
UNDISCLOSED SEASON 2: **THE STATE VS. JOEY WATKINS**

EPISODE 13: **ALMOST INVISIBLE MONEY**
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LANGUAGE WARNING

Rabia Chaudry:

Oftentimes when law enforcement feels like it's got its back up against the wall, and doesn't have the kind of evidence it needs to make an arrest, it resorts to a tactic that can end up creating an entirely new host of issues: Offering a money reward. And just as often, it seems, that reward seems to... POOF! – disappear into thin air.

Hi, and welcome to Episode 13 of *Undisclosed: The State vs. Joey Watkins*. My name is Rabia Chaudry. I'm an attorney and a fellow at the US Institute of Peace, and as always, I'm here with my colleagues Susan Simpson and Colin Miller Miller.

Susan Simpson:

I'm Susan Simpson. I'm an attorney with the Volkov Law Group, and I blog at *View from LL2.com*.

Colin Miller:

I'm Colin Miller. I'm an associate Dean and professor at the University of South Carolina School of Law, and I blog at *Evidence Prof Blog*.

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According to the *Gospel of Matthew 26:15*, Judas went to the chief priest and agreed to hand over Jesus in exchange for 30 pieces of silver. Ever since, authors have used variations of this event, whether it be older writers like Shakespeare in *Henry IV Part II*, or Dostoyevsky in *Crime and Punishment*, or newer writers like Jim Butcher in *The Dresden Files*, or Mark Miller in the Marvel miniseries *Civil War*. Often the people involved in paying out such a reward do so reluctantly. Law professor Sanford Levinson once noted that in the John Ford movie *The Informer*, a British police officer disdainfully pushes with his walking stick the £30 reward, itself so obviously reminiscent of the 30 pieces of silver given to the arch-betrayer Judas, towards Gypo Nolan, who has just conveyed the whereabouts of his friend and political comrade to the British enemy. It is as if the police officers were unwilling to risk the contamination that might arise from even an *accidental* touching of the flesh by physically handing over the money. This makes sense given that such rewards are often derisively referred to as 'blood money'.

And it also makes sense from a legal perspective. Georgia Rule of Professional Conduct 3.4(b)2 states that, a lawyer shall not pay, offer to pay, or acquiesce in the payment of compensation to a witness, contingent upon the content of the testimony or the outcome of the case. This is kind of the beauty of the Crime Stoppers program we discussed in Season 1. The prosecutor has no involvement in the payment of a Crime Stoppers reward, and the police officers involved have plausible deniability. Both of these features were arguably missing with regards to the rewards offered in connection with the death of Isaac Dawkins.

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Rabia Chaudry:

On January 28, two weeks after Isaac's death, Detective Moser had a phone call with the Georgia Power Company, where Isaac's father worked. And the company made a \$10,000 commitment to a reward fund for the Isaac Dawkins case to be given out for information leading to the arrest and conviction of the person or persons responsible for the death of Isaac Dawkins. The reward was announced on local television and radio stations, and in newspapers

for Floyd, Polk, and Gordon counties, and flyers were posted at gas stations, Floyd College, grocery stores, all over the place. Tipsters were told that all information will be strictly confidential and were told to call Detective Jim Moser or Lieutenant Debbie Burnett with the Rome Police Department. As reported in the February 5th edition of the *Calhoun Times*, a Georgia Power representative stated that the \$10,000 would be paid to the person who provided information leading to the conviction of the person who killed Isaac. "Sammy's an employee who is well respected and we know his son was, also." the representative said. "The more we found out about the case and how tragic it was, we felt like this would help police." Three days later, *The Cedartown Standard* reported that the friends of Isaac Dawkins had set up a reward account with the Greater Rome Bank. A spokesperson for the group indicated that he'd like to see the reward fund grow to \$100,000. The article quotes Moser as saying that two rewards in a murder is a bit unusual, but they underscored just how popular Dawkins was in the community. And of course, at the end of February, when Sutton came onto the case, the reward flyers were also posted throughout the Floyd County Jail.

Susan Simpson:

In mid-March, when no promising leads had come in... Well, at least no leads that were considered promising by the Rome Police Department, although the Floyd County Police and the Floyd County DA seemed to have found Mullinax and Joey's Samples to be credible enough. Anyway, Detective Moser decided to take out a billboard in the town that announced the \$10,000 reward, just to make sure that everyone in the community knew about it. As the number of months since Isaac's murder grew, so too did the reward being offered. On April 25th, the Rome Chief of Police, Hubert Smith, sent a letter to the Governor of Georgia, Roy Barnes. In his letter, Chief Smith pled that while the Dawkins case was still being actively investigated by the Rome Police Department, the Floyd County Police Department, and the GBI, several leads had come to a standstill. Therefore, according to Smith, "I respectfully request the Governor's office post a \$5,000 reward for the arrest and conviction of the person or persons responsible for this heinous crime. I feel the reward will generate some activity in the case and hopefully assist us in solving this murder."

Colin Miller:

As of May 5th, the reward was indeed increased by \$5,000, but that didn't all come from Governor Barnes. On that day, Barnes signed an executive order stating that, quote, "A reward in the amount of \$3,000 is hereby offered for information leading to the arrest and conviction of the person or persons responsible for the death of Mr Dawkins." So what about the extra \$2,000? According to an article that same day in the *Rome News Tribune*, the donation along with \$2,000 from an unknown source has put the reward up to around \$15,000, to Captain Marshall Smith, Chief Detective of the Rome Police Department. The article goes on to further explain the frustrations of law enforcement in trying to solve the case. According to the article, with no witnesses and no leads, the police remain baffled. The police department is also considering expanding the search for information to other areas including Tennessee, Alabama, and south Georgia. "We've advertised in this area with no new information", Captain Marshall Smith said.

Rabia Chaudry:

Although we have no other information about additional donations to the reward fund, it appears that another \$5,000 would eventually come in from somewhere, because \$20,000 is the total reward amount noted in the November 14th article reported on the arrest of Joey Watkins and Mark Free. According to the article, billboards throughout Floyd County advertised a reward of \$10,000 for information leading to the arrest and conviction of the killers. The money was offered by Georgia Power Company's Plant Hammond, where Mr Dawkins is employed. Another group, friends of Isaac Dawkins, has also set up a reward fund at Greater Rome Bank. The reward now stands at about \$20,000. Status of the reward was not indicated. Whether the reward was \$15,000 or \$20,000 in total, it was to be handed out for information leading to the arrest and conviction of the person who killed Isaac. And since Joey was convicted of Isaac's murder based on information that people had given, it seems like that reward *should* have gotten paid out.

