

UNDISCLOSED SEASON 2: THE STATE VS. JOEY WATKINS
EPISODE 6: JURISDICTION FRICTION

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Rabia Chaudry:

Last we checked in, the Rome City Police Department had realized a couple of things. First, that Isaac Dawkins' death wasn't caused by an accident. He died from a bullet wound to the head. And second, that it seemed the most likely suspect, according to BriAnne, and other rumors, was Joey Watkins.

But while Rome Police Department was the agency that began the investigation, they weren't the ones who actually completed it. For the first seven weeks, though, they were in the lead. It wouldn't be until almost two months later that the investigation got turned on its head when another agency took over.

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Rabia Chaudry:

Hi, and welcome to Episode 6 of *Undisclosed: The State versus Joey Watkins*. This week's episode is, 'Jurisdiction Friction.'

My name is Rabia Chaudry, I'm an attorney and senior fellow at the US Institute of Peace, and I'm here with my colleagues, Susan Simpson and Colin Miller.

Susan Simpson:

I'm Susan Simpson, I'm an attorney with the Volkov Law Group, and I blog at 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.

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Colin Miller:

According to the website TVtropes.org, one classic television trope is 'jurisdiction friction.' The website says that this occurs when two or more law enforcement organizations both can lay claim on a particular criminal case or suspect, they will rarely see eye-to-eye on the best way to prosecute/investigate the case.

In a 'US local cops versus the federal government FBI, DEA, *et cetera*' is the most common set-up. Usually the locals will want to shut down a petty crook to protect their town and the little guy, while the Feds are focused on the big picture and would rather he go free so they focus on building a case against the 'big fish' higher up in the criminal ladder.

When a case is particularly sensitive or difficult, the friction may be reversed. Each group of investigators wants to absolve themselves of jurisdiction to avoid the problems that will come with it. This is most likely to happen if one of the group is under pressure to improve their conviction rate, and does not want to risk taking on a case they cannot solve.

Which side of the dispute is sympathetic and which is heartless/ incompetent/ arrogant/ corrupt/ trigger-happy/ working for the shadow government depends entirely on who the main characters are. FBI agent series such as *The X-Files* and *Without a Trace* naturally will have them in the right, while a police procedural like *Law and Order* is frequently on the other side.

Now, we see this trope in all types of TV shows, running the spectrum from *Law and Order* to *The X-Files*, but it actually rarely occurs in real life. When it does, though, it rarely goes well. And in real life, unlike in TV shows, there's usually no clear divide between the sympathetic faction and the unsympathetic one.

More often, there are failures to communicate that can all be shared. Probably the most famous example involves former LAPD officer Christopher Dorner.

In 2013, after Dorner went on a killing spree, Irvine PD wanted jurisdiction because Dorner committed two murders on their borders, LAPD wanted jurisdiction because Dorner had threatened many LAPD officers, and San Bernardino wanted jurisdiction because Dorner killed one of their deputies.

The manhunt for Dorner extended out to 12 days, and a 120-page report ultimately concluded, "There were too many officers and not enough talking."

In the Joey Watkins case, the jurisdiction friction was subtler, and on the surface, all sides tried to play it off as a friendly arrangement, something that everyone wanted.

[4:20]

Police Officer:

There've been hundreds more people interviewed by us and by the City.

We put our whole, entire team on it.

So, some of the things that they found out, instead of it [--] this way, we proved otherwise [--]

So their- this is a joint investigation, it's not the County against the City, it's- it's- we have a team that's working this thing.

Susan Simpson:

But there was tension there, between the Rome police and the Floyd County police. It seeps through from the polite and carefully written letters between the two departments, and from the less polite and less carefully written references to the other department in each side's notes, in their internal memos and in private conversations.

It's also clear that, eventually, the Rome Police Department was seeking to wash it's hands of the entire case, or at least minimize its involvement, or to downplay whatever the Rome police officers may have done. And to lay any blame or accolades alike, as may have been deserved, at the feet of the County and not the City.

[5:14]

Lawyer:

Marshall, as I recall, the City was some time in developing leads on this case, were they not?

Marshall:

That is correct, sir.

Lawyer:

And in fact, the City did not make any arrests on this case.

Marshall:

That's correct, sir.

Lawyer:

Alright, that's when the County got involved in it.

Marshall:

No, it was somewhat a little bit before that, when the County got involved.

Uh, it was like, uh... you know, well before an arrest was made.

Lawyer:

Okay. Like I said, not trying to make the City look bad, but- but no one from the City was involved in that part of it?

Marshall:

That's correct.

Susan Simpson:

But, at the beginning, this was the Rome Police Department's case. And differences between the two jurisdictions – between the Rome County Police Department and the Floyd County Police Department – can be seen from the very different ways in which they each conducted their investigation.

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Rabia Chaudry:

So, here's how it went down. Because Isaac's truck was wrecked in the Rome city limits, his murder was initially investigated by the Rome City Police. And, although Rome city shares its jurisdiction with the Floyd County Police Department because it's in the county, crimes that happen within the city are typically dealt with by the City Police. As a result, Detective Jim Moser with the Rome Police Department became the lead investigator in the Isaac Dawkins case, and he would have the investigation for the first seven weeks.

Now, Joey was an immediate and strong subject of interest for the investigation. After all, he was the one that Isaac's friends and family said had the motive to do it.

But the problem was, a motive was all they had. BriAnne's stories about how Joey wanted to kill Isaac due to his obsession with her gave them a place to start, but that's also pretty much where the RPD's case against Joey ended.

Other than that, they had a lot of people saying Joey could've done it, and a lot of people saying they'd heard Joey had done it, but nothing to show he actually did do it.

So while the existence of BriAnne as a supposed motive made Joey an initial suspect, the Rome Police didn't limit their investigation to him. A half dozen other suspects were also considered, and they were investigated at least to some degree.

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Rabia Chaudry:

But that would all stop on February 28th 2000, when investigator Stanley Sutton with the Floyd County Police Department took over the case. In many respects, the first seven weeks of the investigation into Isaac's death looked like an entirely different case from the last eight months of it.

In the first seven weeks, RPD had never had a conception of how Joey might've committed the crime. And it entertained a lot of possible scenarios as to what might've actually happened that resulted in Isaac's death.

But in the last eight months, from when Sutton took over on February 28th, until November 13th, when Joey was arrested, investigators would not consider a single scenario that did not involve Joey being culpable for Isaac's death, one way or the other.

But they collected evidence of about a dozen different, and mutually exclusive, narratives as to how he might have done it.

But all that would come later. In this episode, we'll cover what the Rome Police found in their investigation into Joey, before the case was taken over by Floyd County at the end of February.

They found ballistics evidence, they spoke to the few witnesses to the murder, and then tried to link Joey to the evidence they'd recovered. But they wouldn't succeed in doing so.

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Susan Simpson:

Like we discussed in Episode 4, on January 11th – the night Isaac was shot – the police didn't turn up much evidence. Other than the truck itself, and that glass window pane, there really wasn't anything they got.

Officer Hank Jackson, one of the first two officers on the scene, and Officer Lee Carter, who was sent to do the accident reconstruction, attempted to find where Isaac's truck had crossed the median, before crossing into the south-bound lane.

But they weren't successful, at least according to the report written by Hank Jackson. Isaac's belongings were collected, but returned to his family quickly and apparently without examination by the police.

The next day, investigators returned to the crime scene, and that's when they'd find their first piece of evidence that didn't come from Isaac's truck – a 9mm shell casing on the side of the road.

