PART II: AN OPEN AND SHUT CASE

Tim Davis returns to Alford’s Grocery
About 6 p.m., or a few minutes earlier, Timothy Davis and his wife, his mother, and his Aunt Ennis drove up to the front of Alford’s Grocery. This was approximately a half hour after Gene Harris discovered Mrs. Alford’s body.

Timothy and his sweetheart, Pam Shafer, moved to Alabama seven weeks prior to the murder and were married soon afterward. Tim was seventeen, and Alabama law required his mother’s permission for the marriage. Until the newlyweds saved enough money to strike out on their own they moved in with Tim’s mother and grandmother. Tim found work at Russell Mills in nearby Alexander City and bought a small, used motorbike from a co-worker.

Tim’s mother, Earlean, spoke to a Sergeant Boggs of the Highway Patrol. A crowd was gathering quickly, and Boggs found it necessary to direct traffic in front of the store. Earlean told Boggs that Tim walked into the store, found the body and hurried straight home, scared. The family returned for Tim to tell the police what he knew.

“You need to tell this to the sheriff,” Boggs said, and called Sheriff Veston Peters to speak with the family.

Boggs instructed Earlean to move her car from the front of the store, where it was causing traffic to back up. While Earlean was taking her car up the hill to find a place to park, Sheriff Peters placed Timothy Davis inside a patrol car for questioning by Peters and a deputy. When Earlean returned to Alford’s she asked Boggs what happened to Tim.
“You can't see him now,” Boggs said. “He’s being questioned by the sheriff.”

“He’s just a boy, and I’m his mother. I want to see him,” Earlean said. She further stated that no matter what she asked, she was prohibited from speaking with her son or even approaching the police car where he was held to let him know she was in the vicinity.

Veston Peters has been described by an Assistant District Attorney on the case as a “hee-haw” and “not the type sheriff you hope to have on a case like this.” Descriptions of the events inside the patrol car as told by Timothy Davis and Sheriff Peters differ. Peters implied that his insightful questioning led to Davis admitting he left his bloody clothes at his grandmother’s home.

Davis says he told Peters he stopped to get gas for his motorbike and saw the body when he walked into the store. “I lifted her shoulder to see if she was alive. When I did that I heard a gurgling, sucking sound and blood poured out from where it had pooled under the body. I panicked, dropped the shoulder and ran.”

“That was what throwed him as a suspect,” Peters said, “going in there and picking up a woman that was as bloody as she was.”

“I drove straight to my grandmother’s house, it was only a mile and a half from Alford’s. I rode the bike right up to the front porch where they were all sitting. I hollered out: ‘Mom, I was at the store, and the woman’s dead. We’ve got to call the police.’ I no sooner got the words out than a deputy’s car just flew past the house. Mom said: ‘No, son, somebody’s already done that. We’ll ride over there, and you can tell them what you know.’”

“I asked him was them the clothes that he wore to work that day,” Peters said.

“When I got off the bike, Mom gave me a good looking over. ‘Wash your hands and change clothes,’ she said. ‘We don’t want them to think you did it.’ When Peters asked me if I’d changed clothes, I told him what Mom said.”
Curtis Smith, one of two local drunks at the bridge, told the troopers he spoke with a young man on the bridge. The sheriff sent a deputy and Timothy’s uncle to retrieve the young man’s clothes from his grandmother’s bathroom. The clothing displayed apparent blood stains.

A billfold from the victim’s store
A few minutes after Gene Harris reported the murder, state trooper Ronnie Cribbs received a call from his dispatcher to respond to a robbery and death at Alford’s Grocery. Before arriving at the store, Cribbs’ dispatcher redirected him to assist Trooper John Tapley with a drunk at an old covered bridge in a remote area some four miles from the murder scene. Cribbs saw a motorbike with a bloody hand. According to Smith’s statement given six days after the murder (July 26): “He had blood on his right hand and arm about half way to the elbow. He washed his hands and said something about he must have turned his fingernails back when he wrecked his motorcycle, blood kept coming out from under them.”

