
UNDISCLOSED SEASON 2: THE STATE VS. JOEY WATKINS
EPISODE 19: THE ALABAMA HIGHWAY PART 1

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Rabia Chaudry:

Over the course of this season, we have spent a considerable amount of time going over the police investigation into Joey and Mark, for Isaac's murder, leading all the way up to their arrest. Remember, the police had to work hard to entice jailhouse snitches, to get their friends to massage their statements just enough, and to elicit statements from those interested in reward money, just in order to make their case.

All this time, though, many of you have had the same question that our team did: Why did the police work so hard to build a case against Joey and Mark when a much more promising and likely suspect existed all along... A young man who, on the same night that Isaac Dawkins was shot, allegedly shot at another vehicle while driving a small, blue Honda in a part of town not more than ten miles away.

Hi, and welcome to Episode 19 of *Undisclosed: The State vs. Joey Watkins*. My name is Rabia Chaudry. I'm an attorney and a fellow with the US Institute of Peace, and of course, I'm the author of the book, *Adnan's Story*. I'm here this week, as always, with my colleagues Susan Simpson and Colin 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*.

[02:30]

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Colin Miller:

In the movie, *My Cousin Vinny*, characters played by Ralph Macchio and Mitchell Whitfield park a mint green convertible at the Sac-o-Suds, a convenience store located in Georgia in real life, in Alabama in the movie. Looking to stock up on food for the road trip, the character played by Macchio accidentally shoplifts a can of tuna fish. While driving away from the Sac-o-Suds, the characters are pulled over by a local police officer with a shotgun, and a series of mix-ups regarding the stolen tuna fish can leads them to mistakenly confess to the murder of the Sac-o-Suds clerk.

Eventually, Macchio's cousin, Vinny, a personal injury lawyer from Brooklyn, is called down to represent Macchio, creating the ultimate fish-out-of-water situation, with Vinny having to adapt to southern culture and courtroom customs. Ultimately, with an assist from his fiancée, Mona Lisa Vito, Vinny is able to prove the implausible – that despite it being clear that the clerk was killed by the occupants of a mint green convertible, it was a *different* mint green convertible that happened to arrive shortly after Macchio and Whitfield left.

It's the type of thing you're only likely to see in a Hollywood movie, but it's also *exactly* what the prosecution in Joey Watkins' case was able to prove. That although there was a little Honda Accord-ish type vehicle involved in a shooting on Highway 20 on January 11th 2000, there was a *different* Honda Accord-ish type vehicle involved in a different shooting on Highway 27, mere miles and minutes away.

Rabia Chaudry:

Now, you've heard us mention Heath Wilson before. In 2000, he was 18 years old, and living out in Coosa with his mother. On January 14th, 2000, he was arrested on charges related to a separate highway shooting that occurred the *same* evening that Isaac had been shot. That shooting took place out on Highway 20, also known as the Alabama Highway. And although no one was hurt, a pickup had been shot in the back tailgate after a road rage incident.

After that shooting was reported, charges were filed against Heath, and he was arrested at his girlfriend's house, where a cop had found him target practicing in the backyard, shooting at an old milk jug with a 9mm he claimed to have gotten only that day. He drove an old steel grey Honda Accord. Back in 2000, Detective Moser of the Rome Police Department had taken photos of that Honda, and in 2016, when these photos were shown to Wayne Benson, the only real eyewitness to Isaac's shooting, he thought it looked a great deal like the car he the night, that was driving erratically behind Isaac's truck.

Which raises the question: Were there two different old, dark-colored Hondas involved in two different highway shootings in Rome on the night of January 11th 2000? Or is it possible that there was only one Honda involved in both shootings?

Susan Simpson:

Joey doesn't know much about Heath Wilson. Or at least, he doesn't know much about the details of Heath's case, and how they might correspond, or not correspond, with the details of Isaac's murder. He doesn't know what parts of the timelines exactly were established, or how. Or what the police files show. His attorneys never really gave him detailed information about his case or Heath's. And while eventually he learned, after his arrest, that there had been a second shooting on the night of January 11th, Joey hadn't known much about it before his trial.

[05:33]

Joey Watkins:

I didn't know Heath. They never really spoke with me any about Heath. His name was mentioned a couple times, and they told me not to worry about everything, they had everything under control. And they never told me-- They didn't tell me much, because they kept saying, you know, "Don't speak over the phones. Anything you say, you know, just kind of keep it, you know, to yourself." And they kind of hid-- I've learned stuff over the years that, you know, that when I went to trial I had no clue. You know, it was like, I didn't even know all this stuff was there. Stuff that they kind of looked over and didn't talk about it. And that's kind of the deal with Heath. I didn't-- They never really spoke to me about it.

Susan Simpson:

When did you first learn there was a second shooting that night?

Joey Watkins:

It was probably months before they actually told me about the second shooting. I was in jail probably two months, three months, before I learned about the second shooting.

Susan Simpson:

In prison over the years, Joey's run into people who knew Heath, either from the outside or while doing time with him at a prison somewhere else. And after learning more about Joey's case, they've told him things about what Heath said to them or done, or things they think might be relevant to Joey. But it's hard to know how much weight to give these stories, whether to take them seriously or not.

Because although people have been, over the past decade-and-a-half, telling Joey things about Heath that keep him wondering if maybe there was some truth behind it, maybe there's something to do with this Alabama highway shooting. I mean, as this case shows, people tell bullshit stories. Inside prison, outside prison, doesn't matter. So, as far as evidence goes, they're not it.

And the factual record we do have to go on in this case is thin. Records that could give us answers are missing and gone, and the paperwork we *do* have is scrambled and inconsistent, to a maddening degree.

Colin Miller:

The Heath Wilson issue is related to Joey's case in a few ways, and even setting aside entirely whether Heath was involved in the Highway 27 shooting, there's a related but distinct question: Why was Heath Wilson immediately ruled out as a possible suspect by the investigators in the shooting of Isaac Dawkins? Because they *did* rule Heath out, almost instantly.

By January 20th the Rome Police Department was already letting the local paper know that Heath was *not* seriously considered a suspect:

Rabia Chaudry:

The paper reads:

Heath Aaron Wilson, 18, of Pine Crest Drive, was arrested Friday after police said he fired a round from a pistol into the tailgate of a pickup truck, according to record at the Floyd County jail. The incident occurred on Georgia Highway 20, near Huffaker Road, between 8:00 pm and 8:30 pm on January 11th, police said. No injured were reported. Dawkins was shot around 7:30 pm on January 11th, police said.

Wilson was charged with aggravated assault, possession of a firearm during the commission of a crime, and criminal damage to property in the first degree, discharging a gun on a public highway and pointing a pistol at another. Rome Police Chief Hubert Smith said, investigators are probably looking at a different avenue in the shooting of Dawkins.

Colin Miller:

The article also notes that according to Chief Smith, when it came to the Highway 27 shooting, quote: "We are probably looking at a different suspect".

Detective Moser from the Rome Police, who was lead on the Dawkins case, felt the same way:

[08:51]

Lawyer:

At some point during your investigation, um, was there an individual by the name of Heath Wilson who was initially a suspect in that shooting?

Moser:

No. Not in-- I mean, he wasn't a suspect.

Lawyer:

Okay. Was he--

Moser:

In my opinion.

Lawyer:

Okay. Um... Can you explain a little further as to why he was not?

