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IN THE CIRCUIT COURT FOR HUMPHREYS COUNTY, TENNESSEE  
AT WAVERLY

CHRIS DAVIS, )  
 )  
Plaintiff, )  
 )  
VS ) No. 10134  
 )  
JAKE LOCKERT, )  
 )  
Defendant. )

---

DEPOSITION OF  
**RONNIE TOUNGETTE**

taken on behalf of the Defendant  
August 17, 2012

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**BAIN, CLEETON, EVANS, HARKINS & RICHARDSON**  
**An Association of Court Reporters**  
**Suite 201 - 212 Third Avenue North**  
**Nashville, Tennessee 37201**  
**(615) 255-6425**

**Reported by: Roxann Harkins, RPR, CRR, LCR**

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**A P P E A R A N C E S:**

For the Plaintiff: PHILLIP L. DAVIDSON  
Attorney at Law  
2400 Crestmoor Road  
Suite 107  
Nashville, Tennessee 37215

For the Defendant: JONATHAN L. GRIFFITH, ESQ.  
Griffith & Roberts  
213 Fifth Avenue North  
Suite 300  
Nashville, Tennessee 37219

Also present: Jake Lockert  
Chris Davis

**I N D E X**

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**S T I P U L A T I O N S**

The Deposition of RONNIE TOUNGETTE was taken by counsel for the Defendant at the Law Office of Charles N. Griffith, 415 West Main Street, Waverly, Tennessee, at 2:00 p.m. on August 17, 2012, for all purposes under the Tennessee Rules of Civil Procedure.

All formalities as to notice, caption, et cetera, are waived. All objections, except as to the form of the question, are reserved to the hearing.

It is agreed that Roxann Harkins, being a Notary Public and Licensed Court Reporter in and for the State of Tennessee, may swear the witness, and that the reading and signing of the completed deposition by the witness are waived.

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**RONNIE TOUNGETTE**

called as a witness, after having been first duly sworn,  
testified as follows:

**EXAMINATION**

BY MR. GRIFFITH:

Q. State your name please, sir.

A. Ronnie E. Toungette. Last name is spelled  
T-o-u-n-g-e-t-t-e.

Q. What is your address, sir?

A. 114 Sutton Avenue, Waverly, Tennessee  
37185.

Q. And your wife is Darlene?

A. Darlene, yes.

Q. What is her position?

A. She's a secretary for the DA's office here  
in Waverly.

Q. Okay. Sheriff, do you -- I still call you  
Sheriff. You were sheriff here for how long?

A. 26 years.

Q. Do you understand that I have subpoenaed  
you here today to testify?

A. Yes, sir.

Q. Okay. And do you understand that I've --

MR. DAVIDSON: Let me -- while I'm here,  
let me enter an objection to the deposition. Let me

1 explain why, for the purpose of my objection. He was --  
2 Sheriff Toungette was never listed in discovery as  
3 someone who has knowledge of the facts of this case, and  
4 so continue. I'm sorry, go ahead.

5 MR. GRIFFITH: Okay. Well, we did advise  
6 you we were planning on deposing him, but anyway, your  
7 objection's noted.

8 BY MR. GRIFFITH:

9 Q. Sheriff Toungette, you understand you're  
10 under oath and obligated and sworn to tell the truth?

11 A. Yes.

12 Q. Okay. I want to ask you, when did you  
13 resign from being sheriff or choose not to run again?

14 A. In spring of '06.

15 Q. Okay. And did you begin working at some  
16 point after that for -- under the new sheriff?

17 A. Yeah, I left office August -- well,  
18 actually September 1 and came back to work I believe it  
19 was September 18 of '06.

20 Q. Okay.

21 A. I think I took off about 18 days.

22 Q. Why did you take off 18 days? To retire?

23 A. No, just kind of vacation, rest up a  
24 little.

25 Q. Okay. And get ready to go again. And have

1 you worked continuously for the Sheriff's Department  
2 since 2006?

3 A. Yes.

4 Q. In the course of your work for the  
5 Sheriff's Department, did you work as an investigator?

6 A. Yes, for five years.

7 Q. Okay. And in the course of your  
8 investigation, did you have certain procedures that you  
9 normally follow when investigating a case?

10 A. Yes.

11 Q. Okay. I want to ask you about the Lem Palk  
12 incident. Can I ask you about that?

13 A. Yes.

14 Q. Okay. Tell me how you first became  
15 involved in an investigation regarding Lem Palk.

16 A. About the middle of October of 2006 I had  
17 been working on a stolen four-wheeler case that had  
18 happened in September of '06, and during that  
19 investigation, trying to locate those two stolen  
20 four-wheelers that were stolen in Humphreys County, I  
21 developed information that concerned not Lem Palk, but  
22 it concerned Scotty Palk during my investigation.

