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**UNDISCLOSED SEASON 2: THE STATE VS. JOEY WATKINS****EPISODE 11: PROPENSITY**  
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**Rabia Chaudry:** Last week we looked at Joey's prior difficulties with Isaac, according to the State, at least. This week we look at how Tami Colston, the prosecutor, widened the net. Pulling together a list of all the times she alleged Joey got into altercations with others over a girl. Because when you don't have real evidence, the best you can do is convince the jury your defendant is simply a bad person.

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**Rabia Chaudry:** Hi and welcome to Episode 11 of *Undisclosed*. My name is Rabia Chaudry. I'm an attorney, a fellow at the US Institute of Peace, and the author of *Adnan's Story*.

**Susan Simpson:** My name is Susan Simpson and I'm an associate with Volkov Law Group.

**Colin Miller:** Hi, this is Colin Miller 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:** Last week we talked about the State's claims concerning Joey's alleged prior difficulties with Isaac Dawkins. Because the State didn't have much in the way of evidence about things that Joey had done to Isaac, the bulk of the State's case instead focused on things Joey had supposedly done to other people. Joey was always trying to fight Brianne's other boyfriends, prosecutor Tami Colston claimed in closing arguments. Therefore, we can assume he was trying to fight Isaac too.

[1:49]

**Susan Simpson:** *Now, what truths do we know about this case? Let's start there. What can we definitely say we know about this case? First of all, we know beyond any doubt whatsoever that Joey Watkins hated, despised, Isaac Dawkins. We agree on that. No doubt about it. He hated him because he had taken his precious Brianne. He hated everybody that took Brianne. You heard the evidence as to what he did with Brianne's other boyfriends. It was a pattern, it was a course of conduct. He would threaten and intimidate and harass those people who dared to date Brianne. He did the same thing with Isaac Dawkins he did with the others. What's that? With another traitor truth, that he did stalk, harass, intimidate, and threaten Isaac Dawkins.*

**Rabia Chaudry:** In other words, Joey's fundamental character involved an obsessive, murderous hate of anyone who dated Brianne. And if one of Brianne's boyfriends was killed, it can safely be assumed that Joey was the murderer.

**Colin Miller:**

The prosecution, however, faced a hurdle in seeking to introduce this evidence of how Joey acted in other situations. And that hurdle can be traced all the way back to common law England:

In England, prior to the 17<sup>th</sup> century, courts admitted almost any type of evidence, with the only limitation being rules deeming certain categories of individuals, such as atheists, incompetent to testify at trial. All other forms of evidence were admissible under the inquisitorial system, which had reigned in England since the Norman Conquest, and which found an evidentiary code unnecessary. Under this system, it was not considered irregular to call witnesses to prove a prisoner's bad character in order to raise the presumption of his guilt. This open-door policy with regard to propensity character evidence could be explained by the inquisitorial system's assumption that the accused committed a crime, and the concomitant requirement that he affirmatively prove his innocence.

One of the most conspicuous consumers of propensity character evidence, and ultimately the cause of its death, was the Court of the Star Chamber. Established in 1487, The Star Chamber conducted treason trials, but it was really a way for the Tudors and Stuarts to dispose of political and religious dissenters of the monarchy. The Star Chamber was the crown's 'Organ of Terror' – renowned among the citizenry for its arbitrary and cruel decisions. And one of its most capricious practices was the deluge of character evidence it admitted, resulting in defendants being punished for their sordid character rather than their culpable conduct. The Star Chamber engendered widespread animosity in the citizenry in the years preceding the English Civil War, eventually prompting the revolutionary Long Parliament to abolish it 1641. At the close of that civil war, the Restoration and the Glorious Revolution, those same dissidents who were subjected to the monarchy's organ of terror had wrested control of the parliament but still felt the sting of the Star Chamber.

In an effort to prevent the ills of the past from infecting the future, these new power-wielders passed the Treason Act of 1695, which contained a provision proscribing prosecutors from proving a trial any overt acts by the defendant which were not charged in the indictment, thus precluding the admission of propensity character evidence. And while this restriction was initially limited to treason trials, it soon permeated all criminal trials, with courts and commentators recognizing that the use of such character evidence violated the right to due process of law guaranteed by the *Magna Carta*.

[5:09]

**Rabia Chaudry:**

This prohibition on the admission of character evidence soon carried itself across the pond, with the Supreme Court describing the reasoning in an 1892 opinion in *Boyd vs. United States*. Proof of prior bad acts only tended to prejudice defendants with the jurors, to draw their minds away from the real issue and to produce the impression that they were wretches, whose lives were of no value to the community, and who were not entitled to the full benefit of the rules proscribed by law for the trial of human beings charged with a crime involving the punishment of death. However depraved in character, and however full of crime their past lives may have been, the defendants were entitled to be tried upon competent evidence, and only for the offense charged.

**Susan Simpson:**

Under Georgia law in 2001, character evidence was prohibited. With one tiny little exception that, in practice, threatened to swallow the rule whole. The statute read:

*The general character of the parties, and especially their conduct in other transactions, are irrelevant matter unless the nature of the actions involves such character and renders necessary or proper the investigation of such conduct.*

Or to put it another way, character evidence is prohibited if it boils down to nothing more than once a criminal, always a criminal.

So the State couldn't, say, present evidence that a defendant on trial for robbery had committed a prior robbery just to prove that he robbed once so he probably robbed again here. Or, they couldn't call a witness in an aggravated assault case to testify that the defendant had a reputation of being violent, for the purpose of proving that the defendant just tended to be violent in general. So it's totally plausible that he would have been also violent here.

But then there's that tiny little exception I mentioned. The one based on *modus operandi*, or MO. That's a Latin phrase that roughly translates as, "method of operation". And in Georgia, the courts call this 'course of conduct', 'bent of mind', or 'identity exception'. According to *Cole vs. State*, from the Georgia Court of Appeals:

*A much greater degree of similarity between the charged crime and the uncharged crime is required when the evidence of the other crime is introduced to prove identity, than when it is introduced to prove a state of mind. Much more is demanded than the mere repeated commission of crimes of the same class, such as repeated murders, robberies, or rapes. The pattern and characteristics of the crimes must be so unusual and distinctive as to be like a signature. A defendant's sole prior act of armed robbery would not be so nearly identical in method so as to earmark both the prior act and this offense as the handiwork of the accused. Nor is it in the nature of a signature, and thus is some evidence of the identity of the perpetrator.*

**Colin Miller:**

Now, this so-called signature can be a literal signature, like Zorro leaving behind the mark of the 'Z', or the kitchen sink burglars in *Home Alone* putting towels in kitchen sinks and leaving the water running in the victims' homes to flood them. Or in other cases the signature can involve the crime itself, such as when serial arsonist Thomas Sweat started all those fires by filling a milk jug with gasoline, plugging the opening with a piece of clothing that served as a wick, and having the wick burn plastic for more than 20 minutes before the fire consumed the container, leading to gas fumes escaping and eventually catching fire. In either case though, the purpose of this exception is not to prove the defendant committed the crime of issue. That, of course, would be impermissible character evidence.

The point is to prove that this crime and the prior crimes are so distinctive and so unique that no one else could have committed them. That said, and this gets to Susan's issue, the problem is that this distinction has become far too fuzzy. As Justice Sears noted in his special concurrence in the opinion of the Supreme Court of Georgia in *Farley vs. State*:

*'Bent of mind' and 'course of conduct' have involved into amorphous catch phrases, difficult to define and slippery in application. While they may be legitimate purposes for introducing legitimate crime evidence under some circumstances, careful analysis of the relevance of the evidence is especially important when those purposes are claimed. Such careful scrutiny is essential because a person's bent of mind is dangerously close to being his character, and a person's course of conduct could easily show nothing more than a mere propensity to act in a certain manner.*

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**Rabia Chaudry:**

Georgia has a procedure set up when the prosecution wants to admit character evidence under this exception. And it requires the prosecution to serve notice on the defendant, using something called a 'notice of prosecution's intent to present evidence of similar transactions', followed by a hearing before the court to determine admissibility.

**Susan Simpson:**

This similar transaction evidence would be a big deal at Joey's trial. In fact, it was kind of the only deal. Not counting Mullinax for whatever his testimony may have been worth. The

prosecution didn't really have anything in the way of direct evidence linking Joey to the murder. So, instead, the majority of the State's case was spent discussing things that had absolutely nothing to do with the murder. Or even with Isaac. And often, they didn't even involve Brianne, either. Instead, the State tried to admit as many examples as it could possibly shoehorn in against Joey, to show he was a jerk in some fashion. No matter how far removed that incident may have been from the charges actually laid against him. And, unfortunately for Joey, his prior history gave the prosecution a lot of places to start.

[12:09]

**Susan Simpson:** *I was listening to Clare's interview with Delane and he mentions that you had a reputation, you wouldn't win every fight, but you'd still fight.*

**Joey Watkins:** *Yeah. That's true. [laughs] [clears throat] You know, I-- That was me. I didn't care who it was, I would, I would fight, you know?*

**Susan Simpson:** *Was it usually over Brianne, or just anything?*

**Joey Watkins:** *Oh... Not all of it was over Brianne. A lot of it was over my sister – my younger sister. And they used a lot of that in my trial and called it a similar transaction.*

**Susan Simpson:** *I've seen that.*

**Joey Watkins:** *Yep.*

**Susan Simpson:** *That's been-- So I've been going through and trying to track down all the documents we have for each issue, and trying to figure out what the background is for each example in that notice. And for each... There's probably 14 stories listed on that sheet. And for each one, there's five different versions of it.*

**Joey Watkins:** *[laughs]*

**Susan Simpson:** *And trying to piece together each one has been kind of a pain in the butt.*

**Joey Watkins:** *Yeah. [tuts]. I don't-- You know, I don't know what else to--*

**Susan Simpson:** *[laughs]*

**Joey Watkins:** *That-- A lot of this confused me, you know? I heard so many stories when I was at trial, it's like, "What?! When did I do that?" You know, "When did this happen?" And it's like... I don't know.*

**Susan Simpson:** And Joey's confusion about the witnesses at his trial and what they were saying was undoubtedly due in part to the fact that the State's similar transaction notice is itself a hodgepodge mess of some totally fabricated claims, a few actual events that were rendered nearly unrecognizable by the way Colston presented them, and also a hefty dose of nonsense that I can only assume Colston borrowed from the local rumor mill. Because no witness that I've ever come across, or read about, ever said them.

