

IN THE CIRCUIT COURT OF ADAMS COUNTY, MS

STATE OF MISSISSIPPI

PLAINTIFF

VS

NO. 19-KR-0074-B

TOMMIE QUEEN

DEFENDANT

\*\*\*\*\*

The following proceedings were held on November 6 and 7, 2019, at the Adams County Courthouse, Natchez, Mississippi, before the **Honorable Debra Blackwell**, Circuit Judge, Sixth Judicial District, State of Mississippi.

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Reported by: Patsy Ainsworth-Young, CSR 1001

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Appearances:

RONNIE HARPER, ESQ.  
District Attorney  
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Natchez, MS 39120

TIM COTTON, ESQ.  
Assistant District Attorney  
307 MARKET STREET  
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(Representing the State of Mississippi)

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(Representing the Defendant)

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1 (November 6, 2019)

2 (THE VOIR DIRE OF JURY WAS NOT DESIGNATED BY THE  
3 APPELLANT TO BE MADE A PART OF THIS RECORD)  
4

5  
6 (THE FOLLOWING PROCEEDINGS WERE HELD IN CHAMBERS  
7 OUTSIDE THE PRESENCE AND HEARING OF THE  
8 PROSPECTIVE JURORS)  
9

10 THE COURT: Let the record reflect that  
11 we are in chambers for jury selection. Present  
12 are counsel for the DA, the DA and the assistant  
13 DA and Mr. Stevenson, who is representing Mr.  
14 Queen; we also have Mr. Queen present.

15 I would like for the record to reflect  
16 that Mrs. Patsy Ainsworth Young is our court  
17 reporter today. She is standing in temporarily,  
18 and she was sworn in open court this morning prior  
19 to the time that we started.

20 I would also like for the record to  
21 reflect that Juror 41 has been excused. He tried  
22 to get excused earlier. He indicated that his  
23 wife was at home on oxygen; that she was diagnosed  
24 with cancer and she was very will, and he did not  
25 have his cell phone with him, so after meeting  
26 with the attorneys this morning, they did not have  
27 any objection to Mr. Parker being excused.

28 Also, I would like to inform all of the  
29 parties that after we took a recess, Juror 15, Ms.

1 Harriet Williams came up to me and informed me  
2 that she takes medication. Tramadol, which causes  
3 her to nod off at certain times, and maybe go to  
4 sleep. So I wanted to notify you all of that.

5 MR. HARPER: She was not excused?

6 THE COURT: No. She was not excused.

7 What we will do is let the state go  
8 first. The state will tender a panel of 12 to the  
9 defense. What says the state as to Juror 1, Mr.  
10 Knight?

11 MR. HARPER: We will accept Mr. Knight.

12 THE COURT: What says the state as to  
13 Juror 2, Ms. Sago?

14 MR. HARPER: Accept.

15 THE COURT: What says the state as to  
16 Juror 3, Ms. Smith?

17 MR. HARPER: Accept.

18 THE COURT: Juror 4, Mr. Weeks was  
19 excused. What says the state as to Juror 5, Mr.  
20 Singleton?

21 MR. HARPER: Accept.

22 THE COURT: Juror 6, Mr. Green was  
23 excused. What says the state as to Juror 7, Ms.  
24 Ransom?

25 MR. HARPER: We would excuse Ms. Ransom,  
26 Your Honor.

27 THE COURT: All right, what will be S1.  
28 What says the state as to Juror 8, Ms. Brown.

29 MR. HARPER: Accept.

1 THE COURT: What says the state as to  
2 Juror 9, Mr. Bolton?

3 MR. HARPER: Accept.

4 THE COURT: What says the state as to  
5 Juror 10, Mr. Stampley?

6 MR. HARPER: Accept.

7 THE COURT: What says the state as to  
8 Juror 11, Ms. Mosby?

9 MR. HARPER: Accept.

10 THE COURT: What says the state as to  
11 Juror 12, Ms. Seals?

12 MR. HARPER: Accept.

13 THE COURT: What says the state as to  
14 Juror 13, Ms. Rice?

15 MR. HARPER: Accept.

16 THE COURT: We need two more. What says  
17 the state --

18 MR. HARPER: You are going to do 14?

19 THE COURT: I got 10.

20 MR. HARPER: I am sorry; I apologize.  
21 You said 14?

22 THE COURT: Yes, Ms. Hall.

23 MR. HARPER: WE will accept Ms. Hall.

24 THE COURT: What says the state as to  
25 Juror 15, Ms. Williams?

26 MR. HARPER: We would excuse  
27 Ms. Williams.

28 THE COURT: Ms. Williams will be S2.  
29 What says the state as to Juror 16, Mr.



1 Sturdivant?

2 MR. HARPER: We will accept.

3 THE COURT: That is a panel of 12.

4 Mr. Stevenson, what says the defense as to Juror  
5 1, Mr. Knight?

6 MR. STEVENSON: We will accept.

7 THE COURT: Mr. Knight will be Juror 1.  
8 What says the defense as to Juror 2, Ms. Sago?

9 MR. STEVENSON: We will accept.

10 THE COURT: Ms. Sago will be Juror 2.

11 THE COURT: What says the defense as to  
12 Juror 3, Ms. Smith?

13 MR. STEVENSON: We will strike Ms.  
14 Smith.

15 THE COURT: That will be D1. What says  
16 the defense as to Juror 5, Ms. Singleton?

17 MR. STEVENSON: We will accept.

18 THE COURT: Ms. Singleton will be Juror  
19 3. What says the defense as to Juror 8, Ms.  
20 Brown?

21 THE STEVENSON: We will strike the  
22 former Sheriff.

23 THE COURT: That will be the second  
24 strike for the defense. What says the defense as  
25 to Juror 9, Mr. Bolton?

26 MR. STEVENSON: We will accept.

27 THE COURT: Mr. Bolton will be Juror 4.

28 Q. What says defense as to Juror 10,  
29 Mr. Stampley?

1 MR. STEVENSON: We will strike.

2 THE COURT: Mr. Stampley will be D3.

3 What says the defense as to Juror 11, Ms. Mosby?

4 MR. STEVENSON: We will accept.

5 THE COURT: Ms. Mosby will be Juror 5.

6 What says the defense as to Ms. Seals?

7 MR. STEVENSON: We will accept.

8 THE COURT: Juror 12, Ms. Yolanda Seals,

9 will be our Juror 6. What says the defense as Ms.

10 Doris Rice, Juror 13?

11 MR. STEVENSON: We will accept.

12 THE COURT: Ms. Rice will be Juror 7.

13 What says the defense as to Juror 14, Ms. Hall?

14 MR. STEVENSON: We will accept.

15 THE COURT: Ms. Hall will be Juror 8.

16 What says the defense as to Juror 16, Mr.

17 Sturdivant?

18 MR. STEVENSON: We will have to strike  
19 him.

20 THE COURT: Mr. Sturdivant will be D4.

21 What says the defense as to Juror 17, Ms.

22 Singleton?

23 MR. STEVENSON: We will accept.

24 THE COURT: Ms. Singleton will be our

25 Juror 9. What says the defense as to Juror 18,

26 Ms. King?

27 MR. STEVENSON: We will except.

28 THE COURT: Ms. King will be Juror 10.

29 MR. HARPER: I don't think we got to Ms.

1 King.

2 MR. STEVENSON: We didn't.

3 THE COURT: I am sorry. We got through  
4 Ms. Singleton?

5 MR. HARPER: Yes.

6 THE COURT: So we have nine. What says  
7 the state as to Juror 18, Ms. King?

8 MR. HARPER: We will accept Ms. King.

9 THE COURT: What says the state as to  
10 Juror 19 --

11 MR. HARPER: Your Honor, may I back up  
12 on 18, Ms. King. I did want to strike Ms. King; I  
13 apologize; her son was a defendant in a case. I  
14 don't think she likes me very much.

15 THE COURT: Ms. King will be the state's  
16 third challenge. We have nine Jurors. What says  
17 the state as to Mr. Dee?

18 MR. HARPER: We will accept Mr. Dee.

19 THE COURT: What says the state as to  
20 Juror 20, Ms. McNealy?

21 MR. HARPER: We will accept Ms. McNealy.

22 THE COURT: What says the state as to  
23 Juror 21, Ms. Newell?

24 MR. HARPER: We will accept Ms. Newell.

25 THE COURT: That is a panel of 12. What  
26 says the defense as to Juror 19, Mr. Dee?

27 MR. STEVENSON: We will accept.

28 THE COURT: Mr. Dee will be Juror 10.  
29 What says the defense as to Juror 20, Ms. McNealy?

1 MR. STEVENSON: We will accept.

2 THE COURT: Ms. McNealy will be Juror  
3 11. What says the defense as to Juror 21, Ms.  
4 Newell?

5 MR. STEVENSON: We will accept.

6 THE COURT: Ms. Newell will be Juror 12.  
7 We have to pick an alternate. We are going to  
8 pick one alternate. What says the state as to Ms.  
9 Abraham, Juror 22.

10 MR. HARPER: Excuse her.

11 THE COURT: That will be the state's  
12 challenge for an alternate. Mr. Stevenson, what  
13 says the defense as to Ms. Dollar, Juror 23?

14 MR. STEVENSON: We strike her.

15 THE COURT: That will be the defense's  
16 strike as to the alternate. Our alternate juror  
17 will be Juror 24, Mr. Fitzgerald.

18 Let's go down the list and make sure we  
19 have it right. Juror 1, Vincent Knight; Juror 2,  
20 Mary Sago; Juror 3, Yvonne Singleton; Juror 4,  
21 Jamal Boundin; Juror 5, Elizabeth Mosby; Juror 6,  
22 Yolanda Seals; Juror 7, Doris Rice; Juror 8,  
23 Chelsea Hall; Juror 9, Annette Singleton; Juror  
24 10, Calvortist Dee, Juror 11, Mary McNealy; Juror  
25 12, Erica Newell; and the alternate will be Mr.  
26 Lavandia Monroe Fitzgerald.

27 What we will do -- it is 12 o'clock. We  
28 will go in here and put the jury in the box and we  
29 are going to excuse everybody else and then we

1 will take a break for about an hour and a half for  
2 lunch. Y'all can get ready for opening statements  
3 and we will start the opening statements after  
4 lunch.

5 When we get back, I am going to give the  
6 jury an instruction that they will not be  
7 permitted to take any notes.

8 (Pause in Proceedings)

9  
10 (THE FOLLOWING PROCEEDINGS WERE HELD IN THE  
11 COURTROOM)

12  
13 THE COURT: Back on the record.  
14 Mr. Clerk, can you call the jury, please.

15 THE CLERK: As I call your name, you  
16 will come forward and the bailiff will present you  
17 with your badge of honor for the duration. Juror  
18 1, Vincent Knight; Juror 2, Mary Sago; Juror 3,  
19 Yvonne Singleton; Juror 4, Jamal Bouldin; Juror 5,  
20 Elizabeth Mosby; Juror 6; Yolanda Seals; Juror 7,  
21 Doris Rice; Juror 8, Chelsea Hall; Juror 9,  
22 Annette Singleton; Juror 10, Calvortist Dee; Juror  
23 11, Mary McNealy; Juror 12, Erica Newell; and the  
24 alternate is Lavandia Fitzgerald. Jury is seated,  
25 Your Honor.

26 THE COURT: For those of you sitting in  
27 the audience, you will be excused. This jury  
28 trail will take about two days, and we don't have  
29 anything scheduled for Friday so you are excused

1 from your jury duty. I thank you for coming.

2 (Pause in Proceedings)

3 THE COURT: For those of you selected,  
4 we are going to now take a break for lunch. You  
5 are going to -- you can take until 1:30; we are  
6 going to come back at 1:30. As long as you are a  
7 juror on this case, you cannot talk about this  
8 case to anybody. Do you understand that? If  
9 anybody approaches you and tries to talk to you  
10 about this case, then it is your duty to report it  
11 to one of the bailiffs.

12 You cannot even discuss this case  
13 amongst yourselves until such time as the case is  
14 completely over and we send you into the jury room  
15 to deliberate. Do you all understand that?

16 (Jurors respond in the affirmative)

17 THE COURT: Well, have a nice lunch and  
18 we will see you back here at 1:30.

19 (LUNCH BREAK TAKEN)

20 THE COURT: The rule will be invoked, so  
21 if the state or the defense has any witnesses in  
22 the courtroom that they expect to call, they will  
23 need to leave the courtroom. Bring the jury in.

24 (THE FOLLOWING PROCEEDINGS WERE HELD IN THE  
25 PRESENCE AND HEARING OF THE JURY)

26 THE COURT: Ladies and Gentlemen, the  
27 next part of the trial is what we call opening  
28 statements. What will happen is, the state will  
29 go first and will basically give you a roadmap of

1 what they intend to show over the course of this  
2 trial. And the defense may make their opening  
3 statement after the state or they may elect to  
4 make their opening statement later; that is just  
5 up to them.

6 I do have one instruction that I wanted  
7 to give you before we got started. You may not  
8 take notes during the course of the trial. There  
9 are several reasons for this. It is difficult to  
10 take notes and at the same time pay attention to  
11 what a witness is saying.

12 Further, in a group the size of yours,  
13 certain persons will take better notes than others  
14 will and there is a risk that jurors who do not  
15 take good notes will depend on jurors who do. The  
16 jury depends upon all jurors paying close  
17 attention and arriving at a decision. I believe  
18 that the jury system works better when the jurors  
19 do not take notes.

20 You will notice that we do have an  
21 official court reporter making a record of the  
22 trial; however, we will not have type written  
23 transcripts of this record available for your use  
24 in reaching a decision in this case.

25 With that, let's start with opening  
26 statements, Mr. Tim Cotton.

27 MR. COTTON: Judge, may it please the  
28 Court.

29 THE COURT: You may proceed.

1 MR. COTTON: Good afternoon, Ladies and  
2 Gentlemen. As her Honor has said, and I will  
3 state again, my name is Tim Cotton, and I have the  
4 pleasure of serving as one of your assistant  
5 district attorneys. As the Court said, the  
6 opening statements are just that. I know during  
7 voir dire, Mr. Harper had ask you all several  
8 questions that kind of made it appear that y'all  
9 watch a little television, Law and Order, so to  
10 speak. I know they usually refer to opening  
11 statements as opening arguments, but they are not  
12 that. They are statements of what we think the  
13 evidence will show throughout the course of this  
14 trial.

15 Now I know that Mr. Harper and  
16 Mr. Stevenson both went through a potential  
17 witness list, and I am going to tell you that we  
18 anticipate, Ladies and Gentlemen, that the  
19 evidence will show in this case that the  
20 investigation took place over roughly a three-day  
21 span; that on November 6th, which was a Monday  
22 night, around I would say 9:00 p.m., dark, after  
23 dark, the Adams County Sheriff's Office received a  
24 call regarding what appeared to be or alledgedly  
25 was dogs barking or fighting in distress. A  
26 deputy was dispatched and we anticipate calling  
27 this Deputy, Mr. Thomas McGinty, to the stand and  
28 we anticipate that he will tell you that upon his  
29 arrival and 29 1/2 Miracle Road that he attempted



1 to enter this residence by knocking on the door to  
2 make contact with the occupant of that house and  
3 was unsuccessful in being able to identify  
4 someone; nobody was there.

5 We anticipate that he will tell you that  
6 in the process of doing so, that he encountered  
7 several dogs, some on the chain, some off the  
8 chain. And at that point, he radioed Major Brown,  
9 Chief Deputy Brown, to get a directive as to what  
10 he was to do next.

11 At this point, Ladies and Gentlemen, we  
12 anticipate that McGinty will testify that he  
13 waited for Chief Deputy Brown to arrive at the  
14 scene at 29 1/2 Miracle Road and he did. And at  
15 that point, it was deemed for officer safety  
16 reasons and due to the time of the night that it  
17 would be in the best interest to back out of the  
18 scene and wait until daylight to return.

19 Chief Deputy Brown, we anticipate you  
20 will hear from him and we anticipate that he will  
21 testify that he made a decision to wait until  
22 daylight and to obtain a warrant, go back and get  
23 a search warrant of the premises, which they did  
24 as well.

25 We anticipate that you will hear from a  
26 Mr. Steven Karabelen. After Chief Deputy Brown  
27 had made a decision to leave the scene for the  
28 night, Steven Karabelen was placed at the place to  
29 protect the scene, the integrity of the scene, to

1 make sure that nobody came in or nobody went out.

2 We anticipate that he will tell you when  
3 he takes the stand, Ladies and Gentlemen, that a  
4 vehicle attempted to come down 29 1/2 Miracle  
5 Road, but upon seeing his marked unit stopped  
6 short of that and attempted to turn around.

7 We anticipate that Deputy Karabelen will  
8 tell you that he flagged the vehicle down, made  
9 contact with the vehicle; the occupant, single  
10 occupant, in the vehicle was very compliant,  
11 offered identification and was identified as a Ms.  
12 Tasia Martin.

13 Ladies and Gentlemen, we anticipate that  
14 he will testify that he learned, in having a  
15 conversation with Ms. Martin, that Ms. Martin was  
16 Mr. Queen's then girlfriend or fiance and that she  
17 was going to 29 1/2 Miracle Road to feed the dogs  
18 and to get some property, take possession of some  
19 property. At that point, she was advised that she  
20 could not go on the property and asked to remain  
21 there until deputies could come and talk to her,  
22 and she did; she complied.

23 We anticipate that Deputy McGinty will  
24 tell you that he came back to the scene to talk to  
25 Ms. Martin and again she was compliant, and  
26 McGinty learned in his conversations with her that  
27 29 1/2 Miracle Road was the residence of Tommie  
28 Queen and that the dogs there at 29 1/2 Miracle  
29 Road belonged to Tommie Queen.

1 Ladies and Gentlemen, we anticipate that  
2 you will hear testimony from Carla Brown. Carla  
3 Brown is the evidence technician at the Adams  
4 County Sheriff's Office. She arrived at the scene  
5 on that Monday night, the 6th, and under the  
6 direction of Chief Deputy Brown, she basically  
7 stood down and performed no tests, but returned to  
8 the scene at the request of Chief Deputy Brown on  
9 Tuesday, December the 7th.

10 We anticipate that she will testify that  
11 when she arrived upon the scene on the 7th, that  
12 she began identifying animals and identifying  
13 items that could be considered evidence.

14 Now, we anticipate, Ladies and  
15 Gentlemen, that you will hear from a Mr. Kyle  
16 Held. Kyle Held is the regional director of  
17 investigations for the ASPCA.

18 Chief Deputy Jerry Brown we anticipate  
19 will take the stand and tell you when they arrived  
20 at daylight at the scene on the 7th, that they  
21 clearly did not understand what they had in front  
22 of them so they summonsed the help of others in  
23 the field with more knowledge, which was the  
24 ASPCA.

25 The ASPCA did come in, Ladies and  
26 Gentlemen, and we anticipate you will hear from  
27 Kyle Held that he arrived on the scene on November  
28 8th. At this point, Chief Deputy Brown and Carla  
29 Dunn had photographed the area, had photographed

1 the dogs, had photographed items that they  
2 believed may be evidence of dog fighting or  
3 training or promoting dogs to be fought. They had  
4 started retrieving some of the evidence, some of  
5 the things they found, and that when investigator  
6 Held arrived on the 8th, he was able to go through  
7 each item that had already been logged into  
8 evidence, but additionally, he went back through  
9 the area and recovered additional items.

10 Ladies and Gentlemen, we anticipate the  
11 evidence will show that and Mr. Held will testify  
12 along with Carla Dunn that among those items, they  
13 were sticks recovered, which we think the evidence  
14 will show that the purpose of a bite stick is used  
15 to break dogs apart. They found de-wormer,  
16 vitamins, vaccines, needles, some unidentified  
17 pills, IV bags, three sets of different types of  
18 scales, heavy collars. There was a U. S. Postal  
19 Service box that had Mr. Queen's name on it that  
20 contained a number of items. In those items were  
21 additional bite sticks. There was in addition to  
22 that pre-workout formula, protein, testosterone  
23 boost, creatine, a treadmill.

24 Now, I submit to you, Ladies and  
25 Gentlemen, in and of itself, some of these items  
26 can be used for human personal consumption, but we  
27 anticipate that Mr. Held will take the stand and  
28 tell you that each of those items had a specific  
29 purpose and more importantly, I submit to you that

1 Mr. Held will -- we anticipate that Mr. Held will  
2 testify to you that in the experience that he has  
3 in this field and the number of yards that he has  
4 been to, that this yard fit classic --

5 (BENCH CONFERENCE)

6 THE COURT: This is opening statement  
7 and the Court will overrule the objection of the  
8 defense.

9 MR. COTTON: Ladies and Gentlemen, we  
10 anticipate that Mr. Held will explain what a yard  
11 or a typical dog yard looks like based off his  
12 experience.

13 We anticipate he will tell you this  
14 would be a traditional yard. In addition, Ladies  
15 and Gentlemen, we expect the evidence to show you  
16 that you have an inferior dog or an up and coming  
17 in the middle and around that dog are older dogs  
18 that have experience fighting.

19 We anticipate the evidence to show and  
20 that Mr. Held will tell you what he saw with his  
21 own eyes, that these dogs on the perimeter have  
22 heavy chains. Some of these chains, Ladies and  
23 Gentlemen, I anticipate that you will hear and see  
24 that some of these chains weighed 11 or 12 pounds  
25 to a 30 to 40 pound dog. But they are placed on  
26 these animals in a circle with the smaller dog in  
27 the middle and, Ladies and Gentlemen, we  
28 anticipate that Mr. Held will explain to you that  
29 those chains stop just short of the dog in the

1 middle.

2 In conclusions, we believe that the  
3 evidence will show, Ladies and Gentlemen, through  
4 the testimony that you hear and the items that you  
5 see placed into evidence, that Mr. Queen had these  
6 dogs; this was a game breeding yard for the  
7 purposes of promoting and training these dogs to  
8 fight. We believe that the evidence will show  
9 they were set up as a traditional yard for a  
10 purpose. That the weight gainer, the pre-workout  
11 fuel, testosterone was used for the purpose of  
12 ramping these dogs up, ramping these dogs up with  
13 having a dog in the middle.

14 We anticipate the evidence will show,  
15 Ladies and Gentlemen, this was not a fight or  
16 flight because there was nowhere to flight. And  
17 that these supplements are used to have these  
18 animals 24-7 ramped up and ready to go with the up  
19 and coming dog in the middle.

20 We also anticipate calling Dr. Robert  
21 Savant. We anticipate that Dr. Savant will  
22 testify that he received a call from the Sheriff's  
23 Department on November 7th in reference to dogs in  
24 critical care and that several of these dogs were  
25 brought to him at his clinic.

26 These dogs, Ladies and Gentlemen, he  
27 attempted to take care of them but unfortunately  
28 were euthanized. We anticipate that he will tell  
29 you that on the 8th -- Wednesday, the 9th, he was

1 asked to come to the scene, which he did; and when  
2 he got to the scene, there were a couple of other  
3 dogs that he had to euthanize as well. I ask you  
4 throughout this trial to please pay attention to  
5 the evidence.

6 I know Mr. Harper asked you to be  
7 reasonable and I certainly ask you to be  
8 reasonable, but please listen to the evidence,  
9 Ladies and Gentlemen.

10 I have outlined what we think the  
11 evidence will show. The question I have for you,  
12 Ladies and Gentlemen, and the evidence that I ask  
13 you to pay particular attention to in this case is  
14 look at the wounds of the animals you see on the  
15 pictures that will be distributed to you. And I  
16 ask you this, if this is the result of animals  
17 getting loose, then why are all of the injuries  
18 from chest to face forward. Ask yourself why  
19 there were no injuries to the back-ends of the  
20 dogs. Thank you.

21 THE COURT: Mr. Stevenson.

22 MR. STEVENSON: May it please the Court.

23 THE COURT: You may proceed.

24 MR. STEVENSON:

25 Ladies and Gentlemen, you heard me say a  
26 trial is a search for the truth. We are about to  
27 embark on this search. I like to think of the  
28 attorneys as tour guides. We don't necessarily  
29 become the evidence, but we just kind of point

1 out, Look over here and look over here to make  
2 sure you don't miss an important element on this  
3 search for the truth. I will ask as we go on this  
4 journey for the next day or so that you pay  
5 particular attention from the witnesses that you  
6 hear. I want you to pay attention to a couple of  
7 things.

8 I think the evidence will show you that  
9 Tommie Queen is a local guy. He lives here with  
10 his family. The evidence will show that since the  
11 age of seven, he loved dogs; he loved animals.  
12 Often times, because pit bulls have a bad name and  
13 other people would get rid of them and wouldn't  
14 own them, he would take them to his property. The  
15 evidence is going to show that he took care of  
16 them to have them recover and recuperate. The  
17 evidence is going to show that on the night that  
18 law enforcement showed up at his property, he is  
19 working in Louisiana because Mr. Queen is a  
20 carpenter who works at a power plant.

21 The evidence is going to show that his  
22 girlfriend, who law enforcement encountered, said,  
23 Hey, Tommie is at work; I come over; I feed the  
24 dogs; that is real important, because what the  
25 prosecution would have you believe that this is a  
26 big mess of all of these aggressive dogs.

27 Ms. Martin is going to say, Hey, I feed  
28 those dogs; my little one year old is out there  
29 around those dogs. That is extremely important.



1 I want you to keep in mind that the statute that  
2 my client is charged under is the dog fighting  
3 statute, extremely important. I don't think the  
4 evidence is going to show you any dog fighting;  
5 that is important. What else.

6 You are going to hear from some  
7 different witnesses. I anticipate you will hear  
8 from a neighbor of Mr. Queen. He will say, Hey, I  
9 have lived next to him for years; there is no dog  
10 fighting going on at that property. You will hear  
11 from people who took care of those animals when  
12 Mr. Queen was not around. That is extremely  
13 important, extremely important because you will  
14 hear that these dogs are not aggressive,  
15 man-eating dogs.

16 The evidence will show that people come  
17 and feed the animals when Mr. Queen is not around;  
18 they interact with the animals and they're not  
19 aggressive. That is extremity important. What  
20 else?

21 You will hear from different witnesses  
22 about how some of these dogs from time to time  
23 would get loose. When animals get loose, from  
24 time to time, they attack one another; they bite  
25 each other; that is not a crime. The purpose of  
26 the bite stick is to separate them because these  
27 are pit bulls. Everybody know, you do not take  
28 your hand and stick in the mouth of two pit bulls  
29 when they are fighting. You use a bite stick to

1 separate them; that is extremely important. What  
2 else are you going to hear?

3 You will hear about how these animals  
4 would come into Mr. Queen's custody and they had  
5 been neglected and abused by other people, how he  
6 would get them de-wormed, give them antibiotics to  
7 help them recover. All of the evidence will show  
8 that he was concerned about the betterment of  
9 these animals. You are going to have this  
10 question. Does this sound like a dog fighter?  
11 Does this sound like a person who is out there  
12 training these dogs to fight.

13 Ladies and Gentlemen, you are going to  
14 see that where this occurred was at Mr. Queen's  
15 home, where he lived with his family and his  
16 family visited him and ask yourself about what you  
17 hear, but also more importantly what you don't  
18 hear, the evidence of dog fighting which I submit  
19 to you, you will not hear.

20 Don't just look at who testifies,  
21 consider what they say and their motive.  
22 Different people have different purposes and  
23 different passions. Some people collect certain  
24 things and that is not a crime.

25 Let me say, what really matters  
26 throughout this trial is that the prosecution has  
27 to prove beyond a reasonable doubt that Mr. Queen  
28 is guilty of the offenses charged. I believe,  
29 after you sit and listen to all of the evidence,

1 you will come back and talk about the only just  
2 verdict you can give under the law.

3 THE COURT: Mr. Cotton, you may call  
4 your first witness.

5 MR. COTTON: State will call Thomas  
6 McGinty.

7 THOMAS MCGINTY, CALLED AS A WITNESS AND HAVING  
8 BEEN FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

9 DIRECT EXAMINATION BY MR. COTTON:

10 Q. Thomas, if you would, state your name  
11 for the record, please.

12 A. Thomas McGinty.

13 Q. Where are you employed?

14 A. Adams County Sheriff's Office.

15 Q. Were you so employed back in November of  
16 2017?

17 A. Yes, sir, I was.

18 Q. Did you have occasion or occurrence back  
19 in November of '17 to be dispatch to 29 1/2  
20 Miracle Road?

21 A. Yes, sir.

22 Q. Can you tell the jury what that was in  
23 reference to?

24 A. It was in reference to dog barking and  
25 possible dog fighting.

26 Q. Can you tell the jury when you arrived  
27 at 29 1/2 Miracle Road, what if anything did you  
28 encounter.

29 A. I heard multiple dogs barking. At that

1 time, I proceeded to where the noise was coming  
2 from, the backside of the residence.

3 Q. Were you able to establish whether there  
4 was anybody physically at the residence at that  
5 time?

6 A. Yes, sir.

7 Q. Well --

8 A. No, sir. There was nobody at the  
9 residence.

10 Q. Did you attempt to establish any contact  
11 with anyone to see if anybody was at the  
12 residence?

13 A. Yes, sir.

14 Q. What did you do?

15 A. We attempted to knock on the front door  
16 and we walked toward the backside of the house and  
17 observed multiple dogs tied up and a few that was  
18 not. At that time, we deemed it unsafe to  
19 proceed.

20 Q. Did you make contact with any  
21 supervising officer or anybody else with the  
22 sheriff's office to get direction as to what to do  
23 next?

24 A. Yes, sir, I did.

25 Q. Who did you contact?

26 A. Chief Brown, well Major Brown at the  
27 time and the CID Department.

28 Q. What were you advised to do?

29 A. Hold tight until they arrived on the

1 scene.

2 Q. Did, in fact, Chief Deputy Brown arrive  
3 at the scene?

4 A. Yes, sir, he did.

5 Q. This scene is in Adams County,  
6 Mississippi; correct?

7 A. Yes, sir.

8 Q. So what if anything did you do once  
9 Chief Deputy Brown arrived?

10 A. He informed me to make contact with the  
11 residents at 31 Miracle Road to try to identify  
12 the subject staying in --

13 Q. Were you able to do that?

14 A. Yes, sir, I was.

15 Q. Was there somebody available at 31  
16 Miracle Road?

17 A. Yes, sir.

18 Q. Through that, were you able to determine  
19 who the resident or occupant of 29 1/2 Miracle  
20 Road was?

21 A. Yes, I did.

22 Q. What was that?

23 A. Mr. Tommie Queen.

24 Q. Are you familiar with Mr. Queen and do  
25 you see Mr. Queen in the courtroom today?

26 A. Yes, sir, I do.

27 Q. Can you identify what he is wearing  
28 today?

29 A. Gray suit and gray T-shirt.

1 MR. COTTON: Your Honor, I would ask  
2 that the record reflect that Mr. McGinty  
3 identified Tommie queen as the Defendant?

4 THE COURT: Let the record so reflect.

5 Q. At the point that you were able to  
6 identify the neighbor at 31 Miracle Road, who  
7 occupied the residence, what did you do next?

8 A. I left the scene and went to the  
9 sheriff's office to do my initial report.

10 Q. What if anything did you do while you  
11 were preparing the report? Were you able to  
12 prepare your report or did you have to stop  
13 preparing your report?

14 A. During the process of preparing my  
15 report, I was contacted by Deputy Karabelen,  
16 Stephen Karabelen.

17 Q. That was in reference to what?

18 A. Female subject trying to come onto the  
19 property at 29 1/2 Miracle Road.

20 Q. What, if anything, did you do after you  
21 received that report from Deputy Karabelen.

22 A. I went back to 29 1/2 Miracle Road to  
23 identify.

24 Q. Were you able to do so?

25 A. Yes, I was.

26 Q. Who were you able to identify as the  
27 individual at 29 1/2 Miracle Road?

28 A. Tasia Martin.

29 Q. Was she able to produce identification

1 to you?

2 A. Yes, sir, she was.

3 Q. Were you able to determine why she was  
4 attempting to enter the property?

5 A. To retrieve some property and to take  
6 care of the animals.

7 Q. Through her, were you able to determine  
8 who the property belonged to?

9 A. Yes, sir, I did.

10 Q. Who was that?

11 A. Tommie Queen.

12 Q. Additionally, were you able to determine  
13 what the relationship between Mr. Queen and Ms.  
14 Martin was?

15 A. Yes, sir, boyfriend and girlfriend.

16 Q. After that, what did you do next?

17 A. Returned back to the building to finish  
18 my report.

19 Q. Did that pretty much conclude your  
20 duties.

21 A. Yes, sir.

22 MR. COTTON: Court's indulgence.

23 Q. Deputy McGinty, you testified you had  
24 observed some dogs at the rear of the residence;  
25 is that correct?

26 A. Yes, sir, it is.

27 Q. I believe you said they were tied up?

28 A. Yes, sir.

29 Q. Were they tied up or on chains? How

1 were they tied up?

2 A. They was chained up with pretty large  
3 chains; they was short chains.

4 Q. Did you encounter any of the dogs trying  
5 to fight each other.

6 A. Yes, sir, there was two dogs that was  
7 chained together. They was chained with  
8 approximately a four-foot chain and there probably  
9 was maybe a foot or a foot and a half chain that  
10 chained them two dogs to the four-foot chain.  
11 There was multiple dogs fighting the whole time we  
12 was out there.

13 MR. COTTON: Judge, I will tender the  
14 witness.

15 THE COURT: Mr. Stevenson,  
16 cross-examination?

17 CROSS-EXAMINATION BY MR. STEVENSON:

18 Q. Officer, I just have a few questions for  
19 you. As I appreciate it, when you arrived, there  
20 was no person present at the residence; is that  
21 correct?

22 A. Yes, sir.

23 Q. You stated that you saw some dogs tied  
24 up? Is that correct?

25 A. Yes, sir.

26 Q. You also saw some loose dogs?

27 A. Yes, sir.

28 Q. It's not your testimony that at any  
29 point any dog was trying to attack you, is it?



1           A.     The dogs kept coming at us; the ones  
2 that was off the chain, but we was aware of our  
3 surroundings; that is the reason we took  
4 precaution to the dogs that was loose.

5           Q.     You prepared this report the same day  
6 this occurred; correct?

7           A.     Yes, sir.

8           Q.     Your recollection would have been much  
9 better when you prepared the report than today;  
10 isn't that correct?

11          A.     Yes.

12          Q.     The purpose of the report is to document  
13 what happened so you will have a complete and  
14 accurate report when you have to come to court; is  
15 that not court?

16          A.     Yes, yes.

17          Q.     I will pass you this pen.  If I may  
18 approach, I want you to show me in the report that  
19 you prepared that night, where does it say the  
20 dogs came at you?

21          A.     That is not in the report.

22          Q.     First time we hear about the dogs coming  
23 at you is today in court?  Isn't that correct?

24          A.     Yes, sir.

25                 MR. HARPER:  He has not -- if he wants  
26 to explain his answer.

27          A.     The dogs -- like I said, we were aware  
28 of our surroundings so we made sure that we kept  
29 our eyes on the dogs that was loose.  No dogs

1        tried to attack us, but the dogs did come up to  
2        us.

3            Q.     Again, that is not in your report, is  
4        it?

5            A.     No, sir, it's not.

6            Q.     You testified about -- I do not want to  
7        misquote anything. As I appreciate your  
8        testimony, you testified about a one-foot chain  
9        separating the dogs and a four-foot chain; is that  
10       correct?

11          A.     Yes, sir.

12          Q.     Where in that report does it mention a  
13        one-foot chain.

14          A.     I said approximately.

15          Q.     Where in the report does it say anything  
16        about a one-foot chain approximately or anything  
17        close to what you testified to?

