

---

**UNDISCLOSED SEASON 2: THE STATE VS. JOEY WATKINS****EPISODE 15: JOSH**  
**POSTED: OCTOBER 24, 2016**

---

**Rabia Chaudry:** Even after months of investigation, digging, and dangling reward money for information, Stanley Sutton found himself unable to make a case strong enough to bring actual charges against Joey. Until he found the perfect witness.

Hi, and welcome to Episode 15 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 joined with my colleagues, Susan Simpson and Colin Miller.

**Susan Simpson:** I'm Susan Simpson. I'm an attorney at the Volkov Law Group and I blog at *View From LL2.com*.

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

[01:42 ]

≈

**Colin Miller:** The origin of the adage, "With friends like these, who needs enemies?" is uncertain, but many trace it back to the Bible. In the book of Job, God tells Satan that "There is no one on earth as good and faithful as Job is. He worships me and is careful not to do anything evil." Satan responds by asking, "Would Job worship you if he got nothing out of it? Suppose you take away everything he has. He will curse you to your face." God then replies, "Alright, everything he has is in your power, but you must not hurt Job himself." Satan then arranges to have Job's children killed and his wealth destroyed. Thereafter, Job's three friends arrive with the best of intentions, seeking to ease Job's pain, but they end up making matters worse by making certain assumptions from the available evidence. One friend asks, "Think now, who that was innocent ever perished? Or where were the upright cut off? As I have seen, those who plough iniquity and sow trouble reap the same." And, according to a second friend, "God will not reject the blameless person and not take the hand of evildoers."

In modern parlance, when someone says, "With friends like these, who needs enemies?" they are referring to someone they believed to be a friend but who turned out to be a 'frenemy' acting in bad faith. But if the *Book of Job* is the origin of this expression, it more comfortably applies to an actual friend who tries to help but ends up hurting. There's even a term that people sometimes use in this situation: 'Job's comforter' – a person who in trying to help, says something that simply adds to the distress.

In this case, Joey had his own version of a Job's comforter – Josh Flemister.

≈

**Rabia Chaudry:** Stanley Sutton came on the case on February 28<sup>th</sup>, 2000, already committed to the belief that Joey Watkins was responsible for the death of Isaac Dawkins. He spent the next 10 months interviewing hundreds of people, subpoenaing thousands of pages of records, wiretapping phone lines and wiring up witnesses, searching for some kind of evidence of Joey's guilt that was solid enough to make a case against him. But Sutton came up short.

On November 9<sup>th</sup> Stanley Sutton had a meeting with Agent James Garmon, of the Georgia Bureau of Investigation, who had been brought on to assist with Joey's case. The Georgia Bureau of Investigation gets involved in local investigations when they're requested to by law enforcement. So Agent Garmon's notes from this conversation state:

*Investigator Stanley Sutton of the Floyd County Police stated himself and members of the City of Rome Police Department are pursuing Watkins as a suspect but no evidence has been obtained to lead to an arrest.*

But four days after this memo was written, Joey Watkins and Mark Free were arrested for the murder of Isaac Dawkins. So what could have changed between November 9<sup>th</sup> and November 13<sup>th</sup> that transformed a stalled investigation into a closed case? What evidence did the Floyd County Police Department find in those four days that made all the difference?

[04:26]

**Tommy Shiflett:** *You swear that what you're telling me, you were in that truck that night, sitting in the middle?*

**Josh Flemister:** *Yeah.*

**Tommy Shiflett:** *Not at either side of the windows?*

**Josh Flemister:** *Mn-hmm.*

**Tommy Shiflett:** *Did you ever fire a gun at Isaac Dawkins?*

**Josh Flemister:** *No.*

**Tommy Shiflett:** *Did Joey Watkins fire a gun at Isaac Dawkins?*

**Josh Flemister:** *Yeah.*

**Tommy Shiflett:** *And you saw the wreck and you heard the shooting. And Mark Free has sat in jail and told several different people that he was there. Was Mark Free there?*

**Josh Flemister:** *Yes.*

**Tommy Shiflett:** *And what was his part in it?*

**Josh Flemister:** *Mm... Really I don't know, because I didn't know anything was really going to happen. I didn't really think Joey would find him. I mean, I didn't know all that was going to happen.*

**Tommy Shiflett:** *I know. I know. This the truth?*

**Josh Flemister:** *Yes.*

**Tommy Shiflett:** *And before you denied to me that you were in with Joey Watkins when that shooting took place, but now the truth is that you were with him, right?*

**Bill Shiflett:** *Speak up.*

**Josh Flemister:** *Yes.*

[ 05:27]

≈

**Rabia Chaudry:** On November 11<sup>th</sup> three Floyd County officers – Stanley Sutton, Bill Shiflett, and Tommy Shiflett – took a road trip to a suburb of Richmond, Virginia, where Joey's friend Josh Flemister was working a construction job. They interrogated him in a motel room, and recorded him

confessing that he was with Joey and Mark, wedged in between them in the middle of the bench of Joey's truck, when they hunted down Isaac Dawkins and killed him. Sutton and the Shifletts spent the next day driving back from Richmond to Rome. The day after that, Joey and Mark were arrested. Joey has been imprisoned ever since.

[06:06]

**Susan Simpson:** *Were you surprised to hear he confessed?*

**Mark Free:** *Yeah. To the story he came up the first time, saying he was with us, when it happened... Yeah, blew my mind. Can't believe he did that. Just-- Yeah, it came out of nowhere. It was like side-blinders. It just blew my mind to hear him say that.*

**Susan Simpson:** Josh falsely confessed to being an accessory to Isaac's murder. This isn't a point in dispute. Josh returned to Rome and met with the police and DA, told them he'd made it all up. And prosecutor Tami Colston agreed – Josh made that whole story up. It didn't happen. But, she told the jury at Joey's trial, the fact Josh falsely confessed is itself proof of Joey's guilt. Because Josh had falsely confessed in an effort to protect Joey, whom, she said, Josh had loved like a brother. That it was his loyalty to Joey that had caused him to falsely claim to have been part of Isaac's death and to have witnessed Mark and Joey doing the shooting.

