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D'Dele's office

INTERVIEW WITH JOSH FLEMISTER AND CHRISTINA
JANUARY 17, 2001

BILL: Josh, I appreciate you coming in. I know we talked the other night and I was gonna try and get with you the other night....

JOSH: Yeah, I couldn't make it.

BILL: I figured as much. And I know you have got a lot of pressure being put on you right now by Stanley.

JOSH: A lot.

BILL: I can appreciate that. Excuse my mess in here, I've got criminal cases that begin next week and I am starting to put them together but ----- put you in a bind and I recognize that and Joey recognizes that, even Mark.... I don't know how good of friends you are with Mark, I don't know, if you all know each other much. But I know you and Joey go a long way back and you know as well as I do that they're just in one heck of a mess. We Sutton has been saying things about you.... I... I know.... kind of.... let... let me just kind of back up where I kinda of think what I kinda think what happened. Joey told me back, I think it was in late summer or early fall, that Samantha kept calling you or some other girl kept calling you and bugging you about Joey and at one point I think you just told her, hey, he didn't do it, he was with me. And I think that got the whole thing started.

JOSH: Yeah... -----

BILL: You know, trying to help him out.

JOSH: I told him that along time ago.

BILL: Yeah, and Joey told me that you had told him that and, of course, he felt, ah man, that's just gonna create more problems cause you all weren't together that night but, you know, the fact that you said it, you know, Samantha is gonna go right straight to whomever and said oh, he said he was with him and you know, Joey is always claiming that he was by himself and I think that started it because then somehow I think they did a tape of you.

JOSH: Yeah.

BILL: Without you knowing about it.

JOSH: Yeah.

BILL: and then Sutton has used that and gone on from there and it's... it's just blossomed... now Sutton's latest, let me just tell you what he is saying. His latest is that you have given, I

don't know if it was a taped statement or a written statement, about actually being in the vehicle with them concerning that..... why in the world would you give them a statement like that?

JOSH: They came all the way to Virginia. I was working out of town and they kept harassing me. I mean they come all the way to Virginia.

BILL: They being who?

JOSH: Bill.....

BILL: Shiflett?

JOSH: Yeah and Tommy and Sutton. They all come to Virginia and kept harassing me. I mean I am all the way down there working. They've harassed me in Rome. I got a job traveling so I left town. But they come all the way down there and found me and watched us work and everything and when they came to us, I mean, I'm not gonna lie about it, I was pretty messed up. I have a history of.....

BILL: Yeah, I've heard you had kinda of a little bit of a problem.

JOSH: drugs and alcohol and

BILL: Are you getting any help for that?

JOSH: They kept telling me, "Tell us what we want to hear and we'll let you go, or if not, when you get back to town you are going to be in jail too." And they kept telling me, "Tell us what we want to hear." I would say I don't know what you want to hear, I don't know anything about it. So I mean I started making up a bunch of lies and stuff and then when I got back to town, the day I got back I called them cause they wanted the District Attorney to meet with me. I was like there ain't no need in bringing her. They come to my grandparents house and I told them straight up, I sat there and told them I lied about everything.

BILL: Now when was this? That you told them that? Was that back before December?

JOSH: Yeah.

BILL: Okay. Probably like October or November?

JOSH: Yeah. I mean as soon as I got back I told them I lied and from what Christina tells me they're not saying anything about that in court.

BILL: Oh?

JOSH: Well, everything I've told them.... everything I know.....

BILL: Well, we know it couldn't of happened.... I mean, we know ... see Sutton in court said that you said that you were in between them and that Mark was shooting a 9 mm. I guess this is what your story is, or at least that's what they're saying is..that Mark was shooting...

JOSH: I don't know what I told them.

BILL: I know. Well this is what they're saying, that Mark was shooting a 9 mm and Joey was shooting a 22 caliber and you were sitting in between them and then apparently after that happened you all went home. That's pretty much... at least of what you told them.

JOSH: See I was on Xanax and I have no recollection....

BILL: Let me ask you, you know, they told you that if you didn't tell them what they wanted to hear when you got back they would have you arrested. I take it you must of had some charges you were facing or probation violation?