18          A.     Not the last sentence, but the second to  
19        the last sentence. It reads, There was two dogs  
20        that was chained up on the same chain side by  
21        side.

22          Q.     There is nothing about a one-foot chain,  
23        is it?

24          A.     No, sir, there is not.

25          Q.     You testified today about a one-foot  
26        chain?

27          A.     I said approximately.

28          Q.     Again, the first time we hear this  
29        approximate one-foot is today; is that not

1 correct?

2 A. Yes, sir.

3 Q. Your testimony was that you spoke with  
4 Ms. Tasia Martin, correct?

5 A. Yes.

6 Q. She answered your questions?

7 A. Yes, sir, she did.

8 Q. She cooperated, correct?

9 A. Yes, sir, she did.

10 Q. She told you that, I care for these  
11 dogs, correct?

12 A. Yes, sir.

13 Q. She didn't tell you it's not safe for me  
14 and my child to be around these dogs, did she?

15 A. I did not ask her that question; I did  
16 not ask her how she felt.

17 Q. You are doing the investigation?

18 A. At that time, it was turned over to CID.  
19 CID had already deemed the scene unsafe, and it  
20 was in their control. I went out there to  
21 identify Tasia Martin or the subject trying to  
22 come on the scene and further identify the owner  
23 of the residence and the dogs.

24 Q. I appreciate all of that. But your  
25 testimony is, even though it is not in your  
26 report, you testified that the dogs were coming  
27 after you or something along that nature, correct?

28 A. No, sir.

29 Q. You did not say that at any point?

1           A.     I said that the dogs -- we were aware of  
2 our surroundings due to multiple dogs being off  
3 the chain and we did take precaution as to them  
4 coming towards us, and there was a few times that  
5 we did have to shoo them off.

6           Q.     Ms. Martin didn't express any concern  
7 about being around those dogs, did she?

8           A.     No.

9           Q.     Did you speak to any person that was  
10 familiar with those dogs that said they did not  
11 feel safe or comfortable being around those dogs?

12          A.     No, sir, I didn't.

13          Q.     This was back in 2017?

14          A.     Yes, sir, it was.

15          Q.     In over two years we have not found any  
16 person that is uncomfortable being around those  
17 dogs, have we? Yes or no?

18          A.     I cannot say yes or no. I did not.

19          Q.     You are employed with the Adams County  
20 Sheriff's Department?

21          A.     Yes, sir, I am.

22          Q.     You are still employed with the Adams  
23 County Sheriff's Department?

24          A.     Yes, sir.

25          Q.     They are the law enforcement agency that  
26 has investigated this matter from November 6,  
27 2017, up until today?

28          A.     Yes, sir, I was the initial responding  
29 officer. I took the initial report; I did not

1 investigate it.

2 Q. The other officers who would have been  
3 investigating, those are your co-workers, correct?

4 A. Yes, they are.

5 Q. I imagine co-workers, they talk about  
6 cases, correct? Was it your testimony that you  
7 all as law enforcement officers do not discuss  
8 cases?

9 MR. HARPER: Your Honor, I am going to  
10 object. Is he supposed to interview all the other  
11 officers in the place? He has answered the  
12 question; he does not know.

13 THE COURT: He did not answer the  
14 question. Officer McGinty, you will have to  
15 answer Mr. Stevenson's question about whether or  
16 not officers discuss cases that are being  
17 investigated.

18 A. Some cases that is directly tied in with  
19 the officers is discussed. I was in a criminal  
20 patrol division at the time. I was a patrol  
21 officer; we respond; we take the initial report  
22 and then it is turned over to CID for further  
23 investigation. And there is cases that is not  
24 discussed after that point. And after the point  
25 of the processing of that scene and these dogs, it  
26 was not discussed with me after that time.

27 Q. Even though you are here today in court  
28 testifying about these dogs and that scene,  
29 correct?

1 MR. HARPER: Object. He is testifying  
2 about his part of it. It is ridiculous to ask him  
3 a question like that, and I object.

4 THE COURT: Mr. Stevenson, the witness  
5 has answered the question.

6 MR. STEVENSON: Court's indulgence. I  
7 will move on.

8 MR. STEVENSON:

9 Q. You testified in your report that you  
10 saw dogs --

11 A. Yes, I did.

12 Q. In your report you also said there were  
13 buckets with water for the dogs, correct?

14 A. Yes.

15 Q. You also testified you spoke to a person  
16 who lived near 29 1/2 Miracle Road that told you  
17 about who lived there?

18 A. Yes, sir.

19 MR. STEVENSON: Court's indulgence. We  
20 tender this witness.

21 REDIRECT EXAMINATION BY MR. COTTON:

22 Q. Officer McGinty, I believe Mr. Stevenson  
23 showed you a copy of your report; is that correct?

24 A. Yes, sir, it is.

25 Q. At the top of that report, it says  
26 narrative; does it not?

27 A. Yes, sir, it does.

28 Q. As a narrative, is that not a general  
29 statement of what took place?

1           A.     Yes, sir.

2           Q.     It's not in and of itself -- does not  
3 necessarily mean a report --

4           MR. STEVENSON:   Object, leading.

5           THE COURT:   Mr. Cotton, don't lead the  
6 witness.

7           Q.     Does it or does it not reflect the  
8 procedure or the entire events that took place on  
9 that particular night?

10          A.     In the narrative sometimes stuff that is  
11 seen not to be pertinent to the case is left out.

12          Q.     Were you under oath when you wrote this  
13 narrative?

14          A.     Yes.

15          Q.     You are under oath today?

16          A.     Yes, sir, I am.

17          Q.     What you are testifying to today in  
18 front of this jury, you are saying is the truth,  
19 right?

20          A.     Yes, sir.

21          MR. COTTON:   That is all I have, Judge.

22          THE COURT:   Thank you.  You may step  
23 down.  Mr. Cotton, may this witness be excused?

24          MR. COTTON:   Judge, we better reserve  
25 him just in case we have to recall him.

26          THE COURT:   Call your next witnesses.

27          STEVEN KARABELEN, CALLED AS A WITNESS AND HAVING  
28 BEEN FIRST DULY SWORN, TESTIFIED AS FOLLOWS)

29          DIRECT EXAMINATION BY MR. HARPER:

1 Q. State your name, please, sir.

2 A. Stephen Karabelen.

3 Q. Officer Karabelen, with whom are you  
4 employed?

5 A. Adams County Sheriff's Office.

6 Q. In what capacity are you employed with  
7 the Sheriff's Department?

8 A. Criminal patrol deputy.

9 Q. How long have you been working in that  
10 capacity?

11 A. Two years.

12 Q. Back in November of 2017, you were  
13 working in that capacity at that time?

14 A. Yes, sir.

15 Q. In fact on November 7 -- late hours of  
16 the 6th or early hours of the 7th, did you have  
17 occasion to be called to the scene at 29 1/2  
18 Miracle Road here in Adams County?

19 A. Yes, sir.

20 Q. Tell us about that. Where were you when  
21 you got the call and what you did once you  
22 received that call.

23 A. I was at the house asleep in bed, and I  
24 was called to go to 29 1/2 Miracle Road.

25 Q. Who if anyone was at that location when  
26 you got there?

27 A. Deputy McGinty.

28 Q. What instructions were you given as to  
29 what duties they wanted you to perform at that



1 location?

2 A. They wanted me to maintain the integrity  
3 of a crime scene until daylight.

4 Q. You were going to be left there by  
5 yourself to do that?

6 A. Yes, sir.

7 Q. By maintaining the integrity of the  
8 crime scene, what would that mean that you were to  
9 do?

10 A. I was to make sure that nobody entered  
11 or exited the crime scene.

12 Q. This location, Miracle Road, I am not  
13 that familiar with it. Where is that? That is  
14 here in Adam's County?

15 A. Adam's County.

16 Q. Out off 84?

17 A. Old 84.

18 Q. Is it a dead-end street?

19 A. Yes, sir.

20 Q. This 29 1/2 Miracle Road, where is it in  
21 relation to on the road?

22 A. At the dead-end on the cul-de-sac.

23 Q. You don't go past it. If you are at the  
24 end, you are at the place?

25 A. Yes, sir.

26 Q. Did anybody try to enter the property  
27 while you were there that night?

28 A. Yes, sir.

29 Q. How long were you supposed to stay

1       there?

2           A.     Until daylight.

3           Q.     You said some one did come. Do you  
4 recall about what time that was?

5           A.     It was approximately 3 o'clock.

6           Q.     In the morning?

7           A.     In the morning.

8           Q.     Tell us about that. What happened when  
9 this incident occurred, when somebody tried to  
10 come in there.

11          A.     I noticed a vehicle coming down Miracle  
12 Road. When the vehicle spotted my unit, they  
13 pulled into 29 1/2 Miracle Road and then backed  
14 out. I got out of my unit and flagged the vehicle  
15 down with my flashlight. They stopped and I made  
16 contact with the driver.

17          Q.     How many people, if any, were in the  
18 car?

19          A.     One.

20          Q.     Would you describe this person?

21          A.     Black female.

22          Q.     Were you able to identify who that  
23 person was?

24          A.     I was.

25          Q.     By talking to her?

26          A.     Yes, sir.

27          Q.     Did she give you any explanation about  
28 what she was doing there?

29          A.     Yes, sir, she did.

1 Q. What explanation did she give you?

2 A. She said she was there to feed the dogs.

3 Q. What if anything did you do -- did she  
4 say anything else besides that?

5 A. That is it.

6 Q. That is all you asked her as to what she  
7 was doing there?

8 A. Yes, sir.

9 Q. What did you do as a result of her  
10 showing up and having the conversation with her?

11 A. Before I made contact with her, I read  
12 her the Miranda rights and advised her.

13 Q. After you talked to her, what if  
14 anything did you do at that point?

15 A. I told her there were some officers that  
16 would like to speak with her.

17 Q. How were you aware of that?

18 A. Because I was told to -- if anybody  
19 showed up there to make contact with them.

20 Q. Did you make contact with anyone?

21 A. I did.

22 Q. Who did you make contact with?

23 A. Deputy McGinty.

24 Q. Did anyone come out there after you made  
25 contact with him?

26 A. Yes, sir.

27 Q. Who came out there?

28 A. Deputy McGinty.

29 Q. What if anything happened once he

1 arrived?

2 A. He talked about Ms. Tasia Martin.

3 Q. Were you present for that conversation?

4 A. I was -- I was not there during the  
5 conversation. I was there, but I was not --.

6 Q. You were not right there with them --

7 A. Right.

8 Q. So you were not privy to the  
9 conversation?

10 A. Right.

11 Q. After their conversation, what happened  
12 then?

13 A. She left.

14 Q. What about Officer McGinty?

15 A. He left.

16 Q. You were there until daylight?

17 A. Yes.

18 Q. Anyone else come after that?

19 A. Yes -- no. To relieve me.

20 Q. Another officer came later?

21 A. Yes, sir.

22 Q. Who was that; do you remember?

23 A. Captain Frank Smith.

24 Q. Do you remember what time he got there?

25 A. Approximately around 5:00 or 6:00.

26 MR. HARPER: Court's indulgence. We  
27 tender this witness at this time.

28 THE COURT: Mr. Stevenson,  
29 cross-examination.

1 CROSS-EXAMINATION BY MR. STEVENSON:

2 Q. As I appreciate, your job was to make  
3 sure no person entered or exited the property; is  
4 that correct?

5 A. Yes, sir.

6 Q. I want to make sure. At some point you  
7 did encounter Ms. Martin, correct?

8 A. Yes.

9 Q. Ms. Martin told you that essentially her  
10 fiance lived there?

11 A. Right.

12 Q. She told you that she would sometimes  
13 take care of the animals; is that not correct?

14 A. Correct.

15 Q. Did she say where he was when she was  
16 taking care of the animals?

17 A. Yes.

18 Q. Where?

19 A. Out of town.

20 Q. Did she tell you that night that he was  
21 working in New Orleans, I believe.

22 A. Uh-huh. (Affirmative).

23 Q. She told you that he would go out of  
24 town to work and that she would take care of the  
25 animals; is that correct?

26 A. Correct.

27 Q. And at some point you read her the  
28 Miranda Rights?

29 A. Yes.

1 Q. She did not say, Stop and call my  
2 attorney?

3 A. No, she cooperated.

4 Q. Did I appreciate you to say that she  
5 actually went to the station to talk to law  
6 enforcement officers?

7 A. No, she stayed.

8 Q. She stayed and they came out to her?

9 A. Yes.

10 Q. She waited until they arrived?

11 A. Yes.

12 Q. She answered their questions; is that  
13 correct?

14 A. Yes, sir.

15 Q. Then she was allowed to leave, correct?

16 A. Yes, sir.

17 Q. As you sit here today, as part of this  
18 investigation of this case, you have never talked  
19 to Tommie Queen?

20 A. No.

21 Q. So you really don't have any information  
22 about Tommie Queen, do you?

23 A. No, sir.

24 THE COURT: Redirect, Mr. Harper?

25 MR. HARPER: Just a couple of questions.

26 REDIRECT EXAMINATION BY MR. HARPER:

27 Q. When she got there, did she stop and get  
28 of the car and go walking back there to feed the  
29 dogs?

1           A.     No, sir.

2           Q.     What did she do?

3           A.     She tried to leave.

4           Q.     When she saw you there, she tried to  
5 leave?

6           A.     Yes, sir.

7           MR. HARPER:   That is all I have, Your  
8 Honor.

9           THE COURT:   You may step down.   You may  
10 call your next witness.

11          MR. COTTON:   Judge, may I have just a  
12 moment.

13          THE COURT:   Is the next witness going to  
14 be fairly short?

15          MR. HARPER:   Lengthy.   I am hoping we  
16 can finish with this witness today.

17          THE COURT:   I think what we are going to  
18 do is take about a ten-minute break.   We have been  
19 going about an hour so let's take about a  
20 ten-minute break while Mr. Cotton gets his  
21 witnesses together.

22          (Brief Recess Taken)

23          (THE FOLLOWING PROCEEDINGS WERE HELD IN THE  
24 PRESENCE AND HEARING OF THE JURY)

25          THE COURT:   Mr. Harper, call your next  
26 witness.

27          MR. HARPER:   We call Officer Dunn with  
28 the Adams County Sheriff's Department.

29          CARLA DUNN, CALLED AS A WITNESS AND HAVING BEEN

1 FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

2 MR. HARPER: May I proceed, Your Honor.

3 THE COURT: You may.

4 DIRECT EXAMINATION BY MR. HARPER:

5 Q. Would you state your name for the  
6 record, please, ma'am.

7 A. Carla Dunn.

8 Q. Officer, with whom are you employed?

9 A. Adams County Sheriff's Office.

10 Q. In what capacity are you employed with  
11 the Sheriff's Department?

12 A. I work with the criminal investigation  
13 division.

14 Q. Do you have any duties concerning  
15 evidence?

16 A. I am the evidence technician.

17 Q. How long have you served in that  
18 capacity?

19 A. About a year and a half; I am sorry, 2  
20 1/2 years.

21 Q. You were obviously working in that  
22 capacity back on November 6, '17?

23 A. Yes.

24 Q. And thereafter?

25 A. Yes.

26 Q. Did you have occasion, as the evidence  
27 technician and investigator, to be called to a  
28 scene at 29 1/2 Miracle Road here in Adams County?

29 A. Yes.



1 Q. Tell us how you came to be called, when  
2 it was and how you ended up getting out there?

3 A. November 6th I was called out by Chief  
4 Jerry Brown, who was then Major. Chief called me  
5 out to a possible dog fighting scene that night.  
6 When he found it deemed unsafe, he called me and  
7 said --

8 MR. STEVENSON: I will object, hearsay.

9 THE COURT: Sustained.

10 MR. HARPER: You cannot testify as to  
11 what anybody told you.

12 Q. But he called you because he wanted you  
13 to come out to that scene?

14 A. Yes, that's correct.

15 Q. What happened when you got there?

16 A. When we got out there, there was  
17 multiple dogs in the front area of the house.

18 Q. When you say multiple dogs, there were a  
19 lot of dogs out there?

20 A. They were a few dogs in the front of the  
21 house and to the side of the house.

22 Q. When you say they were out there, just  
23 describe what you saw.

24 A. There was injured animals to the side of  
25 the house and running loose. They were not  
26 chained or in any kennels; and they were badly  
27 injured.

28 Q. There were other dogs too?

29 A. Yes.

1 Q. Where were they?

2 A. We could not see them because it was  
3 dark.

4 Q. At that time, you saw several dogs?

5 A. Yes.

6 Q. What did y'all do at that point?

7 A. We backed away from the scene and we  
8 secured the location until we could get a search  
9 warrant.

10 Q. Pretty dark that night?

11 A. Yes.

12 Q. What did you do at that point?

13 A. At that point, I left the scene.

14 Q. When if at any time did you return to  
15 the scene.

16 A. The next morning.

17 Q. Tell us what happened when you got there  
18 the next morning?

19 A. Chief Jerry Brown called me back out the  
20 next morning to photograph the scene, document the  
21 scene and collect evidence.

22 Q. Had a warrant been obtained at that  
23 point in time?

24 A. That is correct.

25 Q. You went to this area where you had seen  
26 dogs the night before?

27 A. That's correct.

28 Q. Tell us what you did at that area. Is  
29 that where you went first?

1           A.    Yes, that's correct.

2           Q.    What did you do there?

3           A.    As evidence technician, I photographed  
4 the scene, I collected evidence and just a general  
5 layout of the area.

6           Q.    When you say collect evidence, tell the  
7 jury what you are talking about when you are  
8 collecting evidence.

9           A.    Any evidence that would pertain to the  
10 particular crime at the scene.

11          Q.    In this particular case, what kind of  
12 evidence were you talking about?

13          A.    Dog chains. Also on the scene was Chief  
14 of Police of Wiggins, Matt Barnerr, who also helped  
15 us to determine what might be possible evidence in  
16 this type of crime. He helped us determine --  
17 bite sticks were used. So we would collect bite  
18 sticks. Any medications that might be possibly  
19 used in dog fighting.

20          Q.    This area where these dogs were that you  
21 saw on the night on the 6th, was there medicine or  
22 anything like that out there?

23          A.    Yes.

24          Q.    You collected that?

25          A.    Correct.

26          Q.    What else did you do?

27          A.    We collected medicine from inside the  
28 residence and outside of the residence; we  
29 collected --

1 Q. When you say medicine, describe what you  
2 are talking about. Was it just medicine or were  
3 there other items that you got?

4 A. We collected IV bags of saline; we  
5 collected medicine bottles that had no labels on  
6 them so we were not able to determine what type of  
7 medications they were. Bite sticks, multiple  
8 chains, heavy logging chains.

9 Q. What type of vitamin materials?

10 A. Multiple vials of vitamins.

11 Q. Would it be safe to say that was a lot  
12 of stuff out there in and outside of the house?

13 A. Yes, that is correct.

14 Q. So y'all did go into the house. I  
15 believe it is a trailer, is it not?

16 A. That's correct.

17 Q. What part of the house, if any, did you  
18 find items in that you collected?

19 A. There is a spare bedroom when you go  
20 down the hall to the right.

21 Q. When you say spare bedroom, was there a  
22 bed in it?

23 A. Not that I recall.

24 Q. What was in there?

25 A. It was a treadmill that the chief of  
26 police said that is possibly --

27 MR. STEVENSON: I object.

28 MR. HARPER: You cannot testify about  
29 what he said.

1 Q. But you seized the treadmill?

2 A. Yeah.

3 Q. What other items were out there?

4 A. We found a large box that was filled  
5 with postage from a dog company that had dog bite  
6 sticks in it. It had collars and other items that  
7 were possibly used with medications and the IV  
8 bags inside that box.

9 Q. You say postal -- like a package?

10 A. United States Postal box.

11 Q. Who was it addressed to?

12 A. Tommie Queen.

13 Q. Was it opened?

14 A. Yes, it was.

15 Q. But the items were still in it?

16 A. Yes, sir.

17 Q. This room, you said it was a spare  
18 bedroom. Was it used as a bedroom or did it  
19 appear to be used --

20 A. It did not appear -- it had a bunch of  
21 items in it that appeared not to be used as a  
22 bedroom.

23 Q. What other parts of the house did you  
24 find stuff in?

25 A. We found some what appeared to be muscle  
26 milk and other muscle building items in the  
27 kitchen area.

28 Q. You ceased all of that?

29 A. Yes.

1           Q.    You got some stuff outside.  Where was  
2 it outside?

3           A.    We found some items in an empty deep  
4 freezer chest in the same area where the dogs  
5 were.

6           Q.    The ones you had seen on the 6th?

7           A.    Yes, the morning of the 7th.

8           Q.    That was my next question.  On the  
9 morning of the 7th, you mentioned you did not go  
10 behind the house.  Did you go back there on the  
11 7th?

12          A.    That is correct.

13          Q.    What did you find back there?  More  
14 dogs?

15          A.    More dogs.

16          Q.    Numerous dogs?

17          A.    Numerous.

18          Q.    What was the condition -- how did you  
19 find them?

20          A.    The dogs were in a circular pattern and  
21 they were tied to heavy logging chains; some were  
22 on large posts, large heavy posts that were nailed  
23 to the ground.  Dogs were tied where they could  
24 not touch each other, but they were very close to  
25 each other and one small dog would be close to a  
26 large dog.

27          Q.    You said circular?

28          A.    In circular patterns, yes, sir.

29          Q.    With one dog going around him in a

1 circle or more than one dog?

2 A. Yes, multiple dogs and you have a small  
3 dog in the middle.

4 Q. Was that one circle like that or were  
5 they numerous?

6 A. Numerous.

7 Q. You said you did find some items out  
8 there that you collected?

9 A. We collected all of the chains that were  
10 tied to all of the dogs.

11 Q. You mentioned a freezer?

12 A. There was a deep freezer that had a pill  
13 vial, a pill bottle and a bottle of K-9 Red; we  
14 did not know exactly what it was used for, so we  
15 collected and sent it out.

16 Q. Lot of stuff out there?

17 A. Yes.

18 Q. You see all these packages. That is not  
19 all you collected?

20 A. No, that is not.

21 Q. So what if anything did you do after you  
22 collected these items? Did you have an occasion  
23 or did you not have occasion to do any kind of  
24 photographing?

25 A. Yes. We photographed the entire scene;  
26 we photographed each dog individually and the  
27 scene collectively.

28 Q. You mentioned some dogs that had  
29 injuries that you observed the night before?

1 A. Yes.

2 Q. Did you see them again on the 7th?

3 A. Yes.

4 Q. I know you are not a doctor, but did the  
5 injuries appear to be serious?

6 A. Yes.

7 Q. About nine of them?

8 A. The first night -- I don't recall the  
9 exact number but it was --

10 Q. Several. What if anything did y'all do  
11 in regard to those dogs?

12 A. Dr. Savant was called.

13 Q. Did he come out there that day?

14 A. The first night he was not called out to  
15 the scene, but the worse dogs were taken to him to  
16 be seen.

17 Q. Serious injuries?

18 A. Yes.

19 Q. Do you remember how many there were that  
20 night?

21 A. I think it was approximately five or  
22 six.

23 Q. Did you ever see those dogs again?

24 A. I did when they were being shipped by  
25 ASPCA.

26 Q. Do you know what happened to them before  
27 you saw them being shipped?

28 A. To my knowledge, Dr. Savant euthanized  
29 them.



1 Q. You mentioned that was on the first day.  
2 Did he ever come to the scene?

3 A. The following day.

4 Q. What happened when he came to the scene  
5 on the 8th?

6 A. He documented and did a thorough check  
7 of each dog.

8 Q. To your knowledge did he euthanize  
9 anymore dogs on that day?

10 A. He did.

11 Q. Others with serious injuries?

12 A. That is correct.

13 Q. Again, you don't know how many that was?

14 A. I don't know the exact number.

15 Q. What were you doing after you documented  
16 or collected all of the evidence? I assume you  
17 did that as quickly as you could?

18 A. I did.

19 Q. What did you finish collecting evidence  
20 from out there?

21 A. I believe it was the 9th.

22 Q. You were still doing that on the 7th and  
23 the 8th?

24 A. Yes.

25 Q. What about the photographs? When did  
26 you take those?

27 A. The entire week.

28 Q. So you were taking photographs the whole  
29 time?

1           A.     That is correct.

2           Q.     After you finished with the photographs  
3 -- I believe you said you were out there at least  
4 until the 9th collecting evidence.  What did you  
5 do with all that evidence?

6           A.     I secured it in the evidence vault.

7           Q.     Tell the jury what you do when you talk  
8 about securing evidence.  How do you go about  
9 securing evidence?

10          A.     When we collect evidence, we fill out  
11 the evidence bag on the scene; we secure it with  
12 evidence tape and then it is initialed and dated  
13 on the tape so that we know that I took the  
14 evidence.  I sealed it; I bagged it; I sealed the  
15 tape itself and then I take the evidence, all of  
16 the evidence myself, I lock it in a secure locker  
17 at the Sheriff's Office, and I am the only one  
18 with a key to that locker until it is taken to the  
19 crime lab or brought to court.

20          Q.     You did that with this particular  
21 evidence?

22          A.     That's correct.

23          Q.     To your recollection, was any of it sent  
24 to the crime lab?

25          A.     Some of the drugs were sent to the crime  
26 lab, but they never completed those tests.

27          Q.     Did you ever receive those back?

28          A.     I picked them up for court, yes.

29          Q.     Did you secure them back in your locker?

1 A. I did.

2 Q. What did you do with them yesterday?

3 A. I brought them here.

4 Q. To my office?

5 A. I did.

6 Q. You mentioned that you bag them. I  
7 notice there are chains in the courtroom. Did you  
8 bag the chains up?

9 A. I did not.

10 Q. It is kind of hard to do that?

11 A. That's correct.

12 Q. I noticed that you have some of them in  
13 a bucket, and I am hoping we will have another  
14 bucket so we can put the rest of them in the other  
15 bucket. We are supposed to be getting some.

16 MR. HARPER: Your Honor, if it please  
17 the Court, may I ask if she can step down.

18 THE COURT: Yes, she can step down.

19 Q. Can you look at this and these other  
20 items here. Can you tell me whether you can  
21 identify these items?

22 A. These items were used to chain the dogs  
23 that were found at 29 1/2 Miracle.

24 Q. These are items that you collected?

25 A. That's correct.

26 Q. What would you describe that as being?

27 A. That is one of the collars that was cut  
28 off the dog.

29 Q. Let me ask you, do those fairly and

1 accurately represent what you saw out there and  
2 what you collected on November 6, 7, 8 and 9th of  
3 2017?

4 A. Yes, sir.

5 MR. HARPER: Your Honor, I am going to  
6 move to introduce that but I am hoping to have  
7 something to put it in so we can mark it properly.  
8 I actually have two of the -- and I would like to  
9 move -- move to introduce each one of them  
10 separately but cumulatively. Does that make  
11 sense?

12 THE COURT: That does not make any  
13 sense.

14 MR. HARPER: I want to do two exhibits,  
15 two buckets, but each one of them will be  
16 cumulative because there is more than one chain.

17 THE COURT: Are they basically just  
18 chains and collars that was cut off the dog?

19 MR. HARPER: Chains and collars and  
20 there is a pen.

21 THE COURT: Is there more than one  
22 collar, Mr. Harper?

23 MR. HARPER: I know two, and I don't  
24 know what is in this one.

25 I won't ask to have these published to  
26 the jury at this time.

27 THE COURT: I would move at this time to  
28 have each one of these buckets marked and move to  
29 introduce the milk carton, both chains and

1 collars.

2 Any objection, Mr. Stevenson?

3 MR. STEVENSON: No, ma'am. No  
4 objection.

5 THE COURT: The bucket with the chains  
6 will be marked as Exhibit 1. Milk carton with  
7 chains will be labeled Exhibit 2. Let the record  
8 reflect that in addition to chains, they contain  
9 collars and a collar with a lock.

10 Normally, Ladies and Gentlemen -- Mr.  
11 Harper said that he would not publish it to the  
12 jury -- what publishing it to the jury means is  
13 that there is a piece of physical evidence that is  
14 admitted like a document. You don't ask during  
15 the course of the trial to publish it to the jury,  
16 which means it would be passed around to each of  
17 you so you can look at it closely.

18 (State's Exhibit 1 - Marked into Evidence)

19 (State's Exhibit 2 - Marked into Evidence)

20  
21 THE COURT: You may proceed, Mr. Harper.

22 MR. HARPER:

23 Q. Let me ask a question about what has now  
24 been marked as State's Exhibits 1 and 2. These  
25 chains, I believe you testified, were on some of  
26 the dogs that were out there?

27 A. Yes.

28 Q. Is that all the chains that were out  
29 there?

1 A. No, sir.

2 Q. There were numerous others?

3 A. Yes, sir.

4 Q. These are just representative of those?

5 A. Yes.

6 Q. You indicated that you did take some  
7 photographs. Can you identify this, please,  
8 ma'am.

9 A. That is one of the posts that was  
10 hammered into the ground and one of the chain was  
11 hooked to it and the dog was attached to the  
12 chain.

13 MR. HARPER: Your Honor, we move to  
14 introduce this at this time.

15 THE COURT: Any objection, Mr.  
16 Stevenson?

17 MR. STEVENSON: No, ma'am.

18 THE COURT: The posts will be marked as  
19 Exhibit 3.

20 (State's Exhibit 3, marked into evidence)

21 BY MR. HARPER:

22 Q. You indicated you took numerous  
23 photographs out there.

24 A. That's correct.

25 MR. HARPER: May I approach the  
26 witnesses?

27 THE COURT: You may.

28 Q. I will hand you an item and ask if you  
29 can identify this.

1 A. Yes, those are bite sticks found.

2 Q. Do those fairly and accurately represent  
3 what you found on the scene that night?

4 A. Yes, sir.

5 Q. Where were these bite sticks if you can  
6 recall?

7 A. Those were found inside the U.S.  
8 mailbox.

9 Q. The postal box?

10 A. Yes, sir.

11 MR. HARPER: Your Honor, we move at this  
12 time to introduce this photograph into evidence.

13 THE COURT: Any objection?

14 MR. STEVENSON: No objection.

15 (State's Exhibit 4, marked into evidence)

16 MR. HARPER:

17 Q. I will hand you another photograph and  
18 ask you to identify what is in that picture,  
19 please, ma'am.

20 A. That picture is a picture of the dog  
21 that we took and it is labeled as number three.  
22 Is that in fact one of the dogs that Dr. Savant  
23 euthanized.

24 A. I believe so, yes, sir.

25 MR. HARPER: Your Honor, we move at this  
26 time to introduce this photograph into evidence.

27 MR. STEVENSON: If I heard the witness  
28 correctly, I believe she said, I believe so and  
29 that somewhat concerns me because that would be

1 speculation unless she can testify with certainty.

2 THE COURT: Would you repeat your  
3 answer.

4 THE WITNESS: I said, I believe so, yes.

5 MR. STEVENSON: I am raising an  
6 objection.

7 THE COURT: What is the basis for your  
8 objection?

9 MR. STEVENSON: Speculation. Her  
10 testimony, "I believe so," is speculation.

11 THE COURT: The Court will sustain the  
12 objection and strike.

13 THE COURT: I move to have it introduced  
14 for identification at this time, Your Honor.

15 THE COURT: The Court will move to  
16 strike her answer that she believed number three  
17 was euthanized. She has identified that as dog  
18 No. 3. Is there any objection, Mr. Stevenson, to  
19 the photo of dog No. 3? I will order that comment  
20 by her be stricken from the record.

21 MR. STEVENSON: The Court is going to  
22 strike her statement but admit the photo?

23 THE COURT: Yes, because she identified  
24 that as a dog on the scene.

25 MR. STEVENSON: If she identified, then  
26 I can't object, but she did not clearly identify  
27 that as dog No. 3.

28 THE COURT: She did identify that as dog  
29 No. 3. Can you speak up a little bit.



1 State's Exhibit No. 5 will be the photo  
2 of dog No. 3.

3 (State's Exhibit 5, Marked into Evidence)

4 THE COURT: The Court will order that  
5 her comment, "I believe so," be stricken from the  
6 record.

7 MR. HARPER: May I publish those two to  
8 the jury?

9 THE COURT: You may, Exhibits 4 and 5.

10 MR. HARPER:

11 Q. I will show you another photograph and  
12 tell me whether or not you can identify that?

13 A. That is a dog that I took a picture of  
14 that we labeled dog No. 5.

15 Q. You took that photograph?

16 A. I did.

17 Q. It fairly and accurately represents that  
18 dog as it appeared on the -- either the 7th, 8th  
19 or 9th of November 2017?

20 A. Yes.

21 Q. Do you know whether or not that was one  
22 of the dogs that was euthanized?

23 A. Yes.

24 THE COURT: You move to introduce that  
25 photograph.

26 MR. HARPER: Yes.

27 THE COURT: Any objection?

28 MR. STEVENSON: No objection to the  
29 photo. Your Honor, we would raise an objection to

1 her testifying as to which animals were euthanized  
2 unless she has some personal knowledge of same.

3 MR. HARPER: I do not know what that  
4 means. Does that mean she has to be there when it  
5 happened or she just knows they were euthanized?

6 MR. STEVENSON: It is hearsay.

7 MR. HARPER: I don't know. If you see a  
8 dead dog, you got to figure something happened to  
9 it.

10 MR. STEVENSON: She doesn't know how it  
11 died.

12 THE COURT: Ms. Dunn, can you explain  
13 how you know the dog was euthanized?

14 THE WITNESS: We transported those dogs  
15 to Dr. Savant's office. Those dogs were then  
16 transported to ASPCA for necropsy.

17 THE COURT: She transported the dogs to  
18 Dr. Savant's office; then they were transported by  
19 ASPCA for necropsy with ASPCA. So they were dead  
20 when you transported to ASPCA.

21 THE WITNESS: ASPCA then transported  
22 them, yes.

23 MR. STEVENSON: I am trying to be clear.  
24 Is she saying ASPC transported them?

25 THE WITNESS: They transported them from  
26 Natchez to the --

27 MR. STEVENSON: She is not with ASPC --  
28 MR. HARPER:

29 Q. Did they come to your office?

1 A. ASPCA did, yes.

2 Q. That is where they picked the dogs up?

3 A. Yes.

4 Q. And you saw them pick them up?

5 A. I did; I was with ASPCA when they picked  
6 them up.

7 THE COURT: She saw that the dogs were  
8 dead, Mr. Stevenson. What is your objection?

9 MR. STEVENSON: Your Honor, if she did  
10 not see them being euthanized, I don't see how --

11 MR. HARPER: I will quit asking if she  
12 knows whether they were euthanized or not.

13

14 THE COURT: Sustained.

15 MR. HARPER: May I proceed.

16 THE COURT: Dog No. 5 will be State's  
17 Exhibit No. 6.

18 (State's Exhibit No. 6, marked into evidence)

19 MR. HARPER: May I publish this  
20 photograph to the jury?

21 THE COURT: Yes.

22 MR. HARPER:

23 Q. I will hand you another photograph. Can  
24 you tell me if you can identify what is in that  
25 photograph?

26 A. This is a dog that I took a picture of  
27 and labeled dog No. 22.

28 Q. Does that fairly and accurately  
29 represent the condition of the dog when you were

1 out there that day?