Joey has a different theory about what happened:

[07:09]

**Joey Watkins:** *I've took Josh to the hospital twice because I thought he was going to die. I would actually stop by his house, and he would be on Xanaxes and taking all these pills. And I would come in and I'd ask his dad, "Where's Josh at?" "He's passed out in his room." And I would go back there and Josh-- He would be breathing so shallow it scared me, you know? And I'd try to wake him up and he wouldn't wake up, he was just, "Ughh..."*

**Susan Simpson:** *How'd you find out that he confessed?*

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

**Susan Simpson:** *Well, he confessed to being an accessory, basically. Well, being with you at the time of the murder.*

**Joey Watkins:** *I had no clue about this until I was in the county jail.*

**Susan Simpson:** *Did the cops tell you?*

**Joey Watkins:** *No, nobody told... I want to say my dad is the first one that told me. I had called home from the jail. You know, when I got locked up, it was like-- Bill O'Dell was like, "I'll tell you when the time was right." And then, next thing I know, they're telling me this story about Josh. When I found out what he said, I was pissed. I mean, I'll be honest. I was pissed. I was like, "What? Why is he lying, why did he make this up?" And then they told me about Stanley Sutton and the Shifletts, and all this, and then I-- Then I was like, yeah. They probably threatened him.*

[10:05]

≈

**Colin Miller:** So how did Josh end up in that motel room in Richmond, Virginia, telling the Floyd County Police that he'd been with Joey and Mark when they killed Isaac? It all started with a phone call. One night in August, Josh Flemister called Samantha Dawkins and Brianne Scarber. Later, Josh told Joey's attorney that because Samantha, who is Isaac's sister, was still blaming Joey for Isaac's death, he'd gotten the idea to call her and tell her, "Hey, there's no way Joey could

have done this, because he was with me that night.” At Joey's trial, Josh testifies that, sometime after this conversation, he'd told Joey about what he'd said to Samantha, and how Joey had told him that was a pretty stupid thing to do. During this phone call, Josh also took the opportunity to tell Samantha that he wanted to go out with her but, based on a second conversation between Josh and Samantha that took place the following evening, that doesn't seem to have gone over too well with Samantha.

According to Sutton's testimony at Joey and Mark's preliminary hearing, Samantha came to him the next day and told him about Josh saying he'd been with Joey when they passed Isaac's wrecked truck on the way down to Cedartown. Sutton says, quote:

**Susan Simpson:**

*And I told Samantha he was lying, he couldn't be, because in the February interview that Joey Watkins had conducted with Mike Key that he never implicated anybody with him when he went to Cedartown to see his girlfriend. So I instructed her to call him back and to do a taped interview and she, in fact, did so.*

**Colin Miller:**

So then, following Sutton's instructions, Samantha called Josh back the next night. “Hey,” she says, “I'm sorry about what I said the other night, I hope you didn't take it too personally. It's just you caught me off guard. You're a good guy,” she tells Josh, and she says that she would go out with him, but dealing with her brother's murder had understandably given her some trust issues she was still just trying to deal with. Josh tells her in response that he understands, and when Samantha asks if he'll let her ask him some questions, he agrees.

**Susan Simpson:**

Samantha's recording of her phone conversation with Josh isn't the best quality, so, apologies in advance. But it's important still, because you can hear in this conversation the origins of the story that Josh will later tell police.

[12:04 ]

**Samantha Dawkins:**

*I don't know-- Like I have some things I-- I wanna ask you and get off my mind... What happened with you saying that you were with him that night.*

**Josh Flemister:**

*Yeah, I was with him down in Cedartown.*

**Samantha Dawkins:**

*But you said you were also with him when y'all came up on like, the cops, and everything and he got scared and called Tandi.*

**Josh Flemister:**

*Because he saw Isaac's truck and he wanted Tandi to call you before you heard it from--*

**Samantha Dawkins:**

*Oh, so you were with him when he called Tandi and everything?*

**Josh Flemister:**

*Yeah.*

**Samantha Dawkins:**

*Oh, did you go up with him to Cedartown to see Aislinn?*

**Josh Flemister:**

*Yeah.*

**Samantha Dawkins:**

*Oh, was he just-- Were y'all just over there visiting with her family?*

**Josh Flemister:**

*Yeah, we hung out--*

**Samantha Dawkins:**

*Well I hear good things about Aislinn's family-- I hear they're really sweet people. So you went with him to Cedartown and back from Cedartown?*

**Josh Flemister:**

*Yeah.*

**Samantha Dawkins:**

*Huh. I didn't know that.*

**Josh Flemister:** *We'd been doing something together all day.*

**Samantha Dawkins:** *Y'all had went to Atlanta that night and then y'all came and visited Aislinn that day?*

**Josh Flemister:** *I don't-- I don't know exactly what we did that night 'cause that's around the time I moved back from Atlanta.*

**Rabia Chaudry:** This is *all* nonsense, though. Joey hadn't been in Atlanta with Josh that day, he'd been in Alabama with his uncle. And Josh hadn't been with Joey when he went to Cedartown. Josh and Joey could *not* have had dinner with Aislinn's family, because the Hogues all say the same thing: Aislinn was sick in bed, so Joey came and sat with her in her bedroom and watched TV for a couple of hours before he went home. And Samantha herself brings up an obvious point: If Josh had been with Joey and could be his alibi for the murder, why in the world hadn't he said something, back when the cops were investigating him?

[13:26]

**Samantha Dawkins:** *Well why in the world--? When Joey was being investigated, how come you didn't say, "Hey, yeah, I was with him" to clear his name?*

**Josh Flemister:** *I wasn't getting brought into it.*

**Samantha Dawkins:** *Why? Were you scared because of like your previous crap, that you were going to get like dogged for it?*

**Josh Flemister:** *No, I-- I've had my trouble with the law. My name. You know my name ain't too clear but--*

**Samantha Dawkins:** *Yeah.*

**Josh Flemister:** *Anything I say-- It-- You know, it wouldn't be believed.*

**Samantha Dawkins:** *You think?*

**Josh Flemister:** *Not with me and Joey together.*

**Samantha Dawkins:** *Honestly, if I were in your shoes, I wouldn't hang out with an accused murderer either. You know I mean, nothing else, but I wouldn't. But then again, I don't understand because I'll go ahead and tell you: If that was my good friend, if that was Brianne being brought up for anything and I was with her and I knew she didn't do something, I'd be like "Brianne, I love you girl, and I'm going to stand up for you, and I will be at your side and defend you and tell them I was with you and I know you didn't do it."*

**Josh Flemister:** *Yeah but mine and Joey's relationship is different.*

**Samantha Dawkins:** *You let him go down by his self, that's rough-- Like really, I mean you know--?*

**Josh Flemister:** *I mean it ain't I let him go down my himself, it's-- It's more of it ain't none of my business.*

**Rabia Chaudry:** I know Josh is hard to hear in this clip, but he's pretty vague anyway. He just tells Samantha that he didn't want to get involved, and besides, no one would believe anything he had to say. Anyway it wasn't really any of his business.

But Josh's answers verge on nonsensical for much of the conversation. Like when Samantha asks him about something he'd said the night before, about seeing Paul's little black Camaro in the woods near Isaac's wreck, or hearing that Paul's Camaro was seen there that night, something along those lines. Josh says "No," it hadn't been Paul's Camaro there the night

Isaac was shot, it was actually Chad Redden's truck that'd been seen. But last night he hadn't wanted to bring that up in front of Brienne because she was dating Chad, so he'd made up a claim that it'd been Paul instead. Of course, Paul had been dating Samantha around the time of Isaac's murder, so that's kind of still a strange claim to bring up. Finally, when Samantha keeps pressing for information, Josh insists he doesn't have anything to tell her.

