

CERTIFICATE OF SERVICE

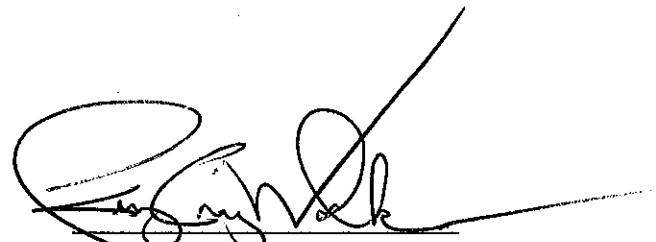
I do hereby certify that I have this day served the foregoing, **Pleading and Response to Hearing on why Plaintiff's Appeal Should not be Dismissed**, to all interested parties in the within and foregoing matter, Civil Action No. 07-1-10459-42, dated June 17, 2009 in the United States mail with sufficient postage affixed thereon to insure delivery as follows:

Judge Adele P. Grubbs
Superior Court of Cobb County
Cobb Judicial Circuit
30 Waddell Street
Marietta, Georgia 30090-9642

Jacquelyn Wagner
3000 Sandwedge Circle
Kennesaw, Ga 30144

This 19th Day of January, 2010

Please address all
communications to:
Kerry Craig Walker
2135 Big Fork Rd
Chattanooga, TN 37405
(423) 260-5803
email: kerrycw1@gmail.com


Kerry Craig Walker
Plaintiff, Pro-se

Kerry Craig Walker

Pro se/Plaintiff

2135 Big Fork Road
Chattanooga, TN 37405

Clerk
Superior Court of Cobb County
Cobb Judicial Circuit
30 Waddell Street
Marietta, Georgia 30090-9642

RE: Kerry Craig Walker vs. Jacquelyn Wagner.
Cobb County Superior Court, Civil Action File No. 07-1-10459-42

Dear Clerk:

I have sent you documents for filing and one (1) copy to stamp "filed" and return to me in SASE.
Thanks for your help.

This 19th day of January 2010

Best wishes,



Kerry Craig Walker
Pro Se/Plaintiff

**IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA**

KERRY CRAIG WALKER

PLAINTIFF

VS.

JACQUELYN WAGNER

DEFENDENT

)
)
)
)
)
)
)
)
)
)

CIVIL ACTION FILE

NO. 07-1-10459-42

**PLEADING AND RESPONSE TO HEARING ON WHY
PLAINTIFF'S APPEAL SHOULD NOT BE DISMISSED**

ARGUMENT

On appeal, Plaintiff argues that: (1) he was the "victim" in this case and not the perpetrator and received injuries as a result of Jackie Wagner's (Wagner) actions (2) Defendant "perpetuated fraud upon the Court" by emphasizing the criminal charges against plaintiff in a false Incident Report and in two recorded interviews. The fraud upon the court by the defendant continued over the next four years and two months; see Reproduction of Incident Report (For analysis of false information), **EXHIBIT A**; see transcript of INTERVIEW by former INV. PEAVY, **EXHIBIT B**; see transcript of INTERVIEW by INV. MASSEY WITH D.A.'S OFFICE, **EXHIBIT C**; see ORDER OF DISMISSAL for false Stalking TPO, **EXHIBIT D**; see ANALYSIS

OF MOTION FOR ENTRY OF NOLLE PROSEQUE, **EXHIBIT E**; see Order of Dismissal of all false charges, **EXHIBIT F** (3) the stay of discovery was unfair and prejudicial; and (4) the court's strict standards resulted in conclusory opinion and dismissal, and is legally flawed," **While Plaintiff's pro se pleadings are to be construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers, plaintiff must nonetheless set forth sufficient facts to support his claims; See *Hall v. Bellmon*, 935 F.2d 1106, 1110-12 (10th Cir.1991); see Sworn Affidavit of Kerry Craig Walker, **EXHIBIT G**; see information on false arrest, dismissal, and efforts to have all records expunged, **EXHIBIT H**; see Sworn Affidavit of Attorney Jeff Rusbridge, **EXHIBIT I**.**

CASE LAW TO SUPPORT ARGUMENT

ESTELLE, CORRECTIONS DIRECTOR, ET AL. v. GAMBLE 29 U.S. 97, 97 S. Ct. 285, 50 L. Ed. 2d 251. We now consider whether respondent's complaint states a cognizable 1983 claim. The handwritten pro se document is to be liberally construed. As the Court unanimously held in *Haines v. Kerner*, 404 U.S. 519 (1972), **a pro se complaint, "however inartfully pleaded," must be held to "less stringent standards than formal pleadings drafted by lawyers" and can only be dismissed for failure to state a claim if it appears "beyond doubt that the Plaintiff can prove no set of facts in support of his claim which would entitle him to relief."** *Id.*, at 520-521, quoting *Conley v. Gibson*, 355 U.S. 41, 45-46 (1957).

HUGHES v. ROWE ET AL. 449 U.S. 5, 101 S. Ct. 173, 66 L. Ed. 2d 163, 49 U.S.L.W. 3346. **Petitioner's complaint was not prepared by counsel. It is settled law that the allegations of such a complaint, "however inartfully pleaded" are held "to less**

stringent standards than formal pleadings drafted by lawyers,” see *Haines v. Kerner*, 404 U.S. 519, 520 (1972). See also *Maclin v. Paulson*, 627 F.2d 83, 86 (CA7 1980); *French v. Heyne*, 547 F.2d 994, 996 (CA7 1976). **Such a complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the Plaintiff can prove no set of facts in support of his claim which would entitle him to relief.** *Haines*, supra, at 520-521. **And, of course, the allegations of the complaint are generally taken as true for purposes of any motion to dismiss as might be put forth by Defendant.** *Cruz v. Beto*, 405 U.S. 319, 322 (1972).

FACTS AND CASE HISTORY

The Plaintiff was falsely arrested on September 25, 2001 as the result of false allegations that were reported in a false Incident Report by Wagner on September 19, 2001 from an incident she alleged occurred on September 16, 2001 in her attempt to frame the Plaintiff. The fact that this Incident Report was false was obvious by observing the contradictory statements in the report and how the location or jurisdiction of the alleged incidents changed. The fact that this Incident Report filed by the Defendant was false was further supported by the contradictions in two interviews and the fact that her story changed drastically. The Plaintiff was innocent of all charges and was in fact the VICTIM in this bizarre case of injustice and manipulation. The actual facts of this incident were reported by the Plaintiff in an Incident Report filed on September 16, 2001, although critical information was left out of this report and this fact can be supported by the evidence (see **EXHIBIT J**, last paragraph on page 2 and on into page 3). When the Plaintiff attempted to correct the miss-information by filing a Supplemental Incident Report he was refused his right to do so and threatened with arrest. This was the beginning of a long nightmare

for the Plaintiff and his family as Detective Peavy set out to manufacture the Plaintiff's guilt by never interviewing the only witness, and then ignoring, altering, and tampering with every piece of exculpatory evidence. The Plaintiff and his family went through many years of turmoil, stress and heartbreaking pressures from these corrupted and illegal actions during the course of many trial calendars, plea offers, plea hearings, several letters from the prosecution, upgraded charges and a trial that ended with felony tampering with evidence and nothing was done to look into it. This was a violation of due process of law.

The Plaintiff's attorney, Jeff Rusbridge, became a witness to these illegal actions and the Plaintiff was forced to hire another attorney. The Plaintiff paid a \$15,000.00 retainer for Attorney George Weaver and he did nothing to help in this case and failed to meet with the Plaintiff or to return phone calls. The Plaintiff fired Mr. Weaver and he refused to return any of his money. After the Plaintiff confronted him in person, Mr. Weaver agreed to return half of his retainer. The Plaintiff then hired another attorney, Jimmy Berry, and paid out another \$10,000.00 retainer.

The Plaintiff heard little about this case for over two years, and then the Plaintiff sent a letter to the prosecution asking them to formally dismiss all charges. A few days later the Plaintiff got a new trial date for the next month. The Plaintiff then filed an Incident Report on the former Detective Peavy to document his corrupted and unlawful actions through his Violations of Oath of Office and Felony Tampering with Evidence, and the Plaintiff recorded the filing of this report on tape. The Plaintiff got a copy of this report several days later and found out that the former Detective Peavy's name was not stated anywhere in this report and there was a third page to this report that was "confidential" and the plaintiff was not allowed access to this page. The Plaintiff attempted to file a Supplemental Incident Report, and he again was denied his right to do so. The Plaintiff attempted to file a new Incident Report on Preston Peavy and was met with resistance, but was eventually able to file it. This new report contained the name of

Preston Peavy and the filing of this report was also recorded on tape. (In fact the Plaintiff has about 30 tapes and several videos that help document the facts of this case.)

The Plaintiff received several more trial calendar dates over the next several months and was present for all of them. The Plaintiff was never given his day in court and on November 23, 2005 an order was signed by the Honorable Judge Jackson Harris that dismissed all of the Plaintiff's charges. This ORDER dismissing all charges was not received by the Plaintiff until December 19, 2005, some two weeks after his mother's death had occurred under the pressure and duress of this corruption, malfeasance, and ongoing injustice.

The Plaintiff filed a lawsuit on November 20, 2007 in the Superior Court of Cherokee County, covering the details of his case and in his rather lengthy complaint he covered all the details of his case, pointed out the unjust aspects of the legal system, cited statutes to substantiate his position, and cited problems with immunity laws and how these unjust laws are on the wane. The Plaintiff also filed a lawsuit in the Superior Court of Cobb County against Wagner for her role in creating this nightmare for the Defendant and his family. The Plaintiff, at the persistent request of Attorney Marc M. Arragon with Shivers & Associates, put together a MORE DEFINITE STATEMENT OF CLAIM. This document is a much shorter version of the Plaintiff's lawsuit. (see **EXHIBIT J**)

The Plaintiff's first attorney, who handled this case through the Plaintiff's first attempt at trial which ended because of Felony Tampering with Evidence, put together a Sworn Affidavit. This Sworn Affidavit provides a detailed overview of this case and clearly exposes the constitutional rights violations and due process violations and details the acts of corruption and malfeasance through the eyes of Attorney Jeff Rusbridge. This Affidavit should be studied in detail. On item number 49 of this document Mr. Rusbridge states, "Mr. Walker's constitutional rights were violated and this was a case of selective prosecution and due process violations. Mr.

Walker should have all records cleared of these charges and he should be compensated by the government for the crimes committed against him and his family.” (see **EXHIBIT I**)

The Plaintiff has included two other documents to be filed with this case that state the facts of Kerry Craig Walker’s false arrest and the criminal actions of Preston Peavy, and includes the ORDER where all of the false charges were formally dismissed by the State of Georgia. These documents should be filed for public access for anyone who is looking into Plaintiff’s arrest record and until Plaintiff’s records in this case are expunged. (see **EXHIBITS F & H**)

The Plaintiff received a copy of a MOTION FOR JUDGEMENT ON THE PLEADINGS, submitted by Attorney Kendrick K. McWilliams on the 29th of July, 2009. This motion contains similar information and similar rhetoric of another motion that has been filed and is not a valid motion in that it does not contain the true facts of this case. In his motion McWilliams states, “Although Plaintiff’s prosecution may have continued into 2005, as he alleges, he states no conduct in the Complaint regarding Defendant Peavy beyond 2001.” This statement has no truth in it and in fact the Plaintiff’s entire case revolves around the fact that Defendant Preston Peavy obstructed justice, violated his Oath of Office, and provided altered evidence in order to manufacture the guilt of Plaintiff through the entire span of this case which lasted for over four years and two months. As to the statute of limitations, this has been examined by prior judges that handled this case and has been deemed an invalid legal argument. The fact is this action is not barred by the statute of limitations as the corruption by the officials in Cherokee County continued throughout the course of this case and the corruption by the officials in Cherokee County continues to present day. The Plaintiff continues to suffer from the continued corruption and deceit that exists in certain officials and in specific courtrooms of Cherokee County, Georgia. The Plaintiff recognized the absurdity of the many complex immunity laws and the fact is that many of these laws stated in this motion no longer apply because these absurd and unjust immunity laws are on the wane in Georgia and throughout this great country. The Plaintiff has

replied to similar motions in this case and he has opposed all of them. The new attorney also seems to be dishonest and, as has been made clear by Plaintiff before regarding the previous attorney for the Defendants, statements are made that are not true. There has been only one attempt to procure the deposition of Plaintiff, and not several as Attorney McWilliams' alleges and Plaintiff had a valid conflict and responded with filed legal documents in order. The Plaintiff made this clear in his letter to Judge Oliver Harris Doss, Jr. on December 26, 2008, as referenced near the bottom of this document and posted as an exhibit. The Plaintiff's complaint is a valid complaint because Preston Peavy attempted to manufacture the guilt of an innocent man and send him to prison for crimes he did not commit. These back to back criminal actions by Preston Peavy and the actions of the Officers of the State that covered for his demented actions and his unyielding attempts to convict a man that had committed no crime and was in fact the VICTIM of crimes is a claim from which relief can and should be granted.

CONCLUSION

This is a complex case that was set into motion when the Defendant set out to frame the Plaintiff. The violent crimes of the Defendant against the Plaintiff and the subsequent events that took place because of her demented and unlawful actions in filing a false Incident Report and perpetuating numerous false accusations about the Plaintiff set off a chain of events that ruined the Plaintiff's life and brought great harm to the Plaintiff's family members. The Defendant appears to be unbalanced and pathologically dishonest. Wagner stated that she had known the Plaintiff for ten (10) years, when in fact it had only been a couple of weeks. Wagner stated that the Plaintiff had been involved with dealing drugs in the recent past, when the Plaintiff had been clean and sober since turning his life around on April 12, 1992. Wagner stated the Plaintiff's truck was white, when it was red. Wagner stated that the Plaintiff had cocked and

loaded a crossbow with a homemade Indian arrow (an artifact) for absolutely no reason, when this event never occurred. In fact most every statement made by Wagner in her Incident Report (filed several days after the alleged incident) and in two separate interviews was not true.

The Plaintiff has suffered financially, emotionally, and physically since his false arrest on September 25, 2001 and the Plaintiff continues to suffer financially, emotionally, and physically. The Plaintiff's mother spent the last four years of her life under the stress and pressure of this case, and died two weeks prior to the Plaintiff receiving the Order of Dismissal by U.S. Mail; see poem written by Plaintiff's mother, **EXHIBIT K**.

What happened to the Plaintiff in this case should not happen in the United States of America. The Plaintiff's only request is for justice to be upheld and for the Plaintiff to have his day in court so he might hold the Defendant accountable for her unlawful, harmful, and unethical actions. The Plaintiff has overwhelming evidence and powerful witnesses to support the facts of this case that clearly state a claim for which relief can and should be granted. The Plaintiff deserves and has a right to a **Jury Trial**, and demands such now.

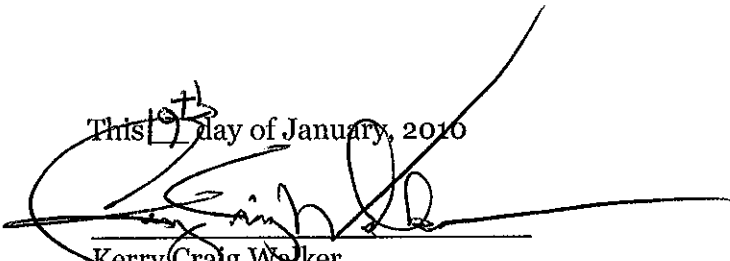
This ^{7th} 19 day of January, 2010

Kerry Craig Walker
Pro Se

EXHIBIT A

Reproduction of Incident Report
(For analysis of false information)

CHEROKEE COUNTY SHERIFF'S OFFICE
INCIDENT REPORT

INCIDENT LOCAL #	ACTIVITY ADDRESS (JURISDICTION)	RECEIVED DISPATCHED	DISPATCHER SUPERVISOR
PRIORITY	DEPOSITION	ARRIVED	NATURE
ACC REP	OFFICER (S)	CLEARED	INCIDENT TYPE

I0195919	HSILVEY	09/19/2001, 15:46	PTETTERTON
		09/19/2001, 15:48	AMGRIFFIN
		09/19/2001, 15:48	BATTERY
		09/19/2001, 15:48	AGR. ASLT
			CT:PTETTERTON

Caller's Info: WAGNER, JACKLIN PHONE: 770 420-2576

Reported as: AGGRAVATED ASLT FOUND AS: AGGRAVATED ASLT

VICTIM: WAGNER, JACQUELYN License: NONE
 (Female) 3000 SANDWEDGE CIRCLE SSN: 367-82-7585
 M0119418 KENNESAW GA 30144
 Phone: 770 420-2576 Race: WHI DOB: 10/19/1961 Age: 39

OFFENDER WALKER, KERRY License: NONE
 (Male) 4590 KNOX BRIDGE HWY
 M0119419 CANTON GA 30115 Race: WHI DOB: 02/26/1954 Age: 47

Narrative (s) :

Narr. 1: HAROLD SILVEY Division: None Status: Open (I0195919)
 TITLE: AGGRAVATED ASSAULT Entered: HAROLD SILVEY
 Reviewed: No officer

MS. WAGNER CAME TO THE ADC TO REPORT THAT SHE HAD BEEN ASSAULTED BY HER BOYFRIEND. SHE STATED SHE WENT TO THE BOYFRIEND, KERRY WALKER'S HOUSE ON SUNDAY 09/19/2001. AFTER SHE WAS THERE FOR SOME TIME WALKER BECAME ENRAGED AND BEGIN TO PUSH AND SHOVE HER AROUND. HE PUSHED HER INTO THE BATHTUB, TORE HER SHIRT AND LOADED A CROSSBOW AND THREATENED HER WITH IT. WHEN SHE CALL 911 HE TOLD HER TO GET UP THAT THEY WERE LEAVING. SHE SAID THAT HE DID NOT FORCE HER TO LEAVE BUT SHE WAS AFRAID OF HIM.

SHE HAS THE SHIRT THAT SHE WAS WEARING AND THE LEFT SLEEVE IS RIPPED. SHE HAS BRUISES ON HER LEFT ARM AND AN ABRASION ON HER RIGHT ARM ABOVE THE ELBOW. HE ALSO SPIT IN HER FACE TWICE. HE TOLD HER THEY WERE LEAVING THE HOUSE BECAUSE HE DID NOT WANT TO BE THERE WHEN THE POLICE SHOWED UP.

Analysis of Report/Interview Case # I0195919

"MS. WAGNER CAME TO THE ADC TO REPORT THAT SHE HAD BEEN ASSAULTED BY HER BOYFRIEND."

COMMENT

First of all, Plaintiff did not assault her, nor harm her or touch her in any way with any intent to bring any harm to her. The fact is and the truth is that this woman assaulted the Plaintiff twice and committed other acts of rage and violence towards him. The Plaintiff was brutally assaulted in the Holiday Inn in Cedartown Georgia at approximately 2:00 o'clock in the morning on the 9/16/2001. He was hit extremely hard in the chest and then my left arm, and then with a powerful jab to his right eye. During the course of the night, Plaintiff was tormented with violent swings on several occasions and he was perpetually harassed, dominated and controlled by this unbalanced woman. She refused two attempts by the Plaintiff to get her out of his vehicle. She also violently refused to have someone come give her a ride home from the Plaintiff's residence. The Plaintiff was assaulted and threatened in his own home by this woman when he again asked her to have someone come get her, as the Plaintiff did not want her back in a vehicle with him. She violently and forcefully shoved her fingers into the Plaintiff's already bruised chest as she told him, "No, your—gonna—take—me—where—you—found—me," jabbing him violently and forcefully in his already severely bruised sternum with every word spoken. She then continued to threaten him and curse him. If the Plaintiff had just threatened to kill her with a loaded crossbow (for no reason whatsoever), would she have asked him to take her home and then get into a vehicle

with him? Would she have had a big smile on her face when she walked past the Plaintiff's roommate on the way to his truck and said, "Nice to meet you! Have a nice day!" if the Plaintiff had just threatened to shoot her with a crossbow? The fact is, the only reason this woman was smiling during this living nightmare, was simply because she is mentally unbalanced.

The other thing is that the Plaintiff was not her "boyfriend." This was a two-week off and on nightmare of an acquaintance, and the Plaintiff had broken up with the false accuser several days before she talked him into taking her to do a scheduled skydive. She called the Plaintiff several times attempting to make up with him and finally talked him into taking her by convincing him to do so based on the fact that he had already paid for her jump and video. After several conversations with her and telling her no, the Plaintiff eventually reluctantly agreed that she could go. This was without question the biggest mistake of his life.

"SHE STATED SHE WENT TO THE BOYFRIEND, KERRY WALKER'S HOUSE ON SUNDAY 09/19/2001."

COMMENT

Here she is obviously trying to deny that she was with the Plaintiff before that day on Sunday in an attempt to cover herself for the violence she had committed against beforehand. The fact and the truth is that this woman was with the Plaintiff from Friday evening until Sunday afternoon. She even contradicts her on statement in interviews at later dates with two different investigators (Peavy and Massey).

The fact is that this was not 09/19/2001 as this Incident Report indicates. The reality is that Sunday was in fact 09/16/2001. Had this officer gotten the date right

on his report it may have dawned on him that this report was being filed several days after this alleged incident. He would have then possibly questioned her motive in filing this report several days after this alleged incident occurred. This alone would have likely brought about the necessity of a Probable Cause Hearing *before* an arrest was made in order to bring out the witnesses and for a judge to hear the facts and the truth of what really happened here. There was no hearing and there was only a slanted and tainted investigation, and there was no due process of law before the Plaintiff was arrested for crimes that he did not commit. In fact and in *truth* the Plaintiff was the *victim* here and not the offender.

BEGINNING OF TRANSCRIPT

TRANSCRIBED BY SHIRLEY J. SMITH INTERVIEW BY: DETECTIVE PEAVY
WITH: JACKIE W.

These are exact replicas of parts of the original transcript and nothing has been changed.

17 P: WORK ON THAT OR NOT. WOULD YOU KINDA LEAN FORWARD A
LITTLE

18 BIT

19

20 W: SURE

21

22 P: AND, UGH BASICALLY SPEA-, SPEAK A LITTLE LOUDER THAN YOU
23 NORMALLY WOULD AND JUST TELL ME WHAT HAPPENED, UGH BETWEEN
24 YOU AND MR. WALKER IN CEDARTOWN TO, TO HIS HOUSE ON SUNDAY
25 THIS PAST WEEK.

26

27 W: WELL, (SIGH) UGH, VERY BEGINNING ON SATURDAY WE WENT OUT
THE

28 WITH SOME OTHER FRIENDS TO GO AND, UGH SKYDIVE. AND THEY
29 DIDN'T GO UP, YOU KNOW BECAUSE IT COULD TAKE A PLANE UP AND
30 THEN WE'RE GOING TO WAIT AND SEE IF WE CAN GET A FLIGHT OUT IN
31 MORNING. AND, UGH SO THAT WE MIGHT BE ABLE TO GO UP EARLY
32 AND SO WE DECIDED TO STAY THE NIGHT AND EVERY BODY ELSE LEFT.
33 AND, UGH WE GOT A HOTEL ROOM OVER IN, UGH IT WAS IN CEDARTOWN.

(Mr. Walker's comments on her statements throughout text)

COMMENT

The reason the planes could not go up was because of the September 11th attacks and all aircraft had been grounded. They hoped to have clearance by the next morning to go up. Ms. Wagner states here that everybody else had already left, but we actually left before everybody else and there was no reason for this statement to be made. The fact is, the Drop Zone had a bunkhouse and some of the people stayed in it.

“AFTER SHE WAS THERE FOR SOME TIME WALKER BECAME ENRAGED AND BEGAN TO PUSH AND SHOVE HER AROUND. HE PUSHED HER INTO THE BATHTUB, TORE HER SHIRT...”

COMMENT

The fact and the truth is the Plaintiff never shoved her around and these statements are just more of her many lies. In fact in the interview with Peavy she says nothing about Mr. Walker pushing her or shoving her at all at his home. She also states in the mist of her many confused, strange and contradictory ramblings, that she fell into the bathtub in the Holiday Inn Hotel in Cedartown Georgia, and she makes it clear that this was an accident from her pulling on the door and being behind the door, and Mr. Walker simultaneously pushing on the door, subsequently causing her to fall backwards and into the tub. This happened just after Mr. Walker had the door slammed on his head by this unbalanced female. The fact is what happened here, was in Cedartown, Georgia and not at Mr. Walker's home as she

indicated in her Incident Report. This woman was locked in this bathroom for a good twenty minutes or longer and Mr. Walker began to worry about her harming herself, as her mother had told him about her attempting suicide before and her mom had vomited before coming over to her place just a week before, when unable to reach her by phone, because she feared that she had committed suicide. The Plaintiff asked her nicely to open the door and to come out. When she would not open the door after Mr. Walker asked nicely and was gently pleading for her to do so, he finally took a coin and unlocked the door. When he opened the door just enough to get his head inside to look into the bathroom, he saw her sitting on the closed toilet seat smoking a cigarette. He asked her if she was okay, and at that point she jumped up and slammed this heavy door on my head. Mr. Walker then told her that she slammed the door on his head as he abruptly opened the door. She pulled on the door as Mr. Walker pushed on it and she took a couple steps backwards until she got to the edge of the tub and fell back, landing in the tub. This is how the accident happened and how she fell into the tub. This was in Cedartown, Georgia and not at Mr. Walker's home in Canton, Georgia, as Ms. Wagner led the officer to believe.

Ms. Wagner also states that Mr. Walker tore her shirt and in her next description, they were suddenly driving down the road. The truth and the fact is this occurred while Mr. Walker was stopped to allow the engine to cool down after it had overheated and as he was working on getting water into the radiator. This unbalanced female was belittling and harassing Mr. Walker while he was trying to deal with this problem of an overheated engine, and then Mr. Walker got back into

the vehicle and asked her to please stop hassling him, and she just smarted back off to him and kept on and on. Mr. Walker had to fill up a cup with water many times and put it in the radiator from a faucet some 30 feet away. He finally got it ready to go, and then Ms. Wagner starts running her mouth again and, by this time, Mr. Walker had had enough. He told her to get in the back seat, and she rudely said "No!" Mr. Walker then told her to get out of his Jeep, and she refused. Again Mr. Walker demanded that she get out and at that time she got out and then opened the back door and got into the back seat, with the door standing open (she was not up against the door as she describes in her story). She began to start this insanity again about money, saying over and over and over, "*It's all about Kerry and his money; It's all about Kerry and his f...ing money.*" Mr. Walker must have heard this over one hundred times during this ordeal. Fed up, Mr. Walker told her again to "*Get out of my Jeep. Now!*" She said, "*No, I'm not getting out!*" Mr. Walker then reached back over his right shoulder and motioned with his arm for her to get out. His hand caught the sleeve of her old biker T-shirt as Mr. Walker simultaneously grabbed hold of it. The sleeve tore very easily because the material was very thin on this very old T-shirt. Mr. Walker never touched her arm or her skin and his hand caught the sleeve of her shirt and Mr. Walker was a little shocked when it ripped so easily. Mr. Walker again demanded her to get out of his vehicle. It was obvious to Mr. Walker, at this point, that she was not going to get out of his Jeep so he just sat there for a while and then Mr. Walker apologized for tearing her shirt and he told her that he would buy her another one. He even offered her one of his clean T-

shirts, but she stubbornly refused. Mr. Walker then headed out for her home so he could get her out of his life as soon as possible.

pg. 1

34 W: AND, UGH THE TIME TO GO TO SLEEP AND HE SAID HE LIKES THE TV
ON
35 AND I LIKE IT OFF. I MEAN HE'S LIKE IT ON, OFF RATHER AND I LIKE IT ON.
36 AND, UHG I LEFT THE TV ON AND HE GOT MAD AND, UGH CAUSE HE SAID
37 HE WANTED IT OFF AND I SAID WELL, YOU KNOW I CAN SLEEP BETTER
38 WITH IT ON. AND, UGH THEN HE, UGH, AF-, AFTER A LITTLE WHILE HE
39 GOT, HE GOT MAD AND HE JUST, HE STARTED, UGH HE SAID THAT HE
40 WANTED IT OFF AND HE STARTED LIKE HIS FACE TURNED ALL RED. HE
41 WAS LIKE YELLING IN MY FACE AND, AND LIKE, HIS NOSE HIT MY NOSE.

COMMENT

The truth and the fact is Mr. Walker never got extremely angry at all. Not throughout this entire ordeal did Mr. Walker ever loose his temper. He just attempted to deal with this woman as best he could and continued to focus on God for help in dealing with her.

Mr. Walker never got in her face and he never touched her nose or hit on the bed or any of these behaviors that she describes in her many incoherent ramblings. These things simply did not happen and this woman is pathological. These are all false allegations, and rest assured, if you read this with an open mind and question everything, including Mr. Walker, you will easily come to realize these events to be fabricated throughout her entire twisted story.

42 THAT'S HOW CLOSE HE GOT. AND HE'S LIKE HITTING THE BED AND
43 EVERYTHING AND YELLING AT ME ABOUT, YOU KNOW I WANT THE TV
44 OFF. AND SO I GOT UP AND I WENT INTO THE BATHROOM. HE SAYS WHERE
45 ARE GOING? I SAID, I SAID IN THE BATHROOM CAUSE I DIDN'T HAVE
46 ANYWHERE ELSE TO GO. AND, UGH SO UGH HE SAYS WHY ARE YOU

pg. 2

1 GOING IN THERE. AND I SAID I JUST THINK THAT WE NEED A BREAK SO
2 WE CAN JUST CALM DOWN. AND, UGH SO I WAS IN THERE FOR A WHILE
3 AND HE ASKED ME WHAT I WAS DOING. AND, UGH I SAID, YOU KNOW THE
4 FIRST TIME I SAID THAT I WAS GOING TO THE BATHROOM, SECOND TIME
5 HE ASKED ME I SAID GOING TO SMOKE A CIGARETTE AND I NEEDED TIME
6 TO THINK AND I JUST THINK, THINK THAT WE NEED, UGH SOME SPACE.
7 AND, UGH AND HE STARTED, UGH YELLING AT, I'M AKIN YOU IN THE
8 NAME OF JESUS, NOW OPEN THE DOOR, PLEASE, PLEASE, PLEASE, PLEASE.
9 I SAID WE NEED SOME SPACE. THEN HE STARTED SCARING ME BECAUSE,
10 YOU KNOW THE WAY HE WAS ACTING AND THEN UGH HE ASKED ME HOW
11 LONG I WAS GOING TO BE IN THERE. AND I SAID ABOUT, I SAID ID DON'T
12 KNOW, ABOUT TWO HOURS. AND HE SAID YOU CAN'T STAY THERE FOR
13 TWO HOURS. THEN HE STARTED GETTING MADDER ABOUT THAT AND,
14 UGH THEN, UGH FINALLY, UGH, YEAH FINALLY I OPENED THE DOOR AND
15 HE LIKED PUSHED IN THE DOOR WHILE I WAS BEHIND IT. AND, UGH AND I,
16 I END UP FALLING IN THE TUB. AND HE WAS LIKE RIGHT THERE AND I'S
17 TRYING TO GET OUT OF THE, THE TUB AND HE WAS LIKE, HE WAS LIKE
18 THERE WAS THIS REALLY WEIRD LOOK ON HIS FACE. HIS EYES AND HE'S
19 LIKE SMILING LIKE HE THOUGHT IT WAS FUNNY. YOU KNOW, HE DIDN'T
20 BOTHER, I MEAN AND LIKE DIDN'T BOTHER HELPING ME OUT OR
21 ANYTHING. AND, UGH SO I GOT MAD AND I SAID, YOU KNOW LET ME OUT
22 OF HERE. AND, AND I WENT OUTSIDE THE HOTEL TO GET AWAY FROM
HIM.
23 HE FOLLOWED ME ANYWAY. AND, AND (SIGH) THIS WHOLE FIGHT TOOK
24 ABOUT LIKE FIVE HOURS AND STUFF. YOU KNOW, HE WAS LIKE YELLING
25 AT ME, TELLING ME (CLEAR THROAT) DO WE HAVE TO USE THE WORDS
26 THAT HE DID.

COMMENT

It is difficult to even read what this woman says, because she is so unbalanced. Almost nothing she says is based on the truth of what happened and she makes the story up as she goes along. Even when what she says has an inference about the truth in it, she still changes the facts in some way from what actually took place. In other words, she never tells the truth.

What amazed Mr. Walker is the fact that he did not want anything more to do with this woman, and, as was mentioned, he took her on this trip only because she talked him into it and only because he had already paid out several hundred dollars. This money could not be refunded and they would not transfer the jump and video

to another person's name or to Mr. Walker's name. This is the only reason Mr. Walker reluctantly told her that she could come with his group on this trip.

On top of all her other lies, she mentions over and over again how Mr. Walker wanted to touch her or hug her, and this is the furthest thing from the truth. Mr. Walker did not want anything to do with her physically and he had thwarted her sexual advances just after getting into the hotel room, and this obviously upset her. She even says that Mr. Walker kept on attempting to touch her and to get her to hug him while he was going back and forth getting water for this overheated engine (In her second interview with Investigator Massey she actually says that Mr. Walker stopped for oil). Mr. Walker was in a state of fear and anxiety just being around this unbalanced female and he continued to have a severe pounding headache from where she had knock the daylights out of him in the middle of the night.

The fact and truth is Mr. Walker opened this door with a coin at around 2:00 o'clock in the morning, because of his concern for what this woman might do to herself. She also fails to mention the fact that she slammed a heavy door on his head or what happened after her fall into the tub. She got angry all right, after refusing Mr. Walker's offer to help her up out of the tub, she said, "Get out of my way you son of a bitch," as she swung her right arm violently to keep me at bay, and then she climbed out of the tub, and stood in front of him. She then punched Mr. Walker extremely hard in his chest with a right jab and then hit him with a left hook into the left bicep. Mr. Walker then said something he probably should not have said—he said, "You biker bitch, you just hit me". At this point she said

emphatically, “Don’t you ever call me that again”, as she punched Mr. Walker with a very violent and forceful jab to his right eye, nearly knocking him out.

pg. 2

27

28 P: YEAH, GO AHEAD AND USE THE WORDS THAT HE USED.

29

30 W: WELL, HE WAS CALLING ME LIKE A, UGHM, HE WAS CALLING ME LIKE

31 A, A, A, CUNT, A BITCH, A BIKER BITCH. AND, AND, UGH I KNEW HE’D GO

32 BACK TO MY BIKER FRIENDS. AND, UGH CAUSE I TOLD HIM THOSE ARE

33 THE PEOPLE THAT HELPED GET ME SOBER AND STUFF. AND, UGH THEY,

34 UGH AND, UGH DURING THIS TIME, UGH WELL, BEFORE I WENT OUTSIDE,

35 HE, UGH HE WENT TO A STORE CAUSE HE HAD A HEADACHE AND, UGH

36 AND HE BOUGHT ME THIS ROSE AND IT WAS A PURPLE ROSE. AND HE

COMMENT

The fact is Mr. Walker went to the store long before this. It was not long after they got to the hotel room and after Mr. Walker shunning her sexual advances that she told him that she had acid indigestion and asked him to go get her some Maalox (Mr. Walker still has the bottle of Maalox that he bought that night for evidence). Mr. Walker did tell her that he did not feel good and that he was tired, but he did not say anything about having a headache, because he did not have a headache until after she hit him. Mr. Walker did buy a purple rose when he went to the store, because she had told him that this was her favorite color and when he saw it he thought it might cheer her up. Mr. Walker never called her “cu*t” and this is a word Mr. Walker has not used to describe any woman in *at least* the last fifteen years and nine months of his life.

