

UNDISCLOSED, the State v. Gary Mitchum Reeves
Episode 4 - Sheriff's Proxy
August 7, 2017

[0:24] Susan Simpson Back in the old days in Floyd County, and maybe even a little bit today, the best defense to a murder charge wasn't "I didn't do it." It was, "I did it, and the victim deserved it."

Probably the best example of this was the 1951 murder of Eurcell Haney. Eurcell had started dating a man named Harry Boswell, and things were going well for them, except for one little problem. Boswell still had a wife, named Nellie, and although at some point he'd filed for divorce, Nellie was devastated with her estranged husband taking up with Eurcell.

One day, when they were all in court for the Boswells' divorce proceedings, all the parties were waiting out in the courtroom hallway when Eurcell had laughed at Nellie. Or so Nellie says. But the next day they were back at the court for a second day, and out in the courthouse hallway, Nellie walked up to Eurcell and shot her point blank three times. It was the court, so there were plenty of witnesses. But at the trial, she told the jury about how much her husband had meant to her, and how desperate she was not to lose him, and how when she'd seen Eurcell in court the day before, Eurcell had laughed at her.

The jury returned a not guilty verdict.

Or take Bobby Lee Cook, northwest Georgia's most famous defense attorney. It was his firm that represented Joey Watkins, and Rabia and Colin and I discussed some of the cases he's handled in Episode 18 of Season 2. But again and again throughout his career, Bobby Lee Cook managed to pull off wins for his clients that didn't seem possible, based on the State's evidence.

But if you look back over his record, the cases he's known for, the ones where he was able to make a name for himself, those cases are almost never about proving his client's innocence. His big wins were those cases where he *told* the jury his client had done it, but then found a way to persuade them not to send his client to prison for it. Or, if the jury absolutely had to sentence the defendant to *some* time for what they'd done, well then at least it shouldn't be for very long.

But while this defense can be effective, it only really works where the defendant really *has* done it. And for Gary Reeves, who'd been charged with his common law wife's murder, the

"she had it coming" defense wasn't an option. He didn't know who had killed Grace, but he didn't think he'd done it, and he wasn't going to raise a defense in court where he claimed he had. But he didn't really have any other defenses to raise either. Grace's two daughters, Beverly and Charlotte, were both saying that he'd shot her - they'd seen him do it. And the only other person who was in the house at the time of the murder, the girls said, was Charlotte's boyfriend "Bo" Salmon -- and he'd been so drunk and passed out at the time that he didn't remember anything.

[2:49] Gary Reeves

The trial was in '75. Still I got nothing. What they got -- they arrived on the scene that night, Bo Salmon was there. Bo Salmon was in the bed, and he didn't hear or see nothing. The girls said that I did it: I came home, we got into fight, and killed her and ran.

[3:14] Susan Simpson A guy named Richard Holcomb, who was friends with Bo and Gary and Grace, had also been there at the house that night before the murder. He'd made a social call and stopped by once the bar closed, and he'd left before the murder happened, so he didn't really know anything useful either. Other than that though, there was no one else who knew anything about what had happened.

So there were no witnesses that Gary had called in his favor, not really. And since he couldn't remember anything that had happened, he had no way to contradict anything the State's witnesses had said. And Gary's court appointed attorney, Bill Buffington, was in no condition to do any kind of investigation himself; he was near death due to his alcoholism, and within a few months he would die of cirrhosis of the liver.

So, under these circumstances, in the view of the legal professionals that were involved in the case, some kind of "I did it" defense was the only option Gary really had. As the prosecutor testified at a post-conviction proceeding, he'd expected Gary to raise a defense of temporary insanity because, well what else could he do, given the overwhelming evidence against him? The prosecutor had been bemused and dismissive when Gary had instead wound going with the "I don't remember" defense, when he was on the witness stand.

And that's not really any kind of a defense at all.

Gary couldn't even hope that the jury would find he'd done the crime in the heat of passion or something, or, you know, hand down a manslaughter conviction instead of one for murder. The evidence at trial couldn't support any kind of involuntary or voluntary

manslaughter charge, because based on what was presented at trial, Gary didn't have a motive at all hardly, to kill Grace. He wasn't particularly angry. He and Grace hadn't been fussing, as Beverly described it. Gary just seemed to have apparently had enough of her, and for whatever reason, shot her, walked off, got in his car, and drove away. It was a case of cold blooded murder; senseless but also dispassionate. Which means it was a murder charge for sure, not manslaughter, and under Georgia law there would be a mandatory life sentence.

So under the facts of the case that were known at the time of trial, Gary never really had a chance. If you could pick a thousand different juries and put that same evidence on trial before them a thousand times, my guess is that every single one of those thousand juries would've reached the same verdict: guilty.

But what if Buffington *had* investigated? What if he'd actually tried to do his job, and put on some kind of case for Gary? What might he have been able to find?

Well, according to the prosecutor Bob Englehart, it would have been nothing at all, because if Buffington *had* done an investigation, it wouldn't have mattered. As Englehart later testified, no matter what Buffington had done, who he'd talk to, the outcome would have been the same, because Gary was guilty. So it didn't matter that Buffington hadn't actually done anything -- this wasn't one of those cases where there was anything an attorney could do to really change the outcome.

But I still don't see how Englehart was able to testify to that with a straight face. He was saying this in court two years after the trial, in 1977 -- and by that time, the state's star witness, Beverly Reynolds, Grace's teenage daughter, she'd repeatedly changed her story - first saying that she hadn't actually seen Gary do the murder like she said at trial, and then saying that, actually she'd been the one to kill Grace. So the idea that talking to Beverly before trial couldn't have possibly made a difference - that just doesn't seem that plausible. Beverly almost never manages to give the same story twice, so it's more or less a foregone conclusion that if Buffington had talked to Beverly ahead of time, he would've found material to impeach her with.

And here's another easy step that Buffington could have taken that might have made all the difference. He could've asked Gary's parents what time Gary arrived home that night.

[7:04] Susan Simpson Gary's mother and father both testified at various hearings and proceedings, but at no point were they ever actually asked the simple question. And it's not clear now what they would have said if they were. Maybe they didn't know either, but it

seems like everyone was just assuming that after the murder, after Grace was shot, Gary had gone straight to his parents' place where the cops arrested him, no more than ten/twenty minutes after Grace's death.. After all, he was arrested not long after Grace's daughters had called the police to report the shooting, and Gary couldn't have left Maple Street to go to his parents' house any time before that.

But what if he did? I still wonder sometimes if Gary was ever at Maple Street at all that night. His memories of being there seem mostly like distorted versions of the girls' trial testimony, and maybe the reason he has no solid memories of being at the house that night is 'cause he *wasn't* at the house that night. What if he'd just picked up his son at the babysitter's, a little after midnight, and then went straight to his parents' place to sleep? With everyone assuming that he'd been at Maple Street, it's possible his parents never realized that the time Gary got to their house would actually matter. But if he arrived at, say, 12:30am, instead of 2:00am -- that would change everything.

It would have been worth asking them, at least. But they never were.

Still, even if Buffington had been a functional attorney at the time he was appointed to Gary's case, I think it would've taken some serious work on his part to make any kind of difference. Even if he had tried to talk to witnesses, they might not have talked back. As Beverly said at a later proceeding, "We were told not to talk to Gary's lawyer about nothing."

Worse yet, the police file in this case was off limits to defense attorneys - all of them were. Detective Barnett testified at the habeas proceeding that it was their policy at the Rome Police Department to never tell defense attorneys anything, to never let them see the police file. As Detective Barnett told the court, "Well, we just make it a practice that we don't discuss the case with defense attorneys. We turn the file over to the District Attorney's office and they in turn can discuss it as they see fit."

Of course, the District Attorney's office had a similar policy. As prosecutor Englehart testified at the same habeas proceeding, "We have a policy in the District Attorney's office that there's a Rule of Discovery in Georgia, and therefore, we don't have to give you anything." Englehart did acknowledge that the rules had been watered down some, especially by the decision in *Maryland v. Brady*, where the Supreme Court held that the Constitution requires a prosecutor to hand the defendant any evidence that's exculpatory in nature. Unfortunately for Gary, *Brady* didn't do anything to help him, because Buffington had never bothered to request the prosecution hand over any exculpatory materials. Which means Englehart didn't have to tell Buffington anything about the stuff in the case file that

should have been setting off some pretty heavy alarm bells that something might not be right here. Like the fact Beverly had already, even before trial, given several different statements about the murder, or that the girls had argued at the police station about what had actually happened that night, or that there had been bloody footprints tracked through the house -- footprints that were too big to have been Gary's, and that shouldn't have been there at all, if the girls' stories were true.