JOSH: No, I'm on probation. Yeah, I have a few violations I went to court on all of them.

BILL: So they were gone.... they were gonna hit you up on the probation violations?

JOSH: I don't know, they just said that depending on what I told them would depend on whether or not when I got back in town if a warrant would be served for my arrest or not.

BILL: They didn't say what for though? And they didn't tell you if you put yourself..... did they ask you to put yourself in the vehicle?

JOSH: Pretty much.

BILL: So they sorta suggested to you the story?

JOSH: Yeah. See I didn't know nothing about the gun. I didn't know nothing about Mark. They told me that they had a 9 mm, that's where I got that from.

BILL: They had a 9 mm or they knew it was done by a 9 mm?

JOSH: They said that they knew that Mark had a 9 mm or whoever was in the car had a 9 mm. That's where I got the gun from. I mean everything

BILL: Yeah, they were right, a 9 mm was used because they recovered a bullet.

JOSH: I mean, everything I know is hearsay. When I got back from Virginia I told them that. And I told them that everything I told them down there was a lie, everything I told them

from the beginning was a lie. It's all hearsay what I know. I mean, I don't know the truth. I don't know what happened, nobody does, I mean

BILL: Well whoever did it knows the truth.

JOSH: Yeah. But I mean everything I know is hearsay.

BILL: I understand that.

JOSH: You know, I know it's probably too late to go back and say that, but I mean I did lie.

BILL: No, it's not because the problem is they used that, your statement, to get probable cause to get it bound over.

JOSH: See they told me that no matter what I said it wouldn't, it wouldn't be because of me.

BILL: Exactly. Did they tell you that they had confessions, that Mark had confessed to other people?

JOSH: In jail.

BILL: In jail?

JOSH: Yeah.

BILL: They didn't tell what those stories were, did they? That the stories were absolutely unbelievable.

JOSH: They were playing tapes for me and wouldn't let me hear the whole thing. They would just play certain parts and then cut it off.

BILL: Tapes like someone talking?

JOSH: Like Shanna and Lacey.

BILL: Okay. Now, who are Shanna and Lacey?

JOSH: These two girls that me and Joey went over to their house a few times.

BILL: You and Joey had gone over there?

JOSH: And Matt and Tim.

BILL: Are those the two girls you told.....

JOSH: If Joey got in trouble then I would get in trouble too.

BILL: You were just trying to help Joey out I take it? Or what?

JOSH: See, I don't know. I have no clue. The only thing that I know is hearsay.

BILL: Alright. What hearsay have you heard?

JOSH: Everything. I mean, people that don't know anything is going around saying this and that and

BILL: Joey told me he thought that you knew more than anybody else probably about this with the exception of maybe Adam Cagle knows an awful lot.

JOSH: See, I don't know anything. Nobody has ever told me anything but they think they've heard through other people.

BILL: Let me ask you something else. Joey told me that back in the summer that you and he and Paul, I forget who else, were all together in a vehicle and you all tried to tape Paul and somehow that tape has been lost?

JOSH: See, they come to me, Sutton, I mean Shiflett come to me as like, I guess he was calling it as a friend to the family and not as the police force. He come to me and asked me about that. See, I don't know nothing about a tape. I've never had a tape recorder around Paul. I've never had a tape recorder around Joey. I've never recorded anybody doing anything.

BILL: Joey thought you all had one, that you had one back there and had gotten a recording.

JOSH: See, me and Joey never even talked about this whole thing, it never came up and I never asked him about it. I never asked Paul about it when he was a suspect. I mean, that's just I guess the kind of friends that we were, we didn't talk about something like that as of them being suspects.

BILL: When was Paul a suspect?

JOSH: From the beginning, at the beginning, because he was like dating Samantha.

BILL: Alright. Did Shiflett tell you that?

JOSH: No, I knew that. Yeah, well no, Paul said that he was a suspect. I ran into Paul this weekend and he said that his lawyer told him that he should be prepared to go to jail Tuesday.

BILL: For what?

JOSH: I have no clue.

BILL: Is Paul in trouble for something?

