been entered into evidence. State's Exhibit Number 146. Just orient yourself now and put it on the screen and record it for me.

(53:37 - 53:42)

OK. I'm going to take it. May I approach you? You're on May 1st, correct? Yes.

(53:50 - 54:08)

So do you recognize this as being taken on what date, if you know? It's the night of the incident. I believe it had been the 20th in the early morning hours. I'm going to say December 22, 2019.

(54:08 - 54:10)

I'm sorry, December 20. Yes. That's all right.

(54:10 - 54:17)

And do you see the McDonald's cup? I do. For what I recognize to be a McDonald's logo on a cup. Yes, sir.

(54:18 - 54:25)

Now, this is different than the McDonald's cup downstairs next to Mr. Akers. Fair? I would like to see the other photograph, but yes, it is fair. Yes, sir.

(54:27 - 54:46)

May I have a second here on this? Yes. May I approach you now? Yes. May I approach you? Yes.

(54:47 - 54:57)

I'm showing you what's been marked and entered there as this bowl's number four. Yes, that is a different cup. May I approach you and take it? Yes, sir.

(54:57 - 55:17)

And just to show the jury what you looked at, may I have this way of describing it? Yes. And this is the same night of the, God forbid, the death of Mr. Akers. And that is Miss Bowl's number four.

(55:17 - 55:26)

And it's fair to say it's a different cup than the exhibit the jurors were just looking at? Yes. OK. If you can go back to the state's exhibit number if you don't mind.

(55:27 - 55:52)

And can you announce the number you're putting on again? 146, states. And right here on state's exhibit number 146, do you see what you call like a chapstick? Yes, that would be more what I'd be familiar with, with chapstick. Are you familiar that they come in different types of sizes or containers? I'm sure they do, but I don't use chapstick, so.

(55:54 - 56:03)

OK. Well, you noticed that there were no photographs of Mr. Akers. I understand you're wrong.

(56:03 - 56:21)

I understand you've clarified to jurors, don't pay attention that that was wrong. And you notice that, according to you, Miss Lacey Bowles put on lipstick during your meeting with her. Those are some observations, right? Yes, sir.

(56:22 - 57:02)

What is putting on lipstick or chapstick or lip balm, whatever it is, what does that have to do with what happened on December 22, 2019 at the scene for evidence, not guesswork? You're, I don't want to give you my opinion. Right, because it would just be opinion, right? It's my observations of what I saw during my interview. Yeah, but it's not evidence pointing to any type of suicide or shooting, does it, physical evidence? The jury would draw whatever value they want if it didn't get all from that evidence.

(57:03 - 57:17)

For asking this witness what opinion he has of that evidence or what value that has in the status of the problem, that evades the ultimate province of the jury. They will take whatever value they want from the evidence. Can you just watch that? That's fine, I will draw the question.

(57:17 - 57:47)

Is it sustained through the record? Sustained, thank you. OK. Have you noticed, have you ever seen any photograph of Lacey wearing a wedding ring while married to Mr. Akers? No, I haven't.

(57:48 - 58:01)

Do you know whether Mr. Akers ever gave Lacey a wedding ring? I do not. I'd like to show you what I marked. That's Miss Foles number 138 and 139.

(59:08 - 59:20)

Yeah, OK. May I press your honor? Yes, sir. May I come forward, sir? Absolutely.

(59:21 - 59:34)

I'm showing you Miss Foles 138 and 139. Tell me if you recognize either or both of those things. I recognize 138.

(59:34 - 59:41)

I do not recognize 139. I do recognize the person in it. You recognize the person depicted in 139? I do.

(59:41 - 59:55)

OK. And your honor, I move for the admission of 138 and 139. I would have a motion outside in the presence of the jury, please.

(59:57 - 1:00:45)

OK, let's take a break. Your honor, may I please report? The defense opted in reciprocal discovery in this case. I've never seen defense 139 in my life.

(1:00:46 - 1:00:56)

This was not served on us prior to trial. I don't believe any of the rest of this was either. There is, for example, defense number 133 I've never seen.

(1:00:57 - 1:01:03)

I'm not sure where that comes from. It looks like it's in an internet photo of these two. So it seems to me that that's the case.

(1:01:03 - 1:01:25)

It seems to be a snowball that starts to roll down the hill here of stuff I've never seen ever pre-trial and reciprocal, subject to the tenderness of these exhibits. And your honor, I didn't object to 133, but 139, I've never seen either. Are you object to 139? Yes, sir.

(1:01:26 - 1:01:37)

OK. Any response? Yes, sir. Reciprocal discovery is for items used in the case in chief of the party.

(1:01:38 - 1:01:43)

This is not my case in chief. This is not cross-examination. It's the state's case in chief.

(1:01:44 - 1:02:04)

Reciprocal discovery under 17-16-1 et al does not apply. I will report the case at the court meeting. Well, even if it applied, I'm not sure that the remedy would be to keep it out, unless there was some kind of bad faith.

(1:02:06 - 1:02:18)

So the state is caught off guard, and you need some time. We'll take a break, and I'll give you whatever time you need. OK, all right, let's take five minutes.

(1:02:19 - 1:11:52)

Thank you. Thank you. OK.

(1:11:52 - 1:12:02)

Stay ready. I had an opportunity to review 139, and I don't change it. All right, have a jury back please.

(1:14:02 - 1:15:26)

I need to leave first thing 7.30 a.m. on Thursday morning, it's a 12-hour drive, okay, I'm ready. All right, let's resume. Yes, sir.

(1:15:28 - 1:15:49)

May I approach you? Yes. Mr. Investigator, if you can display and just announce, make sure it is 138 Ms. Foles. Foles, 138.

(1:15:52 - 1:16:15)

Detective, do you recognize this as a screenshot of the recording, video audio recording where you were with Ms. Foles? When you watched it, excuse me, on December 30th, 2019. So let me, you want me to ask a different question? Sure. Okay, I think I stepped on my words.

(1:16:15 - 1:16:42)

Is this, did you recognize Ms. Foles number 138 as an accurate screenshot, I'll call it, or photograph of the video audio recording on December 30th, 2019, when Ms. Foles was in the Sheriff's Department speaking with Detective Opton? It is, sir. Okay. And do you notice here Ms. Foles' sweatshirt? I do.

(1:16:42 - 1:17:00)

Okay. I'd like to now ask the Assembly Court with permission to publish to the jury 139 Ms. Foles' exhibit number that's in the evidence. And you recognize this gentleman as Ms. Akers, is that fair to say? Yes, sir.

(1:17:01 - 1:17:15)

And does it look like or appear to you to be either, I guess it would be the same or similar sweatshirt? It has the same logo and the same color. You don't know whether it's the same or a

similar sweatshirt, do you? I would not testify to that, no, sir. Okay.

(1:17:16 - 1:17:42)

And then just going back to Ms. Foles' exhibit number 138, if that's okay, with the court. May we display, Your Honor? Yes. And Mr. Vesky, if you could just focus, just to tie it up, the jurors are looking at December 30th, 2019, screenshot of the video audio recording.

(1:17:42 - 1:17:50)

Sure. Yes, sir. And right here, that would be similar to a white acrylic.

(1:17:51 - 1:17:58)

I'm not saying it's acrylic, I don't know, but it's similar to the white painting. May I stand up and see where you're pointing at? Of course. I can't see because of the... Yes, sir.

(1:17:58 - 1:18:04)

It appears to be the white acrylic nails. Whether it is or not, we're not 100% sure, but that's what it appears. Yes, sir.

(1:18:06 - 1:18:24)

The fact... When you reviewed all the evidence, did you find multiple sweatshirts that are found in Ms. Foles' number 138 and 139? Do you know? I'm not 100% sure. I didn't inspect their clothes. That's fine.

(1:18:24 - 1:18:26)

Okay. Thank you. Thank you very much.

(1:18:30 - 1:18:44)

I'd like to just go back to the lipstick. These are State's Exhibit Numbers 207, 208, 209. They're in the middle there.

(1:18:44 - 1:19:00)

May I approach? Yes. May I approach you? Yes, sir. It should be State's Exhibit Number 206, 207, 208, 209, maybe? 209, 208, and 207.

(1:19:00 - 1:19:04)

Okay. And they're already in there. Just acquaint yourself with them again if you don't mind.

(1:19:08 - 1:19:18)

Yes, sir. May I approach you, Your Honor? Yes. It should be 209 before I take it from you.

(1:19:19 - 1:19:33)

Just look at the tip of the lipstick, chapstick, whatever it is, and tell me whether you notice it to be white, and then we're going to display it to the jury. Sir, to be honest, it appears to be white, but it's hard to tell the color in this photograph. May I approach, Your Honor? Yes.

(1:19:34 - 1:19:59)

May I approach you? Yes, sir. And this is from what's going on on the courtroom screen. This is going to be Ms. Bowles, Number 207, I believe? It should be 207, 208, and 209.

(1:20:00 - 1:20:04)

State's 208. That's not it. 208.

(1:20:04 - 1:20:14)

And this is the same thing. It's a screenshot during the interview with you on March 5, 2020. Yes, sir.

(1:20:14 - 1:20:27)

Okay, and that's what you were referring to on direct examination last week about Ms. Bowles applying, I'm going to call it what you call the lipstick. Yes, sir. Okay, and then if you can put the next one up.

(1:20:31 - 1:20:39)

State's 207. And that's just a similar screenshot that was put in by the state, right? Yes, sir. And then 209, if you don't mind.

(1:20:39 - 1:21:00)

And then 209 is a little different because it's not, you can actually see the tip of the item. You see that? Again, I can't see where you're pulling that on my screen, so yes, sir. And you see the black sweater, I'm going to call it a sweater or a jacket of Ms. Bowles.

(1:21:01 - 1:21:14)

Yes, sir. And it appears to be, as you already said, it appears to be a white color at the tip of that, whatever it is, the lip balm, chapstick, lipstick, whatever. Is that true? Yes, sir.

(1:21:14 - 1:21:28)

And you're saying, you made it clear, I think, I really don't know what that is. That's what you're saying. So I called it lipstick because I'm used to a chapstick like we saw in the other photograph with the McDonald's cup.

(1:21:28 - 1:21:38)

That has something gold on the bottom, almost like you would twist it up like lipstick. But you don't know what it is? No. Am I correct? I did not take it, so no.

(1:21:38 - 1:21:41)

Am I correct? Yes. Okay. Thank you, sir.

(1:21:43 - 1:22:03)

All right. I want to talk with you about the blood on the holster and safe, if you don't mind. Yes, sir.

(1:22:03 - 1:22:39)

Or lack thereof, I guess. May I approach you, John? Yes. May I approach you, sir? Yes, sir.

(1:22:39 - 1:22:51)

I'm going to show you what's been marked as states exhibit, and admitted, by the way, states exhibit number 187189. May I come forward? Yes, sir. Just reorient yourself with that.

(1:22:58 - 1:23:06)

And if we need other photographs, like I said, please help us. I think the other ones are right here in the safe. Just add it to the stack if we need to discuss it, please.

(1:23:07 - 1:23:15)

And thank you for doing that. I'm just going to add all these that are with the safe. Do me a favor.

(1:23:16 - 1:23:24)

Just announce what they are instead of saying all of these. I'm sorry. States exhibit 213, 214, 210.

(1:23:25 - 1:23:32)

Sorry, they're out of order. 211 and 212. May I approach you, John? Yes.

(1:23:32 - 1:24:04)

I'm going to take all of these. Thank you, sir. States exhibit 187.

(1:24:06 - 1:24:21)

So just to orient and give context, this is the safe that the jurors have in evidence. Fair to say? It's fair. And Ms. Bowles showed you where that safe was when you were in her home, Ms. Baker's home, on March 5, 2020.

(1:24:22 - 1:24:29)

Yes, she took me to the safe. And this is a closet that the safe is in, in the master bedroom. That is correct.

(1:24:30 - 1:24:38)

And I'm not saying it's true. I'm not saying it's not true. Ms. Bowles said that the safe had been moved since December 22, 2019.

(1:24:41 - 1:24:51)

I believe it was in her statement or in the interview, but when she took me to it, she never said that to me. That's fine. But at some point she said the safe was moved.

(1:24:52 - 1:25:14)

I believe it was in the interview. And do you know where the safe was located on December 22, 2019? I would need to go back and refresh our crime scene photos. I don't believe they took a photograph of it, but I want to make sure.

(1:25:14 - 1:25:26)

If you find one, can you just tell the jurors during a break or something? Yes, sir. Okay. But otherwise, your answer would be, I guess at this point, until your memory's changed, no, there's no photograph.

(1:25:27 - 1:25:41)

I don't know where the safe was on December 22, 2019. If that's wrong, just say that's wrong. I believe in her statement to me in her interview, she said she took the gun holster back up to the safe upstairs.

(1:25:42 - 1:25:51)

So I would assume it was in the bedroom. I'm saying in this, I'm trying to just orient the jurors to be fair to the evidence. You don't know where the safe was on December 22, 2019? No, sir.

(1:25:52 - 1:25:54)

Am I correct? Yes. Okay. That's all.

(1:25:54 - 1:25:59)

Yes. All right. Now, here in state's exhibit number, I forget the number.

(1:26:01 - 1:26:05)

189? Well, no, keep that one still on me. 187. 187, thank you.

(1:26:09 - 1:26:34)

This is the keys that we've been talking about that is on Ms. Bowles' key ring, key chain, when you and your coworkers have that key chain in her home on March 5, 2020 during the execution of search warrant. Is that true? That is true. All right.

(1:26:35 - 1:26:45)

And the safe here in this picture appears to be a jar slightly opened. Is that true? Yes. And there's different ways it appears to open a safe.

(1:26:45 - 1:26:51)

Maybe you need all of them, but there's a little turn lock here. Is that correct? And the jurors have the actual safe here. Yes.

(1:26:51 - 1:26:58)

I believe there's a combination code and a key. And here's a combination code, fair to say, the items, the numbers. Yes, sir.

(1:26:58 - 1:27:02)

And then the key obviously is hanging down with all the other keys. Yes, sir. All right.

(1:27:02 - 1:27:19)

And that appears to be just a jar, like a little opening, right? Yes, it's opened. Can you see what's right here? Can you see that? Yes, it looks like part of the holster coming out of the safe. Okay.

(1:27:20 - 1:27:27)

And let's take another picture and remember that. I'm going to go back to that. Page exhibit 189.

(1:27:27 - 1:27:45)

And the part, this is the holster that we're talking about, correct? The camouflage item? Yes, sir.

And then this is the part of the holster that you just explained to the jurors appeared to be sticking out from the open safe in 187. Yes.

(1:27:46 - 1:27:59)

Okay. Can you try another one if you don't mind? Page exhibit 213. This is another view.

(1:27:59 - 1:28:16)

The safe door is open. And again, this is an image of the holster with its apparatus or item right here hanging over the safe ledge. Is that true? That is true.

(1:28:16 - 1:28:20)

Okay. Next one if you don't mind. Page exhibit 214.

(1:28:22 - 1:28:31)

This is the safe after it's been cleared out of all its content, just a picture showing how depth of a safe it is. That's correct. Okay.

(1:28:34 - 1:28:43)

Page exhibit 210. This is the safe closed before the key's in it. Is that fair to say? That is accurate.

(1:28:43 - 1:29:16)

So this is what you've trained your co-workers, and they've trained you too, and they've taken their own training. First, you approach an item that's of interest, take a picture of it, and then show stages such as that's why later we see a key in it, and that's why later we see it opened, and that's why later we see the contents, that's why later we see the safe without the contents. Is it true that this is the initial, according to you, the way your training is, this would be the initial photograph of the safe before it's opened up? Yes.

(1:29:16 - 1:29:30)

Okay. And then after that, law enforcement showed the steps that it took. It could be on video, but if it's photographed by the key in the keyhole, right? Yes, sir.

(1:29:30 - 1:29:35)

And we see that picture. The jurist just saw that picture, 187. That is correct.

(1:29:36 - 1:29:43)

And then it gets opened or ajar, and then eventually we see the content of the safe. True. Yes,

sir.

(1:29:43 - 1:29:54)

But this is how law enforcement on May 5, 2020, based upon your understanding, and you saw the safe, this is what it looked like. True. That is true.

(1:29:54 - 1:30:15)

And it has part of the, you see this part right here that you talked about earlier, part of the holster, you see it sticking out here on the bottom of the safe? I do. Okay. And that's the way you saw it when you were with Ms. Bowles on March 5, 2020, when she showed you the safe, fair? It is.

(1:30:15 - 1:30:20)

Okay. The next one. Stage 211.

(1:30:21 - 1:30:32)

And that's just what your co-workers did. They just took a clearer picture showing that part of the holster sticking out of the bottom of the safe. That's true.

(1:30:33 - 1:30:36)

When the safe is closed before opening. Yes, sir. Okay.

(1:30:36 - 1:30:41)

And you noticed this, too, when you saw it? I did. Okay. Okay.

(1:30:44 - 1:30:56)

Stage 212. That's what we talked about earlier. And it looks similar to me, the 187, but it's the key again in the actual safe hanging down and the safe has been opened.

(1:30:57 - 1:31:10)

But it still leaves the part right there of the holster sticking out the way it was found. It looks like your message got cut off. Did you get that? Is that right? It is.

(1:31:11 - 1:31:15)

Okay. Next. Okay.

(1:31:16 - 1:31:36)

Now, part of the interest in the holster is that law enforcement wanted to see whether there was

blood on the holster and on the safe. Is that fair to say? That is fair. And I'm not – are you a blood expert? I don't want to – I'm not trying to do that.

(1:31:36 - 1:31:39)

No, I am not. Okay. We're not – no expertise.

(1:31:39 - 1:31:51)

I'm just generalizing. Okay. You are aware that there are presumptive tests that can be used at the scene to determine whether possibly there's blood on an item.

(1:31:52 - 1:31:59)

Is that true? That is true. And it's called presumptive because it's really not confirmatory. It's like an initial possibility test.

(1:31:59 - 1:32:22)

Is that true? It is. And to confirm it, generally what we do anyway is we go to the – not me, but law enforcement – we go to the Georgia Bureau of Investigation Crime Lab, and then they can really test the substance and determine whether it is blood, is it human beings' blood, and potentially whose blood it is. Is that true? That is true.

(1:32:22 - 1:32:43)

But the presumptive test is something that's important because it can be done right there on the scene, and you had that done on March 5, 2020, right? Yes, I had Lieutenant Parker do the test. And when Lieutenant Parker did the test, you reported to the jury that there was no indication. I know it's not a final test.

(1:32:43 - 1:32:53)

I know it's not the real test, but there's no indication of blood on the holster. I was advised by Lieutenant Parker there was no blood on the holster. I want to show you.

(1:32:56 - 1:33:17)

Do you know how the test works? Do you know what it's called, the test? I do not know how it works, no, sir. Okay. Were you advised by, well, first of all, Lieutenant Parker works in your agency at that time, March 5, 2020, correct? Yes, he was our crime scene.

(1:33:17 - 1:33:38)

He was the lieutenant over crime scene. And he's a gentleman who is supposed to, you know, you work together. So while you're with Ms. Bowles, either driving her back to the sheriff's office

or maybe at the sheriff's office, he's inside the house lawfully, and he's doing a test to determine whether the holster has any potential blood on it.

(1:33:38 - 1:33:57)

True. That is true. And do you remember by any chance him reporting to you that the camo cloth-type gun case initially showed a very faint reaction for blood? Do you remember that? I don't remember him telling me that, no.

(1:33:58 - 1:34:13)

Can I show you something that may, you may have seen that may help refresh your memory? And if it doesn't, just say it doesn't help me. May I approach you, John? Yes. Just tell me if you recognize this.

(1:34:13 - 1:34:17)

Do not read it to the jurors of the court. You follow the fourth rule. Yes, sir.

(1:34:17 - 1:34:30)

Don't read it to yourself and then just tell me whether this refreshes your memory, okay? Yes, sir. This refreshes my memory. I've seen it before.

(1:34:30 - 1:34:47)

Okay. And is it, I don't know what your co-worker actually, Lieutenant Parker, told you, but his report indicates that actually there was faint reaction indicating potential blood on the holster. I'm going to ask to take him outside the courthouse.

(1:35:34 - 1:35:42)

Can I do a case in his favor? Your Honor, this is a probable murder. Can you just hold on a second? Your Honor, can other witnesses be excused? Yes. Thank you.

(1:36:00 - 1:36:17)

Your Honor, this is improper refreshment of recollection, and what's happening is Mr. DeFense is able to read from a report through an attempted refreshment of recollection, and that's improper. He showed him the report. He says, as your record, and the witness said, my recollection's been refreshed.

(1:36:18 - 1:36:22)

Mr. Steele starts to read from the report. That's improper. The report's not in evidence.

(1:36:22 - 1:36:43)

The proper process is, has your recollection been refreshed on the issue of whether Detective Parker found a trace amount of blood? Yes, it has. What is your recollection now? And then he testifies to it. He can't just sit there and read from Parker's report through an attempted refreshment of recollection because the report is not in evidence, and it's been going on throughout this trial.

(1:36:43 - 1:36:52)

I mean, Mr. Lail would hold up a report and read from a report and show the report to the witness. Do you recognize this? Yeah, that's a report. And many times it was the witness's own report.

(1:36:52 - 1:37:14)

Yes, I wrote that report as part of my investigation. And you said in your report, didn't you, or whatever, if the report's not in evidence, you can't just sit there and read from it, and that's what's happening. Defense counsel on repeated witnesses, they're just reading from reports, and that's improper, and that's what's happening here when Mr. Steele said, now, isn't it true Detective Parker wrote in his report that? That's improper.

(1:37:14 - 1:37:26)

You can't do that just through refreshment of recollection. Okay, any other thoughts? I don't have the report in front of me. I was not reading from a report, and I asked if it refreshed his memory.

(1:37:27 - 1:37:36)

He immediately said, yes, it does. And I asked him then the question. Whatever I asked, I'm confident that the honorable court reporter has my exact words, but I'm just asking him, and I don't have to ask him an open-ended question.

(1:37:37 - 1:37:56)

He's on cross-examination. Isn't it true that the item first had a slight indication of positive potential blood, something to that effect? No, it's not something to that effect. It was, isn't it true Detective Parker wrote in his report that there was a positive amount of blood? All right, well, I'll sustain the objection.

(1:37:57 - 1:38:07)

Just don't read from the report, and you can rephrase it to make sure you're not just reading or getting him to say what's in the report. Thank you. Okay, let's have him back.

(1:38:07 - 1:38:14)

I'd ask that the objection be sustained prematurely. Thank you. Okay, I will.

(1:38:59 - 1:39:34)

All right, this is Corks Exhibit 6. For this week, Monday, 16, 17, 18, jurors can be here every morning at 830. Monday night can only be here until 5 o'clock. All right, and that's because of one particular juror, and it's not on the note, but what I'm told from Diane is they can work late tomorrow and Wednesday.

(1:39:34 - 1:42:59)

So tomorrow and Wednesday, I will plan on having dinner brought in, and we'll stay until, say, 8 o'clock p.m. But today we have to stop at 5. All right? Bring him back, please. Okay. Welcome back, ladies and gentlemen.

(1:42:59 - 1:43:07)

I'll receive your notes. Thank you for considering what I asked you to consider. What we'll do is we will go until 5 o'clock tonight and stop.

(1:43:07 - 1:43:14)

We'll start at 830 in the morning, Tuesday and Wednesday. Tuesday and Wednesday we'll work late. We'll bring in dinner.

(1:43:14 - 1:43:24)

We'll plan to go to 8 o'clock. If anybody has any special dietary needs, just let Diane know. And then next Monday we'll resume at 830 in the morning.

(1:43:24 - 1:44:04)

Okay? The court sustains the objection. Mr. Steele, please rephrase. Do you now remember that the initial testing of the holster for preliminary presumptive postulate this blood was positive? I don't remember because he told me on the phone that it was negative.

(1:44:05 - 1:44:08)

I understand. God bless you. I understand Lieutenant Parker told you that.

(1:44:08 - 1:44:11)

Yes. But you read that report. I do read that report.

(1:44:11 - 1:44:25)

And in the report, does that refresh your memory? Yes. That initially there was blood. It's the same objection going back to the report, what the report says versus the independent recollection of this witness.

(1:44:26 - 1:44:32)

It says he doesn't remember that. The fact that it's in the report doesn't make that report admissible in evidence. It's the same objection.

(1:44:32 - 1:44:38)

I'm not asking for a report to be admissible. The gentleman said that it refreshes his memory. I'm asking that question.

(1:44:39 - 1:44:43)

All right. So the question was asked if it refreshed your memory. That was answered.

(1:44:43 - 1:44:54)

Next question. Did the initial presumptive test show on the holster positive for blood? Based on this report, yes. Okay.

(1:44:54 - 1:45:07)

That's all I was asking. And you read that report because it's kind of your job as the lead detective to assimilate and to gather all reports by other people. Is that fair to say? It's fair.

(1:45:08 - 1:45:18)

And then you have to read everything and you determine, you know, you give it over to the prosecutor, you give it over to defense lawyers, and then jurors eventually have all the information. True. True.

(1:45:19 - 1:45:57)

Okay. With regards to Lacey Bowles' bloody hands, I want to talk to you about that, okay? Yes, sir. Because the reason you were interested if there's blood on the holster and the safe is because if Ms. Bowles touched the holster and the safe with a transference of blood, then potentially, I'm not saying has to, but potentially there should be able to see or test for blood on the holster and or the safe.

(1:45:57 - 1:46:07)

That's the whole purpose of this discussion, right? Yes, sir. All right. And we know from the

scene, and I'm going to show you some pictures that are already, in evidence I've already shown to the prosecution, your honor.

(1:46:08 - 1:46:56)

May I approach? Yes, sir. I'm just going to show these to you. If you need to see other ones, just let us know, but it's Ms. Bowles, number 39, number 17, number 3, number 2, number 5, and then State's Exhibit, number 59, 31, and 55.

(1:46:57 - 1:47:50)

May I approach you? Yes, sir. Just ordering yourself again, if you don't mind, to these photos, and then we'll display them with the court's permission to the jury. And then I'd like to discuss the hands of Ms. Bowles and the blood, OK? Yes, sir.

(1:47:50 - 1:47:54)

I'm familiar with these. OK. Your honor, may I come forward? Yes.

(1:48:03 - 1:48:23)

Your honor, may I approach the investigator and ask you to display them in their hands? Yes, sir. We can have the lights, if you don't mind, if that's OK with the court. State's 54.

(1:48:25 - 1:48:35)

So just to orient the jury, they've seen these pictures potentially before. They're already in evidence. But do you remember seeing this type of photograph? I do.

(1:48:35 - 1:48:48)

And it's remarkable because it's a McDonald's bag, and then it's apparent, or potential, I don't want to overstate it, but it appears to be a bloody handprint. Is that fair to say? It is very fair. OK.

(1:48:48 - 1:48:54)

And we're talking about one handprint. Fair? Yes. And left hand, if you remember that.

(1:48:57 - 1:49:04)

Yes. If you could show the next one, if you don't mind. State's 55.

(1:49:06 - 1:49:18)

That's a little closer, and you've already discussed with the jurors, law enforcement's trying to take an overall kind of perspective, and then you get closer to the item of interest for the

photograph. Is that true? That is true. And this is just a little bit closer.

(1:49:18 - 1:49:29)

It's actually a lot closer. But you can make out five fingers, and then the palm area over here at the bottom of the bag. Is that fair to say? It is accurate.

