

**COMMONWEALTH OF KENTUCKY
GRAVES CIRCUIT COURT
INDICTMENT NO. 07-CR-060**

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

QUINCY OMAR CROSS

DEFENDANT

**Findings of Fact, Conclusions of Law, and Order Denying Defendant's Second CR
60.02 Motion**

Quincy Cross is serving a life sentence without parole for the 2000 kidnapping, rape, and murder of Jessica Currin. This Order denies his second CR 60.02 motion that seeks to set aside the 2008 Judgment of Conviction and to grant a new trial. The Court will occasionally refer to this second CR 60.02 Motion simply as the Motion.

Mr. Cross is represented by attorneys of the Kentucky Department of Public Advocacy's Innocence Project. The Commonwealth is represented by attorneys employed by the Kentucky Attorney General. This Judge serves as Special Judge of the Graves Circuit Court pursuant to Order of the Kentucky Supreme Court.¹

The evidence at the 2008 trial was that Jessica Currin was murdered during the early morning hours of Sunday July 30, 2000. Events leading up to the murder are centered around Saturday evening, July 29, 2000, and Sunday morning July 30, 2000. Jessica's burned body was discovered behind the Mayfield Middle School by school employees on the following Tuesday Morning, August 1, 2000.

¹ Graves Circuit Judge Kevin Bishop could not serve on this case and appropriately recused due to his participation as a lawyer representing other clients related to the matter in the years before the indictment of Quincy Cross.

The case was tried before a jury in Hickman County in 2008 with Graves Circuit Judge Timothy Stark presiding. The Commonwealth sought the death penalty. The jury verdict found Quincy Cross guilty of rape, murder, and kidnapping, and the jury set the penalty at life without parole. The Judgment of Conviction and Sentence was affirmed on direct appeal to the Kentucky Supreme Court in 2010.

In 2011, Cross filed a RCr 11.42 motion that alleged ineffective assistance of counsel. That motion was denied and affirmed on appeal. In 2016, Cross filed his first CR 60.02 Motion based upon the recanted testimony of three trial witnesses, Victoria Caldwell, Vinisha Stubblefield, and Rosie Crise. Rosie Crise had testified against Quincy Cross at trial but then recanted her testimony before the trial concluded. This motion was denied by Graves Circuit Judge Timothy Stark and was affirmed on appeal in 2018. Mr. Cross also filed a 2015 Federal Habeas Corpus action which was not successful.

Quincy Cross filed this second CR 60.02 Motion, along with related motions, on August 28, 2023. This Motion is based on several claims of newly discovered evidence. He raises the issues of recanted testimony of Vinisha Stubblefield and Victoria Caldwell which are similar in some respects to the first CR 60.02 motion.

In a spirit of cooperation, counsel for Mr. Cross and the Commonwealth agreed upon a process concerning the Defendant's requested preservation of physical evidence and testing of evidence using newer DNA analysis and the re-testing of ink evidence from the trial. It was agreed the CR 60.02 Motion would be held in abeyance pending the completion of this testing. After this process was completed, the Commonwealth filed its Response to

the CR 60.02 Motion on September 1, 2025, and oral argument was heard on October 23, 2025.

At the conclusion of oral argument, the Court ruled from the bench denying the Motion as to several issues but granted a limited evidentiary hearing pertaining to purported recanted testimony of specific witnesses and other purported newly discovered exculpatory evidence.

The rulings from the bench and related findings and conclusions are incorporated into a written Order entered October 29, 2025. The findings and conclusions and rulings contained in that Order are incorporated by reference into this Order and are now made final and appealable.

The Court determined many issues in the Motion to be without merit because the issues either did not constitute admissible evidence, lacked relevance, did not constitute newly discovered evidence, or were matters that would not likely have changed the result of the trial.

Like the first CR 60.02 Motion, some of the “new” evidence consisted of supposed recanted testimony of two witnesses, Vinisha Stubblefield and Victoria Caldwell. They each testified at trial that they witnessed Cross murder Jessica Currin and that they participated in crimes related to the murder. Other witnesses have come forward since the latest Motion was filed also recanting their testimony or offering supposed new exculpatory evidence.

CR 60.02 provides in relevant part:

On motion a court may, upon such terms as are just, relieve a party . . . from its final judgment . . . upon the following grounds: . . . (b) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59.02; (c) perjury or falsified evidence; . . . or (f) any other reason of an extraordinary nature justifying relief. The

motion shall be made within a reasonable time, and on grounds . . . (b), and (c) not more than one year after the judgment . . . was entered or taken.

Case law interpreting this rule is that if it can be proved that a criminal conviction is based on perjured testimony, the one-year time limitation is not enforceable under principles of Constitutional due process. The motion must still be raised within a reasonable time.

The Commonwealth argues the Court cannot consider multiple CR 60.02 motions regardless of circumstances. It might be proved correct on this point, but this Court is skeptical whether such a rule exists, and, if it does, whether it would survive a Constitutional due process challenge in a case where perjured testimony can be clearly shown to have resulted in an unjust conviction. In its Order entered October 29, 2007, the Court cited case law tending to support its approach to this case, including that a one-year limitation cannot be strictly applied and that there cannot be a strict rule against subsequent motions. That case law will not be repeated here.

The Court must eliminate from consideration matters previously determined at trial or at a subsequent motion or that were known to the Defendant but not raised within a reasonable time considering all relevant circumstances.

Allegations of new evidence based on perjured testimony at trial and not eliminated by these principles must be tested by an evidentiary hearing to examine the witnesses and determine whether the recanted testimony is likely true. If the Court finds that recanted trial testimony is likely true, the Court must then determine whether that testimony would likely have made a difference in the jury verdict. If the answer to both questions is yes, a new trial

should be granted. At the October 2025 oral argument, the Court articulated this general statement and its understanding of the law and received no objection or clarification from counsel.

