

COMMONWEALTH OF KENTUCKY  
GRAVES CIRCUIT COURT  
INDICTMENT NO. 07-CR-00060

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

**COMMONWEALTH'S POST HEARING BRIEF**

QUINCY OMAR CROSS

DEFENDANT

\* \* \*

Comes the Commonwealth, by counsel, Office of Attorney General, and submits its Post Evidentiary Hearing Brief in the above CR 60.02 proceeding to the Court, and asks the Court to deny the motion for relief under CR 60.02.

**Introduction**

The Commonwealth relies on its Response to the CR 60.02 motion filed herein, including Attachments. Quincy Omar Cross was convicted by a Hickman County jury of Kidnapping, Murder, Sodomy 1<sup>st</sup> Degree, Rape 1<sup>st</sup> Degree, Abuse of a Corpse, and Tampering with Physical Evidence, of 18-year-old Jessica Currin and sentenced to Life without Parole on May 21, 2008. His convictions and sentence were upheld in a unanimous decision by the Kentucky Supreme Court. (*Cross v. Commonwealth*, No. 2008-SC-000465-MR, 2009 WL 4251649 (Ky. Nov. 25, 2009, as modified on Denial of Rehearing March 18, 2010) (*see* Response Attachment 1). His convictions and sentences have repeatedly been upheld by the state and federal courts.<sup>1</sup>

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<sup>1</sup> The defendant filed an RCr 11.42 claim in 2011 accompanied by 425 pages of Exhibits. (See Response Attachment 15). This motion was denied by this Court, Judge Timothy Stark, who presided at the defendant's trial, on October 21, 2011. The trial court's denial was

This Court specifically set out in its Order granting a limited evidentiary hearing that the witnesses would be: “First, the proposed sworn recantation of Victoria Caldwell. Second, the proposed recantation of Vinisha Stubblefield. Third, the proposed recantation of Shamica Powell. Fourth, other testimony from the Defense and the Commonwealth related to veracity of the recanted testimony of these witnesses. Fifth, the testimony of Darryl Montgomery concerning the purported confession of Jeremy Adams. Sixth, other evidence relevant to issues as may exist at the time.” Order October 25, 2025, p. 7-8.

Further, this Court stated it would “take judicial notice” of their trial testimony and sworn plea colloquy in front of Judge Stark prior to the Cross trial. The Commonwealth asks the Court to take judicial notice of the entire trial testimony which occurred in the Hickman Circuit Court March 27, 2008 – April 9, 2008. The Commonwealth offers the following summary of key aspects of said testimony for purposes of evaluating the testimony at the evidentiary hearing herein, and the merits of the CR 60.02 motion.

### **Legal standards for evaluating CR 60.02 motions and recanted testimony**

CR 60.02 is an extraordinary remedy that is “available only when a substantial miscarriage of justice will result from the effect of the final judgment.” *Wilson v.*

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affirmed by the Kentucky Court of Appeals on February 7, 2014, and Petition for Discretionary Review was denied May 6, 2015. (*See* Response Attachment 16). The defendant then filed a Petition for Habeas Corpus in August 2015 in Federal Court based on allegations that **three witnesses recanted their testimony** from his trial. According to the defendant his federal habeas case was stayed because he had not exhausted his state court remedies. Defendant then filed his first CR 60.02 motion in May 2016, again based on the allegation that **three key witnesses recanted their trial testimony**. (*See* Comm. Response Attachment 20).

*Commonwealth*, 403 S.W.2d 710, 712 (Ky. 1966); *see also Stoker v. Commonwealth*, 289 S.W.3d 592, 596 (Ky. 2009) (“[W]e will affirm the lower court’s decision unless there is a showing of some ‘flagrant miscarriage of justice.’” (quoting *Gross v. Commonwealth*, 648 S.W.2d 853, 858 (Ky. 1983))). “In order to be eligible for CR 60.02 relief, the movant must demonstrate why he is entitled to this *special, extraordinary* relief.” *Sanders v. Commonwealth*, 339 S.W.3d 427, 437 (Ky. 2011) (quoting *Barnett v. Commonwealth*, 979 S.W.2d 98, 101 (Ky. 1998)).

On the basis of newly discovered evidence, a new trial will be granted if it appears:

(1) that the evidence is of such a decisive character as to render a different result reasonably certain [or stated another way, that the evidence is such as will probably change the result if a new trial is granted]; (2) that it has been discovered since the trial; (3) that it could not have been discovered before the trial by the exercise of ordinary [due] diligence; (4) that it is material to the issue, and (5) that it is not merely cumulative or impeaching.

*Commonwealth v. Crumes*, 630 S.W.3d 630, 645 (Ky. 2021) (footnotes omitted).

Under Kentucky law, “there are special rules for situations of recanted testimony.” *Thacker v. Commonwealth*, 453 S.W.2d 566, 568 (Ky. 1970). “The general rules are that recanting testimony is viewed with suspicion[.]” *Crumes*, 630 S.W.3d at 646–47 (quoting *Thacker*, 453 S.W.2d at 568); *Taylor v. Commonwealth*, 175 S.W.3d 68, 71 (Ky. 2005); *Hensley v. Commonwealth*, 488 S.W.2d 338, 339 (Ky. 1972) (“Affidavits in which witnesses recant their testimony are quite naturally regarded with great distrust and usually given very little weight.”); *see also, Hubbard v. Rewerts*, 98 F.4th 736, 749–50 (6th Cir. 2024) (“Hill waited almost twenty years to come forward and tell anyone that the State had supposedly convicted the wrong man. His only explanation for this delay is that he was ‘afraid for [his] life’ and ‘didn’t want any trouble with anybody in the neighborhood.’ This

hardly clears the cloud of skepticism over the twenty-year silence.”). Movants are generally entitled to a new trial if newly discovered evidence would have changed the result, but this rule “does not apply to the situation of recanted testimony of principal witnesses.” *Thacker*, 453 S.W.2d at 568. Instead, when the “mere recantation of testimony” is involved, a new trial should only be granted “in extraordinary and unusual circumstances. . . .” *Id.*

### **Trial Testimony of Vinisha Stubblefield**

Jessica Currin was 18 years old at the time she was murdered by Quincy Cross on July 30, 2000. She had an infant son named Zion and had just moved into her first apartment. VR: 3/27/08; 9:20:40; 9:21:41; 9:23:32 (testimony of Joe Currin). Vinisha Stubblefield testified that she saw Quincy Cross kill Jessica with a belt around her neck. Comm. Exhibit 2 Evid. Hearing - Trial Video: VR: 3/31/08; 9:02:20. When reviewing Vinisha’s trial testimony, the Commonwealth asks the Court to do so in light of her unsworn declaration (Def. Exhibit 1 Evid. Hearing), and her testimony at the hearing herein that she was made to say everything she testified to at trial by KBI agents Lee Wise and Bob O’Neil and KSP Detectives Sam Steger and Michelle Kent, and that none of her trial testimony was true. VR: 11/25/25; 1:48:30-1:49; 4:13-4:22. When asked how she could remember so many details of the events the night of the murder that agents of the Commonwealth fabricated and made her say, Stubblefield did not respond. *Id.*, 4:22.

At trial, Vinisha testified that on the night of Jessica Currin’s murder, Vinisha, who was Jessica’s 16-year-old cousin, and Jessica spent the evening playing cards with two other girls, at the home of one, Latoya Patrice Senter. Comm. Ex. 2, Trial: VR: 3/31/08; 8:44:09; 8:46:55; 8:59:10, 9:00:22. At some point during the evening, Jessica decided she wanted to go home. *Id.*, 9:04:25. Vinisha could not find Jessica a ride home, so Jessica decided to walk. *Id.*, 9:09:21.

Vinisha and Patrice went back to Patrice's house. Vinisha told Patrice she was going for a walk and left. *Id.*, 9:10:39; 9:11:30. Quincy Cross drove by and picked up Vinisha. *Id.*, 9:11:10; 10:35:06. She testified she told Cross she was going to meet Jessica. *Id.*, 9:11:30. Cross and Vinisha then stopped and picked up Victoria Caldwell. *Id.*, 9:11:47.

Vinisha testified she had met Quincy Cross in the year 2000, before Jessica Currin was murdered, when she went to visit Tamara Caldwell at Tamara's apartment. *Id.*, 8:50:47; 8:51:58; 8:48:38. Tamara and Cross were dating in 2000. *Id.*, 10:17:03.

Vinisha testified they drove to Austin Leech's house on Chris Drive. *Id.*, 9:12:15; 10:36:08. Although Cross had been driving a blue Pontiac, he switched cars with Austin Leech, and took Austin's white Cadillac, and they left, taking Tamara Caldwell and Jeff Burton with them. Cross, Vinisha, Victoria, Tamara and Jeff were in the car. *Id.*, 9:13:37. Cross was driving. *Id.*, 9:15:00.

Vinisha testified the group then proceeded to look for Jessica so Vinisha could make sure Jessica had gotten home safely. *Id.*, 10:37:34. It was sometime after midnight. *Id.*, 10:38:00. Vinisha testified they saw Jessica walking down the street, they stopped and Vinisha asked Jessica if she wanted a ride; Jessica said yes; however, when Jessica got in the car, she told Vinisha to make sure they were taking her home. *Id.*, 9:15:13.

After Jessica got in the car, Cross started rubbing on her and touching her in a sexual way; Jessica told him to stop. *Id.*, 9:15:56; 9:16:09. Everyone in the car, except Jessica, was using cocaine, pills, and marijuana. *Id.*, 9:16:38; 10:38:58. Cross kept touching Jessica and wouldn't leave her alone. *Id.*, 9:17:34. Jessica told Cross to stop touching her; Cross then told Jessica that she was going to let him touch her or else he was going to hit her. *Id.*, 9:18:03; 9:18:25.

Vinisha testified that when the group arrived at Jeff Burton's house, Cross and Jessica were arguing back and forth with each other. *Id.*, 9:20:00; 9:20:40. Cross reached his hand over and hit Jessica. *Id.*, 9:20:52. Everyone got out of the car and went inside the house. *Id.*, 9:21:00. Cross made Jessica walk into the house. *Id.*, 9:21:10.

Once inside, Cross told Jessica they needed to talk and took her to a back bedroom. *Id.*, 9:21:19; 9:21:28. Tamara went to the bathroom and then to the bedroom. *Id.*, 9:22:15. The rest of the group was in the living room listening to music when Cross came out and called Jeff into the bedroom about 10 or 20 minutes later. *Id.*, 9:22:02; 9:22:19; 9:22:32; 10:42:58. About 20 minutes later, Jeff came out and told Vinisha to come into the bedroom. *Id.*, 9:22:54; 10:43:20. Vinisha testified when she entered the bedroom, Cross, Jeff, and Tamara were in there, and Jessica was laying on the bed, and was already unconscious. *Id.*, 9:23:13; 9:24:37.