(1:49:29 - 1:49:39)

And the way you know that it's a left hand is because it's the four fingers and then the thumb over here. That's what it appears to be anyway. That is correct.

(1:49:39 - 1:49:45)

All right. Next one. State's 31.

(1:49:46 - 1:50:09)

And this was a glad from where I'm sitting, but this is just kind of an overall, and we see what we've been talking about on the McDonald's bag and then on the carpeted floor. But what we believe to be a bloody hand or a left hand, correct? That is correct. Bowls number five.

(1:50:11 - 1:50:26)

That's, again, where you can see the four fingers and the thumb and the palm print. Fair to say? Fair. Bowls number two.

(1:50:28 - 1:50:40)

This is just a different angle, but it's the same item and the bloody print. Fair. Bowls number three.

(1:50:41 - 1:50:48)

Same thing, a little closer. You see the fingers here and then the thumbs over here. Does that sound right? That is true.

(1:50:54 - 1:51:07)

Bowls 39. This removed, I'm not saying it's wrong in any way, but this is just a picture of the hand print, but removed without the bag. Fair to say? That is accurate.

(1:51:07 - 1:51:24)

And the reason law enforcement took all those pictures of the bag just to show nobody's saying that this is a different hand print, it's the same one, but it's just of a hand print without the bag

obstructing any type of photograph. Is that true? That is correct. And here, again, on the fingers, three, four, and then the thumb over here.

(1:51:24 - 1:51:27)

That's where it appears to be. Sure. Yes, sir.

(1:51:27 - 1:51:38)

Okay. Bowls 17. And that, again, is the distance shot to give the overall scene in context.

(1:51:39 - 1:51:43)

Right? That's why it was done. That's correct, sir. Okay.

(1:51:46 - 1:52:09)

So, we know through the work of not you, but the law enforcement that arrived on December 22, 2019, we know definitively, if that's blood, I'm assuming it's blood, but that the left hand was extremely bloody. Is that a fair statement? I wouldn't say. I can't.

(1:52:09 - 1:52:27)

I wasn't there, sir, for her hand to be extremely bloody, but I would say there was definitely blood on her left hand. Okay. And that's because in order to get the blood on the bottom of the bag, as well as the carpet, the hand had to have some source of blood on it.

(1:52:27 - 1:52:33)

Either it's bleeding itself or it touched something. Yes. Transfer.

(1:52:34 - 1:52:47)

Yeah, transfer. And because it is almost, I'm not saying it's entire, but it's almost like the silhouette of the hand and filled in, it looks like the hand, the left hand is bloody. Fair to say? Fair to say.

(1:52:47 - 1:53:16)

Now, I want to flip over to the right hand. Is it fair to tell the jurors that we don't know the condition of the right hand of Ms. Bowles? We do not know the condition, but based on her statement and her interview, she said both her hands were bloody because she was wiping the blood away from his face with both her hands. But because we don't know how she did the CPR on the chest, remember that? Yes.

(1:53:16 - 1:53:24)

We don't know what else she touched. We don't know how much blood is on the right hand as compared to the left hand. True.

(1:53:25 - 1:53:51)

That's fair. And one of the reasons, I'm going to say the reason that we don't know the condition of her right hand when law enforcement arrives is because we have no photographs or videos or statements of the condition of her right hand, right? That is correct. And we don't know which hand Ms. Bowles picked up the holster, do we? No, she didn't specify.

(1:53:51 - 1:54:06)

And we don't know how she picked up the holster, do we? She just said she picked it up. So is my question confirming? Correct, okay. And the safe itself, so I'm kind of leaving the holster, but I'm not going to that safe we've been talking about.

(1:54:07 - 1:54:21)

You called it a gun safe? Yes, sir. With the little holster part sticking out of the bottom. We really don't know if that safe door was open or not when Ms. Bowles went upstairs and put the holster inside it like she said.

(1:54:21 - 1:54:31)

Is that true? I do not. So we don't know if she even touched that safe other than obviously whatever, however she got the holster inside. True.

(1:54:31 - 1:54:48)

She told me in her interview that she opened the safe and put the holster in the safe. So that would have to be manipulating the handle to open the safe to put the safe, to put the holster in. What if the safe was ajar but you have to open the door? You would still have to touch the door.

(1:54:49 - 1:54:58)

And how did she touch the door? I do not know. And which hand did she use to touch the door? I do not know. And what was her right hand condition when she touched that door? I do not know.

(1:54:58 - 1:55:45)

Okay. Now, you actually spoke with Ms. Bowles. This is not perfect, but just over 100 days since December 22, 2019.

(1:55:45 - 1:55:53)

And the way I got that is it's March 5th of 2020. If I did it wrong, please. It may be actually less now I think of it.

(1:55:53 - 1:55:56)

It could be less, yes. 70 days, maybe 60 days. Somewhere in there.

(1:55:56 - 1:56:05)

It was March 5th. I think the incident happened on the 22nd of December. So we have about 8 days plus 60 days, we'll say.

(1:56:05 - 1:56:09)

So, I don't know, 68 days. I've been saying 100, so I apologize. Yes.

(1:56:09 - 1:56:18)

All right. But that's a substantial amount of time for some things and others it's a short amount of time. True.

(1:56:19 - 1:56:34)

I don't understand your question, sir. So, you know, that passage of time, sometimes memories get better, sometimes memories get worse. It just depends on the person.

(1:56:34 - 1:56:43)

True. I mean, I guess it depends on the person, sir. Because sometimes people remember things over time, even inaccurately, but they start saying, oh, I remember this.

(1:56:43 - 1:56:51)

Again, you're asking my opinion on people's memories, sir. Okay. Let's talk about some of the receipts in the case.

(1:57:03 - 1:57:08)

These are all in evidence. May I approach you, Your Honor? Yes. And I'll show these to the prosecutors.

(1:57:16 - 1:57:20)

These numbers on the back. Yes, sir. May I approach you? Absolutely.

(1:57:20 - 1:57:42)

Just do me a favor. Announce they're already in evidence, but just make sure that you recognize them and can discuss these receipts if you don't mind. I recognize States Exhibit 193, States Exhibit 196, States Exhibit 194, and States Exhibit 195.

(1:57:43 - 1:57:56)

And the only correction I'm going to ask you to make, if you don't mind, except for the first one, can you just see whether it's the States Exhibit or the Miss Fowles Exhibit. It'll be the same number. They're all marked red with States Exhibit, sir.

(1:57:57 - 1:58:00)

Oh, okay. That's fine. May I approach you, Your Honor? Yes.

(1:58:01 - 1:58:15)

Can I take your opinion? Yes, sir. Thank you, sir. Appreciate it.

(1:58:15 - 1:58:31)

I'd like to go through some of these exhibits. And these are receipts that you were looking for and your team during the March 5th, 2020 search warrant at Miss Fowles and Miss Akers' home. True.

(1:58:32 - 1:58:46)

That is true. States Exhibit 193. And this is just a collection on the steps of Miss Akers' and Miss Fowles' home, just spread out, showing what was taken by law enforcement.

(1:58:47 - 1:58:48)

Yes, sir. Okay. Next.

(1:58:53 - 1:59:09)

States Exhibit 195. Do you see, and we're going to get to it, but there should be another exhibit in there. But I want to focus first if that's okay with you, the Tractor Supply Company.

(1:59:11 - 1:59:24)

Yes, sir. So what we'll do is, and we could use this one too, but if the investigator can blow it up, just focusing on the Tractor Supply Company, if that's possible. Otherwise, there's another one when it's in the center.

(1:59:40 - 1:59:55)

Can you see where it says Tractor Supply Company from where you are? I have it on my screen. I can see it, sir. And do you see where, right here, I know you can't see me point, but it says ticket number on the furthest left, the most top item furthest on the left.

(1:59:56 - 2:00:08)

And then underneath it, it says the date of December 21, 2019. Yes, I see that, sir. And that's the day before, God forbid, Mr. Akers is no longer going to be living.

(2:00:08 - 2:00:14)

True. And then underneath it, we have the store and then the cashier. You see all that? I do.

(2:00:15 - 2:00:23)

And then it has the time at 3, 59 p.m. Yes, sir. And register number two. Is that fair to say? Yes, sir.

(2:00:24 - 2:00:46)

And you read this earlier, but it says under the items, you see quantity and then price, you see those three items there? I do. And then it says M-A-Z-U-R-I mini PG youth 25 LB pound. Is that fair to say? That's fair to say.

(2:00:47 - 2:00:54)

And it was $19.99, right? Yes, sir. And you realize that's a return. Do you see that? I do see that, yes, sir.

(2:00:55 - 2:01:05)

And you realize the reason for the return according to the receipt is changed mine. Do you see that? I do see that. And then it gives the store and the date again, right? Yes, sir.

(2:01:07 - 2:01:19)

So this was food for the pig, right? I believe so. I mean, you Googled it and realized that that product makes food for a pig. I didn't Google it, but I believe it was food for the pig.

(2:01:19 - 2:01:27)

Say it again. I did not Google it, sir, but 25 pounds was I believe would be a bag of food. Okay.

(2:01:27 - 2:02:02)

And when that was returned the day before Mr. Akers got the big demise, do you have any

evidence that Mr. Akers actually bought a pig? No. Do you remember being part of communications via email with your co-worker Detective Hill? Do you know who Detective Hill is? Yes, he was my lieutenant. And the medical examiner from the GBI, his name is Dr. Keith Lehman.

(2:02:02 - 2:02:06)

Do you remember? I do remember. And Lehman is L-E-H-M-A-N. Yes.

(2:02:06 - 2:02:27)

Okay. And do you remember law enforcement, you and your lieutenant Hill, telling Detective Lehman that answering some of Detective Lehman's questions? I haven't seen those emails. I don't recollect them.

(2:02:28 - 2:04:03)

Okay. I'm going to show you something else. If you want to see all of them, it's okay.

(2:04:03 - 2:06:13)

I'm just going to pull out a couple, but if you want to see anything else, just say that you'd like to see them all here, okay? Yes, sir. Okay. I'm going to show you what I will mark as Ms. Bowles, number 140.

(2:06:14 - 2:06:53)

Yes, sir. And this should be eight pages. May I approach you on it? Yes.

(2:07:01 - 2:07:06)

Yes, sir. Just orient yourself. They're emails, so they read from the bottom up.

(2:07:06 - 2:07:33)

If you don't know what I'm talking about, you can follow the dates. But just orient yourself when you get a chance. And if you don't mind, Detective, just make sure that you are on these emails and the other people during the conversation, who are on the conversation.

(2:08:40 - 2:08:52)

Yes, I've read these emails. Okay. Your Honor, for purposes of trial, I move for the admission of Ms. Bowles, number 140.

(2:08:53 - 2:09:32)

Object, your second. Mr. Steele's own description of the exhibit contains messages from other people who are here in the process. Any response, Mr. Steele? Yes.

(2:09:32 - 2:09:41)

I'm not using it for the truth of the matter asserted. I'm actually using it for the falsity. It's not here, say, under 24-8-801.

(2:09:42 - 2:09:57)

It's offered for the truth of the matter asserted that the emails were sent. If emails exist, that's been the truth of the matter asserted, that those emails were communicated back and forth between parties who are not here to be subject to examination. I have two responses, if the Court wants.

(2:09:59 - 2:10:29)

I will, but one second. Well, I have some questions, and it probably needs to be done outside the presence of the jury. Let me ask you, and no pressure, but is there some other line of questioning you can move on to? Sure.

(2:10:29 - 2:10:53)

Okay, let's do that. Did you ever advise Dr. Lehman, or to your knowledge, was Dr. Lehman advised, that a pig was actually purchased? I did not advise Dr. Lehman. Did your co-worker advise him of that? You're safe.

(2:10:56 - 2:11:01)

Any response? Yes. There's no pig purchase. It's not for the truth of the matter asserted.

(2:11:02 - 2:11:15)

When you respond to an objection, you can't just testify to what you're trying to get across. When the objection is hearsay, the response was just to blurt it out, what's under review for objection. In response to the objection without telling me what it is.

(2:11:15 - 2:11:22)

Not often for the truth. Overruled. I'm sorry, can you ask the question again, sir? Yeah.

(2:11:25 - 2:11:37)

Did you know that your co-worker advised Dr. Lehman that a pig was actually purchased? After refreshing my memory with the email, yes. Okay. Did you ever correct that? I did not.

(2:11:38 - 2:11:54)

And Dr. Lehman was interested in knowing whether there was any depression on the part of the deceased, Mr. Akers. Is that true? Speculation. What Dr. Lehman was interested in was his personal knowledge of it.

(2:11:55 - 2:12:04)

And personal knowledge for something that's not hearsay. Can you respond? Yes, it's part of the communications. I'm not asking for the truth.

(2:12:05 - 2:12:10)

Just asking to understand it. All hearsay objections involve communications. That's what hearsay is.

(2:12:11 - 2:12:23)

So who's going to object to that? Well, the objection was speculation. So I'll deal with that by instructing the witness, do not speculate. If you don't know the answers, you don't know.

(2:12:23 - 2:12:45)

If you have personal knowledge, you can answer the questions. Can you ask a question? Sure. Did you understand that Dr. Lehman was asking law enforcement whether Mr. Akers had any depression, sadness? Did you understand that that's what this colloquy's about? Based on that email, yes.

(2:12:45 - 2:12:51)

Okay. And the answer that, and I know it wasn't you. I know it wasn't you.

(2:12:51 - 2:13:05)

But Lieutenant Hill gave one of the answers, is? I'm going to object to that as hearsay. Again, Detective Hill has not been called before. He's not going to be called in this case if the defense wants to call him that's their right.

(2:13:05 - 2:13:14)

You can't just get in Detective Hill's statements. Now Mr. Steele will look down at his podium, he's literally reading communications from Detective Hill. That's hearsay.

(2:13:15 - 2:13:28)

Well, I guess I need to hear the question. What's the question? Well, Judge, you see here, I'm

upset you're not outside the presence of jury because if the jury hears the question, that's the evidence. It's not admissible evidence.

(2:13:29 - 2:13:35)

The jury shouldn't hear it if it's not admissible. I can rephrase the question. All right, let me hear the rephrased question.

(2:13:35 - 2:13:50)

We'll see if there's an objection. Why didn't you correct at any time, I'm talking about at any time, Lieutenant Hill's erroneous statement that Mr. Akers bought a pig? That's hearsay. That's a hearsay point.

(2:13:50 - 2:13:55)

I'm not asking for hearsay. Detective Hill's statement. I'm not asking for Detective Hill's statement.

(2:13:56 - 2:14:10)

He said why didn't you correct Detective Hill's statement that, and I'm assuming it's going to be the statement following the word that, that's hearsay. He's not here, he hasn't testified, he's not going to be called. Response to the hearsay objection? It's not for the hearsay.

(2:14:10 - 2:14:26)

It was not. It's already been admitted by the court over objection that Detective Hill told Dr. Lehman that a pig was bought, and I'm just asking why didn't this witness correct it? All right, overrule. You can answer.

(2:14:27 - 2:14:55)

I don't know, sir. Did you ever inform, and when I say ever, I'm talking about at any time, did you ever inform Dr. Lehman that Mr. Akers was depressed? No. Did you ever know him to be depressed? Through his phone, let's say.

(2:14:55 - 2:15:02)

I'm sorry? Through his phone. I mean, you're asking my opinion on his mental state. No, no, no.

(2:15:03 - 2:15:22)

I would not do that, and thank you. I'm not doing that. Just from reviewing the phone, did you ever advise Dr. Lehman that there are problems that Mr. Akers had at the time of his death, such as financial? Did you advise him of that? No.

(2:15:23 - 2:15:42)

Marital? No. Losing his job, getting furloughed? No. That he was afraid or looking to potentially go to prison for four and a half years or whatever? I'm not familiar with that.

(2:15:42 - 2:15:48)

You don't remember reading that in his text messages? I don't, sir. I don't remember that. Well, show me.

(2:15:48 - 2:16:17)

Yes, sir. None of that was told to Dr. Lehman, to your knowledge, right? No. Did you ever tell Dr. Lehman that Mr. Akers was extremely happy? Yes, in that email I did.

(2:16:18 - 2:16:33)

And that he was excited about moving up on his job? Yes. And getting a new Christmas tree? Yes. Do you have any evidence that Mr. Akers got a new Christmas tree? I do not.

(2:16:34 - 2:16:51)

I want to talk to you about his job, meaning Mr. Akers' job. The job that you're referring to, and it's on the recording with Ms. Boldt, is that the airport? Is that fair to say? I can't remember, sir. Okay.

(2:16:53 - 2:17:24)

Do you remember reviewing the phone at any time of Mr. Akers and him being concerned about being furloughed? I do remember there was some concerns about him being furloughed, and that was during an interview with one of his co-workers. And furloughed means, and people will know, but just what does furlough mean? Furlough means you're out of work for a period of time. You're laid off.

(2:17:25 - 2:17:47)

Basically. And also, Mr. Akers was concerned, if you remember, about taking a job, the next job, for drug testing. Do you know what I mean by drug testing? I don't remember that, sir.

(2:17:47 - 2:18:37)

Okay. We're going to come back to the furlough, drug test, going to prison until 2024. And in some of them, we already heard you write out some texts about getting a divorce.

(2:18:38 - 2:18:52)

Yes. Or a matter of problems, I'll say. How about that? And financial problems.

You knew that, right? Yes. Okay. All right.

(2:18:52 - 2:19:28)

Let's talk about the reason why that's potentially a topic for you to have with Dr. Lehman, and I know Lieutenant Hill. The claim was suicide. That was clear, right? That Lacey Bowles claimed that this was a suicide.

(2:19:28 - 2:19:45)

She tried to actually stop her husband from committing suicide. Yes, that's her claim. And the issue of law enforcement, the task, was, is that accurate? And that's what law enforcement did for, you know, to this day.

(2:19:45 - 2:20:12)

I guess we're seven years now, right? Yes. And that's really the issue in the case, right? Yes. And the conversation that you had with Dr. Lehman about, you know, sadness or happiness of Mr. Akers was just—it doesn't mean it's true, but a happy person may not be more inclined to commit suicide than a sad person.

(2:20:12 - 2:20:22)

That's basic. But happy people commit suicide too, right? And sad people don't commit suicide. Is that all? That's not the scope of this witness's understanding.

(2:20:23 - 2:20:28)

He's not a psychiatrist, psychologist. He's just a detective. All I'm trying to show is that.

(2:20:28 - 2:20:41)

That's fine. Can you get a comment on who's one will commit suicide and who's not? Okay. But when you told Detective Lehman that Ms. Akers was happy and looking forward to the job, whatever it says—I'm not trying to quote.

(2:20:41 - 2:20:48)

I don't have it in front of me. But that was all about just background information, what was going on with Ms. Akers. That's true.

(2:20:49 - 2:21:36)

That's what I told Dr. Lehman. I'd like to go through some of the phone information of Ms. Akers and Ms. Falls. First of all, we'll continue, if you don't mind, with the exhibits, and this focuses on

financial strain, okay? Financial stress, okay? Okay.

(2:21:36 - 2:21:47)

Can you continue where we were? Exhibit 194. So here is the tractor supply company. We've already discussed some of it.

(2:21:48 - 2:21:56)

I don't know if it's any clearer, but you already discussed it. It's changed mine. The item was returned, and it's the pig food, right? Yes.

(2:21:56 - 2:22:06)

And that's why it's in brackets. If you know, if you don't know, just say, I don't know how they keep their receipts. It was returned for $19.99. That's fair.

(2:22:08 - 2:22:27)

But then, underneath it, there was an attempted purchase. Do you see this? Attempted purchase of a tool, a wrench. Do you see that? I see it.

(2:22:27 - 2:22:38)

For $9.99, with tax, $10.70. Do you see that? Yes, sir. But that couldn't even go through. It's all the same day.

(2:22:38 - 2:22:47)

It's the same ticket, December 21, 2019. Even with the return, that couldn't go through on a debit card. It was declined, right? Yes, sir.

(2:22:47 - 2:22:55)

So the debit card didn't even have $10.70 on it. I don't know the reason for it to be declined. But that's what the receipt says.

(2:22:55 - 2:23:03)

Sure. It just says payment declined. Do you have any reason to believe other than it was declined by the bank? The bank declined it.

(2:23:04 - 2:23:12)

Right. Okay. Can you go to the next, if you don't mind? State's Exhibit 196.

(2:23:19 - 2:23:38)

Do you remember this exhibit with the prosecution seeing this? Yes, sir. And this is a promise to pay for Title Max, right? That's correct. And the amount is $579.12. And that's the account, right? That's correct.

(2:23:39 - 2:24:28)

And it was taken out on or around, I see two dates here. I'm going to say November 7, 2019, then four dates later, December 13, 2019, 6 o'clock p.m. Fair? Fair. And then this is Mr. Aker's printed name on the document that's already in evidence, right? Yes, sir.

Fair. Okay. And I'd like to – did you listen to Mr. Aker's phone? You were aware of the fact that the company was calling to tell him that it went to a debt collector, that it was in collections, just debt.

(2:24:29 - 2:24:36)

It wasn't paid. Are you aware of that? I am not aware of that. Are you saying it didn't happen or you just – I'm not aware of it, sir.

(2:24:36 - 2:25:12)

You never listened to his recordings on his phone? I listened to some of them, but I did not listen to those voicemails. So because you haven't listened to them, you wouldn't – you'd have to go back to the phone, basically. Yes, sir.

(2:25:12 - 2:25:25)

I'm not going to object to that. I think Mr. Steele is well aware that the phone was broken and opened and allowed to be accessed well after this detective left the sheriff's office and went to another agency. This detective would have no way to know any of this.

(2:25:25 - 2:25:31)

Mr. Steele is aware of that. That's the reason why I'm questioning you and all these facts. This wouldn't even know about it.

(2:25:31 - 2:25:40)

It wouldn't even know about it. Any response? Sure. I just asked some follow-up questions.

(2:25:41 - 2:26:17)

I don't have a response. May I continue? You're moving on to another question. I'm just going to follow up with questions.

I don't have a response. I'll just rephrase. Okay.

Very good. When you started testimony before this honorable jury last week, do you remember being asked whether you reviewed, even recently, the contents of the phone of Ms. Akers? I did. So I'm just asking you at any time, did you listen to his recordings that were left, the messages from Title IX? No, I did not.

(2:26:17 - 2:26:29)

Okay. Okay. With regards to the next, if you don't mind, the next exhibit? That's it.

(2:26:30 - 2:26:55)

Those are everyone? Mm-hmm. Okay. So on State's exhibit, remember the self-right extraction? Yes, sir.

(2:26:55 - 2:27:07)

That you went over with the jurors? Yes, sir. I'd like to discuss some of them with you. Do you still have them up there, or do you – I didn't do it with you today.

(2:27:07 - 2:27:19)

No, I didn't. Do you remember what State's exhibit number would be? Number 185. Yes, sir.

(2:27:19 - 2:27:30)

May I approach your Honor? Yes. May I approach you? Yes, sir. Remember that exhibit? Yes, sir.

(2:27:30 - 2:27:37)

I'm going to show you. Oh, sorry. May I approach the investigator, Your Honor? Sure.

(2:27:38 - 2:27:51)

May I approach you? That should be number 185, State's exhibit. Now, this is something that the jurors have already seen and you went through, true? Yes. I'd just like to go through a couple of these exhibits and see if that's okay.

(2:27:52 - 2:28:30)

Yes. So let's look at – let me see if I can get the page. It should be page 5, number 11.

(2:28:43 - 2:29:13)

And if you could blow it up on the actual communication. And here, this is from Mr. Akers, number 5482, to Lacey's number, 1698. Does that sound right? It does.

(2:29:13 - 2:29:39)

So the communication – if the person is on the other – using the device and sending this, I know we don't have a video of that, but in general, it's going from the phone of Mr. Akers, presumably by him, to Ms. Bowles, presumably to her. Is that fair to say? It's fair to say. And here, it says, look, I know your heart – this is from Mr. Akers to Ms. Bowles, fair? Yes.

(2:29:39 - 2:29:50)

Look, I know your heart is in the right place, we just don't have it like that, and we are not at all prepared for furlough. And that's what you were talking about earlier, the furlough of the job. Yes, sir.

(2:29:50 - 2:29:54)

And that's losing a job. True. It's being laid off, yes.

(2:29:55 - 2:31:03)

And then, just to be complete, nobody knows how much the pig costs plus food, and I'm not trying to make the baby suffer because we want to take – we want to have money, right? Correct? Yes, sir. Okay. And that date is the 21st day of December 2019, the day before.

Unfortunately, tragically, Ms. Akers is no longer with us, right? Yes. And it's in the afternoon at 3.24 p.m. That's the afternoon, right? That's correct. Okay.

Now, losing a job is a lot different than what was told to Detective Lehman that he was looking forward to his job, right? Again, based on an interview I had with one of his co-workers, he was fine. He was going to be moving to the airport job. I believe it was the airport job.

(2:31:03 - 2:31:56)

We're going to talk about that then, okay? Okay. But you never told Detective Lehman that Mr. Akers believed he was going to be furloughed, did you? I never told Dr. Lehman that, no. On page 18 – or page 7, I mean.

It should be number 19, I believe. And just to orient again, once it's set up by the district attorney investigator. Can you see that, sir? I can.

(2:31:56 - 2:32:06)

This is, again, Mr. Akers texting – what I'll call texting – to Lacey Bowles' phone. Sure. Yes, sir.

(2:32:06 - 2:32:18)

And we're talking the same date, just a couple minutes later. It's 3.39 in the afternoon, and again, it's December 21, 2019, the day before. Mr. Akers, God forbid, is no longer with us.

(2:32:19 - 2:32:27)

Sure. Yes, sir. And what Mr. Akers wrote is the following.

(2:32:27 - 2:32:41)

Lacey, I'm not trying to say that you don't put your fair share – you don't put into your fair share. What I'm saying is that I'm by myself right now. True.

(2:32:41 - 2:32:59)

That's what he wrote. That's what it says. I am no one looking out to keep a roof over your head and over our babysit, right? That's what it reads.

(2:33:00 - 2:33:21)

And that – well, to use your word – means it's all on Mr. Akers' shoulders, the finances, right? That's what he's writing. I object to having this witness interpret what he means by it, speculate on what he means by it, read it, and for the jury to determine what he means. This is speculation.

(2:33:23 - 2:33:26)

That's fine. I agree. Everyone else – I'm continuing reading.

(2:33:26 - 2:33:36)

Yes, sir. Everyone else has another roof to be under and have someone else feeding that. Did I read that correctly? Yes.

(2:33:38 - 2:34:26)

So this has nothing to do with you or your money or your money to come. That's what he wrote, right? That's what it reads. It's about being smarter, stronger, and taking the best care of you and the ones that actually have to live and survive with us.

That's number 19, right? Yes, sir. Did you ever tell Dr. Lehman about what Mr. Akers wrote, that he's by himself right now and no one looking out to keep a roof over your head or over our babysit? Did you ever tell him that? I did not. And this is just the day before the suicide, according to Lacey, right? Yes.

(2:34:26 - 2:35:23)

I shouldn't say the day before. I see your hesitation. It's hours.

It's – I don't know. It's less – it's about ten hours until the death of Mr. Akers. Okay.

All right. If you could use number 20 if you don't mind, Mr. Investigator. This is again from Mr. Akers' number, the 5462, to Lacey's number.

That's the 1698. And it's a few minutes later, but it's the same day. It's December 21, 2019, and now it's 346 in the afternoon.