Moser:

Well, at the time that Mr Dawkins was shot, which you may remember, on the 11th of January 2000, was at 7:20 pm. Approximately the same time, there was an incident on 20 West, past Oaknoll Cemetery, that occurred where they all-- Where there was a, if you will, from what I was advised in my investigation, a road rage incident that occurred right around the same time frame, of 7:19 to 7:25.

Uh, it was during, um, my preliminary investigation into that, and that information, that the person involved in that incident could not be, by any means, the same person involved with the shooting of Mr Wat-- Uh, Dawkins, rather, on 27 South, there, by Alcan.

Lawyer:

Okay.

Susan Simpson:

That was from Heath Wilson's trial. Moser was called as a witness there too, although I'm not really sure *why*. Heath was on trial for the Alabama Highway shooting, so it seems like a strange move for the prosecutor to put Moser on the stand, just to say, I know nothing about the Alabama Highway shooting, but I know Heath didn't do the Highway 27 shooting, because the shootings happened at the same time. Because that testimony doesn't really seem relevant to the charges that were actually against Heath. And it seems strange to put it on as evidence in that case.

Rabia Chaudry:

And based on the times Moser recited in his testimony at Heath's trial, his conclusion was right, because it comes down to this: If Isaac was shot at 7:20 pm on Highway 27, and the Alabama Highway shooting was occurring at 7:25 pm, then yes, it is impossible for anyone connected with the Highway 20 shooting to also be involved in the Highway 27 shooting.

But that "if" is carrying a lot of weight here. *If* Isaac was shot at 7:20. *If* the Alabama Highway shooting began at 7:25. Then, the person involved in the Alabama Highway shooting could *not* be involved in the Highway 20 shooting. And those "ifs", the times of those events, is based on incomplete and manually-recorded logs, even though complete and computer-recorded records were also available. Because the official timeline of both Joey's case and Heath Wilson's case are both based on the handwritten dispatch logs of the Rome-Floyd E-911 center.

SALI records are computer-recorded records of calls made to the E-911 center. And those records would have recorded the time, durations, and caller of each call that came in to E-911. But those records are gone. For some reason, if the official version of events is true, no one from the State ever tried to obtain them. And by the time Joey and Mark were arrested, and there was even a defense counsel in place to request those records, those records had vanished. No one had them back in 2000, and we don't have them now.

Clare has gone to Herculean efforts to try and find them *somewhere*, some long-forgotten copy that still might be brought to light. But everywhere has been a dead end. So what time was the Alabama Highway shooting really?

To figure that out, let's start with what we know about how that shooting happened:

[12:14]

Colin Miller:

Now, the Alabama Highway shooting wasn't reported until Friday, January 14th – several days after it happened – and along the way, it seems like some of the details were forgotten or maybe confused. What we do know is that it happened sometime in the evening hours, apparently on January 11th, 2000. Ashley Parton and her boyfriend, David McDaniel, were at the Walmart in west Rome, off of the Alabama Highway. They were driving to work that evening in separate vehicles, coming into town from the Coosa area, when Ashley had the misfortune of pissing off an aggressive driver in an old, dark grey Honda Accord.

[12:45]

Lawyer:

What happened when you left David's mom's house?

Ashley Parton:

Uh, he was in front of me, and we were heading towards my house. And we had passed had the railroad tracks, right after Putt Put... Coming in-- Into town. And after we passed the railroad tracks, I was changing out the CD in my car. And when I looked up, you know, I was halfway into the turning lane.

Lawyer:

Okay, how many lanes are right there?

Ashley Parton:

Uh, there's five.

Lawyer:

Okay. So you had eased over into the turn lane?

- Ashley Parton:** *Mm-hmm.*
- Lawyer:** *Did you mean to do that?*
- Ashley Parton:** *No. I was changing out my CD, I wasn't really paying attention.*
- Lawyer:** *Okay.*
- Ashley Parton:** *But after I changed out-- You know, I looked up and noticed I was in the turning lane. I looked in my mirror and that's when I saw a car flashing its lights in the turning lane beside me. I sped up, 'cause I didn't know-- I looked over and they were cussing and throwing up their arms, I didn't know-- You know? I thought I might have made them mad. And I sped up a little bit. And that's when they cut over behind me.*
- Lawyer:** *Okay. Could you see how many people were in the car?*
- Ashley Parton:** *There was two. The male and a female.*
- Lawyer:** *And which one was where?*
- Ashley Parton:** *The female was on the passenger side.*
- Lawyer:** *Okay.*
- Ashley Parton:** *The man was on the driver side.*
- Colin Miller:** The other car continued following Ashley as they drove down, tailgating her and swerving at her. And her efforts to escape the situation weren't working:
- [13:55]
- Lawyer:** *What'd you do?*
- Ashley Parton:** *Uh, I tried to brake on him a couple of times to get him off my tail, but it didn't work. And right when we got up to about, uh, where the Kawasaki shop is, I went to change lanes.*
- Lawyer:** *Alright. You said you tapped your brake. Were you trying to make him hit you?*
- Ashley Parton:** *No. I was just trying to get him to back off of me a little bit.*
- Lawyer:** *Okay. You said they never backed off?*
- Ashley Parton:** *Nn-nnh.*
- Colin Miller:** Ashley's boyfriend, David, saw all this happen and became alarmed. He tried to cut in to somehow separate Ashley's car from Heath's car. Not long after that, the shooting happened.
- [14:30]
- Lawyer:** *When you saw the flash and you heard the noise, what did you think it was?*
- David McDaniel:** *At the time, I didn't really know. I-- I had a thought in the back of my head that I got shot at. Then, there's a part of me, it's just David, I don't get shot at, you know? But then, after I stopped and I got to thinking about it, you know, I got shot at.*
- Lawyer:** *Ok. That's what-- When you kind of put it all together, that's what it seemed like?*

David McDaniel:

Right.

Lawyer:

And do you remember where Ashley was when you saw the flash?

David McDaniel:

Ashley had just took a right, to the right-- Into the righthand lane. And I believe that's how I got shot at. Because I-- I don't think the shot was intended to hit me, but it did.

Colin Miller:

At some point, David was able to see who was in the Honda, and he recognized both Heath Wilson and Tracy Dunn. They'd gone to school with him growing up, he knew who they were. But even after the shots were fired, though, Heath continued following Ashley, driving aggressively around her.

It was persistent and frightening:

[15:30]

David McDaniel:

There was a slight time there when I was, you know, I was not too sure that, at that point, if I shouldn't actually hit that car. Because I didn't-- You know, Ashley was my girlfriend at the time, and she was pregnant with my daughter. And there was a fear there that if I didn't stop that car, what would happen? And there was a time when that car landed in front of me at the red light, I almost-- I almost rammed the back of it.

Susan Simpson:

That was from David, from when we interviewed him earlier this year, when he was describing how he felt during the encounter with Heath, and how serious the situation had seemed. David and Ashley weren't the only ones who found the Honda's actions that evening to be disturbing and alarming.

In addition to Ashley and David, there were two more witnesses who testified at trial, who'd also been on the road when the shots were fired. One of them was Scott Reinhart, who was driving on the same road that night. When I spoke him this year, he told me that he remembered how Heath's car had drawn his attention that night, because it was, quote: "Driving stupid and pissing everybody off."

It pissed *him* off too, enough where he wrote down the tag number with a plan to report it later to his friend who worked at the Floyd County Police Department. And then, after a while of the car driving in this way, they got somewhere around the Oaknoll Cemetery. And someone in front of him fired two shots. And to Scott Reinhart, it seemed like they came from the old Honda Accord.

[16:46]

Prosecutor:

At the time that you heard the-- What you thought were-- You thought they were gunshots?