The Commonwealth argued the Court could not legally consider the current Motion because the purported recanted testimony of Victoria Caldwell and Vinisha Stubblefield was dealt with by Judge Stark in the previous CR 60.02 motion. However, that first motion was based on an affidavit of Vinisha Stubblefield only partially recanting her trial testimony but still incriminating Quincy Cross. Victoria Caldwell made statements purporting to recant her trial testimony but reaffirmed her trial testimony by affidavit before the motion was ruled upon. These circumstances permitted Judge Stark to deny appropriately the motion without an evidentiary hearing.

In its Opinion affirming Judge Stark's Order, the Court of Appeals held: "Since Quincy raised the issue of the credibility of these two witnesses' testimony in the RCr 11.42 motion, we hold that he is now precluded from raising them a second time in the CR 60.02 motion." ***Cross v. Commonwealth*** 2018 WL 3814615 (not reported in S.W Rptr.). This holding may prohibit any consideration in the current Motion of recantations by Victoria Caldwell or Vinisha Stubblefield. However, the details of the 2003 telephonically recorded allegations by Victoria Caldwell added a strange new dimension to her claims that she lied under oath at trial and the underlying reasons for it.

The current Motion involves an allegation by Victoria Caldwell that multiple investigators in different police agencies had sexual relations with her between the date of the murder and the Cross trial and that she had a child by one investigator whom she named

and who is now an adult. Victoria Caldwell's allegations against investigators are outrageous, but not beyond the realm of possibility. They tease at solid truth because they could be easily and quickly proved or disproved by scientific evidence or through credible witnesses. Paternity testing is common and considered scientifically reliable in courts across the Commonwealth. The Court granted the evidentiary hearing primarily because of the unique provable nature of these allegations.

To understand the current motion and what can and cannot be examined under the motion, it is helpful to know 1) The relevant essentials of the history of the murder investigation and the criminal actions brought against others in the years before the 2008 trial of Quincy Cross; 2) Relevant issues that were known and addressed in the Cross trial itself; and 3) The procedural history and relevant content of Mr. Cross's various legal challenges preceding the current CR 60.02 Motion.

FROM THE MURDER TO THE 2008 TRIAL OF CROSS

At the time of the murder, Victoria Caldwell was 15 years old; Vinisha Stubblefield was 16; Quincy Cross was 24; Jeffery Burton was 19 or 20; Tamara Caldwell was about 21; Isaac Benjamin was 14, and Austin Leech was 19.

Tim Fortner, a Mayfield police officer with no investigative experience, was promoted to Detective to investigate the Currin murder. It is undisputed that in the following years mistakes were made by various individuals and agencies and physical evidence was lost.

Shortly after the murder of Jessica Currin, Victoria Caldwell moved to California, and Vinisha Stubblefield moved to Ohio.

In 2001, charges were brought against Jeremy Adams and Carlos Saxton for the murder of Jessica Currin. The charges were based, in part, upon lies told by Victoria Caldwell and Vinisha Stubblefield to investigators and, in part, upon allegations that Jeremy Adams admitted killing Jessica in front of at least two (and possibly many more) fellow jail inmates in the McCracken County Jail. Victoria Caldwell and Vinisha Stubblefield later admitted to lying to investigators about this and have never recanted these were lies.

The charges against Adams and Saxton were dismissed by Graves Circuit Judge John T. Dawaday on March 5, 2003, on grounds of the failure of the Mayfield Police to turn over evidence as ordered. Judge Dawaday ordered the Kentucky State Police take up the murder investigation.

Two dates have become a focal point of relevance in the evidence submitted to this Court. They are February 26, 2007, and March 28, 2007.

On February 26, 2007, Victoria Caldwell, after failing a polygraph test in California, first told Kentucky Bureau of Investigation (KBI) investigators Lee Wise and Bob O'Neal that she witnessed Quincy Cross murder Jessica Currin.² At some point she also told them that the murder occurred at Jeffery Burton's home located at 214 Center Street in Mayfield and that Jeffery Burton, Tamara Caldwell, Vinisha Stubblefield, Isaac Benjamin, and Austin Leach were also involved.

² The Kentucky Bureau of Investigation (KBI) will not be familiar to many lawyers and judges. The KBI was created by Kentucky Attorney General, Ernie Fletcher, in 2004 but was reorganized and renamed in 2008 to become the Criminal Investigations Division of the Attorney General's Office.

A month later, March 28, 2007, Vinisha Stubblefield first revealed in a recorded interview to Kentucky State Police Officer Michelle Kent that she was present when Jessica was murdered and that Quincy Cross murdered her. At some point she also identified the same persons present and the same murder location as Victoria Caldwell had disclosed the month before and implicated herself as having committed sexual acts with Jessica's dead body under threat of death from Quincy Cross. She said Austin Leach and Issac Benjamin later arrived and assisted in moving and burning Jessica's body.

The testimony of Victoria Caldwell and Vinisha Stubblefield led to murder charges and related charges in 2007 against themselves, Quincy Cross, Jeffery Burton, and Tamara Caldwell. Victoria Caldwell, Vinisha Stubblefield, Jeffery Burton, and Tamara Caldwell all entered guilty pleas to reduced charges related to the murder. Victoria Caldwell plead guilty as charged to Complicity with Sexual Intercourse with a Corpse and Complicity to Tampering With Physical Evidence. Vinisha Stubblefield plead guilty to the same charges. Austin Leach and Issac Benjamin were indicted on charges related to the moving and burning of the body of Jessica Currin. Issac Benjamin plead guilty receiving a sentence of three years. Austin Leach was acquitted at a trial in 2009.

Shortly before the Cross trial, both Victoria Caldwell and Vinisha Stubblefield, each represented by separate attorneys, plead guilty under oath before Judge Timothy Stark to charges of tampering with physical evidence and abuse of a corpse. As part of their guilty pleas, they each denied under oath that they had been threatened. The total recommended sentence for Vinisha Stubblefield was seven years and for Victoria Caldwell five years. Final sentencing took place shortly after the Cross trial.