37 SAID, HE SAID, UGH AND SO WHEN WE WERE OUTSIDE HE WAS YELLING

38 AT ME ABOUT HOW MUCH MONEY HE SPENT, AND ABOUT YOU KNOW

39 SPENDING IT ON, YOU KNOW THE, SCHOOL CAUSE IT TOOK LIKE SIX

40 HOURS SCHOOL. AND, UGH THEN, UGH, HE SPENT LIKE \$2 ON THE

41 ROSE AND HE, AND HE’S, AND HE LOVES ME AND EVERYTHING BECAUSE

42 HE KNEW THAT MY FAVORITE COLOR WAS PURPLE. AND SO HE, UGH YOU
43 KNOW BOUGHT A PURPLE ROSE AND EVERYTHING. AND, YOU KNOW
44 SPENT LIKE TWO (TAPE SKIPPED) SAYING, YOU KNOW WANTED ME TO
45 COME BACK IN THE ROOM BECAUSE HE WAS TIRED. HE WANTED TO GO
46 TO SLEEP AND I SAID, KERRY I'M NOT STOPPING YOU FROM GOING

pg 3

1 UPSTAIRS. AS A MATTER OF FACT, YOU KNOW, UGH, YOU NEED TO GO
2 UPSTAIRS. HE SAID THE HE WOULDN'T, HE'D WORRY ABOUT ME
3 OUTSIDE. AND I'M LIKE "PFFFF", OKAY. AND, UGH, THEN, UGH (TAPE
4 SKIPPED) STARTED YELLING MORE. I DON'T KNOW WHAT HE SAID CAUSE
5 I WAS LIKE IGNORING HIM. BUT HE WAS (UNCLEAR) TALK ABOUT LIKEM
6 LIKE HE'S, HE, HE'S JUST LIKE JESUS. HE'S SO NON-VIOLENT AND SO, UGH
7 YOU KNOW HE LOVES ANIMALS AND EVERYTHING BECAUSE WE GOT IN A
8 FIGHT EARLIER CAUSE HE, HE FLIPPED CAT, MY CAT, CASSIE AND I GOT
9 MAD ABOUT THAT. AND, UGH, AND I TOLD HIM NOT TO STAND SO CLOSE
10 TO
11 TO ME WHEN HE WAS MAKING THAT STATEMENT CAUSE WHEN
12 LIGHTNING
13 BOLT COMES DOWN AND HIT HIM, I DON'T WANT TO GET HIT. AND, UGH
14 SO HE SAID THAT HE WAS LEAVING AND HE LEFT AND THEN HE, UGH,
15 CAME
16 BACK. AND, UGH I WAS STILL STANDING THERE CAUSE I, I DIDN'T HAVE
17 ANYWHERE ELSE TO GO. AND, THEN, UGH THEN HE, UGH I DON'T (TAPE
18 SKIPPED) YELLING SOME MORE AND CALLING ME ALL THOSE NAMES
19 AGAIN AND, AND TELL-, GETTING MAD CAUSE I WOULDN'T GO UP IN THE
20 HOTEL ROOM. AND, UGH I WAS ACTUALLY SCARED TO GO UP THERE
21 BECAUSE I FIGURED THERE WAS NOWHERE TO RUN, YOU KNOW, AND,
22 UGH THEN HE SPIT IN MY FACE AND, UGH THEN I DIDN'T DO ANYTHING
23 CAUSE I MEAN WHAT (TAPE SKIPPED) I MEAN, WHAT, WHAT IS, WHAT IS
24 IT. WHAT IS, WHAT DO I WANT HIM TO DO. AND I SAID I REALLY WANT
25 YOU JUST TO GO UPSTAIRS AND GO TO SLEEP. AND SO, UGH ACTUALLY I
FORGOT TO TELL YOU THAT BUT HE, HE WAS GOING TO TAKE ME HOME.
AND, UGH I DIDN'T HAVE ANY SHOES CAUSE THOSE WERE, HE, HE LET ME
USE HIS SHOES SO I TOOK THEM OFF AND I GAVE THEM BACK TO HIM.

COMMENT

Mr. Walker never complained about money, and anyone that knows him will tell you that this is total nonsense. At that time Mr. Walker had plenty of money, and in fact he had given her a check for \$500.00 a week and a half before this out of the kindness of his heart, just because she told him that she was having financial problems (Mr. Walker still has this check for evidence). She gave Mr. Walker this

check back after being extremely rude to him in another incident in front of one of her biker friends, and she told him that she did not want his f***ing money. And she told him not to let the door hit him in the ass when he was leaving. Anyone that knows Mr. Walker can attest to the fact that Mr. Walker would never say that he was “like Jesus”. Ms. Wagner was the one that made claim to be a “Christian” and she is the one that had what was supposed to be a picture of Jesus taped to the dashboard of her car. Mr. Walker believes in a Creator, but because of years of intense study, he does not believe in any religion. This story about her telling Mr. Walker not to stand so close to her because she did not want to get struck by a bolt of lightning is another one of her continuous fabrications, and it also demonstrates her strange state of mind. This story about her fear of a lightning bolt striking Mr. Walker is the perfect example of the strange personality that he was dealing with. Mr. Walker was worried about this woman harming herself in some way or committing suicide, and then him getting blamed for it. Remember, she had attempted suicide before and Mr. Walker knew this.

This woman was never scared of Mr. Walker, and she has not been scared of him since this incident happened, and she has proven this by the fact that she had been stalking Mr. Walker over the course of a few years. She followed him to locations and then she called the police on him in several attempts to have him falsely arrested again. Mr. Walker has five police reports that are proof to these incidents. What is incredible is the fact that Ms. Wagner had filed a “Stalking Temporary Restraining (Protective) Order” or Stalking TPO on him, and it was based on nothing but lies. She stated that Mr. Walker had stalked her in his “white

truck.” Mr. Walker’s truck is red and he never stalked her, and he wanted nothing to do with her. The morning of the TPO Hearing, Mr. Walker refused to sign a “Consent Order” as is suggested in these scenarios and Mr. Walker went before the judge. After listening to the evidence, and in a rare turn of events for judges, this Stalking TPO was DISMISSED by the judge for insufficient evidence!

It is very bizarre how she claims that Mr. Walker spit in her face on several occasions. Mr. Walker never spit in her face and he has never spit in anyone’s face in his life. Mr. Walker also was never going to take her home at this time of the morning and they never left the hotel to go anywhere and Mr. Walker never yelled once during this entire nightmare, and if Mr. Walker had yelled he would have woke people up in the hotel. Another bizarre story, out of the seemingly constant flow of them, is this story about Mr. Walker having given her his shoes, and then her taking them off and giving them back to him. She had shoes, and Mr. Walker never gave her his.

26 AND, UGH SO, UGH ANYWAY I WAS PUTTING THE SHOES IN THE CAR AND
27 HE SA-, HE SAID COME ON, I’LL TAKE YOU HOME. I WAS LIKE ALLRIGHT
28 AND GOT IN THE CAR AND HE SAID HE WASN’T GOING TO TAKE ME HOME.
29 WE DROVE DOWN THE STREET SOMEWHERE IN, IN CART-, I MEAN IN, IN
30 CEDAR, CEDARTOWN AND, UGH HE’S LIKE YELLING AND EVERYTHING
31 HE SAID THAT, UGH HE WASN’T GOING TO TAKE ME HOME. AND I SAID,
32 SAID WELL, TAKE ME BACK TO THE, TO THE HOTEL ROOM THEN CAUSE I
33 DON’T WANT TO BE A CAP-, CAPTIVE AUD-, AUDIENCE IN THIS PLACE SO
34 YOU CAN JUST GIT THERE AND YELL AT ME AND PH-, AND YOU KNOW
35 LIKE VERBALLY ABUSE ME AND EVERYTHING. AND, UGH SO HE FINALLY
36 DID AND, UGH I ENDED UP, YOU KNOW MORE YELLING AND EVERYTHING
37 AND I ENDED UP WALKING TOWARDS THE FRONT OF THE BUILDING AND
38 EVERYTHING AND HE WENT AWAY. AND HE WENT, HE WENT BACK
39 UPSTAIRS AND, UGH, UGH, OH, HE HAD ALREADY KICK ME OUT OF THE
40 HOTEL ROOM CAUSE HE SAID THAT HE BOUGHT THE ROOM. AND, YOU
KNOW
41 FIGHTING THAT THE WAY ME WANTED ME TO THEN, YOU KNOW I HAD TO
42 GET OUT. (TAPE SKIPPED) SAID I COULD COME BACK AND HE STARTED

43 GIVING ME THE CARD BACK, YOU KNOW TO GET INTO THE ROOM. AND I
44 TOLD HIM I DIDN'T WANT IT. AND I STAYED OUTSIDE ALL DAY THEN
45 FINALLY, UGH I MEAN ALL NIGHT AND THEN I, I FINALLY WENT INSIDE
46 AND, UGH ATE WHEN IT WAS, WHEN IT WAS EARLIER IN THE MORNING.

COMMENT

Mr. Walker never kicked Ms. Wagner out of this hotel room and she had her own card to enter the room, and Mr. Walker never took it from her. Mr. Walker was not verbally abusive, and in fact, he continued to be overly nice in every attempt to end this nightmare. Mr. Walker was far more afraid of her than she was of him. Because of what Mr. Walker had learned about her and because of what he had told her about himself and the fact that she knew that he was working on a pardon from selling a small amount of drugs back in '86, Mr. Walker feared that she might call the police on him in an attempt to cover herself and to bring harm to him, and this fear certainly became a reality.

pg 4

1 AND, UGH (CLEAR THROAT) THEN HE CAME DOWNSTAIRS AND FOUND
ME.
2 AND HE WAS, AND HE WAS LIKE, WELL DURING THIS TIME HE WAS
3 SAYING HE, HE DID LEAVE THEN HE CAME BACK AND HE WAS LIKE, IT
4 WAS LIKE, LIKE DR. JEKYL AND MR. HYDE CAUSE HE WAS, HE WAS LIKE
5 UPSET AND EVERYTHING AND SPITTING IN MY FACE AND EVERYTHING.
6 HE LEFT AND WENT UP TO THE HOTEL AND THEN HE CAME BACK DOWN.
7 AND THEN, UGH THEN HE (TAPE SKIPPED) WELL, I FEEL BETTER. AND HE
8 WAS LIKE LAUGHING AND EVERYTHING. HE WAS LIKE, YOU KNOW GIVE
9 ME A HUG AND STUFF, AND I SAID, I SAID DON'T TOUCH, NOW DON'T
HUG
10 ME OR ANYTHING LIKES THAT. AND THEN HE STARTED GETTING MAD
11 AGAIN CAUSE I WOULDN'T HUG HIM. AND, UGH
12
13 P: THAT'S FINE. I'M

COMMENT

The truth and the fact is when Mr. Walker came downstairs to get a cup of coffee, Ms. Wagner was sitting in the lobby on a couch. After fixing his coffee, and as he was stirring his coffee, Mr. Walker was walking slowly past her, heading back to the room. She said, "Good morning" and had this big smile plastered on her face.—A smile that Mr. Walker had figured out to be a façade to cover for the evil that existed underneath it. Mr. Walker reluctantly said "morning" back to her, and then he showed her his black eye that she had given me. She apologized and then Mr. Walker told her that he was headed back to the room. As Mr. Walker started walking back to the room, she got up and began to walk behind me. She then caught up to him and began walking with him back to the room.

It is very eerie for this woman to be talking about Dr. Jekyll and Mr. Hyde, because she is a living example of some bizarre split personality. She even admitted that she might be bi-polar.

pg. 4

15 W: UGH (UNCLEAR), WELL ANYWAY, UGH, UGH SO ANYWAY SO, UGH HE
16 YOU KNOW HE GOT MAD ALL OVER AGAIN CAUSE I WOULDN'T LET HIM
17 TOUCH ME OR ANYTHING. AND, UGH SO ANYWAY, UGH WHEN, WHEN HE
18 CAME DOWN IN THE MORNING HE HAD, HE HAD THIS BLACK EYE. AND I
19 MEAN IT WAS BLACK (UNCLEAR) LEFT, I GUESS IT WAS HIS RIGHT
20 EYE. AND, UGH HE WAS LAUGHING SITTING THERE AND HE'S LIKE, HE
21 SAID, SAID OH, I GAVE MYSELF A BLACK EYE. AND, UGH, UGH, (CLEAR
22 THROAT) AND I SAID YEAH AND HE SAID MY CHEST HURTS TOO. YOU
23 KNOW I HIT MYSELF IN THE CHEST AND STUFF LIKE THAT. AND I WAS
24 LIKE YEAH, YOU KNOW AND, AND, UGH, (TAPE SKIPPED) AND UGH, THEN
25 WE WERE LEAVING AND, UGH I DON'T KNOW WHAT, WHAT SET HIM OFF
26 AGAIN BUT HE, BUT, UGH, OH, HE KEPT ON SAYING THAT I WOULDN'T LET
27 HIM GIVE ME A HUG OR ANYTHING. SO, UGH ANYWAY THAT WAS, AND,
28 UGH SO, UGH WE WERE DRIVING HOME AND HE KEPT ON TELLING ME

29 THAT I NEEDED TO START MY DAY OVER BECAUSE HE IS AND DOESN'T
30 UNDERSTAND WHY I'M NOT IN A GOOD MOOD CAUSE HE IS. AND , AND,
31 UGH DIDN'T I LEARN ANYTHING LIKE CAUSE WE WE'RE BOTH IN AA.
DIDN'T I
32 LEARN ANYTHING ABOUT STARTING MY DAY OVER (TAPE SKIPPED)
33 OR ANYTHING. AND, AND, UGH AND (TAPE SKIPPED) AND I WAS LOOKING
34 OUT THE WINDOW. I WAS IN THE FRONT SEAT. THEN I WENT ALL THE
35 WAY IN THE BACK AND LAID DOWN. AND THEN, UGH, UGH, THEN I
36 WANTED TO SMOKE A CIGARETTE SO I SAT UP AND I WENT TO THE
37 MIDDLE SEAT OF HIS CAR. AND, UGH AND I, I DON'T KNOW WHAT HE WAS
38 YELLING ABOUT BUT I STARTED LOOKING OUT THE WINDOW AND I, AND I
39 STARTED WHISTLING. I, I DIDN'T EVEN MEAN TO BUT I STARTED, UGH,
40 WHISTLING. HE GOT MAD ABOUT, YOU KNOW THE WHISTLING AND HE
41 WENT ON ABOUT HOW I WOULDN'T LET HIM TOUCH, UGH I WOULDN'T
42 LET HIM TOUCH ME AND STUFF LIKE THAT. AND HE, AND HE TURNED
43 AROUND AND HE, AND HE, UGH (TAPED SKIPPED) GRABBED ME AND I
WAS
44 AGAINST THE DOOR AND HE FINALLY GOT MY SHIRT AND HE RIPPED IT.
45 AND THEN, THEN HE PUNCHED ME AND HE, AND HE SPIT IN MY FACE. HE
46 WAS LIKE VEERING OFF INTO THE OTHER LANE. AND, AND UGH AND HE

pg. 5

1 TURNED AROUND AND SAID WE'RE GONNA GET, WE'RE GONNA GET IN A
2 HEAD-ON-COLLISION. YOU'RE GOING TO MAKE US GET IN A HEAD-ON
3 COLLISION. I WAS LIKE, YOU KNOW I'M BACK HERE. I, DON'T SEE HOW
4 THAT CAN HAPPEN, HOW I C-, IT COULD BE MY FAULT.

COMMENT

Mr. Walker did not spit in her face—he did not hit himself in the chest, he did not punch her or anything else that she says happened, and nothing she says is completely true in this psychotic story! The only glimpse of the truth to any of this is the fact that she was harassing Mr. Walker from the back seat while he was driving and one time he went over into the other lane a little and then stated that she was going to cause him to have a wreck if she did not leave him alone.

“...AND LOADED A CROSSBOW AND THREATENED HER WITH IT. WHEN SHE CALL 911 HE TOLD HER TO GET UP THAT THEY WERE LEAVING. SHE SAID THAT HE DID NOT FORCE HER TO LEAVE BUT SHE WAS AFRAID OF HIM. SHE HAS THE SHIRT THAT SHE WAS WEARING AND THE LEFT SLEEVE IS RIPPED. SHE HAS

BRUISES ON HER LEFT ARM AND AN ABRASION ON HER RIGHT ARM ABOVE THE ELBOW. HE ALSO SPIT IN HER FACE TWICE. HE TOLD HER THAT THEY WERE LEAVING THE HOUSE BECAUSE HE DID NOT WANT TO BE THERE WHEN THE POLICE SHOWED UP."

COMMENT

What is amazing is when she is describing this incident about this T-shirt getting torn, that she originally states that it had happened in Mr. Walker's home, yet it was actually some 40 minutes from his home and it happened inside his Jeep.

The fact and the truth is Mr. Walker never loaded a Crossbow and he never threatened her with it. An expert witness can substantiate this fact that this Crossbow was never loaded and Mr. Walker's first attorney turned witness (Jeff Rusbridge) is also familiar with this and he also saw this thick layer of dust on the shaft of this Crossbow. The thick layer of dust on the shaft of this Crossbow would have simply been cleaned off by the pressure of the string on the shaft as it was drawn back. An expert witness said that he would testify with mathematical certainty that this Crossbow was never cocked at the time of this incident and if a Crossbow has not been cocked, it would not have been loaded. It stands to reason that if a Crossbow has not been cocked or loaded it is not going to be used to threaten her in the way that she describes in her story.

When the former detective Peavy asked her about this old biker T-shirt getting ripped, which was some 40 minutes from Mr. Walker's home, Ms. Wagner jumps to this fabricated story of an incident in his home and in his bedroom that was in fact several hours later. The rest of this transcript is so bizarre that anyone with any common sense at all and with an absence of malice would find it impossible to believe the rambling statements of this woman. And then to believe them enough to

arrest a man is bizarre, unless there was some malicious intent and some strange desire to proceed in an attempt to ruin a good man's life.

It is also interesting to note that when she filed this Incident Report and told them that after she called 911, according to this report, she states that, **“Mr. Walker told her to get up and that we were leaving.”** There is nothing about Mr. Walker jumping on her and holding her down in this initial report, yet that all changed when she was interviewed by the (former detective) Peavy. Then the report indicates that Mr. Walker did not force her to leave. The *fact* is she demanded and violently forced Mr. Walker to take her home. And the incredible statement that is made next is that **“she was afraid of him.”** This woman was never afraid of Mr. Walker and she controlled and dominated him. That's what this woman is all about, control and domination. She is a psychopath, pure and simple. The very fact that she “stalked” Mr. Walker by going to where she knew he was and harassing him for three years after this incident, is proof that she is not and never was afraid of him.

The reason Ms. Wagner had this bruise on her left arm and an abrasion on her right arm was probably because they took a grueling six hour Skydiving First Jump Course that is known for giving bruises or possibly abrasions on the arms, especially on women or people that bruise easily. Plus there is the fact she fell backwards and plopped into a tub. Don't you think this could have caused a bruise or an abrasion? The other fact is that it had been several days since this incident happened. God only knows what could have happened to this crazy woman from Sunday until Wednesday, the day she decides to file a report.

As it has been pointed out, Mr. Walker never spit in her face at all, and this is nothing more than another one of her countless lies.

Mr. Walker did not leave because “he thought the police where coming.” In fact, had Mr. Walker known that they were coming he would have stayed at his home until they arrived. Then it would have been her that would have been arrested. This was a half million-dollar home that Mr. Walker personally designed and physically built and that he spent 15 to 20 hours a day, seven days a week, for two full years to miraculously construct on a lot that everyone said was impossible. This lot happened to be next to Corps of Engineering property that was one of his father’s favorite places to come camping, hunting, boating and fishing. Mr. Walker’s mother and father were so proud of him. And because of this insanity and the over \$42,000.00 that all of this *nonsense* has cost Mr. Walker, he lost his custom dream home and practically everything else he owned. This is not where Mr. Walker should have to be putting his energy as he has for the past six years!

pg 5

5

6 P: WHERE DID HE PUNCH YOU IN THE FACE?

7

8 W: HE PUNCHED HERE. HE SPIT IN MY FACE AGAIN. HE SPIT IN MY FACE
9 TWICE AND, AND ONCE AT THE HOTEL AND THEN ONCE DOWN HERE, I’M
10 NOT SURE IF WE WERE IN CHEROKEE COUNTY AT THAT TIME OR NOT.

11 BUT, UGH

12

13 P: THINK I SAY, GRABBED YOUR SHIRT AND RIPS IT AND THEN, THEN
14 WHAT HAPPENS?

15

16 W: AND THEN, THEN HE PUNCHED ME AND THEN HE WAS YELLING ABOUT
17 ALL THAT AND THEN, UGH THEN HE (TAPED SKIPPED) THEN, UGH SO
THAT

18 STARTED, EVERYTHING THAT HE SAID, I SAID YES, KERRY. AND THAT

19 SEEMED TO CALM HIM DOWN. AND THEN, UGH WHEN WE WENT TO HIS

20 PLACE. AND, UGH HE (TAPE SKIPPED) AND I WAS LIKE, YOU KNOW, YOU
21 KNOW I JUST WANTED HIM TO TAKE ME HOME. AND, UGH (TAPE SKIPPED)
22 AND HE WAS COMPLAINING ABOUT, YOU KNOW SPENDING MONEY AND
23 EVERYTHING. AND I TOLD HIM I DIDN'T HAVE ANY MONEY TO PAY HIM
24 BACK OR ANYTHING. AND, AND, UGH, I, I WAS LAYING THERE, YOU
KNOW
25 WATCHING TV AND, UGH ALL OF A SUDDEN HE CAME, HE CAME INTO HIS
26 ROOM AND HE HAD THIS REALLY WEIRD LOOK AND WAS SMILING AND
HE
27 GLANCED OVER AT HIS CROSSBOW THAT WAS AGAINST THE, THE WALL.
28 AND I WAS LIKE (SIGH), I WAS THINKING NAW. AND I TURNED AROUND
29 AND I, AND I GLANCED (TAPE SKIPPED) NEXT TO ME THERE WAS LIKE
TWO
30 PHONES AND I, AND I LOOKED THE OTHER WAY SO HE WOULDN'T KNOW
31 THAT I NOTICED THE PHONE. AND THEN, UGH THEN (TAPE SKIPPED) HE
32 ALREADY HAD THE CROSSBOW UP AND POINTED AT ME AND HE HAD THE
33 BOW, I MEAN THE ARROW, I MEAN THE LITTLE, UGH GROVE THINGS
34 THERE. AND HE WAS TRY-, LOOKED LIKE HE WAS TRYING TO LIKE (TAPE
35 SKIPPED). AND HE LOOKED UP AND HE, HE WAS LIKE SMILING AND
36 LAUGHING. OH, HE WASN'T LAUGHING, HE WAS JUST SMILING AND THE
37 BOW KINDA FELL OFF AND, UGH, AND THEN HE LOOKED DOWN AT THE
38 BOW. AND THEN I TURNED AROUND AND GRABBED AND I JUST DIALED
39 911 AND THEN HE JUMPED ON ME AND, AND, UGH, AND THE PHONE WENT
40 FLYING. I DON'T KNOW WHERE IT WAS AND, AND HE JUST, JUST LAID ON
41 ME AND, AND STARTED SAYING STUFF LIKE, UGH STUFF LIKE NOW,
42 SWEETIE YOU KNOW I LOVE YOU AND EVERYTHING AND, YOU KNOW ALL
43 THIS STUFF, YOU KNOW SO I GUESS HE THOUGHT THAT, YOU KNOW I
44 DON'T KNOW, I GUESS HE THOUGHT THAT, YOU KNOW WE DON'T KNOW
45 WHERE THE PHONE IS. HE DOESN'T KNOW IF I REALLY DIALED 911 SO IF
46 ANYBODY HEARD THEN HE WOULD BE MR. SWEET AND INNOCENT. AND,

COMMENT

She says that she was “not sure if we were in Cherokee County at that time or not.” This should have ended any doubt as to whether Mr. Walker could be prosecuted for anything that she claims. My God, where did anything she says really happen if anything she says ever happened at all? Mr. Peavy is leading her again on line 13 and 14 above.

If Mr. Walker had “punched” this woman as many times as she says he did, she would have been black and blue all over. The fact is he never once touched her in any way to harm her.

Again, Mr. Walker never said anything about money at this time, period. This unbalanced woman is the only one that said over and over and over again, "It's all about Kerry and his f***ing money. It's all about Kerry, isn't it?" This woman said this over and over and over.

Mr. Walker was never smiling or laughing, because he was miserable being around this nutcase.

Oh, that's right, she changed her mind about Mr. Walker laughing didn't she? Oh yeah, and "the bow kinda fell off and, ugh, and then he looked down at the bow." Come on people, Mr. Walker is an Archery Champion. He can cock and load this Crossbow a thousand times and neither the Crossbow or the bolt, or anything else, is going to fall off. This woman is a very bad liar, and, the question is, how can anyone believe her?

pg. 6

1 UGH SO ANYWAY HE FINALLY FOUND THE PHONE AND THEN HE STARTED,
2 AND HE HUNG IT UP AND HE STARTED, YOU KNOW YELLING MORE AND,
3 UGH I WOULD SAY YEAH, SURE, WHATEVER KERRY, YOU KNOW. AND,
4 UGH (TAPE SKIPPED) AND THEN HE SAID COME ON, LET'S GO, YOU KNOW.
5 AND, AND I WENT WITH HIM BECAUSE I WS SCARED. YOU KNOW, CAUSE
6 I, I'D FOUND THAT IF I AGREE WITH HIM , EVERYTHING IS FINE AS LONG
AS
7 IT'S HIS WAY. AND, UGH SO ANYWAY WE WERE DRIVING AND, UGH I SAW
8 A CHEROKEE COUNTY COP GOING TOWARDS, IT LOOKED LIKE IT WAS
9 GOING TOWARDS HIS, HIS HOUSE THEN. AND UGH I WAS TOO SCARED TO
10 WAVE HIM DOWN OR ANYTHING. AND THEN, UGH AND HE (TAPE SKIPPED)
11 ALL THE WAY TO MY HOUSE THEN. AND, UGH I TOLD HIM WHEN HE GOT,
12 YOU KNOW DOWN TO MY SUBDIVSION (UNCLEAR) WHEN WE GOT TO, YOU
13 KNOW LIKE RIGHT HERE. (TAPE SKIPPED) SUBDIVISION ANYWAY THEN,
14 UGH YOU KNOW I TOLD HIM THAT IT WAS OVER. AND HE SAID, YOU
15 KNOW, HE SAID MAYBE, I DON'T KNOW MAYBE WE CAN WORK THIS OUT.
16 AND I SAID NAW, YOU KNOW I DON'T, I DON'T WHAT'S GOING ON IN
17 KERRY'S WORLD BUT IT'S, BUT YOU KNOW MAYBE IN KERRY'S WORLD
18 IT'S NOT OVER BUT YOU KNOW IN REALITY IT'S OVER, IT'S OVER. AND
19 IF YOU SET ONE FOOT ON MY PROPERTY, I'M CALLING 911. CAUSE YOU

COMMENT

Again, on line 5 above, Ms. Wagner states that she went with Mr. Walker because she was scarred. It should not have to be pointed out again that this woman was never scarred of Mr. Walker and she dominated and controlled him throughout this ordeal and Mr. Walker has been continuously controlled and manipulated by her and the State ever since going through this nightmare over six years ago!

Virtually all of the statements made above, just like the rest of the story, are untrue. Mr. Walker never said, "that maybe we can work this out," until the day of his false arrest and she never said anything about her calling 911. The statement "Cause you know don't come near me and" was never said.

21

22 P: IN CEDARTOWN, IS IT, UGH YOU PLAYED THE TV TOO LOUDLY ALL
23 NIGHT LONG. AND WHEN HE ASKED YOU TO STOP AND TURN THE TV OFF
24 (UNCLEAR) ALL OVER HIM, IT FLEW ALL OVER HIM AND STRUCK HIM.

COMMENT

Again, Mr. Peavy makes little sense in his statement on lines 22 to 24. He is again being leading, but he doesn't lead very well. What he is attempting to describe here is when the two were going back and forth on dealing with the TV being up so loud, and after a couple of hours of asking her to please turn it down, Mr. Walker finally went over to turn it down himself. Mr. Walker kept turning it down and she would turn it back up with the remote, and finally Mr. Walker

started turning it off and then she would turn it back on again. Mr. Walker then mentioned the fact that this room was his and again he asked her to please turn the volume down. At that point she threw the remote at him and hit him with it, then she jumped onto the other bed.

25

26 W: NO. THERE'S ACTUALLY NO HITTING AT THAT TIME. HE WAS, HE WAS
27 JUST IN MY FACE LITERALLY (UNCLEAR). WE HIT NOSE AND HE WAS LIKE
28 (NOISE) ON THE BED (UNCLEAR) AND HE WAS YELLING AND EVERYTHING
29 SO I GOT UP AND I WENT INTO THE BATHROOM. CAUSE I WAS LIKE I
30 DEFINITELY NEEDED A BREAK. AND HE, HE (TAPE SKIPPED) AND STUFF.
31 AND, AND THEN I GUESS HE REALIZED I WASN'T THERE SO I DON'T KNOW
32 WHAT HE DID. BUT HE FINALLY, HE FINALLY, YOU KNOW ASKED ME
33 WELL, YOU KNOW WHAT I WAS DOING AND, YOU KNOW I TOLD HIM, YOU
34 KNOW.

35

36 P: OKAY, WHEN HE CAME IN THE DOOR AND HE FELL IN THE BATHTUB.
37 WERE YOU, DID YOU STICK BACK AT HIM OR, AT THAT POINT OR.

COMMENT

She says, starting on line 26 above, "There's actually no hitting at that time."

The fact is she had hit Mr. Walker with remote at this time. Again, Mr. Walker never got in her face or touched her nose. In fact he never touched this woman in any way with any intent to harm her. These are all made up stories and nothing more.

The former detective Peavy seems to be as confused as she is and can't seem to get any the facts right either. He states here on line 36 above that Mr. Walker fell into the tub. She fell into the tub, not Mr. Walker.

38

39 W: NO, HE SCREAMED CAUSE I HAD A CIGARETTE IN MY HAND CAUSE I, I

40 WAS SMOKING IN THERE AND I SCREAMED AND I, UGH, UGH I GUESS
41 TRIED TO GRAB, YOU KNOW ANYTHING SO I WOULDN'T FALL. AND I WAS
42 SCREAMING AND HE WAS JUST STANDING THERER AND HE WAS LIKE,
YOU
43 KNOW, LIKE SMILING AND, LAUGHING AND CAUSE IT WAS FUNNY,
44 YOU KNOW. IF I KNOCKED SOMEBODY IN, IN THE BATHTUB I'D TURN
45 AROUND AND TRY TO HELP THEM UP. BUT, YOU KNOW ANYWAY HE WAS
46 JUST LAUGHING AND SO I, I LOOKED AROUND CAUSE MY CIGARETTE

COMMENT

Why would Mr. Walker scream just because she had a cigarette in her hand? Again, just more lies. Mr. Walker was not smiling or laughing and he damn sure was not enjoying what was originally supposed to be a pleasant experience that had turned, literally, into a living horror story. Mr. Walker did offer to help her up but, again, he was not laughing.

pg. 7

1 WENT OUT AND I WAS LOOKING AROUND TO SEE WHERE IT WAS, THE,
THE
2 LIGHT OF IT AND, AND THEN, UGH LIKE FOR A SECOND. THEN I, I SAID
3 FORGET IT, YOU KNOW. I SAID GET OUT OF MY WAY. AND, AND HE
4 STEPPED AND I WENT OUT AND THEN WHEN HE REALIZED I WAS GOING
5 OUT THE DOOR, HE SAYS WHERE ARE YOU GOING. AND HE FOLLOWED
ME
6 OUT THE HOTEL SCREAMING AND EVERYTHING. YOU KNOW.
7
8 P: DID YOU STRIKE HIM AT ANY POINT AT THE HOTEL?
9
10 NO, EVEN, EVEN AT THAT TIME, NO BECAUSE I, I SAID GET OUT OF THE
11 WAY. AND, AND HE, AND HE STEPPED BACK AND I DIDN'T EVEN TOUCH
12 HIM. I CAME LIKE, I CAME REAL CLOSE TO HIM BUT I, I DIDN'T EVEN
13 TOUGH HIM.

COMMENT

It is interesting to note here that Peavy asked her whether she had hit Mr. Walker at any time during the entire time they were at the hotel. But her answer goes specifically to the time she beat the crap out of him, and she attempts to

cover herself for that one specific period of time. This is a good indication of how her guilty mind focused on this one specific time frame where she had violently struck Mr. Walker.

14

15 P: OKAY, YOU MENTIONED IT BEFORE, HOW DID HE GET THE INJURY ON
16 HIS RIGHT EYE?

17

18 W: HE, ALL NIGHT LONG, HE WAS SAYING THIS IS HOW MUCH YOU'RE
19 HURTING ME AND HE KEPT ON HITTING HIMSELF. I LOVE YOU AND
20 YOU'RE HURTING ME, YOU'RE HURTING ME, YOU'RE HURTING ME. AND,
21 AND HE STARTED HITTING HIS FACE AND HITTING HIS CHEST AND, AND
22 YELLING THAT HE LOVED ME AND, AND STUFF LIKE THAT, YOU KNOW
23 AND HITTING HIMSELF SAYING THAT I'M HURTING HIM. YOU KNOW
24 WAS SAYING THAT I WAS HURTING HIM

25

26 P: YOU SAW HIM DOING THIS?

27

28 W: UGH, YEAH. AND HE WAS HITTING HISSELF. AND IN THE MORNING HE
29 SAID, HE SAID AHH, I GAVE MYSELF A BLACK-EYE. I SAID YEP, AND THAT
30 WAS DOWN IN THE, UGH IN THE, UGH LOBBY.

COMMENT

It is important to point out that Ms. Wagner never describes the actions of Mr. Walker actually hitting himself in describing each and every specific event. She never states or describes even one specific incident or specific time or specific location where Mr. Walker hit himself. When the subject is brought up she immediately and neurotically reverts back to saying that “he was hitting himself all night long and all night long he kept on hitting himself”. On lines 18 to 24 above her descriptions are very strange indeed. In her ramblings about Mr. Walker hitting himself all night long, she even makes it a point to state specifically that he was hitting his face and that he hit his chest—just where she

knew that she had injured him. One must wonder what Mr. Walker would have looked like had he hit his face all night long and his chest all night long as she states in this interview and in a second interview a few months later. In fact in the interview a few months latter with investigator Massey, with the District Attorney's office, she gets through most of the story, describing all these ramblings of events in her neurotic fashion, but, again, she never mentions or describes anything about any one actual event of Mr. Walker hitting himself. Then, all of sudden, she blurts out "Oh, I almost forgot", and repeats it again, "Oh, I almost forgot to tell you," she continues, "All night long he was hitting himself, all night long he, he ugh, he was beating on himself." The fact is Mr. Walker had three bruises on him from where she hit him and nothing more.

31

32 P: OKAY. NOW WHEN YOU GOT BACK HERE IN, UGH TO HIS HOUSE AND
33 YOU WERE IN THE BEDROOM LAYING DOWN. DID YOU FALL ASLEEP FOR
34 A PERIOD OF TIME.

35

36 W: NO

37

38 P: NO?

39 .

40 W: NO, NO, I WAS WATCHING HIM. AND I, I WATCHED HIM AND HE, HE
41 WAS WALKING FROM THE, YOU KNOW I WAS WATCHING HIM. THEN HE
42 LEFT AND I WAS JUST SITTING THERE, LAYING THERE. NO, NOT AT ALL.

COMMENT

This is just more false testimony. She slept for around two hours or so, and Mr. Walker went in once to ask her if she wanted something to eat because he was going to get something and he called out to her but she was sleeping. Mr.

Walker lay back down and waited for some time before hearing her talking on the phone and then asking her if she was hungry. She told him that she was starving.

43

44 P: BUT YOU DIDN'T MAKE IT ANY

45

46 W: FULLY CLOTHED AND

pg. 8

1

2 P: YOU DIDN'T MAKE AN ATTEMPT TO CALL A FRIEND OR, OR TRY TO
FIND

3 SOMEBODY TO COME AND PICK YOU OR ANYTHING AT THAT POINT?

4

5 W: NO.

6

7 P: OKAY. WHEN YOU WERE IN THAT ROOM, WHEN HE CAME BACK IN,

8 HOW LONG HAD YOU BEEN IN THAT ROOM? WITH, I'M TALKING IN

9 REFERENCE TO THE CROSSBOW THING. HOW LONG WERE YOU IN THAT

10 ROOM BEFORE HE CAME BACK IN WITH THE CROSSBOW?

COMMENT

How incompetent is this former detective? He leaves words out and he doesn't ask a complete question and he doesn't pursue the important questions. Why didn't she call someone to come get her if she was so scared? When Peavy asked her if she had called anyone to come get her and she answers, "No", he drops it and goes on to something new. He gets the facts all wrong. Here he's saying that Mr. Walker walked into the room with this Crossbow. The fact of this Crossbow leaning against the wall in Mr. Walker's bedroom has been made crystal clear, and nothing has been said to indicate that Mr. Walker "came back in with the Crossbow." There is nothing worse than an incompetent and crooked detective that destroys the lives of innocent people.

11
12 W: I DON'T KNOW, I WAS THERE (TAPE SKIPPED)
13
14 P: PROBABLY ABOUT A COUPLE OF HOURS?

COMMENT

Here this detective is LEADING THE WITNESS. The reason that Ms. Wagner does not know the time frame is because she was sleeping.

15 W: NO, THE WHOLE THING THERE WAS PROBABLY ONLY (CLEAR
THROAT)
16 (TAPE SKIPPED). MAYBE IT WAS AN HOUR OR TWO. I DON'T KNOW.
17
18 P: DO YOU KNOW WHAT TIME
19
20 W: NEARLY TWO HOURS.
21
22 P: DO YOU KNOW WHAT TIME YOU GUYS GOT BACK AT HIS HOUSE?
23
24 W: UGH, UH
25
26 P: WAS IT THE MIDDLE OF THE DAY? WAS IT DAYLIGHT? WAS IT?

COMMENT

This question on line 27 is leading the witness.

27
28 W: YEAH, IT DAYLIGHT. IT WAS PROBABLY, PROBABLY LATE
29 AFTERNOON. WELL THE SUN, IT WAS PROBABLY (TAPE SKIPPED)
30
31 P: (CLEAR THROAT). SO IT WAS PROBABLY MID AFTERNOON?

