

PART III: EVALUATING THE EVIDENCE

The *Outlook* quoted Assistant District Attorney Frank Teel during the trial's closing arguments as stating: "The evidence in this case, I believe, is more overwhelming than in any criminal case I've ever seen."

When asked in an interview if he considered Curtis Smith a reliable witness, former Coosa County Deputy Joe Neighbors, Jr., remarked, "Very reliable!"

The billfold from Alford's Grocery



In Alabama, for murder to rise to a capital offense, it must include aggravation. In the case against Timothy Davis, the billfold itself, not the contents, provided the necessary aggravation.

The billfold found near the old covered bridge.

After troopers Tapley and Cribbs encountered Curtis Smith at the bridge, the troopers returned to Alford's Grocery to confer with Sheriff Peters and Sgt. Boggs. At Alford's, John Tapley made contact with Tim's uncle, Louie Davis. Louie Davis operated a service station in Alexander City and serviced vehicles used by the local highway patrol. John Tapley stated in an interview that he knew Louie Davis very well. Louie Davis provided a statement, which includes the following: "Trooper John Tapley asked me if I knew Tim Davis. I said I did. His mother said he had got on dope, and she went to Georgia and got Tim and a girl."

It is true that Tim's mother went to Georgia and returned with Tim and his fiancé, Pam Shafer, who were living together. There is no evidence that Tim Davis ever abused drugs. Louie's statement can be read [here](#). While the alleged comments between trooper Tapley and Louie Davis do not prove law enforcement officers prejudicially believed they were dealing with a crazed drug addict, such a conclusion may have given order to what they saw as a brutal and senseless crime. It is indisputable Tim Davis was treated as a guilty person the night of the murder.

Despite sworn testimony and signed statements about the missing billfold from Alford's Grocery the night of the murder, the following facts prove that John Tapley and Ronnie Cribbs did not find the billfold past the old covered bridge.

1: Mrs. Alford kept the business billfold in a place undisturbed by the crime.

The night of the murder, ABI Lt. E.J. Gosdin drove from Opelika to Alford's. His notes include the following: "A ladies purse was located under the counter and checked for contents." Inside the purse were personal articles and a billfold containing ninety-eight dollars. The billfold was Mrs. Alford's personal item, not the commercial billfold reportedly stolen. Per Gosdin: "The purse and contents were released to Marvin McDaniel W/M, relative to the victim." Had there been any thought the killer had touched the purse, it would have been kept and subjected to forensic testing.

At the trial, the prosecution used Coca-Cola salesman Gaither Hutchenson to place the billfold in the store. On cross-examination ([pages 598-599](#)), Hutchenson put the billfold under the counter with the purse:

- Q. Where was that billfold kept?
- A. Up under the counter.
- Q. Had money in it?
- A. Yes.
- Q. When she paid you?
- A. Yes.
- Q. Never out of the cash register?
- A. Never out of the cash register.

2: When the search for the billfold began, the troopers had no way to know it was missing. No records mention anyone present at the store immediately following the murder who could determine if a particular item were missing.

Even if such a person were at the store, the billfold could not be known as missing until the purse was searched. If the billfold were found to be missing after checking the purse, the purse would have become evidence and subjected to forensic testing because the assailant likely removed the billfold. When Lt. Gosdin arrived at Alford's

Grocery at 7:00 p.m., the search for the billfold was underway ([see his report](#)). The evidence bag shows the time of recovery as 7:11 p.m.

3: The events at the bridge, as described by troopers Cribbs and Tapley, to recover the billfold and bloody paper towel could not have been accomplished in the time reported.

When the troopers returned to Alford's Grocery to confer with Sheriff Peters and Sgt. Boggs, they were seen at 6:30 p.m., or a few minutes later. When Tapley and Cribbs left Alford's, several alleged events occurred quickly.

1. The troopers returned to the bridge area in one patrol car,
2. The troopers stopped near the bridge and spoke a second time with Curtis Smith,
3. The troopers crossed the bridge in the patrol car and began a visual search along the roadside, looking from inside the car,
4. The troopers rode at a walking pace while watching each side of the road for a distance of .3 mile (the length of 5 football fields),
5. The troopers suddenly stopped the vehicle and began a search on foot,
6. John Tapley promptly found a leather billfold at 7:11 p.m.,
7. The troopers called Sgt. Boggs, who arrived 15-20 minutes later,
8. The billfold was placed in an evidence bag,
9. The troopers returned to the bridge area to continue their search,
10. Trooper Cribbs found a bloody paper towel hung on a limb in the creek at 7:45 p.m., he found a footprint on the creek bank, and
11. Deputy Neighbors came to the area to take pictures.



