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**UNDISCLOSED SEASON 2: THE STATE VS. JOEY WATKINS****EPISODE 9: FREE**  
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**Rabia Chaudry:** On the night of January 11<sup>th</sup> 2000, four witnesses – Joey's mom and dad, his sister, and her boyfriend – saw Joey leave his house on his way to Cedartown by himself in his white truck. Forty minutes later, four *other* witnesses – his girlfriend, her mom and dad, and a guy he knew that he ran into at a gas station when he stopped to buy Gatorade – saw Joey arrive in Cedartown, by himself, in a white truck. At trial, however, the prosecution would argue that Joey had not been by himself when he committed the murder of Isaac Dawkins. He was with at least one other person: His friend, Mark Free.

Hi, and welcome to Episode 9 of *Undisclosed: The State vs Joey Watkins*. This episode is 'Free'. My name is Rabia Chaudry, I'm an attorney and fellow at the US Institute of Peace, and now I'm the author of the bestselling book, *Adnan's Story*. I'm here with my colleagues as always, Susan Simpson and Colin Miller.

**Susan Simpson:** Hi, my name is Susan Simpson, and I'm an associate at the Volkov Law Group.

**Colin Miller:** Hi, this is Colin Miller. I am 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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**Rabia Chaudry:** Mark was arrested and charged with Isaac's murder on the same day as Joey. The two were tried separately, though, with Mark's trial taking place seven months after Joey's – in February of 2002. With a couple of changes, most of the witnesses that testified were the same ones that had testified at Joey's. But the jury at Mark's trial reached a different verdict: Not guilty. Mark was acquitted on all charges, and after sixteen months of pre-trial detention, he got to go home with his family. According to an article in the Rome paper the day after his acquittal, Mark Free says he holds no hard feelings against the Dawkins family, and hopes they don't hold a grudge against him. Quote: "I'm sorry their son got killed, but the fact is, I did not do it." Free said he would dedicate his freedom to making sure his friend and former co-defendant, Joey Watkins, is set free.

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**Colin Miller:** In the classic Shakespeare play, *Hamlet*, the plagued prince believes his uncle Claudius murdered his father, the King, so he could marry Hamlet's mother, Queen Gertrude. Hamlet is less clear, though, on whether his mother was an accomplice. In an attempt to determine Gertrude's possible culpability, Hamlet stages a play called *The Murder of Gonzago*, that matches Hamlet's general theory of his father's murder, to gauge his mother's reaction. As many modern authors have noted, in this sense, Hamlet is acting as a detective, or jailhouse informant, trying to elicit a confession from a suspect. After the actress playing the Queen in the play declares in flowery language that she would never remarry, should her husband die, Hamlet asks Gertrude, "Madame, how like you, this play?" Prompting the response, "The lady doth protest too much, methinks."

When most people use this response in the modern world, they use the modern sense of the word 'protest', meaning the protestor is what he claims *not* to be, like a politician repeatedly and vociferously taking bribes. This makes a good deal of sense, but the same holds true for the original meaning. In Shakespearean times, the word 'protest' meant *vow*, or 'declare solemnly'. Therefore, the original meaning of the phrase was that people who engage in needless displays of melodrama are usually the opposite of what they claim to be. This might explain, for instance, why Seal and Heidi Klum renewing their wedding vows every year was a sign that their marriage was troubled, not tranquil.

Of course, the interesting thing about Shakespeare's use of the phrase in *Hamlet*, is that it's actually *meta*. It's not the queen herself protesting too much, it's Gertrude commenting on how the actress in the play is 'playing it up' – a level of awareness that convinces Hamlet his mother is innocent. Interestingly enough, though, a 2014 e-book version of Shakespeare's *Hamlet*, notes that, quote:

*In the 19<sup>th</sup> century, theatre companies began performing productions of Hamlet that inferred Gertrude was an accomplice in Claudius' murder of her first husband, Hamlet's father, King Hamlet. Nothing specific in Shakespeare's text supports this, and the text itself can be vague and interpretive.*

In a brief file with the Supreme Court of Georgia earlier this year, a party noted that Shakespeare's "The lady doth protest too much, methinks" has become such a fixture in this lexicon. And there's a reason why this language is so often cited by lawyers and judges. Like the bard's plays, the facts of a case are often vague and interpretive, as are the actions of the people involved. In any given case, any number of people on both sides of the law, whether it be a police officer, a jailhouse snitch, or an alleged accomplice, can be said to be protesting too much. With the question being: What conclusions we should draw from those protestations?

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**Susan Simpson:**

Like Joey, Mark Free grew up in Rome, but he was about four years older than Joey, so they hadn't gone to high school together, and they hadn't run in the same crowds. In fact, they didn't really have any mutual friends in common. Mark's friends might know who Joey was, and Joey's friends might know who Mark was, but they wouldn't be hanging out together, and they didn't spend a lot of time with each other's groups. In fact, the only reason Mark and Joey even *met* each other was because of a chance encounter.

[5:53]

**Mark Free:**

*Well at the time, I was living in the same neighborhood. I was staying at my grandmother's house. And Joey and them had just moved in right behind us on the other road down, looped around... And they'd just moved in over there. [coughs]*

*And I was in the carport talking to my girlfriend. It was nighttime. And Joey and his cousin and over there was another boy named Joey... One of his friends. They come walking up the road, and I was in the carport. They didn't see me. And I heard somebody hock up a loogie and spit and I had my truck parked at the bottom of the hill by the road. And they was walking by.*

*I walked down and I looked in my window, and they spit on my window. I said, "Hey!" I said, "You spit on my window?" They were like, "What? No dude!" I was like, "You just spit in my window!" So I chased after Joey. And then the other Joey, he took off running to Sam Harmon's house. And Joey, he took off running. So, the next time I seen Joey was at the skating rink, and he was on the skate floor and I went up to him and asked him, I said, "You know who I am?" he's like, "No, not really." I said, "You spit on my window the other night." And I just shoved him. I set him off his feet and on his back. He got up: "I don't wanna fight! I don't wanna fight!" I said, "Well, I don't wanna fight, but you go around spitting on people's cars and do stuff like that..." And, we became best friends after that. So, it's... Yeah.*

[7:27]

**Colin Miller:**

Mark was also known for being more than willing to have his friends' backs, even if the original disagreement was something he had no part of. Mark says the same – if a friend needed a hand, he'd be there, no questions asked. Not just for Joey... Other friends, too. Although, Mark said, being friends with Joey was a particular liability because Joey would mouth off at just about anyone and cause trouble where none had been before. Still, actual fights were rare. There was only one occasion Mark could remember where he had actually seen Joey swing on someone.