But while we know of a number of people who really wanted that reward and a lot of people who might have been able to make a credible claim for it, what we don't have is a lot of information about where that reward went. Pretty much no information, really.

And maybe the reward was just a bluff, and no one was ever intended to get payment from it at all. After all, in closing arguments, Tami Colston seemed to be telling the jury that no one who testified had actually gotten the money.

Susan Simpson:

Now the reward. They're going to say witnesses came forward about it because of the reward. Had people wanting the reward. Well, ladies and gentleman, who took that witness stand and claimed that reward? How many of them? None. Did you hear anybody in this case that is so compelling a witness that they deserve the reward? None of them. It's all little bits and pieces. Nobody has been promised that reward. There has been no testimony, no evidence whatsoever, that anybody has qualified for that reward. Anybody.

But this careful phrasing and parsing of words in Colston's closing arguments makes me uncomfortable. Notice she isn't saying *full stop* that no one would be getting the reward. She just said that there's been no *evidence* that anyone was getting it. Plus, a rhetorical question about whether any of the witnesses deserve the reward isn't really a statement that no one was going to get it after all. Besides, it kind of seems like quite a few of the witnesses *did* deserve it, and it's hard to see what the basis would be for denying them the reward, given that they came forward with crucial information. It might have to be shared among a few different people, but there were a lot of witnesses who, by the terms of the deal, and based on what they said at trial, should at least qualify for it.

Colin Miller:

And I find her wording at best misleading because if you look back to the reward language, it clearly requires a conviction. And so Tami Colston saying there's no evidence that anyone's qualified for that reward. Well, that wouldn't take place until after the conviction, and this is the trial of Joey Watkins. So, for her to say that it's an impossibility that they could have qualified at this point, it would be after he's convicted, at *that* point you'd look at the qualifications. So again, it's sort of a meaningless statement she's making but it could have easily misled the jurors.

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Rabia Chaudry:

So Clare spent a lot of time trying to track down what might have happened to that money. But every agency she tried to talk to claimed that some other agency was responsible for it. Here's an update she recorded while driving back from Rome after a day of trying to track down records at various Rome and Floyd County government agencies:

Clare Gilbert:

I have been continually searching for any information about the reward in this case. There was a – started as – a \$10,000 reward offered on billboards and, in flyers posted around town and throughout the jail. And that reward went up to \$15,000, and I have also seen it listed as \$20,000 in certain points. It repeatedly comes up in witness interviews. It came up at trial. The reward was for any information leading to the arrest and conviction of the killer of Isaac Dawkins. I have filed numerous open records requests and spoken in person with people – representatives from Floyd County Police Department, the Rome Police Department, and the District Attorney's office – all who point a finger at the other agency, or entity, as the one who handled claims on the reward. What I'm looking for is any and all notes and information... Anything that we can find, and I have had no luck at all.

- Rabia Chaudry:** Finally, after playing 'Ring Around the Rosie' with all three departments for a while, Clare got an answer that at least temporarily took her off of this endless circle:
- Clare Gilbert:** *Captain Dobbins in the past, told me that the current chief of police at Floyd County Police Department, Chief Shiflett, said that the reward was managed and overseen by the US Marshals Service. And I doubled-checked on that a couple times, and indeed that is what he says. That is Bill Shiflett who is saying that, and Bill Shiflett was around at the time of the Joey Watkins case. He was involved in it along with Tommy Shiflett, his brother, and Stanley Sutton.*
- So, if that's what he's saying, you would think that that is accurate. So I talked to Captain Dobbins today and told him that I had submitted a FOIA request to the US Marshals, and had heard back from them that they have no records whatsoever of being involved in anything to do with Joey Watkins, Mark Free, Isaac Dawkins' death, or any reward. And asked if Captain Dobbins could follow up with Chief Shiflett or if I could follow up with Chief Shiflett to speak with him further about that and make sure. And he put me on hold and he went and spoke with Chief Shiflett and he came back and he said, "Well, that's what the Chief remembers. That it was the US Marshals, and if it wasn't them, then he doesn't know what to tell you."*
- Susan Simpson:** When it comes to the reward in this case though, there are so many rabbit holes to follow that it's basically *Watership Down*. So we asked Josie Ralston to take a crack at it, see if she could turn something up.
- Josie will be better known to listeners of this show as 'Worlds', AKA 'When Worlds Collide' – the listener who discovered that there had been a Crime Stoppers tip in Adnan's case, and that a \$3,000 reward had been paid out. So Josie started reaching out to the people who might have had information about the reward in this case. She tracked down every lead we had, which wasn't too many to begin with, including reaching out to both the Georgia Power Plant that offered the initial \$10,000 reward, as well as the bank that, according to newspaper articles, was holding the reward fund, in escrow, or something, it's not clear what, while waiting to see if it would be paid out. Neither of those leads gave any new leads to follow. They're both private organizations and were not required to give information. And for reasons of confidentiality, which I well understand, they wouldn't tell her anything.
- So the next step was to reach out to Jen Ryan, who is the Deputy Chief of Staff for Communications in the Georgia governor's office. That's because there was a \$3,000 reward in this case that was committed by Governor Roy Barnes.
- Josie Ralston:** So, I got in touch with the Governor's Office, to find out what they had on record about that. And she did have that letter, from Rome Police Department, with the request. She did have the executive order that posted that reward in the case. And she said that the triggering mechanism to kind of hit that *piñata* and to release that funding would be after all the conviction and appeals were exhausted. And then there would need to be a letter follow-up from the requesting agency saying, "We've settled this matter, please send the money now". And that never happened.
- Susan Simpson:** Were they confident it had never been sent, or they just couldn't find a record it had been sent?
- Josie Ralston:** She was pretty confident. But of course, there was nothing there. Well, her answer was that if there was something sent, we would have that. So she was not in, you know, in the administration at that time. She looked back into their archives, did a dive, came up with a couple pieces of paper. So maybe something came in, and it went through the shredder, or was stuck in a different file or got lost. You know, if they were waiting for the conviction and the appeals process to play out, that would have been *years* later.