Scott Reinhart:

Yes, ma'am.

Prosecutor:

What was it about the noise that made you think it was a gunshot?

Scott Reinhart:

Well, it just sounded like gunshots. It-- I don't know, like a... High caliber, but it sounded like a gunshot.

Prosecutor:

Right. Now, um, could you see at that point in time where the shot came from?

Scott Reinhart:

Yeah, they come from in front of me.

Susan Simpson: When all of the cars had gotten closer to town, near the Walmart and in an area of Rome that's more built up, Ashley was able to turn off the Alabama Highway at a light, and escaped the Honda by pulling into the Walmart parking lot. Although at that point, it seemed like Heath was more interested in following David's black truck, all the vehicles involved still ended up turning off into a gas station lot.

So, Heath and David, as well as Scott Reinhart, and the driver of a bobtail truck that had witnessed the whole thing were all parked in this parking lot area of the gas station, with Heath blocking off David McDaniel's car, and the semi-truck and Scott Reinhart blocking off Heath:

[17:42]

Prosecutor: *You thought that a shot came from this vehicle?*

Scott Reinhart: *Yes.*

Prosecutor: *That you were willing to-- To follow him and stop there at the Golden Gallon?*

Scott Reinhart: *Yes.*

Prosecutor: *Okay. Were you apprehensive at all, at this point, about the gun?*

Scott Reinhart: *I didn't think nothing else about that. I mean, just-- Here-- He was irritating a lot of people, and I was one of them, and I was kinda concerned. Or, I thought he might have been drunk or something, I don't know, the way he was driving. It wasn't like-- Like disagreements or something, I thought something was wrong with him.*

Susan Simpson: Scott testified at trial that it was the unknown driver of the bobtail who got out of his truck, holding a tire iron or a lug wrench, something like that.

And according to both Scott and David, it looked like Heath tried to run the trucker over, but didn't succeed:

[18:24]

Prosecutor: *What did you see happen at the Golden Gallon?*

Scott Reinhart: *Well, he was turning around to try to come out of the road. And the guy in the bobtail tractor got out of his truck with a stick. If I had a stick I'd have probably got out of my car, too. But--*

Prosecutor: *Okay. What was he doing with the stick?*

Scott Reinhart: *He was just holding it. He wasn't-- You know, he was just walking toward the car.*

Prosecutor: *Okay.*

Scott Reinhart: *And the guy, you know, looked like he was gonna try to run over him. And he backed up and come between me and the gas part. I was-- I was beside the gas pump. He come right around me, us. And then uh, the other car was on the other side of the pumps, so he couldn't really do nothing. Just try to block the man, to stop him.*

Prosecutor: *Okay. Did the-- Was the car able to leave the Golden Gallon?*

Scott Reinhart: *Yes. Oh yeah.*

Prosecutor: *Did y'all follow him anymore?*

Scott Reinhart: *No, ma'am. I didn't follow him. I don't know about them, but I did not.*

Susan Simpson:

And that was the end of it. Sometime after the whole incident, maybe on January 14th, Scott Reinhart got in touch with his friend at the Floyd County Police Department. And later, he was called by investigator David Stewart, who interviewed him on the phone. Coincidentally, or maybe not, it's hard to tell, but the 14th was actually the same day that Ashley and David *also* reported the shooting to police, after they discovered the bullet hole in the back of David's truck. We don't know the date that Scott Reinhart first contacted police, so it's possible he talked to them much sooner. But it was only on the 14th, after hearing from Ashley and David, that they called him back.

[19:47]

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Rabia Chaudry:

In addition to Scott Reinhart and the victims, David and Ashley, there was one other witness to the Alabama Highway shooting who testified at Heath's trial: A guy named Joey Rhodes. And Rhodes plays an indirect but critical role in the investigation into Isaac Dawkins' murder, because on the night of January 11th he made a call to 911 to report a speeding blue Honda with Heath's tag number.

And it is *this* 911 call that proved to investigators that Heath Wilson couldn't have shot Isaac Dawkins, because the dispatcher who took Joey Rhodes' call wrote down that it was made at 7:25 pm. And if Heath Wilson was on the Alabama Highway at 7:25 pm, well, there isn't any way he could have been on Highway 27 at 7:20 pm. The two shooting locations are about 10 miles apart, and driving at the speed limit, this drive should take about 16 minutes – 15 minutes without traffic.

Joey Rhodes lived on the same little side street that Heath Wilson did, out in Coosa, a community just west of Rome. From there, it's only a four-minute drive east, along the Alabama Highway, to the Rome city limits. That's the direction he was heading in that evening, on January 11th.

But immediately after he pulled out onto the highway, another driver pulled in front of him, and that car instantly caught his attention with his crazy driving:

[21:06]

Prosecutor:

What do you mean by 'crazy driving'?

Joey Rhodes:

Um, turn lane... Uh, just driving on turn lanes, driving on people's butts, you know, just really crazy driving back and forth.

Prosecutor:

Okay. And did he do anything specifically to you--?

Joey Rhodes:

No, ma'am.

Prosecutor:

As far as cutting you off, or-- Or anything?

Joey Rhodes:

No...

Prosecutor:

About how long did you notice that the vehicle was driving erratically?

Joey Rhodes:

Soon as it pulled out.

Prosecutor:

Okay. And did that continue all the way into town?

Joey Rhodes:

Yes, ma'am.

Rabia Chaudry:

He only noticed the car because of how it was acting, though. He didn't recognize the driver:

Lawyer: *Do you know Heath Wilson, this gentleman over here?*

Joey Rhodes: *Yeah, I know him.*

Lawyer: *He lives down the street from you, doesn't he?*

Joey Rhodes: *Yes. Didn't even know it was him.*

Lawyer: *Right. And-- And y'all never had any problems, have you?*

Joey Rhodes: *Oh, no.*

Rabia Chaudry: Joey Rhodes testified that after driving behind this crazy Honda for a bit, he decided to call 911 and alert them to hit. Rhodes didn't see it harassing another car in particular or anything, or singling out any other car for aggression.

But the driving was crazy enough that he decided that alone justified a 911 call:

[22:09]

Prosecutor: *Was there anything specifically that happened that made you think you should call 911?*

Joey Rhodes: *Oh yeah, the crazy driving, you know, cutting people off, harassing people, you know. I-- I didn't know what was going on, and heard a gunshot, you know--*

Prosecutor: *You heard a gunshot?*

Joey Rhodes: *Yes, ma'am.*

Colin Miller: Actually, Rhodes clarified, the gunshot came later, after he was already talking to 911. And it was a gunshot – singular. He didn't hear more than that, though he says maybe he missed them. But when Rhodes dialed 911, it was just because of the crazy driving.

At some point though, after he was already on the phone with 911, he heard a shot from somewhere ahead of him:

[22:42]

Prosecutor: *When you were going down the road, do you remember what landmarks or what-- What was nearby when-- When you heard the shot?*

Joey Rhodes: [pause] *I thought the railroad tracks in Coosa.*

Prosecutor: *Okay. Well, do you know what road is near there?*

Joey Rhodes: *Barker.*

Prosecutor: *Barker Road?*

Joey Rhodes: *Yes, ma'am.*

Prosecutor: *And did you see what cars were around when you heard the shot?*

Joey Rhodes: *No, ma'am.*

Prosecutor: *Okay. Did you have an idea of where the shot came from?*

Joey Rhodes: Ahead of me.

Prosecutor: Okay. And could you tell which vehicle? Or, which vehicle did you think it came from?

