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IN THE CIRCUIT COURT OF COOSA COUNTY  
STATE OF ALABAMA

TIMOTHY C. DAVIS,  
Plaintiff,

vs.

CIVIL ACTION NUMBER  
CV92-14

STATE OF ALABAMA,  
Defendant.

PLAINTIFF'S  
EXHIBIT  
41

ORIGINAL

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Telephonic deposition of TRACY BIGNAULT,  
taken by counsel for the plaintiff, pursuant to  
notice, reported by Victoria L. White, CCR, at the  
offices of Fletcher Farrington, P.C., 208 East  
34th Street, Savannah, Georgia, on the 28th day of  
December, 1994, commencing at 2:48 p.m.

Computer-Aided Transcription By:

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REQUESTED INFORMATION INDEX

(No information requested)

\* \* \* \* \*

E X H I B I T S

(No exhibits proffered)

1 THE COURT REPORTER: Pursuant to  
2 Georgia Law, I am under a duty to disclose the  
3 fact that I have been called to stenographically  
4 report this deposition by counsel for the  
5 plaintiff.

6 However, I am appearing at this  
7 deposition on behalf of McKee Court Reporting,  
8 and McKee Court Reporting is not participating  
9 in a contract for reporting services for this  
10 deposition and has no financial interest in the  
11 outcome of this case.

12 MR. BRIGHT: This is just for the  
13 record. We're on the record now.

14 This is the deposition that was  
15 noticed up for Tracy Bignault, B-I-G-N-A-U-L-T,  
16 pursuant to notice for use by any party in this  
17 litigation for any purpose.

18 With regard to stipulations, shall  
19 we agree to stipulate to reserve objections except  
20 to form?

21 MR. CRENSHAW: That's fine.

22 MR. BRIGHT: All right. And I will  
23 ask the witness about signing and so forth once  
24 he has been placed under oath and we start the  
25 examination.

1 TRACY BIGNAULT, being first duly  
2 sworn, testified as follows:

3 EXAMINATION

4 BY MR. BRIGHT:

5 Q. Mr. Bignault, first of all, for the  
6 record, could you tell us your name.

7 A. Tracy Bignault.

8 Q. Spell your last name for us.

9 A. B-I-G-N-A-U-L-T.

10 Q. And where do you live?

11 A. In Savannah, Georgia.

12 Q. And are you employed?

13 A. Yes, sir.

14 Q. And what do you do for a living?

15 A. I own a recovery company.

16 Q. All right. How long have you been  
17 in that business?

18 A. Ten years.

19 Q. And could you tell us how old you  
20 are.

21 A. I'm 20 -- I almost told a story --  
22 32.

23 Q. Thirty-two years old. And how long  
24 have you lived in Savannah or the area?

25 A. Pretty much all my life.

TRACY BIGNAULT - EXAMINATION BY MR. BRIGHT

1 Q. And are you the same Tracy Bignault  
2 that testified in the case of State of Alabama  
3 versus Timothy C. Davis?

4 A. Yes, sir, I am.

5 Q. All right. Let me direct your  
6 attention to August of 1978, Mr. Bignault, and ask  
7 you, were you in the juvenile detention center in  
8 Savannah at that time in August of 1978?

9 A. As far as the date, yes, sir. As  
10 far as the recollection to that date and time,  
11 yes, sir.

12 Q. All right. And could you tell  
13 us, if you recall, how many contacts you had as  
14 a juvenile with the juvenile justice system.

15 A. Fifty-seven.

16 Q. All right. Did you, in the  
17 course --

18 MR. CRENSHAW: Repeat that.

19 MR. BRIGHT: Excuse me?

20 MR. CRENSHAW: I didn't catch that  
21 number. I'm sorry.

22 THE WITNESS: Fifty-seven.

23 MR. CRENSHAW: Okay. Thank you.

24 BY MR. BRIGHT:

25 Q. Did you know a person by the name

TRACY BIGNAULT - EXAMINATION BY MR. BRIGHT

1 of Thomas Hodges?

2 A. Yes, sir, I did.

3 Q. Who was he?

4 A. He -- at the time when I met him,  
5 he was an intake officer, which is known as a  
6 counselor.

7 Q. An intake officer where?

8 A. At the juvenile detention facility.

9 Q. All right. And describe your  
10 relationship with him.

11 A. At first, it was purely a  
12 relationship of, you know, an inmate, I guess you  
13 would say. Later on, it became a more personable,  
14 you know, relationship such as he was trying to  
15 get me involved in things like group and some --

16 MR. CRENSHAW: Sir, could you  
17 please speak up. I can't hear you.

18 THE WITNESS: At first, it was  
19 purely, you know, an inmate-type relationship.  
20 Then, later on, he tried to get me involved in  
21 some counseling and some group therapy and also  
22 drug rehab.

23 BY MR. BRIGHT:

24 Q. Now, with regard to the group  
25 counseling, what kind of counseling?

TRACY BIGNAULT - EXAMINATION BY MR. BRIGHT

1           A.    He carried me to different group  
 2 meetings. Like at Georgia Regional, they had drug  
 3 rehab meetings. He carried me to, I believe it  
 4 was, Baxley or Waycross or something like that to  
 5 a group home where they had group meetings where  
 6 people that were there were there for alcohol and  
 7 drug abuse, and, you know, that was their sole  
 8 purpose for being there. And I was carried there,  
 9 basically, to participate in the groups with them.