Susan Simpson: Yeah. When you first told me about it, that was so *weird*, because why would you do it that way? It's going to be at least the two years, and for many cases longer, before you even get just the direct appeals through.

Josie Ralston: That's right. So you know, my question then – and I posed this question to her, and never got a response – was you know, that kind of setup might suggest... Well, either it wasn't regular routine for the Governor's Office to pay out rewards, because there was such a series of hurdles and jumps that a department would have to go through to claim that reward, to pay it out. Or the intention was, you know, the process is set up so that a reward could be offered as an inducement, kind of a bait, you know, or someone to come forward with information. Or be induced to come forward with information because \$3,000 was no small matter at that time. But the process for claiming it is so cumbersome and convoluted that you could perhaps get some information if you were the investigators and then lose track of it years down the line later.

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Colin Miller: So, that's a dead end there. As far as we can tell, the \$3,000 never went to anyone. It couldn't have been paid out anyway, until at least 2003, after Joey's direct appeal, but Tami Colston and Lee Patterson never filed the paperwork to claim it, so it never went to anyone. Josie also reached out to Mark Tyson, the captain at the Rome Police Department.

Josie Ralston: Let's see... So, Rome, and that was Mark Tyson, I've talked to him again really recently. You know, he says he talked to Detective Moser more than once, at my request, and Detective Moser has absolutely no recollection of any reward in this case. He's the one that wrote the letter, so that seems strange. So the Rome Police Department said "Go ahead and contact Floyd County Police Department", because they were ultimately the arresting department. You don't want to get turned over to them. And they were the ones who arrested Joey Watkins. So then the case becomes theirs, and they would have handled the reward. Right?

Susan Simpson: Mm.

Josie Ralston: So, then I'm in touch with them, and now I'm looking at this – that's Greg Dobbins, captain over there. And he said Floyd County Police Department – and this is what he wrote to me – didn't want to get involved in administering a reward. This is according to, quote: "One of the few investigators that still work here that helped with the case." So that person said, and it's an unnamed person, he said--

Susan Simpson: It's got to be Shiflett.

Josie Ralston: Got to be. He said the *best* he can remember, the DA's office was administering it. So I was directed by Floyd County to contact Leigh Patterson, at the Floyd County DA. Which I did. She was kind of short about it. *She* said, "I don't have any information that this office was the agency offered or administered *any* reward in this case." So you know, that's kind of a put off, right? – "I don't have any information, me personally."

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Colin Miller: Later, Captain Tyson from the Rome Police Department sent Josie an email confirming that the Rome Police Department had no further information to offer.

Rabia Chaudry:

The email read:

Detective Moser has no recollection about anyone receiving the reward. He did not even remember there being a reward. He stated the Floyd County Police had a copy of everything we had, so they should have gotten the letter you enclosed, along with everything else in the case file. The reward did not prove helpful to the Rome Police Department as we did not make an arrest in the case, therefore I find it unlikely that we would have made the request on behalf of another agency. The Floyd County Police took over the case and made the arrest. If the reward was paid, they should hold this information.

Colin Miller:

So, in other words, no answers. Moser from the Rome Police Department says he doesn't remember that a reward even existed, despite the fact that he helped organize it and was the contact person. Bill Shiflett from the Floyd County Police Department thinks maybe the reward came from some federal agency but was administered by the DA's Office. And Leigh Patterson from the Floyd County DA says she has no idea why the Georgia Innocence Project and this podcast keep asking her about a reward when she knows nothing about it. And this situation is fundamentally incompatible with due process.

Josie Ralston:

But this is the problem: If things are running on *that* informal a basis... And there's enough gratitude about the solving of cases by very grieving family, and by a general public, you know, who's willing, by whatever means necessary, to figure this out, and doesn't question it too much. And the way that it's financed is some pretty soft, almost invisible money, that can *never be tracked*.

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Colin Miller:

So yeah. The attempt to locate the reward money has been a bit like the old 'Dollar on a String' trick, where someone attaches a string to the underside of a dollar and hides around the corner. Then when some unsuspecting dupe leans down to pick it up, the trickster keeps pulling away until it fades into oblivion. In this case we kind of feel like the dupe, with the State of Georgia holding the purse strings.

Susan Simpson:

And I'm not sure if it's intentional or not, but the way this whole thing is designed, it seems like it does seem designed to avoid any kind of accountability or transparency into the process.

Colin Miller:

Yeah. I mean, that goes back to the rule I cited in the introduction: That Georgia Rule of Professional Conduct, Rule 3.4(b)2. And it certainly seems, at least with the reward from the Governor's Office, that that leads to the prosecutor violating ethical duties, because Massachusetts has the same ethical rule. And they had an opinion in 2010 from the Supreme Judicial Court of Massachusetts, *Commonwealth vs. Miranda*. It was a very similar program where the Chamber of Commerce had a reward in criminal cases, but the only way they could disperse that reward was if they received a letter from the DA's Office. The DA's Office letter had to say, in essence, that the information provided in connection with a homicide led to indictment, conviction, or both. And according to the court:

We declare that prosecutors in the future may not provide or participate in providing monetary awards to witnesses, contingent on a defendant's conviction. In so declaring, we recognize that to prove the crime charge, prosecutors often need to procure the cooperation and truthful information or testimony of reluctant witnesses. The interests of justice, however, are not well-served when a witness' reward is contingent on the conviction of a defendant rather than the provision of truthful information or testimony.

The way this reward is set up with the governor in Georgia, it does exactly that. And I mean, you can extend it beyond that: Crime Stoppers, the rewards in this case, *et cetera*. It is essentially the same thing, but it's the police, it's the lead detective on the case determining: Was this information enough to assist and facilitate in the conviction? You can see the introduction of this money. It really taints the process, and as we'll discuss going forward. It leaves you to question the veracity of these people who've come forward and implicated the defendant.

Susan Simpson:

And at least in Joey's case, it was technically the Rome Police Chief who wrote the letter to the governor asking for the reward money. But a couple years before, in 1998, Tami Colston herself had actually written to the governor, in *another* murder case, and requested money for a reward. So, as a prosecutor, she was actively involved in the creation and offering of a reward that would be given upon a conviction. And what's interesting in that case, is-- So, when I was talking to Josie about what she'd found and what had happened in her search for the reward money, I was wondering, does this ever even get paid out? Especially the governor's reward and the way it's set up. I mean, when you have something being paid out upon *appeal*, I mean, who knows how many new DAs will have cycled through before that time. It could be many, many years before that finally happened. So, I was wondering if perhaps the whole *point* is that it'd never get paid out. That it would just be forgotten before that ever occurred. But in that '98 case, the '97 murder that was resulting in a conviction in '98, it looks like the governor's office *did* pay out, although the articles are inconsistent on the amount of money or, who got it.

