

1 Q Okay. Thank you. Nothing further.

2 THE COURT: Anything further? All right. Wait
3 outside, please. Call your next witness.

4 MS. COLSTON: Joey Samples.

5 *****

6 **JOEY SAMPLES**

7 was called as a witness by and on behalf of the State, and
8 after being first duly sworn, was examined and testified as
9 follows:

10 **DIRECT EXAMINATION**

11 **BY MS. COLSTON:**

12 Q Hi.

13 A How are you doing?

14 Q Joey?

15 A Yes, sir [sic].

16 Q If you will, speak up so the Court can hear you
17 and tell us your name.

18 A Joey Samples.

19 Q Where do you live at, Joey?

20 A 101 Wooten Drive, Rome, Georgia.

21 Q Okay. You're a long-haul truck driver; aren't
22 you?

23 A Yes, ma'am.

24 Q Back around October of 2000, this past October
25 say, do you remember talking to Bill Shiflett?

1 A Yes, ma'am.

2 Q And back in February before that you were in jail;
3 right?

4 A Right.

5 Q In Floyd County Jail?

6 A Yes, ma'am.

7 Q What for?

8 A Counterfeit money.

9 Q Counterfeit money?

10 A Yes, ma'am.

11 Q You had possession of counterfeit money?

12 A Yes, ma'am.

13 Q All right. Were you in jail with a fellow named
14 Mark Free?

15 A Yes, ma'am.

16 Q Do you see him in the courtroom?

17 A Yeah, I see him over there.

18 Q Now did you get to talk -- did you talk to Mark
19 Free on a regular basis, the two of you?

20 A Yes, ma'am, we just -- yeah, because we just knew
21 each other from school. In high school we was good friends.

22 Q Okay. You knew him from high school?

23 A Yes, ma'am.

24 Q Okay. So during the time -- I know that you had a
25 lot of conversations and a lot of discussions but I just

1 specifically want to ask you about one or two specific
2 things. One thing was, did he ever talk to you about a girl
3 named Brianne?

4 A Yes, ma'am.

5 Q What did he say to you about a girl named Brianne?

6 A He was talking about she was talking a lot, you
7 know, just running her mouth. I mean, he said she was just
8 running her mouth on things that she shouldn't be saying,
9 you know.

10 Q She was running her mouth on things that she
11 shouldn't be saying?

12 A Yes, ma'am.

13 Q Had he been talking to you about the killing of
14 Isaac Dawkins before that?

15 A Yes, ma'am, we had conversated on some things
16 about it.

17 Q So did you take that to be related to that
18 conversation?

19 A Yes, ma'am.

20 Q What did he say about -- did he say -- I mean,
21 what about any trouble? Let me do that again. What did he
22 say about what he was going to do?

23 A There was a -- she said -- she was talking too
24 much and he was going to have her knocked -- you know, keep
25 her from talking, have her knocked off, something like that,

1 you know.

2 Q You took that he was going to do something to shut
3 her up?

4 A Yeah. I mean, basically.

5 Q Do you know if he was talking to anyone else about
6 this?

7 A No, just me and --

8 Q Over the phone? any friends or anything like that?

9 A No, ma'am, just me and him.

10 Q All right. Thank you.

11 A Yeah.

12 THE COURT: Mr. Abernathy.

13 MR. ABERNATHY: Thank you, Judge.

14 *****

15 CROSS-EXAMINATION

16 BY MR. ABERNATHY:

17 Q Good afternoon, Mr. Samples. My name is Rex
18 Abernathy and I've not had an occasion like Mr. Sutton or
19 Ms. Colston has. Now my client, Mr. Joseph Watkins --

