

1 MS. COLSTON: We call Joey Samples.

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3 **JOEY SAMPLES**

4 was called as a witness for and on behalf of the
5 State, and after being first duly sworn, was examined
6 and testified as follows:

7 **DIRECT EXAMINATION**

8 **BY MS. COLSTON:**

9 Q Mr. Samples, if you would, please speak up
10 so the jury can hear you and tell us your name.

11 A Joey Samples.

12 Q Where do you live at?

13 A 706 West Elm Street, Rockmart, Georgia.

14 Q Rockmart, Georgia. And how long have you
15 lived in Rockmart?

16 A You might as well say most of all my life,
17 which has been back and forth.

18 Q Where do you work at?

19 A Joy Truck Lines out of Dalton, Georgia.

20 Q What do you do for the truck lines?

21 A I drive a tractor-trailer over the road.

22 Q Okay. How long have you been doing that?

23 A About three years.

24 Q About three years. Now, Mr. Samples, I am
25 going to take you back to around October of 2000.

1 Did you have the misfortune of being in the Floyd
2 County jail for something?

3 A Yes, ma'am.

4 Q What was that for?

5 A Counterfeit money.

6 Q What happened to your case?

7 A They threw it out. I beat it.

8 Q You beat it. Did you beat it or they threw
9 it out? Which of the two?

10 A They threw it out. It was --

11 Q Did you go to court?

12 A Yes, ma'am.

13 Q Did you have a jury empaneled?

14 A No, ma'am.

15 Q Did you have a judge?

16 A Yes, ma'am.

17 Q All right. Did you contest the charge?

18 A Yeah. I fought it and with the evidence and
19 everything it --

20 Q Did my office prosecute you?

21 A Yes, ma'am.

22 Q Okay.

23 A And with the evidence and everything else,
24 it came out that I -- the way that it happened, it
25 wasn't that I was trying to get the money over on

1 them. I had cashed my check there.

2 Q So you cashed your check at Roy's?

3 A And they gave me the money, yeah.

4 Q They gave you the money.

5 A Uh-huh.

6 Q All right. So anyway you got all that
7 straightened out and you were found not guilty and
8 everything is happy; right?

9 A Right.

10 Q But during that time you were waiting to go
11 to court; right?

12 A Yes.

13 Q In the summer of 2000?

14 A Yes, ma'am.

15 Q Do you know Timothy Mark Free?

16 A Yes, ma'am.

17 Q How did you know him?

18 A I went to school with him a while back.

19 Q Where?

20 A Model High School.

21 Q Model High School?

22 A Yes, ma'am.

23 Q What years were you at Model High School?

24 A It was around about '90, '91, somewhere in
25 there. It has been a while.

1 Q All right. And so you knew him from
2 school. Did you also see him at the Floyd County
3 jail?

4 A Yes, ma'am.

5 Q Was that when he was there on his probation
6 violation?

7 A Yes, ma'am.

8 Q Now we all -- tell me about the Floyd
9 County jail, how everything is arranged? Where was
10 he in relation to you?

11 A He was -- I am down -- I was down -- we was
12 in an open dormitory. I got moved upstairs to open
13 dormitory, and I was down at the bottom and he was --
14 I was at the bottom of the left side. So he is
15 facing -- if you walk into the cell, like I am facing
16 the cell now, I would be on the bottom left. He
17 would be on the top right.

18 Q Okay. So how was it that y'all -- did
19 y'all get to talking?

20 A Yes, sir.

21 Q Why was that?

22 A He came to me and said he had something he
23 wanted to talk to me about.

24 Q Why you, Joey? I mean, how long had you
25 been there in jail with him up to that point?

1 A I had just got moved to that dorm. So I
2 guess I had been in there with him for about -- I
3 guess about three days. Usually, I am in jail a lot
4 of people have things on their mind. They come and
5 talk to me because they figure that when I got to
6 jail, I take it light. I lay back and relax, because
7 I know I hadn't done nothing. I was just taking it
8 easy and relaxing and ready to get out.

9 Q Okay. So people tend to talk to you?

10 A Yeah, just about. When people have
11 problems when they come in they come and talk to me,
12 ask me what should they do and how should they take
13 care of this problem.

14 Q You are the counselor at the Floyd County
15 jail?

16 A Yeah, you could say that, I guess.

17 Q And did you and Mark talk about the fact
18 that y'all already -- hey, man, I know you. How have
19 you been?

20 A Yes, sir [sic].

21 Q That kind of thing?

22 A Yes, sir.

23 Q So he recognized you from school?

24 A Yes, sir.

25 Q Now what happened that -- did anything

1 happen just before he came to you and said he wanted
2 to talk to you?