Covered Bridge Road (photo taken years after the murder).



Billfold recovery evidence bag with recovery time of 7:11 p.m.

The troopers noted they stopped and proceeded on foot in an area where they saw tire tracks. But the Covered Bridge Road is a dirt road—tire tracks were everywhere. The troopers failed to produce one piece of evidence to prove Davis was there, such as a plaster cast of the track which they say caused them to stop. It would have been the obvious, routine and necessary thing to do. These links are tied to trial testimony from [John Tapley](#) and [Ronnie Cribbs](#).

The following day, Lt. Gosdin went to the bridge area looking for evidence. He found none but recorded where the billfold was supposedly found: “The billfold was discovered on the north side of a country road, 39 feet from the edge of travel portion and 14 feet from where a motorcycle had spun around.”

4: The events at the bridge, as told by Curtis Smith and the two state troopers contradict the forensic evidence.

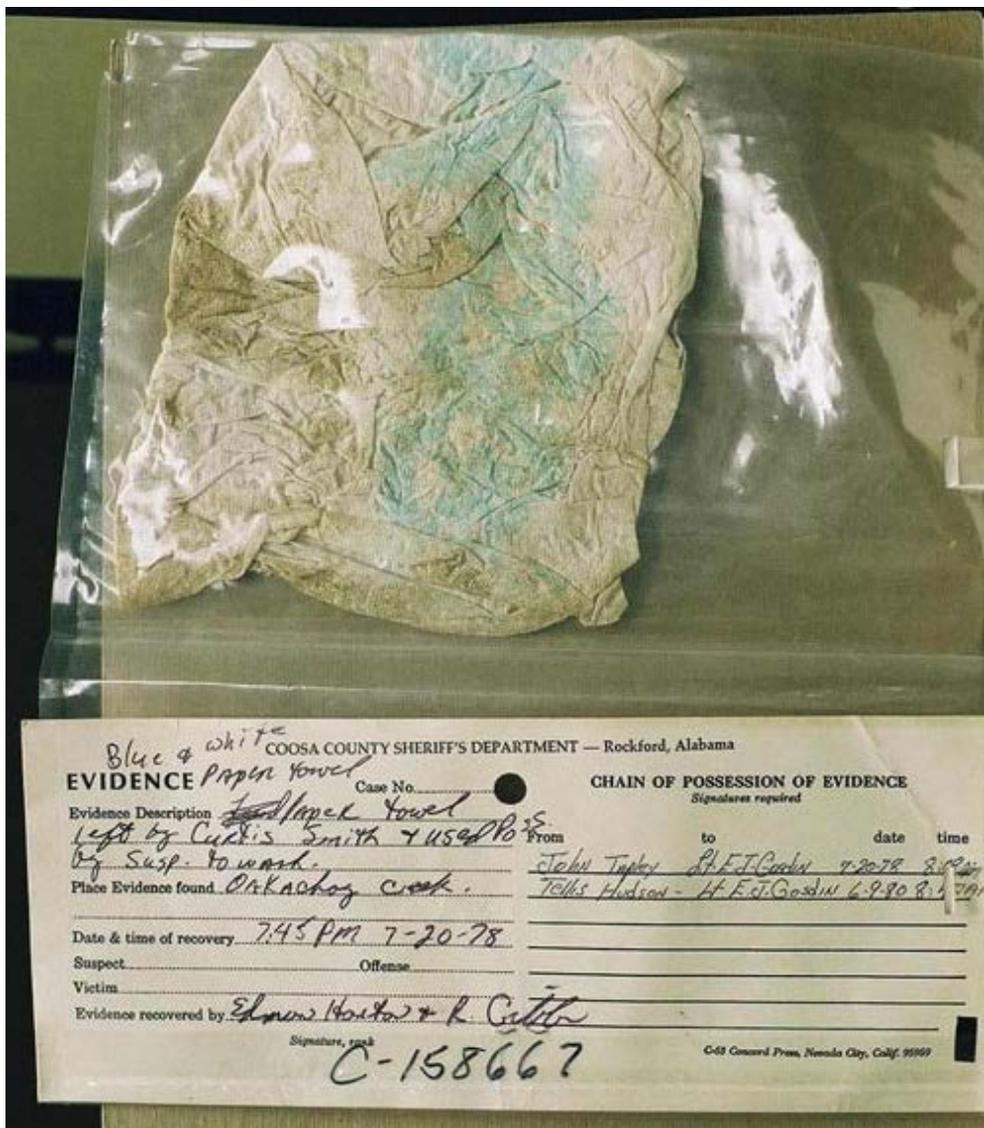
Tellis Hudson, a criminalist with the Alabama Department of Forensic Sciences, examined the billfold John Tapley swore under oath that he found. Hudson reported the billfold contained five checks from Alford Grocery customers, but his examination ([see testimony beginning on page 811](#)) found neither fingerprints nor any trace of blood. Hudson volunteered, in his opinion, that the contents of the billfold had not been disturbed (page 816).