Neither Joey nor Paul would tell him much about the case, Josh said, because both were being named as suspects in Isaac's murder:

[15:28 ]

**Samantha Dawkins:** *I don't know when Joey's name was brought up in all that crap. I have no clue, did he say anything to you about it?*

**Josh Flemister:** *He never-- Me and him never talked about that much.*

**Samantha Dawkins:** *He never said a word about being mad or pissed off at anybody?*

**Josh Flemister:** *Um... Um, mean he couldn't talk with me about it because he was under investigation.*

**Samantha Dawkins:** *Well he's not any more.*

**Josh Flemister:** *No, no. No we don't talk about it now any way.*

**Samantha Dawkins:** *Well, why you think that is? Have y'all even brought it like-- How does he feel when he sees those big billboards up about Isaac and flyers every where?*

**Josh Flemister:** *He don't say nothing to me.*

**Samantha Dawkins:** *You don't notice anything strange in his voice or anything?*

**Josh Flemister:** *Umm, I mean I don't-- Not really because... I've hung out with Paul here and there.*

**Samantha Dawkins:** *Yeah.*

**Josh Flemister:** *And Paul's the same way Joey is-- Mean you know how Paul was under investigation too--?*

**Samantha Dawkins:** *Yeah.*

**Josh Flemister:** *And ever since that neither one of them have really talked to me about anything.*

**Rabia Chaudry:** *But Josh assured Samantha -- if he ever does learn anything, he'll tell her. She deserves to know the truth, and he'd never cover up for someone for something that serious:*

**Samantha Dawkins:** *You know if you ever did hear something, and you ever did know something, I'm sure there's protections and things they could do, you know that don't you?*

**Josh Flemister:** *Oh I mean, if I-- If Joey ever told me anything-- If I ever found out anything, I wouldn't be worried about protection-- I'd-- I'd go straight to the police. And I mean I wouldn't have no second thoughts about it. I mean, people can call them a narc or rat or whatever but for what was done I don't care what anybody says. It-- They deserve, you know--? Y'all deserve justice.*

**Samantha Dawkins:** *Well straight up, can I be honest? I still think Joey did it.*

**Josh Flemister:** *I mean that's uh, well-- I'm not gone sit here and defend him, I mean it ain't-- That ain't-- It ain't me.*

**Samantha Dawkins:** *Did Joey Watkins shoot my brother?*

**Josh Flemister:** *I mean, I don't know. He never said nothing to me.*

**Samantha Dawkins:** *You know, I don't know either-- But I guarantee you one thing, God says, "Surely, surely, all your sins will find you out." And you what-- Might as well sooner than later-- It's going to happen.*

**Josh Flemister:** *Yeah.*

**Samantha Dawkins:** *And that's the way it is.*

**Josh Flemister:** *If he did do it I'd like to know-- I'd like to know who I'm hanging around with.*

**Rabia Chaudry:** One year later, at Joey's trial, Josh will testify that he hadn't meant any harm by this call. He just thought that if Samantha heard that Josh had been with Joey that night, she'd stop pointing the finger at him:

[18:35]

**Lawyer:** *Did you tell her you and Joey were together that evening?*

**Josh Flemister:** *Yes, I did*

**Lawyer:** *Did you also tell her that you called and told her that because Joey wanted you to?*

**Josh Flemister:** *Yes, I did*

**Lawyer:** *Why'd you do that?*

**Josh Flemister:** *Because I didn't want everyone to be mad at Joey. I mean, I didn't know what had really happened.*

**Rabia Chaudry:** Whatever Josh's intentions were, his phone call with Samantha that night would kick off a series of events that would end up leading to Joey's conviction for Isaac's murder.

**Colin Miller:** Thereafter, in late September, the Rome Police Department and Floyd County Police Department geared up for a major push in Joey's case. They put together a list of dozens of witnesses to re-interview. One of the names on the list is Josh Flemister, and next to his name, Sutton wrote:

*He knows. He also lied to Samantha Dawkins about being with Joey going to Cedartown.*

On October 3<sup>rd</sup>, Josh was picked up and brought to the police station for an interview. He acknowledged he'd lied about being with Joey on the night Isaac was shot, but he tells the Floyd County Police officers that the lie had been *Joey's* idea. He says he'd seen Joey briefly on January 11<sup>th</sup> when Joey stopped by his house at about noon. Then, that evening, sometime between nine and 11:00 pm, according to Josh, Joey called him. Joey had just seen Isaac's truck wrecked in the woods, he told Josh, and he'd called his sister to let her know to call Samantha about it. Josh told the police that the reason Joey had called him was to ask for a favor.

[20:04]

**Tommy Shiflett:** *And when he called you, what did Joey tell you?*

**Josh Flemister:** *He wanted me to say that I was with him all day and that we were either, first of all, we were on our way back from Atlanta, and then he changed it and said that we were on our way back from Cedartown.*

**Tommy Shiflett:** *He changed it during that conversation.*

**Josh Flemister:** *Yeah.*

**Tommy Shiflett:** *And what did he tell you to say, exactly?*

**Josh Flemister:** *That I was with him and we were on our way back from Cedartown from his girlfriend's house.*

**Colin Miller:** Josh agreed to take part in the alibi, because Joey was his friend, but he'd never asked any more questions about it. That's all he knows about Isaac's murder, he insists. But even though Josh couldn't help the police when it comes to explaining how Isaac was shot, Josh had lots of other things to say about Joey. Like how Joey's main goal in life every day was to try and find Isaac and that when Joey left his house on January 11<sup>th</sup> he told Josh that his purpose had been to go find Isaac.

[20:51 ]

**Tommy Shiflett:** *And Joey came by your house twelve o'clock the day of the shooting and saying, did he say that day he was going to find Isaac?*

**Josh Flemister:** *Yeah. Every day Joey-- That was Joey's main goal.*

**Tommy Shiflett:** *So you're saying when he left the house it was to find Isaac?*

**Josh Flemister:** *Yeah.*

**Colin Miller:** And that Joey had killed Isaac's dog:

**Tommy Shiflett:** *Why did Joey, and what did he tell you about shooting of Isaac's dog?*

**Josh Flemister:** *He just told me that, he killed the dog. He never told me how and he never spoke of it again. He told me that he killed the dog.*

**Tommy Shiflett:** *Did he say why he did it?*

**Josh Flemister:** *Just to get even.*

**Tommy Shiflett:** *For what?*

**Josh Flemister:** *For Isaac stealing Joey's girlfriend.*

**Tommy Shiflett:** *Actually I was given to understand she had already gotten rid of him.*

**Josh Flemister:** *She weren't with him.*

**Colin Miller:** And that Joey had lied to the police about going to Alabama. In fact, Joey didn't even like fishing, so that couldn't be true.