23 Q. And how did you discover that information  
24 or what did you find?

25 A. I had -- I had arrested two boys from

1 Alabama, and they had -- they had stolen two  
2 four-wheelers in September from one of our citizens  
3 here, Bobby Patrick. And I had arrested them and had --  
4 along with some other officers during my Sheriff's  
5 Department investigation, we'd stumbled on a meth lab up  
6 on Porch Reed Hill at Donna Johnson's house. And one of  
7 the boys from Alabama was there, and we picked him up  
8 that day and the other one that night.

9 And one of the boys from Alabama, Brian  
10 Murphy, he decided to cooperate, and told me where the  
11 two four-wheelers were that I was looking for. And then  
12 that led into Scotty Palk's name being brought in.

13 Q. Did that suspect tell you that the  
14 four-wheelers that -- were at or near Scotty Palk's  
15 residence?

16 A. No, no, this -- the two four-wheelers I  
17 were looking for, Brian Murphy was the guy from Alabama,  
18 he had the four-wheelers in his hometown in Joplin,  
19 Alabama.

20 Q. Okay. Well, how did Scotty Palk's name --  
21 why was it brought up?

22 A. While -- while we were talking, while I was  
23 talking with Brian Murphy, of course, he admitted to  
24 having the two four-wheelers from Humphreys County and  
25 he brought up Chris Herbison's name and Scotty Palk's

1 name. And he told me that Scotty Palk had come over --  
2 that he would come up and visit -- him and Chris  
3 Herbison were friends, he would come up from Alabama and  
4 visit and Scotty Palk had brought a stolen Honda -- he  
5 called it a Gator, but I believe it was actually --  
6 proper name was a Honda Power Wagon, had brought it over  
7 to Donna Johnson's house a few weeks prior to that. He  
8 thought maybe sometime latter part of September and had  
9 sold this stolen Honda Gator to Chris Herbison for  
10 \$2000.

11 And then a few days later, Brian Murphy and  
12 Chris Herbison took the Honda Power Wagon, Gator down to  
13 Joplin, Alabama, and sold it to one of Brian Murphy's  
14 neighbors.

15 So I contacted Alabama, recovered our two  
16 stolen four-wheelers, told the Alabama authorities about  
17 the stolen Honda Gator. Told them I had no idea where  
18 it was stolen from but told them where it was at. Even  
19 had a receipt that Chris Herbison had gave the people in  
20 Alabama when he sold it to them.

21 So the authorities in Alabama, they went to  
22 the people's house, they cooperated, they recovered the  
23 Honda Power Wagon. And I think maybe it was -- maybe a  
24 day or so later he told me, Brian Murphy told me  
25 about -- was talking about Scotty Palk, said he had met



1 Scotty through Chris Herbison and that Scotty Palk had  
2 been going all over Tennessee and Kentucky and had been  
3 stealing utility box trailers like you haul motorcycles  
4 in, had been stealing box utility trailers,  
5 four-wheelers, Honda Gators, riding mowers, just what  
6 have you. And that he still had some of the stuff and  
7 had it stored at his father's house, at Lem Palk's  
8 house.

9 Q. Okay.

10 A. And that's when Lem's name come up in it.

11 Q. What did you do?

12 A. Well, I told Sheriff Chris Davis what I'd  
13 stumbled upon. And we were out at Cuba Landing, it was  
14 on a Friday night. Our night guys had caught two guys  
15 with a bunch of anhydrous about a mile down the road  
16 there on the lake.

17 And we were out there because the cleanup  
18 crew, one of the guys on the cleanup crew had gotten  
19 burnt by the anhydrous and we were out there working on  
20 that. And while we was there close, I asked Sheriff  
21 Chris Davis, could we ride over to Lem's and talk to him  
22 and see about the stolen stuff.

23 Q. And what was the response?

24 A. He said okay, and we finished up and we  
25 rode over to Lem's trailer there off Cuba Landing Road.

1 And there was a white boxed-in utility trailer, new  
2 John Deere riding mower and a new Cub Cadet riding  
3 mower.

4 And Sheriff knocked on the door, and I  
5 didn't know the lady. I found out later it was Lem  
6 Palk's wife, but Sheriff told her we was there and  
7 wanted to look at these items in his backyard -- in  
8 their backyard. She said, go ahead, that's all Scotty's  
9 stuff. And so we started looking at it and trying to  
10 see if we could see any serial numbers or what have you.

