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

EPISODE 22: **THE TRIAL**
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Rabia Chaudry:

In our last episode, we went over how and why, if anything, the cell phone evidence proves that Joey could not have killed Isaac. Because the cell records placed him at such a distance it would've been impossible for him to get to Isaac by the time he was shot.

The jury at Joey's trial, however, wasn't able to grasp this. And they ended up convinced the cell evidence actually proved Joey's *guilt*.

But it wasn't just the cell evidence alone that convinced them. It was a combination of everything the prosecutor threw at them. And two of the most convincing pieces of evidence to many of the jurors were this: The dead dogs connected to the case, and a brand new witness that blindsided the defense.

Hi, and welcome to Episode 22 of *Undisclosed: The State vs. Joey Watkins*. My name is Rabia Chaudry. I'm an attorney and a fellow at the US Institute of Peace. And as always, I'm here with my colleagues, Susan Simpson and Colin Miller.

Susan Simpson:

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

Colin Miller:

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

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Colin Miller:

In the movie *Ferris Bueller's Day Off*, Ferris, his girlfriend Sloane, and his best friend Cameron go to the Art Institute of Chicago. As Ferris and Sloane kiss in front of a stained glass window, Cameron examines Georges Seurat's Pointillism painting *A Sunday Afternoon on the Island of La Grande Jatte*. Cameron soon begins focusing on the little girl in the white dress in the middle of the painting as an instrumental version of The Smith's song 'Please, Please, Please, Let Me Get What I Want' plays in the background. Director John Hughes then keeps cutting back between Cameron's tormented eyes and progressively zoomed in shots of the painting as the girl keeps getting blurrier. Finally, there's a series four increasingly atomized shots of the girl until all we have is this series of unconnected dots.

As John Hughes later explained, "I always thought this painting was sort of like making a movie. The Pointillist style. You don't have any idea what you've made until you've stepped back from it. The more he looks at it, there's nothing there. He fears the more you look at *him*, the less you see."

A trial kind of works the same way. The prosecution and the defense each put up their evidence and witnesses sometimes over the course of a day, sometimes several days, weeks, or even months. But for most jurors, as the trial draws to a close, all they have are a bunch dots. It's up to the prosecutor to connect those dots and establish that they paint a picture of the defendant's guilt. While it's up to the defense to get the jurors to take a closer look at the evidence and realize that it's blurrier than the State claims, and in the end, doesn't add up.

And this was especially the trial of Joey Watkins in which so many witnesses testified about so many things arguably unconnected to the actual shooting of Isaac Dawkins on January 11th 2000.

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Susan Simpson:

Not *all* the jurors at Joey's trial have a clear memory of what happened in the case. Some recall a highway crash and vague references to dead dogs and cell phones. But little more than that. Not so for Juror Number 2, though. When I called Rosemary to ask her about this case, she knew instantly what I was talking about. For years, she'd kept her notes on the case tucked away in a file somewhere. And from time to time, she'd think about the case, still. It was clear that she'd taken her duties as a juror very seriously, and had paid close attention to the evidence. Even 15 years later, when we spoke to her, she could recall a remarkable amount of detail:

[03:48]

Rosemary:

It was a lot packed in a little over a week. And we went-- The judge, who I very greatly admire... He's 'no-nonsense', and that-- I like the way he handles his court. And he kept us 'til 10:00 at night so we wouldn't be going for weeks and weeks. You know?

So we'd stay. And that was kind of, I think, better to do it that way. But we were exhausted. Absolutely. Because we worked so hard on getting this right. And, it was a very, very confusing case. Because there were so many people involved. But then there was just some evidence we couldn't ignore.

Rabia Chaudry:

Joey, she is certain, is guilty. It was a difficult case to be juror on, due to the sheer scale of it - the confusing morass of witnesses.

But after analyzing the evidence and breaking down the hard facts, the conclusion was clear for her:

[04:54]

Rosemary:

It was hard. Because there was so much, superfluous stuff. That- that- Bobby Lee Cook's... He wasn't actually there, it's his firm. And I know how they work. [laughs]

Susan Simpson:

How do they work?

Rosemary:

They're-- The typical Southern law firm where they try to confuse you as much as possible [laughing]. You know? They're really sharp but... And it was confusing.

But, that's why you have to go through and weigh out the facts. So look at, what do you know? And so like I said, the cell phone thing was the main-- The pings coming from that tower put him at that time, the timeframe, everything. But it put him there.