Joey Rhodes: No, I couldn't-- I didn't see the shot happen, but you know, like I said, I knew where it come from, because of, you know, the crazy driving. You know, I was behind him, and I was, you know, not following close, but you know, I was behind him.

Prosecutor: Okay.

Joey Rhodes: And I knew where the shot come from.

Prosecutor: And which vehicle was it that it--

Joey Rhodes: Yes, yes, it was the Honda.

Prosecutor: From the Honda?

Joey Rhodes: Yes, ma'am.

Colin Miller: Now, I don't know what to make of Rhodes' claim that the gunshot happened around Barker Road, other than that it shows how little memory he had of the event itself. Because the shot couldn't have happened there. The dispatch card for Rhodes' call, the one that has Heath's number on it, says it was reported at the Kawasaki Shop, which is a half-mile east of Barker. And the dispatch's only a BOLO for a speeding car. There's nothing there whatsoever about shots fired. And that kind of detail, that'd be really, *really* important for the dispatcher to include. But Cindy Cullom, the dispatcher, didn't write anything like that down.

And it's enough of a problem if the prosecutor felt she needed to try to clean it up on redirect:

[24:13]

Prosecutor: Mr Rhodes, are you- are you positive about hearing the shot at Barker Road, are you...?

Joey Rhodes: Yeah, I'm-- I'm positive it was around there, yes.

Prosecutor: Okay. Do you remember giving information to the 911 dispatcher when you called in about your location?

Joey Rhodes: Do I remember what?

Prosecutor: Giving-- Telling them where you were?

Joey Rhodes: Yeah, I'm pretty sure I told them-- I mean, I know they ask. I'm pretty sure I told them.

Prosecutor: Do you remember what you told them?

Joey Rhodes: Hm. Been two years ago, I ain't even think of this 'till the other day, you know, start thinking about it. Um... [sighs] I just... No, I really don't.

Prosecutor: Okay. Um, if the 911 operator had documented that you gave information that you were passing the Kawasaki shop, would you have a reason to disagree with that?

Joey Rhodes: No, 'cause whatever she says, what I said.

Prosecutor: That's all the questions I have.

Judge: Mr Price, anything else?

Defense Counsel: Yeah, just one question. Do you know what happened back then?

Joey Rhodes: Yeah, I mean I know what happened.

Defense Counsel: Are you tell-- Let me ask you this. Are you telling the truth now?

Joey Rhodes: Yeah!

Colin Miller: But you know what a really simple way of resolving this whole dispute would have been? Listening to the recording of Joey Rhodes' 911 call. That would clear up just about all of this confusion. Except we don't have it. Why? No idea, really. They easily could have pulled it, and actually, given that a man was shot and killed that night in a highway shooting incident, it would have made all the sense in the world to pull the copies of the 911 calls and the radio traffic from the entire hour of the night, if not more. Then we could know exactly what was reported to the police, what other incidents may have been reported that could be related, and who responded where and when.

There's so much confusion and uncertainty in this case that could be cleared up in a heartbeat if we could only listen to those tapes. And so many times over the past year, while the GIP and we have interviewed 911 dispatchers and police officers and other law enforcement personnel, we've gotten the same response. "Well, just go check the radio log." Or, "Just listen to the 911 calls. They'll tell you everything you need to know."

Susan Simpson: But we can't listen to them, because no one pulled the recordings, and no one has them now. Back in 2000, they could have gotten them pretty easily. I mean, they did in other things in the case, like for the radio traffic on the night that Joey and Mark were arrested. We have a sheet showing that someone filled it out, saying, "Hey, give me the tapes for what was said on the radio during that time period."

But for January 11th no one did that. So *again*, why did no one think that it'd be helpful to acquire the logs, when the State's case, in many ways, was dependent upon small minutes in the timeline around 7:20 pm?

Because this isn't just about *Heath's* case. The State's case against Joey was also dependent on this timeline, and determining the minute the shooting occurred was critical to the State's theory. Evidence confirming that timeline should have been of the utmost importance to the State.

[29:04]

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Rabia Chaudry: They did pull *some* records. Not the computer records, not the tape recordings. But they did get the Rome-Floyd E-911 center's handwritten records, kept by dispatchers. Which means the only documentary evidence of Joey Rhodes' 911 call were the handwritten radio logs and a dispatch card. But the police or the Prosecutor's Office could have gotten much more accurate records if they wanted to. They could have pulled the call center's computer records from the 'SALI' System. That's S-A-L-I. Which would have provided the exact time the call came in, how long it rang for, when it was answered, and a dozen other technical details.

And how do we know they could have gotten the SALI records if they wanted to? Well, because the state *did* get the SALI record for January 11th 2000. But *only* for the time period between 7:51 pm and 8:13 pm. That's over half an hour after Isaac was shot, *long* after anything relevant to Isaac's death. So why did they pull the 911 call records for that time period? Because in that 20-minute time frame, there were two 911 calls made from Heath Wilson's house. The first at 7:51 pm, which lasted three-and-a-half minutes, and the second at 8:03 pm, which lasted 30 seconds.

As for why Heath Wilson's house made two 911 calls, and for what was said in either case, we've only got a few hints to go on. There are no dispatches that correspond to either 911 calls. And no one ever explains what was said during those calls. We don't even know why they bothered to pull the SALI records for those calls, but they were found in Heath Wilson's case file. So someone decided to, at some point.

And for the 911 calls related to Isaac's murder, we're stuck with just the handwritten stuff. The handwritten stuff is made up of two main kinds of records: Radio logs, which contain the sequential list of dispatch orders given out and a corresponding time, and dispatch cards, which are filled out in response to a 911 call, and they have more information concerning timing, who made the call, who dispatched the call, and things the caller said. Not super detailed, but at least a few things to go off of when trying to reconstruct what happened. And for the records related to the highway shootings that night, we've got a partial set of all the handwritten records that would have been kept, including radio logs for a portion of that evening from the Floyd County Police Department, the Rome Police Department, and the EMS service, and four dispatch cards: Three for Isaac's rec, and one for Joey Rhodes' call to report the speeding Honda.

[31:39]

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Colin Miller:

Now, to give some background on how this all works: The E-911 center had six consoles. Although all six weren't always staffed. Each console was dedicated to a different service, but the dispatchers would also help one another out, take calls for the other person when needed.

For an example of how this worked, let's look at another incident from the evening of January 11th. Sharika Clifton was the dispatcher that night, on Console 2, for the Rome Police Department. From her radio log you can see that at 7:05 pm, she dispatched officer Dora Shropshire to a bakery off the Alabama Highway, apparently in response to a 911 call about a robbery there. She arrived there at 7:15 pm, and at 7:23 pm, Officer Shropshire radioed in that she had finished up at the location, and had written a report. No other details are available, but it gives us a rough timeline as to where Dora Shropshire was, when.

That same type of record is what was used as the proof to dismiss Heath as a suspect in the Highway 27 shooting, because *that* night dispatcher Tony Mann was on Console 5, handling the Floyd County Police Department radio traffic, wrote down a log entry for 7:25 pm, with a BOLO to all units, or "be on lookout" for "a Honda blue, passing Kawasaki shop, 10-492839918QB". That last part is translated as, we have a speeding vehicle, and it's tag number. We've also got a corresponding dispatch card from Floyd County, this one written by dispatcher Cindy Cullom. It says, quote: "Alabama Highway BOLO. Speeding vehicle. Honda Accord blue." And lists Heath's tag number. The complainant is listed as Joey Rhodes, calling from a cell phone, and it says the time dispatched is 7:25 pm. In the comment section someone wrote, quote, "Passing Kawasaki, suspect inbound".