[11:17]

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Colin Miller:

Now, detective Moser's notes show that Lee Carter, the officer, found it off the shoulder of the north-bound lane on Highway 27, and it was at about 920 feet south of where Isaac's truck wrecked.

The casing was a brass casing, it was 9mm, it was Federal brand ammunition, so it was brand name, not government designation. It had been run over.

The police did conclude it was connected to Isaac's murder, and this is where it would be really helpful to know exactly where Isaac's truck crossed the Highway 27 median from the north-bound lane and then across the south-bound lane.

We know that it crossed over at some point, but if it crossed over to the far south or to the far north of where the casing was found, that could certainly diminish the likelihood that it was actually connected to Isaac's wreck.

Susan Simpson:

Or at least give us some idea of what the connection could've been. Because they jumped to the obvious conclusion – there was a shooting, they found a shell casing, ergo, they were connected, but..

I mean, look at the pictures from the crime scene in Adnan's case. There were 9mm shell casings scattered along Franklin Town Road in Leakin Park, adjacent to where Hae's body would ultimately be found buried. But they weren't connected. They weren't part of that crime. They were just there. So, could that have happened here as well?

Rabia Chaudry:

Well I mean, like you said, I mean, trying to determine where Isaac's truck crossed the road could really help determine whether or not this casing had anything to do with it, right? 'Cause if it crossed too far away from it, then it probably was completely unconnected.

Susan Simpson:

Yeah, and until very recently, or at least until a couple months ago, I thought that the police had never found where Isaac's truck left the road, or crossed the median, or wherever. Because we know, from Hank Jackson's notes, that they didn't find it on the night of the 11th.

His report just actually says, it recounts how they tried to find it but were not successful. And... I'd figured they never found it on a later date, because there's no notes about it. They definitely didn't take any photos of where it crossed over. So I just assumed that things were supposed to be this way, that they never found it so they just couldn't know.

The notes as well, reference like, approximate areas where the truck may have crossed, and Moser's testimony speaks to estimated or approximate areas, and there's one sketchy notation that refers to the casing being found about 500 feet from where the truck left the road, but it's hard to tell if that means that that's where the truck was crashed, or where it crossed the median- anyway, combined with Officer Jackson's report about how they hadn't found it... yeah. I just thought it meant they hadn't reached a conclusion.

Which left us with Wayne Benson's testimony, and his statements, to try and figure out where Isaac's truck had left the road.

And according to Benson, Isaac's truck stayed in the median for a remarkably long time before it finally and slowly veered far enough left to cross the south-bound lane and flip over in the ditch.

He testified:

It got into the inside lane and ran the highway, went past one guardrail, then he went past another guardrail, and that second guardrail, the truck veered completely off the highway...

And then it, according to Benson, it ran the length of that guardrail and then flipped over at the end.

[14:20]

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Colin Miller:

Yeah, so it we take what Wayne Benson has to say, that would place the crossover point at least 0.2-3 miles sound of where the truck actually wrecked. And that would make sense, because Benson himself gave statements about how the events in this incident actually began closer to the Coke plant that was on Highway 27.

Now, Clare, Joey's attorney at the Georgia Innocence Project, actually spoke to Officer Jackson, the responding officer, this year, and he had a vague memory that maybe at some point they had found the tire marks showing where Isaac's truck had crossed over, but his recollection was the tire marks had been very faint, and he wasn't sure... there was no record, it was 16 years later... and so all of us were basically were of the mind that Jackson's memory was, really less of a memory and more of an assumption.

[15:15]

Hank Jackson:

We did see where he went across the grass later. But, um, it was after- I think she come up and told us about the window, him being shot.

I think we walked it a couple of times. And uh, then we saw where- it was a very light impression.

You would think it would be something where you could really see it- it was a light impression of where they crossed the- the median.

Clare Gilbert:

Oh, so you think you did find- find that.

Hank Jackson:

Seems like we did. I'm thinking we did.

And... kind of looked at it going back up through there and I think we said he travelled a long ways before he did hit something, so that made up think that he may have some faculties to him.

Clare Gilbert:

Mm-hmm

Hank Jackson:

I don't know.

Susan Simpson:

Then, a couple months ago, we got the tapes from Mark Free's trial. We didn't have full transcripts, so we didn't actually know what witnesses had said, other than a couple we did have transcripts for.

So, I was kind of shocked when I started listening and realized that Officer Lee Carter, who did the reconstruction, or, was going to, before it was determined to be a murder, had testified at Free's trial.

We'd actually interviewed Officer Carter about a month or two before that, but he couldn't remember much this far on.

But, at Mark's trial, only two years after Isaac's death, he'd been able to remember more about the accident, and it turned out that he had found where the truck crossed the median.

And that it had been much closer to the ultimate wreck site than previous statements had suggested.

Here's Carter at Mark's trial:

[16:31]

- Lawyer:** *Did you find that shell casing?*
- Lee Carter:** *Yes, I did.*
- Lawyer:** *Where did you find that?*
- Lee Carter:** *On Highway 27. Um, on the edge of the road right there where the picture's taken.*
- Lawyer:** *Now, this was on the day after the... shooting?*
- Lee Carter:** *Yes, sir.*
- Lawyer:** *Where did you find that in relation to the place that the truck left the roadway?*
- Lee Carter:** *Exactly where the truck left the roadway -*
- Lawyer:** *Well, roughly. Roughly. Within how many feet?*
- Lee Carter:** *It was, uh, 27 feet. Roughly.*
- Lawyer:** *Well, how do you know 27?*
- Lee Carter:** *Because the road, I know the distance of the road and it was on the edge of the road and it was roughly 27 feet.*
- Lawyer:** *Okay.*
- I just want to ask you- was it parallel? Even with where the truck left the roadway?*
- Lee Carter:** *Yes, sir. That's about right.*
- [clears throat]*
- About parallel with where the truck left the roadway.*
- Lawyer:** *Alright, it wasn't back, uh, a hundred feet or two hundred feet back- from where the truck-truck left the roadway?*
- Lee Carter:** *From where the- the truck a- actually first touched the ground, it was back of that, yes, sir.*
- Lawyer:** *Alright, how far back? That's what I'm asking.*
- Lee Carter:** *I'm not- I don't remember that, sir.*
- Lawyer:** *Well, was it short distance, just a little distance, long distance?*
- Lee Carter:** *[long pause]*
- Short distance.*
- Susan Simpson:** *Which totally contradicts Benson's memory, and the sketchy notes from Detective Moser. But Carter was the accident reconstructionist, so I'd normally be inclined to credit his memory, because this is what he does, what he's familiar with.*

But he also never provided the prosecution with any written reports, and no reports on the record, although he does reference one in his trial testimony that he had on that date. Although, apparently it wasn't entered into the evidence. Or at least we don't have today.

But it's hard to say if his memory in 2002 is truly accurate, given we have no way to compare it against records and... it doesn't seem to match what we'd heard from everyone before that.

Then again, there are the references and Moser's notes to a crossover point. Long story short, they may have found it, I guess? And according to Carter, it may have been almost directly parallel to where that shell casing was ultimately found.

Rabia Chaudry:

Well, um, call me a sceptic, but I- I mean if there's no documentation prior to this of him having discovered that and then this- suddenly this pops up in a trial, I don't know how much weight I would- I don't know, I feel a little bit hesitant to say...