[7:57]

**Susan Simpson:**

*Did you ever get into a fight with Joey? Not with him, but like, on his team or whatever?*

**Mark Free:**

*No. Like I said, when it come down to it, everybody backed down. Well, I mean--*

**Susan Simpson:**

*How often did Joey actually get into scra-- Like, actually start physically get into not just talking?*

**Mark Free:**

*Actual fights?*

**Susan Simpson:**

*Mm-hmm.*

**Mark Free:**

*The only one I know of was at the mall. But... He talked-- Joey talked a lot of crap. A lot of them did back then. But that's the only time I seen Joey fight.*

**Susan Simpson:**

*Would you say Joey was more aggressive or more talky than the rest of that crowd?*

**Mark Free:**

*He was more talky. 'Cause, he would run his mouth and he would expect me to fight the fights, really. Sometimes I just had... I mean, we were best friends, but it was kind of-- I don't know what term I'm looking for, but it was... I mean... I know'd that he liked to run his mouth. I mean, he liked to run his mouth and I was always expect that, well, you never know when you'd end up getting in a fight. Which is, I'm like, I always got my friends' back, but it was just... Joey just-- He had a loud mouth. He weren't about committing on physical harm, like, actually doing it. He might've thought about it, wanting to get in a fight, but fights never happened.*

**Susan Simpson:**

That's Mark take on his and Joey's relationship. And Joey, it should be noted, remembers things slightly differently:

[9:30]

**Joey Watkins:**

[laughs] *Mark was more of a bad boy than I was!*

**Susan Simpson:**

[laughs]

**Joey Watkins:**

*That's what doesn't make any sense to me. Mark was- You know, I was the calm one when Mark and I were together. I was the one with the common sense.*

**Susan Simpson:**

*Oh, really, 'cause he says he was the calm one.*

**Joey Watkins:**

*No...*

**Susan Simpson:**

*Common sense.*

**Joey Watkins:**

[laughs] *No, that's a lie. I was the calm one. Mark was--*

**Susan Simpson:**

*He says that he was the one that was trying to have the calm, maturing influence on you, 'cause you were always off the handle, so he had to be the calm presence.*

**Joey Watkins:** [laughs] *Ok-ay... You know, Mark and I actually got in a fight a couple of times, too, right?*

**Susan Simpson:** *He told me that. He told you met--*

**Joey Watkins:** *Yeah.*

**Susan Simpson:** *Y'all first met through a fight.*

**Joey Watkins:** *Yeah.*

[11:53]

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**Colin Miller:** Now, rumors that Joey had an accomplice were circulating from the start, although Mark Free was never mentioned, at least, not at first. The two names most commonly mentioned as Joey's sidekick were probably Paul Allen, who was Joey's friend and Isaac's sister's ex-boyfriend, and Tim Hughes, who was Joey's sister's boyfriend at the time of the murder. Another cop wrote that an informant told him that Joey and some guy named Lance Roach had done the murder, which is presumably a confused reference to Joey's friend, Delane. From the notes, it doesn't seem like the police took this all that seriously at first, or they were open to the possibility but not committed to it. After getting Joey's phone records, though, things would change.

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**Susan Simpson:** *I have worked it to death. And there is no possibility, that can see, in any universe, that you were not on the phone with Aislinn at the time the shot was fired.*

**Joey Watkins:** *Right.*

**Susan Simpson:** *So... I don't know how the hell you managed to drive, talk on the phone, and shoot like that. That's pretty talented.*

**Joey Watkins:** *Yeah. I was driving at 300 and something miles-per-hour, talking on the phone, and shooting at the same time in pitch dark.*

**Susan Simpson:** *That's pretty skilled!*

**Joey Watkins:** [laughs]

**Colin Miller:** Trying to convince a jury that Joey had managed all that on his own would be a hard sell. So someone was needed to serve as Joey's accomplice. Why Mark, though? And how did he even get roped in?

[13:09]

**Susan Simpson:** *I was trying to figure out why they even bothered to get Mark Free in. Other than trying to play Mark off of Joey. But like, why add him to the story the way they did? And then I realized, like, you can't drive a car, talk on a cell phone and shoot a gun at the same time.*

**Clare Gilbert:** *Right.*

**Susan Simpson:** *I mean, maybe some people could. But you can't do it accurately. You can't do it for an intentional murder. Like, you're going to miss, like, unless--*

- Clare Gilbert:** *Right. Well, and you don't have any of the witness interviews yet. But it took me a really long time to figure out how Mark Free even came up in any of this.*
- Rabia Chaudry:** Mark's name doesn't even appear anywhere in the files until nearly two months after the murder, on March 6<sup>th</sup>. After that, though, he quickly became the lead favorite for the supporting role in Joey's case. In large part because he was a compelling co-defendant for a lot of narrative reasons. Well, at least for two narrative reasons and one practical reason, which we're going to get in to in just a bit. But the first narrative reason was that Mark was a perfect compliment for one of the State's themes at trial: That Joey was not just a bully, but he was a *coward*. Joey would never take on a fight unless he had a strong numerical advantage. So, he had to have someone there when he took on Isaac, and Mark fit the requirements perfectly. Mark was known for getting Joey's back in fights, and even in fights he had no stake in, aside from being Joey's friend. As Tami Colston argued in her opening statement:
- Susan Simpson:** *The State will prove that the two were together when all this happened – Joey Watkins and Mark Free. The State is going to prove that beyond reasonable doubt to you because, number one: Joey Watkins didn't do anything unless he had a buddy to ride along with him. He usually liked to have two or three to even up the odds against somebody. But Joey Watkins, the evidence is going to show, he was with Mark. He went and picked up Mark Free somewhere, or they met up somewhere.*
- Rabia Chaudry:** And the second narrative reason that Mark was a good choice of co-defendant was that Mark had been in the National Guard, where he was qualified with a 9mm.
- [15:11]
- Susan Simpson:** *The guns you're used to are 9mms? Is that what you're trained in, or...?*
- Mark Free:** *Yeah, that's... 9mms is what I was-- That's the weapon the tanker has to carry 'cause, one shot of a tank, we're only issued an M16 per tank 'cause there's not that much room. So we have to qualify with pistols and wear them all in a shoulder holster. So that's what I was trained with, was a 9mm.*
- Susan Simpson:** *Did anyone know that? Or, who knew that?*
- Mark Free:** *I don't know if they knew it at the time, but I put in for Floyd County Police Officer. I was trying to become a Floyd County cop, and I put in my expertise in the military and all that, so I don't know if they knew from that, or how it came about to them. So I think they got it off... 'Cause actually, my application for Floyd County Police Officer was in trial. And Abernathy said he looked over it, that the DA was wanting to use it in the trial against me, as far as being an expert with weapons, and Abernathy said it looked good, as far as being an up-standing citizen and whatever, so he was going to allow it. So they did, and I guess to their investigation they might've seen that I put in for Floyd County Police Officer. And that's probably how they got, you know, the information about me being in the military.*
- Colin Miller:** That gave the whole story about shooting Isaac from one moving vehicle to another an air of plausibility. Or at least more plausibility than the story *would* have if Joey were doing the shooting himself. After all, even if Joey hadn't been on the phone with his girlfriend at the time of the shooting, there wasn't any evidence to suggest that Joey had ever fired a handgun before that night. So how was he supposed to have pulled off a crazy shot like that? So the prosecution hinted throughout trial that Mark was the real shooter – that he was the one

actually with the gun that night. After all, he's the expert 9mm sharp shooter, right? The State couldn't commit to this theory though, because it's evidence was all over the place. Some witnesses claim Mark was shooting, some witnesses claim Joey was shooting, and one witness claimed that both were shooting. But Tami Colston assured that Joey in her closing arguments, it doesn't matter that we have no idea who actually fired the shot that killed Isaac Dawkins, because, quote:

**Susan Simpson:** *I don't know whether Mark Free shot or Joey Watkins shot. You are not going to know. We will never know. But that is exactly why the parties to the crime law exists.*

**Colin Miller:** And just to explain that, the 'Parties to the Crime Law': It's often referred to as the 'Hand of One' rule. And what is says is that if you have multiple individuals working together to commit a crime such as a murder, the hand of one is the hand of all, meaning it doesn't matter whether Mark fired the gun or Joey fired the gun, they're both equally responsible for the murder of Isaac Dawkins.

