APPELLANT WITNESSES TESTIMONY
FOOTNOTE NUMBERS OF APPELLEES BREIF
WHAT WAS SAID AT TIMES AND BY WHO

FOOTNOTE NUMBER	TIME	WITNESS/ATTORNEY	TESTIMONY
50	11:16:23-11:16:27	MRS. POWELL	You stated that he was always dominated by his father?
	11:16:27-11:16:32	GLEN NEWCOM	Yes his father frequently called him his girl.
	11:16:32-11:16:42	MRS.POWELL	Okay – his uh, how old was he when his father died?
51	11:11:50-11:12:02	MR. DOWNEY	You indicated that uh, uh, Keith changed some after that and I think you said that, that he took control of his land after Mr. Rudolph died right?
	11:12:02-11:26:24	GLEN NEWCOM	Right – he had received the deed to the property but they retained the life estate interest meant that his mother since she was a survivor could stay their all of her life and he considered it completely his.
52	11:22:02-11:22:10	MR. DOWNEY	And did you state that Mr. Rudolph called Keith his girl?
	11:22:10-11:22:11	GLEN NEWCOM	Yes
	11:22:11-11:22:17	MR. DOWNEY	You heard him say this sir?
		GLEN NEWCOM	Yes
	11:22:17-11:22:29	MR. DOWNEY	What age was Keith was this when he was an adult?
	11:22:29-11:22:55	GLEN NEWCOM	It would be sometime uh say anytime from the time he was a teenager all the way up to the time that Rudolph died

			he often referred to him as his girl. I don't when he would have would have started calling him that but I have heard him call him that any number of times he – even up to 2004 when Rudolph died.
53	11:22:55-11:23:02	MR. DOWNEY	Did you? Were you able to observe Keith to determine whether he resented that or not?
	11:23:02-11:23:09	GLEN NEWCOM	Well you know that any adult child would resent being called his father's girl.
	11:12:47-11:12:55	MR.DOWNEY	And so Keith was asserting himself some after his father died didn't he?
	11:12:55-11:13:04	GLEN NEWCOM	He did bit he still needed a lot of guidance and help.
54	11:13:04-11:13:14	MR. DOWNEY	I'm sorry I couldn't hear but I think you said Keith began to assert himself when his father whom he loved was no longer there dominating his life? Didn't you sir?
	11:13:14-11:13:15	GLEN NEWCOM	Correct
	11:15:08-11:15:19	Mr. DOWNEY	Uh were you aware, do you know whether Keith learned about the Tink property – the Tink deed
	11:15:19-11:15:25	GLEN NEWCOM	I, I have no knowledge of where or how he learned about the Tink Property.
71	11:15:25-11:15:45	MR. DOWNEY	And you don't even you don't have not well – do you even know whether he did know about the Tink deed?

		GLEN NEWCOM	Yes he knew about it because I know one thing he saw a tax bill that had Steven's name on it and that upset him tremendously.
	11:21:05-11:21:53	MR. DOWNEY	Did you see Keith get upset about this?
		GLEN NEWCOM	Yes when I was there in the fall turkey hunt- I mean deer hunt.
		MR. DOWNEY	Right when the tax come in
		GLEN NEWCOM	He was upset but he really didn't understand the relative pieces of property or the way the division of the property.
		MR. DOWNEY	Alright so – You were there for the deer hunt in the Fall
		GLEN NEWCOM	In 2005
		MR. DOWNEY	Right – uh and when you were there you know that Keith saw a tax bill and that's what tipped him off that Steven owned that land and you saw him express anger about his mother having given the Tink farm to Steven?
72	11:21:53-11:22:03	GLEN NEWCOM	Yeah – well I don't know when he saw the tax bill but he was upset because he didn't think the division was fair.
	2:06:43-2:06:51	MR. DOWNEY	Last time that you spoke with Keith, he made his Will in October of 2006 – Last time that you spoke with him before that – do you recall was at Mr. Rudolph's funeral.
		MARY ELLEN COKER	Uh- huh

55	2:06:51-2:06:54	MR. DOWNEY	And was Keith upset at the funeral, could you tell?
	2:06:54-2:07:04	MARY ELLEN COKER	He didn't act upset that's not to say that he wasn't
		MR. DOWNEY	Sure
		MARY ELLEN COKER	But he didn't show any emotion whatsoever
	2:07:04-2:07:08	MR. DOWNEY	Did he love his father as far as you knew? Could you tell?
	2:07:08-2:07:18	MARY ELLEN COKER	I'm sorry
	2:07:18-2:07:22	MR. DOWNEY	I said did he love his father? Could you tell whether he did or he didn't?
	2:07:22-2:07:33	MARY ELLEN COKER	The impression I got and I have been around him for a very, very long time was he didn't like his father and he had no respect for his father.
58	1:52:50-1:52:55	MARY ELLEN COKER	Uncle Rube just wanted to make sure that Keith knew right from wrong and how to do things, to become independent.
	1:52:55-1:52:56	MRS. POWELL	Did you ever have a chance to see him with Steve?
	1:52:57-1:53:00	MARY ELLEN COKER	Oh Yes
		MRS. POWELL	Okay and what was their relationship like?
	1:53:00-1:53:04	MARY ELLEN COKER	Distant
59	1:53:06-1:53:25	MRS. POWELL	They were distant?
		MARY ELLEN COKER	Yeah, but I do remember and I thought this was really sweet, cause I'm a woman. Steve really basically looked out for Keith. You know if he saw Keith going the wrong way or something Steve was right there – he

