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MS. COLSTON: Thank you, Mr. Nolan.

THE COURT: Mr. Nolan, you can step down. You can't talk to anybody about your testimony but you're free to leave as long as you can be reached by the district attorney's office. Call the State's next witness.

MS. COLSTON: Billy Pasley.

BILLY PASLEY

was called as a witness by and on behalf of the State, and after being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. COLSTON:

Q Mr. Pasley, if you will, please speak up so the jury can hear you. Pull the microphone up close and tell us your name.

A Billy Pasley.

Q Oh, that will work.

A Is that loud enough?

Q You might back off just a little bit. There you go. Where do you live at?

A 27 Whispering Pines.

Q That's about right. Mr. Pasley, do you know Joey Watkins, the defendant in this case?

1 A Yes.

2 Q How long have you known him?

3 A Ninth grade.

4 Q Since ninth grade? And how old are you now?

5 A Twenty-one.

6 Q Twenty-one? So about how many years is that?

7 A About five.

8 Q About five years? Did you know Isaac Dawkins?

9 A Yes.

10 Q Did you know him very well?

11 A Fairly.

12 Q Was he somebody you ran around with?

13 A No.

14 Q Okay.

15 A I mean, an associate.

16 Q Was Joey someone you ran around with or just an

17 associate like Isaac?

18 A An associate.

19 Q Did you do things with Joey?

20 A Not really.

21 Q Not really but you considered him a friend?

22 A Associate.

23 Q Associate. All right. I don't quite understand

24 the difference between a friend and an associate. Could you

25 tell me what that is?

1 A An associate is somebody to talk to when you come
2 to a talking occasion and a friend is you go off and do
3 things.

4 Q Okay. All right. Now I got it. And did you know
5 Mark Free?

6 A A few times I met him.

7 Q How did you meet him?

8 A Parties.

9 Q Parties? Who was he with?

10 A Various people.

11 Q Various people? Did you know him to be a friend
12 of Joey Watkins?

13 A No.

14 Q You didn't? You didn't ever see them together?

15 A One time.

16 Q One time? So you did know that they at least one
17 time had been together?

18 A Right.

19 Q Now back when all this happened with Isaac, when
20 Isaac was shot on January the 11th, 2000, did you have a
21 conversation with Joey Watkins after the shooting of Isaac?

22 A Yes.

23 Q Okay. And who was present at the time that Joey
24 Watkins was talking to you after the shooting of Isaac
25 Dawkins?

1 A Me, Joey and Mark.

2 Q Mark Free?

3 A Right.

4 Q And where was this at?

5 A Favorite Market.

6 Q At the Favorite Market?

7 A Right.

8 Q Where at? What Favorite Market?

9 A Across from the Heritage Nissan.

10 Q How long was it after the shooting that this
11 conversation took place?

12 A A couple of months, few months?

13 Q A couple of months, three months? And when this
14 conversation took place, did the shooting come up? How did
15 it come up?

16 A I told him that I heard he was a hot boy and
17 wanted and he said that he wasn't nowhere around; that all
18 that was over with.

19 Q All that was over with and you told him, you're a
20 hot boy; that he was wanted because of the shooting? Is
21 that what you said?

22 A That's what I had heard. That's what I told him.

23 Q You told him that you heard that; that because of
24 the shooting he was hot and he was wanted? And he said, all
25 that was over with; he wasn't anywhere around. Did he say

1 where he was at?

2 A Florida.

3 Q He was in Florida? Where was Mark Free when he
4 said that?

5 A Right there in the passenger seat.

6 Q Did Mark Free make any comments?

7 A Just one.

8 Q What did he say?

9 A Talking about the dog was taken care of.

10 Q He said -- what was his exact words that you can
11 recall?

12 A The dog was taken care of.

13 Q That the dog was taken care of. What dog?

14 A It never went any further but I assumed it was
15 Isaac because we were talking about Isaac.

16 MR. ABERNATHY: Judge, I object to any assumption.

17 THE COURT: Yeah, you can't assume unless --

18 Q You can't assume unless there's circumstances
19 surrounding that to make it reasonable that we understand
20 why you assume that?

21 A That was the subject that we were on.

22 Q You were on the subject of Isaac and Mark Free
23 said, the dog was taken care of. Did he say -- is that
24 exactly what he said?

25 A To the best of my knowledge.

1 Q And did you also talk to the police about this --

2 Q Uh-uh.

3 Q -- tell them about it?

4 A Stanley Sutton just asked me some question.

5 Q All right. And do you remember -- did you ask him
6 why he took care of the dog?

7 A No, it didn't go no further than that. I didn't
8 even acknowledge the response or the comment; just we
9 started talking about other things, personal things,
10 catching up.

11 Q Okay. And Stanley Sutton, when he talked to you
12 about it, do you remember what you told him?

13 A Not exactly.

14 Q Okay. I'll be glad to show you your statement if
15 you want to see it, Billy, that -- I'm looking here at
16 several places in it. Stanley asked about this quite a bit;
17 didn't he?