Still, Buffington had gotten to know a few things about the State's case before trial. Englehart testified that, even though he hadn't been obligated to do it, he actually had told Buffington a few things about the State's case against Gary. Not for Buffington's benefit, really, Englehart acknowledged, but just in order to explain to him why the option of a plea deal wouldn't be on the table, and why his client was definitely going to lose.

So you can see why, given the limited rules of disclosure that were in place at the time, the Bobby Lee Cook strategy of skipping "I didn't do it" and going straight to "I did it and the victim had it coming" starts to make a lot more sense than it might seem at first. In a world where you generally aren't allowed to know the case against you, you're better off going on the offensive, rather than trying to disprove evidence you're hearing for the first time live at trial.

But Bill Buffington was no Bobby Lee Cook. And he didn't go on the offensive or the defensive. He mostly just drank. And it wasn't until after Gary's conviction that his case was ever given any serious consideration by a defense attorney.

[12:43] Bob Finnell

There is no doubt that he had a horrible, uh, miscarriage of justice in terms of the trial, uh, that was put on there. That - that's not even questionable in my mind.

[12:55] Susan Simpson That's attorney Bob Finnell. He still practices in Rome today, but back in 1976, he was just a few years out of law school, and retained by Gary's family to represent him in the post-conviction proceedings. He's the attorney that represented Gary at the time that Beverly confessed to Grace's murder, and Finnell went down to interview her at the jail where she was. He talked to her, got her confession -- he found her believable.

[13:17] Bob Finnell

Well, we thought we had somebody who admitted to committing the crime...

[13:20] Susan Simpson As a result of Beverly's confession, Finnell brought a second extraordinary motion for a new trial on Gary's behalf. The first extraordinary motion, brought the year before by a different attorney, had been a failure for Gary, and a political firestorm for Rome. At the time the motion was brought, Beverly hadn't confessed yet, just claimed that she'd lied about seeing Gary kill her mother.

And that's a serious matter, a witness recanting is a big deal -- but on the face of it, it doesn't seem to have any obvious political implications. But it wasn't what Beverly said that caused the political firestorm, it's who she said it to. The first official that Beverly talked to after recanting was Sheriff Lynn Garner -- which just about assured that the rest of the Floyd County establishment was going to reject it.

The spring of 1975 was a time of the heightened tensions between Sheriff Garner's Republican faction and Floyd County's more longstanding Democratic faction. In January of 1975, the Floyd County District Attorney, Larry Salmon, launched an investigation into Floyd County Sheriff Lynn Garner. And in May, one month after Beverly recanted, the DA presented the grand jury with a 34 page special investigative report on the activities of the sheriff. From a Rome News Tribune article, quote:

"The report goes into detail on several allegations against the sheriff, including: reports that he failed to keep a proper jail docket in compliance with state law, that he raised the amount of bond on a prisoner without authority, that he allegedly tried to hire a killer, that a deputy allegedly planted drugs, that the sheriff allegedly threatened to kill a prisoner, [...and] that he had been stopped by Floyd County Police for speeding at 93 to 125 miles per hour [...]"

[14:57] Susan Simpson And so on, and so on... The DA concluded that many of these allegations couldn't be substantiated, and though he thought that others might constitute a violation of Georgia law, the grand jury ultimately declined to take any action against Lynn Garner.

Then, two months later, in July, Sheriff Garner launched his own investigation -- this time into the alleged misconduct of the county police department. The whole thing was kicked off when a county officer was arrested with a pipe bomb found in his car, and then got accused of planting drugs on suspects. There were nine other allegations too, kinda more of the same.

So amid this backdrop, to believe Beverly's recantation of her testimony at trial, was to effectively side with Sheriff Garner. In this bizarre proxy war between the sheriff's department and the county police department, and the Rome police department. In contrast, believing that Beverly had told the truth at trial would support the police departments, and would be an act of opposition against Sheriff Garner, as it implies that Garner coerced Beverly to change her story.

This war between the Sheriff and the police departments was about as high profile as it gets in Floyd County. It was big enough that in December of 1975, an entire edition, just about, of the Rome News Tribune was devoted to the case. There were five different articles in one edition of the paper about it -- probably 75% of the paper's space was devoted to the Reeves case and to Garner's involvement in it, and the paper made no pretenses as to which side it was on. One of the articles, in fact, was just a list of accusatory questions that the paper had planned to ask Garner, if he hadn't declined their request for an interview.



Did you ever talk to Beverly about changing her testimony in the Reeves case? If so, how many times and when and under what circumstances?

Why?

Did you tell Beverly if she changed her statement you would see that nothing happened to her or she would get probation if something came up in court about that change?

Are you aware that the only time Beverly's account of her mother's death has been different has been when she was in the Floyd County Jail or talking to you? How do you explain that?

We have an affidavit from Beverly who says you tried to get her to change her statement from what she said in court. Will you comment on that?

Have you talked to Beverly's sister, Charlotte Reyn-

There was also an affidavit that the articles reported on, from Beverly, that she'd signed a week before. Detective Barnett had typed it up and taken it to her, and she had signed it, although at a later hearing she claimed that she'd never even read it - she just got it from Barnett, signed her name, and that was it. As with a lot of things with Beverly, it's hard to know what really happened here.

But they also made a typed affidavit for Charlotte to sign. Hers was similar to Beverly's, and said, quote:

"[Garner] asked me if I had anything different I could tell them. And I told [them] "no." That I told them everything I knew in court. And he kept me up there about an hour that night trying to make me tell him something else. He wanted me to tell that I [had] seen someone else in the house."

Charlotte's affidavit also talked about how Sheriff Garner had tried to change Beverly's statement. The affidavit read:

"One time when Sheriff Garner was talking to Beverly, my sister, he told her that if she would just tell him the truth he'd see to it that if it was different than what she had said during Gary Reeves' trial that he would see to it that nothing would happen to her."

[17:34] Susan Simpson These claims about Sheriff Garner trying to change witness statements weren't unique to Gary's case, though. There were other murders where witnesses had given contradicting statements, and the police had claimed that Garner had coerced the witnesses, while Garner claimed that the police had tried to get the witnesses to falsely say he'd coerced them.

For instance, in October 1975, a Rome businessman was shot and killed in the post office lobby. Witnesses saw a black male running from the scene, and 16 year old Victor McGowan was charged with the murder. The evidence relied mostly on a questionable eyewitness identification and an equally questionable statement from a teenager who claimed he'd been walking with McGowan, on Virginia Circle, in Rome, when McGowan had pulled out a gun, told him he'd killed a man with it, and then tossed the gun into a golf course water hazard. But the gun wasn't found in the pond, and the witness had other credibility issues as well, which is why, when another witness came forward to say he'd seen a different man commit the murder and knew where the gun had gone, you'd think it would have been of interest to investigators. But this new witness also gave his statement to Sheriff Garner, which means the Rome Police Department rejected it.

The new witness, the one who talked to Garner, testified that Garner hadn't pressured him. But the Rome Police had. Rather than investigate his claims, the witness said, the police had told him to testify that Garner had coerced him into identifying someone else for the murder.

In closing arguments, the prosecutor attacked Garner, claiming that the holes in their case had been due to his sabotage and interference. As described in the Rome News Tribune,

making the statement.
Floyd County District Attorney Larry Salmon began his closing arguments to the jury Friday morning following the defense, charging that Garner had "trumped up" Ferguson's affidavit. He asked the jury to disregard what he called the "non-investigation" by the Sheriff's office in the case.
The Rome Police Department had made a "sound" and a "proper" investigation into McConkey's death, Salmon said, but Garner was the "number one law obstruction officer" in the county.
Garner's "non-investigative befuddlement" had been a malicious attempt to "derail the Rome Police Department's investigation" into the murder, Salmon said.
"We (the Rome police) have shown you (jury).. a proper investigation with proper procedure," the district attorney said, adding that the investigation had

At the close of trial, the jury was deadlocked. A mistrial was declared, and the prosecution decided against retrying the case. The 16 year old charged with the murder was released.