[25:47]

Rabia Chaudry:

But you know, the plain language of the reward postings doesn't seem to indicate that it needs to be a conviction that is upheld through an appellate process. It just seems like, you know: "If we get a conviction then you get your money." But I also am kind of wondering about rewards in general. This is something I thought about even in Adnan's case. Should we be *offering* rewards? Again and again we've been advised that it does taint the process. But let's say they offer reward money. Forget a conviction, just for information leading to an arrest. I mean, I almost feel like that *really* opens the door really wide for people. Because then they don't even need to, like let's say, testify at a trial... Or they don't need to-- It just seems much easier to provide information that leads to an arrest, and charges, versus a conviction because... I guess what I'm trying to say is the conviction provision seems to make sense to me, because it helps to limit who can get the reward. But if they just offered it to anybody who could offer information leading to an arrest... It just seems like it would be really wide open then.

Colin Miller:

It's tough. And we see it in this case. Because it's a vicious cycle where you offer a reward contingent on conviction, which means then the defense can't impeach a witness by saying they got the reward. Because they can't get it until after conviction. But then you have -- after the fact -- you're trying to figure out: Well who *got* the reward? Or at least: Who might have thought they could get the reward for an appeal? And you can't get that information. So, yeah. I mean, I certainly understand the reasoning behind requiring a conviction to have the reward. But in terms of going back to what we said before: *due process*. How is that due process? Or satisfying the right to confrontation when the defendant, decade and a half later, is still trying to figure out: Did anyone receive a reward? And *was* there a financial motive behind any of the testimony against me?

Susan Simpson:

And by design, that reward won't be paid out until *after* the direct appeal. Which is the last stage that a defendant has a constitutional right to counsel. So, by the time a reward is paid out and potential Brady claims would be finalized, that person has no right to an attorney that's paid for by the State. And if they have no resources to hire their own... Well, too bad.

[30:10]

Rabia Chaudry:

So, we still don't know where or whether the reward money was distributed, but we do know it played a crucial role in the motivations of some of the witnesses at Joey's trial. Take, for instance, Corey Jacobs, a witness who gave damning testimony at both Joey and Mark's trials. He's far from the only witness who mentioned the reward, or whom we have statements from, suggesting that he either asked for it or expected to receive it. But thanks to a wire he wore during the course of the investigation, he's one of the few that we know his expressions of disinterest later in the reward can conclusively be disproven.

Corey Jacobs says he had known of Joey from when they'd gone to school together at Pepperell High School. Corey said he didn't know him that well though. Joey was a grade or two ahead of him in school, and Corey had only seen Joey once *after* he left Pepperell. Anyway, according to Corey's testimony, after Joey had left Pepperell, Corey had only seen him one time. In mid-April of 2000, at the Home Depot parking lot, when he overheard Joey Watkins describing to a *crowd* of six or seven teenagers how he'd killed Isaac Dawkins.

Two months after hearing this confession, Corey Jacobs got in touch with Stanley Sutton and told him he had some information about the case. They had a phone call on the night of June 20th, and then the following day, Corey made a taped statement. It was brief, only five minutes long, but if believed by the jury, Joey would be convicted:

[31:43]

Stanley Sutton:

Alright. Just tell me in your own words this-- Um, what you heard, uh, concerning this death of Isaac Dawkins.

Corey Jacobs:

I overheard Joey Watkins talking to a crowd of people, Home Depot parking lot, about how they watched the boy get into his car and leave and follow him out into the highway. And whoever was with him, was supposedly Booney. And Joey heard him telling people that he didn't know that he was really going to do it. And then he said next thing he knew, when they pulled up beside him or whatever, that-- [inaudible] He shot him.

Stanley Sutton:

Was it daytime or nighttime?

Corey Jacobs:

Nighttime.

Stanley Sutton:

How did you come about going to Home Depot?

Corey Jacobs:

Saw a friend, that I was going to talk to, and he just so happened to be there.

Stanley Sutton:

And who was that?

Corey Jacobs:

Jody Jordan.

Stanley Sutton:

So was Joey-- When he said that, was he talking directly to you?

Corey Jacobs:

No sir.

Stanley Sutton:

And tell me again how-- What he was talking about?

Corey Jacobs:

He was just telling a crowd of people, I mean, I don't know if he was telling a bunch of people. I don't know who heard it, but I knew that he was uh, talking to somebody directly about how [clears throat] the Isaac Dawkins boy, how him and Booney, or whoever was with him, watched him get into his car and pull out and all that. I mean, just--

Stanley Sutton:

Pulling-- Pulling out from where?

Corey Jacobs:

He just-- He was out of the Floyd College.

Stanley Sutton: *Is that what he was saying?*

Corey Jacobs: *Yeah.*

Stanley Sutton: *And he pulled out, and what did they do?*

Corey Jacobs: *Pulled up behind him, sped up, got behind him, shot him.*

Stanley Sutton: *Ok, did-- But now, Joey said he didn't do the shooting?*

Corey Jacobs: *He-- At first, it was 'cause, like, when I first heard about it, it was mainly that Joey was bragging about it that he done it himself, and then it come out to be that Booney was with him, that Joey was just driving.*

Rabia Chaudry: Here's him at Mark's trial telling the jury the same thing that he told Stanley Sutton – that he was only at the Home Depot parking lot to see a friend of his who was also there.