3 A Yes, ma'am. They had brought in some
4 pictures of Isaac Dawkins and hung them up in the
5 cell and was asking anybody did they have information
6 leading to this.

7 Q Was it a reward poster?

8 A Yes, ma'am.

9 Q Now up to that point, did you know anything
10 about the Isaac Dawkins' case?

11 A No, ma'am.

12 Q January 11th, 2000, where were you living?

13 A January 11th I was at -- let's see -- I
14 think I was at 101 Wooten.

15 Q Where is that?

16 A That is West Rome.

17 Q Out in West Rome?

18 A Yes.

19 Q Do you remember when this happened?

20 A I had heard about it, but --

21 Q Did you read anything in the papers or
22 anything about that?

23 A No, ma'am. I had just -- they -- a couple
24 of people was talking about a guy that got killed,
25 you know. As far as reading the paper, I was -- be

1 on the road half the time. So I don't get to catch
2 up with the news until I get home.

3 Q All right. So when you are in jail with
4 Mark Free and he -- they put the reward posters up,
5 how much did you know about the case at that point?

6 A I still didn't know nothing.

7 Q Just knew it happened?

8 A Yes, just that it happened.

9 Q Now Mark Free, you said came to you and
10 said he wanted to talk to you. Did y'all sit down
11 right then?

12 A No, ma'am. He said he wanted to talk, and
13 when they brought them in it was a little bit --
14 almost time for dinner. And then he said he wanted
15 to talk when everybody wasn't around. So I told him
16 to catch me later on that night.

17 Q Catch you later on that night?

18 A Yes, sir.

19 Q And did he, in fact, catch you later on
20 that night?

21 A Yes, sir.

22 Q Where did y'all talk at?

23 A Well, we started out on my bed. I was
24 sitting down on my bed, and he came down there. We
25 started on my bed, and then it moved from there up to

1 the steps.

2 Q Up to the steps. So y'all sat down on the
3 steps?

4 A Yes, ma'am.

5 Q All right.

6 A Just to get away from other people talking.

7 Q How was he acting?

8 A He was like -- he was acting more like he
9 was concerned and scared, you know, about that they
10 had put these bulletins out, you know, and I was
11 like, you know, what is wrong with you, you know?
12 And he was like -- concerned like maybe they was
13 trying to catch onto something that he was doing, you
14 know.

15 Q Okay. He was concerned that they had put
16 up the reward posters, afraid they were catching onto
17 him?

18 A Yes, ma'am.

19 Q Okay. What did you say to him when he told
20 you that he was afraid they were catching on to him?
21 Did you know what he was talking about?

22 A No, I told him, you know, I said, you know,
23 what is up? You know, let's talk, you know. What
24 is on your mind? What is going on? You know, he was
25 telling me about this Isaac dude and about the things

1 that had happened leading up to the death of the boy.

2 Q Like what? Just tell me the details he
3 gave you.

4 A I mean he was talking about the dog.

5 Q What dog?

6 A Some dog that Isaac had.

7 Q What about it?

8 A That had got killed, you know. And he was
9 telling me about the things that the police was
10 thinking that they had killed the dog. And something
11 about they had found some shell casings. He was
12 scared that they were going -- it was coming on --
13 all back on him, and I kept telling him, you know --

14 Q Why was he concerned about the shell
15 casings, Mr. Samples?

16 A Because the police had saw that -- had
17 found that the dog got killed, and he was just like,
18 man, the dog is dead. The police have done found
19 these shell casings and this and that, and it is all
20 going to come back down on me. I was like, you know,
21 what is your problem, you know? What is going on?
22 You know, I said, did you do it, you know? Did you
23 kill the dog and this and that, you know? And
24 then --

25 Q Did he admit killing the dog?

1 A He admitted that the dog had got killed and
2 about the shell casing and everything, but he just
3 wouldn't come out and say it, you know, I killed
4 them, but he was telling me --

5 Q He killed what?

6 A He wouldn't just come out and tell me that
7 he had
8 -- exactly killed the dog, but he was telling me
9 about, you know, the police had found the dog dead
10 and the shell casings.