Troopers Cribbs and Tapley left the bridge area and drove to Alford’s Grocery to confer with officers in charge of the investigation. The troopers returned to the covered bridge and spoke a second time with Curtis Smith. According to the troopers, Smith talked about the young man riding his bike across the bridge and returning minutes later. The young man then rode the bike down to the creek bank where he washed blood from his hands and dried them with a paper towel. The officers initiated a search.

Three-tenths of a mile past the bridge, John Tapley found a brown commercial-type billfold, which was later identified as coming from Mrs. Alford’s store. The troopers returned to the bridge, and Ronnie Cribbs found a blood-soaked paper towel hung on a limb in the creek. At a probable cause hearing five days after the murder, Curtis Smith identified Timothy Davis as the young man Smith spoke with at the creek.

Questioning at the jail
At 8:15 p.m. the night of the murder, Coosa County Deputy David Windsor transported Timothy Davis to the county jail in Rockford. When the deputy prepared to leave with Davis, Veston Peters allegedly turned and addressed the crowd: “We got the one that done it.”

Juvenile Judge Robert Teel, Jr., met Windsor at the jail. According to Windsor’s statement: “Judge Teel said book for material witness.” Lt. E.J. Gosdin of the Alabama Bureau of Investigation arrived at the jail some time later and took fingerprints and a mug shot of Timothy Davis. Davis was then taken to the sheriff’s office and questioned. Tim Davis’ account of the questioning follows:
Juvenile Judge Robert Teel, Jr., met Windsor at the jail. According to Windsor's statement: "Judge Teel said book for material witness." Lt. E.J. Gosdin of the Alabama Bureau of Investigation arrived at the jail some time later and took fingerprints and a mug shot of Timothy Davis. Davis was then taken to the sheriff's office and questioned. Tim Davis' account of the questioning follows:

“The men who questioned me were Lt. Gosdin, Sheriff Peters, Judge Teel, and Deputy Neighbors. These I'm sure about, and I believe a state trooper, Ronnie Cribbs or John Tapley.”

Davis says he was repeatedly questioned about what happened. “Finally I told them I didn't see the need to keep telling the same story over and over. At that time Gosdin took out his pistol and put the barrel against my head. He said, ‘Boy, I don’t have any problem blowing your brains out right here.’”

Davis' account is not corroborated. Judge Teel says he was not present for the questioning, but he does not deny instructing Deputy Windsor to book Davis as a material witness. Gosdin, Peters and Cribbs are deceased. Tapley and Neighbors say they cannot remember whether they were present. Deputy Joe Neighbors, Jr., witnessed Davis’ signature on the adult Miranda form (see below) Davis executed at the sheriff's office, waiving his right to counsel. Neighbors wrote in a time of 9:55 p.m.

Later in the evening, Timothy Davis was arrested for the murder of Avis Alford. With no regard for his privacy, Lt. Gosdin forced Davis to strip and surrender his under shorts.
Davis signed this adult form in the Coosa County Sheriff's Office at 9:55 p.m. the night of the murder.
Evidence of sodomy
William Landrum worked as a serologist with the Alabama Department of Forensic Sciences at the Auburn lab. At a second hearing in juvenile court roughly two months following the murder, Mr. Landrum testified and described his analysis of Timothy Davis' under shorts: "On the front of the under shorts there was also present some tissue, or epithelial cells, which are consistent with rectal epithelium."

In sparsely-populated Coosa County (population of approximately 12,000 people) most residents knew one another, if not personally, by name. Beginning the day following Mrs. Alford’s murder, the Alexander City Outlook identified Timothy Davis not by name but as “a 17-year-old Ray community resident.”

Soon everyone in the surrounding area knew the name Timothy Davis and where he lived. The privacy displayed in the official juvenile court proceedings protected nothing. What William Landrum said under oath at the hearing was widely known, and for the residents of Coosa County, Landrum’s testimony proved Timothy Davis sodomized Mrs. Alford. Davis’ guilt would have been perceived no more certain had he given an actual, public confession.

Death threats and trial by unfounded rumor
Bessie and Lester Parrish knew the Alfords well and lived in the community. They spoke about how many residents in Coosa County felt about Timothy Davis.