Cross was standing over Jessica with a belt in his hand around her neck. *Id.*, 9:23:27. Cross got on top of Jessica and started having sexual intercourse with her. *Id.*, 9:23:59; 10:49:36. After Cross finished having sex with Jessica, Jeff had sexual intercourse with her. *Id.*, 9:24:19. Tamara was watching. *Id.*, 9:24:30.

Cross instructed Vinisha to "do the same thing that they were doing to Jessica." *Id.*, 9:24:58. Jessica was unconscious when Vinisha was touching her, and she was not breathing. *Id.*, 9:25:23. Vinisha testified she touched Jessica's breasts and her private areas. *Id.*, 9:26:14; 9:26:18. She touched Jessica because Cross had told her to do so. Cross told Vinisha if she didn't touch Jessica, he was going to do Vinisha the same way he had done Jessica. *Id.*, 9:26:18; 9:26:49.

About 15 or 20 minutes after that, Vinisha testified that Jeff told Victoria to come into the bedroom. *Id.*, 9:27:19; 10:43:58; 10:44:03. Victoria came in and also rubbed Jessica's "upper

areas and her lower private areas.” *Id.*, 9:27:26. They all “started making out and everything.” *Id.*, 9:27:40. They were kissing, rubbing, and touching each other. *Id.*, 9:27:57. Victoria and Jeff were making out and Tamara and Cross were making out. *Id.*, 9:28:06. Vinisha was watching. *Id.* Then Vinisha and Victoria started making out. *Id.*, 9:28:34. Jeff also began rubbing and touching Victoria at the same time that Vinisha was rubbing and touching Victoria. *Id.*, 9:29:20.

After everything was done and everybody had “got finished,” Cross and Jeff moved Jessica’s body out to the garage. *Id.*, 9:30:24. Cross then took Vinisha home. *Id.*, 9:31:54.

At some point later, Victoria called Vinisha and told her to come back to Jeff’s house. *Id.*, 9:32:33. Victoria, Jeff, Austin Leech, and Isaac Benjamin were at the house when Vinisha arrived. *Id.*, 9:33:06; 9:34:19. Jessica’s body was starting to smell, so Jeff, Isaac, and Austin moved it out of the garage and put it in the trunk of Austin’s white Cadillac. *Id.*, 9:33:45; 9:34:04, 9:34:19. They drove the body over to the middle school. It was dark outside. *Id.*, 9:34:55. Jeff, Isaac, and Austin took the body out of the trunk. *Id.*, 9:35:34. Vinisha testified she stood and watched while they poured gas on Jessica’s body. *Id.*, 9:35:49. Jeff poured the gas and Vinisha struck the match and threw it on Jessica’s body. *Id.*, 9:36:24; 9:36:37. They stood and watched and then they left. *Id.*, 9:37:05.

Vinisha testified that when she spoke to the police, after the body was found, she did not tell the police what had really happened. *Id.*, 9:40:01; 9:42:23. Quincy Cross told her that if she told anyone what happened, he was going to do the same thing to her that he had done to Jessica; therefore, she “didn’t say nothing.” *Id.*, 9:40:54. In fact, Vinisha testified that she told the police things that were not true. *Id.*, 9:42:43; 9:42:56; 10:09:07.

In January 2005, Vinisha testified she ran into Quincy Cross at a funeral in Tennessee. *Id.*, 9:43:21. Cross questioned her about why she had told the police he was involved with

Jessica's death; she told him she had not said anything to the police about him. *Id.*, 9:45:17.

Cross told Vinisha that if she was not at his grandmother's house (at the time) he would kill her.

*Id.*, 9:46:23. Vinisha testified that she pleaded guilty to tampering with physical evidence and abuse of a corpse for her part in the murder of Jessica Currin, and received a seven-year sentence.

*Id.*, 11:05:22; 11:05:54; 11:06:18. See Comm. Ex. 1 Evid. Hearing, Guilty Plea Graves Circuit

Court. VR: 5/1/07; 2:24-2:26. Vinisha Stubblefield was represented by counsel; had she been

innocent of the crimes, she had every opportunity to tell her lawyer she had been threatened and coerced into telling a complete lie.

### **Evidentiary Hearing Testimony of Vinisha Stubblefield**

Vinisha Stubblefield testified on November 25, 2025, after being sworn in, (VR:

11/25/25; 1:06:40-50), and then speaking with a lawyer, and retaking the stand. *Id.*, 1:25:25-35.

Stubblefield testified that she lied at trial because she had been threatened by investigators with

the Office of Attorney General (KBI) and Kentucky State Police. However, repeatedly in her

testimony, when asked for details, she said, "They told me if I didn't come forward and tell them

what I had done and what Mr. Cross had done at the trial, that I would spend the rest of my life

in prison." *Id.*, 1:26:30-27:30. "They told me I had to tell what part me and Mr. Cross played in

it." *Id.*, 1:48:30. "He (Wise) threatened me that if I didn't tell the truth and tell the part Mr. Cross

and I amongst others, that I was gonna spend the rest of my life in prison and die there." *Id.*,

2:13:00-13:33.

When asked if she had anything to gain by testifying the way she did at the hearing,

Stubblefield said she did not; however, the Commonwealth notes that Stubblefield did receive a

lot of media attention, including national coverage. On cross-examination at the hearing,

Stubblefield was shown segments of her trial testimony—wherein she gave specific details of the

events of July 29-30, 2000. In response to questions about the specific details—such as, she testified that she spent the night at her brother Edward’s in the Plaza Apartments on Friday night, and Jessica came over to use the phone—she stated that no one told her to make that up. VR 3:32-3:33. She testified that when she testified at trial that she, Jessica, Lanesha, and Latoya were playing cards at Mamie’s house, it was the truth, and KBI didn’t tell her to make that up. *Id.*, 3:33-3:34. Vinisha testified that when she testified at trial that they left Mamie’s house to go to Vinisha’s house to see if Vinisha could spend the night at Mamie’s, that no one told her to make that up, nor did anyone tell her to make up or lie when she testified that she tried to get Jessica a ride home from Demond Senter’s girl-friend, Anna Lyell, but could not. *Id.*, 3:35. The Commonwealth urges the Court to watch the video of Vinisha’s hearing testimony particularly during this segment of cross-examination and later, as her body language is telling—leaning forward with her head in her hand.

When asked about her trial testimony that she went for a walk from Latoya’s and saw Quincy and Austin who asked if she wanted a ride, and she got in the car, then they picked up Victoria on Oak St., then went to Chris Drive, where the blue Pontiac that Quincy was driving was switched for Austin’s white Cadillac, and it was Jeff, Tamara, Victoria, and Vinisha in the car, Vinisha for the first time, denied that those events were true, and stated she was forced to say those facts. *Id.*, 3:56-4:02. When asked how she remembered those details, Vinisha did not answer. *Id.*, 4:06.

When Vinisha was asked about and shown video of her trial testimony stating that the group picked up Jessica walking on Walnut St., and Jessica told Vinisha to make sure she got home, and Quincy began rubbing on Jessica in a sexual way, that there was ecstasy and marijuana being used, that she used marijuana, and Quincy pulled into Jeff’s driveway and was

arguing with Jessica, and then hit her, Vinisha testified that agents told her to say that there was ecstasy and marijuana, that Quincy was touching Jessica, and that Quincy told Jessica that she would let him touch her or he would hit her. *Id.*, 4:08-4:16. When asked how she remembered all the details if agents fabricated them and made her say them, Vinisha did not respond. *Id.*, 4:16:30.

When asked further how she could remember all the now alleged false details she testified about at trial: that once in Jeff's house, Quincy and Jessica were in the bedroom, Tamara went to the bathroom, and she, Jeff, and Victoria were in the living room, and Tamara came out of the bathroom and went into the bedroom, and Quincy called Jeff to come into the bedroom, then Jeff came out and told Vinisha to come into the bedroom, where she saw Quincy standing over Jessica who was on the bed with a belt around her neck he was pulling on, Vinisha was again non-responsive to the question with her head in her hand. *Id.*, 4:22.

Vinisha was asked about and then shown her testimony at trial that she touched Jessica's breasts and lower private area while Quincy was making out with Tamara because Quincy told her if she didn't touch Jessica he would do the same thing to her that he had done to Jessica, she said "Lee Wise and them" told her to say that; but again while her trial testimony was played, Vinisha sat with her head in her hand, covering her face. *Id.*, 4:26-4:31.

When asked about seeing Quincy Cross at a funeral in Tennessee, where she got in the car with Tim Carr, and Cross came to the car and asked her why she had talked to the police about him, and later in the house Cross told her, "If you wasn't at my grandmother's house I would kill you," Vinisha testified that no one told her to testify to that. *Id.*, 4:40-4:48. Thus, there was no recantation of her testimony at trial that Quincy Cross confronted her at the funeral about why she had talked to the police about him, and that he threatened to kill her.

When asked about her testimony at trial that Jeffery got the plastic bottle and filled it with gas and left it in the shed “until we went over there,” Vinisha testified that she guessed someone told her to say that. *Id.*, 4:51:30-4:52. Indeed, Cross cannot meet the burden of proof in this matter based upon a guess.

Stubblefield was asked about and then watched the following trial excerpt:

Comm: “I want to ask you if you were there when she was killed?”

Stubblefield: “Yes, ma’am.”

Comm.: “And who killed Jessica Currin?”

Stubblefield: “Quincy Cross.”

Comm.: “How did he, what did he use to kill her?”

Stubblefield: “When I seen him he was standing over her with a belt in his hand around her neck.”

Comm: “Were you in the room ?”

Stubblefield: “After everything had happened I had went in there and that’s when I seen him standing with a belt in his hand around her neck like this.”

*Id.*, 5:02:00-5:03:10. After watching the foregoing on video, Stubblefield did not say she was told to say those facts about seeing Cross with the belt around Jessica’s neck; rather, she said she didn’t demonstrate anything, and the trial video could have been fabricated. *Id.*, 5:03:10-5:03:20. Vinisha admitted that she was a person of interest in the murder of Jessica Currin from the beginning, and was actually charged in connection with the murder in 2000. *Id.*, 5:30.

### **Evidence Rebutting Vinisha Stubblefield’s Recantation**

The Commonwealth points out the following for the Court to consider in evaluating the truthfulness of Vinisha Stubblefield’s testimony at the Evidentiary Hearing, as well as her unsworn Declaration. (Def. Ex. 1 – hearing, and Ex. 17 of CR 60.02 Petition 2023).

1. **Testimony of Michelle Kent at Evidentiary Hearing:** Michelle Kent testified she is currently an instructor with the Department of Criminal Justice Training in Madisonville,

and was with the Kentucky State Police from 1994 until she retired in 2017. VR 11/26/25 1:41-1:42.