[17:58]

**Susan Simpson:** Still. I mean, legally, yes, that's the reason for that law. And it has a very valid reason for existing. *But*, the way it's getting used here, it's kind of a 'get out of jail free' card in terms of actually explaining what happened. Because, again, you have witnesses that say Joey's shooting, some that are saying Mark's shooting, and they can't both be right, presumably. So, rather than make a firm declaration that some witnesses are wrong, why not just have *all* answers be right...? I don't know.

**Rabia Chaudry:** And if Joey's the one that did the shooting, then Mark has no-- To me, it doesn't really... It doesn't make sense that he's actually a party to the crime. He might have been there, but if he hasn't done the shooting then what is his involvement in the crime at all? I don't understand that.

**Susan Simpson:** Yeah, it's pretty convoluted to, like, go through this whole plot just to... Well, I guess theoretically, Mark could have been driving and Joey could have been shooting and on the phone, but...

**Colin Miller:** It doesn't seem much sense to enlist a sharp shooter to drive while you – a novice with a gun – are the one trying to shooting someone while you're both speeding down a highway.

**Susan Simpson:** Yeah, the fact that Tami Colston *couldn't* commit one way or another is kind of telling. I mean, it's a nonsensical story to say that Mark isn't the one shooting. And yet, because their evidence never follows one coherent theme, she tries to find a way to make it reasonable for the jury to assume, "Okay, maybe Joey was shooting, too, or Mark was, or, you know what, it doesn't even matter. We don't have to know what happened... Or *anything*, really."

**Colin Miller:** Yeah. That's the thing, is: Usually when you have the Parties to the Crime Law or the Hand of One Law, you're filling in gaps in the case in that there's no eyewitness to a shooting and you're saying, "Well, we know these people were involved, we're not sure who the shooter was." You usually don't apply it in a case where there's multiple conflicting accounts, because that really seems to foster a sense of reasonable doubt. But in this case, the prosecution was able to get away with it. At least at Joey's trial.

[19:58]

**Rabia Chaudry:**

So, those were the narrative reasons that Mark made a good accomplice. And then, the practical reason was this: In the months after Isaac's death, Mark had been arrested three times. Because Mark was on probation. He'd written some bad checks the previous year. And in 2000, starting on January 12<sup>th</sup>, and then against on February 16<sup>th</sup>, and then again in August, he was arrested for probation violations. Things like failing to pay a fine or missing a meeting. When you're on probation, things like that can cost you months in Floyd County Jail. Which meant Mark was in serious danger. Mark was known to be someone who was friends with Joey. And, thanks to a job application he'd once submitted in the hopes of becoming a police officer, the police had a record of his 9mm qualifications on file. If they could get a cellmate to say that Mark had confessed to him, it wouldn't be hard to prove that Mark had, of course, had conversations with the cellmate, and after that, it would just be Mark's word against his word. Or rather, Mark's word against *their* words. Because there were multiple cellmates.

[20:55]

**Susan Simpson:**

*Yeah, I think we're-- I have little notes we're taking, and I have a running list of types of witnesses and my, like, my jail snitch list is like at 13 now.*

**Mark Free:**

*You'll probably hit about 20.*

**Susan Simpson:**

*Yeah. [laughs]*

**Mark Free:**

*And it's just-- And they all had different stories.*

**Colin Miller:**

Now, according to the story presented at trial, the first jailhouse informant to come forward and implicate Mark Free in Isaac's murder was a guy named Joey Samples. Actually, in reality, there were at least two that came before him, but neither of them were mentioned at Joey's trial. But as far as the official narrative goes, Joey Samples was the first. Mark Free had known Joey Samples from high school, playing football against each other. They weren't close or anything, but they were friendly, and after Mark got locked up for a probation violation in February 2000, they ended up in the same cell together. That's why, according to Joey Samples, when the reward posters were put up in the cell block, Mark suddenly needed to confide in Samples and seek emotional support.

[21:55]

**Joey Samples:**

*Every time the doors pop, he jumping up. Then when they brought the bulletin sheet in there he went off the-- He went crazy.*

**Officer Bill Shiflett:**

*What is the bulletin sheet? I don't understand.*

**Joey Samples:**

*It got the-- Offered the reward for him, then. See, was only in there like a day before they brought the sheet in there, so he thought, "Well, they catching on to me." That's what he told me. He said, "They-- They going to start messing with me."*

**Officer Bill Shiflett:**

*Okay. What you're saying then-- Let me-- Let me back it up. Alright. Who brought the bulletin in? You're talking about where it's got Isaac Dawkins' picture on it, where the reward money...?*