10           Q.    Now, when you would be carried to  
 11 those programs, would that be when you were not in  
 12 a state of detention?

13           A.    Oh, yes. When I was in the state  
 14 of detention, it was purely that. When Tommy and  
 15 I first became acquainted, it was totally Mr. Hodges  
 16 this, Mr. Hodges that.

17                    When I saw him on the street or,  
 18 you know, going to group or whatever, then it was  
 19 Tommy. But while at the juvenile detention center,  
 20 he was in no way, shape, or form allowed to carry  
 21 me to do any type of groups or counseling or  
 22 anything like that.

23           Q.    Did he ever visit you in your house?

24           A.    Yes.

25           Q.    How many occasions? Do you recall?



## TRACY BIGNAULT - EXAMINATION BY MR. BRIGHT

1           A.    He probably came to my house probably  
2 four or five times.

3           Q.    And those contacts and relationships,  
4 would they have been before you were in the  
5 detention center in August of 1978?

6           A.    The contacts at the house, there  
7 was probably one, maybe two, before that time, and  
8 then the rest of them, you know, occurred over a  
9 period of time afterwards.

10          Q.    And what about the other kinds of  
11 contacts that you described?

12          A.    As far as the groups and stuff like  
13 that, I mean, that was -- it was done over a  
14 course of time. I don't think I was ever carried  
15 to but maybe one group before, you know, this  
16 incident that we're discussing now.

17                   Most of the incidents, I mean, the  
18 groups and stuff that I was carried to, like I  
19 say, was done, you know, just over a course of  
20 time, you know, during this, really.

21          Q.    Okay. But it would have been  
22 both -- tell me if this is wrong.

23                   Would it have been both before and  
24 after?

25          A.    Yes.

TRACY BIGNAULT - EXAMINATION BY MR. BRIGHT

1 Q. Okay. And did you, by August of  
2 1978, know Tommy Hodges fairly well?

3 A. Yes, sir.

4 Q. Now, in your testimony at the trial,  
5 you described some conversations you had with  
6 Mr. Davis.

7 Do you recall that?

8 A. Yes, sir.

9 Q. Now, I want to ask you if -- before  
10 those conversations that you testified about at  
11 the trial, did you have any conversations with  
12 Mr. Davis?

13 A. I don't understand the question.

14 Q. Well, you testified about some  
15 conversations in which he made certain admissions  
16 to you --

17 A. Yes, sir.

18 Q. -- about the crime.

19 Do you remember that?

20 A. Yes, sir.

21 Q. Did you have conversations before  
22 that on other matters?

23 A. Just casual matters as far as, you  
24 know, I had asked him a couple of times why he was  
25 there, which, you know, that was a normal topic of

TRACY BIGNAULT - EXAMINATION BY MR. BRIGHT

1 conversation.

2 When you would meet somebody in the  
3 juvenile, you know, that was -- usually, the first  
4 question out of your mouth was, "What are you here  
5 for?"

6 You know, like I say, it was casual  
7 conversations. Most of the time I saw him was  
8 during like rec time or, you know, study time or,  
9 you know, chow hall or something like that. Only  
10 other conversations before that were, you know,  
11 conversations of trying to basically find out what  
12 he was there for and -- just casual.

13 Q. Okay. When you first met him and  
14 asked him what he was there for, was he willing to  
15 tell you what he was --

16 A. No, sir.

17 Q. -- there for?

18 A. No, sir.

19 Q. Okay. How did you find out what he  
20 was there for?

21 A. At the time I was there, while this  
22 was going on, I made what they call -- basically,  
23 a trustee status is what most people understand it  
24 to be, which means that I could pretty well move  
25 around inside without a whole lot of supervision,

TRACY BIGNAULT - EXAMINATION BY MR. BRIGHT

1 you know, like somebody breathing down my neck.

2 I had access to go into the control  
3 room to clean up, and they had what they called a  
4 control intake board. And when I saw his name up  
5 there on the control intake board, I saw that they  
6 had him charged with murder wrote on the intake  
7 board. And that's how I found out.

8 Q. And are the counselors the people  
9 who make you a trustee?

10 A. No, sir.

11 Q. Who makes you a trustee?

12 A. They have a -- I guess you'd almost  
13 call it a head guard or something like that, but  
14 it was basically the supervisor. They, other  
15 guards, submitted names of people that had been  
16 there before or people that were there for  
17 nonviolent crimes and stuff like that that could  
18 be considered to be on trustee status. And that  
19 person and that person alone made that decision.

20 Q. And do you recall how long you had  
21 been on trustee status?

22 A. No, sir. I had been in and out of  
23 there so much, I -- you know, that was just one of  
24 those times. I couldn't tell you.

25 Q. All right. Did you ever have any

TRACY BIGNAULT - EXAMINATION BY MR. BRIGHT

1 conversations with Thomas Hodges about talking to  
2 Timothy Davis?