[33:46]

Lawyer: *Were there other people around there as well?*

Corey Jacobs: *Yes, sir.*

Lawyer: *About how many people you think were gathered around Joey?*

Corey Jacobs: *There was probably about six people, seven people, around him. There was about three that... Around me, and only one concerned me.*

Lawyer: *Only one concerned you?*

Corey Jacobs: *Yeah, that was-*

Lawyer: *What do you mean?*

Corey Jacobs: *I was there to talk to a friend, and that was the only reason I was there.*

Lawyer: *So was that the reason you went there that night?*

Corey Jacobs: *Yeah.*

Lawyer: *You didn't know you'd get involved in all this, did you?*

Corey Jacobs: *No, sir.*

Rabia Chaudry: Corey *did* acknowledge he had something of a *personal* connection to the case, but he assured the jury he hadn't been promised a thing in exchange for his testimony:

[34:22]

Lawyer: *Corey, you're related to Stanley Sutton, are you not?*

Corey Jacobs: *Yes sir, I am.*

Lawyer: *Alright, how are you related?*

Corey Jacobs: *He is my great-uncle.*

Lawyer: *Okay. His-- Have you and Stanley gotten together and-- And cooked all this up?*

Corey Jacobs: *No, sir. We have not.*

Lawyer: *Have you been offered anything to come in and testify, given you anything, or promising you anything?*

Corey Jacobs: *No, sir.*

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Susan Simpson: *He's related to Stanley Sutton! No big deal, right?*

Rabia Chaudry: *I mean, is it just such a small town that you know, that kind of stuff is inevitable, or is this a really-*

Susan Simpson: *It's not that small. [laughs]*

Rabia Chaudry: *Yeah. Weird coincidence. What is the timing in relation to the reward posting?*

Susan Simpson: *So, the rewards... The first ever *anything*, is January 28th, only two weeks or so after the murder. And then they slowly expand exposure from there. And by mid-March, they're in the process of posting billboards around the town. But there's flyers everywhere throughout this whole time period. Like there's *always* news of the reward on some door, on some shop. So the reward was a factor throughout this whole time.*

[35:36]

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Colin Miller: *Yeah, so as we can see, Corey obviously very early on claimed that he could implicate Joey in the murder. And by the time the trial rolled around, Corey wasn't just able to implicate *Joey* in the murder of Isaac Dawkins, he was also able to implicate Mark Free. That's because sometime in mid-October, Corey's friend David Jones had just gotten out of jail, so the two of them were out driving around town when David saw someone he knew and told Corey to pull over. It turned out to be Mark Free, some guy who'd been in the same block as David in the Floyd County Jail. Mark had been in a car with his mother headed somewhere when they'd run into David, so they'd both pulled over and Mark and David had a brief discussion, which Corey overheard, and which he recounted to the police in a second taped interview.*

Susan Simpson: *Now, the following clip isn't the best in terms of audio quality, but we thought it was very important for you guys to hear what he sounded like in his own words:*

[36:24]

Corey Jacobs: *Mark Free started talking to David Jones about a cellmate that he had while he was in jail, that was trying to snitch on him about a murder case. You know, and David was like, asked who it was, Mark Free told David-- [clears throat] his name, which I forgot-- [clears throat] I had no clue what they were talking about at the time. But as we started to pull out, David said, "Corey do you know what he's talking about?" And I said "No". And he-- I-- He said-- And I said what? And he said, Joey Watkins. You know, the whole Joey Watkins thing. And I was like*

[inaudible] *And I didn't tell any further with that conversation, or anything, but David did tell me-- [clears throat] that Mark Free was there. He told me that in his own words. And I--*

Police Officer: *How did David know that Mark Free was at the murder scene?*

Corey Jacobs: *I guess he told him in jail. 'Cause they were in jail together, that's how they met each other.*

Police Officer: *Did he say exactly-- Uh, tell me again what, uh, David told you?*

Corey Jacobs: *[clears throat] He told me that Mark was there. And I asked him, how do you know? I don't think he said anything. I don't even think he heard me. That was as far as the conversation went right there, but he did tell me that-- He said, "Did you know who he's talking about?" I said "No, why?" He said, "Because Mark, that dude right there, was there. And you know, word is that Joey Watkins and Mark Free were together that night."*

Colin Miller: *But that's nothing but double hearsay, so Stanley Sutton told Corey they were going to need him to get something more concrete. The next day, they had Corey wear a wire and go hang out with his friend David to try and get David on tape talking about Mark's confession:*

[38:10]

Corey Jacobs: *When'd do you get out, Dave?*

David Jones: *Over a month.*

Corey Jacobs: *[clears throat] Was Mark in there with you at all?*

David Jones: *Yeah.*

Corey Jacobs: *Was y'all cellmates at all?*

David Jones: *It was in the same dorm, but not the same room.*

Corey Jacobs: *Oh. You been to the back before ain't you? Are you-- You been to the back?*

David Jones: *Yeah.*

Corey Jacobs: *How's that motherfucker know who done that shit about Joey and [inaudible]?*

David Jones: *[inaudible] I don't know. I don't really get this business. You know [inaudible].*

Corey Jacobs: *I heard somebody talking about that shit the other day. They have rewards like \$15,000.*

David Jones: *Yeah. It's on the damn stores man, on the doors. That Rhonda's-- Do you know that Rhonda's by my grandma's?*

Corey Jacobs: *Yeah.*

David Jones: *It's on that door.*

Corey Jacobs: *[clears throat] You told me he was there, though.*

David Jones: *He said he was.*

Corey Jacobs: *I don't know, I ain't getting in this shit. I'm trying to do--*

David Jones: *Why are you--? [inaudible]*

Corey Jacobs: *You don't want to get paid for it?*

[laughter]

David Jones: *But I ain't no narc, you know what I'm saying, unless it just come down to me. \$15 in cash, \$15,000 cash, in my hands, [raises voice] Mark Free was there!*

Corey Jacobs: *Was he there though seriously?*

David Jones: *That's what he said.*

Corey Jacobs: *I ain't lying, nigger, you know-- [inaudible] We're going to get paid.*

David Jones: *I ain't going to say nothing unless you going to say something.*

[laughter]

Corey Jacobs: *I ain't scared. I don't know them motherfuckers.*

David Jones: *I ain't scared either.*

Colin Miller: But there's a small hitch to Corey's plan for collecting the reward. David wants nothing to do with going to court. *But*, he says, if he can tell Corey what to say, and Corey can go to court, he's down for it. Unfortunately despite Corey's prying, it's clear David doesn't actually know much beyond this vague statement that Mark supposedly made at some point. Mark, according to David, was passed out in the back seat of Joey's car one night, and didn't wake up until after the murder had happened.

[40:09]

David Jones: *I ain't lying but I'm going to get paid. You-- Are you with me?*

[laughter]

I tell you all the information, you just go get the money.