And when trying to understand Beverly's mass of contradicting claims, I think understanding this history, this rivalry between the different law enforcement agencies, can help explain some what might have happened, how it is she could have given so many contradictory accounts of that night. She had become a pawn in a political game, and when that was combined with her existing habit of telling tall tales, it was probably inevitable that she'd give so many different stories.

[20:31] Susan Simpson All of Beverly's statements and confessions probably wouldn't have mattered though, if it hadn't been for one person. Gary's older sister, Bea Purdy. The whole time Gary was in prison, throughout his appeals and his habeas petitions, it was Bea

that was keeping things going, keeping hope alive, and making damned sure that the attorneys on the case were doing everything in their power to help Gary.

[20:50] Bob Finell

Gary's sister was such a... she was a force. She was such a believer in him, and she would stay on you and she would want you to look at everything and talk to everybody, I mean, she made you earn your fee, I'll tell ya. She was an advocate for Gary, and I vividly recall her. She was a wonderful person. But you could tell she loved Gary and she believed in him.

[21:21] Susan Simpson Then, in September of 1976, Beverly gave her statement down in Clayton County. The one where she said she had shot Grace and then gotten back into bed. Bob Finnell, Gary's attorney, thought they had their answer to what had happened to Grace Reynolds.

[21:34] Bob Finell

I wouldn't have brought the motion if I didn't believe him. I vividly remember going down to Carroll County Correctional Institute and meeting with him.

[21:43] Susan Simpson Based on Beverly's confession, Finnell brought a second extraordinary motion for a new trial on Gary's behalf. Even though the first extraordinary motion had failed, Finnell thought his second motion had a chance. After all, Beverly could have been truthfully recanting, could have been telling the complete truth when she said that she'd lied at trial and hadn't seen Gary kill her mom, and Gary could still be guilty of the crime. The fact that Beverly didn't see Gary shoot her mother didn't mean he didn't do it. But a confession was different, or so Bob Finnell hoped -- after all, if Beverly had truly killed Grace, then Gary couldn't have.

[22:17] Gary Reeves

So the DA and the judge told her: if you are convicted of perjury, then the Georgia law is, whatever you caused him to get, life, whatever, then you get that same sentence.

Rabia Chaudry

What!?

Gary Reeves

That's what they told her.

Rabia Chaudry

That's probably not true. It can't be true.

[22:42] Susan Simpson No, that is not true. The severity of the sentence that you caused someone to get for perjured testimony, can affect the sentence you get for perjury, but no, you don't get the same sentence that the person you testified against got. But either because she misunderstood what she was being told, or the circumstances were being misrepresented, Beverly understood it to mean that if she was convicted of perjury for lying at Gary's trial, she'd end up with the sentence Gary had received: life in prison.

[23:07] Gary Reeves

Well, so what they told her was, here's what you do. You say that you lied when you said you lied. In other words, when you came to the sheriff and confessed to lying, your confession was a lie. We'll change the charge for perjury to false swearing.

[23:29] Susan Simpson So that's what happened. Beverly changed her story, said she'd lied when she'd said she'd lied, and got convicted instead of false swearing. In other words, Beverly had told the truth when she testified at Gary's trial, but she had lied when she said later that her testimony had been a lie. Which, is itself a crime. And for that crime, Beverly was sentenced to, and served, 18 months in prison.

And as terrible as Gary's joke of a trial was, I think, for me, Beverly's conviction for false swearing is almost a more visceral sort of horror. Proof of how the system was willing to sacrifice its pawns in an instant, if it served the greater good of jurisprudential convenience. Beverly was still a child when this happened, one who had been through some extremely traumatic events, and who, to say the least, seemed troubled by what she had gone through. Her statements were confusing and, yes, frustrating, but to sentence a minor to prison for a year and a half for what she'd done -- I can't see it as anything but dark and ruthlessly pragmatic. But convicting Beverly of lying when she said she'd lied at trial solved the problem she had caused, and secured Gary's conviction from his post-conviction proceedings, so in that sense, it was effective. And the collateral damage to Beverly was apparently a price they were willing to pay to make sure Gary didn't get a new trial. And it worked, of course. The second extraordinary motion was denied.

[25:00] Gary Reeves

So we lost that one. Go back to Carroll County. Then we hire Jim Garner, the sheriff's nephew, and Larry Barkley, and filed a writ of habeas corpus in Carroll County for an incompetent attorney.

[25:24] Susan Simpson The third and final post-conviction proceeding wasn't about anything Beverly had said or done, but about Bill Buffington's ineffective assistance of counsel. In a just system, this motion would have been granted. And I'd like to think today, it would have. Buffington's ineffectiveness would have been too much for even the most cynical court to overlook. He didn't work on the case, he didn't talk to witnesses about what had happened, was never seen sober, put his client on the stand without ever having a clue what he'd say, and had no defense to raise at trial except for a bizarre claim that Gary couldn't be convicted of murder if the indictment didn't use the exact name found on Grace's government ID.

But in 1977, that's not what happened.

The first witness called by Gary's defense at the habeas hearing was his sister, Bea. She testified how when she first met Bill Buffington, he had been drunk. And every time after that she met him, he had been drunk too. Bea became concerned very quickly, and still weeks before Gary's trial, she'd called the judges to see if something could be done. She testified:

"I called Judge Scoggin the first time when I saw this man and I told him of my concern, and that I didn't, well, I told him what I had seen. And, so he told me that we could get any attorney that we would take. I told him that we didn't have the money. We didn't have the funds. So, then Judge Royal told me that Buffington was a knowledgeable attorney. I told him I didn't question his knowledge. I was questioning his condition."

And Gary's dad had also testified and told the court that every time he saw Buffington, the man was drinking. Buffington told Gary's dad that he wasn't scared of being arrested for public drunkenness because he had, quote, "a chain around his neck where he couldn't be arrested," which I'm pretty sure is a reference to a diabetic alert necklace. In other words, if Buffington was picked up by the cops for public intoxication, he'd just tell the cops it was a diabetic episode, and he'd be set free. And when Gary's father testified about how he'd once given Buffington money and witnessed Buffington purchasing a six pack of beer, the prosecutor challenged him on how he could possibly know Buffington was buying the beer for himself. When Gary's father said, "Well yeah, he drank one on the way home," the prosecutor remained unconvinced, responding, "But you don't know who drank the other five, now do you?"

[27:33] Susan Simpson And the Carroll County judge found all this testimony about Buffington's alleged ineffectiveness to be upsetting. So much so that he actually interrupted Bea, during direct examination, to scold her: "You are trying to tell us, you know an official

is presumed to do his duty, you mean that you're trying to tell this Court that Judge of the Superior Court would allow a man that's too, to try a case that wasn't able to? Is that what you're trying to tell us?"

Apparently, to the Carroll County judge, the suggestion that a Superior Court judge in Georgia would let an incompetent attorney appear in their court was deeply offensive. As the Carroll County judge said during the proceeding, "Judge Royal, he evidently appointed [Buffington] to the case, and if [Buffington] hadn't been physically, mentally capable I don't think the judge ever would have allowed him to try a case in the court."

In other words, a judge would never let an incapable attorney try a case in his court, and a judge *had* let Bill Buffington try a case in his court, ipso facto Bill Buffington was a capable attorney.

And the prosecutor had been similarly aggrieved by the defense's claims. He testified as a witness on the state's behalf, and complained about how the defense daring to bring an ineffectiveness claim. He said, "It goes against my grain that after taking all of these other avenues of trying to get the man out of jail, they pick on a dead man that's in the ground and can't come back to defend himself. With all of that, this poppycock that I've heard today, I'm incensed about it."

The prosecutor even described about how poor Buffington hadn't even wanted to do the case in the first place. He'd been pushed into it, and hadn't really had a choice in the matter. In the prosecutor's view of it, Buffington had gotten the raw end of a deal, forced into an unpleasant situation he didn't want to handle, and Gary's family wasn't nearly thankful enough for what Buffington had done for them.

So, both the prosecutor and the judge spent much of the hearing expressing how offended they were by the defense's claims that Gary's attorney's alcoholism made him ineffective. And they kept minimizing to the point of absurdity any evidence that might suggest Buffington had been infirm or otherwise unable to provide Gary with an adequate defense. Like when Gary's attorney tried to argue that Buffington had been so ill he'd been physically incapable of carrying out job. The judge snapped back, "Listen Mr. Barkley, I've had people in this very same courtroom trying a case in a wheelchair and win their cases."