THE TRIAL OF QUINCY CROSS

Timothy Stark, Graves Circuit Judge, presided over the trial. Venue of the trial was moved to Hickman County. The trial began in late March of 2008. At Trial, it was shown Victoria Caldwell and Vinisha Stubblefield had told many lies to investigators prior to trial, had made many prior statements inconsistent with their trial testimony, and falsely implicated others in the murder. Investigators Wise and O'Neal were examined by defense counsel about their interview tactics, excessive length of interviews, turning recording devices on and off during interviews, and telling witnesses what to say. These matters were thoroughly examined at trial.

A summary of events presented at trial by the Commonwealth through Vinishia Stubblefield and Victoria Caldwell and other witnesses relevant to this motion is as follows.

On Saturday evening, July 29, 2000, Carlos Saxton, Travis Jackson, and Greg Starks traveled to Union City, Tennessee in Starks' blue Grand Prix car to pick up Quincy Cross. After picking up Cross, they drank and bought cocaine, and all returned to a house on Chris Drive in Mayfield to party around 10:30 p.m – 11:30 p.m. Several witnesses testified Cross was wearing a woven leather belt.

That same Saturday evening around 7:00 p.m., Vinisha Stubblefield and Jessica Currin went to Patrice Senter's house where they played cards, listened to music, and drank. Jessica Currin left the house at about 1:45 a.m. walking to her home. At about 2:30 a.m. Vinisha left Patrice Senter's house to find Jessica Currin.

Subsequent events as described by Vinisha Stubblefield and Victoria Caldwell differ in detail, but both agree they ended up in Austin Leach's white Cadillac being driven by

Quincy Cross and occupied by Tamara Caldwell, Jeffery Burton, Victoria Caldwell, and Vinisha Stubblefield. Both versions agree they looked for and picked up Jessica Currin. Both agree everyone except Jessica Currin was consuming illegal drugs, and Jessica Currin wanted to go home. In both versions, Jessica Currin was in the center of the front seat of the car next to the driver, Quincy Cross, and Cross began rubbing on Jessica Currin sexually over her objections while he was driving. In both versions, the group traveled in the car to Jeff Burton's house located at 214 Center Street in Mayfield and Jessica Currin was taken inside unwillingly, either unconscious or conscious. In both versions, the murder took place in the bedroom at the hands of Quincy Cross. In both versions, Quincy Cross used his woven belt to choke Jessica Currin. Victoria Caldwell's version had Mr. Cross striking Jessica Currin with objects while Vinisha's Stubblefield's version did not. In both, Victoria Caldwell and Vinisha Stubblefield said they were forced by Quincy Cross, under threat of death, to engage in sexual acts against Jessica Currin or her dead body. Both versions gave graphic details of group sex in the bedroom. In both versions, Jessica Currin's body was taken first to a shed and then later put in the trunk of a car and taken behind the Mayfield Middle School and set on fire using gasoline. In both versions, Quincy Cross did not participate in the disposal of the body, but Vinisha Stubblefield, Victoria Caldwell, Jeffery Burton, Tamara Caldwell, Austin Leach, and Issac Benjamin did.

Quincy Cross was spotted around 7:50 a.m. Sunday morning by Graves County Deputy Sheriff Mike Perkins about two miles from Chris Drive. Cross had run out of gas in the blue Grand Prix and spilled gas on himself while attempting to put fuel in the car. Quincy Cross was not wearing the same clothing that morning as he wore the evening before.

Officer Perkins took Mr. Cross back to Chris Drive in his cruiser. Later that morning, Quinch Cross and six other persons were arrested for possession of illegal drugs. Cross remained in jail from that time until August of 2001.

When Jessica Currin's burned body was discovered on Tuesday morning, August 1, 2000, it was covered in maggot activity. She had injuries to her nose and teeth. A burned portion of a woven leather belt was found beside her neck. She was identified by dental records.

The conviction was based almost entirely on testimonial evidence, but substantial evidence was produced against Mr. Cross by witnesses whose testimony has not been challenged.

PROCEDURAL HISTORY OF QUINCY CROSS'S POST JUDGMENT CHALLENGES

The Judgment of Conviction was affirmed by the Kentucky Supreme Court March 18, 2010. Quincy Cross filed an RCr 11.42 claim in 2011 that was denied by Judge Timothy Stark in October 2011. This ruling was affirmed on appeal in 2014.

Quincy Cross's first CR 60.02 Motion was filed in May of 2016, and denied that same year. It was based in part on an April 25, 2012, interview with Vinisha Stubblefield where Vinisha said she lied in her testimony at trial and had been pressured to do so. Her statement also implicated Mr. Cross and was found by the judge not to exonerate Mr. Cross. Victoria Caldwell made statements to an investigator that recanted her trial testimony but then signed an affidavit reaffirming her trial testimony. The motion was also based upon the recantation at trial of Rosie Crise. Judge Stark found that under these circumstances an

evidentiary hearing was not necessary, and he denied the motion. This decision was affirmed on appeal.

THE EVIDENTIARY HEARING

The Court heard sworn testimony of the witnesses listed below beginning the afternoon of November 25, all day November 26, and concluding December 18, 2025. The Court summarizes only what it considers the essential relevant testimony from each witness.

VINISHA STUBBLEFIELD

Vinisha Stubblefield still lives in Mayfield. She now says she lied in her testimony against Mr. Cross because she was threatened by police connected with the City of Mayfield, the KBI (Kentucky Bureau of Investigation), and the Kentucky State Police. She said KBI detectives Lee Wise, in the presence of KBI agent Bob O'Neal, told her what to say and that Wise and O'Neal were in on it together. She says Wise would turn off the recording device, tell her what to say, and then turn the recording device back on.