COMMENT

Notice how Ms. Wagner says it is "PROBABLY LATE AFTERNOON" and

Mr. Peavy changes it to "MID AFTERNOON." It was around 9:30 in the morning as an eyewitness, Mr. Mayo, who just came home from work moments after Mr. Walker and Ms. Wagner arrived, can verify. This was the witness at the scene that Mr. Peavy never interviewed before arresting Mr. Walker.

32

33 W: SOMEWHERE'S, YEAH THE SUN WASN'T STRAIGHT UP. IT WAS KINDA
34 DOWN A LITTLE BIT.

35

36 P: OKAY, AND WHERE WERE YOU IN HIS HOUSE?

37

38 W: I WAS (TAPE SKIPPED) ON HIS, ON HIS DRIVEWAY FOR WHILE

39

40 P: UGH, HUH

41

42 W: AND I WAS, UGH I WAS HANGING OUT WITH HIS DOG. (TAPE SKIPPED)
43 TOLD ME COME IN, COME IN, COME IN. YOU KNOW, AND I WAS LIKE, YOU
44 KNOW SO I FINALLY DID CAUSE I DIDN'T WANT TO GO THROUGH WITH

pg. 9

1 ALL THAT STUFF AGAIN. AND SO I WENT IN AND, UGH (TAPE SKIPPED)

2 WHILE I WENT.

COMMENT

Mr. Walker called to her one time from his second story window, just trying to deal with her so he could try to get some rest, and he said that he was tired and told her that if she wanted to she could come in and take a nap. Mr. Walker remembered noticing that she was smiling and laughing as she played with his THREE DOGS, (Tipper, Spikey and Beary—and not one dog, as she describes in her story), so he wanted to leave her alone cause he really did not want to have to deal with her other personality anymore. Mr. Walker had a severe pounding headache and he did not feel like having this nutcase back in a vehicle with him. At this point he was not sure what to do next.

3
4 P: STANDING. DID HE, DID HE CALL YOU INTO THE HOUSE?
5
6 W: YEAH
7
8 P: OKAY
9
10 W: AND HE KEPT ON GOING OUT THE WINDOW AND, YELLING COME IN,
11 COME IN. HE HAD LIKE THIS FAKE TONE OF VOICE LIKE HE DID
12 BEFORE HE WENT OUT, WENT OFF.
13
14 P: SO YOU WENT INTO THE HOUSE? WHAT ROOM DID YOU GO INTO?
15
16 W: UGH, I WENT INTO THE (TAPE SKIPPED) LIVING ROOM
17
18 P: WAS IT IN HIS BEDROOM?

COMMENT

The (former) detective Peavy continues in these obvious acts of LEADING this witness. Why doesn't he just ask the question and let her answer it? She says, "I WENT INTO THE **LIVING ROOM**" and Mr. Peavy says, "WAS IT THE **BEDROOM**?" Again, why doesn't he let her answer the question? The answer to this is obvious, it is simply because he is a crooked cop that is out to cover himself for false arrest by convicting an innocent man, that's why.

19 W: THEN THE KITCHEN AND PROBABLY INTO THE BEDROOM.

COMMENT

Note that Ms. Wagner says, "**PROBABLY INTO THE BEDROOM.**" So she says she went into the "LIVING ROOM" then into the "KITCHEN" and after being directed by Mr. Peavy's question that mentions the "BEDROOM", Ms.

Wagner says, “AND **PROBABLY** INTO THE BEDROOM.” But, the (former) detective Peavy is not done manipulating her story yet; check out the next few lines and notice how he focuses her attention on the “**BEDROOM.**”

20 P: IN THE BEDROOM? OKAY. NOW WHEN YOU'RE IN THE BEDROOM, HOW
21 LONG WERE YOU IN THE BEDROOM BEFORE HE CAME, WELL DID HE
COME
22 IN AND OUT, HOW LONG WERE YOU IN THE BEDROOM, DO YOU THINK?
23 .
24 W: COME IN AND OUT? I DON'T, I DON'T EVEN KNOW HOW LONG (TAPE
25 SKIPPED) HOURS OR SOMETHING.

COMMENT

The witness confirms again that she does not know how long she was there. Again, this is simply because she was sound asleep for around two hours. Her testimony that she did not sleep and that she was watching Mr. Walker is just another one of her many lies from her obvious and constant state of deception. Her statement of “COME IN COME OUT?” in the form of a question, along with her other conflicting statements of false testimony and false allegations also confirm her demented and unbalanced personality. It is amazing that an intelligent, honest and good human being’s life has been ruined based on the statements of this deranged woman with the help of a dishonest and malicious (former) investigator.

26
27 TWO HOURS, YOU (UNCLEAR) HIS HOUSE?

COMMENT

This is another of the many leading statements by this former detective.

28
29 W: (UNCLEAR). AN HOUR AND A HALF, I DON'T, I DON'T (UNCLEAR)
30
31 P: OKAY. (TAPE SKIPPED) WALKED INTO THE ROOM AND , AND WHAT
32 HAPPENED?

COMMENT

Notice now on line 33 that Peavy refers to it a just a "ROOM" and not as the
"BEDROOM" as he had before.

33
34 W: YEAH, HE WAS WALKING AROUND AND STUFF, YOU KNOW. AND, AND
I
35 WAS TRYING TO GET HIM TO, WELL I WAS WAITING FOR HIM TO TAKE ME
36 HOME CAUSE I DIDN'T WANT TO GET HIM MAD. AND THEN, UGH THEN HE
37 WALKED IN, HE WALKED IN THEN HE WALKED OUT, THEN, THEN HE
38 WALKED IN FRONT OF THE TV. THEN HE KINDA LIKE LOOKED AT ME AND
39 SO I WAS LIKE (TAPE SKIPPED) LOOKED AT THE CROSSBOW AND TURNED
ON
40 LIKE A SMILE AND LIKE HE, WEIRD-LOOKING EYES, YOU KNOW. AND I
41 WAS LIKE NAW, NO HE WOULDN'T.
42
43 P: (TAPE SKIPPED) EVER ASKING HIM ABOUT THE CROSSBOW BEFORE
44 THAT?

pg. 10

1
2 W: BEFORE ASK, WAS IT?
3
4 P: YEAH DID YOU TALK TO HIM ABOUT IT?
5
6 W: UGH, HUH. YEAH. NOT THAT DAY
7
8 P: NOT THAT DAY?
9
10 W: BUT, NO, UGH, UH
11
12 P: OKAY. BUT YOU HAVE ASKED HIM ABOUT IT BEFORE THEN?

13
14 W: YEAH, LIKE I THINK EARLIER THAT WEEK OR SOMETHING AND, OR
15 MAYBE THE WEEK. WE'RE ONLY DATING TWO WEEKS ANYWAY.
16
17 P: YEAH
18
19 W: BUT I
20
21 P: WHAT HE SAID
22
23 W: UGH, UGH YEAH CAUSE WE'RE BOTH LIKE INTO, UGH SOMETHING
LIKE
24 AMERICAN INDIAN STUFF AND, AND I SAID SO WHERE DID YOU GET
THAT?
25 YOU KNOW, AND, AND THE ARROWS ARE, ARE HANDMADE.
26
27 P: UGH, HUH
28
29 W: YOU KNOW AND THEY'RE OUT OF ARROWHEADS AND I WAS
LOOKING
30 AT THEM AND SAID YOU KNOW, THAT'S PRETTY COOL, YOU KNOW. AND
31 HE SAID SOMEBODY MADE THEM FOR HIM, HANDMADE.

COMMENT

Ms. Wagner never seems to have this story straight, but that's not surprising, seeing as how she appears to be Bi-Polar, ADD, and possibly has Linear Personality Disorder—On top of the fact that she is a controlling and a dominating personality and a prolific and pathological liar that is making this entire story up as she goes along. She is also a sociopath and she feeds off the misfortunes of others.

The fact and truth is, these handmade Indian arrows that Ms. Wagner describes above, are in fact ARTIFACTS, and not the arrows that are even shot in this Crossbow. The arrows in a Crossbow are actually called "bolts" and the bolts for this Crossbow are all mounted in a quiver that is connected to the Crossbow. Ms. Wagner has no clue to what she is talking about and her

demented mind is something to behold. These two handmade Indian arrows will not function in this Crossbow and are much longer than the “bolts” that are designed to be shot in it. Why would a Champion in Archery load a handmade Indian arrow that was not designed to be shot at all, much less to be shot in this Crossbow, when, in fact, he had six bolts mounted on the Crossbow with easy access and that were designed to be shot in it? As was just stated, these two handmade Indian arrows, with hand “napped” arrowheads, are not to be shot in any bow period, and are for display purposes only (artifacts). Yet these arrows that she is describing are what she claims that Mr. Walker loaded into this Crossbow and pointed at her. This is only another piece of this large puzzle that is proof that she has fabricated this story and that she is a pathological liar.

32

33 P: BUT THIS PAST SUNDAY YOU DIDN'T ASK HIM ABOUT THIS?

34

35 W: NO.

36

37 P: OKAY

38

39 W: NO.

40

41 P: WAS THERE ANY DISCUSSION OR ANYTHING GOING ON AT THE POINT
THAT

42 HE HAD THE, THE CROSSBOW OR ANYTHING?

43

44 W: NO.

45

46 P: NOTHING?

pg. 11

1

2 W: NO, I WAS JUST SITTING THERE WATCHING TV.

COMMENT

Outside the fact and the truth that the TV in Mr. Walker's bedroom was *never* turned on that day, and despite the fact that she has mentioned it being on several times—Now let's make sure you have got the rest of this story straight. She has done *nothing* to *provoke Mr. Walker at all* and she is just sitting on his bed watching TV and he comes into his bedroom and picks up a 150 lb. Crossbow (or he walks into the bedroom with a 150 lb. crossbow), and cocks it and loads it and points it at her for **absolutely no reason at all.**

3
4 P: DID YOU SAY ANYTHING THAT WOULD OF, WOULD OF MADE
HIM MAD
5 OR PROVOKED HIM TO PICK IT UP FOR ANY REASON?
6
7 W: JUST WHAT I TOLD YOU. I MEAN
8
9 P: WHICH WAS WHAT?
10
11 W: I MEAN JUST LIKE THE STATEMENTS AND HE'S MAD CAUSE
HE, HE WAS
12 MAD. HE SAID THAT HE WAS MAD BECAUSE I WOULDN'T LET
HIM TOUCH
13 ME. I WOULDN'T EVEN GIVE HIM A HUG OR ANYTHING LIKE
THAT. AND I
14 SAID BUT I DON'T WANT (TAPE SKIPPED). AH-RIGHT MAYBE
WELL, HE
15 WAS TRYING TO GIVE ME A HUG AND I WAS PUSHING HIM AWAY,
AND I
16 DON'T KNOW IF THAT'S CONSIDERED A HIT OR WHATEVER BUT I
WAS, I
17 JUST PUSHED HIM AWAY AND I WAS LIKE PUSHING HIS HANDS
(END OF
18 CONVERSATION ON TAPE)

COMMENT

Mr. Walker had not wanted any physical contact with this woman for several days and had rebuked her sexual advances the night before. Now the story has gone to her just sitting on the bed and watching TV and doing nothing at all, to her pushing me and pushing my hands away. This is a totally different story beginning to emerge, but, unfortunately, the conversation on the tape ends. And, although this story has nothing to do with the truth, it would have been interesting to see where it would have gone from here. But no matter where it would have gone, it is clear that it would have had nothing to do with the *reality* of what *actually* happened. What Mr. Walker says is *truth* and what she says is fantasy, and *truth* will always overcome fantasy.

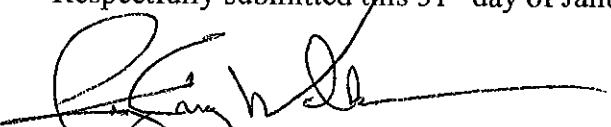
Ms. Wagner is the closest thing in terms of person being obsessed with pure evil. Some people that have read Mr. Walker's story say that they believe she is possessed by the devil or has a demon in her. One may not want to go that far, but it is clear that this woman's pathological dishonesty and self-centered behavior may be the root cause of her unbalanced mental condition. Mr. Walker can think of no human being that is further from a union with this energy behind all creation than this woman that has ruined his life with the help of a crooked cop and our corrupted and incompetent legal system here in Cherokee County, Georgia.

Note: It is critical to note that this transcript is marked 31 times with the words "(taped skipped)" in this one interview.

CONCLUSION

Instead of terminating the malicious prosecution and dismissing the charges against the Plaintiff, public officials continued in the malicious prosecution and criminal actions in further attempts to convict an innocent man, a man that was the victim, and to cover for the criminal actions of Preston Peavy. The four year and two month long case of malfeasance and cover up did end until November 23, 2005 by an Order of Nolle Prosequi, two weeks after the death of the Plaintiff's mother and serious harm to plaintiff's family, and long after violations of the Plaintiff's civil rights, his right to due process, felony tampering with evidence by the State, malicious prosecution, corruption, and fraud had been documented.

Respectfully submitted this 31st day of January, 2008


Kerry Craig Walker
Pro Se

1 INTERVIEW WITH: WAGNER, JACQUELYN
2
3 INTERVIEW BY: INV. PEAVY
4
5 DATE: SEPTEMBER 20, 2001
6
7 LOCATION: 3000 SANDWEDGE CIRCLE
8
9 CASE NUMBER: I0195919
10
11
12
13
14
15
16

17 P: WORK ON THAT OR NOT. WOULD YOU KINDA LEAN FORWARD A LITTLE
18 BIT

19
20 W: SURE

21
22 P: AND, UGH BASICALLY SPEA-, SPEAK A LITTLE LOUDER THAN YOU
23 NORMALLY WOULD AND JUST TELL ME WHAT HAPPENED, UGH BETWEEN
24 YOU AND MR. WALKER IN CEDARTOWN TO, TO HIS HOUSE ON SUNDAY,
25 THIS PAST WEEK.

26
27 W: WELL, (SIGH) UGH, VERY BEGINNING ON SATURDAY WE WENT OUT
28 WITH SOME OTHER FRIENDS TO GO AND, UGH SKYDIVE. AND THEY
29 DIDN'T GO UP, YOU KNOW BECAUSE IT COULD TAKE A PLANE UP AND
30 THEN WE'RE GOING TO WAIT AND SEE IF WE CAN GET A FLIGHT OUT IN
31 THE MORNING. AND, UGH SO THAT WE MIGHT BE ABLE TO GO UP EARLY
32 AND SO WE DECIDED TO STAY THE NIGHT AND EVERYBODY ELSE LEFT.
33 AND, UGH WE GOT A HOTEL ROOM OVER IN, UGH IT WAS IN CEDARTOWN.
34 AND, UGH THE TIME TO GO TO SLEEP AND HE SAID HE LIKES THE TV ON
35 AND I LIKE IT OFF. I MEAN HE'S LIKE IT ON, OFF RATHER AND I LIKE IT ON.
36 AND, UGH I LEFT THE TV ON AND HE GOT MAD AND, UGH CAUSE HE SAID
37 HE WANTED IT OFF AND I SAID WELL, YOU KNOW I CAN SLEEP BETTER
38 WITH IT ON. AND, UGH THEN HE, UGH, AF-, AFTER A LITTLE WHILE HE
39 GOT, HE GOT MAD AND HE JUST, HE STARTED, UGH HE SAID THAT HE
40 WANTED IT OFF AND HE STARTED LIKE HIS FACE TURNED ALL RED. HE
41 WAS LIKE YELLING IN MY FACE AND, AND LIKE, HIS NOSE HIT MY NOSE.
42 THAT'S HOW CLOSE HE GOT. AND HE'S LIKE HITTING THE BED AND
43 EVERYTHING AND YELLING AT ME ABOUT, YOU KNOW I WANT THE TV
44 OFF. AND SO I GOT UP AND I WENT TO THE BATHROOM. HE SAYS WHERE
45 ARE GOING? I SAID, I SAID IN THE BATHROOM CAUSE I DIDN'T HAVE
46 ANYWHERE ELSE TO GO. AND, UGH SO UGH HE SAYS WHY ARE YOU

NEVER ON
HAPPENED

1 GOING IN THERE. AND I SAID I JUST THINK THAT WE NEED A BREAK SO
2 WE CAN JUST CALM DOWN. AND, UGH SO I WAS IN THERE FOR A WHILE
3 AND HE ASKED ME WHAT I WAS DOING. AND, UGH I SAID, YOU KNOW THE
4 FIRST TIME I SAID THAT I WAS GOING TO THE BATHROOM, SECOND TIME
5 HE ASKED ME I SAID GOING TO SMOKE A CIGARETTE AND I NEEDED TIME
6 TO THINK AND I JUST THINK, THINK THAT WE NEED, UGH SOME SPACE.
7 AND, UGH AND HE STARTED, UGH YELLING AT, I'M ASKIN YOU IN THE
8 NAME OF JESUS, NOW OPEN THE DOOR, PLEASE, PLEASE, PLEASE, PLEASE.
9 I SAID WE NEED SOME SPACE. THEN HE STARTED SCARING ME BECAUSE,
10 YOU KNOW THE WAY HE WAS ACTING. AND THEN, UGH HE ASK ME HOW
11 LONG I WAS GOING TO BE IN THERE. AND I SAID ABOUT, I SAID I DON'T
12 KNOW, ABOUT TWO HOURS. AND HE SAID YOU CAN'T STAY THERE FOR
13 TWO HOURS. THEN HE STARTED GETTING MADDER ABOUT THAT AND,
14 UGH THEN, UGH FINALLY, UGH, YEAH FINALLY I OPENED THE DOOR AND
15 HE LIKED PUSHED IN THE DOOR WHILE I WAS BEHIND IT. AND, UGH AND I,
16 I END UP FALLING IN THE TUB. AND HE WAS LIKE RIGHT THERE AND I'S
17 TRYING TO GET OUT OF THE, THE TUB AND HE WAS LIKE, HE WAS LIKE
18 THERE WAS THIS REALLY WEIRD LOOK ON HIS FACE. HIS EYES AND HE'S
19 LIKE SMILING LIKE HE THOUGHT IT WAS FUNNY. YOU KNOW, HE DIDN'T
20 BOTHER, I MEAN AND LIKE DIDN'T BOTHER HELPING ME OUT OR
21 ANYTHING. AND, UGH SO I GOT MAD AND I SAID, YOU KNOW LET ME OUT
22 OF HERE. AND, AND I WENT OUTSIDE THE HOTEL TO GT AWAY FROM HIM.
23 HE FOLLOWED ME ANYWAY. AND, AND (SIGH) THIS WHOLE FIGHT TOOK
24 ABOUT LIKE FIVE HOURS AND STUFF. YOU KNOW, HE WAS LIKE YELLING
25 AT ME, TELLING ME (CLEAR THROAT) DO WE HAVE TO USE THE WORDS
26 THAT HE DID.

27
28 P: YEAH, GO AHEAD AND USE THE WORDS THAT HE USED.

29
30 W: WELL HE WAS CALLING ME LIKE A, UGHM, HE WAS CALLING ME LIKE
31 A, A, A CUNT, A BITCH, A BIKER BITCH. AND, AND, UGH I KNEW HE'D GO
32 BACK TO MY BIKER FRIENDS. AND, UGH CAUSE I TOLD HIM THOSE ARE
33 THE PEOPLE THAT HELPED ME GET SOBER AND STUFF. AND, UGH THEY,
34 UGH AND, UGH DURING THIS TIME, UGH WELL, BEFORE I WENT OUTSIDE,
35 HE, UGH HE WENT TO A STORE CAUSE HE HAD A HEADACHE AND, UGH
36 AND HE, HE BOUGHT ME THIS ROSE AND IT WAS A PURPLE ROSE. AND HE
37 SAID, HE SAID, UGH AND SO WHEN WE WERE OUTSIDE HE WAS YELLING
38 AT ME ABOUT HOW MUCH MONEY HE SPENT, ABOUT YOU KNOW
39 SPENDING IT ON, YOU KNOW THE, THE SCHOOL CAUSE IT TOOK LIKE SIX
40 HOURS SCHOOL. AND, UGH THEN HE SPENT LIKE \$2 DOLLARS ON THE
41 ROSE AND HE, AND HE'S, AND HE LOVES ME AND EVERYTHING BECAUSE
42 HE KNEW THAT MY FAVORITE COLOR WAS PURPLE. AND SO HE, UGH YOU
43 KNOW BOUGHT A PURPLE ROSE AND EVERYTHING. AND, YOU KNOW
44 SPENT LIKE TWO (TAPE SKIPPED) SAYING, YOU KNOW WANTED ME TO
45 COME BACK IN THE ROOM BECAUSE HE WAS TIRED. HE WANTED TO GO
46 TO SLEEP AND I SAID, I SAID KERRY I'M NOT STOPPING YOU FROM GOING

FIVE HAS
A PICTURE
OF JESUS
ON
A BIKER DESK.

NO. I
UNLOCKED
THE DOOR
WITH
A
COLL.

I APPROXIMATED
AND OFFERED
TO
HELP HER
SHE SAID
"YOU SON OF
A BITCH"
SHE CLIMBED OUT

DENIED
BEING
A
BIKER
GIRL

I NEVER SAID
ANYTHING
ABOUT
THE MONEY
I SPENT

TAPE SKIPPED?

1 UPSTAIRS. AS A MATTER OF FACT, YOU KNOW YOU NEED TO GO
2 UNSTAIRS. HE SAID THE HE WOULDN'T, HE'D WORRY ABOUT ME
3 OUTSIDE. AND I'M LIKE "PEFFF", OKAY. AND, UGH THEN, UGH (TAPE
4 SKIPPED) STARTED YELLING MORE. I DON'T KNOW WHAT HE SAID CAUSE
5 I WAS LIKE IGNORING HIM. BUT HE WAS (UNCLEAR) TALK ABOUT LIKEM
6 LIKE HE'S HE. HE'S JUST LIKE JESUS. HE'S SO NON-VIOLENT AND SO, UGH
7 YOU KNOW HE LOVES ANIMALS AND EVERYTHING BECAUSE WE GOT IN A
8 FIGHT EARLIER CAUSE HE, HE FLIPPED CAT, MY CAT, CASSIE AND I GOT
9 MAD ABOUT THAT. AND, UGH AND I TOLD HIM NOT TO STAND SO CLOSE
10 TO ME WHEN HE WAS MAKING THAT STATEMENT CAUSE WHEN LIGHTING
11 BOLT COMES DOWN AND HIT HIM, I DON'T WANT TO GET HIT. AND, UGH
12 SO HE SAID THAT HE WAS LEAVING AND HE LEFT AND THEN HE CAME
13 BACK. AND, UGH I WAS STILL STANDING THERE CAUSE I, I DIDN'T HAVE
14 ANYWHERE ELSE TO GO. AND, THEN, UGH THEN HE, UGH I DON'T (TAPE
15 SKIPPED) YELLING AT ME MORE AND CALLING ME ALL THOSE NAMES
16 AGAIN AND, AND TELL-, GETTING MAD CAUSE I WOULDN'T GO UP IN THE
17 HOTEL ROOM. AND, UGH I WAS ACTUALLY SCARED TO GO UP THERE
18 BECAUSE I FIGURED THERE WAS NOWHERE TO RUN, YOU KNOW. AND,
19 UGH THEN HE SPIT IN MY FACE AND, UGH THEN I DIDN'T DO ANYTHING
20 CAUSE I MEAN WHAT (TAPE SKIPPED) I MEAN, WHAT, WHAT IS, WHAT IS
21 IT, WHAT IS, WHAT DO I WANT HIM TO DO. AND I SAID I REALLY WANT
22 YOU JUST TO GO UPSTAIRS AND GO TO SLEEP. AND SO, UGH ACTUALLY I
23 FORGOT TO TELL YOU THAT BUT HE, HE WAS GOING TO TAKE ME HOME.
24 AND, UGH I DIDN'T HAVE ANY SHOES CAUSE THOSE WERE, HE, HE LET ME
25 USE HIS SHOES SO I TOOK THEM OFF AND I GAVE THEM BACK TO HIM.
26 AND, UGH SO, UGH ANYWAY I WAS PUTTING THE SHOES IN THE CAR AND
27 HE SA-, HE SAID COME ON, I'LL TAKE YOU HOME. I WAS LIKE ALLRIGHT
28 AND GOT IN THE CAR AND HE SAID HE WASN'T GOING TO TAKE ME HOME.
29 WE DROVE DOWN THE STREET SOMEWHERE IN, IN CART-, I MEAN IN, IN
30 CEDAR. CEDARTOWN AND, UGH HE'S LIKE YELLING AND EVERYTHING.
31 HE SAID THAT, UGH HE WASN'T GOING TO TAKE ME HOME. AND I SAID,
32 SAID WELL, TAKE ME BACK TO THE, TO THE HOTEL ROOM THEN CAUSE I
33 DON'T WANT TO BE A CAP-, CAPTIVE AUD-, AUDIENCE IN THIS PLACE SO
34 YOU CAN JUST GIT THERE AND YELL AT ME AND PH-, AND YOU KNOW
35 LIKE VERBALLY ABUSE ME AND EVERYTHING. AND, UGH SO HE FINALLY
36 DID AND, UGH I ENDED UP, YOU KNOW MORE YELLING AND EVERYTHING
37 AND I ENDED UP WALKING TOWARDS THE FRONT OF THE BUILDING AND
38 EVERYTHING AND HE WENT AWAY. AND HE WENT, HE WENT BACK
39 UPSTAIRS AND, UGH, UGH OH, HE ALREADY KICKED ME OUT OF THE
40 HOTEL ROOM CAUSE HE SAID HE BOUGHT THE ROOM. AND, YOU KNOW
41 FIGHTING THAT THE WAY ME WANTED ME TO THEN, YOU KNOW I HAD TO
42 GET OUT. (TAPE SKIPPED) SAID I COULD COME BACK AND HE STARTED
43 GIVING ME THE CARD BACK, YOU KNOW TO GET INTO THE ROOM. AND I
44 TOLD HIM I DIDN'T WANT IT. AND I STAYED OUTSIDE ALL DAY THEN
45 FINALLY, UGH I MEAN ALL NIGHT AND THEN I, I FINALLY WENT INSIDE
46 AND, UGH ATE WHEN IT WAS, WHEN IT WAS EARLIER IN THE MORNING.

2nd
16 AT 14:15
B-47

TAPE
SKIPPED
ONLY
PIT
LICK

UGH
BOLT

HE HAD
SHOES
I NEVER
GAVE HIM
MY SHOES

I NEVER
KICKED
HER
OUT

HE HAD
HIS OWN
CARD

1 AND, UGH (CLEAR THROAT) THEN HE CAME DOWNSTAIRS AND FOUND ME.
2 AND HE WAS, AND HE WAS LIKE, WELL DURING THIS TIME HE WAS
3 SAYING HE, HE DID LEAVE THEN HE CAME BACK AND HE WAS LIKE, IT
4 WAS LIKE. LIKE DR. JEKYL AND MR. HYDE CAUSE HE WAS, HE WAS LIKE
5 UPSET AND EVERYTHING AND SPITTING IN MY FACE AND EVERYTHING.
6 HE LEFT AND WENT UP TO THE HOTEL AND THEN HE CAME BACK DOWN.
7 AND THEN, UGH THEN HE (TAPE SKIPPED) WELL, I FEEL BETTER. AND HE
8 WAS LIKE LAUGHING AND EVERYTHING. HE WAS LIKE, YOU KNOW GIVE
9 ME A HUG AND STUFF. AND I SAID, I SAID DON'T TOUCH, NOW DON'T HUG
10 ME OR ANYTHING LIKE THAT. AND THEN HE STARTED GETTING MAD
11 AGAIN CAUSE I WOULDN'T HUG HIM. AND, UGH

DID NOT HAPPEN

12
13 P: THAT'S FINE. I'M

14
15 W: UGH (UNCLEAR), WELL ANYWAY, UGH, UGH SO ANYWAY SO, UGH HE
16 YOU KNOW HE GOT MAD ALL OVER AGAIN CAUSE I WOULDN'T LET HIM
17 TOUCH ME OR ANYTHING. AND, UGH SO ANYWAY, UGH WHEN, WHEN HE
18 CAME DOWN IN THE MORNING HE HAD, HE HAD THIS BLACK EYE. AND I
19 MEAN IT WAS LIKE BLACK (UNCLEAR) LEFT, I GUESS IT WAS HIS RIGHT
20 EYE. AND, UGH HE WAS LAUGHING SITTING THERE AND HE'S LIKE, HE
21 SAID, SAID OH, I GAVE MYSELF A BLACK EYE. AND, UGH, UGH (CLEAR
22 THROAT) AND I SAID YEAH AND HE SAID MY CHEST HURTS TOO. YOU
23 KNOW I HIT MYSELF IN THE CHEST AND STUFF LIKE THAT. AND I WAS
24 LIKE YEAH, YOU KNOW AND, AND, UGH (TAPE SKIPPED) AND UGH, THEN
25 WE WERE LEAVING AND, UGH I DON'T KNOW WHAT, WHAT SET HIM OFF
26 AGAIN BUT HE, BUT, UGH, OH, HE KEPT ON SAYING THAT I WOULDN'T LET
27 HIM GIVE ME A HUG OR ANYTHING. SO, UGH ANYWAY THAT WAS, AND,
28 UGH SO, UGH WE WERE DRIVING HOME AND HE KEPT ON TELLING ME
29 THAT I NEEDED TO START MY DAY OVER BECAUSE HE IS AND DOESN'T
30 UNDERSTAND WHY I'M NOT IN A GOOD MOOD CAUSE HE IS. AND, AND,
31 UGH DIDN'T I LEARN ANYTHING LIKE CAUSE WE'RE BOTH IN AA. DIDN'T I
32 LEARN ANYTHING ABOUT LIKE STARTING MY DAY OVER (TAPE SKIPPED)
33 OR ANYTHING. AND, AND, UGH AND (TAPE SKIPPED) AND I WAS LOOKING
34 OUT THE WINDOW. I WAS IN THE FRONTSEAT. THEN I WENT ALL THE
35 WAY IN THE BACKSEAT AND I LAID DOWN. AND THEN, UGH THEN I
36 WANTED TO SMOKE A CIGARETTE SO I SAT UP AND I WENT TO THE
37 MIDDLE SEAT OF HIS CAR. AND, UGH AND I, I DON'T KNOW WHAT HE WAS
38 YELLING ABOUT BUT I STARTED LOOKING OUT THE WINDOW AND I, AND I
39 STARTED WHISTLING. I, I DIDN'T EVEN MEAN TO BUT I STARTED
40 WHISTLING. HE GOT MAD ABOUT, YOU KNOW THE WHISTLING AND HE
41 WENT ON ABOUT HOW I WOULDN'T LET HIM TOUCH, UGH I WOULDN'T
42 LET HIM TOUCH ME AND STUFF LIKE THAT. AND HE, AND HE TURNED
43 AROUND AND HE, AND HE, UGH (TAPE SKIPPED) GRABBED ME AND I WAS
44 AGAINST THE DOOR AND HE FINALLY GOT MY SHIRT AND HE RIPPED IT.
45 AND THEN, THEN HE PUNCHED ME AND HE, AND HE SPIT IN MY FACE. HE
46 WAS LIKE VEERING OFF INTO THE OTHER LANE. AND, AND, UGH AND HE

I DID NOT GIVE MYSELF A BLACK EYE OR BRUISE MY CHEST ADD BRH, SHAB DID

DID NOT SPIT IN

LIES I NEVER TOUCHED OR PUNCHED 4 HUG

BLACK EYE

STB

1 TURNED AROUND AND SAID WE'RE GONNA GET, WE'RE GONNA GET IN A
2 HEAD-ON COLLISION. YOU'RE GOING TO MAKE US GET IN A HEAD-ON
3 COLLISION. I WAS LIKE, YOU KNOW I'M BACK HERE. I, DON'T SEE HOW
4 THAT CAN HAPPEN, HOW I C-, IT COULD BE MY FAULT.

5
6 P: WHERE DID HE PUNCH YOU IN THE FACE?

NO I NEVER EVEN TOUCHED
HIS SKIN - NEVER
PUNCHED HIM.

AS TAKE
HIS MARK
FACE?

7
8 W: HE PUNCHED HERE. HE SPIT IN MY FACE AGAIN. HE SPIT IN MY FACE
9 TWICE AND, AND ONCE AT THE HOTEL AND THEN ONCE DOWN HERE, I'M
10 NOT SURE IF WE WERE IN CHEROKEE COUNTY AT THAT TIME OR NOT.
11 BUT, UGH

CHEROKEE COUNTY
OR NOT!

12
13 P: THINK I SAY, GRABBED YOUR SHIRT AND RIPS IT AND THEN, THEN
14 WHAT HAPPENS?

NO!

15
16 W: AND THEN, THEN HE PUNCHED ME AND THEN HE WAS YELLING ABOUT
17 ALL THAT AND THEN, UGH THEN HE (TAPE SKIPPED) THEN, UGH SO THAT
18 STARTED, EVERYTHING THAT HE SAID, I SAID YES, KERRY. AND THAT
19 SEEMED TO CALM HIM DOWN. AND THEN, UGH WHEN WE WENT TO HIS
20 PLACE. AND, UGH HE (TAPE SKIPPED) AND I WAS LIKE, YOU KNOW, YOU
21 KNOW I JUST WANTED HIM TO TAKE ME HOME. AND, UGH (TAPE SKIPPED)
22 AND HE WAS COMPLAINING ABOUT, YOU KNOW SPENDING MONEY AND
23 EVERYTHING. AND I TOLD HIM I DIDN'T HAVE ANY MONEY TO PAY HIM
24 BACK OR ANYTHING. AND, AND, UGH I, I WAS LAYING THERE, YOU KNOW
25 WATCHING TV AND, UGH ALL OF A SUDDEN HE CAME, HE CAME INTO HIS
26 ROOM AND HE HAD THIS REALY WEIRD LOOK AND WAS SMILING AND HE
27 GLANCED OVER AT HIS CROSSBOW THAT WAS AGAINST THE, THE WALL.
28 AND I WAS LIKE (SIGH), I WAS THINKING NAW. AND I TURNED AROUND
29 AND I, AND I GLANCED (TAPE SKIPPED) NEXT TO ME THERE WAS LIKE TWO
30 PHONES AND I, AND I LOOKED THE OTHER WAY SO HE WOULDN'T KNOW
31 THAT I NOTICED THE PHONE. AND THEN, UGH THEN (TAPE SKIPPED) HE
32 ALREADY HAD THE CROSSBOW UP AND POINTED AT ME AND HE HAD THE
33 BOW, I MEAN THE ARROW, I MEAN THE LITTLE, UGH GROVE THINGS
34 THERE. AND HE WAS TRY-, LOOKED LIKE HE WAS TRYING TO LIKE (TAPE
35 SKIPPED). AND HE LOOKED UP AND HE, HE WAS LIKE SMILING AND
36 LAUGHING. OH, HE WASN'T LAUGHING, HE WAS JUST SMILING AND THE
37 BOW KINDA FELL OFF AND, UGH, AND THEN HE LOOKED DOWN AT THE
38 BOW. AND THEN I TURNED AROUND AND GRABBED AND I JUST DIALED
39 911 AND THEN HE JUMPED ON ME) AND, AND, UGH AND THE PHONE WENT
40 FLYING. I DON'T KNOW WHERE IT WAS AND, AND HE JUST, JUST LAID ON
41 ME AND, AND STARTED SAYING STUFF LIKE, UGH STUFF LIKE NOW,
42 SWEETIE YOU NOW I LOVE YOU AND EVERYTHING AND, YOU KNOW ALL
43 THIS NICE STUFF. YOU KNOW SO I GUESS HE THOUGHT THAT, YOU KNOW I
44 DON'T KNOW, I GUESS HE THOUGHT THAT, YOU KNOW WE DON'T KNOW
45 WHERE THE PHONE IS. HE DOESN'T KNOW IF I REALLY DIALED 911 SO IF
46 ANYBODY HEARD THEN HE WOULD BE MR. SWEET AND INNOCENT. AND,

I NEVER SAID ANYTHING ABOUT MONEY THAT SPID IT 1000+ TIMES

THE BOW FELL OFF

OR
WORKING

UP
BALANCE

1 UGH SO ANYWAY HE FINALLY FOUND THE PHONE AND THEN HE STARTED,
2 AND HE HUNG IT UP AND HE STARTED, YOU KNOW YELLING MORE AND,
3 UGH I WOULD SAY YEAH, SURE, WHATEVER KERRY, YOU KNOW. AND,
4 UGH (TAPE SKIPPED) AND THEN HE SAID COME ON, LET'S GO, YOU KNOW.
5 AND, AND I WENT WITH HIM BECAUSE I WAS SCARED. YOU KNOW, CAUSE
6 I, I'D FOUND THAT IF I AGREE WITH HIM, EVERYTHING IS FINE AS LONG AS
7 IT'S HIS WAY. AND, UGH SO ANYWAY WE WERE DRIVING AND, UGH I SAW
8 A CHEROKEE COUNTY COP GOING TOWARDS, IT LOOKED LIKE IT WAS
9 GOING TOWARDS HIS, HIS HOUSE THEN. AND, UGH I WAS TOO SCARED TO
10 WAVE HIM DOWN OR ANYTHING. AND THEN, UGH AND HE (TAPE SKIPPED)
11 ALL THE WAY TO MY HOUSE THEN. AND, UGH I TOLD HIM WHEN HE GOT,
12 YOU KNOW DOWN IN MY SUBDIVISION (UNCLEAR) WHEN WE GOT TO, YOU
13 KNOW LIKE RIGHT HERE. (TAPE SKIPPED) SUBDIVISION ANYWAY THEN,
14 UGH YOU KNOW I TOLD HIM THAT IT WAS OVER. AND HE SAID, YOU
15 KNOW, HE SAID MAYBE, I DON'T KNOW MAYBE WE CAN WORK THIS OUT.
16 AND I SAID NAW, YOU KNOW I DON'T, I DON'T WHAT'S GOING ON IN
17 KERRY'S WORLD BUT IT'S, BUT YOU KNOW MAYBE IN KERRY'S WORLD
18 IT'S NOT OVER BUT YOU KNOW IN REALITY IT'S OVER, IT'S OVER. AND IF
19 YOU SET ONE FOOT ON MY PROPERTY, I'M CALLING 911. CAUSE YOU
20 KNOW DON'T COME NEAR ME AND (TAPE SKIPPED)

SCARED

5 HE
CONTROLLER
ME.

22 P: IN CEDARTOWN, IS IT, UGH YOU PLAYED THE TV TOO LOUDLY ALL
23 NIGHT LONG. AND WHEN HE ASKED YOU TO STOP AND TURN THE TV OFF,
24 (UNCLEAR) ALL OVER HIM, IT FLEW ALL OVER HIM AND STRUCK HIM.