20 A Right.

21 Q -- you've never spoken to him; have you?

22 A No, sir.

23 Q No one has ever told you he had anything to do
24 with this incident; have they?

25 A I ain't never spoke to him myself at all, uh-uh.

1 Q I say no one has ever told you he's had anything
2 to do with this; have they?

3 A Me and Mark have just talked about it.

4 Q And isn't it true that -- well, let me ask you
5 this first. When did you say you were in the Floyd County
6 Jail?

7 A From October till March the 12th.

8 Q October till March the 12th.

9 A Right.

10 Q What were you in there for? Did you say
11 counterfeit checks?

12 A Counterfeit money.

13 Q And did you make bond and get out?

14 A No, I beat all my charges and got out.

15 Q What do you mean, you beat all your charges?

16 A I was not guilty of them.

17 Q Did you go to trial?

18 A Uh-huh.

19 Q All right. And did Stanley Sutton talk with you
20 to try to get you to talk to Mark Free about this case?

21 A I had talked with Stanley when I got out of jail.
22 I mean, he wasn't like -- when me and him was talking, we
23 was just talking basically on a case. It wasn't nothing
24 like --

25 Q Were you talking while you were in jail?

1 A I got to talk one time when I was in jail. That
2 was it because I got out.

3 Q Did you get out before you went to trial?

4 A No, I got out and then went to trial. I went to
5 trial and then I got out.

6 Q Mr. Sutton helped you get out; didn't he?

7 A No, he wasn't even -- I didn't even talk to him
8 the whole time. I didn't talk to Mr. Sutton until about, I
9 guess, a month and a half ago, two months.

10 Q About two months ago?

11 A Yeah.

12 Q And have you talked to him about getting any help
13 for somebody else?

14 A Uh-uh.

15 Q Mr. Sutton or anybody else?

16 A Uh-uh.

17 Q And isn't it true that you told Mr. Sutton that
18 Mr. Free told you that he's not going to say he had anything
19 to do with this at all? Isn't that what he told you?

20 A Yeah, he said he wouldn't. Yeah, Mark told me
21 that because we was talking and I would ask him and he just
22 told me that he wasn't going to say if he did it or didn't
23 do it.

24 Q So he didn't say he had anything to do with this;
25 did he, Mr. Free?

1 A No, he was just telling me that -- it was more
2 like, you know, Mark didn't come out and say, yeah, I done
3 it. He didn't. I mean, he just said, no. He wasn't going
4 to say if he did or if he didn't do it, you know.

5 Q Were you wearing a tape recorder?

6 A Nah.

7 Q And when did you first talk with Mr. Stanley
8 Sutton about this?

9 A About two months ago. I had -- I mean, I got out
10 in March and me and Mr. Sutton didn't get to talk to around
11 about October, November.

12 Q Well, I thought you said a minute ago you talked
13 to him while you were in jail.

14 A Not him. I talked to another detective.

15 Q Who did you talk to while you were in jail?

16 A I think it was Moser, Moser.

17 Q Detective Moser?

18 A Uh-huh.

19 Q And have you talked to Detective Moser since
20 you've been out?

21 A I've talked to him. He came by my house. I guess
22 it's been about two months ago, somewhere in there.

23 Q And are you doing any other work for the police?

24 A Nah.

25 Q Are they helping you with some drug charges?

1 A I ain't never had no drug charges.

2 Q Do you have any charges pending at this time?

3 A I ain't got no charges pending.

4 Q Who was in the cell with you with Mr. Free when
5 you were --

6 A A guy named Phillip. I don't know his last name.
7 That's the only guy that was in the cell, I mean, around the
8 area where we was talking.

9 Q There was just three people in the cell?

10 A No, what I'm saying was in the area that we was in
11 where we was talking. It wasn't but like three of us. I
12 mean, there wasn't -- everybody else was asleep. I mean,
13 you know, it was kind of late, lockdown.

14 Q And did you go and did you wake Mr. Free up to try
15 to talk to him about this?

16 A No, Mr. Free came to me and talked to me because
17 we was friends in high school and he wanted somebody to talk
18 to, so he came to me.

19 Q And, in fact, he told you this was a bum rap; that
20 he had nothing to do with this? Didn't he? Isn't that what
21 he told you?

22 A He didn't put it that way.

23 Q Well, that's what he meant; isn't it?

24 MS. COLSTON: I'm going to object to what he
25 meant, Your Honor.

1 MR. ABERNATHY: Well, he said he didn't put it
2 that way. He remembered how he didn't put it. I'll
3 rephrase it, Judge.

