

UNDISCLOSED SEASON 2: THE STATE VS. JOEY WATKINS  
EPISODE 1: THE PANAMA CITY INCIDENT

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[0:23] *[phone rings]*

**Female Operator:** *Rome, Floyd 911.*

**Male Caller:** *Uh, just had an accident right over here on 27 South, right... uh close to Alcan.*

**Female Operator:** *27 South next to Alcan...*

**Male Caller:** *Yeah.*

**Female Operator:** *Is anybody hurt?*

**Male Caller:** *Um... not, uh, there is one car vehicle. He crossed the media and... went into the south-bound lane and flipped over. He's up in the woods right now. Uh-*

**Female Operator:** *27 South, it's over Alcan?*

**Male Caller:** *Yes ma'am.*

**Female Operator:** *That's down near the Coke Company?*

**Male Caller:** *Uh, yes ma'am, before you get to the Coke Company.*

**Female Operator:** *Okay.*

**Male Caller:** *Thank ya.*

**Female Operator:** *Uh-huh.*

[0:57] ≈

**Rabia Chaudry:** Nestled in the foothills of the Appalachian Mountains, at the place where the Coosa and Oostanaula rivers meet to form the Etowah River, and built on seven hills, is the city of Rome, Georgia. It's a large little town, and serves as the seat of Floyd County. And while named after the Italian capital, Rome is very much an all-American southern town. It's the kind of place where social circles and communities are tight-knit, and most people know each other.

[2:50] ≈

**Rabia Chaudry:** Hi and welcome to season two of *Undisclosed, The State vs. Joey Watkins*. My name is Rabia Chaudry, I'm an attorney, and a fellow at the US Institute of Peace, and I blog at [splitthemoon.com](http://splitthemoon.com). And as always, I'm joined with my colleagues, Susan and Colin, and I'll let them introduce themselves.

**Susan Simpson:** I'm Susan Simpson, I'm an attorney with the Volkov Law Group, and I blog at [viewfromLL2.com](http://viewfromLL2.com).

**Colin Miller:** I'm Colin Miller, I'm an associate dean and professor at the University of South Carolina School of Law, and I blog at Evidence Prof Blog.

**Colin Miller:** As we neared the end of our investigation of Adnan's case, which we began podcasting about in April of 2015, we realized the impact that *Undisclosed* had had, on the chances Adnan had for a new trial, which we had all witnessed during the re-opened PCR hearing this past February.

Knowing that there are tens of thousands of cases of potentially innocent people in prison across the country, we decided to see if we could try and help someone else. Someone without the resources and attention that Adnan now had. So we began reaching out and soliciting cases, and one in particular caught our eye, and it came to us from the Georgia Innocence Project.

**Susan Simpson:**

Joey Watkins had been represented by the Georgia Innocence Project since 2014. Last year, his attorney, Clare Gilbert with the GIP, had contacted us and she asked us to take a look at his case. And one of the first things that became clear to us, was that GIP was fiercely committed to this case. They believed firmly in his innocence, and they refused to let it go. But, to put it bluntly, Joey was kinda out of options.

He'd had appeals, a *habeas* action, but all were denied. And the GIP was left with a client that they believed was innocent, and had a great deal of evidence that they thought proved it, but legally, they didn't have anywhere to go. So we took a look at his case, too. And couldn't look away either. Something was desperately wrong here.

[4:48]

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**Susan Simpson:**

I met Clare for the first time about six months ago now, back in December, a little bit after we first started looking into Joey's case. One morning, at about 5:00am, I found myself in a car with her, driving up to Walker State Prison to meet Joey. This is part of the conversation I recorded on that ride. And as you can hear, you can tell we're on the road.

**Susan Simpson:**

*So what's he like now? I know, in one of your first emails to me, you described him as, back then, kind of a jerk.*

**Clare Gilbert:**

*He has... gained full awareness of what type of person he was back then and is... acutely aware that that is a large part of how he ended up where he is now. So, I think he is, I mean, he's done a 180, and...*

**Susan Simpson:**

*Or just grown up.*

**Clare Gilbert:**

*Yeah. Yeah. I mean, he knows...*

**Susan Simpson:**

*He was really young. He was what, 18? 19?*

**Clare Gilbert:**

*Yeah. And he knows he was a- a punk, hothead, loud-mouth...*

[6:01]

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**Susan Simpson:**

I wasn't able to record that first conversation with Joey, because although we'd obtained permission to record calls with him, couldn't bring equipment into the prison with me. But, since the last episode of season one of *Undisclosed* was being released a few days later, I'd wanted to record something that we could use in the episode.

Clare and I came up with a slightly convoluted plan. We'd meet with Joey first and then when we were done, the chaplain offered to let Joey use his computer to make a Skype call to us out in the parking lot, which we could then record.

Ultimately, this plan worked out. Although, while I was running around, dealing with everything else, there was one little piece of the plan I totally forgot about. Telling Joey what we were doing.

**Susan Simpson:**

*For the uh, recording of Joey, um... because we'd been like...*

**Susan Simpson:**

Here's Clare and I, a few days later, during my first trip to the Georgia Innocence Project's office, telling the rest of the staff about how that call went:

**Susan Simpson:**

*I had this plan, like, get in, talk to Joey, set up the Skype on the chaplain's computer... and then be able to record in the parking lot with like a, like a mobile hot spot, and yeah, so like I had all this planned out, and like, 'This is gonna work'. And then, about to leave the prison I'm like... 'I never told Joey why we're doing this'.*

*[laughs]*

*And Joey's just like, going along, 'Okay, I'm gonna go talk on Skype now', I- I just... what was he thinking? Like, he's like, 'I just met with them, now they're gonna put me on a computer so I can talk to them again?' He was, 'Okay'.*

*[laughter]*

**Susan Simpson:**

*So then I'm like, as I'm walking out the door, like to leave the chaplain to go out to the parking lot and get into our car to record, I'm like, 'So, ahh... I'm gonna ask you questions about the podcast and how you feel about it and record it.' He's like, 'Okay'. And you were saying, you tri – you asked... you told him about it. And then, asked him to explain back to you what a podcast was... and he couldn't.*

*[laughs]*

**Clare Gilbert:**

*Right, exactly.*

**Female Staff Member:**

*Well, it's kind of a weird concept if you've... been in prison for the past 15 years.*

*[laughter]*

**Clare Gilbert:**

*It's a... yeah.*

[7:53]