2 A. Yes, sir.

3 MR. HARPER: Your Honor, we move to  
4 introduce this one.

5 THE COURT: Any objection?

6 MR. STEVENSON: No objection, Your  
7 Honor.

8 THE COURT: That will be marked as  
9 State's Exhibit No. 7.

10 (State's Exhibit 7, marked into evidence)

11 MR. HARPER: May I have an ongoing  
12 request to publish so I will not have to ask you  
13 that every time?

14 THE COURT: You may.

15 Q. I hand you another photograph and ask  
16 you if you can identify what is in that photograph  
17 for me, please, ma'am.

18 A. This is a picture I took of a dog that  
19 we labeled No. 25.

20 Q. Does that fairly and accurately  
21 represent the condition of that dog back in  
22 November of 2017?

23 A. Yes.

24 MR. HARPER: Move to introduce, Your  
25 Honor.

26 THE COURT: Any objection?

27 MR. STEVENSON: No objection.

28 THE COURT: That will be State's Exhibit  
29 No. 8.

1 (State's Exhibit 8, marked into evidence)

2 MR. HARPER:

3 Q. I will show you another photograph and  
4 ask you whether or not you can identify that,  
5 please, ma'am.

6 A. These were some powders, protein and  
7 testosterone boosters, some products that we found  
8 in the kitchen of the trailer.

9 Q. Did you collect those items?

10 A. We did.

11 Q. Does that fairly and accurately  
12 represent how you found them back in November  
13 2017?

14 A. Yes.

15 MR. HARPER: Move to introduce, Your  
16 Honor.

17 THE COURT: Any objection?

18 MR. STEVENSON: No, ma'am.

19 THE COURT: That will be marked as  
20 State's Exhibit No. 9.

21 (State's Exhibit 9, marked into evidence)

22 MR. HARPER:

23 Q. I hand you another photograph and ask  
24 you to identify what's in that photograph.

25 A. This is a dog that I took a picture of  
26 and labeled as dog 28.

27 Q. Back in November 2017?

28 A. Yes.

29 Q. Does that fairly and accurately

1 represent the way the dog appeared on that date?

2 A. Yes, sir.

3 MR. HARPER: Move to introduce.

4 THE COURT: Any objection?

5 MR. STEVENSON: No, ma'am.

6 THE COURT: State Exhibit No. 10.

7 (State's Exhibit 10, marked into evidence)

8 Q. Another photograph. Can you identify  
9 that for me, please, ma'am?

10 A. This is a picture of a dog that I took  
11 and we labeled as dog 31.

12 Q. Does that fairly and accurately  
13 represent the condition of that dog as you found  
14 him in November of 2017?

15 A. Yes, sir.

16 MR. HARPER: Move to introduce, Your  
17 Honor.

18 THE COURT: Any objection?

19 MR. STEVENSON: No objection, Your  
20 Honor.

21 THE COURT: That will be marked as  
22 State's No. 11.

23 (State's Exhibit 11, marked into evidence)

24 Q. Another photograph and I will ask you if  
25 you will identify that one.

26 A. This is a picture of a dog and we  
27 labeled this dog as dog No. 34.

28 Q. Is that dog in the same condition or  
29 does it appear to the same condition as it was

1 when you saw it back on November 6, 7, 8 or 9th of  
2 2017?

3 A. Yes, sir.

4 MR. HARPER: Move to introduce, Your  
5 Honor.

6 THE COURT: Objection?

7 MR. STEVENSON: No objection.

8 MR. HARPER:

9 Q. Another photograph. Can you tell me  
10 whether or not you can identify that photograph?

11 A. Yes, sir, this is a picture of a dog  
12 that I took. I don't know see the number on here.

13 Q. Do you recall taking a picture of that  
14 dog?

15 A. I do.

16 Q. Does that fairly and accurately  
17 represent the condition of the dog in  
18 November 2017?

19 A. Yes, sir.

20 Q. But you are not sure which one that is?

21 A. I do not --

22 MR. HARPER: We ask to have this one  
23 marked for identification, Your Honor.

24 THE COURT: Any objection to having the  
25 photograph marked for identification?

26 MR. STEVENSON: No, sir.

27 THE COURT: That will be marked for  
28 identification as ID/A.

29 (State's Exhibit ID/A, marked for identification

1 only)

2 MR. HARPER:

3 Q. I hand you another photograph and ask if  
4 you can identify that?

5 A. Yes, this is a picture of a dog that I  
6 took on the scene and we labeled it as dog No. 3.

7 Q. Does that fairly and accurately  
8 represent the condition of the dog on November 6,  
9 7, 8 and 9th of 2017?

10 A. Yes.

11 MR. HARPER: Move to introduce, Your  
12 Honor.

13 THE COURT: Any objection?

14 MR. STEVENSON: No, ma'am.

15 THE COURT: Will be marked as State's  
16 Exhibit No. 13.

17 (State's Exhibit 13, marked into evidence)

18 MR. HARPER:

19 Q. I show you another picture and ask you  
20 to identify what that picture is.

21 A. Yes, sir, this is a picture of a dog  
22 that was euthanized on the scene, dog No. 50.

23 Q. Does that fairly and accurately  
24 represent the condition of that dog when you took  
25 that photograph? Did you take the photograph?

26 A. I did take the photograph.

27 Q. Does it fairly and accurately represent  
28 the condition of that dog as you saw him that day?

29 A. Yes, sir.



1           Q.    I believe you said he had just been  
2 euthanized?

3           A.    Yes, sir.

4           MR. HARPER:  Move to introduce.

5           THE COURT:  Any objection, Mr.  
6 Stevenson?

7  
8           MR. STEVENSON:  No, Your Honor.

9           THE COURT:  That will be marked as  
10 State's Exhibit No. 14.

11          (State's Exhibit 14, marked into evidence)

12          THE COURT:  The court reporter needs  
13 some supplies.  Go to the jury room and we are  
14 going to take a five-minute break.

15          (JURY EXITS COURTROOM AND THE FOLLOWING  
16 PROCEEDINGS HELD OUTSIDE THE PRESENCE AND HEARING  
17 OF THE JURY)

18          (Exhibits 15 - 46, marked into evidence)

19          THE COURT:  I understand y'all have  
20 marked certain exhibits.

21          MR. HARPER:  Yes, ma'am.

22          THE COURT:  Did y'all agree they are to  
23 be admitted, or do you want to interpose an  
24 objection as to each exhibit or --

25          MR. STEVENSON:  As I expressed to the  
26 DA, I have no objection that she will testify  
27 these are the items that they recovered from the  
28 residence.

29          THE COURT:  Right.

1 MR. STEVENSON: Even though they are  
2 labeled, if she starts testifying as to what they  
3 are, because she is not an expert and we don't  
4 have any crime lab, I would object to that, but if  
5 she is testifying this is what was recovered, I  
6 cannot object to that.

7 THE COURT: I will look at you. If you  
8 have an objection, just jump up.

9 MR. STEVENSON: Yes.

10 THE COURT: Bring the jury out.

11 (JURY RETURNS TO COURTROOM AND THE FOLLOWING  
12 PROCEEDINGS WERE HELD IN THE PRESENCE AND HEARING  
13 OF THE JURY)

14 THE COURT: Ladies and Gentlemen, I  
15 apologize for that delay, but while you were back  
16 there, we were actually working to try to  
17 streamline this process. So there will be a total  
18 of maybe 45 or 46 exhibits and they have already  
19 been premarked so that will move things along a  
20 little quicker.

21 Mr. Harper, are you ready to proceed?

22 MR. HARPER: Yes, ma'am.

23 MR. HARPER:

24 Q. I will hand you a photograph that has  
25 been marked as State's Exhibit 15 and ask if you  
26 can identify that for me, please, ma'am.

27 A. This is a photograph of a bottle that  
28 was found in the empty deep freeze in the  
29 backyard.

1 Q. I know that you don't know what is in  
2 it, but what label if any does it have on it?

3 A. The label says K-9 red cell.

4 Q. I will hand you another photograph that  
5 has now been marked as State's Exhibit No. 16.  
6 Tell me whether or not you can identify that,  
7 please, ma'am.

8 A. This is what was inside the United  
9 States postal mailbox that was labeled Tommie  
10 Queen, and this is what was inside that.

11 Q. I believe you have described some of the  
12 items that were in there before?

13 A. Yes.

14 Q. That would be what?

15 A. Bite sticks, various rings and collars.

16 Q. Does that fairly and accurately  
17 represent what you found in the box that day?

18 A. Yes.

19 Q. Back in 2017?

20 A. Yes, sir.

21 Q. In fact, is that the box in the corner  
22 of the photograph?

23 A. That is the box.

24 Q. I hand you what has been marked as State  
25 Exhibit 17 and ask you to identify that.

26 A. This is a picture I took of the actual  
27 United States Postal Service box marked to Tommie  
28 Queen from the Bulldog Supply Company.

29 Q. Again, that is the box that you found at

1 the house, at the trailer on November 7th, 2017?

2 A. Yes, sir.

3 Q. I hand you now what has been marked as  
4 State's Exhibit 18. Tell me whether or not you  
5 can identify that, please, ma'am.

6 A. Yes, sir, one of the investigator, Kyle  
7 Held, from USPCA showed up. He actually found  
8 this inside the vehicle in the backyard and he  
9 pointed out this was a used bite stick.

10 MR. STEVENSON: Object.

11 Q. You can't say what he said. Did you see  
12 that?

13 A. Yes.

14 Q. Did you photograph it?

15 A. I did photograph this.

16 Q. Was it located in the vehicle when you  
17 photographed that.

18 A. Yes, and I collected it.

19 Q. It fairly and accurately represents what  
20 you say?

21 A. Yes, sir.

22 Q. I hand you State's Exhibit 19 and ask  
23 you if you can identify this photograph.

24 A. This is a photograph of dog No. 3.

25 Q. Did you take that photograph?

26 A. I did not.

27 Q. Were you present when that photograph  
28 was taken?

29 A. I was.

1 Q. Does that fairly and accurately  
2 represent the condition of that dog at the time  
3 you saw that taken back in November of 2017?

4 A. Yes, sir.

5 Q. I hand you another photograph, State's  
6 Exhibit 20, and ask if you can identify that,  
7 please.

8 A. This is a photograph of the deceased  
9 dog, No. 5.

10 Q. Again, did you take that?

11 A. I did not.

12 Q. Were you present when it was taken?

13 A. I was.

14 Q. Does it fairly and accurately represent  
15 the condition of that dog at the time the  
16 photograph was taken?

17 A. Yes, sir.

18 Q. I hand you what has been marked as  
19 State's 21 and ask you to identify that dog.

20 A. This is a photograph of deceased dog No.  
21 50.

22 Q. Again, did you take the photograph?

23 A. I did not.

24 Q. Were you present when it was taken?

25 A. I was.

26 Q. Does that fairly and accurately  
27 represent the condition of the dog at the time the  
28 photograph was taken back in November of 2017?

29 A. Yes, sir.

1 Q. I hand you Exhibit 22 and ask you if you  
2 can it identify that.

3 A. This is a photograph of the deceased dog  
4 marked No. 31.

5 Q. Did you take that photograph?

6 A. I did not.

7 Q. Were you present when it was taken?

8 A. I was.

9 Q. Does that fairly and accurately  
10 represent the condition of the dog at the time it  
11 was taken back in November of 2017?

12 A. Yes, sir.

13 Q. I hand you another photograph and ask  
14 you if you can identify that one, please.

15 A. This is a photograph of deceased dog No.  
16 32.

17 Q. Did you take that photograph?

18 A. I did not.

19 Q. Were you present when it was taken?

20 A. Yes, sir.

21 Q. Does that fairly and accurately  
22 represent the condition of the dog at the time  
23 that photograph was taken when you were present?

24 A. Yes, sir.

25 Q. I hand you what has been marked as  
26 State's Exhibit 24 and ask if you can identify  
27 that one.

28 A. This is a photograph of the deceased dog  
29 No. 25.

1 Q. Did you take that photograph?

2 A. I did not.

3 Q. Were you present?

4 A. I was.

5 Q. Does that fairly and accurately  
6 represent the condition of that dog at the time  
7 the photograph was taken?

8 A. Yes, sir.

9 Q. Back in November of 2017?

10 A. Yes, sir.

11 Q. I hand you what has been marked as  
12 State's Exhibit 25 and ask you if you can identify  
13 that one, please, ma'am.

14 A. Photograph of the deceased dog marked  
15 No. 34.

16 Q. Did you take that photograph?

17 A. I did not.

18 Q. Were you present when it was taken?

19 A. I was.

20 Q. Does that fairly and accurately  
21 represent the condition of that dog at the time  
22 the photograph was taken in November 2017?

23 A. Yes, sir.

24 Q. I hand you what has been marked as  
25 State's Exhibit 26 and ask you if you can identify  
26 that.

27 A. Photograph of deceased dog No. 28.

28 Q. Did you take that photograph?

29 A. I did not.

1 Q. Were you present when it was taken.

2 A. I was.

3 Q. Does it fairly and accurately represent  
4 the condition of the dog at the time it was taken?

5 A. Yes, sir.

6 Q. I hand you State's Exhibit 27 and ask  
7 you to identify that photograph, please.

8 A. This is a photograph of deceased dog No.  
9 22.

10 Q. Do you take that photograph?

11 A. I did not.

12 Q. Were you present when it was taken?

13 A. I was.

14 Q. Does that fairly and accurately  
15 represent the condition of that dog back in  
16 November 2017?

17 A. Yes, sir.

18 Q. I will hand you what has been marked as  
19 State's 28 and ask you to look at that and tell me  
20 whether or not you can identify that one.

21 A. That is a photograph of the box that was  
22 found in the spare bedroom of the trailer.

23 Q. Those contents were in that box at that  
24 time?

25 A. Yes, sir.

26 Q. Does that fairly and accurately  
27 represent what you found in that bedroom?

28 A. Yes, sir.

29 Q. I will hand you what has been marked as



1 State's Exhibit 29 and ask you -- tell me whether  
2 or not you can identify that photograph for me.

3 A. That is a photograph of the contents  
4 that is inside the box in the previous picture.

5 Q. Did you take that photograph?

6 A. I did.

7 Q. Tell us, what did you find in that box?

8 A. Inside the box were bags of IV fluid,  
9 various unmarked pill bottles --

10 Q. When you say unmarked pill bottles --  
11 were there pills in them?

12 A. There were pills --

13 Q. But no labels?

14 A. No labels.

15 Q. Various and different types of pills?

16 A. Yes. Several different scales, digital,  
17 manual scales, different injection medication,  
18 milk replacement, and night light - a head lamp  
19 night light.

20 Q. All of that was in that box?

21 A. It was.

22 Q. I hand you what has been marked as  
23 State's Exhibit 30 and tell me whether or not you  
24 can identify that.

25 A. This is another picture of the unmarked  
26 pill bottles inside that box.

27 Q. Does it depict the contents of those  
28 bottles?

29 A. It does.

1 Q. What are these right here on the front?

2 A. Those were also little small Tupperware  
3 containers with unmarked with -- they were  
4 unmarked with pills inside them.

5 Q. I am going to jump around with these  
6 numbers. I will hand you what has been marked as  
7 State's Exhibit 41 and tell me whether or not you  
8 can identify this item.

9 A. This is item 57, USPS box that was found  
10 in the spare -- the first bedroom on the right.

11 Q. Is that one in the same as you  
12 identified in the picture earlier?

13 A. Yes, sir.

14 Q. Are these items that were in the bag  
15 with --

16 A. Yes, sir.

17 Q. Who put them in that bag?

18 A. I did.

19 Q. How are you able to identify that?

20 A. It has my name on it.

21 Q. Did you package that?

22 A. Yes.

23 Q. You testified earlier about you named  
24 it?

25 A. That is correct.

26 Q. In a locked vault that you were the only  
27 one that had access to it?

28 A. Yes, sir.

29 Q. And you retrieved it and brought it to

1 us yesterday?

2 A. Yes, sir.

3 Q. I will ask if she can open that. Is  
4 that the box that you retrieved back in November  
5 of 2017?

6 A. Yes.

7 Q. Tell me who that is addressed to on UPS.

8 A. Tommie Queen.

9 Q. At what address?

10 A. The address is 135 Lewis Drive,  
11 Apartment 60, Natchez, Mississippi, 39120.

12 Q. So it wasn't addressed to the Miracle  
13 Road address?

14 A. No, sir.

15 Q. It was addressed to another address?

16 A. That is correct.

17 Q. Show us what is inside of that. What  
18 are those?

19 A. Those were identified as bite sticks.

20 Q. And those?

21 A. Those were also identified as bite  
22 sticks.

23 Q. Those were also in that bag?

24 A. They were.

25 (Witnesses pulls out contents of box).

26 Q. Is that all that was in the box?

27 A. That is it.

28 Q. If you will put those back in there and  
29 put it back in the bag, please, ma'am.

1 I will hand you what has been State's  
2 Exhibit 33 and ask you to identify that.

3 A. One bite stick that was found in the  
4 Ford Expedition in the dog yard.

5 Q. Is that one in the same as the one that  
6 you identified in the photograph earlier?

7 A. That's correct.

8 Q. Would you open that, please, ma'am.

9 (Witness complies and opens bag)

10 Q. That one appears to have a little wear  
11 and tear on it?

12 A. Yes, sir.

13 Q. How can you determine where that came  
14 from?

15 A. That was found inside the Ford  
16 Expedition in the backyard.

17 Q. How do you know that?

18 A. I was there when it was found.

19 Q. Did you actually package it up and write  
20 that on the bag?

21 A. I did.

22 Q. And sealed it up and kept it in the  
23 vault with the other items?

24 A. Correct.

25 Q. I hand you what has been marked as  
26 State's Exhibit 37 and ask if you can identify  
27 this one.

28 A. This is labeled a three-sodium chloride  
29 injection for IV, 1000-milligram and one continued

1 flow solution that was found in the front bedroom.

2 MR. STEVENSON: Objection.

3 THE COURT: What is your objection, Mr.  
4 Stevenson?

5 MR. STEVENSON: To the extent that she  
6 is testifying as to it being some substance; we  
7 will object to that.

8 MR. HARPER: I will rephrase the  
9 question.

10 Q. Can you tell us what that purports to  
11 be, what the labels on it say?

12 A. The label states three-sodium chloride  
13 injection for IV, 1000-milligrams and labeled one  
14 continue flow solution.

15 Q. Just to clarify, you don't know what is  
16 in there personally and there was no test run on  
17 that to your knowledge?

18 A. That is correct.  
19 Witness complies and opens package)

20 Q. Again, where were these found?

21 A. These were found in the front bedroom.

22 Q. Same room that the box was found in, the  
23 USPS box?

24 A. Yes, sir.

25 Q. I hand you what's been marked as State's  
26 Exhibit 40. Tell me if you can identify what is  
27 in that bag.

28 A. This is labeled as one Cabelas Big Buck  
29 scale and one Berkley 50-pound scale; one Touts

1 50-pound scale. It was found in the front  
2 bedroom.

3 Q. Is that one and the same scales that you  
4 identified in that photograph earlier?

5 A. Yes, sir.

6 Q. Would you open that?

7 (Witness complies and opens bag)

8 Q. I will hand what has been marked State's  
9 Exhibit 44, Officer Dunn, and ask you to look at  
10 that. Again, I know you don't know the contents,  
11 but if you will tell us what this appears to be.

12 A. It is one amber bottle with the label  
13 stating Penicillin injectable. And it was found  
14 in the frig bottom drawer.

15 Q. Was that inside the trailer?

16 A. Yes, sir.

17 Q. I will hand you this other one that is  
18 marked State's Exhibit 43 and ask if you will tell  
19 me what that one contains, please ma'am.

20 A. It is one amber vial with the label  
21 stating Liquamycin, LA-200, Oxytetracycline  
22 injection, found on kitchen table.

23 Q. I will hand you what has been marked as  
24 State's Exhibit 45 and tell me if you can identify  
25 that.

26 A. One amber vial with the label B-12  
27 injection found in the bottom drawer of frig.

28 Q. That was in the frig in the trailer back  
29 in 2017?

1 A. Yes, sir.

2 Q. State's Exhibit 46.

3 A. One amber vial with label reading,  
4 dexamethasone solution, veterinary, 2 milligrams  
5 per millimeter found on kitchen table.

6 Q. That was in November 2017 on the kitchen  
7 table of the trailer?

8 A. Yes, sir.

9 Q. I will hand you this one and ask if you  
10 can identify it, please.

11 A. It is a bottle with label iodine wound  
12 spray found on kitchen table.

13 Q. Where was that kitchen table?

14 A. Inside the trailer at 29/1/2 Miracle  
15 Road.

16 Q. Back in November of 2017?

17 A. Yes, sir.

18 THE COURT: What was that number?

19 MR. HARPER: I am sorry, 41.

20 THE COURT: Can you describe it again,  
21 please.

22 THE WITNESS: One bottle labeled iodine  
23 wound spray.

24 MR. HARPER:

25 Q. I will hand you what's been marked as  
26 State's Exhibit 36 and ask if you will look at  
27 this and tell me if you can identify this.

28 A. One bottle with labeled K-9 red cell and  
29 one from -- labeled Natchez Veterinary Clinic,

1 iron pills, prescribed to a Roderick Dobbins, and  
2 it was found in an empty deep freezer in the dog  
3 yard.

4 Q. That was outside?

5 A. That is correct.

6 Q. I will hand you what has been marked as  
7 State's Exhibit 38 and ask you if you can identify  
8 that.

9 A. One box/bottle labeled test, X-180  
10 ignite testosterone booster and fat burner  
11 containing 98 red/white capsules, one bottle  
12 labeled testosterone booster with 14 white  
13 tablets, one bottle labeled 2 work out no furry  
14 with capsules that have burst, one jug labeled  
15 Syntha-6 muscle protein powder. Two bags of  
16 winter zero hydration electrolyte replenishment,  
17 orange and mixed berry found in kitchen cabinet.

18 Q. You found those in the kitchen cabinet  
19 where?

20 A. Inside the trailer.

21 Q. At 29 1/2 Miracle Road?

22 A. Yes, sir.

23 Q. In November of 2017?

24 A. Yes, sir.

25 Q. I hand you what's been marked as State's  
26 Exhibit 39 and if you will identify what that is.

27 A. One bag labeled nurse all-milk  
28 replacement and was found in first bedroom on  
29 right, the spare bedroom.



1 Q. That was in the spare bedroom at the  
2 trailer at 29 1/2 Miracle Road?

3 A. Yes, sir.

4 Q. I will hand you what's been marked as  
5 State's Exhibit 35 and ask you to identify that.

6 A. Labeled one chocolate flavored muscle  
7 milk found on top of car in front yard.

8 Q. In what front yard?

9 A. 29 1/2 Miracle Road.

10 Q. Back in November 2017?

11 A. That's correct.

12 Q. I will ask you to identify this.

13 A. Labeled one jug, cretonne times three,  
14 Elite series fruit punch, one jug professional  
15 strength weight protein, chocolate, found in  
16 kitchen cabinets.

17 Q. That was the kitchen cabinets in what  
18 residence?

19 A. 29 1/2 Miracle Road.

20 Q. That was in November of 2017?

21 A. Yes.

22 THE COURT: What is that exhibit?

23 MR. HARPER: I am sorry; that is 34. If  
24 the Court will indulge me moment, Your Honor.

25 Q. Officer Dunn, I will hand you what's  
26 been marked as States's Exhibit 31 and tell me if  
27 you can identify that, please, ma'am.

28 A. Yes, sir, this is a flash drive that I  
29 downloaded the pictures from the crime scene and

1 gave to the Assistant District Attorney, Tim  
2 Cotton.

3 Q. Is that the same photographs that we  
4 have introduced today?

5 A. That is correct.

6 Q. Are there any other photographs on there  
7 besides those that were introduced?

8 A. Not that I am aware of.

9 MR. HARPER: Your Honor, we move at this  
10 time to introduce the flash drive?

11 THE COURT: Any objection?

12 MR. STEVENSON: Your Honor, I am not  
13 saying what is on that particular flash drive, but  
14 to the extent that there is nothing on that flash  
15 drive but the photos that have been introduced, we  
16 do not object. But if there is anything extra  
17 obviously and if it comes to our attention, we  
18 will object at that time, but to the extent that  
19 the photos previously marked, we do not object.

20 MR. HARPER: I can assure that is -- we  
21 have found, Your Honor -- we have not seen  
22 anything else. If there is something on there, it  
23 would be a surprise to us, I can promise you.  
24 That has been marked as State's Exhibit 31.

25 MR. HARPER:

26 Q. I will hand you what's been marked as  
27 State's Exhibit 32 and tell me if you can identify  
28 that?

29 A. These are photographs that were put on

1 by Investigator Mike Chapman and presented to Tim  
2 Cotton.

3 Q. Is that of the crime scene or what?

4 A. That is correct.

5 Q. Back on November 6, 7, 8, 9th of 2017?

6 A. That is correct.

7 Q. Were you present when those were taken.

8 A. I was.

9 Q. Have you had an occasion to see those  
10 photographs?

11 A. I have.

12 Q. Do they fairly and accurately represent  
13 what was at that scene back in November of 2017?

14 A. They do.

15 MR. HARPER: That is 32, Your Honor.

16 THE COURT: Any objection? Have you  
17 seen that?

18 MR. STEVENSON: Your Honor, to the  
19 extent that is three photos of the crime scene, we  
20 have no objection. If there is anything else on  
21 that thumb drive, we would object to it.

22 THE COURT: That will be so noted.

23 MR. HARPER: I have one last question,  
24 Your Honor.

25 Q. All of this that you've described where  
26 you found all these items, where you took all of  
27 these photographs, what county and state is that  
28 located in, Officer Dunn?

29 A. Adams County Mississippi.

1                   MR. HARPER: We tender the witness at  
2 this time.

3                   THE COURT: Cross-Examination.  
4 CROSS- EXAMINATION BY MR. STEVENSON.

5                   Q. I have a couple of questions for you.  
6 You were out there over a period of three or four  
7 days as I appreciate it; is that correct?

8                   A. That's correct.

9                   Q. During those occasions, how many times  
10 did you encounter my client?

11                  A. Zero.

12                  Q. So you never saw him on the premises; is  
13 that correct?

14                  A. That's correct.

15                  Q. Isn't it also true that while you were  
16 out there working some of these dogs at times they  
17 got loose and attacked other dogs?

18                  A. That's correct.

19                  Q. These photos that have been produced  
20 into evidence, you don't know what caused those  
21 injuries to those dogs, correct?

22                  A. I am not a veterinarian so I cannot  
23 testify to that.

24                  Q. You do know that while you were present  
25 that some dogs got loose and attacked other dogs,  
26 correct?

27                  A. Yes, that is correct.

28                  Q. And Mr. Queen was nowhere around when  
29 that happened?

1 A. Correct.

2 Q. Those dogs that had been attacked by  
3 dogs while you all were present, did y'all  
4 document what injuries came from that particular  
5 incident?

6 A. I was only there for one of those, and  
7 the dogs that were fighting had sustained no  
8 injuries.

9 Q. Did you personally inspect those dogs?

10 A. I did.

11 Q. But you say you were only there for one  
12 of those incidents?

13 A. I was.

14 Q. There were incidents when a dog broke  
15 loose and attached another?

16 A. I do not know that.

17 Q. Let's come back. Some of those items  
18 purport to be certain medicines. Your testimony  
19 is you do not know would those would without a  
20 report from the crime lab; is that correct?

21 A. That is correct.

22 Q. Some of those things were things like  
23 de-wormers or vitamins. That is not a crime to  
24 own?

25 A. I am not aware; I do not know.

26 Q. Those items -- all of those items that  
27 have been introduced into evidence, can you  
28 testify that any of those items were actually  
29 utilized on the animals?

1           A.     I cannot testify to that; I do not know.

2           Q.     As this jury tries to make a decision  
3 about guilt are innocence, all of this evidence,  
4 we don't know if they are tied to what is in the  
5 indictment or not, do we?

6           MR. HARPER: Object to that. That is  
7 asking her to come to some conclusion. That is a  
8 question for the jury to answer; that is not a  
9 question she can answer.

10          MR. STEVENSON: She investigated it and  
11 she is involved; they introduced this evidence  
12 through her, so I can ask.

13          THE COURT: Mr. Stevenson, I don't  
14 believe she is capable of answering whether or not  
15 these were used on the animals. She has only  
16 testified that these are the items that she  
17 recovered from the scene.

18          MR. STEVENSON: I will rephrase.

19 MR. STEVENSON:

20          Q.     You can't testify that any of these  
21 items were, in fact, used on the animals, can you?

22          A.     I cannot.

23          Q.     You don't have any evidence that any of  
24 those dogs were actually inside the residence, do  
25 you?

26          A.     I do not.

27          Q.     Again, I noticed there were several  
28 pictures of dead dogs, but you agree with me that  
29 my client is not accused of killing dogs; is that

1 correct?

2 A. I don't know.

3 Q. My client is charged with dog fighting?  
4 Are you aware of that?

5 A. I am aware.

6 Q. Do you have any pictures of actual dog  
7 fighting that Mr. Queen organized, sponsored or  
8 participated in?

9 A. No.

10 Q. Do you have any statements from any  
11 individual about dog fighting that Mr. Queen  
12 participated in, sponsored or anything of that  
13 nature?

14 A. I was not the investigator on this case.  
15 I was the evidence technician; I was there to  
16 collect evidence and photograph the scene and that  
17 is all I was there for.

18 Q. As we sit here today, you don't have any  
19 evidence of Mr. Tommie Queen being involved in dog  
20 fighting, do you?

21 MR. HARPER: Your Honor, I will object  
22 to that. The statute includes other things  
23 besides just the fighting of dogs. It is called  
24 dog fighting. There are other elements that a  
25 person can be charged under that statute with,  
26 with the same crime basically, but for owning dogs  
27 with the purpose of fighting them or for  
28 participating in fights or training dogs for the  
29 purpose of participating in fights. It is not

1 required that he actually fought dogs or there was  
2 evidence that he fought dogs. I will object to  
3 him characterizing it in that nature.

4 MR. STEVENSON: My response is, I  
5 appreciate that during direct-examination I get to  
6 ask questions and on his rebuttal, he can come  
7 back and clear anything up. I don't think he gets  
8 to dictate questions just because he does not like  
9 the answer.

10 THE COURT: I will overrule the  
11 objection.

12 MR. STEVENSON:

13 Q. Again, you don't have any evidence of  
14 Mr. Tommie Queen being involved in, sponsoring, or  
15 being present for a dog fight, do you?

16 A. No.

17 Q. Some of the items that were produced  
18 into evidence, things like scales, do you know if  
19 those items are what people that hunt or fish also  
20 use?

21 A. I am not aware of that.

22 Q. You were not aware of why the scales  
23 were being introduced?

24 A. I was there to collect the evidence and  
25 photograph the scene.

26 Q. The pictures of the dogs that had  
27 injuries, you don't know how long those dogs had  
28 been in Mr. Queen's care, do you?

29 A. I do not.



1 Q. You don't know if they had those  
2 injuries when they came into his care or not, do  
3 you?

4 A. I do not.

5 Q. You don't know if he was over in New  
6 Orleans when they incurred those injuries, do you?

7 A. I don't.

8 Q. Are you aware there was another person  
9 that lived at the residence when Mr. Queen was not  
10 there?

11 A. I was not the investigator on the case.

12 Q. You did not actually speak with any  
13 witnesses, did you?

14 A. I was called there to collect evidence  
15 and photograph the scene.

16 Q. You don't have any pictures of the small  
17 dog in between the two large dogs, do you?  
18 Because I didn't see any of those picture. Do you  
19 have any of those?

20 MR. HARPER: I object to that and ask  
21 to approach.

22 (Bench Conference)

23 MR. STEVENSON:

24 Q. You will agree with me that none of the  
25 photos that have been introduced, was there a  
26 smaller dog in between two larger dogs?

27 A. That's correct.

28 Q. You talk about things like bite sticks  
29 and things like that. But as I appreciate it, you

1 were basically to receive those -- what you call  
2 the item is a bite stick. On the day you went out  
3 there, you did not know this was a bite stick  
4 until somebody else told you it was a bite stick;  
5 is that correct?

6 A. That's correct.

7 Q. All of the evidence that you testified  
8 to about a bite stick, that would be what somebody  
9 told you?

10 A. That's correct.

11 Q. While you were out there, were you  
12 present when some of the dogs got to fighting and  
13 some of the officers had to use a hoe to separate  
14 the dogs?

15 A. I was not.

16 Q. So I guess, help me to appreciate it,  
17 you all were out there just certain time periods  
18 of the day -- over the course of when y'all went  
19 to work, were you out there for a full eight  
20 hours, or how long were you out there from  
21 November 6th until about November 13th?

22 A. I was out there during the day most  
23 every day between, I believe, it was a full 8 to  
24 10 hours during the day.

25 Q. Would there have been times that other  
26 officers were out there that you were not present?

27 A. During the night, yes.

28 Q. You would not have information about  
29 what occurred at that time?

1 A. That's correct.

2 Q. Before today, have you spoken to any  
3 person about your testimony?

4 A. No, other than the DA's office.

5 Q. Other than the DA's office?

6 A. That's correct.

7 Q. While you were out there, the dogs were  
8 still present?

9 A. That's correct.

10 Q. Who was feeding and interacting with the  
11 dogs during that time period?

12 A. All of us were.

13 Q. Those dogs did not get aggressive with  
14 any of y'all?

15 A. No, sir.

16 THE COURT: Redirect?

17 MR. HARPER: I do not have any further  
18 questions, Your Honor. You may step down.

19 THE COURT: You may call your next  
20 witness.

21 MR. HARPER: Call Chief Jerry Brown.  
22 JERRY BROWN, CALLED AS A WITNESS AND HAVING BEEN  
23 FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

24 DIRECT EXAMINATION BY MR. HARPER:

25 Q. Jerry, if you would state your name for  
26 the record, please.

27 A. Jerry brown.

28 Q. Where are you employed?

29 A. Adams County Sheriff's Office.

1 Q. In what capacity?

2 A. Chief Deputy.

3 Q. Were you employed with the sheriff's  
4 department back in November of 2017?

5 A. Yes, I was.

6 Q. In what capacity were you employed at  
7 that time?

8 A. At that time I was a major.

9 Q. Did you have occasion to go out to 29  
10 1/2 Miracle Road back in November of 2017?

11 A. Yes, I did.

12 Q. Do you recall what that was in regards  
13 to?

14 A. I was called out there by Deputy  
15 Mitchell; he had arrived on the scene, and he had  
16 a lot of dogs out there, and he was concerned  
17 about what he might have had.

18 Q. Was anybody else with Deputy Mitchell?

19 A. I don't remember who all was there when  
20 I got there, but I called all of the investigators  
21 out.

22 Q. Was the scene secure when you got there?

23 A. Yes, it was.

24 Q. Do you know whether or not anyone was  
25 able to make contact with the occupant of 29 1/2  
26 Miracle Road?

27 A. They had not.

28 Q. Do you recall what time of the day this  
29 was?

1           A.     It was nightttime, sometime around 9 or  
2     10 o'clock.

3           Q.     What if anything did you do that night?  
4     What did you or any of your officers under your  
5     direction do that night?

6           A.     That night when we got there, me and the  
7     investigator, we kind of walked around a little  
8     bit at the edge of the road, because we saw some  
9     dogs, pit bulls, that some of them had injuries,  
10    some were fresh and some were not. We looked  
11    around the property, shinned the lights around the  
12    property. We saw some other dogs that had been  
13    chained up. With it being dark, I determined it  
14    was too dangerous for the officers to go out  
15    there. We backed up. I had another deputy to  
16    come out there to stay posted at the scene, so  
17    nobody would cross it.

