

IN THE OHIO CIRCUIT COURT

STATE OF INDIANA, COUNTY OF OHIO

STATE OF INDIANA,)	
)	
Plaintiff,)	
)	
-vs-)	Cause No. 58C01-0912-MR-001
)	
ANDREW CONLEY,)	
)	
Defendant.)	
_____)	

TRANSCRIPT OF PROCEEDINGS

INTERVIEW OF ANDREW CONLEY

December 1, 2009

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<p>1 (APPEARANCES)</p> <p>2 TOM BAXTER</p> <p>3 GLEN POTTS</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 TOM BAXTER: The other day when we began to talk,</p> <p>2 you remember when Glen advised you of your rights and all</p> <p>3 that stuff?</p> <p>4 ANDREW CONLEY: Uh-huh.</p> <p>5 TOM BAXTER: Do you recall that?</p> <p>6 ANDREW CONLEY: Yes.</p> <p>7 TOM BAXTER: Do you remember this form --</p> <p>8 ANDREW CONLEY: Yes, I do.</p> <p>9 TOM BAXTER: -- he read to you? Are you still okay</p> <p>10 with that?</p> <p>11 ANDREW CONLEY: Yes.</p> <p>12 TOM BAXTER: So are you okay if we talk some more?</p> <p>13 ANDREW CONLEY: Yes, I'm fine.</p> <p>14 TOM BAXTER: I'll wait until Glen comes back and</p> <p>15 get you something to munch on there. They didn't ask you</p> <p>16 if you wanted something to drink to go along with that?</p> <p>17 ANDREW CONLEY: No. They --</p> <p>18 TOM BAXTER: I can get you a pop or something. If</p> <p>19 you want something, I'll get it. You want something?</p> <p>20 ANDREW CONLEY: I guess I'll take a pop.</p> <p>21 TOM BAXTER: We got diet or regular.</p> <p>22 ANDREW CONLEY: Regular.</p> <p>23 TOM BAXTER: Okay.</p> <p>24 ANDREW CONLEY: They asked me earlier, but I wasn't</p> <p>25 hungry.</p>	
<p>1</p> <p>2</p> <p>3 TOM BAXTER: Pardon me?</p> <p>4 ANDREW CONLEY: Pretty not good.</p> <p>5 TOM BAXTER: Pretty not good?</p> <p>6 ANDREW CONLEY: Yeah.</p> <p>7 TOM BAXTER: Did you get a chance to shower or get</p> <p>8 cleaned up or get anything to eat or --</p> <p>9 ANDREW CONLEY: Not since -- I wasn't hungry at</p> <p>10 lunch earlier, so -- could I possibly get a candy bar or</p> <p>11 something?</p> <p>12 TOM BAXTER: Absolutely. Glen?</p> <p>13 GLEN POTTS: Yeah.</p> <p>14 TOM BAXTER: You want any particular --</p> <p>15 GLEN POTTS: I don't know what they have.</p> <p>16 TOM BAXTER: I don't know. Run around and ask</p> <p>17 Valerie, see if they've got a Snickers or what they've</p> <p>18 got. We'll get you what you want.</p> <p>19 ANDREW CONLEY: When we were coming in, I saw my</p> <p>20 friend's mom and --</p> <p>21 TOM BAXTER: Did that bother you?</p> <p>22 ANDREW CONLEY: Yeah. It felt like I kind of --</p> <p>23 TOM BAXTER: Is this a problem?</p> <p>24 ANDREW CONLEY: No, I don't have a problem with</p> <p>25 that.</p>	<p>1</p> <p>2</p> <p>3 TOM BAXTER: Is Coke all right?</p> <p>4 ANDREW CONLEY: Yes.</p> <p>5 TOM BAXTER: Here you go.</p> <p>6 ANDREW CONLEY: Thank you.</p> <p>7 TOM BAXTER: Glen is getting you a Coke.</p> <p>8 ANDREW CONLEY: Thank you.</p> <p>9 TOM BAXTER: I sent him back.</p> <p>10 GLEN POTTS: Wasn't much choice on candy bars,</p> <p>11 buddy.</p> <p>12 ANDREW CONLEY: Thank you. This is good.</p> <p>13 TOM BAXTER: He's clear about it. We can turn the</p> <p>14 tape recorder on. While you were gone, we discussed the</p> <p>15 Advice of Rights form.</p> <p>16 GLEN POTTS: Okay.</p> <p>17 TOM BAXTER: I showed it to him, and he's okay.</p> <p>18 He's all right with that.</p> <p>19 GLEN POTTS: Okay. I've talked to his parents.</p> <p>20 They said we can go ahead and talk to ya. Get any sleep?</p> <p>21 ANDREW CONLEY: (Inaudible)</p> <p>22 TOM BAXTER: I did have one other thing. Be right</p> <p>23 back.</p> <p>24 (Pause in the proceedings)</p> <p>25 GLEN POTTS: Do you have any questions of us before</p> <p>we get started?</p> <p>ANDREW CONLEY: (Nods head negative)</p>	<p>Page 3</p> <p>Page 5</p>

1 TOM BAXTER: A couple of things we want to talk to
2 you about. Andrew, typically, when we investigate
3 things -- you could do me a favor and just turn around
4 here a little bit.

5 When we investigate things, there's always
6 follow-up questions. We like to clarify things, okay.
7 And part of the reason that we like to do that is --
8 especially in your case. I think you've been pretty
9 honest, okay, and I think that that shows a positive thing
10 about your character, okay. A lot of times what
11 happens -- and I want to tell you based on my experience.
12 And Glen can tell you here, you know, as you well know and
13 asked earlier, he's been a policeman for 30 years, and
14 I've been one for 22.

15 Sometimes people, they're not always -- they
16 don't always completely tell the truth. And a lot of
17 times there's reasons for that, and a lot of times the
18 reasons for that is fear. It's not necessarily because
19 they're a liar or they're a bad person or anything like
20 that. It just means that it's something that happens to
21 all of us, okay. And as a child -- I can still remember
22 being a child and my parents confronting me about
23 something and I would lie.

24 You know, why typically would you lie about
25 something even if the outcome of that wasn't bad? Why

1 ANDREW CONLEY: Uh-huh.

2 TOM BAXTER: And it's not that anybody is trying to
3 mislead anyone, okay?

4 ANDREW CONLEY: Uh-huh.

5 TOM BAXTER: It's just a matter of, we didn't know.

6 ANDREW CONLEY: Uh-huh.

7 TOM BAXTER: And maybe you didn't think to tell me
8 or whatever.

9 ANDREW CONLEY: Uh-huh.

10 TOM BAXTER: Or maybe you didn't think it was
11 significant.

12 ANDREW CONLEY: Uh-huh.

13 TOM BAXTER: Maybe you would think, you know, what
14 was the big deal? I didn't see -- how would that be
15 helpful? So that's what I'm here to talk to you about.
16 It seems like there was a point in time where maybe you
17 returned and there was some movement of your brother. I
18 want you to tell me about how that happened or what
19 happened there.

20 ANDREW CONLEY: Could you specify a little more?

21 GLEN POTTS: Well, let me start. You went back to
22 the scene, you and Jared went back to the scene where your
23 brother was at, correct?

24 ANDREW CONLEY: Uh-huh.

25 GLEN POTTS: You said you went out there and you

1 would you lie? I don't mean you, specifically, but just
2 anything.

3 ANDREW CONLEY: To make themselves feel better.

4 TOM BAXTER: To make themselves feel better. And
5 maybe it's fear, fear of getting caught, you know,
6 something like that. I am going to tell you there are
7 some things that I think we need to clear up, okay. Today
8 Glen and I have been to Indianapolis. And there was an
9 autopsy performed. Do you know what I mean by an autopsy?

10 ANDREW CONLEY: Uh-huh.

11 TOM BAXTER: Okay. It gives us a chance to consult
12 with the doctor in this case. The medical pathologist in
13 this case works for the IE Medical Center, a very
14 experienced individual, you know, probably 30-plus years.

15 First thing I want to talk to you about is,
16 you explained what happened, and that you came to
17 Rising Sun, and that you had taken him out to the park; is
18 that right? There's some evidence -- and I just want to
19 clarify this, okay. I want to clear this up. There's
20 some evidence that he was not laying in the same position
21 all the time, okay. A person can be laid somewhere and
22 they can be moved, and there's medical evidence of that,
23 okay. So what I want you to do is help me fill in some of
24 these blanks, okay. Sometimes I don't ask particular
25 questions because at the time I don't know, all right?

1 looked at the body?

2 ANDREW CONLEY: I did not find it.

3 GLEN POTTS: You didn't find it? Okay. So when
4 you went out there -- let me go back to this, Tom, if you
5 don't mind.

6 TOM BAXTER: Sure.

7 GLEN POTTS: After you choked your brother, you put
8 a plastic bag over his head, what kind of plastic bag was
9 it? Let's just go over this again real fast.

10 ANDREW CONLEY: A clear shopping bag like you would
11 get from Wal-Mart.

12 GLEN POTTS: Then what else? Didn't you put some
13 tape on him? Okay. Then what did you do?

14 ANDREW CONLEY: Then I remember dragging him to the
15 stairs.

16 GLEN POTTS: With another -- with a black plastic
17 bag over him, too; correct?

18 ANDREW CONLEY: Yes.

19 GLEN POTTS: Okay. Drag him to the stairs and --
20 well, let's go back over a little bit of this because I
21 want to get to the one point, okay. Then what did you do?

22 ANDREW CONLEY: And then I -- I don't know how you
23 word it, but he was too heavy to carry down the stairs, so
24 I kind of dragged him down the stairs.

25 GLEN POTTS: By his?

1 ANDREW CONLEY: Feet.
 2 GLEN POTTS: By his feet. So his head was hitting
 3 the stairs all the way down?
 4 ANDREW CONLEY: Yes.
 5 GLEN POTTS: When you put him in the trunk, how was
 6 he laying?
 7 ANDREW CONLEY: Like this is his head. Like that.
 8 GLEN POTTS: Was his face up or down?
 9 ANDREW CONLEY: It was facing like that way,
 10 sideways.
 11 GLEN POTTS: Sideways.
 12 TOM BAXTER: If you're facing the trunk, was his
 13 head on the left or on the right?
 14 ANDREW CONLEY: His head was on --
 15 GLEN POTTS: Facing the seats in the front?
 16 ANDREW CONLEY: No. He was facing that way,
 17 towards my trunk, towards the --
 18 GLEN POTTS: Towards the outside?
 19 ANDREW CONLEY: Yeah -- or no. The trunk.
 20 TOM BAXTER: Toward the right?
 21 ANDREW CONLEY: Yes.
 22 TOM BAXTER: Just to make sure I got that right.
 23 If I'm in the trunk and I lift the lid --
 24 ANDREW CONLEY: His head would be right here.
 25 TOM BAXTER: On this side, okay.

1 GLEN POTTS: Facing outward?
 2 ANDREW CONLEY: Outward.
 3 GLEN POTTS: Like Tom was telling you, the
 4 pathologist said there were some markings on his body,
 5 that he was rolled over after a period of time. Did you
 6 go to your girlfriend's house prior to dumping his body or
 7 did you -- was he in the trunk when you went to your
 8 girlfriend's house?
 9 ANDREW CONLEY: No.
 10 GLEN POTTS: No. What did you do with him? Did
 11 you take him out to the -- and Jared and you went out
 12 there later, correct?
 13 ANDREW CONLEY: Uh-huh.
 14 GLEN POTTS: The other night you said --
 15 ANDREW CONLEY: The other night?
 16 GLEN POTTS: The other night you said, "I don't
 17 want to get Jared in trouble." I'm telling you what. As
 18 Tom was saying and I'm saying, we've gotta know the total
 19 truth right now.
 20 ANDREW CONLEY: Okay.
 21 GLEN POTTS: The total truth. You've almost told
 22 us almost everything, but not quite.
 23 ANDREW CONLEY: Uh-huh.
 24 GLEN POTTS: So what I want to do is, I want the
 25 total truth from you.

