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## Defendant in Piedmont cold-case murder trial takes the stand



Randall Wayne Kirkpatrick at his trial Thursday. Kirkpatrick is charged with murder in the 2003 shooting death of his wife, Deborah, after a grand jury indicted him in 2014.

Kirsten Fiscus/The Anniston Star

By Kirsten Fiscus, Star Staff Writer, [kfiscus@annistonstar.com](mailto:kfiscus@annistonstar.com) May 19, 2016

When Randall Kirkpatrick returned home to go to bed June 3, 2003, he took off his boots and shoved them under the nightstand, he said, testifying in front of a jury Thursday.

“I took off my shirt and pants and got into bed,” he said, his hands in front of him shaking.

Kirkpatrick said his wife, who normally slept on the right side of the bed, was encroaching on his side with her feet in his space.

“I tried pushing her feet with mine and told her to scoot over,” he said, breathing slowly but heavily. “I told her, ‘Deborah move over,’ and she didn’t respond. I went to nudge her with my elbow and my elbow hit the gun.”

The gun, a Rossi .38-caliber revolver, was lying in the bed between Kirkpatrick and his wife, he testified, and her skin was cold.

Kirkpatrick, 35, was indicted on a charge of murder in June 2014, 11 years and 20 days after the day his wife, Deborah Kirkpatrick died from a gunshot wound to the head. A cold-case unit picked up the case after the responding agency, the Piedmont Police Department, requested the case be reexamined, Deputy Rachel Israel testified Wednesday.

In the third day of testimony, Kirkpatrick took the stand after prosecutors called their last witness and Calhoun County Circuit Judge Debra Jones denied the defense's motion for acquittal.

During his testimony, Kirkpatrick talked about his early life with his wife.

"We talked for a couple weeks back and forth on the phone and I asked her out on a date," he testified. We started dating in 1999, fell in love and it lead to her moving in with me. It was great, we was in love. Like any relationship, we was really happy."

The Kirkpatricks had a son in August of 2001 and they were married six months after that, the defendant said. Kirkpatrick admitted to not being a perfect husband.

"I was awful," he testified. I committed adultery, I cheated on my wife, and that was very bad. It was the worst mistake I made in my life but that doesn't mean I killed my wife."

Kirkpatrick said he'd also taken drugs, something his wife did not approve of.

"I smoked marijuana and I did occasional meth," he said. "She knew I smoked pot but not meth. I'd done a little drugs, but that does not make me a murderer."

Like any couple, Kirkpatrick said, he and his wife argued.

"We had an argument when I came home from work," he said. "I wanted her to stop carrying Hunter to her parents' house. It was nasty over there and he kept getting head lice."

That day, Kirkpatrick said he came home and was playing with his 18-month-old son when he saw lice in his hair and brought the topic of a baby sitter up to his wife again.

"She did not like that," he said. "She said 'It's my son. I can keep him.' We got heated over that so I left to cool off."

It was while Kirkpatrick said he was gone that Deborah Kirkpatrick died of a gunshot wound.

Forensic experts previously testified that the scene did not look how they expected it would if Deborah Kirkpatrick had shot herself. Mark Hopwood, the crime scene investigator that day, said there should have been blood on the wall behind her. Steven Dunton, a medical examiner, said that while the manner of death was undetermined, he also expected there to be blood on the wall if she had shot herself.

The defense's crime scene expert, Jan Johnson, however, said there could have been blood spatter on the wall that was not visible to the naked eye.

"A bloodstain pattern produced by gunshot is referred to as a misting pattern," she explained as she testified. "These stains are 1 millimeter or less in diameter. Once they dry they are very hard to detect."

Johnson said had she processed the scene, she would have conducted a test that would have allowed any trace evidence of blood to show under a blacklight.

"I absolutely would have done a test," she said. "I would have done it on the wooden paneling and where the bullet entered and exited the trailer."

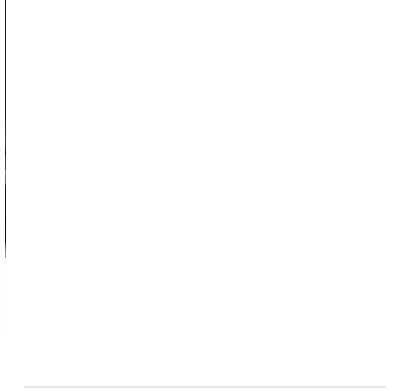
Johnson conducted a test on the shirt Kirkpatrick wore to work the night before that had two small blood stains on it. In a hearing prior to the trial, prosecutors consented to additional testing on the shirt that destroyed the blood evidence on it.

The purpose of the test, Johnson said, was to determine how the blood got on the shirt.

"It tested negative for misting," Johnson said which would be present in a high-velocity impact such as a gunshot. "We know that past about 3 feet there wouldn't be that blood pattern."

Experts had testified that the barrel of the gun was partially touching Deborah Kirkpatrick's temple when the gun was fired.

Testimony continues with Johnson on Friday at 9 a.m.



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