Serving at Post 1 Mayfield, Kent had not been previously involved in the investigation of the Currin murder, but in March 2007, she was asked to go to Marysville, Ohio to locate Vinisha Stubblefield and request that she agree to come back to be interviewed in regard to the Jessica Currin murder. KBI Agent Bob O'Neil accompanied Det. Kent on the trip. Stubblefield agreed to come back to Kentucky, and Kent stated Vinisha slept the entire trip back to Post. She stated she dropped O'Neil off in Louisville. Once back at Post on the morning of March 28, 2007, Kent stated, after eating breakfast, she and Vinisha went to an interview room. Most important for the Court to note is Kent's testimony that she knew nothing about the case before she started the interview. *Id.*, 1:43-1:45.

Kent testified that at the outset of the interview in answering general questions, Stubblefield was open and looked at Kent. When she began answering questions about the murder of Jessica Currin, Kent testified that Vinisha pulled her legs up wrapped her arms around her knees, and began to rock, being basically in a "fetal position," would no longer look at Kent, and had tears in her eyes. *Id.*, 1:45-1:47.

Stubblefield implicated herself in the murder and told Kent that she was in the house when Quincy Cross killed Jessica Currin. Kent testified she did not suggest answers or tell Stubblefield what to say. *Id.*, 1:47 – 1:48. Kent said she had to ask Sgt. Sam Steger to join the interview because she didn't know if what Stubblefield was saying was accurate. *Id.*, 1:48-1:49. (See Evidentiary Hearing Comm. Ex. 6 – video of Det. Kent talking to Vinisha Stubblefield on March 28, 2007.)

Michelle Kent further testified that in 2016, she contacted Vinisha Stubblefield by phone after the defendant filed a CR 60.02 motion alleging among other issues that Stubblefield had recanted her trial testimony. In the phone call, Stubblefield confirmed to Kent that she was present when Quincy Cross murdered Jessica Currin in 2000. Also in the phone call, Vinisha told Kent that an investigator named Noble Faulkner told her he was with the Investigations Bureau of Kentucky and that Cross was getting out of prison, as he had won his appeal. Kent told Stubblefield that was not true, that Cross had not won his appeal, that Faulkner was not a law enforcement officer, and had posted a photo of himself on Facebook wearing a fake badge. VR: 1:52-1:54. (See Affidavit of Michelle Kent, Comm. Response Attach. 25, Evid. Hearing Comm. Ex. 5).

In addressing the unsworn Declaration of Vinisha Stubblefield from July 2023 wherein it states that Kent called Vinisha in “2020 or 2021” and asked Vinisha if she was on Chris Dr., Kent testified that she was no longer with KSP in 2020-21, did not call Vinisha Stubblefield in that time frame, but only called her in 2016, in regard to the Noble Faulkner fake investigator issue. *Id.*, 1:57-1:58.

Finally, Michelle Kent said she did not ever tell Vinisha Stubblefield what to say, and never heard any other officer tell Stubblefield what to say. Kent explained that she purposely did not mention Cross’s name to Stubblefield in the interview of March 28, 2007. Kent testified there was not a “crime story” put together by her or any other law enforcement and fed to witnesses. *Id.*, 1:58-1:59; 2:02-2:04.

**2. Interview of Vinisha Stubblefield by Def. Investigator Dale Elliott**

The Commonwealth refers the Court to Def. Ex. 2 from Evidentiary Hearing and Attachment 20 of Commonwealth’s Response to CR 60.02, Bates nos. 119-170 (top

right)—a transcript of an interview of Vinisha Stubblefield by a defense investigator Dale Elliott and a Robert Poole that took place in April 2012, and was filed as an attachment to Cross’s first CR 60.02 in 2016. In said interview, when asked by Dale Elliott whether Nett Todd and Jeremy Adams were responsible for Jessica’s murder, Vinisha responded, “Her, not only, let’s see, not only her but Quincy Cross.” Attachment 20, Bates no. 134, Def. Ex. 2, p. 16 of 52.

Thus, Stubblefield did in fact implicate Quincy Cross once again in the interview, a fact noted by Judge Stark in his Order denying Cross’s CR 60.02 Petition filed in 2016. Comm. Response, Attachment 20, Bates no. 252. Judge Stark also noted that in this interview of Vinisha by Dale Elliott, she told Elliott she was afraid of Cross. *Id.*

### **3. Testimony of Sam Steger at Evidentiary Hearing**

Sam Steger testified on November 26, 2025. He testified he retired as the Calloway County Sheriff in 2020, a position he held for five years, following his retirement from Kentucky State Police. He served in law enforcement for a total of 27 years. VR 11/26/25; 3:25.

Sgt. Steger became involved in the Jessica Currin murder investigation in 2004. He consulted with former law enforcement from Mayfield P.D. and KSP who had been involved in the investigation. Steger said he interviewed Shamica Powell twice, the first one in 2005 at her school before which he got permission from an adult relative. The second interview was in February 2008, during which Powell told him that she was walking with her best friend Shannon Morgan when Cross walked up and told Shannon he had killed Jessica Currin, and that if they told anyone he would kill them. (*See Evid. Hearing, Comm. Ex. 3, transcript of interview of Shamica Powell by Sam Steger 2-13-*

08). Steger testified that he did not tell Powell what to say. *Id.*, 3:32 (Powell was never interviewed by KBI agents).

In regards to Vinisha Stubblefield, Steger testified that he interviewed her in Ohio and in North Carolina, but in neither interview did Stubblefield make any statements incriminating Quincy Cross. *Id.*, 3:34-3:35.

Steger testified that he did not have an agenda as to who would be indicted in the case. It did not matter to him who it was. He testified that his duty was to look at all the evidence pieces like a puzzle and put them together. He said he never wrote out or gave a witness a script of what to say, and that that would be unethical as well as criminal. *Id.*, 3:59-4:02.

He stated specifically that he did not tell Latoya Senter to say in his interview of her that Vinisha left her house the night of July 29, and did not return. *Id.* He never heard any other law enforcement, including KBI agents threaten or tell a witness what to say. Steger said he did not talk to Stubblefield off the record after Det. Michelle Kent asked him to come into the interview with her at Mayfield Post on March 28, 2007. *Id.*, 4:07-4:08.

#### **4. Testimony of Lee Wise at Evidentiary Hearing**

Lee Wise, retired investigator with the Office of Attorney General, testified December 18, 2025, stating he worked for the OAG for 20 years, and was assigned by then Commissioner David James in December 2005, to assist Kentucky State Police in the investigation of the murder of Jessica Currin. VR 12/18/25; 1:25. Wise was accused in the CR 60.02 motion filed herein, of threatening witnesses, coercing them to lie, and committing perjury in his trial testimony.

At the evidentiary hearing, Vinisha Stubblefield testified that she was threatened by Mayfield Police, KSP, and KBI to say she was at the murder and had something to do with it. When asked for names, she did not remember but then stated: Lee Wise, Robert O’Neil, Michelle Kent, and Sam Steger. VR 11/25/25; 1:54-1:56. When asked for specifics, Stubblefield repeatedly said she was told by Wise and O’Neil to tell “what part me and Mr. Cross played in it.” (See notation of Stubblefield testimony *supra*.) At one point, Stubblefield testified that: “Wise said if I didn’t tell the truth and tell the part Mr. Cross and I and others . . . that I would spend the rest of my life in prison.” *Id.*, 2:13.

Thus, Lee Wise was responding to allegations of serious misconduct when he testified at the hearing herein. He stated that he never threatened a witness, or told one to lie. He said he takes offense to someone stepping on his integrity. *Id.*, 1:51-1:53. He stated that in the September 20, 2006 interview of Vinisha, she did not make any incriminating statements regarding Cross or herself in the murder of Jessica Currin. *Id.*, 1:46.

He said there was never an agenda or a conspiracy between KBI and KSP to target anyone in connection with the murder, or to coerce witnesses to tell a particular “story.” The defense appeared to focus on Wise’s use of the word “story” in the interview of September 20, 2006, when he told Vinisha: “tell the story, tell it now,” suggesting “story” meant “fairy tale.” Wise, however, explained it means “tell the story, tell what happened. I wanted her to tell the truth. That’s it.” *Id.*, 2:38-2:39.

In regard to the interview of Vinisha Stubblefield on April 30, 2007, at which Lee Wise, Bob O’Neil, Sam Steger and Michelle Kent were present, defense counsel told Wise that Michelle Kent suggested they write down the answers for Vinisha. In fact, as

the interview transcript sets out, and Wise testified, they were telling Vinisha to write it down—when she said she could not remember the name of a person at the meeting after the murder to decide what to tell police, saying, “If I’m thinking clear it was a white boy.” *Id.*, 2:53-2:57, Def. Ex. 10, p. 304-306.

### **Summary Under Court’s Criteria Regarding Vinisha Stubblefield**

The testimony of Vinisha Stubblefield recanting her trial testimony is not true. In her testimony, she admitted that all the specific events she testified about on the day and night of July 29, 2000, regarding the activities of Jessica Currin, being at the card party at Mamie’s house, then deciding to go home to her apartment and Vinisha asking in person or phoning four people trying to find her a ride, walking to Vinisha’s, then starting to walk home—were true. But then attempted to say that all the events she testified about at trial—all the details regarding the events in the Burton house, who was in what room when, the pulling of the belt by Cross around Jessica’s neck that she demonstrated—was a lie that Wise and O’Neil, or Steger, or Kent made up in a script and forced her to say. In fact, she never testified at the hearing that any law enforcement officer or officers gave her a written script. Even with a script setting out all of the specific details of her trial testimony, including the fact the Tamara Caldwell went into the bathroom when they first got to Jeff Burton’s house, and Cross took Jessica into the bedroom, while Vinisha, Victoria, and Jeff were still in the living room, it is not possible that the low-functioning Stubblefield would have been capable of memorizing it.

Stubblefield’s demeanor during her testimony at the hearing, when she was shown the video of her trial testimony is compelling. As she was leaning forward with her head in her hands and covering her eyes during the part of her trial testimony where she was telling about the

events in the bedroom where Jessica was killed, it was clear she was reliving the trauma once again. Vinisha Stubblefield told the truth at the trial of Quincy Cross on March 31, 2008.

### **Trial Testimony of Victoria Caldwell**

Victoria Caldwell was 15 years old in July 2000. Evid. Hearing-Comm. Exhibit 7, Trial VR 4/1/08; 8:38:30. Victoria testified that she met Quincy Cross through Patrick Caldwell, Tamara Caldwell's brother, and through one of their cousins at a narcotics house when she was 10 or 11 years old. *Id.*, 8:49:25; 8:49:40. She couldn't remember the exact year she met Quincy Cross, but it was years before Jessica's murder. *Id.*, 10:15:28. Victoria met Jeff Burton at her sister's birthday party in April 2000. *Id.*, 8:50:44; 8:51:02. Victoria knew Vinisha because they had gone to both school and church together. *Id.*, 8:51:15. Although she knew who Jessica Currin was, prior to July 29, 2000, she testified she did not really know Jessica. *Id.*, 8:51:54; 8:52:04.