JOSH: I haven't talked to Paul.

BILL: Tuesday, the other day?

JOSH: Yesterday. See there's... I don't know if they know this, but I don't know if this matters, but around the same time, and I'm not trying to bring Paul in to this but,

BILL: Well see, Paul is the guy we suspect to be honest with you.

JOSH: Well, see I don't know if many people know this, [REDACTED] Paul tried to sell his car a couple days before that happened, the Camero, and then that's all that was ever said about that.

BILL: [REDACTED]

JOSH: [REDACTED] Paul was going around stealing people's systems and stuff and taking the money back to her and I remember her saying something that she was gonna go through college with him supporting her, that's what somebody said. And once again that's hearsay.

BILL: I know that. [REDACTED] I had also heard a rumor about Issac having caught them in bed together and threatening to tell the mother too. Do you know anything about a couple of days before the killing, Paul was over at the house he was living at, I forget the guy's name, out in Garden Lakes

JOSH: Joseph Hunt?

BILL: No, it wasn't Joseph Hunt's place.

JOSH: I don't know about him living in Garden Lakes then.

BILL: Samantha was living with them and Paul came, I mean

JOSH: No that was at Caleb's house. That was out in Model.

CHRISTINA: That was at Caleb's house

BILL: Up in Shannon. Issac came and took Sam

JOSH: See, I don't know, I just moved back from Atlanta, I was living in Marietta and I moved back, like 2 days before Christmas. Me and -----? come back into town. We moved back to town. Like 2 days before Christmas, that's when we came back into town. And then I saw her over there and Paul was there and all that stuff. I don't know nothing about him going and taking her back.

BILL: Making her move out?

JOSH: Yeah, I didn't know nothing about that.

BILL: Heard that happened, and that Issac was threatening [REDACTED]

JOSH: See I heard that.

BILL: Now, do you know why Paul is not a suspect anymore? Did Paul tell you why he is not a suspect? Tell you anything about an alibi.

JOSH: He just told me.... I saw him at the bowling alley the other night and he was like, he come up to me and was like, did you hear about me? I said no what? He said, I'm being brought back into this. He goes my lawyer told me that I should be prepared to go to jail Tuesday. Said he had to come up with a bunch of money for a lawyer and all this.

BILL: Okay,. That's interesting.

JOSH: I don't know where he came up with it at or if he was making it up or what. I mean, I was half way drunk when he told me though.

BILL: Now, were you out with Joey during.. a couple of days... when you got back into town when Joey had that run in with Brianne at the mall? Brianne said that Joey hit her and had him arrested?

JOSH: Yeah. I was there. Yeah, but he never hit her. He walked off. She like... I don't know where she got that from. He was going after Chad and she jumped in the middle and grabbed his arm or something and he jerked back like that and she said that he hit her and we walked off. Yeah I was there. He never hit her.

BILL: We have some other people that say the same thing.. that she is the one that started it. We might have to go trial on that. She had him arrested. A year, two years ago during the summer she had him arrested saying that he shot up her house, her windows and all and he was down in Panama City. You weren't with him at that time.

JOSH: Shot it up with what, a paint ball gun?

BILL: No, she claimed.... She had him arrested, I don't know if you remember, she had him arrested two summers ago. It was in.... it was right after they broke up, [REDACTED]

[REDACTED]

JOSH: I remember him telling me that.

BILL: Yeah, and he broke up with her, Brianne and then Brianne, I think, started dating Issac and Joey went to Florida with a whole bunch of people and when he got back he got arrested. She claimed that he had been at her house and shot up her windows and threatened her and all that and that got taken into court and of course, the Judge threw it out. Joey was in Florida, he had rented a in fact, he rented a motorcycle down there and he wrecked it. I think Adam Cagle was with him and they wrecked it.

JOSH: I think I heard about that.

BILL: And so when they got back....

JOSH: I didn't know nothing about him going to jail thought.

BILL: He didn't because the Judge threw out the warrant because she lied. This is just the type of girl, she has no qualms about coming into court and lying but .. She lied about that.

JOSH: From the time Joey and her met, she always had him fighting over her. I mean she liked that kind of thing.