Or when Gary's dad tried to tell the court about how Buffington would drink in his office from glasses that were half orange juice, half liquor. The court found this unconvincing evidence of Buffington's alcoholism and said, "Did you know a lot of time people who are

diabetics, in order to counteract some of the insulin, that they have to drink orange juice? Did you know that, Mr. Reeves?"

Gary's father responded, "Well I didn't know they had to drink it spiked."

[30:21] Susan Simpson But even though the prosecutor and the court could dispute whether Buffington had been really ill, or how ill he'd been, one thing they couldn't dispute was the fact that Buffington hadn't talked to a single witness or done a single thing to investigate. They could still dispute, however, whether investigating cases is really a worthwhile use of an attorney's time. When crossing the prosecutor, the defense asked him:

I'll ask you what preparation, if any, do you think as a practicing attorney with years of experience is necessary in order to provide a Defendant with a reasonably, adequate representation by his lawyer?

A. (Pausing.)

Q. Would it involve researching areas of law?

A. It might.

Q. Would it involve investigating and interviewing witnesses who are to be called by the State?

A. Well, that all depends. If he gets his information from some other place, I don't know it would.

I've tried many a case up there without knowing the first thing about it except your accusation in my hand, or the indictment.

Q. Is it your statement that you feel that a defense attorney can do an adequate job without interviewing witnesses?

A. (Pausing.)

Q. Do you stand on that statement?

A. It depends on the defense attorney. Some of them couldn't get in out of a shower of rain if you were whispering at them and telling them what directions to go and others don't have that problem.

[31:44] Susan Simpson But the fact that Gary ended up with an ineffective appointed counsel wasn't a unique situation. Back in those days, lawyers who had been on the bench for 15 years or less had to serve as appointed counsel for indigent defendants, no matter what kind of legal experience they had, or whether they'd ever been in a trial before. In talking with attorneys in northwest Georgia, I've heard the same story, again and again: when they'd been younger, just out of law school, they often been assigned cases in situations that, by modern standards, would be beyond irresponsible. But these attorneys didn't have a choice -- whether they wanted to or not, they would have to represent these clients in criminal trials.

[32:20] Bob Finnell

It was either my second or third week of practicing law - I was summoned over to the courthouse and I was standing there with a couple other young lawyers, and um, Judge Royal was on the bench, at about that time the door opened, and in came the sheriff with I don't know how many prisoners in orange jumpsuits, and Judge Royal just divided them up, counted the prisoners, counted the lawyers, made a division, and those were your cases, and good luck, and my first trial was unfortunately a poor guy accused of rape, and it was, oh it was, I should be sued for legal malpractice, I mean, it was horrible.

[33:00] Susan Simpson So given the custom in place at the time, Buffington's representation of Gary might have been abysmal, but perhaps not that much more abysmal than the representation that any other indigent defendant got. So the court's conclusion in Gary's Habeas comes as no surprise. At the close of the hearing, the Carroll County judge announced,

There's been testimony and evidence, a finding of fact, that he did, was a competent lawyer and did properly represent said Gary Reeves in said Murder case.

Therefore, it's a conclusion of this Court as a matter

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of law that Gary Reeves was properly represented and all relief under said Writ of Habeas Corpus is hereby denied.

Okay. The Court recesses at this time.

(End of Habeas Corpus proceedings at
3:15 P.M.)

[33:48] Susan Simpson And, that was it.

[33:51] Gary Reeves

Lost that hearing, judge said that we were trying to prosecute a dead man who wasn't there to defend himself. And, we had, uh, his death certificate, we had, he'd been barred from the bar association down in Macon at one time, but it reinstated him. All of that. But, none of that worked.

Rabia Chaudry

So familiar.

Susan Simpson

You don't know it, but some of the stuff they're saying is very familiar.

Gary Reeves

Well, I hope, um...

Rabia Chaudry

I mean, these are the kind of red flags you see over and over again in wrongful convictions. You do see a pattern.

[34:20] Susan Simpson So, even though all of Gary's postconviction claims were all unsuccessful, they were valuable in that several witnesses who hadn't testified had Gary's trial were forced to testify for the first time. Which at least is valuable from the perspective of someone making a podcast about the case, because if it hadn't been for the habeas proceedings, and the extraordinary motions, if it hadn't been for their testimony at those hearings, we'd have no record at all of what those witnesses might have to say.

And at the hearing on the second extraordinary motion, the one brought by defense attorney Bob Finnell, Judge Royal did something that I've never before heard of a judge doing. He called two witnesses to testify. The first was Doyle Wade, Grace's legal husband, and the man that Beverly claimed Charlotte had seen in the house just before Grace's murder. And Richard Holcomb, who Grace, Gary, and Bo all knew. Apparently there was an attempt to subpoena Bo Salmon too, though Bo couldn't be found.

But as bizarre as it seemed to me for a judge to be calling witnesses at a hearing, I don't practice in Georgia, and I definitely didn't practice back in the 1970s. So I thought maybe it could have just been some quirk of local practice, something that was less weird in that time and place. I asked Bob Finnell, Gary's attorney, if it would be considered normal in Floyd County for that to happen.

[35:33] Susan Simpson

What I found striking was he actually procured the presence of two witnesses to testify. Um, defense and prosecution didn't subpoena them, the court itself got them, apparently, to appear. That was Doyle Wade and Richard Holcomb. Do you remember that at all?

Bob Finnell

I don't.

Susan Simpson

Yeah, is that something, I guess common in Rome courts? Do you see that often, where a judge gets a witness before the-um, for a hearing?

Bob Finnell

If the judge did that in that hearing, I would tell you that that's the first and only time in my 41 years of law practice that I recall a judge bringing witnesses in on his own.

[36:12] Susan Simpson The situation was unusual enough that the attorneys at the hearing hadn't been quite sure how to proceed with the questioning, whether they should treat it as a direct or cross examination. So Judge Royal had to explain to them:

"I am not going to put either side in the position of calling the man as your witness. You did not. The Court itself asked that this man be brought in. There was some mention in the last testimony about Mr. Wade and several other people and the Court asked that the Superintendent of Detectives locate these people and bring them in. I will not hold you to the strict rules as to whether it is your witness or the other side's witness; it is the Court's witness, in effect."

[36:45] Susan Simpson So Doyal and Richard both testified. We'll get into more later, about what Doyal said, but for Richard Holcomb, his testimony was, on the surface, pretty boring. Yes, he'd been at the Maple Street house that night, until maybe 1:30 in the morning. He'd been out on the front porch with Grace and Gary, and they'd had a drink before Richard finally got up to go sleep at a friend's house that night. Bo Salmon had been there too, but he hadn't joined them out on the porch. When Richard had gotten there, and sat outside, he could see Bo inside the house, just past the front door, but, he was passed out on the floor of the living room, out cold. At some point, either Grace or one of the girls managed to get Bo up, and sort of, lead him to bed. But that was it.

And, according to Richard, he didn't recall the girls being on the porch at all. It was just him and Gary and Grace chatting, about nothing in particular. At one point when they were talking, Richard told Gary, 'Hey, if you drive us to the Waffle House, I'll buy you breakfast.' Gary told Richard, 'If *you* drive us, to the Waffle House, I'll buy *you* breakfast.' They went back and forth for a bit, but in the end, no one went to the Waffle House. So that was that.

At the final hearing, for the habeas in Carroll County, Bo Salmon made his first and only appearance in the record in this case. Like Richard, his testimony was pretty boring. He'd been at the house on Maple Street that night, but he'd fallen asleep while Richard and them

were still out on the porch, and the next thing he knew, he was being carried off to jail. He didn't know a thing about Grace's murder until the next day, and had nothing useful to tell them. So his testimony, unsurprisingly, was pretty brief.

But while he was on the stand, the Court took the opportunity to question Bo as well, and asked him why he'd been taken to jail in the first place. When Bo said he had no idea, the judge said, 'Oh, you were so drunk you didn't even know why?' Bo laughed and agreed with the judge, and then he was excused from the witness stand.

No one ever questioned Bo beyond that, and according to Beverly, when Bo had woken up in jail the next morning, he hadn't even known Grace had been killed.

[38:49] Beverly Reynolds

I remember them takin' Bo Salmon out, two cops, one under each of his arms. But like you said, Bo had a tendency to act drunk when he wasn't. [Gary: Mhmm.] And, I don't know. The next morning, see, we sat down there at the jail all night. The next morning they were saying that Bo {tape skips}... and he said that he didn't know.