18          Q.     Do you recall what the deputy that  
19    was -- who the deputy was that came to the scene?

20          A.     Yes, that was Deputy Karabelen.

21          Q.     Did he remain there all night?

22          A.     He did.

23          Q.     Who was the supervising officer on the  
24    scene?

25          A.     I was.

26          Q.     What if anything else did you do that  
27    night?

28          A.     At that point, I had investigators to go  
29    down and apply for a search warrant based on what

1 we had observed that night and we were to return  
2 at safe daylight and execute the search warrant.

3 Q. Were you able to obtain the search  
4 warrant?

5 A. Yes, we did.

6 Q. At what point did you return to the  
7 property?

8 A. That next morning, that Tuesday morning,  
9 I returned to the property.

10 Q. What if anything did you begin doing  
11 once you got there?

12 A. Once I got there, gained entry into the  
13 house; we secured the house; nobody was in it. At  
14 that time, I had investigator Dunn and  
15 investigator Bush to go around and start  
16 photographing the scene.

17 Q. Were you present at the scene while this  
18 photographing was going on?

19 A. Yes, I was.

20 Q. Do you know about how long that took to  
21 do?

22 A. That morning when they started -- it was  
23 a large scene. We needed some help. I called  
24 Karen Ewing to contact the Chief of Police in  
25 Wiggins, Mississippi, Matt Barnett. Matt -- he  
26 goes around the state teaching.

27 MR. STEVENSON: I object, Your Honor.  
28 May we approach real quick.

29 (Bench Conference)

1 THE COURT: I will sustain that  
2 objection, Mr. Stevenson.

3 MR. HARPER:

4 Q. Chief Deputy, above and beyond Matt  
5 Barnett coming to the scene, did you summons  
6 anyone or seek the help of any other agency?

7 A. We did; we made contact with Kyle Held.  
8 He is with the USPCA organization.

9 Q. Did Mr. Help come to the scene?

10 A. He did.

11 Q. At what point did he arrive?

12 A. He came that next day, that Wednesday.

13 Q. Do you remember the date?

14 A. 8th, November 8th.

15 Q. At that point when Mr. Held arrived, if  
16 you recall, what if anything had y'all done prior  
17 to Mr. Held arriving?

18 A. Prior to that, that Tuesday morning as  
19 they were processing the scene, I had Deputy Ewing  
20 to contact Dr. Savant and advise him of what we  
21 had. Some of the animals were in pretty bad shape  
22 and we wanted him to come out and look at them.  
23 Dr. Savant told us to load up the worse five or  
24 six dogs we could and bring them to him.

25 Q. Did y'all indeed do so?

26 A. We did.

27 Q. Were you present when the dogs were  
28 transported?

29 A. I was.

1 Q. What if anything from your own personal  
2 knowledge happened to the dogs while under  
3 Savant's care?

4 A. They wound up being euthanized.

5 Q. At that point, what did you do next?

6 A. At that point, we were still  
7 photographing the scene and recovering potential  
8 evidence up until the next day.

9 Q. That next day being Wednesday?

10 A. Wednesday, that is correct.

11 Q. So at the point that investigator Held  
12 arrived at the scene, what if anything did y'all  
13 begin doing with investigator Held?

14 A. Investigator Held started going around  
15 the scene identifying items that he knew to be  
16 tools used to train dogs to fight.

17 Q. Were you present during that time when  
18 items were being collected and identified?

19 A. Yes, I was.

20 Q. Did he have an opportunity that you know  
21 from your own personal knowledge to review items  
22 that had already been collected?

23 A. Yes.

24 Q. What if anything additionally did  
25 Investigator Held do while he was there with you  
26 guys?

27 A. He photographed some of the dogs,  
28 injuries to the dogs and help to document the  
29 injuries.



1 Q. That was on Wednesday, the 8th, correct?

2 A. That was Wednesday, yes.

3 Q. Did any other help come out to the scene  
4 on the 8th?

5 A. Dr. Savant came out on the 8th and  
6 started treating the rest of the dogs.

7 Q. Do you know if any other dogs were, from  
8 your own personal knowledge, did he have to  
9 euthanize any other dogs at the scene?

10 A. Yes, he did.

11 Q. Do you remember approximately how many?

12 A. No, sir, I don't remember how many it  
13 was.

14 Q. 29 1/2 Miracle Road, that is in Adams  
15 County, is it not?

16 A. That is.

17 MR. HARPER: Your Honor, could the Court  
18 indulge me just a second.

19 THE COURT: Sure.

20 Q. Chief Brown, are you familiar with the  
21 defendant, Mr. Tommie Queen?

22 A. I wasn't until after this.

23 Q. Do you recognize Mr. Queen today?

24 A. Yes, I do.

25 Q. Tell me what Mr. Queen is wearing?

26 A. He is wearing a gray suit.

27 MR. HARPER: Judge, I would ask the  
28 Court to reflect that Chief Deputy Brown has  
29 identified the defendant, Tommie Queen?

1 THE COURT: Let the record show that  
2 Chief Jerry Brown has identified Mr. Tommie Queen.

3 THE COURT: Cross-examination?

4 CROSS-EXAMINATION BY MR. STEVENSON:

5 Q. Is it Detective Brown or Captain Brown?

6 A. Chief Brown.

7 Q. Just a few questions. As I appreciate  
8 it, when you arrived out there, you saw some pit  
9 bulls; is that correct?

10 A. Yes, sir.

11 Q. Did I understand these dogs were loose?

12 A. Some were.

13 Q. You stated some had fresh injuries?

14 A. Yes, they were still bleeding.

15 Q. It had just recently happened; is that  
16 correct?

17 A. Some, yes.

18 Q. You agree with me that Mr. Queen was  
19 nowhere around; is that not correct?

20 A. That's correct.

21 Q. Are you aware that Mr. Queen was working  
22 over in New Orleans?

23 A. No. I don't know where he was.

24 Q. But you know he was not there?

25 A. He was not at the scene.

26 Q. These fresh injuries, you don't know if  
27 those dogs had gotten loose and bit each other, do  
28 you?

29 A. No, I don't know.

1 Q. Some injuries were fresh, but also some  
2 had older injuries?

3 A. Yes.

4 Q. You don't know what caused those older  
5 injuries, do you?

6 A. Not me, no.

7 Q. You don't know how long any of those  
8 dogs had been on the premises, do you?

9 A. No.

10 Q. You don't know how the dogs got loose,  
11 do you?

12 A. No.

13 Q. Did you personally have any interaction  
14 with Mr. Tommie Queen at some point?

15 A. Not during that time, no.

16 Q. During the investigation, you didn't  
17 have any contact with him?

18 A. No.

19 Q. You have been in court before, correct?

20 A. Yes.

21 Q. You know the person that is the  
22 Defendant. You know where they sit in the  
23 courtroom, don't you?

24 A. Yes.

25 Q. But essentially, before you walked in  
26 this courtroom today, had you ever seen Mr. Tommie  
27 Queen?

28 A. Yes, I had.

29 Q. Where?

1           A.     At the jail.

2           Q.     Other than that, you had never seen him,  
3 correct?

4           A.     Not before that, no.

5           Q.     Especially not at the scene of an  
6 incident, correct?

7           A.     That's correct.

8           Q.     Did you actually speak with Ms. Martin  
9 at the scene or just with law enforcement  
10 officials?

11          A.     I didn't understand you.

12          Q.     Did you actually speak with Ms. Martin  
13 or any other individual that is not law  
14 enforcement for this case; but all of your  
15 interaction is just with law enforcement?

16          A.     I don't remember talking to her, no.

17          Q.     Did you speak with any person who is not  
18 law enforcement?

19          A.     Tell me exactly what you are saying.  
20 About what?

21          Q.     I am saying what I just asked you.  
22 During the course of your investigation, did --

23          A.     I probably did; I can't tell you who it  
24 would have been.

25          Q.     You are here testifying as the Chief  
26 Deputy, and you cannot tell us who you spoke with?

27          A.     Afterwards, no, I can't tell you that;  
28 no.

29          Q.     You trained your officers to do a report

1 of the investigation?

2 A. Yes.

3 MR. STEVENSON: No further questions,  
4 Your Honor?

5 THE COURT: Redirect.

6 REDIRECT EXAMINATION BY MR. HARPER:

7 Q. Chief Deputy Brown, after your  
8 investigation, at 29 1/2 Miracle Road, was a  
9 warrant issued for somebody's arrest?

10 A. Yes, it was.

11 Q. Who was that warrant issued for?

12 A. It was issued for Tommie Queen.

13 Q. Was Mr. Queen arrested?

14 A. He was.

15 Q. Was he brought to the Adams County Jail?

16 A. Yes, he was.

17 THE COURT: Chief Deputy Brown, you may  
18 step down. Call your next witness.

19 MR. HARPER: May we approach?

20 THE COURT: Yes.

21 (Bench Conference)

22 THE COURT: Ladies and Gentlemen, we are  
23 going to recess for the afternoon. I had hoped  
24 that we could go late today, but the State has  
25 informed me that the next witness will be quite  
26 lengthy. He will be the longest witness that you  
27 will hear. So what we are going to do, we are  
28 going to recess until 8:30 in the morning. I will  
29 ask that you be back at 8:30 and the State has

1 equipment set up that they will utilize for the  
2 next witness. They will have that already set up  
3 when you get here so hopefully we will be able to  
4 start at 8:30.

5 I ask you to remember tonight, do not  
6 talk to anybody about this case and if they ask  
7 you questions explain to them that you cannot talk  
8 about the case. If somebody does approach you and  
9 insists on talking to you, then you will need to  
10 notify the Court in the morning. Thank you very  
11 much. You will be excused until 8:30 in the  
12 morning.

13 (JURY EXITS COURTROOM FOR OVERNIGHT RECESS)

14 THE COURT: Court in recess until 8:30  
15 in the morning.

16 (November 7, 2019)

17 (FOLLOWING AN OVERNIGHT RECESS, COURT IS CALLED TO  
18 ORDER)

19 (November 7, 2019)

20 THE COURT: We are back today for day  
21 two of State of Mississippi versus Tommie Queen.  
22 Would you bring the jury in.

23 MR. COTTON: Judge, while you are  
24 bringing the jury in, Officer Frank Smith I don't  
25 anticipate calling him; he was going to be present  
26 if possible. I don't think Mr. Stevenson intends  
27 to call him either. Can you excuse him?

28 MR. STEVENSON: No objection to that,  
29 Your Honor.

1 THE COURT: Yes, you may.

2

3 (JURY RETURNS TO COURTROOM AND THE FOLLOWING  
4 PROCEEDINGS WERE HELD IN THE PRESENCE AND HEARING  
5 OF THE JURY)

6 THE COURT: Good morning, Ladies and  
7 Gentlemen. I hope you had a good night and got a  
8 good night's rest.

9 Mr. Cotton, you may call your next  
10 witness. State calls Investigator Kyle Held.  
11 DIRECT EXAMINATION BY MR. COTTON:

12 Q. State your name for the record.

13 A. Kyle Held.

14 Q. Where are you employed?

15 A. ASPCA, American Society for the  
16 Prevention of Cruelty to Animals.

17 Q. What is your capacity?

18 A. I am a director of investigation.

19 Q. How long have you served in that  
20 capacity?

21 A. February will be ten years.

22 Q. Can you briefly tell the jury what your  
23 job duties include as the regional director of  
24 investigations.

25 A. I respond to local jurisdictions to help  
26 them with animal cruelty cases that they need  
27 assistance with due to capacity, education or  
28 experience.

29 Q. When you're talking about experience,

1 can you briefly tell the jury a little about your  
2 work experience?

3 A. Previously to this job, I worked as a  
4 statewide investigator for the humane society in  
5 Missouri. I did that for 11 years. My  
6 responsibility was much the same only I worked at  
7 a state level helping jurisdictions do the same  
8 work I do now.

9 Q. Have you received any special  
10 certifications as a result of your training and  
11 work capacity?

12 A. I have. I have about 600 hours of  
13 specialized training in animal cruelty, which  
14 includes animal fighting, puppy mills, hoarding,  
15 several other areas.

16 Q. Have you had the opportunity to actually  
17 do any teaching of animal fighting or dog  
18 fighting?

19 A. I have. I have been an instructor for  
20 most of my career in both agencies.

21 Q. Is there any type of certification that  
22 comes with being an instructor?

23 A. I am a nationally certified animal  
24 officer which is part of that certification, and I  
25 worked through the law enforcement training  
26 institute of the University of Missouri as well as  
27 an instructor.

28 Q. You said University of Missouri?

29 A. Yes, sir.



1           Q.    Let's talk a little bit specifically  
2 about your experience as a dog fighting  
3 investigator.

4                    Can you tell the jury approximately how  
5 many times you have had the occasion to  
6 investigate dog fighting cases?

7           A.    Probably a few hundred over the two  
8 different careers I have had.

9           Q.    Any specific case that stands out to  
10 you?

11           A.    I was the lead investigator on the  
12 Missouri 500 which was an 18-month investigation  
13 which turned out to be the largest organized dog  
14 fighting seizure in history.

15           Q.    What was your role in that particular  
16 case?

17           A.    I was the lead investigator. My role  
18 was to go out every weekend, assist the undercover  
19 officers in whatever duties may be necessary at  
20 that time, whether it be medical evaluations of  
21 the dogs, also to help transport the animals after  
22 the eights for evaluations, whether that be  
23 behavior evaluations or taken to a veterinarian  
24 and euthanized and used for necropsy, which is an  
25 autopsy for animals and that's collected as  
26 evidence.

27           Q.    I know you testified about your prior  
28 teaching experience and various certification.  
29 What about testifying in court, previous testimony

1 in court. Can you tell the jury approximately how  
2 many times you have testified in animal cruelty or  
3 animal fighting?

4 A. Again, probably 100 or more.

5 Q. In any of those courts, have you  
6 previously been qualified as an expert?

7 A. I have.

8 Q. Can you tell the jury previously, if you  
9 know, how many times you have been qualified as an  
10 expert?

11 A. In animal fighting specifically?

12 Q. In all of it.

13 A. Probably ten times overall. And  
14 probably six in animal fighting specifically.

15 Q. What states were you specifically  
16 qualified as an expert in the area of dog  
17 fighting?

18 A. Missouri, Tennessee, Massachusetts,  
19 Kentucky, I believe.

20 Q. When is the last time you were qualified  
21 as an expert by a Court?

22 A. Two weeks ago in Iowa.

23 MR. COTTON: At this time, I will tender  
24 Kyle Held to the Court and ask that he be  
25 qualified as an expert in the area of organized  
26 dog fighting.

27 THE COURT: Mr. Stevenson, do you have  
28 an objection?

29 MR. STEVENSON: Your Honor, we would

1 object and ask to voir dire him on his  
2 qualifications.

3 THE COURT: You will be allowed to do  
4 that.

5 VOIR DIRE BY MR. STEVENSON:

6 Q. Mr. Held, a couple of questions. You  
7 talked about your employment background. We will  
8 come to that in a second. I want to start with  
9 your educational background. Tell me what degrees  
10 you have?

11 A. I have a technical certification from a  
12 technical college and three of a four-year  
13 bachelor's degree.

14 Q. When you say three years of a four year,  
15 does that mean you do not have a bachelor's  
16 degree?

17 A. Correct.

18 Q. I want to be clear about this. Do you  
19 have any actual degrees?

20 A. No, sir.

21 Q. Let's move on. Before you were an  
22 investigator, you owned a boarding stable,  
23 correct?

24 A. Yes.

25 Q. A horse boarding stable?

26 A. Yes, sir.

27 Q. You have done three things -- as I  
28 understand your resume, you have done three things  
29 in your life; you have been a veterinary

1 assistant; is that correct?

2 A. Yes, sir.

3 Q. You worked at a veterinary clinic?

4 A. Several.

5 Q. That would have been under the  
6 supervision of a doctor, a veterinarian?

7 A. That's correct.

8 Q. Do you have any certification in that  
9 area?

10 A. No, sir.

11 Q. All on-the-job training?

12 A. Yes, sir.

13 Q. Then you owned a boarding stable?

14 A. Yes, sir.

15 Q. Did you have any training in that?

16 A. Other than life, no, sir.

17 Q. You decided to open a boarding stable?

18 A. Yes.

19 Q. At some point you became an  
20 investigator, correct?

21 A. Yes, sir.

22 Q. When you left the boarding stable to  
23 become an investigator, tell me at that time what  
24 type of training did you have?

25 A. Other than on-the-job training, I was  
26 sent to several schools to get that training on  
27 the job.

28 Q. What I am asking is, when you applied  
29 for this job as an investigator, did you have to

1 have any type of certifications or basically could  
2 anybody, any person in this courtroom, walk in  
3 there and get hired and they said, We will train  
4 you?

5 A. It's possible, yes.

6 Q. Anybody in this courtroom could have  
7 been an animal investigator, correct?

8 A. Could have applied, yes, sir.

9 Q. As I appreciate it, there were no  
10 qualifications. You did not have to own an  
11 animal, correct?

12 A. It wasn't a requirement, no.

13 Q. You could have never been around a dog  
14 and been hired as an animal investigator; is that  
15 correct?

16 A. It's possible.

17 Q. That is still the role you are in now,  
18 essentially an investigator, correct?

19 A. A little different but, yes, sir.

20 Q. Again, you are in a job that essentially  
21 does not require any job training for that role,  
22 correct?

23 A. My job now requires a considerable  
24 amount of education and training.

25 Q. Since you have been on that job that  
26 requires a considerable amount of education, how  
27 many degrees have they sent you back to school  
28 for?

29 A. None.

1 Q. Let's talk about these certifications.  
2 You said you were a national certified animal  
3 control officer; is that correct?

4 A. Yes, sir.

5 Q. When you say nationally certified, you  
6 are certified by who?

7 A. The National Board of National Animal  
8 Control Association.

9 Q. That is not some organization -- that is  
10 not a federal government organization?

11 A. It is not a government organization.

12 Q. It's just a group of people who got  
13 together and have an organization, correct?

14 A. Yes, sir.

15 Q. There is nothing special about this  
16 organization as opposed to me and my brothers got  
17 together and decided to start a Mississippi dog  
18 certification program; it would essentially be the  
19 same thing, correct?

20 A. Sure, essentially.

21 Q. So essentially this certification  
22 doesn't really mean a whole lot, does it?

23 A. I would argue with that, but, yes.

24 Q. To people outside this organization does  
25 this certification have any relevance?

26 A. No.

27 Q. You would agree with me that there is  
28 nobody in the courtroom that's part of this  
29 organization that you aware of, correct?

1 A. Not that I am aware of.

2 Q. So your testimony to everybody in this  
3 courtroom, that certification to get you qualified  
4 as an expert, essentially has no meaning to us; is  
5 that correct?

6 A. Not the only thing, but, yes, sir.

7 Q. You testified that you testified in over  
8 100 cases?

9 A. Yes, sir.

10 Q. How many of those were felony criminal  
11 cases?

12 A. I would say half.

13 Q. You would say half. But do you know for  
14 certainty?

15 A. I do not know that for certain.

16 Q. The reality of the matter is, you can't  
17 tell this Judge nor these people on the jury how  
18 many felony criminal cases you testified in; is  
19 that correct?

20 A. That is correct.

21 Q. But you can tell these people that you  
22 have never testified in the State of Mississippi  
23 as an expert; is that correct?

24 A. That's correct.

25 Q. Have you ever testified in federal Court  
26 as an expert?

27 A. Not in federal, no.

28 Q. So you never testified in a federal  
29 court anywhere as an expert witness; is that your

1 testimony?

2 A. That is correct.

3 Q. Have you ever testified on behalf of the  
4 United States Department of Agriculture?

5 A. On behalf of them, no.

6 Q. They do not recognize your  
7 certification, do they?

8 A. I don't know; I don't know the answer.

9 Q. Is there any governmental body that you  
10 know that recognizes your certification?

11 A. We are used by several government  
12 agencies.

13 Q. That is not what I asked you. What I  
14 asked you was, do you know if there is any  
15 governmental body that recognizes your  
16 certification?

17 A. I don't know the answer to that.

18 Q. As we sit here today, you can't tell  
19 this Judge or this jury one governmental agency  
20 that respects your certification, can you?

21 A. At a federal level or a state level?

22 Q. At a federal level.

23 A. No, sir.

24 Q. Say the name of your organization that  
25 certified you nationally.

26 A. NACA, National Animal Control  
27 Association.

28 Q. Is there a Mississippi chapter of that  
29 organization?



1           A.     There is a state organization for animal  
2 control association for Mississippi, yes.

3           Q.     That is not what I asked you. Your  
4 organization that certifies you nationally, is  
5 there a Mississippi chapter of that organization?

6           A.     I am not sure that I understand the  
7 question, but they are not based in Mississippi,  
8 no.

9           Q.     The organization that certifies you  
10 essentially, it doesn't exist in the state of  
11 Mississippi, does it?

12          A.     There are other certified people from  
13 here, but no.

14          Q.     I am trying to make a record. I just  
15 want to be very clear. The organization that  
16 certifies you, it does not ever operate -- it does  
17 not have a Mississippi chapter, does it?

18          A.     No, sir.

19          Q.     You don't have any certification from  
20 the state of Mississippi, do you?

21          A.     No, sir.

22          Q.     Of those cases that you have testified,  
23 do you know how many times that a higher court, an  
24 appellant court, has reviewed your certifications  
25 on appeal?

26          A.     I can't answer that.

27          Q.     You don't know if an appellant court has  
28 ever sanctioned your testimony?

29          A.     I don't know the answer to that.

1 Q. You stated your last certification was  
2 about two weeks ago in Iowa?

3 A. Yes.

4 Q. Tell us about that certification.

5 A. That was animal cruelty in general.  
6 That was actually a breeder that I was called -- I  
7 was actually the lead investigator on that case.

8 Q. Back up; I am trying to make sure  
9 everybody understands. You said you were  
10 certified two weeks ago?

11 A. Yes.

12 Q. When you say certified, tell me, what do  
13 you mean?

14 A. Certified as an expert witness in animal  
15 cruelty.

16 Q. By who?

17 A. By the county in Iowa.

18 Q. You testified in court?

19 A. Yes, sir.

20 Q. What county was that?

21 A. I am sorry; I cannot remember.

22 Q. Two weeks ago.

23 A. I do a lot. I can't remember or recall  
24 off the top of my head?

25 Q. That was a breeder?

26 A. That was a dog breeder, yes.

27 Q. Did it involve dog fighting?

28 A. No, sir.

29 Q. When was the last time you were

1 certified as an expert in dog fighting?

2 A. 2013.

3 Q. When?

4 A. 2013.

5 Q. What year is this.

6 A. 2019.

7 Q. Let's talk about 2013. According to  
8 you, that is the most recent?

9 A. Yes, sir.

10 Q. So you are saying from 2013 up until  
11 today, not one court anywhere felt you were  
12 certified to be an expert in dog fighting?

13 A. I was not asked.

14 Q. Nobody even asked you, correct?

15 A. I testified, but it was not as an  
16 expert.

17 Q. Tell me about that case in 2013?

18 A. It was a dog fighting case in Missouri.

19 Q. All of your certification and training  
20 is from Missouri, correct?

21 A. Not all of it, no, sir.

22 Q. Other than the national certification,  
23 correct?

24 A. I had training from the University of  
25 Colorado, University of Florida.

26 Q. Let's talk about this training. When  
27 you go to the training, what is the longest you  
28 have been in a training?

29 A. A week, 40 hours at a time.

1 Q. As a matter of fact, on your resume you  
2 talk about this training from the University of  
3 Missouri, law enforcement training, correct?

4 A. Yes.

5 Q. Isn't it true that most of those are  
6 two-day training?

7 A. That is not true.

8 Q. How long are they?

9 A. 40 hours at a time.

10 Q. All of them?

11 A. They have other trainings that are not  
12 expert trainings; they have two-day training; they  
13 have three-day training; they have different  
14 levels of expertise trainings as well.

15 Q. And how many 40-hour trainings have you  
16 been to?

17 A. Ten.

18 Q. Of those ten, 40 hours, how many of  
19 those hours were solely dedicated to dog fighting?

20 A. Out of each training, probably 15.

21 Q. You are saying probably?

22 A. It's hard to say; they change.

23 Q. The reality is, you don't know how many  
24 hours you have had in the field of dog fighting,  
25 do you?

26 A. Hours? No.

27 Q. There is a lot of different training  
28 that you go to, because one of the trainings that  
29 I see from the University of Florida deals with

1 forensic photography, correct?

2 A. Yes.

3 Q. This is not just training about animals;  
4 we are dealing with photography all over the place  
5 when we talk about your training?

6 A. That is correct.

7 Q. You are talking about some of these  
8 trainings, some of these trainings deal with the  
9 National Aquanine, Equine Investigation Academy;  
10 is that correct?

11 A. Yes, sir.

12 Q. Does that involve dogs?

13 A. Does not.

14 Q. It does not involve dog fighting either,  
15 does it?

16 A. It does not.

17 Q. These trainings are dealing with horses  
18 and all kinds of animals, correct?

19 A. Yes, sir.

20 Q. Are you certified to carry a gun?

21 A. No, sir.

22 Q. So you haven't even had the training  
23 that a local police officer would have, have you?

24 A. As far as being able to carry a gun, no.

25 MR. STEVENSON: Based on our  
26 questioning, we are going to object to his  
27 qualifications as being qualified as an expert.

28 THE COURT: Do you have anything? Let's  
29 take a ten-minute break.

1 (JURY EXITS COURTROOM)

2 (JURY RETURNS TO COURTROOM AND THE FOLLOWING  
3 PROCEEDINGS WERE HELD IN THE PRESENCE AND HEARING  
4 OF THE JURY)

5 THE COURT: You may proceed, Mr. Cotton.  
6 VOIR DIRE BY MR. COTTON:

7 Q. Investigator Held, can you tell the jury  
8 approximately how many alleged dog fighting yards  
9 you have been to and investigated?

10 A. Approximately several hundred.

11 Q. That has been over a span of how many  
12 years?

13 A. Close to 20 as an investigator.

14 Q. Have you or have you not been qualified  
15 as an expert in the state of Missouri?

16 A. Yes.

17 Q. By the courts?

18 A. Yes, sir.

19 Q. Have you or have you not been qualified  
20 as an expert in the courts or by the courts in the  
21 state of Tennessee?

22 A. Yes.

23 Q. Have you or have you not been qualified  
24 as an expert by the courts in the state of  
25 Arkansas.

26 A. Yes.

27 Q. Have you or have you not been qualified  
28 by the courts as an expert in the state of Iowa?

29 A. Yes.

1 MR. COTTON: Your Honor, again, I tender  
2 Mr. Held to the court as an expert witness.

3 MR. STEVENSON: We would like to make an  
4 oral argument.

5 THE COURT: Go ahead.

6 MR. STEVENSON: I would point out in the  
7 --

8 MR. HARPER: If we are going to do this  
9 in the presence of the jury I don't know what he  
10 is going to argue, but I don't know whether that  
11 is --

12 MR. STEVENSON: I will do whatever the  
13 Court wishes.

14 THE COURT: I would like to do this  
15 outside the presence of the jury.

16  
17 (JURY EXITS COURTROOM AND THE FOLLOWING  
18 PROCEEDINGS WERE HELD OUTSIDE THE PRESENCE AND  
19 HEARING OF THE JURY)

20 THE COURT: You may proceed, Mr.  
21 Stevenson.

22 MR. STEVENSON: Your Honor, I would like  
23 to first point out the last line of questioning  
24 that Mr. Cotton asked the witness, he asked him  
25 had he ever been qualified as a witness and he  
26 said yes; he did not follow up and ask him in what  
27 field. What is important is, this witness  
28 testified about two weeks in a court in Iowa that  
29 he could not recall, and it was in regards to a

1 puppy mill or breeding. That's not the same as  
2 dog fighting, Your Honor.

3 I would point out further that the  
4 Mississippi Supreme Court has held that because a  
5 person has testified in one case as a field --  
6 quoting from G-a-u-s-e, Gause v. State, 65 So.2nd  
7 295, a 2011 Supreme Court Case, Mississippi  
8 Supreme Court has said, Prior acceptance as an  
9 expert does not automatically award continued  
10 certification as an expert in future litigation.

11 The Mississippi Court has said, They  
12 cannot rely on the fact that he testified in Iowa.  
13 I don't know if it was stipulated to; we do not  
14 know what type of questioning; we don't know what  
15 type of field that he has been tendered as an  
16 expert in those other areas. What I am saying,  
17 Judge, because he has been an expert in other  
18 states, that does not pass the bar, Your Honor.  
19 Further I would point out that under 702, there  
20 are certain standards, essentially it was called  
21 the dog standard for expert witness, says,  
22 knowledge, skill, experience and education.

23 Your Honor, based on what we have heard,  
24 there is just not sufficient basis to tender him  
25 as an expert. What is really important is he says  
26 he thinks the last time that he testified as an  
27 expert was in 2013. We know nothing about that.  
28 What is important is he said nobody asked until  
29 now. Well, there is a reason I believe nobody



1 asked because they knew he wasn't qualified. Your  
2 Honor, based on that, we are asking that he not be  
3 tendered as an expert witness.

4 THE COURT: Mr. Cotton?

5 MR. COTTON: Your Honor, just because he  
6 wasn't asked in the state of Mississippi, nobody  
7 has asked whether he has had such an occasion or  
8 been contacted to testify in the state of  
9 Mississippi.

10 This could be a case of first impression  
11 as far as that is concerned. I don't know. But  
12 in looking at dog standards going by Mr. Held's  
13 history, Judge, I believe he testified to the  
14 Court about his lengthy training, his experience,  
15 his certifications and then as far as his being  
16 certified as an expert previously, Judge, we are  
17 not asking to look at that individually or  
18 qualifying him as a continued expert. But based  
19 off the hundreds of cases that he has testified in  
20 and he has been previously certified as an expert  
21 in the area of dog fighting, we would submit to  
22 the Court that his qualifications in totality  
23 would meet the threshold to qualify him as an  
24 expert today.

25 MR. STEVENSON: I want to make sure the  
26 record is clear. Mr. Cotton said he has testified  
27 hundreds of times, but what the witness testified  
28 to was that he had been qualified as an expert ten  
29 times, six times in the field of animal fighting.

1 Him testifying hundreds of times, that is not the  
2 standard, Your Honor, because he has not testified  
3 as an expert. Again, they look at certification.  
4 We don't know if his certification has any real  
5 value. He is in a job that essentially he  
6 testified to that anybody in this courtroom can  
7 walk in here tomorrow and apply for it.

8 When you say a person is an expert that  
9 gives the jury certain expectations about their  
10 qualifications. We do not have those  
11 qualifications here, Your Honor. We believe the  
12 Court should keep out any expert testimony from  
13 Mr. Held.

14 THE COURT: Mr. Held testified that he  
15 had over 20 years of experience dealing with  
16 animals and animal cruelty and dog fighting  
17 combined. The last ten years he has been regional  
18 director of the American Society for the  
19 Prevention of Cruelty of Animals. In that  
20 position, he has responded to local jurisdictions  
21 to aid and assist law enforcement in animal  
22 cruelty and animal dog fighting cases.

23 He testified that his certifications  
24 included more than 600 hours which included dog  
25 fighting. He has been a teacher in this area for  
26 most of this career, and he is certified by a  
27 national organization to do this work.

28 He also testified that he has extensive  
29 training in forensic photography including

1 forensic photography of dogs.

2 He testified that he was the lead  
3 investigator in an 18-month investigation in the  
4 largest dog fighting case in the United States of  
5 America. He has been qualified as an expert in  
6 various states, six times in fighting, the most  
7 recent of which was in 2013, but his testimony in  
8 that case, he indicated that he was certified as  
9 an expert in dog fighting.

10 The Court finds that Mr. Held is  
11 qualified as an expert in the area of animal  
12 cruelty and dog fighting based on his training,  
13 his experience, his knowledge and his skills. And  
14 this will certainly aid the jury in determining  
15 the facts and issues. So the Court is going to  
16 accept Mr. Held as an expert in animal cruelty and  
17 dog fighting.

18 MR. STEVENSON: For the record, we would  
19 make a continuing objection.

20 THE COURT: Yes, that will be so noted.  
21 L.

22 THE COURT: Bring the jury in.  
23 (JURY ENTERS COURTROOM AND THE FOLLOWING  
24 PROCEEDINGS WERE HELD IN THE PRESENCE AND HEARING  
25 OF THE JURY)

26 THE COURT: Ladies and Gentlemen of the  
27 jury, while were you out of the room, I heard  
28 arguments of counsel as to whether or not Mr. Held  
29 qualified to be an expert and the Court ruled that

1 Mr. Held is an expert in animal cruelty and dog  
2 fighting. So he has been accepted by the Court in  
3 those two areas. Mr. Cotton, you may proceed.

4 MR. COTTON: As a matter of  
5 housekeeping, may I approach the court reporter?

6 THE COURT: Yes.

7 MR. COTTON: Judge, I have what was  
8 previously marked for identification purposes A.  
9 May I approach the witness?

10 THE COURT: You may.

11  
12 DIRECT EXAMINATION BY MR. COTTON:

13 Q. Mr. Held, I will ask if you recognize  
14 that photo?

15 A. I do.

16 Q. You do recognize that photo?

17 A. Yes, sir.

18 Q. Can you identify that photo and can you  
19 tell the jury what number that animal is reflected  
20 in that picture?

21 A. This was a dog on the property that I  
22 responded to and this No. 5, dog identified as No.  
23 5.

24 MR. COTTON: Your Honor, at this time, I  
25 would move to have that admitted into evidence  
26 with the other photographs.

27 THE COURT: Any objection, Mr.  
28 Stevenson?

29 MR. STEVENSON: No, ma'am.

1 THE COURT: That photograph will be  
2 marked as State's Exhibit No. 47.

3 (State's Exhibit 47, marked into evidence)

4 MR. COTTON:

5 Q. Investigator Held, as an expert in the  
6 area of dog fighting, having investigated a number  
7 of scenes, will you briefly just explain to the  
8 jury what organized dog fighting is?

9 A. It's just that; it is an organized crime  
10 where there are dogs bred for the purposes of  
11 fighting. They are waged on bets, not only during  
12 the fight but as side bets during the fight as  
13 well.

14 They are raised and trained to be the  
15 most aggressive dog in the pit at the time.

16 Q. When you talk about aggressiveness of  
17 dogs, is it common in your experience for a dog  
18 that is being trained to fight to be human  
19 friendly?

20 A. Absolutely. Organized dog fighting dogs  
21 are probably the most human friendly dogs out  
22 there because as a handler or person in the pit,  
23 you can't get bit by or wouldn't want to be bit by  
24 one of these dogs.

25 Q. In your experience with the dog fighting  
26 yards that you have been to and investigated, is  
27 there a certain size of these dogs?

28 MR. STEVENSON: I object. May we  
29 approach.

1 (Bench Conference)

2 THE COURT: The Court will sustain the  
3 objection by Mr. Stevenson.

4 MR. COTTON:

5 Q. Investigator Held, back in November of  
6 2017, do you recall an occasion where you actually  
7 came to Adams County.

8 A. I do.

9 Q. Can you tell the jury what that was in  
10 reference to?

11 A. It was in reference to a response from  
12 the Sheriff's Department to a property where they  
13 had found a considerable number of dogs and called  
14 me for advice and expertise.

15 Q. Do you recall when you arrived here in  
16 Adams County?

17 A. I arrived on the 8th of November.

18 Q. Upon your arrival at the scene, can you  
19 tell the jury what you saw?

20 A. The property itself was a few acres; I  
21 am not positive exactly of the size. It was a  
22 mobile home residence with several vehicles around  
23 it. To the back of the property were a few other  
24 mobile homes that appeared unoccupied at that  
25 point in time. Between those mobile homes were  
26 several dogs on what we call chain spaces, between  
27 those two sets of mobile homes.