1 ANDREW CONLEY: Uh-huh.
 2 GLEN POTTS: Where were you and Jared at?
 3 ANDREW CONLEY: Behind the recycling bin, that
 4 place.
 5 GLEN POTTS: You went out there with him?
 6 ANDREW CONLEY: Uh-huh.
 7 GLEN POTTS: How far did Jared walk out with you?
 8 ANDREW CONLEY: He -- excuse me.
 9 GLEN POTTS: That's fine.
 10 ANDREW CONLEY: He walked in there with me.
 11 GLEN POTTS: Walked in there with you?
 12 ANDREW CONLEY: Uh-huh.
 13 GLEN POTTS: Did you find the body?
 14 ANDREW CONLEY: No.
 15 GLEN POTTS: You did not find the body?
 16 ANDREW CONLEY: No.
 17 GLEN POTTS: The body wasn't that well hid, though.
 18 I mean, it was -- I mean, if I put the body there, I would
 19 obviously know where it would be at. It wasn't that well
 20 hid.
 21 ANDREW CONLEY: Unless I just made a wrong turn,
 22 but I could not -- I couldn't find it.
 23 GLEN POTTS: Tom, go ahead.
 24 TOM BAXTER: That's all right. Go ahead.
 25 GLEN POTTS: So when you were out there, you didn't

1 find the body at all?
 2 ANDREW CONLEY: No.
 3 GLEN POTTS: So you're telling me once you laid his
 4 body down, you've never touched his body again since the
 5 time you laid it down?
 6 ANDREW CONLEY: No.
 7 GLEN POTTS: Did you do anything while you were out
 8 there?
 9 ANDREW CONLEY: I just looked around.
 10 GLEN POTTS: Think real hard now. Did you do
 11 anything?
 12 ANDREW CONLEY: There were some bags that we found,
 13 but that was it. Just walked around, and I couldn't find
 14 him.
 15 GLEN POTTS: Did either one of you have to use the
 16 restroom or anything?
 17 ANDREW CONLEY: No.
 18 GLEN POTTS: Okay.
 19 TOM BAXTER: Did you ever at any point in time --
 20 you may think, why is he asking me this? Did you ever go
 21 to the bathroom in the woods either time, the first or
 22 second time?
 23 ANDREW CONLEY: No.
 24 TOM BAXTER: Did you ever have to poop? I mean,
 25 did your nerves ever get to ya where you're like, you

1 know, I gotta go to the bathroom? I mean, it happens.
 2 ANDREW CONLEY: Uh-huh.
 3 TOM BAXTER: When people get excited or their blood
 4 pressure goes up or there's an adrenaline dump or anything
 5 like that, sometimes you have to go to the bathroom.
 6 ANDREW CONLEY: Uh-huh.
 7 TOM BAXTER: You can't always choose when you wanna
 8 go.
 9 ANDREW CONLEY: Yeah.
 10 TOM BAXTER: There is some evidence of that there,
 11 okay?
 12 ANDREW CONLEY: Uh-huh.
 13 TOM BAXTER: If you had to go to the bathroom, I
 14 would want you to tell me that, "Yeah, I was nervous and I
 15 had to go poop," okay?
 16 ANDREW CONLEY: Uh-huh.
 17 TOM BAXTER: I would want to know that.
 18 ANDREW CONLEY: Uh-huh.
 19 TOM BAXTER: Even though it may not --
 20 ANDREW CONLEY: Seem significant?
 21 TOM BAXTER: Right.
 22 ANDREW CONLEY: But, no, I did not. I didn't take
 23 a poop in the woods.
 24 GLEN POTTS: And Jared didn't either?
 25 ANDREW CONLEY: No.

1 TOM BAXTER: Did you go to the bathroom at any time
 2 surrounding the beginning to the middle to the end?
 3 ANDREW CONLEY: I do not believe so. I'm just not
 4 sure I remember if I did go pee somewhere.
 5 TOM BAXTER: Now, I want to tell ya, when a medical
 6 examiner says, "I'm telling you guys, according to this
 7 particular evidence, this body was not laying in this
 8 position all the time" -- he's a doctor, okay. What that
 9 means -- that's just not some opinion that we come up
 10 with.
 11 ANDREW CONLEY: I know.
 12 TOM BAXTER: Okay, and I think you understand.
 13 ANDREW CONLEY: I understand.
 14 TOM BAXTER: So based on that, there's not any
 15 reason in this world for him to make up such a thing --
 16 ANDREW CONLEY: I know.
 17 TOM BAXTER: -- or for me to bullcrap you about
 18 anything like that, okay?
 19 ANDREW CONLEY: Uh-huh.
 20 TOM BAXTER: Maybe it would seem as though let's
 21 just say -- do you know what the word "hypothetically"
 22 means?
 23 ANDREW CONLEY: Yes.
 24 TOM BAXTER: Hypothetically, if you went back, if
 25 you went to take a look or you were curious, wondering,

1 you know, maybe after the fact, is he really dead?
 2 There's things that might go through a person's mind.
 3 ANDREW CONLEY: Uh-huh.
 4 TOM BAXTER: I would want to know those things.
 5 ANDREW CONLEY: Yeah.
 6 TOM BAXTER: I don't know that it makes the
 7 situation any different, better or worse. It's just
 8 something that -- it shows you as being truthful, okay?
 9 ANDREW CONLEY: Uh-huh.
 10 TOM BAXTER: And it's very normal in follow-up
 11 conversations to clarify some things that were maybe
 12 misunderstood or left out.
 13 ANDREW CONLEY: Uh-huh.
 14 TOM BAXTER: So I'm just being honest with you. I
 15 do have a problem with that, I really do, because I cannot
 16 refute what the pathologist says.
 17 ANDREW CONLEY: Uh-huh.
 18 TOM BAXTER: If you don't want your buddy to get in
 19 trouble, then you can tell me that, all right?
 20 ANDREW CONLEY: Uh-huh.
 21 TOM BAXTER: But if he was there and maybe out of
 22 some sense of necessity to explain to someone what
 23 happened or show someone what happened, you know, that
 24 would be something that you would have to deal with
 25 yourself, you know, whether it was justified or not.

1 ANDREW CONLEY: Uh-huh.
 2 TOM BAXTER: But it's important for me to know
 3 that, okay. If it happened, it happened, all right?
 4 GLEN POTTS: We talked to Jared. Don't worry
 5 about getting Jared in trouble, all right? Jared wants to
 6 tell the truth.
 7 ANDREW CONLEY: Uh-huh.
 8 GLEN POTTS: He wants everything out in the open.
 9 ANDREW CONLEY: Uh-huh.
 10 GLEN POTTS: We're asking you right now to tell us
 11 the total truth.
 12 ANDREW CONLEY: Okay.
 13 GLEN POTTS: Now get with the total truth.
 14 ANDREW CONLEY: Okay.
 15 GLEN POTTS: What happened with the body?
 16 ANDREW CONLEY: He was in my trunk and then -- I'm
 17 sorry for lying earlier.
 18 GLEN POTTS: We understand.
 19 ANDREW CONLEY: But he was in my trunk when I did
 20 arrive at my girlfriend's house. And then when I was done
 21 there, I dumped him in the woods.
 22 GLEN POTTS: You're not telling us the truth now
 23 either.
 24 ANDREW CONLEY: Why?
 25 GLEN POTTS: Because we went to the autopsy today,

1 Tom and I did, with the doctor. The markings on his
2 body -- he was out in the woods laying on his stomach and
3 then later on his back. The markings on his stomach are
4 the same markings that are on his back from the woods. I
5 told you we talked to Jared. You understand me?
6 ANDREW CONLEY: Uh-huh.
7 GLEN POTTS: Now is the time to stop all the
8 BS-ing.
9 ANDREW CONLEY: I did not find the body.
10 GLEN POTTS: What now?
11 ANDREW CONLEY: I could not find the body. I told
12 Jared that I did not find it.
13 GLEN POTTS: Okay. He was in the trunk of your car
14 when you went to your girlfriend's house?
15 ANDREW CONLEY: Uh-huh.
16 GLEN POTTS: How long were you at -- well, you were
17 at your girlfriend's house until eleven o'clock?
18 ANDREW CONLEY: Uh-huh.
19 GLEN POTTS: So he's in the trunk from the time you
20 strangled him?
21 ANDREW CONLEY: Uh-huh.
22 GLEN POTTS: Took him downstairs?
23 ANDREW CONLEY: Uh-huh.
24 GLEN POTTS: Did you go change your clothes then or
25 what did you do?

1 blood on them?
2 ANDREW CONLEY: With my clean clothes on.
3 GLEN POTTS: Your clean clothes. You put him in
4 the trunk of the car, and you said he fell on the gravel
5 once?
6 ANDREW CONLEY: He fell when I put him in, yes.
7 GLEN POTTS: Then you picked him up and you put him
8 back in the trunk?
9 ANDREW CONLEY: Uh-huh.
10 GLEN POTTS: You said he was laying with his head
11 to the -- if you open the trunk, to the right side, facing
12 out?
13 ANDREW CONLEY: Yes, I do believe.
14 GLEN POTTS: So would he be laying on his side or
15 on his stomach or where?
16 ANDREW CONLEY: I believe he was laying on his
17 side.
18 GLEN POTTS: Side. Then you went where?
19 ANDREW CONLEY: To my girlfriend's.
20 GLEN POTTS: And --
21 TOM BAXTER: What time do you think you left there?
22 ANDREW CONLEY: I do believe I left there at
23 11:30-ish, about 11:30, I think.
24 TOM BAXTER: How long was he in the trunk?
25 ANDREW CONLEY: From the time I left my house until

1 ANDREW CONLEY: What do you mean?
2 GLEN POTTS: Well, you had blood on your clothes?
3 ANDREW CONLEY: Uh-huh.
4 GLEN POTTS: The way you told us last time, you
5 took them -- you changed your clothes.
6 ANDREW CONLEY: I changed my clothes before I left
7 for my girlfriend's.
8 GLEN POTTS: Before you left to your girlfriend's?
9 ANDREW CONLEY: Uh-huh.
10 GLEN POTTS: So he was in the trunk of your car,
11 and you came back upstairs and changed your clothes?
12 ANDREW CONLEY: No. When he was dead, I changed my
13 clothes.
14 GLEN POTTS: He was still in the house?
15 ANDREW CONLEY: Yes. And I took him downstairs and
16 into the trunk.
17 GLEN POTTS: Was anybody with you?
18 ANDREW CONLEY: No, nobody was with me.
19 TOM BAXTER: Was that before or after you put the
20 bag on?
21 ANDREW CONLEY: What?
22 TOM BAXTER: When you changed your clothes.
23 ANDREW CONLEY: After the bag was on.
24 GLEN POTTS: So you carried him down with your
25 clean clothes on or your dirty clothes, the ones that had

1 then, and then until I drove down to the trail.
2 GLEN POTTS: You told us last night. Let's see if
3 you can remember now. What time do you think this
4 happened when you --
5 ANDREW CONLEY: Arrived at the trail?
6 GLEN POTTS: No. When you strangled your brother,
7 what time did this happen?
8 ANDREW CONLEY: Somewhere around 9:00.
9 GLEN POTTS: Now, Andrew, I want to get to
10 something now. Where was your brother sitting when you
11 walked up behind him and grabbed his neck?
12 ANDREW CONLEY: He was standing up.
13 GLEN POTTS: Looking at what?
14 ANDREW CONLEY: The wall.
15 GLEN POTTS: For what reason was he looking at the
16 wall?
17 ANDREW CONLEY: Because we were wrestling and he
18 threw a punch. And he was looking at -- you remember my
19 house? You know those -- where our bunk beds are? That
20 wall, he looked at that wall.
21 GLEN POTTS: Were you guys angry with each other?
22 ANDREW CONLEY: No.
23 TOM BAXTER: Why -- we're not trying to make you
24 feel bad, okay, but we have to be honest. Why did you not
25 want to tell me that he was in the trunk when you went to

1 your girlfriend's? For what reason do you feel like that
2 was something that you wouldn't want to tell me, in light
3 of everything? I mean, maybe there isn't a reason, but --

4 ANDREW CONLEY: I --

5 TOM BAXTER: Did you think that it seemed like
6 maybe it just seemed worse that you would go to your
7 girlfriend's house knowing that he was out in the trunk?

8 ANDREW CONLEY: I guess I was so unclear when I
9 left.

10 TOM BAXTER: I won't put words in your mouth.

11 ANDREW CONLEY: I guess I just didn't say that
12 'cause it makes me sound like more of a monster than I
13 already am.

14 TOM BAXTER: Well, okay. That's fair enough. All
15 right. I want to talk to you about something else, okay?

16 ANDREW CONLEY: Uh-huh.

17 TOM BAXTER: Not very easy. Difficult. It's not a
18 very easy subject to talk about.

19 ANDREW CONLEY: Uh-huh.

20 TOM BAXTER: Especially, you know, three men
21 sitting in the room, and I'm not trying to embarrass you
22 initially, okay?

23 ANDREW CONLEY: Uh-huh.

24 TOM BAXTER: Once again, there is a lot of value in
25 telling the truth, okay?

1 sexually related, okay?

2 ANDREW CONLEY: Uh-huh.

3 TOM BAXTER: And it's a very difficult subject to
4 get into with people.

5 ANDREW CONLEY: Uh-huh, yes.

6 TOM BAXTER: And most of it is because of fear of
7 embarrassment.

8 ANDREW CONLEY: Uh-huh, I know.

9 TOM BAXTER: Fear of perception.

10 ANDREW CONLEY: Uh-huh.

11 TOM BAXTER: And that kind of thing. The truth of
12 the matter is, when it comes to sexual issues, men are
13 wired to have sex.

14 ANDREW CONLEY: Uh-huh.

15 TOM BAXTER: I mean, so to speak.

16 ANDREW CONLEY: Uh-huh.

17 TOM BAXTER: It's nature's way of survival. I
18 mean, that's how we recreate.

19 ANDREW CONLEY: Uh-huh.

20 TOM BAXTER: When men are stimulated, especially
21 when they're younger -- I can tell you that changes the
22 older you get. There's much less of a natural desire to
23 not think about sex 24 hours a day. But when you're
24 younger, you actually probably think about that more than
25 anything.