[21:43]

**Tommy Shiflett:** *Okay. Joey has told the police that he, in fact, on January the 11<sup>th</sup> had been fishing all day. Is this the truth?*

**Josh Flemister:** No.

**Tommy Shiflett:** *And you're sure of that?*

**Josh Flemister:** *Yeah. 'Cause he stopped at my house by lunch.*

**Tommy Shiflett:** *And do you know of Joey ever fishing other than, little trip to the creek for ten minutes on the four wheeler?*

**Josh Flemister:** Nope.

**Tommy Shiflett:** *If Joey said he was fishing all day, would you take that as the truth?*

**Josh Flemister:** No.

**Tommy Shiflett:** *Why?*

**Josh Flemister:** *'Cause Joey's not a fisherman.*

**Colin Miller:** But all of this was stuff the cops had already known, stuff they'd already been told by other witnesses or had learned from their investigation. So things stalled out for a bit. At some point, Josh left town, and ended up working on a site up near Richmond, Virginia.

**Susan Simpson:** And then, on November 8<sup>th</sup>, Stanley Sutton got a call. It was Paul Allen, Joey's former friend, and a former suspect in Isaac's murder. Josh, Paul told them, had been confessing to others that he was with Joey when they'd shot Isaac.

[22:51]

**Paul Allen:** *I got a phone call from Lacey Lambert, and later on that night, she stopped by and I rode with her to her house. Later on that evening I had asked her if she had heard from Josh Flemister. And that's when she began to tell me that uh, he had moved to Virginia because one night they had got-- They were sitting around and he kept telling her he was in big trouble, in real big trouble. And uh, he ended up getting drunk that night and telling her that he was with Joey and Tim Hughes the night that they shot Isaac. And she said that's why Josh had moved to out of state to Virginia to try to avoid it, I guess.*

**Susan Simpson:** Lacey was 16 at the time. She'd dated Paul, and she knew both Josh and Joey, and they'd hung out at times, including once on a night not long after Isaac's murder. And, she told Paul, ten months later in November, that's when Josh had told her about how he was with Joey and Tim Hughes – Tandi's boyfriend – when they killed Isaac. The next day, Floyd County brought Lacey in for an interview:

[23:54]

**Lacey Lambert:** *And me and Shayna and Josh Flemister, we were sitting in the living room and he kept telling us that he was in a world of shit 'cause he had done something. You know, he was accessory, but he wouldn't never say nothing. And then finally he like, got really drunk and he told us*

*everything that-- And he told us that he was accessory to a murder and he was with Joey when Joey killed Isaac and um, he shot the window – he was trying to scare him – he shot the window, and then um, he shot again and he-- He hit him.*

**Susan Simpson:** But Lacey says, after that one night, Josh never again said Joey had been involved, let alone that *he'd* been involved, or been there, or seen something, or knew *anything* about Joey doing this. Instead, from then on, Josh would always tell Lacey that he thought Paul had killed Isaac.

[24:44]

**Lacey Lambert:** *But every time we talked to Josh about it, he was blaming it on Paul.*

**Bill Shiflett:** *Before he told y'all he was involved?*

**Lacey Lambert:** *No, after it-- He was like you know, Paul did it 'cause-- 'Cause Isaac wouldn't let Samantha date Paul any more so Paul did it.*

**Bill Shiflett:** *Okay I'm confused. Josh has told you already that--?*

**Lacey Lambert:** *Mm-hmm.*

**Bill Shiflett:** *Him--*

**Lacey Lambert:** *Mm-hmm.*

**Bill Shiflett:** *That him... That he was with Joey Watkins and Tim--*

**Lacey Lambert:** *Well this is like in-- In front of people – if we were ever in front of people – anybody ever said anything, he was like-- I believe Paul did it. You know?*

**Bill Shiflett:** *But he had already told you that he was an accessory, is that right?*

**Lacey Lambert:** *Mm-hmm. Mm-hmm.*

**Susan Simpson:** I'm with Bill Shiflett. I'm confused too. Because, okay. So a couple days after Isaac's death, Josh is confessing to Lacey and Shayna, and then Lacey and Shayna tell no one about this, except for Shayna's sister, Jayna. And, moreover, even aside from not *telling* anyone about this confession, they don't seem to find it weird at all that Josh spends the next *ten months* telling everyone that Paul had done the murder.

But then one day, for no apparent reason, Lacey casually mentions to Paul that back in January, Josh said *Joey* had done it. And, oh yeah. Josh was actually *with* Joey when he did the murder. And yet Lacey apparently doesn't mention to Paul that Josh had also spent the rest of that year claiming Paul was the real killer?

And then there's this: Lacey told the police that her friend Shayna Walker also heard Josh's confession that night. She says that in her police statement, and she also says that at Joey's trial:

[26:27]

**Bill Shiflett:** *Now that's the word he used? An accessory to murder?*

**Lacey Lambert:** *Yes. That is exactly--*

**Stanley Sutton:** *And he said that in front of the Walker woman too?*

**Lacey Lambert:** *Mm-hmm. Mm-hmm..*

**Stanley Sutton:** *Would she tell us--?*

**Lacey Lambert:** *Mm-hmm.*

**Stanley Sutton:** *The same thing that you told her?*

**Lacey Lambert:** *Mm-hmm.*

**Stanley Sutton:** *Okay.*

**Bill Shiflett:** *Shanna?*

**Lacey Lambert:** *Shay-na.*

**Susan Simpson:** But an hour after speaking to Lacey, the cops *did* go speak to Shayna. And Shayna did *not* tell Sutton and Shiflett the same thing that Lacey had told them:

[26:52]

**Shayna Walker:** *Joey and Josh were over at my house and um, we were talking and everything, and they'd asked if we'd heard about um, Isaac-- You know that guy, if we knew him and if we'd heard about him getting shot, so we talked about that for a little while, you know, that we didn't know him and you know, how bad it was. And Joey left and uh, Josh stayed there and Josh was drinking. He uh, told us that if Joey got caught that he could be charged with accessory to murder and he told us that like three or four times and I asked him if Joey um, did it and he said "No."*

**Susan Simpson:** And that's it. According to Shayna, Josh and Joey *did* come over, Josh did get drunk, and at some point Josh had told them he was worried that if Joey got accused for Isaac's murder, he'd wind up getting charged as an accessory – on account of them being friends. But, Shayna tells the police, she'd, naturally, asked Josh what on earth he'd meant by that. Was Joey was guilty? Had he done this? Why was he afraid? And Josh told her, "No" – Josh hadn't done it. He was just worried. Not because Joey was guilty or Joey had said anything, but he thought their friendship, and that alone, would make him a target.