4 A Yeah, I remember -- I mean.

5 MS. COLSTON: I've got a copy of the transcript if
6 they want to see it as to what everything was told him.

7 MR. ABERNATHY: Well, I'll let the witness testify
8 to the Court. Thank you, Judge.

9 Q Do you remember how he did put it?

10 A Yeah, I mean, it's a long conversation. It was a
11 lot we talked about and, you know, I was trying to help him
12 out with it, you know, because I was telling him, I said,
13 well, if you didn't do it, why you -- you know, if you
14 didn't do it, don't incriminate yourself for something
15 somebody else did. But he just kept telling me he wasn't
16 going to tell me if he did or if he didn't do it.

17 Q Well, and the reason you told Mr. Free if he
18 didn't do it, tell them he didn't do it because he told you
19 he didn't do it; didn't he?

20 A I mean, he didn't go into it like that. He just
21 kept telling me he wasn't going to say that he did or he
22 didn't. He didn't come out and just say, I didn't do it,
23 you know, because he was coming to me because I've been
24 knowing him since high school. So he was coming to me to
25 talk to me to get it off -- you know.

1 Q And he let you know he had nothing to do with it;
2 didn't he?

3 MS. COLSTON: Asked and answer, Your Honor.

4 Q Mr. Free is right over there.

5 A Right. Yeah, I know Mr. Free, yeah.

6 Q He let you know he had nothing to do with this;
7 didn't he?

8 A He kept telling me he wasn't go to say if he did
9 it or didn't.

10 Q Well, that's about all that I saw in the
11 transcript, hearing you say. Do you remember anything else?

12 A Yeah, I remember the transcript. I sat down and I
13 told them what happened when they came and asked me.

14 Q Well, did you talk to Mr. Moser before you talked
15 to Mr. Free while you were in jail?

16 A No, they came up and talked to me.

17 Q So you talked to them afterwards?

18 A Right.

19 Q Were you trying to get yourself some help; weren't
20 you?

21 A No, why should I get the help when I had already
22 beat my case.

23 Q Well, what were you in jail for if you beat your
24 case?

25 A Because when I went to court, I had like two or

1 three months probation left and so I told them to go ahead
2 and take it. I didn't want to get out and still be on all
3 this and that.

4 Q So you got your probation revoked?

5 A Yeah.

6 Q Did you serve all of that time?

7 A Yeah, I'm through with --

8 Q Did you serve all that time or did you get out
9 early?

10 A I served all that time.

11 Q And when did you go and talk to Mr. Moser in jail?

12 A I guess it was about -- I guess about a couple of
13 weeks before I got out, something like that.

14 Q That's the first time you ever talked to Mr.
15 Moser?

16 A Yeah, that's the first time I ever talked to him.

17 Q Was that the first time you'd talked -- had you
18 not talked to Mr. Sutton while you were in jail?

19 A No, sir, I ain't talked to Mr. Sutton while I was
20 in jail.

21 Q And you didn't talk to Mr. Sutton with Bill
22 Shiflett?

23 A Yeah, but we wasn't in jail. That was like two
24 months ago when I had got out.

25 Q That was back in October?

1 A Right.

2 Q And did you talk to Mr. Shiflett while you were in
3 jail?

4 A No, sir.

5 Q Did you give any other -- is this basically all
6 you told the police that Mr. Mark Free wouldn't say he did
7 do it? Is that all you told him?

8 A Yeah, I told them that, you know, he wouldn't say
9 that he did it or he didn't. You know, he just kept saying,
10 you know -- I asked him, you know. I said, well, Mark, you
11 know, if you did it, you know -- I kept asking if he did it.

12 He said, well, man, I ain't going to, you know, I ain't
13 going to tell you.

14 Q And you gave the police no other information about
15 this, did you?

16 A I just told him what we had conversated about it.
17 That was it.

18 Q Did you give them any other information other than
19 you said he wouldn't say he did it or didn't do it?

20 A Uh-uh.

21 Q That's all you told them?

22 A Right.

23 Q And Mr. Free, in fact, gave you no further
24 information than that; did he? He didn't tell you anything
25 about this incident?

1 A We went into some deep details about the incident.
2 I mean, but he still didn't come out and say that he did it,
3 you know.