1 ANDREW CONLEY: Uh-huh.

2 TOM BAXTER: Better now than later.

3 ANDREW CONLEY: Uh-huh.

4 TOM BAXTER: There's -- as a result of the
5 examination, there is evidence on your brother's bottom,
6 okay?

7 ANDREW CONLEY: Uh-huh.

8 TOM BAXTER: Around his anus.

9 ANDREW CONLEY: I did not do that. I swear to God
10 I did not assault my brother. I did not. I -- no, never.
11 I would never even think of that.

12 TOM BAXTER: What am I supposed to do regarding
13 evidence that exhibits --

14 ANDREW CONLEY: Sexual assault?

15 TOM BAXTER: Yes, sir.

16 ANDREW CONLEY: I do not know, but I know I did
17 not -- I did not touch my brother like that in any way.
18 That is the truth. I don't know how the evidence ended up
19 there, but I did not.

20 TOM BAXTER: I'm gonna tell ya something about that
21 type of activity or that type of behavior, okay?

22 ANDREW CONLEY: Uh-huh.

23 TOM BAXTER: And Glen can share this as well. Most
24 people don't realize it, but probably the majority of the
25 types of things that we talk to people about actually are

1 ANDREW CONLEY: Uh-huh.

2 TOM BAXTER: Especially when you're your age.

3 ANDREW CONLEY: Uh-huh.

4 TOM BAXTER: You know, you're sitting in school,
5 and you're trying to pay attention to your schoolwork, and
6 you look across the room and you see a female sitting
7 there, and you start to think with your dick.

8 ANDREW CONLEY: Uh-huh.

9 TOM BAXTER: I mean, fair enough, while we're being
10 embarrassingly honest?

11 ANDREW CONLEY: Uh-huh.

12 TOM BAXTER: Next thing you know, you can't stand
13 up when the bell rings.

14 ANDREW CONLEY: Uh-huh.

15 TOM BAXTER: Some of those things happen, and it's
16 not because you're trying to make that happen. You just
17 don't have a choice. But sometimes you have these urges
18 and they don't always come around at the most appropriate
19 time either or the most convenient time, I should say.
20 There's not always a girlfriend handy to take care of
21 that.

22 ANDREW CONLEY: Uh-huh.

23 TOM BAXTER: And when we have a choice to take care
24 of, you know, the other head we think with, we take care
25 of it. Sometimes we take care of it in various ways.

1 ANDREW CONLEY: Uh-huh.
 2 TOM BAXTER: Not everybody likes talking about that
 3 kind of stuff, all right. I have sat and had many
 4 conversations with men about having had some type of
 5 sexual behavior with another man or another younger
 6 person, okay. Not always their idea.
 7 ANDREW CONLEY: Uh-huh.
 8 TOM BAXTER: All right. Other people are curious
 9 about that, too.
 10 ANDREW CONLEY: Uh-huh.
 11 TOM BAXTER: They're sometimes too shy to reach out
 12 in certain places like with older women or women or
 13 whatever. And I'm not gonna just jump to any conclusions
 14 when I see that there is evidence of something happening
 15 there, okay. I'm not gonna jump to any conclusions of how
 16 that happened --
 17 ANDREW CONLEY: Uh-huh.
 18 TOM BAXTER: -- or what the motive even was, okay.
 19 It could very well be something that was motivated by the
 20 younger person as well as the older person out of a level
 21 of curiosity.
 22 ANDREW CONLEY: Uh-huh.
 23 TOM BAXTER: And even in a lot of cases there's
 24 times when this activity happens because there's teaching.
 25 There's really maybe -- and looking backwards, it wasn't

1 the right thing to do.
 2 ANDREW CONLEY: Uh-huh.
 3 TOM BAXTER: But at the time, it didn't seem so
 4 bad, okay?
 5 ANDREW CONLEY: Uh-huh.
 6 TOM BAXTER: You're in the privacy of your own
 7 home. You're not out in the middle of the street. You're
 8 not driving around in a car. One person wants to know a
 9 little bit about something else, okay?
 10 ANDREW CONLEY: Uh-huh.
 11 TOM BAXTER: And then one thing leads to another,
 12 and that's where we are, okay?
 13 ANDREW CONLEY: Uh-huh.
 14 TOM BAXTER: Now, I can tell you that what we've
 15 been sitting here talking about all along is the death of
 16 your brother.
 17 ANDREW CONLEY: Uh-huh.
 18 TOM BAXTER: Okay. Which, you know, I honestly
 19 believe is, you know, something that you probably think
 20 that we think is very disturbing. In our first
 21 conversation you wanted to apologize for basically us
 22 having to hear about this, okay. But I think maybe even
 23 though the evidence in this case does suggest that there
 24 was a little bit more behavior --
 25 ANDREW CONLEY: Uh-huh.

1 TOM BAXTER: -- you know, activity that was
 2 sexually oriented, we still need to talk about it.
 3 ANDREW CONLEY: But I did not ever -- I would never
 4 consider torturing my brother in that way, and I never
 5 did. I don't know. Was it like my DNA on him or what? I
 6 did not --
 7 GLEN POTTS: Well, you tell us.
 8 ANDREW CONLEY: I did not -- I just put his body
 9 there and I left him. I did not assault him sexually, and
 10 I don't know how I would --
 11 GLEN POTTS: We're not saying before or after.
 12 ANDREW CONLEY: Uh-huh. But I never --
 13 GLEN POTTS: Ever?
 14 ANDREW CONLEY: I have never assaulted my brother
 15 sexually. I would never consider doing that to --
 16 TOM BAXTER: I think -- at this point let me say
 17 this, okay. I'm not trying to jump down your throat. I'm
 18 not trying to make you feel worse or better or anything.
 19 What we're trying to accomplish today is to give you the
 20 opportunity just to be totally honest about some things,
 21 all right?
 22 ANDREW CONLEY: Uh-huh.
 23 TOM BAXTER: We didn't wake up this morning with
 24 some preconceived notion about anything happening or not
 25 happening, all right?

1 ANDREW CONLEY: Uh-huh.
 2 TOM BAXTER: When we investigate things, we do it
 3 in a very logical way. We do it very methodical, and we
 4 follow all evidence. In this particular case, there is
 5 certain evidence that exists, okay, that the pathologist
 6 is going to say is there.
 7 ANDREW CONLEY: Uh-huh.
 8 TOM BAXTER: I can't create it. I can't take it
 9 away.
 10 ANDREW CONLEY: Uh-huh.
 11 TOM BAXTER: But what I could do to help the
 12 situation, what I could do is to help explain it.
 13 ANDREW CONLEY: Uh-huh.
 14 TOM BAXTER: That's where my job comes in.
 15 ANDREW CONLEY: Uh-huh.
 16 TOM BAXTER: I can't create physical evidence.
 17 ANDREW CONLEY: Uh-huh.
 18 TOM BAXTER: I'm not a magician.
 19 ANDREW CONLEY: Uh-huh.
 20 TOM BAXTER: And I certainly am not gonna make it
 21 go away. It is what it is.
 22 ANDREW CONLEY: Uh-huh.
 23 TOM BAXTER: It doesn't really make a lot of sense
 24 for us to try to say, "Well, I guess we'll just have to
 25 ignore this."

1 ANDREW CONLEY: Uh-huh.
 2 TOM BAXTER: "You know, apparently, what evidence
 3 is there speaks for itself. Apparently, it's just already
 4 there."
 5 ANDREW CONLEY: Uh-huh.
 6 TOM BAXTER: Hypothetically, if there was some
 7 experimentation by him to you or something like that, I'm
 8 saying, hypothetically, if there was, what would be your
 9 fear at this point, hypothetically, if there was?
 10 ANDREW CONLEY: Hypothetically?
 11 TOM BAXTER: Yeah. Knowing what we've talked about
 12 so far, and if we sat here and then you said, "Okay, it's
 13 really embarrassing, guys, but I'm just gonna tell you
 14 what happened, all right? I didn't want to tell you that
 15 because I'm just embarrassed." Hypothetically, if this
 16 was to occur, what would be your fear?
 17 ANDREW CONLEY: I guess my fear, if that happened,
 18 that I would be labeled as a -- like someone that's
 19 addicted to child porn or something, like a child rapist
 20 or something.
 21 TOM BAXTER: Okay. Do you think it's fair that
 22 everybody who becomes curious about sexual issues is a
 23 rapist or someone that's addicted to child porn, or do you
 24 think that's probably unfair? Because I do.
 25 ANDREW CONLEY: Uh-huh.

1 because my dad had given them to me after his body was
 2 already dumped in there and --
 3 GLEN POTTS: After his body was dumped?
 4 ANDREW CONLEY: Well, like he came home at
 5 3:00 a.m. We were talking, and he gave me condoms.
 6 TOM BAXTER: What were you talking about that
 7 motivated him to give you condoms?
 8 ANDREW CONLEY: I was talking about how I had sex
 9 with my girlfriend before, and he gave me condoms.
 10 TOM BAXTER: Where are all of those condoms at?
 11 ANDREW CONLEY: They're all in -- four of them are
 12 in my drawer, and the other one is either in my car, in my
 13 little glove thing.
 14 TOM BAXTER: Is that something like in between the
 15 seats or what?
 16 ANDREW CONLEY: Yeah, there is some in there.
 17 TOM BAXTER: Are there any in there that's opened?
 18 ANDREW CONLEY: Uh-huh, but --
 19 TOM BAXTER: Have you and your girlfriend ever had
 20 sex in that car?
 21 ANDREW CONLEY: Uh-huh.
 22 TOM BAXTER: In the front seat or back?
 23 ANDREW CONLEY: Back.
 24 TOM BAXTER: Did you have intercourse?
 25 ANDREW CONLEY: Uh-huh.

1 TOM BAXTER: If you're curious about something and
 2 you act upon it --
 3 ANDREW CONLEY: Uh-huh.
 4 TOM BAXTER: -- maybe just one time --
 5 ANDREW CONLEY: Uh-huh.
 6 TOM BAXTER: -- does that make you the most
 7 extreme thing that there is? Maybe not necessarily, okay?
 8 ANDREW CONLEY: Uh-huh.
 9 TOM BAXTER: Do you understand what I'm saying?
 10 ANDREW CONLEY: Uh-huh.
 11 TOM BAXTER: And the best way for me to understand
 12 whether you're here or whether you're here is for us to
 13 discuss it, okay?
 14 ANDREW CONLEY: May I ask a question?
 15 TOM BAXTER: Absolutely.
 16 ANDREW CONLEY: I don't know if you're allowed to
 17 answer this or not --
 18 TOM BAXTER: I'll try.
 19 ANDREW CONLEY: -- but was -- was a condom used?
 20 TOM BAXTER: Well, at this point, I'm not
 21 completely for sure.
 22 GLEN POTTS: Well, why are you asking that for?
 23 ANDREW CONLEY: Because if it was, I only have so
 24 many condoms, and they're in my drawer, and the other one
 25 was in my car. And those are the only ones I have,

1 TOM BAXTER: Or was it something else?
 2 ANDREW CONLEY: Intercourse.
 3 TOM BAXTER: When was the last time?
 4 ANDREW CONLEY: That me and her had intercourse?
 5 TOM BAXTER: Yes.
 6 ANDREW CONLEY: In my car or --
 7 GLEN POTTS: When is the last time you had it?
 8 ANDREW CONLEY: Friday.
 9 GLEN POTTS: And Saturday, you took your brother
 10 over in the trunk of the car?
 11 ANDREW CONLEY: Uh-huh.
 12 GLEN POTTS: Did you guys come outside at all?
 13 ANDREW CONLEY: Me and my girlfriend?
 14 GLEN POTTS: Yeah.
 15 ANDREW CONLEY: Yes.
 16 GLEN POTTS: Did you go by your car?
 17 ANDREW CONLEY: We went by my car. We went to the
 18 hood of my car.
 19 GLEN POTTS: While your brother was in the trunk?
 20 ANDREW CONLEY: Uh-huh.
 21 GLEN POTTS: And you didn't say a word to her about
 22 this. Did you give your girlfriend anything that night?
 23 ANDREW CONLEY: Yes.
 24 GLEN POTTS: What did you give her?
 25 ANDREW CONLEY: A ring.

1 GLEN POTTS: Where did you get it at?
 2 ANDREW CONLEY: Huh?
 3 GLEN POTTS: Where did you get it at?
 4 ANDREW CONLEY: My grandma's house.
 5 GLEN POTTS: She gave it to you?
 6 ANDREW CONLEY: Uh-huh.
 7 GLEN POTTS: Andrew, there's one thing I've really
 8 thought about because you've told us twice. One was at
 9 the police department, you told us your brother wanted to
 10 wrestle and you started wrestling with him.
 11 ANDREW CONLEY: Uh-huh.
 12 GLEN POTTS: This next time we was in here, you
 13 said that you wanted to wrestle.
 14 ANDREW CONLEY: Yes.
 15 GLEN POTTS: So I don't know which one it was, you
 16 or him.
 17 ANDREW CONLEY: Yeah.
 18 GLEN POTTS: But looking at some of the evidence
 19 and looking at some of the things -- were you actually
 20 ever playing, to begin with?
 21 ANDREW CONLEY: Yes, we were. We were playing in
 22 our room, and then it turned how it turned.
 23 GLEN POTTS: Did he say something to you to make
 24 you mad?
 25 ANDREW CONLEY: No.