To me, it's too convenient to fit with the prosecution's case, right? I mean, they want this casing to be connected to this accident. So... I don't know.

Susan Simpson:

But what's weird to me is they don't- they don't use this at Joey's trial. They just have Moser make statements about how this is approximately where the crossover would have been, and at least at the time I hadn't read Moser's testimony to mean he knew where the crossover was, just because, from his notes and everything, I had assumed he hadn't.

But for some reason they change tactics at Mark's trial and decided to use Lee Carter instead.

Rabia Chaudry:

I mean I dunno- in my mind, I'm trying to figure out how in a grassy median, I mean, a truck is not a small vehicle, and if it's kind of lumbering...

I mean, there's a couple things that I'm having trouble understanding. Number one is how there's absolutely no evidence of like, the tire marks. I mean, you would almost, like, be able to, I figure, to see almost like a trajectory of like, a truck going that way.

The other thing is, these medians dip. If the truck is going kind of slowly, I mean, how does it have the momentum to get up to the other side, go next to a guardrail, I mean- I don't know, I guess it had to be going fast enough to do that.

Um, and I also wonder about Benson's memory that it lingered for awhile, because sometimes, in these moments, it's just a few seconds but it feels like a long time.

Susan Simpson:

Yeah, I kind of wonder, too, about Benson. Except for the fact- he's not the only one to- well, he describes this as starting close- closer to the Coke plant.

So even if it- the time dilation was not right in his memory, because that's often how it goes, it's possible he'd at least remember the location of where this all started. And I wonder if that's why they hadn't found the crossover point. That it was so far south that they'd assumed it hadn't gone that far, and hadn't walked down far enough.

But now I don't know what to think. But, as for the median, Clare and I went back and forth over that for awhile. 'Cause that's a pretty deep ditch there. But... Hank Jackson helped us figure out how that might've happened.

[20:49]

Clare Gilbert:

So how does he cross the median there without crashing?

Hank Jackson:

Well, we have- we have police cars that do that all the time, when they do, like, um... radar. Which is not as much as they used to.

But, it's rough on equipment, but it's easy and it looks like a four-wheel-drive truck, so he would've had the clearance to make that.

Rabia Chaudry: There must be like, some kind of software you can use to try and recreate the different scenarios to see, like, how fast the truck had to have been going, where it would have- like, if you have an approximate start point and the crash site.

Susan Simpson: That's the weird thing, they never did a reconstruction here.

According to Lee Carter, he would've done one. That's what he was sent there to do, but once it became a crime scene, they needed a much more in-depth or thorough report, so he was no longer the one doing it.

But it doesn't look like they did anything at all, actually.

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Susan Simpson: In general, they did a thorough investigation. Um... this mostly stands out to me, 'cause it seems like an aberration. But it wasn't the only piece of ballistics evidence they did find.

On January 12th – the day after the shooting – that's when they found this casing on the side of the road. And also that same day, Detective Moser and another officer, uh, named Hill, went to inspect Isaac's truck in the Rome Police Department's garage.

They took measurements of the seats and the windows and took pictures... And we have their measurements, although I'm a little unclear what they're showing. But they didn't actually collect anything at that time.

It wasn't until the next day that he found something that had been overlooked in all previous searches. A tiny copper sliver on the floorboard – the driver's side floorboard of Isaac's truck – which was identified as the jacketed portion of a bullet.

We have two pictures of it, one close-up and one from a distance. And the close-up one does have a ruler next to it, or a measuring tape. But we were actually not sure, or not certain for a long time, what that photo was showing.

Clare and I went back and forth over the fragment. Over whether it was supposed to be the bigger oblong-ish thing, or if it was supposed to be little speckles that were also in the photo, because Clare has gone to the court house and held that tin that this jacketed portion of bullet's in, and she is convinced that there are multiple fragments in there, because when you pick it up, you can hear many pieces shifting.

So, she assumed from that, that there was clearly more than one fragment found, maybe?

Rabia Chaudry: How come she can't just open it up and look inside?

Susan Simpson: For evidence reasons. That's actually planned, in the future, but so far, she has not gotten the court order to do that yet.

But in the end, I think we're pretty sure that it is the biggish oblong piece that is the jacket fragment.

But that also makes me wonder how it got missed in previous inspections, because it's also smeared with blood and fairly visible.

Rabia Chaudry: Well, the only other inspection really was, like, the night before, right? When they towed the- or, before they towed the car away? Or maybe after they towed it, I'd assume?

Susan Simpson: Well, this was done on the 13th, so two days after.

There were photos taken and measurements taken on the 12th and the measurements were of things like the benches, the- the window. So, someone had to be crawling in the truck, essentially, to get this.

But they didn't see this fragment at the time.

But that fragment in itself was no identifiable, but it would have been consistent with coming from a 9mm. And we'll get more into the ballistics later.

But other than that, the only items that the cops recovered were, in fact, the lead core recovered during Isaac's autopsy. And that's not identifiable. And it could've been from a nine millimeter. But it could also be from a lot of things.

However, altogether, the cops and the prosecutor will argue at trial a 9mm was used to shoot Isaac.

[24:39]

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Colin Miller:

Now, we'll get into much more detail in a future episode about all of the medical evidence, but the basics here of the bullet entering Isaac's head are this:

The bullet was following a slightly upward trajectory and it entered Isaac's head on the right side of his head just above the ear, and then again followed a slightly upward trajectory toward the upper left of his head.

Susan Simpson:

Now, we have limited witnesses in this case. At least for the crime itself. There's plenty of non-crime scene witnesses, as we'll get into later.

But in addition to Wayne Benson, there were a few other motorists at the scene, although none of them saw anything that seemed to be hugely significant, at least not in terms of identifying the killer.

Benson's obviously of most interest, and he was spoken to many times by Detective Moser, although doesn't appear that the Floyd County Police ever followed up with him.

But, Benson's first statements about the blue car didn't come until the next day, when Moser called him. He didn't, apparently, mention it at the crime scene. Because, at the time, it just looked like Isaac had drifted off the road. And, although Benson remembered the blue car instantly when he learned that it was a shooting, well, as far as we know he didn't bring it up to the police at the scene itself.

And, Benson's statements do evolve a little over time, and it's kind of unavoidable I guess, based on uh, the number of interviews he gave, but he's always stuck to the basic description of the car – small, four doors, like a Honda, blue-ish, he thinks navy blue, with noticeable antenna.

He also thinks it's kind of sporty. Although, I'm not sure what kind of 'sporty' would have meant to Mr Benson.

[26:23]

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Colin Miller:

Then we have Mark Rayford and Tammy Penny. They were both in the south-bound lane of Highway 27. So, keep in mind, Isaac's in the north-bound lane, they're driving south on the other side of 27.

And neither of them saw much beyond the headlights of a vehicle that was suddenly coming toward them as it crossed over the median going the wrong way on the highway.

Both of them do remember that they stopped to try and assist the driver. They gave statements on January 12th and 13th, after Detective Moser had called them.

One thing, though, that both of them mentioned is that there was a white Cutlass that had also been on the scene and in general proximity to Isaac's truck at the time of the accident.

Now, in terms of that white Cutlass, we don't know too much. We know that it's driver might have been named John. While Officer Jackson doesn't remember speaking with any witnesses that night, and he doesn't remember being told a white Cutlass was on the scene.