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**Susan Simpson:**

*How do you feel about being on a podcast?*

**Joey Watkins:**

*[laughs]*

*It's something new. Y'know, uh.. maybe, uh, y'know, I'm just prayin' somebody hears it and will help me. I- I don't claim to be perfect, I'm not a angel. But, y'know, I didn't kill nobody. It's... huh, I don't know. I've matured. I've matured a lot faster, in here, than I guess I would have if I'd have been home. But, um, I see myself why they looked at me. I- I understand that.*

**Susan Simpson:**

*Mm-hmm.*

**Joey Watkins:**

*But, when it came down to it, they should've seen the truth. You know, I- I'm not that bad a guy. I know I- I- I get the bad rep, and I'm this and that, but I'm not- I wasn't like, this big, bad wolf running around trying to fight everyone. And that's kinda the reputation that I got.*

[8:57]

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**Rabia Chaudry:**

To understand how Joey ended up where he is, we have to start off with the victim of this terrible crime, Isaac Dawkins. Isaac was 20 years old, and majoring in occupational therapy. He was planning on going into the medical field after graduation. He lived with his family in Armuchee, an unincorporated community that, like Rome, is in Floyd County. Armuchee's about nine miles north of Rome, and the two towns are connected by US Route 27.

Isaac was enrolled at Floyd College, a community college south of Rome, off of Highway 27. He had his first day of classes for the spring semester on Tuesday, January 11<sup>th</sup> 2000, and his American History class ended a little after 7:00pm. He headed out to the parking lot, got in his white Toyota pickup, and headed north for his home in Armuchee.

**Colin Miller:** Isaac never made it home, though. Three miles out from the college, Isaac's truck suddenly veered off to the left, crossing the median and south-bound lane, before winding up in the pine trees off the side of the road. There were a number of people who stopped to try and assist, and at least five calls made to 911, although recordings from only two of those calls were saved.

[9:59] *[static noise]*

**Female Caller:** *[cries]*  
*Oh-oh-oh-oh-oh –*

**Female Operator:** *Rome, Floyd 911*

**Female Caller:** *Yes I just called about the car wreck? This man... he's not conscious, he's-he's out.*

**Female Operator:** *Ma'am, are you there right there beside him?*

**Female Caller:** *I'm, I'm, I'm in my car, I'm tryin' to get to him.*

**Female Operator:** *Okay. Can- can somebody please get to him with a cell phone, so we can help him?*  
*[distant voices]*

**Female Caller:** *Hello?*

**Female Operator:** *Ma'am –*  
*[crosstalk]*

**Female Caller:** *He's not breathing. I am, I'm talking to him now, he's not breathing good... he's, he's out cold. Like I said he's –*

**Female Operator:** *Okay, can you- can you take a breath? I mean, can you... feel and see that he is definitely breathing?*

**Female Caller:** *[calls out]*  
*Is he definitely breathing?!*

**Female Operator:** *Are you... are they beside him?*

**Female Caller:** *Yes, he is breathing, but barely. Real labored, they said.*

**Female Operator:** *Okay. Just... what kind of injuries does he have?*

**Female Caller:** *[calls out]*  
*Can you see any injuries?!*

**Distant Male Voice:** *It's too dark.*

**Caller:** *It's too dark, we can't see, I mean it is just pitch dark out here.*

**Operator:** *Okay.*

[11:00]

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**Officer Hank Jackson:** *I responded to a, uh... dispatch call which was a... um... accident with injuries, down on 27 South, just south of Primrose.*

**Colin Miller:** This is Officer Hank Jackson with the Rome Police Department. He was one of two officers that were the first to respond to 27 South, where Isaac's truck wrecked.

**Officer Hank Jackson:** *I arrived, I saw a uh, truck. It's facin'- seemed like it was south-bound, but I could tell that it had been goin', north-bound on the south-bound side. And, I couldn't figure out... if the driver had some kinda... medical issue or w- w- what it was, 'cause it seemed a little strange. You know, most accidents, people don't cross a whole median, two or more lanes of traffic.*

*But I could see that he hit the guard rail, and that's how I determined he was going north-bound cause I could see the damage to the guard rail, and all the inertia of the- of the um... debris and stuff like that, was, um... to the north. Was goin'- travelling north.*

*Um, I get there, and uh, the driver of the truck... is kinda... he's not wearin' a seatbelt, he's thrown over to the, uh, passenger side, and he's makin' a gargling sound. And I could see he has a head injury. And I'm tryin' to talk to him and he's kinda moanin'. And I'm tryin' to tell him, 'Just hold on, we've got help coming'.*

*Officer Taylor is there, and also Lee Carter, who's the accident- uh accident investigator, um, shows up, while we're still lookin' at it as a traffic accident. And I remember discussing with him, something didn't look right, because people normally don't cross over that many lanes of traffic unless something's happened. And uh, we were discussing, maybe he was tryin' to get away from somebody or whatever.*

[12:44]

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**Susan Simpson:** Isaac was taken to the Floyd Medical Centre, in Rome, where he had injuries that appeared to be from a motor vehicle accident. Almost two hours later, the results of Isaac's CAT scan were returned, and suddenly things took a turn for the worse, as the doctors discovered that there was a bullet in Isaac's brain.

**Man 1:** *So to start the hearing, let me... start off my asking you if you knew Isaac Dawkins.*

**Man 2:** *Yes I did.*

**Man 1:** *How did you know him?*

**Man 2:** *He was an orderly at Floyd Medical Centre. He worked in the operating room and outpatient surgery. He ran errands uh... wheeling patients back and forth to surgery.*

**Man 1:** *Did you have frequent contact with him?*

**Man 2:** *Not frequent, but I knew Isaac.*

**Man 1:** *Did you have contact with him the morning of the 11<sup>th</sup>?*

**Man 2:** *Yes, I did. I believe he was talking about some uh, firewood he was gone deliver to one of the doctors. I think he did some odd jobs, or something for physicians.*

**Man 1:** *Later on, on the evening of January 11<sup>th</sup>, did you have occasion to see Isaac again?*

**Man 2:** *Yes, I did.*

**Man 1:** *What were the circumstances?*

**Man 2:** *I was notified by the Floyd Medical Centre emergency room that uh, a patient, uh, had been involved in a motor vehicle accident that I was, uh, asked to come and see him. I mean, he was comatose. Uh, when I arrived, it was Isaac Dawkins who had been in the car wreck. And it turned out, after the CAT scan was performed, that, it was much more than a car accident. It- evidently he'd been shot in the head.*

[13:57]

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**Rabia Chaudry:** The next day, Wednesday, January 12<sup>th</sup> at 12:25pm, Isaac was pronounced braindead. In the middle of this immense horror and grief at his death, his parents made the decision to donate his organs. And on that same day, the criminal investigation officially became a murder investigation, headed by Detective Jim Moser of the Rome Police Department.