[14:10]

**Susan Simpson:** This notice was filed by prosecutor Tami Colston on June 13, 2001. That's only 12 days before Joey's trial. By that point, it was way too late for Joey to raise an adequate defense to it. Because, there's no way on earth that even the most competent counsel could have possibly deciphered this disaster of a document. Especially not in 12 days, while also preparing for trial. This notice included, in addition to the six incidents of prior difficulties that we discussed last week that involved – or purportedly involved – Isaac, also had 14 similar transactions that involved Joey's interactions with people other than Isaac. These incidents were supposedly

admissible evidence that Joey was the person who killed Isaac Dawkins. But many of them are so disconnected from anything having to do with Isaac's death that it's hard to see why they were chosen, except for the fact that they made Joey look really bad.

**Colin Miller:**

Yeah, and understandably, the defense in this case wanted a full-blown evidentiary hearing where we could have these witnesses be cross-examined to determine what they would say, as opposed to just relying upon the word of the prosecutor in the case. But that ultimately was unsuccessful, so here's the exchange between the judge in the case, Judge Matthews, and defense attorney Rex Abernathy:

*Mr Abernathy: Of course our position is, Judge, stating in her place what that evidence is won't do it. We're entitled to a hearing to cross-examine witnesses.*

*The response by the Judge: No, you're not.*

*Mr Abernathy: That's the issue.*

*The Judge: You're not entitled to a full-blown hearing, in fact the Supreme Court has been very clear. I can hear statements in counsel's place, including yours, as to what evidence would be produced with respect to those incidents, in order to determine whether or not they fit the standard of similar transactions.*

**Rabia Chaudry:**

Judge Matthews was right. In Georgia, the prosecutor can just describe the character evidence that's going to be presented, rather than having to call the character witness and have them exposed to cross examination. It's different though, from whether Georgia's policy makes sense. In *Meyer vs. State*, the defendant appealed his conviction, complaining that the trial court erred in failing to conduct an evidentiary hearing on the admissibility of the similar transactions, rather than relying on the assistant district attorney's statements in his place as to what the similar transaction evidence would show. He maintains that the proffered evidence of the transactions was *dramatically* different than the actual trial testimony of the prior acts. But the court of appeals of Georgia disagreed, concluding that:

*Any eventual disparity between the stated expected evidence and the actual testimony has not been shown to have been known or anticipated by the State at the time of the hearing in the matter.*

But isn't that the whole point of requiring the character witness to testify in front of the judge before he testifies in front of the jury? Under Georgia's procedure, a judge has to approve the admission of character evidence without the judge, defense counsel, or even the prosecutor having a good idea of what the character witness is actually going to say.

**Susan Simpson:**

And see, Rabia, you say "even the prosecutor", but in this case, it's clear that not just the defense counsel, but also the judge, seemed to have a better idea of what was going on than Tami Colston did. Because she misrepresents the facts in just about every single one of her points. And at one point the judge even breaks in and says, "Well look. These kids were having all kinds of drama with each other, they were, you know, going out and fussing all the time. How is this even really directly related to Isaac's death?" And she comes up with reasons or claims about what her witnesses are going to say, but a lot of the time, she's just dead wrong. That's *not* what her witnesses are going to say, that's not what they ever said before, and I'm not even sure where she got those ideas from.

**Colin Miller:** Yeah. I have a huge problem with Georgia's system here, for exactly that reason. It's just relying upon the word of the prosecutor and *a)* the prosecutor could be acting in bad faith, but *b)* it's also quite possible that the prosecutor unknowingly is, whether slightly or significantly, misrepresenting what these witnesses are going to say. And that's the whole point of screening this, to say, "Look this is character evidence that could be hugely relevant to the jury convicting and you need to make sure it is reliable and that this witness in fact is going to say what you claim he's going to say." And that's – as we'll see – one of the big problems in this case. Is often times it didn't match up to what Tami Colston said.

**Rabia Chaudry:** It almost seems like there's no remedy in this case, where the prosecutor can make whatever proffer they want – this is what the witness is going to say – and the witness can say whatever they want, totally different and contradictory to what the prosecutor said. And, but, "Oh well..." Like, there just seems to be no way around it.

**Susan Simpson:** I mean, that's the whole point. Like okay, let's be real: The reason the prosecutors want this in, at least in a case like this, is *not* because it shows a signature for a crime. They want it in for one reason, which is to make the defendant look bad. That's what they're doing. And that's fine, under the current system they can do that. But that is their goal. So for them, for their purposes, it doesn't matter at all if the witness is going to testify something slightly different what's been proffered. As long as the general gist is right, it's still something that makes the defendant look bad. And in this case, I really don't know what was going on. I mean, apparently Colston needed to borrow our relationship chart. [laughs] Because she could not keep straight who was dating who, or who should have been jealous of who. So there's always claims about how Joey was acting out of jealousy, for people that had definitely never dated Brianne ever.

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**Susan Simpson:** Anyway, let's go on to those fourteen supposed prior transactions. First we'll discuss the 'Christmas Eve incident'. Colston's proffer reads:

*On Christmas Eve of 1999, Chad Redden was at the Mount Berry Square mall with Brianne Scarber. Chad and Brianne were dating. Joey Watkins tried to get Chad Redden to fight him because he was dating Brianne. Brianne Scarber tried to intervene, and Joey Watkins punched her in the ribs.*

**Colin Miller:** Now you might recall that we previously discussed this incident in Episode 3, and how a neutral witness at this scene said they didn't see *any* of what Brianne described. It is true there was an event that happened on Christmas Eve, but Brianne waited until January 13<sup>th</sup> to get a warrant for Joey's arrest for battery, and the fact that Brianne waited until the day after Isaac's death to take action in regard to this altercation doesn't seem like a coincidence, and Joey himself doesn't seem to think so, either.

[20:30]

**Susan Simpson:** *It's... You can tell that in the days after Isaac's death, I mean, Brianne's the one who chose that moment to go and file that charge against you and get you locked up on the 13<sup>th</sup>.*

**Joey Watkins:** [pauses] *It's just...*

**Susan Simpson:** *You can see that they were--* [sighs] *Yeah.*

**Joey Watkins:** *They were at me. It was a setup, man. I swear it was a setup. And I know it sounds like it was, like, the perfect time to strike at me, type deal, you know?*

**Colin Miller:**

In fact it appears that Brianne began talking about her plans to have Joey arrested even before Isaac had died. Detective Moser's notes from January 12<sup>th</sup> indicate that he spoke to Melinda Lewis, who had information from Brianne about how they were, quote: "Going to go before the magistrate court on January 13". Which would seem to be a reference to the warrant she in fact took out that day.

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**Rabia Chaudry:**

And that brings us to the next incident. Of all the similar transactions that Colston complied for her notice, exactly *one* of them involves the type of transaction that Colston has proposed to be similar to Isaac's death: Joey having a physical altercation with another guy due his jealousy over that guy's involvement with Brianne. And something like what was proposed in Colston's notice actually did occur. However Colston's version of the event has next to nothing in common with the actual event. Here's what the notice says:

*In early 1999, or late 1998, Joey Watkins pulled a gun on Delane Roach, because Delane had a date with Brianne Scarber. Joey Watkins saw Delane Roach and Brianne Scarber at the movies at Mount Berry Square Mall, and he laid a 30.06 rifle across the hood of his vehicle and threatened to kill Delane.*

Now, you might remember Delane from Episode 3, and his discussion of the bowling alley incident. Delane was a guy that Joey had clashed with because he was dating Brianne, although the two of them became close friends shortly thereafter. And there *was* a fight, well sort of, between the two of them at the movie theater while Delane was on a date with Brianne. But this whole event *never* comes up at trial at all. Even though it's the only legitimate instance out of all of her similar transactions that involves Joey starting a fight because of his jealousy over Brianne. So why not? Because Colston's witnesses told such fabricated versions of the story that the whole thing fell apart.

[22:52]

**Susan Simpson:**

The story started off simple. Adam is the first one who ever brings it up, in March of 2000. And, he tells Sutton that Brianne and Delane were on a double date with Chad and Tandi – that's Joey's sister and her boyfriend at the time; that's the same Chad that would later be dating Brianne at the time of the Christmas Eve incident – and while they were out on this double date Joey showed up and pulled a gun on Delane. But then in October, when Sutton did a recorded interview with Adam, Adam pulled a 'Jay' and just started throwing all kinds of crazy details into the story, trying to make up for the fact that he can't actually recall what he's supposed to be saying.