Fair to say? Fair. And then the writing from Mr. Akers to Lacey is, this is my job and yours too. Either you mature to that, knock the games off, so we can be happy and possibly have something one day.

(2:35:24 - 2:36:00)

There is a way more – excuse me. I'm going to start that again. There is way more to it than just running the house.

Are we going to work every day? I should have to explain – excuse me. I should not have to explain this to you. I'm sorry if you don't agree, but you are not the one that gets looked at if we don't have money to pay the bills, if we don't have money to feed our kids, if we don't have the money to keep a roof over their heads.

(2:36:00 - 2:36:34)

I wish I did have the money, and I wish I could do everything and anything for all the kids. But what you've asked – what you are asking is to take food out of the babies' mouths and give it to one of their siblings as a present. I am desperately trying to get caught up and ahead.

We are 36 years old and should not have to ask for help from anyone. True. Have I read it? Yes, that's how it reads.

(2:36:34 - 2:37:07)

Did you ever tell Dr. Lehman that Mr. – at any time – that Mr. Akers wrote, you are not the one that gets looked at if we don't have money to pay the bills? I did not. Did you ever tell Dr. Lehman that if we don't have the money to feed the kids? I did not. Or if we don't have the money to keep a roof over their heads? I did not.

(2:37:39 - 2:38:49)

Page 11, number 33. It's number 33. Again, this is Mr. Akers.

Too lacy, is that fair to say? It is fair. And then this time, we are a little later in the day. It's about

six hours later, six plus hours later.

It's 10, 11 at night. You see that? I do, sir. But it's the same day.

It's going to be now just two and a half hours before Ms. Davis is no longer with us. Is that approximate time? Yes, sir. So it's the end of December 21, Saturday, December 21, 2019 going into the next day, which is Sunday, December 22? Yes.

(2:38:50 - 2:39:09)

All right. And then what Mr. Akers wrote here is, you never meet anyone 50-50 halfway. Oh, that's right.

You go find someone else. I'm saying else, but it's E-L-S is what I read. That's correct.

(2:39:10 - 2:40:15)

You put your mind to it. All you do is use me, and I'm sick of it. Find that someone to pay your rent bills and grocery, etc.

I just stayed because you said your dad was coming. I don't run from no one. So you should know I'm not running from you or your stupidity you have going on there.

I'm trying to leave you behind. My sentence has been served, and you don't want to get bright. So F, it's spelled out, but F-blank-CK-it-all with two emojis.

Fair to say? Fair. You better learn fast, or God bless you. I'm just a kid, right? Well, this kid ain't going for your fakery anymore.

I'm doing me. True. That is true.

(2:40:21 - 2:40:39)

That's a statement to his wife. Fair? That's fair. And from your understanding of this case and the facts, their marriage was ended.

(2:40:40 - 2:40:50)

Yes. Both sides seem to indicate that from your understanding of this case. Yes.

(2:40:56 - 2:41:17)

If you go to number 39, it should be on the same page, but it might be on the next page. If you could do 39, it should be on the next page. I apologize.

(2:41:18 - 2:42:43)

And what page number is that, sir? It is... Yes, sir. Yes, sir. And then the next one is Lacey's reply to all these statements.

It's the next in line, and we know that because it's number 1698, and it's recorded on Mr. Acrestone's my wife. Yes. And it's two Mr. Acres, the 5462 number.

Correct? That is correct. And it's just a few seconds after the 1021 message we just wrote on the same day. True? Correct.

(2:42:44 - 2:43:07)

And Lacey wrote, you pay either way, hater, keep making me greater. Blocked, I don't know if I can say it, but B-I-T blank, H, talk to my lawyer, mistake after 2018, not a grower or a shower, and then dot dot E-R-R-R, shower. Right? That is correct.

(2:43:07 - 2:43:31)

And here you know from interviewing Lacey that she told you that, and it's corroborated I guess by the state exhibit, that she blocked the communication on Facebook Messenger with her husband. Yes, I believe she said on her phone and Facebook Messenger. Okay.

And she said that she's contacting a lawyer. That is correct. And we're talking about a divorce lawyer.

(2:43:32 - 2:43:35)

I would assume. Okay. Okay.

(2:43:35 - 2:44:19)

Okay. Number 44, if you don't mind. It might be page 14.

Am I correct? 14, yes. Thank you, sir. And this is Mr. Akers, the 5462, texting to Lacey, the 1698, at 1116 on the same day.

(2:44:19 - 2:44:24)

So this is about an hour and a half before his demise. Is that fair to say? That's fair. Okay.

(2:44:24 - 2:44:35)

And Mr. Akers wrote, you pissed it away with the way you act. Don't want to be your man. You can't handle being real.

(2:44:35 - 2:44:50)

So it says F-U-K off, F-U-K yourself, spelled U-R-S-E-L-F, or whatever you do. And since I pay for it, I'll sleep there or not. I don't care, dummy.

(2:44:50 - 2:45:04)

You made me not give a, and then it says F-U-K. You're bad, right? Yes. I mean, this is really falling apart at this time, according to this text message, right? This is a fight, an argument.

(2:45:04 - 2:45:07)

It's an argument, yes. Okay. Next one, please.

(2:45:12 - 2:45:29)

It should be page 15, number 45. And this is Lacey responding to, I shouldn't say responding, but replying or communicating, how about that, with Mr. Akers. Fair, that's the direction of the communication? Yes.

(2:45:30 - 2:45:49)

And this is a moment later, it's 1142, so we're about an hour, maybe two minutes or so since when Mr. Akers is going to be taken from us. Fair to say? Fair to say. And Lacey wrote, I'm about to have your job, your paycheck, your babies.

(2:45:50 - 2:46:09)

Babies is spelled B-A-V-A-I-E-S. Does that look right? Yes. Then it says B-I-blank-C-H-N-blank-G-G-A-done-F-blank-C-K-E-D-up with an exclamation point, right? Yes, sir.

(2:46:09 - 2:46:47)

Called to Steve Langley, already arranged pronto in the A.M., and they said D-A-M-blank-Dan, which is Ms. Akers' first name, U-F-U-blank-K-I-N-G-done-son, right? That's correct. So Lacey is writing, you know who Steve Langley is, you remember him, he's the employer of Mr. Akers? Yes, I believe he was his union boss. So Lacey's saying that come the morning, whatever that is, Monday morning, Sunday morning, she's going to contact Mr. Langley about Mr. Akers, that's what it reads? Yes.

(2:46:47 - 2:47:24)

And that deals with his job, and it says here that Lacey's going to take his job and his paycheck and his children, right? Yes. Did you tell any of that to Detective Lehman? I did not say that to Dr. Lehman. Then if you go down that page, this is Lacey to number 46 to Mr. Akers, it's a minute or two maybe later, I forget, but it's right there in the short time frame.

(2:47:24 - 2:47:38)

It's the last one we read, December 21, 2019, and Lacey wrote F-blank-CK with the next one ho, exclamation point, blocked N out. You remember reading that? I do. Okay.

(2:47:38 - 2:48:00)

And then Mr. Akers responded number 47. He responded to Lacey or he wrote to Lacey at 12-11, so we're about 33 minutes until he's about to pass on. That's correct.

(2:48:00 - 2:48:06)

And now it is the day of Sunday, December 22, 2019. We just bridged over into Sunday. Yes, sir.

(2:48:06 - 2:48:25)

And Mr. Akers wrote, okay, kiddo, and then the next one, which is number 48, I told you to stop U-R-S-H-blank-T, and that's the last communication. Yes. Am I right? That is it.

(2:48:25 - 2:48:53)

The last thing that Mr. Akers said was I told you to stop, right? Yes. Okay. Now, you communicated with Dr. Lehman along with Lieutenant Hill that Mr. Akers was happy.

(2:48:54 - 2:49:10)

Do you remember that? I do. Do any of these sound happy? You're asking for my opinion, but they sound like they're arguing. Losing job, right, the furlough? That comes from Mr. Akers, right? Mm-hmm.

(2:49:11 - 2:49:22)

True? Yes. No money for Christmas for the kids, right? Yes. That comes from Mr. Akers, right? Yes.

(2:49:23 - 2:49:28)

Is that happy? I don't need an opinion. If you don't know, just say I don't know. I don't know.

(2:49:28 - 2:49:43)

Okay. His marriage is seemingly over. I'm not saying people don't reconcile, but according to those messages, seemingly over, right? Yes.

(2:49:44 - 2:50:11)

Okay. And none of that was told to Dr. Lehman? No. I'd like to talk to you about some of your conversations with Lacey, if that's okay.

(2:50:12 - 2:50:18)

Yes. And it's States Exhibit Number 185. Again, it's the same document we were just working off of.

(2:50:19 - 2:51:28)

If the court would allow it in evidence, if you can go to page 2, and it should be number 2 and 3. So on States Exhibit Number 185, this is now earlier. I'm not trying to confuse anyone, but just to make sure that we don't confuse anyone, this is Mr. Akers communicating with Lacey, and it is now Saturday, December 21, 2019, and during the day, 12—I mean, excuse me, 2-28 in the afternoon. True? Yes, sir.

(2:51:28 - 2:51:40)

So I kind of went all the way to almost the time of Ms. Akers passing to now, we're during the day, early in the day on Saturday. Fair? It's early afternoon. That's fair.

(2:51:41 - 2:51:51)

Okay. And Mr. Akers wrote—it looks like a list. It said bread, Oreos, cracker soup, boxes.

(2:51:52 - 2:52:14)

Do they have your hair color at Family Dollar, and do you want the burgundy again? And then I'm just skipping to number 3, and it says, yes, they do, and yes, that's fine. And that's Lacey responding to—seemingly responding to—about the hair color and the story Dollar General sells it. Fair? Yes.

(2:52:14 - 2:52:27)

Okay. And you did notice, did you not—may I approach you, Your Honor? Yes. I'm going to show you—this is already in evidence.

(2:52:28 - 2:52:39)

May I approach you? Yes, sir. This is states number 139, 143, and 142. Just take a peek at this.

(2:52:41 - 2:52:51)

You can focus on those items that are already in evidence. May I approach you, Your Honor? Yes. May I approach you? Yes, sir.

(2:52:51 - 2:52:59)

I'd like to give this to Your Honor McCord to put on the screen, if that's okay, Your Honor? Yes. Thank you, Mr. Chief, sir. Thank you, Mr. Investigator.

(2:53:02 - 2:53:17)

States 143. Do you see in states exhibit number 143, when you analyze this, this is like what I would call a bleach cleaner. If that's wrong, just tell me.

(2:53:17 - 2:53:21)

No, that's different. What is that? I just say cleaner. Okay.

(2:53:21 - 2:53:34)

And any evidence that this was used in any way to clean up a scene December 22, 2019? It wasn't on the scene, sir. So your answer is— No. Right.

(2:53:35 - 2:53:42)

And it could have been there—just like the fingernail, this could have been there for a week. True. Before—when I say a week, let me ask you a much better question.

(2:53:43 - 2:54:00)

This cleaner could have been there a month, but a week before, a day before December 22, 2019. True. It's in the corner.

It doesn't look disturbed, right? Yes. And then this is a product here. Did you—if you could zoom in on it, if you can.

(2:54:01 - 2:54:17)

Did you ever know this to be a burgundy hair color product? I can't see the hair color, what the actual hair color is, but it does look like there's a picture of a female with hair. Okay. And it's another picture we're going to show right now.

(2:54:17 - 2:54:27)

Yes, sir. If you could just make that—zoom in and just make it clear for the jurors, if you don't mind. This is the female you're talking about right here, and it shows hair? Yes, sir.

(2:54:27 - 2:55:29)

Is that what you were referring to? Yes, sir. Okay. You never analyzed this, did you? You didn't

focus your attention? I wasn't on the scene.

No, sir, I wasn't on the scene. Even afterwards, though, when you reviewed it? No, but I noticed it was a box of hair dye. Okay.

And that's similar to—I'm not saying it's related, but it's similar to the hair dye discussed on States Exhibit 185 we just discussed. I don't know if that's the one he bought or an old one. Okay.

Can we show another one? One. Fourteen? Fourteen, yeah. Yes, sir.

And same area or the hair dye, anything that this helps with you telling what color or anything about the hair dye? No, sir. Okay. That's fine.

Then I'd like to go to the next State Exhibit that you just looked at. 139. And if you can zoom out a little bit just for orientation.

(2:55:34 - 2:55:56)

Thank you, sir. And, Detective, what we're looking at here is the upstairs master bedroom. If you walk into the bathroom—is that true? It's off the master bedroom, it's the bathroom? Yes.

(2:55:57 - 2:56:16)

And this is the basin, and we can give a photograph we just saw, but this is one of the two basins where the hair gel is all—or the hair color, rather, is all the way to the left. Is that true? Yes. And this is the basin farthest, I'll say, from where the hair color product is.

(2:56:17 - 2:56:37)

Yes. On the night that it was filmed. True.

True. And the reason that this is interesting to you is—and you spoke about this with Ms. Bowles about washing her hands, right? I did. And the reason is because this appears to be—I'm not saying it is, but it appears to be blood in the sink, basically.

(2:56:37 - 2:56:48)

It does appear to be blood. And no one, to be fair, no one took a sample, a swab of it, so we really don't know if it is blood, but it appears to be blood. Is that what I'm saying true? It is true.

(2:56:48 - 2:56:59)

Okay. And, you know, maybe if you were on the scene, somebody would have swiped it and preserved it and tested it for blood, right? Yes. And whose blood was it, right? Exactly.

(2:57:00 - 2:57:04)

But we've got to deal with reality. It wasn't done. And you come in later.

(2:57:04 - 2:57:14)

True. True. I want to talk to you about this, though.

You have information—I know you're not on the scene. Everyone, I think, understands that. Right.

(2:57:14 - 2:57:34)

But Lacey, at some point, you learned from looking over the file and understanding where you are. She is—when law enforcement is present, she is with her children and her mother in the bedroom upstairs. Is that fair? I believe they were in the living room.

(2:57:34 - 2:57:43)

Do you ever remember them being in the bedroom? It's okay. I can show you something. I remember in her 911 call, she said that she was in the bedroom with her children.

(2:57:43 - 2:57:47)

Okay. Then we'll just use the 911 call. I guess that's— Yes, sir.

(2:57:47 - 2:58:27)

That's perfect. Do you know whether her mother—her mother, let me change—Lacey's mother came to the scene? I do know that, yes. Okay.

Do you know whether Lacey ever embraced her mother or her mother embraced Lacey? I do not, sir. Do you know whether the six-year-old, at that time, Gage, ever embraced Lacey? I do not, sir. Do you know whether any blood that may or may not have been on Lacey got onto the mother? I do not, sir.

I was not on scene. Do you know whether any of the blood of Mr. Akers—I'm talking about Mr. Akers' blood— I understood, yes, sir. —got onto Gage? I do not.

(2:58:28 - 2:58:49)

Do you know whether, assuming this is blood and assuming hands were washed, do you know whether the mother washed her hands in the sink? I do not. And got blood there? I do not. Do you know whether Gage, the six-year-old at that time, washed his hands in that sink if his hands were bloody? I do not.

(2:58:49 - 2:59:06)

And got blood in the sink. So, the fact that Lacey said she didn't wash her hands, potentially other

people, if that's blood, could have washed their hands and gotten that basin to look like that in States Exhibit 139. Is that fair? It's possible.

(2:59:06 - 2:59:41)

We just don't know. True. And we don't know because of the same things you've explained to the jury.

No one took a photograph to see what Lacey's appearance was or her clothing or her hands or her face or her hair with blood, right? Yes. And no one took a photograph of what Gage's hands, face, pajamas, whatever he wears, looked like that night, right? Correct. And no one took a photograph of the mother of Lacey and whether her hands, face, whatever, clothing, had blood on it, right? Correct.

(2:59:42 - 3:00:27)

We just don't know whose blood or who potentially washed their hands if their hands were washed in that basin, do we? No. I'd like to go to 185. It should be, I may be wrong, but it should be page six, I mean, page five, rather, number 14.

(3:00:32 - 3:00:53)

Do you have a man display? Yes. And, sir, this is from Lacey to Mr. Acres. Fair to say? It is.

(3:00:53 - 3:01:10)

And it is, again, not to confuse anybody, but it's the day before, God forbid, the killing, and it's 3.29 in the afternoon. So, I don't know, middle of the afternoon on Saturday, December 21, 2019. Fair? It's fair.

(3:01:11 - 3:01:56)

And what Lacey now wrote to Mr. Acres is, then you shouldn't have accused me stealing and returning Lindsay's – Lindsay, first game we bought her for, and it says 60, then dollar sound with an exclamation point, right? Yes, that's what it reads. Then turning around, buying her another one for another, and then it has the same 60 and then the dollar sign, that 120, 120, then the dollar sign, right? Yes, sir. Then I have her $30 with the dollar sign, or 30, excuse me, dollar sign cash, right? Yes.

(3:01:57 - 3:02:16)

Ava, A-V-A, got her camera plus her package that went with her camera, her party, etc. Phoenix got $100 on cash. Who's not being real? That's what it reads, right? That's what it reads.

(3:02:16 - 3:02:25)

And you know Phoenix to be… Lacey's child, but not Dan's. Right, her son. Her son.

(3:02:25 - 3:03:04)

From a previous marriage, yes. And you know that Lacey had two children from a previous marriage before she married Mr. Acres, or before she was in a relationship with Mr. Acres, true? True. And Mr. Acres had two children of his own before he was in a relationship with Ms. Bowles, Lacey Bowles, right? He did.

He had two daughters. So the total we're talking about is three children that Lacey and Mr. Acres had together, Gage, Emerson, Daniel, Jr., right? Yes. And then each of them had two children, so if you add them up, that's seven children total.

(3:03:05 - 3:03:07)

Yes, sir. And they're various ages. True.

(3:03:08 - 3:03:12)

Yes, sir. Okay. If you could turn to the next page if you don't mind.

(3:03:14 - 3:03:23)

You just checked in with the jury. It's about 20 till noon. My plan is to go to noon, take 12, and then break for lunch.

(3:03:23 - 3:03:59)

Everybody do that? All right, thank you. If you could turn, I think it's page 6, number 15. This is from Lacey to Mr. Acres, and again, it's 3.29 in the afternoon, and it's that Saturday, December 21, 2019.

Fair? That's fair. And Lacey writes, argument to what exactly? You keep treating me this way, you won't have anyone to argue with, and that's a promise. Right? That's fair.

(3:04:00 - 3:04:27)

Then you go down to number 16, and it's Lacey continuing to Mr. Acres, writing at 3.33 p.m. the same date, you make me feel so S-H-I blank Y for not having money, and I promise you I've spent my fair share and invested my fair amount with an exclamation point. Right? That's correct. That's what it reads.

(3:04:27 - 3:04:40)

Gives you no right to continuously treat me like S-H blank T with an exclamation point. Right?

Yes, sir. What's your ulterior motives here with a question mark? Correct.

(3:04:41 - 3:04:52)

Correct. Someone else or something else you're hiding, you're, while you are hiding, with an exclamation point. Right? That's what it reads.

(3:04:52 - 3:05:05)

Excuse me, not an exclamation point, a question mark. Either way, cut the S-H blank T, I'm over it and have been with an exclamation point. Right? That's what it reads, sir.

(3:05:05 - 3:05:13)

Very aware I'm just a mistake to you. Right? Yes, sir. Okay.

(3:05:22 - 3:05:58)

And then the next one is 17. And Lacey continues, and it's almost shortly thereafter, immediately thereafter, 336, same day, the Saturday, December 21, 2019. Lacey sends Mr. Akers this message, right? Hope you feel better about yourself, and especially when you look in the mirror and reflect A-N and this H-E blank blank.

(3:05:58 - 3:06:08)

You're putting me through and treating me like a D-A-N blank piece of trash, exclamation point. Right? That's what it says. That's what it says.

(3:06:23 - 3:07:00)

So, I want to talk to you about the 9-1-1 recording, if we can. Yes, sir. Do you have the 9-1-1 recording? Can I, can I approach you? Yes.

(3:07:19 - 3:07:57)

This is State's Exhibit No. 2. Have you listened to the 9-1-1 recording? Yes, multiple times. And are you, we have it here.

If you need to hear anything, you can listen to it. Okay? Yes, sir. Can I approach you? Your Honor, this is already in evidence.

Can I play parts of the 9-1-1 recording? Yes. So, the jurors have already heard this, just for you to orient. But I would just like to discuss with you parts of the 9-1-1 call, if I can, okay? Yes, sir.

(3:07:57 - 3:08:16)

Now, when you interviewed Lacey on March 5th, 2020, you mentioned to her that you've listened to the 9-1-1 recording, right? I did. And to your knowledge, did Lacey ever hear the 9-1-1 recording at the time? No. Let me just finish the question.

(3:08:17 - 3:09:04)

I'm sorry. No, you anticipated my question, but let me just finish the question, okay? Do you have any information that Lacey heard the 9-1-1 recording at or before the time of your interview with her on March 5th, 2020? No. Okay.

But the 9-1-1 recording is potential evidence for whatever, you know, whatever it says. You can listen to it and try to understand what was going on, based upon the communication with the 9-1-1 operator and Lacey. True.

That is correct. All right. Does Lacey ever mention to you that one of her children was downstairs during the time that she was on the 9-1-1 recording? Not that I can recall.

(3:09:04 - 3:09:13)

Did you ever hear that on the 9-1-1 recording? If I remember correctly, I heard her say, go back upstairs. Okay. And do you know who she was? I do not.

(3:09:13 - 3:09:58)

Let me just stop one second. Who said go back upstairs? Lacey. All right.

And she never mentioned to your knowledge, to you or Detective Ogden, anything about a child being downstairs? No. And to be fair to everybody, you have dealt with people who have been unfortunately involved in traumatic events, right? Yes, sir. Because sometimes law enforcement comes over and they do the – it is a great reason to come over and you help get the cat home.

(3:09:59 - 3:10:09)

Everyone is applauding, but other times you are doing a parade. But other times you are coming into people's messes. A really bad time in their life at times.

(3:10:09 - 3:10:36)

True. It is very true. And when there is trauma involved or stress or hysteria, people handle it, if you know or if you have observed, differently.

Is that true? I have observed it, yes. I mean some people become really stoic and they can kind of just detail – the best they can, I am not saying they are right, but this is what I saw happen and there is no tears in there, almost flat affect. Is that true? That is true.

(3:10:36 - 3:11:53)

And other people can't even talk. They can't get out. Anything that goes on.

Is that all true? It is. And sometimes over time, the stress of the moment could affect the way that somebody remembers something. It is not saying they are lying.

I am not suggesting. I am just saying there is a lot of factors that can go into memory. True.

Yes. And that is why partly law enforcement collects all this physical evidence because relying on people sometimes, especially in a traumatic situation, could be, you know, mistaken, innocently mistaken information. True.

That is true. So I want to go back, if you don't mind, to the State's Exhibit No. 2. When the call first happens, when I say the call, when the 9-1-1 operator connects with Lacey, do you hear that through the genius of the 9-1-1, they actually pick up recording before the 9-1-1 operator picks up the phone? Are you aware of that technology? Yes, I am.

(3:11:54 - 3:12:12)

A few second delay before the 9-1-1 operator picks up. So if we start right at the beginning, and this is jarring. This is a jarring 9-1-1 call.

Is that fair to say? You are using a term. It is a 9-1-1 call. I have heard multiple 9-1-1 calls in my career.

(3:12:12 - 3:12:26)

It is what it is. All right. If we could just start, Your Honor, with the Court's permission, right at the beginning of the 9-1-1 call, until about 11 seconds, if that's okay.

(3:12:32 - 3:12:49)

Actually, until about 23 seconds. Sorry about that. Okay.

(3:13:06 - 3:13:29)

Did you hear that before the 9-1-1 operator came on and said, did you hear what the 9-1-1 operator eventually said? Yes. And was it something to the effect of, and I know the recording speaks for itself, but something you heard, what's the address of your emergency? Yes. And before that, before the 9-1-1 operator engaged her voice, it is a woman 9-1-1 operator, right? Yes.

(3:13:29 - 3:13:40)

You hear Lacey screaming, Daniel, no, hello, hello, hello, something like that. Did you hear that? I did not hear that. I just heard screaming, hysterical.

(3:13:40 - 3:14:25)

Can you replay from, with the Court's permission, from zero until about 23 seconds? And listen to the very beginning, before the 9-1-1 operator picks up. Okay. Did you hear that? I did not hear Daniel, sir.

I don't hear Daniel. Okay. You're not saying it didn't happen or you're saying... I don't hear it.

(3:14:25 - 3:14:43)

Okay. Did you hear no, hello, hello, hello? I do hear hello, hello. Okay.

At that point in time, where is, if you know, where is Lacey Bowles? I do not know. Now, presumably, she's in the house. Fair to say? Yes.

(3:14:43 - 3:14:47)

Okay. But you're just being fair. You don't know where in the house she is.

(3:14:47 - 3:15:22)

I do not. I'd like to go to the part that you mentioned, which should be, you're on about 1 minute and 19 seconds until 1 minute and 45 seconds, if we can listen to that. Make those deep breaths, okay? I don't want you to forget that.

(3:15:29 - 3:15:33)

Ma'am. You can't do that. You can't do that.

(3:15:33 - 3:15:42)

Ma'am. Ma'am, I can't understand you. You can't do that.

(3:15:43 - 3:15:52)

You can't do that. I want to ask you a couple of questions. Were you able to hear, it started at 1 minute and 19 seconds and stopped at 1 minute and 44 seconds.

(3:15:53 - 3:16:21)

Were you able to hear the 911 operator tell Lacey, ma'am take a deep breath? I did. And the 911 operator said, she called into dispatch and is he conscious and is Ms. Akers conscious? Did you hear that? I did. And then did you hear Ms. Bowles or Lacey say, oh God, oh God, help me

Jesus? I didn't hear help me Jesus.

(3:16:22 - 3:16:35)

Okay. And then did you hear Ms. Bowles say, go upstairs, go upstairs, please go upstairs? I did hear go upstairs. Did you hear it three times? It's possible, yeah.

(3:16:35 - 3:16:44)

I mean she's, yes. And then the 911 operator again said, ma'am is he conscious, meaning Mr. Akers? Yes. Did you hear that? I did.

(3:16:45 - 3:17:07)

And then Ms. Bowles responded, yeah, yes ma'am, yes ma'am, no, he's unconscious, I think he's dead. Did you hear that? Yes, something to that effect. And then the 911 operator said, ma'am, I can't understand, did you think he's dead? And then did you hear another voice, not Lacey's voice and not the 911 operator voice saying dead? There's something in the background, I can't make out what they're saying, but you do hear another voice.

(3:17:08 - 3:17:38)

And then Ms. Bowles said, please don't make me go down there, oh my God. Yes, that's what he said. I'm going to ask the court to just allow you to listen to it one more time and just tell me if you hear Ms. Bowles say, help me Jesus, help me Jesus, help me Jesus, and then really what I'm targeting is go upstairs, go upstairs, please go upstairs, and then another voice, a third voice saying dead, okay? Your Honor, this will be the same time as 119 to 145, please.

(3:17:39 - 3:18:31)

Take a deep breath, okay? Okay, did you hear the multiple help me Jesus? I did hear the multiple help me Jesus. And then you already heard it before, but Lacey's saying into the 911 call that's recorded, go upstairs, go upstairs, please go upstairs, you knew that, right? Yes, sir. And then did you hear towards the end a child's voice saying dead? I hear a voice, I can't determine who that voice is or what they're saying.