11 Q. And did you find any serial numbers?

12 A. No, I could see -- I could see right off on  
13 the tongue of the trailer that you could see the two  
14 holes where the serial plate had been removed and all of  
15 the -- on the Cub Cadet and the John Deere mower, under  
16 the seat all the stickers were removed where you would  
17 find serial number and model number and all that stuff,  
18 all that had been removed. And the lawn mowers were  
19 new. They had never been used.

20 Q. What does that indicate to you as an  
21 investigator?

22 A. Well, seeing the serial numbers removed, it  
23 kind of corroborated what I'd been told, you know, about  
24 Scotty Palk, you know, taking stuff didn't belong to  
25 him. So I felt like the best thing to do was try to

1 bring the stuff into our office, to our garage where I  
2 could crawl under it and go over it and maybe try to  
3 locate, get them identified, maybe see where they was  
4 stolen from.

5 Q. Did you try to do that?

6 A. Talked about it, and then Sheriff Davis  
7 called Lem. Lem Palk wasn't there. Sheriff Davis  
8 called Lem Palk and told him that -- you know, thought  
9 we had a problem with a trailer and some lawn mowers  
10 there.

11 And he told Sheriff Davis that he would  
12 bring all the stuff -- this was on Friday. We was out  
13 there on Friday evening. He told Sheriff Davis that he  
14 would bring everything into our office on the following  
15 Monday morning.

16 Q. Okay. Is that normal procedure?

17 A. Well, no, it's not normal procedure. You  
18 know, usually you'll -- usually we would have called in  
19 and had maybe one of the guards bring a trailer out or  
20 something, try to load everything up and bring it in.

21 But, you know, he knew -- he knew Mr. Palk,  
22 and Mr. Palk evidently was on the phone promising him he  
23 would bring everything in. Because I think Mr. Palk  
24 told him he had some personal items stored in the  
25 trailer, and he needed time to get that out and that he

1 would bring it to us all on Monday I believe is how it  
2 went.

3 Q. Is there anything that prohibited -- is  
4 that something that you guys would have needed a warrant  
5 for?

6 A. Not as long as Mr. Palk was cooperating,  
7 and at that time he seemed to be. You know, he...

8 Q. Okay.

9 A. You know, I wouldn't -- I wouldn't have  
10 thought we'd needed one because we had permission to  
11 look at the stuff. And, of course, once -- once we  
12 could see the serial numbers had been removed, then that  
13 gave us grounds to, you know, take it in and try to get  
14 it identified, confirm that it was stolen and see, you  
15 know, where it come from.

16 Q. In your mind at that time on Friday after  
17 you'd reviewed the serial numbers along with Sheriff  
18 Davis, was there probable cause, in your mind, that  
19 these goods were stolen?

20 A. I felt like -- if I felt like there was  
21 plenty of probable cause to confirm that they was stolen  
22 and felt like that evening -- you know, I felt like  
23 Monday morning I'd be, you know, working on trying to  
24 identify where they come from.

25 Q. Okay. Were you present when Sheriff Davis

1 called Lem Palk or talked to him?

2 A. We were out in the yard and he was talking  
3 to him on his cell phone. Now, I didn't -- I didn't  
4 follow him around and try to listen to his conversation,  
5 but, you know, he basically told me what -- you know,  
6 what Lem was saying and what Lem was going to do, wanted  
7 to do.

8 Q. Well, how did y'all leave the scene there  
9 Friday?

10 A. Well, we -- we left with that  
11 understanding. We left. And then I went back over  
12 and -- we were a little short of help. I went back over  
13 and stayed with the anhydrous situation while the new  
14 cleanup guys come to clean up. So I was over there, I  
15 think, till about 11:30 that Friday night.

16 Q. Did you go make any trips back there to the  
17 Palk residence?

18 A. No.

19 Q. Okay. And what happened? Were you working  
20 over the weekend or do you know?

21 A. No, I just worked that Friday night.

22 Q. What happened next?

23 A. Well, I come in Monday and, of course, I  
24 waited around -- waited around for Lem to bring the  
25 stuff in. He never did bring it in. And then I -- I

1 reminded Sheriff Davis, I said, Lem hasn't brought the  
2 stuff in yet. And I said, I need to get -- you know,  
3 get on it, try to see where it's from. And he said he  
4 would call Lem and see what was going on, why he hadn't  
5 brought it in.

6 Q. On the Friday before, is it your  
7 understanding that Sheriff Davis was aware that the  
8 serial numbers were missing from these vehicles?