18 A Right.

19 Q And on page 13: so they're telling you they took
20 care of his dog? He said, taught him a lesson on that day.
21 Is that what you said?

22 A Right.

23 Q And that's what Mark said, taught him a lesson?

24 A You said, yeah, right, basically.

25 Q Is that right?

1 A Right.

2 Q Joey was sitting right there?

3 A In the driver's seat.

4 Q In the driver's seat? Were you around Joey
5 Watkins any while Isaac Dawkins was dating Brianne?

6 A Not dating. I mean, just while he was trying to,
7 I guess.

8 Q Trying to? And did Joey make any comments to you
9 while Isaac was trying to date Brianne?

10 A That he was just messing with the wrong person.

11 Q Was that his exact words?

12 A No.

13 Q What were his exact words?

14 A He was fucking with the wrong person.

15 MS. COLSTON: All right. Thank you very much.

16 THE COURT: Counsel.

17 MR. ABERNATHY: Thank you, Judge.

18 *****

19 CROSS-EXAMINATION

20 BY MR. ABERNATHY:

21 Q Thank you, Judge. Mr. Pasley, now when was it
22 that you saw Joey and Mark?

23 A A few months after the murder.

24 Q And where did you see them at?

25 A The Favorite Market across from Heritage Nissan.

1 Q Where?

2 A The Favorite Market across from Heritage Nissan.

3 Q What were you doing there?

4 A I was using the pay phone.

5 Q Were you selling anything?

6 A No.

7 Q Wasn't selling any drugs?

8 A No.

9 MS. COLSTON: I'm going to object, Your Honor.
10 That's improper impeachment.

11 THE COURT: That is correct. Move on to something
12 else, please.

13 Q [By Mr. Abernathy] And when you were there talking
14 with them, you recall later on you gave a statement to the
15 police; didn't you?

16 A Right.

17 Q And the police -- I think Mr. Shiflett asked you
18 on your statement, said: did Joey say anything about a dog?

19 And you told him, no, sir; didn't you? Joey never said
20 anything about a dog; did he?

21 A No, Joey never said anything about a dog.

22 Q All right. And he also asked you and I think
23 several times, did you ever see Joey with a gun or pull a
24 gun and you told him, no; didn't you?

25 A Right.

1 Q Yeah, you've never seen him with a gun; have you?

2 A No.

3 Q Never known him to have one; have you?

4 A No.

5 Q All right. And he asked you: had you ever heard
6 him say was he going to kill him and you told him no also;
7 didn't you?

8 A Right.

9 Q Is that correct?

10 A Right.

11 Q How many times did the police interview you?

12 A Just once and then he come back and touched up on
13 it.

14 Q Touched up on it? Did they ask you about anybody
15 else?

16 A Just Joey and Mark Free.

17 Q Ask you about Josh Flemister?

18 A Uh-uh.

19 Q Ask you about Paul Allen?

20 A Uh-uh.

21 Q When was the first time you talked with the
22 police? Would it have been about November 29th of 2000 or
23 that's when your statement was?

24 A That would have been the day.

25 Q Is this the first time they talked to you when

1 they taped it?

2 A Right.

3 Q Then when did you brush up with them?

4 A Come back about a couple of weeks, a month later.

5 Q And how long since you've seen Joey Watkins?

6 A It's been a few months, about six.

7 Q When you talked to him it had been a few months?

8 A Yeah.

9 Q And you don't know anything about this incident;
10 do you?

11 A No.

12 Q The police just questioned you over and over about
13 it and you told them all you knew?

14 A Right.

15 Q Never seen him with a gun?

16 A Never.

17 Q Don't know where he was at? Don't know anything;
18 do you?

19 A What he told me that he was in Florida.

20 MR. ABERNATHY: All right. Thank you.

21 THE COURT: Ms. Colston.

22 *****

23 REDIRECT EXAMINATION

24 BY MS. COLSTON:

25 Q The second time you talked to the police, Mr.

1 Pasley, at whose request was that?

2 A I had called him and told him that I had -- there
3 was a couple of --

4 Q Things you wanted to clear up; right?

5 A Right.

6 Q So it wasn't that they were going on and on; were
7 they?

8 A Right.

9 Q You came and went?

10 A Because I had made a judgment error.

11 Q And that was fixed and it hasn't been testified to
12 or anything today?

13 A Right.

14 Q We're not concerned about all that. Now anything
15 -- Mr. Abernathy asked you and said, nobody asked you about
16 Josh Flemister and nobody asked you about Paul Allen. I
17 will. Did you ever hear Josh Flemister or Paul Allen or
18 Adam Elrod, anybody -- anybody ever say anything about that
19 they did this crime?

20 A I never knew any of them until I met Paul out
21 there.

22 Q Okay. So you didn't know them? Okay. But you
23 haven't heard any of them say anything to you? You don't
24 have any knowledge for the police today or this jury today
25 about who -- about anybody committing this crime?