BILL: After the killing, I understand that you were with Jeff Law? Is that right?

JOSH: See that's a year, I mean, that's hard to say who I was with. If there was a party going on I promise you I was there, but I have..... the only person.... see, I have phone records where I hit Star 69, or somebody in my house hit Star 69 and my dad never hit it, and if I wasn't there, then he would have been the only one there.

BILL: Okay, but you do know you definitely wasn't with Joey

JOSH: Hell no.

BILL:or you definitely wasn't with Mark.

JOSH: No.

BILL: When you got back here, I know you had some problems in Tennessee, when you got back here.....

JOSH: In Tennessee?

BILL: I heard you had been in trouble in Tennessee, DUI or something up there?

JOSH: In Memphis?

BILL: I guess.

JOSH: I got arrested for drugs.

BILL: Is that where you were on probation from?

JOSH: No, I never went to court on it. Well I went to court and they sent me to live with my Dad till I was 18.

BILL: So you were a juvenile then?

JOSH: Yeah. I got arrested on school property.

BILL: You were not looking at any other criminal charges when you were up in Virginia that you were facing down here....

JOSH: No.

BILL: like any outstanding DUIs or drug charges or anything like that? That Sutton was trying to hold over your head?

JOSH: No. I had been to court on everything before I left. My probation officer knew where I was at, that's how they figured out where I was at. No, I was doing everything I was suppose to with probation, paying my money, reporting.... Whatever I told him, I don't know what it was, but whatever I did tell him, it was a lie and I've told them that and they haven't said nothing to me since. I did get a letter in the mail though, saying something about going to court and stuff, but I kinda threw that away and act like I never got it.

BILL: Have you ever known Joey to have a 9 mm? You've been friends with him a long time.

JOSH: I've never known Joey to have a gun besides a paintball gun. Now we've had fun with paintball guns before, but never a real gun. We've had fun with eggs before, but never a gun, not a real gun.

BILL: What about Paul? You know anything about... heard anything about Paul, Paul's dad, Paul's brother having a 9 mm?

JOSH: Paul's brother is in the Army or Navy or something like that, but I've never heard anything about Paul having a gun either.

BILL: What about Chad?

JOSH: No... I did hear, which I think was a rumor, that Paul and Chad were strung out on crack.

I heard they got on that for a while and this was about the same time all of that was happening is when I heard that.

BILL: Nothing about them buying a gun?

JOSH: No.

BILL: What about Adam Elrod? Have you ever seen him with his mother's gun?

JOSH: No. Paul always made jokes about having a gun under the seat of his car, but I don't know that he ever did.

BILL: You never looked?

JOSH: No. I never saw anybody pull it out. And Adam Elrod, I never really hung around except for when I was with Joey cause I was never really friends with him. See, I've been with Joey when he would go to fight somebody, he would call me up. Joey never fought alone. I mean that's what doesn't really make sense, he never did nothing crazy like that. He wasn't never that type of person.

BILL: Did you hear anything about Paul's dog being killed?

JOSH: No. I heard something about Samantha's dog being killed.

BILL: I'm sorry, Samantha's.... Issac's dog.

JOSH: Yeah. I heard about that.

BILL: Do you know anything about it? What's the rumors on that?

JOSH: I heard they blamed it on Joey.

BILL: Yeah, I know they blamed it on Joey, I think Adam Elrod was saying that it was Joey.

JOSH: Yeah. I heard that they blamed it on him.

BILL: Joey never told you anything about that?

JOSH: No. He just said that he got blamed for it.

BILL: Joey is the kind of friend that had he shot the dog, he would probably told you wouldn't he?

JOSH: Yeah, if he would have done anything like this, he would have told me. I was close with Joey. Joey knew he could tell me anything.

BILL: Did Joey tell you who he thought killed the dog or did he even know anything about it?

JOSH: He didn't know nothing about it.

BILL: You think if he was involved with shooting Issac he would probably told you about it?

JOSH: Yeah. You can't hold something like that in. That's something, you know, is hard to live with. I mean, you know, if I had of done it, I would have told somebody. If I done anything like that I would tell somebody cause I can't

BILL: You know Joey. Do you think he is capable?