1 way or let someone else experiment to you or with you, the
 2 only way that we're gonna be able to find out if that
 3 is -- starts out as an innocent experimentation or whether
 4 you are truly addicted to sex --
 5 ANDREW CONLEY: Uh-huh.
 6 TOM BAXTER: -- and like child porn --
 7 ANDREW CONLEY: Uh-huh.
 8 TOM BAXTER: You know what I'm talking about, the
 9 other extreme? And I have talked to people on both ends.
 10 ANDREW CONLEY: Uh-huh.
 11 TOM BAXTER: All right? I'm not gonna put words in
 12 your mouth --
 13 ANDREW CONLEY: Uh-huh.
 14 TOM BAXTER: -- and suggest and tell you what you
 15 are, okay?
 16 ANDREW CONLEY: Uh-huh.
 17 TOM BAXTER: Because I haven't spent that much time
 18 around you and I don't really know. I'm not judging.
 19 ANDREW CONLEY: Uh-huh.
 20 TOM BAXTER: I'm just asking that you and I have an
 21 honest conversation, okay?
 22 ANDREW CONLEY: Uh-huh.
 23 TOM BAXTER: It's not my job and it's not Glen's
 24 job to sit here and judge, okay?
 25 ANDREW CONLEY: Uh-huh.

1 GLEN POTTS: Okay.
 2 TOM BAXTER: You know what I think? You know,
 3 we've been sitting here talking about something that's
 4 kind of uncomfortable.
 5 ANDREW CONLEY: Uh-huh.
 6 TOM BAXTER: And we've been talking in somewhat
 7 hypothetical terms.
 8 ANDREW CONLEY: Uh-huh.
 9 TOM BAXTER: I asked you what your biggest fear was
 10 to let you in on something, that you're not the only
 11 person that ever felt that way, okay?
 12 ANDREW CONLEY: Uh-huh.
 13 TOM BAXTER: You're not the only person that ever
 14 felt that way that actually experimented with some things.
 15 ANDREW CONLEY: Uh-huh.
 16 TOM BAXTER: All right? And like I said before,
 17 the only way for us to gauge or to find out -- I mean,
 18 obviously you're a sexually active --
 19 ANDREW CONLEY: Uh-huh.
 20 TOM BAXTER: -- male, which means your plumbing
 21 seems to be working, okay?
 22 ANDREW CONLEY: Uh-huh.
 23 TOM BAXTER: You know what I mean?
 24 ANDREW CONLEY: Uh-huh.
 25 TOM BAXTER: If you have ever experimented in any

1 TOM BAXTER: And we refrain from doing that, we
 2 really do, okay?
 3 ANDREW CONLEY: Uh-huh.
 4 TOM BAXTER: I'm not trying to make you feel bad or
 5 good, okay?
 6 ANDREW CONLEY: Uh-huh.
 7 TOM BAXTER: I'm just really trying to have a
 8 conversation, a factual conversation, okay, and we're
 9 leaving the judgment at the door.
 10 ANDREW CONLEY: Uh-huh.
 11 TOM BAXTER: I am going to tell you what I expect.
 12 And what happens is, when people are afraid --
 13 ANDREW CONLEY: Uh-huh.
 14 TOM BAXTER: -- or when people risk the possibility
 15 of embarrassment --
 16 ANDREW CONLEY: Uh-huh.
 17 TOM BAXTER: -- they don't always tell me the
 18 truth.
 19 ANDREW CONLEY: Uh-huh.
 20 TOM BAXTER: And I understand that, I really do.
 21 ANDREW CONLEY: Uh-huh.
 22 TOM BAXTER: I expect it, because that shows me a
 23 little bit of normalcy.
 24 ANDREW CONLEY: Uh-huh.
 25 TOM BAXTER: There is evidence that exists in this

1 case that there was some type of sexual behavior here,
 2 okay? There is.
 3 ANDREW CONLEY: Like sexual penetration into his --
 4 TOM BAXTER: Something like that.
 5 ANDREW CONLEY: Something like that?
 6 TOM BAXTER: It could be with something.
 7 ANDREW CONLEY: Uh-huh.
 8 TOM BAXTER: Something, but it doesn't necessarily
 9 have to be any particular body part. It could be an
 10 object.
 11 ANDREW CONLEY: But it wasn't -- I don't know how
 12 that got there. It was not me. I don't know what -- you
 13 say there's evidence, and I believe that, but I don't know
 14 how it got there, because I would never do that to my
 15 little brother. And I know you're saying, "Well, you
 16 killed him." But I would never touch my little brother
 17 or -- I mean, like that, and I don't know how that
 18 evidence got there.
 19 TOM BAXTER: Without mentioning names, okay --
 20 ANDREW CONLEY: Uh-huh.
 21 TOM BAXTER: -- at any point in your life, out of
 22 curiosity, have you ever had sex with another man or boy?
 23 ANDREW CONLEY: No.
 24 TOM BAXTER: Even as a boy?
 25 ANDREW CONLEY: No.

1 TOM BAXTER: Have you ever had anyone attempt to do
 2 anything like that to you?
 3 ANDREW CONLEY: No.
 4 TOM BAXTER: Are you aware of anyone that has?
 5 ANDREW CONLEY: Huh-uh.
 6 TOM BAXTER: What do you think? We have to look at
 7 this logically, okay. If you were me --
 8 ANDREW CONLEY: Uh-huh.
 9 TOM BAXTER: -- and you were now made aware of what
 10 happened --
 11 ANDREW CONLEY: Uh-huh.
 12 TOM BAXTER: -- and that I find that there was
 13 maybe a little bit more pieces to the story that we just
 14 haven't talked about yet --
 15 ANDREW CONLEY: Uh-huh.
 16 TOM BAXTER: -- do you think it would be reasonable
 17 for me to think that at some point in time that maybe
 18 there was a little sexual conduct there, and that somehow
 19 along the way the end result is what we've already talked
 20 about, not necessarily motivated by anything in
 21 particular? I mean, there could be a lot of reasons,
 22 okay?
 23 ANDREW CONLEY: Uh-huh.
 24 TOM BAXTER: People are gonna come up with their
 25 own conclusion, okay?

1 ANDREW CONLEY: Uh-huh.
 2 TOM BAXTER: But what this does is, it affords us
 3 the opportunity to not have people come up with their own
 4 conclusions.
 5 ANDREW CONLEY: Uh-huh.
 6 TOM BAXTER: It's for you and I to talk about --
 7 ANDREW CONLEY: Uh-huh.
 8 TOM BAXTER: -- what really is the truth, okay?
 9 This could be a situation where there started out to be
 10 some sort of experimentation and there was some sexual
 11 conduct.
 12 ANDREW CONLEY: There was no experimentation with
 13 me and my brother. He was young, and I had a girlfriend.
 14 And I would never do that to him, and I would never make
 15 him do anything like that. I don't know how that got
 16 there. And I'm trying to figure -- I never did anything
 17 sexual-wise with my brother. I laid him down there, and I
 18 couldn't find him again. And I don't know how some -- how
 19 he was sexually assaulted, but it was not by me in any
 20 way, shape or form. And I know that evidence isn't going
 21 to go away.
 22 TOM BAXTER: At what point in time do you recall
 23 his pants being down?
 24 ANDREW CONLEY: I dragged him to the car and his --
 25 when I dragged him to the car, his pants might have been

1 down, but I just grabbed the -- and pulled it up because
 2 I didn't want to see his butt crack or anything because
 3 it -- but --

4 TOM BAXTER: When you dragged him to the car, at
 5 some point, based on logic, you're suggesting that you
 6 drug him from the front?

7 ANDREW CONLEY: Yeah, like that, and I was like --

8 TOM BAXTER: At what point were you dragging him in
 9 that manner?

10 ANDREW CONLEY: Like when I got him out of the
 11 basement, I picked him up like that and was dragging him.

12 TOM BAXTER: Where were your hands positioned?

13 ANDREW CONLEY: Like right there, because it was
 14 under his arms, so it was like that. Did you say when --
 15 how did you -- when you found my brother -- 'cause I laid
 16 him down face-up. And was that how he was or -- 'cause I
 17 did not --

18 TOM BAXTER: At some point in time, I will tell
 19 you, yes, he was laying on his back. I will also tell you
 20 at some point in time, he was laying with his face down,
 21 okay?

22 ANDREW CONLEY: Uh-huh.

23 TOM BAXTER: And the evidence in this case will
 24 show that.

25 ANDREW CONLEY: Uh-huh.

1 TOM BAXTER: That's what we're trying to get to,
2 and that's one of the things we're trying to sort out
3 here. When was it he was laying face-down for a period of
4 time? How did you position him in the trunk?

5 ANDREW CONLEY: I positioned him in the trunk
6 face-down first, and I moved him facing the trunk sideways
7 like how I said when I opened the trunk and found him.
8 But I don't know how that got there, 'cause I can remember
9 everything that I -- how did -- I don't even -- so when
10 you found him, his pants were up, weren't they? If you
11 can tell me that. If not, it's okay.

12 TOM BAXTER: At this point in time, I'll be honest.
13 You know, it seems unfair. It's best for me just to ask
14 and allow you to answer as opposed to tell you much, okay?

15 ANDREW CONLEY: Uh-huh.

16 TOM BAXTER: Because I really don't want to put
17 words in your mouth, okay?

18 ANDREW CONLEY: Uh-huh.

19 TOM BAXTER: I don't want to be accused of that
20 either.

21 ANDREW CONLEY: Uh-huh.

22 TOM BAXTER: And we'll have to refrain from doing
23 that. When we investigate things, we find evidence. And
24 there's some things you can come to conclusions based on
25 common sense, some of it's experience and training-based,

1 true, and maybe you can relate to this. That when you
2 tell a lie --

3 ANDREW CONLEY: Uh-huh.

4 TOM BAXTER: -- there's a thing that happens. It's
5 almost like falling down into a giant box.

6 ANDREW CONLEY: Uh-huh.

7 TOM BAXTER: What's easier, falling into the box or
8 climbing out?

9 ANDREW CONLEY: Falling into the box.

10 TOM BAXTER: Right. And when you tell a lie --

11 ANDREW CONLEY: Uh-huh.

12 TOM BAXTER: -- it's falling into the box.

13 ANDREW CONLEY: Uh-huh.

14 TOM BAXTER: And when you try to correct that --

15 ANDREW CONLEY: Uh-huh.

16 TOM BAXTER: -- it's like climbing out.

17 ANDREW CONLEY: Uh-huh.

18 TOM BAXTER: It's much more difficult.

19 ANDREW CONLEY: Uh-huh.

20 TOM BAXTER: Don't you think that's fair?

21 ANDREW CONLEY: Yes.

22 TOM BAXTER: Okay. I think we've had to fall in
23 the box a few times.

24 ANDREW CONLEY: Uh-huh.

25 TOM BAXTER: All right? And you've climbed out a

1 and some of it requires information from a professional
2 like a doctor or a pathologist.

3 ANDREW CONLEY: Uh-huh.

4 TOM BAXTER: What I am here to tell you is, what
5 we've discussed is things that we've learned from the
6 pathologist, okay?

7 ANDREW CONLEY: Uh-huh.

8 TOM BAXTER: And there is evidence that he was not
9 always laying on his back --

10 ANDREW CONLEY: Uh-huh.

11 TOM BAXTER: -- as you suggest that he was in a
12 final position. There is some evidence that sex occurred.

13 ANDREW CONLEY: Uh-huh.

14 TOM BAXTER: Okay. In some manner. It could have
15 been an object. It could have been something.

16 ANDREW CONLEY: Uh-huh.

17 TOM BAXTER: It could have been a penis. It could
18 have been something, all right?

19 ANDREW CONLEY: Uh-huh.

20 TOM BAXTER: As I told you before, I'm not trying
21 to judge you --

22 ANDREW CONLEY: Uh-huh.

23 TOM BAXTER: -- or make you feel better or anything
24 else. I'm telling ya, there comes a time when it's time
25 to be honest, okay. There's one thing that's kind of

1 couple times.

2 ANDREW CONLEY: Uh-huh.

3 TOM BAXTER: All right? And I think it's best that
4 we get to that.

5 ANDREW CONLEY: Uh-huh.

6 TOM BAXTER: All right? Sometimes it makes these
7 conversations go easier if I tell you that we can talk in
8 hypothetical terms, okay. Things that happen sometimes
9 are so embarrassing that we can talk in hypothetical
10 terms. So it's really not like you're telling me you did
11 it.

12 ANDREW CONLEY: Uh-huh.

13 TOM BAXTER: But it's just questions that you can
14 say, "Well if I did this, what" --

15 ANDREW CONLEY: Uh-huh.

16 TOM BAXTER: -- "would be the outcome?"

17 ANDREW CONLEY: Uh-huh.

18 TOM BAXTER: Okay. I've had conversations like
19 that with a lot of people.

20 ANDREW CONLEY: Uh-huh.

21 TOM BAXTER: And I know so has Glen.

22 ANDREW CONLEY: Uh-huh. But I'm telling the truth,
23 and I want to tell the truth. I did not do that. And I
24 don't know how it got there, but it was not me.

25 GLEN POTTS: You've never put your penis next to

1 his anus?