And then there's another strange thing about Lacey's interview I still can't figure out: When she talks to the cops on November 10<sup>th</sup> she references, or seems to start to reference, an earlier discussion she'd had with cops:

[28:23]

**Stanley Sutton:** *We wanna know if it's true or not, that-- That Josh told you that him and Joey and Tim Hughes were together and they saw Isaac and either turned around on him or just wanting to scare him and shot the window out and then the other one shot him in the head.*

**Lacey Lambert:** *Yeah, that's what I-- That's what I told y'all last-- Yeah.*

**Susan Simpson:** And I *really* wish Lacey had finished her sentence. That's what I told y'all last *what?* Last night? Last time? Whatever it was, there shouldn't have been a last night or last time or last *anything*, because this interview is supposed to be Lacey's first time speaking with the cops. But from the way Lacey is talking in that interview, it doesn't sound like it was the first time. And she

also seems to confirm that, yes, she'd said it was Tim Hughes that Josh had identified as the third person involved in the murder.

So yeah. Even aside from the fact Lacey and Shayna can't agree on whether Josh actually confessed, or whether Josh was just expressing concern that he might get roped into something if *Joey* did, that's the other problem with Lacey's statement: Lacey is saying that the third person in the murder is Tandi's boyfriend, Tim Hughes, who, at one time, the police did suspect because Tim and Joey had been together on the 12<sup>th</sup>, the day after Isaac was shot, when they went to Alabama to fish again with Joey's uncle.

But by November of 2000, the cops were no longer really interested in Tim. It was Mark Free they wanted to charge – they had a bunch of Mark's cellmates that were sitting there ready to testify that Mark had confessed to them, and since that was kind of the biggest deal in the State's case at that point, aside from, well, Corey Jacobs, they couldn't really lose evidence. Which means Mark had to be the third person, not Tim.

[32:31]

≈

**Rabia Chaudry:**

Undeterred by these factual discrepancies, our intrepid investigators set out the next day on a road trip. Their destination: A suburb of Richmond, Virginia, where they will stake out Josh Flemister at his worksite, where he was tiling the floor of a Bojangles. Once work was done for the day, Josh and two of his co-workers, guys from Rome that Josh only knew as Kojak and Mickey, went back to their motel room at the Best Western. They'd just opened up a case of beer when Sutton and the Shifletts stormed in the unlocked door, and asked Josh to come with them.

The Floyd County officers took Josh to their motel room across the street and questioned him about Isaac's murder. Before long, Josh began to confess: Yes, he had been with Joey the night of the murder. He'd been with Mark Free too. They'd gone out driving around, and when they saw Isaac's truck, Joey went crazy and just started shooting.

[33:19]

**Tommy Shiflett:**

*About where were you when you first saw Isaac?*

**Josh Flemister:**

*Right there at that store, that new store.*

**Tommy Shiflett:**

*That's across Floyd Junior College, or close to it?*

**Josh Flemister:**

*Right, the one right-- The one right through the red light beside the motel.*

**Tommy Shiflett:**

*Okay. And when you saw, where were you?*

**Josh Flemister:**

*Riding.*

**Tommy Shiflett:**

*Riding, which way were you going?*

**Josh Flemister:**

*Coming. Going towards the house.*

**Tommy Shiflett:**

*Coming back toward Rome?*

**Josh Flemister:**

*Yeah.*

**Tommy Shiflett:**

*And when, when, when you saw Isaac Dawkins, what did Joey say?*

**Josh Flemister:**

*"That's Isaac Dawkins."*

**Tommy Shiflett:**

*And then what did he do?*

**Josh Flemister:** *Went crazy, and started shooting*

**Tommy Shiflett:** *And, in what way?*

**Josh Flemister:** *Started shooting.*

**Tommy Shiflett:** *Did he chase him a ways?*

**Josh Flemister:** *Yeah.*

**Tommy Shiflett:** *How far did he chase him?*

**Josh Flemister:** *A mile, mile and a half, half a mile.*

**Tommy Shiflett:** *How many times did he shoot at him?*

**Josh Flemister:** *Twice.*

**Tommy Shiflett:** *And in all this time, was you telling him to stop or asking him what he was doing?*

**Josh Flemister:** *Yeah. I mean, I was freaking out. I mean, I didn't know what was going on.*

**Tommy Shiflett:** *And what did Free say?*

**Josh Flemister:** *He was just, he didn't say much. He was doing the same thing.*

**Rabia Chaudry:** For some of the details, Josh was a little vague, but for other things, Josh was able to tell the Floyd County police *exactly* what had happened. He could tell them, for instance, that Joey had picked him up at his house sometime around 4:00 or 5:00 pm that day, and about the precise routes Joey had driven to pick up Mark Free. And, later, the route he'd driven to drop off Josh. And he could describe for them what had happened in the moments before and after Isaac was shot.

[34:38]

**Tommy Shiflett:** *Did you see any damage being done when he shot?*

**Josh Flemister:** *Uh-uh. I saw the truck go off the road.*

**Tommy Shiflett:** *Did you ever see a windshield, a back window break?*

**Josh Flemister:** *Nuh-uh.*

**Tommy Shiflett:** *Now think hard, cause I believe you did. You may not remember it, but I believe you did.*

**Josh Flemister:** *My eyes were really... I was looking at Joey and I's looking at Mark. I mean, I really wasn't focused on what was happening*

**Tommy Shiflett:** *Okay. After, after you got on down the road, the shots were fired, and how many shots did you say was fired?*

**Josh Flemister:** *Two, or one.*

**Tommy Shiflett:** *Okay. And you got on down the road, the shots were fired, and what did Isaac Dawkin's truck do?*

**Josh Flemister:** *It went straight for like a minute, not even a minute. But then it just started curving off to the right.*

**Tommy Shiflett:** *And which way did it go from there?*

**Josh Flemister:** *Into the woods.*

**Tommy Shiflett:** *Did it go across the median?*

**Josh Flemister:** *No.*

**Tommy Shiflett:** *Huh?*

**Josh Flemister:** *It's on the right side of the road.*

**Tommy Shiflett:** *It's what?*

**Josh Flemister:** *Ain't it on the right side of the road?*

**Tommy Shiflett:** *Where did you see it go?*

**Josh Flemister:** *To the right into the woods.*

**Tommy Shiflett:** *You didn't see it cross back over and go to the left?*

**Josh Flemister:** *Nuh-uh.*

**Rabia Chaudry:** And, according to Josh, after dropping him off at home, Joey told Josh two different alibis they were to use. Only, they weren't going to be used right away. Josh shouldn't say anything about being with Joey quite yet. The plan was for Joey to go around telling everyone, including the police, he was alone the night Isaac died, but then months later, in August, Joey instructed Josh to go tell Isaac's sister that, actually, Josh had been with him that night.