**Joey Samples:**

*The sheriff.*

**Officer Bill Shiflett:**

*The sheriff brought it in?*

**Joey Samples:**

*One of the deputies. One of the deputies brought it in.*

**Officer Bill Shiflett:**

*Alright. They put it up somewhere?*

- Joey Samples:** *Yeah, they put it on the wall.*
- Officer Bill Shiflett:** *Put it on the wall.*
- Joey Samples:** *And told, if anyone notices, if we know anything about it, give them a call, and tell them--*
- Officer Bill Shiflett:** *Alright. And so, when that was put up, how did you say that Mark--?*
- Joey Samples:** *That's when he came-- He came to me and say he wanted to talk.*
- Officer Bill Shiflett:** *That's after-- That's when he came to you?*
- Joey Samples:** *He said he wanted to talk. See the bulletin, the thing on the wall started it all. He said-- He said he couldn't sleep. So, he thought that they was coming. Get to know it-- So he wanted someone to talk to to get it. But then he quit-- He started talking to me, then he got-- He said "I'm knowing too much, I'm asking too many questions."*
- Officer Bill Shiflett:** *So after that bulletin put up, he said he couldn't sleep and--?*
- Joey Samples:** *Couldn't sleep and wanted somebody to talk to.*
- Officer Bill Shiflett:** *And he said that they going to be-- That they going to be coming after him, was that his words?*
- Joey Samples:** *Yeah. He said, "They going to be coming after me. They-- They got--" He said, "They'll think I had something to do with it." I said, "Well, did you have something to do with it?" He said, "I'm not going to tell you if I did." And that's when we start falling into all about the details. But he was shaken up about the bulletin. That tripped me out, I gotta say-- I said, "Well, what you all scared about that for if you didn't do it?"*
- Susan Simpson:** *Now, note how Mark had no burning need to confess to his crimes *before* everyone else in jail was being offered money to turn him in, but as soon as a reward poster went up, well, it was time to start implicating himself in a murder. Anyway, the police were careful to make it clear that even though the reward posters were why Mark started talking to Joey Samples, they weren't why Joey Samples started talking to the cops.*
- [23:48]
- Officer Shiflett:** *So, the reason you went to Detective Jim Moser is just the fact that-- It wasn't for any reward, it wasn't for any money, it's just you thought it was the right thing to do, is that what you're saying?*
- Joey Samples:** *It was-- Yeah. I don't want no-- I told him I don't want no reward, I don't want no money. I told him just, I'm giving him this information to help him out and get out of it.*
- Officer Shiflett:** *Can-- Can you think of anything else that I failed to ask that Stanley, you know, Stanley Sutton, talked to you just a few minutes ago, too, anything that-- That you can point to, can you think of anything else this-- In this conversation that you had with Mark, that I would need to know?*
- Joey Samples:** *That's about it. Just said that he needed to get out of jail and-- 'Cause as long as he's in jail he couldn't get all this stuff off of him. Said he just wanted to get out of jail so him and Joey could get this thing straightened out.*
- Officer Shiflett:** *So him and Joey could get it straightened out... What did he mean by that, do you think?*
- Joey Samples:** *He said 'cause they was only-- They was the only two people that the police was looking at. And he said, uh, he just had to get everything straight. He said he had his alibi straight but he didn't know about Joey.*

**Susan Simpson:** And yeah, I love the fact that in his tape recorded interviews, Officer Shiflett is literally telling Joey Samples, "Can you remember anything else that Sutton talked to you about a few minutes ago while you were being recorded but that you forgot to say and tell us this time around?" Yeah... Absolutely *no* reason to be concerned there about witness coaching!

[25:15]

**Susan Simpson:** And Tami Colston portrays Joey Samples as a very credible witness. As someone who should be listened to, should be taken at his word. Because he didn't get any money for his testimony, he didn't get any charges reduced, he didn't even have any pending charges at the time. As she says in closing:

**Rabia Chaudry:**

*Joey Samples, he didn't care about the reward. After Mark Free testified, well, Joey Samples came in. Have you ever seen a more credible guy, this Joey Samples? I mean, he would just tell it like it is. He don't have any charges in the office. He has beat his charges, he whooped us, he got us, he didn't care. He hadn't asked for the reward, and what did Mark Free tell him? "I ain't saying I did it, and I ain't saying I don't, but I don't want to incriminate myself." "Are you saying you did it then? "Nah, I'm saying I have got me an alibi."*

**Susan Simpson:** Because that's the thing: Technically, according to Joey Samples, Mark never confessed to the murder to him. He just said, "I'm not saying I didn't do it, I'm not saying I did do it." He just was saying... Something. Now, there's other stuff that was far more damaging, and in fact was pretty much crucial, on a few points, to the State's case. But in terms of the actual murder, Joey Samples never goes all the way and says that Mark had actually confessed to him. Now, he does say that Mark had tears in his eyes, needed a shoulder to cry on, was all torn up inside by something and needed someone to hear him and make him feel better. And that the way he was talking, Joey Samples knew Mark was confessing but he didn't actually put the words in that order. But, like Tami Colston said, Joey Samples doesn't actually go all the way in claiming Mark said to him, "Yes, I killed Isaac Dawkins". Still, the idea that Joey Samples was just a good Samaritan who came forward out of the goodness of his own heart for no apparent reason or nothing he'd done, Mark decided to come up to him and, like, bare his soul? That doesn't seem to fit with the facts. Because the timing of everything, and what Mark himself experienced during this time period suggests that Joey Samples was coming to *him* for information.

[27:17]

**Mark Free:** *Joey's the one that came talking to me after they put the fliers up. I mean, like I said, me and him been in school. We went to different schools, played football against each other. But we were still friends. I mean, we went to elementary school together and he switched schools and we were alright after we left school until all this happened. Last time I seen him was in jail, when they put the fliers up and he come down. He's asking me all kind of questions.*

**Susan Simpson:** *Totally unrelated, of course.*

**Mark Free:** *Yeah. Yeah. Like, "You can tell me anything!"*

**Susan Simpson:** [laughs]

**Mark Free:** *I'm like, I got nothing to tell you.*

**Susan Simpson:** *So he was pumping you for info, you think.*

**Mark Free:** *Yeah, he was pumping. Hard.*

**Colin Miller:**

Yeah, and it's not just Mark indicating that Joey Samples was pumping for information, this is actually Joey Sample's testimony at trial:

*Question: Now, did you throw out the possible scenarios: Well, this could have happened to Isaac or that could have happened to Isaac?*

*Answer: Yes.*

*Question: What kind of scenarios did you throw out?*

*Answer: Well, I threw out one, I told him that it could have happened, you know, they could have been out there and he wanted to scare him, wanted to scare him up, you know? And then it went wrong. But I told him, I said, but since, I said, you know, you could have been out there and just-- Let me just put it the way I told him, I said, "You and Joey could have been out there," I said, "Y'all could have just had plans to scare him up," I said, "But then, when you had plans to scare him up", I told Mark, I said, "You know, you could have shot him and scared him and then when you scared him you end up killing him, but Joey was your partner and y'all are best friends and you didn't want to take all the rap on yourself, and plus you didn't want to put it all on him".*

**Colin Miller:**

So, I mean, basically, this is literally Joey Samples admitting at trial that he almost was like an interrogator, creating this scenario and trying to trap Mark Free by posing different scenarios and trying to get him to admit that he in some way was involved in the death of Isaac Dawkins.