Victoria Caldwell testified that Quincy Cross killed Jessica by choking her with a belt at Jeff Burton's house during the early morning hours of July 30, 2000. *Id.*, 8:52:29; 8:53:10; 8:53:16; 8:53:22. She testified that she, Jeff Burton, Tamara Caldwell, Vinisha Stubblefield, and Quincy Cross were all present when Jessica was killed. *Id.*, 8:53:34. Victoria admitted she participated in some of the events surrounding Jessica's death. *Id.*, 8:53:41.

Victoria testified that, on the night of the murder, Vinisha and Jessica came to her house and asked if she wanted to hang out. *Id.*, 8:54:07; 8:55:10. Vinisha told Victoria to watch for flashing lights on a car; they were going to hang out with the person in that car. *Id.*, 8:54:07. Quincy Cross then pulled up driving a blue four-door car. *Id.*, 8:55:23. She testified that she, Vinisha, and Jessica got in the car and Cross drove to a house on Chris Drive. *Id.*, 8:55:41. Cross went in the house and Austin Leech came from the back of the house with a white

Cadillac. *Id.*, 8:56:21. They switched cars and drove a couple of houses up and picked up Tamara Caldwell and Jeff Burton. *Id.*, 8:56:44; 8:57:06.

Quincy Cross was driving the car; Jessica was in the middle of the front seat between Cross and Tamara; Jeff was in the middle of the back seat, with Victoria on one side and Vinisha on the other. *Id.*, 8:57:25. Cross passed out cocaine to Victoria and Tamara. *Id.*, 8:59:12. Victoria and Jeff also took ecstasy. *Id.*, 8:59:34. The six of them proceeded to Jeff's house on Center Street. *Id.*, 8:59:58.

While they were driving, Cross and Tamara were rubbing Jessica's legs. Jessica was telling them to stop, but they did not. *Id.*, 9:02:24. When they reached the driveway of Jeff's house, Cross reached under the seat grabbed a small bat and hit Jessica in the back of the head. *Id.*, 9:03:18 -9:02:40. Victoria testified that after that everyone got out of the car and Jeff and Cross carried Jessica through the side door of the house. *Id.*, 9:03:51. Jessica was not conscious at the time; she just went "limp." *Id.*, 9:04:09. Victoria was familiar with the house, as she had been there before to "hang out" and have sex with Jeff. *Id.*, 9:04:24; 9:04:41.

Victoria testified she was in the bedroom when Jessica was placed on the bed, and Cross tried to have oral sex with her by touching his private part to her mouth, but her mouth wouldn't open. *Id.*, 9:06:41. Cross then started "jacking off" and ejaculated on Jessica's face. *Id.*, 9:07:03; 9:07:19. Jeff then started having sexual intercourse with Jessica, she started to wake up, and said she wanted to go home to her son, and kept repeating her son Zion's name. *Id.*, 9:07:39-58. Victoria testified that Tamara was holding Jessica's legs while Jeff was having sex with Jessica. *Id.*, 9:08:32.

Cross hit Jessica in the back of the head with a tool and "she just knocked back out." *Id.*, 9:01:00; 9:08:47; 10:46:06; 10:46:30. Victoria did not know the name of the tool but described it

as being long with a knob in the middle that made a clicking noise. *Id.*, 9:09:18. After Cross hit Jessica in the head, he pulled his belt off and began strangling Jessica. *Id.*, 10:50:16; 10:50:50. Victoria believed that Cross left the belt wrapped around Jessica's neck. *Id.*, 10:51:39. The belt was not in the bedroom when she cleaned up the room and collected the sheets. *Id.*, 10:53:05. Victoria identified Cross's belt in a scene photograph of Jessica's body behind the Mayfield Middle School, with a piece of belt beside Jessica's neck. *Id.*, 9:11:44. Victoria testified that Cross was sitting on top of Jessica's chest and he just "kept pulling and pulling and pulling on the belt." *Id.*, 9:12:54. Victoria could hear Jessica gasping for air, but at some point she stopped gasping. *Id.*, 9:13:05. Victoria knew Jessica was dead. *Id.*, 9:14:11.

Victoria testified Cross told everyone in the room that they "had to do something" and instructed Victoria to perform oral sex on Jessica. *Id.*, 9:14:36. Jessica was already dead at the time Victoria performed oral sex on her corpse. *Id.*, 9:15:01. Cross then told Victoria to kiss Jessica on the breast, and Victoria complied. *Id.*, 9:15:18. Other people also performed sexual acts on Jessica's body. *Id.*, 9:16:09. Vinisha put her fingers into Jessica's "vaginal area." *Id.*, 9:16:16. Tamara made Jessica's hand touch her (Tamara's) private part. *Id.*, 9:16:37. After, they started using drugs again and Cross told Victoria and Vinisha to perform sexual acts on each other, so they started kissing and performed oral sex on each other. *Id.*, 9:12:10. Jeff was standing over Victoria and Vinisha "jacking off." *Id.*, 9:17:39. Tamara was having sex with Cross on the floor. *Id.*, 9:17:28.

Victoria testified that afterward, Jessica's body was wrapped in a blanket, and she tied it at the end. *Id.*, 9:18:01. Jeff and Cross carried the body out to the garage. *Id.*, 9:18:41. Tamara, Vinisha, and Cross left, and Victoria was told to clean up the rest of the stuff in the bedroom. *Id.*, 9:19:12. Victoria testified she removed a pillow, pillow cases, and sheets and put them into a

trash bag in the garage. *Id.*, 9:19:23. Jeff then gave her another ecstasy pill and they had sexual intercourse. *Id.*, 9:19:54.

Later, while Victoria was still at the house with Jeff, Jessica's body had started to smell. *Id.*, 9:20:37. Although Cross was supposed to have come back, he never did. Victoria called Vinisha and asked her to come back to the house. *Id.*, 9:21:23-33. Austin Leech and Isaac Benjamin also came. *Id.*, 9:21:50-55. After Austin arrived, he and Jeff had a conversation; it was starting to get late (at night) and they put Jessica's body into the trunk of a white car that Austin had brought. *Id.*, 9:22:20 - 9:23:03. They took the body to a nearby middle school. *Id.*, 9:23:28. Jeff and Austin carried the body; one of them took the blanket off. Victoria had the blanket and Jeff poured gasoline on Jessica's body. Austin gave Vinisha a match and she threw it onto Jessica's body, and they left. *Id.*, 9:24:00. The gasoline had come from Jeff's garage. *Id.*, 9:24:27.

Victoria testified that she was aware of rumors that Jeremy Adams was the father of Jessica's baby and that Carlos ("LoLo") Saxton was dating Jessica that summer. *Id.*, 9:25:13; 9:25:21. Victoria admitted she had given many statements to the police that were untrue. *Id.*, 9:24:34. She admitted she made statements that caused Jeremy Adams and Carlos Saxton to be charged with murder even though it was not true. *Id.*, 9:25:41; 9:26:11. After that, Victoria, suddenly, moved to California. *Id.*, 9:26:45; 9:27:53. She had not had any contact with Vinisha Stubblefield "since all that happened." *Id.*, 9:27:09. She lived in California until 2007. *Id.*, 9:28:56.

Victoria recalled receiving a phone call from Cross and Tamara in 2006. She also began talking to Det. Sam Steger in 2006 from California. *Id.*, 9:29:19. While on the stand Victoria read some excerpts from a diary she kept during the year 2000. One of the entries, dated August

1, 2000, said, “Damn, they found the body. I hope they don’t find out it was us. F\*\*\* man. Q is nowhere to be found and Jeff don’t want to talk to me. This is bulls\*\*\* . . . . F\*\*\* I am out.” *Id.*, 9:37:35. The next entry dated August 8th stated, “Man I am so scared. F\*\*\* people keep staring at me. What am I suppose to do?” *Id.*, 9:38:11. The next entry said, “Vinisha is looking dumb as h\*\*\* like she don’t know.” Man, I quit school.” *Id.*, 9:38:45.

Victoria testified that she pleaded guilty to tampering with physical evidence and abuse of a corpse regarding her participation in the events surrounding Jessica Currin’s murder. *Id.*, 10:19:05. In exchange for her plea of guilty, Victoria received five years. *Id.*, 10:32:00. She had, however, not been sentenced at the time of the trial. *Id.*, 10:18:58. Victoria testified that she had been in jail since February 29, 2008, and before that she was living in North Carolina where she had been moved from California in March 2007, and then in Covington, and that KBI paid her rent in Covington, her moving bill, and utilities. *Id.*, 10:20-10:22. Her children’s father paid for food in North Carolina. She testified that the State Police paid for her housing in North Carolina. *Id.*, 10:29:02.

Victoria testified that she had not always told the truth to law enforcement because she was afraid of them. *Id.*, 11:02:30; 11:03:02. She testified that her statements at trial were the truth. *Id.*, 11:04:01. She testified that KBI agents did not tell her what to say when the recorder was turned off during interviews. *Id.*, 11:07. Everything she had told Officer Tim Fortner in 2000 was a lie, including the fact that Jeremy Adams and Carlos Saxton were the actual murderers. *Id.*, 11:15:19. She admitted she told Trooper Steger the same lie as late as April of 2006. *Id.*, 11:15:34. She admitted to lying to the Mayfield Police, the Kentucky State Police (KSP), and the Kentucky Bureau of Investigation (KBI), in an effort to conceal the facts surrounding the death of Jessica Currin. *Id.*, 11:40:50.

When recalled by the defense on April 7, 2008, Caldwell was impeached with her prior statements and admitted again she had lied to law enforcement agencies. VR 4/7/08; 10:24-11:13. Thus, the jury heard about all of Victoria's prior statements to law enforcement which she admitted were not true. The jury also heard her testify in a very compelling manner that she was at Jeff Burton's house and saw Quincy Cross kill Jessica Currin by strangling her with a belt. *Id.*, 11:15:50-11:16:30.

### **Victoria Caldwell Testimony at the Evidentiary Hearing**

Victoria Caldwell was put under oath on November 26, 2025, but did not make a recantation of her trial testimony under oath at the hearing. Thus, there is no sworn recantation by Victoria Caldwell. Caldwell merely identified her voice in a recording admitted as Defense Ex. 11. CR 60.02 Mot. Ex. 18 also contains the same recording and a transcript of same. In said interview, Caldwell alleged that Office of Attorney General Agent Bob O'Neil is the father of her son Justice Caldwell. Defense Ex. 11, pp. 9-10. Caldwell also alleged she was threatened and told what to say at trial by KSP Sam Steger, KBI Lee Wise, and Prosecutor Scott Sutherland. Def. Ex. 11, p. 8-9. It must be noted that Nixon gave her the name Sam Steger.