2 ANDREW CONLEY: I've never, never.

3 GLEN POTTS: Have you ever put any object next to

4 his anus?

5 ANDREW CONLEY: Never.

6 GLEN POTTS: Now, see, you remember what Tom said

7 about falling in the box?

8 ANDREW CONLEY: Yes.

9 GLEN POTTS: That's why it's so hard for me to

10 believe you right now.

11 ANDREW CONLEY: I know, but --

12 GLEN POTTS: Because let me tell you, first of

13 all -- first of all, you didn't tell us the truth about

14 going to your girlfriend's house with him in the trunk.

15 Then you talked to me about your friend --

16 ANDREW CONLEY: Jared.

17 GLEN POTTS: -- Jared. One time you said Jared

18 stayed in the parking lot.

19 ANDREW CONLEY: I never said -- I said he stayed

20 by the tree.

21 GLEN POTTS: Okay, stayed by a tree. Then you said

22 he came out with you. You know, here's what I think

23 happened, I really do. I think you guys found him. I

24 think you took him out there to show him what you had

25 done.

1 ANDREW CONLEY: 11:30.

2 GLEN POTTS: But got there about what time?

3 ANDREW CONLEY: I'd say about 9:00, after -- around

4 9:30.

5 GLEN POTTS: So you strangled your brother about

6 what time?

7 ANDREW CONLEY: Somewhere before that.

8 GLEN POTTS: 8:15 be a fair time?

9 ANDREW CONLEY: Yeah.

10 GLEN POTTS: 8:15 or 8:45 -- I can't remember --

11 you strangled him, went to your girlfriend's house, hid

12 him in the trunk, left there. You've never put your penis

13 next to his anus?

14 ANDREW CONLEY: Never.

15 GLEN POTTS: You have never put nothing in his

16 anus?

17 ANDREW CONLEY: No.

18 GLEN POTTS: There's no reason you should have any

19 DNA, any pubic hairs, anything down by his anus?

20 ANDREW CONLEY: No.

21 GLEN POTTS: Nothing, okay. You said Jared and you

22 never saw --

23 ANDREW CONLEY: We never saw the body.

24 GLEN POTTS: -- never saw the body again? You

25 never went back to see the body, yourself?

1 ANDREW CONLEY: Uh-huh.

2 GLEN POTTS: I think you found him. You say you

3 haven't, but I tell you what I think, okay?

4 ANDREW CONLEY: Uh-huh.

5 GLEN POTTS: I think you found him. I think you

6 loosened the bag over his head. I think you showed Jared

7 his face. You didn't?

8 ANDREW CONLEY: No, I didn't.

9 GLEN POTTS: And that's when you guys turned him

10 back over. That's not what happened at all?

11 ANDREW CONLEY: No. Because I said, "Jared, you

12 don't have to look," and I was just going to point to

13 where it was so he could have -- I could have some witness

14 show the body. But we did not find the body. We looked

15 everywhere. I could not find him. Jared said, "Let's

16 go." I said, "Okay." I did not --

17 GLEN POTTS: You never did find the body, huh?

18 ANDREW CONLEY: Never.

19 GLEN POTTS: So you was at your girlfriend's after

20 you strangled your brother?

21 ANDREW CONLEY: Uh-huh.

22 GLEN POTTS: You put him in the trunk of the car?

23 ANDREW CONLEY: Uh-huh.

24 GLEN POTTS: You went to your girlfriend's. How

25 long were you -- one more time. I know you told me.

1 ANDREW CONLEY: Nope.

2 GLEN POTTS: Do you think somebody may have went

3 and saw him after you told -- who all did you tell that he

4 was down there? You told -- excuse me. You told Jared.

5 You told --

6 ANDREW CONLEY: Dylan.

7 GLEN POTTS: You told Dylan. Anybody else?

8 ANDREW CONLEY: No.

9 GLEN POTTS: Do you think they had time to go turn

10 his body over down there?

11 ANDREW CONLEY: I mean, I told them and I went to

12 the police. I told Dylan, went to the police station, and

13 it was like 8:10, I think, Mr. Siekman said he got the

14 call to come there. And I don't know how long it took

15 them to find the body.

16 GLEN POTTS: Well, when did Jared know about it?

17 ANDREW CONLEY: He knew it around -- before 7:00, I

18 want to say.

19 GLEN POTTS: Now, you would be willing to take a

20 DNA test and have your pubic hairs checked?

21 ANDREW CONLEY: Yes, I would.

22 GLEN POTTS: And you would --

23 ANDREW CONLEY: I will probably do that to show I

24 did not sexually assault my brother.

25 GLEN POTTS: Tom asked you if you ever had any type

1 of sexual experimenting with any other guy. You said,
 2 "No."
 3 ANDREW CONLEY: No.
 4 GLEN POTTS: Do you know if your brother ever had
 5 anything with anybody, as far as you know?
 6 ANDREW CONLEY: I do not know.
 7 GLEN POTTS: Anything else that we've failed to ask
 8 you that you can tell us right now? I mean, here's what
 9 I'd like you to do. Tom mentioned earlier, and it's a
 10 very good -- you know, from the very beginning to the
 11 middle to the end, if there's anything that we didn't ask
 12 you, now is the time to tell us so that we can go and say,
 13 "This is what the guy said," "This is the truth." Because
 14 now, you know, you're in that hole and you're climbing
 15 out.
 16 ANDREW CONLEY: Uh-huh.
 17 GLEN POTTS: Let's get all the way out of that
 18 hole.
 19 ANDREW CONLEY: Okay. Well, is there anything else
 20 you're not clear on?
 21 GLEN POTTS: Well, there's some things that we have
 22 questioned in our mind, but, like Tom said, we don't want
 23 to confront you with them. We're trying to see how honest
 24 you are with us.
 25 ANDREW CONLEY: Uh-huh.

1 GLEN POTTS: So you drug his body from the parking
 2 lot of that parking space all the way back to where his
 3 body was found?
 4 ANDREW CONLEY: I picked him up and then walked
 5 some, put him down 'cause I was tired, picked him up
 6 again, continued, sat him down, looked for a spot to dump,
 7 and then I sat him down, and that's the last time I ever
 8 seen him.
 9 GLEN POTTS: You know, I'm having a very hard time
 10 from the very beginning.
 11 ANDREW CONLEY: Uh-huh.
 12 GLEN POTTS: You viciously choked him.
 13 ANDREW CONLEY: Uh-huh.
 14 GLEN POTTS: I mean, with all your strength, all
 15 your might. His neck was damaged terribly.
 16 ANDREW CONLEY: Uh-huh.
 17 GLEN POTTS: My feeling on this here is, this poor
 18 kid didn't even know he was playing.
 19 ANDREW CONLEY: Uh-huh.
 20 GLEN POTTS: What I want to get at -- did you come
 21 up from behind and just grab him, or was he knowing you
 22 were playing or what?
 23 ANDREW CONLEY: We were playing, and then I had him
 24 like that. And when you say that I savagely choked him
 25 was when he was on the ground, passed out.

1 GLEN POTTS: And you've been pretty honest on the
 2 big part. There's some things that we still have
 3 questions about, and I don't feel obligated to discuss
 4 them with you really. You say, "Listen, this is the whole
 5 story; this is the whole truth; I'm not leaving nothing
 6 out this time; I'm telling you everything."
 7 ANDREW CONLEY: When I dragged him to my trunk to
 8 put him in there first to make sure that he was truly
 9 dead, I like banged his head off the ground, and there's
 10 probably evidence there on the body but --
 11 GLEN POTTS: You just wanted to make sure he was
 12 dead? You wanted to make sure you killed him, make sure
 13 he was dead?
 14 ANDREW CONLEY: Make sure. And I thought that that
 15 medical examiner's report would show that.
 16 GLEN POTTS: That's true.
 17 ANDREW CONLEY: I do believe that's the only thing
 18 I left out.
 19 GLEN POTTS: When you were riding around with his
 20 dead body in the trunk of your car, was anybody with you
 21 at all?
 22 ANDREW CONLEY: Nope, nobody.
 23 GLEN POTTS: When you dumped his body, was anybody
 24 with you?
 25 ANDREW CONLEY: Nobody was with me.

1 GLEN POTTS: No, that wasn't the only time. When
 2 he was standing up, it was quite brutal, too.
 3 ANDREW CONLEY: It was?
 4 GLEN POTTS: Yeah.
 5 ANDREW CONLEY: But we were playing.
 6 GLEN POTTS: Did you have him real tight?
 7 ANDREW CONLEY: I guess it was tight.
 8 GLEN POTTS: When did it go through your mind that
 9 you were going to kill him?
 10 ANDREW CONLEY: When he was -- when I had him in a
 11 hold and then it just was like --
 12 GLEN POTTS: You just wanted to kill him?
 13 ANDREW CONLEY: Just couldn't stop. It just --
 14 GLEN POTTS: My understanding -- Tom, correct me.
 15 After he passed out on the floor, you drug him into the
 16 kitchen. Is that when you started choking him again in
 17 the kitchen?
 18 ANDREW CONLEY: Uh-huh.
 19 GLEN POTTS: So you went back and put the gloves on
 20 to do that?
 21 ANDREW CONLEY: Uh-huh, because I didn't -- one
 22 part of me didn't want to leave fingerprints, and then the
 23 other part didn't want to have -- I guess I distanced
 24 myself a little from doing it. But then I realized I
 25 needed to leave fingerprints and things on them, so --

1 GLEN POTTS: So you've told us everything?
 2 ANDREW CONLEY: I do believe so, everything that I
 3 can remember.
 4 GLEN POTTS: So he's in the trunk at your
 5 girlfriend's house. You gave her a ring to -- a
 6 sweetheart ring while your brother was in the trunk?
 7 ANDREW CONLEY: Uh-huh.
 8 GLEN POTTS: And you said, "I'd never have anal sex
 9 with my brother"?
 10 ANDREW CONLEY: Never.
 11 GLEN POTTS: "I would never do that"?
 12 ANDREW CONLEY: I would never.
 13 GLEN POTTS: Well, nobody thought you'd ever kill
 14 him either.
 15 ANDREW CONLEY: I know, but I never thought I
 16 would.
 17 GLEN POTTS: Let me tell you what. If I had a
 18 choice of having anal sex with a guy or killing him -- I
 19 wouldn't want to do either, let's get that straight -- but
 20 if I did, I'd much rather have anal sex with somebody than
 21 kill them.
 22 ANDREW CONLEY: Uh-huh. But I never sexually
 23 assaulted my brother, and I did not want to kill him.
 24 GLEN POTTS: You what?
 25 ANDREW CONLEY: I said I did not want to kill him.

1 TOM BAXTER: Okay. And by demonstrating this, you
 2 take your arm and you place it around his neck?
 3 ANDREW CONLEY: Uh-huh.
 4 TOM BAXTER: And which arm do you place around his
 5 neck?
 6 ANDREW CONLEY: My left.
 7 TOM BAXTER: It's your left?
 8 ANDREW CONLEY: That's what I believe.
 9 TOM BAXTER: Are you right-handed or left-handed?
 10 ANDREW CONLEY: Right-handed, so I would assume I
 11 did it with my right. But I remember when he threw the
 12 punch that I went like to grab his arm, and then it was --
 13 but I may have just did that and did that. I would say
 14 right-handed, I did the right arm, but -- yes, it was my
 15 right arm.
 16 TOM BAXTER: And at that time you were wearing what
 17 kind of clothing?
 18 ANDREW CONLEY: I was wearing my sweatshirt.
 19 TOM BAXTER: Long-sleeved?
 20 ANDREW CONLEY: Long-sleeved.
 21 TOM BAXTER: Hooded? No hood?
 22 ANDREW CONLEY: Hooded.
 23 TOM BAXTER: And what color?
 24 ANDREW CONLEY: Gray.
 25 TOM BAXTER: It's gray. And what kind of pants

1 GLEN POTTS: When did you not want to kill him?
 2 ANDREW CONLEY: When -- when I first started, I
 3 didn't want to, but then it just -- just something just
 4 couldn't let me stop, and it just -- I just didn't stop.
 5 TOM BAXTER: Let me go over this. I want you to
 6 tell me when I'm wrong, okay. Please do.
 7 ANDREW CONLEY: Uh-huh.
 8 TOM BAXTER: Correct me.
 9 ANDREW CONLEY: Uh-huh.
 10 TOM BAXTER: And critique me heavily.
 11 ANDREW CONLEY: Uh-huh.
 12 TOM BAXTER: You're at home with your brother
 13 alone?
 14 ANDREW CONLEY: Uh-huh.
 15 TOM BAXTER: You are in the living room, the both
 16 of you?
 17 ANDREW CONLEY: Uh-huh.
 18 TOM BAXTER: And you place him in the chokehold?
 19 ANDREW CONLEY: No. In our bedroom.
 20 TOM BAXTER: You're in the bedroom?
 21 ANDREW CONLEY: Yes.
 22 TOM BAXTER: And you place him in the chokehold.
 23 ANDREW CONLEY: Uh-huh.
 24 TOM BAXTER: Are you standing on the floor?
 25 ANDREW CONLEY: We were standing.