**Susan Simpson:**

But like I said, it wasn't really so much this part of Joey Samples testimony that was so damaging to both Joey Watkins and to Mark Free. Probably the biggest part of his testimony, and we'll get into more later why this is such a big deal, but Joey Samples is basically the State's strongest evidence linking Joey and Mark to the death of Isaac's dog, Sally. Because according to Joey Samples, Mark, while he didn't confess to killing the dog, he wouldn't say if he did or didn't do it, but he implied pretty heavily that he was responsible for the dog's death. Although, according to Joey Samples, Mark also mentioned that it was because of some shell casings that the dog was linked to them, which doesn't make much sense, but here's what he testified to at Mark's trial:

[29:45]

**Lawyer:**

*Why did Mark, if you know, why did Mark come talk to you about this? Saying he wanted to talk about it?*

**Joey Samples:**

*He seemed uh, a little upset about a couple things that had went on with that case, so... Usually when we locked up, people come talk to me about a couple things that... Goes on with they case, you know. And uh... I tried to help them out the best way I can, give them some advice.*

**Lawyer:**

*So, you been locked up before?*

**Joey Samples:**

*Uh, yes sir. Yes sir. Lot of people come to jail, they's young, hysterical and... Upset and they come in and I'm laid back, relaxed, and... They want to know about they case and find a buddy, so, lot of people come to me to talk about it, so I try to help them out.*

**Lawyer:**

*Okay. Some people are wired, some are calm about it, like you are?*

**Joey Samples:**

*Yes sir, yes sir.*

**Lawyer:** *Alright, when Mark Free started talking to you about this case, was it all at once or was this happening over a period of time?*

**Joey Samples:** *This is like, uh... I'd say... Probably took like two days.*

*It happened like-- It started out that night and then... The next day we talked about it a little bit. And then uh... Let me see it started that night, that we talked about it. The next day a little bit. And wasn't too much more after that. It was about a day or two, us talking about it.*

**Lawyer:** *So, he was bothered by this? By the posters going up?*

**Joey Samples:** *Yes, sir.*

**Lawyer:** *Alright, what specifically did he tell you, Mr Samples?*

**Joey Samples:** *We just talking about, uh... Things about, like, uh... Brianne's dog and... You know, he's talking about, you know how... Everything looked like it was coming down on him because uh... You know, his experience in the military as a sharp shooter, things like that.*

**Lawyer:** *Alright, did he tell you he was a sharp shoot-- Sharp shooter?*

**Joey Samples:** *Yes, sir.*

**Rabia Chaudry:** So, I don't know what Joey Samples means about Brianne's dog. I think he just got confused, because in previous statements, he did say it was Isaac's dogs that was killed. Although, maybe he did hear something about Brianne's dog. Because Brianne, in her interview with Sutton, the day before Samples was released from jail, had accused Joey Watkins of poisoning *her* dog and making it very sick, back in March of 1999. This never comes up against for some reason, so, who knows? Maybe it's related.

[34:14]

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**Susan Simpson:** I had been wanting to talk to Joey Samples for a long time. Because, out of all the jail house informants, I can see why Tami Colston says, in her closing, "Have you ever seen a more credible guy?" Because, well, at least compared to some of the other crazy stories told by other people in jail with Mark, and Joey Watkins, Joey Samples' story is the most plausible, if, perhaps, only because it's also the thinnest on details. A couple of weeks ago, I finally got the chance to talk to him. We never did manage to set up a recorded interview, but we talked for a little under an hour, and in that time, he told me probably twenty times that, "I'm not a snitch". He also told me that he didn't want his name out there, because he didn't want people to think he was a snitch. "That's not me, he said. I'm not a snitch, I've never snitched on nobody. You don't do that. I hate that I ever got pulled into this case." And he kept telling me that I needed to go read his testimony, just to see what it actually said, and if I just read that, it would prove that he never said Mark had confessed to committing the crime. That he had *never* gotten up in court to say Mark had admitted to anything truly incriminating. And he's sort of right. He didn't. But, that was kind of irrelevant in the context of what he did testify to.

Samples confirmed that Mark had never told him that he'd done it, yeah. But the things he said that Mark *had* said would have left no juror with any doubt that Mark actually was guilty and actually was confessing in a roundabout way. More importantly, though, Samples was one of the few tenuous links in the State's case that connected Mark and/or Joey to the death of Isaac's dog in any fashion. Mark, he testified, had confessed to him that he *had* killed the dog. When I talked to Joey Samples, though, and asked him what he remembered about what Mark had said about any kind of dog, or *dogs*, or just anything remotely canine-related that Mark had ever possibly mentioned, Joey Samples couldn't remember a *thing*. I tried to refresh

his memory, but no luck. It just wasn't ringing any bells for him. Even when I finally told him that he'd testified *twice* that Mark had told him he had killed a dog, or been involved in killing a dog, Joey Samples could only say that he didn't remember anything about any *dogs* being involved. Finally, when I wouldn't give up on bringing up the dog thing, on trying to make him remember somehow that dogs had been involved in this story in some kind of way, he asked me, sounding baffled, "Did Mark tell me about the dogs? Or did the detectives tell me?" "I don't know," I told him, "That's what I'm trying to find out."

Joey Samples did remember some things. And he went on to tell that, in his personal opinion, Joey Watkins is doing time for a crime that Mark Free committed. He had thought about this case, off and on, over the years, he said, and he'd always thought that Mark had been the one to do it. Maybe he was trying to impress Joey, to prove his friendship. But, he didn't know why they'd even made him testify at Joey's trial. He didn't know anything about Joey, just Mark. And it didn't even make sense to him that Joey would have done it in the first place. He said, "If you really look at it, if you sit down and think, if someone comes to you and tells you all about the details of how someone got killed, well, who would you think had done it?" So I asked him what *kind* of details. What had Mark known, or what exactly about their conversation had convinced him that Mark had been involved? He told me that the way Mark was describing it, the way he said things like, "You gotta be good to shoot somebody while driving down the road", and things like that, those were *key* details. Key details you wouldn't have known if you hadn't been involved. It was just the way he was talking. He couldn't explain it, but he felt that, when Mark talked, he wasn't talking about a crime someone else had done.

But what Joey Samples was describing about what Mark had actually said, it sounded like nothing more than the exact same conversations *I'd* had with Mark. Actually, pretty much word-for-word the same kind of thing Mark had told me.

[38:18]

**Susan Simpson:** *Do you think they believed that you really were the triggerman?*

**Mark Free:** *Honestly, I don't know if they think I was, but, as far as my military background, they said that whoever pulled the shot off had to be a expert. I said whoever it was was lucky as hell going at those speeds.*

**Susan Simpson:** *Could you have made that shot?*

**Mark Free:** *[pauses] I don't know. Maybe, maybe not. It depends on the conditions at the time. I mean, you're moving from a speeding car, chasing another car and it's supposed to be dark outside I guess? At that time? I think it had to be a little bit of skill and luck if somebody did it.*

**Susan Simpson:** *Or someone not even aiming...*

**Mark Free:** *True.*

**Susan Simpson:** *For Isaac.*

**Clare Gilbert:** *Or unlucky.*

**Mark Free:** *I think it was a closer shot than they were making it out to be. I don't know, it's just-- It'd be a hard shot in my mind. Yeah.*

[39:31]

**Susan Simpson:** But, if knowing that it would have been a hard shot to make means that Mark knew too much to be innocent, it kind of seems like half of Rome must be guilty of Isaac's murder. Because I can't even remember how many times now someone's told me something similar. But it's also the only key detail that Joey Samples remembers Mark knowing. And that was true in 2000, as well as now. He's never said that Mark told him any more details about how the crime

occurred. And when I was talking to Joey Samples a couple of weeks ago, he said he'd known Mark was guilty, also, because of how Mark kept bragging about it. Kept hinting in a boasting way that, yeah, you know that Dawkins boy? He'd done that. And it's not actually what Mark said, according to Joey Samples, but Joey Samples felt that the way he described things, it was bragging. Not just talking. The thing is, though, when Joey Samples was talking to police back in 2000, and when he testified at trial, there was never this bragging thing that he mentions now. He said, instead, that Mark was upset, Mark was crying at one point, even. He was so distraught over this, over his secret, that he needed a shoulder to cry on.