Listen to his conversation with Clare about a report from the scene referencing Mark and Tammy saying they saw something hit the windshield of the Cutlass as it approached the crash scene. He has an interesting theory about what the object could have been:

[27:33]

Clare Gilbert: *Well, the part of this that I'm interested in is this down here where it says, um, "White Cutlass was in front of them," so this is in front of Tammy-*

Hank Jackson: *[crosstalk]*

Right...

Clare Gilbert: *Penny. And she thinks, "A part of his truck," meaning Dawkins' truck, "Hit the white Cutlass." And what I'm wondering is specifically about this part of his truck hitting the white Cutlass.*

Hank Jackson: *[reads aloud under his breath]*

Thinks that the person driving the Cutlass stopped also and talked with police...

Yeah, I don't know. Doesn't ring a bell.

Clare Gilbert: *But, you didn't find anything... what I'm wondering is what it is that hit... the Cutlass.*

Hank Jackson: *I'll tell you what it could be. And this is just from police officer's standpoint.*

It could be a shell casing.

I don't know.

Clare Gilbert: *Mmm.*

Well, they reportedly found the shell casing... on the other side of the road...

Hank Jackson: *Yeah, see, I wasn't there for that, 'cause they went back down.*

Clare Gilbert: *[crosstalk]*

Yeah, that was the next day. 366 feet south of profile sign.

Hank Jackson: *But see, you know, 366 feet sounds like a long ways, but if you're traveling like, 60 miles an hour-*

Clare Gilbert: *[crosstalk]*

Oh-

Hank Jackson: *That'd be fine.*

Clare Gilbert: *Yeah, no. No, I've driven it.*

[laughs]

But-

Hank Jackson: *[crosstalk]*

Yeah, I don't know.

Clare Gilbert: *If it's not the shell casing, can you think of anything else it might...?*

Hank Jackson: *So, other than that, I have no idea.*

Susan Simpson: It's hard to see what could've broken off Isaac's truck to hit the white Cutlass' windshield. And, maybe it was a casing, but there's a wide median there, so I'm not convinced the second shot could've gotten flung that far to hit the Cutlass.

And we don't know anything else about it. Because we assume that Michael Taylor, the other officer on the scene, was the one who took witness statements. Because Hank Jackson thinks he was out walking the lanes, looking for evidence, or trying to figure where the crossover point was. So he wouldn't have been the one actually talking to Tammy Penny and Mark Rayford and Wayne Benson.

But if that's the case, Michael Taylor didn't write anything down about this 'John of the white Cutlass,' so... we don't have much to go on in terms of finding him.

But, if there's anyone out there, maybe named John, who was driving a white Cutlass south-bound on Highway 27 on January 11th 2000, about 7:15pm, we'd love to hear from you.

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Susan Simpson: One other thing I wonder that it could have been that hit the white Cutlass' windshield. Could there have been a second gun shot? This time, that either missed Isaac's truck or perhaps was aimed at another car?

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Rabia Chaudry: So, there's another witness, named Beatrice Goss, who is actually an ear witness. And uh, Ms Goss was at home, not far from this incident.

She was about to watch television, and she was watching television, but she heard what she thought were shots. She heard two shots from the direction of the Coke plant, uh, and they were not too far apart from each other, in succession, maybe. Uh, she was a distance away from the wreck, but she was kind of close to where Benson places the shots happening.

Susan Simpson: Yeah, she, uh, based on the time that JAG came on, which she was waiting to watch, she estimated the shots were a little after 7:00pm that night.

And, if we're to rely on her testimony, which, again, seems fairly credible, the only question would be whether she could have heard the gun shots if they actually happened closer to where the wreck actually was, the police credit her, and I'm inclined to as well, that she heard two shots that night. Which would suggest that there was another shot fired in addition to the one that hit Isaac's truck.

[31:08]

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Rabia Chaudry: So there's not a lot to go on to from here. You've got a casing, you've got a fragment from the jacket, and you've got a few witnesses. And now the police have to try and connect all that to a suspect.

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Rabia Chaudry: So, from Wayne Benson, the eye witnesses who saw the wreck that night and told the police about the weird interaction between Isaac's truck and another car, right before the crash,

the Rome police department knew that their shooter had likely been in a small, four-door sedan, something Benson thought was like a Honda or a Hyundai.

From the casing they found on the side of the road, they knew that their shooter had likely used a 9mm hand gun to commit the murder.

So here's the next steps – they have to first figure out what little, blue, Honda-ish car Joey could have been driving. And two, figure out how he might've gotten access to a 9mm. So the Rome police took immediate steps to do both in the days following Isaac's death.

[34:25]

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Susan Simpson:

Step One. Find the blue-ish, Honda-ish, sedan-ish car that Joey could've been driving. Also, figure out how he could have been driving this blue-ish, Honda-ish car when he had in fact left his house in a white truck and shown up in Cedartown in a white truck about forty minutes later.

Initially, there was a great deal of excitement over Tandi's little, green-ish, teal-ish Pontiac Sunfire. The one Detective Moser saw at the Watkins house when he went to try and interview Joey on January 12th. A few days after that, he actually went back to their house and uh, took some pictures, of both Joey's truck and the Sunfire, that could be used later at trial.

Now, a teal Sunfire is a small sedan that could have been seen as blue-ish in the dark. So, Moser took those photos of Tandi's car, and, with the hopes of making an ID, he went to show them to Benson.

Unfortunately, that turned out to be a dead-end.

[35:13]

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Lawyer:

In the course of your investigation, did you show Mr. Benson, when you talked with him, any photographs of the blue car.

Detective Moser:

I did not um, show him. He was shown, but not by me.

Let me take that back. I showed him one set of pictures I had. Yes, he was was shown on two different occasions. Uh, one by me and then one by someone else.

Lawyer:

Right.

Detective Moser:

So, yes, sir.

Lawyer:

And did you show him Tandi Watkins' car? Joey Wat-

Detective Moser:

Yes. Yes, I did.

Lawyer:

And he... told you that was not the car that he saw out there that night, didn't he?

Detective Moser:

Yes, he did.

Lawyer:

And you put that into your report, didn't you?

Hank Jackson:

Yes, I did.

Lawyer:

And that's unequivocally-

Hank Jackson:

Yes.

Lawyer:

His statement? And did you show him other blue cars?

Hank Jackson:

He was shown, uh, others by another detective, yes.

Susan Simpson:

In fact, they would eventually compile an entire photo album of blue cars taken around the Rome area. Or blue-ish cars, blue-ish Hondas. Basically, every little four-ish door car that the photographer saw, they took a photo and put it in a book and gave it to Benson.

He did not find any that he thought looked like the car he saw that night. Although, there was one older model Civic, I think, which he seemed to think was close. Although, according to the notes, it wasn't quite right either.

Rabia Chaudry:

I would assume the way that they would do this is to like pull DMV records and see how many, like, little blue Hondas or similar cars are registered, and- and, y'know, collect that information, then see if there's any suspects that make sense there.

Is that kind of the route they took? Pulled records an then-? Or did they just randomly take pictures of cars around town?

Susan Simpson:

We don't know how they did that. And we've seen the photo album, it's still in the police department's files. But, other than the fact someone took those photos and showed them to Benson, we don't know anything else.

And there are a lot of small, blue sedans in the world, and a lot in Rome, so... didn't give 'em too much to go on.

Rabia Chaudry:

I would think that if they were to pull the DMV records. I mean, especially if they started with a Honda, cause it- it seems interesting that he specifically mentions Honda, maybe it looked like, y'know, the certain shape of the- a car.