Rabia Chaudry:

Rosemary's certainty that the cell phone evidence showed Joey's guilt should *not* be attributed to any sort of failure on her part to understand the evidence because it's not. Of *course* she thought the cell phone evidence showed he was guilty. Because that's the way Tami Colston presented it. And the defense never effectively refuted it.

But if you carefully dissect the transcripts, then *yes*, you can see how the State's case falls apart. But juries are taking in huge amounts of oral testimony over days or weeks, and then assembling it mostly from memory at the very end.

Susan Simpson: What kills me, though, in Joey's case, is just how easy it would've been to show Rosemary what the evidence really was. Just a few sentences could've explained it. All Joey's attorneys needed to do was simply ask the State's cell phone expert: "Is it physically possible for Joey to have been in the gas station where he supposedly ran into Isaac at 7:15 pm?"

And the State's expert would've said, "No. It's not possible. It couldn't have happened." Because that's what the expert *did* testify to. Just in a convoluted, easy-to-miss kind of way.

[06:44]

Susan Simpson: *What do you guys think happened in terms of how this all went down? How did Isaac and Joey come together?*

Rosemary: *They were at a gas station waiting on him. And he was on that road, and they were at a gas station. I remember that part.*

Susan Simpson: All the experts at Joey's trial agreed: It would've been impossible for the murder to have happened in this way. But the jury never heard that. Not in that many words.

And this whole gas station story incidentally, comes from Reese Ellis. He's the jailhouse informant who initially claimed that Joey at confessed to him. But then, prior to the trial, he recanted everything he said. And he actually testified at the trial that he'd made the whole story up.

So on the face of it, he doesn't seem like a very credible witness. And, Rosemary would agree with that:

[07:31]

Rosemary: *Yeah. There was a prisoner who was in there with Joey. And he said Joey told him this, and this and this, you know? Course, you don't pay attention to that. You know, I just put that out of my mind. [laughs]*

Susan Simpson: *So you do you know if –*

Clare Gilbert: *So you disregarded the snitch testimony?*

Rosemary: *Yeah, the snitch thing. That's... That's stupid, you know? You're going-- You can listen to it, but you gotta have something more concrete than that.*

Colin Miller: The problem is, once the information is out there, once it becomes part of the trial, it necessarily becomes a part of the jury's understanding of the case. And without a good defense attorney that can break down the prosecution's fog and remind the jurors of what the source of the State's case truly *is*, it's unreasonable for jurors to remember with clarity where each part of the State's case is coming from.

[08:16]

Susan Simpson: *Do you recall how you learned about the gas station? Or how that information came out?*

Rosemary: *No. It just popped to my head and I thought--*

Susan Simpson: *Yeah.*

Rosemary: *I remember they were waiting somewhere and it was something-- I think it was a gas station. And there was some evidence of that. I don't remember what it was.*

Colin Miller:

The Reese Ellis story is a good example of how piles of facially-unbelievable but damning-sounding evidence can sink a defendant's hopes for a fact-based trial. The prosecution's pieces of evidence in Joey's case are largely absurd and many of them impossible on their face. Taken alone, it wouldn't be hard to explain to *any* jury, simply and clearly, why each one does not constitute plausible evidence of Joey's guilt.

When piled *together*, though, in one flailing mess, a skilled prosecutor is able to distract the jury from the flaws of every individual piece of evidence by encouraging the jurors to view all the evidence as a *whole* regardless of the weakness of those pieces of evidence standing alone. As Tami Colston told the jurors in closing arguments:

Rabia Chaudry:

This is where I thought the details made out the case. The details in this case do make up this case. And now it's my final opportunity to speak, to put the details together. Because each piece of evidence in a case, in any kind of criminal case, or any kind of trial, each piece of evidence is a brick. Some of the bricks are larger. Some of them are smaller, some of them may crumble, and some of them are strong. And then my job in the closing argument is to take the bricks – the evidence that has been brought to you – and show you how it comprises the wall that shows the defendant is guilty beyond a reasonable doubt.

[11:36]

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Colin Miller:

The news articles about Joey's trial in Rome's local paper, *The Rome News Tribune*, left no doubt about his guilt. They were more damning than anything that actually happened in the courtroom, and were seen by far more people.

Let's start with what the paper said about witness Tiffany Sledge. The article published after her testimony reads:

Susan Simpson:

After enduring a day of ribbing at work at a local car dealership about a broken nose he had received in an unrelated fight, Watkins allegedly began a tirade of mouthing off as he'd clocked out. "If it's the last thing I had to do, Isaac will pay. Even if I have to kill the man", said Tiffany Sledge, who worked with Watkins, and remembered the threat. Defense attorneys tried to poke holes in her statement, but she did not falter, recalling Watkins specifically called Dawkins's name.

