

1 Q Almost gets gravelly and then you step off into non-gravel,
2 right?

3 A Yes, sir.

4 Q And you said 60 feet and is it that -- that's, that's
5 20 yards and I am -- I gather you are sort of guessing that it's
6 60 feet?

7 A Yes, sir. That's a guess.

8 Q Do you feel like you took about 20 steps to get out there?

9 A Yes, sir.

10 Q And it's in a clearing, right? I'm starting to be clear.
11 Then you tripped over something that's sticking up in the
12 ground, right?

13 A It was a depression in the ground, kind of a slight
14 depression. You could tell where the ground had kind of
15 settled, and when I stepped I caught the heel of my boot. I
16 didn't really fall, just kind of stumbled a little bit and I
17 turned around to see what it was.

18 MR. HENDRIX: And if we could, could we pull up that
19 series of Government's Exhibits 98.

20 BY MR. HENDRIX

21 Q All right. That's 98-A, and that's what -- you now have
22 pulled it out of the ground. You are by yourself, right?

23 A I -- when I initially found it, I could not pull it out of
24 the ground. I just uncovered the top and dug my fingers around
25 the lid of the box, and I left for lunch. It wasn't -- at first

1 I -- it was none of my business. I left it.

2 Q And let me get a better sense from you on that. So when
3 you are out there that morning around 11:00 and you stumble, you
4 realize it and what exactly do you do? Do you pull it out of
5 the ground? Just sort of feel around it and see what it is
6 or --

7 A I felt around the lid of the box, just uncovered the top of
8 it and felt around the lip of it and left it in the ground.

9 Q How much did you uncover of it before you left?

10 A Just the -- enough that the top -- I could feel the lip of
11 the top of the box.

12 Q Sort of dusted off the top?

13 A Basically, yes, sir.

14 Q And obviously it's not buried deeply at all, right?

15 A The whole box was in the ground. I just uncovered the lid.

16 Q Okay. You had said that part of it was exposed. That's
17 what I was trying to get at. Is that right?

18 A I believe it was exposed after I stepped on it. When I
19 stepped and I jerked my foot, I think that's what uncovered
20 partially the corner of it. And I turned and looked and seen
21 black plastic in the ground.

22 Q Say that one more time.

23 A When I was walking, I stepped on it, and I think when I
24 stepped, I drug my foot. And I think that's what uncovered the
25 corner of the box.

1 A We took his city employee truck.

2 Q City of London?

3 A Yes.

4 Q So that would be twice then that day that this white City
5 of London truck was out in that neighborhood?

6 A Yes, sir.

7 Q Give me a sense of this. The second time when you and
8 Mr. Kimbell were out there, how long were you out there?

9 A Probably about an hour.

10 Q How long of that hour was it before you guys contacted any
11 law enforcement?

12 A After we found it, I figure we was there 20 minutes. It
13 took us that long to get it up, dig it out of the ground. We
14 contacted our boss, which is the mayor. He contacted Pope
15 County, and it took them several minutes to get out there.

16 Q And that's when Joseph Smith with Pope County sheriff's
17 office comes out?

18 A Yes, sir.

19 Q So was he the only one?

20 A Yes, sir.

21 Q And so it was the three of y'all?

22 A Yes, sir.

23 Q And it was Officer Smith who took photographs?

24 A Yes, sir.

25 Q Did you-all take any photographs of your own?

1 A Yes, sir.

2 Q And you have got -- that's the duct tape. So we are seeing
3 the very side of the ammo can, right?

4 A Yes, sir.

5 Q Same deal, hole behind the ammo can, correct?

6 A Yes, sir.

7 Q Okay. How deep do you figure that hole was?

8 A It was deep enough for the box to be completely buried.

9 Q But with little room to spare, I gather?

10 A Yes. Very limited.

11 Q And it's pretty rocky soil, isn't it?

12 A I don't believe so, sir.

13 Q I have been to that area and it's -- in that part of the
14 state, isn't this all sort of hard, rocky soil? It's not delta
15 earth, is it?

16 A I am not that much digging out there, sir. I couldn't tell
17 you.

18 Q Fair enough.

19 MR. HENDRIX: All right. And that's the next one, and
20 I think at 98-J, is that where we are? Is there one more?

21 BY MR. HENDRIX

22 Q Okay. And this is a -- a bigger view. Can you on this
23 picture tell us where the can was, where the hole is?

24 A Directly in the middle where that stick is, just to the
25 left.