[39:13] Susan Simpson In closing arguments at the habeas hearing, the prosecution argued that the defense was absurd for suggesting that Buffington's failure to interview Bo Salmon was any kind of sign of deficiency or ineffectiveness. The prosecutor told the court,

"The other individual, Bobby Salmon, why would he have called Bobby Salmon to the trial? Why would he even interview Bobby Salmon? Bobby Salmon stated he didn't even remember anything about it, the only thing he knew was he woke up in jail the next morning."

[39:40 Susan Simpson] The police certainly seem to have agreed with this assessment. They never questioned Bo because they seemed to have written him off as a guy who just happened to be passed out in his girlfriend's bed on the night her mother was murdered. And likewise, they never questioned Richard Holcomb, because they wrote him off as just a friend who'd casually stopped by but left before the crime took place.

But after learning even just a little more about Bo and Richard, it becomes much harder to understand how any investigator could've been comfortable with simply assuming that their presence at the house that night was benign. Because Bo and Richard were not the kind of men who had earned the benefit of anyone's doubt. And the facts that went unsaid in court are the kind of facts that, once known, make you realize just how many unfounded

assumptions you had about what happened in this case, and about the relationships between the people involved.

And there's one more thing about the prosecutor's dismissal of Bo Salmon's testimony that has always seemed striking to me. Bo's story is exactly the same story as Gary Reeves had. Both men recall being dragged out of bed by the cops in the middle of the night and taken to jail, where they woke up the next day with no memory of Grace's death or no idea what had happened the night before. Yet Gary's story is treated as an obvious fabrication that proves his guilt, while Bo's story is accepted as an obvious truth that proves he has nothing useful to say about the murder at all.

Which means, in a very real sense, on the night their mother was killed, Beverly and Charlotte had the power to choose whether Bo or Gary would be sent to prison for Grace's murder. They could have named either man, and the evidence against him would be a mirror image of the evidence against the other. And both men, if they were the one that Beverly and Charlotte named, would have been left equally without any defense they could offer against the charge.

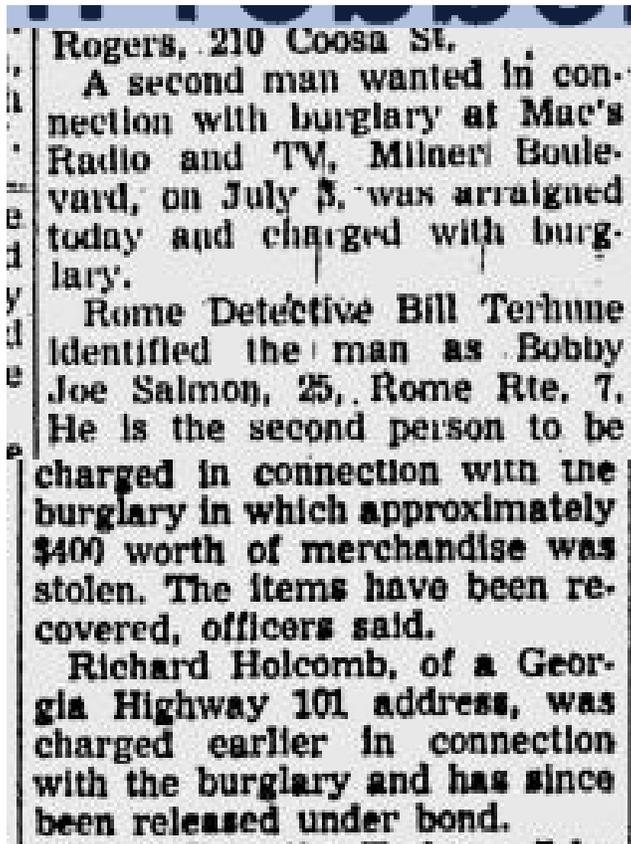
[42:59] Susan Simpson So, who were Richard and Bo? Richard Holcomb is an old friend of Gary's. They'd hung out together in the 60s, before Gary had moved to Atlanta, and they'd started hanging out again when Gary came back to Rome. He knew Richard pretty well.

But, Gary never really knew Bo Salmon. He met him for the first time that summer -- Bo was dating Charlotte, Grace's 17 year old daughter, and ended up moving in with her, which means he was living in the house Gary and Grace were living in.

But, Bo and Richard went way back too, although Gary doesn't know how they met. Actually, Gary didn't even know for sure that Bo and Richard were old friends, it was something he'd just kind of assumed from hanging around them that summer. But an old newspaper article from 1966 that I came across confirmed that Richard and Bo had known each other for a long time. The article said:

"A second man wanted in connection with the burglary at Mac's Radio and TV, Milner Boulevard, [on] July 5th, was arraigned today, and charged with burglary. Rome detective Bill Terhune identified the man as Bobby [Joe] Salmon, 25 [Rome Rte. 7]. He is the second person to be charged in connection with the burglary in which approximately 400 dollars worth of merchandise was stolen. The items have been recovered, [the] officers said. Richard Holcomb, of a Georgia Highway [101] address

was charged earlier in connection with the burglary, and has since been released under bond."



[44:14] Susan Simpson Richard ended up escaping that charge somehow, but Bo got a five year sentence for the theft. And once he was released on that charge, he got locked up on another. Which is why, even though Gary and Richard had hung out a lot, Bo and Gary had never crossed paths -- Bo had been in prison for pretty much the entire second half of the 1960s.

[44:31] Susan Simpson

How did you meet Richard Holcomb?

Gary Reeves

Oh lord. That would have been back through my brother Gene. First time I ever met Richard, He was with Gene and uh, they were hangin' out at Gene's girlfriend's place. It was- Richard was always finding a place to hang out at, and kinda just- hang out

and eat other people's stuff up. That's the first time I ever met him. And him and Gene ran around together for a while, and then he and I kinda hooked up. And that's basically how we know each other, all through the years.

Susan Simpson

Would you have called him a friend?

Gary Reeves

I'm afraid I would have at that time. I would have called him-- a friend. You know. At the time, buy-

Susan Simpson

And you've had no knowledge of any reason he disliked you or anything?

Gary Reeves

Not at that time. Remember, I told you Grace was staying with him when she called and told me she was pregnant?

Susan Simpson

Yeah.

Gary Reeves

OK. He had a girlfriend named Jerry, and I had a girlfriend named Grace. And he was separated from Jerry, and I was separated from Grace. And me and Jerry hooked up for a while, and him and Grace hooked up for a while. And Grace ended up back with me, Jerry ended up back with him, and then I hadn't seen him in 4-5 years until 1974.

Susan Simpson

So, was there any tension between y'all over that?

Gary Reeves

No, not really. We didn't have any, uh, you know, if he held a grudge about it, he was a good poker player.

Susan Simpson

Well, he was.

Gary Reeves

He was good at poker. You know that. So he could have held a good poker face.

[46:17] Susan Simpson But Gary had never gotten any sign that Richard had some kind of problem with him, and even now Gary can't think of anything that happened or anything that was said that would have made him think that Richard might have a problem with him for it. In fact, he and Richard were in business together. Bo as well.

[46:33] Gary Reeves OK, Bo was a professional, supposed to be a professional pool shooter. And so after he came in on board, Charlotte brought him in, I said OK, I'll put a pool table in here, and um, then whatever he wins, he's gonna give to give me a cut out of it. And then, then we came up with the idea that we'll have the poker games at the house, and I'll sell the beer and drinks from the house on Sundays, and Richard'll be the dealer, and I'll get a cut from whatever the winnings are.

[47:11] Susan Simpson On Sundays, you couldn't sell alcohol anywhere. Well, not legally anyway. That's why Saturday evening and all day Sunday the gang would often relocate to the house on Maple Street and carry on the party.

[47:20] Gary Reeves Back then, I don't care what time you close 1 or 2 o'clock, Saturday night, you gotta close at 12:00 cuz church is the next day, and you can't be sellin' nothing on the same day the church is open. So, midnight was it, and we would go home sometimes on Saturday nights and have a game going.

[47:46] Susan Simpson This went on for a while. But then, as always, there was trouble. There was this guy named Truman Newberry who lived just down the street, and Truman and his brothers were often at the Maple Street house for poker games. But Grace and Truman were having an affair. And Truman's wife found out. And she was not pleased. So she and another Newberry woman raided the house during a poker game.