**Susan Simpson:** And this crime came out of nowhere. His family and friends couldn't understand what had happened, or why this had happened to Isaac. Nothing in his life up to that point would have suggested this is how it would have ended.

**Colin Miller:** On the night of January 11<sup>th</sup>, just after he had learned that Isaac had been shot, Moser, with the Rome Police Department, went to the hospital to talk to Isaac's friends and family. What he needed to find out was, who would've had the motive, not just to shoot Isaac, but to be committed enough to shooting him in a moving vehicle on a highway. Moser immediately got a lead. Isaac's friends and family said he had no enemies except for one man, a young man named Joey Watkins.

This is what the Georgia Bureau of Investigation agent brought in to assist with the investigation wrote down. Moser advised that at the hospital, Dawkins' best friend and girlfriend all believed that Joey Watkins was the one who had shot and killed Isaac Dawkins. Watkins was short-tempered and very jealous.

Dawkins had dated Watkins' ex-girlfriend, and reportedly there had been some problems between the two. Moser stated the girlfriend was BriAnne Scarborough [sic]. Moser advised, according to reports, Watkins was very jealous, and had confrontations with other men over his ex-girlfriends.

Joey and Isaac had been classmates at Armuchee, and had never had any problems until the previous year when bad blood developed between the two. Here's Isaac's best friend Jay describing what lead to the incidents between Isaac and Joey.

[15:36]

**Man:** *Uh, what uh... what was all this problem stemming over?*

**Jay Barnett:** *BriAnne Scarber.*

**Man:** *That both of them had dated her before?*

**Jay Barnett:** *Joey, evidently, was dating BriAnne. And had dated her for so long or something like that, and then, Isaac's sister, was real good friends with BriAnne, and then she had set BriAnne up with Isaac and they started going off and they had a good time... and they started dating or whatever, and Joey just never- from what I have heard from many other people is, Joey had threatened pretty much whoever she was dating, or whoever she tried to date. Trying to intimidate them to quit dating. And, that's what the whole thing had stemmed from.*

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**Susan Simpson:** BriAnne was also at the hospital that night, on January 11<sup>th</sup>, and she spoke to investigators. Although she said at the time, that she'd never seen any interactions between Isaac and Joey, she did have lots to say about Joey's temper. This is BriAnne, talking about her relationship with Joey and her interactions with him during the time they were dating:

[16:38]

**BriAnne Scarber:** *I've known him since about the fifth grade. Because me and Tandi, his sister, had always been friends. But, I started going out with him when I was in ninth grade.*

**Male Interviewer:** *So how long have you dated Joey Watkins?*

**BriAnne Scarber:** *For about three years.*

**Male Interviewer:** *Did y'all- did any time in the ninth grade, into the present time –*

*[crosstalk]*

**Male Interviewer:** *Did y'all break –*

**BriAnne Scarber:** *Break up, yep, break up and go back.*

**Male Interviewer:** *Break and go back, okay.*

*[crosstalk]*

**BriAnne Scarber:** *My mom would be like, "You're never seeing him again." And then I would sneak around and sneak around and sneak around, and she'd be like, "Well, you can only see him on these conditions." Because, I mean, I would just throw fits. And, um, after I had, uh, after that incident with the summer, about him breaking into the house and everything? Um, I went back to him in September.*

**Male Interviewer:** *Of what year?*

**BriAnne Scarber:** *This year.*

**Male Interviewer:** *Of '99.*

**BriAnne Scarber:** *Mm-hmm.*

[17:28]

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**Rabia Chaudry:** During those three years, they'd break up, get back together and then break up again. The previous year, Joey and BriAnne had broken up in May of 1999. BriAnne was close friends with a girl named Samantha Dawkins. And after BriAnne and Joey broke up that time, BriAnne began dating Samantha's brother, Isaac.

About four months later, in September, BriAnne and Isaac broke up, and BriAnne and Joey's on-again, off-again relationship became on-again. They dated until October 31<sup>st</sup>, when they broke up for one final time.

Now, as of January 2000, Joey had a new girlfriend that he was pretty serious about. And BriAnne also had a new boyfriend, Chad, who had actually been dating Joey's sister until November of '99.

Yeah, we know. There are a lot of connections here to keep track of. And to help you out with that, we've got a relationship map on our website to help you keep track of all these different connections.

Anyway, after Joey and BriAnne broke up for that last time, Chad broke up with Joey's sister, and he and BriAnne started going out. Now, remember, Isaac broke up with BriAnne in September, four months before he was murdered. And Joey and BriAnne had gotten back together again after that, before Joey dumped her, at the end of October.

So, if Joey had beef with Isaac for dating BriAnne between May and September, well, it was kind of weird time to show it, in January of 2000. Long after Isaac and BriAnne had already broken up and everyone had moved on.

So the timing of the crime may have helped to deflect from any motive Joey could have had to hurt Isaac, except for one big problem. As Isaac's friends and family told the police, it apparently wasn't the first time that Joey had shot at Isaac.

[22:38]

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**Rabia Chaudry:**

The timing of the crime may have made it seem less likely that Joey would have any motive to hurt Isaac, except for one big problem. As Isaac's friends and family told the police, it apparently wasn't the first time Joey had shot at Isaac.

**Susan Simpson:**

That night at the hospital, Detective Moser spoke to many people who were there – Isaac's family, Isaac's friends, including his best friend, Jay Barnett. A little after midnight, Jay Barnett spoke to Moser by phone, and told him about a- a previous incident that seemed very relevant now, given what had happened to Isaac that day.

Moser took notes, and according to those, Jay told him that Joey had shot at the victim about six months ago, and that this had happened at BriAnne Scarber's house. BriAnne being both Joey's ex and Isaac's. In fact, the next day, another friend of Isaac's named Theresa told Moser the same thing. Six months ago, she said, Joey supposedly shot at Isaac and BriAnne.