She now says she lied at the Cross trial when she testified she witnessed Mr. Cross murder Jessica Currin and about her own participation in the murder, her sexual offenses against Jessica Currin, and her participation in moving and burning Jessica's body. She now says she did not know Quincy Cross at the time of the murder and did not see Quincy Cross at any time that Saturday night or Sunday Morning. She said she last saw Jessica Currin walking up Walnut Street in Mayfield early Sunday morning. She says she lied when she testified at the Cross trial that Quincy Cross picked her up in a car and now says she was not present during the murder.

Vinisha Stubblefield says she has a comprehension disorder and other intellectual disabilities. She denies being on any medication when she was questioned by the authorities. She says Detective Lee Wise threatened her that she would go to prison for life if she did not tell the truth about Quincy Cross.

Throughout the year's long investigation, Vinisha Stubblefield admits giving many conflicting statements to various investigators and individuals, even accusing persons other than Cross of having committed the murder of Jessica Currin.

Vanisha Stubblefield says her own defense attorney, Grant King, told her to testify as she did at the Cross trial. She could not recall whether she told her lawyer about the threats from police. In May of 2007, shortly before the Cross trial, she entered a plea of guilty under oath before Graves Circuit Judge Timothy Stark to abuse of a corpse and tampering with physical evidence with a recommended seven-year sentence. This guilty plea was consistent with her testimony at trial. During her sworn guilty plea colloquy, she answered *no* when asked if any threats were made to get her to plead guilty. She now says she lied about that. In her plea agreement, she agreed to testify truthfully at the trial of her codefendants.

Vinisha Stubblefield now says Assistant Attorney General Barbara Whaley, Kentucky State Police Officers Michelle Kent and Sam Steger, and Kentucky Bureau of Investigation Officers Lee Wise and Bob O'Neal all told her what to say. The upshot of her testimony was that all of these people, investigators and attorneys, were involved in a coordinated scheme that provided to her a specific false story to be used to incriminate Mr. Cross in the murder

of Jessica Currin. She now claims to have little memory about her testimony at the Cross trial.

Vinisha Stubblefield admitted police did not tell her to lie about Quincy Cross threatening to kill her at a funeral in Tennessee, so she did not recant this trial testimony.

When shown a portion of the trial video of her testimony where she said she witnessed Quincy Cross murder Jessica Currin, her response was the trial video could have been fabricated.

Overall, the testimony of Vinisha Stubblefield given at the evidentiary hearing was not convincing. Her demeanor at the hearing was very different from her demeanor at trial. At one point during the hearing, she bent over and put her head in her hands covering her face.

SHAMICA POWEL

Shamica Powell initially indicated she invoked her 5th Amendment right not to testify, but later stated Mr. Cross never confessed to her that he killed Jessica Currin, he never threatened her, and she did not know him and never met him. This was all inconsistent with her testimony at the Cross Trial. The Court found she waived her 5th Amendment right not to testify.

Shamica Powell said her friend, Shannon Morgan, pressured her to give false testimony against Mr. Cross. She also said a white male police officer threatened her and demanded she give false testimony and told her what to say. She could not identify the officer. She said more than one officer told her what to say and that the officers said they wanted her to make the statements so they could lock up an innocent man. She later

clarified that officers did not use these exact words, but this is what she understood they wanted.

Her testimony before this Court was internally inconsistent, first denying that Cross admitted in her hearing that he killed Jessica Currin, then saying she heard it, and then saying he did not say it.

DARRYL MONTGOMERY

Darryl Montgomery did not testify at the Cross trial. He testified before this Judge that while he was in the McCracken County jail around the year 2000 that he met another inmate, Jeremy Adams, and that Adams said, in the presence of Montgomery, that he (Adams) killed his “baby mama.” Adams did not name the person he killed but said he had learned his “baby mama” was pregnant by a police officer, and that he and the officer worked it out, and Adams told the officer he would take care of the business. No police agency was identified. Adams said he burned and choked his “baby mama.” Darryl Montgomery says he and Adams were in a pod of about 32 people and that just about everyone else in the pod heard Adam’s statements. Darryl Montgomery says he assumed Adams was crazy, did not believe it, and told no one else about it. He claims that at the time, he did not know who Jessica Currin was, and knew nothing about her murder.

Later Darryl Montgomery dated Jessica Lindsay who had known Jessica Currin. He learned through Lindsay that Currin had been murdered and that her body had been burned. This made him recall Jeremy Adams’ claims. Jessica Lindsay was interviewed by Detective Lee Wise and another Detective with the KBI at the Drury Inn in Paducah. Darryl Montgomery says he accompanied Jessica Lindsay to the Drury Inn for that interview that lasted about

two hours. After the interview, Montgomery says he told Jessica Lindsay about the confession of Jeremy Adams.

In 2012 or 2013 Darryl Montgomery shared the same dorm room with Quincy Cross in prison and related this story to him. Both Darryl Montgomery and Quincy Cross are from the same rural area of Tennessee, and they knew each other when they were young.

TAMARA CALDWELL

Defense counsel indicated Tamara Caldwell was called for the purpose of showing a pattern of conduct by the police. Tamara Caldwell testified she met Quincy Cross in 2002 in jail. She testified that around March of 2007, two police officers picked her up from her home to question her about the Currin murder. One officer was named Brent White. KBI Detectives Lee Wise and Bob O'Neal were in the room at the Drury Inn, and she was questioned by them. She says one of the officers told her that if she did not tell the truth, she may get the electric chair and her children would be taken. She says she told them the truth and that Quincy Cross's name was never mentioned. She says the officer never said what they believed to be the truth. The interrogation was recorded but she says they stopped the recording at one point and spoke to her. She says Officer O'Neal slid his hand under the table, and put his hand on her leg and caressed it, and said everything would be okay. Although she says they never mentioned Quincy Cross, she says she was told that if she did not say that "Q" did it, she would go to jail, but she did not know who "Q" was.

Tamara was charged with complicity to the murder of Jessica Currin and plead guilty to manslaughter after the Cross trial.