3 A. Yes, sir, numerous conversations.

4 Q. Tell us about those.

5 A. Well, it started out when  
6 Mr. Hodges and I first talked about Timmy.

7 MR. CRENSHAW: Excuse me. Just out  
8 of an abundance of caution, I object to the form,  
9 to the hearsay.

10 MR. BRIGHT: Okay.

11 MR. CRENSHAW: Excuse me. I  
12 apologize. Go ahead.

13 MR. BRIGHT: That's okay.

14 THE WITNESS: Okay. He basically --  
15 you know, he wanted me to try to befriend Timmy,  
16 which Timmy and I had -- already, I guess, were  
17 closer or talked more than anybody in there  
18 because he didn't talk, you know, just to anybody.

19 The conversations between Mr. Hodges  
20 and myself were that he was trying to get me  
21 basically to get out of him what I could or soften  
22 him up, you know, get him to open up to somebody  
23 as a inmate rather than a counselor, you know.

24 And he came to me numerous times  
25 after different conversations with Timmy and asked

TRACY BIGNAULT - EXAMINATION BY MR. BRIGHT

1 me, you know, repeatedly, "Well, what did you find  
 2 out? Did you find out anything," to the point  
 3 to where he kept doing it and kept doing it until  
 4 I finally -- my last thing to him before the  
 5 conversation where Timmy told me what had been  
 6 done, I finally told him that when I found out  
 7 something that I would let him know, that I didn't  
 8 want him to keep coming to me every time Timmy and  
 9 I spoke to each other in the hallway or spoke to  
 10 each other during rec time, coming to ask me  
 11 basically every five minutes, "Well, what did you  
 12 find out," you know, "What did he say," you know,  
 13 and stuff like that.

14 And I told him point-blank, "If I  
 15 find out something, I'll let you know." And I  
 16 left it at that.

17 BY MR. BRIGHT:

18 Q. Okay. And when he was asking you  
 19 if you found out something, what kinds of things  
 20 did he want you to find out?

21 A. I have to answer under speculation  
 22 because, I mean, he never came to me and said, you  
 23 know, "This is what I want you to find out."

24 MR. CRENSHAW: Object to the form.  
 25 The -- it's beyond the personal knowledge of the

## TRACY BIGNAULT - EXAMINATION BY MR. BRIGHT

1 witness.

2 MR. BRIGHT: Sure.

3 BY MR. BRIGHT:

4 Q. Well, don't speculate, but could  
5 you recall any particular things that you were  
6 asked about?

7 A. Yeah. He asked me had I flat out  
8 asked him did he do it.

9 Q. Okay. And by that, you mean the  
10 crime?

11 A. Right.

12 Q. Okay. And was that clear to you?

13 Was that --

14 A. Yes, sir.

15 Q. -- what he said?

16 A. Yes, sir.

17 Q. All right. I want to go back and  
18 clarify one thing you said earlier. You said  
19 something to the effect of -- and correct me if  
20 I'm wrong -- something about more conversations  
21 with Tim than other people.

22 Now, did that mean you talked to  
23 Tim Davis more than other inmates talked to Tim  
24 Davis, or you talked --

25 A. Tim talked to me more than he did

TRACY BIGNAULT - EXAMINATION BY MR. BRIGHT

1 to other people.

2 Q. Okay. And did you have other  
3 people you were -- knew better than him in the  
4 prison -- or in the juvenile detention facility?

5 A. Probably one or two that I knew on  
6 the outside were in there also.

7 Q. Okay. I guess my question really  
8 was, were you and Davis particularly close  
9 friends?

10 A. Not really. I mean, acquaintances  
11 is more of what I would call it.

12 Q. Okay. And how often -- what's your  
13 best estimate of how many times Mr. Hodges asked  
14 you about Tim Davis and what you had just described?

15 A. Educated guess, anywhere from 10 to  
16 15 times, I'm sure.

17 Q. Now, in your testimony at trial,  
18 you talked about telling Davis that Hodges' uncle  
19 was a senator in Alabama.

20 Where did that idea come from?

21 A. From Thomas Hodges.

22 Q. Tell us about that.

23 A. Well, Thomas basically -- you know,  
24 when he was --

25 MR. CRENSHAW: Object to the form,



TRACY BIGNAULT - EXAMINATION BY MR. BRIGHT

1 to the hearsay.

2 BY MR. BRIGHT:

3 Q. Go ahead.

4 A. Thomas wanted me -- or put the idea  
5 that I could use this as basically a way to get  
6 closer to him by telling him, you know, "Well, if  
7 you talk to me, then, you know, Tommy's got an  
8 uncle that's a senator, and he might be able to  
9 help you out."

10 And, you know, it was basically  
11 supposed to be used as a way to make him -- to  
12 gain his confidence, I guess is what I'm looking  
13 to say. And the idea was brought up by Thomas.

14 Q. And was -- did he, in fact, have an  
15 uncle who was a senator in Alabama?

16 A. I couldn't tell you.

17 MR. CRENSHAW: Object to the form.  
18 It's beyond the personal knowledge of this witness.

19 MR. BRIGHT: All right. And I  
20 think the witness just said -- in case you didn't  
21 hear, Clay -- that he didn't know.