### **Evidence Rebutting Victoria Caldwell's Unsworn Statements**

#### **1. Affidavit of Dale Elliott**

Defendant's CR 60.02 Mot. Exhibit 15 is an affidavit of defense investigator Dale Elliott from 2012, that was also attached to the CR 60.02 motion filed in 2016, on grounds that three witnesses including Victoria Caldwell had recanted. In the Affidavit, Elliott states that he asked Caldwell if KBI Agent Robert O'Neil was the father of her minor child and he stated, "she denied that he was." Def. CR 60.02 Mot. Ex. 15 p. 4.

**2. Affidavit of Victoria Caldwell**

Attachment 26 of the Commonwealth's Response herein is an affidavit sworn by Victoria Caldwell in October 2016, wherein she reiterated that her trial testimony was the truth, and that she was present when Quincy Cross murdered Jessica Currin; that she did not tell Dale Elliott that KBI agents threatened her; and that neither the KSP nor the KBI told her to say something that was not true.

**3. Affidavit of Lee Wise**

In his sworn affidavit of August 2025, retired OAG Investigator Lee Wise stated that at no time during interviews of witnesses did he threaten or tell anyone to lie, or tell a witness what to say in an interview or in court, other than to tell the truth. He stated that Victoria Caldwell told him and other investigators that she was present when Quincy Cross murdered Jessica Currin, and that she was very fearful of Cross. He stated that he listened to the recorded phone call of Kenneth Nixon speaking to Caldwell, and found "many, if not all, of her statements to be false." Comm. Response to CR 60.02 Mot., Attach. 23, p. 1.

**4. Affidavit and Testimony of Robert O'Neil**

Robert O'Neil swore an affidavit in August 2025, wherein he stated he had been a peace officer for over 40 years, and was such with the Office of Attorney General from 2004 to 2018. He stated he never threatened a witness or told a witness to lie or tell anything but the truth. He stated that he was never engaged in a sexual relationship with any person interviewed or involved in the investigation of the Jessica Currin murder. He stated he is not the father of Victoria Caldwell's son. Comm. Response, Attach. 24.

O'Neil testified on December 18, 2025, during which he stated that prior to beginning his law enforcement career, which is ongoing after 40 years, he was in the military from 1974-78 where he reached rank of Sergeant E-5, and commanded troops in a combat arms unit. VR 12/18/25; 9:10:00-35.

He testified that in early 2006 he was assigned to work with Investigator Lee Wise in the investigation of the Jessica Currin murder. He and Wise worked with KSP in the effort. *Id.*, 9:14. When asked by the Court if he knew the facts of the murder, O'Neil testified that he knew the place where the body was found, and possible suspects, but did not know anything about Jeffery Burton or his house.

He stated the only thing that came out of the interview with Vinisha Stubblefield September 20, 2006, was that Quincy Cross had threatened to kill her in Tennessee. *Id.* 9:19-9:20; 9:22:07. He testified that he accompanied KSP Det. Michelle Kent March 27, 2007, to Marysville, Ohio to locate Vinisha Stubblefield, and that she signed a consent form agreeing to come back to Kentucky. He stated that Stubblefield was not asked anything about the case during the trip back while he was in the car, and that Kent dropped him off in Louisville, and went on to Post 1 with Stubblefield. *Id.*, 9:22-9:24:24. O'Neil testified, regarding the allegation that Vinisha was told what to say, that due to her mental challenges, she would not have been able to remember so many details. *Id.*, 9:31:00-42.

O'Neil testified that he and Agent Lee Wise went to Santa Maria, California in February 2007, to meet with Victoria Caldwell, who had told them in a phone call that she had overheard people saying Quincy Cross was involved in the murder. He testified that Victoria was afraid for her life. *Id.*, 9:32-34. After failing a polygraph at the local

police department, when she was asked if she knew why she failed, Caldwell said, “because I was there when they killed her.” *Id.*, 9:37:14.

O’Neil testified that he had listened to the recorded interview by Kenneth Nixon wherein Victoria stated that he was the father of her child and was paying her money. He testified that neither thing was true; that he is not the father of Victoria’s son and that he does not pay her money. O’Neil also testified he has never engaged in a sexual relationship with Victoria or anyone else in the Currin case or any other case in his career, stating, “I pride myself on integrity in the job I do.” *Id.*, 9:44-45.

O’Neil testified that Victoria Caldwell called him in September 2025, and told him she did not tell Kenneth Nixon that he was the father of her son, stating, “We do not have kids together. Nothing,” *Id.*, 9:46-54. Evid. Hearing Comm. Exhibit 9. O’Neil further testified that Caldwell called him again on November 20, 2025 requesting his advice on testifying herein, and stating, “How do I tell the truth when they want me to say something else?” O’Neil advised her to talk to her attorney. *Id.*, 9:55-9:58. *See* Comm. Exhibit 10. O’Neil also testified he received a call from Caldwell on December 6, 2025, in the middle of the night, saying police were at her house, and he didn’t talk to her or the officers. Later that day, he received a text from Caldwell, saying he had turned his back on her and betrayed her. *Id.*, 10:02:00-53. Comm. Exhibit 11. Finally, O’Neil testified he got a voice mail later on December 6, 2025, that was played in court, wherein Caldwell said that the text was not from her. *Id.*, 10:04:00-10:04:45.

O’Neil testified that he spoke to the defense Investigator Kenneth Nixon in August 2023, and told Victoria she had a right to tell him to leave. He stated he did not threaten Nixon. *Id.*, 10:30:00-31:00.

Robert O’Neil was repeatedly told by defense counsel at the hearing that he had threatened witnesses and told them to “tell a story.” that was not true. In response to these accusations, O’Neil testified: “We never told anyone to lie. We had no specific person as a target. We were searching for the truth.” *Id.*, at 10:55.

When being accused of turning off the recorder specifically in the September 20, 2006 interview of Vinisha Stubblefield to tell her what to say, O’Neil testified: “We never turned it off to tell somebody what to say or to misrepresent to the court. I am not from Mayfield. We had no agenda. We came down here to do a job and we did it to the best of our ability. There is nothing we have to hide.” *Id.*, 11:15-11:17.

O’Neil also pointed out that Vinisha Stubblefield and Victoria Caldwell both fled Mayfield after the murder, with Vinisha in Ohio, and Victoria in California, so they did not have opportunity to collaborate on a “story.” *Id.*, 11:11. Moreover, both witnesses testified at trial they had been threatened by Quincy Cross. *See* Comm. Ex. 2-Trial Testimony of Vinisha Stubblefield, and Comm. Ex. 7-Trial Testimony of Victoria Caldwell. Cross-examination was conducted at trial of both Stubblefield and Caldwell about prior statements they had given to law enforcement, including the September 20, 2006 interview of Vinisha.

#### **5. Victoria Caldwell in Chambers during Trial**

Commonwealth Exhibit 8 in the hearing is the video of Judge Stark questioning Victoria Caldwell in chambers in regard to the father of her child, as she was pregnant at the time. In response to Judge Stark’s question, Caldwell stated the father was Eric Henderson who lives in Dayton. Comm Exhibit 8, Trial VR 4/1/08; 1:16:00-1:16:30.

**6. Covington Police Report**

Commonwealth's Exhibit 12 is a report by the Covington, Kentucky Police Department from March 8, 2010, wherein Victoria Caldwell called the police to report an assault by the father of her child, Lyonell Pitts, when the two met at a park in Covington to exchange the child for visitation by the father. The report identifies the child as Justice Caldwell, (D.O.B.4-14-08).

**7. Testimony of Scott Sutherland**

Scott Sutherland, former Kentucky Assistant Attorney General, testified that he is currently a Senior Deputy Attorney General in the Civil Division of the Tennessee Attorney General's office. He was with the Kentucky Attorney General's office for 19 years, and in 2006, was Director of the Special Prosecutions Division.

He was assigned as a Prosecutor in the Currin murder investigation after the investigators became involved in 2006. He testified that no one had an agenda to indict any particular person. VR 12/18/25; 3:08-3:12. Sutherland testified he reviewed the recorded phone call by Kenneth Nixon of Victoria Caldwell wherein she said that Scott Sutherland, Lee Wise, and Sam Steger all participated in the effort to tell her what to say. Sutherland testified that Caldwell's accusation against him "is 100% unequivocally false. I did not and would not ever engage in that kind of conduct. I have taken my oath as a minister of Justice under the ethical rules and as an Officer of the Court with the utmost seriousness" *Id.*, 3:16-3:17.

Sutherland also testified he never saw any law enforcement officer, including Robert O'Neil, Lee Wise, and Sam Steger do anything improper, stating, "a number of law enforcement poured their heart and soul into this case to solve Jessica's murder." *Id.*,

3:19. He testified that five people were ultimately indicted in connection with the murder, and that both Victoria Caldwell and Vinisha Stubblefield pleaded guilty, “and went to jail.” *Id.*, 3:20.

#### **8. Commonwealth’s Response to CR 60.02 Motion, Attachment 19**

The Commonwealth points to a letter from Victoria Caldwell to KBI agents Wise and O’Neil in March 2008, setting forth her feelings about involvement in this case. Key is the last sentence in her letter: “If it weren’t for you two, I would still be holding what happen [sic] 7 years ago on my chest.” (Comm. Response to CR 60.02 Mot., Attachment 19, p. 2).

#### **Summary Under Court’s Criteria Regarding Victoria Caldwell**

There was no sworn recantation of her trial testimony by Victoria Caldwell. In fact, there are two sworn statements consistent with her trial testimony: her guilty plea colloquy in Graves Circuit Court on May 1, 2007 (Comm. Exhibit 1 herein), and her Affidavit sworn in October 2016, wherein she stated among other things, that she had testified truthfully at the trial of Cross in 2008, that she was present when Quincy Cross murdered Jessica Currin, that she helped move the body of Jessica Currin to the yard behind the Mayfield Middle School, and that she did not tell Dale Elliott or anyone else that she lied at the trial. (Comm. Response to CR 60.02 Mot., Attach. 26.) Thus, there is no sworn recantation by Victoria Caldwell, and any unsworn statements are not likely true under the Court’s criteria.

#### **Trial Testimony of Shamica Powell**

Shamica Powell testified on April 2, 2008, that she was walking in Mayfield with her friend Shannon Morgan and their children, when Quincy Cross came up to them and started talking to Shannon who was dating Cross, and she heard Cross say: “I killed Jessica Currin, and if

y'all say anything, I'm gonna do y'all the same way I did her." Powell said she did not go to police because she was "scared." (Comm. Ex. 4, Trial Testimony VR 4/2/08; 4:50-4:53).