Rabia Chaudry:

That sounds like a potentially compelling piece of evidence pointing towards Joey's guilt. At least as it's portrayed in the Rome paper. And yet, Sledge's actual testimony has *nothing* to do with Isaac whatsoever. And its irrelevance to the prosecution's case is trivial to prove.

[12:45]

Lawyer:

Did you hear anything about Isaac from Joey Watkins?

Tiffany Sledge:

Yes sir.

Lawyer:

Were you aware, through Joey, of some incident that had occurred involving Isaac or one of his friends?

Tiffany Sledge:

Well, Joey got jumped on at Mount Berry Square Mall. And it was Isaac and the gang that he was seeing.

Lawyer:

Okay, now you don't know who or what did what?

- Tiffany Sledge:** No.
- Lawyer:** All right. Now, what happened with Joey? Insofar as what you could visibly see?
- Tiffany Sledge:** He had a broken nose.
- Lawyer:** What was Joey doing?
- Tiffany Sledge:** Well he had took some ribbing from the guys at work about having his nose broke. And he was coming up to the time clock to clock out, to go to lunch. And he was running his mouth.
- Lawyer:** All right. Running his mouth? What was he saying?
- Tiffany Sledge:** That he would get that son of a bitch, Isaac, if it was the last thing he had to do was kill him.
- Rabia Chaudry:** No, Isaac wasn't in a gang. And no, Isaac never jumped Joey at Mount Berry Square Mall.
- What Tiffany Sledge is testifying about here is an incident involving *Buddy Vines*, someone Joey had a fight with because of Joey being a witness against Buddy in an assault case, after Buddy and his friends had beat up Tandi Watkin's boyfriend in their driveway. A couple months later in May of 1999, Joey and Buddy *did* get into a fight at the mall. And Buddy had pulled a pipe and broken Joey's nose. Joey filed charges, and Buddy was ordered to pay restitution. So, that should make it *obvious* that the incident that Tiffany was describing was about Buddy Vines and not Isaac Dawkins.
- Now, Stanley Sutton interviewed Tiffany at least *five times* before trial. But this discrepancy didn't seem to concern him. Nor did the fact that Tiffany initially claimed this event had happened in November or December. A month before Isaac's death. Even though at trial, faced with the fact that Joey had quit that job in the Spring of 1999, Tiffany agreed that she'd been wrong about the date.
- And although the defense did bring up on cross-examination that Tiffany's story had *nothing* to do with Isaac, their way of doing so was somewhat muddled, both at Joey's trial and at Mark's.
- [12:14:44]
- Defense Counsel:** You talked with Stanley Sutton about it. About this incident.
- Tiffany Sledge:** Yes, sir.
- Defense Counsel:** And you talked with Stanley Sutton about the fact that Joey had his nose broken out at Mount Berry Mall.
- Tiffany Sledge:** Yes, sir.
- Defense Counsel:** And that this happened, he told you, that this happened back in the spring of '99 and that's when he got all that ribbing.
- Were you informed by the police that in fact it was a man by the name of Buddy Vines and his gang, the 501 Gang? That did the breaking of his nose?
- Tiffany Sledge:** No, sir, I--
- Defense Counsel:** And Isaac Dawkins didn't have anything to do with it!
- State Attorney:** Objection. Counsel's testifying at this point.
- Defense Counsel:** I'm asking her if the police informed her of that.

Tiffany Sledge:

No, sir.

Rabia Chaudry:

Ultimately, the judge let in the questions about Buddy Vines.

But he reminded the jury that just because the defense attorney asked about it didn't mean it was actually true:

[15:34]

Judge:

That just because the question contains statements about things doesn't mean that those statements have been established by the evidence in the case. It is entirely up to you to determine what the evidence in the case has proven. Go ahead, Mr O'Dell.

Defense Attorney:

Thank you, your Honor.

So, the police didn't correct you and tell you that it involved Buddy Vines?

Tiffany Sledge:

No, sir.

Defense Attorney:

And you stand by the fact that he said it was Isaac Dawkins--?

Tiffany Sledge:

Isaac and his gang.

Defense Attorney:

Not Buddy Vines and his gang?

Tiffany Sledge:

No, sir.