Corey Jacobs: *Alright, let-- Let's talk, nigger.*

David Jones: *He said that Joey shot him, and they was there. They took off, he said.*

Corey Jacobs: *Joey shot him?*

David Jones: *Yeah.*

Corey Jacobs: *Joey's a bitch. I just can't see that little skinny motherfucker shooting somebody.*

David Jones: *I don't even know. I don't care to know. Be my homeboy, fuck you.*

Corey Jacobs: *I heard that Joey was just fucking driving.*

[pause]

David Jones: *He said Joey shot him.*

Corey Jacobs: *He said Joey shot him?*

David Jones: *Yeah.*

[laughter]

Corey Jacobs: *He told you that shit in jail though?*

David Jones: *Who said now--?*

Corey Jacobs: *Who was driving, did he say who was driving?*

David Jones: *No, he said he was in the back, [inaudible].*

Corey Jacobs: *Wasn't they-- Was they in Joey's truck?*

David Jones: *It was-- I don't-- I didn't go into details, you know what I'm saying?*

Corey Jacobs: *Hey why don't you get this--*

Susan Simpson: For some reason, and I can't begin to imagine why, for much of the conversation that night, the boys were pretty obsessed with nachos. And while at a restaurant enjoying a bunch of nachos – beef and cheese only, hold all that vegetable stuff – they started speculating about what they might do with the reward money if they got it:

[41:26]

David Jones: *You go to the court and tell all?*

Corey Jacobs: *Yeah!*

David Jones: *[laughs] All \$15,000?*

Corey Jacobs: *Yeah. [indecipherable] Everything about [indecipherable]. A lot.*

David Jones: *That's 750 apiece.*

Corey Jacobs: *\$7,500.*

David Jones: *Guess a motorcycle, though.*

Corey Jacobs: *Not bad.*

Not enough for a Harley... [indecipherable]

David Jones: *Nigger let's go eat at Hooters.*

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Susan Simpson: So that reward money would have meant a lot to David and Corey. They could have each bought motorcycles with it. I mean, as Corey said, it wouldn't be enough to buy a Harley or anything, but hey, they could each buy like, *two* Suzuki Katanas.

After finishing their nachos, they got back in the car to cruise around town. And they never *did* make it to Hooters, but Corey resumed his campaign of trying to get David to go talk to Stanley Sutton:

[42:40]

Corey Jacobs: [laughs] *Nigger we can get paid! I mean, you told me that way, you was like shit, \$15,000, I tell them well, first of all-- [inaudible]. I mean trust me man, you know I ain't never been no snitch. But I just think this is something that should be done.*

David Jones: *You know me boy, I tell some [inaudible].*

Corey Jacobs: *Yeah, yeah, yeah.*

David Jones: *You know what I'm saying, I got down busted for some shit that wasn't even mine, you know [inaudible]. You know what I'm saying?*

Susan Simpson: Unfortunately, Corey has no chill. And at some point, after Corey had brought up the idea of going to Stanley Sutton for like the 40th time that night, David started to get a little bit paranoid, and began wondering if Corey might have had a wire on him:

[43:30]

Corey Jacobs: *You going to get it?*

David Jones: *Huh?*

Corey Jacobs: *I'm serious, man. I know who we can go talk to.*

David Jones: *Who?! Stanley?!*

Corey Jacobs: *Yeah!*

David Jones: *Nigger what the fuck?*

Corey Jacobs: *Man, Stanley's cool on this shit. You tell him.*

David Jones: *Stanley a bitch-ass police, man!*

Corey Jacobs: *Hell, they all police.*

David Jones: *I know.*

Corey Jacobs: *Now, where in the fuck we got to go?*

David Jones: *Right, to the right, to the right. To [inaudible] town, nigger. Want some pussy. You don't want no pussy?*

Corey Jacobs: *Can you light me a cigarette?*

David Jones: *From the day to the night, rah rah.*

Corey Jacobs: *Seriously man, go up there with me. We go up there right now.*

David Jones: *Oh, God damn! I'm trying go get fucked up tonight and you're trying to get me to talk to the police.*

Corey Jacobs: [laughs] *Come on, dog. If you my boy man, for real.*

David Jones: *What the hell is wrong with you, man? What--*

Corey Jacobs: *You want--*

David Jones: *Uh, damn, nigger. [laughs]*

Corey Jacobs: *[laughs] You know, we can go do whatever we want to when you get done. Nigger, you're supposed to be my- what the fuck you doing? Get off me. No! Why would I do some shit like that?*

David Jones: *Let me see. [laughs] Let me see.*

Corey Jacobs: *You ask me some shit. Hell, I can't believe you a-- Get off me, there, I can't even believe you'd ask me a question like that. Why would I do some shit like that? No I'm not wearing a wire! How dare you accuse me of that.*

[pause]

David Jones: *I mean, I-- You ain't more afraid. I mean, it ain't the point that I wouldn't tell. It's the point that I can't tell. If I did tell, it wasn't going to help in court cause I'm on probation. And when you on probation, you can't um, uh, [inaudible] and shit. When--*

Corey Jacobs: *Shit nigger, that might help you get off probation.*

David Jones: *No way. I'd narc 15 cash, and then, get me out of all the trouble I'm in, that's the only way I'd say so. You go tell them that shit.*

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Rabia Chaudry: *David didn't find the wire that time, but you can tell from the recording that later on that night he's trying to pat Corey down a few more times, giggling and demanding to know if Corey has a wire on. Which freaked Corey out. And as soon as David stepped out of the car and he got a moment to himself, Corey started yelling for help:*

[42:26]

Corey Jacobs: *Y'all could get a cop or something to pull me over and get me in the back of his car and get this wire off me, Stanley. 'Cause if he finds out I got this on me, he ain't going to talk. Please do something to get this wire off me. He's already trying to check me. Tell on me. Here he comes, I'm going to shut up. Give me a light.*

Rabia Chaudry: *And a bit later on, when no police response is forthcoming...*

Corey Jacobs: *Stanley, I'm in the-- I'm in the [inaudible] trailer park, man. Find a way to please get this wire off me.*

Rabia Chaudry: *Eventually, the Floyd County Police Department came to the rescue, and did a false stop to pull the wire from Corey:*

David Jones: *You got all your insurance and shit?*

Corey Jacobs: Yo. What you doing?

Police Officer: Officer [inaudible] County police, may I see your driver's license and insurance, please.