JOSH: No.

BILL: I don't either.

JOSH: Joey might of had little crazy spurts every once in a while but nothing like that I don't think there is any possible way.

BILL: I know he's got a temper..... I don't either. And you really don't even know Mark?

JOSH: I know Mark, but I know him know him. We used to work together out at Mount Berry landscaping.

BILL: Any rumors you think that might help that I can try to run down? Did you hear anything about Issac getting in an argument with a black girl at Floyd College the night he was killed?

JOSH: No but I did hear that there was only four people who knew that was his first night of college.

BILL: Who was that?

JOSH: Paul, Chad, Samantha and Brianne.

BILL: Why are they the only ones that would have known?

JOSH: That's what I heard that they were the only four people that knew that was his first night of college.

BILL: I figured not many people knew that.

JOSH: I heard this afterwards.

BILL: Where did you hear that from?

JOSH: It could have come from anybody.

BILL: Do you know anything about Paul's alibi that night? Or Adam's alibi?

JOSH: No.

CHRISTINA: Paul said that he was at Wal-Mart with his mom. That's what he told me but that Samantha told me that he was at the basket ball game.

BILL: I heard conflicting stories.

CHRISTINA: -----

BILL: Were you with Paul with Joey one time when Paul said that his alibi wasn't true.

JOSH: No.

BILL: You don't remember that?

JOSH: No.

BILL: Could he have said it and you were just to strung out to remember?

JOSH: It's possible, I mean, you know, I don't do like heavy drugs, I smoke, I really don't smoke anymore but I eat Xanax and Clomatin and I drink alcohol.

BILL: Your memory can go pretty bleak.

JOSH: When I do that I don't remember anything and you know it's like I'm basically, you know lately and back then I don't know what's real and what's not, because I've been on it so long. And me saying that could really... my ass could end up in jail if my probation officer found out. I'll go ahead and tell you all my family... that's why I didn't come meet with you is because they said I shouldn't talk with you without my lawyer present.

BILL: Well, see

JOSH: They are afraid that this is going to be turned around on me.....

BILL: Well see the thing about it is the way Sutton has it right now, we would have to rip you apart on the stand because we know your story won't hold with the way everything happened. There is no possible way your story is true and Sutton knows that. Sutton knows good and well.

JOSH: See, they ask me out there.. He kept asking me out there in Virginia, are you sure this is the truth? I mean there was no video camera but there was a tape recorder and I was

sitting there shaking my head no and he kept asking me if this was the truth and I was shaking my head no and then I was like yeah but kept shaking my head no. I knew I was lying when they come up there because I wanted to go back to my hotel room because we had a case of beer.

BILL: He knew good and well your story didn't fit. One of the stories he had from this guy, I guess you heard it, the jail guy that said that they flagged him down and Joey talked Issac out of the vehicle and Mark came up behind him and shot him in the back of the head and then they put him in the back of the car, in Issac's truck, put him back in and then pushed him down the street with Joey pushing his truck and got him on the highway and put it in neutral and pushed him down the street and then Issac went off and..

JOSH: See that's kind of crazy because they had told me that.....

BILL: They know good and well that's not true. There is an eye-witness to it. There is a man that saw a blue car chasing Issac's truck. You may not even know that. But there is an eye-witness to it. That's why we knew you couldn't even be in the truck because of the blue car.

JOSH: blue car, whose got a blue car...

BILL: I don't know if you heard about the phone records. See Joey was on the phone from a quarter after until almost twenty till.

JOSH: See, I've got... my phone records show where I hit star 69 at 7:45, and 7:15.

BILL: At 7:15? At home?

JOSH: Yeah

BILL: Can you give me a copy of that?

JOSH: Yeah.

BILL: Okay. Did you tell Sutton that?

JOSH: Yeah. They never even ask to see them. My Dad.... cause when they called my house ...

BILL: You told Sutton that you were at your house.

JOSH: Yeah. When I got back in to Virginia. Cause my Dad went searching, called the phone company, got all the phone records, cause he knew I had a problem with hitting star 69 because I want to know the last person who called, cause I don't have caller ID.