### **Evidentiary Hearing Testimony of Shamica Powell**

During her November 26, 2025, testimony, despite back-and-forth efforts to recant and not answer questions by asserting the 5<sup>th</sup> Amendment, Powell ultimately provided more incriminating evidence against Cross. She testified that her best friend, Shannon Morgan, told Powell that the defendant confessed to her that he killed Jessica Currin and threatened that he would do Morgan the same way. VR 11/26/25; 9:20:14. Powell also stated that Morgan did not tell Powell what to say to law enforcement when Morgan told Powell that: (1) that the defendant had choked Morgan, and (2) that the defendant told Morgan he had killed Currin. *Id.*, 9:20:05-21:40.

Powell acknowledged that when she was interviewed by law enforcement she remembered several important details about her and Shannon Morgan's encounter with the defendant (Morgan had dated the defendant), including that the encounter occurred in May, at the projects near the cemetery, that the weather was warm, that she was pushing her baby in a stroller, and that she was wearing capri pants. *Id.*, 9:01:00-02:00. Powell acknowledged that Morgan was her best friend and that Morgan had a dating relationship with Cross. *Id.*

Regarding the interview with Sgt. Steger, Powell admitted that this encounter did in fact occur and that law enforcement did not tell her to make it up (*Id.*, 9:35:45-36:41), but alleged she lied about the defendant making an admission to killing Currin (*Id.*, 9:14:20), because she was pressured to do so by law enforcement, and by her best friend, Morgan. (Powell's October 1, 2025 affidavit and VR 11/26/25; 9:16:46-17:18). When asked to identify someone from law enforcement that threatened her to lie in a murder trial she responded, "I've had a lot of different

things happen since than that, you know, I can hardly remember yesterday, so, you know.” VR 11/26/25; 9:14:57.

Powell also alleged that Morgan pressured her to lie at trial to say she heard the defendant make incriminating statements when the three of them were conversing. *Id.*, 9:04:07-04:25.

When confronted with the fact that Morgan testified at trial that she did not hear the defendant make the incriminating statements to which Powell testified, Powell had no explanation for why Morgan would have pressured her to say she heard them. *Id.*, 9:06:33-07:00.

Further, Powell acknowledged telling Sgt. Steger in the February 13, 2008 interview that the reason she had not come forward sooner to implicate Cross was because Cross told her he would kill her, so she was scared, and she had kids. *Id.*, 10:03:40. Powell testified this was a false statement. *Id.*, 10:05:20. Powell claimed she was told to make this statement against Cross when she was in high school.

Sgt. Sam Steger testified that he interviewed Powell in 2005, at her high school after getting permission from an adult relative. He testified he interviewed her again in February 2008, at her house. Steger testified that at no time did he tell Powell what to say. VR 11/26/25; 3:27.

Indeed, Powell testified that Steger did not tell her what to say prior to starting the recording in the February 13, 2008 interview. *Id.*, 10:06.50. Powell also admitted telling Steger in that interview that the reason she was coming forward was because Cross was locked up, and Cross had said if he went to jail, he'd get in touch with somebody and have Powell killed if he found out that she testified. *Id.*, 10:04:40.

Powell claimed it was more than one officer who told her what to say, and that these officers told her they wanted her to make the statements so they could “lock up an innocent man.” *Id.*, 10:08-10:10. When asked if she knew why law enforcement would pick her, a middle

school student at the time of Jessica's murder, to tell lies implicating Cross in the crime, Powell had no explanation *Id.*, 10:27:20.

### **Summary Under Court's Criteria Regarding Shamicia Powell**

Powell's 2008 trial testimony is far more reliable and credible than her November 2025 efforts to recant that testimony. It is worth noting that the defendant initiated this latest effort to overturn his conviction (after many failed attempts in state and federal courts) in 2023. Ms. Powell was not a part of any of the many prior appeals or even this effort until her October 1, 2025 affidavit was submitted to this Court. It was signed two years after the CR 60.02 motion was filed, nearly two decades after her trial testimony, and approximately one month before the evidentiary hearing. Given the many slanted, misleading television and podcast programs attempting to support the defendant's claims of innocence, it is most likely that (1) Powell's affidavit was due to pressure from her friends, family, and/or the public after the airing of a prominent television show(s) that exposed her trial testimony to them or (2) it was Powell's attempt to garner some of media attention for herself. Powell did not testify falsely at the trial. Furthermore, her testimony at the November 26, 2025 hearing offered additional evidence against the defendant that the original jury did not hear—that Morgan genuinely confided in Powell that Cross had not only strangled Morgan, but that the defendant also confessed to Morgan that he had killed Currin.

### **Evidentiary Hearing Testimony of Darryl Montgomery**

At the November 26, 2025 hearing, Montgomery's dubious testimony contradicted his dubious August 20, 2025 affidavit. Montgomery was in a relationship with Jessica Lindsey, Jessica's sister-in-law and best friend. Montgomery testified regarding an occasion when Jessica's child was with Montgomery and Lindsey and that is when Montgomery realized

Lindsey's connection to Jessica and told Lindsey about Adams confessing to Jessica's murder. VR 11/26/25; 11:09:30. However, in paragraph 8 of Montgomery's affidavit, Montgomery claimed he did not tell Lindsey about Adams' confession until after Montgomery picked Lindsey up from her interview with detectives at the Drury Inn in Paducah. *Id.*, 11:10:30; and Montgomery's August 20, 2025 affidavit.

Montgomery had no explanation as to why his affidavit would fail to include two crucial facts Adams allegedly confessed to Montgomery: 1) that Jessica was strangled; and 2) that Jessica's body was burned. *Id.*, 11:14:00. Also, Montgomery had no explanation for why he left out of his affidavit such a crucial fact that he served time with the defendant in 2012 or 2013. *Id.*, 11:15:45. Not only did they spend time together in prison, Montgomery testified that he told Cross about Adams confessing to the murder at that time. *Id.* Montgomery also testified that he did not know Cross, but stated in his affidavit that he knew Cross from when "he was younger in Tennessee." *Id.*

### **Evidentiary Hearing Testimony of Jessica Lindsey**

Jessica Lindsey is a parole officer in Texas. VR 12/18/25; 1:03:30. Lindsey went to high school with Jessica and they were best friends. *Id.*, 1:04:45. Lindsey and Jessica had their first child around the same time and Lindsey was close to Jessica's family. *Id.*, 1:05:50. Lindsey believes she was with Jessica's parents when Jessica's body was discovered. *Id.*, 1:06:20.

Lindsey dated Montgomery for less than a year around 2005 or 2006. *Id.*, 1:06:30. Montgomery never told Lindsey that he was incarcerated with Adams. Lindsey knew Adams and was aware that Adams was initially charged with Jessica's murder. *Id.*, 1:07:24. Montgomery "absolutely" never told Lindsey that Adams confessed to Montgomery that he killed Jessica. *Id.*, 1:07:30. Had Lindsey been told that anyone confessed to Jessica's murder, she

would have reported that to law enforcement. *Id.*, 1:07:55. Lindsey went to the Drury Inn in Paducah to be interviewed by detectives regarding Jessica’s murder, but she was not taken by Montgomery. *Id.*, 1:08:40. Montgomery never told Lindsey anything about Adams or Jessica’s murder the entire time they dated. *Id.*, 1:09:45.

### **Summary Under Court’s Criteria Regarding Darryl Montgomery**

Any time a witness is caught lying it does irreparable damage to their credibility. Montgomery’s first lie, if accepted as true, would mean that after Lindsey was interviewed by detectives at the Drury Inn, she learned from Montgomery that Adams had confessed to Jessica’s murder. Jessica was Lindsey’s best friend. They had children close in age. Lindsey was close to Jessica’s family. Lindsey obviously cared deeply about Jessica and there is no reason to believe she would not have done everything in her power to help bring Jessica’s killer to justice. However, Montgomery would have this Court believe she did not disclose this alleged confession to the police. Even if one believes Montgomery was somehow mistaken and did not tell Lindsey about the confession until after she was interviewed by the detectives, it’s equally preposterous to believe Lindsey would not have contacted the detectives to inform them about Adams having confessed to Jessica’s murder.

As noted previously, Cross has made numerous attempts in many different courts to overturn his 2008 conviction. To accept Montgomery’s testimony is to believe that Cross was aware that Adams had confessed to Montgomery and Cross literally never mentioned it once in any of the many appeals and the many briefs filed on his behalf—not even the 2023 brief that led to the hearing. According to Montgomery, Cross knew that Adams confessed to murdering Jessica and never told anyone about it until August 2025. Montgomery would have the Court believe that he told no one about Adams’s confessions except the victim’s best friend prior to

Cross's 2008 trial and Cross himself in 2012 or 2013. Lindsey obliterates Montgomery's preposterous lies.

The fact that the defense would present such an obvious liar to this Court to overturn a murder conviction means the defense either made no effort to vet their witnesses prior to presenting them to this Court or they simply hoped the Court would be gullible enough to fall for such an obvious farse. The inclusion of Montgomery in their efforts to overturn this conviction casts doubts on every witness presented and every argument asserted by the defense.

### **Trial Testimony of Latoya Patrice Senter**

Latoya Patrice Senter testified at the trial that Vinisha Stubblefield left her house during the night of July 29, 2000 after getting in a car that pulled up. Comm. Exhibit 2, Trial VR 3/31/08; 11:22-11:23. She testified Vinisha did not return to her house that night. *Id.*, 11:23:45. Senter also testified that Vinisha told her if anybody asked she should say that Vinisha had stayed at her house all night. *Id.*, 11:28-29.

### **Evidentiary Hearing Testimony of Latoya Patrice Senter**

Senter testified at the November 26, 2025 hearing. Like Powell, Senter attempted to recant and plead the 5<sup>th</sup>. Senter's reliable trial testimony—that Stubblefield left in a car from Senter's home the night Jessica was killed—was played for her. VR 11/26/25; 2:25:00. Senter then claimed for the first time that her trial testimony was false. *Id.*

Senter also claimed that the morning after the murder (Sunday, July 30), law enforcement came to her home and informed her that Jessica had been murdered and that they had found Jessica's body. *Id.*, 2:52:57. This part of her testimony is obviously not the truth because Jessica's body was not discovered until two days later, Tuesday, August 1. (*see* Trial VR 3/2708;

11:22, testimony of former teacher Tina Schlosser). Senter later tried to walk back her assertion that the body was discovered the next day. *Id.*, 2:53:40.