(3:18:31 - 3:18:40)

Okay, but based upon this 911 call, there's somebody else. Yes, there is another voice. And Lacey's telling that person to please go upstairs.

(3:18:40 - 3:18:52)

Yes. And that would mean, if you're familiar and you could focus on the house, go upstairs would mean that there is an upstairs to go to. True.

(3:18:53 - 3:19:22)

Yes, there's from the basement to a landing, then another set of stairs to the split level, the main part of the house. So at that time, Lacey's not in her bedroom, according to logic on the 911 call, is that fair to say? That's fair. So at this time, Lacey is on the 911 call with the operator, she was not in the upstairs area of the house.

(3:19:23 - 3:19:26)

When I say upstairs area, where the bedrooms are. True. According to this.

(3:19:27 - 3:19:39)

According to her saying go upstairs, then yes. Okay. I'd like to go to another part of the 911 call, if that's okay.

(3:19:40 - 3:20:42)

Yes, sir. It's from, if we started at 317, and we'll stop it with the court's permission at 347. Lacey could be trapped.

(3:20:43 - 3:20:53)

Where is she going to go? To the hangar. Where? To the hangar. To the hangar.

(3:20:54 - 3:21:16)

Okay. And it stopped at 346. Were you able to hear that? Yes.

(3:21:17 - 3:21:31)

And on there, we heard the 911 operator tell Lacey to take a deep breath, and then where did he shoot himself, if I'm being mistaken. Yes. And then Lacey is saying, if you heard it, in the head, in the head.

(3:21:32 - 3:21:50)

Did you hear that? And then the 911 operator asked Lacey, do you think that CPR will help him? Do you remember hearing that? I do. Or do you believe that he's beyond all help? That was the statement. Did that sound familiar? Yes, sir.

(3:21:51 - 3:21:57)

And then Lacey said, no, I can't. I'm shaking. Did you hear that? I did not hear that.

(3:21:57 - 3:22:03)

Okay. Please don't make me go down there. Please don't make me go back down there now.

(3:22:04 - 3:22:06)

Oh, God. Did you hear that? I did hear that. Okay.

(3:22:07 - 3:22:22)

And then the 911 operator said, Lacey, Lacey, and that's when we stopped it. Does that sound right? That's correct. I'm just going to ask the court to play 333 to 347, just to, if you can listen for it.

(3:22:22 - 3:22:23)

No, I can't. I'm shaking. I'm shaking.

(3:22:23 - 3:22:48)

Please don't make me go down there. Okay? Is that okay, Your Honor? It is okay. I don't hear it, sir.

(3:22:48 - 3:22:51)

Okay. That's fine. That's fine.

(3:22:51 - 3:22:57)

You're not saying, it doesn't say, please don't make me go back down there. Or you heard that part. Yes, it's the shaking, my hands are shaking.

(3:22:57 - 3:23:00)

I don't hear that part. That's fine. Thank you.

(3:23:00 - 3:23:19)

So, just, again, logic to say, please don't make me go back down there, then Lacey is either on the landing or on the upstairs area of the house. Does that sound right? She could be anywhere in the house but not downstairs. Okay.

(3:23:20 - 3:23:28)

That's fair. So, she's not in the room where Ms. Akers is on the basement level, according to the 911 call. According to the 911 call, she says she's upstairs.

(3:23:28 - 3:23:34)

Okay. Then I'd like to go into the web. Okay? Why don't we stop at this point? Okay.

(3:23:34 - 3:23:40)

All right, so it is now noon. We'll break until 115. We'll resume at 115 then.

(3:24:23 - 3:24:42)

Let's address this exhibit that's labeled Ms. Bowles 140. On the first page of it, I see communication between Mike Hill and Dr. Lehman. I tend to agree with the prosecution that, you know, these two people aren't even here.

(3:24:44 - 3:25:04)

Maybe you can get it in later, but I think that would be here today. And then I see, looking at the page, kind of the same thing. This is between Mike Hill and Dr. Lehman.

(3:25:06 - 3:25:34)

So, I'll sustain the objection. Then I've got, now I'm on the fourth page of this packet, Mike Hill and Nick Hardy. You can ask Detective Hardy about what he said.

(3:25:35 - 3:25:55)

Then I've got a statement from Mike Hill where he's given his opinion, basically, who buys a pig and then buys the farm. So, I think I'll exclude Mike Hill's statement there. Then I've got, this is from earlier, it's just reprinted what Dr. Lehman's saying.

(3:26:00 - 3:26:15)

And you can ask Dr. Lehman about that later, but not now. You know, you can't ask this witness about it now. And then I flip a page and it's communication between the doctor and Mike Hill again.

(3:26:16 - 3:26:50)

So, I think that would be improper to get into at this point. So, basically, I'm sustaining the objection, except for statements from the witness on the stand at this point. No, I'm sorry.

(3:26:51 - 3:27:10)

I instructed not to consider that. And the statement I'm specifically talking about is buying a pig and Detective Hill, he was happy, things like that. Anything from Detective Hill should be stricken and the jury should be totally disregarded.

(3:27:11 - 3:27:28)

And another problem is I believe that the exhibit of the court's holdings has already been admitted in its entirety. Is that true? This is already in? I believe it was admitted, but I can't remember. I checked into it, but I believe it was admitted.

(3:27:28 - 3:27:36)

I admitted this just today? I believe so. Is that true? I don't know. I have to check the record.

(3:27:37 - 3:27:44)

All right. Let me check during the break. If it's already in, then that changes things.

(3:27:44 - 3:27:55)

I thought it was tendered. I said, I'm going to have some questions about this. So can you move to another line of question? Mr. Steele said, Sure.

(3:27:55 - 3:27:59)

And I thought I reserved ruling on this. I think you're right. Okay.

(3:27:59 - 3:28:10)

The meaning of the matter is the statement from Hill to Lehman. And that's already well before the jury multiple times. And now it's being sustained as hearsay.

(3:28:10 - 3:28:31)

So I think your instruction would be appropriate. Care to respond at all? Sure. It's not hearsay, respectfully, in my understanding of the law, because I'm not offering it for the truth of matter of certainty.

(3:28:31 - 3:28:47)

But someone's saying, and then he bought a pig, and I asked the detective, and the detective is on these communications. When the court says it's to and from someone, there's also a CC. There should be a CC of this witness and this Detective Hardy.

(3:28:47 - 3:29:08)

And my questions were, did you ever correct at any time Dr. Lehman was told that there was a pig? Do you have any evidence there was a pig bought? And he answers truthfully, no, I never corrected him, and I never told him that. So I'm not eliciting hearsay. In addition to that, Dr. Lehman, I assume, is going to be a witness.

(3:29:08 - 3:29:17)

So it's all coming in anyway. And if the state doesn't call him, I'll just call Lieutenant Hill if needed. But none of this is for the truth.

(3:29:17 - 3:29:23)

It's for the untruth. That's the whole point. A hearsay statement is only to prove the truth of something.

(3:29:24 - 3:29:48)

I'm proving that the statements to Dr. Lehman were untruthful, and then I'm asking Detective Hardy, why did he correct it or did he correct it? And he's a gentleman. He said, no, I never did. The moon is made out of cheese.

(3:29:48 - 3:30:11)

What Mr. Steele is concentrating on is, was that communication sent to Dr. Lehman? That is being offered for the truth of the matter of service. It doesn't matter what the statement says. The truth of the matter of service is that the statement was made and sent to the doctor under the defense theory that this communication somehow affected the doctor's ultimate findings to the manner of death.

(3:30:11 - 3:30:19)

So it is being offered for the truth of the matter of service. That's just not my standard rule. All right.

(3:30:19 - 3:30:33)

Well, I'm going to stick with my ruling that I've made. You can try again with Dr. Lehman or Mike Hill if you like. And as far as what's already been asked and answered, I'm just going to leave that alone.

(3:30:35 - 3:30:41)

That's what's already in the records is already in the record. So you can have that back. Understood.

(3:30:41 - 3:30:54)

See you at 115. All right. We'll address that later.

(3:30:55 - 4:40:26)

Thank you. Ready? Yes. Ready? Okay.

(4:40:27 - 4:40:46)

Yes. We need a witness. We did get our witness back.

(4:40:49 - 4:41:46)

I assume it's here. Whenever you're ready. Yes, sir.

(4:41:46 - 4:42:31)

Okay. So, sir, when some of the court broke the last hour, we were transitioning into the 911 call. Yes, sir.

(4:42:31 - 4:42:43)

Combined with what I'm trying to do is juxtapose it with the March 5, 2020 interview you had with Ms. Bowles. Okay? Yes, sir. That the jurors heard.

(4:42:44 - 4:42:55)

Yes, sir. So what I said was I'd like to go into focusing on the weapon, on the 911 call, discussion of the weapon, the firearm. Okay? Yes, sir.

(4:42:55 - 4:43:12)

So this is with the court's permission. If we could place State's Exhibit Number 2. Your Honor, starting at 347 and going until 502, if you don't mind. Thank you.

(4:43:34 - 4:44:41)

What? Okay? Now, your Honor has said 506. Stop. So this is a lot going on, fair to say? Yes.

(4:44:41 - 4:45:02)

There's a lot of, whatever the right word, it's not clear words, is that fair? It's fair. But you listened to this, to study this, because this is a piece of evidence, fair to say? Fair to say. And I just want to go through it with you, and you tell us what you hear.

(4:45:02 - 4:45:14)

I understand, and you made that clear, I think the court made it clear, the jurors decide what they hear. But I just want to talk to you about what you heard on the 9-1-1 call, okay, at this point. Yes, sir.

(4:45:15 - 4:45:49)

So, do you hear at the beginning, and we'll play it again, I'm not asking you to absorb all this, but

Ms. Bowles is being asked by the 9-1-1 operator, where is the gun now, did you hear that? Yes. Okay, and Ms. Bowles said, it's in his hand, I was trying to take it out of his hand, I was trying to take it out of his hand, did you hear that part? I do not hear try to take it out of his hand, I do hear on the ground. Do you mind if we just listen to that together, and just tell me if you hear that? Yes, sir.

(4:45:49 - 4:46:47)

Okay, and your honor, with the court's permission, start it, we'll say 3-49 if you could, and we'll just stop at 4-09, your honor stopped at 4-05, did you hear in his hand on the ground? Yes. Let me just make it clear, Lacey said, it's in his hand on the ground, pursuant to the question of the 9-1-1 operator, where is the weapon now? Yes. Okay, and then did you hear Lacey say, I was trying to take it out of his hand? I do hear it once.

(4:46:47 - 4:47:03)

You did hear that? Yes. Okay. Okay, and you know that she told you that she was trying to take the gun out of Mr. Baker's hand when he was trying to commit suicide, true? Yes.

(4:47:03 - 4:47:17)

Okay. I'm going to go to the next part, we've heard it, but I'm breaking it down, okay? Is that okay? Yes, sir. And if you need to hear anything, just say, just let me hear it again.

(4:47:18 - 4:47:39)

Did you then hear after that, the 9-1-1 operator, earlier, we stopped it right before, but earlier, say, you know, she's trying to gain control and get information from Lacey, right? The 9-1-1 operator. Yes. And she's telling you, you need to take a deep breath, she's trying to communicate, right? Yes.

(4:47:40 - 4:48:04)

And did you hear Lacey say, God help me, help me Jesus, and then the 9-1-1 operator again said, I need you to take a deep breath? Yes. Okay. And then after that, did you hear the 9-1-1 operator tell Lacey that, I've called in for dispatch, okay? Yes, I heard that.

(4:48:04 - 4:48:22)

And dispatch, jurors probably know, but dispatch would be, the help that she's calling for is on the way, police, EMTs, whomever, right? Correct. And dispatch just means that they're told, go to this scene. They're ordered or encouraged to go to this area, to this address.

(4:48:22 - 4:48:24)

Right. Yes, sir. All right.

(4:48:25 - 4:48:45)

And then after that, and we'll play it again if you need to hear it, but the 9-1-1 operator then brings up the gun again and says, where is the gun now? Do you remember that? Yes. And then Lacey said, I don't know, I think, I think, and the 9-1-1 operator said, you took it. Do you remember hearing that? I don't remember hearing that.

(4:48:45 - 4:48:48)

We'll play it. We'll play it. But this is what I'm going to ask you.

(4:48:48 - 4:48:57)

Did you hear the 9-1-1, if you don't mind listening for this, okay? We're listening for whatever you hear. And then Lacey answered, no, I don't have it in my hand. It's still downstairs.

(4:48:58 - 4:49:06)

I haven't touched it. It's downstairs. And then Lacey says, do you need me to get the gun? And then it says yes, like a question.

(4:49:06 - 4:49:13)

Yes? Did you hear that? I did hear that. Okay. We're going to play it just for completeness, if that's okay with the court.

(4:49:13 - 4:49:27)

And then the 9-1-1 operator right after that says, you know, it's basically, it's for your safety. And then she goes on to a new topic. What is Mr. Akers' name or what is his name? And then Lacey said, Daniel Akers.

(4:49:27 - 4:49:29)

Fair. Fair. All right.

(4:49:29 - 4:50:42)

With the court's permission, can we start at 4-24 and stop, if you don't mind, at 5-02, if that's okay? Stop at 5-02, Your Honor. And just to recap, the 9-1-1 operator again asked where's the gun now. You heard that part? Yes, sir.

(4:50:42 - 4:50:51)

And then you heard Ms. Bowles or Lacey say, I don't know, I don't know. And the 9-1-1 operator said something defective. You took it.

(4:50:51 - 4:50:57)

Just ask him a question. I believe she said, did you take it? Okay. And then Lacey says, no, I don't have it in my hand.

(4:50:57 - 4:51:00)

It's still downstairs. I haven't touched it. Did you hear that? I did hear that.

(4:51:01 - 4:51:11)

And then Lacey states, it's downstairs. Do you need me to get the gun? And then asks like a question, yes? And her voice kind of rises. Did you hear that? I heard that.

(4:51:11 - 4:51:16)

Okay. And then 9-1-1 operator says, I need you to deal with it. It's for your safety.

(4:51:16 - 4:51:25)

And then goes on to, what's his name? And then Lacey says, Daniel Ingram. I believe the 9-1-1 operator said, do what is best for your safety. Okay.

(4:51:26 - 4:51:33)

Not deal with it. We'll listen to it again, but then we'll move on. Whatever you heard is fine, and then the jurors can determine.

(4:51:33 - 4:52:12)

Yes, sir. Your Honor, can we just play from, let's say 440 to 502 with the court's permission? Thank you, sir. You can stop at 502.

(4:52:12 - 4:52:24)

And you heard, sir, something to the effect of the 9-1-1 operator said, I need you to do what is best for your safety or something like that. Yes, she says, Lacey, I need you to do whatever is best for your safety. And they're talking about the gun? Yes.

(4:52:24 - 4:52:35)

Okay. All right. So in that passage, since we started up again after the break, Lacey is saying that she did try to take the gun out of Mr. Aker's hand.

(4:52:36 - 4:52:49)

You heard that? Yes. And then later the 9-1-1 operator said, where's the gun now? And Lacey explains it's downstairs, meaning where Mr. Aker is. That's how you understand downstairs, right? That's fair.

(4:52:50 - 4:53:19)

And then the 9-1-1 operator says, and I'm just using your words, whatever, the juror's here, the juror's here, and we respect whatever they find, right? That's why we're here. Exactly. But the 9-1-1 operator is asking about the gun, and Lacey's asking, do you need me to get the gun? And the 9-1-1 operator said something like, according to you, I'm not saying it's accurate, but just do what's best for your safety, something like that.

(4:53:19 - 4:53:33)

Yes. Okay. So when you met with Lacey on March 5th of 2020 on the video audio recording that the jurors heard? Yes.

(4:53:34 - 4:54:06)

The interview, interrogation, whatever you want to call it, you told Lacey, I think, and please correct me if I'm wrong, you told her she was never asked by the 9-1-1 operator to get the gun. That's correct. Do you remember something like that? But on here, we do hear, even under your ears, and I'm not criticizing, I'm saying from, you know, using your analysis, the 9-1-1 operator did say when Lacey said, do you need me to go downstairs and get the gun, do you need me to get the gun? Yes.

(4:54:06 - 4:54:14)

She did say, according to what you heard, do whatever's best for your safety or whatever, right? Yes. Okay. All right.

(4:54:17 - 4:54:48)

Now, we have, I believe, the 9-1-1 call that we heard starting where Lacey is telling the child, go upstairs. Remember we discussed that before lunch? Yes, sir. And we know, at least, I shouldn't say we know, the evidence seems to point to the fact that Lacey's had blood on her hands when she went to the room, her upstairs bedroom, to get the cell phone.

(4:54:48 - 4:55:19)

Is that true? That is true. So in order to make the call, a person first needs the cell phone, right? Correct. And if Lacey did not have the cell phone with her in the basement area, I'll call it, or the

downstairs area where Mr. Akers, God forbid, is going to lay, if she didn't have the cell phone there and Mr. Akers shoots himself or she shoots him, however, the blood coming out of his body, God forbid, Lacey has blood on her potentially at that time, right? That's correct.

(4:55:19 - 4:55:42)

If she interacted with his body, right? That's correct, sir. And then if she needed her cell phone to call 9-1-1, she would go up the first flight, then you get the landing, go up the second flight where the upstairs bedroom areas are, and then grab the phone, and there's a corresponding blood smear transfer. Yes, it's on the windowsill near the... Near where the phone is kept.

(4:55:43 - 4:56:08)

I don't know where she kept the phone. I just know there's a smear going up the stairs on the railing and there's also a smear on the windowsill. So from what we pieced together through the 9-1-1 call, through the interviews, through the physical evidence of the photographs, Lacey is now in the basement with Mr. Akers, right? Correct.

(4:56:09 - 4:56:18)

She says that. She admits that, right? Yes. Mr. Akers suffers, however he suffered, but he suffers a gunshot wound, a fatal gunshot wound, right? Yes, sir.

(4:56:18 - 4:56:22)

There's massive amounts. This is my word. I'm not saying it couldn't be more, but there's a lot of blood.

(4:56:23 - 4:56:29)

True. That's fair. And Lacey somehow interacts with that blood, right? That's fair.

(4:56:30 - 4:56:48)

And then she goes upstairs, sequencing, according to her and according to the evidence, and gets the phone, and she has blood on her, right? Yes, sir. The question according to her is fine, it's proper. According to the evidence, this is something that the defendant said.

(4:56:48 - 4:56:56)

She says, I went upstairs to get my phone. But that's speculation for this witness to say whether or not that's true. That's something the jury would believe.

(4:56:57 - 4:57:05)

Mr. Steele could ask, is that what she said? And that's fine. But that's not a fact, an issue that's

been proven. That's for the jury to decide.

(4:57:06 - 4:57:16)

And to assume that's a fact or ask this witness if that's what happened would be speculation. And ask, did she say that? And that's it, he's limited to that. All right, free to respond if you like.

(4:57:17 - 4:57:35)

I'll just re-ask the question a different way. So one way that that fits into evidence is if Lacey's telling the truth, right? Yes. And the second way is, you've seen all the pictures of the scene, right? From December 22, 2019? Correct.

(4:57:35 - 4:57:45)

And there's cast-off blood going from the body where Ms. Akers is towards the wall. Or there's blood, a seeming of blood. True.

(4:57:46 - 4:57:53)

I wouldn't call it cast-off, I'm not a blood expert. I know there's blood on the wall by the door. There's blood going up the railing.

(4:57:54 - 4:58:01)

And then there's blood upstairs on the windowsill. And there may be blood other place, I'm not familiar. Yes, sir.

(4:58:01 - 4:58:14)

But that is also consistent with what Lacey said. Fair to say? Fair, yes, sir. Now, so Lacey's downstairs with Ms. Akers, and God forbid, he suffers a wound.

(4:58:14 - 4:58:27)

And then the evidence, whatever the evidence, then she's upstairs in her bedroom to grab the cell phone. True. I don't know where she got her cell phone from, sir.

(4:58:27 - 4:58:37)

Okay, but that's, according to Lacey, that's where the cell phone was. If that's according to Lacey, then yes. And there's blood evidence that matches, I think you said.

(4:58:37 - 4:58:43)

Yes. Okay, so now we have Lacey downstairs and upstairs. That's all I'm trying to do.

(4:58:43 - 4:58:56)

True? Yes. And then we know from the 911 call that Lacey's asking a child to go upstairs, right? I don't want to presume it's a child. She tells somebody, go upstairs.

(4:58:57 - 4:59:09)

That's fine. It's evident. So based upon that, do you know whether Lacey is also not in her bedroom anymore on the 911 call? I believe that's in the beginning of the 911 call.

(4:59:09 - 4:59:13)

Yeah, that's true. It's right at the beginning. We listened to it earlier.

(4:59:13 - 4:59:30)

Yes, so now I believe she's now upstairs. But when she's telling the child, excuse me, when she's saying, when Lacey's being heard saying, go upstairs, go upstairs, please go upstairs at about 125, the beginning of the recording. Yes, the beginning of the call.

(4:59:33 - 4:59:45)

You're not saying Lacey's not downstairs, are you? I'm not saying with Ms. Akers, but you're not saying she's not on that landing or somewhere? I have no idea where she's at at that point. She could be out of the bedroom at that point. We don't know.

(4:59:45 - 4:59:53)

Out of the bedroom where Mr. Akers? No, the bedroom upstairs. The bedroom upstairs? I don't know where she's at in the house when she says that. Okay.

(4:59:55 - 5:00:11)

Okay. Now, I'd like to go into when Lacey tells the 911 operator, I tried to get the gun, I tried to get the gun, something like that, and I'll get you the term if you need it. But do you know what I'm talking about? Yes, sir.

(5:00:11 - 5:00:16)

I was trying to take the gun out of the car. That's consistent with her statement as well. Sure.

(5:00:17 - 5:00:35)

Which statement? That she was trying to stop Mr. Akers from- What she told me, yes. Okay. You do know she told Detective Ogden that at the hospital, did you? I believe it was something similar.

(5:00:35 - 5:00:38)

Okay. And on the 911 call. Yes.

(5:00:39 - 5:01:06)

All right. Now, I want to go through 512, I believe, until 605, and this is, again, the 911 call. It's State's Exhibit Number 2. If you can listen to it and tell us whether- now we know that Lacey is in her bedroom.

(5:01:06 - 5:01:46)

That's what I'm looking for, but if you could just listen to the whole thing and help us, okay? Your Honor, can we play 512 to 605? Yes. Take a deep breath. Relax.

(5:01:51 - 5:02:13)

Deep breaths, okay? I'm trying. I'm trying. You're doing a great job, okay? Okay.

(5:02:18 - 5:02:30)

And here, Lacey informed the 911 operator, according to State's Exhibit Number 2, that she's actually in her bedroom. And you know that to be the upstairs bedroom. True.

(5:02:30 - 5:02:34)

Yes, sir. And a child woke up. That's correct.

(5:02:35 - 5:02:51)

Okay. The next one is, I want you to listen to whether Lacey leaves that bedroom, that upstairs bedroom, and goes downstairs, okay? Okay. You can help us with that.

(5:02:52 - 5:04:31)

And this is going to be 605 to 655 with the court's permission. Yes, sir. Lacey! Detective, did you hear in that section of State Exhibit No.

2, the 9-1-1 call, where the 9-1-1 operator asked Lacey to see if she could unlock, if it was safe for her to unlock the front door? Yes, I did. And did you hear Lacey said that, well, first, the 9-1-1 operator asked, is the door locked? And Lacey said that Mr. Akers locked the door. Remember that? Yes, he locked the door behind him, I believe is what she said, or something to that effect.

(5:04:31 - 5:04:44)

Say again? I think she said something to the effect he locked the door. Unlock the door, lock the door. And then the 9-1-1 operator asked Lacey if it's safe for her to go unlock the door for the police initial responders, right? That's correct.

(5:04:45 - 5:05:01)

And Lacey said, yes, I can do that, and then reported that my door is unlocked. Did you hear that? Yes, I did. So at this point, Lacey then, according to 9-1-1 call, she was in the bedroom upstairs, her bedroom, with the baby.

(5:05:01 - 5:05:13)

And now she's on what I'll call one flight down the entrance to the house and unlocks the door according to her. True. It's fair to say.

(5:05:13 - 5:05:17)

And she turned on the porch light. They talked about that. Is that true? Yes.

(5:05:17 - 5:05:24)

Okay. And in fact, you know from studying the case and the photographs, the porch light was on. Yes.

(5:05:24 - 5:05:33)

And if you know, and if you don't know, just say I don't know, the front door was open or Lacey was there or went along for it. The front door was unlocked, yes. Okay.

(5:05:34 - 5:05:48)

All right. So now we have Lacey at the bottom because she interacts with Mr. Akers. Then she's in a bedroom to get the phone potentially, right? Potentially, yes.

(5:05:48 - 5:06:02)

So we go from the bottom of the floor to the highest floor. I know there's only two levels, but, right? Yes, sir. And then we have her telling somebody, please go upstairs, which you said she doesn't have to be in the bedroom.

(5:06:02 - 5:06:08)

You don't know where she is. That's correct. And then we have Ms. Bowles back in the bedroom or in the bedroom.

(5:06:08 - 5:06:24)

She says a baby just woke up, right? Yes. And then we have Ms. Bowles or Lacey downstairs where the main entrance is to come in the house, unlocks the front door area, turns, unlocks the door and opens the porch light. Correct.

(5:06:24 - 5:06:40)

So we have her up and down a couple of times between the basement floor once, all the way down to the bottom, and then somewhere in the bedroom and the porch area, the front door area. I would disagree with you, sir. Explain.

(5:06:40 - 5:06:52)

I have her going up once when she goes up, then she's on the phone with the dispatcher. She never says that she goes downstairs. She says she's in the room with her babies.

(5:06:53 - 5:07:09)

Then she's asked to go unlock the door. That's what I hear on the tape. And what do you reconcile about please go upstairs, please go upstairs? That's at the same point of the 911 call.

(5:07:09 - 5:07:14)

It's at the beginning of the 911 call. Right. But she don't know where her cell phone was, sir.

(5:07:14 - 5:07:25)

But she told you it's, do you have any evidence it wasn't on the windowsill? I have no evidence it was on the windowsill. And I don't recall her telling me it was on the windowsill. Do you have any evidence it was not on the windowsill? I do not.

(5:07:25 - 5:07:52)

In her bedroom? I do not. Okay. After that, with the porch light and the door unlocked, stopped at 655, um, I'd like to continue from 655 to 722.

(5:07:53 - 5:08:28)

722, if that's okay with the court. Thank you. ... It's that same IT problem.

(5:08:39 - 5:15:36)

All right, we'll get IT down. All right, if someone needs to show on, I'll give them five minutes if y'all want to take a break. Let's resume.

(5:15:40 - 5:17:02)

Just to orient again, was it your position when you spoke with Lacey on March 5, 2020 when you were questioning her with what the jurors saw, the video audio, that she was always in the upstairs bedroom and didn't go downstairs to try to help Ms. Akers, was that what you were asking her? Yes. I'd like to play what we got interrupted, I guess, 6.05 to 6.55 if that's okay. Okay, we're good.

(5:17:15 - 5:18:01)

And on that segment of safety exhibit number two, the 911 call, the 911 operator is asking Lacey to take, same thing, take a deep breath to try to speak, communicate, right? Correct. And then asks the 911 operator, asks Lacey, is your front door unlocked? And Lacey explains, no, he came in, locked it, locked it back, he just had a key made this morning. Correct.