4 Q Well, tell me what detail you went into.

5 A We went into detail about Brianne, you know, about
6 what happened that night, about his background; what they'd
7 be expecting of --

8 Q What did he go into that happened that night?

9 A I mean, went into about the -- I mean, about the
10 dog, the incident on Isaac's dog and then we talked about
11 Brianne, you know, how she was talking too much. We talked
12 about the incident that night on the highway about -- you
13 know, we was talking about him being in the service and him
14 being a pretty good shooter, you know, and he was telling me
15 that they would expect that he done it because of his
16 background and things like that, you know. And we was
17 talking about --

18 Q Did you talk about anything that happened that
19 night, January the 11th?

20 A Yeah, I mean, we was talking about the killing on
21 the highway. You know, what all had -- let me see. I mean,
22 we just talked -- it was so much stuff we talked about, man.
23 I mean, it was just a lot of things, you know. I mean, we
24 sat down there for about two or three hours talking. I
25 mean, he came to me, you know, wanting to because, you know,

1 we was friends. So he came to me like it was bothering him.
2 You know, it wasn't bothering me. I didn't know nothing
3 about any of it.

4 Q It was bothering him because he had been charged?

5 A He hadn't been charged with nothing then. We was
6 in there on probation violation.

7 Q And he gave you no details about what happened
8 that night?

9 A Just the things we talked about about Brianne,
10 about the dog, about the --

11 Q Mr. Samples, I'm talking about the shooting?

12 A Yeah, I mean, he was just telling me about the way
13 -- the way the boy had got shot that they would expect that
14 he done it because --

15 Q What way did the boy get shot?

16 A I mean, the boy getting shot on the highway while
17 the cars was moving. We was talking about that and he was
18 talking about because he was -- you know, he was good in the
19 service that they might say that he did -- I mean, he didn't
20 say that he did it and he wouldn't say that -- he just said
21 he wasn't going to tell me he did it; who did it. You know,
22 he wasn't going to say he did it or he wasn't going to say
23 didn't.

24 Q Has anyone told you how this has happened? how
25 this shooting happened out on the highway?

1 A Nothing [inaudible]

2 Q Has Mr. Sutton told you what happened?

3 A No, sir.

4 Q Did Mr. Moser tell you about how it had happened?

5 A No, sir.

6 Q Has anyone told you how it's happened?

7 A No, sir, just me and Mark. That's how I found out
8 about it.

9 Q Y'all talked about it?

10 A Right.

11 Q Have you told the Court everything you know about
12 it? Have you told us here today everything you know about
13 it?

14 A No, I ain't went into everything I know about it
15 because it was a lot of stuff, you know. I ain't sat here
16 and just really thought about everything he told me.
17 Understand this happened in March. This is now what?
18 January?

19 Q And Mr. Free told you he had nothing to do with
20 it; didn't he?

21 A Just he wouldn't say if he did or didn't, yeah;
22 right?

23 Q All right.

24 THE COURT: Mr. O'Dell.

25

1 CROSS-EXAMINATION

2 BY MR. O'DELL:

3 Q Mr. Samples, you and Mark have been friends a long
4 time ago?

5 A Right.

6 Q It's been some ten years since you've seen each
7 other; hasn't it?

8 A It's been a while.

9 Q A long time?

10 A Yes, sir.

11 Q Your history goes back way on. You haven't seen
12 each other for a while?

13 A Right.

14 Q You only had one discussion; didn't you?

15 A No, we had more than one. I mean, we talked for a
16 couple of days and then I got moved. They came and moved
17 me.

18 Q During all these couple of days did he talk about
19 this incident?

20 A No, we talked -- we'd get a couple times -- you
21 know, a little quiet time to ourselves. When I was up there
22 talking with him or chilling, we'd just sit down and talk
23 about it.