Now, the Floyd County records don't have anything else about the events on the Alabama Highway. The next thing we see comes from the Rome log. It's either a report out to Unit 95, or 15 an update *from* 95, the radio log doesn't tell us which, but the radio message was recorded as, 9:31 pm, and says, quote: "BOLO. Blue Honda. 39918QB10-49, poss. 10-111. LS Redman Circle." Or, translated: "Be on the lookout for a blue Honda with Heath Wilson's tag number. It's speeding and there's a possible shot fired. Car last seen on Redman Circle." And Redman Circle, by the way, crosses the Alabama Highway just at the Walmart.

Susan Simpson:

And a 10-111, or a 'possible shots fired', sounds like something to be taken seriously. Or at least not forgotten. But forgotten it is. One minute later, at 7:32 pm, Unit 95 is off to block intersections to make way for the ambulance carrying Isaac to the hospital. There's no more heard about it, and no follow-up that we can see. Or any indication that anyone ever checked this out again.

But here's the thing: We have no idea whatsoever where the info in that 7:31 pm radio message came from. It *could* match the story from Joey Rhodes. He testified that he saw all the cars, including Heath's, turn off at Redman Circle. But if so, how did Unit 95 know about it? Or if it wasn't *from* 95, but *to* 95, why was the dispatcher telling 95 about it at all? 95 was eight minutes away at that time, on another call. And the whole thing is confusing, and it's hard to make sense of.

These questions aside, these log entries, when combined, show that Heath was not on Highway 27 and didn't shoot Isaac. If someone called at 7:25 pm about Heath's car speeding on the Alabama Highway, and at 7:31 pm there was radio traffic about a shooting on the Alabama Highway, then *no*, Heath's car couldn't have been on Highway 27 at 7:20 pm, which is when radio traffic shows units responding to the wreck off the side of the road, near the Alcan. But again, this goes back to what we said at the very start of the episode. That's a *lot* of weight for those "ifs" to be carrying. And they depend entirely on the handwritten records being accurate.

The first question we have about these time records is whether it actually says 7:25 pm in the first place. Because in that Floyd County dispatch card, the BOLO on Heath from Joey Rhodes, it also has another time written down. An entry for 'time call received'. This number has been the source of a lot of disagreement among us, because it can be read in two different ways: Either as 19:25, or 7:25 pm, or as 19:05, that is, 7:05 pm. Because that third digit, it might be a two, and it might be a zero. And if the call came in at 7:05 pm, that changes *everything we know* about the timeline of that night.

Now you're probably thinking, how can a two possibly be confused with a zero? Or *vice versa*? Because, I mean, yeah, you really wouldn't think they could be, but trust me, in this case, they can. Because it's either a zero with, like, a curlicue trailing off to the left side, or it's a two that's struggling with some identity issues. When I first saw the card, though, I thought *zero*. I told Clare and she was like, uh, no, that makes no sense, it's a two.

So I made a little MS Paint chart laying out all the ways that dispatcher 47, or Cindy Cullom, wrote her zeros in the other logs, and how she wrote her twos as well. And how her zeros often have that weird little curlicue. And I'll say, my little MS Paint chart looked pretty convincing, because 99% of the time, Cindy Cullom's 2s look like normal 2s, with no loops, no circles, just kind of a backwards 'Z'.

But then my chart hit a problem: Of the hundreds of times that Cindy wrote the number two on that night, every one of them, a little backwards Z, on the very last page, there's a single counter-example. Cindy Cullom wrote a radio message that said "2nd Avenue", only the way she wrote it, it looks like "0-ND" avenue. Because again, it's that *bizarro* '2' that's in the throes of an identity crisis. So I had to toss that theory. I guess it looks like Cindy really *did* write down that Rhodes' call came in at 7:25 pm.

[38:06]

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Rabia Chaudry:

And the next question is, when a dispatcher wrote down a time in the log, how likely was that to correspond with the exact chronological time? To try to figure that out, Clare tracked down *every* dispatcher she could find who was working on the night that Isaac was shot, to ask them about what they could remember of the records.

Toni Mann was the dispatcher for Floyd County that night, and when Clare spoke to her about the E-911 records, it turned out she still remembered a lot about not just the records, but about the Highway 27 shooting itself – or at least, the dispatcher center's view of it. Without any prompting from Clare, she was able to recall the event and quite a few of the details. Toni remembered there were at least 4-5 calls in all, regarding the Highway 27 wreck, the white truck that had crashed up in the pines. And she remembered a blue Honda somehow being associated with the 27 South shooting, although she wasn't quite sure *how*. She said it felt

like she could recall the Honda being seen in the area that night, near the incident on 27, but was hazy on how she knew that.

And aside from just the calls coming in to report the wreck, she remembered the call from Joey Rhodes in particular. Or that is, she remembered a call reporting the BOLO on the Honda. In particular, she remembered something about it had been screwy. It was one of these people, she said, who hadn't know where they were at. She thought it'd been something like the caller giving inconsistent roads and landmarks. Like saying, you were in Philadelphia next to the Statue of Liberty, or you were in Florida looking at the Grand Canyon – only, on a Rome scale. So the caller had said something like he was by the Kawasaki shop on 27 North, something along those lines, which wouldn't have made any sense, because there's no Kawasaki on 27 North, just on the Alabama Highway.

Toni Mann thought that her supervisor, Vicky Thurman, may have caught the problem. That she'd been listening in and figured out that Joey Rhodes must have been talking about *Highway 20 West*, that is, the Alabama Highway. So they had to go back and fix it later.

Clare also spoke to Cynthia Cooper, another dispatcher who had worked at Rome-Floyd E-911 back then. Her take on the dispatch cards was that the dispatch time didn't necessarily reflect the time of *actual* dispatch. It reflected the time the card was completed, maybe. Or whenever a dispatcher got a chance to fill out the rest. Similarly, she said, the time received that was written down on a card was not necessarily the time the call was literally received. You might try to write down the time as the call came in, but the setup isn't a science. It's policy. "Fluid" was the word she used. And she said, the time written down on the card could easily not at all reflect the actual time that the call came into 911.

Besides, like Toni Mann, she said, with a wreck, you might get five different 911 calls coming in from different witnesses. But you're not going to write up four different cards for that, though. And anyway, if you need the exact times, you just pull the SALI records and get them *that way*. It was common, Cynthia said, *routine* even, for the police to pull SALI records for murder or high-profile cases.

Cynthia Cooper had not been working on the night that Isaac was shot, so she didn't recall the Joey Rhodes call specifically, but when she saw the card, she recognized who had taken it. Number 47 – Cindy Cullom. According to Cynthia Cooper, Cindy Cullom had struggled a bit as a dispatcher and she hadn't lasted long on the job.

[41:38]

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Colin Miller:

So, were the handwritten logs chronologically accurate? We only have a limited sample to go on, but that evidence suggests they were not. Three pages of computer-recorded SALI records are available in this case, representing nine calls from 7:51 pm to 8:12 pm. Of those nine calls, two are the 911 calls from Heath's house, and there's no handwritten logs or dispatch cards associated with them that we've seen.

But of the remaining *seven* calls, three have clear radio log entries corresponding to them. And in all three cases, the first time written down for those events came in six to eleven minutes *after* someone had dialed 911. The first of these calls came in at 7:53 pm, requesting an ambulance, and the call ended at 7:56 pm. But the EMS handwritten log has an ambulance being dispatched at 7:59 pm, six minutes after the call started, and three after it ended.