22 MR. CRENSHAW: Thank you, Steve.

23 BY MR. BRIGHT:

24 Q. Did you feel like you were under  
25 any pressure?

TRACY BIGNAULT - EXAMINATION BY MR. BRIGHT

1           A.    Yes, sir.  That's why I told  
 2 Mr. Hodges that if I found out something, I'd  
 3 come let him know, because it had turned into a  
 4 situation to where I felt like I was expected, you  
 5 know, to carry on conversations and like I was  
 6 being watched to make sure that I was carrying  
 7 on, you know, conversations.

8                   And anytime there was any  
 9 conversation, whether it was, "Hey, how are you,"  
 10 or, you know, anything like that, Mr. Hodges was  
 11 right there, you know, momentarily or as soon as  
 12 I got away from where Mr. Davis was at to ask me  
 13 what the conversation was.

14           Q.    Just so we're clear on the record,  
 15 you're saying if you just like ran into Mr. Davis  
 16 in the hall and you all exchanged greetings,  
 17 Mr. Hodges would then ask you what happened during  
 18 that conversation?

19           A.    Well, he would ask me, you know --  
 20 "What did you find out," would usually be his words.

21           Q.    Okay.  And in the conversations  
 22 that you had with Mr. Hodges, did -- were there  
 23 any things he told you about the crime or the  
 24 murder weapon or anything like that?

25           A.    He had told me -- which is in a

TRACY BIGNAULT - EXAMINATION BY MR. BRIGHT

1 statement that you all have -- that they wrote in  
2 there that I said Timmy told me that they were  
3 still looking for a murder weapon. And that was  
4 not true.

5 Tommy is the one that told me that  
6 they were still hunting for the weapon. He didn't  
7 say "murder weapon." He just said "weapon."

8 Q. Did you know what kind of weapon it  
9 was?

10 A. At that time, no, I didn't.

11 Q. Okay. Was there anything else that  
12 you were ever told by Tommy Hodges about the crime  
13 itself or what Mr. Davis was accused of having  
14 done?

15 A. Right off the top of my head, no, I  
16 don't think so, but, you know, I don't know.

17 Q. All right. Do you remember anything  
18 about like -- being told like who the victim was  
19 or the sex or age or anything like that of the  
20 victim of the crime?

21 A. I mean, you know, I found out in  
22 the beginning, you know, when Tommy was first  
23 talking to me about it. I knew it was a older  
24 woman.

25 Q. Okay. And would that have been on

TRACY BIGNAULT - EXAMINATION BY MR. BRIGHT

1 the board where you saw the charges, or would  
2 that have been something that you learned from  
3 Mr. Hodges?

4 A. That would have been in a  
5 conversation between me and Tommy, I'm sure.

6 Q. Okay. And by "Tommy," you're  
7 talking about Tommy Hodges?

8 A. Right.

9 Q. Once you did have the conversations  
10 with Mr. Davis that you related to the Court at  
11 trial, who did you tell about those?

12 A. Tommy Hodges.

13 Q. And why?

14 A. Because he -- you know, he wanted  
15 to know what I found out. And, you know, I told  
16 him when I found out something, I would tell him,  
17 and that's exactly what I did.

18 Q. All right. Did you ever call the  
19 police or the sheriff's office?

20 A. No, sir.

21 Q. All right. Do you recall how it  
22 was that you were taken to Alabama to testify in  
23 the trial?

24 A. Basically, yes. I was in drug  
25 rehab in Columbus, Georgia. I don't know who the

TRACY BIGNAULT - EXAMINATION BY MR. BRIGHT

1 individuals were, if they were investigators for  
2 the D.A.'s office or who they were, came there to  
3 talk to me and basically came to get me to carry  
4 me to Alabama.

5 I told them that they needed to  
6 talk to my attorney first. They instructed me  
7 that they had and that they had spoken with my  
8 guardian and they had clearance to take me. And  
9 they did exactly that on the spot, no clothes, no  
10 nothing, just me.

11 If I'm not mistaken -- which this  
12 is a fuzzy part of my memory -- I believe I was  
13 taken to some type of facility in Columbus. Then  
14 I was taken from Columbus to Alabama with an  
15 investigator or a police officer or -- who he was,  
16 I mean, I don't know.

17 Q. Okay. And how long did you stay in  
18 Alabama to testify? Do you recall, approximately?

19 A. I have no idea. I can tell you I  
20 spent that day and maybe that night in the jail  
21 where they had carried me to.

22 Then they carried me to a police  
23 officer's house in some little small town over  
24 there, and I was made to stay with that officer.  
25 And when another officer couldn't be with me at

TRACY BIGNAULT - EXAMINATION BY MR. BRIGHT

1 all times, that officer, the primary officer,  
2 carried me to work with him in his patrol car.

3 Q. And did they provide you with  
4 clothes and so forth for the trial?

5 A. Yes, sir. They had to go buy me a  
6 couple of different outfits and a toothbrush and  
7 toothpaste and shoes and such as that because,  
8 like I say, when they come and got me, they took  
9 me, no clothes. They took me as I was when they  
10 got there.

11 Q. All right. If you can, indulge us  
12 for just a minute.

13 (An off-the-record discussion was held.)

14 BY MR. BRIGHT:

15 Q. Do you recall now -- were you in  
16 Alabama more than a couple of days, or do you  
17 recall how long you were there for the trial and  
18 so forth?