11 Q And the shell casings?

12 A Yeah.

13 Q And that they was going to come back on
14 him?

15 A On him, yeah.

16 Q All right. And what else did he talk to
17 you about besides the dog as far as problems?

18 A He talked to me about when Isaac got
19 killed, you know. And I was -- we was talking about
20 that, and he felt that -- he had felt that -- when
21 Isaac got killed, he had felt that he had a -- it was
22 all coming back on him. So he felt that he had to --
23 he wanted to talk about it and get it off of him.
24 And so I kept asking him, I said, well, if the boy
25 got killed and this happened, you know, what is

1 wrong? Do you feel that -- are you trying to hold
2 something back? Are you trying to, you know -- is it
3 on your conscience? And he kept just telling me, he
4 said, man -- I kept asking him, I said, did you kill
5 him? I said, did you kill Isaac? And he kept
6 saying, I am not going to tell you if I did or if I
7 didn't. Because I was telling him, I said, well, you
8 know if you -- I said, accidents happen, you know.
9 If you did do it and it was an accident, you know,
10 you can go to them and let them know. You know, you
11 could have been trying to scare him up. And then,
12 you know, we got to talking about the Brianne girl,
13 and he was telling me about how she was going to --

14 Q Okay. When did he tell you about Brianne?
15 Who was Brianne?

16 A I think it was Isaac's girlfriend at one
17 time.

18 Q Okay.

19 A And he was talking about how she was -- she
20 was talking too much, and that they needed to do
21 something to knock her off and get her from talking.
22 I told him, I said, No, Mark, you don't want to do
23 that. I said, you know, you have already got this on
24 your hand about what is going on. I said, you know,
25 you don't want to go out here and try to hurt

1 somebody on the outside, you know, just because they
2 are talking too much. I said, you know, we need to
3 try to take care of this, what is going on right
4 here.

5 Q All right.

6 A And so that is what got me, you know,
7 involved into it, you know. Like I was telling him,
8 I don't -- you know, I just don't get down on trying
9 to hurt somebody on the outside for something -- you
10 know, for talking for just trying to tell the truth.

11 Q Did he say anything about what he was doing
12 that night?

13 A No, he just told me that he had a good
14 alibi. I said, well, what -- because I wanted to
15 know, you know. I just kept asking him, I said, did
16 you do it, you know? Who did it? And he just kept
17 telling me he had an alibi. He said, but one thing
18 he was scared of that in the military he was a sharp
19 shooter and that they would go back and trace his
20 military background, and that it would come back on
21 him.

22 Q Did he tell you that he had applied at the
23 Floyd County PD and had it also put on his
24 application there that he was a sharp shooter?

25 A I don't even remember if he --

1 Q That is okay. If you don't remember that,
2 that is fine. Or if he didn't, he may not have told
3 you that. I was just asking. Now after telling you
4 that he had a good alibi, did he say anything else
5 about that?

6 A He just said -- he just told me about how
7 he had a run-in with one of the officers -- I think
8 it was Moser at one time, and he said, you know, he
9 was telling me, you know, he wanted to talk to him to
10 get out of his face, you know, because he wasn't
11 there and he was telling me about how he --he thought
12 they were stalking him, watching him and everything.
13 And he just kept telling me, because I kept asking
14 him, you know, say, well, did you do it, you know?

15 Q How many times did you ask him that?

16 A I kept asking him plenty of times because I
17 was telling him, you know, I said, Mark, you know, I
18 see you don't want to go down in the system for
19 something like that, you know. I said, you know, did
20 you do it or did you not? I said, because there are
21 different kinds of ways that you can handle it. He
22 just kept saying, Joey, man, I ain't going to tell
23 you. I said, well, okay.

24 Q Did he say why he wasn't going to tell you?

25 A No, he just said he had an alibi.

1 Q Okay. Did he tell you at one time, and you
2 remember giving your statement to the police on that
3 -- about this back a year ago, Joey?

4 A Yeah.

5 Q It was October of 2000.

6 A Uh-huh.

7 Q So it wasn't a year ago? Eight months ago
8 or so?

9 A Yes, ma'am.

10 Q That they -- it has been eight months ago?
11 That he wasn't going to tell you if he did it or not
12 because he wasn't going to incriminate himself?

13 A Yeah. But he was -- let me see --

14 Q Did he say that, first of all?

15 A Yeah. He said this way, because at one
16 time I asked him -- because we talked for like
17 several nights, you know. It wasn't just a one night
18 talk. We started back up the -- every time we had
19 free time, enough to talk about it, we would talk
20 about it.

21 Q Who was initiating these conversations, you
22 or he?

23 A Him. He was coming to me, you know,
24 because, you know, I was telling him -- like I told
25 him, you know, I was

1 -- I told him from Day One, you know, I said, man,
2 you know, I am here to try to help you, you know. I
3 said, because, you know, if you didn't do it well
4 tell me, but if you did tell me and we can work it
5 out, you know.

6 Q Were all these conversations you are
7 telling me just kind of -- some of it might have been
8 on one night and then some on another night?

9 A Yeah.

10 Q And that kind of thing?

11 A Uh-huh.

12 Q All right. At what point did you decide
13 that you didn't want to help him anymore; that you
14 wanted to go to the police?