28 Q. Can you describe the scene of the yard?

29 A. On this particular yard, the chain space

1 is a space that each dog is tethered to or in this  
2 instance, they had a pivot in the middle of them,  
3 a doghouse in each one of those chain spaces.  
4 Each chain space is roughly 6" to 12" apart. Dogs  
5 can almost go face to face but they are separated  
6 by a very small margin. Approximately 50 dogs at  
7 that point in time is what I saw on that yard  
8 housed that way.

9 MR. STEVENSON: Object and move to  
10 strike as it relates to numbers.

11 THE COURT: I will overrule your  
12 objection and allow him to testify as to the  
13 numbers.

14 Q. In your experiences and what you viewed  
15 once you got to the yard, is there any particular  
16 reason why the dogs are spaced the way they are?

17 A. In my experience that is to keep the dog  
18 away of what is referred to as game. It keeps  
19 that dog aggressive --

20 MR. STEVENSON: We object. That is not  
21 in the report that he provided; I have a copy of  
22 the report, three pages; it's not in the report.

23 MR. HARPER: Your Honor, he is an expert  
24 in the field of dog fighting. He has to be able  
25 to explain what he is talking about. This is  
26 general information.

27 THE COURT: Mr. Harper he is explaining  
28 information at the scene. Mr. Held I will allow  
29 you to testify as to what you saw at the scene.

1 The fact that it's not in his report means you can  
2 cross-examine him about that.

3 Q. If you would continue the significance  
4 of how these dogs were restrained or chained?

5 A. Again, they are put on heavy chains in  
6 their chain space to allow them almost contact  
7 with another dog on almost all sides of those dogs  
8 for a reason, and that promotes the gameness in  
9 those dogs at all times, 24/7.

10 MR. COTTON: May I approach the witness.

11 THE COURT: You may.

12  
13 Q. Mr. Held, I will ask if you recognize  
14 what was previously admitted as State's Exhibit  
15 31?

16 A. I do.

17 Q. Can you tell the jury what that bucket  
18 consists of?

19 A. Those are chains that were removed from  
20 the dogs, tethering the dogs to the pivot points  
21 that I was talking about.

22 Q. Were you physically present when those  
23 chains were removed?

24 A. I was.

25 Q. Were you able to witness where those  
26 chains actually came from?

27 A. Those particular chains I wouldn't know  
28 but from the yard somewhere.

29 Q. You mentioned heavy chains?



1           A.     Yes, sir.

2           Q.     Is there any significance in the weight  
3 of the chains?

4           A.     Again, that is a 24/7 conditioning tool  
5 for those animals that is constantly drug around  
6 by that dog as he is active on the chain building  
7 not only his muscle but his endurance.

8           Q.     The animals there at the scene, if you  
9 know, approximate average weight of the dogs that  
10 you were able to see at the scene?

11          A.     I would say as an average probably  
12 somewhere around 35 to 40 pounds.

13          THE COURT: Mr. Stevenson, you and Mr.  
14 Queen can sit down here.

15          (Pause)

16          MR. COTTON:

17          Q.     Before I get going, Mr. Held, I will ask  
18 you when this comes up, if you can identify what  
19 was previously marked as State's Exhibit 32. For  
20 the record, do you recognize this photograph as  
21 projected on the screen?

22          A.     Yes.

23          Q.     Can you tell the jury what this  
24 photograph reflects?

25          A.     That's a section of the yard that was  
26 located right behind the residential home of the  
27 property.

28          Q.     Does this appear to be an activate  
29 depiction of the yard when you were present on the

1 scene?

2 A. It does.

3 Q. If you could, can you explain the  
4 configuration of the animals and how they were  
5 configured, what significance there is with that?

6 MR. COTTON: Can he step down.

7 THE COURT: Yes.

8 A. Again, these are the chain spaces that I  
9 was referring to. You can see the green grass  
10 that is outside the reach of the dog and its area  
11 or chain space. So there is minimal separation  
12 between each dog. The dog there in the front, you  
13 can actually see that there is hardly any  
14 separation between those dogs at all in the chain  
15 space, but the pivot that I referred to is that  
16 post in the middle and that heavy chain is  
17 attached to that to allow the dog 360 degrees.

18 Q. I will ask you about the second  
19 photograph. Do you recognize this photograph?

20 A. Yes.

21 Q. Can you tell the jury what this  
22 photograph depicts?

23 A. That is a section of the property just  
24 behind the previous photo that we looked at  
25 towards the back of the property. Again it's the  
26 same; you see the separation from the grass to  
27 each chain space. Some of them have a little more  
28 than others but some of them have very little.

29 Q. Does this accurately depict the scene as

1 you recall when you were present at the scene back  
2 in November of 2017?

3 A. Yes, sir.

4 Q. Any significance of how the dogs are  
5 stationed in this photograph?

6 A. Again, you can see the dogs that are  
7 closer to the center of the property are  
8 completely surrounded by other dogs. There is  
9 nowhere outside their chain space that they can go  
10 that is not in somewhat contact or close contact  
11 with another dog.

12 Q. These barrels or what appear to be  
13 barrels, were you able to examine those?

14 A. Yes, sir.

15 Q. What are those barrels?

16 A. Those are what are put in their chain  
17 space for housing.

18 Q. In your experience as an expert, having  
19 been to a number of dog yards, what in your  
20 opinion does this scene reflect?

21 MR. STEVENSON: Object. There is  
22 nothing in his report as it relates to dog yards.

23 MR. COTTON: Your Honor, I am asking him  
24 what his opinion was at this scene as to the way  
25 the scene was laid out when he was there present  
26 at the scene.

27 THE COURT: I will overrule the  
28 objection. That is for cross-examination.

29 A. This is typical on almost every yard

1 that I have been on, on a rural yard that I have  
2 been on.

3 Q. What kind of yard?

4 A. A rural yard, outside an urban area, a  
5 county -- what we would call out in the country.

6 Q. For what purposes?

7 A. For dog fighting.

8 Q. For actual dog fighting or training of  
9 dogs to be fought?

10 A. It could be a variation; it could be a  
11 breeding yard for the purposes of fighting; it  
12 could be a training yard for the purposes of  
13 fighting. They are all roughly built the same.

14 Q. Third photograph, do you recognize this  
15 photo?

16 A. Yes, sir.

17 Q. Can you tell the jury what this depicts?

18 A. This is another section of the property,  
19 a view of another section of the property, which  
20 is much the same setup. You can see the division  
21 between the dogs, being the green grass; some of  
22 them have a little bit more separation than  
23 others, but it is much the same setup as the rest  
24 of the property.

25 Q. It accurately depicts the scene as you  
26 recall back in November of 2017?

27 A. Yes, sir.

28 Q. These three pictures that I have shown  
29 you, are they the same, different areas or what?

1           A.     On that particular property, these are  
2 all roughly different areas. Some of them have a  
3 little of a crossover, but they are different  
4 areas on that particular property.

5           Q.     I am going to pull up an individual  
6 picture and ask you if you recognize what was  
7 previously marked as State's Exhibit 31, a jump  
8 drive.

9           A.     Yes, sir.

10           THE COURT: Will counsel approach,  
11 please.

12           (Bench Conference)

13           THE COURT: I would like for the record  
14 to reflect that Mr. Stevenson has noted a  
15 continuing objection to everything that Mr. Held  
16 is testifying to that is not specifically in his  
17 report.

18           Q.     Do you recognize this photo Investigator  
19 Held?

20           A.     Yes, sir.

21           Q.     Can you tell the jury what this is a  
22 photo of?

23           A.     Those are instruments used that are  
24 commonly referred to as break sticks in bullying  
25 type fighting. An instrument like this is used to  
26 separate those dogs after they have engaged each  
27 other.

28           Q.     From your own personal knowledge, do you  
29 know where these items were recovered?

1 A. From the residence on the property.

2 Q. Did you take part in the recovery of  
3 those items from the residence on the property?

4 A. I did.

5 Q. I will ask if you recognize this photo?

6 A. Yes, sir.

7 Q. Can you tell the jury if this photo  
8 accurately depicts the animal as viewed at the  
9 time of the instance back in November of 2017?

10 A. It does.

11 Q. Can you explain to the jury upon  
12 inspection of this animal, what you were able to  
13 find?

14 A. This dog was identified as No. 3. The  
15 significant thing that I noticed on this one, it  
16 has old scarring throughout its face and down its  
17 chest area.

18 Q. When you are making reference to the old  
19 scarring-- Judge, may he step down?

20 THE COURT: He may.

21 Q. I will ask that you point to where you  
22 believe the old scarring to be?

23 MR. STEVENSON: I object because when  
24 you talk about things like scarring unless there  
25 is some basis for him to have medical knowledge, I  
26 don't think a dog fight qualifies him to talk  
27 about scarring.

28 MR. COTTON: I asked him his opinion  
29 based on his expertise.

1 THE COURT: Overrule the objection.

2 Q. Point out the areas of scarring you were  
3 able to observe on this animal.

4 A. About the muzzle here, the dark spots  
5 along the forehead, in front of the ears and along  
6 the leg and chest area of this particular dog.

7 Q. Did you find any what you believe to be  
8 previous scarring from the front shoulders back on  
9 this animal?

10 A. Not on this particular animal.

11 Q. Can you tell me where all the scarring  
12 appeared to be on this animal?

13 A. Face, head, neck, chest and front legs.

14 Q. In your expert opinion, you believe this  
15 to be the result of being bitten by another dog?

16 A. Yes.

17 Q. Does this appear consistent with dog  
18 fighting?

19 A. Yes, it does.

20 Q. I will ask if you recognize this photo.

21 A. Yes.

22 Q. Can you tell the jury what this photo  
23 depicts?

24 A. The dog that was identified as No. 5 on  
25 the property. Again it's much the same  
26 circumstances of scarring and this one actually  
27 has some fresher wounds, more recent wounds on the  
28 face as well.

29 Q. The injuries sustained to this dog, No.

1 5, the locations of those injuries were where?

2 A. Again, face, head, neck, chest and front  
3 legs.

4 Q. Any injuries found past its front  
5 shoulder, front legs back to the rear?

6 A. This dog did have some scarring down  
7 towards its ribcage I remember.

8 Q. Were those wounds consistent with dogs  
9 or a dog that has been fought?

10 A. Yes, sir.

11 Q. I will ask you about this photo. Do you  
12 recognize this photo?

13 A. I do.

14 Q. An animal that you were able to observe  
15 there at the scene?

16 A. Yes.

17 Q. What if anything were you able to  
18 determine or form an opinion about in looking at  
19 this dog?

20 A. This dog not only had significant fresh  
21 wounds, but it also had significant old scarring  
22 as well. You can see in the photograph some of  
23 the darker stuff as compared to some of the more  
24 red or pink areas that were more fresh, but it had  
25 considerable old wounds along its head, neck and  
26 chest as well.

27 Q. Are these wounds consistent with a dog  
28 that has been involved in a dog fight?

29 A. Yes, sir.



1 Q. I will ask if you recognize this photo?

2 A. Yes, sir.

3 Q. Do you recall having observed this  
4 animal at the scene back in November of 2017?

5 A. Yes, sir.

6 Q. Can you tell the jury what this photo  
7 reflects?

8 A. This is obviously dog No. 25 that was  
9 identified on the property. Again, this dog has  
10 not only old wounds but what I believe to be  
11 extremely fresh wounds; you see the pink wounds in  
12 its ear and around its nose. The significant  
13 thing that I noticed on this dog was this is an  
14 old injury that is very swollen on that dog's  
15 front leg.

16 Q. These injuries could be consistent with  
17 a dog that has been engaged in a dog fight?

18 A. Yes, sir.

19 Q. I will ask if you recognize this photo?

20 A. I do.

21 Q. Were these items that were recovered at  
22 29 1/2 Miracle Road back in November of 2017?

23 A. Yes.

24 Q. Did you take part in the recovery of  
25 these items?

26 A. Yes, sir.

27 Q. Can you tell the significance of these  
28 items to the jury, please?

29 A. This is a variety of items that are

1 commonly used. There is testosterone powders;  
2 there is weight powders; most of them are  
3 conditioning or weight gain powders that are used  
4 in combination with training.

5 Q. Can you explain to the jury why they  
6 would use such a thing?

7 A. They are used for multiple different  
8 reason; to build endurance, to build body mass or  
9 muscle; testosterone in the animal.

10 Q. Do you recognize this photo?

11 A. Yes.

12 Q. Do you recognize this as being one of  
13 the animals there at the scene that you personally  
14 observed in November of 2017?

15 A. I do.

16 Q. What if anything were you able to  
17 determine in observing this animal?

18 A. Dog 28 again had, not only fresh wounds,  
19 you can see here along the forehead and on the  
20 inside of its leg, but also older wounds along  
21 this. This is an old wound; it also had an old  
22 wound to its eye that was somewhat infected.

23 Q. Do these wounds appear to be consistent  
24 with a dog who engaged in a dog fight?

25 A. Yes.

26 Q. I will ask if you recognize this  
27 photograph?

28 A. I do.

29 Q. Did you have an opportunity to examine

1 or look at this dog when you arrived on the scene  
2 in November of 2017?

3 A. I did.

4 Q. Does that accurately depict the  
5 condition of the animal when you arrived?

6 A. Yes, sir.

7 Q. What were you able to determine looking  
8 at this animal?

9 A. Again, this animal had extremely fresh  
10 wounds, obviously that you can see here, the open  
11 wound, but this dog had significant older scarring  
12 around the top of its head, its muzzle and front  
13 legs as well.

14 Q. In your opinion, is that indicative of  
15 old and new wounds having been engaged and the  
16 possibility of being engaged in a previous fight?

17 A. Yes, sir.

18 Q. I will ask if you recognize this  
19 photograph?

20 A. I do.

21 Q. Was this an animal that you were able to  
22 observe at 29 /2 Miracle Road?

23 A. Yes.

24 Q. What if any determinations were you able  
25 to make in looking at this animal?

26 A. The obvious wound here is this dog had a  
27 fractured jaw and several other fresh wounds on it  
28 as well. It does have some older scarring along  
29 the top of its head and chest area as well.

1 Q. Do these injuries appear to be  
2 consistent with a dog that has been engaged in a  
3 fight?

4 A. Yes, sir.

5 Q. Do you recognize this animal?

6 A. I do.

7 Q. What if anything were you able to  
8 determine -- is this an animal that you were able  
9 to personally observe at the scene?

10 A. It was.

11 Q. What if anything were you able to  
12 determine about this animal?

13 A. This is dog No. 5. This dog had  
14 significant older scarring as you can see along  
15 its forehead, its muzzle area and there are also  
16 some on its front legs as well.

17 Q. Again, did you find a number of injuries  
18 from its front shoulder back?

19 A. Yes, sir.

20 Q. Does this appear to be consistent with  
21 an animal that has been engaged in a dog fight?

22 A. Yes, sir.

23 Q. Do you recognize the animal in this  
24 photograph?

25 A. I do.

26 Q. Is that an animal you had a chance to  
27 personally observe at the scene at 29 1/2 Miracle  
28 Road?

29 A. Yes, sir.

1           Q.    What if anything were you able to  
2 determine when examining this animal?

3           A.    Again, this dog had significant older  
4 scarring. I don't recall any fresh wounds on this  
5 particular dog at the time, but you can see the  
6 darker spots along the head, neck, chest and front  
7 legs of this dog, along the fronts of its ears,  
8 the top of its head.

9           Q.    Do they appear to be consistent with a  
10 dog previously engaged in a dog fight?

11          A.    Yes, sir.

12          Q.    Did you find any what appear to be any  
13 injuries, fresh or old, from its front shoulders  
14 back?

15          A.    No, sir.

16          Q.    Do you recognize that photographer?

17          A.    I do.

18          Q.    Can you tell the jury what this is a  
19 photograph reflecting?

20          A.    Again, it's another dog on the property.  
21 Obviously wounds. You can see extreme damage to  
22 this dog. You can see the outline of a dog bite  
23 here as well as here. There are all extremely  
24 fresh wounds. This dog did have underneath all  
25 this some older scarring as well.

26          Q.    In your experience, the injuries appear  
27 to be consistent with a dog engaged in a fight?

28          A.    Yes.

29          Q.    I ask you if you recognize the bottle in

1 this photograph?

2 A. I do.

3 Q. Can you tell the jury, first of all,  
4 what this item is.

5 A. It's red cell; it's a supplement.

6 Q. What is its purpose?

7 MR. STEVENSON: I object. There is no  
8 evidence he has any training of pharmacology or  
9 medicines so when he starts talking about the  
10 purpose of medicine, I object.

11 MR. COTTON: I will refrain, Your Honor.

12 MR. HARPER: Your Honor, his expertise  
13 is in the field of dog fighting which would  
14 include what supplements they use and that type of  
15 thing. We would submit to the Court that under  
16 his qualifications and expertise he can testify  
17 about what that is used for.

18 THE COURT: Rephrase the question.

19 MR. COTTON:

20 Q. What if anything in your knowledge and  
21 prior investigations, this bottle, K-9 red cell is  
22 used for?

23 A. It is a supplement or additive to the  
24 feet to improve the condition of that dog.

25 Q. In your experience, is it commonly found  
26 in various dog fighting and training promoting  
27 dogs to fight?

28 A. Yes.

29 Q. I will ask if you recognize this

1 photograph?

2 A. I do.

3 Q. Can you tell the jury where these items  
4 were found?

5 A. Inside the bedroom of the residence,  
6 inside a postal box.

7 Q. 29 1/2 Miracle Road?

8 A. Yes, sir.

9 Q. Were you present when these items were  
10 recovered?

11 A. I was.

12 Q. In your expert opinion, what if anything  
13 were these items used for?

14 A. Several different items here. Collars,  
15 chains, swivels, there are put on to attach the  
16 dogs to the pivots or to their collars to keep  
17 them from getting tangled up on the chain. There  
18 is other hardware, rings, D-rings and O-rings, in  
19 here as well and also the four break sticks that  
20 were referred to earlier.

21 Q. I will ask if you recognize this  
22 photograph?

23 A. I do.

24 Q. Can you tell the jury what this is a  
25 photograph of?

26 A. That is the box that contained all of  
27 the previous items.

28 Q. Do you recognize this photograph?

29 A. I do.

1 Q. Can you tell the jury what this is a  
2 photograph of and where it was found?

3 A. Again, there are several items in this.  
4 Gas can, dog collar, wormer and this is a used  
5 break stick in the middle of the picture.

6 Q. Where were these items recovered?

7 A. In a vehicle on the property.

8 Q. Do you know who actually recovered them?

9 A. I did.

10 Q. Do you recognize the animal on this  
11 photograph?

12 A. I do.

13 Q. Can you tell the jury what this picture  
14 depicts?

15 A. This is a photograph -- documentation  
16 after the dog was euthanized and before it was  
17 shipped off for forensic necropsy.

18 Q. Is this one of the photographs that the  
19 jury has already seen?

20 A. Yes, actually it is one of the dogs they  
21 have already seen.

22 Q. Is this one of 9 animals?

23 A. Yes.

24 Q. I will ask if you recognize this  
25 photograph?

26 A. I do.

27 Q. Is that actually your name there at the  
28 bottom of that?

29 A. Yes.



1 Q. What is the purpose of that?

2 A. That is to identify who took that  
3 photograph.

4 Q. You actually took this photo?

5 A. Correct.

6 Q. It is a photo depicting what?

7 A. Again, after the dog was euthanized,  
8 these are more forensic photographs of the  
9 injuries to that particular animal before it was  
10 sent off to forensic necropsy.

11 Q. With this same question with this  
12 animal, do you recognize the photo?

13 A. Yes, sir.

14 Q. And that is your name in the bottom  
15 right-hand corner of the identifying tag?

16 A. Yes, sir.

17 Q. This photograph is indicative of?

18 A. It's because the same; it is used as an  
19 identifier for photographic identification and  
20 documentation of the wounds that animal sustained  
21 before it was euthanized and sent off for forensic  
22 necropsy.

23 Q. Again this photo?

24 A. Yes, sir.

25 Q. That would be the same explanation?

26 A. Yes, sir.

27 Q. I will ask the same question with that.

28 A. Dog 32, it's basically a documentation  
29 of the wounds to that animal prior to it being

1 shipped off for forensic necropsy.

2 Q. If my understanding is correct, you have  
3 admitted on this drive that you have photos that  
4 reflect a live shot of these dogs and then one  
5 once they were euthanized?

6 A. Yes, of both.

7 Q. Which totals nine dogs?

8 A. Yes.

9 Q. This is dog number?

10 A. 25.

11 Q. This photograph would reflect dog --

12 A. 34.

13 Q. This photograph would reflect dog --

14 A. 28.

15 Q. We discussed the injuries in the  
16 previous photograph?

17 A. Yes.

18 Q. This reflects dog number?

19 A. 22.

20 Q. This is after the dog was euthanized?

21 A. That's correct.

22 Q. Can you tell the jury whether or not in  
23 the specifics of what is and what is not, what is  
24 this box that was recovered?

25 A. This is a box that contains several  
26 items in it commonly found on a scene involving  
27 animal fight or dog fighting. It contained a lot  
28 of unmarked pill form and liquid form drugs. It  
29 also contained wormers, other medications, some IV

1 rigged bags, saline solution bags; there were  
2 several items in there. Some of the other more  
3 significant ones are the scales. There were a few  
4 different types of scales in that box.

5 Q. In your experience as an expert in this  
6 field, can you explain to the jury the  
7 significance of scales in dog fighting?

8 A. Just like a boxing match. The dogs are  
9 matched up for weight. They have to meet that  
10 weight in order to be able to not be forfeited, or  
11 fight forfeited. So it is significant to weigh  
12 those animals, whatever is agreed on prior to that  
13 fight that they make that mark.

14 Q. Were you there when these items were  
15 recovered?

16 A. Yes, sir.

17 Q. I will ask if you recognize this  
18 photograph?

19 A. This is some of those same items that  
20 were in that box a little more laid out to be  
21 documented.

22 Q. Were you present when that photograph  
23 was taken?

24 A. I was.

25 Q. Do you recognize this photograph?

26 A. I do.

27 Q. Can you tell the jury what this photo  
28 depicts?

29 A. This contains a lot of the pill form

1 unmarked drugs that we found in that particular  
2 box. It also has some antibiotic mixtures here as  
3 well.

4 Q. In these items were you able to find any  
5 labeled prescriptions?

6 A. No, not in these particular items.

7 Q. These pills at the bottom, what were  
8 they packaged in?

9 A. These are small Tupperware like  
10 containers. There was paper towels stuffed in  
11 there as well and then the pills.

12 MR. COTTON: Your Honor, that's all I  
13 have of the photographs.

14 Q. Mr. Held, I want to go through a few  
15 things with you if the Court will indulge me just  
16 a second. I will ask what has previously been  
17 marked as State's Exhibit 35, without necessarily  
18 going into the bag, the description on the  
19 outside, I will ask if you recognize that bag?

20 A. Yes, sir.

21 Q. Do you recognize the items that are  
22 described to be in that bag?

23 A. Yes, sir.

24 Q. Do you recall whether or not you were at  
25 the scene when those items were recovered?

26 A. This was actually identified and  
27 recovered the day before I arrived.

28 Q. Were you able to inspect those items at  
29 the scene?

1           A.     I was.

2           Q.     Can you tell the jury what those items  
3 are?

4           A.     This is a muscle milk powder, large  
5 container.

6           Q.     As it pertains to training or promoting  
7 a dog in dog fighting, can you tell the jury in  
8 your experience what significance that may have?

9           A.     Again, this is one of the items through  
10 different uses it is used to help condition or  
11 train that dog, build body mass, different things  
12 of that area.

13          Q.     State's Exhibit 34, do you recognize the  
14 description of the items in that bag?

15          A.     Yes.

16          Q.     Can you tell the jury what those items  
17 purport to be?

18          A.     There are a few jugs of creatine powder  
19 in this particular bag; those were found in the  
20 kitchen of the residence.

21          Q.     Based on your experience, is there a  
22 significant reason for that to be used in training  
23 dogs for fighting dogs?

24          A.     Again, it is a conditioning additive or  
25 supplement to that animal to build conditioning  
26 and endurance in those animals.

27          Q.     I will ask you to look at State's  
28 Exhibit 38, a description of those items, and ask  
29 if you can tell the jury what those items purport

1 to be?

2 A. Yes, sir. This bag contains several  
3 different items, one being a bottle of  
4 testosterone powder; there is also a fat burner  
5 supplement in this as well; there is testosterone  
6 booster tablets and there is -- a bottle called  
7 Fury, pre-workout supplement.

8 Q. You were there when those items were  
9 recovered?

10 A. I was.

11 Q. What if any significance do they have as  
12 it relates to training or promoting a dog for the  
13 purposes of fighting?

14 A. Much the same. Some of these have  
15 different purposes; some of them are weight  
16 gainers; some of them are weight cutters,  
17 depending on where the dog needs to be, whether it  
18 needs to gain weight or lose weight. Then there  
19 is testosterone booster as well; there is some  
20 electrolytes in this as well for hydration  
21 purposes.

22 Q. What about testosterone?

23 A. It is basically used to encourage  
24 gameness in that dog and pump that dog up to be a  
25 game dog.

26 Q. These items obviously have a human  
27 purpose but in your experience, are these also  
28 items commonly found at dog yards?

29 A. Yes, sir.

1 Q. Why is that?

2 A. Just for that, it's conditioning  
3 purposes, just like human athletes use these  
4 things to enhance themselves on their regimes and  
5 their workouts; it is used also in the dog  
6 fighting world.

7 Q. I will ask you if you recognize what has  
8 been previously admitted as State's 40.

9 A. Yes.

10 Q. Can you tell the jury what that is?

11 A. These are some of the scales that we saw  
12 in the photographs that are used to weigh or weigh  
13 in the dogs at the time of the fight.

14 Q. I will ask if you recognize what was  
15 previously marked as State's Exhibit 37?

16 A. Yes, sir.

17 Q. Can you explain to the jury what those  
18 items are?

19 A. These are the IV bags, saline solution  
20 bags in the photograph. IV rigs to use after a  
21 dog has been fought, to rehydrate that animal.

22 Q. Is that item in your experience is  
23 commonly rally found at a dog yard?

24 A. Yes, sir.

25 Q. It is commonly used in treating or  
26 promoting animals to fight?

27 A. Repairing them after they have done so,  
28 yes.

29 Q. I will ask you to identify State's

1 Exhibit 39 and tell the jury what that purports to  
2 be.

3 A. Yes, sir, it is a bag of milk replacer,  
4 found in a bedroom of the residence.

5 Q. Did that have any significance to dog  
6 fighting?

7 A. It's common in breeding operations to  
8 replace milk from mothers that can't produce it on  
9 their own.

10 Q. I will ask you to identify State's 42.  
11 What do those items appear to be?

12 A. This a bottle of Iodine wound spray,  
13 used to discourage infection of open wounds of  
14 dogs that have been bitten by another dog.

15 Q. In your experience and expertise, are  
16 these items commonly found in yards used to  
17 promote and train fighting dogs?

18 A. Typically the repair kit, yes.

19 Q. Can you identify State's Exhibit 36 and  
20 the items that appear to be in that bag?

21 A. Yes. The red cell that we spoke about  
22 in the photographs from the Natchez Veterinary  
23 Clinic along with some iron pills that were  
24 prescribed to Roderick Dobbins that were found on  
25 the property.

26 Q. What significance does this play in  
27 promoting and the training of fighting dogs?

28 A. They are both supplements to encourage  
29 or build up conditioning in animals that are



1 trained to fight.

2 Q. Can you identify State's Exhibit 43,  
3 what the item in that bag purports to be?

4 A. This is a bottle of LA-200 which is an  
5 antibiotic.

6 Q. An item commonly found at the scene of  
7 training, promoting of fighting dogs?

8 A. Infection is the number two killer of  
9 dogs that have been in fights and antibiotics are  
10 a staple with them.

11 Q. Does this appear to be an injectable  
12 antibiotic?

13 A. It is.

14 Q. I will ask what was previously marked as  
15 State's Exhibit 39, can you tell me what that  
16 bottle purports to be?

17 A. Again, this is a bottle of antibiotics.  
18 This is Penicillin, injectable Penicillin, found  
19 on the property.

20 Q. Were you there and aided in the recovery  
21 of that item?

22 A. I was.

23 Q. What significance is that -- what role  
24 does that play in the area of dog training or  
25 promoting or fighting dogs?

26 A. Again, this is used to keep dogs from  
27 being infected from being bitten or injured from  
28 another dog after a fight.

29 Q. This was previously marked as State's

1 Exhibit 46. Can you to identify what purports to  
2 be in that bag?

3 A. Yes, sir. This is injectable solution  
4 known as dexamethasone. It is commonly than used  
5 as an injectable steroid after a fight. What it  
6 does --

7 MR. STEVENSON: Object. When it starts  
8 talking about the purpose of medicines --

9 THE COURT: I will sustain that  
10 objection.

11 MR. COTTON:

12 Q. I will show you what was previously  
13 marked as State's 45. I will ask you to identify  
14 what that purports to be in that bag?

15 A. This is a bottle of injectable B-12  
16 found in the frig, refrigerator of the residence.

17 Q. Based off your experience and expertise,  
18 is there any significance that B-12 plays in the  
19 promoting or training of dogs for the purposes of  
20 fighting?

21 A. It is a vitamin booster and conditioner  
22 for those animals.

23 Q. Investigator Held, in your 20 years of  
24 experience investigating dog fights, is it common  
25 for you to encounter a number of medications or  
26 supplements such as the ones found at the scene?

27 A. Yes.

28 Q. Can you explain to the jury your opinion  
29 as to why that is?

1           A.     There are several different reasons.  
2     Again, it could be for the conditioning or  
3     building up of the dog prior to a fight. It could  
4     be for the repair work of a dog that has been in a  
5     fight and needing to be healed or fixed after a  
6     fight.

7           Q.     Did you find in this scene where it  
8     appeared that the vet was used regularly for the  
9     care of these animals?

10          A.     I did not see any evidence of that, no.

11          Q.     Is it common at scenes such as 29 1/2  
12     Miracle Road where you have a number of items  
13     there for individuals to vet themselves.

14          A.     Yes.

15          Q.     Do you have an opinion why that is?

16          A.     You can't take a dog fighting dog to a  
17     veterinarian.

18                 MR. STEVENSON: I will object. He is  
19     not a veterinarian. He cannot testify --

20                 THE COURT: Sustained.

21          Q.     Based off your observations, your  
22     training and experience, were you able to form an  
23     opinion as to whether Mr. Queen was running a dog  
24     fighting operation on his property in Adams  
25     County, Mississippi?

26          A.     Yes, sir.

27          Q.     What opinion were you able to form based  
28     on your personal experience at 29 1/2 Miracle  
29     Road?

1           A.     With the training implements, tools, the  
2 conditioning supplements, the way the yard was  
3 laid out, I feel like this was a dog fighting  
4 training yard.

5           MR. COTTON: I tender the witness,  
6 Judge.

7 CROSS-EXAMINATION BY MR. STEVENSON:

8           Q.     I have a few questions for you. You  
9 assisted in searching Mr. Queen's property,  
10 correct?

11          A.     I did.

12          Q.     You actually even recovered some  
13 evidence yourself, correct?

14          A.     I did.

15          Q.     How many police academies have you been  
16 to?

17          A.     None.

18          Q.     What training do you have -- what  
19 certification do you have as a law enforcement  
20 officer?

21          A.     I do not.

22          Q.     You were out there playing cop without  
23 any certification?

24                 MR. HARPER: Object, argumentative.

25                 THE COURT: Objection sustained.

26          Q.     You agree with me that you don't have  
27 any certification as a law enforcement officer,  
28 correct?

29          A.     That's correct.

1 Q. The agency you work for, is that a law  
2 enforcement agency?

3 A. No, sir.

4 Q. Is it a governmental agency?

5 A. No, sir.

6 Q. It is a private agency?

7 A. Yes.

8 Q. That private agency, it relies --  
9 donations are important to your agency, correct?

10 A. Yes.

11 Q. You have used Mr. Queen's case with  
12 press releases to help gain funds?

13 A. I have not.

14 Q. Has your agency done any press releases?

15 A. There have been media releases, yes.

16 Q. What is the purpose of these releases?

17 MR. HARPER: Objection, he is  
18 speculating something about something he does not  
19 know.

20 MR. STEVENSON: I will rephrase the  
21 question.

22 Q. Your agency uses these media releases to  
23 help raise money; does it not?

24 A. It does, yes.

25 Q. Do you know how much money was raised as  
26 a result of the media in Mr. Queen's case?

27 A. I have no idea.

28 Q. I want to talk about some of the things  
29 you testified to. You testified to -- you

1 investigate organized dog fighting, correct?

2 A. Yes, sir.

3 Q. In part of organized dog fighting, you  
4 see things like betting, correct?

5 A. Betting, yes.

6 Q. What evidence of betting did you find in  
7 this case?

8 A. I did not find any.

9 Q. One of the things you -- sometimes you  
10 see things like logs where dogs were weighed and  
11 things like that. Did you find that in this case?

12 A. I did not find any.

13 Q. Did you find any evidence of winnings  
14 from dog fights?

15 A. I did not.

16 Q. Did you find any advisements for future  
17 dog fighting?

18 A. I did not.

19 Q. One of the things you sometimes find at  
20 scenes where dogs are being fight are muzzles,  
21 isn't that correct?

22 A. I would not say that is common.

23 Q. It does happen, correct?

24 A. Yes.

25 Q. You did not find any muzzles at this  
26 scene, did you?

27 A. I did not.

28 Q. You did not find any reports where they  
29 kept a log of dogs weight and things like that,

1 did you?

2 A. I did not find that, no.

3 Q. One of the things you talked about was  
4 dogs being on chains?

5 A. Yes.

6 Q. Was there a fence on this property?

7 A. No, sir.

8 Q. Is it common in dog fighting operations  
9 to have a privacy fence or things like that, that  
10 keep the general public from being aware of what  
11 is going on?

12 A. Is this common?

13 Q. Yeah.

14 A. I would not say common, no.

15 Q. If dog fighting is illegal, it is not  
16 something one doesn't worry about that you can see  
17 it, correct?

18 A. That is true.

19 Q. Normally they have a privacy fence or  
20 some mechanism to secure the area from the general  
21 public, don't they?

22 A. My rural yards that I investigate  
23 typically don't have privacy fences, no.

24 Q. But you have seen privacy fences in  
25 rural areas?

26 A. Yes.

27 Q. You are not saying every rural yard is  
28 open to the public, correct?

29 A. That is true.

1 Q. Are you saying that?

2 A. No.

3 Q. There was nothing to secure Mr. Queen's  
4 property, was it?

5 A. I am not sure that I understand the  
6 question.

7 Q. There was no fence or no device to  
8 secure Mr. Queen's property, correct?

9 A. No, sir.

10 Q. Did you see a no trespassing sign?

11 A. I don't recall, no.

12 Q. His property was open to the general  
13 public, correct?

14 A. It was.

15 Q. In most crime scenes where illegal  
16 activity is going on, that is normally kept from  
17 the purview of the general public; wouldn't you  
18 agree with me?

19 A. I don't know that I would agree with  
20 that.

21 Q. You believe most crime scenes are just  
22 done out in the open where everybody can see what  
23 is going on?

24 A. In my experience in the dog yards, if we  
25 are talking about the dog yards, in rural dog  
26 yards, they are not enclosed for the most part.