[48:09] Gary Reeves Uh, we got poker games goin' on, I'm bootleggin' on Sundays, um, sellin' beer on Sundays, out the house, havin' poker games IN the house, and um, then, that's when the Newberry women busted in the house, and came in and said that Grace and her husband Truman were havin' an affair, I thought she was gonna kill Truman and Grace. I thought she was gonna wipe out everybody in the house, that was a MEAN, vicious, razor-totin' woman.

[48:46] Susan Simpson Gary had people shoot at him hold knives to his neck and rob him at gunpoint, but from the way Gary tells it, if he was forced to choose, he'd rather come up against all of those foes at the same time rather than ever have to face down Truman's wife again.

[48:58] Gary Reeves

You asked me what it was like when that woman came in that house -- I saw claws, and it was like a grizzly bear all of the sudden, appearing in your dining room. If you can imagine that. That was- HELL has no fury like a woman pissed off.

Susan Simpson

So Grace just disappeared, and everyone else kind of backed away?

Gary Reeves

Everybody scattered. I mean, everybody just scattered. Because stuff was flying. She came in, and I mean she came in with those claws out. And she tore that poker table up. Things, money, cards, drinks, flying off the table. I don't know which direction the women went in that was in the house, but it was kinda like when that guy got shot down at the place, everybody just disappeared.

[49:50] Susan Simpson The Truman ladies didn't hurt anyone that night, but their raid on the house on Maple street was a big problem for Gary.

[49:53] Susan Simpson

How did you get the Truman ladies out?

Gary Reeves

[Laughs] I didn't.

Susan Simpson

So you just waited for her to leave?

Gary Reeves

I, no I didn't, well, she came into - she came in to FIGHT. And she came in there for blood. I don't know what I said, and I don't know what direction Grace went in when they came in, but she went after Truman. She was going for his throat. And, um, but I know one thing, well you got- you talkin' about on a Sunday and you're bootleggin' and you got a poker game goin'? And you got this kinda thing comin' in on ya, and here come the po-po. You busted.

[50:35] Susan Simpson Gary wasn't sure exactly when this happened, when the Newberry women busted up that poker game, but he thinks it must've been at least a couple weeks before Grace died.

[50:43] Gary Reeves

It wasn't that close to the murder, because I rented the trailer after that.

Susan Simpson

Oh, that's right.

Gary Reeves

Uh, and, and, I -that's, that's when I rented the trailer after that, so we wouldn't have that problem again, there. And uh, so when I rented the trailer, that's when we started having the poker games there, and again, I'm' getting a cut from the winnings, minus expenses and stuff like that, so I was making pretty good money from what we were taking in

[51:17] Susan Simpson After that, Richard Holcomb would typically be at the trailer dealing poker while Gary was over working over at the Cattle Barn, their beer joint, serving drinks.

But, even after the poker games were moved to the trailer, the Newberry ladies kept coming back. They didn't raid the house again, but they were just always there, constantly circling, trying to catch Truman and Grace sneaking off together. Or maybe they were more like sentries, keeping watch and making their presence known, so that they could make sure that Grace and Truman never did get a chance to sneak off together.

And that brings us to something I mentioned in the first episode. About how, at Gary's trial, Beverly had testified that when they'd gotten back to the house that night, they'd all been hanging out on the porch, when out of the blue Gary started threatening to get a gun, and shoot out the gas station lights across the street.

[52:03] Beverly Reynolds Well I fixed a drink and come back out, and he said he was going to shoot the Kayo window-- lights out. Mama told him there wasn't no use in doin' that, said that he'd just get hisself messed up.

[52:16] Susan Simpson What Beverly is saying is at least partially true. Gary did once make a comment about shooting out the Kayo gas station lights while sitting out on the

porch. But the reason he'd said it was because the Newberry women had been standing there under the light and watching the house, trying to catch Grace and Truman.

[52:22] Gary Reeves I'm sitting out on the porch. And uh, the women were back. Here the women are back, at the Kayo station. And I remember saying this, and this hung me at court was, 'I wonder what they'd do if I just shot them street lights out and scared them.' That was how I said it. That was not the way it was presented at court.

[52:57] Susan Simpson I'm not convinced this event happened on the night Grace was killed, though Beverly testified it did. At trial, Charlotte said she hadn't heard anything like that, although when I spoke to her a few months back, she described in detail how Gary hadn't just threatened to shoot out the lights, he'd actually done it. But that *definitely* never happened.

And Richard Holcomb testified he'd been on the porch with Gary that night, and the thing about the Kayo lights, well, it just didn't happen. Beverly says she was there Richard was there when Gary did this, and Richard doesn't even think Beverly was out on the porch at all, at least not for long, so it's hard to see how both their stories can be true. And Richard especially has no reason to lie for Gary, to say it didn't happen, if it did.

So, whether or not the Newberry ladies were lurking out below the Kayo lights that night, or whether it was some different night all together, the Newberry's are connected to the case in a few other ways. And at the time of Grace's death, the Newberry's were clearly a source of conflict between Grace and Beverly.

[53:54] Gary Reeves

Beverly and Grace came in, and they're arguing, I remember that. In fact they came in, and they were fighting, arguing, and, Grace got her out, left with her. And uh, she came back, I was on break, I hadn't opened up, I needed to leave, take a shower, get away from there for a while. So Grace came back by herself, and I said "What was all that about?", and she said "Beverly's mad at you, uh, about these boys or somethin' and she's threatening to turn you in for selling drugs". I wasn't selling any drugs. Well we did deal some pot, so I guess that's drugs, isn't it.

Susan Simpson

Ah, you just said a second ago, Beverly was upset about some boys?

Gary Reeves

That's what Grace said, that she was, uh mad at me because, uh, well those women that came in said that both of them were going with their husbands. Beverly too.

[54:58] Susan Simpson Grace was having an affair with Truman Newberry, but Beverly had been dating Truman's brother, Michael. And Michael's wife was as mad at Beverly as Truman's wife was mad at Grace. And, according to Grace, for some reason she and Beverly were fighting about it.

Gary didn't doubt Grace's story at the time, but afterwards, after the murder, he became skeptical of the explanation she'd given that day. It just didn't make much sense. So he's wondered if Grace's story had just been a cover -- if there'd been a different reason that she and Beverly had been fighting, and she hadn't wanted to tell him what it was.

[55:35] Gary Reeves

She really, really didn't have reason to be mad at me. I don't think Beverly was mad at me. I think Beverly knew something, and she was threatening to tell me what was about to happen.

[55:50] Susan Simpson I don't think I buy Gary's explanation. I think it's far more likely that Grace and Beverly were arguing about Beverly's boyfriends and about any of the million other boring things that cause fifteen year old girls to fight with their mothers. At any rate, when Gary tried to ask Beverly about it, in the nineties, she either wouldn't or couldn't answer.

[56:08] Gary Reeves

Let me ask you this. Were you tryin', back when you and Grace were arguing so much, and there was so much going on, were you trying to tell me that they were planning to kill me?

Beverly Reynolds

What, what now?

Gary Reeves

Were you trying to tell me, Did you try to, did you not try to warn me, and tell me, that Bo and them were planning to kill me? Didn't you try to tell me that?

Beverly Reynolds

I don't really remember, Gary, honest to god, then back...

Gary Reeves

Yeah

Beverly Reynolds

I'm tellin you, my mind went in a freeze, my whole life disappeared after that night, I don't know.

[56:52] Susan Simpson But whether the fights that day were about the Newberry's, the Newberry's had for sure been a problem in the weeks before Grace's death. Beverly and Charlotte's aunt, Yvonne Reynolds, was able to confirm this with Gary, when he spoke to her in the mid-1990s, she remembered about how the Newberry women had been a problem, and she could recall talking to Grace about what to do about it.

[57:10] Gary Reeves

Beverly was seeing Michael Newberry, and Grace was seeing Truman Newberry. [Yvonne Reynolds: Yeah] Well their wives came in on a Saturday night, busted in the house, after Grace and Beverly, and had, well they'd been after them for a week or two, but Grace and Beverly had been fighting for several days before she was actually killed.

Yvonne Reynolds

She told me that. [Gary: Yeah] A week before that I was talking to her, and 'Yvonne I don't know what I'm going to do. Beverly is going to get killed...if you don't leave Michael Newberry alone. His wife done call me and tell me that she was gonna kill her.'