[23:27]

**Adam Elrod:**

*I was with Courtney Moore, a girl I dated. And uh... She had to be home in an hour, and he told me that uh, he said, "Won't you just go with me?" He said, "And then I'll take you back to her house get your truck later." I said, "Well, that's fine." He went with me-- Or I went with him, excuse me. Well after then, we rode around for a little while looking for them. And he remembered Tandi and Chad was going to the movies at [inaudible] inside the mall.*

*And uh, he said "We're going right after." He said, "I got this feeling, I got this feeling." Well... We rode after, showing up, we sat there 15, 20 minutes. Here come Tandi, Chad, Delane, Brianne, right in the back seat of Chad's Blazer. Joey's saying, "I'm going to whoop his ass, I'm going to whoop him." He said, "You going to back me up if Chad jumps in?" This man Chad ain't going to jump in. Chad don't care.*

*Well he got out, proceeded over to Chad's car, jerked the car door open, grabbed Delane and started trying to punch at him, Delane was kicking at him. And they ripped the back of Chad's seat, Chad was hollering. Joey grabbed Chad and slammed him up against Tandi over in the passenger's seat. Started hollering "Get out, get out." And I-- I'd had a few drinks that night.*

*Me and Courtney. I'd had a few drinks that night, and I just-- I didn't want to get in trouble with the law, I didn't wanna meet up with them or nothing. Tried to get them back in the car, and he had his .30-06, uh, laying in the seat.*

**Stanley Sutton:** *Who did?*

**Adam Elrod:** *Joey.*

**Stanley Sutton:** *.30-06 rifle?*

**Adam Elrod:** *Uh huh. And he-- He-- He run back to the truck. Delane said, "Let me go call my boys." Well he went and called Jaime Chastain and a bunch of black boys.*

**Stanley Sutton:** *Who did?*

**Adam Elrod:** *Jaime Ch-- Joe-- I mean, uh, Delane called a bunch of uh, black boys along with uh, Jaime Chastain. Well they come riding up there in a low-- A low two-door Camaro, about a '80 model. And uh, they jumped out baseball bats and run Joey back to his truck.*

*Well, Joey got in his truck, he tried to run over one of them. I think that was Jaime. He was the first one standing out in a row with the baseball bat. Joey backed up as far as he could and got his rifle out and just laid it over the hood and said, "I'll kill all y'all", this that and the other.*

**Stanley Sutton:** *Was he cussing?*

**Adam Elrod:** *Yeah, he was cussing, raising Cain. Jaime said, "Put that gun down, come on, come on!" Joey said, "All you all got bats." And I was screaming for him to get in the car. I just knewed they was fitting to kill us with baseball bats.*

**Stanley Sutton:** *Did he pull the gun on all of them, Delane Roach and others?*

**Adam Elrod:** *No, not Delane. Delane had done walked into the movie theater by this time.*

**Susan Simpson:** *Of course, Adam doesn't even remember that this story is supposed to involve Joey pulling a gun on Delane. Because this taped interview was from December of 2000, and Adam's original statement to Sutton, the one that first brought up this incident, was done sometime back in March. And it did include threatening Delane. In the December interview, Sutton gently tried to correct Adam before abandoning the attempt, when Adam went off-script and failed to mention the gun being pulled on Delane. Because in April, Sutton interviewed Chad Redden. And here's what he recalled about the incident.*

*Once again I apologize for the poor quality of this clip, but here's a segment of that interview:*

[26:41]

**Stanley Sutton:** *Now I talked with another guy, Adam Elrod. Can you review [inaudible] with these guys [inaudible] Joey Watkins pulling a gun on you and Adam?*

**Chad Redden:** *On Delane Roach.*

**Stanley Sutton:** *Were you there?*

**Chad Redden:** *Yes sir.*

**Stanley Sutton:** *Tell me about that.*

**Chad Redden:** *We were at the movies and Brienne had went on a date with Delane. And Joey come up there, was mad about it.*

- Stanley Sutton:** *Who's Brianne?*
- Chad Redden:** *Brienne Scarber, Joey's ex-girlfriend. And uh, he laid a .30-06 across the hood and threatened to kill Delane.*
- Stanley Sutton:** *Delane who?*
- Chad Redden:** *Roach.*
- Stanley Sutton:** *Because, uh, for what reason?*
- Chad Redden:** *Because of Brienne.*
- Stanley Sutton:** *Because Delane had dated Brienne?*
- Chad Redden:** *They went to the movies one night. And that's it.*
- Stanley Sutton:** *Where did this take place in?*
- Chad Redden:** *At Mount Berry Square Movies.*
- Stanley Sutton:** *And how long ago did this happen?*
- Chad Redden:** *About a year and a half, two years ago.*
- Susan Simpson:** *And according to Chad, there were no baseball bats involved at all. But there was a .30-06, and it was Delane, not Delane's friends, that Joey threatened with it.*
- And then we get to Delane, the guy Joey actually – well, actually supposedly – pulled a gun on. Here's what he says happened:*
- [27:57]
- Delane Roach:** *This right here was strange to me, that Brienne and Tandi were friends. And uh... I guess they thought it was a good idea, when Joey and Brienne separated one time, to uh, hook Brienne and myself up. Hook us up on a date. You know, that was kind of strange to me because I'm actually going to their house, to meet Brienne, and you know, I-- I asked them, "Oh is Joey going to be okay with this?" And they said, "Oh, he doesn't care." Now at that age if I would have had a girlfriend, and that situ-- That same situation would have taken place, I would have been livid.*
- Clare Gilbert:** *Mm.*
- Delane Roach:** *You're coming to my house? And uh, that's kind of the direction it took. I didn't know, you know, how he – Joey – felt about Brienne. I just knew they dated. I-- It wasn't explained to me. Brienne was an attractive girl. And we all set up a night to go out to the movies.*
- Clare Gilbert:** *What happened at the movies?*
- Delane Roach:** *Um... I rode with uh, Tandi and Chad to the movies. And uh, at that time I-- You know, I carried myself as a guy who could handle his own. You know, I wanted to be known as a tough guy. But uh... We pulled up at the movies and I honestly felt like Chad had set me up. Because as soon as we pulled in the parking lot, Joey and his buddies were there. Oh, I forgot to mention, you know I was-- I was kind of skeptical of that night. Of, you know, 'cause Joey and I had already had words uh, like a day or two before the movies. But I still was going to go out with her to the movies. We had this planned all week, and uh, you know, just thinking through the whole thing. But uh, I called a friend of mine--*

- Clare Gilbert:** *Jaime Chastain?*
- Delane Roach:** *Yeah. I called Jaime and uh, his girlfriend. Which in turn, he called a friend of his, and their girlfriend. So there was--*
- Clare Gilbert:** *A lot of people.*
- Deane Roach:** *There was a lot of people there. Uh, you know, that's really how Rome's always worked. In situations like that. But uh, it didn't all come together at a head, you know? We pulled up, and my friend Jaime and his girlfriend and the other two were parking. And as I was getting out of the back of Chad's uh, Blazer, Joey run up on me. And uh, Joey and I scuffled around a little bit, Joey took off, jumped in his truck, and uh, you know, here come my friends, here come Joey's friends.*
- But uh, you know, uh, in the end I think it was uh, Joey and his friends weren't aware that I was going to have some friends with me as well. And nor did Chad and uh- 'cause I didn't tell Chad or Tandi. But that was kind of the climax of everything, that night.*
- Clare Gilbert:** *You never saw a gun?*
- Delane Roach:** *No!*
- Clare Gilbert:** *Did Joey take a-- A hunting rifle out of his truck and put it on the hood of his car and threaten to kill people?*
- Deane Roach:** *That night? No! There was never anything like that.*
- Rabia Chaudry:** *When Clare asked Delane about what he'd meant about thinking Chad set him up that night, Delane explained he'd thought someone had tipped Joey off about the date – that someone had told Joey Delane would be there because they wanted to see the fight happen.*
- [31:18]
- Delane Roach:** *I thought Chad had told Joey. Chad was fearful. You know, whether he'll admit it or not. Chad's just scared. He's not a real stand up guy. He's a great person, he's not a stand up guy. He-- You know, he'll let people push him over. And uh, like I said, I was in the back of a blazer. And I saw Joey. I saw them pull up. And I was like, "Let me out, let me out, let me out." It's a two-door blazer. I'm in the back. The Blazer seats have to push forward and then you get out.*
- Clare Gilbert:** *Mm-hmm.*
- Delane Roach:** *It's a tight fit. And when I kept hollering, "Let me out! Let me out!" Chad wouldn't open up the door. But when Joey come over there Chad opened up the door. And it was like, I felt like Chad was trying to let Joey, you know, get to me, first. But uh, actually it worked in my-- On my behalf, 'cause when Joey actually leaned in the Blazer, I kicked him, in the shoulder, like on the neck or something, and it kind of knocked him backwards. And I was able to get out then. But uh, yeah, I felt a little, uh, betrayed. But I didn't know-- I wasn't thinking of it... Like I would now.*
- [32:50]
- Rabia Chaudry:** *As to where this whole story about Joey pulling a gun on him came from, well, Delane doesn't know. But he has a guess:*
- Delane Roach:** *Like I said, it's 16 years ago, it's hard to remember everything day-by-day. But I remember you know, certain events. You know, the movies. You're going to remember that!*