JAMES M. MILLS

James Mills is a former Kentucky State Police Officer who participated in the Currin murder investigation around 2003. He interviewed Vinisha Stubblefield numerous times. He felt she was not credible and that her statements were “all over the place.” He also spoke to Victoria Caldwell over the phone. He recalled only that she did not trust him.

MICHELLE KENT

Michelle Kent is a former Kentucky State Police Officer. In March of 2007, she was sent to Marysville, Ohio, with Bob O’Neal to pick up Vinisha Stubblefield who was then 23 years old. Vinisha Stubblefield voluntarily returned with the Officers to Kentucky. On the return trip, Bob O’Neal was dropped off in Louisville, and Officer Kent continued with Vinisha Stubblefield to Kentucky State Police Post 1 near Mayfield. Michelle Kent says there was no discussion with Vinisha Stubblefield about the murder at any point during the trip.

Michelle Kent interviewed Vinisha Stubblefield about the murder at KSP Post 1. The entire interview is video recorded. Officer Kent says she did not know the details of the investigation at that point. During this interview, Vinisha Stubblefield, likely for the first time, stated she was present with Quincy Cross when Quincy Cross killed Jessica Currin. Officer Kent says Vinisha Stubblefield was offered nothing in exchange for this testimony and denies speaking with her at any time about the investigation off the record. At no time did Officer Kent mention the name of Quincy Cross. After this disclosure was made, Officer Kent informed KSP Officer Sam Steger of the development and he came into the room.

Michelle Kent says that at no time did she suggest any story that should be told by Vinisha Stubblefield and did not witness anyone else do so.

In 2016, Officer Kent contacted Vinisha Stubblefield by telephone because she had recanted her trial testimony. Officer Kent says that in that conversation Vinisha Stubblefield confirmed part of her trial testimony including being present at the murder of Jessica Currin by Quincy Cross.

LATOYA PATRICE SENTER

Patrice Senter's testimony at the Cross trial was consistent with the testimony of Vinisha Stubblefield. Patrice was with Vinisha Stubblefield at her (Ms. Senter's) home when they played cards together with Jessica Currin until early Sunday morning. Jessica left the house on foot about 1:45 a.m. Vinisha Stubblefield left around 2:30 a.m. in a vehicle with some others and did not return. Ms. Senter now recants her trial testimony and says Vinisha Stubblefield returned to her house and stayed at the house with her all that night. Ms. Senter was interviewed by the KBI on May 15, 2007, in her home by KBI officers Lee Wise, Bob O'Neal and Kentucky State Police Officer Sam Steger. She now says she lied at the Cross trial because the KBI agents threatened her if she did not and told her what she had to say at trial.

SAM STEGER

Mr. Steger is a retired Kentucky State Police detective and former Sheriff of Calloway County. He participated in the investigation of the murder of Jessica Currin and interviewed Shamica Powell twice. During the second interview with her, Shamica told him that she had heard Mr. Cross say, in the presence of Shannon Morgan, that he had killed Jessica Currin and that if either of them told, he would do the same to them. He also participated in the

interviews of Vinisha Stubblefield three or four times at various locations. He also interviewed Patrice Senter.

Consistent with Michelle Kent's testimony, Mr. Steger said he was summoned into the interview room by Officer Michelle Kent in March of 2007 and that Vinisha Stubblefield incriminated Mr. Cross in his presence and that the recording was never turned off.

Officer Steger denied planting any ideas in anyone's mind as to what story to tell. He did admit that he might on occasion mention to a witness what another witness had said.

VICTORIA CALDWELL

Victoria Caldwell, after being sworn and giving some background information on herself and then identifying her voice on a 2023 telephone call with Mr. Nixon, invoked her 5th Amendment Right not to testify about any matter connected with the trial of Quincy Cross. She was excused as a witness. The Court believes Victoria made the statements in the telephone call. No attempt was made to prove Victoria Caldwell's allegations made in the telephone call with Nixon or of her sexual relations with Bob O'Neal or anyone else.

ROBERT LEE (BOB) O'NEAL

Bob O'Neal was one of the two KBI investigators assigned to this case. The other was Detective Lee Wise.

Bob participated in multiple interviews with Vinisha Stubblefield beginning September of 2006. She initially denied knowing anything about the Currin murder and did not mention Quincy Cross except she said when speaking to him in Tennessee, that Cross threatened to kill her. She gave no reason for the threat. Mr. O'Neal denied having any agenda or target of the investigation.

Officers O'Neal and Wise traveled to Santa Maria, California, and interviewed Victoria Caldwell February 12, 2007. She had lived in California for six years. She claimed to be afraid of Quincy Cross. Victoria Caldwell agreed to take a polygraph examination and was told afterwards she failed the test. When asked if she knew why she failed the test, she responded it was because she was present when Jessica Currin was murdered. No more questioning that day, but the following day, February 13, 2007, Victoria Caldwell stated in an interview she witnessed Quincy Cross murder Jessica Currin and gave details about the murder.

Officer O'Neal said that Victoria Caldwell, who was 21 or 22 at the time, claimed to have been molested and involved in prostitution and had been abused as a child. Her mother had been addicted to drugs. They spoke to her about receiving mental health treatment. He admitted Victoria lied frequently and that whatever she said had to be corroborated.

On March 28, 2007, Officer O'Neal traveled to Ohio with KSP Officer Michelle Kent to pick up Vinisha Stubblefield. He was dropped off in Louisville, and Officer Kent and Vinisha Stubblefield continued to KSP Post 1 near Mayfield. Officer O'Neal said Vinisha Stubblefield was not questioned while he was traveling with her. He interviewed Vinisha Stubblefield again on April 30, 2007, where Lee Wise, Michelle Kent, and Sam Steger were also present. At this time Vinisha Stubblefield, Quincy Cross and the others had been indicted, and Vinisha Stubblefield was in custody. The interviewers were all aware of the statements Vinisha Stubblefield had made to Michelle Kent and Sam Steger in the March interview. The

interview was recorded, and Bob O'Neal said no one told Vinisha Stubblefield what to say and that they only encouraged her to tell the truth.