[40:42]

**Joey Samples:**

*I said, "Well, go ahead. Tell me what you gotta tell me." Then he said the-- The murder of Isaac Dawkins was bothering him. And I said, "Why is bothering you, did you do it?" And he said, "Well, I can't tell you if I did it, or if I didn't do it." And I said, "Well, if it's bothering you," I said, "You must've did it." And he said, "No, I'm not saying that." And I said, "Well, if you didn't do it," I said, "You must know something about it." And he said, "Yeah." I said, "So what do you know about it?" And then he said, "Well, I know what happened. I know who killed him."*

*And then, so he got to telling me that him and Joey, he got to telling me about how he was-- Joey was upset about the girlfriend, but Isaac-- It was Joey's girlfriend but he said that Isaac took her, so that made him upset. And so they had, uh, said something about killing some dogs. And he said, um, the reason why he wanted to come to the police is because the police know that he was a sharp shooter in the military so they know that he could shoot on the move or being still.*

*So I said, "If you didn't do it, why don't you go to the police and tell the police about it?" He said, "Well, I'm not saying that I didn't do it and I'm not saying that I did." And I said, "Well, if it's bothering you, I said, you gotta do something." And then, uh, he just kept talking about how him and Joey, they-- They-- It was some kind of plan, they came up with a plan, but he wouldn't really go in to it. He just-- And he's not going to tell me if he did or he didn't do it cause he's not going to incriminate himself.*

[42:10]

**Susan Simpson:**

At one point, I mentioned to Joey Samples that he had testified before that he'd come forward to the police, that that's how they'd found him. And Joey Samples was *adamant*, "No, nope, that's not how it went. I remember it like it was yesterday, they police came to *me*." He said that they'd told him that someone had named him in a kite. That is, a letter that someone in the jail block had written and sent to one of the guards. And the the kite had claimed Mark had told him everything. *And*, Joey Samples says, the cops kept coming back, again and again, even *after* he was out of jail. "If you look at the records", he said, "You'll see that they were chasing me down, that they kept chasing me, and that they even put me in jail for a day to make sure I made it to court. Because they were afraid I wouldn't show up. They came all the way to Rockmart and found me and took me to the jail for a day." At trial, though, Joey Samples said he had come forward on his own. That he'd done so because Mark was threatening to murder Brianne.

[43:03]

**Lawyer:**

*Were you concerned about him and this Brianne?*

**Joey Samples:**

*Yes, sir.*

**Lawyer:**

*Why were you concerned?*

**Joey Samples:**

*I was concerned, you know, I-- I was telling him, you know, I'm not down with nobody getting hurt and you know that shouldn't be hurt just for talking, you know? I told him that, you know, it ain't cool. You know? Just to go ahead and try to hurt somebody on the outside.*

**Lawyer:** *Why did you come forward to the police, Mr Samples?*

**Joey Samples:** *Because of uh... The Brienne girl. I was just-- I was telling, uh, had talked to uh, Detective Moser and I was telling him that, uh, that-- That-- About the Brienne girl, about her, you know, being on the outside. About her safety.*

**Susan Simpson:** Of course, if Joey Samples did come forward like he testified to, then that means Detective Moser heard that an inmate and murder suspect was threatening to kill a teenage girl, and then did absolutely nothing about it. Not even wrote a note about it in his own personal notes. Which I guess could have happened, but it doesn't strike me as all that plausible. Anyway, I did check the jail records, like Joey Samples said I should, and it turns out that they had nothing on file to show that he'd been picked up and held overnight in order to make sure he showed up for court. I don't know *what* to make about that, really. I guess the simple answer is just that it isn't true, that it didn't happen, that he *wasn't* held overnight because he was unwilling to be a witness and Sutton wanted to make sure he came to court, but... I really *do* kind of wonder about that because Sutton *had* checked out other jail informants, in and out of the jail, before. For instance, when he took one informant to make a little field trip to Wendy's. So, I guess it's possible that the lack of jail records don't mean anything, if he'd done it before. Maybe. I don't know. But either way, even if it is true that Joey Samples was unwilling to be involved by the time it came to testifying at the trials, he did testify that he came forward voluntarily to the detectives, and not that they tracked him down like he says now.

[45:27]

**Colin Miller:** However it was, exactly, that Samples got in touch with the police, Moser ended up interviewing him on March 6<sup>th</sup>, and here's what his notes say:

*4:10 pm with Joey Samples at Floyd County Jail. Said on night of January 11<sup>th</sup>, January 12<sup>th</sup>???? (question, question, question, question) went to jail, Mark came to him, and they said on steps and talked, Mark had tears in his eyes, would not say exact???? (five question marks) shoulder to cry on.*

**Susan Simpson:** So, back on March 6<sup>th</sup> 2000, Detective Moser came to the jail and talked to Joey Samples. The next day, he went and picked up Mark Free, to talk to him for himself. So, in the notes, Moser writes, "Mark says he knew Joey. It was an on-again, off-again best friends kind-of-thing. Mark said that he heard about the victim being shot, but he denied being with Joey that night", both to Moser alone and also to Marshall when he entered the room. And Moser's note says:

*Mark had tears in eyes when with 021 – that's Marshall Smith.*

And Moser wrote:

*Honest? (question mark) Looked straight at me when he answered. Mark confirmed that he was in the National Guard, that he was a sharp shooter, had experience with 9mms, never owned a handgun, only rifles. Has seen Joey with a long guns, but not a handgun, and was at David Brown's house when it happened. He heard about it from a phone call from Johnny Williams, his friend.*

At the very end, Moser wrote:

*Did not appear nervous, agreed to a polygraph, and would confirm and an old schoolmate.*

Which is kind of vague, but that last bit I take as a reference to Joey Samples, confirming that yeah, he had gone to school at the same time as Joey Samples and knew him from football. Piecing it all together, it seems pretty clear, and especially compared to other notes that Moser's taken with other witnesses, Moser believed Mark Free. He thought he was being honest when he denied knowing anything about the shooting. Yes, Mark had been in the National Guard and yes, he had experience with a 9mm. But he didn't own a handgun, and the night the murder happened, he was with his friend David Brown. So, he had an alibi, too.

**Colin Miller:**

Yeah, that probably goes a long way toward Moser ruling Joey out. Because, again, if you're Moser looking at this, you can't imagine that Joey would have pulled off the shooting with Joey himself pulling the trigger. You needed the sharp shooter, and if it's not Mark Free, who else does that leave? So I mean, this probably does explain how Joey was ruled out as a suspect.