Rabia Chaudry:

Prosecutors Tami Colston and Fred Simpson dismissed the fact Isaac had nothing to do with the Mount Berry Square fight as yet another defense distraction. Sure, Joey was such a violent and crazy jerk that he may have also had fights with *Buddy*, they told the Jury. But the threats Tiffany heard were *definitely* about Isaac.

[16:32]

Lawyer:

And whether or not Buddy Vines broke his nose, did it appear that his anger was directed at Isaac?

Tiffany Sledge:

Yes, it was directed right at Isaac.

Susan Simpson:

Here's a fact that the defense never thought to bring up at trial, though. The fight with Buddy Vines and Joey's broken nose happened in May of 1999. Joey was still dating Brianne at that time. It was Brianne, in fact, that Buddy and his friends had been harassing at the mall while she was working. So that Brianne had called Joey to escort her out of the mall, and that's when the fight happened.

Brianne didn't start dating Isaac until June. So, at the time this whole thing happened, Isaac and Joey didn't have anything to disagree about in the first place. There would have been no basis whatsoever for him to have any threat against Isaac that Tiffany Sledge could possibly have heard.

[17:26]

Susan Simpson:

In the *Rome News Tribune* article about Tiffany Sledge's testimony, these problems were waved away with a line about how she "didn't falter" in the face of the defense attorneys trying to poke holes in her story.

Similar treatment was given in the write-up of the testimony of *another* witness. Although the *News Tribune* doesn't refer to this witness by name, one article references him obliquely in discussing the death of Isaac's dog.

Rabia Chaudry:

A few months before he was murdered, Dawkins arrived home to find his favorite coon dog chained in her pen and dead with a gunshot wound to the head. Jay Barnett, a friend of Dawkins testified. Watkins' alleged accomplice, Mark Free, accepts responsibility for shooting the dog, according to court testimony.

Susan Simpson:

Unsurprisingly, everyone who reads the article, walks away thinking that Mark has given a confession to killing Isaac's dog. And, over the past six months, there had been countless times that we've had people accuse us of trying to defend an admitted dog murderer, and use this article as proof that, of course, Mark killed the dog.

But with that one line from the *News Tribune* article sidesteps is that this court testimony it's referring to cast more doubt on the State's case than it does on either Mark or Joey.

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Colin Miller:

In November of 2000, Isaac's sister Samantha told Sutton that she'd spoken to a guy named Larry Ballard. And Larry had told *her* that a guy *he* knew, a guy named Billy Passley, had told a story about how he'd heard Joey threatening to kill Isaac. So, Sutton goes to talk to Larry Ballard, who tells him that he'd spoken with Billy Passley about this in January 12th and the next day, Sutton goes to talk to Billy Passley himself.

Larry Ballard's story didn't quite check out. Billy denied that he'd ever heard Joey threaten to kill Isaac. He said that back when he and Joey were in high school together, he once heard Joey say he was going to fight Isaac, but he'd never heard Joey say he was going to *kill* Isaac. Although even Passley's story about this is a problem with the timing: He claims to have heard Joey make this threat while attending Armuchee High School with Joey. But Joey was in high school by the time Isaac was dating Brianne. So why would Joey have been threatening Isaac then?

Anyway, even though Billy Passley couldn't vouch for Larry Ballard's story, Billy *did* have a different story about Joey to tell to Sutton. And this one was even better than the original story Sutton had tracked him down for. It also included a crucial link to Mark Free.

[19:44]

Stanley Sutton:

Alright so you-- You know, you saying that Joe was pulling out of the parking lot of this store on Mount Berry?

Billy Passley:

Right.

Stanley Sutton:

And he hollered at you? He hollered your name?

Billy Passley:

Right.

Stanley Sutton: *And y'all pulled back in and talked?*

Billy Passley: *Right.*

Stanley Sutton: *And you're the one who told me you heard what now?*

Billy Passley: *I heard the rumor about him being part of the Isaac Dawkins case.*

Police Officer: *And what did he say then?*

Billy Passley: *That is was over with, that he wasn't a suspect anymore, that he had proof that he was in Florida.*

Stanley Sutton: *In Florida. Did he say whereabouts in Florida?*

Billy Passley: *He just said in Florida.*

Stanley Sutton: *Did he tell you who was with him in Florida?*

Billy Paisley: *No, but I knew Mark was, I guess.*

Stanley Sutton: *Mark was with him in Florida? Is that what Mark said?*

Billy Passley: *'Cause he said-- He said that 'cause, "I had proof that we were in Florida."*

Police Officer: *And who said that?*

Billy Passley: *Joey.*

Stanley Sutton: *Okay. Now, what did Mark say about a dog?*

Billy Passley: *He said that, the dog was taken care of. That's all that-- That's all that happened.*

Police Officer: *When did he say that?*

Billy Passley: *Same time.*

Police Officer: *Same time?*

Colin Miller: Billy thought the other guy in the car was Mark, but he wasn't certain. When Bill O'Dell confronted him on the fact that Mark went to jail a week before Passley said this all took place, Passley said that "Well, to the best of his knowledge, it was Mark Free he'd seen that day." Maybe he was mistaken about it being Mark Free but he wasn't lying about it.