And then the 911 operator said, Lacey, is it safe for you to go unlock the door for the responders? Correct. And she said, yes. Yes.

And the 911 operator said, can you turn your front porch light on? And Lacey said, yes. Correct. You heard all that? I did.

(5:18:02 - 5:18:13)

And then Lacey said, yes, I can, my door is unlocked, oh God, help me. And then the 911 operator said, Lacey, take a deep breath, your door is unlocked. And Lacey confirmed, yes.

(5:18:14 - 5:19:08)

You heard that? I did. And then the 911 operator asked, did you turn your front porch light on? And that's right when we stopped and Lacey said, yes. Yes, sir.

You heard all that? Yes, sir. And that's corroborated by the first responders who came on the scene. It seems like the light was on, you said, and the door was open.

Yes. All right. Now, after that, it's your position when speaking with Lacey on March 5, 2020, that she didn't go back downstairs to where Mr. Akers was.

Is that fair to say? That is fair to say. And she said she did go back downstairs. I believe she said she went down there and tried to do CPR, or went back down there and got the gun because the dispatcher told her to.

(5:19:09 - 5:19:33)

Right. So, yes, she went back downstairs to where Mr. Akers was. Okay.

And you don't hear that on the 911 call? I do not. All right. I want to play the next segment, which is, we'll start right here at 6-5-5, and let's go to 7-2-2, if that's okay with the court.

(5:19:38 - 5:21:39)

Your Honor, is that okay? Thank you. And did you hear that? That Lacey's saying, this cannot be real. Please help me.

Something to that effect. Yes, sir. And then the 911 operator asked Lacey, who's all in the house? Do you remember that? I do.

And then Lacey explains that it's her oldest child who's six, and she mentions Gage. Yes. And then she said, I also have Emerson, who's three, and Daniel, who's two, and Daniel and Emerson just woke up, and they're in the bed.

Yes. All right. And then that's pretty much where we stopped it at 7-2-2.

Fair to say? Fair to say, sir. All right. Now, if we continue, just give me one second.

From 7-2-2, with the court's permission, to 8-2-6. And then I can answer some questions if that's okay. Yes, sir.

Thank you, Your Honor. Yes, ma'am. Okay, I want a second.

(5:21:43 - 5:22:32)

I'm trying, I'm trying. Your Honor, can you hear me? Your Honor, stop at 8-2-6. So, in that segment, starting at 7-2-2, did you hear the 911 operator ask Lacey to slow down? I cannot understand you.

(5:22:33 - 5:22:56)

I cannot understand you. Did you hear that part? I did. And the 911 operator said, I know you're upset, Lacey.

I'm trying to help you. I need you to take a deep breath. Did you hear that? I did.

And then Lacey responded, I don't know what to do. I'm so sorry. I don't know what to do.

Did you hear that? I did. And then the 911 operator told Lacey, Lacey, it's just you and your kids that are in the residence. Did you hear that question? I did.

(5:22:57 - 5:23:00)

And Lacey answered, yes, ma'am. Yes, ma'am. Yes, ma'am.

(5:23:01 - 5:23:39)

Did you hear that? I did. And then the 911 operator said, okay, I want you to take deep breaths,

Lacey. And then Lacey says, oh my God, help me.

Oh my God, I'm trying. I'm trying. Did you hear that? I did.

And then 911 operator said, breathe. Or Lacey, breathe. Did you hear that? I did.

And then Lacey states, Dan, please. He's not breathing. He's not breathing.

He's just not breathing. Did you hear that? I did. Where is Lacey Bowles? Did you hear her voice change when she said, Dan, please.

He's not breathing. He's not breathing. He's not breathing.

(5:23:40 - 5:24:01)

I don't know where she's at. But did you hear the voice change? I hear a lot of voice changes in her throughout the 911 call. Okay.

And thank you. But at that particular moment, did you hear Lacey Bowles voice change at all? She got more hysterical. Okay.

(5:24:01 - 5:24:53)

Do you know at that point whether Lacey Bowles was downstairs in the room with Dan Ingers? I don't believe she was. Why? I believe she was still upstairs. But tell the jurors why.

I never heard any movement on the 911 call. Did you ever hear any movement when Lacey was in the bedroom and then we go to the front door? No. Okay.

So then explain to the jurors. And you know that happened, right? I know at some point the front door was unlocked. Yeah.

So if you didn't hear any movement at that time, tell the jurors another reason why you know that Lacey Bowles was not down with Dan Ingers when she's screaming, Dan, please, he's not breathing. He's not breathing. I just didn't hear any movement on the phone call.

Besides that, though. Due to any evidence. Judge, he's answered the question.

(5:24:54 - 5:25:01)

It doesn't fit Mr. Steele's theory on this cross. So he's asking them to supply another answer that might fit. He's answered the question.

(5:25:05 - 5:25:47)

Can you ask the question again? Yeah. Do you have any reason other than you didn't hear

movement where Lacey Bowles was when she's screaming, Dan, please, he's not breathing. He's not breathing.

He's not breathing. No. Can you tell the jurors why there is a change in pattern of speech for Lacey when she's saying, Dan, please, he's not breathing.

He's not breathing. He's not breathing. Can you explain that? I think you're asking more of an opinion question from me.

I'm just asking, do you have any evidence why it changed? I have no evidence why she changed. Do you know for certain, as you sit here, that Lacey did not go in the room with Dan Ingers when she's screaming, he's not breathing. He's not breathing.

(5:25:47 - 5:25:52)

He's not breathing. I don't believe so, sir. Do you have any evidence? I do not have any evidence.

(5:25:55 - 5:26:03)

And if she is in the room with Dan Ingers at that point, that's consistent with what Ms. Bowles told you on March 5th, 2020. Fair. Fair.

(5:26:10 - 5:30:04)

We stopped at 826. Did you hear Lacey being asked by the 911 operator, Lacey, do you want to do CPR or something to that effect? Did you hear that? Yes. And Lacey's saying, no, ma'am, he's not breathing.

Did you hear that? I did. Okay. With the court's permission, we'll just finish it.

It goes from 826 to 857. And here is the discussion that the first responders are on the scene. But make sure that you hear this and remember it, okay? Yes, sir.

Can you start with the court's permission at 826, your honor? I just want to take us back just for one moment to 748 with the court's permission through 816, if we can, your honor. Do you have any evidence of what happened to change the demeanor on their call from Lacey Bowles' speech to, Dan, please, he's not breathing, he's not breathing the way that we just heard it? I don't know what you mean by that. Are you telling the jury that Lacey Bowles did not go into that room with Dan Akers? I don't believe so, sir.

I know, but do you have any evidence that she didn't? I believe I already answered that, no. The answer is no. Correct.

Lacey Bowles also told you that at some point that time, she picked up the gun and dropped it. Do you remember that? I do remember that. And that gun clearly is not in the trigger guard.

(5:30:05 - 5:30:33)

No, it's actually underneath his thumb. I want you to explain everything. I promise you I won't interrupt you.

Just let me ask the question. Yes, sir. The gun is not inside, the trigger of the gun is not attached to the person of Mr. Akers.

Is that fair? It's not in his hand. No, it's not. In a typical way that a gun would be if it was about to be fired.

(5:30:34 - 5:31:02)

Am I correct? So you're asking me after he fired it, or I'm going to fire a gun? It's not typically. I'm saying where Mr. Akers, according to the photos we have, the gun, how about this, the gun is separated from his hand. It is.

It's underneath his hand. And underneath is true, because it's actually on the, it's like a carpeted surface, I'm going to say, and his hand is close to it, but on top of the gun. So the gun is not on top of the hand.

(5:31:02 - 5:31:18)

It's underneath his hand, yes. The hand is, and underneath is relative, but clearly the hand, the gun is touching the ground, the hand is touching the ground, but it's also touching the gun. Yes, sir.

Over the top, okay. And we have pictures, and you've seen pictures of this in jurisdiction. Yes, sir.

(5:31:18 - 5:32:49)

All right. Lacey told you, though, that she disturbed that gun, that she touched that gun, right? Yes, she did. And that she dropped it another time, if you remember, she threw it, but she said inconsistent things about the gun.

She did. All right. What evidence do you have that Lacey did not touch that gun and drop that gun during the time that she's getting that, I think you said hysterical, but it's a 755 on the 9-1-1 call.

What evidence do you have that that did not happen at that time? I have no evidence of that. All right. The ground, the carpet in the room where Mr. Akers is going to be found? Yes, sir.

Was that carpet changed when you get there? Everyone knows you're not there December 22, 2019. Was that carpeting changed when you were there on March 5, 2020? And when I say you were there, I'm including your co-workers. Yes, I believe it was.

I would have to go back and look at pictures and compare, but to be 100%, but I do believe it was. Okay. And that makes sense, right? I mean, it's a hard thing to get out.

Is that fair to say? Yes. The same with like walls, right? Painting walls and things like that can happen after. Yes.

(5:32:49 - 5:33:46)

There's been a bloody. Yes, sir. Right? I mean, that's not abnormal is what I'm asking.

No, it's not abnormal. Okay. And again, we're there about 60 plus days later.

Correct. Do you know whether, I know it changed for you, so you couldn't do this. I know that.

But do you know whether anybody ever suggested, thought about, or attempted to take the, you remember the cup, the McDonald's cup that's on the floor near the boot, the left boot of Mr. Akers? It's toppled over. Yes, sir. Did you ever discuss with anyone why they didn't or why they did like take a similar cup, McDonald's cup, put the lid on with the straw, put water and ice in it and just drop it from like your waist or something? Do you ever ask them if they ever thought about doing that? No.

(5:33:46 - 5:34:28)

Did you ever notice that the cup on the bottom doesn't have any defect in it? And I'm talking about December 22, 2019. No, I didn't. Okay.

Do you have any evidence that cup wasn't placed on the ground before Mr. Akers suffered the fatal bullet? There's no evidence. Do you know whether that cup was toppled over accidentally, just kicked or pushed or, I don't know, fell? Do you know? I don't. How about the garbage bag? No, that's wrong.

The McDonald's bag. I'm not calling McDonald's garbage. The McDonald's bag.

(5:34:28 - 5:34:39)

Do you know whether that was placed on the ground before Mr. Akers took the, suffered the fatal shot? I do not. And the bag was never collected. Do you realize that? I do.

(5:34:40 - 5:35:56)

And that's not your fault, but is that something you may have thought was interesting to collect? I would have collected it. Right, because all this stuff is potential evidence, right? Yes, sir. Including the cup and the keys and everything, right? Correct.

All right. Same with the hat. I'm not excluding the hat, but same thing.

Yes. You have no evidence that the hat wasn't either on the floor the day before or that day or you have no idea when it got there. Is that true? It is true.

Okay. I want to talk to you if you don't mind. About on the 911 call and your discussion with Lacey about get the gun.

There was a discussion about the gun and is it safe? Remember that? Yes, the 911 operator asked her if she was safe. Okay. Or something to that effect.

And Lacey told you that she believed that she was instructed, that may be my word, but to get the gun from the 911 operator. Yes. Okay.

(5:35:57 - 5:36:29)

And you have no evidence that she didn't go downstairs afterwards as we just heard to get the gun, did you? I don't believe she did, but no. I know, but let's talk about evidence first and we can talk about your beliefs. Yes, sir.

No. Am I correct? There's no evidence that she did not go down and touch that gun with that gun? Correct. So I'm correct? Yes, sir.

All right. Now, we talked about your discussion with Lacey about the gun and you said that 911 operator never asked you to do that. I'm going to move on.

(5:36:29 - 5:36:36)

We discussed that. Fair to say? Fair to say. And I know it's not your opinion that that happened, but you're an honest person and you're saying yes.

(5:36:38 - 5:37:04)

It's documented a 911 call. Whatever she did, she did. It's discussed.

Fair? Fair. All right. I want to go to the next issue that you discussed with Lacey and the 911 call, joining them together.

It was your position that she was always upstairs in her bedroom except when she opened the door for the first responder. Fair to say? That is fair. And that's what you told her? Yes.

(5:37:05 - 5:37:16)

But you're fair and you told the jurors actually you don't know if she went downstairs where Ms. Akers was while on the call. I said there was no evidence that she did. That she did not.

She did not. So she may have. You don't know.

(5:37:17 - 5:37:29)

No, sir. I wasn't there. But am I correct? You're correct.

So I know you told her that, but the truth is she could have gone down there. You're not saying she didn't. Like I said, sir, I didn't hear any movement on the 911 call.

(5:37:29 - 5:37:47)

But it could have happened. It could have. And we talked about when it could have happened, when the hysterics came in.

Fair? What I played for, I think, two or three times already. So you're asking, sir, can you repeat your question? Yeah. I played, I think, it was at, let me just check it.

(5:37:55 - 5:38:34)

Approximately 7.55. The damn please. He's not breathing. He's not breathing.

I'm not going to play it again. Yes. Yes.

No. Yes. It couldn't happen at that time.

True. It could. And you challenged Lacey on that, but I want to, we discussed that.

I want to go to another one. Okay. Another issue.

The blood in the sink. And I think we discussed it. You asked Lacey a couple of times during the March 5th, 2020 interview with her or interrogation, whatever you want to call it, that she had to have washed her hands because there's blood in the sink.

(5:38:34 - 5:39:45)

And we showed the jurors the pictures. Fair to say? Yes, sir. But you're also a fair man and you acknowledge today, you really don't know if the mother of Lacey had blood on her hands and washed her hands or if the child, Gage, I just used Gage because he's six, washed his hands.

You don't know, right? No, sir. So maybe Lacey was telling the truth. We don't know because not you, but law enforcement didn't really report what was going on at that time.

Fair to say? Fair. And that's because they didn't take pictures, videos, notes. I mean, we don't know who washed their hands in that sink.

Fair. That's fair. So that was another issue you discussed with Lacey that the jurors heard on March 5th of 2020.

The next one, the blood on the holster, I think we discussed that too. But you discussed that with Lacey on March 5th of 2020 and you got information that the presumptive test came up negative. That's what you were told.

This has all been asked and answered. All of this. I hope it's a summary toward the end.

I hope there's a light at the end of the tunnel. This has all been asked. I think you did ask that question.

(5:39:46 - 5:40:09)

Okay. The McDonald's cup in the bag, we talked about that. It may have been placed.

And the hat and the keys. I'm really not trying to ignore this. Again, ask the answer.

Could the hat have been there a week ago? Yes. The bag. Could it have just... Yes.

All this has been asked. Alright. Go ahead and ask your question.

(5:40:10 - 5:40:25)

You discussed that with Lacey, right? On the March 5th of 2020 interview. About the hat? Yeah. And the cup and the bag.

Yes. Okay. And we discussed that.

Yes. We don't know how it got there, right? Fair. Fair.

(5:40:26 - 5:40:51)

And then the next issue that you discussed with Lacey on March 5th, 2020 was you said that Dan Akers, according to your information, was drug tested for the airport. Do you remember that? Yes. And she was saying she doesn't believe that to be true.

(5:40:51 - 5:41:58)

Do you remember that conversation with her? Yes. And you were saying, well, he was drug tested, but that was years ago when he failed. You're talking about recently.

Remember that communication? Yes. And the jurors heard all that with the March 5th, 2020 interview that they heard, right? Yes. Okay.

I want to ask you whether you at any time when looking at Mr. Akers' phone, realized that he was asking others about the drug test at the airport? Do you remember that? This is beyond the scope of this witness' ability to testify. The phone was unlocked after this witness left the department. Mr. Steele knows the timeline.

He's just seeking an interview's testimony that this witness can't possibly answer in this narrative form of testimony. The phone was unlocked after this witness' involvement with the case ended. You can ask about the evidence.

(5:41:58 - 5:42:27)

You already made it clear when you first started testifying that you reviewed currently Mr. Akers' phone, right? Yes. So I'm asking you, at any time when you reviewed his phone, do you remember seeing conversation with Mr. Akers, asking other people that he's concerned about failing the drug test at the airport? Do you remember? I don't remember those conversations. I'm going to show you a couple of things, okay? Tell us if you remember this.

(5:42:51 - 5:43:18)

Your Honor, I'll mark this Miss Bowles number 121. May I press you? Yes. May I press you? Yes, sir.

(5:43:19 - 5:43:54)

I'm going to show you what, it's a two-page document. It has a paperclip on it. Yes, sir.

If you could just read it and tell us whether you recognize that as communication from Mr. Akers' cell phone. Yeah, I believe it is from his phone. I don't remember seeing these messages.

(5:43:55 - 5:44:01)

Say it one more time. I don't remember seeing these messages, sir. What did you say about his cell phone? Oh, it appears to be from his phone number.

(5:44:02 - 5:44:11)

To a Chris. Okay. Do you feel comfortable testifying about that? No, I do not, because I didn't see these messages, sir.

(5:44:11 - 5:44:59)

Is there another person who did you know about that downloaded his entire phone? I believe the state has downloaded his entire phone. And then they give it to us? Yes, and I believe they have another witness for that. Okay.

All right. Don't tell me what's in those exhibits. I'm not going to move yet to admit them.

But does that refresh your memory that Mr. Akers was concerned about failing the drug test? No. Okay. You just never saw that? No, sir.

All right. You know, I'm going to ask just probably the last question. Can you see what's happening? Mr. Steele cannot get his evidence in, so he interjects the evidence in the format of a split.

(5:45:00 - 5:45:19)

Now, is your memory refreshed on the fact that Mr. Akers was worried about failing the drug test? That's getting admissible evidence in front of the jury. It's very crafty like that. He knows what he's doing.

It has to be the admonished and that's what he did. It's striking that answer, because he knows it's admissible. The guy already said he couldn't remember anything about that, that he'd never seen it before.

(5:45:21 - 5:47:33)

Well, I'll just remind the jury that the questions asked by the lawyers are not evidence. With regards to you talked about with Lacey that Mr. Akers was a convicted felon. Do you remember that? I believe so.

I don't remember the entirety of that conversation. Okay. But the jurors heard the communication that was played for them.

And you looked into his prior conviction, I presume. Is that true? I read his criminal history, yes. And you knew that Mr. Akers or did you know, I guess, on his phone was concerned that he would be looking at a probation revocation and be sentenced to prison for about four and a half years, till 2024.

I did not. You didn't know that either? No, sir. Even today? In reviewing his phone? You're telling me for the first time, sir.

Did the state ever share any of this information from his phone with you? I did have a download of his phone, yes. But, okay, when you say you had a download of his phone, did anyone point out to you, hey, here's things of interest, or they just showed you the download? They showed me the download. The state has all the phone of Mr. Akers.

You realize that? Yes. That she gave it to you, right? Yes. Were you aware, through your investigation, when you got involved, whether Mr. Akers was looking at a probation revocation in January of 2020? When I got involved in the case in February, I did not know he was looking at a probation revocation.

Did you know that at any time? Until today, sir. Do you know it today? I know it today after you said it. Did you ever look at, in January of 2020, any of the documents that were filed in open court to revoke his probation? I did not.

(5:47:33 - 5:49:00)

I remember talking with Lacey about the fact that Mr. Akers avoided guns. I don't know what the right word is, but do you remember telling her that? I told her that after speaking with his friends and family that he did not carry a gun. Did you ever, from your analysis of his cell phone, or otherwise, ever see that he had pictures of guns on his phone? I don't recall.

Okay. Alright. Fake urine.

Do you remember talking about that with Lacey? Yes, she claimed in her interview that there was fake urine in his car, or he had fake urine. Found by... Do you remember who found it? I do not. According to Lacey, her relative, her child? I believe she said one of her children may have found it when they were cleaning out the car for her.

(5:49:00 - 5:49:35)

Adult children? Adult children, yes sir. Did you ever speak with that adult child? I did not. To determine whether there was fake urine in the car? I did not.

When I say fake urine, I'm not saying the urine's fake. Do you know what I mean by that? I know what you mean, sir. Somebody else's urine.

Tell the jury why somebody would possibly do that. To pass a drug test. Can you just explain it in more detail, if you don't mind? So they would use clean urine from somebody else, and when they go to, you know, obviously give a urine sample, they use that urine instead of their own.

(5:49:40 - 5:50:02)

Okay. So, I believe it was you, please check it, but you wrote to Dr. Lehman in an email that Dan Akers was happy. True.

Yes. But you don't tell Dr. Lehman about losing his job, right? I've already answered this, yes. Am I correct? I did not.

(5:50:04 - 5:50:14)

You either didn't realize at the time about going to prison, you never told Dr. Lehman that, right? I did not. You did tell him about marital problems. I did not.

(5:50:17 - 5:50:31)

Financial problems? I've already answered this. I think we're on round number three. I'd like to show you what I'll mark as Ms. Bowles number 117122.

(5:51:15 - 5:51:29)

May I approach? Yes. I'm going to mark I need to get this in the statement, but I'm going to mark the post-it so I can make it clear. Ms. Bowles, 117, Ms. Bowles, 122.

(5:51:30 - 5:51:42)

Sir. Tell me, read those. Tell me if you recognize that as messages from the phone of Mr. Daniel Akers.

(5:51:54 - 5:52:04)

Yes. And yes to both of them? Yes, sir. I move for the admission, and I have to just put a sticker on it, I'll do that right now, but Ms. Bowles, 117122.

(5:52:06 - 5:52:38)

I would ask if more of what you're asking is as far as this recollection, he seems like the last exhibit, he sees the name Daniel Akers on his phone number, so clearly purports to be possibly messages, but has this defendant seen them, meaning is he familiar with them at all, or does he just know that they're from that phone and possibly discovered after he left Hawthorne County Sheriff's Office, which would mean he wouldn't be familiar with them at all. You can put an apple in front of somebody and say, hey, what fruit is this? That's an apple. They may have had no involvement with that whatsoever.

(5:52:39 - 5:52:59)

I think that's what's happening. He knows what it is, but he has no familiarity with it because it was discovered after he left. Well, I heard him say he's well, I'm not going to quote him, but I think he's got a sufficient foundation, so overall.

(5:53:01 - 5:53:20)

Your Honor, may I approach? Yes. It was Ms. Bowles on 117122. 117122.

(5:53:20 - 5:53:28)

Thank you. May I approach you? Yes, sir. I'm going to ask the court if I can display it on the screen.

(5:53:31 - 5:56:01)

Yes. Bowles 117. And just to orient the jury, if you could remove, there's a sticker on it now, if you could remove the postage from both, if you don't mind.

Thank you, sir. And this is, you also look at Lacey Bowles' phone, true? Yes. And this is actually Lacey Bowles' phone, the image, true? I'm sorry, say that one more time, sir.

It's also Lacey Bowles' phone. This is from Lacey Bowles' phone. Okay, yes, sir.

And here, you recognize, you already identified them for us previously, but you have the date up here, it's an outgoing SMS message, is that like a text message, you know that? Yes, sir. Okay. And it's Halloween 2019, do you see that? I do.

And it's at 826 in the morning, our time, true? True. And it's two, it says my husband anchors, but it's the same number, the 5462 number, you see that? I do. And Lacey wrote, have you been taking my brownies? And then the next message is SMS message is from, it says here, Mr. Anchor's phone, the 56, the 5462 number, you see that? I do.

And it's at 902 in the morning? Yes, sir. Same day, Halloween, right? Correct. And it says just one on Tuesday, why? And then here we have Halloween 2019, and this is an incoming message, so it is from Mr. Anchor's, the 5462 number, correct, to Ms. Bowles' number? That's correct.

(5:56:01 - 5:56:32)

Alright. And it reads, and it's, if you could blow it up just a little bit if you don't mind, you get a chance to investigate it. And I'm just going to read it out loud just to make sure I'm trying to read it correctly, okay? And this is from Ms. Anchor's to Ms. Lacey Bowles, right? Correct.

(5:56:33 - 5:57:39)

You want to be spared, and then it looks like four exclamation points. Fair? Fair. I mean, I know you're not that stupid, and you cannot possibly think that I am that F-U-blank-K-I-N-G stupid, period, I'm serious, with three exclamation points, right? Yes, sir.

I sent you a nice loving song, and in return you sent me some F-U-blank-K-S-H-blank-T to be spiteful. True? That's what it reads. So you legitimately think that I can send you something nice, you send me something mean, and then ask me to spare you, that's F-U-blank-K-I-N-G retarded.

You see that? I see it. I haven't said anything mean to you, and yet you continuously say, I don't give a F-U-blank-K and that I don't love you, and to keep jacking off, which I have not done, because I'm so depressed, sad, and lonely. Right? That's what it reads.

(5:57:40 - 5:58:53)

I can't get my D-I-blank-K hard, because, well, it's PC, you have my mind F-U-blank-K-E-D up. Right. Correct.

And you're going to ask me to please spare you. That's what it says, right? That's what it reads, sir. That's even more F-U-blank-K-I-N-G retarded, period.

Right. Yes. And you do this every F-U-blank-K-I-N-G day I'm so sick and tired of it, period.

Right. Right. No matter what I do, you have an attitude for your worked up about something.

You always find something to B-I-T-C-H about, will be mad about, period. Right. Correct.

And then it says, I don't, and we'll go around to page 2. And it starts in the second line here. I don't want to say more. I can't deal with you anymore.

(5:58:53 - 5:59:04)

It's too much and you just won't stop. Fair? Correct. And now you've been accusing me of cheating on you and talking to someone else, which is totally untrue.

(5:59:05 - 5:59:23)

Right? Correct. So let's make it through the holidays. Just don't talk to me at all about anything.

I don't care. At the first of the year, we will go our separate ways. On the first day of the new year, I will move out and look for my moms.

(5:59:24 - 5:59:31)

You refuse to be sensible, logical, and even realistic. I just don't want to do it anymore. Fair? Correct.

(5:59:33 - 6:00:40)

I can't, I cannot, F-Y-K-I-N-G, take it anymore. Before I absolutely go crazy, I do love you and I'm sorry if this is going to work. I tried being nice.

I tried being happy and loving you. And you cut all, goes off every day. Right? Correct.

I love you with all of, I love you with all my heart. I don't know what has happened to you and I don't know how to fix it or make it right because I didn't do anything wrong. True.

Correct. But I'm not going to live the rest, I'm not going to live the rest of my life like this. It's time to realize this is not going to work and more on, move on with our lives while still young.

Fair? Fair. On the front page it said, if you could put back the first page. It was 1.7. You could scroll up a little bit.

(6:00:46 - 6:01:05)

It says here in context, you know, you have to read the whole thing, but I am so depressed, sad, and lonely. Did you ever tell Dr. Lehman about that? No. Can you put on the next exhibit if you

don't mind? And that's Ms. Bowles' exhibit 122.

(6:01:10 - 6:01:16)

122. And that was another holiday. That was Halloween 2019.

(6:01:17 - 6:01:27)

Fair to say? Yes. So it was approximately almost two months before the death of Mr. Akers. Approximately.

(6:01:29 - 6:02:45)

And this one is the same thing. It's Lacey Bowles' phone that was extracted by law enforcement, right? Correct. And with her consent not to say anything wrong.

True. Correct. And this is about a month and a week later.

This is December 6, 2019. Do you see the date? I do. And this will be approximately 16 days before Ms. Akers is no longer with us.

Fair? Fair. And this is, again, 501 in the afternoon, p.m., and it is 2, the 5462 number, which is Ms. Akers' number. Correct? Correct.