[22:35]

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**Susan Simpson:**

Both Jay and Theresa were referring to an event that occurred in July of 1999, while Isaac and BriAnne were still dating. It came up again, two days later, on January 13<sup>th</sup> during an interview with Paul Allen, who had been a good friend of Joey's at times, but, at the time of the murder had been dating, or had recently broken up with, Isaac's sister, Samantha.

When he was interviewed by Moser, two days later, Paul told the detective about an incident in July where Joey had shot at Isaac and him. Or, well, someone had shot at them. Or he thinks they did. And, thinks that someone may have been Joey.

We don't have the audio for it, that tape wasn't in the police department's files, but we have the transcript. And, Paul describes an event in which, one day, in the summer of 1999, he, his girlfriend Samantha, Samantha's brother Isaac, and Isaac's girlfriend BriAnne had all gone over to BriAnne's house. BriAnne's parents had been out of town, there was no one there, or shouldn't have been anyone there, but, when they went to the house, BriAnne thought she saw someone moving inside.

The four of them drove away, but then Paul and Isaac went back to inspect, to find out what was going on. And when they pulled into the carport, someone, or something, a figure, it's not really clear what, shot at them...? And Paul thinks he saw a muzzle flash, but other statements kind of suggest that maybe they just heard a shot...? And, we don't really know what's happening. Now, Paul's pretty clear on that.

They ask him, 'You actually saw a muzzle flash?'

Paul said, 'Yes.'

And Moser asked, 'Could you tell if the muzzle was in a vertical position, or if the flash went up? Vertical or horizontal?'

Paul said, 'It looked... I thought... it was coming at him. Cause the way, you know, you could see the flash coming straight... I thought it was just coming straight out... That's what I thought, you know, and Isaac jumped down real quick and run back and got in my car and we took off and went back over to the grandparents' house. And then the cops got there and we rode back over there, but then he couldn't find a shell or nothing like that.'

So even though Paul implies pretty heavily that the shooting was Joey's doing, no one actually saw a shooter. Paul couldn't even tell if it was a male or female figure... they didn't see any cars around... and they went back later with police, but they couldn't find anything...

not even a sign that anyone had been there, except for a discarded Arby's cup lying not far away from BriAnne's house.

[26:02]

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**Susan Simpson:**

A few days later, on January 17<sup>th</sup>, Detective Moser talked to Jessica Turner, who was actually a classmate of Joey's sister, Tandi. Jessica also knew BriAnne and here's what she told Moser:

**Colin Miller:**

According to the notes, it says, 'Jessica knew the victim Isaac through BriAnne, the suspect, Joey, wrecked BriAnne's car, and one time BriAnne said that Joey shot at them.'

Then, a month later, as police continued to investigate Isaac's murder, Moser spoke to another one of Isaac's ex-girlfriends, Marie. Marie also had a similar story, or at least she seems to have one based upon the notes that Moser took. Again, we don't have the audio, but here are the notes.

Moser talks to Marie Dunnigan, who tells him about her July phone call with Isaac. 1999 past July, Isaac called late 1:00am, Isaac was crying, said Joey had shot at him... Isaac was dating BriAnne... Isaac did not discuss any problems.

**Susan Simpson:**

So... things are definitely not looking good for Joey at this point. You've got multiple witnesses from multiple areas of the community, multiple sources, saying that Joey had shot at Isaac before. And, in fact, there was another eye witness to the event, although he couldn't see who did it, he also seemed to imply pretty heavily, in not so many words, that Joey had been the one doing the shooting. And, given what happened to Isaac, it was completely reasonable to look at him as a suspect for the murder.

[27:29]

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**Rabia Chaudry:**

But a month and a half into the investigation, there was an important change in the case. Something that probably altered the course of it altogether. We'll explain more about why it was so important later, but for now, here's what happened:

In late February, the Floyd County police were brought in to assist the Rome police department. And here's what the report said about why suspicions first turned on Joey:

*"Detective Jim Moser met with family and friends of the victim. During the course of talking with friends at Floyd Medical Centre, information was gathered that Joey Watkins was a possible suspect, due to past alleged problems between Isaac Dawkins and Joey Watkins.*

*These problems included: verbal confrontations, one physical altercation, an incident where Joey Watkins allegedly shot Isaac Dawkins' dog, and an incident where Joey Watkins pulled a gun on Isaac Dawkins in the summer of 1999."*

Now, up until this point, the cops were really interested in that shooting incident from the summer of 1999. Why wouldn't they be? But shortly after this report was taken, something changed. The cops suddenly wanted nothing to do with this incident at all.

**Susan Simpson:**

Yeah, there's a sudden shift in the way the police approach this incident. It was a pretty big part of the focus in the first few days. And they had several witnesses talking about it, they asked people about it, clearly it was, uh, something of interest. And then, suddenly, they dropped the July shooting like a hot potato.

Because, even though the police loved running through all kinds of incidences in which Joey was the bad guy, and, these incidences, as we'll get into later, were sometimes true, sometimes had a glancing acquaintance with the truth, and sometimes were just totally invented. But even though they loved to talk about all the bad things Joey had supposedly done in the past, they no longer wanted to talk about the July one. The one where he'd shot at Paul and BriAnne and Isaac and Samantha.

So, like Rabia said, we'll get into this more later, but, there are two different police departments involved here. The Rome police, who initially had the investigation, and the Floyd County police, who were brought in, in order to, assist the Rome police department, who, the victim's family felt, were in over their heads.

At that point, a man named Stanley Sutton was appointed, as the lead investigator. And he took over most of the investigation. He talked to witnesses, he followed up leads, he acquired records. But by the time he starts talking to witnesses, every time someone tried to bring up the July shooting, Stanley Sutton didn't want to hear about it. Witnesses were bluntly steered away from the topic whenever it came up.