But even assuming it was Mark, Passley's story is confusing. Why would Mark suddenly jump into a conversation that Joey was having with someone Mark didn't even *know* to announce, out of the blue, that he'd killed a dog?

Stanley Sutton thought it was weird too:

[21:10]

Stanley Sutton: *And how did it come about in a conversation? Because see, it kind of confuses me when you're talking about him killing Isaac. Then all of a sudden, a dog comes into play. How-- How did they bring up this dog?*

Billy Paisley: *Just out of the blue, just interrupted Joey and just said, "The dog was taken care of."*

Rabia Chaudry:

And then there's a thing about Joey going to Florida: At Joey's trial, Passley testified that he'd run into Joey in August and quote: "I told him that I heard he was a hot boy, and wanted. And he said that he wasn't nowhere around. That all that was over with." Joey had explained to Passley that he had been able to prove that he was in Florida at the time of the shooting.

But Tami Colston used this Florida story as yet *more* proof of Joey's guilt. Yet another alibi that Joey lied about. But as an alibi for Isaac's death, Joey trying to claim he'd been in Florida makes no sense. After all, he already told the cops and just about everyone else that he was driving to see his girlfriend at the time of the shooting. And even though Passley's story makes no sense, if he's talking about a conversation he had with Joey in August of 2000, it *does* make sense if what Passley is actually talking about is a conversation in August of 1999. It's the Panama City Incident all over again. But this time, it's retold to include the detail of Joey's alibi. Because in August 1999, Joey had a court hearing in which Brianne claimed that he shot at her and Isaac one night when they went to her house. But Joey had been able to prove he couldn't have been the one to do it because, he had been in Panama City, Florida at the time.

Which means this: If Joey had spoken to Billy Passley in August 1999, and if Billy had asked him about whether he'd shot at Isaac and Brianne, the answer that Billy says Joey gave him actually makes perfect sense: That those claims about him shooting at Isaac were over and done with now, because he had proof that he was in Florida when it happened.

Now that still leaves the question of Passley's story about Mark saying that he took care of the dog. But even Stanley Sutton found this story confusing and implausible. Why would Mark suddenly interrupt the conversation and shout out that, "Hey, I killed a dog" ten months earlier.

And Passley's timing makes no sense, either. Because Mark had been in jail a week before the date Passley named around the conversation took place. And if those conversations really *did* happen in August of 1999, there's no *way* a dog could've been involved in the discussion. Because Isaac's dog wasn't shot until *October* 1999.

[23:59]

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Susan Simpson:

The two most dramatic pieces of evidence at Joey's trial didn't come in from any of the teenage witnesses in this case. In fact, they also weren't from anything that the prosecution had disclosed to the defense prior to trial. Both were dropped on the defense as last minute surprises. And, Tami Colston claimed, they'd been complete surprises to her too. So there's no way she could've told the defense about them sooner.

The first of these two trial surprises was from a witness named Yvonne Agan. Here's what the *Rome News Tribune* wrote about her testimony:

Rabia Chaudry:

Almost one month before Dawkins was fatally shot in the head as he drove home from Floyd College, his world was shaken by the sound of gunshots, a witness testified Friday in Floyd County Superior Court.

Yvonne Agan, the mother of Dawkins' close friend Joe Agan, told jurors that Dawkins showed up at her doorstep a few weeks before Christmas 1999. The 20-year-old, who she said was almost like family, was shaken and visibly frightened. Dawkins had come to her home many times to pass the time, she said, but that night there was panic in his voice and eyes that made her hang up from her phone conversation and tend to him.

Pacing around the dining room table, she said during testimony, Dawkins was shaking and had tears flowing from his eyes. As she wiped his forehead with a damp cloth, she explained, Dawkins described Joey Watkins allegedly chasing him through a neighborhood 'spotlighting' him and firing gunshots.