So Clare spoke to Philip Wheeler, the current E-911 director, and and asked him about it:

[42:33]

Clare Gilbert:

So the first thing I started talking to him about was Document 00247, which is the SALI record of Martinique London, at 87 Green and Gold, who called 911 first ring at 19:53, call released at 19:56, date listed as January 1, 2000, 19:59.

And then I showed him the EMS Log that showed the dispatch was at 19:59, which is roughly three minutes after the call was released.

The explanation that he gave me, I'm not sure I totally buy it. So he said that the reason for the three minute delay was probably because the person taking the call had to write down the information on the card, and then hand that card to the EMS dispatcher, who may have been on the phone. So that could be the reason for the three-minute delay, in that circumstance. He said that he would have to take a look at the cards to be able to tell, which we don't have, because they're missing.

Colin Miller:

The second call that shows up, both in the handwritten logs and the SALI records, came in at 8:00 pm and was released at 8:01 pm. It was a report of a parental kidnapping out on Crossridge Drive, which, according to the handwritten logs, an officer was first dispatched for at 8:10 pm. Wheeler said that delay was less of a surprise, though. A call for a child being taken out of state was a low-priority call, so that could explain the nine minute delay.

And then there was the Clover Street call, from Otis. Some of the E-911 dispatchers that Clare spoke to recognized that name. Otis, they said, was a frequent flyer at Rome-Floyd E-911, and calls often came in that involved drinking, fights, and weapons. Normally, they said, dispatch would respond quickly, because situations at his place can escalate quickly. On the night of January 11th, Otis called in at 8:12 pm.

[44:41]

Clare Gilbert:

We talked about the call at um, 00249, which is from Otis [bleep] 18 Clover Street Southwest, and the fact that it was a fight. The call was released at 20:13, but it was not put out for dispatch until 20:23. That kind of stumped him. He could not figure out why that delay would be so long. He said that it could be a discrepancy on the wall clock, which I don't-- I don't buy that. That doesn't make any sense.

Then he said that if all the officers were tied up, it could be dispatched later. But then he said, it's a 'fight' call, so it should be a priority. He didn't understand why the dispatch would be so much later in that case. He can't answer that question, and says he'd have to just talk with the dispatcher at the time.

Colin Miller:

Toni Mann has a different take. Best explanation she could come up with was that really there'd been two calls from Otis that night: One at 8:12 pm that didn't report anything significant, and then another that came in just before police were dispatched at 8:23 pm, which is after the time period covered by the available SALI records. Toni Mann couldn't understand why else it would have taken so long to dispatch, because she agreed, fights were a high priority.

And that may have sounded tedious, but trust me, it's nowhere near as tedious as the hours we've spent reconstructing these call logs from every source you can possibly imagine. But it's also important. Because what it means is that the handwritten logs may be a fluid guide to the sequence of events that happened that night, and the times listed may not reflect, to the *minute*, when those events actually occurred.

From the limited examples we have, it seems like they could be ten or more minutes off, which is problematic when they're being used to develop timelines that need to be relied upon to be an accurate to-the-minute accounting of what happened that night.

Susan Simpson: Everyone that Clare spoke to who had been with the dispatch center had told her the same thing when she'd asked them who else she should try and get in touch with, or try and talk to. "Talk to Virginia Thurman," they said. "She's got a mind like a steel trap, and she knows everything. She'll tell you what you need to know about how the system worked." She was actually the supervisor on shift that night that Isaac was shot. In fact, if you go way back to the start of Episode 1 of Season 2, it's *her* voice you'll hear speaking to Wayne Benson when he made the call to 911 to report Isaac's truck in the woods.

And when Clare spoke to Virginia, it turned out she remembered more than just *how* the system had worked back then:

[47:19]

Virginia Thurman: *I remember this. I remember the call.*

Clare Gilbert: *Mm-hmm.*

Virginia Thurman: *It came in as an altercation at 27 South and Walker Mountain Road. A white truck and a Honda, was in some kind of-- The white truck was going up and the Honda was looking in and out in front of it. I remember it. They were going down the road, and I remember the call and the white truck had just ran off the road. Wasn't that-- It wasn't within three minutes, I would say, and he makes a call, he said, he just had a white truck run off the road.*

Susan Simpson: If you haven't been immersed in the minutiae of the 911 records here, this might not seem all that significant. But what Virginia just said about that 911 call, if accurate, is a big deal. Like, a very, *very* big deal. Because what she's describing is someone calling 911 before the wreck ever happened. It would have to be from an unknown witness. Someone who called in this little road rage altercation, at around the same time that Wayne Benson also first encountered Isaac's truck and the mysterious Honda, heading north on 27 South, just before Walker Mountain Road.

[48:27]

Clare Gilbert: *When this call came in, the caller said something along the lines of you know, there is this car speeding, weaving... On twenty--*

Virginia Thurman: *27 South.*

Clare Gilbert: *But--*

Virginia Thurman: *27 South. That's Cedartown highway. This is where the accident happened.*

Clare Gilbert: *That he said he was--*

Virginia Thurman: *27 South.*

Clare Gilbert: *Uh-huh.*

Virginia Thurman: *And see, what she had here, she wrote the 28. When it gave the lookout, all-- I remember hearing it. It should've been on the take of what the lookout went out, where the-- When we first got the call about the Honda going in and out, and looks as if it's chasing a white truck. It's there.*

Clare Gilbert: *Okay, wait. Say it again.*

Virginia Thurman: *We got the call at 27. When I first heard it, I was listening on the phone. The call came in, that we have a irate driver, blue Honda, cutting in and out, look like he's chasing a white truck. They stopped at the red light at 27 South, at Walker Mountain Road, and the caller said, looks like*

they're in some type of altercation, you know, probably yelling back and forth out of the window or something. I don't know, I wasn't there. I know what I heard. I can remember that call like it was nothing.

Clare Gilbert: *Why isn't that recorded anywhere?*

Virginia Thurman: *It should be on that recording.*

Clare Gilbert: *It's not. Why-- But it's not on the radio--*

Virginia Thurman: *It should have been on- it should have been on the radio traffic. All traffic and radio traffic, were two different traffic. You should have heard it in there. Have you listened to the tape all the way through?*

Clare Gilbert: *I have. Like ten times. There's only those two calls on there.*

Virginia Thurman: *No, no. From the beginning. If you see, if we had that lookout, see, if they got out of school at uh, 7:30, you should have ran it back to there.*

Clare Gilbert: *Well--*

Virginia Thurman: *And between there you would have heard something. But we did not know he was shot until Conan Cooper called me and said, "Virginia, get your sergeant and your lieutenant, come over here. A young man has been shot, in the back of the head." I think you should have it somewhere on the log.*

Susan Simpson: *But there's no call like that on the log. There's no record of one ever being received. And the only calls about the 27 South incident, the ones that we have records of, are from *after* Isaac's truck had already wrecked.*

*And then there's the Joey Rhodes call, the BOLO up on the Alabama Highway by the motorcycle shop. Virginia Thurman insisted, though, that the BOLO *she* remembers, the one she was telling Clare about, that had happened on 27 South, *not* the Alabama Highway. So she told Clare, "Look, I'll show you. There will be a record here reflecting that call."*

But when she went into the records to try and find it, there wasn't one there.