So it's from Lacey to Ms. Akers. Fair to say? And Lacey writes, yeah, writes, I guess, I will try to work on it. And then, again, to her husband, three minutes later, two and a half minutes later, at 504, Lacey writes, it's cool, I will just continue to get my throat cut, and then you will find something else that you don't like about me or that you think I do wrong.

(6:02:45 - 6:05:18)

Fair? Correct. And then about 29 minutes later, Mr. Akers then responds to Lacey, writes to Lacey. Is that fair to say? True.

Yes, sir. And here it reads, Lace, I just want you to be yourself and happy. I love you.

I don't want you to change or do anything to be with me because I'm needy. I don't want you to force it. It will make you resent and hate me.

It should be natural. I obviously have some inner issues. I don't know what they are other than I am desperately wanting this to work.

I love you and our family so much. And then it says S-H and then A-N-D. Without feeling so uncomfortable and stressed and inadequate because of every time we F-U-Blank-A around.

So much anxieties. It feels like you are happy when I get it, but mad at the same time. Like a F-U-

Blank-A of disappointment.

Just a whirlwind of emotional torment every time. See that? I do. And when Mr. Akers is writing that there is a whirlwind of emotional torment and his feelings of uncomfortable and stress and inadequate.

Did you ever tell that to Dr. Lehman? I did not. Instead he told Dr. Lehman that he was happy. Yes.

I want to talk with you about the mop. And Lacey tells law enforcement that she set up that mop. It is a trade name called a Swiffer, right? Yes, sir.

But it is a cleaning utensil like a broom or a mop. Yes, I believe she it is a Swiffer and a broom. Swiffer and a broom.

(6:05:20 - 6:05:27)

It is a Swiffer. Okay, Swiffer. And remember Lacey also said use a dustpan also.

(6:05:29 - 6:05:55)

Yes. Okay. And that was, she told law enforcement that she wanted to know, she was not sure if Mr. Akers was going to come home.

They were in an argument, right? Yes. But if he did come home she wanted to hear if he was coming home, right? Yes. She said she wanted to hear him come home because he had a key made so he could come home and she wanted to hear when he came home.

Right. And she was free with that information as far as you knew. Yes.

(6:05:56 - 6:06:03)

And law enforcement did find a Swiffer there in the photographs. Do you remember seeing that? If you do not, I can show you the photographs. I do remember and it was in the kitchen.

(6:06:04 - 6:06:39)

Who moved that Swiffer, if Lacey is being truthful that it was against the door, who moved that Swiffer into the kitchen? I have no idea, sir. And it doesn't appear that there's any pictures of the Swiffer with any defects or blood on it. Do you realize that? I do.

Do you know if law enforcement put it there? I don't know, sir. Alright. Now, I think you were asked questions about that Swiffer by the Iowa District Attorney when you were doing direct examination and I think he called it a booby trap.

(6:06:39 - 6:06:46)

Do you remember that? I don't remember that testimony, sir. Well, don't worry about what you asked. Let me ask you.

(6:06:48 - 6:07:17)

What is a booby trap? You want a definition? If you know, if you don't. I mean, I don't know the exact definition but my interpretation is a booby trap is set up so that somebody either gets hurt or they're alerted to somebody coming into their property or house. And it comes from the name.

If you know, if you don't agree with everything I say, I didn't study it. But it's booby because a booby could be a bruise, right? Okay. Yeah, I didn't study the definition of it.

(6:07:20 - 6:07:53)

What was wrong, if anything, in determination of guilt here? You know, the evidence here? What is that, the fact that Lacey told law enforcement that she put the Swiffer and the dustpan in front of the door? What does that have to do with the killing, if you have any idea? I think you're asking, again, an opinion. I don't understand your question. I'm not objecting to that.

He's asking this witness what his opinion is on the fact that that was set up. And that's what the jury decided. The way they did it, that fact that they believe that's a fact.

(6:07:55 - 6:08:17)

Alright, can I respond? No. Okay, do you want to, I'll sustain just to ask another question. Let me show you what I mark as Ms. Bowles number 141.

(6:08:42 - 6:09:42)

While the district attorney is looking at that, remember the keys in the safe and Lacey Bowles saying, I don't have the key to the safe, remember that? I'm sorry, I couldn't hear your last part of the question. Do you remember the keys to the safe? Yes, I remember the keys to the safe. And you told the jury, I believe, that Ms. Bowles was, and you tell us, but constantly trying to put her keys in her purse to take them with her to the police station.

Do you remember something like that? I do remember that. Do you remember writing a report about that incident with the keys? Yes, there should be one in the case file. Do you remember never notating that there was this constant trying to put the keys in the purse? I believe I put it in my report that she was putting the keys or was trying to get the keys.

(6:09:43 - 6:11:27)

I don't remember the exact verbiage I put in there. So it's not that she was constantly trying to do that? I thought that's what you said in the direct examination. Yeah, I believe it was constantly.

She did it a couple times, if I recall correctly, sir. I just want to ask you, the reason that you write reports is because if it's not memorialized on a body camera or a video, audio recording, it's good to put things down, your notes on paper and reports early when it happens so that your memory might be fresher than it does seven years later, right? Yes. And that's just something, it doesn't mean that it's in your report, it means it's accurate, but you try to be accurate in your report.

True. Correct. And if it was that Ms. Bowles was constantly trying to put her keys in her purse and you remember to this day that should have been in your report, would you agree with that? I should have put it in my report, yes.

I'm going to show you if the court permits me to approach a page of your report. If you need to see something else, just let us know, okay? That's fine. May I approach your honor? Yes.

(6:11:28 - 6:11:41)

Just tell the jurors whether this is your report and then just look at it. You can read the whole thing, but I'm interested in the third and the fourth paragraph. This is my report.

(6:11:41 - 6:11:48)

Okay. And you can look at anything you want. I assume that you read it to prepare for coming into court to testify.

(6:12:19 - 6:12:39)

Yes, sir. Is it fair to say that you did not put in your report that she was constantly trying to put the keys in? No, I did not put it in there. I put it in there that she went to get her keys and put it in the purse.

Yeah. That's what you wrote, right? Yes. Nothing like what you testified to.

(6:12:39 - 6:12:46)

I didn't use the word constantly, no, sir. Am I correct? No. I did not.

But am I correct? You are correct. It's different than what you testified. Yes.

(6:12:47 - 6:13:10)

I'm going to show you what's been marked as misposed. 25, 6, 7, 8, 9, and 9. May I approach your honor? Yes. Yes, sir.

(6:13:14 - 6:13:45)

Just tell us, take a peek and tell us whether you recognize those exhibits. I do not recognize

exhibit 85. I don't know where that picture was taken or when it time or when.

That's not one of our pictures. I do recognize exhibit 86. I do recognize 87.

(6:13:51 - 6:14:15)

I do recognize 88, 89, and 90, sir. Okay. And the first one that you do not recognize, did you analyze the phone of Mr. Akers for conversations? Do you not recognize this image? I do not recognize that image.

(6:14:15 - 6:14:53)

That's fine. That's fine. Okay.

Your honor, except for misposed number 85, you move for the admission of 86 through 90. I want to ask you, may I approach? Yes. May I get those from you, sir? Yes, sir.

(6:14:55 - 6:15:21)

And that's 85. You know, since I did, I asked, so I marked it, and I'll use it later. And I'd like to discuss, if you don't mind, number 88, whose arm it is.

(6:15:42 - 6:16:04)

This goes with 85. Okay, so I want to talk with you about state's exhibit number, or excuse me, misposed exhibit number 88. And I want to go over with you some of the keys.

(6:16:04 - 6:17:28)

These are the keys that hold the key to the safe, fair to say? Correct. And this is March 5th, 2020, right? Yes. And these keys here, do you see there are several different keys on this key, on this key holder? Can you see those different keys? Yes, there's several keys.

And do you see this, what do you call this where I'm pointing right now, if you call it anything? The term just escaped my mind. Carabiner? Carabiner, correct. And how about this? Do you see this strap? It's like a lanyard.

Yeah. And do you know that this plugs into another lanyard? Are you aware of that? I can't see by that picture, but I see the plastic part. Okay.

I want to show you at the scene of Mr. Akers, God forbid, lying on the ground, and I want to talk about those keys, okay? Yes, sir. I'm going to show you, with the court's permission, misposed number 40, and there will be a series of numbers for you. Yes, sir.

(6:17:32 - 6:18:01)

Tell me if you're familiar with that. I am. I'm going to give it to the investigator.

Sure. And if you can zoom in on the keys. Now I want you to, I hope it doesn't get too distorted.

(6:18:01 - 6:18:19)

I want you to note, do you see this part right here that I'm pointing at? It's kind of, I think, blue and black in color. Do you see that? I can't make that out, sir. Okay, let's get other ones.

(6:18:24 - 6:18:52)

Your Honor, may we have just a minute? Thank you, Your Honor. Okay. Mr. Lowe, is looking.

(6:18:52 - 6:19:12)

Your Honor, may I approach? Yes. Yes, sir. Just announce what you're looking at, and then tell us which one you can figure out what that black part is, if you don't mind.

(6:19:13 - 6:19:49)

So I'm looking at State's exhibit, or I'm sorry, Mrs. Bowles' exhibit, 23. Is that, and just tell us if that one's more helpful. It's not? Okay.

26. Maybe a little bit more helpful. 26 and 25, sir.

(6:19:49 - 6:20:06)

Are the best ones so far? Yes. All right. Your Honor, may I approach? I'm also showing you, I'm sorry, the mock and the evidence in States 101 and 103.

May I approach you? Yes, sir. Tell me whether these may help as well, and then we'll organize it. Oh, these are, yeah, that one and that one.

(6:20:08 - 6:20:22)

I'm sorry. I apologize, sir. State's exhibit 100 and State's exhibit 103.

May I take the ones that are more helpful? May I take these? Oh, yes, sir. I'm sorry. Your Honor, may I approach the investigator? Yes.

(6:20:24 - 6:20:37)

If you could just show the ones that you detected instead of more helpful, and just announce which ones are going on the screen first. Please. The whole 25.

(6:20:42 - 6:21:18)

So here is near the ground where Mr. Akers lay, and we're talking about, I was asking about this clip, or I don't know what you call it, the black portion. Do you remember that? Yes, sir. And you said that's a little more helpful, right? Yes.

It looks like a black clip. And if you can zoom in on that, if you don't mind. And the black clip has some blue right there.

(6:21:18 - 6:21:43)

Do you see that? Yes. And there's also other items here which appear to be keys and maybe something else, a blue metallic, maybe a fop or something. Yes, sir.

Sure. And it has a carabiner. Do you see that sticking up? I see what, no, I can't confirm that that's a carabiner.

Let's get a different picture. Yes, sir. And thank you for doing that.

(6:21:43 - 6:22:23)

Maybe it's a key. We'll get a different picture. Yes, sir.

Can you try a different picture if you don't mind? Balls Exhibit 26. This is a different angle of that same item, is that true? It does appear to be a carabiner. And again, we're talking about, this is in relation to Mr. Akers, but this is December 22, 2019 photograph there.

Yes, those are the keys that were downstairs. And this is, as you just said, this is a carabiner with another item right here, another metal looking item, true? True. And there's a Kroger, you see a Kroger card, do you recognize that as a Kroger card? Yes.

(6:22:24 - 6:24:32)

And there's a key here around the key, do you see that? I do. And then this black piece is what I asked you about with the little blue stripe. Do you see that? Yes, sir.

Okay, if you could do the next one. Space Exhibit 100. Now nobody tried to fool anybody, this is just items that were on or near Mr. Akers.

Can you blow it back just so the jurors... And this is Space Exhibit 100, is that correct? 100. And this is just shots of these items that were on or near Mr. Akers at the time of his death, and they're put down with a white background for visibility, fair to say? Yes. And we got the pink highlighter of Mr. Akers' cell phone, a dollar bill, his driver's license inside his wallet, right? Yes.

And then the keys, and if you could zoom in on the keys. And this is December 22, 2019, and this is just a closer up picture of the keys, the carabiner, the other I'll call it oval metal looking item, another key chain over here, various keys, keys underneath the blue item. Do you see all that? I

do.

Okay, and then the Kroger card it looks like over here, fair to say? Yes, sir. And different types of key rings are attached to this. There's multiple keys, multiple key rings, carabiner, car key here, you recognize that as a car key with the chip, the computer chip right here? Yes.

(6:24:32 - 6:24:56)

And you recognize the plastic piece here that something may plug into, right? Correct. Can you show them that plastic? State's 103. And this is blown up.

(6:24:56 - 6:25:20)

Did you see the keys here, the round key? You see the same item, just a different view, is that fair to say? Yes. All right, now I'd like to go back to Ms. Boll's exhibit 88 with this understanding. Because those keys that we just looked at, or those images were from December 22, 2019, right? Correct.

(6:25:23 - 6:26:45)

I want you to look at March I think it's 66 days later, fair to say? Fair to say. 5th, 2020. Does this look remotely familiar, this item right here with the carabiner attached to it, as compared to what we just saw in the other exhibits? It looks similar.

And do you notice the blue part here with the black piece to it? Yes. And if you can go down, if you don't mind just scrolling out a little bit. Do you see now it's connected to another item? Do you see that? Do you see there's something plugged into that? Yeah, there's another lanyard connected to it.

Yeah, and then if you can zoom out more if you don't mind, Mr. Investigator. Do you recognize these as the keys that were laying near Mr. Akers on December 22, 2019, at the top part with the key that fits the safe? They're similar. Did you ever think about that before today in court? I mean, they're all together, so no.

(6:26:46 - 6:27:17)

I couldn't either. All the keys are together, so no. You didn't think about it if somebody just joined the two sets of keys? No, I didn't think about that.

Who joined the two sets of keys? I have no idea. When were they joined? No clue. These are the keys that Lacey Bowles was trying to put into her purse.

True. Yes. And this is what you were telling the jurors that Lacey Bowles had the safe key on her keychain.

(6:27:17 - 6:27:29)

True. True. But as of December 22, 2019 those keys were laying near Mr. Akers.

(6:27:30 - 6:28:14)

Not attached to these other keys, right? I believe the one, I mean, looks like there's another car key on there, not the one with the chip. Yeah. Who put that on there? I don't know, sir.

When did they get joined? I have no idea. What evidence do you have that Lacey Bowles ever opened that safe that's in evidence with that key? What do you mean, sir? I don't understand your question. Lacey Bowles, you told the jury that, you identified this photograph for the jury, remember that? I do.

(6:28:15 - 6:29:14)

And you told the jury that Lacey Bowles had on her keychain the key that opens the safe, which is true, right? Correct. But my question to you is, what evidence do you have that Lacey Bowles ever used that key to open that safe? I don't. And what evidence do you have that Lacey Bowles was aware that that key fits that safe? I don't.

And she said she didn't have the key to fit that safe, right? Correct. I'd like to talk to you about the gun, okay? The revolver. You've seen the revolver.

(6:29:14 - 6:29:20)

Yes. And that's an important... You can take that down if you don't mind. And thank you, sir.

(6:29:25 - 6:29:57)

And that's an important piece of evidence. Is that fair to say? It is. Because regardless of whether this is a suicide, whether it's a bit of homicide, that's a piece of evidence that needs to be studied.

Correct. Correct. And it needs to be studied for various reasons, including, but I'm not limiting it to it, who was holding that gun at the trigger pull at the time the gun fired, right? Correct.

(6:29:58 - 6:30:45)

Because that's really the key to this case. Would you agree with that? It's one of the major points, yes. And you said, you know, one of the major points.

I'm not saying there's not other points, but if Mr. Akers, God forbid, pulled that trigger, that's what Lacey's claiming, right? Correct. And if he didn't pull that trigger, that's what the indictment claims. Right.

Yes, sir. That Lacey pulled the trigger from a distance. True.

True. So, when that evidence is collected, as far as we know, I'm not saying it is, but as far as we know, it was collected and preserved for testing. True.

Yes. And that went to the Georgia Crime Lab. You know what I'm talking about, in Decatur, Georgia? Yes, sir.

(6:30:45 - 6:31:05)

And there are scientists, besides Dr. Lehman, but there are other scientists who can test things like blood, right? Correct. Fingerprints. Yes.

Drugs in system, drugs in blood. Yes. DNA.

Yes. And firearms. Yes.

(6:31:06 - 6:31:38)

And when you got the case in February 2020, you knew already, or did you not, that there was a request to test for DNA on that gun? I have to go back and look at the file and refresh my memory, but I know that that was requested at some point. I don't know when. And you follow up, do you not, with things that are requested of various people, but including the Crime Lab? Correct.

(6:31:38 - 6:31:58)

And you want to know for your file, if nothing else, what are the results? Yes. And in this case, was DNA taken from Lacey? Yes. And by taken from Lacey, like some jurors may not know, but it's just like a Q-tip going on the inside of the cheek.

(6:31:58 - 6:32:09)

Is that fair? Yes, she voluntarily gave her DNA. And it's just, it's not an invasive process, it's just swabbing the inside of the cheeks. Is that true? It is correct, yes.

(6:32:10 - 6:33:02)

And Dan Aker's DNA, clearly we have. Right? Because we have his blood. True.

Yes. And from both of their DNAs, we could determine if it was done, whose finger was on that trigger at the time it was pulled. True.

No. How come? I'm not an expert to do DNA or testify on DNA. Okay.

I don't want to get you beyond where you feel comfortable. I'm not trying to do that. Do you know,

I don't want you to testify as a DNA expert.

I'm just asking do you, how about this, was the request made to check the gun for DNA? Yes. Okay. You don't have to give me results if you don't want to.

I'm not asking you to repeat what someone else did or didn't do. But did you ever see any results for the DNA on the gun? I don't believe the GBI did any testing for DNA. I think they refused, if I remember correctly.

(6:33:02 - 6:33:12)

Well, did you take the gun to somewhere else? No. The FBI? No. To some other crime lab, independent crime lab? No.

(6:33:15 - 6:34:06)

Why? It requires funds. We always tested everything through the GBI. Did you say it requires money? Yes, sir.

But I mean, we always have everything done through the GBI. GBI tests for DNA, you know that. Yes.

So, as of today, with that gun that's marked and admitted into evidence before the Sonoma Court, to your knowledge, no one ever did the test for DNA, even though Dan Aker's DNA was known and Ms. Lacey Ball's DNA was known. Am I correct? Correct. Your Honor, can I have just a moment to... Sure.

(6:34:06 - 6:46:12)

Why don't we use this time to take a 10-minute break? All right. We'll see you at 3 o'clock. Before there is a state of mind, it's not hearsay.

(6:46:12 - 6:46:50)

It's his own statements about the state of mind of the cases at the beginning of the case I've given to the court and the prosecutor again. But, with that being said, Mr. Lael has obtained certified copies of convictions and, as the prosecutor has said, has given as the prosecutor said, and probation revocations. And the import is, and I know the witness is here, but the import is that there is a probation revocation warrant filed on about January 7th of 2020.

(6:46:51 - 6:47:10)

That is within approximately two and a half weeks after December 22, 2019. And Mr. Akers talks about the fact that he is going to be revoked on parole. So it goes to the state of mind.

(6:47:10 - 6:49:07)

It also goes to what was told to Dr. Lehman. I understand this court ruling, I will always abide by the son of a court. But it doesn't matter that it was written by, in my opinion, Lt.

Hill to Detective Lehman, or excuse me, Medical Examiner Lehman because Lt. Hardy is on the exchanges. And my questions are, why did you say to Dr. Lehman that what he's being told by Lt.

Hill is wrong? That's not calling for hearsay. That's his own statements. And I'm not using the statements of Lt.

Hill for truth because, actually, they're not true. I'm saying they're untrue. That Mr. Akers bought a pig.

Categorically, I'm denying that. And I don't think it's hearsay at all. So with all that being said, I would like the court to admit, and I could show it to you so you're not ruling without seeing the evidence, but there are and we just attached everything.

It's from Douglas County and Cobb County. Mr. Akers has a conviction. It's a 2009 case, gets evicted 2010.

It's a term of 15 years, a certain time in prison. So his probation carries on until 2024. That's where you get the 2024 from.

Mr. Akers writes about that to his friend in multiple text messages, which we have here, which I know that the witness said he doesn't remember them or can't identify them. It doesn't matter. It came from the state of Georgia on the download.

I'll call an expert who the state gave us a download and he'll just verify it's on the phone. But it's coming in anyway. And what's on the phone? The actual documents? The text messages.

(6:49:08 - 6:49:40)

Saying, you know, I'm going to prison until 2024. And then these documents just back it up. The state opened on the fact that Mr. Akers was on probation.

I wasn't going to say that until we had a ruling from the court. And then, of course, I knew it was in the March 5th 2020 interview where Mr., excuse me, Detective Hardy tells Lacey Bowles that Mr. Akers is a convicted felon. And his point was he's not around guns, which is not true either because if we have to call our expert on his phone, he's selling guns, selling long firearms.

(6:49:41 - 6:50:01)

So I'm not here to hurt Mr. Akers. I'm just here to get out reality. And I think the fact that Mr. Akers is going through marital problems, financial problems, looking at going to prison for a number of

years, four years, four plus years.

(6:50:01 - 6:50:50)

It's the very end of 2019 and it goes to 2024. So I'll just say four years, but more than four years. He gets furloughed from his job.

That's in there too. He talks about fake urine. He talks about a strap.

It's in those, which I would like to get in. The fact, he's asking people, are they going to drug test me if I try to get this job at the airport? I've been on drugs. I'm not going to pass it.

Somebody says to him, do you have a strap? He says, yeah, I know. The strap, I'm going to argue to the jury. I don't think it's a gun.

I think it's fake urine. There's been testimony. I don't know why they brought it up, but it comes in that the detective never even bothers to go speak with Lacey Dole's daughter.

She found the fake urine or the urine. I shouldn't say fake urine. I'm not saying it's not urine, but the urine in the car.

(6:50:51 - 6:51:25)

And that's a lot on somebody. And the state wants it to be, and they tell Dr. Lehman that Dr. Lehman is interested. What was Mr. Akers depressed? And the answer from this witness was no, he was really happy.

And he was promoted at work. And then Detective Hill, Detective Hill with Detective Hardy on the text chain, as you probably remember reading, talks about this pig that was never bought. And then he writes something whimsical.

(6:51:26 - 6:51:46)

Who buys a pig and then buys a farm? I mean, I'll call Lieutenant Hill. I have him under subpoena. It's just, to me, this stuff just all comes in.

It's not for the truth. I'm really going to show he's not skipping through life. I understand what you're saying.

(6:51:48 - 6:52:35)

But, so I guess we've got two issues, because you're objecting to these documents coming in that show, I guess they're arrests and probation hearings and that kind of thing. Yes, sir. And there's one accusation out of Cobb County that the case was totally dismissed.

So things like that, how is it relevant? I understand that in the defense theory of the case, he was

afraid he was going to be revoked. He said that on his phone in his own words. That's enough.

You don't have to run his name through the mud with stuff like this, stuff that ultimately ended up being dismissed. You don't have to show a probation revocation petition that was dismissed later because he's died. You don't have to show stuff like this.

Plus, you get into a lot of things. You get into hearsay issues on this. But one thing you get into also is expanding the scope of the trial.

(6:52:35 - 6:52:56)

Because to repeatedly insinuate to the jury, which are lay people, they're probably ignorant to the criminal process, he's going away for four years. We do this for a living. We know that somebody on a revocation for drugs is not going to get probably not going to get the balance of four years revoked on a first revocation.

(6:52:56 - 6:53:57)

So then you expand the nature of the hearing. You have to call a probation officer. I don't know how much is typical.

It's just putting a lot that's unnecessary because his fear of being revoked is inevitable. Alright, and then we have a second issue, Mr. Steele, where you're asking me to reconsider earlier ruling on the emails. Yeah.

And could I just respond just very briefly? The text message, I'm not arguing he's going to be revoked in 2024. I have no idea what a judge does. But he wrote in his text message that he's looking at spending time being revoked until 2024.

Those are not my words. And the state objected. You know, I plan on getting that in evidence to ask the court, but it should really come in now whether this detective saw it or not.

(6:53:58 - 6:54:04)

If it's not on the phone, I will not raise it. But it is on the phone. The state gave it to me.

(6:54:05 - 6:54:49)

I'm assuming they know it's on the phone. I mean, this is not an authenticity issue at all. And it's not hearsay.

It's a state of mind. Well, you gave me some cases. And I read them.

And I read the Veltman case that you cited earlier. And there's a sentence in that case that kind of stands out. A homicide victim's state of mind is unquestionably relevant to the defense theory

that she committed suicide.

So, I think that's unarguable. So, yes, these emails where he's talking about, I'm afraid, I'm afraid that I may go I may get revoked. I think that's relevant.

(6:54:50 - 6:55:21)

My question is, if you've got that, and those emails are, are they emails or texts? Texts. Texts are coming in. You're wanting to go further and get the underlying I think, the underlying convictions or probation revocations.

And that's beyond his state of mind, isn't it? You've got his state of mind in the texts. Okay. Well, let me just make sure, and I hope I said it.

(6:55:21 - 6:57:14)

The revocation warrant wasn't issued until after he died. So, he wouldn't know about that. But he knew that he was in correspondence with his probation officer knowing that he's not complying with probation.

And he's going to be potentially revoked. And that's his text messages that we talked about. So, I'm kind of with you on the text messages.

I just question whether, because he's worrying about and he's saying I might get revoked, now that means you can and I haven't even seen what you got there, but I'm just listening. That seems going beyond his state of mind. And then I heard the prosecutor say something like however you put it, did you say dragged his name through the mud or something like that? Then I start thinking, well, that's kind of bad character of the alleged victim.

So, it just seems like it should be enough that you get the text messages in. Okay. I understand.

As to the emails, I'm willing to reconsider them if you'll show me again. I think they're with the court reporter. Your Honor, I will not move to admit it based upon the sample court's ruling, but can I just put in for the record Ms. Bowles' Exhibit 116, which is and I'll count the pages, but it is the history of the felony from Douglas County, the arrest in Cobb County, the conviction in Cobb County, the probation revocation.

Sure, you want to make that part of the record? Absolutely. I just think it's not to be discussed. Alright, now I have Ms. Bowles' 140 again before me.

(6:57:15 - 6:57:52)

These are the emails between Mike Hill and Detective Hardy and Dr. Lehman. And I earlier ruled that, I guess I was a little uncomfortable with the fact that you've got emails here from people, between people that aren't even on the stand. And I said something like you can try again when

you have one of them on the stand, but you're wanting me to reconsider now.

The objection is hearsay. Your argument is they're not offered for truth. And so I'll start at the top.

(6:57:55 - 6:58:17)

Mike Hill. Doctor, you are correct in the fact that the family described no prior thoughts of ideation, thoughts or ideation of suicide. You're saying that's not offered for truth? That's false? I don't know what the family thought, so I can excise that now.

(6:58:19 - 6:58:39)

I don't want to write on this. Then I have an email from Dr. Lehman regarding this case for which we met last week. I wanted to inquire about a possible history of depression for the decedent.

That's just a question. I don't think that's a statement of fact. I don't think that sentence is hearsay.

(6:58:40 - 6:59:23)

But it goes on. I know we talked about it during at least one of our conversations, but I wanted to confirm. Well, there's a statement of fact.

We talked about it. My recollection from our conversation is that the decedent was not officially diagnosed with depression, though the wife stated he has expressed suicidal ideations in the past. That's not offered for truth? We can excise that.

You say what? I don't think it's offered for the truth, but he's asking questions. Questions are not hearsay, because they're not assertions. Questions are not assertions.