**Susan Simpson:** Here is BriAnne in March of 2000, talking to Stanley Sutton:

[30:02]

**Stanley Sutton:** *And then this one led to another incident?*

**BriAnne Scarber:** *[sigh]*

*And the last thing that I- I- like I said, I can't remember a lot of things, because, I just forgot about 'em. But, the last thing I can remember that happened... Well, besides him breaking into the house... we think that was him. Or we're pretty sure it was him and shootin', but we don't ha-*

**Stanley Sutton:** *[crosstalk]*

*Let me ask you, just tell me what all's happening at your house during, now, this was after y'all broke up, is that right?*

**BriAnne Scarber:** *Mm-nnh.*

**Stanley Sutton:** *Okay, what... alright, let's get back to the incident. There was an incident happened to you at the mall.*

**BriAnne Scarber:** *Um, well, it didn't... before that, he wrecked my car. Do you want me to tell you about that?*

**Stanley Sutton:** *Yeah, go ahead and tell me about that.*

**Colin Miller:** Yeah, so here's an example of BriAnne bringing up that supposed July shooting at her house and Stanley Sutton pretty clearly has no interest in hearing about it and... in fact shifts the conversation to another incident altogether. And we can see something similar, this is again Jay, Jay Barnett, who was the best friend of Isaac, and here is him being questioned by Sutton about the shooting:

[31:02]

**Stanley Sutton:** *Do you know of any other incident that Isaac and Joey had?*

**Jay Barnett:** *Uh... I know that... a few times out at BriAnne's house... you know, I'd be with Isaac or somethin' and she'd call, or page him and then she'd want him to come out there like, right then, 'cause she said Joey had been callin', makin' threats to her and everything else and that she wanted Isaac to come out there right then and one time we'd gotten there... or Isaac and another guy had gotten there like, his sister's boyfriend, they'd went on a double date, and BriAnne's parents were out of town... and... they went to BriAnne's house and they kept saying that they saw somebody in- inside the house. And... BriAnne said that uh... Joey knew where the spare key was, and she had forgotten about it. And... then Isaac and Paul had got out and... they said that they heard a shot, I think -*

**Stanley Sutton:** *Paul who?*

**Jay Barnett:** *Uh... what's- I can't remember his last name.*

- Stanley Sutton:** *Paul Allen?*
- Jay Barnett:** *Yeah, Paul Allen.*
- Stanley Sutton:** *There's another incident I had heard that something happened at the YMCA on Second Avenue there...*
- Susan Simpson:** *Yeah, once again, someone tries to bring up the shooting incident, Sutton's like, "Nope, we're gonna talk 'bout somethin' else now."*
- Rabia Chaudry:** *But rumors about the shooting were all around town, usually in a pretty garbled form, though. Here's what a guy named Kevin had to say, and we'll talk more about Kevin later, but he was someone from Rome who knew a lot of the people in this case. He wasn't too close to any of them, though, because, whatever information he had was usually third or fourth-hand.*
- [32:32]
- Bill Shiflett:** *Do you know of any of your, first hand or witness, of Joey ever uh.... pulling a gun or- or pointing at anybody or beating anybody up or anything?*
- Kevin:** *I'll say he pulled a gun on him one night, I mean...*
- Bill Shiflett:** *But you don't know that yourself.*
- Kevin:** *I don't know. I mean, I don't know for a fact that... I mean, I know, Paul was dating BriAnne, and they were fightin' for a little while, and they weren't getting along and Paul supposedly went over to Joey's house and Joey pulled a gun on Paul. That's what...*
- Bill Shiflett:** *[cross talk]*
- Tell me how you know Mark Free.*
- Susan Simpson:** *Once again, someone brings up the shooting, and this time, Bill Shiflett, another investigator with the Floyd County police, instantly redirects the witness. "Tell me how you know Mark Free." And just to clarify, Paul never dated BriAnne. The Rome rumor mill had that one turned around by the time it got to Kevin. But it gives you an idea of what sort of evidence the cops were getting. Kevin didn't even know who Joey was supposedly jealous of, or who BriAnne had been dating, but he'd heard this story about some kind of shooting involving Paul and BriAnne... and Joey somehow... but that's about it.*
- Rabia Chaudry:** *And if you think that's convoluted, just wait until we get to how Kevin even came to be part of the investigation.*
- Susan Simpson:** *So yeah, as you can hear, from March 2000 onward, as soon as BriAnne or Jay or Kevin or any witness starts to bring up the shooting incident... BAM! Detectives change the subject, prompt the witness to talk about some other incident altogether, and move on.*
- Rabia Chaudry:** *But why? Why would the cops move away from the fact that Joey shot at Isaac the summer before? That should've been some pretty good evidence. Joey shot at Isaac once before, well, why wouldn't he do it again?*
- Susan Simpson:** *But even after the police lost interest in the story, it was still being passed around from teenager to teenager in the community. Here's a phone call between one of Joey's friends, Josh, and Samantha Dawkins, Isaac's sister, from August of 2000.*
- [34:19]
- Josh:** *I don't trust Joey's stand, from where... I can't see him.*

**Samantha Dawkins:** *Well, you know Joey has a history of shootin' at people?*

**Josh:** *Yeah.*

**Samantha Dawkins:** *Have you ever seen him- see- seen him shot at somebody?*

**Josh:** *No. Not with anything other than a paintball gun.*

**Samantha Dawkins:** *You seen 'im shoot someone with a paintball gun though?*

**Josh:** *I mean we shot at people's houses.*

**Samantha Dawkins:** *Well, he's aimed guns at people's heads before.*

**Josh:** *Yeah I know, I've heard, BriAnne told me... that last night.*

**Samantha Dawkins:** *Yup. Sure was.*

**Josh:** *That's the first I ever heard about it.*

**Samantha Dawkins:** *Yup.*

[34:54]

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**Colin Miller:** There's a phenomenon in psychology known as 'The Illusion of Truth Effect'. It's the tendency to believe information is correct because we're exposed to it more often. Because we see some misconceptions or exaggerations frequently in our daily lives, we have a tendency to believe them to be true because of our recurrent exposure, even when we're presented with contradictory information. So some common examples include the myth that humans only use 10% of their brains, or that Eskimos have a hundred words for snow.

Probably the most famous example of the Illusion of Truth effect involves French military general Napoleon Bonaparte. What's the first thing you think about when you hear his name? Right, that he was short, that his modest stature led him to act in an overly aggressive manner, with him over-compensating for this lack of height by seeking power, war and conquest. There's even an eponymous condition named for him – the Napoleon Complex. But there's just one problem with this. Napoleon wasn't actually short. In modern international units, he was actually five foot seven – taller than the average height of a Frenchman at the time of five foot five.

So what was it that led to the creation of the myth that Napoleon was short? We have a few reasons. In the 18<sup>th</sup> Century, the French used a different system of measurements, with Napoleon being five foot two in French units, creating the misimpression that he was shorter. And Napoleon's nickname was *le petit caporal*, which many non-Francophiles interpret as meaning 'small', when in fact *petit* means he shared camaraderie with his common soldiers.