1 were you wearing?
 2 ANDREW CONLEY: Blue jeans.
 3 TOM BAXTER: And those tennis shoes?
 4 ANDREW CONLEY: These tennis shoes.
 5 TOM BAXTER: And you're in the bedroom?
 6 ANDREW CONLEY: Uh-huh.
 7 TOM BAXTER: And that is where you choke him and
 8 that's where he passes out?
 9 ANDREW CONLEY: No.
 10 TOM BAXTER: Okay.
 11 ANDREW CONLEY: We stumble and go into the living
 12 room and had fallen into the chair where there was blood
 13 in the house.
 14 TOM BAXTER: So when you're struggling, you have
 15 him in the chokehold?
 16 ANDREW CONLEY: Uh-huh.
 17 TOM BAXTER: And you fall into the chair?
 18 ANDREW CONLEY: Uh-huh.
 19 TOM BAXTER: And at that time blood comes from?
 20 ANDREW CONLEY: His face.
 21 TOM BAXTER: His face.
 22 ANDREW CONLEY: And it gets onto the chair, and we
 23 fall onto the floor, and that's when he became
 24 unconscious.
 25 TOM BAXTER: And then you stand up?

1 ANDREW CONLEY: And then I stand up.
 2 TOM BAXTER: And do you immediately go somewhere
 3 else?
 4 ANDREW CONLEY: I immediately grabbed him by his
 5 leg into the kitchen and then go get the gloves and go
 6 back.
 7 TOM BAXTER: And how is he behaving at that time?
 8 ANDREW CONLEY: He's laying there making noises
 9 with his mouth.
 10 TOM BAXTER: And can you further describe those
 11 noises?
 12 ANDREW CONLEY: It was like a sort of gurgling-like
 13 noise.
 14 TOM BAXTER: Okay. Do you think he's conscious or
 15 semiconscious or totally unconscious while he's making
 16 these noises?
 17 ANDREW CONLEY: While he's making those noises, I
 18 believe he was either semiconscious or unconscious.
 19 TOM BAXTER: And you say that he's laying on the
 20 kitchen floor. And is he on his back or side?
 21 ANDREW CONLEY: On his back, I believe so.
 22 TOM BAXTER: And is his head facing where the sink
 23 is or the other way?
 24 ANDREW CONLEY: Towards the living room, like he
 25 could see the living room if his eyes were open. Like it

1 ANDREW CONLEY: Because it was a while.
 2 TOM BAXTER: Did he stop breathing while you was
 3 choking him? Did the gurgling stop?
 4 ANDREW CONLEY: No. He still made gurgling noises.
 5 TOM BAXTER: What was he doing with his hands?
 6 Where was his hands when you were choking him?
 7 ANDREW CONLEY: At his side, down, because I
 8 remember seeing his fingertips turn like a dark color.
 9 TOM BAXTER: And so you're pretty certain that this
 10 went on for 20 minutes?
 11 ANDREW CONLEY: It went on for a while, yes, I do
 12 believe.
 13 TOM BAXTER: Okay. At what point in time did you
 14 take the gloves off?
 15 ANDREW CONLEY: Like after four or five minutes of
 16 doing this, I took a glove off and then gripped him like
 17 so, and then took the other glove off and just kept doing
 18 that and --
 19 TOM BAXTER: So while you're -- you begin to choke
 20 him two-handed with gloves on?
 21 ANDREW CONLEY: Uh-huh.
 22 TOM BAXTER: And then you stopped and you took the
 23 right glove off?
 24 ANDREW CONLEY: Uh-huh.
 25 TOM BAXTER: Correct me if I'm wrong.

1 was like the --
 2 TOM BAXTER: Which is closer to the living room,
 3 his face or his feet?
 4 ANDREW CONLEY: His feet.
 5 TOM BAXTER: So you go back to the living room and
 6 you get the gloves?
 7 ANDREW CONLEY: Uh-huh.
 8 TOM BAXTER: And you put both the gloves on?
 9 ANDREW CONLEY: Uh-huh.
 10 TOM BAXTER: And then you go back to the kitchen
 11 immediately?
 12 ANDREW CONLEY: Uh-huh.
 13 TOM BAXTER: And then you bend over and you begin
 14 to choke him?
 15 ANDREW CONLEY: Uh-huh.
 16 TOM BAXTER: And you begin to choke him with two
 17 hands or one?
 18 ANDREW CONLEY: Two hands.
 19 TOM BAXTER: With two hands. And how long are you
 20 choking him?
 21 ANDREW CONLEY: With two hands or --
 22 TOM BAXTER: Either.
 23 ANDREW CONLEY: I believe it was at least
 24 20 minutes.
 25 TOM BAXTER: And what makes you think 20 minutes?

1 ANDREW CONLEY: Uh-huh.
 2 TOM BAXTER: Okay.
 3 ANDREW CONLEY: Uh-huh.
 4 TOM BAXTER: You took the right glove off?
 5 ANDREW CONLEY: Uh-huh.
 6 TOM BAXTER: And then you choked him one-handed for
 7 a period of time, and then you stopped and you took the
 8 left glove off?
 9 ANDREW CONLEY: Uh-huh.
 10 TOM BAXTER: And then you began to choke him with
 11 two hands?
 12 ANDREW CONLEY: Uh-huh.
 13 TOM BAXTER: For a period of time?
 14 ANDREW CONLEY: Uh-huh.
 15 TOM BAXTER: And then for some reason you quit?
 16 ANDREW CONLEY: Uh-huh.
 17 TOM BAXTER: What made you quit?
 18 ANDREW CONLEY: I checked to see if he was dead.
 19 TOM BAXTER: What did you do to check?
 20 ANDREW CONLEY: I checked his pulse. I felt for
 21 his heartbeat there and that was where I checked.
 22 TOM BAXTER: What was the last thing he said to
 23 you?
 24 ANDREW CONLEY: "Andrew, stop."
 25 TOM BAXTER: Where were you when he said that?

1 ANDREW CONLEY: We were at the -- we were on the
2 floor in the living room.
3 TOM BAXTER: Was he crying?
4 ANDREW CONLEY: Uh-huh.
5 TOM BAXTER: How many times did he tell you to
6 stop?
7 ANDREW CONLEY: He only could -- able to say it
8 once.
9 TOM BAXTER: Was that because you had his throat
10 constricted?
11 ANDREW CONLEY: Uh-huh.
12 TOM BAXTER: So he's crying and he tells you to
13 stop, and you continue?
14 ANDREW CONLEY: Uh-huh.
15 TOM BAXTER: And then you drag him by his leg to
16 the kitchen?
17 ANDREW CONLEY: Uh-huh.
18 TOM BAXTER: Now, if you're dragging him by his leg
19 to the kitchen, if you just stopped, his head would be
20 closer to the living room; is that correct?
21 ANDREW CONLEY: Yes.
22 TOM BAXTER: So how did he get turned around?
23 ANDREW CONLEY: I believe that I turned him around
24 to get the bag when I was ready for it.
25 TOM BAXTER: Okay. You got the bag; by that time,

1 another bag?
2 ANDREW CONLEY: No. From there, I retrieved the
3 tape, and there under our kitchen sink is the garbage
4 bags. Why?
5 TOM BAXTER: Well -- so you put the bag over his
6 head, you retrieved the tape, and you taped it up?
7 ANDREW CONLEY: Uh-huh.
8 TOM BAXTER: And then from there, you went and
9 retrieved another bag?
10 ANDREW CONLEY: From there, I dragged him to the
11 stairs and retrieved the other bag, put it over.
12 TOM BAXTER: Where did you say you got that bag
13 from?
14 ANDREW CONLEY: The kitchen sink. It's like a
15 garbage bag.
16 TOM BAXTER: Was it in the sink?
17 ANDREW CONLEY: No. It was in the little box, and
18 I pulled it out.
19 TOM BAXTER: Okay.
20 ANDREW CONLEY: It should have still been on him
21 when his body was in the woods.
22 TOM BAXTER: So you drug him down the steps. Was
23 he face-up or face-down when you was dragging him down the
24 steps?
25 ANDREW CONLEY: He was face-up.

1 your gloves were off; correct?
2 ANDREW CONLEY: Uh-huh.
3 TOM BAXTER: And where did you lay the gloves when
4 you took them off?
5 ANDREW CONLEY: I threw one down on the kitchen
6 floor, threw it down, and I threw the other one down. And
7 I don't know where that one landed, because when I came
8 back to find it, it was hard to find.
9 TOM BAXTER: So you retrieved a glove -- or
10 retrieved a bag?
11 ANDREW CONLEY: Uh-huh.
12 TOM BAXTER: From where?
13 ANDREW CONLEY: That drawer I showed you in my
14 house.
15 TOM BAXTER: You placed the bag over his head?
16 ANDREW CONLEY: Uh-huh.
17 TOM BAXTER: And then you retrieved some tape?
18 ANDREW CONLEY: Uh-huh.
19 TOM BAXTER: Where did you retrieve the tape from?
20 ANDREW CONLEY: There's a drawer.
21 TOM BAXTER: You retrieved the tape from where?
22 ANDREW CONLEY: The drawer in -- there's these two
23 drawers in our kitchen cabinet, and I took the tape from
24 there.
25 TOM BAXTER: And then from there, you retrieved

1 TOM BAXTER: And his head was banging around or
2 not?
3 ANDREW CONLEY: Uh-huh.
4 TOM BAXTER: You got to the bottom of the steps?
5 ANDREW CONLEY: Uh-huh.
6 TOM BAXTER: And then did you stop, open the door?
7 ANDREW CONLEY: The door there at the bottom of the
8 steps was open, so I dragged him to the basement door and
9 I had to open it up.
10 TOM BAXTER: Then you drug him to the car?
11 ANDREW CONLEY: Uh-huh.
12 TOM BAXTER: And you stopped before you got in the
13 car?
14 ANDREW CONLEY: I set him down for -- so I could
15 open my door and open the trunk.
16 TOM BAXTER: Okay. And then what did you do?
17 ANDREW CONLEY: I drug him to the trunk and did
18 that, his head.
19 TOM BAXTER: Was that while he was behind the car?
20 ANDREW CONLEY: Huh?
21 TOM BAXTER: Was that while he was behind the car
22 or beside the car?
23 ANDREW CONLEY: While he was by the trunk.
24 TOM BAXTER: And was the trunk facing the house or
25 away from the house?

1 ANDREW CONLEY: Away from the house.
 2 TOM BAXTER: So you pulled up to the house?
 3 ANDREW CONLEY: Yeah.
 4 TOM BAXTER: You had to drag him past the car and
 5 behind the car?
 6 ANDREW CONLEY: Uh-huh.
 7 TOM BAXTER: And at that point you picked him up
 8 and put him in the trunk?
 9 ANDREW CONLEY: Uh-huh.
 10 TOM BAXTER: His head was on the right?
 11 ANDREW CONLEY: Uh-huh.
 12 TOM BAXTER: Correct or no?
 13 ANDREW CONLEY: I believe he was on his back. And
 14 I think that I was trying to cover him up, so I turned him
 15 over and I put this -- it's like a raincoat thing over top
 16 of him and the garbage bag. So he ended up facing how I
 17 said he was, and I closed the trunk.
 18 TOM BAXTER: And then you drove to your
 19 girlfriend's house? Immediately you drove to your
 20 girlfriend's house?
 21 ANDREW CONLEY: Yes.
 22 TOM BAXTER: Then at some point in time did you
 23 tell us that you stopped and you changed your clothes?
 24 ANDREW CONLEY: After I had -- I had this brown
 25 shirt on or I had my black shirt with the joker on it. I

1 ANDREW CONLEY: Uh-huh.
 2 TOM BAXTER: Okay. So when you left your
 3 girlfriend's house -- you stayed at your girlfriend's
 4 house for a couple hours?
 5 ANDREW CONLEY: Uh-huh.
 6 TOM BAXTER: And your brother was outside in the
 7 trunk?
 8 ANDREW CONLEY: Uh-huh.
 9 TOM BAXTER: And you left the house and you went to
 10 Rising Sun?
 11 ANDREW CONLEY: Uh-huh.
 12 TOM BAXTER: Did you go -- on what road did you
 13 travel from your girlfriend's to get to Rising Sun?
 14 ANDREW CONLEY: I went down our road. I went back
 15 down my road and down that road.
 16 TOM BAXTER: And past your house?
 17 ANDREW CONLEY: Past my house.
 18 TOM BAXTER: That's not the shortest way.
 19 ANDREW CONLEY: I know.
 20 TOM BAXTER: Did you stop anywhere along the way?
 21 ANDREW CONLEY: No.
 22 TOM BAXTER: Why did you go back past your house?
 23 ANDREW CONLEY: Because I wasn't sure how to get
 24 there the other way. I'm not good with roads.
 25 TOM BAXTER: So you drove to Rising Sun, and did

1 changed that.
 2 TOM BAXTER: Changed into that?
 3 ANDREW CONLEY: No. I changed from that into this
 4 brown shirt and this sweatshirt, and I changed into these
 5 windbreaker pants.
 6 TOM BAXTER: Okay. At what point in this process
 7 did you do that?
 8 ANDREW CONLEY: After he was in the trunk, I went
 9 upstairs to change.
 10 TOM BAXTER: And what did you do with the clothes?
 11 ANDREW CONLEY: I put the clothes into the closet.
 12 TOM BAXTER: And did you do something with the
 13 gloves?
 14 ANDREW CONLEY: I picked them up and put them in
 15 the chair.
 16 TOM BAXTER: And did you have any tape left?
 17 ANDREW CONLEY: No.
 18 TOM BAXTER: You used all of the tape?
 19 ANDREW CONLEY: I do believe I used all the tape.
 20 TOM BAXTER: Okay. When you drove to your
 21 girlfriend's house, when you drive out to the end of your
 22 driveway, do you turn right?
 23 ANDREW CONLEY: Turn right.
 24 TOM BAXTER: So you went to your girlfriend's
 25 house, and she lives up on Salem Ridge?