- Clare Gilbert:** *Mm-hmm. But there was no gun that time.*
- Delane Roach:** *Nuh-uh.*
- Clare Gilbert:** *So Adam Elrod is saying that Joey laid a gun on the car and threatened you with it. Where's that coming from, do you know?*
- Delane Roach:** *I don't know. I guess him just wanting to be a part of everything maybe. He wasn't there. People want to be a part of stuff. So they can have stories to tell, "Hey, remember when this happened," and 'da da da da'. And make it worse than it was.*
- When you're fearful of something, you say, you know, you and your buddies go over here to a fight, and... It's really four people against two, but tomorrow it was-- "Man, it was just two of us, and there was like 20 of them!"*
- Rabia Chaudry:** Ultimately this event did not come in at trial, although it's not clear why. The judge was going to allow it in on the basis of Colston's inaccurate proffer that Delane had denied a gun was involved, but had conceded Joey had used a baseball bat. Something Delane also says never happened.
- Susan Simpson:** And that's another example of areas where Tami Colston's proffer and the hearing concerning the notice of intent to raise similar transaction evidence didn't match reality. Because there isn't any statement where Delane has said that baseball bats were used. In fact the only person who remembers baseball bats is Adam Elrod. But she got these mixed up in her head, and on that basis of her presentation to the court, it seemed like a more plausible, I guess, or a more relevant example of Joey's violence. But it's also not true.
- [36:45] ≈
- Rabia Chaudry:** Now, of the four people that Tami Colston named as witness to this incident, only Delane agreed to speak to us. Adam Elrod, Brianne Scarber, and Chad Redden have all declined to speak to us, so we don't know what they have to say about this incident. There was one other witness though, who was *not* named on Colston's notice – Tandi – Joey's sister.
- Susan Simpson:** I asked her if she could ever recall there being a fight between some guys at the Mount Berry Square Mall parking lot. And she did remember one fight, one actual fight that happened there, one time between Chad, who was her boyfriend then, and Josh Flemister – another guy they knew. But although she recalled kind of what this incident was about, all she could really remember about the incident was that Delane and Joey had squared off, but a fistfight had never really materialized. Although she did recall seeing Jaime Chastain there, for some reason. She wasn't sure why she kept thinking that. But she also confirmed what Delane had said about them insisting that Joey wouldn't mind if he dated Brianne.
- [37:40]
- Tandi Watkins:** *I remember Joey and Delane almost getting in a fight. They-- They exchanged words but I don't remember anything like, huge, happening. You know? Nobody actually got in a fistfight. But it was just like, people running their mouth back and forth at each other.*
- Susan Simpson:** *So I was going through Delane's interviews and part of what I was confused about is that he was saying that he knew that Joey was going-- Well actually he kind of blames you a little bit. He sa-- Not--*
- Tandi Watkins:** *Blames me? [laughs]*

- Susan Simpson:** Yes, he says that you encouraged him to date Brianne. And insisted that--
- Tandi Watkins:** Oh you know what? I told him, I was like "Listen." Because you know, me and Brianne were best friends before she ever dated my brother. Like when she started dating Joey I was like "Ew, you're dating my brother?!" You know what I mean? It was like, she was my best friend. When her and Joey would break up, she would still be at my house because me and her were best friends, right? And Delane was like "No, I don't want to start any trouble." And I was always like "No, it's fine. Everybody's cool with everything." I tried to like, keep the peace. You know? I was like, "Everybody's good, nobody's going to have a problem with it, I swear it's okay." You know? So, you know, I tried to calm them. You know? Make it not such a big deal. So yeah I could see that. [laughs]
- Susan Simpson:** [laughs]
- Susan Simpson:** I also talked to Joey about it and his version is pretty much the same as Delane's and Tandi's versions. And he was also able to confirm Delane's theory about what had actually happened leading up to this whole thing.
- [39:03]
- Susan Simpson:** How'd you know he was there?
- Joey Watkins:** Chad.
- Susan Simpson:** Chad told you?
- Joey Watkins:** Yeah.
- Susan Simpson:** So Delane's right. I was listening to Delane's interview and he said that he thought Chad set him up that night.
- Joey Watkins:** Chad, yeah, Chad did set him up. Chad called me and was like "Hey look, we're going to be at the movie theater and... They're lying to you. Brianne's lying to you. You need to show up at the movies!" And... So I did. Me and-- It was me and Mark. Mark Free.
- Susan Simpson:** It was Mark. Okay.
- Joey Watkins:** Yeah.
- Susan Simpson:** So apparently Delane was a little bit ahead of you and thought that might happen, so he called his own friends who were there, that met you.
- Joey Watkins:** Jaime.
- Susan Simpson:** And then according to Adam, they all swarmed out with baseball bats, and you got a gun, and.. I don't even know.
- Joey Watkins:** That's... [exhales sharply] Okay... Are you serious?! In the middle of-- Let me tell you, in the middle of Mount Berry Square movies--
- Susan Simpson:** Which is a good point. If guns and baseball bats were being slung around in a very public and popular movie theater parking lot, why didn't anyone call the cops on it?
- Rabia Chaudry:** So Susan, if this was never introduced at trial, the jury never got to hear it, why is it even important at this point?

**Susan Simpson:**

I don't know exactly why Tami Colston ultimately decided not to bring it up at trial. But it's probably because-- I mean-- [sighs] She got away with a *lot*. But, I think this story would have shown the inherent ridiculousness of Chad and Adam's stories. Well Chad's is closer to reality, he just has a gun being pulled and brandished around in an aggressive manner. But Adam's story involves like some massive, like, gang-on-gang baseball bat *melee*. Which, no, it didn't happen. Of *course* that didn't happen. That's not a thing that would happen and no one would comment on, or there'd be no evidence about. So I think trying to understand, it could possibly be that all these witnesses would get up there and just make up stories, to look at times when they did just that. Yes, it is very possible that Adam would go up on the stand and tell a story about how Joey did something he didn't really do, because he clearly did it here, with this incident. I mean, even Chad's story, which just has the rifle being brandished, why didn't Brianne bring it up? I mean, she had an interview first, and she never mentioned this incident. So if she can't recall it, why was Chad suddenly able to, once Sutton had talked to Adam Elrod and heard the story from him?

[41:40]

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**Colin Miller:**

Now, in addition to a couple stories that supposedly involved Joey brandishing shotguns or rifles, there were two prior transactions listed that involved Joey actually firing a firearm. Both of these supposedly involved Paul Allen, although Paul himself only remembers the first one. So with regards to that first incident, Colston's notice reads:

*In 1996, Paul Allen and Will Ware were walking up Parkwood Circle, near where Joey Watkins lived with his family. Joey came out of the carport of his home with a rifle and shot at them.*

**Susan Simpson:**

I mentioned in an earlier episode, that Paul had not recalled a thing about the shooting from the Panama City incident, which he was supposedly also at. But he had a crystal-clear memory of this event. And while taking about the other events that Paul hadn't been able to remember, I asked him about the shooting, the one Paul *had* told me about.

[42:29]

**Susan Simpson:**

*What lies in particular do you think he told?*

**Joey Watkins:**

*For one, the whole deal with, you know, when I got locked up at Shay Highfield's house?*

**Susan Simpson:**

*Yeah.*

**Joey Watkins:**

*For one, Paul started that mess. Paul was in that car that night with Isaac.*

**Susan Simpson:**

*If Isaac was really there. I'm not convinced he was there at all.*

**Joey Watkins:**

[tuts] *Yeah...*

**Susan Simpson:**

*Yeah. I would say Paul is, for the most part I found him to be, seem, fairly genuine. But his answer when I asked him about that was pretty weird. I don't believe that he did not remember what I was talking about.*

**Joey Watkins:**

*Oh, he knows.*

**Susan Simpson:**

*Yeah.*

**Joey Watkins:**

*When they throw the firecrackers. They threw fireworks at us.*

**Susan Simpson:**

*Yeah, he pretended he had no idea what that could have been.*

**Joey Watkins:**

*Ah... I bet he didn't.*

**Susan Simpson:** *He did recall a time that uh, someone at your house shot outside in like '95.*

**Joey Watkins:** *What do you mean?*

**Susan Simpson:** *He said like and like, maybe Delane or someone, they went to your house after like calling you. When they got to your house, someone fired out the door, like in the air or something.*

**Joey Watkins:** *Talking about Will Ware? I fired a gun in the air one time... When Will Ware and Paul and all his little cousins came up there.*

**Susan Simpson:** *Oh so Paul was there?*

**Joey Watkins:** *Yeah. Paul was there.*

**Susan Simpson:** *But he remembered that one, and that was many years before this other stuff. And the rest of it, he's like--*

**Joey Watkins:** *I was--*

**Susan Simpson:** *I don't recall.*

**Joey Watkins:** *I was 13, 14, something like that.*

**Susan Simpson:** *You hadn't even met Brianne yet, probably.*

**Joey Watkins:** *Yeah! Brianne was not even a thought then. That was nothing. That was about my sister.*

**Susan Simpson:** *What happened with her?*

**Joey Watkins:** *Will Ware wouldn't leave her alone. He kept harassing her. So I told him to leave her alone. He told me to mind my own business. And I punched him in the face. He pulled her hair on a bus, and... He, you know, making sexual comments at her. And it pissed me off pretty bad. So... Will and I got to fighting, and Will got the best of me. And then, I mean, shoot, I was 5'5", 130 pounds. Will's like 6'1", 180. 6'1", 6'2". That was like 7<sup>th</sup> grade.*

*And he kept messing with her. And that- that kept going on, kept going on, so I fought him like three times. And he actually beat me up three times. [laughs] So, man, him and his cousins came up to the house one afternoon and they were talking trash to my sister and Ginny. And they came there crying, so... When all of them came to the house I fired my... I had a .22. I fired in the air and all of them took off running.*

**Susan Simpson:** *So yeah, Paul and Joey both agree: There was an attempted confrontation at Joey's house. Joey got a rifle and shot it in the air. The boys coming to the house scattered, the end. And yet, Colston's notice says Joey actually fired at someone.*

[45:48]

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**Colin Miller:** *Now, the second shooting incident also involved Paul, and according to Colston's notice:*

*In late 1999 Paul Allen and Roach were together. Delane Roach had been in an argument with Joey Watkins over the phone, and Joey told him to come to his house. Upon arrival at Joey Watkins' house, Delane Roach and Paul Allen got out of the car and were met with shots from the carport. Joey Watkins told Adam Elrod that he pulled a gun on Delane Roach at his house.*

**Susan Simpson:** Delane recalled this incident. Although he was kind of surprised about the claim that supposedly Paul Allen had also been there.