[36:01]

**Tommy Shiflett:** *What did Joey say to you when you got home?*

**Josh Flemister:** *Nothing. I mean, just said that we were... At first that we were in Atlanta at a club and then second that we were on our-- That he was on his way back from Cedartown.*

**Tommy Shiflett:** *And he told you those two ex-- Alibis on the way to your house?*

**Josh Flemister:** *Yeah.*

**Tommy Shiflett:** *Instead of the next day like you tried to tell me?*

**Josh Flemister:** *Yeah.*

**Tommy Shiflett:** *So y'all, he did discuss his alibi.*

**Josh Flemister:** *I mean, he came up with two different ones.*

**Tommy Shiflett:** *On the way to the house?*

**Josh Flemister:** *Yeah, about the time we hit the neighborhood.*

**Tommy Shiflett:** *Alright. Then when did he decide for you to tell Samantha Dawkins?*

**Josh Flemister:** *About two months later.*

**Tommy Shiflett:** *That was two months later so--*

**Josh Flemister:** *I mean, I don't know for sure. It was a month, month and a half.*

**Tommy Shiflett:** *So, he started talking with her again?*

**Rabia Chaudry:** And, as Sutton was careful to get on the record, everything Josh was saying was said voluntarily, without a hint of coercion or duress:

[36:54]

**Stanley Sutton:** *Is this the truth?*

**Josh Flemister:** *Yes.*

**Stanley Sutton:** *You're not lying?*

**Josh Flemister:** *No.*

**Stanley Sutton:** *You're not making any of this up?*

**Josh Flemister:** *No.*

**Stanley Sutton:** *This, you would put your hands on the Bible and swear under oath that this is the truth?*

**Josh Flemister:** *Yeah.*

**Tommy Shiflett:** *And you're not doing this under any kind of duress?*

**Josh Flemister:** *No.*

**Tommy Shiflett:** *We've been kind and cordial to you, is that correct?*

**Josh Flemister:** *Yes.*

**Tommy Shiflett:** *Okay. [pause] Has myself or anybody else in this room at any time ever threatened you in any way, bodily harm or anything?*

**Josh Flemister:** *No.*

**Tommy Shiflett:** *You wouldn't stand for it anyway would you?*

**Josh Flemister:** *No.*

**Tommy Shiflett:** [laughs]

*End of statement. Josh Flemister, approximately eight o'clock.*

**Rabia Chaudry:** And then they were done. Sutton told him he was free to go. Josh wasn't too sure how long the interview lasted. He'd just wanted to get out of there, and finally the cops let him leave. He said he knew he'd been gone for a pretty good while, though, because by the time he got back across the street to the motel room at the Best Western, half the case of the case of beer was already gone. Josh was so stressed about his encounter with the Floyd officers that he told Kojak and Mickey what he'd done. They told him telling the cops that made-up story had been a terrible idea. He could end up in jail for saying things like that.

[38:16]

**Colin Miller:**

The next day the Floyd County officers made the trek back to Rome, and the morning after that they met with prosecutor Tami Colston. It was agreed at this point that they now had probable cause to move forward against Mark and Joey, so arrest warrants were drawn up and executed that afternoon.

**Susan Simpson:**

At the preliminary hearing in December, Sutton testified that Josh's statements had been the probable cause they needed to arrest Joey and Mark. And this came as a shock for Joey and Mark themselves, as well as their attorneys, because, before that, no one had a clue that Josh had any relevance to this case. A few weeks later, Bill O'Dell, attorney for the defense, was able to track Josh down and record an interview. Question Number One for Josh: What in the fresh hell had happened?

[38:59]

**Bill O'Dell:**

*Sutton's latest – and let me just tell you what he's 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. Uh, concerning that. Why in the world would you give them a statement like that?*

**Josh Flemister:**

*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 O'Dell:**

*They being who?*

**Josh Flemister:**

*Bill...*

**Bill O'Dell:**

*Shiflett?*

**Josh Flemister:**

*Yeah and Tommy and Sutton.*

**Bill O'Dell:**

*Okay.*

**Josh Flemister:**

*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 going to lie about it, I was pretty messed up. I have a history of...*

**Bill O'Dell:**

*Yeah, I've heard you had kind of of a little bit of a problem.*

**Josh Flemister:**

*Drugs and alcohol and—*

**Bill O'Dell:**

*Are you getting any help for that?*

**Josh Flemister:**

*No.*

**Bill O'Dell:**

*Okay.*

**Josh Flemister:**

*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.*

**Colin Miller:** Josh said the Floyd County officers hadn't told him what to say. They hadn't given him a statement to make, or anything like that. In fact, what he'd said had been up to him.

Because Sutton had been talking to the Shifletts in his presence, though, he was able to pick up the factual details he needed to flesh out a convincing story:

[40:38]

**Josh Flemister:** *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 O'Dell:** *Did they ask you to put yourself in the vehicle?*

**Josh Flemister:** *Pretty much.*

**Bill O'Dell:** *So they sort of suggested to you the story?*

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

**Bill O'Dell:** *They had a 9mm or they knew it was done by a 9mm?*

**Josh Flemister:** *They said that they knew that Mark had a 9mm. Whoever was in the car had a 9mm. That's where I got the gun from.*

**Colin Miller:** Now, importantly, Josh said that he'd never meant to harm Joey or Mark. Sutton and the Shifletts, in fact, had even promised him, whatever happened to Joey wouldn't be because of him. Josh's future, though, would depend on what statements he made to them that day. On the other hand, Joey's wouldn't. And besides, according to them, Mark had already confessed to the murder. So nothing that Josh said about Mark could hurt Mark more.

[41:09]

**Bill O'Dell:** *The problem is they used that, your statement, to get probable cause to get it bound over. And...*

**Josh Flemister:** *See they told me that no matter what I said it wouldn't-- It wouldn't be because of me.*

**Bill O'Dell:** *Exactly. Did they tell you that they had confessions?*

**Josh Flemister:** *Yeah.*

**Bill O'Dell:** *That Mark had confessed to other people?*

**Josh Flemister:** *In jail.*

**Bill O'Dell:** *In jail?*

**Josh Flemister:** *Yeah.*

**Colin Miller:** Even in his January interview, though, Josh continued to point the finger at Paul, seemingly with no factual basis:

[41:59]

**Bill O'Dell:** *When was Paul a suspect?*

**Josh Flemister:** *From the beginning. At the beginning, because he was like dating Samantha.*

**Bill O'Dell:** *Alright. Did Shiflett tell you that?*

**Josh Flemister:** *No, I knew that. Yeah. Well no. Paul said that he was a suspect. And 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 O'Dell:** *For what?*

**Josh Flemister:** *I have no clue.*

**Bill O'Dell:** *Is Paul in trouble for something?*

**Josh Flemister:** *I haven't talked to Paul.*

**Bill O'Dell:** *Tuesday, the other day?*

**Josh Flemister:** *Yeah. 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 Paul tried to sell his car a couple days before that happened, the Camaro, and then that's all that was ever said about that.*

**Colin Miller:** So even if Josh was able to pick up key facts from the detectives themselves, the cops weren't actually instructing him on what to say. Josh's confession, instead, was a creature of his own making. So sure, the cops inadvertently, well, *maybe* inadvertently had spotted him a few facts to help his narrative along, but the bulk of what Josh confessed to came from his own head.