1 you pass -- did you stop anywhere at all?
 2 ANDREW CONLEY: Huh-uh.
 3 TOM BAXTER: You see anyone at the park?
 4 ANDREW CONLEY: You mean the trail?
 5 TOM BAXTER: The trail.
 6 ANDREW CONLEY: No.
 7 TOM BAXTER: Nobody there?
 8 ANDREW CONLEY: Nobody.
 9 TOM BAXTER: And when you parked your car, where
 10 did you park?
 11 ANDREW CONLEY: Well, there's -- like there's these
 12 bleachers turned over in the parking lot by the blue -- it
 13 was like two, three -- it was like one of those parking
 14 spots.
 15 TOM BAXTER: I wonder if there's a dry erase
 16 marker. I'm gonna see if there's one. I do want to
 17 clarify. Can you come around here? If this is the big
 18 building, okay?
 19 ANDREW CONLEY: Uh-huh.
 20 TOM BAXTER: This is the driveway, and then this is
 21 chain-link fence.
 22 ANDREW CONLEY: Uh-huh.
 23 TOM BAXTER: Something like this. And then this is
 24 the parking area.
 25 ANDREW CONLEY: Uh-huh.

1 TOM BAXTER: And then somewhere over here is some
2 bleachers. Where did you park? Draw it.
3 ANDREW CONLEY: I assume where I parked, I'd say,
4 was about right there.
5 TOM BAXTER: Draw a square to represent your car.
6 And where was the trunk? So at that point in time, you
7 got your brother out of the trunk?
8 ANDREW CONLEY: Uh-huh.
9 TOM BAXTER: And which way did you walk?
10 ANDREW CONLEY: That way.
11 TOM BAXTER: And where did you carry him to?
12 ANDREW CONLEY: I carried him.
13 TOM BAXTER: Keep going. Did you stop right there
14 or where's the woods?
15 ANDREW CONLEY: I stopped here 'cause the woods
16 start here, and then into the woods.
17 TOM BAXTER: Draw a line where the tree line is.
18 ANDREW CONLEY: I'd say it's about right there.
19 TOM BAXTER: Okay. Show me where you laid his
20 body.
21 ANDREW CONLEY: I believe it was somewhere there.
22 TOM BAXTER: Okay. Put a big "X" there so that
23 represents that. Okay. You can sit down. When you -- go
24 ahead.
25 GLEN POTTS: When you say you got him outside and

1 your brother to your grandmother's house and ask if she
2 would watch him? What time was that?
3 ANDREW CONLEY: About 8:00-something.
4 GLEN POTTS: 8:00. So that was after your
5 girlfriend texted you to ask you to come over?
6 ANDREW CONLEY: Uh-huh.
7 GLEN POTTS: So you couldn't go over there with
8 your little brother?
9 ANDREW CONLEY: Huh-uh.
10 GLEN POTTS: Right?
11 ANDREW CONLEY: No.
12 GLEN POTTS: You took your little brother down to
13 your grandmother's house, and your grandmother said --
14 your grandmother wasn't home?
15 ANDREW CONLEY: Uh-huh.
16 GLEN POTTS: Did you ask somebody else to watch
17 him?
18 ANDREW CONLEY: My Uncle Jeremy.
19 GLEN POTTS: What did he say?
20 ANDREW CONLEY: He said, "No."
21 GLEN POTTS: Now, I'm telling ya how I feel, okay?
22 At this time, here's a girl that you've been having sex
23 with.
24 ANDREW CONLEY: I know what you're gonna --
25 GLEN POTTS: Now, wait a minute. Let me finish,

1 you hit his head on the gravel, what did you do that for?
2 ANDREW CONLEY: To make sure that he was all the
3 way and completely.
4 GLEN POTTS: Completely what?
5 ANDREW CONLEY: Dead.
6 GLEN POTTS: And how many times do you think you
7 hit his head on the -- what was it, rocks?
8 ANDREW CONLEY: Yeah. I believe three or four.
9 GLEN POTTS: Pretty hard?
10 ANDREW CONLEY: I'd say.
11 GLEN POTTS: Now, when did you -- did you just go
12 to your girlfriend's house or did you call them and tell
13 them you was coming over, ask if you could come over?
14 ANDREW CONLEY: They already asked me.
15 GLEN POTTS: They asked you? When did they call
16 you and ask you to come over?
17 ANDREW CONLEY: They texted me.
18 GLEN POTTS: She did?
19 ANDREW CONLEY: Yeah, she texted me.
20 GLEN POTTS: What time did she text you to ask you
21 if you wanted to come over?
22 ANDREW CONLEY: I believe somewhere around 7:00.
23 GLEN POTTS: So before you killed your brother?
24 ANDREW CONLEY: Yes.
25 GLEN POTTS: Now, you also -- when did you take

1 okay?
2 ANDREW CONLEY: I'm sorry.
3 GLEN POTTS: No. I mean, I understand you, but I
4 just want -- let me tell ya something. You're pissed.
5 You got this girl over here that you have been having sex
6 with.
7 ANDREW CONLEY: Uh-huh.
8 GLEN POTTS: Your little brother, nobody will keep
9 your little brother --
10 ANDREW CONLEY: Uh-huh.
11 GLEN POTTS: -- because grandma's not home and your
12 uncle is not gonna keep him.
13 ANDREW CONLEY: Uh-huh.
14 GLEN POTTS: You come home. You're pissed. I'd be
15 pissed if I could go see my girlfriend and I had to watch
16 my little brother.
17 ANDREW CONLEY: Uh-huh.
18 GLEN POTTS: Okay. I want to know what anger was
19 in here before this whole thing started. You're pissed
20 because you gotta watch your brother. You call your
21 mother and ask your mother if you have to watch him, if he
22 can go to grandma's or whatever.
23 ANDREW CONLEY: Uh-huh.
24 GLEN POTTS: Were you pissed at any point? Be
25 honest with us now.

1 ANDREW CONLEY: No, I was not angry, because it's
2 my job to watch him.
3 GLEN POTTS: It's your job to watch him. So you
4 wasn't pissed about having to watch him?
5 TOM BAXTER: That doesn't necessarily mean you like
6 it.
7 GLEN POTTS: Yeah, it doesn't necessarily mean you
8 like it when you go see your girlfriend. That's a good
9 point.
10 ANDREW CONLEY: I was about to text her and say I
11 couldn't come.
12 GLEN POTTS: But you didn't?
13 ANDREW CONLEY: When I -- before we started to
14 wrestle.
15 GLEN POTTS: Before you killed your brother?
16 ANDREW CONLEY: Uh-huh.
17 GLEN POTTS: You were gonna text her and tell her
18 you couldn't come?
19 ANDREW CONLEY: Yes.
20 GLEN POTTS: But you didn't, did you?
21 ANDREW CONLEY: I didn't have the time.
22 GLEN POTTS: So you killed your brother and then
23 you went over there?
24 ANDREW CONLEY: Uh-huh.
25 GLEN POTTS: Listen to me very closely. She texts

1 ANDREW CONLEY: You're wrong in the fact that I can
2 not see my girlfriend and be okay.
3 GLEN POTTS: But you didn't.
4 ANDREW CONLEY: But because when we started to
5 wrestle, just -- I -- it's like I just didn't stop, but it
6 was -- it just -- something said to do that in my head,
7 and I did that. But I did not -- how you say -- kill him
8 to see my girlfriend.
9 GLEN POTTS: Okay. When your girlfriend texted you
10 at seven o'clock about --
11 ANDREW CONLEY: It was 7:30-ish.
12 GLEN POTTS: -- did you text her back and say
13 anything?
14 ANDREW CONLEY: I said, "Yeah. Let me see if I'm
15 able."
16 GLEN POTTS: Is that all you said then?
17 ANDREW CONLEY: I think I said, "Hold on. I'll
18 have to check and see if he can go somewhere."
19 GLEN POTTS: If who? If your brother can go
20 somewhere?
21 ANDREW CONLEY: Yes.
22 GLEN POTTS: And your brother couldn't go anywhere,
23 could he?
24 ANDREW CONLEY: No.
25 GLEN POTTS: Andrew, I'm telling ya --

1 you to come over about seven o'clock. You want to.
2 You're getting excited. You're gonna see your girlfriend.
3 Man, you gotta get rid of your brother.
4 ANDREW CONLEY: That's not --
5 GLEN POTTS: Hold it. You gotta get rid of your
6 brother. You go down to your grandmother's. Your
7 grandmother is not there. Your uncle is not there. You
8 bring him back home. You don't text your girlfriend and
9 say, "I can't come over" until after you kill your
10 brother, and then you go over there.
11 ANDREW CONLEY: Uh-huh.
12 GLEN POTTS: Now, I want you to -- I'm just a
13 common folk here looking at this, and I'm saying he wants
14 to go see his girlfriend. He can't go with his brother.
15 His girlfriend texted him to come over. He goes to
16 grandma's house. Grandma is not gonna keep him. Uncle is
17 not gonna keep him. The only way he can go over there is
18 if his brother is not around. So what's he do? He chokes
19 and kills his brother.
20 ANDREW CONLEY: Uh-huh.
21 GLEN POTTS: Puts him in the trunk and goes over
22 there.
23 ANDREW CONLEY: Uh-huh.
24 GLEN POTTS: Now, tell me, where am I wrong in
25 this?

1 ANDREW CONLEY: I know.
2 GLEN POTTS: I'm telling ya how I feel. And I'm
3 not trying to --
4 ANDREW CONLEY: I know.
5 GLEN POTTS: I think you was mad, I really do.
6 ANDREW CONLEY: Yeah.
7 GLEN POTTS: I think you was mad. You got a girl
8 you've been having sex with, and you can't go over there.
9 Not that you were gonna have sex.
10 ANDREW CONLEY: Uh-huh.
11 GLEN POTTS: I'm not saying that. If you could,
12 you probably would have. But you can't go there with your
13 little brother. You texted her back. And I want to know
14 all that you can remember, the exact text that you gave
15 her back. What exactly do you think you said?
16 ANDREW CONLEY: When I texted her?
17 GLEN POTTS: Yeah.
18 ANDREW CONLEY: After I drove down to my grandma's?
19 GLEN POTTS: Uh-huh. What did you text her and
20 say?
21 ANDREW CONLEY: I think I said, "Hold on one sec,"
22 somewhere along those lines.
23 GLEN POTTS: "Hold on one sec"? Did you only text
24 her one time?
25 ANDREW CONLEY: I believe I texted her more times.

1 GLEN POTTS: Yeah. What did you say about your
2 brother? Did you say anything about your brother at all,
3 that you couldn't come over because of your brother?

4 ANDREW CONLEY: I said he would go to my grandma's.

5 GLEN POTTS: You said he would go to your grandma's
6 and that you would be over?

7 ANDREW CONLEY: Uh-huh.

8 GLEN POTTS: And was that the last text you gave
9 her?

10 ANDREW CONLEY: Sorry. Excuse me.

11 GLEN POTTS: That's all right.

12 ANDREW CONLEY: No.

13 GLEN POTTS: Andrew?

14 ANDREW CONLEY: Uh-huh.

15 GLEN POTTS: You remember about Tom talking about
16 that hole you're getting yourself into?

17 ANDREW CONLEY: Uh-huh. That was not the last text
18 I sent her.

19 GLEN POTTS: I know. What was the last text you
20 sent to her?

21 ANDREW CONLEY: I believe I sent -- before I went
22 over there, I said -- I think I said, "One sec I'll be up
23 there," but --

24 GLEN POTTS: Did you send any other texts about
25 your brother not -- you had to get your brother to your

1 mad?

2 ANDREW CONLEY: I was not mad.

3 TOM BAXTER: You just did it?

4 ANDREW CONLEY: Just like I said the other day, how
5 I've been feeling for a long time that I would hurt
6 somebody, it just -- I'd say the opportunity arose.

7 TOM BAXTER: After he passed out on the floor, you
8 drug him to the kitchen, and then you stood up and you
9 went and got the gloves, you had a moment to change your
10 mind; is that fair?

11 ANDREW CONLEY: Uh-huh.

12 TOM BAXTER: But you chose to go back and kill him?

13 ANDREW CONLEY: Uh-huh.

14 TOM BAXTER: Is that fair?

15 ANDREW CONLEY: Uh-huh.

16 TOM BAXTER: Getting back to the chronology. You
17 left your girlfriend's house, you went down Nelson Road,
18 and then back to Hartford Pike?