24 Q You talked about a lot of things? old times? old
25 friends?

1 A Yeah, we went through a lot of things, yeah.

2 Q In fact, that was most of what y'all talked about;
3 wasn't it?

4 A Yeah. When he first came in that's all we talked
5 about; how we used to hang out, things we used to do, yeah.

6 Q Were there any reward posters around in your
7 cellblock?

8 A Yeah.

9 Q About this death?

10 A Yeah.

11 Q You saw those in there?

12 A Right.

13 Q Now this cellblock, this is a big open area, isn't
14 it, like 30 folks sleeping in there?

15 A Yeah.

16 Q So if y'all sit down and start talking and you're
17 talking normally, anybody can listen in; can't they?

18 A Yes, sir.

19 Q So anybody that night could have? Y'all weren't
20 whispering; were you?

21 A No, anybody that night couldn't have listened in
22 because we had left and got to our ownself. It was after
23 lockdown. So, I mean, it was after lockdown and we was in
24 an open-man cell, which we wasn't supposed to get up. We
25 was supposed to stay in our cell.

1 Q But there was still folks around?

2 A Yeah.

3 Q All right. Did you know Isaac Dawkins?

4 A I had seen him around a couple of times. I had
5 seen him -- I believe the last time I had saw him was at, I
6 think, Super K-Mart and it had been a while ago. You know,
7 like personally just having a friend-to-friend relationship,
8 it wasn't nothing like that but I knew him.

9 Q All right. So you knew who he was?

10 A Yeah, I knew who he was, yeah.

11 Q Mark didn't give you any particulars on how the
12 death of Mr. Dawkins occurred though; did he?

13 A No, he just told me he had been shot.

14 Q He told you that Isaac -- how did Isaac's name
15 even come up?

16 A Because see they brought the little -- the
17 billboard, the little -- whatever they had, the reward.
18 They brought it in there and he came to me and said he
19 wanted to talk about something. I said, well, I'm all ears.
20 Let's hear it.

21 Q He basically told you what he had heard going on
22 around; didn't he?

23 A He wouldn't tell me -- I mean, he didn't say that
24 he had heard. I mean, he was going into -- he was telling
25 me details like he had something on his mind, you know.

1 Q You don't know where he got his information or
2 details from though; do you?

3 A I don't know. He came to me.

4 Q He could have gotten these details from a number
5 of different people that he was relating to you?

6 A Yeah, but if me and you sit down and I conversate
7 and you tell me something and you're going to tell me -- if
8 you heard it from somebody else, you're going to put it a
9 different way but if you tell me yourself from what you know
10 of your experience, you're going to tell me your way.

11 Q Now how long was it before you went and sought out
12 Detective Moser from the time you talked with Mark?

13 A Now, I don't remember all that. I don't even -- I
14 don't know. It was like they came and saw me like two weeks
15 before --

16 Q They saw you? You didn't go seek them out; did
17 you?

18 A No, they came up to the -- I had talked to Ms. --
19 I don't even know her name. She's an officer and they --
20 they came up and then me and Mr. Moser had a talk. I mean,
21 because they had been going around. I mean, everybody got
22 to talking about it and then they just came and moved me out
23 of nowhere and then I ended up talking to Detective Moser.

24 Q When you had this talk with Mark, you didn't the
25 next day say, I need to talk to the police. Someone come

1 down here?

2 A No, it wasn't no next day. I mean, when me and
3 Mark first had the talk, I mean, you know, me, myself -- a
4 lot of guys -- I'm in jail. A lot of guys coming to me and
5 they have a problem, they talk. I mean, I wasn't even -- I
6 wasn't really studying it, you know, and then we got to
7 talking about Brianne and, you know, I just -- no matter
8 what goes on, I don't believe in, you know, nobody getting
9 knocked off for talking or anybody getting hurt, you know.
10 I done been locked up. I've done been in plenty of
11 situations and that's the only reason why the whole thing
12 got out is because of Brianne. You know, he was talking
13 about -- you know, me and him was conversating on Brianne
14 about her talking too much, I mean.

15 MR. O'DELL: That's all I've got.

16 THE COURT: Ms. Colston.

17 MS. COLSTON: Thank you.

18 THE COURT: All right. Thank you. You're free to
19 leave, Mr. Samples. You can go on and leave if you
20 wish. Call your next witness.

21 MS. COLSTON: We call Chad Redden.

22 *****

23 CHAD REDDEN

24 was called as a witness by and on behalf of the State, and
25 after being first duly sworn, was examined and testified as