[46:20]

**Clare Gilbert:** *Was there an incident where you and Paul Allen came up to Joey's house? Maybe 1996, 1997 timeframe? And Joey fired a gun?*

**Delane Roach:** *I don't know Paul that well... But I do. Yeah, I do recall this. But I don't think it had anything to do with Paul. I cannot say it was Joey, but Joey was heated one night. And very upset. And he did tell me you know, "Don't come to my house." His parents even told me don't come up there. You know it's like, you know, "Screw you and your parents. I'm coming up there, boy, and you're going to come outside," I don't remember. I can't say I wasn't with Paul.*

**Clare Gilbert:** *Mm.*

**Deane Roach:** *'Cause I saw him a couple of times, but I was, you know, we weren't friends. But yeah, I did pull up at Joey's, you know, at Joey's house. Instead of pulling in the driveway, I pulled right to the front. And yes, I did hear a gunshot. But I can't say it was Joey. Would I speculate it was? Yeah. You know, but...*

**Clare Gilbert:** *What... Why? To get you to leave? Or--*

**Delane Roach:** *Yeah! Yeah. Because, I mean...*

**Clare Gilbert:** *Was it shot at you, or...?*

**Delane Roach:** *No. No. I mean their house is really close to the road, you know?*

**Clare Gilbert:** *Uh-huh.*

**Susan Simpson:** So yeah, it was Joey shooting. But the whole thing... I mean, nothing else about it matches the information in Colston's notice. Once again, Tami Colston fell victim to one of the classic blunders: Don't rely on something Adam Elrod said just because it looks really good for your case. Yes, Adam's allegations against Joey were devastating, but Colston seems to have let *that* overshadow her common sense, which should have keyed her into the fact that they were also untrue.

[48:27]

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**Rabia Chaudry:** The next incident on Colston's notice says:

*Paul Allen dated Brianne Scarber at one time, and during the time they dated, Joey Watkins continually threatened him.*

Now, no idea what Colston's talking about because Paul and Brianne certainly never dated.

**Colin Miller:** Yeah, so here is Tami Colston's initial proffer to the court about the testimony that was going to be presented: So the court asks, "Is Mr Allen going to say why, what Joey Watkins said to him?" And Tami Colston responds, "Uh-huh." The court then asks, "What is he going to say?" And Tami Colston responds, "It's pretty much just the same thing he said to everybody. And I look at Paul Allen's statement here, he would just follow people. Anybody who was dating Brianne, he would follow them around." But then a few moments later apparently Colston realizes that she has made an error and she amends her claim to say that Joey was also mad at Paul because he set Isaac and Brianne up, so she told the court:

*Joey threatened Paul because Paul was one of them that fixed up Isaac and Brianne. That was part of the reason he was mad at Paul. But Paul also dated Brianne at one time, and said he was about 16 years old. There was a constant battle between he and Joey. Joey would call the house all the time threatening to whip him or set his truck on fire.*

**Susan Simpson:**

But I am really skeptical of, well, all these claims. Because *Samantha* seems to be the one who set up Isaac and Brianne. Which, you know, makes a lot of sense. Also, Paul didn't really strike me as the kind of guy who'd be playing matchmaker. But I am also pretty sure he never dated Brianne. I don't know where Colston got this claim from, but that's at least one line that's not on the relationship chart.

[50:07]

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**Rabia Chaudry:**

The next incident is what we're going to call the 'Buffalo's incident'. And here's what the proffer reads:

*In late 1998, or early 1999, Jeremy Shuler was dating Brianne Scarborough [sic]. Jeremy Shuler exited his car in front of Buffalo's restaurant in Rome, Georgia. And Joey Watkins pulled up. Joey Watkins threatened Jeremy Shuler with a knife for dating Brianne.*

Now this story appeared out of nowhere. Brianne didn't mention it in any of her recorded statements, and *none* of Sutton's notes so much as hint that he'd learned about it. Because based on how excited he got over the most ridiculous, far-fetched rumors about Joey, he'd have been chasing this one down the moment he heard of it. *If* he ever learned of it.

But in December 2000, almost a full year after the murder, Adam Elrod suddenly came up with this story about Joey pulling a knife out on a guy named Jeremy Shuler. Now, Jeremy had previously been something like friends with Joey, or at least buddies, although at trial Jeremy ends up *denying* this and claiming Joey was just some guy he'd seen around town. But he was close friends with Adam – best friends if you believe Adam – and at one point probably in 1998, he *had* dated Brianne. This, Jeremy told Stanley Sutton, led to an altercation with Joey, as he explained in a December 2000 interview when Sutton talked to him after Sutton had learned Adam's new story about it.

[51:24]

**Stanley Sutton:**

*Alright, tell me, in your own words, um, about what happened to you at an Instant Buffalos?*

**Jeremy Shuler:**

*I was uh, called Adam and asked where he's eating at and he said he was eating at a Buffalo's with his uncle. So I was going to go up over there and eat, and uh, I noticed somebody following me, and it was Joey in his car, in that Charger. And uh, I started pulling into Buffalo's and they pulled upside me and I got out. And then just Joey got out. And then-- There's two other guys in the car, and uh, Joey started mouthing off about Brianne, mouthing off about what he's going to do cause I was dating Brianne.*

*And uh, and then he pulled a knife out his pocket- I wasn't real sure if he opened it, but he pulled it- I know he pulled it out, cause he said, "Hey, so I'll just stab you right here" and-- And I told him if he stabbed me-- Or I said, "You just-- You come over here, and I'm going to stick that knife up your ass." So he put the knife back up. And- and then the other two guys got out of the car and said, "Come on Joey, let's go, let's go. Let's don't-- Let's don't bother to do nothing here or nothing."*

*So they got back in the car, and left, and uh... And- and I, as all this was going on I seen Adam and his brother-in-law going and turning the car, Shorter Avenue right there in front of Buffalo's, and uh, and I knowed they wasn't still in there, so I just got in the truck and left when*

*they left and went to the house, and uh, called Adam and told him what they-- What they-- What they did when I got my truck. And uh, I was wondering why they didn't-- I was asking why they didn't come over and you know, with me. But he just-- He said I wasn't going to get in the middle of it. And that's why-- And then that's how it happened that day.*

**Rabia Chaudry:** And Sutton is careful to clarify: This is all over Brianne.

[53:12]

**Stanley Sutton:** *Why-- Why was he having a dislike for you?*

**Jeremy Shuler:** *Well, when he broke up with Brianne, uh, me and him were still buddies. And I said, you know, and it was a couple months after they stopped talking, I said "Well, I got--" One of her buddies asked if-- If I'd want to go out and eat with her. So-- And I asked Joey, I said, "Do you think it would be alright?" 'cause me and Joey and Adam and Todd and all used to hang out. And uh, and he said, "Yeah that's cool man." He said, "I'm through with her." And I said, "Well, alright, we'll go out and eat." And then next thing I know, he's all pissed off at me, and pissed off at Adam, 'cause-- I don't know why he was mad at Adam.*

**Stanley Sutton:** *And during the time about the Buffalo incident, he brought up about Brianne?*

**Jeremy Shooter:** *Yeah. I don't remember really what he said, just-- But I knowed it was that-- What-- That was what it was all about. 'Cause he said, you know, "I thought you was my buddy", and "I thought you this..." And I told him I said, well, you know I asked you if it would bother you, you know? And you said no. You said you're through with her. You know? It's just young kids' stuff.*

**Rabia Chaudry:** By the time of the trial though, Jeremy's story had undergone a dramatic change. It wasn't just that Joey threatened to stab him, he said-- In fact, he'd been on the phone with Brianne through the whole exchange. And she heard the threat too.

**Colin Miller:** Yeah, so here's Jeremy testifying at trial:

*Question: Okay. And did you have a-- What were you doing when you pulled into the parking lot at Buffalo's?*

*Answer: I was on the phone with Brianne.*

*Question: You were on the phone with Brianne?*

*Answer: Uh-huh.*

*Question: And when you were talking to Brianne what happened?*

*Answer: Well I got out of the truck and I was still on the phone with her, and then when I got out Joey was standing there.*

*Question: Okay. So when Joey got out of the car, what did he do?*

*Answer: He had his hands in his pockets, so I sat the phone down in the seat. Well, I told Brianne to hold on and sat the phone down in the seat, and he said, "What are you doing, dating her? I thought me and you was buddies." He said, "I ought to just cut you up." And I told him I said, "If you think you can stand it just do it, you know?"*

*Question: Okay. "I ought to just cut you up." What did he have in his hand?*

*Answer: A knife.*

**Susan Simpson:**

Tammy has a bad habit of testifying for her witnesses. And Joey's attorneys had a terrible habit of letting her get away with it. Because notice how, in that exchange, Jeremy hadn't even mentioned being able to see Joey's hands at all, let alone see any kind of knife. And yet Colston jumped right in to prompt him. "What did he have in his hand?" "Oh, a knife." Jeremy responds. Although the question before, he says that Joey's hands are still in his pockets.

Colston continued this style of 'testi-questioning' with Brianne who, remarkably, also suddenly recalled the same event, despite never mentioning it before in any interviews she'd given previously.