WHAT
STRUCK
ME?
LEADING

26 W: NO. THERE'S ACTUALLY NO HITTING AT THAT TIME. HE WAS, HE WAS
27 JUST IN MY FACE LITERALLY (UNCLEAR). WE HIT NOSE AND HE WAS LIKE
28 (NOISE) ON THE BED (UNCLEAR) AND HE WAS YELLING AND EVERYTHING
29 SO I GOT UP AND I WENT INTO THE BATHROOM. CAUSE I WAS LIKE I
30 DEFINITELY NEED A BREAK. AND HE, HE (TAPE SKIPPED) AND STUFF.
31 AND, AND THEN I GUESS HE REALIZED I WASN'T THERE SO I DON'T KNOW
32 WHAT HE DID. BUT HE FINALLY, HE FINALLY, YOU KNOW ASKED ME
33 WELL, YOU KNOW WHAT I WAS DOING AND, YOU KNOW I TOLD HIM, YOU
34 KNOW.

36 P: OKAY, WHEN HE CAME IN THE DOOR, UGH HE FELL IN THE BATHTUB.
37 WERE YOU, DID YOU STRICK BACK AT HIM OR, AT THAT POINT OR.

39 W: NO, HE SCREAMED CAUSE I HAD A CIGARETTE IN MY HAND CAUSE I, I
40 WAS SMOKING IN THERE AND I SCREAMED AND I, UGH, UGH I GUESS
41 TRIED TO GRAB, YOU KNOW ANYTHING SO I WOULDN'T FALL. AND I WAS
42 SCREAMING AND HE WAS JUST STANDING THERE AND HE WAS LIKE, YOU
43 KNOW, LIKE SMILING AND, AND LAUGHING AND CAUSE IT WAS FUNNYM,
44 YOU KNOW. IF I KNOCKED SOMEBODY IN, IN THE BATHTUB I'D TURN
45 AROUND AND TRY TO HELP THEM UP. BUT, YOU KNOW ANYWAY HE WAS
46 JUST LAUGHING AND SO I, I LOOKED AROUND CAUSE MY CIGARETTE

WORK
AND
SUG

1 WENT OUT AND I WAS LOOKING AROUND TO SEE WHERE IT WAS, THE, THE
2 LIGHT OF IT AND, AND THEN, UGH LIKE FOR A SECOND. THEN I, I SAID
3 FORGET IT, YOU KNOW. I SAID GET OUT OF MY WAY. AND, AND HE
4 STEPPED AND I WENT OUT AND THEN WHEN HE REALIZED I WAS GOING
5 OUT THE DOOR, HE SAYS WHERE ARE YOU GOING. AND HE FOLLOWED ME
6 OUT THE HOTEL SCREAMING AND EVERYTHING. YOU KNOW.
7

8 P: DID YOU STRIKE HIM AT ANY POINT AT THE HOTEL?
9

10 W: NO, EVEN, EVEN AT THAT TIME, NO BECAUSE I, I SAID GET OUT OF THE
11 WAY. AND, AND HE, AND HE STEPPED BACK AND I DIDN'T EVEN TOUCH
12 HIM. I CAME LIKE, I CAME REAL CLOSE TO HIM BUT I, I DIDN'T EVEN
13 TOUCH HIM.
14

HE
KICKED
MY
ASS

15 P: OKAY, YOU MENTIONED IT BEFORE, HOW DID HE GET THE INJURY ON
16 HIS RIGHT EYE?
17

18 W: HE, ALL NIGHT LONG, HE WAS SAYING THIS IS HOW MUCH YOU'RE
19 HURTING ME AND HE KEPT ON HITTING HIMSELF. I LOVE YOU AND
20 YOU'RE HURTING ME, YOU'RE HURTING ME, YOU'RE HURTING ME. AND,
21 AND HE STARTED HITTING HIS FACE AND HITTING HIS CHEST AND. AND
22 YELLING THAT HE LOVED ME AND, AND STUFF LIKE THAT, YOU KNOW
23 AND HITTING HIMSELF SAYING THAT I'M HURTING HIM. YOU KNOW, I, HE
24 WAS SAYING THAT I WAS HURTING HIM
25

ALL NIGHT
LONG I
WAS
HITTING
MYSELF

26 P: YOU SAW HIM DOING THIS?
27

28 W: UGH, YEAH. AND HE WAS HITTING HISSELF. AND IN THE MORNING HE
29 SAID, HE SAID AHH, I GAVE MYSELF A BLACK-EYE. I SAID YEP, AND THAT
30 WAS DOWN IN THE, UGH IN THE, UGH LOBBY
31

HE
GAVE
ME
THE
BLACK
EYE

32 P: OKAY. NOW WHEN YOU GOT BACK HERE IN, UGH TO HIS HOUSE AND
33 YOU WERE IN THE BEDROOM LAYING DOWN. DID YOU FALL ASLEEP FOR
34 A PERIOD OF TIME?
35

36 W: NO (LIES) (SHE SLEPT FOR SEVERAL HRS.)
37 NOT TRUE

38 P: NO?
39

40 W: NO, NO, I WAS WATCHING HIM. AND I, I WATCHED HIM AND HE, HE
41 WAS WALKING FROM THE, YOU KNOW I WAS WATCHING HIM. THEN HE
42 LEFT AND I WAS JUST SITTING THERE, LAYING THERE. NO, NOT AT ALL.
43

DID
NOT
CALL
ANYONE?

44 P: BUT YOU DIDN'T MAKE IT ANY
45

46 W: FULLY CLOTHED AND

1
2 P: YOU DIDN'T MAKE AN ATTEMPT TO CALL A FRIEND OR, OR TRY TO FIND
3 SOMEBODY TO COME AND PICK YOU OR ANYTHING AT THAT POINT?

4
5 W: NO. *WY?*

6
7 P: OKAY. WHEN YOU WERE IN THAT ROOM, WHEN HE CAME BACK IN,
8 HOW LONG HAD YOU BEEN IN THAT ROOM? WITH, I'M TALKING IN
9 REFERENCE TO THE CROSSBOW THING. HOW LONG WERE YOU IN THAT
10 ROOM BEFORE HE CAME BACK IN WITH THE CROSSBOW?

11
12 W: I DON'T KNOW. I WAS THERE (TAPE SKIPPED)

13
14 P: PROBABLY ABOUT A COUPLE OF HOURS?

LEADING

15
16 W: NO, THE WHOLE THING THERE WAS PROBABLY ONLY (CLEAR THROAT)
17 (TAPE SKIPPED). MAYBE IT WAS AN HOUR OR TWO, I DON'T KNOW.

18
19 P: DO YOU KNOW WHAT TIME

20
21 W: NEARLY TWO HOURS.

22
23 P: DO YOU KNOW WHAT TIME YOU GUYS GOT BACK AT HIS HOUSE?

24
25 W: UGH, UH

26
27 P: WAS IT THE MIDDLE OF THE DAY? WAS IT DAYLIGHT? WAS IT?

28
29 W: YEAH, IT DAYLIGHT. IT WAS PROBABLY, PROBABLY LATE
30 AFTERNOON. WELL THE SUN, IT WAS PROBABLY (TAPE SKIPPED)

31
32 P: (CLEAR THROAT). SO IT WAS PROBABLY MID AFTERNOON?

33
34 W: SOMEWHERE, YEAH THE SUN WASN'T STRAIGHT UP. IT WAS KINDA
35 DOWN A LITTLE BIT.

36
37 P: OKAY, AND WHERE WERE YOU IN HIS HOUSE?

38
39 W: I WAS (TAPE SKIPPED) ON HIS, ON HIS DRIVEWAY FOR WHILE

40
41 P: UGH, HUH

42
43 W: AND I WAS, UGH I WAS HANGING OUT WITH HIS DOG. (TAPE SKIPPED)
44 TOLD ME COME IN, COME IN, COME IN. YOU KNOW, AND I WAS LIKE, YOU
45 KNOW SO I FINALLY DID CAUSE I DIDN'T WANT TO GO THROUGH WITH

1 ALL THAT STUFF AGAIN. AND SO I WENT IN AND, UGH (TAPE SKIPPED)
2 WHILE I WENT.

3
4 P: STANDING. DID HE, DID HE CALL YOU INTO THE HOUSE?

5
6 W: YEAH

7
8 P: OKAY.

9
10 CALLING
FROM
WINDOW } W: AND HE KEPT ON GOING OUT THE WINDOW AND, AND YELLING COME
11 IN, COME IN. HE HAD LIKE THIS FAKE TONE OF VOICE LIKE HE DID
12 BEFORE HE WENT OUT, WENT OFF. } 0 WKKY 0/10
5/18 96
12 96

13
14 P: SO YOU WENT INTO THE HOUSE? WHAT ROOM DID YOU GO INTO?

15
16 W: UGH, I WENT TO THE (TAPE SKIPPED) LIVING ROOM

17
18 P: WAS IT IN HIS BEDROOM? LEADING!

19
20 W: THEN THE, THEN THE KITCHEN AND PROBABLY INTO THE BEDROOM. ?

21
22 P: IN THE BEDROOM? OKAY. NOW WHEN YOU'RE IN THE BEDROOM, HOW
23 LONG WERE YOU IN THE BEDROOM BEFORE HE CAME, WELL DID HE COME
24 IN AND OUT, HOW LONG WERE YOU IN THE BEDROOM, DO YOU THINK?

25
26 W: COME IN AND OUT? I DON'T, I DON'T EVEN KNOW HOW LONG (TAPE
27 SKIPPED) HOURS OR SOMETHING.

28
29 P: TWO HOURS, YOU (UNCLEAR) HIS HOUSE LEADING

30
31 W: (UNCLEAR). AN HOUR AND A HALF, I DON'T, I DON'T (UNCLEAR)

32
33 P: OKAY. (TAPE SKIPPED) WALKED INTO THE ROOM AND, AND WHAT
34 HAPPENED?

35
36 W: YEAH. HE WAS WALKING AROUND AND STUFF, YOU KNOW. AND, AND I
37 WAS TRYING TO GET HIM TO, WELL I WAS WAITING FOR HIM TO TAKE ME
38 HOME CAUSE I DIDN'T WANT TO GET HIM MAD. AND THEN, UGH THEN HE
39 WALKED IN, HE WALKED IN THEN HE WALKED OUT, THEN, THEN HE
40 WALKED IN FRONT OF THE TV. THEN HE KINDA LIKE LOOKED AT ME AND
41 SO I WAS LIKE (TAPE SKIPPED) LOOKED AT CROSSBOW AND TURNED ON
42 LIKE A SMILE AND LIKE HE, WEIRD-LOOKING EYES, YOU KNOW. AND I
43 WAS LIKE NAW, NO HE WOULDN'T

44
45 P: (TAPE SKIPPED) EVER ASKING HIM ABOUT THE CROSSBOW BEFORE
46 THAT?

1
2 W: BEFORE ASK, WAS IT?
3
4 P: YEAH DID YOU TALK TO HIM ABOUT IT?
5
6 W: UGH, HUH. YEAH. NOT THAT DAY
7
8 P: NOT THAT DAY?
9
10 W: BUT, NO, UGH, UH
11
12 P: OKAY. BUT YOU HAVE ASKED HIM ABOUT IT BEFORE THEN?
13
14 W: YEAH, LIKE I THINK EARLIER THAT WEEK OR SOMETHINGS AND, OR
15 MAYBE THE WEEK. WE'RE ONLY DATING TWO WEEKS ANYWAY.
16
17 P: YEAH
18
19 W: BUT I
20
21 P: WHAT HE SAID
22
23 W: UGH, UGH YEAH CAUSE WE'RE BOTH LIKE INTO, UGH SOMETHING LIKE
24 AMERICAN INDIAN STUFF AND, AND I SAID SO WHERE DID YOU GET THAT?
25 YOU KNOW, AND, AND THE ARROWS ARE, ARE HANDMADE.
26
27 P: UGH, HUH
28
29 W: YOU KNOW AND THEY'RE OUT OF ARROWHEADS AND I WAS LOOKING
30 AT THEM AND SAID YOU KNOW, THAT'S PRETTY COOL, YOU KNOW. AND
31 HE SAID SOMEBODY MADE THEM FOR HIM, HANDMADE.
32
33 P: BUT THIS PAST SUNDAY YOU DIDN'T ASK HIM ABOUT THIS?
34
35 W: NO.
36
37 P: OKAY
38
39 W: NO.
40
41 P: WAS THERE ANY DISCUSSION OR ANYTHING GOING AT THE POINT THAT
42 HE HAD THE, THE CROSSBOW OR ANYTHING?
43
44 W: NO.
45
46 P: NOTHING?

CONTRADICTION

HAND MADE
ARROWS

HANDMADE
ARROWS

(TV WAS NOT ON)

1 W: NO, I WAS JUST SITTING THERE WATCHING TV

2
3
4 P: DID YOU SAY ANYTHING THAT WOULD OF, WOULD OF MADE HIM MADE
5 OR PROVOKED HIM TO PICK IT UP FOR ANY REASON?
6

7 W: JUST WHAT I TOLD YOU. I MEAN

8
9 P: WHICH WAS WHAT?

10
11 W: I MEAN JUST LIKE THE STATEMENTS AND HE'S MAD CAUSE HE, HE WAS
12 MAD. HE SAID THAT HE WAS MAD BECAUSE I WOULDN'T LET HIM TOUCH
13 ME. I WOULDN'T EVEN GIVE HIM A HUG OR ANYTHING LIKE THAT. AND I
14 SAID BUT I DON'T WANT (TAPE SKIPPED). ALLRIGHT MAYBE WELL, HE
15 WAS TRYING TO GIVE ME A HUG AND I WAS PUSHING HIM AWAY. AND I
16 DON'T KNOW IF THAT'S CONSIDERED A HIT OR WHATEVER BUT I WAS, I
17 JUST PUSHED HIM AWAY AND I WAS LIKE PUSHING HIS HANDS (END OF
18 CONVERSATION ON TAPE)
19
20
21
22
23

TRANSCRIBED BY SHIRLEY J. SMITH

END OF CONVERSATION

I NEVER
WANTED
TO
TOUCH
HER!

(SEX MANIAC)
DID NOT WANT
TO HAVE SEX
WITH HER

SHE HAD CLIMBED
INTO THE

BED THE NIGHT
BEFORE WITH JUST
HER PARTIAL ON

ME AND BEGAN TO PRECISE KISS
TO HAVE SEX BECAUSE
I DID NOT FEEL GOOD.

(SHE HAD TOLD ME THE MORNING
BEFORE THAT SHE WAS
A SEX MANIAC)

SHE SAID YOU HAD TO SEE
A SEX MANIAC
A SEX MANIAC

HIT
OR
WHATEVER

TRANSCRIBED BY: SHIRLEY J. SMITH

INTERVIEW WITH:

WAGNER, JACQUELINE

INTERVIEW BY:

INV. MASSEY WITH
D A'S OFFICE

DATE:

12/12/2001 11:10 HRS

M: THIS IS INVESTIGATOR MASSEY WITH THE DISTRICT ATTORNEY'S OFFICE. THE DATE IS 12/12/2001. THE TIME NOW IS 11:10 HOURS. UGH THIS IS AN INTERVIEW WITH JACQUELINE WAGNER REFERENCE D A'S CASE NUMBER 01FC1172. UGH, THIS IS SIMPLE ASSAULT, SIMPLE BATTERY FAMILY VIOLENCE. UGH, JACQUELINE I'M GOING TO ASK YOU, FIRST YOU SAID YOU MET, UGH THE DEFENDANT, KERRY WALKER AT, UGH AA MEETINGS?

W: RIGHT

M: OKAY, HOW LONG HAD YOU KNOWN HIM?

W: UGH, OFF AND ON FOR ABOUT LIKE TEN (10) YEARS BUT WE DIDN'T REALLY HANG OUT WITH EACH OTHER TOO MUCH LIKE WE WOULD GO LIKE CAMP OUT AND YOU KNOW GET TOGETHER, YOU KNOW AND JUST TALK TO EACH OTHER IN GROUPS OR WHATEVER. BUT WE DIDN'T REALLY START HANGING OUT UNTIL WE STARTED DATING.

M: ALLRIGHT. PRIOR TO THE INCIDENT IN QUESTION HOW LONG HAD YOU BEEN DATING?

W: TWO (2) WEEKS

M: TWO (2) WEEKS? NOW YOU SAID YOU HAD KNOWN HIM FOR TEN (10) YEARS, HAD YOU KNOWN HIM FOR THE TEN (10) YEARS THROUGH AA MEETINGS?

W: RIGHT. LIKE HE WAS LIKE IN THE SAME GROUP SOMETIMES, YOU KNOW BUT THE LAST COUPLE OF YEARS I, I'VE HAVEN'T REALLY BEEN SEEING HIM.

M: OKAY.

W: YEAH

M: ALLRIGHT. UGH BACK UP TO THE WEEKEND THAT THE TWO (2) OF YOU WENT SKYDIVING. THAT WOULD HAVE BEEN AROUND, UGH SEPTEMBER 18TH OR 19TH?

W: YEAH

M: LET'S SEE, WAS IT ON A WEEKEND?

W: YEAH

M: OKAY. SO THAT WOULD PROBABLY BEEN AROUND THE 15TH OR 16TH. LET'S SEE.

W: IT WAS FRIDAY, UGH I MEAN SATURDAY AND SUNDAY.

M: OKAY. ON A SATURDAY OR SUNDAY? NOW YOU MADE THE REPORT ON THE 19TH. OKAY? NOW I JUST WANT TO CLARIFY A COUPLE OF THINGS. NOW THE 19TH OF SEPTEMBER WAS ON WEDNESDAY. WOULD THIS HAVE HAPPENED THE WEEKEND PRIOR TO THAT?

W: YES

M: THE SATURDAY AND SUNDAY PRIOR TO THAT?

W: YES

M: SO THAT WOULD HAVE BEEN THE 15TH AND 16TH. UGH, WHY DID YOU WAIT THREE (3) DAYS TO MAKE A REPORT?

W: WELL, UGH MOST OF IT HAPPENED LIKE SUNDAY, SATURDAY NIGHT-MORNING AND SUNDAY. THEN MONDAY I JUST, I DIDN'T GO TO WORK ON MONDAY. I'S TRYING TO FIGURE OUT WHAT WAS GOING ON AND I WAS SCARED. AND I, I FINALLY ON TUESDAY WENT TO A MEETING AND I TALK TO SOME WOMEN AND THEY SAID THAT, YOU KNOW THAT I REALLY SHOULD PRESS CHARGES BECAUSE UGH, YOU KNOW THEY WERE, YOU KNOW CAUSE I NEED TO HAVE SOMETHING DONE, YOU KNOW SO THIS DOESN'T HAPPEN AGAIN AND THINGS LIKE THAT. AND, UGH SO I DECIDED

TO GO AHEAD AND PRESS CHARGES CAUSE THEY GAVE ME A LITTLE ENCOURAGEMENT. I DIDN'T KNOW WHAT TO DO.

M: OKAY. (COUGH). HAVE YOU BEEN MARRIED IN THE PAST?

W: NO

M: OKAY. UGH, HAVE YOU EVER HAD ANY OTHER ACQUAINTANCES OR RELATIONSHIPS THAT INVOLVED DOMESTIC VIOLENCE WHERE YOU WERE PHYSICALLY OR VERBALLY ABUSED?

W: NO. EXCEPT FOR THE REGULAR FIGHTS, YOU KNOW LIKE THE ARGUMENTS

M: ARGUMENTS?

W: OR WHATEVER YOU KNOW, NO.

M: AS FAR AS BEING HIT OR?

W: HUH, UH

M: HELD AGAINST YOUR WILL OR ANYTHING LIKE THAT? THAT'S NOT HAPPENED BEFORE?

W: HUH, UH. NOT THAT I KNOW OF.

M: ALLRIGHT. UGH, (COUGH) OKAY. (COUGH). GOING BACK TO THE WEEKEND, THE 15TH AND 16TH YOU HAD WENT WITH KERRY DOWN TO CEDARTOWN TO A SKYDIVING?

W: RIGHT

M: OKAY. AND I READ IN THE REPORT WHERE, UGH FOR WHATEVER REASON, I GUESS WEATHER-RELATED THE PLANES WERE GROUNDED AND WEREN'T ABLE TO FLY? SO THE TWO (2) OF YOU WENT AND GOT A MOTEL?

W: RIGHT

M: OKAY. UGH, ABOUT WHAT TIME OF DAY DID YOU GET THE MOTEL? WHAT TIME DID THIS HAPPEN?

W: IT WAS LIKE TWELVE (12) OR SOMETHING LIKE THAT. IT WAS, IT WAS LATE. IT, THEY WERE GROUNDED BECAUSE LIKE THE FTA WAS GIVING PEOPLE A HARD TIME ABOUT UGH, THEY, WELL THEY HAD TO HAVE A

FLIGHT PATTERN TO LAND. AND THE PEOPLE DECIDED THAT IT WOULD, IT WOULDN'T BE WORTH THEIR MONEY TO REALLY, YOU KNOW HAVE PLANS FOR THE PLANES TO GO UP SO IT WAS PROBABLY ABOUT LIKE 12 O'CLOCK OR AFTER, MIDNIGHT OR SOMETHING LIKE THAT.

M: BY THE TIME YOU GOT TO THE MOTEL?

W: YEAH. I DON'T KNOW EXACTLY WHAT TIME

M: OKAY. WHAT TIME DID YOU GET TO THE AIRPORT?

W: HMMM, EARLIER IN THE DAY, LIKE, WELL PROBABLY LIKE AROUND NOON OR SOMETHING LIKE THAT.

M: ALLRIGHT. SO FOR TWELVE (12) HOURS DID YA'LL JUST STAY THERE AT THE AIRPORT OR WAITING TO SEE IF YOU COULD FLY OR WHAT HAPPENED WHEN IT GOT, WHEN IT GOT DARK? WHAT DID YOU DO?

W: THEN, UGH WELL WE TOOK A SIX (6) HOUR COURSE TO UGH, TO GET US READY TO, TO MAKE THE JUMP TO BEGIN WITH.

M: OKAY

W: AND UGH THEN THEY WERE SHOWING US, YOU KNOW LIKE THE EQUIPMENT AND THINGS LIKE THAT. AND WE WERE DEBATING WHETHER WE WERE GOING TO STAY THERE CAUSE THEY HAD BUNKBEDS THERE. AND UGH, WE HANG OUT, WE ATE PIZZA AND WATCH T.V. FOR A LITTLE WHILE AND JUST LOOKED AROUND,

M: OKAY

W: YOU KNOW

M: AND THEN YOU DECIDED ONCE IT GOT LATER TO GO GET A MOTEL ROOM?

W: RIGHT.

M: OKAY. UGH, ONCE YOU, DO YOU REMEMBER THE NAME OF THE MOTEL?

W: I THINK IT WAS HOLIDAY INN BUT I'M NOT SURE.

M: IN CEDARTOWN?

W: UGH, HUH

M: OKAY. WAS IT NEAR THE AIRPORT?

W: UGHM, PROBABLY ABOUT TEN (10) MINUTES, FIFTEEN (15 MINUTES).

M: ALLRIGHT. WHEN YOU GOT THE MOTEL ROOM, UGH DID AN ARGUMENT ENSUE SHORTLY THEREAFTER?

W: MMMM, WELL WE WERE BOTH TIRED AND, UGH THEN, UGH HE SAID THAT HE HAD A HEADACHE AND I SAID I HAD INDIGESTION SO HE WENT TO THE STORE AND HE GOT SOMETHING FOR BOTH OF US AND BROUGHT ME BACK THIS PURPLE ROSE. AND UGH THEN (UNCLEAR) GO THE SLEEP AND, AND UGH, OH I TOLD HIM THAT HE NEEDED TO SLEEP IN HIS BED AND I SLEEP IN MY BED. HE GOT IN THIS BED AND THE T.V. THEN, AND I WANTED THE T.V. ON AND HE WANTED IT OFF AND WE GOT, GOT IN AN ARGUMENT ABOUT THAT. BUT I GUESS

M: WAS THE T.V. TOO LO-, TOO LOUD?

W: HE SAID HE COULDN'T SLEEP WITH THE T.V. ON. AND HE STARTS SNORING SO I LEFT THE T.V. ON. AND THEN HE WOKE UP AND HE SAID "I TOLD YOU I CAN'T SLEEP (LAUGH) WITH THE T.V. ON". AND THEN UGH, THEN HE, AND THEN HE GOT, HE GOT UPSET AND HE, AND UGH, AND HE JUST, HE SET UP ON THE BED AND HE'S LIKE HITTING THE BED AND SAYING "I TOLD YOU I CAN'T SLEEP WITH THE T.V. ON" AND, AND WENT OFF AND STARTED CALLING ME ALL THESE NAMES AND STUFF LIKE THAT YOU KNOW. AND

M: WHAT DID HE CALL YOU?

W: WELL, HE SAID THAT I WAS LIKE "TRAILER TRASH", THAT I WAS A "BIKER BITCH" CAUSE I TOLD HIM THAT I GOT SOBER WITH, UGH SOME CLEAN AND SOBER BIKERS AND I USED TO, USED TO RIDE WITH THEM, YOU KNOW. AND UGH, AND HE SAYS "BIKER BITCH" AND I NEED TO GO BACK WITH MY BIKER FRIENDS. AND, AND UGH THAT I WAS, HE DIDN'T CALL ME THAT AT THAT TIME BUT UGH BUT, UGH, UGH BASICALLY THAT I (SIGH), THAT'S ALL HE CALL ME I THINK AT THAT TIME. BUT IT GOT WORSE LATER ON. AND THEN UGH

M: WHAT, WHAT DID HE SAY TO YOU AT THAT TIME, WHEN HE GOT ANGRY? DID YOU TURN THE T.V. OFF?

W: NO. I GOT UP AND UGH, AND I SAID, AND HE, HE ASK ME WHERE I WAS GOING AND I SAID I'M GOING TO THE BATHROOM. I GRABBED MY SHOES AND MY PURSE AND, AND MY CIGARETTES AND EVERYTHING AND I JUST SAT THERE. AND UGH CAUSE I WAS TRYING, AND HE SAID "WELL WHY

ARE GOING THERE?" AND HE WAS JUST LIKE YOU KNOW RIGHT BEHIND ME JUST, YOU KNOW KEPT ON ASKING ME WHY I WAS DOING THIS. I SAID "KERRY, YOU KNOW WE NEED A BREAK. WE NEED TO, YOU KNOW GET AWAY FROM EACH OTHER AND JUST CALM DOWN" AND SEE WHAT, YOU KNOW. I COULDN'T EVEN THINK. AND SO I WENT IN THE BATHROOM AND HE WAS LIKE, SOUNDED LIKE HE WAS JUMPING ON OF THE BED OR SOMETHING. AND, AND HE WAS LIKE UGHM, YOU KNOW HE'D YELL AT ME AND CALL ME NAMES AND STUFF. AND I WAS TRYING TO FIGURE OUT WHAT I WAS GOING TO DO. AND, AND UGH THEN IT GOT REAL QUIET AND UGH HE SAID, HE SAID "WHAT ARE YOU DOING IN THERE?" AND I SAID "GOING TO THE BATHROOM". AND HE SAID, AND CAUSE THEN UGH HE SAID "WELL HOW LONG ARE YOU GOING TO BE IN THERE?" AND I SAID "I DON'T KNOW, KERRY. YOU KNOW AS SOON AS I CALM DOWN AND AS SOON AS I GET DONE YOU KNOW IN HERE AND FIGURE OUT WHAT'S GOING ON. I CAN'T EVEN THINK. I MEAN YOU'RE NOT QUIET ENOUGH TO LET ME THINK OR ANYTHING. YOU KEEP ON YELLING".

M: SO HE WAS STILL SHOUTING AT THIS POINT?

W: YEAH. AND HE WAS LIKE YELLING AND SCREAMING AND, AND UGH, AND THEN, UGH FINALLY HE SAYS "WELL YOU KNOW HOW LONG ARE YOU GOING TO BE IN THERE?". AND I SAID "I", HE KEPT ON ASKING SO I SAID "FIVE (5) HOURS", UGH, UGH OR TWO (2) HOURS. I CAN'T REMEMBER HOW MANY I SAID YOU KNOW, A COUPLE OF HOURS. I CAN'T REMEMBER EXACTLY HOW MANY HOURS. AND THEN HE SAID YOU KNOW "FIVE (5) HOURS" OR "TWO (2) HOURS", WHATEVER I SAID AND, AND HE SAID "YOU CAN'T BE IN THERE THAT LONG". AND, AND UGH HE KEPT ON BANGING ON THE DOOR AND SCREAMING STILL. AND THEN, AND THEN HE STARTING SAYING "IN THE NAME OF JESUS (UNCLEAR)", (LAUGH), "OPEN THE DOOR". AND, AND, AND HE SAID, THE-, HE SAID "OPEN THE DOOR. YOU COME AND GET ME. I'M, I'M BEGGING YOU, I'M ON MY KNEES, I'M BEGGING YOU IN THE NAME OF JESUS". AND THAT KINDS SCARED ME CAUSE I KNOW HE DOESN'T, THAT DOESN'T FIT WITH WHAT HE TOLD ME HE, HE BELIEVED SPIRITUALLY AND STUFF. YOU KNOW BUT (SIGN) (UNCLEAR), I DON'T KNOW BUT A GOOD

M: IS HE ATHEIST?

W: NO. BUT HE, HE BELIEVES IN A DIFFERENT UGH TEACHING THAN LIKE THE BIBLE AND STUFF. YOU KNOW IT'S KINDA SIMILAR BUT IT'S NOT REALLY, HE WOULDN'T, THAT WOULDN'T BE PART OF IT. AND UGH FROM WHAT HE TOLD ME ANYWAY. AND UGH, AND UGH I MEAN MAYBE HE BELIEVED IN JESUS OR SOMETHING, OR SOMEBODY LIKE HIM BUT THAT, THAT WAS JUST OUT OF CHARACTER BUT I FELT LIKE IT ANYWAY. HE'S WAS LIKE "OPEN THE DOOR AND LOOK I'M, I'M BEGGING YOU, I'M BEGGING YOU, I'M BEGGING YOU TO COME OUT". I SAID "KERRY, I CAN'T

EVEN THINK". AND UGH THEN HE, THEN UGH I, I WENT UP AND I OPENED THE DOOR TO GET HIM TO SHUT UP. AND HE LIKE, AND HE PUSHED THE DOOR AND YOU, I DON'T, HE CAME IN AND I JUST WENT FLYING IN THE BATHTUB. AND UGH, AND I, AND I FELL IN THE BATHTUB AND HE JUST, HE HAD THIS REALLY WEIRD LOOK ON MY, IN HIS, ON HIS FACE, JUST LOOKED AT ME LIKE, YOU KNOW ALMOST HAPPY AND STUFF. BUT, AND HE DIDN'T EVEN HELP, BOTHER HELPING ME UP OR ANYTHING SO I JUST GOT OUT OF THE BATHTUB AND, AND

M: DID HE SAY ANYTHING OR, OR MAKE ANY GESTURES WHEN

W: NO

M: FELL IN THE BATHTUB?

W: NO

M: IS HE A (UNCLEAR)

W: HE WAS SMILING AND HE WAS LIKE, YOU KNOW HE'S LIKE (SIGH) WEIRD LOOKING. BUT ANYWAYS AND HE WAS JUST LIKE LOOKING AT ME. AND UGH I SAID, HE SAYS "WHERE ARE YOU GOING?". AND WHEN I GOT UP THEN HE STARTED COMING CLOSER AND I SAID "GET OUT OF MY WAY." AND I, I, I DIDN'T TOUCH HIM OR ANYTHING. I JUST TOLD HIM TO GET OUT OF MY WAY. AND I UGH, HE SAYS "WHERE ARE YOU GOING?". I SAID "OUT". AND UGH I DIDN'T KNOW WHERE, YOU KNOW I, I JUST WANTED TO GET OUT OF THE, THE, THE ROOM. SO I WENT OUTSIDE AND HE FOLLOWED ME AND HE KEPT ON YELLING, SCREAMING AND, AND UGH, AND UGH, HE ENDED UP, UGH LIKE SPITTING IN MY FACE. AND IT WAS, IT WAS SO MUCH ON ME AND I HAD THIS TEESHIRT ON AND, AND I HAD TO WIPE IT LIKE TWICE. AND I WAS LIKE "GREAT".

M: WHERE DID THIS, WHERE DID THIS OCCUR AT?

W: IN THE PARKING LOT CAUSE I DIDN'T HAVE ANYWHERE TO GO.

M: WERE YA'LL ON THE SECOND FLOOR, FIRST FLOOR?

W: WE WERE ON THE

M: IF YOU WALK OUT OF YOUR ROOM COULD YOU WALK RIGHT OUT INTO THE PARKING LOT?

W: NO, DOWN THE STEPS AND, AND DOWN THE SIDE

M: SO YOU WERE ON THE SECOND FLOOR?

W: UGH, HUH, YEAH.

M: SO YOU HAD TO GO DOWN, JUST LEAVE YOUR ROOM AND KINDA GO THROUGH (KNOCKING ON DOOR) AND GO AROUND A WALKWAY AND THEN DOWNSTAIRS.

W: YEAH. IT WENT, YEAH DOWN

(CONVERSATION BETWEEN MASSEY AND PERSON UNKNOWN) (DOOR CLOSING?)

M: OKAY. THIS IS INVESTIGATOR MASSEY. IT'S THE SAME INTERVIEW WITH JACQUELINE WAGNER. UGH THE TAPE WAS STOPPED JUST MOMENTARILY IN ORDER FOR SOME PAPERWORK, UGH TO BE LOOKED AT AND PROCESSED BY MISS WAGNER'S ATTORNEY FOR MY INFORMATION. OKAY, BACK TO UGH THE TWO (2) OF YOU HAD ARGUED ABOUT THE T.V. AND YOU WENT OUT TO THE PARKING LOT AND, UGH AT SOME POINT OUT IN THE PARKING LOT YOU SAID HE HAD SPIT IN YOUR FACE

W: YEAH. CAUSE HE WAS UGH, HE WAS YELLING AT ME AND HE UGH, AND HE SPIT IN MY FACE AND UGH, THEN HE UGH, HE TALKED ME INTO COMING BACK UPSTAIRS AND WE GOT IN AN ARGUMENT AGAIN SO I WENT, I WENT BACK OUTSIDE CAUSE I FELT SAFER OUTSIDE. AND HE WAS TELLING ME THAT UGH, THAT HE BOUGHT THE HOTEL ROOM SO IT WAS HIS ROOM. I SAID "THAT'S FINE", OU KNOW. AND I SAID, AND I WAS LIKE "FINE, ALLRIGHT, YOU KNOW I DON'T, (SIGH) I DON'T NEED TO BE THERE". YOU KNOW AND SO I, I WENT OUT AND UGH, WENT OUT IN THE PARKING LOT AND UGH HE KEPT ON TRYING TO TALK ME INTO COMING UPSTAIRS. HE TOLD ME THAT UGH HE WOULD, HE WOULD BE WORRIED ABOUT ME BEING OUTSIDE ALL NIGHT. AND I SAID, I SAID "KERRY, I DON'T BELIEVE YOU'D BE WORRIED. I MEAN, YOU KNOW YOU PUSHED ME IN THE BATHTUB, YOU DIDN'T EVEN BOTHER HELPING OUT, YOU'RE YELLING AT ME, YOU'RE SCREAMING AT ME, YOU'RE, YOU'RE", UGH HE HIT ME BY THIS TIME TOO AND SPIT IN MY FACE "AND, AND YOU'RE WORRIED THAT I'M GOING TO SPEND THE, THE NIGHT OUT IN THE PARKING LOT".