15 A We was -- let me see. I guess it was about
16 the third day, the fourth -- about the third or
17 fourth day and I had told one of the officers, you
18 know, I said, man, I said, you know, I don't know
19 nothing about what y'all are doing about this money
20 or whatever. I said, I don't want no money. I don't
21 need y'all's money. I said, I am not hurting for no
22 money. I said, but this Brianne girl that Mark was
23 talking about, I said, you know -- he was talking
24 about that she is talking to much. They want to
25 knock her off, you know.

1 Q They?

2 A Yeah.

3 Q Did he say who?

4 A No, he just said him and Joey wanted to
5 keep her from talking so much.

6 Q That was the first you mentioned of Joey.
7 He told you who -- anything about Joey?

8 A He was just telling me, you know, that we -
9 - he just told me that his daddy owns a car lot. He
10 was trying to ask me do I know him.

11 Q Did you know him?

12 A No, I didn't know him.

13 Q Did you know him from school?

14 A No. I had -- he mentioned the name, and I
15 told him, I said, I heard that name for some reason.
16 And he just -- he was telling me that his dad owned a
17 car lot and this and that, and I was like --

18 Q Did you know the car lot?

19 A Yeah, I knew the car lot.

20 Q Did you know Joey was his son?

21 A Uh-uh.

22 Q Okay.

23 A But I knew the car lot and everything, and
24 then he got talking -- because when he first was
25 talking to me about it, he didn't want to tell me his

1 name. He just said me and my friend, you know, what
2 I am saying. And then one day it slipped, and I was
3 like, well, man -- and that is when he started
4 telling me about who he is.

5 Q So the cat was out of the bag and he told
6 you about it then?

7 A Yeah.

8 Q So you decided to go forward, Joey, when
9 you found out that they were thinking about -- that
10 he was thinking about doing something to Brianne?

11 A Right.

12 Q All right. Did you contact the police
13 immediately after he started talking about doing
14 something to Brianne?

15 A When he told me about it, I asked him, you
16 know, I asked him, you know, I was asking him, what
17 did he want, you know, hurt her and put himself in
18 more trouble out here with that, you know. And then
19 I said, well, you know, the best thing to do is tell
20 somebody and have somebody looking out for her, you
21 know, because like I was telling Mark, you know, I
22 said, you know, I am not no snitch. I am not here to
23 snitch on you, but I am not here to watch nobody get
24 hurt, because I told him, you know, it ain't worth
25 it.

1 Q So you warned him?

2 A Yeah.

3 Q That you were going to tell somebody?

4 A Yeah, I told him, you know -- I told Mark,
5 you know, like I would, you know, if he was standing
6 here today and I would tell him to his face. I told
7 him right then, I said, Mark, I said, you know I am
8 going -- I said, I have done been in trouble, and I
9 have been here. I have done done that. I said, but
10 I don't get down with somebody getting hurt over some
11 bull, man. I said, it ain't worth it, you know.

12 Q Right. Did he give you any details about
13 how the shooting of Isaac Dawkins occurred?

14 A He mainly talked -- we was talking about --
15 got into that part he was mainly talking about that
16 he -- he just kept telling me that they had an alibi,
17 and that, you know, with him being a sharp shooter,
18 he said that it was all going to fall back on him.

19 Q On him?

20 A Yeah. But he never would tell me that, you
21 know --

22 Q All right. That he actually did it.

23 A Did it, right.

24 Q Now did you throw out the possible
25 scenarios, well, this could have happened to Isaac or

1 that could have happened to Isaac?

2 A Yeah.

3 Q What kind of scenarios did you throw out?

4 A Well, I threw out one, I told him that it
5 could have happened, you know -- they could have been
6 out there and he wanted to scare him -- wanted to
7 scare him up, you know, and then it went wrong. But
8 I told him, I said, but since -- I said, you know,
9 you could have been out there and just -- let me just
10 put it the way I told him. I said, you and Joey
11 could have been out there. I said, y'all could have
12 just had plans to scare him up. I said, but then
13 when you had plans to scare him up, I told Mark, I
14 said, you know, you could have shot and scared him
15 and then when you scared him you ended up killing
16 him. But Joey is your partner and y'all are best
17 friends, and you didn't want to take all the rap on
18 yourself and plus you didn't want to put it on him.

19 Q What did he say about that?

20 A He just sat there. He just sat there and
21 looked at me. I said, I asked him, I said, you know,
22 that is the way it could have happened; couldn't it?
23 He just kept saying, I don't want to say it. I don't
24 want to incriminate myself. I said, so you are
25 telling me that you did it. And he kept saying, no,

1 I am just telling you I have got an alibi. I said,
2 so you are telling me that Joey did it? He said, no,
3 I am just telling you we have got an alibi. I said,
4 okay.