27 Q. How many rural dog yards have you  
28 investigated?

29 A. Probably scene a few hundred.



1 Q. I asked how many have you investigated.

2 A. Probably a few hundred.

3 Q. How many have you investigated in  
4 Mississippi?

5 A. In the city.

6 Q. In Mississippi?

7 A. A handful, five maybe.

8 Q. One of the things you talked about was  
9 promoting gameness.

10 A. Yes.

11 Q. I want to pass you a report and pen as  
12 well. I want you to highlight for me where you  
13 talk about gameness in that report?

14 A. I don't.

15 Q. You prepared that report back when you  
16 were actually doing this investigation, correct?

17 A. After I was away from this  
18 investigation.

19 Q. When did you prepare the report?

20 A. After I had gone back home from this  
21 particular property.

22 Q. What date?

23 A. I am not positive of the day; it was  
24 over a few days after I saw this property.

25 Q. I will take a year.

26 A. In 2017.

27 Q. You prepared the report almost two years  
28 ago, correct?

29 A. That's correct.

1 Q. There are things that you testified  
2 today that are nowhere in that report; isn't that  
3 true?

4 A. That is true.

5 Q. They are several things as a matter of  
6 fact that you testified in that report -- I mean,  
7 that you testified today that are nowhere in that  
8 report; isn't that true?

9 A. That is true.

10 Q. Now, you're aware that some people say  
11 that dogs involved in dog fighting are like a  
12 loaded weapon; isn't that correct?

13 A. I have heard that, yes.

14 Q. But is your testimony that dogs that are  
15 trained to fight or actually human friendly?

16 A. For the most part, yes, sir.

17 Q. How many veterinarian classes have you  
18 taken in your lifetime?

19 A. I'm sorry; I didn't understand the  
20 question.

21 Q. How many classes relating to  
22 veterinarian science have you taken in your  
23 lifetime?

24 A. None.

25 Q. Are you aware of how much property that  
26 Mr. Queen owns?

27 A. Not exactly, no, sir.

28 Q. You don't disagree whether you have two  
29 dogs or more than two dogs, dogs sometimes

1 randomly fight; is that not correct?

2 A. That is possible.

3 Q. That's not a crime, is it, for dogs to  
4 fight in and of themselves?

5 A. No, sir.

6 Q. What makes it a crimes is when it is  
7 organized dog fighting, correct?

8 A. Yes, sir, I would agree with that.

9 Q. In the organized dog fighting, you see  
10 like betting, logs and things of that nature. You  
11 didn't find any of that in this case, did you?

12 A. I did not find any, no.

13 Q. And a lot of the pictures of those dogs  
14 that were in the photographs, those dogs -- they  
15 are not dogs that will be used in future dog  
16 fights, are they?

17 A. Not anymore, no.

18 Q. So they are sickly dogs, right?

19 A. I am not sure --

20 Q. They are not healthy dogs, correct?

21 A. They weren't healthy at that time, no.

22 Q. You agree that none of those dogs would  
23 have been dogs that would be used in a future dog  
24 fight, correct?

25 A. I wouldn't say that at all, no, sir.

26 Q. You believe that unhealthy dogs will be  
27 used in a dog fight?

28 A. No, I would say they would be brought  
29 back to health and used in a fight again.

1 Q. Those dogs, according to you, had to be  
2 euthanized?

3 A. According to a veterinarian, yes, sir.

4 Q. If the veterinarian euthanized this,  
5 that means it was his professional opinion that  
6 they could not be brought back to health, correct?

7 A. At that point in time, no, sir.

8 Q. Because if those dogs were healthy or  
9 could have been -- if he felt they could have been  
10 rehabilitated, they would not have been  
11 euthanized, correct?

12 A. I don't think that is a true statement.  
13 I think given the resources at the time, those  
14 dogs could have been rehabbed; the resources that  
15 were available at the time, those dogs were  
16 euthanized, due to their suffering at the time.

17 Q. And that is your opinion, correct?

18 A. That is.

19 Q. Again, I believe you testified that  
20 Mr. Queen's yard was used as a dog fighting yard.  
21 But essentially that is just your personal  
22 opinion; is it not?

23 A. I referred to it as a training yard, not  
24 a dog fighting.

25 Q. That is your personal opinion, correct?

26 A. That is.

27 Q. You are not aware of any other person in  
28 the state of Mississippi who has been tendered as  
29 an expert in the field of dog fighting that agrees

1 with your opinion, are you?

2 A. I am not aware, no.

3 Q. You testified that those dogs had  
4 injuries consistent with dog fighting; is that  
5 correct?

6 A. I did.

7 Q. Where did you put that in your report?

8 A. It wasn't in this report.

9 Q. That is an important; wouldn't you agree  
10 with me?

11 A. At the time of this report, it was not.

12 Q. It was an important thing?

13 A. Yes.

14 Q. But it was not important enough for you  
15 to write down; is that correct?

16 A. At the time, no.

17 Q. But you remembered that today two years  
18 later?

19 A. Yes, sir.

20 Q. One of the things you talk about is some  
21 of these items were to improve the condition of  
22 the dogs?

23 A. I did.

24 Q. If a person is taking dogs they are  
25 getting from other people that have been injured  
26 or hurt and rehabilitating them, they would have  
27 items to help improve the dog's medical condition;  
28 isn't that true?

29 A. Medical condition, yes.

1 Q. All of these items, when you talk about  
2 the medical items, the supplements, they are not a  
3 legal threat?

4 A. Not in themselves, no.

5 Q. As a matter of fact, people purchase  
6 those items every day to use on animals?

7 A. Supplement items, yes.

8 Q. It's not uncommon for people in rural  
9 Mississippi, who have limited resources, not to go  
10 to the vet but to try to medicate their animals  
11 themselves; is that true?

12 A. That's true.

13 Q. There are a number of people who have  
14 animals who just cannot afford to take to them to  
15 the vet; isn't that true?

16 A. Yes.

17 Q. That's why people often order  
18 supplements, vitamins, de-wormers, things like  
19 that, to care for their dogs or animals at home;  
20 isn't that true?

21 A. That is true.

22 Q. And there is nothing illegal about that?

23 A. Not in and of itself, no.

24 Q. You talk about some of these injuries  
25 were fresh injuries, correct?

26 A. I did.

27 Q. Where was Mr. Queen when you were out  
28 there looking at those fresh injuries?

29 A. I have no idea.

1 Q. You have never spoken to him?

2 A. I have not.

3 Q. You haven't ever interacted with him?

4 A. I have not.

5 Q. You don't know if he was present when  
6 those dogs gained those injuries or not, do you?

7 A. I do not.

8 Q. Mr. Queen is the person on trial?

9 A. That is correct.

10 Q. You are their expert, correct.

11 A. That's correct.

12 Q. In your expert opinion, you don't know  
13 where Mr. Queen was when those dogs were injured?

14 A. Don't know.

15 Q. You don't know how long those dogs have  
16 had these injuries, do you?

17 A. I can guess.

18 Q. That is what it would be, a good guess?

19 A. Yes.

20 Q. Again no records of fights; is that  
21 correct?

22 A. I did not find any.

23 Q. No evidence of future fights?

24 A. I did not find any.

25 Q. One of the things that you talked about  
26 was some things being used that were typical in  
27 repair kits, correct?

28 A. I did.

29 Q. How many repair kits did you find in Mr.

1 Queen's place?

2 A. He had stuff all over the properties. I  
3 can say one large one.

4 Q. That is not what I asked you. When you  
5 talk about repair kits, you are talking about  
6 items that people who fight dogs take to the dog  
7 fight with them, correct?

8 A. That is not always entirely true.

9 Q. They do take repair kits to the dog  
10 fights with them, correct?

11 A. Some have been known to, yes, sir.

12 Q. How many repair kits did you find that  
13 could be taken to a dog fight in the form that  
14 they were in at Mr. Queen's residence?

15 A. The items were all bagged and boxed  
16 really so they were portable at any point in time.

17 Q. You did not find one repair kit that was  
18 together, that was ready to be transported to the  
19 dog fight, did you?

20 A. I can't say --

21 MR. COTTON: I object. I ask that he be  
22 allowed to answer his question.

23 THE COURT: Mr. Stevenson, let him  
24 answer the question.

25 MR. STEVENSON: I will rephrase the  
26 question.

27 Q. How many repair kits did you find ready,  
28 assembled to be transported to a dog fight at  
29 Mr. Queen's residence?



1 A. None in that regard.

2 Q. Not one?

3 A. That's correct.

4 Q. You are a professional, right?

5 A. That's correct.

6 Q. If anybody would have found it, it would  
7 have been you, correct?

8 A. Possibly.

9 Q. Is it true where dog fighting is, coming  
10 to see people coming and going, a lot of people  
11 coming and going?

12 A. Depending on the type of property that  
13 you are referring to. If the fight property,  
14 then, yes, you will see training yards; you don't  
15 see that much traffic.

16 Q. You did not see any evidence of a lot of  
17 people coming and going from Mr. Queen's  
18 residence?

19 A. There were several vehicles in the yard  
20 at the time of the seizure; I have know idea what  
21 those vehicles were related to.

22 Q. I appreciate that answer, but it is not  
23 the answer to the question that I asked. What I  
24 asked you, you didn't find any evidence of people  
25 frequently coming and going from Mr. Queen's  
26 residence, did you?

27 A. I did not.

28 Q. Again, you are the expert, correct?

29 A. That's correct.

1 Q. I want to be clear about something. You  
2 don't believe a dog should be on a chain ever, do  
3 you?

4 A. I do not believe in tethering an animal,  
5 no.

6 Q. You don't believe in tieing up an  
7 animal, do you?

8 A. No.

9 Q. You have a problem with the fact that  
10 Mr. Queen tied up animals, didn't you?

11 A. That is not the reason, no.

12 Q. You said, I don't believe in tethering  
13 animals; is that correct?

14 A. My personal animals, no, I don't believe  
15 in that.

16 Q. You are the expert. Are you aware that  
17 it is a common practice in Mississippi to tie up  
18 dogs?

19 A. I do.

20 Q. That is not illegal, is it?

21 A. It's not.

22 Q. It's not a crime, is it?

23 A. No.

24 Q. You don't like that?

25 A. I do not like doing that for my personal  
26 animals, no, sir.

27 MR. STEVENSON: Court's indulgence.

28 (Pause in Proceedings)

29 MR. STEVENSON:

1 Q. I just want to be clear. There is no  
2 evidence that any of those dogs that they show  
3 pictures of were going to be used in future dog  
4 fights, was there?

5 A. I am not sure I understand the question.

6 Q. All of those pictures that counsel  
7 opposite took you through, there was no evidence  
8 that any of those dogs were going to be used in  
9 future dog fights, was there?

10 A. In my experience, if they are still on  
11 the yard, they will be used for another fight.

12 Q. So just the fact they are there to you  
13 is proof that they will be sued for a fight in the  
14 future?

15 A. That's correct.

16 Q. Even though the veterinarian says they  
17 are so sick we have to put them out of their  
18 misery?

19 A. At the time, yes, sir.

20 Q. Let's be clear. You don't have any  
21 evidence that those dogs have ever been in  
22 organized dog fighting, do you?

23 A. I have evidence that they have been  
24 fought.

25 Q. That is not what I asked you. I asked  
26 you if you had any evidence that those dogs had  
27 ever been in an organized dog fight?

28 A. Organized, no, sir.

29 MR. STEVENSON: No further questions.

1 THE COURT: Redirect?  
2  
3

4 REDIRECT EXAMINATION BY MR. COTTON:

5 Q. Mr. Held, did you know that it was  
6 common for the people in the state of Mississippi  
7 to have as many dogs as Mr. Queen chained up on  
8 chains like that?

9 A. No, sir, that's not common.

10 Q. Is it common for the people in the state  
11 of Mississippi to tether their dogs with the  
12 chains of that weight?

13 A. No, sir.

14 Q. Is it your testimony today that in your  
15 opinion that it takes a chain of that size to  
16 restrain a dog of the size that was in those  
17 photographs?

18 A. No, sir.

19 Q. Mr. Stevenson has talked a lot about dog  
20 fighting. I want to ask you about dog training.  
21 Twenty-nine and one-half Miracle Road, at one  
22 point there was discussion about it being rural,  
23 but then we tried to make that sound like it was  
24 in the city. How many houses were around 29 1/2  
25 Miracle Road as you recall?

26 A. I saw one other in the vicinity of that  
27 residence.

28 Q. Would you say it was a highly populated  
29 area or not at all?

1           A.     Not at all.

2           Q.     Can you explain the surroundings of the  
3 area?

4           A.     At the back of the property was a creek  
5 bed with woods behind that and one side of it was  
6 surrounded by an open field; the other side had  
7 the residence; I spoke about the neighbor's  
8 residence. Then the front was the road that led  
9 into the residence.

10          Q.     Based off the photographs that the jury  
11 saw and the testimony you gave and I believe  
12 counsel opposite mentioned about the injuries  
13 fresh and old. Would you agree with me, that it a  
14 lot of dogs getting loose?

15          A.     Yes, sir.

16          Q.     Off those chains?

17          A.     Yes, sir, a lot.

18          Q.     In your experience as an investigator,  
19 for ASPCA, nobody has asked you about trying to be  
20 a cop. Do you have a desire to be a cop?

21          A.     No, sir.

22          Q.     Do you refer to yourself as a cop?

23          A.     No, sir.

24          Q.     What do you refer to yourself as?

25          A.     Animal cruelty investigator.

26          Q.     Am I correct in saying that you have had  
27 the training to correspond with your title?

28          A.     Yes, sir.

29          Q.     Having been certified today in this

1 court --

2 MR. STEVENSON: Object. That he is  
3 certified. He was tendered as an expert. I don't  
4 think the Court certified him.

5 THE COURT: I will sustain. The Court  
6 accepted him as an expert, Mr. Cotton.

7 Q. Having been accepted as an expert in the  
8 area of dog fighting, what is your opinion  
9 regarding the 29 1/2 Miracle Road property  
10 belonging to Mr. Tommie Queen.

11 A. That it was a dog fighting operation,  
12 whether it be breeding and training operation.

13 Q. You are basing that off of?

14 A. My training and experience of  
15 investigating many yards like it.

16 Q. Was the layout of the yard a condition  
17 to a training yard?

18 A. Yes.

19 Q. Were the supplements commonly found in  
20 yards /\* for training purposes?

21 A. Yes, sir.

22 Q. The injuries that were found, are those  
23 injuries that are typically found of dogs that  
24 have fought?

25 A. Yes, sir.

26 MR. COTTON: That is all I have, Judge.

27 THE COURT: Will counsel approach,  
28 please.

29 (Pause in Proceedings)

1 THE COURT: Ladies and Gentlemen, you  
2 have been back out here about an hour and a half  
3 now, so we are going to take about a ten-minute  
4 break. The State has more witnesses that they are  
5 going to call so they are going to call that  
6 witness at the end of this ten-minute bread, then  
7 we are going to recess for lunch.

8 (JURY EXITS COURTROOM FOR A BRIEF RECESS)

9 (Recess Taken)

10 (JURY RETURNS TO COURTROOM AND THE FOLLOWING  
11 PROCEEDINGS WERE HELD IN THE PRESENCE AND HEARING  
12 OF THE JURY)

13 THE COURT: Mr. Harper, call your next  
14 witness.

15 MR. HARPER: We would call Dr. Robert  
16 Savant, please, ma'am.

17 DR. ROBERT SAVANT, CALLED AS A WITNESS AND HAVING  
18 BEEN FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

19 DIRECT EXAMINATION BY MR. HARPER:

20 Q. State your name for the record.

21 A. Robert Savant. S-a-v-a-n-t.

22 Q. Dr. Savant, what is your profession?

23 A. I am a veterinarian.

24 Q. How long have you been a practicing  
25 veterinarian?

26 A. In May it will be 38 years.

27 Q. Where is your practice?

28 A. In Natchez on Liberty Road.

29 Q. How long have you practiced from that

1 address?

2 A. Same number of years, almost 38.

3 Q. You were practicing back in -- what  
4 education training and experience do you have that  
5 qualifies you to serve as a veterinarian?

6 A. I have a degree in animal science, and I  
7 have a doctor of veterinary medicine from LSU.

8 Q. You mentioned that you have practicing  
9 for 38 years?

10 A. Yes, sir.

11 Q. Over that period of time, have you had  
12 additional training, continuing education type  
13 stuff?

14 A. Every year we are required to have  
15 15 hours of continuing education, so yes.

16 MR. HARPER: Your Honor, at this time we  
17 would tender Dr. Savant as an expert in the field  
18 of veterinary medicine.

19 THE COURT: Any objection, Mr.  
20 Stevenson?

21 MR. STEVENSON: No objection, Your  
22 Honor.

23 THE COURT: The Court will accept Dr.  
24 Savant as an expert in veterinary medicine.

25 Q. Dr. Savant, obviously, you were  
26 practicing back in November 2017, specifically on  
27 the 7th, and 8th of that year.

28 A. Yes, sir.

29 Q. I will ask if you had an occasion to be



1 contacted by the Adams County Sheriff's Department  
2 concerning a situation then?

3 A. Yes, sir, I was.

4 Q. Tell us how you came to be contacted and  
5 what if anything you did as a result of that?

6 A. On the 7th of November 2017, they called  
7 and asked if -- whoever was on that day, which I  
8 was the veterinarian on that day, would examine  
9 some dogs that they felt had grievous injuries and  
10 needed to be looked at; so they brought them to my  
11 office at that time.

12 Q. Do you recall approximately how many  
13 they brought to you?

14 A. Six.

15 Q. Would you tell us -- they did bring them  
16 to the office?

17 A. They did.

18 Q. Would you tell us what you observed when  
19 they got these animals to the office?

20 A. They were brought to the office, and  
21 they asked me to look at those and at that point  
22 they had already assigned, because of the number  
23 of animals, they assigned numbers to each one.  
24 That is what my descriptions will be. If you  
25 like, I can describe --

26 Q. What breed or what did they appear to  
27 be?

28 A. They appeared to be pit bull or pit bull  
29 like.

1 Q. Obviously they brought them to you  
2 because of some kind of health problem. What kind  
3 of health problem -- or what did you observe about  
4 them as far as their health was concerned?

5 A. Overall health on all of them?

6 Q. Just general.

7 A. They were in various states of injury,  
8 some horrendous injuries and some that were not  
9 as, but they were all in trouble; they were all  
10 sick.

11 Q. Based on your expertise and your  
12 experience, what did they appear to be; what type  
13 of injuries did they appear to be?

14 A. They were definitely bite wounds and  
15 lacerations that are incurred during dogs biting  
16 each other.

17 Q. Let's talk about each one specifically.  
18 Why don't you go through the ones that you saw  
19 that day.

20 A. I will start with No. 22, was a brown  
21 male dog that appeared to be a pit bull. Eyes  
22 were clear, mucus membranes were very pale and had  
23 a very slow capillary refill time. Multiple bite  
24 wounds that had healed on his neck and forelegs,  
25 but he also had a large edematous area on his  
26 ventricle neck and there were several punctures  
27 that were fresh and bleeding. The slow capillary  
28 refill time -- what that is, the mucus membranes  
29 of the gingiva and if you press those and let go,

1 they refill at a certain time. And that tells me  
2 we are getting profusion and there is enough blood  
3 to do that. When it's slow, you push and let go,  
4 and it doesn't become pink again. Slow capillary  
5 refill time indicated to me that the dog was in  
6 shock. The edematous area indicated active  
7 bleeding. Because of this, we made a decision to  
8 humanely euthanize this dog.

9 Q. Was there any chance, in your opinion,  
10 for that dog to be rehabilitated?

11 A. No.

12 Q. Even at great expense?

13 A. You know, that could have happened at  
14 great expense.

15 Q. I will hand you two photographs that  
16 have been marked as State's Exhibits 7 and 27 and  
17 I ask if you can identify what is in those  
18 pictures?

19 A. I see a dog that has obvious head  
20 wounds, is morbid, laying there without response  
21 and not being controlled at all. This is even  
22 more of the same thing. I see lacerations around  
23 the right side of the face, punctures, the eye is  
24 closed on that side. The ear at that point has  
25 multiple punctures and the dog is depressed. Its  
26 eyes are closed and not even looking up at  
27 anything.

28 Q. I will ask you this. Were there any  
29 indications or any old wounds possibly healed

1 wounds on the dog?

2 A. Yes, I see some areas on the back legs  
3 that appear to have had punctures and definitely  
4 on the hip on that view.

5 Q. That one appears that the dog may have  
6 already been euthanized?

7 A. It may have. I did not realize that was  
8 that picture.

9 Q. Tell us about the next dog.

10 A. No. 25 is the next on the list that I  
11 have and is a brown and white spotted male.  
12 Again, appears to be a pit bull in origin. He  
13 also has multiple punctures as did 22, both fresh  
14 and healed on his face and forelegs. His left  
15 foreleg had been fractured at the distal one-third  
16 of the radius and ulna which is right above what  
17 we would call the wrist. Because of this injury,  
18 the dog was humanely euthanized.

19 Q. I will hand you what has been marked  
20 State's Exhibits 8 and 25. If you will look at  
21 those and tell me whether or not those look  
22 familiar to you.

23 A. Yes, they do.

24 Q. Is that one in the same as dog No. 25  
25 that you just testified about?

26 A. Yes.

27 Q. Can you see those injuries that you  
28 described on the dog in that picture?

29 A. I can.

1 Q. The other may be after being euthanized?

2 A. Yes, euthanasia; I realize that now.

3 Actually they are easier to see on the euthanasia  
4 shots. The left foreleg I mentioned is grossly  
5 swollen, edematous and the fracture is apparent.  
6 You have got multiple bite wounds, again facial,  
7 but there are also chest wounds in this case. If  
8 you look at the right foreleg, the one that was --  
9 a better word is less injured and there are some  
10 healing wounds that I see on that.

11 The dog in the other picture is not  
12 standing on the left leg that had been injured and  
13 had multiple punctures, lacerations about its face  
14 and chest.

15 Q. It appears that dog was chained?

16 A. Yes.

17 Q. It had these injuries, but it was on a  
18 chain?

19 A. It appears so, yes. There is a very  
20 heavy chain.

21 Q. Again, let me say, injuries I know you  
22 have got others to talk about but as a whole,  
23 where were the injuries on the dogs; the new  
24 injuries, the ones that you saw? Where are they  
25 located on there?

26 A. Speaking of 25, right?

27 Q. Yes.

28 A. That same dog; face, chest and forelegs.

29 Q. All four legs?

1 A. Yes.

2 Q. Same as with 22?

3 A. 22, yes.

4 Q. The next one would be 28?

5 A. That is correct. 28 was a brown female  
6 dog that again appeared to be pit bull. She had  
7 very pale mucus membranes and as I mentioned  
8 before capillary refill time. Her left rear leg  
9 in the femoral area, which we call our thigh was  
10 grossly engorged to approximately twice its normal  
11 size and there were multiple fresh punctures with  
12 frank blood, which is not dry blood, but blood  
13 that is actually occurring, coming out at that  
14 time. Her right front leg was also damaged with  
15 soft tissue swelling, multiple punctures  
16 consistent with dog bite wounds and because of  
17 these injuries, she was humanely euthanized.

18 Q. I will hand you what has been marked as  
19 State's Exhibits 10 and 26 and ask you if you can  
20 identify those?

21 A. Yes.

22 Q. That is the dog you just described?

23 A. Right.

24 Q. Again, was their evidence of any older  
25 healing injuries?

26 A. Yes. They are more apparent on this  
27 one. Across the top of the nose, there is an old  
28 injury that is apparently healed and of course  
29 multiple lacerations along the right side of the

1 face including the eye. There is bite wounds that  
2 we can see that extend up the nose onto the top of  
3 the head, and the more apparent injury is the  
4 right foreleg that had both healing and necrotic  
5 tissue that we can see at that point and frank  
6 bleeding is going and this is the front facial  
7 view. When I look at post euthanasia I see -- the  
8 easiest thing to see is this is a dog that has  
9 been bred numerous times and the facial wounds  
10 aren't as apparent because of the positioning of  
11 the dog at that point.

12 Q. On this one, it appears to be chained  
13 also?

14 A. It does, yes.

15 Q. Dr. Savant I believe the next one that  
16 you examined is 31?

17 A. Yes.

18 Q. Tell us about that one.

19 A. Brown female dog again appeared to be  
20 pit bull. She had a large, approximately six-inch  
21 laceration extending from the humeral radial  
22 joint, which is the elbow to the radial carpal or  
23 wrist joint of the right foreleg. The laceration  
24 exposed the radius, which is the bone that runs  
25 there. The musculature that is surrounding the  
26 radius and the vasculature beneath the wound. The  
27 wound was consistent with a dog bite wound and due  
28 to this wound, again, humane euthanasia was  
29 performed.

1           Q.    A couple of photographs. Look at those,  
2 please. Is that one in the same dog that you  
3 described?

4           A.    Initial was pre-euthanasia, tremendous  
5 laceration encompassing the area described from  
6 the elbow to the wrist. There is tissue that is  
7 none viable, dark. There is musculature  
8 underneath that is again old, within a few hours.  
9 Of what we see with musculature, it is dark, not  
10 healthy, the wound is a pretty tremendous wound,  
11 multiple punctures is going up in the shoulder and  
12 obviously with that is edema.

13                Move to the face, there is a laceration  
14 under the left eye, which is the positioning that  
15 I am able to look at. There is bleeding from a  
16 puncture wound that goes from under the eye all  
17 the way to the corner of the mouth. Up in the top  
18 of the picture that I can see -- on the top of the  
19 head, they are multiple healed punctures. The ear  
20 has healed punctures, has a laceration that had  
21 healed. Going down to the other foreleg, I see a  
22 puncture and a laceration on the medial aspect of  
23 that foreleg. Post euthanasia, this dog has what  
24 I considered a macerated wound, which is multiple  
25 bite wounds that have completely disrupted the way  
26 the leg is supposed to look; there is edema almost  
27 all the way down to the foot. A lot of trauma on  
28 that leg. I can see backbone on this dog, and if  
29 I were to grade this live, I would put it at a



1 three out of ten bite score.

2 Q. The next one is 32?

3 A. Yes, sir, No. 32 is a brown male dog  
4 that again appeared to be pit bull. He was  
5 severely and had a poor capillary refill. His  
6 left rear leg was macerated with multiple bite  
7 wounds again in the femoral area that extended  
8 distally to the foot. Again, to these injuries,  
9 it was decided to humanely euthanize No. 32.

10 Q. I will hand you these two; I think these  
11 may be euthanasia. Is that one in the same dog  
12 that you described?

13 A. Yes.

14 Q. The injuries you described are  
15 consistent with what is on those photographs?

16 A. Yes, in the second photograph you can  
17 see that.

18 Q. That is 25.

19 A. Positioning on 23 is not as easy to see  
20 as in 25.

21 Q. I believe there was one more dog you  
22 said you saw that day?

23 A. I did. That's 34.

24 Q. Can you tell us about that one, please.

25 A. 34 is a brown female that appeared to be  
26 a pit bull. She had an extensive injury to her  
27 mandible or jaw bone. The wound involved a  
28 degloving injury where the skin and musculature  
29 had been torn aware from the area of insertion

1 which is where the muscle binds the skin to the  
2 mandible. The wound appeared to be several days  
3 to weeks old as there was deterioration of the  
4 muscle and the skin; and there was an order  
5 consistent with nonviable tissue or necrosis.  
6 Again, due to this injury this dog was humanely  
7 euthanized.

8 Q. I have one photograph, State's Exhibit  
9 12. Is that one in the same dog that you  
10 described?

11 A. Yes.

12 Q. Obviously you can see the injury that  
13 you described to us?

14 A. I can. Other than the mandible or the  
15 chin musculature, the left eye is swollen. There  
16 are multiple punctures above the eye; edema to  
17 that. There are wounds across the nasal planum of  
18 the dog that we see. Some are healed; some are  
19 actually -- have fresh dried blood, so newer  
20 wounds. The mandible, which is the one that  
21 catches your attention, when you look at this, the  
22 skin that is there has been degloving -- that's  
23 means it has just been peeled back. I don't  
24 recognize teeth because there is too much necrotic  
25 tissue, muscles that have died.

26 Q. That is in fact the jawbone?

27 A. It is, yeah. It is the jawbone that we  
28 see underneath, but there is also putrefaction  
29 which you smelled and could tell that it was

1 nonviable tissue. That is really the extent I can  
2 see on that.

3 Q. You saw those six dogs on, I believe,  
4 you said the 7th?

5 A. Yes.

6 Q. And that was at your office?

7 A. Yes.

8 Q. Did you have occasion to be further  
9 involved in this case in this situation?

10 A. Yes.

11 Q. Tell us about that.

12 A. I was asked to go out to 29 1/2 Miracle  
13 Road, where I was to examine the dogs that were  
14 located on that premises.

15 Q. This was on the 8th?

16 A. Yes.

17 Q. The next day?

18 A. Yes.

19 Q. Did you in fact go to the location?

20 A. I did -- went to that location.

21 Q. What did you observe when you got there?

22 A. This is a piece of property that was  
23 kind of a pie-shaped property. There was a  
24 trailer at the entrance and as you went down the  
25 side of that trailer, you looked upon an area that  
26 was almost devoid of trees; there were a few  
27 bushes; there was a lot of valleys that you could  
28 see. There were multiple barrels that had been  
29 set up for the dogs that were chained next to

1 those barrels. Initially the first dog I saw was  
2 one chained to the bumper of the car at the  
3 entrance behind the trailer.

4 Q. How many dogs did you examine that  
5 particular day to your recollection?

6 A. 47.

7 Q. On the ones that we were talking about  
8 here today, did any of them have very serious  
9 injuries?

10 A. Absolutely. There were three that were  
11 -- that had devastating injuries. No. 3 was the  
12 number of the first one I looked at, a black male,  
13 temp was normal, but when examined, he was  
14 recumbent and nonresponsive. Pale mucus membranes  
15 again and was deemed too unhealthy to transport at  
16 that time and was humanely euthanized.

17 Q. What was the next one that you looked  
18 at?

19 A. No. 5 was the next one. It was a black,  
20 white and brown male dog. Its temperature was  
21 elevated at 102.8. He had an enlarged radial  
22 carpal, which is wrist joint, that was painful  
23 upon palpation. Onsite personnel reported that he  
24 was anorexia and lethargic which you know is  
25 consistent with trauma and due to his injuries and  
26 exam findings, we euthanized him.

27 Q. I will hand you what's been marked as  
28 State's Exhibit 6 and 20 and ask you if that is  
29 one in the same dog that you just described to us?

1           A.     It is.

2           Q.     The injuries you described you can see  
3 those photographs?

4           A.     One, I can see some of the injuries,  
5 because there is a binder with the number of the  
6 dog on it. That shows me the facial injuries.  
7 There are multiple punctures and healed  
8 lacerations across the face. Other than that, it  
9 is really hard to see any other injuries there and  
10 the post-euthanasia. I am seeing punctures in the  
11 groin, seeing some healed and some fresh wounds on  
12 the right foreleg. The medial aspect of the left  
13 foreleg, there are multiple lacerations that are  
14 in both the state of healing and more towards  
15 fresh wounds.

16                     The right side of the face, there are  
17 multiple old wounds that are healing on the right  
18 side of the face. That is all that I see.

19           Q.     I believe there was one other dog that  
20 you had seen and examined?

21           A.     Yes, this was No. 50, a black and white  
22 male dog, multiple injuries to the face and all  
23 four legs. These wounds were consistent with dog  
24 bites. This dog was in extreme pain to the point  
25 where it would not move and because of that, he  
26 was humanely euthanized.

27                     MR. HARPER: May I approach, Your Honor?

28                     THE COURT: You may.

29           Q.     I hand you what's been marked as State's

1 Exhibits 14 and 21 and ask you to look at those  
2 and tell me whether or not that is one in the same  
3 dog that you just talked about.

4 A. This first picture I assume is  
5 pre-euthanasia but because the dog would not move,  
6 I can't make that actual -- I am looking at -- I  
7 will start from the back forward. I am looking at  
8 the medial aspect of the right rear leg. There  
9 are lacerations; there is dried blood on the foot.  
10 The lateral aspect of the upper leg, which is the  
11 left rear, has a puncture wound and a thigh  
12 puncture at the knee and again, blood that is  
13 drying at that point.

14 The left foreleg has a laceration from  
15 the shoulder to the elbow, has a puncture wound  
16 right behind that laceration, has a puncture above  
17 that. From the elbow down to the foot, there are  
18 multiple punctures to the point where the skin is  
19 not recognizable. It is macerated.

20 The injuries to the bottom leg, which I  
21 can see the inside medial aspect; I can't see how  
22 far they extend up. If they extend to the point  
23 of this picture all the way down to the major pad  
24 on that right foreleg, I don't see any hair; I  
25 don't see recognizable skin because of the amount  
26 of punctures and lacerations and maceration of  
27 that.

28 There is a large cord around the dog's  
29 neck. The left ear is up and it has blood on it.

1 There are multiple punctures under that. It is  
2 hard to recognize from the picture where the eye  
3 is, but where I am thinking the eye is, because of  
4 the amount of trauma under the eye toward the  
5 nose, there are multiple punctures there with  
6 bleeding; there is edema in the neck; there is  
7 edema on the face and nose.

8 Q. Dr. Savant, you said that you have been  
9 practicing 38 years?

10 A. Almost, yes.

11 Q. Over that time, have you had occasion to  
12 treat dogs that have been in dog fights before?

13 A. Yes.

14 Q. Were these injuries consistent with  
15 that?

16 A. Very consistent.

17 Q. Have you ever been to a scene where dogs  
18 are either fought or where they are trained or  
19 kept?

20 A. No, I have not.

21 MR. HARPER: Your Honor, I will tender  
22 the witness at this time.

23 THE COURT: Cross-examination?

24 CROSS-EXAMINATION BY MR. STEVENSON:

25 Q. Doctor, I appreciate your interesting  
26 and highly formal questioning. I just have a few  
27 questions; I will not be very long.

28 Did you actually go out to 29 1/2  
29 Miracle Road.

1 A. I did.

2 Q. You did go out to 29 1/2 Miracle Road?

3 A. That is the address that I was told to  
4 go to, yes.

5 Q. Mr. Harper's last question to you, Have  
6 you ever been to a scene where dogs were fought or  
7 trained and your response was, no. Is that  
8 correct?

9 A. Yes. Prior to that point, yes, I have  
10 not been to any.

11 Q. But when he asked, you did not say prior  
12 to that point. You just said --

13 A. No, I did not.

14 Q. Again, you testified that you interacted  
15 or treated dogs that have been bitten; is that  
16 correct?

17 A. Yeah, I have, multiple and multiple,  
18 over a 1,000 I would estimate.

19 Q. It's not uncommon for dogs to bite each  
20 other?

21 A. No, it is not.

22 Q. That is not -- just because a dog has  
23 been bitten by another dog, that is not a sign of  
24 organized dog fighting in and of itself, is it?

25 A. No.

26 Q. Lastly, all of the injuries that you  
27 testified about that those dogs had sustained,  
28 where was Tommie Queen when those injuries  
29 occurred?



1           A.    I have no clue.

2           Q.    You don't know if he had any involvement  
3 or not, do you?

4           A.    In these dogs?

5           Q.    Yes.

6           A.    No.

7           MR. STEVENSON:  I will not bother you  
8 anymore.

9           THE COURT:  Redirect?

10          REDIRECT EXAMINATION BY MR. HARPER:

11          Q.    Were you familiar with Mr. Queen?

12          A.    Yes.

13          Q.    How were you familiar with him?

14          A.    Mr. Queen came to my office at Natchez  
15 Veterinary Clinic and he brought a dog that had a  
16 foot that had been grievously injured.  He asked  
17 my associate, Dr. Hickman, if she would mind  
18 looking at that dog.  He didn't want to bring it  
19 in so she walked out to his vehicle and looked at  
20 it and advised at that point that she felt that  
21 the foot needed to be amputated and he left.