Bob O'Neal did not recall questioning Shamica Powell.

He denied ever telling a witness what to say, and denied that there was an agenda or set of false facts given by any of the investigators to a witness. He said he did not have any communications with a witness off the record about the subject of the investigation and denied any communications using telephone or texts with witnesses during the investigation. He said Tamara Caldwell lied about him touching her leg.

Since the Cross trial, Bob ONeal maintained communications with Victoria Caldwell and said he had communicated with her by telephone seven or eight times over the past 20 years. He denied ever having inappropriate relations of any type with Victoria Caldwell and denied they have a child together. He said nothing of the sort happened at any point in his career. He stated Victoria Caldwell told him another man is the father of her child and he provided the name of that person. He denied ever giving Victoria money and denied meeting her for meals.

JESSICA LINDSAY

Jessica Lindsay testified via Zoom. She is a parole hearing officer with the Texas Board of Parole. She went to Graves County High School with Jessica Currin and remained friends with her afterwards. Jessica Lindsay was close to Jessica Currin's family and knows Darryl Montgomery. Darryl was Jessica Lindsay's ex-boyfriend. They had dated in 2005 and 2006 for less than a month. Jessica Lindsay said Darryl never told her that he was incarcerated with Jeremy Adams and Darryl never told her that Jeremy Adams had

confessed to killing Jessica Currin. She recalls being interviewed at Drury Inn but denies that Darryl took her to the interview.

LEE WISE

Lee Wise retired in 2014 after 20 years in the Attorney General's Office. He had been assigned to the Currin murder in the Fall of 2005. He denies ever telling a witness what to say. He admits that on September 20, 2006, he turned off the recording device when questioning Vinisha Stubblefield after she reacted to the mention of the name of Quincy Cross by drawing her feet back, putting her head down, and clinching her fists, He turned the record off because he thought she was struggling and was either lying or scared. He said she appeared to be scared.

He had nothing to do with the March 2007 interview with KSP Officer Michelle Kent where Vinisha Stubblefield first spoke about being present at the murder with Quincy Cross and her own involvement.

Lee Wise was involved in the April 7, 2007, interview of Vinisha Stubblefield at the Drury Inn in Paducah. Mr. Wise denies ever telling anyone what to say.

Mr. Wise raised his voice while testifying and was disrespectful to defense counsel. For a time, he did not respond to questions asked, posed questions back to counsel, and interrupted counsel. At one point he appeared angry. When the Court attempted to admonish him, he interrupted this judge. Some of his conduct might be affected by the allegation of misconduct against him. He is a large man with a big voice and a powerful personality. He could be perceived as intimidating to a witness when in his role as a detective. His demeanor before this Judge was similar to his demeanor at trial.

SCOTT SOUTHERLAND

Mr. Scott Southerland now works in the Office of the Tennessee Attorney General, having previously worked for the Kentucky Attorney General from 1991 through 2011. In 2006 he was Director of Special Prosecutions. He worked with KBI Officers Lee Wise and Bob O'Neal and was present for some of the interviews. He says he told no one what to say about the Currin murder and observed no inappropriate conduct by any of the KBI or KSP officers or any investigator.

BRENT WHITE

Brent White is now Sheriff of Lyon County but was formerly a KSP Officer. He was Investigative Squad Sergeant at KSP Post 1 near Mayfield in 2005 where he supervised 10 other investigators. He had training and experience in homicide investigations, and the Currin murder was at the top of the list of cases that needed to be resolved. Sam Steiger was the lead investigative officer on the case, and Michelle Kent was also involved. He met KBI officers Bob O'Neal and Lee Wise. Circuit Judge Dawaday had ordered the investigation be taken over by the Kentucky State Police. The Kentucky Attorney General's Office wanted to run a parallel investigation to the KSP, and the KSP cooperated.

Mr. White participated in a couple of interviews of Mr. Cross and one with Tamara Caldwell. He says he witnessed no inappropriate conduct by investigators and knew nothing of any false version of facts being pressed upon witnesses.

JAMES DUDLEY JR.

Mr. James Dudley Jr. is an investigator with the Exoneration Project. His testimony provided no admissible information relevant to the inquiry.

KENNETH NIXON

Mr. Kenneth Nixon now lives in Michigan but formerly worked for the Exoneration Project. He recorded the conversation with Victoria Caldwell where she recanted her trial testimony and made allegations of inappropriate sexual and other inappropriate conduct by investigators against her prior to the Cross trial. She said she had a child by detective Bob O'Neal. Nixon said Victoria Caldwell knew she was being recorded and she had reached out to him by telephone.

Based upon the record, the testimony and exhibits, the Court makes the following:

FINDINGS OF FACT

The Court takes judicial notice of the record of this case. This includes the testimony and exhibits at the 2008 trial of Quincy Cross. It also includes the criminal actions against Victoria Caldwell and Vinisha Stubblefield, and their sworn testimony given during their pleas of guilty to related charges before Judge Timothy Stark in May of 2007. The Court takes judicial notice of the record in the criminal cases against them.

The Court reviewed the video record of all testimony given by Vinisha Stubblefield, Shamica Powell, and Patrice Senter at the trial of Quincy Cross. The Court also reviewed portions of the testimony of other witnesses at the trial including Bob O'Neal and Lee Wise.

Vinisha Stubblefield, Latoya Patrice Senter, and Shamica Powell, recanted the sworn testimony they gave at the Cross trial. Vinisha Stubblefield's testimony at trial involved a detailed story stretching over many hours with multiple people witnessing a murder by Quincy Cross and sexual encounters with Jessica Currin and others. Her testimony now is that she was never at the murder scene and did not even know Quincy Cross. Patrice Senter

testified at trial to having heard Quincy Cross admit to the murder of Jessica as part of a detailed encounter with her best friend. Now she says that encounter never happened. Tamara Caldwell did not testify at the Cross trial but was called at the evidentiary hearing to testify that she had been encouraged by police to tell specific lies.