5 Q Did he say anything about Joey's alibi?

6 A He just said that Joey had an alibi and
7 that it was -- he had an alibi. He had already
8 gotten him a lawyer and
9 -- because Mark was telling me that he didn't have
10 the money for a lawyer. And so that is when I was
11 telling him, I said, well, if you didn't do it or if
12 you did it, if you don't have the money for a lawyer,
13 I said, there are better ways to get around it, you
14 know. I was telling him -- I said, you know, if you
15 did do it, well, go to him and tell them it was an
16 accident, you know. I said, but don't -- I said
17 because if you go -- if you keep hiding it on the
18 inside, it is going to hurt you down the long run and
19 then I said, you know, you are looking at more
20 trouble.

21 Q Did he say anything about whether or not he
22 would tell on Joey?

23 A He told me he wouldn't. He said that was
24 his best friend.

25 Q His best friend?

1 A Yeah, he said they was good friends.

2 Q Did you throw any scenario such as well,
3 maybe somebody was in the car and shot him and maybe
4 somebody did such and such and shot him?

5 A Yeah. They came with him with a different
6 scenario, because I kept telling him, I said, if you
7 didn't do it, I said, don't take this rap.

8 Q Right.

9 A And go down the road for something you
10 didn't do, you know.

11 Q When you gave him -- did you give him a
12 scenario that somebody might have been in the car
13 with Isaac and shot?

14 A Yeah. I had told him, I said, from my
15 point of view, I said, I think -- when I heard it
16 happened, I said, you know, I thought from the way
17 people were telling me that somebody might have been
18 in the car and shot him.

19 Q What did he say?

20 A He said, no, it didn't happen that way.

21 Q Okay. Did you throw out anything else of
22 any other possibility of what you thought it might
23 have been?

24 A No. I just kept telling him that I believe
25 that when he got killed that -- because Mark was

1 showing a lot of -- when he was talking to me, he
2 was showing a lot of -- like if you do something, you
3 feel sorry for it. You know, he was showing a lot of
4 remorse for it. You know, he wasn't like -- yeah, he
5 wasn't like macho. It was bothering him. Do you see
6 what I am saying?

7 Q Okay. All right.

8 A And so he was coming to me asking me for
9 more like advice of what should he do, but he was
10 coming to me like, I am not going to tell on myself
11 or incriminate myself.

12 Q Did he tell you anything about Joey Watkins
13 in relation to this Brianne girl?

14 A He just -- he was telling me that Joey had
15 -- Isaac took Brianne from Joey, and Joey had got
16 upset about it. He said that he used to see them out
17 in the parking lots and things like this, and they
18 had a couple of run-ins with him a couple of times,
19 you know.

20 Q Any particular parking lots he mentioned he
21 liked to go to?

22 A I think he mentioned the Super K-Mart
23 parking lot.

24 Q Okay.

25 A A couple of times to me.

1 Q Any others that you can think about?

2 A No, ma'am.

3 Q All right. Did he say anything about he
4 needed to get out of jail?

5 A Yeah, he told me that he needed to get out
6 of jail because he wanted to get with Joey, and they
7 was wanting to try to get away from here until they
8 can get everything straight, you know.

9 Q At one point in your statement before,
10 Joey, you said that he did show remorse, and you just
11 told us he showed remorse. And then in the other
12 place you said you didn't think he did show any
13 remorse about Isaac being dead; that -- I don't want
14 to -- do you know -- go ahead.

15 Q Like when --

16 A You finish my question. What did he say?

17 Q Okay. When we first -- like when I was
18 telling you about when we first started talking about
19 it, he came to me and as we got to talking, you know,
20 he was like -- when it was happening, you know, he
21 was like -- he wasn't showing no -- too much of no
22 feelings. And then the more we got to talking and
23 talking about it and talking about it because I kept
24 letting him know, I said, man, this is something you
25 do not want to go down the road for it, you know. I

1 said, the truth is going to set you free, you know.

2 And he just -- the more he talked, the more he
3 talked, you know. He was just showing, you know,
4 more remorse, you know, because --

5 Q So he got to feeling more -- bad about it?

6 A Yeah, feeling more bad about it, right.

7 Q And after you let the police know, did you
8 get moved out of that cellblock?

9 A After I let the police -- I didn't get
10 moved, you know, no.

11 Q Did you want to get moved?

12 A I didn't even want to get moved, you know.
13 I mean because it don't --

14 Q It didn't bother you?

15 A It didn't bother me.

16 Q You are a little bigger than he is anyway;
17 aren't you?

18 A Yeah, a little bigger.

19 MS. COLSTON: All right. The Defense will
20 have some questions for you.

21 THE COURT: Mr. Abernathy.

22 *****

23 CROSS-EXAMINATION

24 BY MR. ABERNATHY:

25 Q Thank you, Judge. Mr. Samples, how old are

1 you?