22          Q.    Did she amputate?

23          A.    No.

24          MR. STEVENSON:  Object.  If he has  
25 personal knowledge -- he testified about what his  
26 assistant said.  I don't know if he was present or  
27 not.

28          THE COURT:  I will overrule.

29          Q.    You knew he was and you knew that he had

1 dogs?

2 A. Yes, from that.

3 Q. Mr. Stevenson asked you about was it  
4 uncommon for dogs to bite each other.

5 MR. STEVENSON: I apologize. I want to  
6 be clear. If that was hearsay testimony, I will  
7 ask that it be stricken from the record. We don't  
8 have at this point that he had any personal  
9 knowledge.

10 THE COURT: Were you present, Dr.  
11 Savant?

12 THE WITNESS: At the time of her exam?

13 THE COURT: Yes.

14 THE WITNESS: No, I was not.

15 MR. STEVENSON: Your Honor, we are going  
16 to ask that be stricken from the record and the  
17 jury be instructed to disregard that.

18 THE COURT: That will be stricken from  
19 the record, and you are instructed to disregard  
20 that testimony about the foot.

21 MR. HARPER:

22 Q. Mr. Stevenson asked you about was it  
23 uncommon for dogs to bite each other, and I  
24 believe your response was, no. When dogs just  
25 have a little altercation and bite each other, do  
26 they usually have injuries to the extent of the  
27 ones you just described to us are?

28 A. No.

29 Q. When dogs are involved in dog fighting,

1 do they have injuries to the extent of the ones  
2 you just described to me?

3 A. Yes.

4 MR. HARPER: That is all I have, Your  
5 Honor.

6 THE COURT: Call you next witness.

7 MR. HARPER: If the Court will indulge  
8 us a moment, Your Honor.

9 At this time, the people and the State  
10 of Mississippi announce it rests.

11 THE COURT: It's is ten minutes until  
12 12:00; we have a little work to attend to and it  
13 is about lunch time. So what I am going to do is  
14 I will dismiss the jury for lunch, and you are to  
15 come back at 1:30.

16 Remember, don't talk to anybody about  
17 this case or talk to each other about it.

18 (JURY EXITS COURTROOM AND THE FOLLOWING  
19 PROCEEDINGS WERE HELD OUTSIDE THE PRESENCE AND  
20 HEARING OF THE JURY)

21 THE COURT: MR. Stevenson, do you have a  
22 motion?

23 MR. STEVENSON: I do, Your Honor. Your  
24 Honor, the State having rested, there is a burden  
25 on the State to put forth at least a prima facia  
26 case before this matter could proceed to a jury  
27 before my client would have to put on any  
28 evidence. He is charged in a nine-count  
29 indictment, Your Honor -- only the dog that is

1 part of the statute. They have not proved that he  
2 owned the dog. With the intent to willful enter  
3 it, the statute requires this is a specific intent  
4 crime; there is no evidence of intent before this  
5 Court to participate in a fight. There is no  
6 evidence that there was any intent for those dogs  
7 to be in a fight in the future or to train a dog.

8 Again, Your Honor, there is actually no  
9 evidence that Mr. Queen, that is whose is on  
10 trial, for doing these items.

11 There is no evidence that he had any  
12 intent to train a dog -- it says for the purposes  
13 of participating in a fighting match between dogs.  
14 Just because the dogs were in a fight, that is not  
15 enough, Your Honor. The State hasn't put forth a  
16 prima facia case that shows that Mr. Queen owned a  
17 dog with a specific intent to either train it or  
18 to participate in some type of fight.

19 I submit to you that that evidence is  
20 not before the Court, so at this time, we would  
21 move for a directed verdict.

22 MR. HARPER: Your Honor, we basically  
23 stand on the evidence. I think it is pretty  
24 clear. We have met the burden required of us at  
25 this stage. The Court is aware that the Court is  
26 supposed to lien to the side of the prosecution in  
27 these cases. I think we have evidence that he did  
28 own the dogs based on his girlfriend's testimony  
29 as the evidence stated; that she had told the

1 officers. It was his residence; his name was on  
2 boxes there with items in them that were mailed to  
3 even a different address than where this was  
4 located.

5 It's our position that it's a question  
6 for the jury at this point; that we have met the  
7 burden and we ask the Court to deny the motion at  
8 this time.

9 THE COURT: The Court finds that the  
10 first witness that we heard from yesterday was  
11 Officer Thomas McGinty, with the Adams County  
12 Sheriff's Department. He testified that on  
13 November 6, 2017, there were multiple dogs that  
14 were tied up at 29 1/2 Miracle Road in Adams  
15 County; that it was not safe for law enforcement  
16 to proceed at that time. He called for back up.  
17 And that he was able to determine at that time  
18 that the resident on that property was the  
19 Defendant, Mr. Tommie Queen.

20 Then we heard from Officer Stephen  
21 Karabelen whose job it was to maintain the  
22 integrity of the crime scene. The next officer  
23 that we heard from was the evidence technician,  
24 Deputy Carla Dunn, who testified she was called to  
25 a possible dog fighting scene where dogs were  
26 badly injured. She collected certain evidence,  
27 such as dog chains, bite sticks, medication. She  
28 also collected a U.S. Postal Service box that had  
29 certain similar items in it, and that box was

1 addressed to the Defendant, Tommie Queen. She  
2 testified that behind the house there were more  
3 dogs that were tied to heavy chains in a circular  
4 pattern to the point that they could not touch  
5 each other; that there was a small dog in the  
6 middle; that there were numerous circles where  
7 various dogs were tied up, and we saw pictures of  
8 that today.

9 She testified that the injuries that she  
10 saw were serious to the point that some of the  
11 dogs had to be euthanized. We saw the chains, the  
12 heavy chains, that were recovered from the  
13 property as well as numerous photos of the animals  
14 showing extensive, significant injuries, as well  
15 as items recovered from the scene. And today we  
16 heard from Investigator Kyle Held, who is regional  
17 director at the American Society for the  
18 Protection of Cruelty -- Prevention for Cruelty to  
19 Animals, who responded to this area in response to  
20 a request from the Adams County Sheriff's  
21 Department. He was designated as an expert in the  
22 area of animal cruelty and dog fighting. He  
23 testified as to injuries to each of the nine dogs  
24 listed in the indictment; he testified that all of  
25 those injuries were consistent with dog fighting  
26 in his expert opinion.

27 Our last witness of the day was Dr.  
28 Robbie Savant who testified as to the examination  
29 that he made of the nine dogs with significant

1 injuries that some of them to the point that the  
2 dogs had to be euthanized; and that these injuries  
3 that he observed in his expert opinion as a  
4 veterinarian, were consistent with dog fighting.

5 Part of the statute that the Defendant  
6 is indicted under is that he owned a dog with  
7 intent to willfully enter it or participate it in  
8 a fight or train a dog for the purposes of  
9 participation in a fight.

10 At this point, the Court finds that the  
11 evidence shows that a reasonable person could find  
12 that Mr. Queen was guilty of the crime for which  
13 he is charged; so, therefore, the Motion for  
14 Directed Verdict, made pursuant to Rule 21 of the  
15 Mississippi Rules of Criminal Procedure is hereby  
16 denied.

17 Are there any other motions?

18 THE COURT: We will take a break.

19 (Bench Conference)

20 THE COURT: Mr. Queen, you understand  
21 that you have the right to testify if so chose to  
22 do so?

23 THE DEFENDANT: Yes.

24 THE COURT: And do you understand that  
25 nobody can force you to testify to be a witness  
26 against yourself?

27 THE DEFENDANT: Yes.

28 THE COURT: You understand that you have  
29 the right to remain silent?

1 THE DEFENDANT: Yes.

2 THE COURT: Have you discussed this with  
3 your attorney?

4 THE DEFENDANT: Yes.

5 THE COURT: Do you choose to testify, or  
6 do you choose to remain silent?

7 THE DEFENDANT: No.

8 THE COURT: You do not wish to testify?  
9 Would you like additional time to think about it,  
10 Mr. Queen?

11 THE DEFENDANT: Yes.

12 THE COURT: Mr. Stevenson, we will give  
13 him additional time to think about it. We will  
14 come back at 1:30. We will not do jury  
15 instructions until after you rest.

16 MR. STEVENSON: Yes, ma'am.

17 THE COURT: Court will be in recess  
18 until 1:30.

19 (Lunch Recess Taken)

20 THE COURT: Court will come to order.  
21 Mr. Queen, would you and Mr. Stevenson come  
22 forward, please. As I was explaining before the  
23 break, you can testify if you so choose to do so.  
24 It's entirely your decision. You do not have to  
25 testify and nobody, not even your attorney, can  
26 force you to do so. Have you made a decision?

27 THE DEFENDANT: Yes.

28 THE COURT: What is that decision?

29 THE DEFENDANT: No.



1 THE COURT: Let the record show that the  
2 Defendant does not desire to testify.

3 THE COURT: Mr. Pyron, will you bring  
4 the jury in.

5 (JURY RETURNS TO THE COURTROOM AND THE FOLLOWING  
6 PROCEEDINGS WERE HELD IN THE PRESENCE AND HEARING  
7 OF THE JURY)

8 THE COURT: Ladies and Gentlemen, if you  
9 will remember before the lunch break is that the  
10 State of Mississippi rested their case. So it's  
11 now the Defendant's turn to put on his case. Mr.  
12 Stevenson, please call your first witnesses.

13 MR. STEVENSON: Your Honor, we call Mr.  
14 Mark Floyd.

15 MARK M. FLOYD, CALLED AS A WITNESS AND HAVING BEEN  
16 FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

17 DIRECT EXAMINATION BY MR. STEVENSON:

18 Q. Mr. Floyd, would you state your full  
19 name for the record.

20 A. David Mark Floyd.

21 Q. Where do you reside?

22 A. 31 Miracle Road, Roxie, Mississippi.

23 Q. How close is that to 29 1/2 Miracle  
24 Road?

25 A. Maybe 50 yards.

26 Q. Are you familiar with 29 1/2 Miracle  
27 Road?

28 A. Yes.

29 Q. Who do you know that resides there?

1 A. Tommie Queen.

2 Q. Are you familiar with Mr. Queen.

3 A. Yes.

4 Q. Are there any homes between your home  
5 and 29 1/2 Miracle Road?

6 A. No.

7 Q. Are you inside or outside a lot?

8 A. I stay out in my garden and yard a lot.

9 Q. From your garden and your yard, can you  
10 see Tommie Queen's property?

11 A. Yes.

12 Q. Can you see where the dogs are housed on  
13 that property?

14 A. Yes.

15 Q. Let me ask you a question. Have you  
16 ever actually been over there where the dogs were  
17 housed?

18 A. Yes.

19 Q. Have you ever had any interaction with  
20 the dogs?

21 A. No.

22 Q. Has your -- do you have a grandson?

23 A. Yes.

24 Q. Has he been over to the property?

25 A. Yeah, he went over a few times when they  
26 come to visit.

27 Q. Does he go where the dogs are at?

28 A. Yes.

29 Q. Is he fearful or afraid of the dogs?

1           A.    Not that I know of, no.

2           Q.    Why is that?

3                   MR. HARPER:  Object.  How is he supposed  
4 to know why?  That is asking him to --

5                   THE COURT:  I will overrule that  
6 objection.

7           Q.    You testimony is that you have seen your  
8 grandson go over where the dogs are at?

9           A.    Yes.

10          Q.    For the record, how old is your  
11 grandson?

12          A.    10.

13          Q.    Would you, as a grandfather, allow your  
14 grandchild to go over to those dogs if you thought  
15 they were dangerous?

16          A.    No.

17          Q.    As a grandfather would you allow your  
18 child -- your grandchild anywhere near that  
19 property if you thought the dogs with a threat?

20          A.    No.

21                   MR. HARPER:  Object to leading.

22                   MR. STEVENSON:  I will rephrase, Your  
23 Honor.

24                   THE COURT:  Sustained.

25          Q.    Have you ever -- have any of the dogs  
26 ever ended up on your property?

27          A.    Maybe two of them got loose from time to  
28 time.

29          Q.    Is it your testimony that those dogs

1 would get loose from time to time?

2 MR. HARPER: Object to leading the  
3 witness.

4 THE COURT: Sustained. Mr. Stevenson,  
5 please don't lead the witness.

6 MR. STEVENSON: I will rephrase the  
7 question, Your Honor.

8 Q. You say that -- do you know if ever have  
9 those dogs been on your property?

10 A. Maybe two, from time to time that got  
11 loose.

12 Q. What happened when they got loose?

13 A. Nothing. They just went back -- a  
14 couple of times they started fighting each other.  
15 I broke them up one time. And one time I called  
16 the law when they were fighting. I couldn't get  
17 in touch with Tommie, and the law came and by that  
18 time they were done fighting. He just left; he  
19 didn't say nothing else about it. I did not know  
20 what happened after that.

21 Q. I want to be clear about something. You  
22 say you broke them up?

23 A. Yes.

24 Q. Did you have any reason to be fearful or  
25 afraid of those dogs?

26 A. Not really. They never tried to jump on  
27 me or bite me. When they were fighting, I did not  
28 like getting too much in between them. I pulled  
29 one of them off the other one and chained one up

1 and finally chained the other one. The next time  
2 when they got loose, that is when I called the  
3 law. It's has been so long ago, I can't remember,  
4 and he just came and they were done fighting, and  
5 I don't know what happened after that. I went  
6 home.

7 Q. Have you ever seen Tommie Queen with the  
8 dogs?

9 A. I have seen Tommie feed them. Most of  
10 the time he's gone; I never seen a lot of people  
11 there; he was always working.

12 Q. Who was always working?

13 A. Tommie Queen.

14 Q. Have you ever seen any children on that  
15 property other than your grandchild?

16 A. I have seen his little boy and some of  
17 his friends; I don't know who they were.

18 Q. Do you know -- were they around those  
19 dogs?

20 A. Yes.

21 Q. On any of those occasions were those  
22 dogs aggressive with anybody?

23 A. Not that I know of.

24 Q. Have you ever seen any evidence of  
25 organized dog fighting on that property?

26 A. No.

27 Q. How long have you lived there?

28 A. I have been there since 2010.

29 Q. Is there anybody else who would have a

1 better view of Tommie Queen's property than  
2 yourself?

3 A. Nobody that I know of.

4 MR. STEVENSON: No further questions.

5 THE COURT: Cross-examination.

6 CROSS-EXAMINATION BY MR. COTTON:

7 Q. Mr. Floyd, if you don't mind, would you  
8 state your full name for the record?

9 A. David Mark Floyd.

10 Q. Is that the David Mark Floyd that has  
11 made several reports to law enforcement about  
12 these animals at Tommie Queen's house?

13 A. As far as I remember, I called maybe two  
14 times.

15 Q. As a grandfather of a ten-year old  
16 grandchild, would you have sent your grandchild  
17 down to someone's house that you did not know who  
18 occupied that house or who had possession of a  
19 bunch of dogs at that house?

20 A. When they were home, you know.

21 Q. When who was home?

22 A. When Tommie was at home. His little boy  
23 was there; that's the only time he went over  
24 there.

25 Q. Do you recall law enforcement actually  
26 coming out to your house and meeting with you?

27 A. Yes.

28 Q. Do you recall actually taking law  
29 enforcement on the back of the property to allow

1       them to examine things?

2             A.     Yes.

3             Q.     What was it that you took them to  
4       examine?

5             A.     A dog fight.

6             Q.     Sir?

7             A.     Two dogs were fighting.

8             Q.     Do you recall reporting anything about a  
9       number of dogs that were dead being dumped back on  
10      the back of the property?

11            MR. STEVENSON:   Object.   May we  
12      approach?

13            THE COURT:   Mr. Stevenson, I am going to  
14      let you make your objection for the record.

15      (Bench Conference)

16            THE COURT:   The Court will overruled  
17      that objection.

18            Q.     Do you recall giving a report to  
19      Mr. McGinty?

20            A.     No, I don't know the name.

21            Q.     I will read this report.

22            MR. STEVENSON:   I object.   Can he see  
23      the report?   If it's Officer McGinty's report, he  
24      cannot vouch for that.

25            MR. HARPER:   It is Officer's McGinty's  
26      report -- purported to state what Mr. Floyd told  
27      him.

28            THE COURT:   Ask him about what's in the  
29      report.

1 Q. Do you or do you not recall taking  
2 Officer McGinty to the back of the property where  
3 dead dogs were being dumped?

4 A. Yes, I did.

5 Q. Did you yourself observe multiple bones  
6 and skulls and dead animals where they were  
7 dumped?

8 A. I had seen them before. It's like a  
9 creek or something and water washes and just a  
10 couple of skulls or something was back there.

11 Q. Let me ask you, what made you decide to  
12 call law enforcement to take them back there on  
13 that property to show them that?

14 A. I did not call them to show them that.  
15 They were there looking and they were questioning  
16 me about that. I told them they was not mine.

17 Q. How did you know they were back there?

18 A. Because his property joins mine.

19 Q. How did you know the remains of dogs  
20 were back there?

21 A. When you go back in my back, there are  
22 six acres back there, you couldn't help but see  
23 it.

24 Q. Do you recall reporting that one of  
25 these dogs back in the summer prior to this had  
26 killed seven dogs?

27 A. Best I remember. I don't know if it was  
28 seven or how many, maybe three; I don't really  
29 know.



1 Q. I don't want to misstate something.  
2 When asked by Mr. Stevenson if you had seen these  
3 dogs hurt anybody or anything and you said, no.  
4 But in fact you witnessed or you saw one of his  
5 dogs kill seven dogs.

6 A. I assume they killed seven. I didn't  
7 know how many. I just came home from work and  
8 they were fighting when I got there.

9 Q. Are you fearful of Mr. Queen in anyway?

10 A. No.

11 Q. Are you fearful of anybody that has come  
12 to Mr. Queen's property?

13 A. No.

14 Q. Mr. Floyd, are you familiar with dog  
15 fighting in anyway?

16 A. No.

17 Q. So you would not be able to testify what  
18 a dog training yard looks like, correct?

19 A. I would not know what that looks like.

20 Q. I believe you also previously reported,  
21 when you contacted law enforcement, that his yard  
22 was getting bigger and bigger with dogs; is that  
23 correct?

24 A. I don't know. He had a lot of dogs. I  
25 don't know how many he had.

26 Q. You would admit with me today that you  
27 have reported Mr. Queen to law enforcement in the  
28 past?

29 A. Yes.

1 MR. STEVENSON: Objection, that is a  
2 mischaracterization.

3 THE COURT: I overruled that. It's  
4 cross-examination.

5 Q. Would you admit that you escorted law  
6 enforcement to a dump site on the property where  
7 there were a number of dead dogs?

8 A. Yes, I did.

9 Q. Would you admit that at least you  
10 believed one of his dogs was responsible for  
11 killing seven dogs?

12 A. I don't know how many it was. But when  
13 they were asking me questions about the dogs in  
14 the back -- the dead dogs, I told them I assumed  
15 they were his dogs; I do not know. I don't know  
16 how long some of those bones had been there.

17 Q. If you weren't concerned about the  
18 safety of someone or some thing, why would you  
19 have called law enforcement?

20 A. Because they were killing each other and  
21 fighting. I didn't want them to just kill each  
22 other.

23 Q. This has been going on for years, hasn't  
24 it?

25 A. I called once or twice is all I know. I  
26 don't know how long it has been going on other  
27 than that.

28 Q. More than one occasion?

29 A. Maybe twice. The officer told me, said,

1       These dogs look good; he started looking at a  
2       motorcycle or something and I left.

3               MR. COTTON: That is all I have, Judge.

4               THE COURT: Redirect?

5       REDIRECT EXAMINATION BY MR. STEVENSON:

6               Q.     I want to be clear about something. You  
7       said when law enforcement was out there they  
8       looked at the dogs and said they were good and he  
9       looked at a motorcycle --

10              MR. HARPER: I object to him leading his  
11      own witness. I don't mind him doing some, but he  
12      needs to let this guy testify and not him.

13              THE COURT: Rephrase your question.

14              Q.     Can you give your answer to the last  
15      question from counsel opposite?

16              A.     I called the law, dogs were fighting and  
17      he came out and said, Dogs like good to me. They  
18      had quit fighting by then and he started looking  
19      at a motorcycle that was there; I don't know why  
20      he done that, but that is what he was doing, and I  
21      left.

22              Q.     On the other occasions when you called  
23      law enforcement, where was Tommie Queen?

24              A.     I think maybe North Carolina. I could  
25      not get in touch with him or his wife, so I called  
26      the law.

27              Q.     I am trying to follow your testimony.  
28      You called law enforcement after you could not get  
29      in touch with Tommie Queen?

1           A.     Right.

2           Q.     Those times that you saw dogs fighting,  
3 how many people did you see present if any?

4           A.     What's that?

5           Q.     Did you see any people during the times  
6 you saw dogs fighting?

7           A.     No, I did not see -- nobody fighting.

8           Q.     Did you see any people present?

9           A.     No, nobody.

10          Q.     Do you remember counsel opposite asked  
11 you a question about you testifying about the dogs  
12 not being aggressive? Did you ever seen them be  
13 aggressive with a person?

14          A.     Not with a person. With each other  
15 maybe when they got a loose you know; that's all.

16          Q.     That is when they would get loose?

17          A.     Yes.

18          Q.     Again, during those time periods, where  
19 was Mr. Tommie Queen?

20          A.     At work as far I knew, nobody was with  
21 them. Somebody would come in and feed them every  
22 once in a while, like every evening or every  
23 morning.

24          Q.     With everything you know, do you still  
25 allow your ten-year old grandson over there?

26          A.     Yes.

27                 MR. STEVENSON: No further questions,  
28 Your Honor.

29                 THE COURT: Mr. Floyd, you may step

1 down.

2 Call your next witness.

3 MR. STEVENSON: That is all and we rest.

4 THE COURT: At this time, I will ask the  
5 jury to go back into the jury room.

6 (JURY EXITS COURTROOM AND THE FOLLOWING  
7 PROCEEDINGS WERE HELD OUTSIDE THE PRESENCE AND  
8 HEARING OF THE JURY)

9 THE COURT: Are y'all ready to do jury  
10 instructions.

11 MR. STEVENSON: Just for the record,  
12 Your Honor, we would renew our earlier motion.

13 THE COURT: It's denied as previously  
14 denied for the same reasons.

15 MR. HARPER: Your Honor, we would  
16 finally rest.

17 THE COURT: Let the record reflect that  
18 the Defense has finally rested. What I would like  
19 to do, Gentlemen, is take about a five-minute  
20 break and let's meet in the conference room and go  
21 over our jury instructions.

22 (Brief Recess Taken)

23 (PROCEEDINGS HELD IN CHAMBERS OUTSIDE THE PRESENCE  
24 AND HEARING OF THE JURY)

25 THE COURT: Back on the record. Let's  
26 go over the jury instructions. Have you all had  
27 an opportunity to review the Court's jury  
28 instructions.

29 MR. HARPER: I grabbed ours, but I

1 didn't get any of the rest of them.

2 THE COURT: Mr. Harper, does the State  
3 have any objection to the Court's instruction 1?

4 MR. HARPER: No, Your Honor.

5 THE COURT: Does the defense have any  
6 objection?

7 MR. STEVENSON: No, Your Honor.

8 THE COURT: That is jury instruction No.  
9 1. Mr. Harper, do you have an objection to Court's  
10 No. 2?

11 MR. HARPER: No, Your Honor.

12 THE COURT: Do you, Mr. Stevenson?

13 MR. STEVENSON: No, ma'am, Your Honor.

14 THE COURT: That will be jury  
15 instruction No. 2.

16 THE COURT: Do either of you have an  
17 objection to Court's instruction No. 3?

18 MR. HARPER: No, Your Honor.

19 MR. STEVENSON: We have none.

20 THE COURT: That will be jury  
21 instruction No. 3. Do either of you have an  
22 objection to the Court's instruction No. 4?

23 MR. HARPER: No, Your Honor.

24 MR. STEVENSON: No.

25 THE COURT: That will be jury  
26 instruction No. 4. Do either of you have an  
27 objection to Court's instruction No. 5?

28 MR. STEVENSON: No, ma'am.

29 MR. HARPER: No, ma'am.

1 THE COURT: Do either of you have an  
2 objection to Court's instruction No. 6?

3 MR. HARPER: No, Your Honor.

4 MR. STEVENSON: No, ma'am.

5 THE COURT: Let's take the State's  
6 instructions. I had these instructions. They  
7 started with S --

8 MR. HARPER: Yes, ma'am. We pulled one  
9 for now. We have them numbered from two and up,  
10 if that is all right with the Court. We can  
11 renumber them if it would be better.

12 THE COURT: Mr. Stevenson, have you had  
13 an opportunity to look over these?

14 MR. HARPER: Yes, ma'am.

15 THE COURT: So jury instructions 2, 3,  
16 5, 6, 7, 8, 9, and 10 seem to all be form of the  
17 verdict instructions. Do you have any objections  
18 to those jury instructions?

19 MR. HARPER: No.

20 THE COURT: They will numbered  
21 instruction, 7, 8, 9, 10, 11, 12, 13, 14, and 15.  
22 Now, we go to State's instructions No. 11. Are  
23 there any objections to that?

24 MR. HARPER: I would say there is a  
25 little bit of a typo if the Court would entertain  
26 it, I would like to delete E & B on trained on the  
27 first page, Fourth line in the second paragraph.  
28 "Purposely trained," should be train.

29 THE COURT: Do you have any objection to

1 changing the tense of that?

2 MR. STEVENSON: No, ma'am. In the  
3 paragraph above it, it has trained as well, so I  
4 guess we should do it there just for consistency.

5 MR. HARPER: Maybe I am wrong about  
6 that. I think I am. I apologize; I think trained  
7 is the correct word on that.

8 MR. STEVENSON: He is talking about a  
9 specific date and it has to be on the date of the  
10 indictment. Trained is the correct word.

11 THE COURT: Do you want to leave it as  
12 "trained," Mr. Harper?

13 MR. HARPER: Yes, . Ma'am.

14 THE COURT: Anything else, Mr. Harper?

15 MR. HARPER: I think that is all.

16 THE COURT: Mr. Stevenson, do you have  
17 any objection to this instruction?

18 MR. STEVENSON: Not as long as I have a  
19 jury instruction that deals with each count is to  
20 be considered separately. So I just want to be  
21 clear as even though it works -- as long as there  
22 is a jury instruction that each count be  
23 considered separately, I do not object to that.

24 MR. HARPER: I think the form of the  
25 verdict will take care of that even if this is not  
26 as clear as somebody might like it to be.

27 THE COURT: State's Instruction 11 will  
28 be Jury Instruction No. 16. What about State's  
29 Instruction No. 12? Any objections to that? It's



1 also an element, but they are listed 1 and 2.

2 MR. STEVENSON: This does not include  
3 all of the elements of the statute. That is my  
4 concern. I think I need to take a look at the  
5 statute. They have to prove that he owned a dog  
6 --

7 MR. HARPER: It's an optional deal.

8 MR. STEVENSON: It says, Shall own a dog  
9 with the intent to willfully enter it --

10 MR. HARPER: Next sentence. Rest of  
11 that sentence, keep reading. "Or train dogs with  
12 the intent to participate." I think we have both  
13 of them if I'm not mistaken.

14 THE COURT: Any objection to S-12?

15 MR. STEVENSON: No, ma'am.

16 THE COURT: That will be instruction No.  
17 17. Now for the defense instructions. What says  
18 the State as to D1?

19 MR. HARPER: Your Honor, I think the  
20 problem with that one is, it just limits it and  
21 says basically you have to find him not guilty if  
22 we don't show that he owned them. It doesn't say  
23 anything about training them. I think the third  
24 option is fighting them. We are not alleging that  
25 we have evidence that he was actually involved in  
26 a fight. You understand what I am saying? It's  
27 just the one -- if I read that correctly it is  
28 saying, if we don't prove that, then they have to  
29 find him not guilty.

1 THE COURT: Is it the State's position  
2 that they are going under subsection D of  
3 97-41-19, Subsection D, which sets forth in the  
4 indictment as own or trained.

5 MR. HARPER: Best way to do that would  
6 have been put owned or trained, but we didn't do  
7 it that way. We done it with trained. Might be  
8 prudent to do one that has both options in it if  
9 the Court would indulge us to do that. We will  
10 have to go across the street and work on it I  
11 think.

12 MR. STEVENSON: If that is the case, the  
13 prior jury instruction --.

14 MR. HARPER: We are limited -- yes, we  
15 did not allege in the indictment that he owned it;  
16 so we would be limited to what we had in our  
17 instruction. Am I right about that?

18 There is nothing about ownership in the  
19 indictment, Judge. I am saying we need an  
20 instruction that says did own or train.

21 (Pause)

22 THE COURT: Back on the record. After  
23 having taken a break, the State has withdrawn its  
24 previous jury instructions, S-11 and S-12, and  
25 made some changes and the State is submitting  
26 another S-11.

27 MR. HARPER: Yes, ma'am.

28 THE COURT: Is that correct?

29 MR. HARPER: Yes, ma'am.

1 THE COURT: Mr. Stevenson, do you have  
2 any objection to the new one?

3 MR. STEVENSON: No, ma'am, I don't  
4 believe so.

5 THE COURT: That is jury instruction No.  
6 16. Now for the defense instructions. Mr.  
7 Harper, what says the State as to D-1?

8 MR. HARPER: I will object to it because  
9 it is like the ones we just got through working  
10 with. It only has owned in it; it does not have  
11 trained. We have already covered that in the  
12 other one I think adequately. I don't know of  
13 anything this one adds to it that that one does  
14 not have. I think it is duplicatus to that  
15 extent, and it doesn't have the trained aspect to  
16 it.

17 THE COURT: What is your response?

18 MR. STEVENSON: I do not want to  
19 withdraw out of principle, but however the Court  
20 rules is fine with me.

21 THE COURT: I think it may be confusing  
22 if they read D-1 and S-11; so I will refuse that  
23 because it is duplicatus. Off the record.

24 (Pause)

25 THE COURT: S-11 and 12 were withdrawn  
26 and the State submitted a new S-11. What says the  
27 State as to D-2?

28 MR. HARPER: The wording is different  
29 than I have ever seen. I think that's all right;

1 I will not object to that.

2 THE COURT: That is jury instruction No.  
3 17.

4 THE COURT: What about D-3?

5 MR. HARPER: Object, I do not think it  
6 is a correct statement of the law. I think it is  
7 covered in the Court's instruction. I have never  
8 seen, "You need not be convinced that a Defendant  
9 is innocent before you return a verdict of not  
10 guilty." I think it's covered under the Court's  
11 instructions and those are pretty much model  
12 instructions.

13 MR. STEVENSON: It's true they do not  
14 have to be convinced that he is innocent to find  
15 him not guilty; that is true.

16 THE COURT: Do you have any case law,  
17 Mr. Stevenson that would have quoted this  
18 instruction?

19 MR. STEVENSON: I do not.

20 THE COURT: I will refuse that as  
21 duplicatus. It basically says the same thing as  
22 C-5. What about D-4?

23 MR. HARPER: I object to that. I do not  
24 think this is a circumstantial case; that is our  
25 position. We think there is evidence primarily  
26 through Investigator Held as to what was present  
27 out there and what constitutes this type of  
28 training ground that would make this -- it not a  
29 circumstantial case, at least that is our

1 position.

2 THE COURT: Mr. Stevenson, what is your  
3 --

4 MR. STEVENSON: I believe the case law  
5 is that anytime there is not a direct witness to  
6 the offense or a confession that it is  
7 circumstantial evidence as is such in this case.

8 THE COURT: The Court will allow that.  
9 That will be jury instruction No. 18.

10 MR. HARPER: We have a circumstantial  
11 instruction. That is what No. 1 was. We may now  
12 submit it.

13 THE COURT: Let's finish these.

14 MR. HARPER: What number was that?

15 THE COURT: D-4 will now be jury  
16 instruction No. 18.

17 MR. HARPER: I will object to that one,  
18 because it says, last sentence, "Circumstantial  
19 evidence is presented where there are no eye  
20 witnesses to a crime nor a confession made by the  
21 Defendant." I know that is not the law. There  
22 can be direct evidence that is not eye witness  
23 testimony or a confession. I will object to that  
24 one as being an improper statement of the law.

25 THE COURT: Mr. Stevenson, do you have a  
26 response?

27 MR. STEVENSON: If it is not direct  
28 evidence, it is not circumstantial evidence, so  
29 this is not dealing with direct evidence; it is

1           only circumstantial evidence.

2                   MR. HARPER: Exactly and it says -- in  
3 this instruction it says, Circumstantial evidence.  
4 It is circumstantial unless there are eye  
5 witnesses or a confession and that is not the law.  
6 There can be direct evidence that is not a  
7 confession or eye witness testimony.

8                   THE COURT: The Court will not grant  
9 that instruction. The Court will refuse that  
10 simply because of the last statement,  
11 Circumstantial evidence is where there are no eye  
12 witnesses to a crime nor a confession by the  
13 Defendant.

14                   MR. STEVENSON: If we removed the last  
15 sentence, will it be modified?

16                   MR. HARPER: I have never seen that; I  
17 am not sure I understand that. It is confusing.  
18 Your Honor, this is a pretty extensive  
19 circumstantial -- that is a model instruction on  
20 circumstantial evidence.

21                   MR. STEVENSON: I object to that line  
22 that says, Circumstantial evidence, on the second  
23 page, is simply a chain of circumstances that  
24 indirectly proves a fact.

25                   MR. HARPER: That is a model jury  
26 instruction, State of Mississippi model jury  
27 instruction.

28                   MR. COTTON: 3.18 if I am not mistaken.

29                   LAW CLERK: Read that part.

1 MR. STEVENSON: "Circumstantial evidence  
2 is simply a chain of circumstances that indirectly  
3 proves a fact."

4 MR. HARPER: That is a much clearer  
5 definition. Even without that second sentence,  
6 it's confusing, especially compared to what is  
7 over here. This is a much better explanation of  
8 it.

9 THE COURT: I will refuse D-5; that is  
10 duplicitous with D-4. D-6.

11 MR. HARPER: I have never seen one about  
12 convicting somebody for something else. I do not  
13 know that is improper. I do not have a problem  
14 with it.

15 THE COURT: The Court will grant that.  
16 That will be jury instruction No. 19. What about  
17 D-7?

18 MR. HARPER: I don't know that I have  
19 ever seen that. I don't know that I have ever had  
20 one with nine counts, I probably have; I do not  
21 know that that is incorrect.

22 THE COURT: I will grant that one. I  
23 think it's a statement and it is very explanatory  
24 for the jury.

25 Let's go to the circumstantial evidence.

26 MR. HARPER: What number was that last  
27 one?

28 THE COURT: No.20. What says the  
29 defense as to S-1, their circumstantial

1 instruction?

2 MR. STEVENSON: If it is the model jury  
3 instruction, we don't object.

4 THE COURT: That will be granted and it  
5 will be instruction No. 21. Let me ask you all,  
6 we have nine jury instructions submitted by the  
7 State dealing with form of the verdict.  
8 Instructions 7 through 15, they all say the same  
9 thing except as to the counts. Do you want me to  
10 read each individual one, or do you want me to  
11 explain to the jury that these instructions are  
12 the same except each one pertains to a different  
13 count?