And I was going to take, I asked Grace, I said, you want me to take her to Atlanta with me? And she said she probably won't go. Well, she didn't you know, she didn't go. Well we started our week vacation, [Gary:hmm hmm], we're on vacation, I said well I'll take her to Atlanta with me if you want me to, she said she probably won't go [unintelligible] ..Beverly's gonna get killed..cuz the wife had done called Grace and told her she was gonna kill the bitch, that's the exact words she said [Gary: Yeah] if she didn't leave her husband alone.

[58:20] Susan Simpson Beverly also confirmed that she'd been seeing Michael Newberry, and that it had been a source of conflict between her and Grace.

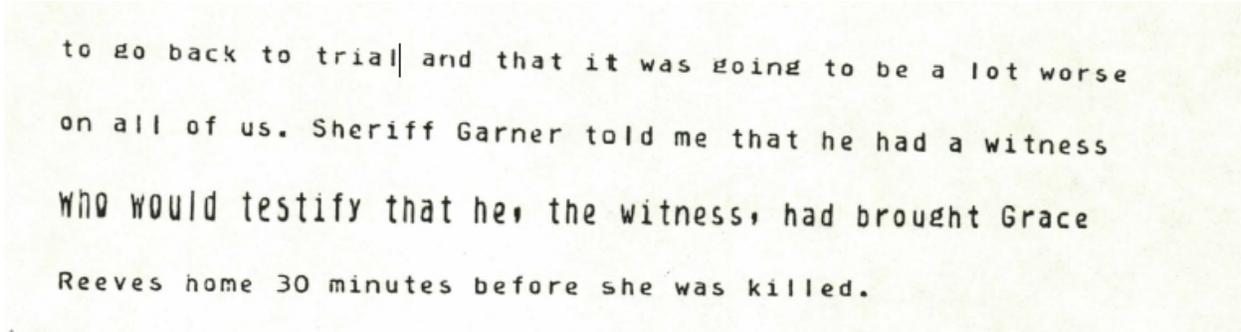
[58:25] Beverly Reynolds

I know I had somethin' to do with Michael Newberry. My momma didn't like that. I didn't want to do that because my momma didn't like that.

[58:34] Susan Simpson And one of the main reasons I've wanted to figure out what was going on with the Newberry's, and how exactly they fit into Grace and Gary's and the girls' lives, is that one of the Newberry's may have been one of the last people to see Grace alive.

I mentioned earlier that, back in December of 1975, Charlotte had signed an affidavit that said Sheriff Garner had tried to get her to change her story. But there was something else in Charlotte's affidavit as well. It says:

"Sheriff Garner told me that he had a witness who would testify that he, the witness, would had brought Grace Reeves home 30 minutes before she was killed."



to go back to trial| and that it was going to be a lot worse
on all of us. Sheriff Garner told me that he had a witness
who would testify that he, the witness, had brought Grace
Reeves home 30 minutes before she was killed.

This mysterious witness is not named in Charlotte's affidavit, but Sheriff Garner told Gary's sister who it was. He said it was Truman Newberry.

The timelines in this case are a mess, so I didn't at first understand the full significance of what this might mean. And I still don't understand how exactly how it could have happened. Gary never saw Truman on the night of the murder, and no one mentions Truman at all, not that night. Gary just assumed that when they left the bar, when he left to go pick up Sean, Grace had driven herself home. But after I started trying to piece together everyone's movements that night, I realized there was a problem. Grace had driven herself to work that day in her red station wagon, and I'd been assuming that's how she got back too. But she couldn't have -- something else happened that day that meant Grace's station wagon wouldn't have been in the lot when they left the tavern that night.

[1:00:03] Gary Reeves

That day a lot was going on. Bo Salmon came flying down the Old Furnace Road and wrecked a car, ah, and it seemed like I had given them a car, given Salmon a car, I think, or he was using one of my cars, I was letting them use whatever. Anyway, the stupid idiot tried to start a fight with me. See with him, he would play drunk. That was a game he would do, is play drunk, get someone in a pool game and clean 'em out.

[1:00:41] Susan Simpson The car was totalled, or close to it. It couldn't be driven anywhere anyway. Which means when Charlotte drove Bo home after the wreck, it seems like she must've taken her mom's car to do it. There was nothing else she could've driven.

[1:00:52] Gary Reeves

That's when I told Charlotte, I said get him away from here. I was trying to get him away before the cops come. Ya know, I wasn't paying any attention about, trying to start a fight or somethin', I knew he-- I thought he was drunk. He may not have been drunk. But that's when I said, you get him away from here before the police get here, and that's when she did. And then...we, I can't remember what we did with the car -- we got it out of the road anyway.

[1:01:23] Susan Simpson So when they closed up the beer joint for the night, Grace's red station wagon wouldn't have been there. Gary had his car there, but he didn't drive Grace home -- he hopped in his car and went to pick up Sean from the babysitter's.

[1:01:35] Gary Reeves

All I... the last time, I saw, remember Grace saying that, let's close. So I said well that's fine. And I took off. Fine, let's close. So I head and get Sean. Now I'm thinking... damn, did I leave them stranded down there?

[1:01:57] Susan Simpson I think Gary may have done just that. Truman lived close to Gary and Grace's house, and if Grace had found herself stranded at the bar without a ride home, it makes sense to me that she might've called the guy she was having an affair with for help, and that he might have come to the bar to pick her up and then dropped her off at home again. But Grace and Gary closed the bar down at midnight, and the police weren't called until after 2am. So why did Truman tell the sheriff that he'd dropped her off only a half hour before she died?

And if Truman really did drop Grace off that night, why did Charlotte and Beverly both testify that Gary drove both Grace and Beverly home from the bar? Why don't they recall Truman giving Grace a ride home?

[1:02:38] Gary Reeves

This is where, it all gets foggy. Sometime during the night ...I can remember going to pick up Sean. I'm thinkin' her car was there. I thought it was there, but I don't know, because we were told that Truman Newberry carried her home. Did you ever call him?

Susan Simpson

No, he'll be next.

[1:03:05] Susan Simpson I never did call Truman Newberry. I was going to -- I was pretty excited about it in fact. I thought that Truman might be my best shot at solving this mystery, and he'd never been questioned by anyone since he talked to Garner all those years ago. So what he had to say could be significant. But ten days after I recorded this conversation with Gary, Truman Newberry passed away. I lost what was probably my only chance of finding out for sure why Truman told Sheriff Garner he'd dropped Grace off that night.

[1:05:20] Susan Simpson But even if we don't know why of it, it turned out I was at least able to confirm that it had happened. That Truman had in fact driven Grace home that night. Or at least that Truman had been telling people that he'd driven Grace home that night. When I visited the house on Maple Street, I spoke to the woman who owned it, Carol Gresham, and she surprised me by telling me the story of how Truman had driven Grace home that night. She'd heard it too, from the Newberry's' themselves.

[1:05:45] Carol Gresham

Oh we were at a bingo game, and because they take people in the bus to Alabama to play, they was wantin' us to go with. And that's how we got talkin', and his wife was sittin' there with him, and she said, 'I know who you are now. You lived down there where the woman got killed'. And she said, 'oh he took her home that night. He's down there, he took her home'. But I don't think she was saying that he stayed. I'm not sure, but I don't think. From way she was talking he just brought her home.

Susan Simpson

Did you get the impression he was taking her home from the beer joint?

Carol Gresham

From there I thought.

[1:06:28] Susan Simpson I think Truman must have driven Grace home. But I still don't know what that means. Or maybe it doesn't mean anything at all -- Truman just happened to give her a ride home from the bar that night, and that's that. But if that's the case, why did both Beverly and Charlotte claim that Gary had driven Grace home? Especially when that's one of the few things out of Gary's fragmented memories of the night that he is certain of -- that he *didn't* drive Grace home from the bar. He left the bar without her, and went to get Sean.

Unfortunately Beverly is no help here. Most of the time, she's a pretty fuzzy anyway on the details of who got home when, or what happened, or where people were at certain times. But she does say for the most part that Gary drove Grace home that night, and it was two hours before Grace was shot.

[1:07:12] Beverly Reynolds

We were leaving the beer joint. Me and momma and Gary rode home together all three of us, and we left at 12 o'clock. We got home about 10 minutes after 12.