I mean, maybe they'd come up with a couple dozen, maybe three or four dozen at the most, and that doesn't seem like a whole lot to start with. I mean, unless we're talking about, if it's a big city, maybe thousands and thousands, but, I can't imagine it would be more than a couple hundred in- in an area like this.

Susan Simpson:

Well, one thing they did do, is they went to Floyd College, and pulled the parking records there, because every- the students had to have parking passes. So they went through that and pulled every single small, kind of blue-ish car, and there were a lot of those. So, I think that caused them to give up on that route.

[37:45]

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Colin Miller:

So, that takes us next to Step Two, which is to find a 9mm hand gun that Joey could've been using.

The problem with that is that Joey only owned hunting rifles and shotguns, and... he wasn't in possession of a 9mm that anyone seemed to know of.

Detective Moser, during the course of investigation, did hear rumors about how Joey owned a handgun at some point, although it's not clear when, but really that's all his investigation uncovered.

Nothing sufficient to hang the case on, just a story, hearsay, about Joey maybe having access to an unidentified hand gun at some point in the previous year.

That said, by the time the case got to trial, the state would present evidence that Joey did, in fact, have a secret 9mm, and that in fact he'd bought it not long before Isaac's death.

So, where did this evidence come from? Well, it came from the exact same witness who was the source of all of the rumors about Joey owning a handgun that Moser had heard.

It's just that when Moser talked to this witness, he gave a very different story from, uh, what would eventually be told to the Floyd County Police.

Here's what Moser found in his investigation:

Sometime on January 12th Moser spoke to BriAnne, who told him that while at the hospital waiting for updates on Isaac, a friend on Joey's named Adam Elrod showed up. And, according to BriAnne, Adam told her that Joey had bought a handgun in Cedartown.

[39:03]

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Detective: *Had you ever seen him with any handguns?*

BriAnne Scarber: *Um, no sir, I hadn't, but Adam told me that he had purchased one... in Cedartown.*

Or something like that. I don't know- I don't kn-

Detective: *When did he purchase it?*

BriAnne Scarber: *Uh, I don't know, that's- I can't -*

Detective: *A gun? A handgun or a rifle?*

BriAnne Scarber: *A handgun.*

Detective: *Okay.*

BriAnne Scarber: *You might want to ask him about that, 'cause I really don't know. He had told me at the hospital when I was up there with uh, Samantha and her family and Isaac and I was just so... out of it then, I couldn't tell you what-*

Detective: *And that's Adam Elrod, right?*

BriAnne Scarber: *Yes, sir.*

Rabia Chaudry: So BriAnne doesn't really know much in the way of details, right?

I mean, she doesn't know when Joey supposedly bought this gun, she has no idea how Adam knows that Joey bought a handgun in Cedartown... and she later tells Stanley Sutton of Floyd County Police Department that she's not sure if Adam told her Joey had actually bought the gun, or if he tried to buy a gun.

So, as a result of speaking to BriAnne and her boyfriend at the time, Chad Reddon, Moser then interviewed Adam, who told him that he saw a handgun in Joey's truck about nine months earlier. In June of 1989. And that it was possible that it was a 9mm, but he has no idea where Joey got it from.

And that's it. No gun's ever found and Moser didn't learn anything about this rumored handgun in the course of the seven weeks that he was the lead on the case.

But a year and a half later though, at trial, a very different version of events are gonna be told. Adam testifies to something radically different.

He says that sometime when it was turning colder, in the fall, October, November, he and Joey drove to Cedartown to cruise around and try and pick up some girls.

And while there, Joey said he needed to meet someone so Adam dropped him off at a gas station, where he met with a scraggly man with a beard.

[40:44]

Adam Elrod: *Where he needed to be let out at. I pulled up right in there.*

Detective: *[crosstalk]*

And this was in Cedartown?

Adam Elrod: *This was in Cedartown. Pulled out right there and let him out.*

Well I seen this truck there, a reddish- like a reddish-looking truck. It was sort of light-colored. Looked like someone spray-painted it, really.

An' uh, I seen somebody sorta like standing off to the side of the building over there. Looked like he was smoking a cigarette.

He sorta ha- he was sorta scraggly looking... y'know, like we talked about?

An' uh...

Detective: *He uh- do you remember telling me he had a beard and dark hair?*

Adam Elrod: *Yeah he sorta a real thick goatee. A real wide goatee.*

Joey got out of the car, sorta like as he was walking up, I was steadily pulling up.

Detective: *Mm-hmm.*

Adam Elrod: *Well you go up there to the stop sign and you take a left, you go back.*

And you know he told me, he said it wasn't going to take me about five or six minutes so I rode all the way back down to Kroger, come all the way back.

Well I sorta pulled up there- when I turned the corner, I pulled around real easy.

Detective: *Mm-hmm.*

Adam Elrod: *And his- Robbie's windows are tinted, you can't really see out.*

Well I cracked the window about halfway out- the door just opened, I never did see 'im.

He jumped in the truck, we got a handle right here.

Pulled his self up, he pulled the gun out right here and stuck it up under the console, we gotta- there's a real wide console in the new Fords.

Detective: *Mm-hmm.*

Adam Elrod: *He stuck it up under it. You know, nuttin' was really said...*

[42:23]

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Rabia Chaudry: Now, you'd think that this testimony from Adam could've been impeached easily by the defense, by pointing out how radically different Adam's new story was. How different it was from his initial claims about having no idea where Joey could've gotten a gun. After all, Moser told the defense about his interview with Adam, before the trial, so they knew about it.

But Adam found an ingenious way to avoid impeachment. He simply claimed to have no memory, at all, of ever giving any prior statements.

[42:56]

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Susan Simpson: *Question: And you told every bit of this to detective Moser? When he came to talk to you about this just a day or two after the-*

Answer: Hold on, I don't know who this is? Detective who?

Question: Moser. Do you not remember talking to a Detective Moser on January 14th?

Answer: The only person I remember saying anything to was Stanley Sutton.

Rabia Chaudry: Well.

[laughs]

He- but- uh- okay, I have to laugh about this, even though maybe it's an ingenious way for him to just conveniently forget what he had said, why does it mean that the defense still can't impeach him?

Because they actually have- they have the officer himself, Moser, saying that we had this conversation. They have, y'know, notes of this conversation-

Susan Simpson: Well no notes, they just know what Moser told them.

Rabia Chaudry: There's no notes. And so that's why they c-

Susan Simpson: Well there are notes, but they didn't have them.

Rabia Chaudry: So that's why they couldn't impeach him.

Susan Simpson: Well they bring Moser on.

I mean, the defense drops the attempted impeachment during Adam's testimony and ends cross-examination, but they try to bring detective Moser back, who'd already testified earlier, during their case. But the result was... kind of uninspiring.

The defense tried to ask Moser about Adam's interview and Moser confirmed that it happened and that "No, Adam hadn't mentioned anything in particular about a trip to Cedartown or a shadowy goatee guy."

And Moser did confirm that Adam was giving different dates than he seemed to before.

But he didn't really claim a contradiction, necessarily, between what Adam had said to him back in January of 2000 and what he was saying at trial in 2001.

Colin Miller: Yeah and so here's the question-and-answer to Moser when he's called back to the stand:

Question: How did he, (meaning Adam), appear to be responding to your questions, I mean did he just go off and tell you just everything you ever wanted to know or just-

Answer: Well, if you're asking if he was elaborating, no. I didn't get really a lot of people that elaborated anything. Yes I may have failed in that respect of asking him more thorough questioning, for that I take, of course, responsibility, but he would answer, I guess, when I asked.