Bessie Parrish:

The community was so shocked, and there were so many people wanting to find him, and they wanted to get their hands on him, and there was a lot of folks, some of these people around here at that time would have killed him.

Lester Parrish:

Mr. Johnson lived right back this side of her, and he’s dead now, but he lived right down the road from them, but he was one of the Pall bearers, and when we were riding in the car to the church down there, he was older than I was, he was on up in his eighties, but he was very adamant about what he would do. He’s passed on now, that seems so long ago, but we were all pretty well caught up in it.

According to members of Tim Davis’ family, the day following Mrs. Alford’s murder, telephoned death threats toward Timothy Davis and his family began coming into his
grandmother’s home. “We’re going to kill him, and we’re going to kill everybody in that house,” was a repeated threat, often made with a female voice.

A rumor raced through the county that authorities were actively investigating Timothy Davis as the notorious “Georgia Strangler,” who murdered older white women some 75 miles away in Columbus, Georgia. Even the Outlook weighed in: “Persistent rumors that the suspect was an active suspect in the stranglings prompted the Outlook to seek confirmation or denial from Columbus authorities.”

There is no evidence that Davis was ever suspected of being the “Strangler.” A survivor had previously identified the “Strangler” as black. According to Tim Davis, two policemen from Columbus, Georgia, came to Rockford and met with Davis and his attorney.

Upon seeing the young man, one of the policemen turned and spoke incredulously to Davis’ attorney: “He’s just a damned kid.”

“I know he’s a kid,” the attorney said. “I didn’t call you.”

Rumors abounded with little constraint for reality. Timothy Davis allegedly stole gasoline for his motorbike from Alford’s on several occasions. Never mind that no police records corroborate the allegation. He confessed, or rather bragged, numerous times about murdering Mrs. Alford. One man who worked at Russell Mills told of watching Davis swagger about the mill with a large knife in a scabbard strapped to his leg. “And I thought the knife was used to cut open box tops,” the man said in amazement. When Davis was a child he was said to be so dangerous he was allowed to play with other children only under direct adult supervision.

Timothy Davis supposedly accumulated an extensive criminal record when he lived in Mississippi. If anyone asked for specifics, he was told that Davis was a juvenile and of course those records were sealed. While rumors raced about the county unchecked, an official investigation was begun into Timothy Davis’ background. The findings were unexpected.

**Leading up to the trial**
Michael Smith, a Coosa County Juvenile Probation Officer, investigated Timothy Davis’ background. At a hearing to consider transferring Davis to adult court, Smith testified that his investigation found no record of violent behavior or trouble with the law by Timothy Davis. When asked about Tim’s behavior at the Coosa Valley Detention Center
where he was being held at the time, Smith replied, “Tim was very well behaved and caused no problems at the detention center.

Smith did the job most Coosa County residents expected and recommended Davis’ transfer to adult court, knowing Davis would likely face a capital murder trial. Smith justified his recommendation based entirely on the severity of charges against Davis, which contradicted guidelines laid out in Alabama law.

The decision to move Davis from juvenile court and try him as an adult seemingly rested solely with juvenile judge Robert Teel, Jr. Judge Teel presided over a probable cause hearing held five days after the murder. At the end of the hearing, Teel released Davis for lack of evidence. On advice of his attorney, Davis moved to Georgia to live with his brother. Teel says he was ordered by his presiding judge, Kenneth Ingram, to call another hearing and take Davis into custody, which Teel did. The interview with Teel admitting he took Davis into custody to curry favor with his superior judge may be heard in the audio clip which follows.

Robert Teel clip 7 April 2007

 Judge James Sharbutt presided over Davis’ case in adult court. Sharbutt’s involvement in the case is worth remembering for three reasons. The first was Sharbutt’s bizarre response to Davis’ application for treatment as a youthful offender. Sharbutt denied the application, stating he personally made an extra-judicial inquiry and found:

The defendant absconded from the jurisdiction of this court to the State of Georgia and…while in the State of Georgia confessed and acknowledged doing the act and committing the crime as charged in the indictments.