M: NOW WELL BACK UP TO ABOUT WHERE HE HAD HIT YOU. NOW

W: WHEN HE

M: TELL ME ABOUT THAT.

W: WHEN HE'S, WHEN HE, RIGHT BEFORE HE SPIT, SPIT AT ME THEN HE, HE PUSHED ME AND HE, AND HE HIT ME, HIT MY SHIRT, YOU KNOW LIKE MY

SHOULDER HERE. AND THEN, AND THEN HE SPIT AT MY FACE AND HE'S LIKE SAYING THAT, YOU KNOW I'M, THAT'S WHEN HE WAS CALLING ME "YOU'RE ONLY TRAILER TRASH" AND, AND UGH "WHITE TRASH" AND I DON'T LIVE IN A TRAILER (UNCLEAR) BUT ANYWAYS UGH, AND I'M "BIKER BITCH" AND ALL THAT STUFF. AND THAT I'M, I'M, I'M A "CUNT" AND UGH SOME OTHER STUFF. AND OH, UGH A "WHORE" AND STUFF LIKE THAT. AND THEN

M: WHY WAS HE SO IRATE AT THIS POINT? WERE YOU

W: IT WAS JUST ALL BUILDING, HE JUST KEPT ON YELLING AT ME. I DIDN'T TOUCH HIM.

M: OKAY

W: I DID NOT TOUCH HIM. (LAUGH)

M: AT, AT ANY TIME UP TO THIS POINT UGH, EITHER IN THE MOTEL ROOM, UP TO THE POINT YOU CAME OUTSIDE THE FIRST TIME HAD, HAD YOU PUSHED HIM OR HIT HIM?

W: NO

M: OR SPIT ON HIM OR ANYTHING?

W: I DIDN'T TOUCH HIM.

M: ALLRIGHT. WERE YOU, UGH WERE YOU YELLING BACK AT HIM? ON OCCASIONS?

W: UGH, I REALLY DIDN'T SAY MUCH. I TOLD HIM, LATER ON HE WENT ON, HE WAS SAYING HOW HE'S, HE'S JUST LIKE JESUS AND HE'S SO PEACEFUL AND (LAUGHING) AND HE HIT ME AGAIN. HE'S NON-VIOLENT AND EVERYTHING. AND, AND THAT, AND UGH I TOLD HIM, YOU KNOW DON'T STEP SO CLOSE TO ME WHEN HE'S, HE'S SAYING THAT. AND I, AND HE SAID "WHY". AND I SAID "BECAUSE WHEN THAT LIGHTNING BOLT COME DOWN I JUST WANT TO MAKE SURE IT HITS YOU AND NOT ME". AND UGH, AND I, I, UGH I MIGHT HAVE LAUGHED AT SOME THINGS OR SOMETHING LIKE THAT. HE WAS, I REALLY DIDN'T HAVE MUCH, MUCH TIME TO SAY ANYTHING. I CAN'T REMEMBER, YOU KNOW HE'S, AND HE GOT MAD CAUSE I WAS BEING SARCASTIC. AND UGH, BUT UGH, I'D SAY LIKE, YOU KNOW "YEAH, RIGHT" OR SOMETHING LIKE THAT. AND HE'D YELLED AND HE'D SAY, HE'D BE, (SIGH), HE'D SET THERE AND HE STARTED RANTING AND RAVING AND, AND SAYING "LOOK, I'M ALL DEHYDRATED" CAUSE THERE WOULD BE WHITE SPIT AROUND HIS MOUTH AND HE'S SPITTING WHILE HE'S TALKING TOO. AND, AND BUT IT, IT

WASN'T LIKE WHEN HE SPIT AT ME. AND UGH IT'S LIKE "LOOK, I'M ALL DEHYDRATED". "LOOK, IT'S ALL YOUR FAULT" AND, YOU KNOW HIT ME AGAIN AND, AND UGH

M: HE KEEP HITTING YOU IN THE SHOULDER?

W: YEAH.

M: HOW MANY TIMES DID HE HIT YOU IN THE SHOULDER?

W: HMMM, AT LEAST, AT LEAST THREE (3) TIMES. I KNOW HE HIT ME BOTH TIME THAT HE SPIT AT ME AND AT LEASE ONE (1) OTHER TIME. I DON'T, I DON'T KNOW AND THEN HE WENT UPSTAIRS ONE (1) TIME AND HE, THEN HE CAME BACK DOWN. HE MUST HAVE WASHED HIS FACE OR SOMETHING AFTER HE WAS DEHYDRATED. AND IT'S MY FAULT THAT HE'S DEHYDRATED AND EVERYTHING. AND, AND HE SAID, GOES "WHEW, I FEEL BETTER". I'S LIKE "WHAT". HE CAME WALKING OVER TO ME AND GOES LIKE, IT WAS LIKE IT WAS A DIFFERENT PERSON THAT CAME DOWN. "OH, I FEEL BETTER". "YOU KNOW THAT WE HAVE, AND THEN I'LL TAKE CARE, DO YOU BELIEVE WE'VE BEEN, WE'VE BEEN ARGUING FOR FIVE (5) HOURS". SO I SAID "I HAVEN'T BEEN ARGUING. I HAVEN'T SAID ANYTHING". AND, AND HE SAID "WELL, WHY DON'T YOU JUST GIVE ME A HUG". I SAID "A HUG?" AND HE SAID "WELL, YEAH. WE NEED TO JUST, UGH START OUR DAY OVER WITH, YOU KNOW WHAT I MEAN". AND I SAID "GIVE YOU A HUG AND START OUR DAY OVER". AND I SAID "DON'T TOUCH ME. DON'T", DON'T EVEN TOUCH ME". HE SAID "BUT HASN'T". AND THEN HE, THEN HE GOT MAD ABOUT THEN. HE'S LIKE "HASN'T YOUR SPONSOR TAUGHT YOU OR ANYTHING. HAVEN'T HE TAUGH YOU TO, ERR I HAVE NO SPONSOR, I DON'T WHETHER HE SAID HE OR SHE BUT ANYWAY "HASN'T, HASN'T YOUR SPONSOR TAUGHT YOU, UGH HOW TO START YOU DAY OVER", AND YOU KNOW "YOU HA-, AND PUT PRINCIPLE BEFORE PERSONALITY". I'S LIKE "PRINCIPLES BEFORE PERSONALITY? (LAUGH). I THINK WE'RE PAST THAT STAGE". AND HE SAID "WHY WON'T YOU GIVE ME A HUG?" AND, THEN STARTED, UGH RANTING AND RAVING AGAIN. AND, AND HE, AND THEN UGH, THEN HE SAID HE WAS GOING TO LEAVE ME. AND I WAS FINE. BY THAT TIME I HAD MY SHOES OFF CAUSE THOSE WERE HIS SHOES. HE GAVE THEM TO ME BUT I GAVE THEM BACK TO HIM CAUSE HE SAID THAT THEY WERE HIS. SO I WAS WALKING AROUND WITH NO SHOES ON AND NO COAT ON, SHORT SLEEVES AND, BUT LONG PANTS ON. AND

M: YOU DID HAVE PANTS, I WAS FIXING TO ASK HOW WERE YOU DRESSED.

W: YEAH. I HAD, I HAD LONG, I HAD JEANS ON AND A TEESHIRT AND IT WAS COLD AND I GAVE HIM BACK MY, THE SHOES THAT, BECAUSE THOSE

SHOES HAD MORE TRACTION AND WE WERE GOING TO JUMP. AND UGH SO I GAVE HIM THOSE AND I HAD MY SOCKS ON.

M: DID YOU HAVE THAT ON WHEN YOU WERE IN THE BED EARLIER?

W: UGH, YEAH. I HAD CLOTHES ON, YEAH

M: SO YOU NEVER DID PUT ON LIKE A NIGHTGOWN OR ANYTHING?

W: HUH, UH

M: OKAY

W: WE DIDN'T HAVE ANYTHING CAUSE WE HAD TO GO DOWNSTAIRS AND GET A, UGH TOOTHBRUSH CAUSE WE WEREN'T REALLY PLANNING ON SPENDING THE NIGHT.

M: (UNCLEAR)

W: WE WERE PLANNING ON JUMPING DURING THE DAY.

M: OKAY

W: AND UGH, UGH SO WHEN WE, SO HE PULLED OFF AND I WAS STANDING IN THE PARKING SPACE, I WAS LIKE OKAY, YOU KNOW AND I WAS LIKE ALLRIGHT.

M: SO HE

W: NOW WHAT DO I DO

M: HE DROVE OFF?

W: YEAH, HE, HE SAID, HE SAID HE WAS GOING TO LEAVE ME. HE SAYS "I THINK I WILL". AND SO HE, HE TOOK OFF AND I'S LIKE "ALLRIGHT" AND I'M TRYING TO FIGURE OUT WHAT I WAS GOING TO DO. AND

M: IS ALL, IS ALL OF EVERYTHING STILL IN THE MOTEL ROOM?

W: UGH, YEAH, WELL YEAH BUT WE DIDN'T HAVE ANYTHING CAUSE LIKE I SAY WE WEREN'T PLANNING ON SPENDING THE NIGHT. I HAD MY PURSE WITH ME. THAT WAS REALLY ALL THAT I HAD UP THERE. AND I, I GUESS, I DON'T KNOW IF HE HAD ANYTHING ELSE UP THERE OR NOT. I DON'T THINK, WE JUST HAD THE CLOTHES THAT WE HAD. AND UGH, AND THEN HE CAME BACK AND HE PARKED IN THE SAME PARKING SPACE AND I WAS STILL STANDING THERE. AND HE SAID, SAID "I'M NOT GOING TO LEAVE

YOU". AND HE SAID "THAT'S WHAT YOU WANT ME TO DO". LIKE, THIS, I'M LIKE, I DIDN'T SAY THAT YOU KNOW, UGH I, I SAID "OH, YEAH". AND UGH

M: HOW LONG WAS HE GONE?

W: ROUND ABOUT FIVE (5) MINUTES OR SOMETHING LIKE THAT, LONG ENOUGH THAT I WAS STILL STANDING IN THE SAME SPOT. AND I WAS WONDERING "WHAT AM I GOING TO DO". AND I'S LIKE TRYING TO THINK IF I KNEW ANYBODY AROUND HERE OR YOU KNOW (UNCLEAR) THERE'S A HOUSE YOU KNOW OVER THERE AND I WAS LIKE "I GUESS I COULD JUST WALK OVER THERE". (UNCLEAR)

M: ABOUT WHAT TIME WAS THIS? YOU REMEMBER?

W: UGH I DON'T KNOW. THAT WAS, THAT WAS, UGH I DON'T KNOW, I KNOW IT WAS LATE THOUGH.

M: WAS IT STILL DARK?

W: YEAH, YEAH. EVERYTHING ENDED BEFORE IT GOT LIGHT.

M: OKAY

W: YEAH

M: DID YOU EVER AT ANY POINT GO BACK UP IN THE ROOM?

W: YEAH. ONE (1) TIME, AND THEN HE SAID THAT THIS WAS HIS, HIS HOTEL ROOM AND HE CAN DO ANYTHING HE WANTS AND I'S LIKE, ACTUALLY HE TOLD ME THAT I NEEDED TO GET OUT LIKE AND I LEFT AND THEN HE WANTED ME TO COME BACK UP. AND I'S LIKE "NO". AND UGH HE SAID I COULD STAY IN HIS CAR AND I DIDN'T WANT TO STAY IN HIS CAR. SO HE LOCKED HIS CAR AND WENT UPSTAIRS AND CAME BACK DOWNSTAIRS AND YELLED AT ME ABOUT HOW HE SPENT ALL THIS MONEY ON THE CLASSES AND, AND HE SPENT ALL THIS MONEY ON A HOTEL AND HE SPENT ALL THIS MONEY ON, YOU KNOW THIS AND THAT, WHATEVER. YOU KNOW AND I DON'T KNOW WHAT ELSE, EATING I THINK OR SOMETHING LIKE THAT. AND THAT, THAT HE'S SUCH A NICE PERSON BECAUSE HE REMEMBERED THAT MY COLOR, MY FAVORITE COLOR WAS PURPLE AND HE BOUGHT ME A ROSE WHEN I WAS OUT THERE AND I, I DIDN'T EVEN APPRECIATE ANYTHING THAT HE DOES FOR ME. I'M LIKE, HUMMM (LAUGH). AND UGH SO, UGH I, I TOLD HIM I SAID THANK YOU AND EVERYTHING AND UGH, ANYWAYS SO, (SIGH) SO WE WERE OUT IN THE PARKING LOT YELLING AND, AND UGH I SAT ON THIS WALL AND HE WANTED ME TO UGH, HE KEPT ON ASKING ME TO COME BACK IN, OR TELLING ME TO COME BACK IN. AND UGH HE SPIT AT ME AGAIN IN MY

FACE AND SAID THAT HE'S JUST LIKE JESUS, HE'S SO PEACEFUL. OH, AND HE KEPT ON HITTING HISSELF IN THE FACE AND HITTING HISSELF IN THE CHEST AND STUFF ESPECIALLY IN THE FACE AND STUFF. AND, AND UGH I SAID "KERRY", YOU KNOW I WOULDN'T SAYING ANYTHING AT FIRST. AND THEN I SAID "KERRY, WHY ARE YOU HITTING YOURSELF?" "THIS IS HOW MUCH I LOVE YOU" AND HE KEPT ON HITTING HISSELF AND EVERYTHING. I'M LIKE "KERRY, THAT DOESN'T EVEN MAKE ANY SENSE". HE SAYS "YEAH, IT HURTS, THIS IS HOW MUCH YOU'RE HURTING ME. THIS IS HOW MUCH YOU'RE HURTING ME". (CHUCKLE). HITTING HISSELF AND I'S LIKE, YOU KNOW THAT'S WHY I, LIKE I SAID I DIDN'T SAY MUCH. I DIDN'T KNOW WHAT TO SAY. (UNCLEAR)

M: SO WERE YOU AFRAID?

W: YEAH. I DIDN'T KNOW WHAT TO DO. I MEAN I

M: WHAT DID YOU SAY WHEN HE'S TRYING TO SPIT TO FACE? WHAT WAS YOUR REACTION?

W: I DIDN'T DO ANYTHING CAUSE I, I WANTED TO, TO HIT HIM BUT I DIDN'T DO ANYTHING BECAUSE I DIDN'T, CAUSE HE WAS ACTING SO IRRATIONAL CAUSE HE'S, HE'D LIKE HIT HISSELF YOU KNOW AND SAY THAT'S HOW MUCH, "THIS IS HOW MUCH YOU'RE HURTING ME" AND THAT'S, AND, AND "THIS IS HOW MUCH I LOVE YOU". AND HE'D, AND HE'D HIT HISSELF, YOU KNOW THEN, THEN UGH HE SPIT AT ME AND HIT ME AND SAY THAT HE'S NON-VIOLENT JUST LIKE JESUS. AND, AND UGH YOU KNOW IT'S ALL I HAVE TO DO IS JUST, YOU KNOW SEE IT'S ALL MY FAULT BECAUSE IF I WOULD HAVE JUST GIVEN, GIVEN HIM A HUG AND STARTED OVER THEN IT WOULD BE ALL BETTER. AND UGH YOU KNOW SO I DIDN'T DO ANY, I JUST WIPE THE SPIT OFF MY FACE.

M: AT WHAT POINT DID YOU FINALLY, DID, DID THE TWO (2) OF YOU EVER GO BACK TO THE ROOM TOGETHER AND STAY UNTIL YOU WENT HOME?

W: UGH, NO. CAUSE HE, WELL HE, HE WENT UPSTAIRS, HE WENT, HE, I GUESS HE WENT TO SLEEP SOME, HE WENT UP IN THE ROOM. AND THEN UGH I WAS SITTING OUT THERE, UGH IN THE PARKING LOT. AND THEN I SAW THIS GUY, SOME GUY COME OUT AND HE HAD AN APPLE IN HIS HAND AND I KNEW THEY HAD CONTINENTAL BREAKFAST. SO I WAS LIKE "OH, IT PROBABLY ABOUT LIKE SIX (6) O'CLOCK". SO I WAS GOING IN LIKE AND UGH I WAS GOING TO GET SOMETHING TO EAT. AND UGH I WAS SITTING, UGH, I WAS EATING AND THEN I SAT DOWN ON THE COUCH OUTSIDE, YOU KNOW, UGH IN THE LOBBY. I WAS WATCHING T.V. TRYING TO (SIGH), TO TELL IF IT WAS A DREAM OR NOT. AND HE COMES DOWN AND HE HAD THIS BLACK EYE. I MEAN IT WAS LIKE, YOU KNOW LIKE THOSE

FOOTBALL PLAYERS WITH THE BLACK UNDER THEIR EYES, LIKE UNDERNEATH IT, YOU KNOW

M: UGH, HUH

W: WELL THERE'S LIKE THIS BLACK MARK AND HIS FACE WAS ALL SWOLLEN AND EVERYTHING. AND HE SAID, HE SAT, HE DIDN'T SIT NEXT TO ME CAUSE HE SAT IN THIS CH-, CHAIR AND I WAS SETTING ON THE COUCH. AND HE SAID, SAYS "LOOK, JACKIE". HE WAS LIKE "LOOK, JACKIE, LOOK. I GIVE MYSELF A BLACK EYE". AND I JUST LOOKED AT HIM AND I'S LIKE "YOU'RE EXCITED ABOUT THAT". HE SAID "LOOK, LOOK". I SAID "YEAH, YOU GAVE YOURSELF A BLACK EYE". HE SAID "YEAH, YEAH. I DID, I DID". AND I SAID YOU KNOW, AND (UNCLEAR)

M: DID HE SAY WHY?

W: HUH?

M: DID HE SAY WHY?

W: FROM HITTING HISSELF. I MEAN HE SAID, HE SAID "YEAH, IT'S FROM HITTING MYSELF IN THE FACE". (LAUGHING). I'M SORRY BUT THAT'S WHAT HE SAID, FROM HITTING HISSELF IN THE FACE ALL NIGHT. (LAUGHING). AND EVERYTHING AND I'S LIKE, AND THEN HE STARTED, YOU KNOW HE SEEMED TO BE IN A GOOD MOOD AND I WAS LIKE "FINE". HE SAID "WHAT DO YOU WANT TO DO". AND I SAID, I SAID, I ASK HIM IF HE WAS HUNGRY BECAUSE I FIGURED WELL, UGH, WELL HE'S CALMED DOWN, JUST, I DON'T KNOW WHAT SET HIM OFF. CAUSE I DIDN'T, HE TOLD ME IT WAS BECAUSE I, I LEFT THE T.V. ON AND HE CAN'T, CAN'T SLEEP WITH THE T.V. ON. BUT WHATEVER, YOU KNOW, I FIGURED WE WERE ON A GOOD NOTE SO I'S LIKE "ALLRIGHT, GET SOMETHING TO EAT". I ALREADY ATE. AND UGH SAYS "WELL YOU WANT TO SEE", AND UGH WE GOT IN THE CAR AND WE STARTED ARGUING AGAIN, I DON'T REMEMBER WHAT ABOUT. AND UGH

M: IN THE FRONT SEAT?

W: YEAH, I WAS SITTING IN THE FRONT SEAT. AND THEN HE WAS LIKE, HE SAYS "OH, DO YOU WANT, DO YOU WANT TO MAKE THE JUMP TODAY?" AND I SAID "WHAT?" HE SAID "DO YOU WANT TO, DO YOU WANT TO SEE IF UGH, IF THEY'RE, IF THEY'RE JUMPING TODAY". I JUST LOOKED AT HIM AND I WAS LIKE (LAUGHING) "DO YOU WANT ME TO GO JUMP NOW?" YOU KNOW. BUT HE, HE MADE THE PHONE CALL AND, AND I DIDN'T SAY, I DIDN'T ANSWER HIM CAUSE HE JUST SWITCHED IN THE MIDDLE OF ARGUING AND "OH, LET'S GO" YOU KNOW, HE DIDN'T ASK ME, HE JUST

SAID "I'M GOING TO CALL OVER, AND YOU WANT, YOU WANT TO MAKE THE JUMP" AND STUFF.. AND, AND UGH

M: DID YOU WIND UP GOING?

W: NO, HE CALLED AND, AND THEY WEREN'T GOING UP.

M: OKAY

W: AND UGH

M: ABOUT WHAT TIME OF THE MORNING WAS THIS?

W: I DON'T KNOW, I DON'T, I DON'T REALLY KNOW.

M: WAS IT DAYLIGHT?

W: YEAH, IT WAS DAYLIGHT, MAYBE AROUND, I THINK HE WAS SAYING THAT IT WAS LIKE EIGHT (8) OR NINE (9) OR SOMETHING LIKE THAT BECAUSE THEY SHOULD BE UP BY THEN OR WHATEVER. CAUSE WE WERE GOING TO MAKE A JUMP AT EIGHT (8) SO IT WAS SOMETIME AROUND THAT TIME.

M: ALLRIGHT

W: AND UGH, I THINK, I'M NOT SURE ABOUT THE TIMES. BUT UGH

M: SO THEY WEREN'T GOING TO MAKE THE JUMP

W: YEAH

M: DID YA'LL DECIDE TO COME HOME AT THAT POINT?

W: YEAH, WE WERE IN THE CAR. WE WERE ON THE WAY THERE AND UGH, UGH SO WE WERE DRIVING, WE WERE ARGUING AND UGH

M: YOU KNOW WHAT YOU WERE ARGUING ABOUT?

W: HE SAID THAT I DIDN'T START MY DAY OVER, THE SAME STUFF. I, I DON'T KNOW, THE SAME STUFF, I DON'T KNOW. UGH YOU KNOW LIKE I KINDA TUNED HIM OUT BECAUSE UGH, YOU KNOW HE WAS SAYING THAT I SHOULD START THE DAY OVER, IT WAS MY FAULT BECAUSE IF I WOULD HAVE JUST GIVEN HIM A HUG. "CAN'T YOU JUST GIVE ME HUG". I SAID "KERRY, DON'T TOUCH ME". I THOUGHT IT WAS OVER BUT HE SA-, SAYING YOU KNOW SO I TOLD HIM "DON'T TOUCH ME". THEN HE GOT MAD ABOUT THAT AND EVERYTHING AND, AND UGH WE DID STOP AND

WE GOT A COKE. AND THERE WAS NO, THERE'S NO PAYPHONE OR ANYTHING AROUND THAT I COULD SEE. AND UGH I GOT OUT FOR TWO (2) SECONDS, HE WAS LIKE "GET BACK IN THE CAR". SO I, I GOT BACK IN AND UGH HE SAID THAT I WAS, I WAS LOOKING OUT THE WINDOW. I CAN'T REMEMBER IF I WAS UP IN THAT SEAT OR IF IT WAS IN THE BACK SEAT BUT

M: DID YOU GET IN THE BACKSEAT OF THE CAR?

W: I GOT, I GOT IN THE WAY BACK. AND I DON'T BELIEVE

M: WHAT KIND OF VEHICLE DOES HE DRIVE?

W: I THINK IT'S A CHEROKEE, IT'S BLUE, IT WAS A BOX CAR

M: LIKE A SPORTS UTILITY?

W: BRONCO-TYPE THING BUT IT'S AN OLDER ONE, BOX

M: OKAY

W: BLUE, I THINK IT'S A CHEROKEE.

M: OKAY

W: AND UGH SO I GOT IN THE BACK AND THEN UGH, YEAH AND THEN, THEN I WAS DRINKING A COKE SO I SAT, UGH

M: DID YOU GO IN AND GET A COKE OR DID HE BRING ONE OUT TO YOU?

W: NO, THERE'S A, THERE'S A COKE MACHINE

M: OH

W: AND UGH, AND I GOT OUT OF THE CAR AND HE BOUGHT IT, THEN HE SAYS YOU KNOW, YOU KNOW GET BACK IN THE CAR, WE'RE LEAVING AND STUFF. AND I WAS LIKE (UNCLEAR), AND UGH SO PRETTY MUCH WELL I GOT BACK IN CAUSE HE WAS LIKE PUSHING ME IN, NOT JUST LIKE GUIDING ME IN. AND SO ANYWAY UGH WE, UGH I WAS SITTING IN THE FRONT SEAT AND HE STARTED, STARTED UGH HITTING ME CAUSE I, I THINK I LOOKED OUT THE WINDOW AND STARTED, UGH STARTED WHISTLING OR SOMETHING. HE GOT MAD THAT I WAS WHISTLING BUT I'S STILL TRYING TO IGNORE HIM. AND THEN UGH I WAS LOOKING OUT THE WINDOW AGAIN, UGH AND HE WAS YELLING ABOUT SOMETHING. AND UGH, AND HE TURNED AROUND, I MEAN HE WAS LIKE IN THE FRONT SEAT AND I WAS IN THE BACK, YOU KNOW AGAINST THE DOOR. AND HE

TURNED AROUND AND HE WAS, AND HE WAS TRYING TO GRAB ME AND HE WAS, AND, AND UGH HE WAS HITTING ME AND YELLING AT ME CAUSE I WAS IGNORING HIM. AND, AND I LOOKED UP AND HE'S DRIVING DOWN THE ROAD AND I SAW HIM CROSS OVER THE LINE AND THERE WAS A RED TRUCK COMING THIS WAY AND I'M LIKE OKAY, HUH, YOU KNOW DON'T HAVE TO WORRY ABOUT ANYTHING CAUSE WE'RE GOING TO DIE. (LAUGHTER). YOU KNOW I MEAN, AND HE LOOKS BACK AND HE SAID, AND HE PULLS OVER AND HE SAID "WOW" AND HE'S TURNS BACK AROUND AND HE'S SAYS "WOW, WE ALMOST GOT IN A HEAD-ON COLLISION". AND I'S LIKE

(END OF SIDE A)

(SIDE B)

W: OKAY, YOU KNOW, (CHUCKLE) DON'T HAVE TO WORRY ABOUT ANYTHING CAUSE WE'RE GOING TO DIE. (LAUGHTER). YOU KNOW I MEAN AND HE LOOKS BACK AND HE SAYS, AND HE PULLS OVER AND HE SAYS "WOW", AND HE TURNS BACK AROUND AND HE SAYS "WOW, WE ALMOST GOT IN A HEAD-ON COLLISION". AND I'S LIKE "YEAH, KERRY". AND HE SAID, SAID "THAT WOULD HAVE BEEN YOUR FAULT, YOUR FAULT, YOUR FAULT". AND HE KEPT ON, ON HITTING AND I COULDN'T GET AWAY. HE'S LIKE POKING ME AND THEN HE'S, HE STARTING HITTING AND THEN HE GRABBED MY SHIRT AND UGH, AND HE RIPPED A LITTLE HOLE HERE BUT HE RIPPED IT. IT, IT WAS A STIFF TEESHIRT. HE RIPPED IT LIKE RIGHT HERE. AND UGH THEN HE, UGH HE SPIT AGAIN IN MY FACE. AND I JUST SAT THERE BECAUSE I MEAN WHAT COULD I DO. AND I SAID, I, I KEPT, AND I TOLD HIM THAT UGH HE NEEDS TO TAKE ME HOME AND EVERYTHING. AND HE SAID THAT HE NEEDS TO GO TO, TO HIS HOUSE BECAUSE HE'S GOT A OIL LEAK OR SOMETHING.

M: DID HE EVER STOP AND SAY THE VEHICLE WAS OVER-HEATED OR ANYTHING LIKE THAT?

W: HE STOPPED ONE (1) TIME, ANOTHER TIME AND HE'S TRYING TO, UGH PUT SOME, SOME WATER OR SOMETHING IN THERE, IN THE VEHICLE. AND UGH

M: WHERE WERE YOU AT?

W: I WAS STILL IN THE BACK.

M: BACK SEAT?

W: IN, IN THE MIDDLE SEAT RATHER.

M: OKAY. DID YOU EVER

W: NOT IN THE VERY BACK

M: SLEEP ANY COMING HOME?

W: DID I SLEEP? NO. NO, I WAS LOOKING OUT THE WINDOW AND KEPT ON

M: WHAT POSSESSED

W: TRY

M: YOU TO GET IN THE BACK SEAT? YOU STARTED OUT IN THE FRONT SEAT WITH HIM, RIGHT?

W: YEAH.

M: WHAT POSSESSED YOU TO GET IN THE BACK, OR GET IN THE MIDDLE SEAT?

W: I'D GOT IN THE WAY BACK BECAUSE HE KEPT ON YELLING AND, AND, AND HE WOULD, AND HE WOULD HIT ME AND, AND TELL ME THAT, YOU KNOW ON MY SHOULDER, AND TOLD ME THAT, THAT UGH HOW NON-VIOLENT HE IS AND I'M THE VIOLENT ONE. OKAY, AND I GOT IN THE WAY BACK TO GET AWAY. AND THEN UGH, THEN I HAD TO SIT UP BECAUSE I WAS SMOKING SO I GOT IN THE MIDDLE SEAT. AND UGH, (UNCLEAR)

M: SO YA'LL DID, YA'LL DID ARGUE COMING BACK THEN?

W: OH, YEAH, YEAH

M: ALLRIGHT. SO

W: AND

M: ONCE HE GOT TO HIS HOUSE, UGH TELL ME WHAT HAPPENED THEN? I MEAN ONCE YOU PULLED UP IN THE DRIVEWAY WHAT HAPPENED THEN?

W: I GOT OUT, GOT OUT AND HE, HE WAS, HE WAS ACTING LIKE EVERYTHING WAS OKAY. HE SAYS "ALLRIGHT, YOU KNOW NOW WE'RE HERE, YOU KNOW WE CAN", YOU KNOW LIKE, I DON'T KNOW WHAT HE WAS SAYING. HE WAS, YOU KNOW, AC-, ACTING ALL CALM AND EVERYTHING YOU KNOW AND I, I JUST LAID ON HIS DRIVEWAY AND HIS DOGS CAME OVER AND UGH, YOU KNOW I'D JUST HANG OUT WITH THE DOGS ON THE DRIVEWAY FOR A LONG TIME, FIGURE OUT WHAT WAS GOING ON. AND UGH

M: ABOUT WHAT TIME OF THE DAY WAS THIS?

W: IT MUST HAVE BEEN ABOUT NOON CAUSE IT WAS HOT, VERY HOT AND UGH

M: IT WAS DEFINITELY DAYLIGHT?

W: MIDDAY OR SOMETHING. YEAH, YEAH IT WAS THE MIDDLE OF THE DAY SOMETIME.

M: ALLRIGHT.

W: AND UGH

M: SO WHAT DID HE DO?

W: HE WENT INSIDE.

M: DID HE INVITE YOU IN?

W: UGH, YEAH. AS A MATTER OF FACT HE TOLD ME TO COME IN AND EVERYTHING. HE SAID "COME ON INSIDE". I SAID "KERRY, I'M GOING TO STAY HERE". AND I WAS ABOUT TO GIVE IN BUT THEN HE GAVE IN CAUSE, UGH HE WAS WANTING TO START ALL OVER AGAIN. SOMEHOW OR ANOTHER HE GOT IN A GOOD MOOD WHEN HE GOT THERE. AND SO UGH, BUT THEN HE, UGH BUT THEN HE SAID, HE SAID HE WAS CLEANING UP, HE OPENED HIS WINDOW AND HE SAID HE WAS CLEANING UP AND SAYS "COME ON IN HERE AND, AND WE'LL GET SOMETHING TO EAT". HE WAS ALL CHEERY AND EVERYTHING AND THEN HE, THEN UGH HE, AND HE KEPT ON SAYING "COME ON IN, COME ON IN". I SAID "NO, I'M GOING TO STAY OUT HERE". AND HE WALKED AWAY AND COME BACK "COME ON IN, COME ON IN". SO FINALLY I CAME IN AND, UGH THEN UGH (SIGH), UGH WE GOT, EVERYTHING WAS OKAY AND I JUST WATCHING T.V. IN HIS ROOM AND UGH

M: IN, IN HIS ROOM? YOU, YOU, UGH DESCRIBE THE ROOM TO ME.

W: IN HIS BEDROOM

M: BEDROOM?

W: YEAH

M: WELL AFTER ALL THAT HAD OCCURRED UP TO THIS POINT, WHY WOULD YOU GO IN HIS BEDROOM?

W: BECAUSE THAT'S WHERE HE SAID TO GO AND I JUST WAS TIRED BY THEN. (SIGH) IT WASN'T ANYTHING SEXUALLY, UGH YOU KNOW AT LEAST I DIDN'T THINK THAT IT WAS OR ANYTHING.

M: RIGHT

W: AND IT TURNED OUT THAT IT WASN'T.

M: BUT AT THIS POINT YOU WEREN'T AFRAID OR YOU WEREN'T IN FEAR?

W: I DIDN'T KNOW WHAT TO THINK. I WAS JUST, I WAS, I WAS WORN OUT, I WAS TIRED, I DIDN'T GET ANY SLEEP AND I, AND I WAS OUTSIDE ALL DAY, I MEAN ALL NIGHT FREEZING AND YEAH I WAS SCARED OF HIM. BUT I FIGURE OUT ONE (1) THING, THAT IF YOU WAS IN GOOD MOOD THEN, THEN HE WOULDN'T, HE WOULDN'T BE YELLING AND, AND HITTING AND SPITTING AND STUFF.

M: OKAY.

W: SO IT'S TO MY ADVANTAGE

M: DID YOU EVER

W: TO, TO LET HIM HAVE HIS WAY.

M: DID YOU EVER ASK HIM TO TAKE YOU HOME BEFORE YOU GOT TO HIS HOUSE?

W: YEAH

M: WHY DID HE, WHY DID HE REFUSE TO TAKE YOU TO WHERE YOU LIVE INSTEAD OF GOING TO HIS HOUSE?

W: HE SAID THAT, I DON'T KNOW HOW TO GET TO YOUR CEDARTOWN. AND I DON'T KNOW HOW TO GET BACK. AND, AND I DIDN'T REALIZE THAT, WELL I DIDN'T KNOW, I GUESS I DIDN'T, I DIDN'T LOOK AT THE MAP OR WHATEVER THAT ACTUALLY HE PASSED MY HOUSE, YOU KNOW FROM CEDARTOWN UNTIL YOU JUST TOLD ME THAT.

M: DEPENDS ON HOW HE CAME BACK

W: I DON'T KNOW. BUT YOU KNOW I MEAN I,

M: WHAT DID HE TELL YOU?

W: HE SAID THAT HE WENT UP 20 TO, I DON'T KNOW IF IT'S 156 OR SOMETHING, I DON'T KNOW BUT HE WAS GOING UP 20. AND THAT'S THE WAY THAT HE DID COME BACK. AND CAUSE HE KEPT ON STOPPING ON HE SIDE, HE DID STOP ON THE SIDE OF THE ROAD AND HE WAS LIKE TELLING ME TO GET OUT. "YOU NEED TO GET OUT, YOU NEED TO GET OUT" EVEN BEFORE WE GOT THERE. AND I'S LIKE LOOKING AROUND, I'M LIKE (SIGH) FROM WHERE I AM A BUNCH OF WOODS, THAT MANIAC NO WAY, I WAS NOT GETTING OUT. (LAUGHTER). YOU KNOW.

M: UGH SO YOU GOT BACK TO HIS HOUSE

W: YEAH

M: YOU STAYED OUTSIDE AND PLAYED WITH THE DOGS FOR A WHILE, HE GOES IN, DOES A FEW THINGS. HOW LONG WERE YOU OUTSIDE BEFORE YOU WENT IN?

W: I DON'T REALLY KNOW.

M: WAS IT MORE THAN TEN (10) MINUTES?

W: YEAH

M: OKAY. WOULD IT HAVE BEEN LESS THAN AN HOUR?

W: MAYBE. I DON'T KNOW, MAYBE ABOUT AN HOUR, I'M NOT SURE, I REALLY DON'T KNOW CAUSE BY THAT TIME I WAS LIKE REALLY TIRED.

M: RIGHT

W: LIKE I WAS LAYING ON HIS DRIVEWAY

M: OKAY

W: THAT'S IT

M: WAS HIS ROOMMATE HOME?

W: HIS ROOMMATE CAME UP AND, AND WENT, AND WALKED BY ME AND, AND UGH SAID YOU KNOW "HOW YOU DOING?" I SAID "FINE" AND HE WALKED INSIDE. THAT WAS IT.

M: OKAY. UGH

W: I DIDN'T THINK ASKING HIM FOR ANYTHING. AND THEN, THEN WHEN I DID THEN I SAID WELL, HE'S PROBABLY ON HIS SIDE SINCE, SINCE HE'S

HIS ROOMMATE AND I DIDN'T THINK I'D GET ANY SUPPORT FROM HIM ANYWAY.

M: ALLRIGHT. SO YOU GO INSIDE, SO YOU AND KERRY ARE IN HIS BEDROOM WATCHING T.V.?

W: HE WAS WALKING AROUND DOING WHATEVER, I'M, I'M, I WAS JUST LAYING THERE

M: SO YOU'RE WATCHING T.V.?

W: YEAH

M: AND IS HIS ROOMMATE STILL AT HOME AT THIS TIME?

W: DOWNSTAIRS

M: OKAY

W: BUT YOU CAN'T HEAR ANYTHING.

M: OKAY. UGH SO WHAT HAPPENS NEXT?