[1:07:25] Susan Simpson But I keep coming back to the fact that Truman had no reason to lie to Sheriff Garner about taking Grace home that night. Actually, he had every reason to lie and say it *didn't* happen -- placing yourself with a murder victim that you were having an affair with just before she died - that's kind of an awkward fact to bring up to law enforcement.

And if Truman really did drive Grace home, only 30 minutes before she was killed, that means even the most basic parts of Beverly's and Charlotte's stories can't be true.

[1:08:01] Susan Simpson The raid by the Newberry ladies may have been the most memorable, but it wasn't the only poker game that got robbed that summer. Sometime in early June, or right around then, Richard got stuck up and robbed while dealing poker. Gary hadn't been there, so he doesn't know the details, but apparently some guy named James Holtzclaw had robbed him. So Richard and Bo did the logical thing. They went to the beer joint where Holtzclaw worked, a place called the Georgian Tavern, and they returned the favor.

[1:08:28] Gary Reeves

This guy had robbed them at a poker game. They were just robbing him back.

[1:08:34] Susan Simpson According to an article that appeared in the paper the next day:

“Three men, one wielding a .22 caliber revolver, allegedly robbed a man on the parking lot of Georgian Tavern on the Cave Spring Road Thursday night, but the trio of suspects was arrested a short time later by [the] Floyd County police at another tavern, officers said.

Arrested were Bobby [Lee] Salmon, 33, [Rome Rte 9,] Grady Winkler, 31, [Buford, both charged with armed robbery;] and Richard D. Holcomb, 35, [Car Chee Mobile Home Park,] [they were] charged with armed robbery, carrying a concealed [weapon], violation of gun control legislation and violation of the Georgia Dangerous Drug Act. All were held without bail in Floyd County Jail this morning.

According to police, James Holtzclaw, address unavailable, was robbed at gunpoint near 10 p.m., and a description was then given out on an automobile the robbers fled in, [the] officers said.

At 10:14 p.m., police said, Floyd officers [Sgt. Wayne Smallwood and Bobby Meroney] spotted a car matching that description parked at another tavern on the Old Furnace Road. Smallwood and Meroney then arrested the three there.

Police did not say what or how much was take from Holtzclaw in the incident.”

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A few days after that, there was another article, this time describing how Richard and Bo were being charged for the crime, although the third man, Grady Winkler, was being set free. According to the article:

"[Meanwhile,] two men were bound over to the grand jury for [on] armed robbery charges while a third man was freed. The action came at the conclusion of a preliminary hearing before Justice of the Peace Bunyan Rudd.

Bound over were Bobby Salmon [Rome Rte. 9] and Richard [Douglas] Holcomb [,35, of Car Chee Mobile Homes].

Warrants against the trio alleged that they robbed James Holtzclaw [of Rome] at pistol point at a local tavern on June 20.

Judge Rudd dismissed charges against 31-year-old Grady Winkler in connection with the incident.

According to the Floyd District Attorney's office, Salmon had been [on] parole[d] for less than three weeks at the time of the [alleged] robbery."

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[1:10:19] Susan Simpson

What about the Georgian Tavern thing, did you know about that when it happened?

Gary Reeves

Yeah, yeah, because I went up there, I had forgotten all about it, but uh..we went to the jail, and I told you you could holler up at people, back at the old jail you could holler up at them, where they were on the second floor. And um, Charlotte and I went up there, and we went and got Richard's car. And..got his Cadillac, cuz see when they arrested him, wherever they arrested him at, his car was there. So we got the car, and took it to our house I guess. Got them some smokes, stuff like that. I thought they couldn't set a bond. I thought I had tried to get a bond for them, but one had not been set for them at that time. Of course Bo was under parole. And uh, then things happened where the charges got dropped, and they got out.

[1:11:23] Susan Simpson I don't know what happened, but within a few days, for whatever reason, both Bo and Richard were free, and the armed robbery charges were never brought up again. They just kind of... disappeared.

[1:11:34] Gary Reeves

Well, how they would've gotten out, I promise you it would've been Richard's daddy. He... him and Bob Scoggins was tight, ok.

Susan Simpson

I mean, ugh, Bo shouldn't have gotten out. Bo was just paroled on a pretty vicious attempted murder charge...

Gary Reeves

Yeah.

Susan Simpson

...3 weeks before

Gary Reeves

Really. How did they get out? How did he...I can understand how Richard got out through his daddy and Bob Scoggins. But how'd they swing it to get Bo out?

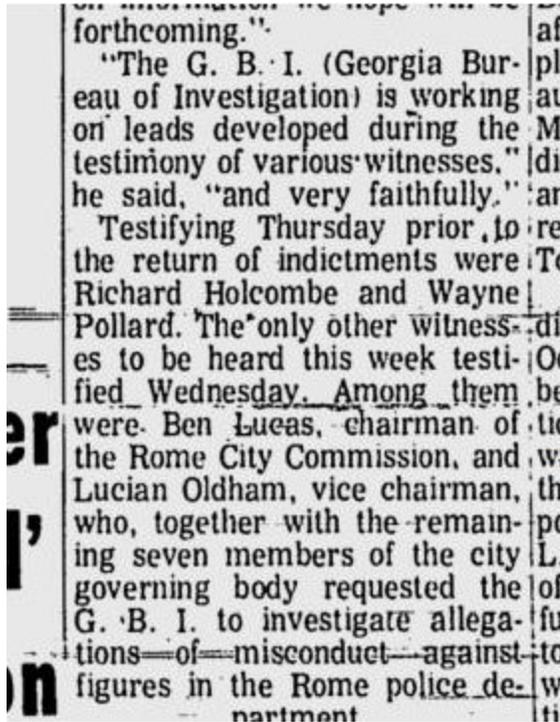
Susan Simpson

For an armed robbery.

Gary Reeves

On parole!

[1:12:15] Susan Simpson I think there's a good chance Gary is right here. Richard, and especially Bo, shouldn't have been on the street again so soon. And Richard had been connected in some way to the GBI investigation four years earlier- the one that was investigating claims that Judge Scoggin was setting defendants free for a fee. An article written while the grand jury investigation was ongoing mentioned that Richard had been actually one of the witnesses to testify. So he was connected in some way to the scandal, which given his history could best be explained if he was one of the people paying Judge Scoggin to get free.



So however it came to be, Richard and Bo walked out of jail, and the armed robbery charges against them were gone. Bo's probation wasn't revoked, and he and Charlotte continued to live together at the house on Maple Street until Grace's death. After that, Bo and Charlotte left Rome and moved to Dalton to start a new life together.

But Bo and Richard had been close friends, and they remained so even after Bo left Rome. And if the two of them were willing to commit burglary and armed robbery together, it's hard not to wonder what other crimes they might've committed together too.

[1:13:20] Gary Reeves

What, who do you think Bo would kill then?

Beverly Reynolds

I don't know, I think that's right before him and that Bear boy killed that young boy. I think they killed somebody cuz they burned that building down there, The Office, that bar called The Office or somethin' like that, that happened while I was in Dalton, I think they'd already killed somebody.

Gary Reeves

In Dalton?

Beverly Reynolds

Yeah, and on my way back, to Hardwick, the GBI took me back to Hardwick, and they kept asking me about Bo, and did I know if he was involved in some kind of murder and shit, and all that shit. And I tole 'em no, not as I knew, you know, I didn't know. I didn't know Gary!

Gary Reeves

They said they believed he'd killed as many as 7 or 8 people after your mother was killed.

Beverly Reynolds

Yeah. And I went to prison [crosstalk, unintelligible] didn't deserve... get killed

Gary Reeves

And Charlotte was involved with the murders with Bo.

[1:14:25] Susan Simpson Thanks for listening to Episode 4 of UNDISCLOSED, the State v. Gary Mitchum Reeves, and we'll be back next week with Episode 5. Meanwhile, don't forget to go to our web site and check out the episode transcripts, case materials, photos and more.

If you'd like to learn more about the case, ask questions or talk about the episode with other listeners, you can follow our social media accounts on Twitter, Facebook, Instagram and Reddit. And you can follow me on Twitter, my handle is @theviewfromll2. As always, big thanks to Mital Telhan for her help in producing this episode, and to our sound editor Rebecca LaVoie. And, if you haven't already, make sure you check out last week's bonus episode from Colin discussing the right to a speedy trial. It's a great episode about an important issue that doesn't get enough attention.

Transcript compiled by @_beebz, @slowdawning, @TheWindAndRain, and
@oldsinglebitter