In Smith’s trial testimony of his encounter with Davis at the bridge ([pages 544-551](#)), Smith describes Davis arriving at the bridge, riding the bike across the bridge and out of sight, stopping the bike (supposedly to rifle the billfold), returning to the bridge minutes later, and finally washing away the blood from his hand and arm.

The bloody paper towel supposedly found at the creek bank by Ronnie Cribbs was examined by serologist William Landrum. At the second juvenile hearing (page 162) on September 26, 1978, Mr. Landrum stated: “Examination of this paper towel revealed the presence of blood and was negative for semen, and there was an insufficient quantity of blood present for grouping.”

There are two points here. The billfold had no trace of blood, and Hudson said it was likely undisturbed. Certainly, neither Davis nor anyone else held it with bloody hands.

The towel still exists in the Coosa County evidence room, and was obviously soaked in blood. Despite Landrum’s testimony to the contrary, there appears to be sufficient blood to type. A photograph may be seen below. A white streak on the photo is reflection from the overhead light, not a place on the towel with no blood.



This blood-soaked paper towel was described by William Landrum as Containing insufficient blood for typing.

5: Curtis Smith became a suspect immediately following the murder. He had reason to lie, and he lied under oath about seeing Tim Davis after the murder.

The story told by John Tapley and Ronnie Cribbs is wholly dependent on Curtis Smith's account of what happened and Smith's credibility.

[Ronnie Cribbs' statement](#) says while he was proceeding to Alford's Grocery, he received a second dispatch redirecting him to the old covered bridge to assist John Tapley with a drunk. Cribbs said when he arrived at the bridge area, Tapley was already there, along with members of the Alexander City Police Department. Sending two state troopers from a small post such as Alexander City, plus other police officers from the Alexander City Police, who were out of jurisdiction and assisting in an emergency to a remote location at the covered bridge for the stated purpose of assisting with a drunk is not credible. Consider the following alternative reason for a group of officers congregating at the bridge.

Curtis Eugene Smith was one of two locally-known ne'er-do-wells on a drinking binge down at the covered bridge the day of the murder. Smith's criminal record included two sexual felony convictions. Smith spent time in prison for the crimes, and a [joint statement](#) by the Superintendent and Clinical Director of Bryce Mental Hospital described Smith as "somewhat difficult to determine if he is actually a criminal sexual psychopath as defined."

Troopers Cribbs and Tapley admitted that when they spoke with Curtis Smith they told him what happened and asked if he saw anything. They couldn't say the state's star witness was the number one suspect in a rape-murder because he had committed sexual felonies.

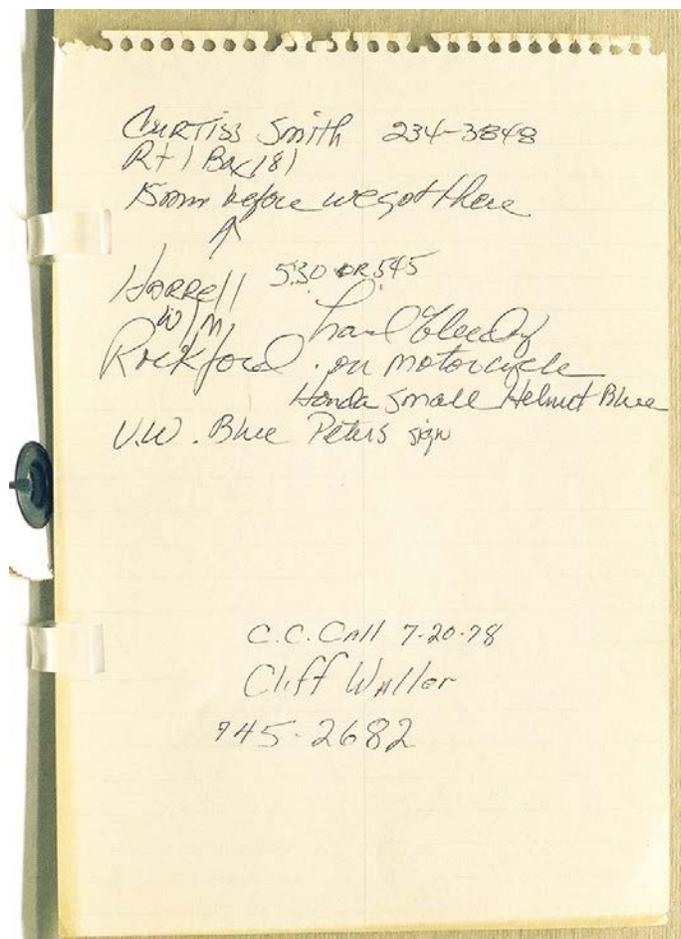
As far as Smith being a valid suspect, no evidence points to him as the murderer. His record of sexual felonies and deviant behavior were against children. An insight into [Smith's pedophilia](#) can be found in his final case.