While the myth that Napoleon was short has been widely debunked, it persists because we keep being bombarded with it. Whether it's movies like *Time Bandits* and *Bill and Ted's Excellent Adventure* or TV shows like *Clone High* or *The Family Guy*, Napoleon is invariably depicted as short. As a result, we believe that Napoleon met his Waterloo because of his short stature.

Well, the same applies with Joey. Why would he shoot Isaac? He had done it before! That was the story passed from person to person in the Rome rumor mill, it was also the story presented by the prosecution at trial. In fact, according to district attorney Tami Colston, Joey was 'a little big man' who acted aggressively toward BriAnne's new boyfriends to compensate for his short stature. But at least with regards to the shooting at BriAnne's house in July 1999, there's a huge problem with this theory.

**Susan Simpson:** Joey was 330 miles away, when it happened.

[37:10:

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**Susan Simpson:**

We still don't know a lot about what actually happened during the incident, whether it was really a shooting, a break-in, whatever it was. But, one thing is clear, Joey wasn't even in Georgia at the time. This is one of Joey's attorneys, Bill O'Dell, describing what happened during a defense deposition later on:

**Bill O'Dell:**

*Two years ago, during the summer, she had him arrested, saying he shot up her house, her windows and all? And he was down in Panama City? You- were you- you weren't with him at that time?*

**Josh Flemister:**

*[crosstalk]*

*With a paintball gun?*

**Bill O'Dell:**

*No, no... She claimed... she had him arrested. I- I don't know if you remember, she had him arrested uh... two summers ago. It was in... it was right after they broke up. And BriAnne, I think, started dating Isaac, and um... Joey went to Florida with a whole bunch of people. And when he got back, he got arrested.*

*She claimed that he had been at her house, and he'd shot up her windows and threatened her and all that, and... that got taken into court. And of course, the judge threw it out. Joey was in... in Florida. He had rented a... in fact, he had even rented a motorcycle down there and they'd wrecked it. Uh... I think Adam Cagle was with him and they'd wrecked it.*

**Josh Flemister:**

*[crosstalk]*

*Yeah, yeah... I think I heard about that.*

**Bill O'Dell:**

*Yeah, and so, when they got back, uh-*

**Josh Flemister:**

*I didn't know nobody weren't nuttin' to do with that [?]*

**Bill O'Dell:**

*No, he didn't because the judge threw out the warrant because she lied. Um... I mean this is just the type of girl, she has no qualms about coming into court and lying, but, um... she had lied-*

**Josh Flemister:**

*[crosstalk]*

*She always, from the time Joey 'n' her met...*

*[crosstalk]*

*She always had him fighting over her.*

*[crosstalk]*

*I mean, she liked that kind of thing.*

**Susan Simpson:**

Now, it wasn't actually Adam Cagle who was there. It was a friend of Joey's named Clay Burkhalter who actually wrecked the moped. But Joey had records.

He had phone records, he had the police incident report, there were medical records showing he was with Clay, he wasn't in Georgia, let alone Rome at the time BriAnne and Isaac and Samantha and Paul all went back to the house and, maybe were shot at. Or probably were shot at. It's very unclear what happened here.

And, this incident has been very frustrating to research, because... luckily we still have the record showing that Joey was in Panama City, but we don't have the records from the court hearing, all we have is a warrant application that BriAnne filled out, in early August of 1999.

[39:38]

- Susan Simpson:** *Can you tell me so... okay, you went to Panama City in 1999... with Shay and Clay... and who else?*
- Joey Watkins:** *I think it was just me, Clay, Tandi and Shay.*
- Susan Simpson:** *So what happened when you got back?*
- Joey Watkins:** *What happened when I got back?*
- Susan Simpson:** *Mm-hmm.*
- Joey Watkins:** *Ah, to be truthful, I- I- I don't even... I mean, in reference –*
- Susan Simpson:** *[crosstalk]*
- Were you arrested?*
- Joey Watkins:** *For what?*
- Susan Simpson:** *For the break-in.*
- Joey Watkins:** *The break-in?*
- Susan Simpson:** *Yeah.*
- Joey Watkins:** *What break-in?*
- Susan Simpson:** *At BriAnne's place.*
- Joey Watkins:** *Ttt.. what about it? I- I don't- I think they- tried to- blame me for that? Um... uh, they tried to... what was it? They- they tried to say I supposedly fired shots while I was in Panama? I was in Panama and they claimed that I fired shots or something?*
- Clare Gilbert:** *So I... w- when you're thinking about this, think about... go back in your memory...*
- Joey Watkins:** *Mm-hmm.*
- Susan Simpson:** *And think about being in Panama City, and you guys rented a scooter...*
- Joey Watkins:** *Right.*
- Clare Gilbert:** *And you... Clay wrecked the scooter.*
- Joey Watkins:** *[crosstalk]*
- Clay wrecked the scooter, right.*
- Clare Gilbert:** *The scooter was in your name... how- how long were you guys in Florida?*
- Joey Watkins:** *I can't remember.*
- Clare Gilbert:** *[crosstalk]*
- Okay.*
- Joey Watkins:** *And be alive, I can't uh- remember exactly. I remember something vaguely, something...*

*[sigh]*

*They accused me of doing something. I- I can't remember everything.*

**Clare Gilbert:**

*Did BriAnne do like a citizen's arrest warrant? And you had a hearing in front of a judge?*

**Joey Watkins:**

*Yes, yes, yes I did. She- they, they said... I remember that now. Uh... um.. they said... that I supposedly... broke into her house... an' uh- I remember this now... broke into her house and I was- sh- I can't remember... everything. But I remember having the hearing in front of the judge. I think he told us, during the hearing, her dad was present also. He told us during the hearing, he was like, 'I think this is just teenage garbage' and he said, "I'm telling you two right now to stay away from each other."*

*And I- if I'm not bad wrong, the judge also told her, he said "I think you're just as much a part of this drama as anybody else. And if you don't have any proof of him doing this, then you need to stop making these allegations."*

**Susan Simpson:**

*I'm starting to think that whole incident is a big part of why you're here today. 'Cause right after Isaac was in the hospital... people were telling Moser, "Six months ago in July, Joey walked in and shot at Isaac."*

**Joey Watkins:**

*What?!*

**Susan Simpson:**

*Yup. Piecing it together, they're all talking about this thing, when you were in Panama City.*

**Joey Watkins:**

*Hmh. Wow...*

**Susan Simpson:**

So, when Joey gets back to Rome... BriAnne files a warrant saying, "He's stalking me. He's... I don't know what he's capable of." And they have a hearing. They go before the magistrate judge, so unfortunately we don't have transcripts of this court hearing. But we do have notes that people took at the hearing.