19 A. I know I had to be there at least a  
20 week.

21 Q. Okay. Did you talk to either your  
22 attorney or your guardian before you were taken to  
23 Alabama?

24 A. (Witness shook head). Nor while I  
25 was there.

## TRACY BIGNAULT - EXAMINATION BY MR. BRIGHT

1 Q. So you didn't talk to them, either  
2 one?

3 A. No.

4 Q. Now, Mr. Bignault, you have a right  
5 to -- and I should have asked you this right at  
6 the start, but I forgot. But I've been reminded.

7 You have a right, with the  
8 deposition, to read it yourself and sign it,  
9 everything that the court reporter has taken down,  
10 or you can agree to waive it, and the court  
11 reporter will just simply transcribe it and file  
12 it.

13 What's your preference?

14 A. She can just go ahead and do what  
15 she needs to do. I don't need to sign it.

16 Q. All right. So you're willing to  
17 waive signing?

18 A. Yes, sir.

19 Q. All right.

20 MR. BRIGHT: Clay, that's all I  
21 have.

22 MR. CRENSHAW: Okay. Just one  
23 minute, please.

24 MR. BRIGHT: Sure. Take your time.

25 MR. CRENSHAW: Okay. Thanks. Okay.

TRACY BIGNAULT - EXAMINATION BY MR. CRENSHAW

1 I guess I'm ready.

2 MR. BRIGHT: Okay. Go ahead.

3 EXAMINATION

4 BY MR. CRENSHAW:

5 Q. Tracy, my name is Clay Crenshaw,  
6 and I'm a deputy attorney general for the State of  
7 Alabama.

8 A. Yes, sir.

9 Q. I have just a few questions for you.

10 A. Okay.

11 Q. How long have you lived in Savannah?

12 A. Pretty much all my life.

13 Q. All right. When you say you own  
14 a recovery company, what exactly is a recovery  
15 company?

16 A. I'm a repo agent as in repossession  
17 of vehicles.

18 Q. So you work for banks to repossess  
19 cars?

20 A. Yes, sir, banks, car lots, credit  
21 unions, any type of financial institution that  
22 holds the title to a vehicle.

23 Q. And you've done that for 10 years,  
24 I believe? Is that what you said?

25 A. Yes, sir.



TRACY BIGNAULT - EXAMINATION BY MR. CRENSHAW

1 Q. So you started that when you were  
2 22 years old?

3 A. Yes, sir. Well, actually, I worked  
4 for somebody else when I first started.

5 Q. All right. When you say you were  
6 in the detention center for -- did I hear you  
7 right? Did you say 57 times?

8 A. Yes, sir.

9 Q. I'm sorry. I can't understand you.  
10 Are you saying "sir"?

11 A. Yes, sir.

12 Q. Are you saying, "Yes, sir," or,  
13 "Sir"?

14 A. Yes.

15 Q. Okay. Just say "yes" or "no." All  
16 right?

17 And, again, since I didn't understand  
18 you, you said you were in the detention center for  
19 57 times.

20 Is that correct?

21 A. Yes.

22 Q. And, again -- I'm sorry. Maybe  
23 we're having a bad connection. I didn't hear your  
24 answer.

25 A. Yes.

TRACY BIGNAULT - EXAMINATION BY MR. CRENSHAW

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Q. All right. Thank you.

Does that mean that you were charged with 57 different offenses?

A. No, sir, it does not. One time, I was charged with unruly runaway, and they took out a warrant for me for unruly runaway. When they found me, it probably took them 10 different times of capturing me to even get me to court.

Q. Okay. So let's take away those 10 times.

Does that mean you were charged with 47 different offenses?

A. No, sir. The majority of the offenses were for unruly runaway. Probably two or maybe three of the different times I was there was I ever charged with anything other than unruly runaway.

Q. All right. What were those three or four times?

A. One time was for being out after curfew. One time was for breaking and entering, and one time was for entering an auto.

Q. All right. What was the -- if you can, can you give me the time span that you were in the juvenile detention center?

TRACY BIGNAULT - EXAMINATION BY MR. CRENSHAW

1 I guess we're talking about the  
2 Chatham County Juvenile Detention Center?

3 A. Are you talking about overall or  
4 for the subject that we're discussing now?

5 Q. If you could, give me all the  
6 different dates. It may be a lot of different  
7 dates. I don't know.

8 But, if you could, give me all the  
9 dates.

10 A. I couldn't tell you.

11 Q. Okay. You were -- we know you were  
12 there in August of '78.

13 What was the time span of that  
14 detention?

15 A. Well, sometimes, I might be there  
16 for a day. I might be there overnight. I might  
17 be there for a week. I might be there for two.

18 I was at the juvenile center one  
19 time on the breaking and entering. They formally  
20 charged me with violation of probation because I  
21 was on probation for the unruly runaway. So,  
22 actually, I don't know if the B & E charge would  
23 be a formal charge or not because the actually  
24 charge when I went to court was for violation of  
25 probation.

TRACY BIGNAULT - EXAMINATION BY MR. CRENSHAW

1 Q. All right. How many different  
2 times were you in the Chatham County Juvenile  
3 Detention Center?

4 A. Approximately 57 times.

5 Q. Okay. Who first contacted you  
6 about this case?

7 And when I'm asking you that  
8 question, I mean, who contacted you regarding what  
9 we call the State's postconviction petition of  
10 Tim Davis? I'm not talking about the trial now.