(6:59:24 - 6:59:47)

I agree, but the sentence, my recollection from our conversations, is that the decedent was not officially diagnosed with depression, though the wife states he has expressed suicidal ideations in the past. That kind of feels like it's offered for truth. He's coming, so when I say he's coming, Dr. Lehman's coming.

(6:59:48 - 7:00:04)

Alright, so I'm not changing my ruling, but when you have Dr. Lehman on the stand, you are free to try again. I'm more interested in the hate comment. I'm just trying to... Okay, I'll get to that.

(7:00:07 - 7:02:45)

He's doing great on job. Nick Hardy sent an email to Mike Hill, dated March 23, 2020. If I may add, the family also stated that Daniel was extremely happy about a moving up in his job and was

planning a getting new Christmas tree for his family.

You want that in as non-hearsay? Sure. But to be quite frank, I think that's Detective Hardy's writing, and I think that was testified to. Okay.

Now I'm looking for the pig. Alright, I've got it. Mike Hill to Nick Hardy March 23, 2020.

Not to mention that he bought a pig from Tractor Supply. Who buys an animal and buys the farm that evening? CC, Dr. Lehman. And he did not buy a pig.

True. Who said he didn't? It's not an evidence that he didn't. Brian Steele says he didn't.

Where's evidence that he didn't buy it? No one. No one said that. Nowhere.

Well, this is a little hard to swallow. I ask Detective Hardy, what evidence do you have that a pig was ever bought? His answer is nothing. That doesn't make it not true.

That means one witness said he doesn't have any evidence of it. That doesn't make it a non-truth. But it's being offered to show that it's false.

False evidence or false information was given to Dr. Lehman. So I will agree that's not hearsay. I don't understand.

If you're saying that it's not being offered for the truth because it's false, there would have to be evidence that it's false. There's none. There's a theory that it's false by the defense.

No one said it wasn't true. Except Mr. Steele. No one.

Hardy said I don't have evidence whether he did or not. I don't know. But Mr. Steele says nobody bought this pig.

That's false evidence. There's been no evidence that it's not true. It's hard to listen.

There's no receipt. There's no pig. There's nobody saying here's the pig.

(7:02:45 - 7:02:53)

No one returning the pig. I mean, this is like getting into I don't know. There is evidence of the pig on his phone.

(7:02:53 - 7:03:37)

There's evidence of a bunch of pigs in a cage. One of which could have been bought. It's possible.

We'll have to see how the evidence shakes out. But there was definitely evidence as if he's

looking at these pigs to buy. And they're in a cage.

Little miniature pet pigs. So we don't know that that's false. We do know it's false.

Mr. Akers has a conversation with a friend of his on his text messages where he states that he's not buying the pig. I don't know how else to... Well, I'm pretty sure respectfully that that particular statement is not being offered for truth. The purpose for which it's being offered.

(7:03:37 - 7:03:48)

I'm pretty confident of that. But that's just one email. So I'm willing to reconsider that one as non-hearsay.

(7:03:49 - 7:04:20)

Do you want me to go further? Sure. Well, is there a particular other one? Because some of these, I've mentioned a couple that are particular. I think it came in.

Detective Harden said that he's described Mr. Akers to Detective Lehman as being happy, not depressed, something like that. I'm not looking at the email right now, but it's something to that effect. And I think Detective Harden already testified that he did do that.

And was being promoted at a job. So I think that's it. So I have one page.

(7:04:21 - 7:05:24)

I've got the email from Lieutenant Hill that mentions that I read the statement about the pig. And below that from Detective Hardy to Mike Hill copying Dr. Lehman. If I may add, the family also stated Daniel was extremely happy about moving up in his job and was planning a getting new Christmas tree for his family.

I think I asked him about those earlier. I think that's covered because of my memories. I asked Detective Harden about that in the answer.

Well, you've changed my mind on at least one of these. The pig comment. So I'll admit that as non-hearsay.

Is there anything in particular otherwise that you want me to look at? No. When Dr. Lehman testifies, though, I will be reasserting this same exhibit to ask him what he if he used this information in any way. Alright, so I'll change my ruling somewhat as to Exhibit 140.

(7:05:24 - 7:05:41)

As to the email that I specified from Lieutenant Hill, I believe that's non-hearsay and I'll admit that. But I'll stand on my ruling on the rest. So if you're going to tender this at this point, you're going to

have to do a little redacting of some sort.

(7:05:41 - 7:06:05)

Understood. Alright? Yes, sir. And then, Your Honor, I'm just going to give with the Court's permission the District Attorney's Office understanding.

Ms. Bowles, Exhibit 116, which are the certified copies that we discussed of Mr. Akers throughout the time period, including probation, revocation, notice, but not in evidence. I stand by my assertion, but I respect the Court's ruling. I'm just going to do it for the record.

(7:06:06 - 7:06:32)

Okay. Yes, sir. Your Honor, I'm asking for clarification of the Court's ruling regarding the text messages about state of mind of the decedent.

There's answers from a male partner. Now, surely that would be hearsay. We don't know who wrote it.

(7:06:33 - 7:06:48)

Well, I'll have to see the particular text message you were talking about. I was just saying, generally, I understand that the decedent's state of mind is relevant. And I was talking about I'm afraid that I'm about to go to prison.

(7:06:49 - 7:07:25)

I respect the Court's ruling on what Dan Akers said. I would just ask the Court to strike whatever the responses are for some unknown party like Chris. Okay.

I'm just not sure what exhibit we're talking about or I'd need to see. Well, I can state in my place that there's a bubble from Mr. Akers, I'm afraid I'm going to go to the court for revocation, or whatever. And then there's another bubble from some responder that he's talking to.

That Court identifies himself as Chris W. or something. And that would surely be hearsay. There's a total of four bubbles.

Two by Mr. Akers and two by the responder. I don't know who it is. I just need to see the exhibit.

(7:07:27 - 7:07:54)

I'll leave Mr. Steele producing. Give me one second. I have one moment, Your Honor.

Yes, sir. Your Honor, may I just have one moment? Sure. Thank you.

(7:08:16 - 7:08:58)

May the Chair and the Class be with you? Yeah, of course. Thank you. This is 11-19.

(7:09:00 - 7:09:19)

No, it may be the same exact number. It's the same, it's just a little different. Is this the same date? Yeah.

Okay. So it's the same time. Okay, it's the same message.

I think it's the same message. That's fine. But you said you just wanted his message, not the bubbles.

(7:09:20 - 7:09:32)

I guess, whenever he's with another responder, it's going to be very different. This says it's a white E-cell. It's two different ones, but they're similar.

(7:09:34 - 7:09:52)

Just this? Yes. That's fine. Okay.

Can you just tell Detective Barnum to take permission of what we're doing, because he's going to want to confess. Sure. It's not immediate, so I'm not going to show him about it.

(7:09:53 - 7:10:49)

With the Court's permission. Your Honor, may I step out just to let a witness know that Brammer's court's ruling in recess? Yes, sir. He has breached your ruling? Yes, sir.

Thank you. We sanitized, I guess. Okay.

(7:10:50 - 7:11:54)

The State may not have an objection. And then you're on. Yes, sir.

(7:13:10 - 7:13:32)

Can I explain to Detective Harvey the Court's ruling about the first reversal of his brief prior ruling and the new ruling about the text messages? I'm not going to have an objection to the entry on the text messages. He asked me if I wanted to talk to him about some other things. I said no.

(7:13:33 - 7:13:36)

I don't want to talk to him while he's in there. That's fine. But we're ready to proceed.

(7:13:37 - 7:13:40)

All right. Ready to proceed? Yes, sir. Please.

(7:14:29 - 7:15:00)

All right. Let's resume. May I approach? May I approach? Yes, sir.

(7:15:00 - 7:15:09)

I'm showing you what has been marked as Miss Bowles number 118. If you could take a peek at that. Yes, sir.

(7:15:10 - 7:15:27)

Do you recognize that as something that is from the phone of Mr. Akers? Yes. Your Honor, I move for the admission of 118, Miss Bowles. No objection.

May I approach? Yes, sir. Thank you, sir. May I display it, Your Honor? Yes.

(7:15:30 - 7:16:04)

Can you blow up the bubble, if you don't mind? And you just saw it. I know it was quick, but this is a message from Dan Akers to another person, and once it's cleared up, we can see that person. And we know it's from Dan Akers.

Could you see the 5462 number? Yes, sir. The from, and it says on it. Yes.

(7:16:04 - 7:16:20)

And then it's to, it says RF Knox KNOX. Do you see that? I see that. And it reads on November 19, 2019 at 435 in the afternoon.

(7:16:20 - 7:17:08)

True? Yes. And it reads, while I effed up, I mean, it's written out, but effed up and procrastinated and most likely will get me laid off. But it is what it is.

Probation gave till the end of the month to complete 32 hours of community service in order to get off. You see that? I see it. And then Miss Akers wrote, I know if they violate me, then it will violate my big probation, and they will most likely lock me up until 2024.

You see that? That's what it reads. I just wanted to get it all behind me. Right? Yes, sir.

(7:17:08 - 7:17:21)

And it's just a letter. BS list they gave me mostly has weekdays. Do I have tomorrow and Thursday? It's AXIP, IT Post, yes.

(7:17:21 - 7:17:36)

It's my fault for not wanting to take off for it earlier. And I know it's terribly, terrible timing, but I guess a layoff is better than jail for years. Fair? That's what it reads, sir.

(7:17:36 - 7:17:47)

Yeah. Okay. And that's Mr. Akers' writing, too.

Do you know Mr. Knox being his employer? I do not. Okay. All right.

(7:17:51 - 7:18:26)

Did you ever search Mr. Akers' phone at any time? I went through some of the data that was provided to me. Were you ever shown, I guess, him taking images with his left hand or doing anything with his left hand? Did you ever see that on his phone? No. I can't recall anything.

Okay. If it's there, you're not saying? If it's there, I'm not saying. I can't recall anything.

All right. That would be a different witness. Not you.

Yes, sir. True. Okay.

(7:18:37 - 7:18:46)

And you already testified you were unaware of the guns, right? If there are guns on his phone, on Mr. Akers' phone. Yes. Yes.

(7:18:46 - 7:19:59)

I've already testified to that. All right. The last question I want to ask you, if that's okay with you, is you remember a discussion with, and you can remove that if you want, a discussion with Lacey that she stated that Mr. Akers was acting differently for the days before Sunday morning, December 22, 2019? Yes.

And do you remember her mentioning the song entitled War, W-A-R, to you? I don't remember that, sir. Okay. Well, that may shorten our conversation.

Did you ever look up the lyrics or do any research into that song? No, sir. All right. Your Honor, I don't believe I have any more questions.

All right. Please be ready. So, Detective Hardy, if you have to stand up, please do so that you can see what I'm referencing.

(7:19:59 - 7:21:51)

You may not be able to see it on the screen, but I got it on the pointer. Do you see on Bowles, defendant's 119, where it says in the bottom right that this was apparently sent November 19, 2019? I do, sir. Okay.

Do you know the status of Mr. Akers having caught up on all his probation requirements in the next month of his life? I do not. Do you know if he was caught up with his community service? I do not, sir. Do you know if he was caught up with any kind of evaluations or testings or anything else he had to do? Do you know anything about whether or not he was caught up in that next 20 or 32, 33 days? No, sir.

No idea? No idea. All right. And then do you see here where it says R.F. Knox? Yes, sir.

Do you remember speaking with Dan's family members at all to know that R.F. Knox was the name of this company that he worked for? I believe so, yes, sir. Do you know from the nature of the context of this text or email, is it fair that Dwight Eason seems to be some sort of supervisor because Mr. Akers seems to be asking for more time in the daytime to do community service? Yes. And this you were shown a picture by the defense.

I think it's Defendant's Exhibit 139. You were shown this on cross-examination this sweatshirt. Do you remember seeing that? Yes.

(7:21:52 - 7:21:59)

It has a symbol on it. Yes, sir. Isn't that the R.F. Knox symbol for his employer? I believe so.

(7:22:00 - 7:22:11)

Are you familiar with people getting sweatshirts or hoodies from their employer, multiple? Yes. Have you ever encountered that in your life? Yes. Can we have the lights back up a little bit? Thank you.

(7:22:13 - 7:23:31)

Do you think it would be unusual that this defendant might have gotten some sweatshirts with his company logo and give one to his spouse, kid, or one of his family members? No. You were asked about DNA testing on a gun. Do you remember being asked that? Yes, sir.

And Mr. Steele, the defense, asked you was there a request to do DNA testing on a gun? I believe so, yes, sir. And then Mr. Steele asked you, what would ever happen with that? You said, well, GBI refuses testing. Do you remember that? I do.

Do you remember that being because their position was that it was not a surface where DNA could normally be gathered from? Correct. And you didn't go out. Did you go out anywhere else to FBI or, as Mr. Steele suggested, CIA to get that done? No.

I want to take a moment to look at these keys again, sir. I'll show opposing counsel what's been marked and entered into evidence as Defendant's Exhibit 88. Okay.

(7:23:31 - 7:23:51)

May I publish 88, please, Your Honor? Yes, sir. It's in evidence, Your Honor, and just to save time, Your Honor, may I dispense with the permission to publish from here on? Thank you, Your Honor. If you can show the jury what's been previously entered into evidence as Defendant's Exhibit 88, go down a little bit and show those keys in the lock.

(7:23:52 - 7:24:07)

Okay? So, Detective Hardy, were these the keys that were obtained from this defendant on March 5, 2000? Yes. And 20? Yes, sir. Okay.

(7:24:08 - 7:24:25)

May I approach the witness, please? Yes. I want to show you, sir, what's been admitted into evidence as State's Exhibit 197. I want you to look at it.

Okay. Yes, sir. I want you to pick it up and show it to the jury.

(7:24:28 - 7:25:52)

Yes. And you step down just to the rail. Thank you.

At the corner of the rail, I want you to show that State's 197 to the jury. Okay? Now, I want you to go back to your seat and put it now on the witness box stand. I don't think there's any biohazard or anything with 197, so take that key off in front of me.

Peel it off. Peel off that tape. Is that the key that was on that key ring on March 5, 2020? Yes.

Is that the key that was on this defendant's key ring? Yes. There's even some marks on the key that coincide with the picture. Okay.

Let me show the jury that key on the projector. Is that the key? Yes. Is that a conspicuous angled head? Yes.

I'm going to show the jury. Please publish the detective party what's been marked and admitted into evidence as State's Exhibit 100. Are these the keys that you know to have been removed from the floor of the basement on December 22, 2019? Yes.

(7:25:53 - 7:26:02)

Show the jury where that weird angled head key is on this key ring. I don't see it. It's not on there,

is it, sir? No.

(7:26:09 - 7:26:34)

The investigators didn't have that key on this key chain that was on the floor of that house gate? No. Sticking with State's Exhibit 100, I want to show you, you can concentrate on the investigator Burke. It's a little bit tough to see on the projector, but you can zoom in as far as you can on the clip, the buckle.

(7:26:37 - 7:26:40)

Let me zoom out. There you go. That's good.

(7:26:41 - 7:27:15)

Whoa. It's still on State's Exhibit 100. Detective Carter, you can stand up.

You see the bright blue right here of this key chain, this key clip? Do you see that bright blue fabric? I do, sir. And I'll show you what's been marked and admitted into evidence as Defendant's 88. Do you see this faded blue right here? I do.

(7:27:15 - 7:28:42)

Do you see this stain right here or the lip or the tear or whatever that imperfection is on the defendant's key chain? I do. Do you see that anywhere on the bowls? I mean, Mr. Ager's key chain that was found on December 22nd, is that tear that's staying on that key, the Senate keys? No, sir. Do you see on this defendant's key chain on March 5th, 2020, do you see this as an Ingalls card, Ingalls loyalty card? I do.

Where's the Kroger card on this? Defendant's key chain on March 5th, 2020, where's the Kroger card here, sir? I don't see one. It's not there, is it? But the Kroger card is on Daniel Aker's key chain from December 22nd, 2019. Is that right? Correct.

Alright. The defense asked you, the defense attorney asked you, what evidence do you have, sir, that you did not open the safe of the key? Do you remember that? Yes. Oh, I'm sorry, sir.

Let me take that one. It states 197. Go back.

(7:28:46 - 7:29:18)

And then let me keep the key with me. I'll just lay it on top and I'll take it back later to the tech department. So, the defense asked you, what evidence do you have that this defendant did not use, sorry, what evidence do you have that she did not open the key with the safe, the safe with the key? What evidence do you have that she did not use a key to open the safe? You said none.

(7:29:18 - 7:29:42)

Right? Yes, sir. Do you have any evidence that she opened the safe without a key? No. I just want you to tell the jury, sir, in your own words.

(7:29:42 - 7:30:03)

You were there. We weren't. Nobody was.

You were there. This defendant was there. Just tell the jury, what happened with that keychain that we saw just now, the defendant's keychain on March 5th, 2020? What did she do? Constantly, time to time, once or twice, just tell the jury in your own words what she did.

(7:30:03 - 7:30:39)

When you asked her, do you have a key to this safe? She said she never had a key to the safe. And then I asked her to go with me to the sheriff's office for the interview. She grabbed her purse, grabbed a set of keys.

She put it in the purse. Then she tried to take her purse. I said, Lacey, you don't need the purse.

Leave everything right here. You're going to ride with me. She again tried to grab the purse.

Twice? Twice. Alright. What did you say when she tries to grab the purse again? Again, I said, we need to leave that stuff here.

(7:30:40 - 7:31:39)

The deputies may need to lock the house up before we leave if we're not finished and if they're finished. Alright. I want to show you page 2 of the defendant's Exhibit 117, please.

(7:31:39 - 7:31:58)

Detective Pauli. Page 2 of defendant's 117. Do you remember being asked about these messages or this message from Daniel Akers to this defendant? I do.

(7:31:58 - 7:32:18)

Do you remember this independently of that questioning? Do you remember this message being from either the defendant's phone or the decedent's phone or both? I think it was both. The last line, sorry. Keep going.

(7:32:21 - 7:33:15)

I want you to see this. I want to make sure you understand this. Was this decedent to defendant? Daniel to defendant? Yes.

It's time to realize this is not going to work and move on with our lives while still young. Is that what you understand Daniel wrote to this defendant? I do. On Halloween? Correct.

Move on with our lives while we're still young. Is that it? That's it, sir. Did you see any text messages back and forth between the decedent Daniel Akers and this defendant? You had a chance to look at the messages, didn't you? Yes.

(7:33:16 - 7:33:34)

Did you find them important or relevant? The ones of that day, yes. Most importantly that day, but others, Halloween, were they relevant to you? Were they relevant? Yeah, were they important to your investigation? You want to look at all the messages. Yes.

(7:33:35 - 7:33:46)

Tell the jury how many messages you saw from Daniel to this defendant that said, that's it, my life is over, I'm ending my life. Zero. Zero.

(7:33:49 - 7:34:01)

Tell the jury how many messages in all these hundreds of messages you saw in connection with your investigation how many times Daniel Akers said, oh, you'll be sorry when I'm dead. Zero. Anything like that, sir? No.

(7:34:05 - 7:34:25)

How many messages did you see, sir, that said, you know, I'm just going to end it all and then you'll be sorry? None. None. Did it look, instead, were you certain that they were just ending a relationship? Are you aware of this? That's what it appeared to me.

(7:34:26 - 7:34:30)

On both sides. This Mr. Steele asked you on cross-examination. On both sides.

(7:34:30 - 7:34:41)

Yes, it was on both sides. Okay, and do you remember a message from Daniel to this defendant that says, hey, I'm doing me. Do you remember that? That's the day of the incident.

(7:34:42 - 7:34:49)

Earlier that day. Or maybe the day before he died. But we know he died at 1230 a.m. on the 22nd, so maybe that's from the 21st.

(7:34:50 - 7:34:53)

The 21st, yes. I'm doing me. It's time for me to do me.

(7:34:53 - 7:34:59)

Do you remember that? I do remember that. Now, did you see it, it's time for me to end me. Do you see that? No.

(7:35:19 - 7:37:06)

Did you see a message, sir, on 1221 or earlier that said that Mr. Steele asked you about and just said I can't deal with you anymore. Did you see that? I can't deal with you anymore. Did you see that Daniel Akers to this defendant? Yes.

Did he say, I want to be clear on the language, I can't deal with you anymore. Is that accurate? Yes. Did he say, I can't deal with life anymore? No.

Did he say, do you remember him saying, let's just make it through the holidays? Yes. And that sent around when? Halloween? I believe it was the Halloween one. Let's just make it through the holiday season.

Yes. Would that imply to you a future thought of orientation, a future beyond the holidays? Yes. Now there's this concept, sir, this idea that there was this, we call it fake urine, but obviously you know it's urine, but somebody else's, right? Correct.

There's testimony about that. He asked you about that. Yes.

Ms. Bowles, this defendant, said, hey, he had fake, I think she called it pee, he had fake pee in his car. Skyler found it, my daughter. Do you remember that? I don't even remember the name, but yes.

My daughter found it. Yes. Sir, you've been a police officer, how many years now? 26.

Been involved with courts every now and then? Yes. Yes. Revocations every now and then, probation problems every now and then.

(7:37:06 - 7:39:09)

Isn't, aren't you familiar with urine, having to have a certain temperature, a temperature of a human if you're going to use this urine? Yes. Are you familiar with any detective involved in this investigation before, since, before your involvement, since your involvement, during your involvement that found bags of fake urine in Mr. Akers' Cadillac? Nothing was ever told to me, sir. Mr., Mr. McGonagall, Mr. Steele, he asked you, what evidence do you have that that cup was an accident, that McDonald's cup, was it accidentally just kicked over? You remember him asking that? Yes.

So, he asked you, what evidence do you have that that McDonald's cup wasn't just placed on the floor gingerly and some EMT or some police officer just happened to kick it over? You remember him being asked that? I do, sir. And you said, sir, I don't have any evidence that that cup wasn't just accidentally kicked over. Do you understand that? Yes, sir.

I don't? Yes. Sir, tell the jury what evidence do you have that shows that Mr. Akers wasn't just assassinated and drops everything in his hand? What evidence do you have that says that's not what happened? You don't have any? No. Those keys, hat, McDonald's bag, cup, Steele's ice, ice is still fresh.

(7:39:09 - 7:39:36)

Do you have any evidence, sir, that that's not how that cup got there? No. That that's not how that McDonald's bag lands right by a sled with uneaten food in it? Do you have that evidence? No. Do you have any evidence that he's not holding his keys, the McDonald's bag, the cup, walking in and just drops it because he's ambushed? Do you have any of that evidence? No.

(7:39:40 - 7:40:33)

But you were asked, did you go to McDonald's and get another cup just like the cup you had and go out and fill it up with whatever drink might have been in it and do these experiments? You were asked that? Yes, sir. Did you do that, sir? Did you do little experiments? No. I wouldn't have known what level to put the cup at or anything.

I mean, you're not a physicist or scientist. No, sir. Okay.

Mr. Steele asked you, did you have any evidence, sir, that she did not, this defendant did not go back downstairs? You said, I don't believe, it's my belief she did not go downstairs. Do you remember saying that? Yes, sir. And he asked you, well, what evidence do you have that she did not go downstairs? None.

(7:40:34 - 7:41:43)

Right? Is that what you said? Yes, sir. Well, what evidence, sir, do you have that she did go downstairs again? None. None.

Tell the jury, sir, what part, on what part of the video, I'm sorry, 9-1-1 audio, what part of that audio? It's about, what, nine minutes or so? Would you agree? Yes, sir. Tell the jury on what part of that audio tape, sir, and the jury will have it, the jury can listen to it again in deliberations if they want to, but tell the jury in evidence, in open evidence here, on what part of those nine minutes does a 9-1-1 operator tell this defendant, pick up the gun and throw it? Never. What part of those nine minutes does the operator say, you need to pick up the gun at all? No.

Do what's best for your safety. Is that what the person said? Yes. But this defendant, am I right,

did she tell you that she was told to pick up this gun and get ready to throw it, or move it? Yes.

(7:41:44 - 7:42:23)

Is that on there, do you hear it or not? Do you hear her listening to it? No. And the gun, if I'm right, sir, and I'm just asking in the form of a question, what's the final resting place of the gun on the floor underneath Mr. Aker's left hand? Yes. Was it even, is the webbing between his left thumb and index finger, was it even touching that stopper there? I don't believe so.

You don't think so? Was it touching, was any part of his hand touching it? Because she said it was under his hand. Under, yes, I believe it might have been touching at some point. His thumb? Thumb.

(7:42:24 - 7:43:26)

Yes. We're asked a lot of parts about the 9-1-1 tape, and I'd like to do the same. I'd like to go through a few portions of the State's Exhibit 2. Investigator Burke, you still have that? Yes, sir.

Can you please prepare State's Exhibit 2, sir? And let me ask you this, there was, I think Mr. Steele, the defense asked you, did it appear that this was a harrowing or stressful, obviously stressful event based on this defendant's demeanor on the 9-1-1 tape? Remember being asked something like that? Yes. And you said, yeah, it seemed like she was stressed out or this awful thing, right? Do you remember that? Yes, I believe I said she was acting hysterical. Hysterical, that was your word.

(7:43:26 - 7:43:41)

Sorry, I didn't remember. Sir, have you had an opportunity to review other 9-1-1 tapes in your career? Yes. Have you ever heard somebody be hysterical on one before? No.

(7:43:42 - 7:44:08)

You've never seen somebody be upset and hysterical on a 9-1-1 tape? Not on a 9-1-1 tape, not like that. Have you heard people be upset on a 9-1-1 tape? Yes. Okay.

Have you heard people be upset on a 9-1-1 tape? Maybe out of breath? Yes. And even people... Your Honor, I apologize. I'd like to move it along, but every question is a leader.

(7:44:08 - 7:44:17)

I will now start objecting. I'm objecting to that last question. Have you heard other people be upset on a 9-1-1 tape? It's not suggested answers in yes or no.

(7:44:17 - 7:44:32)

Okay, I'll go over a little bit. So, you've heard... Have you heard people be upset and out of sorts and hysterical and confused on 9-1-1 tapes? Yes. Have you heard people even do that and then later confess to committing the crime? Yes.

(7:44:33 - 7:44:53)

Objection. Irrelevance. Irrelevance is there's nothing independently... May I please, Investigator Burke, have you play States Exhibit 2, 640 to 710? Please.

(7:44:53 - 7:45:30)

I want you to listen to this, Detective Burke. Here. ... ... So, that's 640 to 710.

(7:45:30 - 7:46:59)

And it looked like the volume was less than half. Can you turn it up, please? 640 to 710. If you'll just listen to this, Detective.

Please. Thank you. ... ... Stop.

Stopping at 710. Did you hear that? Yes, sir. Did you hear this defendant say, oh, please help me? Yes.

Multiple times. How many times? Does it? There's multiple times in the 9-1-1 call total that she says, please help me. We heard that.

Remember? Yes. I want you to tell these people how many times on that 9-1-1 tape this defendant said, oh, God, help Dan. Zero.

Hurry. He needs help. How many times did she say that? Never.

(7:47:00 - 7:47:10)

You better get here. You gotta help him. How many times did she say that? Never.

Just help me. Help me. Yes.

(7:47:16 - 7:48:11)

Do you remember this defendant on the 9-1-1 tape being asked, can you go back down there and do CPR? Do you remember that? Yes. Being asked by the operator. Yes.

And do you remember this defendant, her husband, down there, having been shot, do you remember her saying, no, don't make me go back? Yes. Go back to the messages just a minute. The messages between the parties.