**Susan Simpson:**

I mean they could have found someone else to be the accomplice, but they'd looked into the other ones – Paul Allen, Tim Hughes – and they hadn't found them any better. And really, if you're going to make someone an accomplice, Mark Free was probably the better choice, except for the whole fact that, you know, there was nothing to connect him to the murder.

Here's Mark on his experience and being interviewed by the Rome Police Department:

[48:17]

**Susan Simpson:**

*So, before you were arrested, you were interviewed a few times 'cause there were rumors going around?*

**Mark Free:**

*Uh... [sighs] There was a couple of rumors going around before that first interrogation by the City. And then, after they got turned over to Floyd County, that's when... Everything just went berserk. Just, everybody, just circumstantial evidence, what I called it, it's hearsay, when everybody's talking, about "He did this", or "He did that". And people that might know somebody else say, "Well, Mark told me that he did it." Or this and that, were full of crap.*

**Susan Simpson:**

*So, who interviewed you in that first interview?*

**Mark Free:**

*First one? Jim Moser and... Marshall Smith.*

**Susan Simpson:**

*And what'd they say to you then? How'd that go down?*

**Mark Free:**

*Marshall and I were friends at the time. He was the captain for the City and I used to go to his house, I was friends with his daughter. So... He was playing the bad cop. And, you know, he come over. He's like, "Well, I got a mother that is crying every night, crying her eyes out, 'cause her son was killed. Did you do it?" He went off on me and I wasn't expecting that from Marshall 'cause I seen him at his house and we talked, you know, about him getting me in and being a police officer and you know, and it was-- I don't know, it just felt kind of strange that he would come off like that at me. You know? And I just hold him I didn't do it. I said, "You gotta believe me. You know me."*

*And... It went down as him being, you know, I don't think 'violent' is the term, but being loud and obnoxious to me as far as interrogating. And then Jim Moser come in and being the nice cop, you know, "We're just here trying to investigate this." And he was nice about it. Afterwards, I knew they was doing a job. I knew Marshall was, and I've talked to Marshall since then. He left the City. 'Cause, he told me that the City was corrupt. That's why he left and went to GBI, the fugitive squad. But... He knew that they were corrupt. He told me.*

**Colin Miller:** So now, let's turn to looking at a few of the problems that exist with the State trying to claim that Mark was involved in the death of Isaac Dawkins. The first problem is simply there was no evidence that, in fact, Mark was in contact with Joey at the time of the shooting.

[51:03]

**Mark Free:** *During that period of time, I was hanging around with David Brown all the time. And then, you know, after a month or two me and Joey might hook back up, and we might hang out and do stuff for a couple months, and then, he'd wander back off with some friends of his and, I had my own set of friends and split up. We kept in touch, but we never like, hung out, like, you know? It might be a couple months, then we'd get back together. We'd hang out, and chill, and go do stuff for a couple months.*

**Susan Simpson:** There's nothing to show that, like, in the weeks before this, like, Joey and Mark had ever seen each other. The phone records show nothing, no contact, nothing like that. There's like, *nothing* to show that Mark and Joey were ever in contact. And how ridiculous that is, given the story that, like, they met up somewhere? And Joey's making no phone calls to him?

**Colin Miller:** And the second big problem for the State is that no one had ever seen or heard Mark getting involved with anything having to do with Isaac whatsoever.

[52:11]

**Colin Miller:** *How well did you know Isaac Dawkins?*

**Mark Free:** *I didn't know him at all.*

**Colin Miller:** *You'd never met him?*

**Mark Free:** *Never. I met his sister once. Like, once, my whole life. But that was at Josh Flemister's house.*

**Colin Miller:** In fact, Isaac's best friend had no recollection whatsoever of a person named Mark Free.

[52:38]

**Stanley Sutton:** *Did you ever know-- Did you ever witness Joey Watkins with Mark Free?*

**Jay Barnett:** *No, I don't know who Mark Free is, still.*

**Stanley Sutton:** *You don't know?*

**Jay Barnett:** *I never seen him.*

**Stanley Sutton:** *Okay.*

**Jay Barnett:** *I might know him if I saw him after somebody told me that's who it was, but--*

**Susan Simpson:**

Now, the prosecution didn't really have an effective way to deal with these hurdles to Mark's involvement in the crime. Because there *is* no evidence that Mark and Joey had ever been in contact and they couldn't find any that was never there in the first place. There was not even a phone call, at any point, that they could, you know, raise assumptions or inferences about. So, they kind of just ignored it. And hoped the jury would, too.

[53:29]

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**Rabia Chaudry:**

Now, throughout the course of the investigation, we've come across a lot of striking and often unexpected similarities between Joey's case and Adnan's. But if there's a fundamental difference between the two cases: It's the difference between Mark Free and Jay Wilds. Because the Floyd County Police made the same deal to Mark that the Baltimore City Police made to Jay: "Tell us how the guy we *really* want did this murder, and we'll make sure nothing bad happens to you." The difference was this: Jay accepted the deal, while Mark told the police to shove it where the sun doesn't shine.

[54:00]

**Mark Free:**

*November 13<sup>th</sup> I was arrested, around 7:00 pm, or maybe 6:30, something like that. [clears throat] There was probably 20 police officers there, maybe about 14, 15, police cars lined up outside. [clears throat] They come busting through the door, and threw me on the bed, said I was under arrest for the murde-- Murde-- Can't even talk right. The murder of Joey Watkins, at first, is what he said. And then he said, "I meant Isaac Dawkins."*

**Susan Simpson:**

*So what happened when they took you down to the law enforcement center?*

**Mark Free:**

*They was talking to me, trying to get me to say that Joey did... Or whatever, trying to get me immunity. They would not press no charges if I said that Joey had confided in me and said that he had pulled the trigger and shot Isaac. And, they just kept on it with it and I just tell them, I can't tell them something that I didn't know.*

**Susan Simpson:**

*So, they suggested to you that he'd confided in you?*

**Mark Free:**

*That's what they were suggesting. Basically telling me what I needed to say, is how I took it. But... I told them I had-- I had nothing to say.*

**Susan Simpson:**

*So, they were charging you with-- They were charging you with being the gunman?*

**Mark Free:**

*Right.*

**Susan Simpson:**

*And at the same time, they're telling you, you can get immunity?*

**Mark Free:**

*Exactly.*

**Susan Simpson:**

*Did that seem weird to you then?*

**Mark Free:**

*Yeah. It did. I knew they were full of crap. I mean, it was all crap from the get-go.*

[53:36]

[break in audio]

**Mark Free:**

*I don't remember that particular part, but I know they tried to offer me the same thing the night they arrested me.*

**Colin Miller:**

*They tried to offer you immunity. To testify against Joey.*

**Mark Free:**

*Just to say Joey did it. That's what I kept telling them. I said, "I can't tell you something I don't know. I wasn't with Joey, I don't know what happened that night." And they just kept on*

*badgering, badgering me. I mean, detective after detective come in. I was: "I can't tell you something I don't know." And, they're like, "Well, we'll see you in jail". I was like, "Whatever. They said, "We'll see you about a year in court." I said, whatever it has to be. Ain't nothing I can do about it right now.*

[56:18]

[break in audio]

**Susan Simpson:**

*Did you ever regret not turning Joey--?*

**Mark Free:**

*No. That's not in my- that's not my creed. I can't- I can't do that to people. And in my heart, it's just the right thing to do no matter how much time I'm looking at. I know he didn't do it.*

**Susan Simpson:**

Now, Jay Wilds and Mark Free had the same outcome, in a way. Both walked away. Now, Mark had to go through a trial and spent 16 months in jail waiting for it, but he was acquitted, and theoretically, he's been able to move on with his life. And he has. But it's clear that this whole experience was a big deal, and a big part of Mark's life, one that still effects him today.