11 Do you understand my question?

12 A. No, sir.

13 Q. All right. I assume you were first  
14 approached by someone in either Mr. Bright's or  
15 Ms. Norby's office.

16 Is that correct?

17 A. Yes, sir.

18 Q. Who first contacted you, and when  
19 was that contact?

20 A. A fellow named Matt contacted me a  
21 couple of years ago, I believe it was.

22 Q. And what did he ask you?

23 A. He asked me did I have any  
24 recollection of the case and basically what I  
25 knew.

TRACY BIGNAULT - EXAMINATION BY MR. CRENSHAW

1 Q. And what kind of things did you  
2 tell him about what you knew?

3 A. I told him, as best as I could,  
4 of the conversations and the wherefores and  
5 whereabouts that led up to the conversations  
6 between me and Tim Davis.

7 I also believe I told him about  
8 how I was carried to Alabama against my will. I  
9 believe he asked me questions, you know, like  
10 you're doing now as far as my personal life, you  
11 know, what I was doing and who I worked for and,  
12 you know, things like that.

13 Q. Did he ever tell you that you could  
14 say things that could possibly help Tim?

15 A. I don't understand that question.

16 Q. Did he tell you that you could say  
17 things that could possibly get Tim off death row?

18 A. No, sir.

19 Q. Do you feel guilty because your  
20 testimony -- partly, your testimony, along with  
21 other people's testimony, put Tim on death row?

22 A. Hell, no.

23 Q. Do you know what Tim did?

24 A. Yes, sir. Or what he tells me he  
25 allegedly did, yes, sir.

TRACY BIGNAULT - EXAMINATION BY MR. CRENSHAW

1 Q. Okay. When you testified during  
2 the trial, did you tell anything that was untrue?

3 A. To the best of my recollection, no,  
4 sir.

5 Q. All right. When did you first meet  
6 Tommy Hodges?

7 A. I couldn't tell you a date. He  
8 was a -- he was intake officer or a guard or  
9 whatever you want to call him at the juvenile  
10 detention center on one of the occasions which I  
11 was taken there.

12 Q. All right. Did you know him in  
13 1976?

14 A. Previous to meeting Mr. Davis, I  
15 would say I probably knew Tommy for a couple of  
16 months.

17 Q. So you met him in June of 1978?

18 A. Somewhere along in that time, yes,  
19 sir.

20 Q. And that was the first time you met  
21 Tommy Hodges?

22 A. To the best of my recollection, yes.

23 Q. And what was the occasion for you  
24 meeting him?

25 A. I was brought into the juvenile

TRACY BIGNAULT - EXAMINATION BY MR. CRENSHAW

1 detention center for unruly runaway.

2 Q. And how did you meet him?

3 A. He was the intake officer.

4 Q. All right. Did he have on a uniform?

5 A. No, sir.

6 Q. All right. Do you know what his  
7 capacity was there at the jail?

8 A. An intake officer.

9 Q. All right. You called him an  
10 intake officer or a counselor.

11 Was he both?

12 A. At the time when I first met him,  
13 as far as I knew, he was nothing more than an  
14 intake officer.

15 Q. All right. When you -- did he walk  
16 around counseling people?

17 A. Basically, when I first met him, he  
18 was an intake officer. That means he talks to  
19 each and every individual that's brought into that  
20 facility to find out if they're in a violent mood,  
21 if they're being rebellious, if they have problems,  
22 if they have medical problems, and such as that.

23 Q. All right. In what capacity did he  
24 carry you to drug counseling --

25 A. As a person --

TRACY BIGNAULT - EXAMINATION BY MR. CRENSHAW

1 Q. -- and alcohol abuse counseling?

2 A. As a personal friend.

3 Q. So he was not doing that in his --

4 in whatever his capacity was?

5 A. No, sir.

6 Q. Are you still friends with Tommy

7 Hodges?

8 A. I haven't seen Tommy Hodges in

9 years.

10 Q. Do you know whether or not he still

11 works at the jail?

12 A. I have no idea where he works.

13 Q. Have you ever been charged with a

14 criminal offense as an adult?

15 A. Yes, sir.

16 Q. Have you ever been charged with a

17 criminal offense as an adult?

18 A. Yes.

19 Q. And what are some of those offenses?

20 A. I don't think that's any of your

21 business.

22 Q. Well, you need to answer it. I

23 think it is my business.

24 A. I was charged with possession of

25 marijuana.



TRACY BIGNAULT - EXAMINATION BY MR. CRENSHAW

1 Q. Were you convicted?

2 A. Yes, sir.

3 Q. Did you say, "No, sir," or, "Yes,  
4 sir"?

5 A. Yes.

6 Q. Did you serve any time?

7 A. Yes.

8 Q. Have you ever been convicted of any  
9 other criminal offense as an adult?

10 A. No.

11 Q. When did you become a trustee in  
12 the detention center?

13 A. Which time?

14 Q. Well, I guess the time that we're  
15 talking about in regards to Tim Davis.

16 A. Probably a couple days after I was  
17 there.

18 Q. If you know, why did you become a  
19 trustee?

20 A. If I know, why did I become a  
21 trustee? If I --

22 Q. Do you know what made the guards  
23 make you a trustee?

24 A. Because, usually, when I was there,  
25 I was pretty mild mannered. I didn't try to cause

TRACY BIGNAULT - EXAMINATION BY MR. CRENSHAW

1 any problems. I usually did what I was told until  
2 I was ready to go.