Susan Simpson:

The first time this story was ever told outside of the Agan family household was two days before Joey's trial. That Friday, Yvonne Agan's husband called Stanley Sutton, and told him that there was something important his wife needed to tell him.

On Saturday, Sutton called Yvonne back and got her basic story. And then he went to pick up Tami Colston and DA Investigator John Harkins. The three of them drove up to Yvonne's house in Armuchee, where Yvonne recounted her story to them.

And on Monday, at the start of Joey's trial, Tami Colston explained to the court what this last minute surprise witness was going to testify to.

Colin Miller:

Yvonne Agan related this story:

That just before Christmas, before Isaac was killed on January the 11th Isaac came into her driveway. He was shaking. He was scared to death. He said, "You know that Joey Watkins? The one I've told you is crazy? He's been shooting at me." He said, "Yvonne, I've just pulled down on my driveway." He said, "I'm scared to go home. He's out there spotlighting, he kept saying they're out there spotlighting driveways looking for my truck."

She said, "Well, I'm afraid that somebody may still be able to see your truck." So she went out. He was too afraid to go outside. He handed the keys to her. She went around back, moved his truck further behind the house so nobody could see it if they spotlighted down the driveway. Put a blanket over the front, which had some light in the grill she didn't want to reflect, came back in.

He sat down and told her that he pulled in his driveway. When his headlights went up, there was Joey sitting in his driveway at his home. And he was grinning at him. And Isaac said, "Put it in reverse real fast and I got out of there. They started chasing and following me. We got on State Road 156 and he started shooting at me. I've gotten away, I can't go home. I'm scared to go home."

He spent the night on her couch. They moved the Christmas tree over to the right because he was so afraid to go to the bedroom and sleep. He wanted to be able to see the driveway and there he stayed until 6:00 the next morning.

Susan Simpson:

Yvonne Agan testified at both Joey's and Mark's trials. The details changed considerably between the two retellings, but both stories more or less follow the same basic script:

She told the court that she and Isaac had a trusting relationship with one another. She treated Isaac like a son, and he'd come by the house several times a week, to see their son Joe and to talk to her. As she put it: they were close enough that sometimes they'd laugh and say, "Uh-oh. Maybe we know too much about one another."

Given their closeness, it wasn't surprising that when fleeing Joey and his friends, it's her house he'd run for. At Joey's trial, Agan testified that around 9:00 pm, she heard someone knocking on the door. "I got up and headed towards the door," she said. "And Isaac was pushing on the door and he was hollering, "'Von, let me in, let me in, let me in!'" When Yvonne did let him in, he began telling her that he was being chased and needed to hide there.

As it turned out, Yvonne Agan was the only one home that night. Her son Joe was out at his friend's house or maybe at his girlfriend's or on the way back from school. It's not clear. And her husband was out on the road. Isaac, she said, was too scared to leave. So, he spent the night on her couch, watching out the window, while Yvonne stayed up to keep watch over him.

Isaac hadn't wanted to tell his parents or the police about the incident. And, Yvonne decided that she wouldn't force him to.

Rabia Chaudry:

Yvonne Agan declined to speak with the Georgia Innocence Project. And she was never interviewed by the police, or the defense about her story. So, we're left with just the two trial transcripts to try to figure out what's going on.

Now, one of the biggest questions about Yvonne Agan's testimony is why she waited so long to come forward. She knew about an incident, apparently, where just a few weeks before Isaac's death, he told her about someone shooting at him on the highway. And despite the fact that the police were so desperate for leads that they put up billboards around town, asking the public to come forward, she never thought to tell the police about it, until July, when Stanley Sutton came up to her at a wedding.

Colin Miller:

Question: Ms Agan, when did you first realize that you needed to tell the police about this?

Answer: Probably back-- We went to a wedding last Summer and I had saw Stanley at the wedding. It was his nephew getting married. He came over and talked to me for a few-- 10 minutes. He said, "Joe- this is Joe, your..." I said, "Yeah, this is my son Joe. He was Isaac's friend." He said, "I need to talk to you about this." I said, "Let's don't do it here. This is a wedding. Call me later."

Susan Simpson:

But Sutton never *did* call Yvonne Agan back. So, she kind of just forgot about it. Then, in June of 2001, a year and a half after Isaac's death, and the weekend before Joey's trial, her husband called Sutton to tell him, "I want to speak to Yvonne".

Colin Miller:

Question: What made you decide to call Mr Sutton on Saturday?

Answer: Friday night, we found out that the hearing had been scheduled and I said--

Question: The trial had been scheduled?