[51:27]

Virginia Thurman: *Alright.*

Clare Gilbert: *Oh, no, that's not-- There's no card for that one, that's the BOLO.*

Virginia Thurman: [inaudible]

Clare Gilbert: *Yeah. That's the other thing. We only have three pages from the SALL records, and not from the timeframe we're interested in. We have some cards and not other cards. The defense attorney said that he had looked extensively for the cards, and that the entire box had gone missing prior to trial, never to be found.*

Susan Simpson: *So Virginia said, "Well, if you don't have the records, then go talk to the caller himself. Hopefully he can tell you what he was calling about and what he said and where he was."*

[52:08]

Virginia Thurman: *Turner-McCall turns into 27 South. Okay?*

Clare Gilbert: *Mm-hmm.*

Virginia Thurman: *If he said-- Have you talked to this guy?*

Clare Gilbert: *I've tried. He doesn't want to talk to us.*

Virginia Thurman: *What?*

Clare Gilbert: *Well, you know, our client is in prison and a lot of people think he needs to be there. He doesn't--*

Virginia Thurman: *Because he--*

Clare Gilbert: *Want to talk.*

Virginia Thurman: *When he said 27...*

Susan Simpson: *More recently, I've tried to talk to him, too. It didn't work. At first he was happy to talk to me, but as soon as I explained what case I was looking into, he kinda shut down. "I ain't got time for this, thank you, bye." And then he hung up. So no help on that end.*

Still, despite the fact that the written records that we do have don't show anything like what Virginia's describing, she insisted that she could remember a call that night that it was a BOLO going out, a confrontation between a white truck and a blue Honda, and that it was on 27 South:

[53:50]

Clare Gilbert: *Okay. So you think he saw the blue car and the white truck on 27 South?*

Virginia Thurman: *Mm-hmm.*

Clare Gilbert: *And that's what he called and reported, because you remember a call coming in about them being stopped at Walker Mountain Road.*

Virginia Thurman: *Yes. He said they are at the red light and doing some kind of confrontation. You know. I don't know whether the blue car was yelling something out the window at the white truck, but he said a young man in the white truck is going on. He's rolled his windows up. I can remember like it's yesterday. Find that tape. You'll hear it.*

Clare Gilbert: *He said he rolled his windows up?*

Virginia Thurman: *Yeah. You know, the guy probably was yelling at him? He's rolled his windows up. The guy could see what was going on. So undoubtedly he wasn't paying them any attention, he going on about his business. Whoever it was in the white truck was going on about his business, and he took off, that Honda took off, but that guy-- Why he don't wanna talk to you?*

Clare Gilbert: *He just says-- I was supposed to meet with him, I waited in the coffee shop for hours, he kept saying "Later, later, I'm still at work," and then he said, "Uh, sorry, I'm not gonna meet with you, I'm never gonna meet with you, I looked into the case, I think the right guy's in prison."*

Which still shouldn't be a reason not to meet with me, but...

Virginia Thurman: *[inaudible] and I'm not going to lie to you but she wrote the call wrong. This, look out. She wrote the wrong directions. 27 South.*

[54:42]

Susan Simpson:

Some of these details that Virginia's reciting, like being stopped at Walker Mountain and the truck rolling its windows up, those don't have a source from anywhere else. I don't *think* it can be a case of Virginia conflating her memory between that event and the Alabama Highway call, because there's no one who was on the Alabama Highway that would've made a call like that – not that we know of. And it does match what Benson described.

The caller can't be Benson, because Benson wasn't pulled up next to Isaac's truck, and the Honda at the red light. And he didn't call 911 until after the wreck. But Benson has, from day one, recalled how Isaac's truck and the mysterious blue Honda were side-by-side at Walker Mountain Road, just like Virginia Thurman remembers that caller, the BOLO caller on 27, saying – if he existed. So it *could* match, I guess. There's just no evidence that it really did happen.

And Virginia told Clare, well, I remember that call. But if I'm wrong, then there's a really easy way to figure this all out. Everything that happened was recorded, so if I *am* wrong, the tapes will tell you what really happened instead. And it took a bit for Clare to convince her that the problem wasn't that Clare hadn't gotten confused about what tapes to listen to, it was just that no, *really*, there aren't any tapes to listen to.

[56:00]

Virginia Thurman:

I didn't go to this trial because the tapes tell it all. Now, you've got to find the tapes.

Clare Gilbert:

Do you think the tapes were made?

Virginia Thurman:

On the computer. The radio tracker is always taping.

Clare Gilbert:

But--

Virginia Thurman:

It's always--

Clare Gilbert:

It's recorded, yeah. But somebody then has to request it, and have the radio traffic made.

Virginia Thurman:

But those tapes, they might be misplaced somewhere. The cards might be [inaudible]. And if this is all the cards should have. And [inaudible].

[break in audio]

Somebody should have gone and-- Did you listen to this call on the--?

Clare Gilbert:

These two recordings are the only calls we have. Yeah, Jennifer Conway made this recording. And there are only two calls on this recording. And that's the only calls we have for the 20 West shooting, and the 27 South shooting, are just those two.

Virginia Thurman:

I don't know what to tell you.

Clare Gilbert:

What do you make of that?

Virginia Thurman:

I don't know. 'Cause usually-- They usually keep everything in Retention. At the Retention Center.

Susan Simpson:

Clare had a hard time, and still has a hard time, believing that Virginia is right about this, that her memory is accurate. And I do, too. Because it just- it's so implausible- well, verges on impossible. I'm not sure it *can* be true. How could this call have happened but no one ever knew about it back then, and it's not recorded anywhere now... It seems more likely that Virginia is mixing up her memories without realizing it. That she's remembering Joey Rhodes

calling in a report about a Honda on the Alabama Highway, and now, 16 years later, she's confusing that with what she knows about a wreck that occurred on 27 South.

But Virginia doesn't think so. Clare tried to suggest to her that her memory might be mixing things up a bit, about what that BOLO really entailed, suggesting possibly that she was adding to her memory with things she learned from elsewhere, but Virginia wasn't having it.

[58:28]

Clare Gilbert: *And you're sure that the call you overheard was definitely Walker Mountain Road at the red light, not a red light on 20 West?*

Virginia Thurman: *The call I heard was at 27 South, at Walker Mountain Road.*

Clare Gilbert: *Okay.*

Virginia Thurman: *I heard it.*

Clare Gilbert: *Yeah.*

Virginia Thurman: *They had stopped at the red light and he said it looked like they had a little consultation, you know? I said, yeah, he said, but the guy in the white truck is, rolled his window up, and he pulled off. And he pulled off. And he said-- This man was turning. Going up Walker Mountain Road, he was in the turning lane, so he was looking right at them.*

Clare Gilbert: *Oh, wow.*

Virginia Thurman: *He knew what he saw. I don't know if-- There should be a card or something. See, we had to write down everything, we kept a notepad on, everything we heard, pertaining to that call, it had to be in there.*

[59:26]

Clare Gilbert: *Was your sense of the caller who saw the cars at Walker Mountain Road at the red light, that he was heading southbound or northbound?*

Virginia Thurman: *Northbound.*

Clare Gilbert: *He was heading northbound?*

Virginia Thurman: *He was behind them.*

Clare Gilbert: *Okay. And you're not mixing that up with the testimony of the eyewitness at trial? You didn't attend the trial?*

Virginia Thurman: *I didn't attend the trial. I didn't have to go. I knew that. No.*

They had all our evidence there. They had everything from the 911 Center that they should have, the whole tape should have been there.