Susan Simpson: So, Moser deflected and excused Adam's initial and completely contradictory statements as a result of Moser's own failures in questioning.

I mean, Moser just asked the wrong questions to Adam, perhaps if he'd done a better job, Adam would've come out with his full story from the start.

Rabia Chaudry: It's hard for me to accept that a detective who was looking for evidence to connect a suspect to a gun would not ask questions like, "Do you know if he owned it?" and "Do you know..."

Like, I mean what other kind of questioning would he have done? It would've have been something along those lines. And I can't imagine- unless for some reason Adam, and I don't- maybe we should explore the relationship between Adam and Joey, that maybe Adam was kind of trying to, uh, I don't know, cover for Joey at the time and wasn't fully forthcoming in the early investigation.

Susan Simpson: If he's trying to cover for Joey, why is he immediately going to the hospital to blab to BriAnne "By the way Joey has a gun of some sort"?

Colin Miller: So simply put, overall, this was a really big missed opportunity in this trial. Likely the result of the State not turning over Moser's notes of this interview with Adam Elrod because it's well established in jurisdictions across the country, including Georgia, that if you have a witness, they've testified to one thing at trial, they've made a prior inconsistent statement, and they're testifying on the stand, "I don't even remember making that prior statement." You can use that prior statement both to impeach their testimony at trial, show it's not trustworthy, but also show if this is a person claiming, "I don't even remember talking to a detective" And you have notes from that statement, you can prove this is a person with a bad memory. And their testimony is not especially reliable.

So again, you can't really lay blame at the feet of the defense, but for whatever reason in this case, proper impeachment didn't take place and the jury was probably left with an impression of Adam Elrod that was much higher than it could've been.

[48:02]

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Rabia Chaudry: So at this point in the investigation, the Rome Police Department couldn't link Joey to the probable car that the killer drove, they really couldn't link him to the probable weapon that the killer used to shoot Isaac, other than some of the rumors that Adam had mentioned, and they had no other eye or ear witnesses that could provide some kind of information that might link Joey directly to the scene.

But what they had no problem finding though, were a lot of whispered rumors about all kinds of terrible things Joey might have done. And the worst of these rumors involved the death of Isaac's dog, the previous year.

[48:38]

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Susan Simpson: The night Isaac was shot, Isaac's family and friends told detectives about how three to five months back, Isaac's dog had been killed.

As far as the notes show, no one initially accused Joey of killing the dog at the time. Or at least that accusation is not reflected in the notes detectives took.

But it didn't take long before those claims would start. In fact, Joey allegedly killing Isaac's dog, and Joey's alleged involvement in the Panama City incident would be the two major pieces of evidence against Joey that the Rome police cited in their write-up of the case, when they handed it over to the Floyd County Police.

Eventually, the State would also throw out a claim that Joey had killed another dog, or had someone else kill it for him. Although, that came as a mid-trial surprise for the defense.

Taken together, the dogs would be the most important evidence used against Joey. And I don't use the phrase 'most important piece of evidence' lightly.

I didn't always think that and in early conversations with Joey, he described how during the trial, he felt as though the trial had been going his way until the dog stuff came out and that suddenly everything started to turn very, very bad.

He could feel the mood in the courtroom change, he said, and that, the jurors wouldn't even look his way anymore.

[49:52]

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I kinda dismissed Joey's impression of how the dog stuff had affected his case.

None of the dog deaths even occurred close to the time of Isaac's murder. And the evidence supposedly linking Joey to any of it was so lame that I could barely muster up an eye-roll.

It was all so convoluted and bizarre, and the connection to Joey so tenuous that it was hard to focus attention on it.

Besides, how is Joey supposed to disprove claims that he killed a dog 17 years ago, when there's nothing tangible supporting those claims in the first place?

In terms of investigation priorities, it seemed low just because, how am I going to prove he killed a dog, in 1999?

But then I spoke to people who'd been involved in the case, back in 2001, and I finally came to understand why the dogs mattered – why they're probably the reason, or a very big reason, why Joey is in prison today.

Because the dogs were, in effect, a substitute for motive.

Joey killing Isaac didn't make any sense, from the perspective of a normal human being – the timing, the rationale, none of it fits. And there was no way for the prosecution to hide that fact either. I mean, the dates of when people had dated and stopped dating and what they were doing at the time of the murder, that was all fact that they couldn't get around.

So they couldn't just use a normal 'jealous lover' theory here, because normal jealous lovers don't act like that. That's where the dogs came in to save the day.

Joey hated Isaac so much they said, that he killed Isaac's dog. And that kind of hatred explains why he committed an otherwise motiveless murder.

Here's one juror we spoke to, describing her thoughts on the dog evidence:

[51:20]

Juror:

That doesn't make him a killer, but it does make him a really weird person. I mean, something is messed up in his head. Who does that, I mean, you know? And that shows the extent of hatred.

And that, to me, is the motive. The hatred he had.

It went on for a long time and it got worse and worse and worse, he couldn't stand it.

He even had a new girlfriend! Why is he worrying about this other girl?!

And- and the guy went of three dates with her, I think it was three. And that was it!

He didn't mess with her anymore!

Susan Simpson:

In addition to providing a band aid for the prosecution's motive issues, the dog claims have the double benefit of poisoning everyone against Joey's case before they even know about it.

Back in December, when I first started investigating the case, when I talked to people I knew about the new case we were working on, and what it was about, if I mentioned that some of the accusations include claims that Joey had killed someone's dog... there was a common reaction I got over and over again.

That small sucking in of breath, a short "Oh". "Someone said Joey killed Isaac's dog? Umm. Is it too late for you to do another case? I mean if he's accused of murder that's one thing, but..."

And if I had any doubts about how devastating these allegations were for Joey, the podcast has made it clear – the fact that Joey was accused of killing a dog has resulted in a pretty fierce backlash.

Emails, social media, a lot of people writing in to say they don't care if Joey killed Isaac, why are we defending a dog-killer? Or, 'just FYI, dog-killers are usually psychopaths so... he probably did this too.' Or... "Are you sure you want to be defending Joey? I mean the dog thing.'

Which goes to show how brutal and how insidious this prosecution tactic really was. Just the allegation that Joey killed a dog, destroyed any chance he'd ever had for a fair trial. But beyond that, it continues to damn him to this day, by causing people to shut down and turn away from his case before hearing out the facts.

[53:37]

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Colin Miller:

So that's how the dogs eventually were used at Joey's trial. At the start of the case, back at the beginning, when the Rome Police Department first began their investigation, there was really no indication that dogs would play any role at all. In fact, it seemed like it would be a non-issue.

So here are the basics, here's what we know about Isaac's dog from the testimony at trial:

Her name was Sally. She was a black and tan coonhound that he used for hunting and she was known for digging holes and climbing fences and being a bit of Houdini dog, who would go and basically chase the neighbor's cows when she did get out.

Now, according to Isaac's father, Isaac did everything he could to keep her from escaping, which is why he kept her chained, even when she was in her pen.

Then sometime in the fall of 1999 – it's not exactly clear when – a lot of witnesses gave a lot of different dates, Isaac came home to find that Sally was dead still chained up in her pen – she'd been shot in the head.

Now at trial Tami Colston told the jury that Joey was the one who had killed Isaac's dog as an act of revenge and that he was so proud of what he had done that he couldn't help but brag about it.

In fact, in closing arguments she said:

There were so many people who knew Joey Watkins killed that dog.