And we know that BriAnne testified that during the last weekend of July, she, Samantha, Isaac and Paul had seen Joey and another individual, possibly? Firing a gun in BriAnne's backyard. Or at them. At any rate, BriAnne says to the court, she saw Joey shooting at her house.

BriAnne's dad also testified. He wasn't an eye witness; he hadn't seen any shooting... but he said that the four of them, Isaac, Paul, Samantha and BriAnne, had told him the same story. But Paul and Isaac did not testify at the hearing.

**Rabia Chaudry:**

The judge totally dismissed it. And issued a terse order for Joey and BriAnne to stay out of each other's way. And BriAnne actually said sorry to Joey as he walked out of the courtroom.

[43:31]

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**Rabia Chaudry:**

But BriAnne and Isaac told everyone that Joey had been the one to do it. And even those who weren't sure about who had done the shooting, like Paul, were willing to go along with the inference drawn by BriAnne. Because remember, Paul himself said that he didn't know who had done the shooting.

**Susan Simpson:**

Well he- he brought it up, in- in his interview he suggests that it might be Joey; he raises the implication. And the story's definitely... I mean, we're talking about Joey, when that part of the interview happens. So Paul did, he was willing to go along with the idea it might've been Joey.

But he never says it was Joey, and he does not tell Moser that he saw the person. He's clear about that. Still, he's clearly heard BriAnne and Isaac talk, and he's willing to go along with who they think it might have been.

**Colin Miller:**

Yeah, I mean I have a- a few points that I find to be interesting here. I mean the first is, this is about as clear an example of the Illusion of Truth Effect that you'll find. There's actually a hearing, at that hearing clear evidence is submitted showing Joey couldn't have done this, and yet, half a year later, you have multiple witnesses, including BriAnne, repeating this story that has been proven to be false.

And the other thing is, I don't know whether you two agree or disagree with me on this, is, this was a significant enough event where BriAnne is seeking this hearing, seeking to get some type of legal defense against this- I think a shooting occurred here, I think someone clearly was shooting at BriAnne and Isaac, and that raises the question, if it's clearly not Joey, who was that? Because, going back to the initial question, who would have a motive to harm Isaac? Well, if someone is literally shooting at him and BriAnne in July of 1999, that seems like that might be suspect number one.

**Susan Simpson:**

See, I'm not willing to assume this actually happened. Because the stories about it are all so vague... something happened. There was an event where these four people were coming back to BriAnne's house, and something happened that made them think- or made some of them think they were being shot at.

But, the way everyone phrases it is so odd. Some focus on, "We heard a gunshot." And then Paul does say he saw a muzzle flash, but he couldn't even see a person. So, something happened, and it may've been someone shooting.

But given the uncertainty there, it's hard for me to accept that this as a f-Is you know, and here's the other frustrating thing. No one remembers this. Like, no one. I- we have clear documentary evidence, so it- it definitely happened, but, for instance, you talk to Bill O'Dell, he didn't recall it.

But that- that was him in the clip earlier, and he was telling another witness about it, so clearly he knew about it at the time. But now he has no memory of it. Joey remembers it, but even he's kind of fuzzy. He remembers it happened, he remembers the basics, but I guess, obviously, more important things took precedent after this.

[46:16]

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**Susan Simpson:**

As I've come to recognize is pretty typical for Joey, the thing he remembers most clearly about the whole incident, seems to be the car that they hit in the moped when they were driving around Panama City.

**Joey Watkins:**

*What happened with the moped? Clay hit a car with the moped. And, uh, it actually knocked the... the side mirror off, y'know, the one that's on the door? It knocked the side mirror off of, I believe it was a Grand Am, a burgundy Grand Am.*

*And uh, the moped was in my name so I got the ticket for it, and my dad ended up... I think my dad ended up having to take care of that... the bill or whatever for the... for the car, and the moped shack.*

**Susan Simpson:**

I also talked to Paul Allen about what he recalled about this whole incident, and it turns out he remembers nothing. He said that, if he talked about it to Moser in his interview, it happened, he had no reason to doubt what he was saying back then. But today, he has no recollection of this event, or of Joey ever shooting him at BriAnne's house, or of him and Isaac ever going to BriAnne's house and encountering someone there.

[47:21]

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**Susan Simpson:**

And no one was really aware that this was such an important part of the investigation early on, because by the time we get to trial, or even just the arrest, no one is ever talking about this again. So, until you look at all the documents, which, as we'll get into more later, were

only very, very recently obtained, it's not even clear that this non-shooting was actually something that focused the attention on Joey.

**Rabia Chaudry:** So, Susan, let me ask you, is it possible, I mean, you know the area, and, you know, I mean I know nothing about, like, hunting. But is it possible it could have been someone hunting at that time of night?

**Susan Simpson:** I mean, I'm not gonna totally... I mean, someone somewhere in Rome was probably hunting that time of night, but this was-

**Rabia Chaudry:** People do hunt at night... that's what I'm trying to figure out, right? People do hunt at night?

**Susan Simpson:** I mean, not legally, but...

[laughs]

**Rabia Chaudry:** Oh, okay.

**Susan Simpson:** Um, it happens. This was a residential area – it was not where you'd expect...

[sighs]

If, whatever happened, it seems like there was a break-in to BriAnne's house, is the best I can figure. If there was someone shooting, I think it was someone that did break into the house, but, again, Joey's not even in the state. So, whatever it was, it wasn't him.

**Colin Miller:** I mean for me, it really creates the question- as I said I think there was a shooting here. But if there wasn't, then the real question becomes, I mean, how much can you really trust anything in this case if you have these people not only repeating this story *ad nauseum*, but also going into court and saying, "Not only were we shot at, but it was Joey."

If it's a) not Joey, and b) there's not even a shooting, it just... it- it's tough to get your mind around. We'll discuss this with the various different things in this case, but it's so tough to... really pin anything down and figure out what actually happened. And if you can't trust there was a shooting here, I just don't know what you can really trust in this case.