9 A. Yeah, I showed him. I showed him, you  
10 know, where the stuff was gone off the...

11 Q. On Friday?

12 A. Yes, sir.

13 Q. Did he make any comments to you at that  
14 time?

15 A. He said, well, that -- you know, something  
16 like, you know, that doesn't look good because you could  
17 see where the serial plate had been removed off the  
18 tongue of the trailer and then the stickers on the lawn  
19 mower. He said, that doesn't look good, does it? And I  
20 said, no. I said, the only thing I know to do, we'll  
21 just have to take them in, get them in our garage where  
22 we can work on them, try to find out where they come  
23 from.

24 Q. Was it your intent or desire to bring the  
25 lawn mowers and the trailer in on Friday, that same

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Friday?

A. That was my original plans after I seen the serial numbers gone.

Q. Why didn't you do that?

A. Well, you know, I respected his decision, you know. He had -- he had, you know, he had talked to the owner of the property and made an agreement with him to bring it in, so I respected his decision and went on and done what else I had to do.

Q. What happened -- tell me -- I interrupted you. What else happens on Monday?

A. Well, anyway, I told him Lem hadn't showed up and he said he was going to call Lem, see why he hadn't brought them in, what was going on. And anyway, Lem never came. And I think it was maybe that Friday --

Q. A week later?

A. Yeah, that Friday I told him again, I said -- I said, Lem hadn't brought the stuff in. He said, well, I'm gonna see about it, see what's going on. Well, anyway, the following Monday after that I came back into work on Monday, I started worrying about it.

Q. So that's 10 days later now; is that right? Or the following Monday?

A. Following Monday.

Q. Three days later?

1 A. Yeah.

2 Q. So what did you do?

3 A. Well, I really didn't know what to do. I  
4 didn't want to cause problems, but I felt like we needed  
5 to get the stuff in. I really didn't know what to do  
6 about it and I'd waited a week. You know, he was  
7 supposed to bring it in on Monday and here I am seven  
8 days later the following Monday and still don't have the  
9 stuff.

10 So I was -- I was disturbed over it,  
11 bothered over it, and I -- so I went over -- at that  
12 time Billy Miller was our assistant DA in Humphreys  
13 County, and I went over and I talked with Billy Miller  
14 about it.

15 I told him I didn't know -- really know  
16 what to do about it, had some concerns about it. And he  
17 said -- he said, Ronnie, you've done all you can do.  
18 Said, you know, really don't know what to tell you.

19 Q. Do you know if Billy Miller ever brought it  
20 to Dan Alsobrooks's attention?

21 A. I don't know. I told -- well, John  
22 Etheridge was there, and I told John. John was there,  
23 you know, I told John what was going on. I said, John,  
24 I don't know what to do. I said, I don't -- I need to  
25 get the stuff in, I just -- I don't know what else to do



1 about it.

2 Q. What --

3 A. And what they done from there, I don't  
4 know.

5 Q. What did John Etheridge respond to you when  
6 you told him?

7 A. He said need to be brought in. And I said,  
8 I know that. And I said, I thought Lem was going to  
9 bring it in.

10 Q. Have you ever brought other stolen items,  
11 possible stolen items to Sheriff Davis's attention  
12 before in the course of your work as an investigator for  
13 the Humphreys County Sheriff's Department?

14 A. Yeah, we've recovered a ton of stuff, you  
15 know, over the last five years.

16 Q. And in those cases do you recall any other  
17 case where Sheriff Davis has waited 10 days before even  
18 thinking about acting on something like that?

19 A. I can't think of any, any times.

20 Q. Do you know of any relationship between Lem  
21 Palk and Sheriff Davis?

22 A. Well, I knew there was -- I knew that Lem  
23 Palk and Sheriff Davis, I knew they were, you know,  
24 personal friends. I knew that. And I respected that.

25 Q. What -- after three days, why didn't you

1 just go out there and seize the equipment yourself?

2 A. Well, I just -- I didn't feel -- well, I --  
3 after I went and talked to Billy Miller and he didn't  
4 have any suggestions for me, I really didn't know what  
5 to do.

6 Q. Gotcha.

7 A. You know, I was -- you know, it's a respect  
8 thing, you know. I don't want to -- I didn't want to go  
9 over the Sheriff's head. I was trying to work with him.  
10 And I knew -- I knew that, you know, he was trying to  
11 work with Lem on it, and that's why I was willing to go  
12 along and letting him bring it in. You know, I knew --  
13 I knew it was kind of a touchy situation.