Clare Gilbert: *Yeah, it wasn't.*

Susan Simpson: Finally, when Clare was pointing out how the actual cards differed from Virginia's memory of that BOLO call, Virginia explained that Clare shouldn't be assuming that there's some kind of one-to-one correlation between each call and each and every dispatch card in the record. Even if we *had* all the records, that's not what they'd show. And anyway, whatever Cindy Cullom wrote down, that doesn't mean it's the *only* thing that went on that night. And Virginia has reason to be skeptical that Cindy Cullom's records were in fact accurate.

[1:00:34]

Virginia Thurman: *You're in the middle of the road. Your car has stopped, your hood's stopped. It's blocking traffic. How many calls will a 911 center get?*

Clare Gilbert: *Um... Two?*

Virginia Thurman: *Are you crazy?*

Clare Gilbert: *[laughs]*

Virginia Thurman: *You're from a big city, you know better than that.*

Clare Gilbert: *I'm not sure I'd call 911 for a--*

Virginia Thurman: *How many cellphone people have you got out there?*

Clare Gilbert: *Um--*

Virginia Thurman: *You have to use your common sense. I know that Cindy wrote the wrong thing down. I think this is what I had her back in the office for.*

Clare Gilbert: *What do you mean?*

Virginia Thurman: *'Cause when I pulled the call, I asked her. I remember speaking to her about something. Because if you're new, you really don't know the areas and the sectors.*

Clare Gilbert: *Right.*

Virginia Thurman: *So, we were so busy taking the call, and she took this call, if you listen to the tape, you can hear somebody say, "You do this, I'll just move out the way, let me do it." Play it back.*

Susan Simpson: *And what Virginia recalled about this 'talking to' that she had with Cindy after the call to try and fix things up, that matches Tony Mann's memory – that someone, most likely Cindy Cullom, had gotten something wrong, that the caller had reported their location wrong and led to confusion in the dispatch room. And it had been up to them to unravel the problem and get all the dispatches sorted out that night.*

Rabia Chaudry: *Which brings us to Cindy Cullom and what she remembers about the call-- About why she wrote down what she did. She was actually called in at Heath's trial to testify about the Joey Rhodes call. What she said, though, was unexpected.*

[1:02:07]

Cindy Cullom: *This call came in and this person was saying that shots were being fired at him. And he was trying to dodge them, and he was running from them, and he did give me a-- I asked him, where was he at, and whereabouts, and I asked him to give me the description of the vehicle and he did. And I asked him could he give me, um, the license plate tag. And he gave me that. And...*

Prosecutor: *Did he give you an area about where this was all happening?*

Cindy Cullom: *Mm-hmm.*

Prosecutor: *At the time he was on the phone?*

Cindy Cullom: *Mm-hmm.*

Prosecutor: *And where did he say it was taking place?*

Cindy Cullom: *At the um, Kawasaki shop on Alabama Highway.*

Prosecutor: *Okay. Did you record the person's name who called?*

Cindy Cullom: *Mm-hmm.*

Prosecutor: *And what was his name?*

Cindy Cullom: *Joey Rhodes.*

Rabia Chaudry: We cannot stress enough how bizarre and confusing and impossible this testimony is. Not only is Cindy Cullom describing a call Joey Rhodes *didn't make*, she's describing a call that doesn't even exist. This isn't a real memory she's drawing from, or getting confused about.

We don't know how or why she testified to this, but if it's something she actually remembered, then we can't think that anything she wrote down as a dispatcher can be taken as evidence for anything. There's just a complete disconnect with reality. It doesn't match what Rhodes said at all.

[1:03:25]

Prosecutor: *At the point when you heard the gunshot and you had seen them driving, did you make a decision to call 911?*

Joey Rhodes: *I think I was already on the phone with 911, before the gunshot happened.*

Prosecutor: *Okay.*

Joey Rhodes: *I think I was on the phone when the gunshot happened.*

Prosecutor: *Okay. Because of the--*

Joey Rhodes: *Yeah, because of the crazy driving.*

Prosecutor: *Alright. And at that time, had you, um, relayed any information to 911 to identify the car?*

Joey Rhodes: *Tag number.*

Prosecutor: *You gave a tag number?*

Joey Rhodes: *That's right.*

Rabia Chaudry: And maybe we're projecting, but we kind of wonder if the prosecutor at Heath's trial had the same reaction that we did, based on her follow-up questions. Because there's no way the prosecutor could have expected *that* answer. It flies in the face of all the evidence.

[1:04:06]

Prosecutor: *Do you remember this incident? I know I've asked you to look at the records, but do you independently remember it?*

Cindy Cullom: *Mm-hmm.*

Female voice: *Okay. Did you get a lot of calls from people who were calling in about shots being fired on the highway at the time you were working at 911?*

Cindy Cullom: *No...*

Rabia Chaudry: Also, can we point out that Cindy Cullom is adamant that Joey Rhodes gave her the tag number of this car as it's shooting at him – chasing him. Cars in Georgia don't have tags on the front, just the back. There's no way Rhodes could have known the tag number.

And Heath's defense attorney, Greg Price, seems to have realized this too, although he doesn't seem to be quite sure what to do with it.

[1:04:44]

Defense Attorney: *And uh, he said he was trying to dodge, uh, the 39918QB...*

Cindy Cullom: *Mm-hmm.*

Defense Attorney: *Was running from them. And uh, is that right?*

Cindy Cullom: *That's correct.*

Defense Attorney: *Okay. And he got the tag number, gave it to you, and he-- He- did he tell you that-- That they were shooting?*

Cindy Cullom: *Yes.*

Defense Attorney: *Okay. How many shots did he say they fired?*

Cindy Cullom: *Three or four.*

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Susan Simpson: And aside from the tag issue and the question of how Joey Rhodes could have seen a tag number as he's fleeing from a car shooting at him, there are many other reasons that this whole story is impossible, even *more* so than what Virginia Thurman described. Because what she talked about wasn't recorded anywhere, which makes us wonder if it really could have happened.

But what Cindy's describing is contradicting actual witness testimony, and known events, or supposedly known events. Because if Virginia Thurman had heard someone on a 911 call telling Cindy that he was being shot at, well, I can't imagine Virginia not remembering to tell Cindy to make sure someone got dispatched out to it. Because no one went *out* there. If this shooting happened, the reaction among the E-911 staff and the police officers was like, "Meh, who cares. He'll figure it out on his own."

And then also we have Joey Rhodes himself. His name was *on the card*. We know whatever call Cindy Cullom's talking about, it came from a real person, Joey Rhodes, whose name is identified on the card there. And Joey Rhodes' testimony doesn't match *anything* like she described. His memory doesn't seem that great in general – at least about this event. But surely being chased by a car and shot at, *that* would stick out, right?

The point being, what Cindy Cullom is saying happened didn't happen. And we no longer have the records that would tell us what really *did* happen.

So, based on what we *do* know, what we can see now about how accurate these handwritten records were, how certain *can we be* about any timeline based on the radio logs and the dispatch cards alone?

[1:07:13]

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Rabia Chaudry:

So let's go over this: Heath owns a 9mm gun, a small blue Honda, that the only eyewitness to the altercation that led to Isaac's death says looks a *lot* like the car he saw that night, was driving erratically and aggressively, and shot at someone within the *same hour* that Isaac was shot, and within the *same ten miles*.

If ever there was a prime suspect in Isaac's murder, it had to be Heath, right? Well, the police *did* do some digging into him, which we'll look into, and Heath and his girlfriend Tracy, who was riding with him, had their *own* stories about what happened that night.

Next time, on *Undisclosed*.

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