Senter claimed the KBI threatened and coerced her in 2006, to testify that Stubblefield left her home in a car the night of Jessica's murder. *Id.*, 3:01:00. Senter also said two people showed up unannounced at her home and told her if she stuck to her story that Stubblefield stayed at her home all night, then she would be in trouble because Stubblefield had already confessed to the murder. *Id.*, 3:02:40. Senter was then confronted with the May 2007 transcript of her interview, where Wise, O'Neil, and Steger were present. *Id.*, 3:05:00. Of course, nothing in the interview supports her account of the May 2007 interview. Wise, O'Neil, and Steger steadfastly denied her allegations in their testimony at the hearing herein.

### **Summary Under Court's Criteria Regarding Latoya Patrice Senter**

There is no reason to believe that Senter has any direct information pertaining to Jessica's murder. The only significance to Senter's trial testimony was that Stubblefield did not stay at her home the night of the murder. Senter's testimony at the November 26, 2025 hearing was contradicted by Wise, O'Neil, Steger, and the recording of the May 2007 interview. Senter's testimony is not credible. Stubblefield herself testified at trial that she left Senter's home in a car. Victoria Caldwell testified at trial that Stubblefield was with her, Jessica, and several others the night Jessica was murdered. Senter never alleged she was threatened to change her testimony until nearly two decades later at the November 26, 2025 hearing. She was simply not credible.

### **Other Testimony at the Evidentiary Hearing**

#### **Commonwealth Witness Brent White**

Brent White testified on December 18, 2025, that he has been the elected Sheriff of Lyon County since 2018, and is retired from the Kentucky State Police, having served for 20 years.

VR 12/28/25; 3:35. He stated he was assigned to Post 1 Mayfield in 2005 as Investigative Sergeant, and then Investigative Lieutenant. He testified that he determined that the post detectives needed to focus on unsolved violent cases, and the Jessica Currin murder case (originally investigated by the Mayfield Police Department) was first on the list. *Id.*, 3:35-3:38.

He stated he spoke with KSP detectives Jerry Jones and Jamie Mills who had worked on the case in 2004, and assigned Det. Sam Steger as lead investigator and also assigned Det. Michelle Kent. Sheriff White testified that he decided to take a team approach. He was contacted by David James, the Attorney General's Commissioner of Investigations which had been renamed KBI (Kentucky Bureau of Investigations), and it was determined that KSP would maintain the lead, and KBI would run a parallel investigation.

White stated that when the indictment against Jeremy Adams and Carlos Saxton had been dismissed, that the Circuit Judge directed the Kentucky State Police to take over the investigation. *Id.*, 3:50. Sheriff White stated there were suspects, including Quincy Cross who had always been on the radar. *Id.*, 3:46-3:47. He stated there was no agenda, and that the KSP took action at the outset that cleared Jeremy Adams. White stated that he interviewed Quincy Cross at the Tiptonville, Tennessee Police Department and that Cross "never denied that the belt found on her body was his belt." *Id.*, 4:01. White also testified that Cross told him during the interview "in a bragging fashion," that he did not hit women but he would "choke one out." *Id.*, 4:01-4:02.

### **Other Important Trial Testimony**

As stated in its Response herein, as well as the Kentucky Supreme Court's Opinion affirming on direct appeal (*Cross v. Commonwealth*, No. 2008-SC-465-MR, 2009 WL 4251649 (Ky. Nov. 25, 2009), Comm. Response Attach. 1), the evidence against Cross did not consist

only of testimony by Victoria Caldwell and Vinisha Stubblefield. There were incriminating statements made by Cross to a variety of witnesses. Other testimony corroborates Caldwell's testimony that she was terrified of Cross, and in fact fled to California shortly after the murder; and that she buried the ratchet wrench Cross used to hit Jessica in the yard of her sister Rosie's house.

Margie Saxton, former Mayfield Police Officer, testified that after the Jessica Currin murder, Mayfield Det. Tim Fortner asked her to provide housing for Victoria Caldwell's family, and that while staying with her the whole family crawled on the floor to get from room to room. Trial VR 3/28/08; 9:53:15. Saxton testified that, "everyone in the household, including Victoria, was scared, if a car passed by the house, and they, and it was in the evening, and they seen lights, you know, they would duck down even lower." *Id.*, 9:54:44.

Greg Starks testified that on Saturday, July 29, 2000, he, along with Travis Jackson, Jessie Alexander, and Carlos Saxton, were hanging out at a house located at 597 Chris Drive. VR; 3/28/08; 10:24:05; 10:24:37; 10:24:23. Greg, Travis, and Carlos decided to drive Union City, Tennessee, to see Travis's "cousin," Quincy Cross. *Id.*, 10:25:37. After they got there, Cross obtained some cocaine for them. *Id.*, 10:29:06. Around 10:00 or 11:00 p.m., they all, including Cross, returned to 597 Chris Drive. *Id.*, 10:30:00; 10:30:17. Greg remembered people coming in and out of the house that night including Jeff Burton. *Id.*, 10:30:53; 10:31:49.

Greg remembered Cross saying he wanted to "get some bitches." *Id.*, 10:32:41. Greg also recalled that Cross was wearing a belt that evening because Cross was flicking it around while he was talking to them in the living room. *Id.*, 10:35:38. It was a braided belt. *Id.*, 10:36:29.

At some point during the evening, Cross borrowed Greg's Grand Prix. *Id.*, 10:38:58, 10:39:22; 11:32:33. Greg did not know how long Cross was gone with the car. *Id.* Cross later returned with the car and told Greg that the car had run out of gas. *Id.*, 10:40:14. Greg also recalled police officers coming to the house that morning and detaining Cross; he recalled Cross giving the police "a bunch of different names and different social security numbers." *Id.*, 10:41:22; 10:42:10. Greg also told the jury that he did not have a gas can in his car that morning; Cross told Greg he had stolen it from a building somewhere. *Id.*, 10:42:34.

Carlos Saxton testified that in the summer of 2000, he was just starting to date Jessica Currin. VR: 3/31/08; 1:36:32. Carlos last saw Jessica alive the night before the party on Chris Drive. *Id.*, 11:37:34. Carlos recalled hanging out at Chris Drive on the afternoon before Jessica was killed; he also recalled going to Tennessee with Travis and Greg to pick up some cocaine. *Id.*, 1:44:09; 1:44:46. They drove to Tennessee and picked up Quincy Cross who purchased cocaine for them out of a house in Lake County, Tennessee. *Id.*, 1:46:33. They arrived back at 597 Chris Drive around 10:30-11:30 p.m. *Id.*, 1:50:26.

Cross said that he wanted to hook up with some girls or "bitches." *Id.*, 1:54:07; 1:54:27. Cross was wearing a black braided belt that night; he took it off and was swinging it around or playing with it for a while. *Id.*, 1:57:40; 1:58:23.

At some point during the night, Carlos left to get some food from the Coffee Cup and brought it back to Chris Drive. *Id.*, 1:56:26. After he ate, he passed out. *Id.*, 1:56:35.

Carlos testified that a few months after the murder, Carlos was at Tamara Caldwell's house getting his hair braided when Cross approached him and accused him of telling the police that Cross had "killed that girl." *Id.*, 2:03:13; 2:03:35; 2:07:03. Carlos told Cross that the police had asked him questions and he was not going to tell them a story. Carlos also noted that he had

been charged with Jessica's murder in 2001; he testified he did not kill Jessica Currin. *Id.*, 2:04:07; 2:04:24.

Jessie Alexander was living at 597 Chris Drive, in July 2000. VR: 3/28/08; 11:27:10. Jessie recalled Greg, Travis, and Carlos leaving on the evening of July 29, 2000, to go get Quincy Cross. *Id.*, 11:28:42. After they returned, everyone was using drugs and drinking. *Id.*, 11:29:12. That was the first time Jessie had met Cross. He recalled that Cross was wearing a braided belt that night; he remembered Cross swinging it in his hand. *Id.*, 11:30:32; 11:30:41.

Cross was arrested at the house the next morning. *Id.*, 11:33:26. At some point later in time, Jessie ran into Cross in front of Food Giant. *Id.*, 11:34:41. A car pulled up and Cross jumped out and accused Jessie of snitching on him "for killing that girl." *Id.*, 11:35:01. Jessie, at first, did not realize what Cross was talking about until Cross said he was talking about the girl who got murdered. *Id.*, 11:42:45.

Tamario Morgan was in the car with Quincy Cross on the day that Cross confronted Jessie Alexander. *Id.*, 11:59:00. Tamario recalled telling the police he was watching T.V. with Cross when something about the murder was televised; Cross made the statement, "Look, there they go flashing across the T.V. again and they ain't caught me on it." *Id.*, 12:05:15. Tamario was shocked. *Id.* He also recalled telling the police that Cross stated, "I killed a girl with a belt and they ain't got me on it." *Id.*, 12:06:05.

Tyrone Wilkey met Quincy Cross in the Graves County Jail in 2002. VR: 3/31/08; 3:10:34. During that time, Cross told Tyrone that he was dating Tamara Caldwell. *Id.*, 3:11:01. He told Tyrone that he was there when Jessica Currin was killed but did not know who killed her. *Id.*, 3:11:21. Cross also told Tyrone that he had been at a party off Cuba Road on the night Jessica was murdered. *Id.*, 3:11:34. Chris Drive was near Cuba Road. *Id.*, 13:12:20.

Timothy Carr testified that he had grown up with Quincy Cross in Tennessee; he and Cross were like family. VR: 3/31/08; 3:20:26; 3:20:37; 3:20:56. Cross told Timothy that he had sex with Jessica Currin on the night she was murdered. *Id.*, 3:22:55; 3:23:28, 3:33:15. Timothy did not remember telling Det. Steger that Cross had said he was there when Jessica was murdered. *Id.*, 3:24:42; 3:24:52. He did recall telling Det. Steger that Vinisha had hooked Quincy up with Jessica that night. *Id.*, 3:25:55. Timothy heard Cross threaten Vinisha at his grandmother's house in Tennessee. *Id.*, 3:31:26.

Cathy Frazier testified she had grown up with Quincy Cross and had known him for more than 20 years. VR: 4/2/08; 9:22:14. She recalled discussing the subject of Jessica's murder with Cross sometime after October 2001. *Id.*, 9:23:35; 9:24:32. Cross stated that Jessica overheard something she wasn't supposed to hear and "they had to take care of that." *Id.*, 9:25:54. She took it to mean that "he had done it, him and some more people." *Id.*, 9:27:26.

KBI Agent Bob O'Neil testified that upon first contact with Victoria Caldwell in California by telephone she was afraid, having had previous contact with persons portraying themselves as law enforcement—so they emailed her showing a badge and statement showing employment with Office of Attorney General. VR 4/2/08; 1:15:26. Agent O'Neil testified that in a subsequent interview, Victoria Caldwell drew a picture of the metal object she said was used to strike Jessica Currin in the head, and ultimately led officers to the address of her sister Rosie in LaCenter, where Victoria had buried the metal object in an area between two trees. *Id.*, 1:22-1:24. He testified that Victoria had described the object used to hit Jessica in the head as a metal bat-like object with a round head that made a clicking sound. *Id.*, 1:29:54-1:30:22.