			would say no Keith , no, no go this way.
	11:53:26-11:53:33	MARY ELLEN COKER	And he would say it in such a tone that Keith had to pay attention --- but Steve looked out for him
58	2:07:40-2:07:51	MR. DOWNEY	The relationship with Steve you characterized it as distant. Uh, there was no timeframe put on that.
		MARY ELLEN COKER	Oh Okay
	2:07:40-2:07:51	MR. DOWNEY	Uh distant in what way?
59	2:07:55-2:08:23	MARY ELLEN COKER	They didn't seem to interact, you know what I'm saying – they didn't like my only example was kickball because Keith, Steve was always working the farm and Keith didn't care anything about it. So Keith was in the house, Steve was outside. But when they were together Steve would talk to Keith.
	2:08:23-2:08:27	MARY ELLEN COKER	You know about things in general.
60	2:08:27:2:08:30	MR. DOWNEY	You said that Steve used a tone with Keith
	2:08:30-2:08:34	MARY ELLEN COKER	Yeah sometimes you had to
	3:08:34-2:08:42	MR. DOWNEY	Well I'm not saying whether you did or you didn't have to but your word was that he used a tone with him
		MARY ELLEN COKER	Right
		MR. DOWNEY	Right
	2:08:42-2:08:46	MR. DOWNEY	And I think you said he would say it in such a way that it couldn't be ignored
	2:08:46-2:08:47	MARY ELLEN COKER	Right

	2:08:47-2:08:55	MR. DOWNEY	So it would be bossy? Commanding?
	2:08:55-2:09:04	MARY ELLEN COKER	That's hard because I use the same tone with my children when they did something wrong.
	2:09:04-2:09:07	MR. DOWNEY	I bet they thought it was bossy didn't they?
	2:09:07-2:09:22	MARY ELLEN COKER	They didn't like it much.
		MR. DOWNEY	Yeah
		MARY ELLEN COKER	But it was one of those that they knew they needed to get this done. Not that there were any consequences whatsoever, they knew they had to get it done.
	2:09:22-2:09:26	MR. DOWNEY	Keith didn't like it much when Steve used that tine with him when you observed it did he
	2:09:26-2:09:34	MARY ELLEN COKER	I don't know if he didn't like it or not he just ignored it. He would turn around and walk off
		MR. DOWNEY	Okay
	2:54:27-2:54:35	MRS. POWELL	And did Keith ever talk to you about his farm?
		ELWANDA MCDOWELL	He was so proud of it.
		MRS. POWELL	Of his farm or the farm as a whole?
57	2:54:35-2:54:49	ELWANDA MCDOWELL	As a whole and it gave him power.
		MRS. POWELL	It gave him power
		ELWANDA MCDOWELL	Yes
		MRS. POWELL	Did you observe this?
		ELWANDA MCDOWELL	Yes
	3:19:11-3:19:45	MR. DOWNEY	Was his father dominant toward Keith?
		ELWANDA MCDOWELL	Well Of course I think that he loved him – he got his share – he treated him fair

		MR. DOWNEY	I didn't ask you that and all kind of people love each other and there is all kinds of different relationships
		ELWANDA MCDOWELL	Well don't try to mix me up
		MR. DOWNEY	Ma'am I'm trying to do that—all I ask you was Mr. Rudolph dominant over Keith
		ELWANDA MCDOWELL	To a – well it would be again it was in my opinion that he wanted him to do what was right
56	3:19:50-3:19:55	MR. DOWNEY	And my question was did Mr. Rudolph dominate Keith?
	3:19:55-3:20:05	ELWANDA MCDOWELL	And I said in my opinion I think that he did but he wanted him to do what was right
		MR. DOWNEY	Okay and that's fine
	3:20:58-3:21:10	MR. DOWNEY	Did you know why he was treating his mother poorly?
		ELWANDA MCDOWELL	Well
		MR. DOWNEY	Did it have to do with the TInk Property? The Tink gift that Mary Katherine gave to him?
73	3:21:10-3:22:00	ELWANDA MCDOWELL	Well just because the Tink property was given to Steve – it evened it out, it may be more acreage, but the price, the value was the same.
		MR. DOWNEY	And how do you know that?
		ELWANDA MCDOWELL	Well I have acreage myself and I've had it appraised
		MR. DOWNEY	But how did you know what the value of the Tink farm was?

		ELWANDA MCDOWELL	Well
		MR. DOWNEY	Once Steve got that that everything was all even
		ELWANDA MCDOWELL	Well I took my sister to make the deed up at the lawyer's office.
		MR. DOWNEY	Okay, but how did you know that it was all even – do you?
		ELWANDA MCDOWELL	Well it was certainly discussed and it was figured out and they knew who was getting what.
	3:37:46-3:37:59	MR.DOWNEY	You know that he knew he had a brother, Steve
		ELWANDA MCDOWELL	Yes
		MR. DOWNEY	You know that Keith believed that he was treated unfairly about the Tink farm and I think you are trying to say that he wanted money out of that Tink farm he would have liked
73	3:37:59-3:38:04	MR. DOWNEY	To have seen it sold and dived the money between him and Steve is that right
		ELWANDA MCDOWELL	That's my opinion yes
		MR. DOWNEY	Alright

WHAT WAS SAID CONCERNING BRUCIE MOORE DURING VOIR DIRE

FOOTNOTE NUMBER	TIME	WHO	TESTIMONY
104	9:49:00:9:49:04	JUDGE WILLIAMS	Brucie Moore she is also going to be a witness in this Case but I already questioned you regarding her being an attorney.

Statement was actually made during this time. Jury was not even seated at this time.	9:13:17-9:13:32	JUDGE WILLIAMS	Has anyone been represented by Ms. Randolph. She is in the firm of uh along with Brucie Moore and Julie Wallace, attorneys from Morganfield. Anyone been represented by any of these attorneys.