**Rabia Chaudry:**

Here's what Brianne testified to:

*Question: Do you recall the incident where you were on the phone with Jeremy, and Jeremy pulled up to eat dinner at Buffalo's restaurant?*

*Answer: Yes, ma'am.*

*Question: Can you tell me what you heard? What you know? Were you on the phone with Jeremy?*

*Answer: Yes, ma'am.*

*Question: Okay, what did you hear?*

*Answer: He had said that Joey was there. He told me to hold on for a minute because there seemed to be a ruckus. So he laid the phone down in the seat, but I could kind of hear what was going on. I heard something about a knife. And then Jeremy said, "Well, if you pull it out you had better use it." That's all I heard.*

*Question: Okay, that is all you heard.*

*Answer: The rest was mumbling.*

*Question: Okay. Could you hear Joey mumbling in the background?*

*Answer: Most definitely.*

**Susan Simpson:**

I start twitching just hearing-- Or reading these exchanges because how is Joey's attorney not just like standing up every three seconds? Like, "Objection, leading! Objection, leading!"

**Colin Miller:**

It's leading. It's hearsay. There's authentication questions. I mean, there's a multitude of reasons why you could and should object. And beyond the fact that going back to what we initially said, these are not incidents of *modus operandi*. These are *not* things that establish that the murder of Isaac Dawkins by shooting him on Highway 27 couldn't have been committed by anybody else. They're incidents of debatable reliability that, at most,

tangentially might tend to prove violent tendencies by Joey, but they're not any type of common plan or scheme that establishes an *MO*.

[57:44]

**Rabia Chaudry:**

So let's ignore for a moment that Brianne never remembered this event until the trial. And that Jeremy's initial plea statement didn't mention a thing about being on the phone with Brianne. Because memory lapses do happen. But there's still one very big problem with this whole story, and that's Adam Elrod. Because Adam talked about the Buffalo's incident *too*. And once again, Adam's stories come back to haunt Tami Colston. Or well, it should have. If the defense had thought to bring it up at trial.

This is Adam's December interview with Sutton, or at least a few portions of that interview. Adam's statements are the absolute worst to try and present on the podcast, unless you end up editing 90% of what he says, because otherwise this episode would go on forever. For instance, when you ask Adam about that time Joey threatened to stab Jeremy, you end up with a three-minute answer about what kind of trucks his uncle liked to drive, what kind of trucks excited Adam, who Adam's favorite country singer is, how he won a karaoke contest singing Tracy Lawrence songs, how his married uncle loves to flirt with the ladies, and how he and his uncle were both too drunk to drive because he agreed to drive anyway because he knew his uncle wouldn't let anything happen to him. And this is *all* before Adam gets around to mentioning how Jeremy fits into the story. So, for the full effect of what kind of witness Adam is, I would encourage you to go read the transcripts. As presented here, it probably sounds misleadingly coherent. But here's what he eventually stammers out:

[59:03]

**Adam Elrod:**

*Well uh, after then I was supposed to leave Buffalo's with Jeremy. I forgot all about Jeremy been out there in the parking lot. Well I called him on the car phone before I walked out of Buffalo's. He said, "Somebody's out here, they want to talk to you." And this is when me and Joey wasn't getting along. And I knew who was out there. I knew who was out there, 'cause I mean-- I walked over back to the door and I looked out and I seen that red charger sitting there and all them boys standing out there. You know, I don't know if Jeremy got mad, but I didn't go out there. And uh, I talked to Jeremy on my car phone, and I told him I said "Man, I can't come out there." I said, "If I do--" I said, "I'm probably going to go to prison." I said, "They-- They drinking."*

**Stanley Sutton:**

*Was Jeremy outside in the parking lot?*

**Adam Elrod:**

*Yeah. He said, Jeremy told me, he said, right, when I pulled up, he said Joey had been behind me since I was coming across town, racing his motor up, swerving at me, he said he pulled me out-- I pulled over at Buffalo's, he pulled over right there and jumped out, and uh, Jeremy said I jumped out of the truck and walked up to him and he said, "Joey pushed me." He said, "I pushed Joey down, Joey got back up and pulled his little black Gerber around and said, 'I'll cut your effing guts out.'"*

**Stanley Sutton:**

*Now, that's when Joey pulled a knife on Jeremy?*

**Adam Elrod:**

*Yeah. Said, "I'll cut your effing guts out."*

**Rabia Chaudry:**

Yeah, so according to Jeremy, or at least the *trial* version of Jeremy, he was on the phone with Brianne throughout the entire encounter. But Adam says *he* called Jeremy in the middle of the whole altercation and Jeremy told him to come outside, cause Joey wants to talk to him. But how was he on the phone with Brianne *and* Adam while dealing with a guy threatening to stab him with a knife. All the while, the phone is inside the car in his car seat, while he's outside. And never mind the rest of Adam's story. It's all over the place too.

[1:01:00]

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**Susan Simpson:**

Clare and I called Jeremy earlier this year, trying to figure out what was going on with the whole Buffalo's incident. Brianne and Adam didn't want to talk to us, which left him as the only non-Joey witness to the whole event. I mean, yeah, we knew Joey's version of the story: That there had been a fight. But there hadn't been a knife. And it had nothing to do with Brianne, but was instead an argument he'd had with Adam, that Jeremy had appeared at and broken up, but that's Joey's version. And he's a convicted murderer. And from a legal standpoint, his memories, well, let's just say I don't see a court of law taking them very seriously. Which means, we need someone other than Joey to recall what happened here. So we were really grateful when Jeremy agreed to talk to us on the phone. But he apologized at the start, he didn't know how much he could help us, because he remembered Joey, and remembered that he'd stopped being friends with Joey because Joey, quote, "Wasn't a good person" and he had a very clear memory of this one time when Joey had called him to threaten him, and Jeremy told him to go ahead and come to his house, but Joey never showed up. But that's kind of all he remembers. That incident, he said, was probably about Brianne. And when we read him his trial testimony, where he'd talked about the whole Buffalo's incident thing, he sounded vaguely puzzled and not at all convinced that were weren't just making this up for some unknown reason. "I don't remember any of that." He said. "If that happened, I'd probably remember that, I think."

[1:02:32]

**Susan Simpson:**

Finally he offered up, well, there was *one* time he could remember having a face-to-face confrontation with Joey. But he was pretty sure that was the only time something like that had ever occurred, and that couldn't be what we were asking him about. Because that had something to do with Adam. It wasn't directed towards Jeremy at all, he said, because that was way before he'd ever started talking to Brianne. And he was pretty sure that Joey didn't even know who he was at that point. But there wasn't a knife. No blows had actually been exchanged. But while he couldn't remember the details of it, Jeremy *did* remember the cause of the confrontation was something to do with Adam pissing off Joey.

After we hung up on the phone with Jeremy, Clare and I were left even more confused than we had been before.

[1:03:25]

**Susan Simpson:**

*Why would Jeremy Shuler not recall the knife incident but did kind of, sort of, recall the threat at his house?*

**Clare Gilbert:**

*I think the knife incident might not have happened.*

**Susan Simpson:**

*Did he tell a lie at trial and has forgotten that he told a lie at trial?*

**Clare Gilbert:**

*Did he tell that lie at trial? I wasn't quoting the trial transcript.*

**Susan Simpson:**

*Yeah, he said he was on the phone with Brianne when it happened.*

**Clare Gilbert:**

*I mean, it could be that he forgot, but it seems strange to me that you would remember something insignificant compared to something very, potentially, significant.*

[1:04:07]

**Susan Simpson:**

And here's one more thing: There's only *one* other place in this whole case that a knife has ever been mentioned. And that's from Delane Roach, who told Clare when she spoke to him this year, that there was one time he'd had a confrontation with Joey in a parking lot, and *he'd* pulled a knife on Joey, although he'd accidentally dropped it. Now, Delane and Jeremy had been close friends back then, so, I kind of wonder – is it possible that Jeremy had borrowed this whole knife story from Delane, but has now forgotten that he did so?

[1:04:42]

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**Susan Simpson:**

So yeah. There are, what, three or four more events listed on Colston's notice. But, they're all in the same vein. They're all really far disconnected from anything to do with this murder. And some of them are from 1995. Some involve disputes about Brienne dating guys that she definitely never dated. I mean, Adam – to be fair to Colston – he did claim that he went on a date with Brienne, and that's why Joey was pissed. But I am 99.99% certain that one didn't happen. So we'll spare you all that. There are a couple involving Joey's girlfriends after Brienne, Aislinn Hogue and Kelli Robinson, which we'll get to in a later episode. But there are two more events that are worth noting.

**Colin Miller:**

Both of these incidents involve a guy named Ronald Vines, or Buddy Vines, as most people knew him. Now, neither of these incidents ever came up at Joey's trial. And that's for a lot of reasons. In fact, Buddy Vines himself failed to make an appearance at trial, even though he testified at Joey's bond hearing. That said, he was a big part of Stanley Sutton's investigation – a lead that Sutton hoped would pan out – and to explain what's going on in these prior transactions, we need to go all the way back to the start of the bad blood between Joey and Buddy.

Now, so far, you may have gotten the impression that the people in this case were fighting all the time, that it was basically part of their daily routine. They certainly talked about fighting often enough. But that impression, according to a lot of people, may be misleading. Here's Tandi, Joey's sister, again, talking about the fights she can remember:

[1:06:09]

**Tandi Watkins:**

*The funny thing is, like, hardly anybody ever fought. Like, all of these stories with all these people just hating each other and bickering and all this, like, literally, hardly ever did anybody ever [inaudible] on each other. Everybody ran their mouth, and... It was really, that's usually what it came to.*

**Susan Simpson:**

*Mm-hmm.*

**Tandi Watkins:**

*You know? I mean I-- I really don't- I don't remember a whole lot of the actual fighting going on, back then.*

**Susan Simpson:**

*The only one's that I've seen is like-- Is basically like Buddy Vine's, and Joey-*

**Tandi Watkins:**

*Oh my gosh. Yes, now they-- They were like, a... Gang, okay? And they legit pulled up in my driveway one day and BEAT THE CRAP out of Chad. I mean, they beat him with a ball bat. And I was not allowed to-- My parents would not let me go anywhere by myself.*

**Colin Miller:**

Now the whole dispute between Joey and Buddy Vines began trivially enough. Joey and Paul were in a car together when Buddy and a few of his friends rolled by. At that point Paul started mocking them through the windows, pissing them off, and from there things escalated further.