14 MR. HARPER: Whatever is the Court's  
15 prerogative. We did it that like because we were  
16 concerned about putting it all in one would be so  
17 confusing to them; we wanted it pretty succinct  
18 but how you explain it to them is fine with me.  
19 As long as they can take those back in there and  
20 read them, I think they will understand what they  
21 --

22 THE COURT: I can read them. Would you  
23 like for me to read them?

24 MR. STEVENSON: No.

25 THE COURT: Having no objection, I will  
26 just explain to the jury that those instructions  
27 are all basically the same except there is a form  
28 of the verdict for each count. I will go  
29 through -- jury instruction No. 7 deals with Count



1 I; No. 8 deals with Count II, that sort of thing.  
2 It strictly has to do with the form of the  
3 verdict. Do you have anything we need to take up?

4 MR. HARPER: Not that I am aware of.

5 THE COURT: What about time?

6 MR. HARPER: 15 minutes each or 20?

7 MR. STEVENSON: I can make 20 work.

8 THE COURT: Do y'all want 20 each or 10  
9 each?

10 MR. HARPER: Let's go 15 each. That is  
11 half hour per side. I will never use that much.  
12 I always like, if the Judge will allow, to have  
13 enough to not worry about running out of time.

14 MR. STEVENSON: That is fine.

15 (JURY RETURNS TO COURTROOM, AND THE FOLLOWING  
16 PROCEEDINGS WERE HELD IN THE PRESENCE AND HEARING  
17 OF THE JURY)

18 (JURY INSTRUCTIONS READ BY THE COURT AND THESE  
19 WERE NOT TRANSCRIBED AS PART OF THIS RECORD)

20 Mr. COTTON: Ladies and Gentlemen, there  
21 are a few things that I want to address right off  
22 the bat. I will say this; I apologize if I happen  
23 to get worked up. I have sat through this trial  
24 just like you. I have been patient, tried to be  
25 quite and diligent when interviewing witnesses so  
26 you could hear and judge their demeanor. That is  
27 what is on trial; the witnesses, not what I say,  
28 not what I argue, not what Mr. Stevenson says, not  
29 what he argues, but the only way I know for the

1 testimony to come from that stand, is very  
2 patiently and carefully allow the witnesses to  
3 answer the questions.

4 I will say this, I have dogs; I have  
5 cats and I am from Mississippi. I don't chain my  
6 animals. And I don't think the people of  
7 Mississippi chain their -- it's okay to chain  
8 their animals to that.

9 In Mr. Stevenson's opening statement, he  
10 said, I want to make sure that I get it right --  
11 and I think the Defendant's proper name is  
12 Mr. Queen, not Mr. Quince. Mr. Queen loves dogs;  
13 he loves animals and he has since he was seven  
14 years of age. Take your animal to that man's  
15 house. You saw the pictures.

16 Another direct quote, and you notice how  
17 we kind of back away. Let me tell you how this  
18 works. I have sat on that side of the table too.  
19 The defense lawyer -- and Mr. Stevenson has done a  
20 good job. It's the same thing and all of you guys  
21 are experienced and I am not going to insult your  
22 intelligence, but you all know what bird shot is.  
23 Bird shot is a shotgun shell and you take that  
24 shotgun shell and you pack that as much as you can  
25 with BB's. And fire it out of the end of the  
26 barrel as fast as you can with everything you can  
27 and hope that one of those BB's will hit somebody  
28 and we will call that BB reasonable doubt.

29 Don't you notice how it was convenient

1 -- I want you to think about this. You took an  
2 oath to go back there and deliberate, work  
3 together to try and find or come to a unanimous  
4 decision.

5 I want you to think about this. How  
6 many times did you hear throughout this trial --  
7 we got really close to saying how well he took  
8 care of the dogs, Mr. Queen; how by their own  
9 admission in opening, they came into his custody  
10 to take care of. By who? Don't you think for a  
11 minute if he was the Robin Hood of dogs, he would  
12 have people lined up saying he is the rescuer.

13 MR. STEVENSON: I object. That's not  
14 appropriate.

15 (Bench Conference)

16 THE COURT: The Court is directing Mr.  
17 Cotton not to comment on people who did not  
18 testify.

19 Ladies and Gentlemen, I ask that you  
20 read all of the jury instructions, and I do not  
21 want to reread what the Court has already read.

22 Jury instruction No. 21 says,  
23 Circumstantial evidence is proof from one or more  
24 facts from which you can find another fact.  
25 Circumstantial evidence is simply a chain of  
26 circumstances that indirectly proves a fact. An  
27 example is if someone walked into the courtroom  
28 wearing a raincoat covered with drops of water and  
29 carrying a wet umbrella, that would be

1 circumstantial evidence, from which you could  
2 conclude that it was raining. How many drops of  
3 rain do you need?

4 I understand when you try to break this  
5 thing down individually that in and of itself it  
6 may not make a crime, but I ask you using your God  
7 given common sense, Ladies and Gentlemen, what  
8 does make a crime?

9 There is a lot of things in totality  
10 that make a crime and we would submit to you that  
11 is what you have here.

12 You heard from the officer that  
13 testified when Ms. Martin saw the law enforcement  
14 there at the scene, she turned around. I will ask  
15 you that you look at instruction No. 1, they are  
16 all important, but specifically it says, You are  
17 required and expected to use your good common  
18 sense and sound honest judgment in considering and  
19 weighing the testimony of each witness who has  
20 testified in this case.

21 The evidence which you are to consider  
22 consists of the testimony and statement of the  
23 witnesses offered and received. You are also  
24 committed to draw such reasonable inferences from  
25 the evidence as seen justified in light of your  
26 own experience.

27 You heard from an expert. Not just from  
28 an expert, Ladies and Gentlemen, validating  
29 points, because you heard from each officer. We

1 harped on the fact that Mr. Held is not a cop; he  
2 is not a cop; he doesn't carry a gun. Ladies and  
3 Gentlemen, he doesn't want to be a cop. The cops  
4 were there; they testified. And I will tell you  
5 what, they did a good job because instead of  
6 trying to be heroes and do everything themselves,  
7 when they got to the scene, they understood it was  
8 larger than they could handle; so they had enough  
9 sense and responsibility as officers to get help  
10 and that's what they did.

11 And you heard from that expert. You  
12 also heard from the cops that all said and you saw  
13 that; you are not taking their word for it; you  
14 saw the scene. How else do you explain a dirt  
15 wore out center circle with dogs chained all  
16 around it.

17 You have animals. Take the kids, when  
18 they play ball in the yard, how long does it take  
19 for that grass to become dirt. Did you find any  
20 grass around there. I didn't see any.

21 Training, Ladies and Gentlemen, doesn't  
22 necessarily mean actual fighting and that is part  
23 of that scattered shot that I was talking about.  
24 Nobody saw them fighting; nobody saw him there.  
25 Is it reasonable to say that the pre-work out  
26 fuel, the IVs, all of the different pills and  
27 materials for taking care of an animal, wound  
28 spray -- it is reasonable to say that this guy is  
29 doing this as a Robin Hood for dogs? Because if

1 it is, I want to ask you this, where are the  
2 poodles, where are the yorkies; where is the labs;  
3 where is any other dog you have besides a pit  
4 bull.

5 Then when you consider that, I want you  
6 to look at this. There is a lot to the saying  
7 that a picture is worth a thousand words. I  
8 wonder what these dogs' one thousand words would  
9 be. I think you have a pretty good idea. If you  
10 look at these animals, you saw the pictures; I am  
11 not putting them back up. Nine of them, you saw a  
12 live shot; you saw a shot of them after they were  
13 euthanized.

14 If you do not want to accept Mr. Held as  
15 an expert, then listen to Dr. Savant, who has  
16 practiced medicine for over 30 years. What did he  
17 tell you? Everyone of these animals had multiple  
18 puncture wounds. What did I ask you in opening?  
19 Very calmly, I said in the opening statement; that  
20 is what it was, an opening statement. Where were  
21 these wounds? Where were these injuries?

22 How reasonable is this? You put these  
23 dogs in a circle; you get put on notice that these  
24 dogs are getting loose. You heard the neighbor,  
25 their own witness testify, "I called the law in  
26 the past when I could not get in touch with Mr.  
27 Queen." He doesn't know where Mr. Queen is.  
28 Somebody who is fighting dogs don't go out there  
29 and put up a billboard and advertise that they are

1 fighting dogs. They do not want veterinarian  
2 attention. You know why? Because Dr. Savant  
3 said, I can't testify about being a dog fighting  
4 expert but I can tell you that all of these dogs  
5 had dog bites and all have been bitten by other  
6 dogs, old and knew.

7 So you are taking care of them and you  
8 have been on notice and your neighbor called the  
9 law on you and the neighbor is taking law  
10 enforcement down to a dumping site for where dogs  
11 were killed; and the neighbor is reporting that he  
12 believes your dogs have killed other dogs. Do you  
13 still keep them chained up that far apart from  
14 each other in circles and half of a barrel. No,  
15 you do that because they are on alert 24/7. You  
16 have them on chains like that with hooks like that  
17 to condition their necks. That is why you are  
18 doing it, conditioning their bite. That is why  
19 you have a 12-pound chain on a 30-pound dog,  
20 Ladies and Gentlemen. And you have that dog in  
21 the middle that is constantly on alert. There is  
22 no fight or flight with these dogs. It is  
23 learning to stand your ground, and guess what,  
24 they do get loose. But isn't it kind of scary  
25 when you think about it, when you have dogs that  
26 are getting loose from that?

27 We spent most of our time talking about  
28 how these dogs didn't attack anybody. Who handles  
29 them?

1 I would go out on a limb and say that  
2 everyone of you sitting in that box at some time  
3 or another has had an animal. The question I have  
4 for you is, have you trained your animal? How  
5 have you trained your animal? If your animal has  
6 got out and encountered another animal across the  
7 street or down the road, did they lock into each  
8 other?

9 That is what the jury instruction says,  
10 use your good judgment and common sense, Ladies  
11 and Gentlemen, because if you do, you understand  
12 exactly what happened here.

13 Do you guys keep IVs around the house  
14 for your pets? Y'all keep wound spray around the  
15 house for your pets? The face, the head, ears,  
16 chest, front legs, that is what you saw pictures  
17 of. Fine, accept the argument that those few  
18 times that Mr. Stevenson mentioned about these  
19 dogs happening to get loose; they happened to be  
20 broke up. Who broke them up? Humans. Why do you  
21 think that is?

22 The official thing was when you ask the  
23 expert with ASPCA, who was asked to come here by  
24 our local law enforcement to help determine how  
25 much money they made in marketing this. I guess  
26 the same could be said, How much money is made by  
27 fighting a dog, because you heard from an expert  
28 and you heard from a vet that in both of their  
29 opinions these were dogs that were being trained



1 to fight.

2 I am confident, Ladies and Gentlemen, on  
3 behalf of the State of Mississippi, that when you  
4 go back there you read these instructions, you  
5 consider what you have heard, you consider the  
6 consistency of the testimony from each person that  
7 took the stand, that all of that bird shot is  
8 going to go right back inside that shell on top of  
9 that wad and go right back in that other box of  
10 shotgun shells, because I am confident you see  
11 past that.

12 THE COURT: Mr. Stevenson?

13 MR. STEVENSON:

14 Q. Ladies and Gentlemen of the jury, do not  
15 allow the prosecutor's fake outrage to cause you  
16 to deflect from the fact there is no evidence of  
17 dog fighting. That is what this case is about.  
18 They want to talk about grass and dirt, all kind  
19 of stuff, IVs. This case is about dog fighting.  
20 They have to prove beyond a reasonable doubt that  
21 my client is guilty of dog fighting. We will talk  
22 about that.

23 What do we know? He talked about the  
24 good job that law enforcement did. That is  
25 important.

26 Do you remember their first witness --  
27 Deputy McGinty. He came up and he testified about  
28 all of these things. Do you remember I handed him  
29 his report and a pen. I say, Highlight this in

1 your report. Where is it in your report that you  
2 prepared over two years ago. It was not in the  
3 report.

4 That's a good job that they want you to  
5 rely on to convict my client. Is that a good --  
6 you are the officer; you are the one  
7 investigating; you do your own report; you decide  
8 what is important enough to put in there. I asked  
9 him simple things. You know, he wanted to talk  
10 about the dogs, afraid the dogs will attack and  
11 all of this stuff. It was not in the report. It  
12 was not in the report.

13 They want you to believe these are  
14 violent aggressive dogs. Law enforcement talked  
15 about how they interacted with the dogs. His  
16 neighbor talked about how his 10-year old -- that  
17 is important. Focus on what matters. I told you  
18 at the beginning a trial is a search for the  
19 truth. If you are going to search for the truth,  
20 you have to get rid of the junk. What is  
21 important is -- that man told you, I allow my  
22 10-year old grandson to go over to that house to  
23 interact with those dogs. What reasonable person  
24 would do that if they know that dog fighting is  
25 going on? Remember, his neighbor is a person that  
26 lives right next door. He said, I am outside all  
27 of the time. I see Tommie; I see his kid; I see  
28 their interaction with the dogs. I did not see  
29 them dog fighting; I didn't see them training

1 dogs. You can believe that because he talked  
2 about his grandchild going over to the house.

3 Let's talk about Mr. Held. I will let  
4 you determine whether or not Mr. Held is an expert  
5 or not. Mr. Held who has had training in  
6 everything from photography to horses, all over  
7 the place. He hasn't testified in a Court as an  
8 expert in dog fighting since 2013. But when they  
9 are ready to make a conviction, they have to go  
10 and dig him up out of Missouri and bring him down  
11 here and let him be an expert. A person who  
12 talked about -- he admitted, we did a press  
13 release. We are a private organization. I am not  
14 affiliated with a governmental organization. The  
15 U. S. Department of Agriculture does not recognize  
16 my credentials. That is important, because that  
17 is what they want y'all to believe, the expert, in  
18 convicting my client. He doesn't even have a  
19 degree.

20 I was raised by -- my grandmother help  
21 raise me. She had a 6th-grade education. I think  
22 she did a pretty good job with me. So I am not  
23 knocking him for not having a degree, but I am  
24 saying, he ain't no expert. What else do you  
25 know?

26 You heard from all the officers who  
27 talked about all of this evidence. Y'all are out  
28 there all of the time. How many times did they  
29 put Tommie Queen at the scene. The evidence is

1 that he was working in another state. How is this  
2 man training dogs to fight when he is working in  
3 another state. He ain't. They have to try to  
4 come up with this stuff. The IVs, medicine, that  
5 stuff is not illegal. That is stuff they sell for  
6 a reason. People use that.

7 What else do we know? Their expert  
8 talked about -- I asked him, Do you have a problem  
9 with dogs being on chains. You have to look at  
10 not just the person testifying -- I asked him do  
11 you have a problem with dogs being on chains? I  
12 have seen dogs on chains; I have had dogs on  
13 chains. If that's a crime lock me up. That is  
14 the kind of stuff they want you to focus on to  
15 convict my client. I asked him, Do you have a  
16 problem with dogs being on chains. He did not  
17 want to use the word chain. He said, I don't  
18 believe dogs should be kept -- in Mississippi we  
19 call it chained. People chain dogs; that is not a  
20 crime. But they are asking you to convict my  
21 client based on that. It doesn't make sense.

22 What else do we know? This case is  
23 about dog fighting. They can fix it up, make it  
24 about whatever they want to. It is about dog  
25 fighting. If you train to box, at some point  
26 somebody will see you boxing. Somebody is going  
27 to see you in a match with some gloves on. Who  
28 saw those dogs at a dog fight?

29 We sit through all of their witnesses, a

1 good job that their law enforcement did. Who saw  
2 the dogs at a dog fight? I asked their expert  
3 witness, sometimes when there are dog fights, you  
4 see organized betting. Did you see evidence of  
5 that? No. Did you see a log where they kept up  
6 with weights of dogs and earnings of dogs and  
7 future events that the dogs would be in? No, no  
8 and no. That is what their expert said.

9 When they ask you to convict my client,  
10 you need to go back to that no and use it against  
11 them.

12 What else do we know? Their expert, the  
13 doctor, said, In my career, I have treated  
14 thousands of dog bites. Why is that? Because  
15 sometimes dogs bite each other. That doesn't mean  
16 that the owner sanctioned it; that doesn't mean  
17 that the owner approved of it; that doesn't mean  
18 that the owner was okay with it, because the  
19 testimony that I heard is that the only time those  
20 dogs fought was when Mr. Queen was not around. If  
21 there is anybody that heard something otherwise,  
22 please let know because I must have went to sleep.

23 What else do we know? Dr. Savant talked  
24 about, "fresh wounds." Fresh wounds, it is  
25 undisputed that my client was somewhere else  
26 working. This is extremely important that we are  
27 here talking about dog fighting and nobody ever  
28 saw an organized dog fight. Their expert witness  
29 talked about how he had done investigations and

1       how he had, you know, been involved in these large  
2       scale dog fighting rings and all of the evidence.  
3       They brought you all some old chains, a bunch of  
4       grocery store bags and ask you to use that to  
5       convict my client.

6                Y'all use your good God-given common  
7       since. The burden is not on my client. He  
8       doesn't have to prove anything; he does not have  
9       to do anything. The law says they have to prove  
10      what they charged him with. They did not charged  
11      him with animal cruelty; don't convict my client  
12      of that. They charged him with dog fighting;  
13      training a dog for dog fighting purposes. You  
14      have saw the pictures of those dogs. Did those  
15      dogs look like they were going to be used in a dog  
16      fight in the future?

17               Mr. Cotton pointed out something. He  
18      said -- you remember he used the word that, he  
19      loved dogs. Does this look like love. Love will  
20      sometimes cause you to pick up what other people  
21      throw away. Love will sometimes cause you to care  
22      for what other people don't care for. Dr. Savant  
23      shows up. He says, We got to get rid of these  
24      dogs; we got to euthanize these dogs. Tommie  
25      Queen loved those dogs; he cared for those dogs.  
26      There is no evidence that he participated in a dog  
27      fight; no evidence that he trained those dogs to  
28      fight.

29               Ladies and Gentlemen, there is only one

1 choice you have under the law, not guilty. Thank  
2 you.

3 THE COURT: Mr. Harper?

4 MR. HARPER: Ladies and Gentlemen,  
5 yesterday morning each and everyone of you told me  
6 that you would be reasonable if you were selected  
7 to serve on this jury to decide whether or not you  
8 have any doubt as to the Defendant's guilt. I  
9 told you with this system we have, I think I said  
10 it yesterday, in my opinion was the greatest  
11 system that has been created by mankind. It is  
12 not perfect; the good book says we are not  
13 perfect. It is the greatest -- it is the closest  
14 thing to it. One very important reason is because  
15 we have juries. A lot of places in the world do  
16 not have the authority that the juries in this  
17 country have.

18 We take people from all different walks  
19 of life, all different backgrounds, all different  
20 educational levels, all different ages and seat 12  
21 people in there to make the decision about the  
22 facts of the case. That is very important.

23 And I told you yesterday that nobody can  
24 define reasonable doubt for you. That only you in  
25 your own heart and your own mind can make that  
26 decision.

27 The founding fathers of this country I  
28 think were brilliant in making that decision. The  
29 Judge can't tell you what it means. I think there

1 is a very important reason for that. They knew  
2 that people like yourselves from all different  
3 walks of life, from all different backgrounds and  
4 different education, had the good God-given common  
5 sense to sit in that box and make a decision.  
6 This is not rocket science here. It's not  
7 intended it be some pie in the sky legal term that  
8 you do not understand. If it was, they would put  
9 12 lawyers in the box. They don't do that,  
10 because they know that you can do this. It was  
11 designed for you to be able to do it, to listen to  
12 what is said, apply it to the law and make a  
13 decision. It ain't hard.

14 I submit to you. Don't leave your  
15 common sense at the door and if you don't do that,  
16 if you are reasonable and you use your common  
17 sense, you know what happened here. You know what  
18 happened here.

19 Mr. Stevenson a very talented attorney;  
20 he is doing exactly what he is supposed to do, get  
21 this guy off. I will tell you something. He  
22 talked almost the whole time up here there was no  
23 proof of dog fighting. I told you yesterday, and  
24 every one of you said that you understood it, that  
25 even though it's called dog fighting, the law --  
26 it's either fighting dogs, owning dogs with the  
27 purpose of fighting dogs, or participating in dog  
28 fighting or training dogs with the anticipation of  
29 participating in dog fighting. There hasn't got



1 to be a bit of proof; we do not have any proof  
2 that he fought the dogs. We don't have to prove  
3 he fought dogs. We have proved to you that he  
4 owned them and kept them at his house and they  
5 were trained with the circles and all of this  
6 stuff to fight; that is what they were there for.  
7 He talks about him loving dogs. A lot people in  
8 this state do chain dogs, but they do not put them  
9 on that chain. That is one chain. That thing is  
10 15 pounds easy; it weighs almost as much as the  
11 dog does. If I was going to chain a dog, I  
12 wouldn't use one of those because that will cost  
13 about ten times what a regular chain would cost.  
14 So why would you put that chain on a dog? To make  
15 him stronger, to make his stamina more. Why would  
16 you want that to happen?

17 He talks about these dogs were not  
18 aggressive toward people. I am sure a lot of  
19 y'all got dogs; you probably trained dogs before.  
20 I trained my dogs not very much because they do  
21 not mind me that well. I have trained them a  
22 little bit. The only thing that I have ever  
23 gotten them to do for me they did because they  
24 loved me. They would do whatever I wanted to if I  
25 could get them to understand out of show of love.

26 Dog fighters, that is the way they  
27 operate. These dogs want to please the owners.  
28 That doesn't mean they will be aggressive to  
29 owners or people; they love people. That is why

1 they walk around them all the time. Do you think  
2 that people would go to dog fights if dogs were  
3 attacking all of the people. That is not the way  
4 that works.

5 Now, he wants to talk about the ASPCA  
6 being a some private outfit and all that kind of  
7 stuff. The ASPCA was here because your sheriff,  
8 Travis Patton, and his staff over there asked them  
9 to come here. They asked them to come here and  
10 help them. They knew they were experts in it;  
11 that is why they called them. They came here at  
12 their own expense and spent time here and stayed  
13 out there three days going through all that stuff  
14 with these people to help them make a case here.

15 Yet he says they are out here trying to  
16 grease their own pocket or something, I don't  
17 know. Folks, these law enforcement officers did  
18 do a good job. Just like Tim said, they knew that  
19 they needed help with the expertise in this stuff.

20 I have been doing this 31 years and I  
21 have never had a dog fighting case before. You  
22 can't catch them. They don't put flyers out like  
23 he is talking about saying where they are going to  
24 have the next fight. Half of the time they are  
25 putting stuff out in the woods, motion detectors.  
26 By the time you get there, they are all gone. But  
27 they got this guy. You built it -- it is like a  
28 wall, you build it, chains, that is indicative of  
29 it and all of this stuff, 47 exhibits. I have

1       been doing this 31 years. I have never put 47  
2       exhibits into a case in my life. But you see all  
3       that stuff they got? It has a purpose; every bit  
4       of it has a purpose.

5               They have break sticks to stop them from  
6       fighting, when they are fighting to break them up.  
7       They have scales to weigh them so that they know  
8       if they are middle weights or heavy weights,  
9       whatever size dog they are going to fight. They  
10      won't fight some big dog against a little dog;  
11      they weigh them. They have medication,  
12      antibiotics, so if they get injured, they can try  
13      to get them healthy. If you got a good dog, you  
14      don't want him to get an infection and die. So  
15      what are you going to do? You are going to try  
16      and get him well. Are you going to take him to  
17      the vet so the vet can sit there and look at him  
18      and he has dog bites all over him and looks like  
19      he has been in a dog fight, no. You do it  
20      yourself; you do it yourself. They get their own  
21      stuff; they got antibiotics; they got IV bags and  
22      all this stuff, so they can treat the dogs after  
23      the fights. This is what that's for. The expert  
24      told you that. It is not just the IV bags; it is  
25      all of that together, all of that together.  
26      Muscle milk. That is what weight lifters take.  
27      Mr. Queen does not look like a weight lifter to  
28      me. Somebody was taking that stuff. Who do you  
29      reckon was getting that?

1 I don't remember which one it was; I  
2 will have to dig around here and try to find it.  
3 Testosterone, you know what that is? That is a  
4 steroid. They won't even let you play  
5 professional football on that stuff. What was  
6 that doing out there if it wasn't for the dogs to  
7 make them stronger so they could win the fights  
8 and if you win, you win money. They just don't  
9 got out there and do it on the weekend or watch a  
10 ball game. They are out there and there is big  
11 money involved in this stuff, big money.

12 Nobody has ever said one thing about  
13 this man fighting dogs at his house, but those  
14 dogs were there so when he went to fight, he had  
15 them. They said, Well, he is always working. I  
16 don't know where he was. He might have been cross  
17 town fighting dogs someplace else when these dogs  
18 were running out there loose; I don't know.  
19 Nobody seems to know; I am not taking his word for  
20 that.

21 Testosterone - you put a man on that and  
22 they get real aggressive. That is the ones that  
23 shoot up WalMart and stuff.

24 MR. STEVENSON: Object.

25 THE COURT: That is improper. I will  
26 strike that from the record and ask the jury to  
27 disregard that.

28 MR. HARPER: Ladies and Gentlemen, I  
29 don't know how much we can do other than what we

1 have done. The law enforcement folks, along with  
2 the help of the ASPCA, have done a magnificent job  
3 in this case.

4 As I said, I have been here 31 years and  
5 we have never been able to make dog fighting  
6 cases. This is a dog fighting case. This is a  
7 dog fighting case, owned and/or trained dogs for  
8 dog fighting out there on Miracle Road. They have  
9 the evidence of that right here.

10 I have confidence that if you use your  
11 God-given common sense and you are reasonable  
12 about this, that you know what happened and you  
13 will do the right thing and go back in that room  
14 and do the right thing.

15 It is with that confidence that I am  
16 going to give this case to you now and ask you to  
17 go back into the jury, read the instructions,  
18 deliberate among each other, review the evidence  
19 and return a verdict of guilty on all nine counts  
20 because that's what he is; he is guilty on all  
21 nine counts. Nine dogs that they had to  
22 euthanized, one count for each dog.

23 THE COURT: Will counsel approach,  
24 please?

25 (Brief pause in proceedings)

26 THE COURT: Ladies and Gentlemen, now  
27 it's time to give the case to you and for you to  
28 begin your deliberations. I am going to send the  
29 jury instructions and all of the evidence back

1 into the jury room with you.

2 Now because the evidence is so  
3 voluminous, what we are going to do, Deputy London  
4 and the bailiffs are going to walk you down to the  
5 county courtroom and you can stay down there for a  
6 little while. We will have law enforcement bring  
7 the exhibits into the jury room for you.

8 This is not telling you what to do, but  
9 I would suggest that the first thing you do when  
10 you get back there is elect a foreman, which is  
11 somebody to basically direct you and be in charge  
12 of your deliberations, be in charge of the vote.  
13 The foreman's vote has no greater weight than  
14 anybody else's; I would also remind you that these  
15 are nine separate counts, and you have to vote on  
16 each count.

17 With that, as soon as Deputy London gets  
18 back and has made sure that the county courtroom  
19 is clear and the hall is clear, we will let you  
20 walk down the hall and prepare the room for you.

21 (Pause)

22 THE COURT: Mr. Fitzgerald, you were the  
23 alternate in case. You have sat here for two  
24 days. You do not get to vote. You were just an  
25 extra so you will be excused at this time.

26 (JURY EXITS COURTROOM AT APPROXIMATELY 3:45 P.M.  
27 TO COMMENCE DELIBERATION)

28 THE COURT: Let's bring the jury back  
29 in, please.

1 (Pause)

2 THE COURT: The record will show that it  
3 is approximately one hour and forty minutes this  
4 jury has been deliberating. It is possible to  
5 have a hung jury. The Court will respond to that.  
6 (JURY RETURNS TO THE COURTROOM AND THE FOLLOWING  
7 PROCEEDINGS WERE HELD IN THE PRESENCE AND HEARING  
8 OF THE JURY)

9 The COURT: I know that is possible for  
10 honest men and women to have honest different  
11 opinions about the facts of the case. But if it  
12 is possible to reconcile your differences of  
13 opinion and decide this case, then you should do  
14 so.

15 Accordingly, I remind you that the Court  
16 originally instructed you that the verdict of the  
17 jury must represent the considered judgment of  
18 each juror. It is your duty as jurors to consult  
19 with one another and to deliberate in view of  
20 reaching an agreement, if you can do so without  
21 violence to your individual judgment. Each of you  
22 must decide the case for yourself but only after  
23 an impartial consideration of the evidence with  
24 your fellow jurors.

25 In the course of your deliberations, do  
26 not hesitate to reexamine your own views and  
27 change your opinion if your convinced it is  
28 erroneous. But do not surrender your honest  
29 convictions as to the weight or effect of the

1 evidence solely because of the opinion of your  
2 fellow jurors or for the mere purpose of returning  
3 a verdict. Please continue your deliberations.

4 (JURY EXITS COURTROOM TO COMMENCE WITH  
5 DELIBERATIONS AT APPROXIMATELY 5:30 P.M.)

6 THE COURT: Court will be in recess.  
7 (Recess)

8  
9 THE COURT: Let the record show that the  
10 jury has been deliberating approximately four  
11 hours, and they have now indicated to the bailiff  
12 that they have a verdict. Would you bring the  
13 jury out, please.

14 (JURY RETURNS TO THE COURTROOM AND THE FOLLOWING  
15 PROCEEDINGS WERE HELD IN THE PRESENCE AND HEARING  
16 OF THE JURY)

17 THE COURT: Ms. Hall, were you selected  
18 as the forewoman of the jury?

19 MS. HALL: Yes, Your Honor.

20 THE COURT: Has the jury reached a  
21 verdict in this case?

22 MS. HALL: Yes, Your Honor.

23 THE COURT: Will you hand it to Mr.  
24 Walker, please.

25 (Pause)

26 THE COURT: Ms. Hall, there is some  
27 language in the instructions that say exactly how  
28 each verdict is to be written out in full. I will  
29 send you all back in there to do that. I am



1       sorry, but the form of the verdict has to be as  
2       set forth in the instructions.

3       (JURY EXITS COURTROOM TO CONTINUE DELIBERATIONS)

4       (Pause)

5       (JURY RETURNS TO COURTROOM AND THE FOLLOWING  
6       PROCEEDINGS WERE HELD IN THE PRESENCE AND HEARING  
7       OF THE JURY)

8               THE COURT: Can you give the verdict to  
9       Mr. Walker, please.

10       (Pause)

11               THE COURT: Would you please read the  
12       verdict.

13               MR. WALKER, CLERK): Count I, dog  
14       fighting not guilty. We the jury find the  
15       Defendant, Tommie Queen not guilty of Count I, dog  
16       fighting.

17               Count II, dog fighting. We the jury  
18       find the Defendant Tommie Queen not guilty of  
19       Count II, not guilty.

20               Count III, dog fighting, not guilty. We  
21       the jury find the Defendant, Tommie Queen, not  
22       guilty of Count III, dog fighting.

23               Count IV, dog fighting, not guilty. We  
24       the jury find the Defendant, Tommie Queen, not  
25       guilty of Count IV, dog fighting.

26               Count V, dog fighting, not guilty. We  
27       the jury find the Defendant, Tommie Queen, not  
28       guilty of Count V, dog fighting.

29               Count VI, dog fighting, not guilty. We

1 the jury find the Defendant Tommie Queen not  
2 guilty of Count VI, dog fighting.

3 Count VII, guilty. We the jury find the  
4 Defendant, Tommie Queen, guilty of Count VII, dog  
5 fighting.

6 Count VIII, dog fighting guilty. We the  
7 jury find the Defendant, Tommie Queen guilty of  
8 Count VIII, dog fighting.

9 Count IX, dog fighting, guilty. We the  
10 jury find the Defendant, Tommie Queen guilty of  
11 Count IX, dog fighting.

12 THE COURT: Would you like to poll the  
13 jury, Mr. Harper?

14 MR. HARPER: Court's pleasure.

15 THE COURT: Mr. Stevenson, would you  
16 like for me to poll the jury?

17 MR. STEVENSON: Yes, Your Honor.

18 THE COURT: Ladies and Gentlemen, what  
19 it means to poll the jury is that I just ask each  
20 and every one of you whether or not this is your  
21 verdict. So we start with Juror No. 1, Mr.  
22 Knight. Is this your verdict?

23 JUROR KNIGHT: Yes.

24 AT THIS TIME, THE COURT ASKED EACH REMAINING JUROR  
25 THE SAME QUESTION, "IS THIS YOUR VERDICT AND ALL  
26 JURORS RESPONDED IN THE AFFIRMATIVE."

27 THE COURT: We thank you for your  
28 service, Ladies and Gentlemen. I know it has been  
29 a long two days. You will be discharged so you

1 can go at this time.

2 (JURORS EXIT COURTROOM AT THIS TIME)

3 THE COURT: The Court will proceed to  
4 sentencing. Mr. Harper, does the State have  
5 anyone that would like to speak in regard to that  
6 matter?

7 MR. HARPER: No, Your Honor, we don't.

8 THE COURT: Mr. Stevenson, does the  
9 Defendant or anyone here on his behalf wish to  
10 make a statement to the Court.

11 MR. STEVENSON: May I have a brief  
12 moment, Your Honor.

13 THE COURT: Yes.

14 MR. STEVENSON: Your Honor, I don't  
15 think the family at this time would like to say  
16 anything. I would like a brief remark.

17 I think it is undisputed that Mr. Queen  
18 has no prior felony convictions, Your Honor. This  
19 is his first offense, Your Honor. So I would ask  
20 the Court to take that into account, his lack of  
21 criminal history. Certainly it is in the Court's  
22 discretion what the sentence is at this point, but  
23 we would ask the Court to consider that he has no  
24 prior felony criminal experience in the Court.

25 You know better than I do where this  
26 case falls compared to the other case, Your Honor,  
27 so I would ask the Court to take that in mind and  
28 sentence accordingly.

29 THE COURT: Mr. Queen, would you come

1 forward with Mr. Stevenson, please.

2 Mr. Queen, you have spent two days  
3 listening to the evidence and seeing pictures and  
4 after four hours of deliberation, the jury of your  
5 peers has found you guilty of three counts.

6 So this Court is going to sentence you  
7 for a term of three years on each count, which is  
8 the maximum penalty for that offense. That  
9 sentence of three years on each count is to run  
10 consecutive and you are to pay all court costs and  
11 fees. That will be the order and decision of the  
12 Court. Court is adjourned. You will be remanded  
13 to the custody of the Adams County Sheriff for  
14 transportation to the Mississippi Department of  
15 Corrections.

16  
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19  
20 (Court adjourned at approximately 8:45 p.m.)  
21  
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## C E R T I F I C A T E

I, PATSY AINSWORTH YOUNG, Official Court Reporter Pro Tempore, in and for the State of Mississippi, do hereby certify that the foregoing transcript of the proceedings held on November 6 and 7, 2019, before the Honorable Debra Blackwell, Circuit Judge, Sixth District of Mississippi, is true and accurate to the best of my knowledge, skill and ability.

This is to further certify that I have mailed this record via United Parcel Service for filing, the original and one copy of said transcript, along with one ASCII CD, for inclusion with the record on appeal, with the Clerk of the Circuit Court of Adams County, Mississippi, and have notified the attorneys of record, the Clerk and the Supreme Court Clerk of my actions herein.

I further certify that my certificate annexed hereto applies only to the original and certified transcript and CD. The undersigned assumes no responsibility for the accuracy of any reproduced copies not made under my control or direction.

This the 13th day of February 2020.

PATSY AINSWORTH YOUNG