A central theme of the testimony of Vinisha, Patrice, and Shamica was that they lied at trial specifically because they were threatened by investigators and coerced to testify falsely against Quincy Cross. All said they were forced to tell specific lies provided by police. The lies were not just about changing details of a version of facts they had provided, but they involved the creation of an entirely fictional story designed to explain the murder of Jessica Currin and to convict Quincy Cross. This would necessarily have involved a criminal conspiracy between law enforcement officers that would have required them to coerce the witnesses consistently over months and years to adopt and maintain a fictional coordinated set of lies that specified the place, time, and method of the murder. Under this scheme, for reasons not specified, witnesses Vinisha Stubblefield and Victoria Caldwell were required to incriminate themselves as having committed specific crimes related to disposal of the body plus bizarre sexual conduct of Vinisha and Victoria themselves with Jessica Currin's dead body. No explanation was provided as to why or how police chose Quincy Cross to be the murderer in the drama or how they chose Vinisha and Victoria and the others to be his accomplices. The intimidation of these witnesses was so powerful that they were afraid to disclose the conspiracy of law enforcement to their own attorneys or the Court.

While anything is possible, considering all of the circumstances, the Court does not find the testimony given at the evidentiary hearing by Vinisha Stubblefield, Shamica Powell

Latoya Patrice Senter or Tamara Caldwell to be true. This is based, in part, on the Court's observation of the demeanor of the witnesses at the evidentiary hearing. The Court compared the general demeanor of Vinisha, Shamica and Patrice at the evidentiary hearing with their demeanor as shown by their recorded sworn testimony given at the trial of Quincy Cross. Their sworn testimony at the Cross trial is far more credible and convincing and more likely true than their recantations.

By necessity such witnesses begin with low credibility since they seek to convince the Court they lied under oath to convict an innocent man and left him in prison for years before speaking out. Their demeanor at the evidentiary hearing did not improve their position. Vinisha Stubblefield hung her head and placed her hands over her face at times. None showed serious remorse towards Mr. Cross for having ruined his life.

Whether one believes Vinicia Stubblefield and Victoria Caldwell were threatened and manipulated by Quincy Cross into committing felony crimes, or that they were threatened and manipulated by police to commit perjury, it is reasonable to conclude they can be manipulated or threatened by others to lie under oath and commit serious crimes. This begs the question whether their current testimony is the result of threat or manipulation. This would not be surprising given the serious abuse they say they suffered as young girls at the hands of adults coupled with long term drug use and mental health issues.

In contrast, the credibility of the law enforcement witnesses was what would be expected of ordinary responsible people. They each denied any misconduct or intentional intimidation of witnesses and denied there was any coordinated crime story forced upon witnesses. Michelle Kent's testimony is important and credible and established that

Vinisha Stubblefield's disclosure to her that she was present when Quincy Cross murdered Jessica Currin was not coerced and came from no one except Vinisha Stubblefield herself. Even Officer Lee Wise was not shown to be deceptive or prone to be engaged in criminal conduct. His proven weakness was arrogant defiance and lack of self-control under cross examination. Witnesses may have been intimidated by him. The Court does not excuse his behavior but recognizes the context that he was being accused of engaging in serious criminal activity for which no credible evidence exists.

Since there was no attempt to prove Victoria Caldwell's allegations of sexual relations with Bob O'Neal or anyone else, the Court concludes they have been proven untrue or that no one, not even Cross or the Innocence Project, takes them seriously. No reason exists to take other statements made in that same call seriously or to believe them over her sworn testimony at trial. It does not matter whether those statements were caused by over medication, mental health issues, or meanness, they can mean nothing in addressing this Motion.

The Court does not find any investigator engaged in any inappropriate sexual behavior with any witness. Bob O'Neal did not, and he did not have a child with Victoria Caldwell.

The Court does not find any attorney, Kentucky State Police Officer or Kentucky Bureau of Investigation Officer encouraged or promoted a false set of facts to convict an innocent man.

It is unlikely that multiple professional investigators from different agencies and attorneys would engage in an illegal and pernicious scheme to force multiple witnesses to

adopt a detailed set of lies calculated to frame an innocent man for murder. What would be the motive to do so? Who among them could or would mastermind such a scheme? If true, why would it be necessary to create a story to incriminate the eyewitnesses themselves in a bizarre sexual ritual with a dead body? Why would the witnesses to the murder be using illegal drugs in the made-up story? Would it not improve their credibility if they were sober? Any law enforcement officer or attorney involved in such a scheme would be aware of the extreme risk to their careers, their freedom, livelihood and families. The odds of such a scheme succeeding shared between multiple people and agencies would be exceedingly low. It is improbable multiple witnesses could be coerced and threatened to acquiesce to threats and intentionally memorize detailed lies to commit felony crimes of perjury, and none of them report the criminal enterprise to the Court or attorneys.

Then again, why would multiple witnesses recant their testimony and risk prosecution for perjury if the recanted version is not true? Both Vinisha Stubblefield and Victoria Caldwell have claimed at various times to have been seriously abused by adults when very young and have suffered mental health issues since. This is likely true. Have they been threatened or are they being manipulated? Ultimately, the mystery of the recantations is one the Court cannot solve with the current state of evidence.

The Court finds Darryl Montgomery's testimony that he heard Jeremy Adams make statements to the effect that Adams killed his "baby mama" likely true. It is also likely true he related this information to Mr. Cross in 2012 or 2013. As discussed below, his testimony is not new evidence, and it was not raised in a reasonable time as required by CR 60.02. For

these reasons, the testimony of Jessica Lindsay need not be considered. It does not matter whether Montgomery told her the story at any time.

Considering all circumstances, the Defendant has not met his burden of proof, and the Court does not find any of the recanted testimony to be likely true.