3 Q. How did Tommy first approach you  
4 about your claim that he wanted you to contact Tim  
5 about talking to Tim about this crime?

6 A. What do you mean, how did he  
7 approach me?

8 Q. Well, what -- I'm going to withdraw  
9 that question.

10 Were you offered anything to testify  
11 against Tim Davis?

12 A. No, sir.

13 Q. Were you forced to testify?

14 A. I wasn't basically forced to  
15 testify. I was forced to be there.

16 Q. All right. Then the answer to my  
17 question would be no? You weren't forced to  
18 testify?

19 A. No, sir.

20 Q. Who was your -- I believe you  
21 testified that they came and got you from a drug  
22 rehab center in Columbus, Georgia.

23 Is that correct?

24 A. Yes.

25 Q. You said you requested they talk to

TRACY BIGNAULT - EXAMINATION BY MR. CRENSHAW

1 your attorney.

2 Who was your attorney?

3 A. Paschal Bignault.

4 Q. Who?

5 A. Paschal Bignault.

6 Q. Is he related to you?

7 A. Yes, he is.

8 Q. Why did you need an attorney at

9 that point?

10 A. Because they were taking me out of  
11 the state of Georgia into the state of Alabama,  
12 and I didn't want to go.

13 Q. Do you know whether or not they  
14 called Mr. Bignault?

15 A. According to them, they said yes.  
16 According to him, he says no.

17 Q. Well, could you have called him  
18 from Alabama?

19 A. That, I don't know.

20 Q. Okay. Let's go back to Tommy Hodges  
21 real briefly. You said he was an intake officer.

22 Did he sit at the front desk and  
23 check in prisoners as they came in the door? Is  
24 that correct?

25 A. He had a office, before you got to

TRACY BIGNAULT - EXAMINATION BY MR. CRENSHAW

1 the control room, that was called a intake office.

2                   Once you were processed in and the  
3 information was gained as far as your name, address,  
4 phone number, Social Security number, and so forth,  
5 then he would take you down to the intake office and  
6 discuss with you why you were there and basically  
7 find out, just through conversation, as to whether  
8 or not you felt violent or felt like you wanted to  
9 hurt somebody or hurt yourself or something like  
10 that.

11                   Q. All right. And I believe you  
12 called him a counselor also.

13                               Why did you call him a counselor?

14                   A. Because that was his capacity.  
15 Later, as I got to know him, he was a counsel --  
16 what they called a counselor.

17                   Q. So are you testifying that he --  
18 his job changed?

19                   A. Over the course of the period I  
20 knew him, yes, it did. It changed twice.

21                   Q. All right. Are you aware of what  
22 his capacity was in August of '78?

23                   A. As far as I know, a counselor.

24                   Q. Okay. Tracy, if I could ask you  
25 some personal questions -- and I apologize -- but

TRACY BIGNAULT - EXAMINATION BY MR. CRENSHAW

1 how many times have you been through drug rehab?

2 A. Twice.

3 Q. And have you been through alcohol  
4 rehab?

5 A. No, sir.

6 Q. How long have you been off drugs?

7 A. Since 1982.

8 MR. BRIGHT: I'm sorry. What was  
9 the question?

10 MR. CRENSHAW: I asked him how long  
11 he had been off drugs --

12 MR. BRIGHT: All right.

13 MR. CRENSHAW: -- and he said, "Since  
14 1982."

15 And I don't have any more questions.

16 MR. BRIGHT: All right. Just a  
17 couple of follow-ups, Tracy.

18 EXAMINATION

19 BY MR. BRIGHT:

20 Q. Mr. Bignault, do you recall how  
21 old you were in August of -- when is your date of  
22 birth?

23 A. 7/28/62.

24 Q. '62?

25 A. (Witness nodded head).

TRACY BIGNAULT - EXAMINATION BY MR. BRIGHT

1 Q. And do you recall -- so in 1978,  
2 you would have been 16 years old --

3 A. Somewhere around in there, yes,  
4 sir.

5 Q. -- in August of 1978?  
6 Do you recall, when you first  
7 started having contact with the juvenile system,  
8 how old you were?

9 A. Actually, no.

10 Q. Okay. And I think you said most of  
11 your contacts were for unruly runaway?

12 A. Uh-huh.

13 Q. And what did that usually involve?

14 A. I was in a boys home at Bethesda  
15 Home for Boys here in Savannah. My father became  
16 deathly ill with brain tumors. They refused to  
17 let me go see him. So whenever they turned their  
18 back, I'd just go, and they charged me with unruly  
19 runaway.