In 1999, Smith was arrested and indicted for sexual abuse, first degree. A neighbor who filed the complaint against Smith stated she watched him sitting in a chair on his front porch with a six-year-old girl in his lap. The neighbor said she watched Smith rub the girl's legs and then rub the girl's private parts. Smith arose and took the girl inside. A few minutes later, the girl bolted from the apartment and ran to her mother. To avoid prosecution, Smith cut a deal and entered a nursing home. Note a [similar difficulty](#) Smith faced in 1964 for molestation of a minor.

Regardless of Smith's problems, the important question is what he really knew of Tim Davis and events that occurred at the covered bridge. Smith lived with his brother near the covered bridge. He had likely seen Timothy Davis and his wife coming down to the

creek near the bridge for a swim. Convicts despise snitches and pedophiles; Smith was both. His motivation to say anything to avoid a one-way ticket to prison with a death sentence is understandable.

A note of Smith's first conversation with Tapley and Cribbs survives. It mentions a small Honda motorbike, but Smith had the wrong name, and he mentioned injuries to Davis' hand. (Of all the things Smith changed, he remained steadfast in his description of Davis' injured hand, even claiming he observed ripped back fingernails with blood pouring out.). He described the boy on the bike as wearing a blue helmet, while Davis wore a bright yellow helmet.



Note from first conversation troopers Cribbs and Tapley had with Curtis Smith.

Smith never identified Davis from a lineup or a photo spread. At the probable cause hearing five days after the murder, special prosecutor Mitch Gavin called Smith as a witness and asked ([page 28](#)): "On that day, did you have an occasion to see this young man sitting here?"

Gavin later asked Smith ([page 29](#)): “If you saw a picture of that motorcycle, do you feel that you would be able to identify it for the court?”

“I couldn’t be sure,” Smith answered, “because there are so many of them that look alike now.”

In his [statement](#) and trial testimony, Smith described Davis as wearing a T-shirt with writing on it. Davis wore a red tank top (no writing) to Alford’s and to the bridge, if he had gone there. Davis changed clothes before returning to Alford’s. Smith described the shirt Davis wore for his mug shot.

At the hearing to transfer Davis to adult court, [Smith remembered](#) Davis was driving a gold-colored motorcycle and wearing a gold helmet.

Smith’s memory improved even more for the trial, and [Smith specifically identified](#) Davis’ motorcycle. “The little decal on the side was not there, so I couldn’t tell what size it was.”

6: The investigators incorrectly identified the crime as a robbery.

The prosecution speculated Timothy Davis robbed the store and then sodomized and murdered Mrs. Alford to hide the robbery. Another explanation for the opened till with coins scattered across the floor is that the murderer hurriedly staged the crime scene to appear as if robbery motivated the crime. A picture of the checkout counter is shown in Part I.

7: John Tapley now denies he found a billfold.

John Tapley was asked: “You don’t remember finding the billfold?” His answer: “No.” Asked about what he found down at the bridge: “I didn’t find anything down there.” John Tapley said he would give me an interview, but it never worked out. What follows is part of a phone conversation from 2007 between John Tapley and Alex Ashton. Hear the conversation below:



John Tapley Clip 09 09 2007

(Click to Play)

8: The only explanation consistent with the evidence is that the billfold was taken to the covered bridge by a police officer.