W: THEN, UGH, THEN, THEN HE, UGH HE STARTED, UGH, UGH THEN, UGH WE GOT INTO AN ARGUMENT ABOUT THAT, UGH HE DIDN'T UNDERSTAND WHY I DIDN'T WANT HIM TO PAY FOR EVERYTHING AND, WELL, I, I DIDN'T MIND HIM PAYING FOR ANYTHING BUT LIKE, YOU KNOW I OWED HIM AND THAT, THAT UGH (SIGN), I'M, I'M INGRATE FOR ALL THE STUFF LIKE STUFF ABOUT THE MONEY AND STUFF. AND WHY DIDN'T I TAKE THE FIVE HUNDRED (500) DOLLAR CHECK AND WHY I GAVE IT BACK TO HIM.

M: WHEN WAS THE FIVE HUNDRED (500) DOLLAR CHECK AN ISSUE?

W: IT

M: AND HOW MUCH PRIOR, TIME PRIOR TO THIS HAD HE GIVEN THAT TO YOU?

W: WHEN WE FIRST STARTED GOING OUT, IT WAS LIKE THREE (3) DAYS AFTER WE WENT OUT.

M: OKAY. SO IT'D BEEN ABOUT A WEEK AND HALF OR SO?

W: YEAH

M: IN TIME?

W: AND I GAVE IT BACK TO HIM. HE THOUGHT I CASHED IT BUT I DIDN'T. I, I GOT, HE WAS OVER AT MY HOUSE AND HE, UGH TO-, I HAD, I HAVE, I HAD A KITTEN THAT WAS ABOUT FIVE AND A HALF (5-1/2) WEEKS OLD. AND HE TOOK HER AND HE MADE HER DO A FLIP, LIKE AROUND HIS, HIS FINGERS OR SOMETHING LIKE THAT. AND, AND SHE LANDED ON HER FEET. AND I SAID, I SAID "YOU CAN'T DO THAT TO MY CAT". HE SAID "OH I, I'VE BEEN IN GYMNASTICS MY WHOLE LIFE. I CAN DO ANYTHING I WANT". I SAID, I SAID "YOU CAN'T DO THAT. FIRST OF ALL SHE'S A KITTEN. YOU CAN'T DO IT TO HER AND, UGH AND SHE'S UNCOORDINATE CAUSE SHE IS SO YOUNG". AND I SAID "AND CAUSE BESIDES YOU, YOU CAN'T DO THAT WITH MY CAT, MY CAT". HE SAID "I CAN DO ANYTHING I WANT TO WITH HER". AND UGH, YOU KNOW THAT WAS OUR FIRST ARGUMENT AND EVERYTHING. BUT THAT'S WHEN I, I GAVE HIM BACK THE MONEY, UGH THE CHECK RATHER. AND HE WAS UPSET THAT IT WAS CASHED.

M: ALLRIGHT NOW

W: UGH THAT IT WAS NOT CASHED RATHER.

M: SO HE BROUGHT THAT UP WHILE YOU WERE IN THE BEDROOM AND, AND ARGUING OVER THE MONEY OR MONEY ISSUES?

W: YEAH

M: (UNCLEAR)

W: HE PAYS FOR STUFF AND I'M UNGRATEFUL AND NEVER SAY THANK YOU.

M: OKAY. WHAT HAPPENED THEN?

W: THEN WALKING AROUND AND HE LEFT AND I THINK, THINK HE CAME BACK IN AND THEN HE, HE'S JUST WALKING AROUND AND I WAS WATCHING T.V. AND I'S LIKE (UNCLEAR), I DON'T KNOW, HE WALKED, HE WALKED IN FRONT OF ME AND UGH, HE LOOKED AT THE CROSSBOW AND, UGH THAT WAS LEANING AGAINST THE WALL. AND I LOOKED AT HIM AND I LOOKED AT THE T.V. AND I WAS LIKE HE HAD A FUNNY LOOK ON HIS FACE AND I, I WAS LIKE NO, NO WAY. AND I LOOKED AT HIM AND HE LOOKED AT ME AND HE LOOKED AT THE CROSSBOW AND I'S NO WAY. AND I LOOKED OVER TO THE SIDE TO SEE, TO MAKE SURE THAT THERE WAS A PHONE OR SOMETHING THERE. AND I SAW THERE'S TWO (2) PHONES AND I WAS LIKE ALLRIGHT, HOW DO YOU DIAL THEM, YOU KNOW. AND UGH THEN I LOOKED BACK AND HE WAS LIKE WALKING TOWARDS ME AND HAD THE CROSSBOW. IT LOOKED LIKE IT WAS

LOADED. I DON'T KNOW HOW YOU LOAD A CROSSBOW. AND HE, AND HE HAD, HAD THE ARROW IN, YOU KNOW POINTED AT ME ON THE CROSSBOW. AND HE'S LIKE TRYING, HE'S LIKE HE WAS TRYING TO PULL BACK ON SOMETHING. AND UGH, AND HE'S LIKE, YOU KNOW

M: WHAT WAS HE SAYING?

W: SMILING AND LAUGHING. UGH HE WAS JUST LAUGHING. AND THEN UGH

M: DID YOU ASK HIM "WELL, WHAT ARE YOU DOING OR".

W: I DON'T THINK SO, I DON'T KNOW. I MIGHT HAVE, I'M NOT SURE BUT

M: THAT'D HAVE BEEN A PRETTY NORMAL, WITH EVERYTHING THAT HAD OCCURRED UP TO THE POINT, I WOULD THINK A PRETTY, NATURAL, NORMAL HUMAN REACTION WOULD BE, YOU KNOW, HE PICKS UP A CROSSBOW AND STARTS PUTTING AN ARROW IN IT, "WAIT JUST A MINUTE, NOW WHAT

W: I, I SAID

M: ARE YOU DOING?"

W: SOMETHING TO HIM BUT I DON'T REMEMBER WHAT I SAID. CAUSE I KNOW WE WERE TALKING BUT I DON'T REMEMBER WHAT EXACTLY WE SAID. I MEAN

M: WHAT WERE YOU THINKING AT THAT POINT?

W: THAT HE WAS GOING TO SHOOT ME AND I NEEDED TO STOP HIM FROM SHOOTING ME. AND I, I'S LIKE, IN THE, I, I THINK I, UGH I PROBABLY ASK HIM, YOU KNOW WHAT HE WAS DOING OR YOU KNOW, AND, AND, OR SOMETHING LIKE THAT, I MEAN. AND I DON'T KNOW WHAT HE, I JUST KNOW HE WAS LAUGHING AND HE'S TRYING TO CROSS-, POINT THE CROSSBOW AT ME. AND THEN I TURNED AROUND AND I GRABBED THE PHONE REAL QUICK. AND, UGH, AND HE, AND THEN AT THAT TIME HE, WELL HE, HE, HE WAS LOOKING AT ME AND THEN, AND THEN THE ARROW SLIPPED. AND THEN HE, HE LOOKED DOWN TO UGH FIX THE ARROW BACK SO IT, IT WAS POINTING TOWARDS, YOU KNOW IN THE RIGHT THING, WHATEVER IT IS.

M: HOW FAR AWAY FROM YOU WAS HE AT THIS POINT? WHEN HE PUT THE ARROW

W: HMMM

M: IN THE HAIR?

W: APPROX-

M: DID HE

W: I WAS ON, I WAS LAYING ON THE BED AND HE ON THE, DOWN AT THE END BUT HE'S STILL ON THE FLOOR.

M: OKAY. HOW MANY FEET AWAY FROM YOU WAS HE? JUST APPROXIMATELY?

W: THE LENGTH OF THE BED

M: OKAY. JUST A LITTLE FARTHER THAN WE ARE RIGHT NOW?

W: PROBABLY

M: OKAY

W: YEAH

M: SO IT WOULD HAVE BEEN ABOUT SEVEN (7) FEET?

W: A LITTLE BIT FURTHER

M: SEVEN (7) OR EIGHT (8) FEET?

W: YEAH

M: UGH, WHEN HE LOADED

W: SEVEN?

M: WHEN HE PUT THE ARROW IN THE CROSSBOW, OKAY? DID HE OR DID HE NOT EVER, AND YOU KNOW HOW YOU AIM A GUN

W: YEAH

M: UGH, YOU DO BASICALLY, MY UNDERSTANDING YOU DO A CROSSBOW THE SAME WAY. OKAY? DID HE EVER BRING IT UP TOWARDS LIKE HE WAS GOING TO SHOOT THE CROSSBOW? HOW, HOW WAS HE HOLDING IT?

W: YEAH. CAUSE HE, HE WAS LOOKING AT THE, AT THE CROSSBOW AND, AND THEN LIKE I SAID I TURNED AROUND TO, TO LOOK TO SEE WHERE,

WHERE THE PHONES WERE. AND THEN I LOOKED BACK HE HAD, HE, HE HAD THE CROSSBOW UP AND HE, WELL I THINK I GOT TO SHOW THAN TELLING THIS PART BUT, UGH

M: YOU CAN SHOW ME

W: HE BROUGHT IT UP LIKE THIS AND HE'S LIKE, I DON'T KNOW HOW TO SHOOT A CROSSBOW, BUT HE BROUGHT IT UP. I KNOW HIS HAND, HIS HAND WAS STRAIGHT AND HE WAS DOING SOMETHING. AND HE'S TRYING TO GET THE ARROW AND THEN, THEN HE WAS DOING SOMETHING WITH, I DON'T KNOW WHICH HAND BUT HE, HE WAS TRYING I THINK (UNCLEAR) BUT HE WAS PULLING SOMETHING. IT LOOKED LIKE IT MIGHT HAVE BEEN A TRIGGER, WHATEVER. I DON'T KNOW FOR SURE THOUGH. AND THEN, YEAH HE HAD IT UP LIKE HIS ARM WAS STRAIGHT. AND THEN, AND THEN UGH I MUST HAVE SAID, ASK HIM WHAT HE DOING OR WHATEVER. AND HE'S JUST, AND HE'S JUST LAUGHING. AND, AND UGH BUT IT WASN'T A LAUGH LIKE YOU KNOW, LIKE A JOKING LAUGH, IT WAS CRAZY LAUGH, LIKE WHEN I FELL IN THE BATHTUB THAT KIND OF LAUGH.

M: DID HE EVER, WHEN YOU LOOKED UP AND SAW THE CROSSBOW DID HE EVER HAVE THE ARROW POINTED DIRECTLY AT YOU?

W: YEAH. HE WAS WALKING LIKE THIS. AND HE, HE HAD IT UP LIKE THIS AND IT WAS LIKE THIS. AND HE, IT WAS ALWAYS AT ME. THAT'S WHY I DIDN'T, THAT'S WHY I WAITED, SOMEHOW OR ANOTHER HE WOULD, HE, HE WOULD, HE MOVED AND THE BOW-, THE CRO-, THE ARROW FELL OFF. AND UGH, THAT'S, AND WHEN HE LOOKED DOWN THEN I TOOK THAT OPPORTUNITY TO GRAB THE PHONE.

M: ALLRIGHT

W: CAUSE I KNEW IT WOULD A COUPLE OF SECONDS OR WHATEVER, AS LITTLE BIT OF TIME FOR HIM TO GET EVERYTHING BACK IN ORDER.

M: ALLRIGHT

W: AND THAT

M: DID HE, DID HE PICK THE ARROW UP?

W: HE TRIED TO, HE LO-, HE LOOKED UP AND HE'S TRYING TO PUT THE ARROW BACK THERE BUT THEN HE SAW I GRABBED THE PHONE.

M: OKAY. WHAT HAPPENED NEXT?

W: AND, AND UGH THEN HE, HE, UGH PUT THE CROSSBOW DOWN AND, AND HE JUMPED ACROSS THE BED AND LANDED ON ME AND, AND UGH WHEN I STILL TRIED TO DIAL 911, AND I DIALED IT ABOUT LIKE THREE (3) TIMES AND THEN HE TOOK THE PHONE AND IT WENT FLYING SOMEWHERE, I DON'T KNOW. AND I DIDN'T KNOW WHETHER I DIALED 911 OR NOT. AND I WAS THINKING THAT, YOU KNOW I PROBABLY GOT IT AT LEAST ONE (1) TIME AND THEY'RE SUPPOSED TO COME OUT. AND UGH SO WE DIDN'T, WE DIDN'T KNOW WHERE THE PHONE WAS AND HE WAS, AND HE'S STILL LIKE, YOU KNOW LAYING ON TOP OF ME WHERE HE LANDED. AND UGH

M: ARE YOU ON YOUR BACK?

W: YEAH

M: ALLRIGHT. WAS HE PHYSICALLY ON TOP OF YOU?

W: YEAH

M: OKAY.

W: YEAH

M: WAS HE, WAS HIS FACE, UGH WAS HE STARING YOU RIGHT IN THE FACE?

W: LIKE THAT, AND THEN OVER HERE

M: HE WAS THAT CLOSE?

W: LIKE, YEAH, HERE, YEAH

M: WHAT WAS HE SAYING?

W: UGH HE WAS SAYING "GIVE ME THE PHONE" AND UGH, AND THEN "DON'T DO THAT" AND STUFF LIKE THAT.

M: DID HE KNOW YOU WERE CALLING 911?

W: OH, YEAH

M: DID YOU TELL HIM?

W: YEAH. I DON'T KNOW IF I TOLD HIM OR NOT BUT HE KNEW THAT I WAS CALLING 911. CAUSE HE, HE KNOWS THAT HE HAD A FELONY AND HE KNEW, AND, AND HE DIDN'T WANT, CAUSE HE, HE WAS SAYING

SOMETHING ABOUT THAT "CAN'T GET INTO ANY TROUBLE IN THE NEXT (UNCLEAR), AND IT WAS, I THINK IT WAS LIKE THREE (3) YEARS, OR FOUR (4) YEARS FOR HIS, FOR HIS, UGH FELONY TO GET PARDONED. AND THAT'S WHY HE DIDN'T WANT ME TO CALL 911.

M: OKAY

W: THAT'S WHAT HE WAS TELLING ME.

M: HAD HE UGH, WHAT, WHAT HAPPENED NEXT?

W: WELL THE PHONE WAS LOST AND SO HE'S LIKE, HE SAID "WHERE'S THE PHONE, WHERE'S THE PHONE?". I DIDN'T KNOW WHERE IT WAS. I WOULDN'T, I WOULDN'T TELL HIM ANYWAYS. BUT, UGH HE, HE JUST, YOU KNOW STAYED ON ME AND THEN ALL OF SUDDEN HE STARTED SAYING "OH", YOU KNOW STUFF LIKE "OH, SWEETIE, YOU KNOW, YOU", YOU KNOW, LIKE "I, LIKE I, I'M GLAD YOU'RE HERE YOU KNOW. OH, I'M GLAD YOU'RE OKAY". UGH HE WAS SWEET-TALKING EVERYTHING ELSE LIKE, AND I LOOKED AT HIM AND HE LOOKED AT ME LIKE, HIS EXPRESSION WAS LIKE, YEAH I KNOW EXACTLY WHAT I'M DOING. AND THEN ALL OF A SUDDEN HE TURNED AROUND AND I SAW THE PHONE. IT WAS ON THE OTHER SIDE AND HE GRABBED IT AND HE HUNG IT UP AND EVERYTHING. (LAUGHTER). ALL THE SWEET-TALK STOPPED. IT WAS LIKE HE, HE, HE KNEW THE PHONE WAS LOST AND HE DIDN'T KNOW WHETHER IT WAS HUNG UP OR NOT. HE'S LIKE DOING THOSE, YOU KNOW IN CASE ANYBODY HEARD

M: SO IN CASE SOMEBODY WAS LISTENING

W: YEAH. AND UGH SO ANYWAY HE, UGH, HE HELD THE PHONE AND UGH HE SAID "COME ON, LET'S GO". AND I, AND I SAID "I HAVE TO GO TO THE BATHROOM. SO I WENT, I WENT TO THE BATHROOM AND HE SAID "COME ON, COME ON, LET'S GO, LET'S GO, LET'S GO". AND UGH SO WE, UGH I GOT IN THE CAR AND HE WAS, AND HE WAS, HE WAS TALKING TO ME AT THAT TIME AND I SAW A COP COME AROUND THE CORNER AND GOT ON I GUESS ON BUTTERWORTH OR SOMETHING, I DON'T KNOW. BUT YOU GO, GO ON 20 AND MAKE THE TURN TO GO TOWARD, UGH TOWARDS HIGHWAY 5 TO GET ON 75.

M: RIGHT.

W: OKAY. WELL I SAW A, A POLICE CAR COMING THAT WAY AND WE WERE TURNING TOWARD THAT WAY AND HE WAS TURNING THE OTHER WAY. AND UGH, AND I THOUGHT ALL I GOT TO DO IS YELL, ALL I GOT TO DO IS MAKE ANY KIND OF MOTION OR WHATEVER, YOU KNOW THE COP WOULD STOP. BUT I COULDN'T, I COULDN'T EVEN, I COULDN'T MOVE. I

COULDN'T EVEN TELL THAT COP THAT SOMETHING WAS WRONG OR ANYTHING. AND I, AND I KN-, I WAS LIKE THAT'S GOTTA BE THE GUY THAT WAS COMING OVER THERE TO THE 911 CALL. IT'S JUST GOTTA BE.

M: DID THE PHONE EVER RING BACK? DID YOU EVER TALK TO ANYONE AT 911?

W: NO.

M: ALLRIGHT. WHEN HE HUNG

(TAPE STOPPED)

M: SO I JUST SWITCHED THE TAPE OVER TO THE SECOND SIDE. UGH WE WERE BACK TALKING ABOUT THE PHONE. AND YOU NEVER HEARD THE PHONE RING BACK?

W: NO

M: AFTER YOU CALLED 911? BUT HE HAD IT IN HIS HAND?

W: HE HAD IT IN HIS HAND AND KEPT ON PRESSING BUTTONS, I KNOW THAT.

M: OKAY

W: I DON'T KNOW.

M: ALLRIGHT. SO WHEN HE TOLD YOU TO LEAVE OR COME YO-, COME ON AND GET IN THE CAR UGH, DID YOU HAVE ANY IDEA WHERE YOU WERE GOING?

W: YEAH. BECAUSE EARLIER HE WAS LIKE SAYING, HE WAS TALKING LIKE, LIKE WE WERE GOING TO MAKE UP OR SOMETHING, YOU KNOW AND I SAID, AND I SAID, I SAID "KERRY, LOOK THE ONLY REASON I AM HERE IS BECAUSE I'M WAITING FOR YOU TO GIVE ME A RIDE HOME". AND THEN HE'S LIKE "OH, THAT'S THE ONLY REASON WHY YOU'RE HERE". I SAID "WHY ELSE WOULD I BE HERE". (LAUGH). AND, AND, AND HE, HE GOT ON THAT AND THEN ARGUMENT AND THE ALL THAT STUFF STARTED ALL OVER AGAIN. I DON'T KNOW WHAT HE SAID ALL, YOU KNOW. YOU KNOW WE'RE, WE'RE ARGUING AGAIN BECAUSE I GOT HIM UPSET. AND, UGH I TOLD HIM THE REASON WHY I WAS THERE WAS TO GET A RIDE HOME.

M: UGH, HUH

W: SO

M: HAD, HAD HE IN THE PAST SINCE YOU STARTED DATING HIM, UGH HAD THE TWO (2) OF YOU HAD ANY INTIMATE RELATIONSHIP UP TO THAT POINT?

W: YEAH

M: WAS THAT EVER ANY CAUSE OF HIS FRUSTRATION OR ARGUMENT WITH YOU? DURING THE STAY AT THE HOTEL OR DURING THE STAY ONCE YOU GOT BACK TO HIS HOUSE?

W: HUH, UH. BUT THAT NIGHT AT THE HOTEL I TOLD HIM HE HAD TO SLEEP IN, IN HIS BED AND ME SLEEP IN MY BED. AND HE SAID "OKAY, FINE". LIKE TWO (2) MINUTES, THEN HE'S LIKE "SO, UGH I" THEN HE WANTED TO COME OVER HERE AND I SAID "FINE, YOU CAN HAVE THAT ONE". SO I, SO I WENT IN THE OTHER BED. AND THEN, YOU KNOW HE THOUGHT THAT I WAS IN THEN, THEN HE WOULD, HE WOULD JUMP IN SO I WAS LIKE "FINE". BUT

M: LET ME ASK YOU THIS, IF, IF THE TWO (2) OF YOU HAD ALREADY HAD AN INTIMATE RELATIONSHIP, YOU HAD SEX TOGETHER PRIOR TO THAT, WHY, WHY THAT NIGHT WAS IT DIFFERENT?

W: WELL BECAUSE WE WERE BOTH TIRED AND, AND UGH WE WERE BOTH, (SIGH) I DON'T KNOW. WE, IT WASN'T, IT WASN'T A SEXUAL THING LIKE I SAID THAT NIGHT. NOW I MEAN IT WASN'T THAT, HE WANTED TO SLEEP IN THE SAME BED AND I WANTED SOME SPACE.

M: OKAY.

W: I GUESS, (UNCLEAR) AND, AND YOU KNOW BUT THEN I WAS LIKE WELL FINE THEN (UNCLEAR).

M: UGH

W: AND LIKE I SAID HE WENT TO SLEEP

M: OKAY. DID, LET ME BACK YOU UP JUST A MINUTE. WHEN YOU WERE COMING FROM THE MOTEL, UGH I KNOW YOU GOT IN THE MIDDLE SEAT AND IN THE BACK SEAT. DID YOU SLEEP AT ALL ON THE WAY HOME?

W: NO. SOMETIME DURING THE, DURING THE EARLY MORNING OR SOMETHING HE SAID THAT HE WAS GOING TO TAKE ME HOME BUT HE TOOK ME DOWN, TOOK ME DOWN IN THE MIDDLE OF CEDARTOWN. AND CEDARTOWN IS LIKE DEAD, YOU KNOW AND THERE'S LIKE HARDLY ANY LIGHTS OR ANYTHING, TOOK ME IN A DARK PARKING SPOT AND THEN HE,

UGH HE SAID AND YOU CAN'T START YELLING, SAYING THAT HE COULDN'T, COULDN'T DRIVE ME ALL THE WAY HOME. AND UGH, AND THAT I'M, I'M UPSET WITH HIM AND IT'S MY FAULT THAT, YOU KNOW WE'LL GET IN A WRECK OR SOMETHING BECAUSE I DON'T GO IN THE HOTEL. AND, AND I SAID "KERRY, WE CAN'T JUST SIT HERE IN THE PARK-, IN THE PARKING LOT. WE'RE GOING TO BE A CAPTIVE AUDIENCE HERE, UGH SO THAT YOU CAN GO AHEAD AND, AND ABUSE ME AND EVERYTHING". I SAID, SAID "LOOK EITHER TAKE ME HOME OR TAKE ME BACK TO THE BED AT YOUR HOTEL, ONE OR THE OTHER CAUSE I'M, I'M NOT GOING TO JUST SIT HERE AND HE A CAPTIVE AUDIENCE HERE".

M: ALLRIGHT, LET'S WAIT A MINUTE. SO WHAT YOU'RE TELLING IS AT SOME POINT,

W: (UNCLEAR)

M: AFTER YOU START ARGUING AT THE MOTEL THE, THE TWO (2) OF YOU LEFT?

W: TRIED TO LEAVE, YEAH, YEAH

M: OKAY

W: AND HE TOOK ME BACK

M: AND THEN HE BROUGHT YOU BACK?

W: RIGHT.

M: WAS THIS BEFORE OR AFTER THE, THE HITTING AND SPITTING HAS OCCURRED?

W: MMMM, IT WAS IN THE MIDDLE, THERE WAS SOME BEFORE AND SOME AFTER I THINK.

M: ALLRIGHT.

W: YEAH, YEAH. I FORGOT THAT PART.

M: DID YOU EVER GO TO SLEEP WHILE YOU WAS AT HIS HOUSE?

W: THAT DAY? NO. THAT'S, THAT'S WHY WHEN I GOT TO THE, WHEN I GOT TO HIS HOUSE I SAW THE (CHUCKLE) CONCRETE AND I SAW HIS DOGS, CAUSE I'M A ANIMAL PERSON, I FIGURED, YOU KNOW I COULD LAY THERE IN PEACE. (CHUCKLE)

M: DID YOU EVER BECOME ANGRY OR, OR IRATE AT HIM DURING THE RIDE HOME OR AFTER YOU COME BACK TO HIS HOUSE?

W: I GOT MAD BUT I NEVER DID SHOW IT. I NEVER, I NEVER SAID THAT I WAS MAD OR ANYTHING LIKE THAT BECAUSE I FIGURED THAT WOULD JUST BE FEEDING HIS, HIS ANGER OR WHATEVER (UNCLEAR).

M: SO YOU DIDN'T LET HIM KNOW?

W: NO. WHEN I SAID "YES, KERRY" THEN HE WOULD SMILE AND EVERYTHING WAS FINE LIKE (UNCLEAR). (LAUGHTER).

M: SO YOU WERE EXPERIENCING NUMEROUS MOOD SWINGS?

W: WITH HIM? YEAH.

M: ONE MINUTE HE'D BE VERY NICE AND THE NEXT MINUTE YOU'D GET HIT AND SPIT ON?

W: YEAH. YOU KNOW IT WAS ALMOST LIKE HE WAS A DIFFERENT PERSON.

M: DID YOU EVER, UGH DID YOU EVER HIT HIM IN HIS CHEST?

W: NO. I NEVER HIT HIM.

M: WHILE AT THE HOUSE?

W: NO. I NEVER HIT HIM. I NEVER TOUCHED HIM. THAT WAS THE WHOLE THING, I TOLD HIM "DO NOT TOUCH ME". I DIDN'T WANT HIM TO TOUCH ME. EVEN THOUGH HE WAS DOING THAT STUFF TO ME I DIDN'T HIT HIM BECAUSE I KNEW THAT THAT WOULD JUST AGGRAVATE HIM MORE. AND THAT'S PUTTING FUEL ONTO THE FIRE. IT'S PROBABLY WHAT HE WANTED, YOU KNOW.

M: OKAY. WHEN YOU WERE AT THE MOTEL I'M TAKING IT THAT HE WAS VERY BOISTEROUS, HE WAS VERY LOUD AT TIMES. DID NO ONE COME OUTSIDE OR NO ONE PEEK OUT THE CURTAINS TO SEE WHAT WAS GOING ON?

W: SOMEONE MIGHT HAVE PEEKED OUT THE CURTAINS.

M: AND NO OFFICER, NO ONE CALLED THE LAW OR ANYTHING, THE MANAGEMENT DIDN'T COME UP TO CHECK ON THINGS? ESPECIALLY WHEN YOU'RE OUT IN THE PARKING LOT? WERE THERE A LOT OF PEOPLE AT THE HOTEL?

W: PROBABLY, FOR THAT HOTEL.

M: OKAY.

W: I MEAN (UNCLEAR)

M: WAS THE LOT FULL OF CARS OR WAS IT PRETTY SPARSE?

W: PRETTY MUCH, YEAH.

M: WAS IT FULL?

W: YEAH

M: WERE THERE PEOPLE IN, IN THE ROOMS ADJOINING YOURS, DO YOU KNOW?

W: I HAVE NO IDEA. THERE WAS SOME PEOPLE DOWN THE HALLWAY. I DON'T KNOW.

M: SO NO ONE EVER STEPPED OUTSIDE OR?

W: NO

M: AND YOU NEVER WENT TO MANAGEMENT OFFICE OR, OR WENT TO ANYONE'S ROOM TO CALL 911 OR HAVE THEM CALL 911?

W: HE WOULDN'T LET ME WALK OVER TO THE FRONT. CAUSE I WAS WALKING UP TO THE FRONT AND HE WAS ASKING ME WHAT I WAS DOING. AND I ALMOST MADE IT AROUND THE SIDE TO THE FRONT, THE MANAGEMENT AREA. HE SAID "I KNOW WHAT YOU'RE DOING". AND HE STARTED PUSHING ME BACK AROUND TO THE SIDE.

M: AND WERE YOU GOING THERE TO CALL 911 AT THAT POINT?

W: I WAS GOING THERE TO, YEAH TO TELL THEM WHAT WAS GOING ON. HE PUSHED ME BACK AROUND THE CORNER.

M: WHEN HE HAD THE CROSSBOW, HAD THE ARROW IN THE, IN THE SLOT, YOU SAID AGAIN YOU'RE, YOU'RE CLEAR ON WHAT I'M ASKING YOU, DID HE AIM IT AT YOU? WAS IT

W: YEAH

M: OKAY DID HE EVER, DID HE EVER BRING IT UP, HOLDING LIKE YOU WOULD A GUN AIMING IT AT YOU OR WAS IT JUST THE WAY HE WAS HOLDING IT, IT WAS AIMING AT YOU?

W: HE BROUGHT IT UP SO THAT HIS ARM WAS STRAIGHT AND IT WAS LIKE, IT WAS, IT WAS EVEN WITH HIS FACE. AND THEN HE, AND THEN, UGH THEN AFTER I STARTING TALKING TO HIM THAT HE, UGH HE WAS WALKING LIKE THAT SO THAT OTHERWISE THEN HE, HE LOWERED AND SLOWLY LOWERED IT DOWN, THAT'S WHEN THE, UGH WHEN THE CROSSBOW, I MEAN THE ARROW SLIPPED. THEN HE, THEN HE'S TRYING TO PUT IT BACK UP BUT HE WAS RAISING IT BACK UP. IT

M: ALLRIGHT. SO YOU'RE SAYING

W: IT WAS DEFINITELY AT ME.

M: YOU SAY HE WAS WALKING, UGH WALKING AROUND THE BED?

W: HE WAS WALKING STRAIGHT.

M: TOWARDS YOU?

W: YEAH

M: AND HE HAD IT AIMED AT YOU AS HE,

W: YEAH

M: HE WAS WALKING TOWARD YOU?

W: AND HE AIMED AT ME AND DEFINITELY LOOKING AT ME LIKE A TARGET. (LAUGH)

M: DO YOU KNOW OR DO YOU HAVE ANY KNOW-, UGH GETTING BACK TO THESE MOODS SWINGS, UGH DO YOU KNOW OR HAVE ANY KNOWLEDGE, UGH WHETHER OR NOT UGH KERRY'S INVOLVED IN, UGH DRUGS OF ANY KIND OTHER THAN THE ALCOHOL?

W: I DON'T KNOW. WE'RE SUPPOSED TO BE CLEAN AND SOBER.

M: OKAY. HAD HE EVER MADE ANY COMMENT TO YOU ABOUT HAVING USED ILLEGAL DRUGS OR SOLD ILLEGAL DRUGS IN THE PAST?

W: YEAH. HE SAID THAT, THAT UGH THAT HE HAD A FELONY AND THAT WAS FOR DEALING DRUGS, JUST DEALING COKE.

M: COCAINE?

W: YEAH, COCAINE. YEAH. AND UGH, AND I, AND I ASK HIM IF HE DID IT, IF HE STILL DOES THAT AND EVERYTHING, HE GOES LIKE, YOU KNOW THREE (3) OR FOUR (4) YEARS AGO THAT HE HAD STOPPED, YOU KNOW. AND UGH

M: BUT HE'S SUPPOSED TO BE CLEAN FOR NINE AND ONE-HALF (9 ½) YEARS.

W: YEAH. AND THAT'S WHAT I SAID, HE SAID, HE SAID THAT, UGH HE WAS JUST DEALING. SOMETHING DIDN'T SIT RIGHT BUT I WAS LIKE WELL, OKAY THAT'S WHAY YOU'RE SAYING. YOU KNOW, I DON'T KNOW. AND UGH, BUT HE, I WOULD ASK HIM MORE ABOUT THAT AND HE, AND HE'D JUST, HE DIDN'T GO INTO DETAILS, YOU KNOW. HE WAS LIKE, I SAID "SO, DO YOU DEAL, JUST LIKE THAT". "I DON'T WANT TO TALK ABOUT THAT". "OKAY, YOU KNOW". IT WAS INTERESTING

M: DID YOU EVER ASK HIM IF HE USED IT?

W: UGH YEAH. AND I, I THINK THAT HE SAID, HE SAID HE'D BEEN, BEEN CLEAN FOR NINE AND ONE-HALF (9 ½) YEARS. BUT I KNOW THAT HE, I KNOW HE DRINKS WHAT THEY CALL NON-ALCOHOLIC BEERS THAT DO HAVE ALCOHOL IN IT.

M: YOU THINK HE DOES DRINK AGAIN?

W: UGH, I KNOW HE DRINKS THOSE CAUSE HE TOLD ME THAT HE DOES. WE GOT INTO AN ARGUMENT BECAUSE I, HE SAID HE WOULDN'T DRINK THEM AROUND ME. AND HE WAS GOING TO BUY ONE (1) AT THE BAR AND, AND I SAID "WELL YOU SAID THAT YOU WOULDN'T". AND HE SAID "IT'S, IT'S NON-ALCOHOLIC". AND I SAID, I SAID "LOOK, YOU CAN DO WHATEVER YOU WANT TO DO, YOU KNOW AND I'M NOT STOPPING YOU. I'M JUST SAYING THAT YOU TOLD ME". AND HE DIDN'T BUT HE, YOU KNOW,

M: OKAY. NOW PRIOR TO THIS WEEKEND THAT THIS OCCURRED, (SIGH) THE TWO (2) WEEKS BEFOREHAND JUST UNTIL YOU STARTED ACTUALLY, ACTUALLY GOING OUT ON DATES, UGH IS THERE, WAS THERE ANY INCIDENTS THEN OF ANY KIND OF ABUSE, EITHER VERBALLY OR MENTALLY OR PHYSICALLY?

W: WELL, ACTUALLY YEAH. BECAUSE, UGH I TOLD YOU ABOUT MY KITTEN.

M: HE WAS PLAYING

W: AND THAT

M: WITH, WITH YOUR KITTEN?

W: YEAH. AND THEN, THEN WE WENT TO, UGH, WENT TO RED LOBSTER AND WE WERE SITTING THERE EATING AND ALL OF A SUDDEN HE STARTED JUST CALLING ME LIKE "TRAILER TRASH" AND HIS FACE GETS ALL RED AND HE'S LIKE STARTS SPPP-, SPITTING CAUSE YOU KNOW BECAUSE, YOU KNOW AND, AND, UGH WHEN HE WAS TALKING UGH HE GOT ALL UPSET AND STARTS, JUST STARTS CALLING ME YOU KNOW "TRAILER TRASH" AND UGH "BIKER BITCH", I NEED TO GO BACK TO BIKERS AND STUFF LIKE THAT. I'M LIKE

M: THIS

W: I SAID "KERRY", I WAS SITTING TRYING TO EAT, AND I SAID, I SAID "KERRY, WHAT IS WRONG WITH YOU". HE SAID, HE SAID "YOU KNOW YOU'RE JUST LIKE THE, YOU'RE JUST LIKE MY EXWIFE, YOU'RE JUST LIKE, UGH LIKE MY EXGIRLFRIEND, TINA" AND I FORGOT, YOU KNOW HIS EXWIFE'S NAME. AND UGH, "YOU'RE JUST LIKE THEM. YOU'RE ALL JUST, YOU, YOU'RE TRAILER TRASH" AND, YOU KNOW. AND IT'S ALL ABOUT THE MONEY (UNCLEAR) AND STUFF LIKE THAT. I SAID, I SAID "KERRY, YOU KNOW LIKE (SIGH) "I GIVE BACK THAT CHECK YOU KNOW AND I DON'T KNOW WHAT YOU'RE TALKING ABOUT". AND, AND I SAID "KERRY, HEY WHAT'S GOING ON? WHY ARE YOU SO UPSET?" AND YOU WHAT, YOU KNOW FINALLY I GOT UP AND I LEFT. AND UGH, AND I WENT TO THIS OTHER RESTAURANT AND I CALLED A FRIEND OF MINE AND SHE CAME AND GOT ME. AND HE SAID HE WAS LOOKING FOR ME. AND HE CAME, AND, UGH (UNCLEAR) I REMEMBER THAT NIGHT.

M: (UNCLEAR). IN THE TWO (2) WEEKS THE TWO (2) OF YOU DAT-, HOW LONG HAD YOU BEEN DATING THAT HE GAVE YOU THE FIVE HUNDRED (500) DOLLAR CHECK?

W: TWO (2) OR THREE (3) DAYS.

M: TWO (2) OR THREE (3) DAYS? THEN IT WAS AFTER THAT THAT THE RED LOBSTER EPISODE OCCURRED?

W: RIGHT.

M: HAD YOU GIVEN HIM THE CHECK BACK AT THAT POINT?

W: THAT HAPPENED SATURDAY AND THEN SUNDAY I GAVE HIM BACK HIS, UGH, HIS CHECK.

M: OKAY. UGH,

W: SUNDAY IS WHEN HE FLIPPED MY KITTEN.

M: OKAY. THEN IT WAS THE NEXT WEEKEND AFTER THAT THAT YOU WENT SKYDIVING WITH HIM?

W: RIGHT.

M: UGH, HAD YOU SEEN THESE KIND OF MOOD SWINGS IN HIM THROUGH THE TWO (2) WEEKS?