Corey Jacobs: Why you pulling us over, officer?

Police Officer: Mr Jacobs?

Corey Jacobs: Yes sir.

Police Officer: Step out of the car for me. You have anything to drink tonight?

Corey Jacobs: No.

Police Officer: You sure?

Corey Jacobs: Positive.

Police Officer: Smell a little bit on you, okay. Why don't you come back to the car and take a test with me, okay?

Corey Jacobs: Alright.

Police Officer: Have a seat. Flip that switch off.

Corey Jacobs: He was searching me.

Susan Simpson: Notice though, throughout the-- Well, throughout the entire wiretap conversation, which went on for about an hour, hour twenty minutes or so, not once does Corey ever mention to David, his friend, that actually you know what? *He'd* heard Joey confess to the murder. He also never mentions this whole thing about this guy named 'Booney' being present at the scene. He's totally on board with it being Mark Free.

Which also brings up the question, for me: Why exactly does Corey want David to talk so much? I mean, wouldn't that mean that he'd have to split that \$15,000 reward? Only thing I can think of is that Corey has been informed that his testimony alone will *not* be sufficient to get the money. He needs someone else to corroborate him.

Rabia Chaudry: I wonder if Stanley Sutton believed him.

Susan Simpson: I think he might have believed him and-- I think possibly he may have gotten some information at some point, a little before this whole thing happens, that undermines his confidence in what Corey's saying.

[51:44]

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Colin Miller: So, in terms of the legal aspect of this wire, Joey's defense attorneys *were* given a transcript of the wire recording a few months before trial, but they were *not* given a copy of the audio itself. And that's a shame, because the result is that at trial, all the jury got to hear was that Corey had once mentioned that there was reward money being offered in the case, which really doesn't convey the level of obsession that Corey actually expresses in that recording.

Compare what you just heard from Corey's wire with his cross-examination at Mark's trial:

Lawyer: *You know an individual named David Jones?*

Corey Jacobs: *Yes, sir, I do.*

Lawyer: *Did you get together with your great-uncle and wire yourself up?*

Corey Jacobs: *Yes, sir, I did.*

Lawyer: *And the gist of-- Of your getting wired-- You were wanting reward money, weren't you?*

Corey Jacobs: *Um, it didn't really matter. It was just the-- It would get the-- It would get David to talk. You know, I figured that it would make him talk.*

Lawyer: *That, you want to get paid money?*

Corey Jacobs: *[clears throat] I mean, if that's what I said, that's what I said. It's been a couple years ago.*

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Colin Miller: So did Corey get the reward? We have no idea. And with the way the reward fund was set up, I'm not sure there's a way we'll ever know. The Rome Police are going to keep claiming only the Floyd County Police know, and the Floyd County Police are going to keep claiming only the Floyd County DA knows... Perhaps some random federal agency does. And the Floyd County DA is going to keep telling us the DA's office never had anything to do with the reward. But putting aside the question of any financial motivations Corey may have had, is there any reason to doubt Corey's story? Well, yeah. There's two big things that come to mind:

First, remember what Corey said in his police statement about why he was even out in the parking lot when he heard Joey's confession:

[53:30]

Stanley Sutton: *How did you come about going in the Home Depot?*

Corey Jacobs: *Saw I friend that I was going to talk to, and he just so happened to be there.*

Stanley Sutton: *And who was that?*

Corey Jacobs: *Jody Jordan.*

Rabia Chaudry: Corey named Jody Jordan in both his police statement and his testimony at Joey's trial as the guy he'd been with when Joey was bragging about the murder. But what the defense never knew, and what *no one* seems to have known until Clare got a Floyd County Police Department police file last year, was that Sutton had also interviewed Jody. That was on September 26th, three months after Corey's initial statement.

And here's what Sutton's notes say:

Sutton talked with Jody Jordan at Floyd Tech School. He stated friend Eric Mentor and Jody were together when guy came up to them and told them that Joey told him he killed Isaac. He's going around telling people he did it. Also now Joey is going around telling people he didn't do it.

So there's no date, and it doesn't even seem like Jody identified Corey as the guy that came up to them. But whatever it is that happened, it seems to be a complete contradiction of Corey's testimony at Joey's trial. And Sutton never told the defense about it.

- Susan Simpson:** I tried to, but couldn't ever find, a phone number for Jody. Luckily for me though, he listed his place of employment on Facebook. And it turned out he worked not too far from where my friend Cameron lived. She was making a trip up to Rome with me one day, so we decided to take a chance and stop by. And Jody happened to be there. And he was completely weirded-out by us showing up at his workplace and asking him about a murder that happened 16 years ago. But he agreed to talk, so I asked him, to the best he could remember, had he ever been out in a parking lot one night with a guy named Corey Jacobs, when another teenager a few feet over had started bragging about committing a murder?
- [55:22]
- Susan Simpson:** *And basically... No. He was not in a Home Depot parking lot in 2000, talking to Corey Jacobs when Joey Watkins decided to confess to murder. Which is not surprising, but still good to confirm.*
- Cameron:** *Doesn't remember Sutton?*
- Susan Simpson:** *Yeah, he doesn't remember Sutton talking to him, which we know – kind of know – we know he did. Because Sutton's notes do have a meeting with Jody written down. And they have his accurate address, and a birthdate and all that, so he probably did talk to him. And Jody said he didn't remember it happening, but didn't seem to think it was impossible that it had occurred.*
- And yeah, basically, he was pretty clear, he would not have been-- He knew who Corey was, he would not have been hanging out with Corey, and wouldn't be a friend with him. And he seemed annoyed that Corey, I guess in his mind, made him a potential target for a murderer by making him a witness, which isn't really the scenario here, but I can see how someone would assume that. I don't know, what do you think?*
- Cameron:** *Well, I think that, first of all, I'd like to note that he-- I don't know what the timeline was exactly, but he mentioned having a fight with Corey...?*
- Susan Simpson:** *Oh yeah.*
- Cameron:** *Um--*
- Susan Simpson:** *They all had fights at some point or another, it seems like.*
- Cameron:** *Right. You know, I really can't put myself in the brain of a person... Of a young like, 18-year-old kid, summers in Rome, getting talked to by the police. He might truly not remember it, I don't think he wanted to remember it, perhaps.*
- Susan Simpson:** *That's a good point. I should have asked if he'd ever been talked to by the police. But--*
- Cameron:** *I think he opened up more... I mean, clearly, opened up more as time went on. So it'll be interesting to see if he talks to his friend, and if he'd pass along--*
- Susan Simpson:** *He did call his friend. So when he talked to Sutton, he said that he remembers being with his friend Eric--*
- Cameron:** *Yes.*
- Susan Simpson:** *At the Home Depot parking lot. Because that was the hot spot to be on a Friday night in Rome.*
- Cameron:** *60 people. 80, 60-- He said 60 to 80 people.*
- Susan Simpson:** *Yeah, so the 60 to 80 people would be hanging out there. I mean, at the same time, it's kind of like us hanging out at what's-her-face's--*