Davis also requested a change of venue before the trial. Sharbutt denied the motion and elaborated:

The evidence as to whether or not the defendant can receive a fair and impartial trial at this time in Coosa County is conflicting and that the defendant can receive a fair and impartial trial at this time in Coosa County Alabama.

The third thing Sharbutt did was assemble a jury venire at the courthouse without notifying Davis' attorneys. Sharbutt proceeded to prune the jury pool down to his personal liking. When Sharbutt denied the change of venue motion he also stated: “The
defendant’s rights can be further protected by proper voir dire of the jury venire and instructions by the Court.”

According to Judge Teel, James Sharbutt suffered from dementia, which had advanced to the stage Sharbutt could no longer make rational decisions. As the trial date approached, Sharbutt “retired” and was replaced by Kenneth Ingram.

In June of 1980, almost two years since the murder of Mrs. Avis Alford, Coosa County’s most infamous murder trial began.

Assistant District Attorney Bob Williams stated in an interview that the prosecution planned to overwhelm both the defense and the jury with evidence and testimony. The trial lasted a week with the prosecution calling 31 witnesses and the defense calling 2.

The prosecution left nothing to chance. Assistant District Attorney Frank Teel (brother to Judge Robert Teel, Jr.) had responsibility for the prosecution’s part in seating the jury (he was already working with a pared-down list). Blacks were a minority in Coosa County, but Teel managed to seat eight of the twelve-person jury as African-Americans.

Teel then coached both Veston Peters and Sgt. Boggs to quote Davis using racially inflammatory language (which Davis denies doing).

“When I come on the outside, I seen two niggers walking up the road,” was Veston Peters’ exact testimony. Sgt. Boggs used the same words when he testified.

Mr. Teel was quite proud of his accomplishment. “I don’t think a single black juror had any sympathy for Timothy Davis,” Teel said.

Curtis Smith, the local drunk down at the old covered bridge, played the role of star witness for the prosecution. Smith identified Tim Davis as the young man he saw on a motorbike near where the billfold was recovered. Smith said he also watched Davis washing blood from his hands near the creek where a bloody paper towel was recovered. Smith also remembered the motorcycle at the bridge was missing a decal, which specifically identified the bike as belonging to Timothy Davis.

William Landrum’s overwhelming contribution to the case came at the second hearing in juvenile court when Landrum testified he found material consistent with rectal epithelial cells in Tim Davis’ undershorts. Nevertheless, Landrum testified as an expert witness and left the jury and onlookers satisfied that Timothy Davis sodomized Mrs. Alford.
The defense did provide a couple of hopeful admissions. Stan Sikes, one of Davis’ two attorneys, used a courtroom demonstration to force Dr. Joe Embry, the pathologist on the case, to admit that if Mrs. Alford were killed as described by Embry, the killer almost certainly did not stab with his left hand. Davis was left-handed.

Sikes also cross-examined Tracey Bignault, a young man confined with Davis in juvenile detention. Bignault spun a strange yarn that he tricked Davis by telling him Bignault had an uncle in Alabama who may be able to help Davis. Davis then admitted killing Mrs. Alford.

Had anyone been listening to Sikes' cross-examination, they would have heard Sikes expose Bignault as quite the liar. An attorney who worked as a special prosecutor early in the case remarked in an interview about Bignault's testimony: "It really didn't matter."

The state prosecuted Tim Davis under a statute which has since been ruled unconstitutional. The jury could acquit Davis, it could find Davis guilty and set his punishment at death, but if it found him guilty and could not agree on death as the proper punishment, the decision would result in a mistrial. Additionally, if the jury set the guilty person's punishment as death, the trial judge had the last word and could change the death sentence to life without parole.

When the jury retired to reach a verdict, Timothy Davis was taken to a guarded room inside the courthouse to await the verdict with his family. Davis described what happened next.

"My sister, Brenda, asked me if I wanted a Co-Cola. I said I did. Before she could walk down a flight of stairs and get the drink from a machine, a deputy stuck his head in the door and announced the jury had reached a decision. They deliberated less than ten minutes to find me guilty and set my punishment at death."

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