W: NO. IT WAS JUST THAT, THAT SATURDAY I MEAN HE, HE JUST STARTED GETTING ALL UPSET AND EVERYTHING. AND, UGH, NO, NO

M: HE WAS OUT FOR

W: HE, HE'D BE ALLRIGHT. IT WAS JUST, YOU KNOW THAT, THAT'S WHAT I WAS TELLING A FRIEND OF MINE IT, IT WAS ON THE WEEKEND. LIKE I DON'T THINK I COULD SURVIVE ANOTHER WEEKEND (LAUGHTER) OR DATE HIM ANYMORE.

M: UGH

W: (LAUGH)

M: WHEN HE HAD THE OUTBURST AT RED LOB-, WHICH RED LOBSTER WAS IT?

W: IN CANTON

M: THE ONE UP AT RIVERSTONE?

W: I'M NOT SURE. I KNOW IT WAS IN CANTON CAUSE I JUST HAD

M: IT'S THE ONLY ONE (1) THERE IS

W: I HAD TO HAVE SOME PEOPLE TO TELL MY FRIEND HOW TO GET HERE

M: OKAY

W: TO PICK ME UP.

M: UGH WHAT, YOU SAID YOU WALKED TO ANOTHER RESTAURANT. YOU REMEMBER WHAT IT WAS?

W: A LITTLE CHINESE RESTAURANT (UNCLEAR)

M: IN THE SAME

W: (UNCLEAR)

M: WAS THIS IN A BIG MALL KIND OF

W: UGH, KROGER OR SOMETHING OVER THERE, YEAH LIKE A STRIP MALL TYPE OF THING

M: STRIP MALL TYPE?

W: YEAH

M: OKAY. THAT'S RIVERSTONE.

W: THERE WAS KROGER OVER THERE. SO I WALKED THERE AND THEN, AND BACK TO THAT RESTAURANT. AND I THINK IT'S A MEXICAN RESTAURANT (UNCLEAR) CAUSE THEY WAS LIKE FIVE (5) OF THEM, THERE WAS FIVE (5) PEOPLE OVER THERE THAT WAS TRYING TO FIGURE OUT WHAT I WAS ASKING.

M: OKAY. UGH

W: IT WAS A MEXICAN RESTAURANT

M: WHEN HE WAS, WAS HAVING THIS OUTBURST IN RED LOBSTER, WAS, DID ANYONE APPROACH THE TABLE AND SAY WAS THERE A PROBLEM OR

W: NO

M: WAS HE DRAWING ATTENTION TO THE TWO (2) OF YOU BY HIS ACTIONS?

W: YES. THE TWO (2) PEOPLE THAT WAS, YOU KNOW IN RED LOBSTER THERE'S LIKE A DIVIDER THERE

M: RIGHT

W: AND, UGH THEN THERE'S A TABLE ON THE OTHER SIDE, AND THEY KEPT ON LOOKING AND LOOKING AND LOOKING. YOU KNOW, AND I, I KEPT ON TELLING HIM TO BE QUIET AND LIKE LOWER HIS VOICE. HE WASN'T, WASN'T REAL LOUD OR ANYTHING, YOU KNOW. I WAS LIKE "KERRY, WHAT IS WRONG WITH YOU? WHAT'S WRONG?" AND I, I DON'T, I DON'T, I DIDN'T UNDERSTAND WHY HE ALL OF SUDDEN WENT OFF THAT

LIKE AND WHAT WAS GOING ON, YOU KNOW AND, SO I JUST THOUGHT THAT HELL, IT'D BE BETTER IF I JUST WENT, IF I JUST LEFT, YOU KNOW, WENT OUT.

M: RIGHT.

W: (UNCLEAR)

M: AND YOUR FRIEND CAME AND PICKED YOU UP AND TOOK YOU HOME? OKAY. DID HE MAKE ANY OTHER CONTACT WITH YOU THAT NIGHT? UGH, THAT EVENING?

W: KERRY?

M: YEAH

W: MMMM, SOMEONE CALLED ME THAT NIGHT, HE CALLED ME IN THE MORNING

M: WHAT DID HE SAY? WAS HE?

W: HE WAS MAD CAUSE I, HE SAID" WHERE DID YOU GO? HE SAID "I WAS SO WORRIED ABOUT YOU". AND UGH, AND UGH, I SAID, I SAID "SO WORRIED ABOUT ME THEN WHY DID YOU GO OFF LIKE THAT? I MEAN IF YOU'RE SO WORRIED ABOUT ME AND EVERYTHING". HE SAID "I DIDN'T KNOW WHERE YOU WERE. WHY DID YOU (UNCLEAR)". I SAID, SAID I, I SAID "KERRY I NEEDED TO, HUH, I NEEDED SOME AIR AT THAT POINT". AND, UGH I'M TRYING TO FIG-, TRYING TO GET HIM TO TELL ME WHY HE WENT OFF LIKE THAT. AND UGH, AND HE WAS MAD BECAUSE I HAD LEFT. AND

M: ALLRIGHT. NOW HAVING THIS INCIDENT OCCUR WHY, WHY DID YOU DECIDE TO GO OUT WITH HIM THE NEXT WEEKEND?

W: BECAUSE WE WORKED EVERYTHING OUT AND HE WAS LIKE, YOU KNOW SAYING THAT EVERYTHING WAS OKAY.

M: SO HE KIND OF SOOTHED IT OVER? DID HE EVER TELL

W: YEAH

M: YOU WHY? WHY HE STARTED CALLING YOU NAMES OR GIVE YOU AN EXPLANATION?

W: HE SAID HE, IT'S SOMETHING THAT I SAID OR SOMETHING REMINDED HIM OF HIS EXGIRLFRIEND.

M: OKAY. UGH NOW SINCE THE INCIDENT IN CEDARTOWN

W: SOMETHING, I'M NOT SURE.

M: HAVE YOU HAD ANY CONTACT WITH HIM, PHYSICAL CONTACT WITH HIM AFTER THAT?

W: NO.

M: ALLRIGHT. HAVE YOU HAD ANY CONVERSATION WITH HIM AFTER THAT?

W: YEAH. ON THE PHONE

M: ON THE PHONE? UGH, NOW I WAS LOOKING THROUGH SOME OF THE PAPERWORK. YOU, YOU MADE A HARASSING PHONE CALL COMPLAINT IN COBB.

W: RIGHT

M: COBB COUNTY. ALLRIGHT. UGH, AND YOU HAVE AN ACTIVE TPO OUT AGAINST HIM ALSO?

W: UGH, YEAH, STALKING PROTECTIVE ORDER.

M: OKAY. DO YOU KNOW OF (COUGH) ANY OTHER PEOPLE THAT HAS HAD THE SAME PROBLEM WITH HIM?

W: I KNOW

M: IS THERE ANYBODY ELSE I CAN TALK TO?

W: I DON'T KNOW. I MEAN I, I KNOW HE'S GOT A EXWIFE AND

M: DO YOU KNOW HER NAME?

W: HE CALLS HER TERRI. I DON'T KNOW HER LAST NAME THOUGH. AND I THINK HIS EXGIRLFRIEND'S NAME IS TINA.

M: TINA?

W: I THINK SO.

M: WHERE DOES TINA,

W: FROM WHAT HE SAID

M: DO YOU KNOW WHERE SHE LIVES?

W: I THINK FROM, FROM WHAT, WHAT HE TOLD ME BEFORE, I THINK HE WAS OVER IN MY, SHE LIVES OVER IN MY AREA.

M: OKAY.

W: THAT'S WHAT HE TOLD ME BEFORE.

M: DO YOU KNOW IF THEY EVER FILED ANY PAPERWORK ON HIM FOR STALKING OR ANY TPO'S AGAINST HIM? HAS HE EVER MENTIONED ANYTHING ALONG THOSE LINES? HAVING PROBLEMS WITH, WITH UGH PAST RELATIONSHIPS?

W: HAD HE EVER?

M: YES

W: NO. HE DIDN'T SAY THAT ANYTHING WAS FILED AGAINST HIM. WELL, NO. SEE I DON'T KNOW WHETHER HE'S HAD OR NOT.

M: DO YOU HAVE INFORMATION PERTAINING

W: I THINK

M: TO SUCH?

W: I KNOW, YEAH I KNOW, I KNOW THAT HE'S, HE'S GOTTEN, UGH A TPO, I, I THINK HIS EXWIFE DID. I'M NOT SURE ABOUT THAT. BUT I KNOW HIS EXGIRLFRIEND WAS, IT ONE (1) OF THOSE TWO (2) FILED A TPO AGAINST HIM. AND HE, HE BROKE IT. AND THAT'S HE ENDED UP GETTING A FELONY.

M: OKAY. HOW DID, HOW DID YOU KNOW THAT? HOW DID YOU COME ACROSS THAT INFORMATION?

W: UGH, UGH FAMILY VIOLENCE

M: ALLRIGHT. THE VICTIM WITNESS?

W: YEAH

M: WITH CHEROKEE COUNTY?

W: (UNCLEAR)

M: DO YOU REMEMBER WHO YOU TALKED TO THERE? WHAT THEIR NAME WAS?

W: MONA IS THE ONE THAT I HAD TALKED TO.

M: WHO?

W: MONA

M: MONA?

W: YEAH. SHE DIDN'T COME RIGHT OUT AND SAY THAT,

M: RIGHT

W: YOU KNOW.

M: BUT SHE DOES HAVE INFORMATION THAT I MIGHT

W: YEAH. SHE SAID, CAUSE WHE-, WHEN I MENTIONED HIS NAME, WHEN I WAS ASKING FOR HELP AT, UGH, I MEAN BECAUSE I HAD A HARD TIME FINDING OUT HOW TO GET A, A, I THINK THEY CALL IT A TPO AND I CAN'T GET A TPO. FINALLY I ACTUALLY WENT TO CHE-, TO COBB COUNTY AND JUDGE COX MAKES A PHONE CALL, PEOPLE CALLED ME AND FINALLY I FIGURED OUT THE RIGHT WORD TO CALL, CALL IT AND THEN FINALLY GOT SOME HELP. BUT WHEN I MENTIONED IT, WHEN I MENTIONED HIS NAME TO, TO MONA THEN SHE SAID "KERRY WALKER?" YEAH WE HAVE A STACK LIKE, WE, WE HAVE A BIG STACK. WHEN I COME OVER THERE IS PERSON SHE SAID YEAH, WE HAVE A STACK LIKE THAT BIG.

M: OKAY

W: (UNCLEAR)

M: WELL, I'LL GET WITH HER. UGH, LET'S SEE WHAT ELSE WE HAVE. SO YOU'VE HAD NO PHYSICAL CONTACT WITH HIM AND HE HASN'T CALLED YOU ON THE PHONE?

W: CALLED ME ON THE PHONE, HAD OTHER PEOPLE CALL ME BUT PHHHH

M: UGH

W: BEEN AT PLACES WHERE I SHOULD HAVE BEEN BUT I JUST HAD THE FEELING NOT TO GO.

M: UGH HAVE YOU SEEN OR, OR YOU'VE SUSPECTED THAT HE'S FOLLOWED YOU PLACES?

W: YEAH

M: WHERE?

W: LIKE, UGH LIKE, WELL NOT REALLY FOLLOWED FOLLOWED, I DON'T THINK. WELL SOMETIMES I THINK THAT HE FOLLOWS ME TO, UGH (UNCLEAR) LIKE DOWN IN THE HOLE BUT I KNOW HE WON'T GO THERE. AND, UGH, UGH SOMETIMES THERE AND UGH I GET THIS FEELING AND THAT'S ABOUT IT, REALLY.

M: DO, UGH

W: AT, AT NIGHT

M: YOU STILL ATTEND THE AA MEETINGS?

W: UGH, HUH

M: HAVE YOU SEEN HIM AT ANY OF THE AA MEETINGS SINCE ALL THIS OCCURRED?

W: NO. DROPPED WORD THAT HE, HE'S STARTED HANGING OUT WITH THE PEOPLE THAT I HANG OUT WITH, GOING TO THE PLACES THAT I GO AND, AND A COUPLE OF TIMES I WAS GOING TO GO TO A MEETING AND SOMETHING TOLD ME NOT TO GO AND I DIDN'T GO. SOMEONE SAID "HEY LOOK, KERRY SHOWED UP (UNCLEAR)". SO I TELL THE GIRL YOU NEED, YOU NEED TO STAY AWAY FROM HIM. SHE WAS WITH HER BOYFRIEND, YOU KNOW AND SHE SAID "CAUSE I THOUGHT, YOU KNOW (UNCLEAR)". YEAH BUT AND I TOLD HER WHAT WAS GOING ON. SHE, SHE'S YOUNG (UNCLEAR).

M: ALLRIGHT. WELL I'VE GOT YOUR INFORMATION. IF I NEED TO GET UP WITH YOU AGAIN I'LL, UGH, I'LL GIVE YOU A CALL. DO YOU KNOW, WHEN YOU WENT TO THE, TO THE MOTEL AT CEDARTOWN DO YOU KNOW IF HE PAID WITH CASH OR CREDIT CARD?

W: I WOULD GUESS CREDIT CARD BUT I'M NOT SURE.

M: ALLRIGHT. OKAY.

W: I KNOW HE PAID WITH CREDIT CARD

M: OKAY.

W: AT THE JUMP THING (UNCLEAR)

M: I KNOW, YEAH I'LL GET A COPY OF THAT. OKAY. THAT WILL CONCLUDE THE INTERVIEW AT THIS TIME. IT IS NOW 12:30 HOURS.

TRANSCRIBED BY SHIRLEY J SMITH

Shirley J. Smith
P O Box 396
Ball Ground GA 30107

AUGUST 22, 2005

RECEIVED FROM KERRY WALKER FOR

SERVICES RENDERED: TRANSCRIPTION – WAGNER, JACQUELINE

TOTAL	\$347.25
REC'D 081505	-300.00
BAL	\$ 47.25
REC'D 082205	-50.00

Respectfully submitted this 31st day of January, 2008

Kerry Craig Walker

EXHIBIT D

FILED IN OFFICE
CLERK OF SUPERIOR COURT
CHEROKEE COUNTY, GA

2002 MAR 21 AM 10:55

ANNE M. RENEAU, CLERK

IN THE SUPERIOR COURT OF CHEROKEE COUNTY
STATE OF GEORGIA

JACQUELYN WAGNER,

Plaintiff,

v.

KERRY C. WALKER,

Defendant.

)
)
)
)
)
)
)
)
)
)
)


CIVIL ACTION
FILE NO. 01-CV-2020

ORDER OF DISMISSAL

The Court finds that a Petition for a Stalking Temporary Protective Order was filed by Petitioner against Respondent on October 8, 2001, and that a Stalking Temporary Protective Order was issued on said date by Judge Kipling L. McVay. The Temporary Order was extended by agreement of the parties until the case appeared before the undersigned Judge.

This case came before the undersigned Judge on January 14, 2002. The Court finds that insufficient evidence exists to grant a Stalking Temporary Protective Order. The Stalking Temporary Protective Order dated October 8, 2001, and the Petition for a Stalking Temporary Protective Order are hereby DISMISSED.

SO ORDERED this 20 day of March, 2002


HON. JOHN B. SUMNER
Judge, Superior Court of Cherokee County
Blue Ridge Judicial Circuit

ANALYSIS OF MOTION FOR ENTRY OF NOLLE PROSEQUI

**IN THE SUPERIOR COURT OF CHEROKEE COUNTY
STATE OF GEORGIA**

**STATE OF GEORGIA
VS
KERRY CRAIG WALKER**

**ACCUSATION NO.
02CR1029**

MOTION FOR ENTRY OF NOLLE PROSEQUI

COMES NOW, the State of Georgia, by and through WALLACE W. ROGERS, JR., Assistant District Attorney for the Blue Ridge Judicial Circuit, and moves this Honorable Court to enter a Nolle Prosequi, in the above-styled matter for the following reasons: This case was reported to law enforcement in September, 2001. A felony indictment (02CR0053) was filed and then later nolle prossed because this case was indicted for an additional simple assault as well as aggravated assault, simple battery and obstruction of a 911 call (this case). The case should have originally gone to State Court because 1) it was a misdemeanor arrest; 2) it was not a family violence case. The aggravated assault count that was added later in the indictments was, in fact, the simple assault charge that the defendant was arrested for. The indictment was placed on the dead docket because the victim was called to active duty with the army, but has now been removed from dead docket status.

This case should have been prosecuted as a misdemeanor in State Court in 2002. There was ample probable cause to support the filing of a misdemeanor accusation and a timely prosecution would have resolved the case. It has now been over four years since the incident, and in that time period there has been a history of contact between the parties, despite an intervening Temporary Protective Order, that has resulted in law enforcement being called but refusing to intervene. At this point it does not appear that this case can be successfully prosecuted.

Respectfully submitted, this the 8 day of Nov., 2005.

Approved:

GARRY T. MOSS
District Attorney
Blue Ridge Judicial Circuit

WALLACE W. ROGERS, JR
Assistant District Attorney
Blue Ridge Judicial Circuit

PURPOSE OF ANALYSIS

The purpose of this analysis is to show that the facts and information as stated in the States **MOTION FOR ENTRY OF NOLLE PROSEQUI** are **inaccurate, incorrect** and **untrue**. This analysis will take sections of this motion and then do a detailed analysis of quoted sections using the facts, documents filed by the Clerk of Superior Court, Incident Reports and witnesses to support the findings stated herein.

ANALYSIS

COMES NOW, the State of Georgia, by and through WALLACE W. ROGERS, JR., Assistant District Attorney for the Blue Ridge Judicial Circuit, and moves this **Honorable Court** to enter a Nolle Prosequi, in the above-styled matter for the following reasons: **This case was reported to law enforcement in September, 2001.**

Go TO PAGE 3

One must question just how “Honorable” this court was when, under the direction of Judge Sumner, on November 19, 2002, the court made light of the crime of Felony Tampering with Evidence, and claiming it was “a broad stroke to paint” the court did not do the “Honorable” thing and dismiss the charges against Mr. Walker and launch an investigation into the events that took place that led up to this crime and end this circus of false accusations and crimes by the State in the States many attempts to ignore, doctor, and alter evidence in every attempt to convict an innocent man. A man that was in fact and in truth the VICTIM of crimes and the perpetrator of none. This certainly would have eliminated three years of intense suffering from the continued charade of the actions, or inaction, of the court and the pressure and frustration on Mr. Walker and his family, especially his sick and elderly mother, of false arrest and multiple attempts by the former detective Peavy, and others that went along with him, to manufacture the guilt of Mr. Walker.

It is interesting to note that the date given (“September, 2001”) does not specify a specific day or the actual date of September 19, 2001. This is simply because the state did not want to bring attention to the fact that this report, that was reported to law enforcement concerning this case, filled with nothing but fabricated information, was not filed by this unbalance and violent female until this date of September 19, 2001, when in fact the alleged incident occurred on September 16, 2001. It should be pointed out that Mr. Walker called 911 and filed a report to law enforcement on September 16, 2001, the same date of the incident and his report was never investigated and it had critical facts that had been reported to the deputy left out of the report. Mr. Walker described this incident to Deputy

Johnson when he called 911 and filed a report and when Mr. Walker collected the report this incident was not described in it, although the incident that Mr. Walker described that had taken place in the Holiday Hotel in another jurisdiction and filed by Mr. Walker in a report in Cedartown was described. Mr. Walker attempted to contact Deputy Johnson several times in his attempts to get this report corrected and, even though several messages for him were left by Mr. Walker and recorded by Mr. Walker on a recording device, Mr. Walker could never get Deputy Johnson to return his call. (Mr. Walker is not stating with certainty that this deputy intentionally did this, but the fact that this deputy would not return his calls and an earlier incident does make it likely. Mr. Walker remembered the deputy asking him if he wanted to press charges on her for this, and Mr. Walker said, "No. I just want to go on with my life." Mr. Walker and the deputy then spent the rest of the time talking about skydiving, as Deputy Johnson told Mr. Walker about Skydive Monroe. It is possible that the deputy just forgot about these details since Mr. Walker did not want to press charges and these other topics were discussed at length.) It is a note of interest that William Bret Painter was the officer that reviewed this report. Mr. Walker's previous encounter with Deputy Painter were not without prejudice against him by this deputy in dealing with the actions of Mr. Walker. Deputy Painter was always on the side of the woman and would not give a damn about what really went on. Mr. Walker feel that William Bret Painter, the Deputy that reviewed this report, does not care for him and has made it clear in some other dealings that he was never on his side. Mr. Walker put together a detailed pamphlet over 200 pages long on the facts of the case with Tena

McDonald and Jacky W. on January 12, 2002. Mr. Walker stated in his detailed account the statement, "I have had to deal with what I feel is extreme prejudice by the State, especially by Cpl. William Bret Painter. His reports are full of untruths as to what happened and his reports misrepresent the truth about the facts in the case." Possibly this deputy had something to do with these facts of this incident not getting in there, but we no way to know this. It should also be noted that on May 19th 2001, Mr. Walker called 911 to file a report on Tena McDonald for Felony False Swearing in a TPO and other Warrant Applications and on harassment by Ms. McDonald, and Deputy Kenneth Johnson responded to this call. Deputy Johnson refused to take this report, and as he states in his report on Case Number I 01 50665, *"Each time I informed him I could only put in my report things that were substantiated; things that I saw, heard, or could prove, and it was not permissible for him to dictate what words he wanted a deputy to write in their report."* Mr. Walker never dictated anything other than what he was filing the report on, and after looking into these statements by this deputy you will find his statements are not correct or accurate, and a person does have the right to file a Incident Report on any incident, and it does not have to be anything the deputy *"saw, heard, or could prove."* This would be a good reason why he left this information out of this report that Mr. Walker filed on September 16, 2001, because it was not anything that he *"saw, heard, or could prove."* Mr. Walker has taped conversations with Ms. McDonald where she admits to exaggerations and untruths in her reports and her petition for the Temporary Protective Order. Mr. Walker also has a witness, Mr. Dean Adams, that overheard Ms. McDonald break down and cry and admit that she lied in filing this TPO and these other accusations against Mr. Walker. This report

done on September 16, 2001, by Mr. Walker, was also reviewed by William Bret Painter, as indicated on the report.

The fact the Ms. Wagner did not file a report on he allegations until several days after the alleged incident should have prompted a *Probable Cause Hearing*, yet one never took place, and even though the **ONLY EYE WITNESS** at the scene, Mr. Drew Mayo, was **NEVER** interviewed by the former detective Peavy, and little to no investigation was done, an arrest warrant was persued and obtained by Mr. Peavy against Mr. Walker and Mr. Walker was arrested for crimes he never committed. In fact, Mr. Walker was brutally assaulted and continuously controlled, domenated and threatened, and then assaulted again by Ms. Wagner. Mr. Walker has put together a detailed account of this incicent. Mr. Walker was the **VICTIM** and not the perpertrator in this incident, yet Mr. Walker was arrested and taken to jail. It should also be noted that the incident report states that the alledged incident occurred on "Sunday, September 19, 2001", the day Ms. Wagner filed her report, when in fact the date of the alleged incident was September 16, 2001.

A felony indictment (02CR0053) was filed and then later nolle prossed because this case was indicted for an additional simple assault as well as aggravated assault, simple battery and obstruction of a 911 call (this case).

The **GRAND JURY** indicted **KERRY CRAIG WALKER** on January 14, 2002 for **AGGRAVATED ASSAULT (O.C.G.A. 16-5-21); SIMPLE BATTERY (O.C.G.A 16-5-23); and OBSTRUCTING OR HINDERING PERSONS MAKING**

EMERGENCY PHONE CALLS (O.C.G.A. 16-10-24.3) based on false accusations, an incompetent and malice investigation, and exculpatory evidence that was ignored, doctored, and manipulated by and through Detective Peavy and others. It is interesting to note that a felony indictment (02CR0053) was filed only because every piece of exculpatory evidence was ignored (the only witness and facts of report and interview), doctored (altered transcript from recorded conversation with alleged victim, this tape was never provided by the state after several motions of discovery during the course of several years and Mr. Walker also had a recording device on his end of the conversation), then more evidence ignored (this being the thick layer of dust on the shaft of the crossbow that was proof that it had not been cocked or loaded as this woman claimed, and this according to an expert witness), and then altered (the dust on the crossbow was cleaned off even though the state was told to preserve it). In fact, had the former detective Peavy talked to the witness, (Mayo), that was at the scene the entire time of the alleged incident, Mr. Walker would have never been arrested. Had the former detective Peavy done a competent, honest and thorough investigation Mr. Walker would have never been arrested. Had the former detective Peavy considered the interview with the alleged victim that he personally orchestrated, and used many leading questions in the process in an obvious attempt to sustain the appearance of guilt of Mr. Walker and to ignore any and all exculpatory evidence. Had this detective simply honestly and responsibly compared the statements of the alleged victim that were filed in her Incident Report, over 72 hours after this alleged incident, with the statements made by the alleged victim in her interview (which contradicted everything in her

Incident Report), Mr. Walker would have never been arrested. Had the former detective Peavy taken the actual recorded statements made by the alleged victim in a taped conversation with Mr. Walker that proved her to be violent and a liar, contradicting her own statements that Mr. Walker had “hit himself all night long” and that “All night long Mr. Walker was beating himself up”, Mr. Walker would have never been indicted for a felony, and his charges would have (or should have) been dismissed. In Ms. Wagner’s recorded statements, the description of this 150 lb. crossbow being cocked is never described in Ms. Wagner’s rambling details of her account.

In fact, the foot steer-up on this crossbow must be placed on the floor and the operator’s foot must be placed into the steer-up and then the string pulled back with great force using both hands in order to cock the crossbow (note: A cocking device may also be used instead of manually cocking the crossbow). Ms. Wagner also describes Mr. Walker having loaded “homemade Indian Head Arrow” into the crossbow (Ms. Wagner was familiar with this artifacts as Mr. Walker had shown them to her and by her on statements Ms. Wagner states that Mr. Walker had shown this “stuff” to her about a week earlier because as she stated, “We both like Indian stuff”). In fact there are six (6) bolts (arrows), [three (3) bolts on each side of this crossbow—three bolts have broad-heads and three have target points], sitting in a quiver that is mounted on the crossbow itself. The “homemade Indian Head Arrow” as described by Ms. Wagner is for display purposes only, and is not designed to be shot in a bow for any reason and these two homemade Indian arrows that Mr. Walker owned, with hand knapped arrowheads for points and real feathers from real birds were displayed in a bow rack hanging up in Mr. Walker’s

master bedroom on the back wall of the room and not where Mr. Walker would have had access to them from where Mr. Walker was standing. The fact is there would have been no reason for Mr. Walker to access this hand-man Indian arrow, when the very crossbow being described herein had six (6) arrows (bolts), mounted on the crossbow itself with immediate access to them. In fact, this arrow that is described by Ms. Wagner will not operate correctly in a crossbow, and Mr. Walker is an Archery Champion and having been shooting archery all of his life, and having participated in impressive "Archery Demonstrations" all over the southeast, and having been saluted by the City of Atlanta as an "Outstanding Athlete and Champion in Archery" and presented an award by the Mayor of Atlanta, Ivan Allen, Jr. on August 21, 1964, when he was ten (10) years old, and having earned the Archery Merit Badge as one of his twenty-two (22) Merit Badges in Boy Scouts, it is absurd to believe that Mr. Walker would load anything but the correct "bolt" (as the short arrows are called that are used in crossbows) that would have been at his ready disposal, if in fact he had loaded a crossbow. The most critical and blatant crimes were committed against Mr. Walker by the former detective Peavy when the state collected the crossbow from Mr. Walker that Ms. Wagner (the alleged victim), claimed Mr. Walker, for no reason whatsoever (according to her on recorded statements), picked up, cocked and loaded and pointed it at her. Just after Mr. Walker's arrest and release on bond and after Mr. Walker obtained a copy of the Incident Report filed by Ms. Wagner, Mr. Walker observed the crossbow where he had placed it sitting in the corner of his room, and he noticed a thick layer of dust on the crossbow, and even a thicker layer of dust on the shaft of the crossbow (the

reason for the thicker accumulation of dust on the shaft is because the shaft of a crossbow is “waxed” in order to prevent ware on the string as it rides on the shaft of the crossbow as it is cocked and then fired.) The fact that this crossbow had not been cocked or loaded in two and a half (2 ½) to three (3) years, it had a very thick layer of dirt, dust and grime on the shaft (approx. one eighth (1/8) inch thick). Mr. Walker knew that this was definitive proof that this crossbow was not cocked or loaded at the time of this alleged incident as Ms. Wagner had indicated in her Incident Report and her recorded statements. Mr. Walker contacted his attorney, Jeff Rusbridge, the next morning and let him know about this. An “expert” witness was contacted and this “expert” witness, Wade Pittman, from W. D. Archery, in Cartersville, Georgia, came out to Mr. Walker’s home and met there with Mr. Rusbridge, and they observed the condition of this crossbow. This “expert” witness that has been shooting, selling, and repairing crossbows for over 22 years at this time, stated that this “crossbow could not have been cocked at the time of this alleged incident.” He went on to say that, “although he could not state exactly how long it had been since this crossbow was cocked, it had, in his opinion, not been cocked in several months, or as long as six months, but probably more like a multiple of years.” Mr. Pittman stated that he could say “with mathematical certainty that this crossbow was not cocked at the time of this alleged incident.” The simple fact is, if the crossbow was not cocked, it would not have been loaded. When Mr. Peavy collected this crossbow, Mr. Walker attempted to point out to him the fact that what this woman was saying could not be true, and Mr. Walker attempted to show this evidence to Mr. Peavy, but the crossbow was yanked from Mr. Walker’s hands, and this critical exculpatory evidence was ignored. Had this

This case should have never gone to State Court because Mr. Walker was indicted in 2002 for Aggravated Assault, a felony, on the first indictment for reasons of alleged malfeasance as already detailed above. The fact that this was not a family violence case has no bearing on the case, according to law, and the case would simply move to the appropriate court. Mr. Walker's case was in the Family Violence Court from the beginning and for every hearing and for practically the entire prosecution of this case, but this was the wrong court according to the law, and Mr. Walker's case did not meet the criteria O.C.G.A – 19-13-1 for this court to have jurisdiction over it. According to the law this was not a basis for barring the prosecution, but a basis could have been raised as evidence for prejudice in a trial setting because of the hostile setting in this "Family Violence" Court and such hostile prejudice was alleged. The aggravated assault count was not added later and was in fact, as just stated, in the original (and first) indictment. Therefore, the aggravated assault count was not, in fact, "the simple assault charge that the defendant was arrested for", but was an upgraded charge from simple assault by the Grand Jury based in erroneous and ignored facts. The GRAND JURY indicted KERRY CRAIG WALKER on December 9, 2002, for AGGRAVATED ASSAULT; SIMPLE BATTERY; OBSTRUCTION OR HINDERING PERSONS MAKING EMERGENCY PHONE CALL; and an additional charge of SIMPLE ASSAULT (O.C.G.A. 16-5-20) was added to this indictment over one full year after the alleged incident, charging that Mr. Walker committed this alleged crime by "pushing into her". The fact is, the alleged crime of Mr. Walker "pushing into her" and as charged in this indictment is, again, not, in fact, the simple assault charge

that Mr. Walker was arrested for. The simple assault charge that Mr. Walker was arrested for was based on the false allegations of the use of said crossbow by Ms. Wagner, and has no relationship to Mr. Walker “pushing into her” as state in the MOTION FOR ENTRY OF NOLLE PROSEQUI as filed by and through WALLACE W. ROGERS, JR., Assistant District Attorney. It was for the reasons described herein and these reasons alone that Mr. Walker’s case was being prosecuted in Superior Court and why Mr. Walker’s case should not have originally gone to State Court and why Mr. Walker’s case would have never gone to State Court and, finally, why Mr. Walker’s case was not prosecuted in State Court.

The indictment was placed on the dead docket because the victim was called to active duty with the army, but has now been removed from dead docket status.

There has never been any evidence presented to the defendant or the defendant’s attorneys that showed proof that Jacquelyn Wagner was ordered to active duty by the State of Georgia Department of Defense. According to the prosecution and as stated in the both motions to add and then to remove from the DEAD DOCKET, Ms. Wagner was ordered by the State of Georgia Department of Defense to commence active duty on February 8, 2003, with a period of active duty that could have been for as long as 365 days. The fact is that Ms. Wagner never commenced active duty and, in fact, Ms. Wagner never left town, and the MOTION TO REMOVE FROM DEAD DOCKET was filed on May 27, 2003, and the ORDER was signed by the judge on May 28, 2003. The MOTION TO REMOVE FROM DEAD DOCKET states, “The victim was necessary for prosecution of this case. The

victim is no longer on active duty.” The fact is that Ms. Wagner was the **perpetrator** and not the victim and, in fact and in truth, **KERRY CRAIG WALKER** was the **VICTIM** of domination, control, and brutal violence at the hands of Jacquelyn Wagner. The fact is Ms. Wagner never commenced to perform, nor was she ever deployed for, any form of active duty.

This case should have been prosecuted as a misdemeanor in State Court in 2002. There was ample probable cause to support the filing of a misdemeanor accusation and a timely prosecution would have resolved the case.

This case, as the facts have already conveyed, should have never been prosecuted as a misdemeanor, because no crime was ever committed by Mr. Walker. This very statement that “There was ample probable cause to support the filing of a misdemeanor accusation and a timely prosecution would have resolved the case” is, at this point in this adjudication process and with the charges already haven been dismissed, blatant disregard for Mr. Walker’s rights and his presumption of innocents and belies all fairness to Mr. Walker and makes bold and unfair, and illegal assumptions of Mr. Walker’s guilt, when, in fact, no conviction or proof of his guilt has taken place. In fact, on the contrary, all the evidence points to the fact that Mr. Walker was arrested in error, and that all the charges against him are incorrect, therefore a timely prosecution would not have resolved this case. In fact, it was Mr. Walker demanded a Speedy Trial, and Mr. Walker demanded, in writing, for Mr. Rusbridge to file this motion.

As Mr. Walker's first attorney, Jeff Rusbridge, stated in his letter on October 28, 2002 in response to Ms. Helpie's letter stating that, on top of the fact that Mr. Walker's case was in the wrong court, "the indictment is correct"---Mr. Rusbridge made it clear that we have from the beginning of this case, been unwavering in our assertions that Mr. Walker was and is Not Guilty of the charges he was arrested for or the allegations of the indictment, and that all the allegations are false allegations and that the charges and the indictment, in fact, are based entirely on untruth.

"The State believed the assertions made by Jacquelyn Wagner with absolutely no basis to do so, while at the same time disbelieving the case as put before you by Mr. Walker and his legal counsel. Why should the State believe the allegations of a person with whom it has no relationship or history, over those of a man who has overcome great adversity to become an established member of the business community." As Mr. Rusbridge also pointed out clearly in his letter to the prosecution in October of 2002, "As I have imparted to you in the past, had the police delved into this case fully and without bias, the State would be hearing two sides of this story instead of one. I believe this should be taken into serious consideration as the State decides how to proceed with this case. I must again take this opportunity to implore you to re-examine the evidence in this case, and to dismiss the same immediately." There was no probable cause to support the filing of a misdemeanor accusation against Mr. Walker had the only witness at the scene been interviewed by Detective Peavy and had this case been investigated. The fact is malfeasance has been alleged and it is clear that it has taken place in this case against Mr. Walker in the States multiple attempts to manufacture the guilt of an innocent man—a man that was, in fact and in truth, the victim of crimes

committed against him by Ms. Wagner and, in fact and in truth, not the perpetrator of any crime against her. Mr. Peavy makes it clear in his own words on tape on September 25, 2001, the day Mr. Walker was arrested and bonded out of jail, when asked about his concern for the truth by Mr. Walker, Mr. Peavy responded in his own words, "Mr. Walker, it don't concern me one way or the other." Mr. Peavy certainly went on to prove the sad reality of these words as he went on to ruin Mr. Walker's life by his dishonest actions and he destroyed the new life of a man that had overcome insurmountable odds to turn his life around, a man that had learned the art of living in his relationship to truth and this energy behind creation.

It has now been over four years since the incident, and in that time period there has been a history of contact between the parties, despite an intervening Temporary Protective Order, that has resulted in law enforcement being called but refusing to intervene. At this point it does not appear that this case can be successfully prosecuted.

The only contact between the parties and the only conflict that was created by this contact, was initiated by Ms. Wagner in her constant attempt to go where Mr. Walker could be located and to harass him and file more bogus reports in her continued efforts to have him, again, falsely arrested. In fact Ms. Wagner called 911 and involved the police in two incidents where Mr. Walker was celebrating his 10th and 12th sobriety birthdays in the AA and NA programs, for no other reason that her continued attempts to bring harm to Mr. Walker and his family. Less than a month after being falsely arrested, Mr. Walker was served with papers for a Stalking Temporary Protective Order from this woman that was prepared through

Family Violence in Cherokee County, and, like everything else from this woman, it was full of nothing but lies. The fact is there was and is no intervening Temporary Protective Order, as Mr. Walker refused to sign a Consent Order and went before Judge Sumner, which resulted in the Stalking Temporary Protective Order being DISMISSED by the judge for insufficient evidence.