Kentucky State Police Crime Lab Analyst Marci Adkins testified that she obtained partial DNA profile from the baseball cap found in the blue Pontiac Grand Prix that Cross borrowed

from Greg Starks, which matched the DNA profile of Quincy Cross in 3 of 13 loci, meaning 1 in 4200 persons would have that match. *Id.*, 4:37:20. She tested the Hennessey bottle also found in the blue Grand Prix, and found a mixture of two DNA profiles, one of which was Quincy Cross, and stated that 1 in 220 billion people would be a contributor to the mixture. *Id.*, 4:34:17-4:36:10.

### Argument

The bases of the CR 60.02 motion herein were: (1) that two key witnesses, Victoria Caldwell and Vinisha Stubblefield, recanted their testimony that they witnessed the defendant kill Jessica Currin, and that their trial testimony was due to threats and coercion by police and prosecutors (Defendant's CR 60.02 Mot., pp. 88-90); (2) that the prosecutors knowingly presented false evidence in violation of Due Process (Defendant's CR 60.02 Mot., pp. 90-91); (3) that the state suppressed exculpatory evidence in violation of *Brady v. Maryland*; and (4) that Cross is actually innocent.<sup>2</sup>

The Court, after reviewing the Motion and the Commonwealth's Response ordered a limited evidentiary hearing. The Order of October 30, 2025, sets out that if the Court finds any of the recanted *testimony* is likely true, then the Court would have to look at what would have been the effect had it been presented at trial. At p. 8. The Commonwealth, based upon the factors set out above submits that the recanted testimony of Stubblefield (and by extension Senter) and Powell is not true, and based upon the reasons set out herein and in the Commonwealth's Response to the CR 60.02 motion and Attachments, asks the Court to deny the CR 60.02 motion.

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<sup>2</sup> Without rehashing its previous arguments, the Commonwealth continues to rely upon its claims that Cross's CR 60.02 motion should be considered time-barred and successive, and should be denied on those bases.

Cross has failed to meet his burden. The recanting testimony of Vinisha Stubblefield, Shamicia Powell, and Latoya Senter, and the testimony of Darryl Montgomery do not have any credibility and do not ring true. Victoria Caldwell had no recanting testimony—and she has never given a sworn recantation of her trial testimony. Moreover, the Commonwealth presented sworn testimony and exhibits at the evidentiary hearing rebutting all of Caldwell’s unsworn allegations. A problem for Cross is, or should be, that there were issues raised about the credibility of both Victoria Caldwell and Vinisha Stubblefield at trial and in later post-conviction motions. These same issues are what Cross is attempting to raise, yet again, in the current proceedings. There comes a point when the weight of the conviction and the passage of time counsels for an end to the attacks. Cross has long ago passed that point.

In the appeal of the denial of the first CR 60.02 motion, the Kentucky Court of Appeals commented that it had previously addressed the inconsistent statements of Victoria Caldwell and Vinisha Stubblefield in the RCr 11.42 appeal:

Central to the defense’s trial strategy was an effort to undermine the credibility of the Commonwealth’s two key fact witnesses. The record reflects that defense counsel investigated Stubblefield and Caldwell, discovered they had lied in the past, and repeatedly brought the lies to the jury’s attention. Cross’s trial counsel impeached both witnesses with prior inconsistent statements they had made to investigators and elicited admissions from both of them that they had told numerous lies prior to trial. Their history of dishonesty was in the record and doubts about their credibility were placed before jurors.

*Cross v. Commonwealth*, No. 2017-CA-211-MR, 2018 WL 3814615, at \*3 (Ky. App. Aug. 10, 2018) (quoting *Cross v. Commonwealth*, No. 2011-CA-2136-MR, 2014 WL 505575, at \*4 (Ky. App. Feb. 7, 2014)), Comm. Response Attach 16, p. 4.

Cross alleged as grounds in the first CR 60.02, that three witnesses (Rosie Crice, V. Caldwell, and V. Stubblefield) whom he described as the “key” witnesses against him at trial,

had changed their testimony and recanted. He alleged the same in the current motion and filed many of the same exhibits he filed in his first CR 60.02 motion. He also previously alleged that law enforcement threatened witnesses. Indeed, witnesses at trial testified to same, including Rosie Crice. In its order denying the first CR 60.02, the trial court stated:

As can be seen, the Defendant would not be assured of a new trial if he had a material witness that made one statement, then changed his story, and stood by his recanted testimony. Here, however, the Defendant has a greater hurdle. It was known at the time of the trial that the witnesses had changed their testimony, with Rosie Crice recanting during the trial and testifying for the defense, and being subject to examination by both the Commonwealth and the defense. As mentioned in the Court of Appeals case, *Vinisha Stubblefield and Victoria Caldwell* had told many lies to investigators prior to trial and their history of dishonesty was placed before the jurors. It does not appear that this Court can even get to the analysis required by *Thacker* [453 S.W.2d 566 (Ky. 1970)] for the inconsistencies were placed before the trier of fact, and for this Court to grant a new trial would require the trial court to substitute its judgment for that of the jury. There appears to be no basis for doing this.

(Comm. Response, Attachment 20 p. 253-254).

eerily similar to here, the Court of Appeals described the claims presented by Cross in the CR 60.02 motion and the trial court's resolution:

Victoria's alleged recantation was found in the affidavit of Dale Elliot, but the Commonwealth filed an affidavit by Victoria denying the statements attributed to her in Elliot's affidavit and again implicating Quincy. And even though Vinisha alleged in her interview that she was pressured into testifying, she still implicated Quincy and observed that she was afraid of him. The trial court found, notwithstanding the apparent pressure by the investigators, it could not locate anything in the transcript that exonerated Quincy.

\* \* \*

The Court has explained that “there are special rules for situations of recanted testimony.” *Thacker v. Commonwealth*, 453 S.W.2d 566, 568 (Ky. 1970). In general, recanted testimony is viewed with suspicion, does not alone require a new trial, and only in extraordinary and unusual circumstances will a new trial be granted because of recanted statements. *Id.* Furthermore, recanted “statements will form the basis for a new trial only when the court is satisfied of their truth[.]” *Id.* Finally, the trial judge is in the best position to determine the veracity of the witnesses. *Id.* In the matter at hand, no basis has been provided to disturb the trial court's decision denying the CR 60.02 motion.

\* \* \* \*

Further, countering Quincy's claim for a new trial or to set aside the judgment, is the trial record, which includes *Quincy's own multiple statements incriminating himself to other trial witnesses*.

*Cross*, 2018 WL 3814615, at \*\*3-4 (emphasis added); Comm. Response, Attachment 21, p. 3.

The Kentucky appellate courts have long held that the burden of proof falls on the defendant to “affirmatively allege facts which, if true, justify vacating the judgment and further allege special circumstances that justify CR 60.02 relief.” *Stoker v. Commonwealth*, 289 S.W.3d 592, 598 (Ky. App. 2009) (quoting *Gross v. Commonwealth*, 648 S.W.2d 853, 856 (Ky. 1983)). The Court in *Stoker*, stated further: “To justify relief, the movant must specifically present facts which render the ‘original trial tantamount to none at all.’” *Id.*, at 596 (quoting *Brown v. Commonwealth*, 932 S.W.2d 359, 361 (Ky. 1996)).

The case of *Thacker v. Commonwealth*, 453 S.W.2d 566, 568 (Ky. 1970), a CR 60.02 appeal, involved a conviction for rape of a child under 12 years of age. The victim was Thacker’s step-daughter; her siblings also testified with corroborating evidence. *Id.* After the trial, the victim, her siblings and her mother all recanted their previous testimony. *Id.* In *Thacker*, the Court stated that

recanting testimony is viewed with suspicion; mere recantation of testimony does not alone require the granting of a new trial; . . . [S]uch statements will form the basis for a new trial only when the court is satisfied of their truth; the trial judge is in the best position to make the determination because he has observed the witnesses and can often discern and assay the incidents, the influences and the motives that prompted the recantation; and his rejection of the recanting testimony will not lightly be set aside by an appellate court.

*Id.*

In *Commonwealth v. Spaulding*, 991 S.W.2d 651, 657 (Ky. 1999) the Court stated that “the burden remains on the defendant to show both that a reasonable certainty exists as to the falsity of the testimony and that the conviction probably would not have resulted had the truth been known before he can be entitled to relief.” The Court also stated, “We affirm that it is not enough to merely show that a prosecuting witness has subsequently made contradictory statements or that he is willing to swear that his testimony upon the trial was false, for his later oath is no more binding than his former one.” *Id.*, at 656-57 (quoting *Anderson v. Buchanan*, 168 S.W.2d 48, 53-54 (Ky. 1943)). Cross acts as if every one of these recanting witnesses must be telling the truth now, completely ignoring the point made in *Spaulding* and *Anderson*.

The Commonwealth again notes that both Victoria Caldwell and Vinisha Stubblefield were questioned at trial at length about inconsistent statements they had given regarding the murder of Jessica Currin. Both witnesses admitted they gave false statements to police during the initial investigation of the case that resulted in the indictment of Jeremy Adams and Carlos Saxton. The jury heard this evidence and convicted Cross. (Trial VR 4/7/08 10:23:40). As pointed out by the Kentucky Court of Appeals, trial defense counsel investigated Vinisha Stubblefield and Victoria Caldwell and impeached both witnesses with prior inconsistent statements they made to investigators and elicited admissions from both that they had told numerous lies before trial. “Their history of dishonesty was in the record, and doubts about their credibility placed before jurors.” *Cross*, 2014 WL 505575, \*4; Comm. Response, Attachment 16.

Almost exactly 18 years ago, a Hickman County jury heard extensive evidence from numerous witnesses, over many days, and deliberated long and hard to conclude that it was Cross who murdered 18-year-old Jessica Currin. Cross has not met his burden of showing that he

is entitled to the “*special, extraordinary relief*” available under CR 60.02. *Sanders*, 339 S.W.3d at 437 (quoting *Barnett*, 979 S.W.2d at 101). The judgment and sentence should stand.

WHEREFORE, for the foregoing reasons, the Commonwealth asks the Court to deny Cross’s motion for relief under CR 60.02.

Respectfully Submitted,

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### **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Commonwealth’s Post Hearing Brief was filed electronically with the Graves Circuit Court Clerk, and true copies have been sent electronically to: Hon. Tyler L. Gill, Special Judge, Graves Circuit Court; and Hon. Amy Robinson Staples, and Hon. Whitney N. Allen, counsel for defendant, this 25<sup>th</sup> day of March 2026.

/s/ Barbara Maines Whaley  
Assistant Attorney General