2 A I am twenty-four.

3 Q How much do you weigh?

4 A About 222.

5 Q You are a con man; aren't you?

6 MS. COLSTON: I am going to --

7 A I don't know what you mean.

8 MS. COLSTON: -- object, Your Honor. That
9 is improper impeachment.

10 Q What were you in jail for, Mr. Samples?

11 A Counterfeit money.

12 Q Counterfeit money?

13 A Yeah.

14 MS. COLSTON: I am going to object again.
15 This has come out that he was found not guilty
16 of that charge. It is improper impeachment. If
17 he has got a certified copy of that --

18 MR. ABERNATHY: Judge, I am not trying to
19 impeach this man. I am simply trying to check
20 his motive and cross-examine him.

21 MS. COLSTON: That is fine.

22 THE COURT: Well, you brought up the
23 subject of why he was in jail.

24 MR. ABERNATHY: Thank you, Judge.

25 THE COURT: And he can follow up on it, but

1 he is not convicted of anything.

2 MR. ABERNATHY: I understand.

3 THE COURT: And the jury is not to imply
4 that from the question.

5 Q [By Mr. Abernathy]: Do you have any felony
6 convictions, Mr. Samples?

7 A Yeah. I had one felony conviction.

8 Q What was that?

9 A Writing bad checks.

10 Q Writing bad checks?

11 A Uh-huh.

12 Q And when did this alleged -- well, first,
13 let me ask you: you recall you came up here and
14 testified once before; didn't you?

15 A Oh, yeah.

16 Q I briefly got to talk to you then?

17 A Uh-huh.

18 Q And you told me that Mark would never admit
19 anything, and he wouldn't say he did do it or he
20 wouldn't say he didn't do it; isn't that correct?

21 A Right.

22 Q That is what you are trying to tell this
23 jury today?

24 A Right.

25 Q All right. And the fact is that this

1 interview happened back on the 13th of October of
2 2000; didn't it?

3 A Right.

4 Q That is before the preliminary hearing back
5 in December; wasn't it?

6 A Right.

7 Q So you didn't have many facts to tell
8 anybody when you was trying to give the police this
9 statement; did you?

10 A Yeah, I just told them what I knew.

11 Q And as a matter of fact, everybody in there
12 -- when those posters went up, everybody in there was
13 digging around and really all the time in jail people
14 are trying to work deals and do themselves; aren't
15 they? Trying to help themselves out? That is the
16 kind of atmosphere in there; isn't it?

17 A Yeah, everybody -- once you get in jail,
18 everybody wants to --

19 Q Yeah. And this was a big case. This was a
20 big case out there in the jail; wasn't it? A poster
21 out there.

22 A Well, if you are in jail, a big case -- any
23 case is a big case.

24 Q And lots of folks start talking and running
25 their mouths; don't they?

1 A Yeah.

2 Q Yeah. And you knew that the police had
3 talked to Mark? They had talked to him and
4 interviewed him, and he came back in there. He was
5 kind of distraught and upset about it; wasn't he?

6 A No. I didn't even know -- I didn't even
7 know -- because when they brought the poster in
8 there, I didn't see Mark leave or do nothing. He
9 came and talked to me about it. Q So you didn't
10 know the police had interviewed him?

11 A No.

12 Q And they had questioned him about the dogs
13 and bullets, and that is all he was saying. He
14 didn't tell you he did or didn't do it. He just told
15 you this is what they were concerned about; didn't
16 he?

17 A I didn't know they interviewed him. I
18 don't know.

19 Q Well, I know, but he didn't ever tell you
20 he did any of this; did he?

21 A No.

22 Q Is that right?

23 A With the dogs then he just kept telling me
24 that they were finding the shell casings and this and
25 that, and it was coming back on him.

1 Q He said they were coming on him, but he
2 didn't admit to anything; did he?

3 A Uh-uh.

4 Q All right. So when you come up here and
5 sit up here with Ms. Colston asking you all these
6 questions, you didn't put too many details in here
7 about what happened. And you don't know today what
8 happened; do you?

9 A Just from what he told me.

10 Q Well, he told you that he didn't admit to
11 anything; did he? Did he tell you that he had three
12 people in the car?

13 A Uh-uh.

14 Q Did he tell you that he drove out to Swan
15 Lake?

16 A Uh-uh.

17 Q Didn't have any details back before the
18 preliminary hearing on October; did you?

19 A Yeah. He just told me about -- that the
20 way the boy died that it was coming back on him
21 because he is a sharp shooter.

22 A Yeah.

23 Q And the police were questioning him about
24 this. And you don't know -- he didn't tell you he
25 did anything; did he?