The Motion, taken as a whole, is not frivolous. Counsel for the Kentucky Innocence Project have pursued this matter vigorously and in good faith and believe in the potential innocence of their client. Counsel of the Attorney General likewise pursued their case vigorously and in good faith in defending the Judgment of Conviction. The Court was pleased to see cooperation between counsel concerning the testing and retesting of evidence that was undeniably in the interest of justice.

CONCLUSIONS OF LAW

Thacker v. Commonwealth, 453 S.W.2d 566 (Ky. 1970) is the leading Kentucky case on CR 60.02 Motions based upon recanted trial testimony. The law views recanted testimony with suspicion, and the Court must examine the veracity of the witnesses and be satisfied with the truth of the recanted statement before beginning to consider whether it merits a new trial. The burden is on the defendant to prove reasonable certainty as to the falsity of the testimony and that the conviction probably would not have resulted had the truth been known. ***Gross v. Commonwealth***, 648 S.W.2d 853 (Ky 1983). ***Commonwealth v. Spalding***, 991 S.W.2d 651 (Ky 1999) speaks of perjured testimony resulting in a conviction as a denial of due process and can constitute a reason of an extraordinary nature justifying relief under CR 60.02 (f). Perjured testimony does not fall under the one-year time limit of CR 60.02 but falls under the reasonable time limit of CR 60.02 (f).

Mr. Cross's post-evidentiary hearing Brief argues that various facts raise "doubt" about his guilt and urges the Court to look at the totality of circumstances that create doubt about the conviction. Assembling facts that suggest doubt about the conviction is not part of the process of deciding this Motion. The Jury verdict and Final Judgment resolved the issue of reasonable doubt against Mr. Cross. Regardless of doubts in the minds of others, Final Judgments of Conviction remain final, unless and until extraordinary circumstances arise, and it can be proved an injustice occurred.

The analysis required by law cannot turn on what is possible. Anything is possible. Ruling on this Motion turns upon proof of what is likely. The burden of proving the trial testimony is likely false is on the movant, Quincy Cross. If the Court is not convinced from the testimony of the witness and related evidence that the recanted version is likely to be true (that is, the trial testimony was likely false), the Motion cannot be considered further and must be denied.

The primary reason the Court ordered an evidentiary hearing was the recorded telephonic statement of Victoria Caldwell where she not only completely recanted her trial testimony but also added a new dimension to her recantation years earlier. That new dimension was the allegation she had engaged in a sexual relationship with a KBI officer prior to the Cross Trial and that a named child had been born who is now an adult. She also alleged she had sexual relations with a Mayfield officer. If true, a sexual relationship of this essential witness with an investigator prior to or at the time of the trial would add a degree of influence and manipulation that would almost certainly justify a new trial. Critically, the existence of a child from such a relationship should avoid the necessity of relying on Victoria

Caldwell's credibility. The extreme outrageousness of this allegation did not destroy the theoretical possibility that it might still be true. If true, it could be proven with DNA evidence or possibly with testimonial evidence from credible witnesses. Victoria Caldwell's decision not to testify and to invoke her 5th Amendment rights, plus the lack of any other evidence on the matter leads to only one conclusion. Victoria Caldwell's statements concerning sexual relations with investigators are just more lies. Her other statements in the same phone call can be given no credibility.

The statements in Vinisha Stubblefield's affidavit might be considered as a more complete recantation of her trial testimony than her 2012 statements, but by itself, would not likely have justified an evidentiary hearing.

As to the testimony of Darryl Montgomery, assuming his testimony to be true, it cannot be the basis of granting the Motion because it does not constitute new evidence and because it was not raised within a reasonable time by Mr. Cross. Montgomery says he disclosed his knowledge about Jeremy Adam's statements to Quincy Cross in 2012 or 2013, so Mr. Cross knew of this before he filed his first CR 60.02 Motion. This takes the matter out of the scope of what can be considered in this Motion. The Court ruled that new evidence that became available to Mr. Cross for the first time in 2023 would be considered brought within a reasonable time under the current Motion. No excuse was offered why this issue was not raised in the other actions by Cross in the past 10 years.

Even if the Court were to ignore the 10-year delay in raising the issue, Montgomery's testimony does not constitute new evidence. Jeremy Adam's incriminating jailhouse statements from his time in the McCracken County Jail were known at the time of the Cross

trial. Detective K.R. Pelphrey testified at trial. Detective Pelphrey's notes dated February 28, 2001, states:

Inmates John Lamar and Jessie Roberts were in the cell with Jeremy Adams. Adams told these persons that he killed Jessica Currin. He relayed details to these persons that was only know [sic] by someone who had seen the body of the victim. Refer to statements from Lamar and Roberts.

This information led to the indictment of Jeremy Adams and Carlos Saxton. Mr. Montgomery said about 32 persons were housed with him and Mr. Adams and that others would also have heard the statements. Mr. Montgomery's testimony is not new evidence and cannot be said to likely change the result of the trial. The Court will not grant the motion based on Montgomery's testimony.

During the year's long process of investigating this case, one or more investigators at various points may have behaved so as to make witnesses feel intimidated and used various tactics to encourage witnesses to speak to them. Some investigators told witnesses what other witnesses said. This type of conduct would not be considered uncommon in a murder investigation. The behavior and tactics of investigators were major topics at the Cross jury trial where KBI officers were accused in cross-examination of unreasonable interview methods and of attempting to have witnesses change their testimony. The tactics of the investigators were examined at trial and cannot be reexamined under this Motion.

ORDER

Based upon the Findings of Fact and Conclusions of Law above, and based upon the findings and conclusions made in the October 29, 2025 Order, the Motion is denied. This

Order and all other temporary orders and rulings in this matter arising out of the second CR 60.02 Motion and related motions filed with it are hereby made final and appealable, there being no just reason for delay in entry.



Tyler L. Gill, Special Judge
Graves Circuit Court