And I guarantee you he is kicking himself right now because I guarantee you he went out bragging about it.

And that is why there were so many people who knew it. He was bragging about it, he wanted people to know he had killed Sally, Isaac Dawkins' beloved pet.

He is proud of that, he is proud of that, he is proud of that.

Rabia Chaudry:

It should be noted that, in reality, the “So many people” that prosecutor Tami Colston references, actually consists of precisely one witness at Joey’s trial, whoever claimed that Joey had confessed to killing the dog.

And that one witness had actually recanted the statement before the trial, testifying that Joey had never said anything of the sort – that he made it up, based on rumors he’d heard.

So at the time of Isaac’s death there doesn’t seem to have been anyone or anything that linked Joey to the killing of Isaac’s dog. In fact, on January 14th, just two days after Isaac’s death, Moser had his first interview with BriAnne, for which he took notes. And these notes show, and I quote: “BriAnne said victim did not think Joey shot his dog.”

Shortly after her interview with Moser, though, BriAnne story’s apparently changed because suddenly people all around town were hearing that Joey had shot Isaac’s dog and BriAnne was the one who told them.

Here’s what BriAnne’s friend Jessica told the police during her interview in October, nine months later:

[55:53]

Detective:

Do you know any other information about rumors or... whatever you’ve heard throughout the community?

Jessica:

Just that Isaac’s dog had gotten shot. That’s it.

Detective:

Do you know who shot Isaac’s dog?

Jessica:

I was told that it was Joey.

Detective:

Who told you?

Jessica:

BriAnne.

Detective:

How did BriAnne know?

Jessica:

She said that Isaac told her.

Detective:

Isaac told her? Okay.

Rabia Chaudry:

But Detective Moser’s investigation never actually turned up any evidence beyond these types of rumors. And Joey has always denied any connection between him and Sally’s death.

[56:25]

Susan Simpson:

What did BriAnne tell you, back then about the dog?

You knew about it- you knew the rumors or heard something about it?

Joey Watkins:

Yeah! I- se- se- before that I didn’t even know he- he I didn’t even know he had a dog, you know.

And she called me up and she asked me- she’s like, she’s like, “You know anything about Isaac’s dog getting killed?”

And I was like, “What?” And I was like “No, I don’t know anything about it.”

And it was a conversation about a dog and I- I- she told me, she’s like “Well he knows who did it anyway.”

The neighbors it kept getting in their trash or whatever it was doing, running their cows or- or whatever.

Said the neighbour, actually, shot his dog.

That's what BriAnne told me. They thought the neighbors had done it.

Susan Simpson:

And it seems like that's what BriAnne told Moser, too.

Joey Watkins:

She knew, they knew I did not kill his dog.

He even knew I did not kill his dog.

Susan Simpson:

She was going around telling everyone that you did, unfortunately.

Joey Watkins:

Yeah, she knew better.

Colin Miller:

Now you may be wondering why the fact that BriAnne said that Isaac didn't think Joey killed his dog didn't come out at trial. Well in part because, again, Moser's notes were never provided to the defense.

Until Clare obtained the police file in October 2015, no one outside the State had seen Moser's notes, or knew about BriAnne's denial that Isaac thought Joey had done it.

Once Clare learned of it though, she decided to try to speak to BriAnne, but BriAnne was less than enthusiastic about talking to Clare.

Clare Gilbert:

I just kept saying you know, so, "Would you like to talk to me on the beach? I can come to you."

"No, the only thing your call has taught me is that I should change my phone number!" And, "I can't believe this!" and blah blah!

And, so I tried again, and I was like, "Look, I really just want to know one thing, I've spoken with Detective Moser, I've looked at his police notes, and his notes, and he personally says that you told him, that Isaac Dawkins told you, that he did not- that Isaac did not believe that Joey shot his dog. Can you please tell me about that conversation? Is that correct?"

And, she had this long pause... and I thought she might answer me! I was really hopeful she would answer me.

And... then she says, uh, "I'll be contacting the District Attorney's office!"

And I said, "Ok, um..." and I said, "I have spoken with them already... so that- it won't be a surprise to them that I'm calling you, but if you- feel free."

And she said "The District Attorney of LaGrange?!"

And I said, "No, I was- of Floyd County is the one I talked to. I'll be contacting the District Attorney of LaGrange!"

Susan Simpson:

[crosstalk]

Ok you do that.

[laughs]

Clare Gilbert:

"Goodbye!" And she hung up on me.

[laughs]

[59:21]

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Colin Miller:

So that's the long and short of what the Rome Police Department found against Joey.

Maybe they could link him to a 9mm gun, although probably not. Maybe they could link him to the shooting of Isaac's dog, although probably not.

Really no evidence whatsoever that he ever had possession of a- a- smallish, blueish, Honda-ish car.

And that goes a long way to explaining something that happened toward the end of detective Moser's investigation.

Rabia Chaudry:

Yeah because at some point during the course of his seven week investigation, Detective Moser determined that Joey was not a viable suspect in Isaac's murder.

And in fact at some point, Moser wrote a letter, stating that Joey Watkins had actually been eliminated as a possible suspect in the case.

And at best we can determine, this was written at the request of Joey's attorney, to help Joey in applying for a job he was trying to get at the time. The letter wasn't saved though, so we don't know exactly what it said.

In fact, we only very recently learned that it even existed and through an extremely convoluted path.

Susan Simpson:

In October 2000, one month before Joey's arrest, Joey was dating a new girl, named Kelly. And they'd gotten pretty serious, in fact, they'd moved in together.

Stanley Sutton found out about it and he and another SEPD officer went to Kelly's parent's house to interview Kelly and her father and to talk to them about the case. Although 'interview' is probably the wrong word for it, because the real purpose seems to have been to convince Kelly and her father that Joey would probably kill her if she kept dating him, so she shouldn't do that.

And to tell them all the bad things Joey had done, or had supposedly done.

But, as it turns out, we actually have a recording of this interview.

Now, the police didn't record it, or even write down, much about it, beyond one note which we'll discuss in a moment.

But Kelly's father had wanted to prepare for the interview. And he'd spoken to Joey, sat down with him and said, "I want to hear your side of the story if you're going to date my daughter."

And... then he talked to the police. And wanted to make sure that he could know what they'd said and to have a record of it, he decided to tape it. And he's hung on to this tape for the past 16 years.

When we listened to it, we were startled to hear the following exchange. In it, Kelly describes seeing a letter which purported to officially clear Joey as a suspect and Kelly's father asks the Floyd County officers about it.

The clip starts with Kelly's dad and he's saying, "Wait, what's this letter? A letter that cleared Joey as a suspect?"

And then you can hear officers Shiflett and Sutton responding:

[1:01:51]

Kelly's Father: *Did you say you saw a letter?*

Bill Shiflett: *Yeah, there- there's a letter, there-*

Kelly's Father: *And... what was supposed to be on the letter?*

Kelly: *[crosstalk]*

He just showed it to me, I didn't read it or anything like that... either the City or the GBI, one or the other.

Bill Shiflett: *It's the City, it's from Jim Moser, but that's been disproven... that's-*

Kelly's Father: *And what did it basically say? That-*

Stanley Sutton: *That he eliminated him as a suspect?*

[crosstalk]

Yeah, I'm- I'm sure that's true, because at the beginning, uh, Mr Moser did appear to clear him as a suspect.