19 ANDREW CONLEY: Uh-huh.

20 TOM BAXTER: And then you passed your driveway and
21 went to French?

22 ANDREW CONLEY: Uh-huh.

23 TOM BAXTER: Is that right or wrong?

24 ANDREW CONLEY: That's right.

25 TOM BAXTER: And then turned and went to

1 grandma's; right?

2 ANDREW CONLEY: Uh-huh.

3 GLEN POTTS: Grandmother wouldn't keep him.

4 ANDREW CONLEY: Uh-huh.

5 GLEN POTTS: Tell me why you -- tell me why you can
6 convince me that I could go to my girlfriend's house, but
7 I've gotta watch my brother. I text her and tell her I'm
8 gonna take my brother to my grandma's, or something to
9 that effect. You go down there. Grandma won't keep him.
10 You come home. You can't get rid of him. You can't go to
11 your girlfriend's. And you choked him and you kill him
12 because you're upset you can't go to your girlfriend's.
13 And he's dead, no matter what way you done it. I'm
14 telling ya, no matter if you was mad and you done it or
15 you was singing hymns and done it, he's dead.

16 ANDREW CONLEY: Uh-huh.

17 GLEN POTTS: I want to ask, were you pissed? Were
18 you upset you couldn't go to your girlfriend's?

19 ANDREW CONLEY: I was not pissed in any way. I
20 know you don't believe me.

21 GLEN POTTS: No. If you -- I don't know. I just
22 think I would be, but I'm not you. You're not me. If you
23 say you're not --

24 TOM BAXTER: So I guess what we're supposed to
25 convey is that when you killed your brother, you weren't

1 Rising Sun?

2 ANDREW CONLEY: Uh-huh.

3 TOM BAXTER: And then you stopped, and you

4 demonstrated to me on the dry erase board where you dumped
5 the body?

6 ANDREW CONLEY: Uh-huh.

7 TOM BAXTER: And then from there, you left?

8 ANDREW CONLEY: Uh-huh.

9 TOM BAXTER: And then from there, you went home?

10 ANDREW CONLEY: Uh-huh.

11 TOM BAXTER: And that's where you stayed basically
12 the rest of the night?

13 ANDREW CONLEY: Uh-huh.

14 TOM BAXTER: At some point in time you left and
15 went back to Rising Sun?

16 ANDREW CONLEY: Uh-huh.

17 TOM BAXTER: For some gas?

18 ANDREW CONLEY: No.

19 TOM BAXTER: You just went to Rising Sun and rode
20 around?

21 ANDREW CONLEY: I just went to Rising Sun.

22 TOM BAXTER: During that trip to Rising Sun and
23 back, who did you visit?

24 ANDREW CONLEY: Nobody.

25 TOM BAXTER: Did you just ride around?

1 ANDREW CONLEY: I just drove around.
 2 TOM BAXTER: Did you text anyone?
 3 ANDREW CONLEY: I believe my girlfriend maybe if
 4 she was still up. Otherwise, no.
 5 GLEN POTTS: That's all you texted?
 6 ANDREW CONLEY: (Nods head negative)
 7 GLEN POTTS: You didn't text anybody else that
 8 night?
 9 TOM BAXTER: Then you went back home?
 10 ANDREW CONLEY: Uh-huh.
 11 TOM BAXTER: And did you leave anymore before your
 12 father got home?
 13 ANDREW CONLEY: Huh-uh.
 14 TOM BAXTER: And then your father got home, and you
 15 had some discussion with him?
 16 ANDREW CONLEY: Uh-huh.
 17 TOM BAXTER: And then finally he went to bed?
 18 ANDREW CONLEY: Uh-huh.
 19 TOM BAXTER: And you were still up?
 20 ANDREW CONLEY: Uh-huh.
 21 TOM BAXTER: And then eventually your mom came
 22 home?
 23 ANDREW CONLEY: Yes.
 24 TOM BAXTER: And then she laid on the couch?
 25 ANDREW CONLEY: Uh-huh.

1 ANDREW CONLEY: Just walking, I believe.
 2 TOM BAXTER: Okay. And what did he say to you?
 3 ANDREW CONLEY: He said, "What are you doing?"
 4 TOM BAXTER: And what was your response?
 5 ANDREW CONLEY: "I don't know." He said, "What's
 6 wrong?" I said, "I think I'm sick."
 7 TOM BAXTER: Did you mean that in a physical way or
 8 a mental way?
 9 ANDREW CONLEY: Mental way.
 10 TOM BAXTER: Okay. And did you have any more
 11 conversation?
 12 ANDREW CONLEY: He told me to go lay down if I felt
 13 sick, because he thought I meant physically.
 14 TOM BAXTER: Okay. So you stayed home until a
 15 certain point in time during the day?
 16 ANDREW CONLEY: Uh-huh.
 17 TOM BAXTER: Then you left and went to Rising Sun?
 18 ANDREW CONLEY: Uh-huh.
 19 TOM BAXTER: And what was the purpose that you left
 20 and went to Rising Sun?
 21 ANDREW CONLEY: To get gas.
 22 TOM BAXTER: So you went to the Shell station?
 23 ANDREW CONLEY: Uh-huh.
 24 TOM BAXTER: On pump number?
 25 ANDREW CONLEY: Two.

1 TOM BAXTER: And went to sleep?
 2 ANDREW CONLEY: Uh-huh.
 3 TOM BAXTER: And then at some point in time after
 4 she went to sleep, you entered your father's bedroom?
 5 ANDREW CONLEY: Uh-huh.
 6 TOM BAXTER: Right or wrong?
 7 ANDREW CONLEY: Right.
 8 TOM BAXTER: And you had a knife in hand?
 9 ANDREW CONLEY: Uh-huh.
 10 TOM BAXTER: And your intent to go in there was to
 11 cut him, to cut his throat?
 12 ANDREW CONLEY: Uh-huh.
 13 TOM BAXTER: Is that right or wrong?
 14 ANDREW CONLEY: That's right.
 15 TOM BAXTER: And then he -- is that the point in
 16 time he woke up or you just left?
 17 ANDREW CONLEY: He woke up the second time.
 18 TOM BAXTER: There was a short period of time, if I
 19 remember correctly, between the times you went in there.
 20 ANDREW CONLEY: Uh-huh.
 21 TOM BAXTER: What do you think woke him up the
 22 second time?
 23 ANDREW CONLEY: I was too loud when I walked in
 24 there.
 25 TOM BAXTER: What kind of noise were you making?

1 TOM BAXTER: And got how much?
 2 ANDREW CONLEY: \$20.
 3 TOM BAXTER: And then went where?
 4 ANDREW CONLEY: Then I went back home.
 5 TOM BAXTER: Did you tell your mom and dad that you
 6 were going to get your brother?
 7 ANDREW CONLEY: No. I just told my dad that I
 8 would be back.
 9 TOM BAXTER: Had you already told them that he was
 10 at his grandma's?
 11 ANDREW CONLEY: Uh-huh.
 12 TOM BAXTER: So you returned back home. How long
 13 do you think you were gone?
 14 ANDREW CONLEY: I would say 30 to 45 minutes.
 15 TOM BAXTER: So you made a total of two trips to
 16 Rising Sun after you left your girlfriend's on Sunday?
 17 ANDREW CONLEY: On Sunday? I didn't -- never went
 18 to my girlfriend's Sunday.
 19 TOM BAXTER: Let me rephrase the question. Not
 20 including the time you went to Rising Sun to dump your
 21 brother's body, but on Sunday, after your parents were
 22 home and they were asleep, you made how many trips to
 23 Rising Sun total?
 24 ANDREW CONLEY: On Sunday morning or Sunday --
 25 TOM BAXTER: Sunday day.

1 ANDREW CONLEY: Sunday, I believe I made three --
 2 two or three trips on Sunday.
 3 TOM BAXTER: One time to the Shell station?
 4 ANDREW CONLEY: Uh-huh.
 5 TOM BAXTER: One time --
 6 ANDREW CONLEY: To the trail.
 7 TOM BAXTER: -- to the trail, and that was during
 8 the day?
 9 ANDREW CONLEY: Uh-huh.
 10 TOM BAXTER: And during that trip, did you run,
 11 walk, jog?
 12 ANDREW CONLEY: I jogged or I walked around the
 13 trail.
 14 TOM BAXTER: Did you see anybody there?
 15 ANDREW CONLEY: No.
 16 TOM BAXTER: Was it nice that day?
 17 ANDREW CONLEY: No. It was sort of crappy, and
 18 then I left.
 19 TOM BAXTER: Did you go over and visit your
 20 brother?
 21 ANDREW CONLEY: No.
 22 TOM BAXTER: His body?
 23 ANDREW CONLEY: No.
 24 TOM BAXTER: Did you even go near there?
 25 ANDREW CONLEY: No.

1 TOM BAXTER: Did you consider going over there?
 2 ANDREW CONLEY: I considered going over there. And
 3 then the last trip I made was to the trail again. I
 4 walked around, I sat on this bench.
 5 TOM BAXTER: Was that when what's-his-name was with
 6 you?
 7 ANDREW CONLEY: Jared?
 8 TOM BAXTER: Jared.
 9 ANDREW CONLEY: No. It was after I was at the
 10 trail and went down there that I found him.
 11 TOM BAXTER: So you actually made two trips to the
 12 trail?
 13 ANDREW CONLEY: Yes.
 14 TOM BAXTER: Well, actually, you made a trip to the
 15 trail when you walked.
 16 ANDREW CONLEY: Three times, yes.
 17 TOM BAXTER: Then you made another trip to the
 18 trail and sat on the bench?
 19 ANDREW CONLEY: Yes.
 20 GLEN POTTS: Did you go over to the body then?
 21 ANDREW CONLEY: No, because I heard some noise,
 22 so --
 23 TOM BAXTER: And then you made -- the final trip
 24 was with Jared?
 25 ANDREW CONLEY: Yes.

1 TOM BAXTER: After you left Jared, after you and
 2 Jared left there, were you in your vehicle or both?
 3 ANDREW CONLEY: In my vehicle.
 4 TOM BAXTER: You went back down to the river
 5 eventually?
 6 ANDREW CONLEY: Uh-huh.
 7 TOM BAXTER: And that's where you also had a
 8 discussion with Dylan?
 9 ANDREW CONLEY: Uh-huh.
 10 TOM BAXTER: And then after you had a discussion
 11 with Dylan, you took a walk?
 12 ANDREW CONLEY: Uh-huh.
 13 TOM BAXTER: And then from there, you went to the
 14 police department?
 15 ANDREW CONLEY: Yes.
 16 TOM BAXTER: Is it fair or is it unfair to say the
 17 reason why you finally went to the police department is
 18 because -- did you think, well, I've run out of time; my
 19 parents think my brother is at my grandma's, and they're
 20 gonna find out that he's not?
 21 ANDREW CONLEY: No. It's fair to think that, but I
 22 went here -- I went there to turn myself in because I need
 23 to pay for what I did.
 24 TOM BAXTER: So you're telling me the reason why
 25 you went to the police department was to report what you

1 had done because you felt like you deserved -- correct me,
 2 because I'm looking for the words here. You went there
 3 because you felt like you needed to report what you had
 4 done?
 5 ANDREW CONLEY: Uh-huh. I know you don't believe
 6 that, but --
 7 TOM BAXTER: Are you sure? When we conclude this
 8 conversation -- we're gonna go ahead and finish this up,
 9 okay? They're ready for you upstairs.
 10 ANDREW CONLEY: Uh-huh.
 11 TOM BAXTER: If we need to talk again, can we?
 12 ANDREW CONLEY: Yes.
 13 TOM BAXTER: Okay. I'm gonna turn off the tape
 14 recorder, okay. Appreciate the conversation, and we may
 15 want to talk to you again. What time is it right now,
 16 Glen?
 17 GLEN POTTS: Time is about 12 minutes after 4:00.
 18 TOM BAXTER: Twelve after 4:00.
 19 (Conclusion of Videotaped Interview)

20 * * * * *

1 STATE OF INDIANA)
2 COUNTY OF DEARBORN)

3

4 I, THERESA HARTMAN, A NOTARY PUBLIC, WITHIN
5 AND FOR THE STATE OF INDIANA, DO HEREBY CERTIFY THAT THE
6 FOREGOING WAS TAKEN BEFORE ME STENOGRAPHICALLY VIA AUDIO
7 AND VIDEO MEDIA AND AFTERWARDS TRANSCRIBED UNDER MY
8 DIRECTION; THAT THE FOREGOING IS A FULL, TRUE AND CORRECT
9 TRANSCRIPT OF PROCEEDINGS OF THE INTERVIEW REQUESTED TO
10 THE BEST OF MY ABILITY.

11 I FURTHER CERTIFY THAT I AM NEITHER OF
12 COUNSEL NOR OF KIN TO ANY OF THE PARTIES TO THIS ACTION,
13 AND AM IN NO WAY INTERESTED IN THE OUTCOME OF SAID
14 ACTION.

15 IN WITNESS WHEREOF, I HAVE HEREUNTO
16 SUBSCRIBED MY NAME ON THIS 22nd DAY OF MARCH, 2010.

17 MY COMMISSION EXPIRES JULY OF 2016.

18

19

THERESA HARTMAN
COURT REPORTER/NOTARY PUBLIC

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