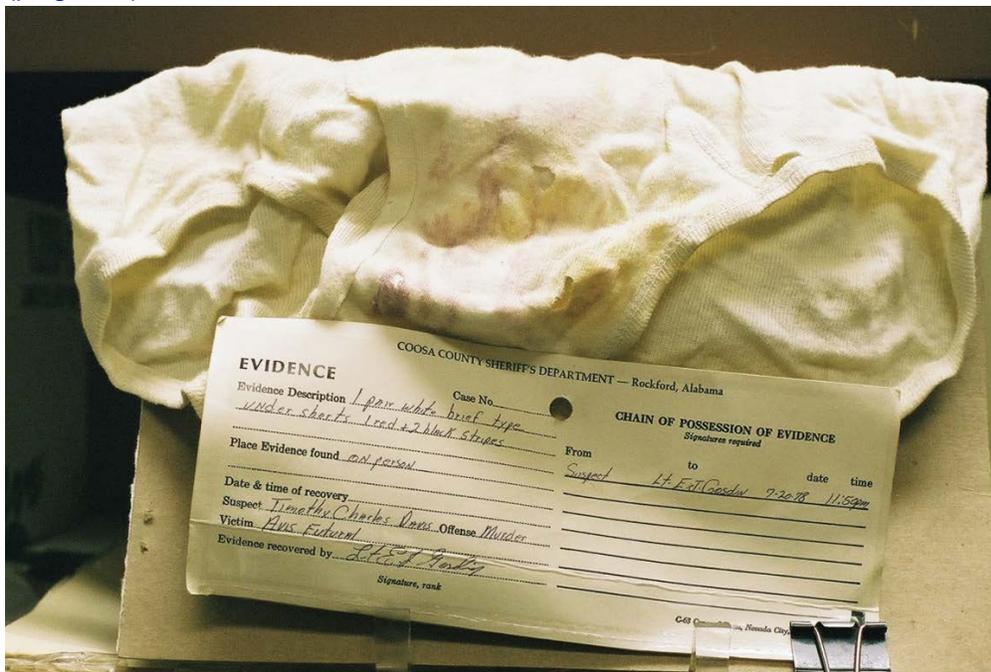
Taken as a whole, the one thing beyond reasonable doubt is that Ronnie Cribbs, John Tapley and Curtis Smith did not tell the truth.

The crusty material in Timothy Davis' underwear

While the billfold from Alford's Grocery was the piece of evidence which the prosecution used to give Timothy Davis a death sentence, nothing carried more importance in the appearance of the young man's guilt than the forensic analysis performed by William Landrum of the small crusty spot found in Davis' undershorts.

A rumor circulated that after murdering and sodomizing Mrs. Alford, Timothy Davis went home and took a bath. But for some reason he put back on the same under shorts. After he was arrested and while changing into jail clothes someone noticed a large stain in the front of his shorts.

Lt. E.J. Gosdin took possession of Davis' under shorts for forensic testing at the Coosa County Sheriff's Office the night of the murder. The crusty material inside the shorts (the stain with the epithelial cells) was described by William Landrum at the second hearing ([page 84](#)) as: "About the size of the white on a match head."



Timothy Davis' undershorts after undergoing forensic testing

Epithelial cells line the wall of the gut similar to skin cells covering the outside of the body. They grow from the inside out, and as older skin cells wash away when taking a bath, for example, epithelial cells slough away from the gut and become a part of fecal matter. One way to confirm a specimen is fecal matter is to microscopically identify the presence of epithelial cells. Timothy Davis was a healthy seventeen-year-old male with an attractive wife of seven weeks. A semen stain was located across the front of Davis' under shorts and made visible (purple) by use of a chemical to identify semen. A layman can recognize Landrum's misrepresentation by reading his report on the underwear and noting that the most prominent stain is never individually mentioned.

Mr. Landrum found a small piece of fecal matter and misrepresented the evidence by combining the larger semen stain with the tiny fecal evidence and describing the epithelial cells as if they were not inherently part of the fecal matter.

More startling than Mr. Landrum's misrepresentation of the evidence in Timothy Davis' underwear is Landrum's courtroom testimony where he is examined by Assistant District Attorney Bob Williams. Mr. Williams asks and Mr. Landrum affirms that the epithelial cells he described in Davis' underwear were nothing more than the naturally-occurring component of fecal matter, commonly known as stool. The following questions and admissions are taken directly from [page 885](#) of the trial transcript:

- Q. In the rectum...are these epithelial cells that you found, types that you found in this underwear, where the holes are, are they normally mixed with fecal material, or stool?
- A. Yes, sir, when they are from the rectum, they would be.
- Q. Were they in this case?
- A. Yes, sir, they were.