1 A No.

2 MS. COLSTON: Okay. Thank you.

3 *****

4 REXCROSS-EXAMINATION

5 BY MR. ABERNATHY:

6 Q Just one other question. Mr. Pasley, now when you
7 were talking any having this conversation with Mark and
8 Joey, didn't Mr. Watkins tell you something about Brianne
9 accusing him of -- or Samantha accusing him of doing some
10 act or Brianne accusing him of doing some act and he said he
11 was in Florida on that; not when this happened? It was
12 something else; wasn't it?

13 A I don't remember.

14 Q Are you sure about that? Said they falsely
15 accused him one time was in Florida; didn't they?

16 A It was -- the only thing I can ever think about
17 it, can remember is when him and Isaac supposedly got into a
18 fight.

19 Q And he was in Florida?

20 A I don't remember what his response was.

21 Q He was talking about something else about them
22 accusing him before and he was in Florida; didn't they?

23 A I just know he told me he was in Florida at the
24 time.

25 MR. ABERNATHY: All right. Thank you.

REDIRECT EXAMINATION

BY MS. COLSTON:

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4 Q Were y'all talking about any other incident other
5 than the shooting of Isaac Dawkins when he made the
6 statement he was in Florida?

7 A To the best of my knowledge, that's what we were
8 talking about.

9 Q Okay.

10 A Was the incident and he said he was in Florida.

11 MS. COLSTON: Thank you very much.

12 THE COURT: All right. Step down, Mr. Pasley.
13 You may not talk to anybody else about your testimony
14 while the trial is going on. As long as you can stay
15 in touch where the district attorney can reach you,
16 you're free to leave.

17 THE WITNESS: Okay.

18 THE COURT: Ladies and Gentlemen, we're going to
19 break for lunch at this time. Please remember all the
20 instructions that I've given you. Don't look at any
21 written reports about the case. Don't listen to any
22 news reports. I told you, turn off your radios and
23 change the setting on your radios and if you're
24 downtown, don't even look at the news boxes because you
25 just don't even want to do that. Just be careful about

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1 any contact you have with any form of what purports to
2 be news and you're excused until one-thirty. Please be
3 in the jury room by one-thirty.

4 Listen, while you're at lunch, understand I told
5 you -- you know we try to break around five o'clock.
6 That's a little variable, so if you have to make
7 arrangements so that you can stay a while longer than
8 that if it becomes necessary this afternoon. Okay?

9 If somebody has a problem at any time, please
10 communicate that to me through the bailiffs or by some
11 other means, just to make sure I know if you've got a
12 problem. All right. Y'all are excused. Everybody
13 else remain in place until the jurors have left. Just
14 leave your pads there and the bailiff will have them
15 for you in the jury room when you come back.

16 [The jury leaves the courtroom.]

17 THE COURT: All right. Counsel, anything we need
18 to take up before we recess for lunch?

19 MS. COLSTON: No, sir.

20 THE COURT: Major Ely, if y'all will make sure
21 when they deliver papers this afternoon that they're
22 not laying around on the -- actually this morning -- so
23 just make sure they're not laying around downstairs.
24 All right. We're in recess till one-thirty.

25 MR. ABERNATHY: Thank you, Judge.

1 [END OF MORNING SESSION]

2 *****

3 [1:30 a.m.]

4 THE COURT: All right. Is the State ready to
5 proceed?

6 MS. COLSTON: Yes, sir.

7 THE COURT: Who would your next witness be?

8 MS. COLSTON: Sammy Dawkins.

9 THE COURT: All right. Let me tell both parties
10 that I was informed that when Mr. Pasley or Pasley left
11 the witness stand and went outside, he was heard
12 talking with somebody about the case. Whether it was
13 about his testimony or what the subject matter was, I
14 don't know, but I'll simply tell you that was referred
15 to me. I don't know what was said. I don't know who
16 he was talking to and there isn't any way for me to
17 find out in terms of who it was.

18 MS. COLSTON: I know Mr. Pasley walked out just
19 before we did. I don't know if he was still sitting on
20 the stand while the jurors were going out or not. I
21 don't recall but he followed us to our office to get a
22 work slip.

23 THE COURT: I'm simply telling y'all what was told
24 to me.

25 MS. COLSTON: Okay.

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THE COURT: I don't have any other details.

MR. ABERNATHY: I'll stand with whatever the Court says. If the Judge knows it and can't do anything, I understand, Judge. Thank you. I appreciate you bringing it to our attention.

THE COURT: All right. Bring the jury in, please.

[The jury enters the courtroom.]

THE COURT: All right. Sound for the next witness, please. It was?

MS. COLSTON: Sammy Dawkins.

THE COURT: Sammy Dawkins, please.

SAMMY DAWKINS

was called as a witness by and on behalf of the State, and after being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. COLSTON:

Q Mr. Dawkins, please speak up so that the jury can hear you. Tell us your name.

A Sam Dawkins.

Q Where do you live at, Mr. Dawkins?

A 1038 Rosedale Road.

Q Is that in Armuchee?

A Yes, ma'am.