[1:07:19]

**Joey Watkins:**

*Like, two days later, two or three days later, they found out who Paul was. They didn't call me and mess with me, so they were picking on Paul. So, Paul was supposed to fight them so they actually came to Paul's house at Dempsey Dairy. And Paul called me, "Man, come down here, they're coming to jump on me!" Blah blah blah. "Tony and Chris ain't here!" Uh, I was like "Alright!" So I show up. When I show up, they leave.*

*Well, that started the whole thing between me and Buddy Vines and this whole '501' clique that they were in. That was the gang, the little- the little '501 Boys' they calling themselves.*

*They left when I pulled up. So like, a week later, after that, this was like a ongoing thing, they find out that Chad dates my-- Dated my sister at the time, so they start hurt-- Messing with Chad, so they catch Chad coming to my house, and they whip Chad's ass in my driveway. Beat Chad pretty bad.*

*So on my way home, I was in my dad's Firebird, they were peeling out of the neighborhood when I came home, and when I pull up I see blood all over the concrete. I'm like, "What the hell?!" So there's blood in the car port. So I come-- I come running in the house and my sister's screaming. So I-- So I looked at her and she's alright, and then I see Chad with this towel on this face, and he's pouring blood. He got the shit beat out of him.*

*So, I jump back in the car, and... I met him at the-- At the bypass. They were-- And some fat guy, uh, fat kid that was in, in the little gang with them. They were in an Explorer. So they don't-- I try to get them to pull over. I was like "Man, pull over." And they wouldn't pull-- I was by myself. There was a like five of them.*

**Susan Simpson:**

When I first heard Joey say this, I thought it might be a little like what Delane was saying, about how in these stories, the number of assailants the teller of the story had faced always tends to creep upwards. But then I was re-reading Buddy Vine's testimony from the bond hearing. He was brought on as evidence that Joey was a threat to witnesses lives, and therefore shouldn't be granted bond, and Buddy's testimony suggests that there actually might have been as many as seven people in total that night, who were there beating up Chad.

**Colin Miller:**

Yeah so here's Buddy testifying at Joey's bond hearing:

*Question: How many were with you and Gary Highfield when you went over to Joey's house and started this fight?*

*Answer: Maybe five people.*

**Susan Simpson:**

The feud with Buddy didn't end there. About three months later, in May of '99, Joey ran into Buddy Vines again, this time at the mall.

[1:09:43]

**Joey Watkins:**

*I had-- I had a stomach virus. And I had been throwing up for like, two days. And um, I was just getting over it, so Brianna calls me up and Brianna's like, uh, "You going to come get me." And I was like, "You didn't drive to work?" She's like-- She's like, "Yeah, just come get me." I'm like, "What's up?" She wouldn't tell me.*

*So when I get to the mall, I see uh, Dustin Pate, uh, Buddy Vines, and a bunch of guys standing out in the food court. So when I pull up I was-- I was kind of weak, I didn't even have on shoes, I had on a pair of sandals. So when I pull up, they're all flipping me off when I get out, so I was like, "Okay, check this out." So I got back in my S10, I went to Mark's house, got Mark, and I'm like, "Look man, these dudes-- I gotta go get Brianna, these dudes are starting this bullshit." And Mark was like, "Shit, let's go." So-- Mark was always down for that.*

*So we go back to the mall, and we get out. So I had on a pair of sandals, like you know, we called them 'Jesus sandals'. We get out, we go to walk in, well Buddy starts talking trash. So I looked at Buddy, I was like, "Look, dude, I'm not fit to fight you right now." He was like "Yeah you ain't going to fight me cause you're a bitch," and, blah blah, blah. He said all these other things, you know? So Mark was like, "You know what you wanna fight? Let's fight." So him and Mark square off. So when they squared off of one another, I'm like "Shit, I can't let Mark fight my fight." So I swung at Buddy.*

*Well, me and Buddy get to fighting, and whatever, whatnot, and I didn't notice it, but he had something in his hand. And, the end of the fight-- I don't, I can't remember the whole fight. But anyway, he ends up breaking my nose with what ever he had in his hand. And... That was the whole extent with me and Buddy. But that whole situation started because of Paul.*

[1:11:48]

**Colin Miller:**

Now as a result of this fight, Buddy Vines plead guilty to aggravated assault, and he was ordered to pay restitution to Joey. So basically that's the backstory. And with that in place let's get back to the two so-called similar transactions on Colston's list, both of which supposedly occurred after Isaac's death. According to the first one:

*On August 25<sup>th</sup> 2000, in the evening hours, Joey Watkins positioned his fingers like a gun and planted it at Ronald Vines. Joey was with five or more other men. Joey Watkins made a shooting gesture and said he was going to kill him that night when he got home. 911 was called. Joey was mad at Ronald Vines over Ronald being with a woman that Joey was jealous of.*

Now this event was in August 2000, so seven months after Isaac's death. As a result, Buddy Vines, after the incident, filed a police report claiming he'd had a run-in with Joey while they were both out on the town on a Friday night. According to Buddy, Joey had been in a car with five of his friends, and Buddy had been with just one friend, Dustin Pate. According to the incident report:

**Rabia Chaudry:**

*The complainant is stated that a Joey Watkins pulled alongside of them, on Turner McCall, on Hicks Drive, in a black Grand Prix. And motioned like he had a gun. And said to complainant that he was going to kill him, and he would get him tonight. Warrants were advised.*

**Colin Miller:**

Buddy, however, never did take out any warrants, and that was really kind of it. He told Sutton that his friend Dustin Pate also witnessed the incident, but Sutton never attempted to verify it. And although Sutton did tape an interview with Buddy, that taped interview did *not* include several interesting things that Sutton's pre-interview notes showed, namely that according to Buddy the friends accompanying Joey on the night he supposedly threatened to kill Buddy included Adam Elrod and Paul Allen. Now, neither Paul Allen nor Adam Elrod have ever mentioned this incident to anyone, and the prosecutor and detectives never asked them if what Buddy was claiming was in fact true. Nonetheless, despite this story coming from a suspect source and making zero attempt to verify it with two other State's witnesses who were supposedly there, Colston still included it in her notice of prior transactions. She also added a line about how, quote, "Joey was mad at Ronald Vines over Ronald being with a woman that Joey was jealous of." Which has no evidentiary source whatsoever, whether questionable or otherwise.

[1:16:02]

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**Rabia Chaudry:**

The other Buddy Vines transaction was this:

*In January or February of 2000, Joey Watkins and Mark Free pulled Mark Kent and Ronald Vines over in their car on Dean Street in Rome, Georgia. When Mr Vines and Mr Kent stopped, Joey Watkins and Mark Free jumped out of their car with a shotgun, and pointed it at Mr Vines and Mr Kent. This argument was over a female.*

Once again, where on earth does Colston's claim come from when she writes this argument was over a female? Because females had nothing at all to do with Joey and Buddy's dispute. Colston has the rest of the facts wrong too, about what Buddy claims happened. This is how Buddy testified at the bond hearing:

*Question: Was there a time that somebody jumped out of a car with a gun?*

*Answer: Yes ma'am, Joey. And I don't know who the other guy was, but they jumped out with a shotgun.*

*Question: When was that?*

*Answer: It's been close to-- It was before the mall, before the incident at the mall.*

But Buddy knew who Mark Free was, and he doesn't identify Mark as the guy with Joey that night. So why does Colston claim that it's Mark? And the incident in the mall was in May 1999, so why does Colston claim it was seven or eight months *later*, around the same time as Isaac's murder?

In fact, just a few weeks ago, a Floyd County Police Department officer named Chris Shelly was using stories about the ongoing dispute between Joey and Buddy to convince our listeners – *Undisclosed* listeners – that Joey was in fact guilty of Isaac's murder. He started by posting claims on the *Undisclosed* Facebook page about how Joey was a bully that attacked people with golf clubs. And here's what he wrote:

*Perhaps his – meaning Joey's – gang of thugs he ran with can testify for him. Or the guy he beat with a golf club. Look at his record. Look at what he wasn't charged with because the victims never pressed charges. I have no doubt that he did it. I was around and had first-hand knowledge of his criminal activities.*

None of that is true, by the way. Well, it's true that Chris Shelly was, and is, an officer with Floyd County Police Department, but Joey never beat anyone with a golf club, and Shelly's knowledge of Joey's so-called criminal activities turns out to say a lot more about *him* than it does about Joey. Because Officer Shelly also decided to private message an *Undisclosed* listener and convince her of Joey's guilt. Here's what he wrote:

*I don't put much of my personal life on Facebook. I have been an officer with the Floyd County Police Department for 26 years. Joey Watkins was both a bully and a coward. He liked to attack his victims as part of a group, usually. He stalked Dawkins for weeks. We were just never able to catch him in the act. Remember, he was convicted by a jury. I was an officer at the time of this case. Watkins followed Dawkins home several times. We had several reports of it but we were unable to catch him. I had several encounters with Watkins and his victims, including one arrest of Watkins. This was not a sudden incident. There's a long history of harassment of Dawkins by Watkins. The harassment was after the breakup. Watkins was obsessed. Dawkins' family was upset that Watkins was following Dawkins and we didn't catch him. The family witnessed the stalking. This was before we had temporary protective orders.*

The listener wrote back, "So you're telling me that the family on several occasions saw Joey stalk their son with their own eyes?" The officer responds, "Yes. They would call then Dawkins was followed home. He lived in a very rural area of the county. The usual night shift for the county was four officers. I wish I could remember who Watkins ran with."