BILL: Get a copy of that because we can keep..... we will do we are not going to let them call

you. I'm going to let you get on the stand, because I want to tear them apart. But if, the interesting thing is Sutton knew....

JOSH: They're going to bring me in to this on their side. They're gone Sutton's gonna try to put me on the stand on their side.

BILL: He's not... not if we have those tapes, I mean the phone records where you hit showing that he knew you were at home. He knew you couldn't have been there and believe me, he won't do it.

JOSH: See my Dad said he went and drove it out every possible way and he said there is no way that from the phone records, there is no way I could have got home that fast.

BILL: That's true. But see, Joey was in Cedartown twenty minutes later. No way he could be in Cedartown and have taken you home and God knows what he did with Mark. So, I mean, we're not worried about your story, never have been. We were just curious as to why you would have told them that. We suspected that you were squeezed.

JOSH: I mean, you know, it's like I said when I got back in town, I called them and told them I lied and nothing has ever been said about that.

BILL: Well, I understand. But the problem is you had to tell them what you were telling them because they were threatening you.

JOSH: They were harassing the hell out of me.

BILL: They were threatening you with going to jail if you didn't tell them a story they wanted to hear and..... okay. See if you can find those records and we'll get Stanley off your back then. You won't be dragged into this. Anything else you think might help? If you think of anything, anything at all call me ... whether it's a rumor, you know, you think that and you go oh, yeah, call me and tell me I don't know if this is going to help because, you know, I don't know if Paul did it, I really don't. He is my primary suspect but you know, it may have been road rage. It honestly may have just been ... it may not have been Paul. It's certainly not Joey, but it may not have been Paul. It may truly have been road rage. No one.... it happened a couple months after that down in Polk County.

JOSH: Well see, Sutton and them told me when they came to Virginia that.... see when I told them what, you know, I made up, they told me that there was no possible way, because I told them what, you know, I thought was on the side of the road the truck was on. They told me there was no possible way because the truck swerved to the other side of the road. They told me that.

BILL: Oh. So you didn't even tell them the right story?

JOSH: Huh-uh. (no)

BILL: And that was the first time they interviewed you?

JOSH: No, that was in Virginia.

BILL: Yeah, when they came up there and you told them that you were in the....

JOSH: They told me that there was no possible way cause I picked the wrong side of the road. They told me that the truck swerved across the other side that there's no way.

BILL: So when you told them the story they knew your story wasn't true?

JOSH: Yeah, I think that's why Sutton kept asking me is this the truth, is this the truth?

BILL: Anything you can think of, I would appreciate it because we are trying to help these boys. They are sitting in jail now for something they didn't do. You know it, I know it, Sutton knows it.

JOSH: They know...I told... I told them as soon as I got back that I did lie about it, just so they would leave me alone.

BILL: I may would you have a problem signing an Affidavit stating that the story that you told Sutton was not true.

JOSH: Yeah, I'll sign that cause that is the truth.

BILL: I'll prepare one up and I won't call your house, because I know your father's girlfriend doesn't...

JOSH: Yeah. If anybody finds out that I'm even down here it's my ass, because they told me that... see they don't trust anybody and they don't... they're afraid that this is going to get turned around on me and I'm going to be sitting in jail the rest of my life. This is what they said.. They said they know that you are trying to get them off and that you are looking for somebody to put it on and that's the way my family is, they're ... that's just the way they are, they're crazy.

BILL: Well, see the thing about it is, you putting yourself in there, in the vehicle is making you a party to the murder and I'm sure that they told you as long as you tell that story they're not going to have you prosecuted?

JOSH: Yeah.

BILL: Is that a yes?

JOSH: They told me that I should stick to my story and when I go to court that's what I should say. Even after I told them

Q
Sutton or
Shiff. stopped
tape so this
is not recorded

date?

BILL: Even after you told them a lie....

JOSH: They told me when I go to court I should stick to what I said, otherwise something will be brought up on me.

BILL: I appreciate that. If you think of anything call me please. Thanks for bringing him in.