Cameron: *Well, yeah, and like, I lived in Kennesaw and it's the BP. It's less than that, it's like 15, but you know. You're like, don't you have the internet?*

Susan Simpson: *Yeah.*

[57:41]

Susan Simpson: So no. Jody Jordan was not Corey's friend. He gave kind of a dismissive laugh when I asked him if he'd ever hung out socially in a Home Depot parking lot with Corey. "No", he said, that's not something he'd have ever done.

And he was equally sure he'd never heard anyone confess to a murder around him, let alone have that happen while he was out with Corey Jacobs, either in a Home Depot parking lot or anywhere else.

Colin Miller: And then there's the *second* reason to question Corey's story, and that's Booney. That's who Corey says in his first interview with Sutton was *really* the shooter. But Booney isn't Mark Free. Booney is also never identified in Corey's taped interview. Sutton's notes from Corey's pre-interview, however, identify who the nickname 'Booney' belongs to. Someone named Chris Wade.

Rabia Chaudry: According to Corey, Joey never actually named Booney. It's just something Corey somehow knows from some other unidentified source.

Susan Simpson: Yeah but it turns out that either Sutton or Corey were *confused* though, because Booney actually isn't Chris Wade. Chris Wade is a real person in Rome, but he goes by the name of 'Monkey'. Booney was Monkey's cousin, James Wade. But ignoring for the moment who's Booney and who's Monkey and all that, it's safe to say that Booney is definitely not Mark Free.

Rabia Chaudry: Also according to Sutton's notes, Corey wasn't the only person to identify Booney as the guy who actually killed Isaac. The same day Sutton first spoke to Corey about the case, he *also* spoke to a woman named Robyn Garrett. And according to his notes, she heard that Booney was with Joey Watkins when Isaac Dawkins was shot. And coincidentally, when Sutton talks to Corey later that day, that's exactly the same thing that he knows.

At both Mark and Joey's trials though, Corey testified that Joey had in fact identified Mark Free as someone he was with on the night of the murder:

[59:41]

Lawyer: *Did you tell the jury in the Watkins case that you also heard Joey say that then they went to Mark Free's house?*

Corey Jacobs: [clears throat] *Yes sir, I heard him, Joey, say that.*

Lawyer: *Would you testify to that?*

Corey Jacobs: *Yes, sir.*

Rabia Chaudry: But that's definitely not what Corey said in his initial police statement. Corey claimed he'd walked away before Joey *ever* said what he'd done after the murder.

Stanley Sutton: *That night that Joey was telling someone that he didn't [inaudible].*

Corey Jacobs: *He never mentioned the second part [inaudible].*

Stanley Sutton: *But he says, someone was with him, that they followed him--*

Corey Jacobs: *Yeah.*

Stanley Sutton: *Isaac, out of the college parking lot?*

Corey Jacobs: *Yeah.*

Stanley Sutton: *And fell in behind, sped up, and then I guess, shot him?*

Corey Jacobs: *Yeah.*

Stanley Sutton: *And um, did he say what happened after that?*

Corey Jacobs: *[clears throat] No, if he was, I was leaving. I was getting in my car when I first-- 'cause I didn't pay no attention really. And then--*

Stanley Sutton: *Did he say what kind of vehicle they were in?*

Corey Jacobs: *He didn't say none of that.*

Susan Simpson: Where did Corey get this whole story about Joey going to Mark's house from? Well it's pretty clear that he stole it from David Jones. Because a couple weeks after the wired conversation, Corey finally *did* succeed in convincing David to go to the police. And David ended up giving a brief taped statement to Stanley Sutton and Bill Shiflett, where he had this to say:

[1:00:59]

Stanley Sutton: *If you would, if you'll, uh, in just, in your own words, talk to me about what Mark Free told you, about being under a murder investigation, you say, in as exact words you can, just as best you can remember?*

David Jones: *He just said that he was going to--*

Stanley Sutton: *Speak up for me, okay?*

David Jones: *He just said he was in a back seat of the car, passed out, and he woke up hearing shots, and that they had just went to his house after that.*

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Susan Simpson: Corey may have tried to borrow David's story about how the murder was committed and what happened after it, but David's story and consequently Corey's was *wrong*. Because Joey and Mark couldn't have gone to Mark's house after the shooting. Joey's girlfriend, Aislinn, lived a half hour south from the wreck site, while Mark lived 20 minutes *north*. And only 40 or so minutes after Isaac's truck wrecked, Aislinn and her family saw him pull up at her house in a white truck. There'd have been no time whatsoever for a detour to Mark's house to have occurred.

[1:02:06]

David Jones: *Yeah, 'cause they want me to-- They come got me a couple months ago, because me and Joey was going to fight with um-- And his bitch-ass wouldn't fight.*

[background radio noise blares]

You know what I'm saying? I don't know-- You gotta let me think on some shit like that, dog, that's some- that's some shit, that. You told- you telling me-- You tell Stanley that I-- I know something?

Corey Jacobs: *Nuh-uh.*

David Jones: *But did you talk to him, or tell him--?*

Corey Jacobs: *I talked to him, my man [inaudible]*

David Jones: *Baller! We'll talk about it later [inaudible]*

[sings along to Lil' Troy – 'Wanna Be A Baller']

*Call her, gettin' laid tonight
Swisha rolled tight, got sprayed by Ike
I hit the highway, making money the fly way
But there's got to be a better way
A better way, better way, yeah...*

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Rabia Chaudry: The reward offered by authorities in this case was necessary to induce private citizens to come forward and help them. But when the police realized they needed help from other government agencies, a reward certainly wasn't going to do. So they had to find another way to induce them to step in.

Next time on *Undisclosed*.

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