20 Q. All right. Since Tim Davis left  
21 the juvenile detention center, have you had any  
22 contact with him at all?

23 A. No, sir.

24 Q. Any with any member of his family?

25 A. When I went to Alabama or sometime

TRACY BIGNAULT - EXAMINATION BY MR. BRIGHT

1 after he left there -- or he may have been there --  
2 his brother came to see me somewhere. I don't  
3 remember if it was here or if it was in Alabama  
4 or when I was in Columbus or some damn where. He  
5 came -- his brother came to see me.

6 Q. That would have been near or before  
7 the time of the trial?

8 A. Right.

9 Q. But since the time of the trial?

10 A. No.

11 Q. All right. And is the information  
12 that you have told us here today about these  
13 discussions the truth?

14 A. To the best of my knowledge, yes,  
15 sir.

16 Q. And if there's any time where you  
17 signed a statement or indicated that you didn't  
18 have conversations with anybody before talking to  
19 Davis, would that be true?

20 A. You have to run that by me again.

21 Q. I'm sorry. That wasn't a very good  
22 question. Let me withdraw it and see if I can ask  
23 a better question.

24 With regard to any questions about  
25 or any statements or whatever with regard to

## TRACY BIGNAULT - EXAMINATION BY MR. BRIGHT

1 whether you had discussions with anybody there at  
2 the juvenile center before talking to Tim Davis,  
3 would -- what you've said here today, does that  
4 describe those conversations?

5 A. Yes, sir.

6 Q. All right. That's a better way to  
7 ask the question, I think.

8 MR. BRIGHT: All right. That's all  
9 I have. Thank you.

10 MR. CRENSHAW: Just a very few  
11 questions, Tracy.

12 THE WITNESS: All right.

13 EXAMINATION

14 BY MR. CRENSHAW:

15 Q. Has anybody contacted you about  
16 this case at all other than the contact you've  
17 already mentioned?

18 I believe you said it was -- a Matt  
19 contacted you?

20 A. Right. That's it.

21 Q. When you say Tim's brother  
22 contacted you around the time of the trial --

23 A. No, he did not --

24 Q. -- do you mean Eddie Davis?

25 A. He did not contact me. He came to



TRACY BIGNAULT - EXAMINATION BY MR. CRENSHAW

1 wherever they had me at the time. To the best of  
2 my recollection, I was sitting in a conference  
3 room. Like I say, I don't remember if it was  
4 here, Columbus, or in Alabama.

5 He sat at the far end of the table  
6 from me and wanted to ask me questions pertaining  
7 to his brother.

8 Q. Did he ask you any questions?

9 A. To the best of my recollection,  
10 yes, he did.

11 Q. Was the nature of his questions  
12 that he was asking what your testimony would be?

13 A. I don't remember the nature of the  
14 questions. I couldn't tell you one question he  
15 asked me.

16 Q. Did he try to intimidate you in any  
17 way?

18 A. To the best of my recollection,  
19 no. I don't get intimidated very well.

20 MR. CRENSHAW: I don't have any  
21 more questions.

EXAMINATION

22  
23 BY MR. BRIGHT:

24 Q. And in that conversation that you  
25 had, who else was there? Was anybody else there?

TRACY BIGNAULT - EXAMINATION BY MR. BRIGHT

1 A. As best I recall, there was a room  
2 full of people. Who was there, I couldn't tell  
3 you.

4 Q. But, I mean, were some of those  
5 people either law enforcement people or --

6 A. Lawyers or law enforcement or  
7 somebody. I mean, I wasn't there by myself by any  
8 means, no.

9 Q. All right. And, also, just so the  
10 record is clear on this now, before this deposition  
11 today, you've also, have you not, had conversations  
12 with Charlotta Norby as well as myself?

13 A. Right.

14 MR. BRIGHT: All right. That's all  
15 I have.

16 MR. CRENSHAW: I don't have any  
17 more questions.

18 (Deposition concluded at 3:30 p.m.)

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## CERTIFICATE

1

2

3 GEORGIA:

4 CHATHAM COUNTY:

5

6 I, Victoria L. White, Certified Court  
7 Reporter for the State of Georgia, do hereby  
8 certify:

9 That the foregoing deposition was taken  
10 before me on the date and at the time and location  
11 stated on Page 1 of this transcript; that the  
12 witness was duly sworn to testify to the truth,  
13 the whole truth, and nothing but the truth; that  
14 the testimony of the witness and all objections  
15 made at the time of the examination were recorded  
16 stenographically by me and were thereafter  
17 transcribed by computer-aided transcription; that  
18 the foregoing deposition as typed is a true,  
19 accurate, and complete record of the testimony of  
20 the witness and of all objections made at the time  
21 of the examination.

22 I further certify that I am neither related  
23 to nor counsel for any party to the cause pending  
24 or interested in the events thereof.

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Witness my hand, I have hereunto affixed my official seal this 4th day of January, 1995, at Savannah, Chatham County, Georgia.

*Victoria L. White*  
VICTORIA L. WHITE, CCR  
B-1691

D I S C L O S U R E

Pursuant to Georgia Law, I am under a duty to disclose the fact that I have been called to stenographically report this deposition by Counsel for the plaintiff.

However, I am appearing at this deposition on behalf of McKee Court Reporting, and McKee Court Reporting is not participating in a contract for reporting services for this deposition and has no financial interest in the outcome of this case.

Chris [Signature] 12/28/94  
Date

[Signature] 12/28/94  
Date

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