But, you know, uh, in turn, with me talking to Moser, Moser's gotta be crazy as the Devil- Look at it, I said, they're dating the same girl, this BriAnne, uh, you know, they broke up, uh, he'd proven the fact that they'd had words together, they've fought, in fact, I think Aislinn went to his house one time, he was chased down by, uh, Joey... you know, several months prior to that...

And isn't it a coincidence to you that Joey's on the same highway, same day that Isaac gets shot? You know-

Kelly: *[crosstalk]*

I bet a lot of other people were too, though.

Susan Simpson: *When I first heard this, I could not believe at first that I was hearing it right.*

Not only does Kelly says that she's seen a letter that cleared Joey as a suspect, but Sutton and Shiflett jump in and confirm it exists. "Yeah it's from the City Police, it's from Jim Moser, it says that he eliminated Joey as a suspect."

And then we have Sutton adding in, "Yeah Moser did eliminate him as a suspect, but Moser has got to be crazy."

That seemed like confirmation that this letter existed, if Floyd County Police are willing to tell a witness "Oh yeah, it's real." And I had seen other references to the letter in the files. At one point Aislinn mentions it as well.

But, one of Sutton's reports states that he'd asked Moser about the letter and Moser had told him he didn't know anything about it. So I'd assumed it didn't exist. That either Aislinn had misunderstood or maybe Joey had lied to her about the letter. I mean a secret police letter that says you're not a suspect seems like a- not a real thing, right?

But the letter was real, Moser had indeed written it, and according to Shiflett and Sutton they were aware of it.

But that raises a new question – if there's a letter from the police that cleared Joey as a suspect, then how come we were only learning of it now? Months and months into the investigation, 16 years after the trial.

I still don't know the answer to that, but, Clare was able to confirm with Joey's trial attorney that, yeah, Moser had written the letter. Although, they're not sure where it is now.

Rabia Chaudry: That's a really unusual thing for police to do, right? I mean, I don't think I've ever heard of that in another case.

Colin Miller: It's so unusual, because... it is something that could be used at trial. Now, it wasn't used here, obviously, but, to have an official statement from a police department that's investigated the case for several weeks saying, "We've cleared you as a suspect..."

I mean you present that to a jury and you can imagine as a juror that's almost automatic reasonable doubt, so, I- I- I would love to know the thought process of Moser when he wrote this letter and... what exactly lead him to conclude, "We're writing him off as a suspect and basically wiping our hands clean."

Rabia Chaudry: Well, I would like to know the thought processes of the trial attorneys-

[laughs]

Who didn't present that letter if they knew of it's existence back then.

Colin Miller: Yeah! Agreed.

Rabia Chaudry: Well, regardless, Joey's status as a non-suspect didn't last long. Because, on February 28th, the Rome Police Department received word that there was gonna be a change in how the investigation was proceeding. The Floyd County Police would be taking over.

And here's the letter from Chief Free, from the Floyd County Police Department, that was written to the Rome Police:

Colin Miller: *We were asked by the family of Isaac Dawkins to become involved in the investigation of this case. I have asked Captain Tommy Shiflett to assign Sergeant Stanley Sutton full-time to work on the case.*

Sergeant Sutton will furnish on a daily basis any information that he receives in the case. And if he should develop enough information to prosecute someone, he will turn that information over to the Rome Police Department for arrest and prosecution.

We do not want to grand stand, and we do not want to create any ill-will between the two departments.

Mr Dawkins said that he would just like for someone else to look at the case, and see if they can spot something that would lead us to a successful conclusion.

Sergeant Sutton was chosen because he is one of the best criminal investigators, and he has ties to the family.

Rabia Chaudry: So, as of February 28th, now that Floyd County has taken over, Joey's status as a non-suspect is over. From that day forward, he is going to be the only suspect, along with whatever accomplice was popular with the investigators at the moment.

Stanley Sutton came into the case convinced that Joey was the culprit, and spent the next eight months creating the case to prove it.

Rabia Chaudry:

It seems clear that by the end of their investigation, the Rome Police Department had crossed Joey off their suspect list. They seemed to realize there really wasn't any evidence connecting him to the crime, other than rumors and conjecture.

But it wasn't just that. It was also the fact that in those seven weeks, other possible suspects were coming out of the woodwork. Next time, on *Undisclosed*.

[1:07:02]

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Dennis Robinson:

And that wraps up episode six of the second season of *Undisclosed*.

Thanks for coming along for the ride, everyone.

Hey, before we get into the credits, I mentioned at the beginning of the episode that I've got a favor to ask of our fans. And, here it is: *Undisclosed* wants to host a panel at South by Southwest in 2017. We're calling that panel, 'Podcasting for Social Justice Radicals.'

Basically, Rabia and I want to get up there and tell the world how we go about developing *Undisclosed*, and why we believe podcasting can be a powerful medium for achieving social justice change. In order to get that panel, we need fans to vote for it.

So, here's how you can do so. We need you to go to www.panelpicker.sxsw.com/vote/67597. That's gonna take you to the *Undisclosed* South by Southwest panel picker page. You're gonna be able to see videos from Rabia and I and read about our proposal. Again, here's the website. I know it's complicated, just bear with me. It's www.panelpicker.sxsw.com/vote/67597.

The other way you can go about getting there is by going to panelpicker.sxsw.com and doing a search and you can either for *Undisclosed* or the title of our panel, which will be 'Podcasting for Social Justice Radicals.' You go there, you find our page, you sign up for an account and you can cast your vote.

South by Southwest is gonna pick the best panel presentations in part based on how often you guys vote for us. We really need your support, we're gonna be promoting it on social media.

Undisclosed really wants to do this, again, because we believe in the power of podcasting and we believe in the power of our fans to help us effect social change by listening to podcasts and going out there and pressing for the reform. So, vote for us. We promise we don't disappoint you, it'll be a great panel and hopefully you'll be able to either attend or watch it online. That said, thank you.

And here come the credits. As always, we want to thank the Georgia Innocence Project for bringing us Joey's case. You can learn more about the Georgia Innocence Project at their website, www.georgiainnocenceproject.org.

Our great sponsors this week: Blue Apron, Stamps.com and The Great Courses. Thank you, as always. Support our sponsors. They support us.

Ramiro Marquez on the music, along with Patrick Cortes. Ballookey on our logo, Nina Musser and Christie Williams on our website and people maps brought to you by Heidi Phelps at the *Undisclosed* webpage. That's www.undisclosed-podcast.com. Rebecca Lavoie of Partners in Crime Media and the podcast *Crime Writers On* makes the show sound great. She gets her help from Hannah McCarthy and Brooke Giddings. Brooke's of the *Actual Innocence* podcast. Don't forget to check that out. It's a great podcast, we love it.

Mital Telhan does everything. Like, literally, everything just short of reading these credits into the microphone. Thank you, Mital. You're great. And to our listeners, thank you. We appreciate you very, very, very much.

You can follow the show online at our handle @UndisclosedPod. You can follow us on Twitter, you can follow us on Instagram, Facebook, all those happy places. And make sure that you drive the conversation on social media.

Here's some other news; I'm gonna be hosting the *Addendum* this week. You can help me make sure I don't screw it up by comin' up with some really interesting questions for Twitter. If you've got interesting questions, we won't have to rely on my boring ones. All you have to do to ask questions is tweet with the hashtag #UDAddendum. We'll find the best ones and read them on air.

So, for now, Dennis Robinson is your executive producer. Is he also a good host? I don't know. We'll find out Thursday. Until then..

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