The reason law enforcement refused to intervene or to arrest or reprimand Mr. Walker was because it was determined that Mr. Walker had violated no law or any of the conditions of his bond, and many witnesses confirmed that it was in fact Ms. Wagner that was stalking Mr. Walker and that it was Ms. Wagner that was creating the events that were taking place. The simple fact was that Mr. Walker never stalked this woman and, in fact, he wanted nothing to do with her, but, ironically, starting the day that this order was dismissed by the judge, this woman started harassing and stalking him and she stalked and harassed him over the course of the next three years with several false calls to 911 in attempts to have him falsely arrested again.

CONCLUSION

The facts, and the documents filed by the Clerk of Superior Court, Incident Reports and the witnesses in this case support and clearly show that the facts and information as stated in the MOTION FOR ENTRY OF NOLLE PROSEQUI are inaccurate, incorrect and untrue.

EXHIBIT F

**IN THE SUPERIOR COURT OF CHEROKEE COUNTY,
STATE OF GEORGIA**

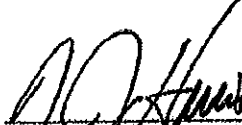
2005 DEC -1 PM 4:32
CLERK OF SUPERIOR COURT
CHEROKEE COUNTY, GEORGIA

STATE OF GEORGIA * **ACCUSATION NO.**
VS * **02CR1029**
KERRY CRAIG WALKER *

ORDER


The foregoing motion of the State of Georgia having been read and examined, it is hereby the order of this Court that an entry of Nolle Prosequi be entered in the above styled case.

This the 23 day of Nov, 2005.


HONORABLE N. JACKSON HARRIS
JUDGE SUPERIOR COURT
BLUE RIDGE JUDICIAL CIRCUIT

GEORGIA, CHEROKEE COUNTY:
I, Patty Baker, Clerk Superior, State and Juvenile Courts, hereby certify that the within is a true and correct copy of the original that appears on record in our office.

Witness my hand and official seal this 21 day of December, 2005.


PATTY BAKER, CLERK OF COURTS Deputy Clerk
CHEROKEE COUNTY, GEORGIA

CERTIFIED COPY
PATTY BAKER
CLERK OF COURTS

EXHIBIT G

**IN THE SUPERIOR COURT OF CHEROKEE COUNTY
STATE OF GEORGIA**

KERRY CRAIG WALKER)	
)	
PLAINTIFF)	
)	CIVIL ACTION FILE
VS.)	
)	NO. 07-CV-3325
CHEROKEE COUNTY, GEORGIA)	
SHERIFF ROGER GARRISON,)	
PRESTON PEAVY)	
CHEROKEE COUNTY SHERIFF'S)	
DEPT., ET AL)	
)	
DEFENDENTS)	

AFFIDAVIT OF KERRY CRAIG WALKER

1. My name is Kerry Craig Walker; I am a citizen of the United States, in good standing.
2. I am over the legal age of majority and I was born and raised in Georgia.
3. I was the victim of a violent crime and falsely arrested in Cherokee County and Detective Preston Peavy performed a slanted and biased investigation and then had me arrested for crimes I never committed.

4. I give this affidavit based upon my own personal knowledge and through my observations of the facts. My story has never changed since day one, and the facts support the truth of what I say.
5. This affidavit is submitted to support my claim of false arrest and manipulation of evidence by the State in every attempt to manufacture my guilt.
6. I was the Defendant in case No. 02CR1029 and I am now the Plaintiff in this civil lawsuit.
7. On September 16, 2001, I was the victim of a violent beating (aggravated battery) and other acts of threats and violence (obstruction of 911 call, simple battery, and terrorist threats.).
8. I filed a report on September 16, 2001, the same day of the incident, and my report was never investigated and critical information was not put into the report. I attempted to file a supplemental report and was denied this right and threatened with arrest.
9. The perpetrator of these crimes against me filed a report on September 19 containing false information about said incident and false information about the location of said incident. The report filed by Jackie Wagner was a false Incident Report.
10. The false report filed by the perpetrator of crimes against me was being investigated by Detective Preston Peavy and he came out to my home.
11. The only witness at the scene (Drew Mayo) was never interviewed by Detective Preston Peavy and evidence of my severely blackened eye, severely bruised sternum, and a bruise on my left bicep were ignored by Detective Preston Peavy. A wooden towel rack that had

fallen off of my bathroom wall was wrongly construed as the scene of a crime, when in fact no crime had occurred in this room.

12. In an interview by Detective Peavy with the perpetrator of violent crimes against me (and who had now become a "victim"), virtually every statement that was made in the Incident Report was contradicted and her story changed drastically. The alleged 'victim' who was actually the perpetrator of crimes against me, continued to fabricate information in this interview. This bi-polar unbalanced female said that my truck was white, when it is red. She said that I had been a drug dealer a few years earlier when she did not even know me a few years earlier. The fact is I had been clean and sober since April 12, 1992 and had nothing to do with drugs since that date. She lied about what happened and where it happened. Virtually every statement made in her rambling contradictions was not true.
13. I was arrested about a week later and charged with crimes that I did not commit.
14. In a phone conversation that I had (the day I got out of jail) with the perpetrator of violent crimes against me, I obtained exculpatory evidence on a recording device, although the device had low batteries and the recording did not work properly.
15. It came to light that this two way conversation was recorded on a recording device on the other end. A transcript of this recording was prepared for Detective Preston Peavy by Mary Wilson, and this transcript was altered to eliminate exculpatory evidence and to eliminate the fact that this was a two way conversation. The transcript of this recorded conversation was doctored in an attempt to create the illusion of my guilt for crimes I never committed. We attempted to get a copy of this tape, but the State told us that they

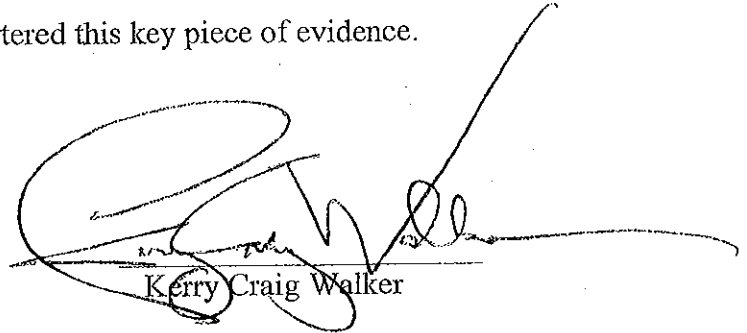
had misplaced it and then, after several Motions of Discovery were filed, the State said they had “lost” this tape.

16. A short time after this came to light Mary Wilson closed her Kennesaw office and could not be located.
17. An expert witness (Wade Pittman) observed exculpatory evidence a short time after said incident (along with attorney Jeff Rusbridge) and he determined with absolute certainty that the claims made by the alleged “victim” could not be true.
18. When this exculpatory evidence was collected by Detective Peavy, I attempted to point out a fact about this evidence that would exonerate me, and Preston Peavy ignored this critical exculpatory evidence.
19. Attorney Jeff Rusbridge, Dyer and Rusbridge, PC, Canton, Georgia, contacted the state to notify them of this critical evidence and the importance of it. He told the state that this evidence was now the crux of our defense and needed to be preserved.
20. My misdemeanor charges were upgraded to a felony (aggravated assault) by a Grand Jury, solely because this and other exculpatory evidence was ignored and tainted evidence was presented to the Grand Jury. Detective Peavy manufactured my guilt. I was never arrested for the upgraded felony charge and not long after this I was offered another plea deal of two years probation to be expunged from my record after two years. I went to an Alford Plea Hearing in order to get a chance to tell my side of the story. I stated that there had been manipulation of evidence and my plea deal was withdrawn by the State. I had no intention of pleading guilty to a crime I did not commit and where I was in fact the victim.

21. I asked (verbally and in writing) Jeff Rusbridge to file a Motion for a Speedy Trial, and this motion was never filed. I did not go to trial until November 2002 and a key piece of evidence was brought into the courtroom at the beginning of my trial and it had been altered to eliminate this critical evidence that was now the crux of my defense (Felony Tampering with Evidence).
22. My attorney, Jeff Rusbridge, made a motion to have my charges dismissed because this key piece of evidence had been altered and the crime of Felony Tampering with Evidence had been committed.
23. Judge Sumner made light of these findings and alluded to some "Chain of Custody" hearings, but my trial ended and these hearings never took place. I heard nothing for over two years.
24. I learned that my case may be going to trial, so I sent a letter to the District Attorney, Garry Moss, demanding that all my charges be formally dismissed.
25. I received a letter in the mail three days later with a new trial date for early the next month.
26. I went to several more trial calendars and never got my day in court.
27. On November 23, 2005 all of my charges were dismissed by the Honorable Judge Jackson Harris.
28. I was contacted by "Evidence" to come and collect my property and when I picked up the evidence the deputies refused to give me a copy of the Evidence Control Record and they told me that they could mail me a copy. I pointed out that there was a copy there for me and the deputy reluctantly gave me my copy (I have this documented on tape).

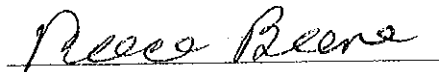
29. The Evidence Control Record was doctored in the chain of custody. The custody flow did not flow properly and the custody record, just before my trial, was left blank. This made it impossible to determine who may have altered this key piece of evidence.

FURTHER AFFIANT SAYETH NOT


Kerry Craig Walker

Sworn to and Subscribed to before me

This 6th day of January 2010.


Notary Public

My commission expires on

8/18/10

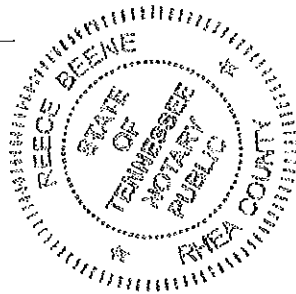


EXHIBIT H

To whom it may concern:


December 18, 2009

My name is Kerry Craig Walker and I have proof that I was falsely arrested in Cherokee County Georgia (CASE NO. 02CR1029) and that all of my charges were dismissed.

On September 25, 2001 I was falsely arrested for three misdemeanors I did not commit in Cherokee County Georgia, and the fact is I was actually the victim of a violent crime. Because the detective (now former detective) never interviewed the only witness at the scene I was falsely arrested. The detective went on to attempt to manufacture my guilt. This detective altered a transcript of a recorded conversation with the alleged 'victim' that exonerated me (and then "lost" the tape of this conversation). About 2 months later he ignored exculpatory evidence and then altered this key piece of evidence (that an expert witness and an attorney saw beforehand), and then took this tainted evidence before a Grand Jury. I was wrongly indicted for aggravated assault. This arrest record (I was never actually arrested for this upgraded charge) is not a valid record. This charge and all of my charges were formally dismissed by the state by the Honorable N. Jackson Harris, Judge Superior Court, Blue Ridge Judicial Circuit on the 23rd day of November, 2005 (see attached document). This is why I am seeking to have any record of my false arrest and the tainted indictment expunged from the record.

I fought for over four years against a very crooked detective and corrupted legal system in Canton, Georgia, and I won the long battle and all of my charges were formally dismissed.

Sincerely,



Kerry Craig Walker

EXHIBIT I

IN THE SUPERIOR COURT OF CHEROKEE COUNTY STATE OF GEORGIA

STATE OF GEORGIA
VS
KERRY CRAIG WALKER

CASE NOs.
02CR0053 &
02CR1029

AFFIDAVIT OF JEFF RUSBRIDGE

1. My name is Jeff Rusbridge; I am a citizen of the United States, in good standing.
2. I am over the legal age of majority and practice law in the State of Georgia, Dyer and Rusbridge, PC, Attorneys at Law, Canton, Georgia.
3. I was hired by Kerry Craig Walker to represent him shortly after he contacted me about being arrested falsely on 09/21/01. He also explained to me how he was the victim of a violent crime and had the injuries and a witness to prove it.
4. I give this affidavit based upon my own personal knowledge.
5. This affidavit is submitted to support the facts of Mr. Walker's false arrest and manipulation of evidence by the state in their every attempt to manufacture his guilt.
6. I was Mr. Walker's first attorney and during his first attempt at trial and before a jury had been seated I made a motion explaining to Judge Sumner that Mr. Walker's charges should be dismissed based on tampering with evidence. Unfortunately Mr. Walker's charges were not dismissed at this time and I became a witness for Mr. Walker, upon Mr. Walker's request, to tampering with evidence and other obstructions of justice by the state.



7. Mr. Walker consistently explained to me both at the outset of his case and as his case continued that, on September 16, 2001, he was the victim of a violent beating (aggravated battery) and other acts of threats and violence (obstruction of 911 call, simple battery, and terroristic threats).
8. Mr. Walker filed a report on September 16, 2001, the same day of the incident, and his report appeared to be missing critical information as reported by Mr. Walker and his Incident Report was never investigated.
9. The perpetrator of crimes against Mr. Walker filed a report on September 19, 2001 containing false information about said incident and false information about the location of said incident. The accuser's false accusations became clear in the first interview with Detective Peavy and as subsequent facts were uncovered.
10. The false report filed by the perpetrator of crimes against Mr. Walker was handled by (former) Detective Preston Peavy when he came out to Mr. Walker's home. Detective Ponder accompanied Detective Peavy but was no longer involved in the investigation from that point on.
11. The only witness at the scene (Drew Mayo) was not interviewed by Detective Preston Peavy, even though Mr. Mayo was available while Detective Peavy was at Mr. Walker's home and Detective Preston Peavy ignored evidence of Mr. Walker's severely blackened eye, severely bruised sternum, and a bruise on his left bicep.
12. A wooden towel rack that had fallen off Mr. Walker's bathroom wall several months earlier was wrongly construed as the scene of a crime, even though Mr. Walker pointed out otherwise, when in fact the incident alleged by the accuser had not occurred at this

location. In fact the incident alleged by the accuser in her falsified Incident Report never occurred at all and this fact was later confirmed in an interview with Investigator Massey.

13. In his interview by Detective Peavy with the accuser, who was the actual perpetrator of violent crimes against Mr. Walker (and who was soon to become the "victim" and a witness for the state), the accuser contradicted virtually every statement that was made in the accuser's Incident Report and the accuser's story changed drastically. The former Detective Peavy was leading in this interview and there were holes or skips throughout the tape, and the tape skipped numerous times during this one interview. Shirley J. Smith prepared the transcript. Said transcriber indicated skips with the words "Taped Skipped" at each location in this recording. This interview was full of untruths told by the state's witness about the facts of this incident, the location of this incident, and about Mr. Walker's past.

14. Mr. Walker was arrested about a week later and charged with crimes that he did not commit and who consistently maintained he was in fact the victim of a very violent beating, domination and control, and terroristic threats.

15. In a phone conversation that Mr. Walker had with the perpetrator of violent crimes against him, Mr. Walker attempted to obtain exculpatory evidence on a recording device. Although the device had low batteries and the recording did not work properly, Mr. Walker informed me that exculpatory statements were made by the accuser that proved that Mr. Walker did not "hit himself all night long" and that "all night long he had beat himself up" as the accuser claimed. The accuser's statements would have cleared Mr. Walker and added more proof that the accuser's story was a lie.

16. Mr. Walker informed me of the fact that this tape would have exonerated him and it came to light that this two-way conversation between Mr. Walker and the alleged "victim" was recorded on a recording device on the other end by the accuser and that the state had it in their possession.
17. I informed Mr. Walker that the state had a recording of the conversation, and that the state was having it transcribed. Mr. Walker was happy to hear this and confirmed that the transcript and the tape of this conversation would exonerate him.
18. When I showed Mr. Walker a copy of the transcript he was shocked because the transcript displayed Mr. Walker's comments as if made on some answering machine and not the two-way conversation he had with the accuser. The transcript also ended with Mr. Walker saying "bye" just before Mr. Walker asked about the accuser claiming that he had hit himself all night long and that all night long he had beat himself up and just before critical exculpatory statements were made by the accuser. According to Mr. Walker the accuser hung up on him after making these incriminating statements and the word "bye" was never spoken as indicated on this doctored transcript.
19. A transcript of this recording was prepared at the supervision of Detective Preston Peavy by Mary Wilson, and, according to the information provided by Mr. Walker, this transcript was altered to eliminate exculpatory evidence and to eliminate the fact that this was a two-way conversation. Again, I reiterated that the statements eliminated from this transcript would have proved that Mr. Walker had not hit himself all night long and that the accuser was lying.

20. Mr. Walker informed me that he attempted to get in touch with the transcriber but her phone had been disconnected. A short time after this Mr. Walker drove to her Kennesaw Office and he learned that Mary Wilson had closed her Kennesaw office and, although Mr. Walker made other attempts, she could not be located.
21. Mr. Walker explained to me that the statements that were made by the accuser when asked why she was telling everyone that he had hit himself all night long and how no one believed her except the police, the accuser stated some along the lines of, although possibly not verbatim, "Um, I didn't want to get arrested...I didn't know what else to do...You did hit yourself all night long didn't you?"
22. Mr. Walker urged me to get a copy of this tape as it was critical for providing the truth of Mr. Walkers claims.
23. I filed a Motion for Discovery in State Court and then I filed Motions for Discovery in Superior Court. I understand that Mr. Walker had subsequent counsel file Motions for Discovery and that Mr. Walker also filed a Motion for Discovery, specifically addressing this tape. A copy of this tape was never obtained from the state after some half dozen motions for discovery over the course of four years. We were told that this critical exculpatory evidence and evidence that had been altered in its transcription was "misplaced" and later told that this tape had been "lost" by the state.
24. An expert witness (Wade Pittman) observed another key piece of exculpatory evidence a short time after the alleged incident (a thick layer of dust on the shaft of a crossbow that had not been used for years and that was stuck to the wax that was used to lubricate the shaft and protect the ^{string} sting under heavy tension) and from this evidence he determined

that the claims made by the accuser could not be true. (Mr. Walker proved to me that he is also an archery expert and has done archery demonstration all over the Southeast and he has been saluted by the City of Atlanta as OUTSTANDING CHAMPION IN ARCHERY.) I also witnessed this evidence at Mr. Walker's residence along with Mr. Pittman. I re-heard the details of Mr. Walker's story along with Mr. Pitman while sitting in the great room of this awesome home designed and constructed by Mr. Walker's own hands. Mr. Walker never deviated from the facts of his story for the next four years and three months of this nightmare. Mr. Walker should have never been arrested and this battle should have never been fought.

25. Mr. Walker informed me that, when Detective Peavy collected this critical exculpatory evidence for the state from Mr. Walker's home (by coming in through the Mother-in-Law suite in the downstairs of Mr. Walker's home which was being leased by a female occupant at the time), Mr. Walker attempted to point out the fact about this evidence that would exonerate him, and Preston Peavy and others ignored this critical exculpatory evidence. This crossbow, according to Mr. Walker, was violently yanked from his hands by some woman that was with the search party.

26. I was contacted by Mr. Walker early the next morning and he informed me of this incident and of the fact that this critical evidence that I had seen with my own eyes, along with an expert witness, was ignored by the state and violently yanked from Mr. Walker's hands.

27. I contacted the state to notify them of this critical evidence and the importance of it. I informed the state that this evidence was crucial to our defense.

28. Mr. Walker's misdemeanor charges were upgraded to a felony (aggravated assault) by a Grand Jury, solely because this and other exculpatory evidence was ignored and altered and the truth was not presented to the Grand Jury. If the witness in this case had been interviewed and if the facts of this case and the truth of this case had been maintained, the exculpatory evidence would have cleared Mr. Walker and would have clearly demonstrated that Mr. Walker was the victim of crimes and the perpetrator of none.
29. Mr. Walker asked for me to file a Motion for a Speedy Trial. I never filed this motion because, as I explained to Mr. Walker, the chances of the State choosing not to prosecute the case would be greater, and the chances for an agreed-upon resolution would be decreased. It was my understanding that Mr. Walker at this point agreed with this decision.
30. The accuser filed a Stalking Temporary Restraining Order against Mr. Walker that was full of false allegations. In fact the accuser had stalked Mr. Walker and continued to stalk him and to call the police on him in attempts to have him re-arrested. Mr. Walker refused to sign a "Consent Order" and he went before a judge. The Stalking Temporary Restraining Order was dismissed.
31. Mr. Walker went to an "Alford Plea Hearing" to finally get to speak about his ordeal and during this hearing Mr. Walker stated in no uncertain terms that there had been manipulation of evidence by the state. The state withdrew their offer of two years probation, as Mr. Walker had apparently planned. Mr. Walker wanted no part of the state's several plea agreements and he made this clear to me.

32. In a hearing on this case the state alleged that Mr. Walker cocked and loaded a crossbow and pointed it at the state's witness, yet at the 2002 trial, the state, after learning about an expert witness that would prove otherwise, claimed they have never stated that Mr. Walker cocked and loaded a crossbow—Only that it was pointed at their witness. In fact, the state's witness claimed that Mr. Walker cocked, loaded and pointed his crossbow at her for absolutely no reason. The accuser claimed that Mr. Walker walked into his own bedroom, where the accuser was laying on Mr. Walker's bed, and with a smile on his face, picked up a crossbow, cocked it, loaded it, and pointed it at her.
33. Mr. Walker informed me that he told the state's witness that she needed to find her own way home, and that she then violently demanded that Mr. Walker take her home by repeatedly jabbing Mr. Walker forcefully in the chest where he was already severely bruised by a violent punch from the accuser!
34. Mr. Walker informed me that he attempted to call 911 but the state's witness interrupted the call by pulling the phone from Mr. Walker's hands.
35. Mr. Walker informed me that he relented and gave the state's witness a ride home, that the state's witness communicated with the witness at Mr. Walker's home and gave no indication of trouble, that she in fact stated with a smile, "Nice to meet you, have a good day," and that the state's witness threatened Mr. Walker all the way to her Kennesaw residence and told Mr. Walker that she was going to "get him and that all of his f...ing money would not get him out of it."
36. In another interview with Investigator Massey, the fact that this story was fabricated and the facts continuously contradicted by the state's witness were again made clear.

religious

37. It also came to light that Investigator Massey inquired into Mr. Walker's religious beliefs and asked the state's witness if Mr. Walker was "an atheist". It is my understanding that Mr. Walker is not "an atheist" as demonstrated by his studies and in depth work in the areas of religion and science. Mr. Walker asked me what his religious beliefs had to do with this case, and I explained to him that I did not know. I explained to Mr. Walker that this question asked by Investigator Massey, with the District Attorney's office, should not have been asked and that Mr. Walker's religious beliefs should have nothing to do with his case.

38. Mr. Walker went to trial in November 2002 and when this critical evidence, a crossbow, was brought into his trial it had been altered to eliminate exculpatory evidence that was now the crux of Mr. Walker's defense. The government had tampered with the evidence and eliminated it by cleaning off the shaft of this crossbow.

39. It was at this trial that I made a motion to have Mr. Walker's charges dismissed because of manipulation of evidence by the state and felony tampering with evidence.

40. Judge Sumner did not dismiss the case and alluded to some "Chain of Custody" hearings, but Mr. Walker's trial was continued and he heard nothing over the course of some two and one half years. All the while these serious false charges were hanging over him while his life was slowly wasting away. Mr. Walker's rights were denied as the case should have been dismissed.

41. Mr. Walker finally sent a letter to the District Attorney, Garry Moss, demanding that all his charges be formally dismissed.

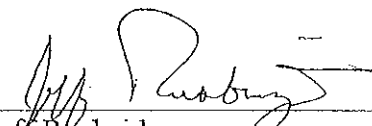
42. Mr. Walker got a letter in the mail three days latter with a new trial date for early the next month.
43. Mr. Walker went to nine more months of trial calendars but never got his day in court.
44. On November 23, 2005, well over four years after this nightmare began all of Mr. Walker's false charges were dismissed by entry of Nolle Prossqui. The 180 days expired with no new indictment and Mr. Walker was formally cleared of all charges.
45. Mr. Walker did an analysis of the state entry of Nolle Prossqui demonstrating the errors and inaccurate information in it.
46. Mr. Walker informed me that he was contacted by "Evidence" to come and collect his property and when he picked up the evidence the deputies refused to give him a copy of the Evidence Control Record and they told him that they could mail him a copy, and that he pointed out that there was a copy there for him and the deputy reluctantly gave him his copy.
47. Mr. Walker noticed that the Evidence Control Record was doctored in listing the chain of custody. The chain of custody flow did not flow properly and the custody record, just before his first attempt at trial and where the government had tampered with the evidence, was left blank. This made it impossible for Mr. Walker to look into who specifically may have altered this piece of evidence and eliminated this key aspect of this piece of exculpatory evidence.
48. Mr. Walker informed me that he lost his home and property and everything else in his constant fight to let the light shine on his innocence, that his brother was severely affected by this tragedy of injustice, that his mother died under the pressure of these

crimes committed against Mr. Walker by the state, and that in fact his entire family was devastated by this case.

49. Mr. Walker's constitutional rights were violated and this was a case of selective prosecution and due process violations. Mr. Walker should have all records cleared of these charges and he should be compensated by the government for the crimes committed against him and his family.

FURTHER AFFIANT SAYETH NOT

Sworn to and subscribed to before me


Jeff Rusbridge

This 22nd day of October 2007



Notary Public

My commission expires on 4/12/2009



EXHIBIT J

IN THE SUPERIOR COURT OF CHEROKEE COUNTY STATE OF GEORGIA

KERRY CRAIG WALKER)	
)	
PLAINTIFF)	
)	CIVIL ACTION FILE
VS.)	
)	NO. 07-CV-3325
CHEROKEE COUNTY, GEORGIA)	
SHERIFF ROGER GARRISON,)	
PRESTON PEAVY)	
CHEROKEE COUNTY SHERIFF'S)	
DEPT., ET AL)	
)	
DEFENDENTS)	

Kerry Craig Walker, sui juris) Case No. 07-CV-3325 in the State of Georgia

DEMAND FOR INJUNCTORY RELIEF OF 20 MILLION DOLLARS

MORE DEFINITE STATEMENT OF CLAIM (revised)

Comes now the Plaintiff in the above-styled action, at the persistent request of Marc M. Aragon with Shivers & Associates, for a More Definite Statement of Claim, and in the hopes of providing a synopsis of said lawsuit. This is a complex case and the lawsuit in its entirety represents this case clearly. This is a case of untold suffering, civil rights violations, and monetary, emotional, and physical loss that have been caused by the actions of the former

Detective Preston Peavy and those that covered for his actions and continue to cover for his actions, and it is hoped that the original lawsuit would be read in its entirety.

STATEMENT OF CLAIM

On September 16, 2001, the Plaintiff, Kerry Craig Walker, was the victim of a violent beating, domination, and control by an unbalanced person, and received a severely blackened eye, a bruised sternum, and a bruised right bicep.

When the perpetrator, Jackie Wagner (“Wagner”) and the Plaintiff arrived at the Plaintiff’s home, a tenant of this home, Drew Mayo, communicated with Wagner at the scene and was a witness to the Plaintiff’s injuries. The Plaintiff asked Wagner, the perpetrator of crimes against him, to call someone for a ride home, because he did not want her back in a vehicle with him. Wagner continually controlled and threatened and physically attacked and threatened Plaintiff again in his own home in Cherokee County. While Plaintiff was being jabbed violently in his already severely bruised sternum Wagner ordered him to take her home, while at the same time she abruptly and violently refused to call someone else for a ride. The Plaintiff reluctantly gave this unbalanced person (Wagner) a ride home and he was threatened continuously during this ride and Wagner (the perpetrator) made threats to “get him” and arrogantly and profanely told Plaintiff how she was going to get him and how all of his money was not going to get him out of it. In other words, Wagner told Plaintiff that she intended to frame him.

The Plaintiff filed an Incident Report on September 16, 2001, the same day of the incident. Wagner, the actual perpetrator of crimes against the Plaintiff, who alleged she was the “victim”, did not file an Incident Report until September 19, 2001 and her Incident Report was

full of untruths. The Plaintiff's true report was never investigated by authorities and critical information was left out of this report. Deputy Kenneth Johnson responded to Plaintiff's 911 call on September 16, 2001 and prepared this report. It is important to note that Deputy Johnson had responded to the Plaintiff's call before. The Plaintiff called 911 on May 19th 2001 to report a case of harrasment. Deputy Kenneth Johnson responed to this call and he refused to take this report, and as he states in the Incident Report filed by Plaintiff on Case Number I 0150665, *"Each time I informed him I could only put in my report things that were substantiated; things that I saw, heard, or could prove, and it was not permissible for him to dictate what words he wanted a deputy to write in their report."* The Plaintiff looked into this and Deputy Johnson's statement is not correct or accurate, and a person does have the right to file a Incident Report on any incident, and it does not have to be "only things that were substantiated" or things that the officer "saw, heard, or could prove"—This is done during a thorough and competent investigation of the report. This is clearly why he left critical information out of this report that the Plaintiff filed on September 16, 2001. The Plaintiff attempted to file a Supplemental Incident Report that included the facts he attempted to file in the first report and Plaintiff was denied his right to do so and threatened with arrest.

However, Wagner's Incident Report, the actual Perpetrator in this case, which was not filed until September 19th, 2001, which was in fact a false report, was investigated by Detective Preston Peavy, but no thorough investigation was done and the only witness at the scene, Drew Mayo, was never interviewed. In the interview of Wagner by Detective Peavy, done before Plaintiff's arrest, Wagner's story contradicted everything she had stated in her Incidence Report and her story changed drastically. In this interview of the alleged "victim", all the facts and the location of the alleged incidents changed. In fact, the location of the alleged incident described

by Wagner in this interview was in Cedartown, Georgia, which is in Polk County, and not in the jurisdiction of Cherokee County.

Despite all the evidence to the contrary, the Plaintiff was falsely arrested on September 25, 2001 for simple assault, simple battery, and obstruction of a 911 call. These were all crimes committed against the Plaintiff by Wagner, and the Plaintiff was in fact the victim of these crimes. Detective Peavy went on to commit back to back misdemeanors and felonies as he went on to ignore, eliminate, alter, and tamper with virtually every piece of exculpatory evidence in his every attempt to manufacture the Plaintiff's guilt.

Detective Peavy had a transcript of a recording that exonerated the Plaintiff altered to eliminate this exculpatory evidence, and then the State "misplaced" and later "lost" this tape. When a piece of alleged evidence was collected by Detective Peavy from the Plaintiff's home, Detective Peavy ignored critical evidence that would clear the Plaintiff of the accusations against him. Detective Peavy, or someone from the sheriff's department, committed Felony Tampering with Evidence by altering this key piece of evidence (a crossbow belonging to Plaintiff) to remove the exculpatory evidence, as explained below.

When a crossbow that belonged to the Plaintiff, who is an Archery Champion, was collected by Detective Peavy, the Plaintiff attempted to point out exculpatory evidence that Attorney Jeff Rusbridge and an "expert" witness (Wade Pittman, owner W.D. Archery) had seen, which made Wagner's story impossible, yet Detective Peavy chose to ignore this crucial evidence. (There was a thick layer of dust on the shaft of this crossbow from sitting dormant for nearly three years, which was proof that it had not been cocked or loaded as Wagner claimed. If the crossbow had been cocked the tension of the string on the shaft would have cleaned the dust

off and left the shaft clean.) The State was notified by Attorney Jeff Rusbridge to preserve this evidence because it was now the only exculpatory evidence, besides the witness (Drew Mayo), the Plaintiff had left to show innocence.

Because of Detective Peavy's unlawful, unjust, and deceptive actions, the Plaintiff was indicted by a Grand Jury based on tainted evidence and fraud upon the Court. The members of the Grand Jury were completely unaware of the exculpatory evidence and they were never told that there was a witness therefore the Plaintiff's false charge of Simple Assault was upgraded to Felony Aggravated Assault. This was another devastating blow for the Plaintiff and his loved ones. The Plaintiff and his first counsel, Attorney Jeff Rusbridge, made it clear that this indictment was not correct throughout this long battle.

The Plaintiff went to trial on November 19, 2002. The Plaintiff's first attempt at trial came to an abrupt halt after the fact of Felony Tampering with Evidence was shown, yet no actions were taken by the court to investigate these claims, and this case continued on for three more long years. There were clearly due process violations and Judge Sumner did not take care of the business of the court. The fact that this crossbow had been cleaned off, even though the State was instructed to preserve this evidence, was a huge blow to the Plaintiff and to his hope of being granted an acquittal.

The Plaintiff was forced to hire another attorney, spending thousands more dollars, and the Plaintiff's life wasted away and he and his family were intentionally made to live under the duress and stress of this bizarre case of injustice and corruption.

In May of 2005, the Plaintiff took a letter to the District Attorney asking him to formally dismiss these false charges after it had now been over two years since his first attempt at trial and over three years since this case had begun. The Plaintiff received a letter a few days later with a new trial date, forcing the Plaintiff to hire a third attorney and spend tens of thousands more dollars. This case continued on for nearly eight more months of trial calendars, yet the Plaintiff was never given his day in court and was never given the opportunity to bring out the corrupted and tainted actions of the State by means of Preston Peavy and those that covered for his corrupted and unlawful actions. The Plaintiff's patriotic mother, Dottie H. Walker, spent over four long years under the effects of this nightmare and died under the duress, disbelief, confusion, and pressure of this tragic case against her son, and yet her husband, the Plaintiff's father, received two Purple Hearts and fought so bravely in WWII for our freedom.

Even though all of the Plaintiff's charges had been formally dismissed by the State before the Plaintiff's mother's death (Order of Dismissal, signed on Nov. 23, 2005), the Plaintiff did not receive the document by U.S. mail until after her death on Dec. 2, 2005 (Order of Dismissal received by US Mail on Dec. 19, 2005).

When the Plaintiff was contacted by Evidence Control to pick up his crossbow that was taken into evidence the Plaintiff noticed, upon arrival, that the copy of the Chain of Custody did not flow properly. This critical document was left blank in the space for custody just before the Plaintiff's trial date. This made it impossible to determine who may have altered this evidence which had become the crux of the Plaintiff's defense — the crux of his defense because all other exculpatory evidence had been altered or tainted by the State.

The Plaintiff's life has been ruined and his life continues to waste away because of the actions of the former Detective Peavy and because of those that stood behind his demented actions. It was wrong how others covered up for a man that committed heinous crimes against the Plaintiff and his family. The Plaintiff's civil rights and his right to due process of law were violated by the actions of Mr. Peavy and officials who covered for him.

The Plaintiff does not profess to be perfect, but he turned his life around on April 12, 1992. Because of this case the Plaintiff lost his custom home that he personally designed and physically built on one of the most beautiful lots in the southeast at the corner of the Etowah River and Lake Allatoona.

Due to the unjust and criminal actions of Defendant Peavy and those that covered for him, the Plaintiff was forced to fight this injustice virtually alone, putting him under such stress that it caused him harm both physically, mentally, and financially. The Plaintiff can substantiate each claim by way of documents, witnesses (including an outstanding citizen witness that was never interviewed, Attorney Jeff Rusbridge, and Wade Pittman, an "expert" witness), and recorded conversations. The Plaintiff should be awarded his day in court with a trial by jury so his evidence may be heard and a decision rendered by an impartial jury.

The Plaintiff's life continues to be a struggle and he continues to suffer unjustly because of this case. Because of the Plaintiff's battle Detective Preston Peavy was "demoted" to Uniform Patrol, where he became Corporal Preston Peavy. This did not sit well with the Plaintiff and he continued to fight for this officer to be removed from the police force. Preston Peavy eventually left the Sheriff's Department and began working in the private sector (although the Plaintiff has learned that he is now back on the force).

The Plaintiff has suffered financially, emotionally, and physically since his false arrest on September 25, 2001 and the Plaintiff continues to suffer financially, emotionally, and physically. The Plaintiff's family and loved ones have also suffered because of this case and the Plaintiff's mother suffered until her death as the result of this case. What happened to the Plaintiff in this case should not happen in the United States of America. The Plaintiff's only request is for justice to be upheld and the Plaintiff to have his day in court so he might be compensated for the many civil rights violations, obstructions of law, and the corrupted actions brought against him and his family by Defendant Preston Peavy and certain officials of Cherokee County, Georgia.

Dated this 8th day of January, 2010

A handwritten signature in black ink, appearing to read "Kerry Walker", written over a horizontal line.

Kerry Craig Walker
sui juris

IS OUR JUDICIAL SYSTEM CORRUPT???

How many lives have you shattered severely?
How many hearts have you withered and torn?
How many poor spirits have suffered sincerely
Through your contemptible wrath and scorn?

How many dear Mothers have wept in silence
Searching for answers from our Creator above,
How many innocent have been driven to violence
Through you lack of compassion and love?

What has made you so cynical and unforgiving?
Is vengeance a game you delight in sharing?
Do you ever thank God for the grace of living?
For the gift of loving and the joy of caring?

How many minds have you willfully tormented?
Is your pleasure derived from imparting despair?
Why is your little world so cold and demented?
Will you rue the day you seek God in prayer?

Why is your judgment so harsh and unfeeling?
Perfection doesn't exist on this earthly sod,
What are your thoughts vicariously concealing?
Do you revel in the role of an unjust God?

Have you been deprived of nurtured devotion?
Has life dealt you too many unkind blows?
Do you ever divulge sympathetic emotion?
Why not surrender while your candle still glows.

How do you feel with God's eyes upon you?
Does your guilt fly away on the wing of a sparrow?
Will justice prevail when life's end is in view?
God's way to the eternal is straight and narrow!

Dottie H. Walker