[1:19:52]

**Susan Simpson:** *Hey Joey. [laughs]*

**Joey Watkins:** *Hey.*

**Susan Simpson:** *So, real briefly, I have a few things to go over with you that I didn't get last time. Did Clare tell you anything about the Facebook messages that were being sent?*

**Joey Watkins:** *I don't think so.*

**Susan Simpson:** *So one of the listeners of the podcast reached out to me...*

**Joey Watkins:** *Uh-huh?*

**Susan Simpson:** *And she had some questions about some of the evidence in the case, and said that a Floyd County officer had messaged her on Facebook and said some stuff that we hadn't talked about. And she was like, "Well, this would affect my decision as a juror. I want to know more about it, if you're not putting it in the show." So I was like "Okay, what's he telling you?" And she sends it over. And it's a guy named Chris Shelley.*

**Joey Watkins:** *[tuts] Yeah.*

**Susan Simpson:** *That rings a bell?*

**Clare Gilbert:** *Do you know him?*

**Joey Watkins:** *No, I have no clue. I think this is the whole thing about a golf club? At the-- Yeah, that's... My dad was saying something about that a while back.*

**Susan Simpson:** *He was messaging about that too. But this was a private message to one listener in particular, and he wrote to her and said:*

*I have been an officer with the Floyd County Police Department for 26 years. Joey Watkins was both a bully and a coward. He liked to attack his victims as part of a group usually.*

**Joey Watkins:** *[tuts]*

**Susan Simpson:** *He stalked Dawkins for weeks. We were just never able to catch him in the act. Remember, he was convicted by a jury. The harassment was after the breakup. Watkins was obsessed.*

*And she asked him, "Wait, there are witnesses that saw him chasing Dawkins?"*

*And he says:*

*Chasing Dawkins, no, but there are witnesses who observed the pattern of stalking. His family was upset that Watkins was following Dawkins and we didn't catch him. The family witnessed the stalking. The family would call when Dawkins was followed home. He lived in a very rural area of the county--*

**Joey Watkins:** *I have no clue who this dude is or what he's talking about.*

**Susan Simpson:** *Well he did arrest you once actually.*

**Joey Watkins:** *He arrested me?*

- Susan Simpson:** *It looks like it. I have one report here, from February 24<sup>th</sup> '99, and it was arrest for disorderly conduct.*
- Joey Watkins:** *February 24--*
- Susan Simpson:** *It says:*
- Chris Shelley, Officer 1539. And it says: While on routine patrol, this reporting officer observed the above listed subject standing in the parking lot of the Golden Gallon holding a large metal pipe. The accused was yelling at three other subjects across the parking lot. Mr Watkins was arrested without incident. Mr Redden was standing beside the open passenger door of Mr Watkins' vehicle during this. Mr Watkins stated that the three subjects had earlier followed him and his sister, threatening and harassing them.*
- Joey Watkins:** *Man, that's Buddy Vines!*
- Susan Simpson:** *Yeah. Mr Redden is recovering*
- Joey Watkins:** *That's--*
- Susan Simpson:** *From injuries he received when two of the three assault-- When two of the three assaulted him. Mr Watkins and Mr Redden states that these three have threatened to harm them if they testify against the three in court. The other three are as follows: Cody Poe, Gary Highfield, Ronald Vines.*
- Joey Watkins:** *That's Buddy Vines, Ronald Vines, he's the one that broke my nose at the mall.*
- Susan Simpson:** *Anyway yeah, it's true that Officer Shelley did in fact have an encounter with Joey, but it makes Shelly's claim about Joey being a bully and a coward who attacked in groups seem a little bit suspect.*
- [1:23:00]
- Joey Watkins:** *I remember the incident. My sister and Chad were going to Chad's house, and my sister called me, and she was like, "Look, I want you to come follow me home" because Buddy Vines and some other guys followed them to Chad's house. They started following them on Maple Road or something, I can't remember. But when I went to Chad's house to follow her home, they started following me.*
- So when I got to Chad's house, they kept riding by, kept riding by, and Chad was like, "Let's just ride and call the cops, and let's ride to the Golden Gallon." And I was like, "Okay." So they – his mom and I think my sister – actually called the cops first.*
- So when we pulled out they followed us, and we went to the gas station. So when we get to the gas station, then the cops pulled up. And when the cops pulled up, I mean, I'm not going to let these... Chad-- They had just beat the crap out of Chad. They'd just-- They'd hurt Chad pretty bad. So I'm not fixing to let them jump on me. I did have a – it wasn't a pipe, it was a ball bat. I mean, I'm not going to lie about the whole situation. I'm not going to let three guys jump on me. After I've already called the cops. You know?*
- Susan Simpson:** *So you called the cops--*
- Joey Watkins:** *They thought--*
- Susan Simpson:** *And when they thought--*

**Joey Watkins:** *Yes! We called the cops. Right. When I-- See, what happened was, when I left Chad's house it was in my sister's car. She had a Neon. A '96 Neon, a purple Neon. And I guess they thought it was my sister and Chad. So then when we went, they called the cops. My sister and Chad's mom called the cops first, and said "Look, we got a problem, they're trying to follow us." Or whatever. And I think they told the cops I was going to the Golden Gallon.*

**Susan Simpson:** *What was the part about them threatening to harm you and Chad if they testify against the three in court?*

**Joey Watkins:** *Yeah! See they threatened to hurt me and Chad if I testified that they had jumped on Chad in my driveway.*

[1:25:02]

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**Susan Simpson:** So yeah. That's Officer Shelley's proof that Joey was a bully and a coward. A group of five or more guys came to Joey's house to attack him, and when they found his sister's boyfriend there instead, they jumped him, pulled him out of his truck, and beat him up so bad he needed to go to the hospital. Then, a few months later, when those same guys were upset that Joey and Chad might testify against them because of the whole assault, they continued to harass Joey and Chad and Joey's sister to the point they called the police for help. Which makes me kind of wonder if Officer Shelley's memory has gotten mixed up over the years. And that it's actually *Buddy Vines* he's thinking of when he's describing Joey, and not Joey Watkins. But, on the other hand, this pattern of spreading false and severely defamatory rumors about Joey being a violent thug is straight out of the FCPD playbook. It's what Stanley Sutton did back then, and Officer Shelley is continuing that pattern now. Only, addressing an online audience instead of the Rome rumor network.

[1:26:14]

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**Rabia Chaudry:** I have to be honest, this episode was hard for me. It made me fume and fidget. Drudging up and totally making up petty teen arguments as evidence in a Murder One case is what I call irredeemable prosecutorial practice. And it looks like, given what the police officer who reached out to our listener is trying to do, that the State is still trying to convince people that Joey's just generally a bad person. Spreading their own rumors. So why stoop so low? Why get so desperate? Probably because when you take a close look at the forensic and ballistic evidence in the case, there's not much else you can do.

Next time on *Undisclosed*.

[1:32:04]

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**Adam Elrod:** *He's had that Grand Prix for over a year. And uh, it was uh... It was cold too then--*

**Stanley Sutton:** *Okay.*

**Adam Elrod:** *'Cause I had a sweatshirt on that night and I had my... My duck boots on.*

**Stanley Sutton:** *Had you ever seen Todd... Uh-- Uh... I mean not Todd, but Joey Watkins threaten--? The way you told me he threatened uh, Jeremy Shuler one night? Now tell me about that.*

**Adam Elrod:** *Right. We was at Buffalo's one night, or, me and my Uncle Robbie, we liked to sing karaoke at Buffalo's, it happens on Wednesday nights, or, I don't know if it does now but it used to. I was young then, I was 19 or 20, I can't-- I can't really remember. I think I was 19. My uncle, he had a black F250. And uh... I always liked to drive it 'cause I never drove a diesel truck like that 'fore, and just-- It-- It excited me. Well he let me off late that night and I came back to uh, Buffalos, and... We sang-- Our favorite singer's always been Tracy Lawrence... We sang up*

there that night. An' uh... Me and him won it. Well, uh, after then, I was supposed to leave Buffalo's with Jeremy. Well, my uncle Rob, he's married, but... Uh-- He does a lot of flirting. An' he said, "We're going to go out on the town." And I had been up there and he had bought me drinks an' I'd drank. I'd had 'bout over my limit. Well, he said he couldn't drive, an' I told him well, I'd go ahead an' drive, y'know. I said "Since you're with me," I said "I-- You won't let nothing happen to you--" Or li-- Uh-- I'd forgot all about... Jeremy being out there in the parking lot. Well I'd called him on the car-phone before I walked out of Buffalos. He said, [sighs] "Somebody's out here they wanna talk to you." An' this is when me an' Joey weren't getting along. An' I knew who was out there. [laughs] I knew who was out there 'cause I mean, I walked up to o'er the door an' I looked out and I seen that red Charger sitting there and all them boys standing out there. An' uh... You know, I dunno if Jeremy got mad... But, I didn't go out there. I'd had too much to drink, and if I'd have went out there my uncle Rob had went out there, and it'd be nothing but a fight, and we'd have went to jail. 'Cause he's not the one to threaten a part of his family, that's a no-no. An' it don't matter who it is, he don't care who you are, you threaten his family, you're going to be one hurt person. An' uh... I talked to Jeremy on the car phone an' I told him I said...

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