Now, on the *one* hand, you might ask: Doesn't it seem unlikely that he could have come up with a story that fit the facts that closely unless he actually *knew* something about the truth of what happened with Isaac's death? Well, the answer is no. Because Josh's story may have fit the rough outline of what was known about Isaac's murder, but Josh's understanding of some of the case's key, uncontroverted facts was simply wrong.

And despite the Floyd County officers' near frantic attempts to steer Josh back on track, Josh's mistakes showed he didn't really have any knowledge whatsoever about the crime at hand:

[43:39]

**Josh Flemister:** *See when I told them what, you know, I made up, they told me that, uh, 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 O'Dell:** *Oh. So you didn't even tell them the right story?*

**Josh Flemister:** *Nuh-uh.*

**Bill O'Dell:** *And that was the first time they interviewed you?*

**Josh Flemister:** *No, that was in Virginia.*

**Bill O'Dell:** *Yeah, when they came up there and you told them that you were in the--*

**Josh Flemister:** *Yeah. 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 O'Dell:** *So when you told them the story they knew your story wasn't true?*

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

**Susan Simpson:** The problems with Josh's story go well beyond his inability to correctly identify or describe even the most basic factual elements of how the wreck happened. I mean, clearly, from Josh's statements up in Virginia, he didn't really know which way Isaac's truck had gone after the wreck. He kept saying it went right, which would have put it on the northbound side. But, everyone who was at the scene and everyone who would have seen the wreck knew that the car had crossed from the northbound lane into the southbound lane before rolling over in a ditch. Something that, understandably, didn't seem very likely to Josh, and wasn't part of his story. But there are other problems, too. Like, for instance, even though Josh had been able to identify one of the weapons that was used as a 9mm, and had also heard from rumors around the town that a .22 had also been involved, Josh thought it'd been a .22 *rifle*, not a .22 pistol.

Apparently hadn't considered the fact that there was no way Josh could've been driving the truck and firing a rifle at the same time:

[45:20]

**Bill O'Dell:** *Did you see Joey with a gun?*

**Josh Flemister:** *Yes [inaudible].*

**Bill O'Dell:** *Told the detectives it was a .22? Okay, handgun or rifle? Yes, or no?*

**Josh Flemister:** *Yes.*

**Bill O'Dell:** *Handgun?*

**Josh Flemister:** *Uh, I thought I told them it was a rifle, but I guess it was a handgun.*

**Susan Simpson:** And Josh also has no knowledge of all the phone calls that Joey was definitely making in the moments before, during, and after the murder. He doesn't mention, for instance, sitting in awkward silence for five minutes while Joey was on the phone with Aislinn, and he doesn't mention Joey making a string of calls after the murder to his grandmother, his uncle, his home... Josh also makes the same mistake as Corey Jacobs and David Jones. He claims that Joey dropped him off at his house after the murder, something that can't be reconciled with Joey's known timeline, and him showing up in Cedartown a short time after. Nevertheless, when Josh got back to Rome and recanted everything he'd said in Virginia, the Floyd County officers strongly encouraged him to stick with his earlier story. To stand by everything he'd told them in the motel room.

[46:32]

**Bill O'Dell:** *I'm sure that they told you as long as you tell that story they're not going to have you prosecuted?*

**Josh Flemister:** *Yeah.*

**Bill O'Dell:** *They told you that? That's a yes?*

**Josh Flemister:** *They told me that I should stick to my story.*

**Bill O'Dell:** *Okay.*

**Josh Flemister:** *And when I go to court that's what I should say. Even after I told them--*

**Bill O'Dell:** *Even after you told them a lie--*

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

**Bill O'Dell:** *I appreciate that.*

**Susan Simpson:** But Josh's impossible story isn't the only proof that his confession had been false. Josh actually had an alibi, too. Pretty strong evidence that he hadn't been with Joey that night, but he'd been at home when the shooting occurred.

[47:08]

**Josh Flemister:** *See, I've got-- My phone records show where I hit \*69 at 7:45 and 7:15.*

**Bill O'Dell:** *At 7:15? At home?*

**Josh Flemister:** *Yeah.*

**Bill O'Dell:** *Can you give me a copy of that?*

**Josh Flemister:** *Yeah.*

**Bill O'Dell:** *Okay. Did you tell Sutton that?*

**Josh Flemister:** *Yeah. They never even ask to see them. My Dad-- 'Cause when they called my house--*

**Bill O'Dell:** *You told Sutton that you were at your house?*

**Josh Flemister:** *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 \*69 because I want to know the last person who called, 'cause I don't have caller ID.*

**Susan Simpson:** The phone records backed Josh up. At 7:15 pm, Josh's phone had been used to dial \*69. There's no way to prove for a fact that it was Josh holding the phone, but we have his dad saying it was a long-standing point of contention between them that Josh kept adding charges to the phone bill by dialing \*69 – something no one else in the household did. So, combined with the strange and impossible story Josh was telling, and the phone records that matched his *actual* claim of where he was that night, which was work at Red Lobster, followed by home, there's no reason to think that Josh actually had any involvement whatsoever in Isaac's death.

[50:24]

≈

**Rabia Chaudry:** Lacey Lambert actually pops up in the case file one more time, in a second tape-recorded statement she gave to the police in January. She'd called up Sutton to tell him she'd actually heard from Josh again, and he was incriminating himself once again. But this time, inadvertently, she was actually corroborating what Josh would testify to at trial. Because when the Floyd County officers had come to Virginia to interrogate Josh, prior to turning on the tape recorder to take his statement, Sutton and the Shifletts had played bits and pieces of Lacey and Shayna's interviews for him, and told him that people were saying he'd confessed. They didn't tell him *who* was saying that, but Josh had recognized Lacey's voice. And after he got back to Rome, he gave Lacey a call. Afterwards, Lacey went back to Sutton, and recounted their conversation:

[51:05]

**Stanley Sutton:** *When he called and told-- Told you that he wasn't mad at you, that you-- Why did he say he wasn't mad at you? Is it because you talked to the police about what he told you?*

**Lacey Lambert:** *Yeah, because he told me he said um, I was like, "You knew it was me and Shanna right?" He said "yeah". He said, "They didn't tell me your name," he said, "but I-- You know I knew that it was y'all's voice." He said, "and I just didn't know exactly why you did that."*

**Stanley Sutton:** *'Kay.*

**Lacey Lambert:** *And oh-- And he told me he said-- He said, "I really don't have any problems with anybody," he said, "but when I see Joey-- Uh, when I see Joey out, me and Joey's got a problem. And when I see Paul out, me and Paul's got a problem." Whatever that's supposed to mean.*

**Stanley Sutton:** *Okay. And the phone conversation. Prior to going on tape, Bill Shiflett and I's asking you a few questions about the conversation that you had with Josh. You had told us prior to going on tape that later on that conversation he told you he told the police the truth.*