**Susan Simpson:** And it should be noted that, only one person ever testified that it happened. And that's BriAnne. Um, we know Isaac talked about it, and we know Isaac told people he knew that he'd been shot at by Joey, but, if- if, based on what Paul said, it sounds like, neither were in a position to actually see who the shooter was, and it seems totally likely to me that Isaac was, um, adopting BriAnne's inference. Which was that shooter was Joey.

So, it's not that anyone was lying, necessarily, but it does show that the prejudices and assumptions being made were being repeated as fact, even when you get down to it you find out, well, something happened and they thought it must've been Joey, but in reality it couldn't have been.

[49:54]

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**Rabia Chaudry:** Now, you might be wondering why we just spent such a big chunk of time in this episode on an alleged shooting by Joey that never even actually happened. That's because, in many ways, it's emblematic of this case. And you're going to see that as we go through the investigation, and eventually get to the trial in which he was convicted. After all, you can't get a conviction without some real evidence, right?

Well, for the next 20 weeks, we'll be unpacking all of that for you. But remember this. Joey has maintained his innocence from the day he was arrested until today. And also remember that this is an on-going investigation.

So if you have any information about the case, we want to hear from you. Please contact us at [undisclosedpodcast@gmail.com](mailto:undisclosedpodcast@gmail.com). Again, the email is: [undisclosedpodcast@gmail.com](mailto:undisclosedpodcast@gmail.com).

Before we end, I want to remind our listeners not to forget to check out our new *Addenda* series this season. You guys are used to getting one episode a week from us, but this season, you're going to be getting two shows a week from us. And here's why. Last season we gave you an episode one week, and we would give you an addenda the following week. Except those addenda actually ended up turning into real episodes. We still got deep into the weeds.

So this time around, they're gonna be what they were originally meant to be; an informal discussion on the case... responding to audience questions, and exploring broader issues. And we wanted to bring in fresh new voices and perspectives to help have that conversation. And also to allow Susan, Colin and myself to focus on the actual episodes.

So, while you'll be getting a new episode every single Monday, every Thursday, Emmy Award-winning actor, Jon Cryer, will be hosting our *Addenda* series. And we have a terrific line-up of panellists for throughout the season, including an amazing regular panellist, US congressman Keith Ellison, who's a former criminal defense attorney who's devoted years to criminal justice reform.

Now, going back to the case, here's a little bit of information we didn't tell you just yet. Susan is actually no stranger to Rome, Georgia. Not only does she have a connection to the town, she's been there frequently to investigate the case and also to meet and speak with Joey and witnesses.

But it was important for Colin and I also to get to know the area... the people, Joey's family, and most importantly, figure out what Joey is like himself. So, earlier this summer, Susan, Colin and I met up in the sweltering heat of Rome, Georgia, to do just that. Next time, on *Undisclosed*.

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**Dennis Robinson:**

Thanks to you, our listeners, for coming along with us on the first step of our new journey. The lion's share of that gratitude goes to the folks at the Georgia Innocence Project for bringing this case to our attention. Especially Clare Gilbert. Through Clare, we're going to extend our gratitude to the interns who are down south right now, helping to chip away at the state's case versus Joey. You guys are amazing.

Make sure you give some love to those folks by visiting [www.georgiainnocenceproject.org](http://www.georgiainnocenceproject.org). Take a moment, visit the site, and read about the important work they do. After you've perused their site, take yourself over to [stamps.com](http://stamps.com) and type in our promo code: Undisclosed, and get that bonus offer. I think all that typing is probably going to make you hungry. So your next stop should be a visit to [blueapron.com/undisclosed](http://blueapron.com/undisclosed), where you can sign up and get three meals free, with free shipping. Remember the circle of support, folks.

That circle extends to Romero Marquez and Patrick Cortes, who are again doing our theme music this year. Thanks, gentlemen. Ballookey, where you at? Making logos, of course, for our new website. Yes, it's awesome, because Nina Musser designed it and Christie Williams still helps to maintain it. It's at [www.undisclosed-podcast.com](http://www.undisclosed-podcast.com). Go there, check it out, check out the pics and documents related to the case. Pay special attention to the people map. Heidi Phelps created it and it helps to explain the sometimes convoluted relationships in this case.

Guess who locked herself up in her home studio for entire weekends at a time trying to stitch the audio for the podcast together? Why, it's the incredible Rebecca Lavoie of Partners in Crime Media, and host of *Crime Writers On*. Thanks for continuing to crank the handle on this steam engine, Ms Lavoie.

So how many of you saw those nifty 30 second teaser trailers we did in the lead-up to the debut? Karen Turner did those. She's a visual artist, and by the slick looks of those promos, a damn good one.

But who helped Karen send those out on the internets, you ask? Well, that would be Mital Telhan. Mital does a little of this, a little of that; basically everything that doesn't involve putting mouth to microphone.

Amanda Quraishi, 'The Q', of Dark Matter Digital Media is our social media guru this season. Oh, that reminds me, folks, go get on the Twitters, the Facebooks, the Instagrams, and talk about *Undisclosed*. We are now on all of those spaces. Send us your thoughts, your critiques, pictures of the food you cooked with Blue Apron and the packages you sent with Stamps.com. Heck, you can send us pictures of the Blue Apron food you sent with Stamps.com. And cats. Send pictures of cats. Yeah.

Do all of that at our handle @undisclosedpod, and talk amongst each other using #undisclosed. The *Undisclosed* podcast's executive producer is Dennis Robinson. He's okay sometimes, but compared to the rest of the folks in these credits, well, he's lacking something. Maybe we'll find out before next week. Until then.

[55: 29]

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**Joey Watkins:**

*Ar-mur-chee.*  
*[laughs]*

**Susan Simpson:**

*Ar-mur-chee... say it again?*

**Joey Watkins:**

*[laughs]*  
*Ar-mur-chee.*

**Susan Simpson:**

*Ar-mur-chee. There's not an 'r'...*

**Joey Watkins:**

*Rrrr.*

**Susan Simpson:**

*Is there an extra 'r' in there?*

**Joey Watkins:**

*Mm-nnh. There's not an 'r', and it's spelled 'Armuchee', but it's pronounced 'Ar-mur-chee.'*

**Susan Simpson:**

*Well, I think so far only Rabia has said it on the podcast, so I'll let her take the heat for saying it wrong. Ar-murr-chee.*

**Joey Watkins:**

*That's it.*

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