Mr. Landrum's description of his analysis of the crusty spot in Timothy Davis' underwear misrepresented the evidence and misled the court.

During this investigation Mr. Landrum was asked if he lied at the second hearing when he claimed finding epithelial cells from a rectum. Mr. Landrum stated that he did not lie because he did not say he found rectal epithelial cells. He said he found material consistent with rectal epithelial cells.

Evidence from the Search warrant?

The night of the murder, Sheriff Peters dispatched Deputy Windsor and Louie Davis to retrieve Timothy Davis' clothes from Stella Neese's residence. Deputy Joe Neighbors went to Stella Neese's residence later in the evening and took possession of Timothy

Davis' shirt, pants, shoes, socks, and motorcycle helmet. There was no search warrant for this evidence.

ABI agent Lt. Gosdin's October 10, 1978, report mentions that on Wednesday, July 26, 1978, (six days following the murder and one day after the probable cause hearing when Timothy Davis was released for lack of evidence) Deputy Joe Neighbors, Jr., executed a search warrant at the home of Stella Neese (Tim's grandmother, with whom Tim was living at the time of the murder). The report mentions Deputy Neighbors was assisted by Gosdin, ABI agent Jimmy Abbett, and Mitch Gavin, one of two special prosecutors hired by the Alford family to prosecute Timothy Davis. [Gosdin's report is incorrect as to what part Gavin played in the case. Mitch Gavin confirmed to this writer that he participated as a special prosecutor and was present when the search warrant was executed.]

At the second hearing held in Juvenile court September 26, 1978, Deputy Neighbors testified about executing the warrant, and he inadvertently revealed that he did not follow the required rules after the search. Davis' attorney, Lee Sims, objected to testimony about any evidence from a defective search warrant. Tom Radney, a special prosecutor, asked the deputy if he had received permission from Mrs. Neese to search the premises. The deputy said Mrs. Neese gave him permission for the search. Judge Teel denied Sims' objection, and the prosecution proceeded without the need to defend the warrant. Judge Teel's denial was atrocious, but this was the hearing which Teel claims Kenneth Ingram ordered him to call for the specific reason of taking Timothy Davis into custody.

Members of Timothy Davis' family told this writer in separate interviews that the entire business of a search warrant was bogus. For example, Tim's wife, Pam, said she was home alone when a deputy knocked on the door. Pam said she opened the door, and the deputy walked in and proceeded to go through drawers in the kitchen. She does not remember if the deputy took knives with him when he left. Pam didn't remember the deputy's name, but she said he was the pudgy one. Pam said Earlean was upset that she let the deputy come inside, but Pam said she did not have a choice.

Tim's first cousin, Faye Tankersley, is married to Jimmy Tankersley, a nephew to Onis Alford. Faye said that in the days immediately following the murder, she stayed at the Neese home because she did not feel welcome around Mrs. Alford's relatives. Faye said she watched the Coosa County Sheriff's department personnel remove Tim's motorcycle from the Neese residence. Faye remembers asking Tim's brother, Eddie, to stop the removal of the bike because no search warrant was produced. Faye remembers the time as occurring before the week ended.

Gertrude Coggin is Earlean's sister. Gertrude says she took off a couple of days from work to help Earlean find legal representation for Tim. She got behind in her work and did not go back to the Neese residence after the weekend, at least for some time. She said she watched the motorcycle being taken from the front yard where Tim left it (not from a shed in the back as was reported). She said the deputies walked into the house without permission.

Tim's brother, Eddie Davis, said he watched the motorcycle being taken from the Neese residence. Eddie said the date could not have been July 26, as shown on the search warrant, because Eddie took Tim and Pam to Georgia the day Tim was released, which was July 25.

Jimmy Abbett declined an interview. Mitch Gavin qualified his participation in the search by saying he could not remember whether it took place before or after the first hearing.

If the prosecution is to be believed about the search warrant, two questions need satisfactory answers:

- 1) Why would the Coosa County Sheriff's Department wait from Thursday evening (the day the murder occurred) until the following Wednesday to execute a search warrant in a capital murder case?
- 2) Why would Timothy Davis leave his motorcycle, his and Pam's only means of transportation, at his grandmother's home when he moved to Georgia to live with his brother?

In my opinion, there is no good answer for the sheriff's department. This case was top priority in Coosa County. As for Davis leaving his motorcycle, it was long gone when he was released the day before the search warrant was allegedly served.

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