1 A He said he wasn't going to tell me if he
2 killed him or if he didn't.

3 Q Yeah. And you said you asked him several
4 times. I don't know if you were after the reward. I
5 am not trying to say that. But you asked him several
6 times. You were going there targeting him, asking
7 him several times, tell me you did it; tell me you
8 did it. It will set you free. You were
9 interrogating him; weren't you?

10 A No, I wasn't targeting him. I wasn't
11 targeting him, because if I was targeting him, I
12 would have went to him. He came to me. I don't have
13 to go to him.

14 Q Well, he came to you because you are a
15 pretty big fellow in jail; wasn't you?

16 A There are guys in there bigger than me.

17 Q Yeah, well, I am talking about you are the
18 man out there; wasn't you?

19 A Nah, I ain't no man.

20 Q Yeah.

21 A I didn't have no serious -- I had beat my
22 charges. I am ready to go home.

23 Q Yeah. You don't need any money either; do
24 you?

25 A Uh-uh.

1 Q What do you do?

2 A I drive a truck.

3 Q Drive a truck. And when the police called
4 you out, you were trying to tell them something, but
5 you just couldn't hardly get it; could you? You were
6 just telling them he wouldn't say he did or wouldn't
7 say he didn't. That is what you told them; isn't it?

8 A No, when he called me, we started out
9 talking about Brianne, and then it went into him.

10 Q That's right. They started telling you
11 about Brianne; didn't they?

12 A No, I was telling them.

13 Q Yeah. You were telling them, and that is
14 all he told you what the case was about. That is
15 what he was telling you; isn't it? Tell the jury,
16 Mr. Samples.

17 A He was telling me about what had happened,
18 and then he was telling me about how he wanted to get
19 out and knock off Brianne, the Brianne girl that was
20 doing all the talking.

21 Q Oh, yeah. Well, show me in your statement
22 -- did you tell the police about all that?

23 A Yeah, I told the police about all that.

24 Q How many times did you talk to the police?

25 A I can't even remember.

1 Q You can't even remember?

2 A Uh-uh.

3 Q But what you are telling his jury today is
4 he didn't say he did it or didn't do it, and that is
5 what you testified earlier; isn't it?

6 A Right.

7 Q And that is what you are trying to tell
8 them today?

9 A Right.

10 Q And he didn't tell you he did the dog or
11 didn't? He just said he didn't do it or he told you
12 --

13 A He just said if he did or if he didn't --
14 he just said that they had found it, the dog and this
15 and that, and it was coming --

16 Q Said they said they had found it.

17 A And it was coming back on him.

18 Q The police had said they had found it.
19 They were questioning him about it; weren't they?

20 A He didn't say the police had said they
21 found it. He was telling me that they found it, and
22 it was coming back on him. He didn't say nothing
23 about the police. I didn't know nothing about him
24 being interviewed by the police or nothing.

25 Q You just knew the police had brought him to

1 jail?

2 A I didn't know -- I thought he was in jail
3 for probation violation. That is what he kicked to
4 me. I didn't know nothing about this until that
5 night.

6 Q And you were in there asking him all these
7 questions to tell you --

8 A I don't ask him any questions. He was
9 coming to me with the questions. I didn't ask him
10 nothing.

11 Q You said you asked him several times about
12 --

13 A Yeah, after we had got to talking. I am
14 talking about but he came to me with this. I didn't
15 have to go to him with this. I didn't have the
16 problem. He had it.

17 Q You told him he just ought to admit to it?

18 A Right. I told him if he did it, he ought
19 to admit to it.

20 Q Are you a pastor? Were you just trying to
21 get him to save his soul?

22 A No, just trying to help him out.

23 Q You weren't trying to help yourself out?

24 A How am I trying to help myself out and I am
25 a free man. I was walking in a couple of days.

1 Q You were walking in a couple of days?

2 A Yeah, I had been to trial and everything.
3 They didn't -- they got me because I had cashed my
4 check, and the store gave me counterfeit money. I
5 beat all that.

6 Q Yeah. Beat it all?

7 A Uh-huh.

8 Q And you weren't trying to save -- so you
9 just wanted him to confess to you?

10 A Yeah, I just wanted -- I told him if he had
11 -- if he did, confess. If he didn't, say he didn't
12 and save himself.

13 Q He wouldn't say he did it; would he?

14 A Uh-uh.

15 Q And he wouldn't say he did anything with
16 the dog?

17 A Uh-uh.

18 MR. ABERNATHY: All right. Thank you.

19 *****

20 REDIRECT EXAMINATION

21 BY MS. COLSTON:

22 Q He also didn't say he didn't do it; did he?

23 A Right.

24 Q Let's make sure we understand what is
25 really in that statement, Joey.

1 A Okay.

2 Q Because I don't want to leave -- let you go
3 and everybody be confused because you are fixing to
4 head out on the road; aren't you?