**Lacey Lambert:** *Mm-hmm. Yeah.*

**Stanley Sutton:** *What-- How did he say that?*

**Lacey Lambert:** *He was telling me about the um... How y'all had came up there and talked to him and he didn't tell y'all the truth. You know? He just told y'all that-- You know, so y'all would leave him alone.*

**Stanley Sutton:** *Mm-hmm.*

**Lacey Lambert:** *And then right after that I told him I said "Josh, if you know anything", I said, "You need to go up there and talk to them."*

**Stanley Sutton:** *Mm-hmm.*

**Lacey Lambert:** *He said, "Well I did Lacey, you know I did" he said, "and I told them. I told y'all everything that I knew."*

**Rabia Chaudry:** *Of course, Sutton interpreted Lacey's statement to mean Josh had *confirmed* to Lacey that his confession was the truth. But that's *not* what Lacey actually describes in the tape:*

**Lacey Lambert:** *And, uh, he's like-- At first, he was like they were, you know, they were like harassing me so much, he said, "I just told them what they wanted to hear so they'd leave me alone." He said, "But then when I came back home," he said, "I went up there," and he said, "I told them, "you know?" He said, "I told them everything that I knew".*

**Rabia Chaudry:** *But what Josh told the police and DA after returning to Rome was that he hadn't known anything, that he'd made it all up. If the statement he'd made after getting back was the true statement, then Lacey was unknowingly corroborating what Josh had been telling Joey's defense attorneys. That his statement in Virginia hadn't been true. It was something he'd made up to get the cops off his back, but then when he got back to Rome, he told the truth and recanted.*

[53:15]

≈

**Colin Miller:** *Josh testified at both Mark's and Joey's trials. He said that Joey had never told him anything to suggest he'd been involved in Isaac's murder, had never told him that he'd killed Isaac's dog, had never asked him to provide an alibi. He'd made all those things up. At trial,*

prosecutor Tami Colston told the jury that Josh's confession was a false one. Well, at times she did. During parts of her case she would imply that Josh had *been* there, but in closing, faced with the factual impossibility of Josh's guilt, she acknowledged that Josh had made it up. But, she says, that's actually just more proof of Joey's guilt.

According to Colston:

**Rabia Chaudry:**

*That is what Josh Flemister did. He promised Joey Watkins he would help him out and get him an alibi and say he went to Cedartown with him. And the lie kept getting bigger and bigger and bigger. But Josh Flemister in his statements remembers some things he said, two shots fired, shot from the back. Several things that he knew about this killing of Isaac Dawkins that he would not have known but for either being there or Joey Watkins telling him. We know he wasn't there, because he even told the wrong side of the road. It didn't even go off on the correct side of the road. So we know Josh wasn't there. How did he know these things, I ask you? How did he know those things?*

**Susan Simpson:**

So yeah, Josh falsely confessed, Colston agreed. But he knew these things about the case he couldn't have known on his own, and therefore Joey must have told them, and therefore Joey had knowledge of the murder that he'd only have if he was the killer. But what I still don't understand is how Tami Colston could have been so unfazed by the fact that her investigators could have so easily have extracted a false confession from a witness in an almost effortless fashion. Sutton, Bill Shiflett, Tommy Shiflett... They've proven they could scare a witness enough that he'd implicate himself in a murder just to make them go away. That's not in dispute here. Tami Colston agrees – Josh made it up. He falsely confessed, faced with interrogation in Virginia.

So, shouldn't it have concerned her that maybe some of the *other* witness in the case, maybe some of *their* statements that were obtained by Sutton and the Shifletts, that maybe those had been coerced, too? Apparently not. According to Tami Colston, the false confession has *nothing* to say about what Floyd County was doing or how they're investigating. All it says is that, you know, Joey gave Josh enough knowledge of the case where he *could* falsely confess.

So, even though the jury heard Tami Colston say, though, that, "We know Josh wasn't there." They also heard her repeatedly refer to the evidence in a way that implied Josh *had* been there. And, at the end of the day, that's the takeaway that many of the jurors got. Several of the jurors I spoke to had specific memories about how this whole murder was done with *three* boys in the car that night. Which means the State got things both ways: It had Josh, its testifying accomplice, but it also had him as *not* an accomplice, not someone charged, not someone facing charges himself. So... Much more credible because of that.

Josh was for sure a handy tool for the prosecution. He got them probable cause to arrest Joey and Mark. He bolstered their claims that Joey and Mark had been confessing to everyone, and he provided, via his recorded statement, eyewitness details about how the shooting went down. But the State also knew Josh had been lying. That most of what he said was nonsense, and the rest he'd borrowed from rumor on the street, and what the cops had been saying in his presence.

Somehow, though, Stanley Sutton, and the Shifletts, and Tami Colston, all managed to convince themselves that, even though Josh was *lying* about being an eyewitness to these events, the things he'd claimed to have seen were still true. It's just Josh hadn't seen them himself.

[57:12]

**Susan Simpson:**

*I think when Josh confessed, in their minds, that was like, "We don't know what actually happened, we don't know all the details, something's really wrong here, but this is proof he actually did it, somehow or another."*

**Joey Watkins:**

*When Josh went to Virginia, or wherever he went, I guess they took that as he wants to get away from all this, whatever or whatnot. I don't know. But when they ran up there to see him, or whatever, they already knew what kind of person Josh was.*

*He was scared to death of getting locked up. And I think they went up there and manipulated him. He was probably drunk and on pills, and they probably scared the piss out of him. And, you know, "This is what you're going to say." You know? 'Cause later on he said they told him what to say before they turned the recorders on, and Josh was scared enough to where he said what they wanted to hear.*

*And then I think when he got back home... I think when Josh got back home and he realized "I just screwed up for somebody that really..." You know, "somebody that really cared about me. I just screwed up."*

*Because I did, I tried to help Josh, I tried. I tried to get him back on track. Josh was a wreck, he was a mess. My mom and dad tried to help him.*

**Susan Simpson:**

*If things had been played out a bit differently, he could be locked up beside you.*

**Joey Watkins:**

*Yeah I know. I was mad at-- I hated Josh for a long time for this. But... Because I think he's the reason... I think he's the whole reason they got an arrest warrant on me, I think.*

**Susan Simpson:**

*Yeah.*

**Joey Watkins:**

*I hated him a long time for that, you know, but over the past couple of years, you know, I've learned I've got to get over that. Things happen, you know? And I realize the situation, from being around the guys in here. I realize how he was, and how really sick he was, as far as the the alcohol and the pills, and all that. And you know, I forgive him.*

≈

**Rabia Chaudry:**

Earlier this week, you might've heard that there was a new filing in Adnan's case, so next week we're going to take a small break from Joey's case to bring you a special episode all about the motion to get Adnan Syed out of prison on bail.

Next time on *Undisclosed*.

≈