You looked at the messages. You said you had an opportunity to analyze the messages for you both ways, back and forth. You saw, did you see the one message about in the time period you searched for, the one message, I'm sad, I'm depressed, I'm lonely from Dan Andrews? Yes.

(7:48:11 - 7:48:49)

Any other messages like that, even remotely like that, on this phone? I'm sad, lonely, depressed. Not that I can recall. So, one, in how many months say that you were there? I think I went back to around September on Lacey's phone.

September of 2019. Would you say that there were, how many messages would you say there were? Hundreds? Thousands? There's hundreds. And that one message that the defense highlighted, I'm sad, lonely, and depressed, is that the only one you saw? That's the only one I recall that the defense brought up.

(7:48:53 - 7:49:21)

There's been so much talk and examination and concentration and focus on the sink. I'm not going to go back into photographs or anything like that, but there was evidence for questioning brought to you by the defense. The kids in the house, the defense mother was in the house, what evidence do you have that those people did not use the sink? Yes, sir.

(7:49:23 - 7:50:41)

That they are not the ones that used the sink. Yes, sir. Did you specifically ask this defense about the nature or the origin of blood in the sink? I did.

And her response was it not? What did she say there? What was the origin or the source of blood in the sink according to this defense? She said if there was any blood in the sink it was because she was on her period. That was menstrual blood according to this defense? Yes. There was some question about a hair dye was on the sink.

Did you see that hair dye that hadn't been opened at all? I couldn't tell from the pictures, no sir. Well, when you opened it, I guess, yeah, I used the hair dye, but I guess when you open it, it's got some kind of bottle in it or a bag of color on top. I guess there's something in that box, right? Yes.

Did you see things that were around that hair dye that looked like they might have been used that were associated with that hair dye? No. When we saw the picture, you had the cleaner and then the box. Did you see any kind of bottles or empty bottles, half empty bottles? No.

(7:50:41 - 7:51:11)

Of hair dye? No. Do you have any suspicion that Amanda Carter mistook blood in the sink for some kind of hair dye in the sink? No. The defense attorney asked you on cross-examination if

there was some communication with Dr. Layman that this defendant, excuse me, this decedent was happy, was generally happy.

(7:51:11 - 7:51:45)

Yes. And the defense, the Honorable Brian Steele, he said to you that he was really fighting with his spouse. Did you tell Dr. Layman that? Yes.

So was he fighting with his spouse? Yes. Had you had an opportunity to see people fight and go back and forth with their spouse without committing suicide, sir? Yes. Would you say that committing suicide is kind of extreme if you're just fighting with your spouse? Yes.

(7:51:46 - 7:52:51)

And speaking of stuff like that, let me ask you this. This is incredibly important. Speaking of stuff that you told Dr. Layman, okay? Speaking specifically of stuff you told Dr. Layman, stuff Lieutenant Mike Hill told Dr. Layman, stuff anybody told Dr. Layman, okay? Is it true, sir? Did you know? Did Mr., did the medical examiner, I don't think this is a legal question, did the medical examiner, to your knowledge, have full access to the entire Sheriff's Office file before making his final determination on manner of death? I believe so.

Did he ask you, and maybe he didn't because you came in later, but did he ask you, I really need all of the information you have, all of the case files? Yes, I believe. And did he ask Ogden, earlier on, something's not right about this, can you forward me all of your files? Yes. Object to computation clause, hearsay, leaving.

(7:52:52 - 7:53:20)

I'll rephrase it. Did the medical examiner make a request of Detective Ogden to get the entire file? Hearsay. That doesn't, that's not even a statement.

It was a request for the filing. I'm not sure. Was, did Dr. Layman request that the file of the Paulding County Sheriff's Office be forwarded to him from Ogden? I can't recall for sure, but I know we at least sent, initially, the crime scene photos.

(7:53:21 - 7:55:56)

Okay. And did anybody, did you send the reports? Do you remember? I don't recall. Do you remember sending the contents of the phone messages? No.

Okay. Do you remember sending the file at all? No. Totality of the file? No.

You don't remember? I don't remember, sir. Okay. We'll ask Layman.

Thank you. The defendant told you in the interview, sir, your interview, Ogden's interview with

her, or both, perhaps. Do you remember the defendant saying that Dan was acting paranoid? Yes.

Do you remember anything about the defendant stating to you, sir, that Dan believed that he was on a reality TV show and this defendant was part of it? And that she was recording him for this reality show? She said something to that effect about the microphones and... This defendant said that to you? Yes. Did you remember that? Yes. And all those messages you interviewed, sir, on this, on CNN's phone, on the victim's phone, the defendant's phone, tell the jury how many messages there were of Dan saying he was on a reality show and being watched by others.

None. Let me show you again, let me reference you to court records. The state's exhibit 185.

(7:56:00 - 7:56:58)

Specifically, message number 20. Specifically, sir, message number 20 on the state's exhibit 185. Message number 20.

Who is that from and who is that to? 20. It's from Mr. Akers to Ms. Volz. This is Akers to the defendant, right? Yes.

12-21-19. Is that what it says? Yes, sir. So nine hours before he would die.

Is that right? Yes, sir. And read this. I'm sorry, I won't read it.

(7:56:58 - 7:57:10)

Either you mature to that, knock the games off, so we can be happy and possibly have something one day. Is that what it said? Yes, sir. That's what it says.

(7:57:10 - 7:57:22)

So we could possibly have something one day. Right? Yes, sir. And did he write this nine hours before he supposedly committed suicide, sir? Yes.

(7:57:47 - 7:58:17)

You were asked about a purchase, a tractor supply, and there was a decline. It looked like the pig food was returned. Do you remember being asked that? Yes, sir.

And then once the pig food was returned, there was some kind of a ratcheting wrench or something that was attempted to be purchased. Do you remember being asked about that? I do, sir. And then the defense brought out that even with the return, once the wrench was attempted to be purchased, there was a decline.

(7:58:17 - 7:58:32)

Do you remember that? Yes, sir. And do you remember, sir, finding a number or often finding a number of cards in the defense to the decedent's wallet? I do believe so. I believe there was a number of credit cards or different cards.

(7:58:34 - 8:00:13)

How many cards were there? I don't know, sir. Were there multiple? Yes. Do you remember finding or members of your team finding the receipt bag? In fact, the receipt bag is in evidence here as the defense exhibits, excuse me, states exhibit.

Do you remember finding this racetrack bag of receipts? Yes, sir. Do you remember whether or not there were receipts from multiple different banks? I believe there was, yes. Multiple different credit companies, credit card companies? Yes, sir.

Do you remember that? Yes, sir. Do you know whether or not the FIG was actually purchased? I don't know. Do you remember, and it may have been after the phone was broken and you had left, did you ever have access to a photograph of a bunch of pigs, little pigs in a cage, little miniature pigs like pets on this decedent's phone? I do remember seeing that photo.

Okay. Did those look like pet pigs to you? Yes. Per se? Yes.

And that was on whose phone? I believe it was on Dan's phone, sir. Okay. Let me ask you this.

(8:00:38 - 8:00:59)

Show of closing counsel, please for the record what all are for identification purposes only. States exhibit 215 and 216. Please.

(8:01:04 - 8:01:27)

May I approach the witness, please? Yes. Sir, let me show you what's been marked for identification purposes only. States exhibit 215 and 216.

Take a look at these and see if you recognize them at all. Yes, it's pictures that were taken during the search warrant. Okay.

(8:01:28 - 8:02:23)

Do you believe that those pictures 215 and 216 accurately depict what was found, shown to you later as being discovered at the Brady Mill Court home during the execution of the search warrant? Yes. Do you believe Detective Parker, excuse me, Detective Pouch that was out there photographing the lady conducted a photographic documentation of the scene as he found it? Yes. Did it go room by room? Yes.

Okay. Anything different about 215, states 215 and 216 that make it not accurate as to what was

recovered, shown to you as part of the recovery during the search warrant execution? Not that I can see, sir. I suspect we move the court to admitted evidence what's been marked for identification purposes only.

States exhibit 215 and 216. We don't object. Now that that's in evidence, let me show you 215 and 216 on the screen.

(8:02:23 - 8:03:34)

And just show me if you know, tell the jury if you know what 215 depicts. Do you know what that is? It looks like a box to a toy and then there's some bags. It's in a, I think like a crawl space or a little closet.

I believe it was downstairs. Specifically over to the left side, you have neon green and some brown things. What is that? It's a, like a traffic vest or a safety vest and then a jacket.

216, states 216 a little better viewpoint of it perhaps, sir? Do you see what that is now? Yes, it's a Dickies like a work jacket I believe and then the neon like worker, construction worker type vest. Safety type vest? Safety type vest and then an umbrella. Do you remember what this, this C.M. Dan Akers did for a living, sir? Contractor.

Worked for the union. I think electrical contractor. If I remember correctly.

(8:03:35 - 8:03:49)

Would you disagree with me if I said sheet metal? Sheet metal, yes. I'm sorry, sheet metal. So, you see this clothing was where? There was like a crawl.

(8:03:49 - 8:04:05)

Did you ask? I was up there pointing, I didn't hear what you said. I'm sorry. Where was it found? In a, like a closet type area that I believe was in the basement near the room in question.

(8:04:06 - 8:04:53)

Right in the middle. I'll show you this. This was in a C.R.S. Let's see.

(8:05:30 - 8:05:42)

This is Defense Exhibit 1-3rd if I could show you this. Do you remember seeing this earlier? Yes, sir. And this, if you bring it, pull it up, please.

(8:05:42 - 8:06:25)

Raise it up as far as you can. There you go. All the way.

Keep going. This is Mr. Akers. Is that right? Yes.

And we were, our attention was drawn. Do you remember attention being drawn to this little logo right here? Yes, sir. But I want to draw your attention right here.

Do you see a little ball right there? Like a spray, some kind of spray ball? What is that? Just tell me what you think it is. When I see it, I see a spray can. Some kind of spray can.

Is that what you see? Yes, sir. Tell the jury what hand he's holding that spray can in. His right hand.

(8:06:27 - 8:07:48)

The left-handed person holding the spray can in the right hand. Is that what you see? Yes, sir. Defense Exhibit 1-34.

I'll ask you if you remember that. Okay. Now, when I asked you if you saw in your pictures, Mr. Akers, on March 5th, 2020, you said you didn't remember it.

Is that right? Yes, sir. But up on that board, and we've seen that board, there's been some talk about it, this making memories by the granite board. We did see, and Mr. Steele said, well, didn't you see this? And he said, I just missed it.

Is that what you said? Yes, sir. Can I just ask what exhibit number that is? 1-34, defense. Thank you.

Tell the jury what side, what wrist the guy's watch is on right here in this picture. It's on his left. See his watch? On his left wrist? Yes, sir.

(8:07:49 - 8:08:33)

Left-handed person. Is that what you see? Yes, sir. Now, this picture, is this the only picture you saw in the house that you remember? I didn't see it, sir.

Did you see any more pictures? No, sir. Of the decedent in the home? No, sir. 60, I was going with Mr. Steele yesterday, 100 days, but now we've whittled it down to say 62, three days after the death of Mr. Akers.

Is that right? Yes. Okay. Now this picture, do you remember the defendant looking quite different in this picture when you interviewed her on March 5th? Do you remember that? Yes.

(8:08:34 - 8:08:45)

Remember she had a full sleeve of tattoos, including all her hands? Yes. And you remember her having that on March 5th, right? Yes, sir. Do you see any tattoos here? No.

(8:08:47 - 8:09:27)

Do you think it'd be fair to say that this is an old picture? Rather old? Yes, they actually both look very young and old. Did you see any recent photos of Dan Akers in the home on March 5th? Not that I can recall. I'm going to ask you finally, sir, to may I have just a second, please? Can I please have you, sir, Mr. Investigator Berg play State's Exhibit 2 at 345 and stop at four minutes in, sir.

(8:09:28 - 8:09:38)

And the detective part of you will really listen here. State's Exhibit 2, 345 to four minutes. If you'll turn it up.

(8:09:45 - 8:10:24)

Do you remember State's Exhibit 2, 9-1-1 day? Yes, sir. Did you hear the 9-1-1 operator say, where is the gun now? Yes. Did you hear that too? Yes.

(8:10:26 - 8:11:11)

Do you hear a list of things, like, say, I just want to I took it down there, ma'am. Play it again, Investigator Berg. 345 to four minutes.

Listen for it. And tell me if you hear it or not. Did you hear that? I hear I took it down.

I can't hear anything else after that, sir. No further questions. Thank you.

(8:11:11 - 8:11:26)

I've got 15 minutes before we wrap this up. Thank you, Your Honor. Just where we stopped, and we covered this already, but what you heard was, I took it down, no ma'am.

(8:11:26 - 8:12:01)

I was trying to take it out of his hand, right? Can you play the other part of it, the other end? Prosecutor asked it to be stopped before that, so we'll just play it a little further, okay? You can start at 350, and please stop it, let's say, 4-0-9. Did you hear what I said now? Let me tell you something. You know what I'm talking about.

I took it down, no ma'am. I was trying to take it out of his hand. I was trying to take it out of his hand.

(8:12:01 - 8:12:20)

I was trying to take it out of his hand. Did you hear? I don't hear hand. I was trying to take it out of

his hand.

I don't hear hand. I hear take it out, and then there's screaming. You testified earlier that you heard take it out of his hand.

(8:12:20 - 8:12:23)

Well, I mean, I'm hearing it again. I can't hear hand. Okay.

(8:12:42 - 8:13:32)

May I approach you, Your Honor? Yes. Do you remember writing a report in this case? Yes, sir. Do you remember writing a report detailing what you heard? Yes, sir.

On the 9-1-1 call? Yes, sir. Do you remember writing, in your report, dispatcher asked where the weapon is now? Yes. Do you remember writing the female, meaning Lacey, right? Yes.

(8:13:32 - 8:14:59)

Stays in his hand on the ground, right? Yes. And the weapon is in his hand on the ground. And the female, meaning Lacey, then states, I took it down, the dispatcher says, in his hand, and Lacey says, no, I was trying to take it out of his hand, then starts screaming.

That's what you wrote, right? I can't hear that on this audio right now, sir. May I approach you, Your Honor? Let me show you a report that you may recognize. Yes.

I'm familiar with the report. Well, is it now what you wrote? Yes. Nothing like what the prosecutor said.

I can't hear what they're saying. I can't hear the audio part of it. But you wrote, in your report, that Lacey said, I was trying to take it out of his hand? Okay, if it's in the report, then that's what I wrote.

Do you need to see it? No, I saw it, sir. So, this whole thing about, I took it down, Lacey introduced the gun downstairs, that's not in your report, right? Which part, sir? That Lacey took the gun downstairs, that's not in the report. I didn't testify to that.

Right. He asked you a question, you said, no, that's not what I heard. Exactly.

Okay. And thank you. I want to talk with you.

I know you said that you searched back in the phones from about September until the date, September 1, I assume, until December 22, 2019. Fair? Yes. That's what you said.

(8:14:59 - 8:15:18)

I want to show you from Mr. I'll mark it as an exhibit. I accept the next exhibit number. From the phone of, I believe, Mr. Actually, it's Lacey Bowles, I was correct.

(8:15:22 - 8:15:34)

While the state is looking that over, can you put up, if you don't mind, Ms. Bowles exhibit number 34, I think you just showed it. Is that okay, Your Honor? It's in evidence. Yes, sir.

(8:15:36 - 8:16:04)

What's the last exhibit number? Thank you. Do you not have it? 34 or 134? 134. It was just up.

(8:16:05 - 8:17:16)

134. If you don't mind. Remember being asked questions about this? Yes, sir.

And you remember the prosecutor asking you, saying that, look at Lacey's hand, this must be an old picture, there's no tattoos, right? Yes. Remember those questions just a couple minutes ago? Tell the juries whether Lacey has any tattoos that you ever noticed on her right hand. On her right hand? Yeah.

I'm not sure. They're on her left hand, right? I'm not sure. None are in this picture.

The prosecutor said this is an old picture. This is not an old picture, is it? They both look very young, sir. Well, is it an old picture? I believe it's an old picture.

Do you see Lacey Bowles today? Can you see her? Yes. Does she have any tattoos on her right hand? I can't see her right hand. Okay, no.

But in the video, I'm not going to play it again, but the jurors saw it's her left hand that has tattoos, right? You do remember tattoos, right? Yes. Left hand. Why does it matter that she doesn't have tattoos on her right hand in this picture? I don't know, sir.

(8:17:16 - 8:17:49)

Okay. What is Dan Akers? Do you see him here? Yes. The prosecutor asked you about a watch on his left hand for some reason, right? Yes, sir.

Lacey made it clear that he's predominantly right-handed, correct? Yes. But Dan Akers, it's holding what in his left hand? A cup. Yeah, he could use his left hand, right? Yes.

Okay. I'd like to show you since you have marked it number 142, Ms. Bowles, may I approach your Honor? Yes, sir. This is within the time frame when you reviewed the phones.

(8:17:49 - 8:18:13)

If you look at that, I'm going to display it to the jury. Do you recognize that it's coming off the phone, Ms. Bowles? Yes, sir. May I approach your Honor? Yes.

May I approach your Honor? I'm in for the admission, Ms. Bowles, number 142. No objection. You can blow it up if you don't mind.

(8:18:19 - 8:19:09)

Okay. And do you see here, just to orient everyone, this is a text message from the 45462 number, that's Mr. Akers' number, and it's in kind to Ms. Bowles' cell phone, correct? Correct. And it's September 24th, 2019, 724 in the evening, fair? Yes, sir.

And Mr. Akers wrote to Lacey, I really don't even care, just please, please leave me before you ever cheat again, and I'll do the same. Because if you ever cheat on me, or do anything sneaky behind my back, or have anyone over while I'm not there, then they will be burying both of us. Remember that? Yes.

(8:19:09 - 8:19:32)

And burying both of us, potentially is killing us, right? Mr. Akers is saying he'll kill both of them, right? He's not saying kill, he's saying bury. Well, do you bury live people? No. And putting our kids in foster care, this is from Mr. Akers, right? Yes.

(8:19:33 - 8:19:47)

If I can't live through it again, excuse me, I said it wrong, I apologize, I can't live through it again, and I won't. So if we both keep it honest, then no one has to die. Do you see that? I do.

(8:19:49 - 8:20:00)

But I love you that much. That's what Mr. Akers is saying about Lacey, right? Am I correct? I can't live without you. You read that? Yes.

(8:20:02 - 8:20:39)

You are the one I want to spend forever with, right? That's what it reads. And on December 22, 2019, did Lacey Bowles make it clear that she is leaving Dan Akers? Yes. And did Dan Akers just two months before, just two months almost to the day before, three months before almost to the day, make it clear in that writing that he can't live without Lacey Bowles? Yes.

(8:20:40 - 8:21:08)

And he's talking about killing in that, right? That's what it reads. Why did you bring that up to the jurors early? I'm sorry? Why didn't you introduce that to the jurors early? I didn't remember that text. I want to talk with you about the DNA.

(8:21:11 - 8:21:59)

The district attorney asked you, said that there's no smooth surfaces on the gun to get DNA. That's what he asked you. Remember that? I don't think he said smooth.

I think he said surfaces. Well, you do know from your vast experience that DNA is gotten off the trigger pull of a gun, right? It has in the past, yes. And there's a trigger pull on a revolver, right? Yes.

And for whatever reason, it was never even attempted to be done in this case even though requested, right? Correct. Even though DNA of Ms. Bowles was in possession of law enforcement, right? Correct. Even though the DNA of Mr. Akers was in possession of law enforcement, right? Correct.

(8:22:02 - 8:22:38)

The keys. The prosecutor put up keys and told you there's some, I don't know, discoloration and he's asking you about whether the key to the safe and put it in the safe. You remember all those questions? Yes, sir.

Where are the keys now that the jurors can see what is on that key chain? They're not in evidence. Where are they? I don't know. Okay.

(8:22:49 - 8:23:31)

The Cadillac with the urine supposedly found by Skyler, the daughter. Remember that? Yes, sir. The district attorney asked you about, oh, it doesn't have to be warm.

You know people who fake drug tests by using other people's urine, right? I've heard of it before, but I've never encountered it. Okay. Do you know that they can, they have to smuggle it into the bathroom when they're urinating? I'm sure they would have to smuggle it.

Right, because you can't just walk in with urine, right? Yes. And there's typically, not always, but a faucet with maybe warm water in the bathroom, right? Yes, but if I may, when I have to take a drug test for work, we're not allowed to turn on the sink or flush the toilet. We have to empty our pockets.

(8:23:32 - 8:23:40)

I would assume it would be the same for a probation. Let's not assume. But I'm giving you my experience.

You asked my opinion. Let's not assume. Okay.

(8:23:40 - 8:25:28)

And I'm not really actually talking about probation of Dan Akers. I'm talking about his job. Okay.

I don't know how they, my job is how they do it. You don't know. No.

Right? Now, the Cadillac search. Dan Akers was driving a Cadillac that night, right? December 22, 2019? Yes. An older model Cadillac.

Fair? Yes. Show us any picture of the interior of that Cadillac that was searched. There are interior pictures, sir.

I noted it online. Open the, I mean, they already heard from investigator, crossing technician, card, opening the console, opening the glove compartment. Yes, I don't know if it was searched.

Right. So to say that somehow urine wasn't found in the car, you're not, you're not going to make that claim. Right.

Law enforcement didn't look. I wasn't there, sir. Right.

But you, you know, do you have any evidence that they looked throughout the car? I do not. Okay. Now, a lot of this, in the interest of time, you showed, you did a show at Stacey's that would be done on 2-1-5 or 2-1-6, either one if you don't mind, while you're queuing up, and ask you a couple of questions.

Do you remember the, the room with the vest and the work clothing, work type clothing you were describing? Yes, sir. Who put that clothing in that location? I do not know. You don't know, do you? No.

When did it go in that location? I don't know, sir. It could have been before December 22, 2019. Fair? Fair.

Could have been after December 22, 2019, right? Yes, but it was found on March, I believe, March 5. Sure. It's where it is on March 5, 2020, right? Correct. That's all we really know, right? Yes.

(8:25:30 - 8:25:45)

The bottom line is, that's what your job is. I want to say you, collectively, you, law enforcement, prosecution, you bring in evidence to prove a case. Right.

(8:25:46 - 8:25:57)

Yes, sir. It's not just, it could have been. You're supposed to try to prove something is.

True. Again, this witness has no burden of proof. He's not part of the prosecution team.

(8:25:57 - 8:26:17)

He's just a police officer. No burden of proof. He doesn't collect evidence to try to prove something.

This table has to prove everything, not his. I'm not asking for a burden of proof instruction. I'm asking, is that what he does? Okay.

It's not what he does. I'll let you ask, but we'll try to find a stop before you pay. Yes.

(8:26:19 - 8:26:37)

That's what you're charged to do, correct? Collect evidence and prepare facts. And prove things. Not just, what did you say? Verify facts, right? Is that what you said? Yes.

Yeah. You're not here just to say, I don't know. It could have been one way or it could have been another way.

(8:26:38 - 8:27:00)

You're here to determine what the evidence shows, whatever way it is. And if it's split that you're not sure, you admit, I don't know. True.

Yes. And in this case, you don't know a lot of answers to the question. Such that, I'm just going to give it to you.

(8:27:02 - 8:27:18)

Who washed their hands in the sink? You don't know. Right? Correct. You don't know if Lacey Bowles went downstairs to Dan Akers and tried to give him CPR on his chest and touch the gun right before the EMT showed up.

(8:27:18 - 8:27:21)

You just don't know. Correct. You don't know.

(8:27:21 - 8:27:32)

You don't know whether Dan Akers carried that gun in that house from outside being at a bar and McDonald's. You just don't know. Correct.

(8:27:34 - 8:28:08)

You don't know whether Dan Akers had that holster with him when he walked in the house and discarded it somewhere on the ground when he pulled out the gun. You just don't know. Correct.

You don't know you know, prosecutor drops his bottle of water, but you don't know if that McDonald's cup or the McDonald's bag or the keys of the hat were placed down, thrown down, even before Lacey Bowles came into that room. You just don't know. True.

(8:28:12 - 8:28:23)

Right. It's about 5 after 5. That's fine. We'll stop.

Absolutely. So, we'll wrap it up for the evening. Please remember my instructions and we'll see you back here at 8 o'clock.

(8:28:49 - 8:29:57)

Alright. Anything for Gregory? No, sir. After that, I'd like the court respectfully to inform me that Mr. Steele has finished with this re-crossword.

Will there be a line on it tomorrow? I think there's more. If the witness doesn't mind coming back at the appropriate time, your honor. And I will text the district attorneys if that changes so he doesn't have to I will be redirecting.

So, he'll be here no matter what. But I need to know, what are we starting with? A continuation of re-cross? Or redirect? Well, he said there will be more, so I think that means there will be more re-cross. My second point is respectfully, your honor, if you please support us that the last exhibit in our defense be stricken and disallowed a period of destruction of the evidence.

And here's why. The defense moved in pre-trial to forbid any mention of this defendant's supposed infidelity. And we had extensive pre-trial motions on that.

(8:29:57 - 8:30:27)

And the court ruled yes. I believe that's not relevant. And what's important about it is the court instructed the state to redact from the videos all mention of this supposed infidelity on the part of the defendant.

And we did that. We carefully went through and there were no mentions allowed to be made of her supposed infidelity. And what does the defense do? They enter the text that brings the infidelity or the supposed infidelity right full focus to the jury after we were made to redact every mention of that from the video.

(8:30:27 - 8:31:28)

So now, because of this strategic move by the defense purposeful calculated move, we were prevented from talking about this possible infidelity issue with regards to participants. But they go into it when it suits their fancy. And that's disingenuous.

There are standards of substantial justice and fair play involved. And that's despicable. Honestly.

And I believe that it not be admitted and that it be stricken. Because now we can't go back and show an unredacted version of a video. But that's what they asked for.

And I understand they have a right to put on their case. And I understand they have due process rights to present their evidence. But not with the exclusion of our evidence.

But that's what they did. Ross? I don't know what the response needs to be. It's an admitted evidence.

There was no objection to it. It's been testified to. And if there's something that comes down the pike, it changes the court's ruling, that's fine.

(8:31:29 - 8:32:13)

But I don't understand what I'm supposed to say to that. Just looking at the pre-trial report. So there's an order on motions that the court entered back in June.

(8:32:13 - 8:32:58)

And that paragraph or number section 5 it reads a stage 6 ruling on the admissibility of a recording that we found on the decedent's phone. And it goes on to state regarding the hearsay objection the court notes that most of the recording captures speech which does not meet the definition of hearsay, etc. On the other hand, statements apparently made by the decedent at or around minute 812 concerning what defendant's family told him in 835 suggesting the defendant cheated on the decedent appear to be hearsay and therefore must be redacted.

(8:32:58 - 8:33:13)

So that's what you're referring to? That was part of it. And then it opened up a broader discussion of this theme that this defendant was somehow cheating on the decedent. And that was the subject was broached in the law enforcement interviews.

(8:33:14 - 8:33:25)

Until it had to be redacted heavily. Well, I see your point, but this does refer to the recording and not a text. And then when you were shown the text I don't think you objected.

(8:33:28 - 8:33:55)

And so it went in without objection. So I'll move your objection. What else? Your Honor, it's 830 to 8 o'clock tomorrow night.

(8:33:55 - 8:33:58)

That's the plan. Okay. Understood.