Answer: Yes. The trial had been scheduled for this week. I said, well, I never did get back with Stanley. I said, maybe it wasn't that important. And my husband, I think, had called and had left word for him to call. And then he in turn called me on Saturday.

Susan Simpson:

Another question that the transcripts can't answer for us is *which* version of her testimony she stands by now: The one she gave at Joey's trial where Isaac was certain Joey was shooting at him? Or the one she gave at Mark's trial where Isaac, according to her, thought Joey might've been throwing rocks instead.

At Joey's trial, Isaac was, according to Yvonne, certain that Joey was shooting at him as he chased him up and down the roads.

Colin Miller:

He said, "I could hear them shooting at me, 'Von." And he reached up and grabbed me. And he said, "'Von, I know they were shooting at me." I said, "Are you sure?" He said, "I am positive. I heard it." He said, "That is all he

knew to come here, and I didn't want to bring them straight here because I knew you were here a lot by yourself."

Susan Simpson: At Mark's trial, though, Yvonne no longer claimed that Isaac had been certain it was a shooting. Instead, he said, he thought it might've been, but he couldn't be sure.

[30:59]

Stanley Sutton: *The other thing Mr Abernathy asked you was about Isaac was saying something about someone shooting him. Did he tell you that?*

Yvonne Agan: *He told me he thought they were shooting at him, but he said "I don't know if I was hearing right or not." Maybe they weren't. Maybe they were just throwing things at him. It sounds like they are. But I can't swear to it.*

Rabia Chaudry: Another detail that Yvonne kept changing her mind about was whether her son Joe, Isaac's close friend, also knew about the shooting. At Joey's trial, she claimed that he did *not*. But at Mark's trial, she said "Yes", Isaac had told Joe the story. And Joe had told *her* about it.

[31:38]

Lawyer: *And why don't you tell the ladies and gentlemen of the jury [inaudible]?*

Yvonne Agan: *He had gone through a freak-out probably two miles away.*

Lawyer: *Two miles away. And did you call-- You never told him about this?*

Yvonne Agan: *Yeah I told him about it.*

Lawyer:: *You told him about it?*

Yvonne Agan: *I told him about it.*

Lawyer: *When did you tell him?*

Yvonne Agan: *I told him directly after it happened, when he come home the next night.*

Lawyer: *Well, do you recall your testimony in the prior case? You said you told no one?*

Yvonne Agan: *I told... Joe. Because when Isaac was talking to him, Isaac had already cornered him and told him that he had spent the night at my house on the couch.*

Lawyer: *Who had said he'd spent the night?*

Yvonne Agan: *Isaac told Joe that.*

Susan Simpson: I got in touch with Joe Agan. To ask him about this, to try and figure out what his mother had been testifying about. If she really *had* told people about this story prior to June 2001, whether Isaac had told him about it.

But, while I was able to speak to him briefly, he was polite but firm in responding that he had no interest in the podcast. He said he couldn't see any good in what we were doing. And that he had no doubts whatsoever that Isaac had died at Joey's hands.

Isaac had been one of his closest friends from childhood and expressed his grief over how Isaac had missed all of the milestones that, when he and Joe were kids, they talked about sharing together as they grew up. That was not a pain he was interested in reliving, when justice had already been done.

So, when I asked him about his mother's testimony, about whether what she'd said about him knowing of the shooting had been *true*, I wasn't surprised I never heard back from him. But I do wish we could know now what really happened back then. Did Isaac actually tell one of his best friends about this shooting incident? And then that friend decided to never breathe a word of it to anyone? Despite the 10-month investigation into Isaac's murder? In which his family was so desperate for any lead?

Or, as I can't help but find it be more likely, did the fact that Joe Agan's mother testified at trial that Joe had known about Joey trying to shoot Isaac, come as a complete surprise to Joe Agan to learn it now?

[34:06]

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Susan Simpson:

Rosemary, the juror we interviewed, supports the work of innocence projects. That's why, I think, she agreed to speak to us. Even though she has an unshakable belief in Joey's guilt. It's not that she has anything *against* what Clare and the GIP are trying to do in representing Joey, but she also firmly believed that in Joey's case, their efforts are misplaced. That there were many incarcerated people out there who are far more deserving of the GIP's support.

[34:31]

Rosemary:

What you're doing is-- Is real, I think, admirable. I think it's... And I believe in people's innocence. But in this case, it was so bizarre. It-- He was so guilty. If he had one little spark of kindness, or some little good thing had come out... There wasn't any. There wasn't anything. It was just horror, after horror. You know? And that's evil. That was just pure evil.