14 Q. Did -- what's the next thing that  
15 transpired between Lem Palk and/or Scotty Palk and the  
16 Humphreys County Sheriff's Department?

17 A. Well, a few months later, Sheriff Davis  
18 hired Wesley Hagler from over at Waverly PD. Wesley was  
19 coming on board to be an investigator and work with me  
20 and also head up our drug investigations.

21 First couple of days that Wesley came, one  
22 of the days I took Wesley -- I got Wesley in the  
23 vehicle. I said, Wesley, I need to take you out and  
24 show you some people's house, tell you some things. So  
25 I drove Wesley out there. And I can't remember exactly

1 when Wesley come over and went to work, but it was after  
2 that. And I showed Wesley, I said, Wesley, I said, see  
3 that trailer there? I said, that's where Lem Palk  
4 lives.

5 And I was telling him about Lem Palk and  
6 Scotty Palk. And I said, you see that white box trailer  
7 there behind -- behind there? He said, yeah. I said,  
8 that's stolen. I said, I'm 99 percent sure it's stolen  
9 because the serial plate was gone off of it. And I was  
10 telling him, you know, about the lawn mowers and stuff.

11 He was fixing to start -- they was talking  
12 about forming a joint in-county drug task force. I  
13 said, this is a place you need to keep an eye on. I  
14 said, you know, I, you know, gather a lot of information  
15 about the Palks, and I said if you're coming on board,  
16 you need to -- this is a place y'all need to concentrate  
17 on.

18 And then I guess it was probably a year  
19 after all this happened, maybe October, around October  
20 of '07 Wesley and Tony Ahne, which they were the  
21 in-county drug team, they went out to Lem's and, of  
22 course, Wesley already had knowledge about the trailer.

23 They did a search warrant out there on a  
24 drug raid, and while they was there, they went ahead and  
25 seized the trailer and brought it in to the jail, but

1 the lawn mowers were gone.

2 Q. Okay. Do you have any idea how long after  
3 this drug raid where the trailer was finally seized --  
4 how many days after the day that you and Sheriff Davis  
5 discovered the lawn mowers with the plates removed?

6 A. Oh, this was -- almost a year later. It  
7 was somewhere around -- I think it was approximately a  
8 year later, maybe October '07 when Tony Ahne and Wesley  
9 went out on a drug raid and seized the trailer. I came  
10 in to work on a Monday morning and the trailer was  
11 setting there in our parking lot.

12 Q. Prior to that almost a year later, whenever  
13 it was, do you have any indication from your standpoint  
14 that Sheriff Davis ever took any actions whatsoever to  
15 recover those stolen lawn mowers that you and he  
16 discovered that Friday?

17 A. I don't know of anything that happened. I  
18 don't have any personal knowledge of anything.

19 MR. GRIFFITH: Okay. That's all the  
20 questions I have. Thank you, Sheriff.

21 **EXAMINATION**

22 BY MR. DAVIDSON:

23 Q. Sheriff, have you ever called people before  
24 and told them to bring stuff in themselves to the  
25 Sheriff's Department?

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A. Yes, sir.

Q. Do you know whether or not the -- are you aware that the State Criminal Investigation Division came out and looked at the trailer and those lawn mowers?

A. No, sir, I'm not -- I'm not aware of it. I don't have any personal knowledge of it.

Q. And the last time you heard of this incident was October of 2007, five years?

A. Yeah, I think -- I think that's when I noticed it setting on our parking lot.

MR. DAVIDSON: No further questions.

MR. GRIFFITH: Okay. That's all the questions I have. Thank you, sir.

(Whereupon, the deposition was concluded at 2:23 p.m.)

FURTHER THE DEPONENT SAITH NOT

1 STATE OF TENNESSEE )  
2 COUNTY OF DAVIDSON ) s.s.

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I, Roxann Harkins, Notary Public and Licensed Court Reporter for the State of Tennessee at Large,

DO HEREBY CERTIFY that the foregoing deposition was taken at the time and place set forth in the caption hereof; that the deponent therein was duly sworn on oath or affirmed to testify the truth; that the proceedings of said deposition were stenographically reported by me in shorthand; and that the foregoing pages constitute a true and correct transcription of said proceedings to the best of my ability.

I FURTHER CERTIFY that I am not a relative of, employee or attorney or counsel of any of the parties hereto, nor do I have any interest in the outcome or events of this action.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this 20th day of August, 2012, at Nashville, Tennessee.

Roxann Harkins, Notary Public  
State of Tennessee at Large  
LCR#: 204 (Expires 6-30-2014)

My Commission Expires: July 6, 2015