5 A Yes, ma'am.

6 Q All right. Do you remember giving this
7 statement to Detective Bill Shiflett on October of
8 2000 -- the 13th day of October, 2000.

9 MR. ABERNATHY: What page, Ms. Colston?

10 MS. COLSTON: That is on the very first
11 page, the day that the statement was --

12 Q Do you remember giving him that -- giving
13 this statement?

14 A Yes.

15 Q All right. And then the very first thing
16 you said starting right there at the next page, page
17 two, was that do you remember telling them about he
18 came in lockdown and that he came to the steps and
19 sat down to talk. Is that what you said then?

20 A Yes, sir.

21 Q Is that what you are saying now?

22 A Yes, sir.

23 Q Something was bothering him and he couldn't
24 sleep and everything?

25 A Yes, sir.

1 Q So I said, what is bothering you? And he
2 said, promise me. You won't tell. I said, No, I
3 won't tell, you know. And he said, the murder of
4 Isaac Dawkins was bothering him?

5 A Uh-huh.

6 Q Is that what you told this jury about?

7 A Yes, ma'am.

8 Q The same thing you said in October?

9 A Yes, ma'am.

10 Q And you told us then -- didn't you tell the
11 police then that he said, well, I can't tell you if I
12 did it or I can't tell you if I didn't do it?

13 A Yes, ma'am.

14 Q All right. And so you asked him if he knew
15 who killed him; right?

16 A Yes, ma'am.

17 Q And he said he got to telling him that --
18 Joey got to telling him, and he was upset about a
19 girlfriend. Isaac took her and it made him upset?

20 A Right.

21 Q And he told you about killing some dogs?

22 A Yes, ma'am, he told me about the dogs.

23 Q Was it more than one dog?

24 A He just said dogs. He was -- they had
25 found some shell casings and some dogs.

1 Q So it was more than one dog? Did he say
2 dogs plural?

3 A Yeah, he said dogs plural.

4 Q Are you sure?

5 A Yeah.

6 Q And the police knew he was a sharp shooter
7 in the military?

8 A Yes, sir.

9 Q All right. So you said, why don't you tell
10 the police? He said, I am not saying I didn't do it
11 and I am not saying I did do it. Is that what you
12 said then?

13 A Yes, ma'am.

14 Q Now on page three, did you tell the police
15 then that he said he is not going to tell me if he
16 did or didn't do it because he is not going to
17 incriminate himself?

18 A Yes, ma'am.

19 Q Now then you told the police that they were
20 talking about some girl that was talking too much.

21 MR. ABERNATHY: Judge, --

22 Q Talking about having the --

23 MR. ABERNATHY: I object. I don't know how
24 long this is going to go on, but this is
25 improper questioning, and she can't stand there

1 and read the statement to him. She can ask him
2 a question. If he answers differently, then she
3 can refresh his memory. But she is just
4 standing there reading the statement.

5 MS. COLSTON: Your Honor, he has attacked
6 this statement as being inconsistent. He has
7 attacked saying that Brianne was not mentioned.
8 I am getting to that -- to the next question as
9 he knew. I am getting to the question of
10 Brianne where he has said exactly the same thing
11 today. He said --

12 MR. ABERNATHY: Judge, I don't care. She
13 is testifying. My objection is it is improper
14 questioning. If she wants to ask a question,
15 she can refresh her memory.

16 THE COURT: The objection is that you are
17 simply reading the statement to him. You can't
18 do that. You can, however, bring out the prior
19 consistent statements, consistent with his
20 testimony here today if you so desire.

21 MS. COLSTON: Thank you, Your Honor.

22 Q [By Ms. Colston]: On page three, do you
23 remember the officers asking you about -- well, they
24 asked you on page one, the question -- well, you were
25 still talking from page two, and you told them -- do

1 you remember telling them anything about Brianne?

2 A Yes, ma'am.

3 MR. ABERNATHY: Judge, she did the same
4 thing. She is not asking a question.

5 Q Do you remember being told anything about
6 Brianne --

7 THE COURT: Just a second.

8 A Yes, sir, I remember telling someone.

9 THE COURT: All right. That is
10 appropriate. She can ask that.

11 Q And do you remember -- would you like to
12 look at your statement to refresh your memory as to
13 what you told them? You can read it out loud if you
14 like. Lines 47 and 48.

15 A I kept asking him did you do it, and then
16 he said, I am not going to tell you. But then he
17 said he was talking about having some girl that was
18 talking too much, about having her knocked off and
19 killed.

20 Q And is it true, Bill Shiflett then asked
21 you when you were talking to this girl, did they
22 mention a name?

23 A Not till --

24 Q Or did you answer?

25 A I told them -- yes, ma'am, I said, yeah,