This is Clare and I, walking out of the Watkins Auto Dealership after my first interview with Mark Free, back in December of 2015:

[57:19]

**Susan Simpson:**

*I mean, I had no idea what to expect. I didn't... I mean I was glad he was willing to talk to us, but that's about all I knew about him. What'd you think about Mark?*

**Clare Gilbert:**

*I thought he was great. He was open, relaxed, looked healthy. He looked much healthier, I thought, than his-- When he was arrested at the time.*

**Susan Simpson:**

*Oh, you've seen photos?*

**Clare Gilbert:**

*His booking photo. Yeah.*

**Susan Simpson:**

*Oh, what'd he look like then?*

**Clare Gilbert:**

*Well, he just looked small. He was a lot younger then. It was fifteen years ago. So he was skinnier, he looked scared then. Obviously.*

**Susan Simpson:**

*He's like five years older than Joey. So he was what, 24 at the time?*

**Clare Gilbert:**

*Yeah. Yeah. Maybe a bit younger than that, but...*

**Susan Simpson:**

*23.*

**Clare Gilbert:**

*Yeah, he was... Friendly, open, smiled. And just seemed grateful to have someone to talk to about what happened.*

**Susan Simpson:**

*Oh, I was imagining we'd be bringing like a whole bunch of shit to his doorstep and that this was going to be a lot of stuff he'd spend a lot of time trying to get past. And I think maybe it is in a lot of respects. But he's like, "Nope, I will talk about it 'cause it's the right thing to do." And actually, he seemed to feel better for having talked about it towards the end... I just can't imagine a place that's this-- Rome's not the tiniest place in the world by any shot, but it's it's a small town. I just can't imagine being acquitted of murder, but having a lot of people still doubt that acquittal, and still continuing to live in the community.*

**Clare Gilbert:**

*Right. And, and... I mean, we were talking about this with him how, when he is acquitted, and years later you come back and you look at the whole thing you're like, "Well, he's acquitted, he*

*must be fine, he must feel fine over the whole thing.” But clearly it was extremely traumatic for him as he was going through it and you can still see that very plainly when he talks about it.*

**Susan Simpson:** *I was kind of blown away that he admitted to having nightmares. And--*

**Clare Gilbert:** *About Stanley Sutton chasing him.*

**Susan Simpson:** *And needing anxiety medications to deal with it. And he didn't seem like the kind of guy that was happy to, or would normally admit weaknesses in conversation. Or at least not casually. And it wasn't casual, but he was being honest that well, yeah this was... 'Cause he-- Before that, before you had asked him how it affected him, you know it did seem like he came through it okay, you know? He seemed pretty... [sighs] I don't know what the word is. Just kind of stoic about it.*

[1:00:12]

**Susan Simpson:** *And I really was worried about talking to Mark. I didn't know... At that point we didn't have anything from Mark's trial, so we had very little clue what had happened there. And I hadn't even finished reading the transcripts from Joey's trial so I only had a halfway – not even halfway – grasp of the case. And I mean, part of it was I wasn't sure why Mark had turned the deal down. I mean most people don't turn that deal down, and in this case there were certainly a lot of people who took it up. But after talking to Mark, it seems like the idea of ratting on a friend to get out of a charge just isn't in him. No matter how sweet and easy the deal was made, the Floyd cops couldn't get Mark to turn. Still, it's not a matter of being able to walk away from it after it's over, after he's acquitted.*

[1:01:00]

**Susan Simpson:** *Does this still affect you today? I know it's been a long time now.*

**Mark Free:** *Well yeah. I used to be on medication for it. I used to have nightmares about Stanley Sutton – him chasing me through yards and through the woods and behind houses, and... There's been some psychological damage, but I came out of it pretty good I guess.*

**Clare Gilbert:** *Yeah it's funny because you think of you being acquitted and you're like, “Oh, he was acquitted...”*

**Susan Simpson:** *Yeah!*

**Clare Gilbert:** *Everybody knows he didn't do it, and you don't think of how hard it actually was. And for how long you had to go through it all.*

**Mark Free:** *It's been-- It's been a tough ride. I mean, like y'all said, people think that it's over, you know? This and that. But I had to see a psychologist. I had nightmares, all kind of stuff and so... Yeah.*

**Clare Gilbert:** *And you're the lucky one.*

**Mark Free:** *Right.*

[1:01:56] [break in audio]

**Susan Simpson:** *Are you worried at all that this is going to stir up bad feelings against you?*

**Mark Free:** *Yeah, but I don't care. [laughs] That's what I talked to my girlfriend about, she was like, “This is going to stir up a whole bunch of crap and you'll get harassed and this and that.” I don't care.*

**Susan Simpson:** *So she was worried about you doing this?*

**Mark Free:** Yeah.

**Susan Simpson:** Understandable.

**Mark Free:** *But I had to let her know where I was coming from. And I can't just lay down and, you know, let it keep happening. If somebody's willing to come forth and re-investigate everything, I say it's the right thing to do. That's all I care.*

[1:02:37] [break in audio]

**Susan Simpson:** *Is it hard to go back and talk about this?*

**Mark Free:** *No it's not hard. I mean, I don't do it. And I haven't really talked about it much. But, I dunno, it's kind of a... It feels good to talk about it, and to know that hopefully this will, you know, release Joey. Give him his freedom back, for something he didn't do. He doesn't need to be in there doing that hard time, when you're innocent. Floyd County's fault, I mean the State. He doesn't deserve to be in there.*

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**Rabia Chaudry:**

Joey Watkins was convicted of the murder of Isaac Dawkins based on the State's theory that he had an accomplice. Because he couldn't have shot Isaac by himself. After all, he was on the phone and driving at the *same time*. But then, seven months later, his accomplice, Mark Free, was actually acquitted. Now, in the real world we'd think: Well, if there was no accomplice who did the shooting, then Joey couldn't have been part of this crime. But the courtroom isn't the real world. It's a game in which the prosecutors get to decide who to charge and try, and when and how. If Mark had been tried and acquitted first, Joey might have had a better chance at his own trial. And the State knew that, so they didn't let that happen. Makes you wonder about fairness and equity in the legal system, right? Well what about this? What if every single argument or altercation you ever had with anybody came back to haunt *you* in a court of law?

Next time on *Undisclosed*.

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