Susan Simpson:

The worst of these horrors was probably Grave Dog. Here's how it was reported on in the *Rome News Tribune*:

Rabia Chaudry:

Shortly after their son's death, the Dawkins family left town to escape their recent tragedy. When they returned, Dawkins' father, Sammy Dawkins, said he found Isaac's grave covered with flies from a dog carcass that had been lying atop the gravesite. Police later determined that the cemetery dog had been shot in the head with a 9mm pistol as Dawkins' coon dog was, a forensic expert from the GBI testified.

Susan Simpson:

And then, later in the article, it says:

Rabia Chaudry:

Prosecutors were able to establish that a 9mm gunshot through the back window of Dawkins' truck caused both the wreck and his death.

Susan Simpson:

This sounds like compelling evidence linking the shooting of Isaac, the shooting of Isaac's dog, and the shooting of the grave dog. The problem is, none of it's true. The body of Isaac's dog, Sally, was never found at all, so there wasn't any testimony whatsoever about any kind of bullet she may have been shot with. And although Jay Jarvis, the GBI's forensic expert, did

testify that the grave dog had been shot, he also testified that no bullet was recovered and they had no idea what she had actually been shot with.

[36:28]

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Susan Simpson:

We've talked about Sally before – Isaac's dog. And we don't know much about how she was killed.

One day in early October, likely October 1st Isaac came home and found his dog dead in her pen still tied up. He disposed of the body before he told anyone else about what had happened. So it's unclear what more he may have seen or what more there might've been to go on to figure out what had actually killed her. Isaac's parents initially thought that Sally had escaped, and had been shot while chasing the neighbor's cows again, but Isaac told them no. The dog had been shot in the head while still tied up.

Shortly after Isaac's murder, Detective Moser asked Brienne about the dog and she told him that Isaac hadn't thought Joey had done it. Isaac's best friend, Floyd County Officer Jay Barnett said, though, that Isaac *had* thought it was Joey. It's just that he stayed quiet about it.

[37:15]

Jay Barnett:

One day Isaac had called me, you know, saying that he had come home, but I hadn't brought it home, a matter of fact. I brought it home and he said, he went down there to feed his dog and his dog was dead. And, you know, he didn't have-- We didn't-- He thought it would've been Joey, but he didn't have no way to prove it or nothing, so he never said nothing about it, and--

Stanley Sutton:

What kind of dog did he have?

Jay Barnett:

It was a black and tan coon hound.

Stanley Sutton:

Do you know where the dog was shot at?

Jay Barnett:

They said it was shot at between the eyes. I never saw it, but that's what it said.

Stanley Sutton:

That's what he said. Do you know where he buried the dog?

Jay Barnett:

No.

Stanley Sutton:

Or if he buried it?

Jay Barnett:

They said he buried it. But. I heard from Sammy that he said he threw it out in the woods or something like that also, so...?

Susan Simpson:

Neighbors had seen Isaac's family out in the yard in woods for months looking for Sally. Searching with metal detectors. In the hopes of finding evidence that might be relevant to their son's murder. They never did find Sally's body though. At some point, Sutton enlisted the FBI's help in searching for the dog. But they couldn't find her either. Eventually, Isaac's mother told Tami Colston that she'd *thought* she remembered Isaac saying that maybe he'd taken her out and buried her at a place called the Blue Hole. But it's not clear that anyone ever looked there.

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[38:30]

Colin Miller:

As we just mentioned, though, Sally isn't the only dog in this case. There was another dog that was found in a pretty horrific way by Sammy Dawkins, Isaac's father. The first time the defense learned about this second dog was in the middle of Joey's trial, when Mr Dawkins testified about what had happened.

Isaac was buried in a small church cemetery off of the side of a small road in a wooded area north of Armuchee. On February 26th Mr Dawkins went to visit his son's gravesite. But when he got there, he was alarmed to find hundreds of bottle flies swarming over his son's grave. He tried to shoo them away but they wouldn't leave. When he went to cross the road to the other side of the cemetery to see if the flies were there too, he found a bag lying in the roadside ditch about 15 feet from Isaac's gravesite. There were flies all over it. When Mr Dawkins tore it open, he found a dead dog inside.

Because of the flies in the grave and around the bag, he concluded that the animal had been on Isaac's grave at some point and he was distraught. He had drove to a local smokehouse and got two garbage bags before going back to the graveyard. In addition to the bag the dog was already in, he put it in the other two bags as well, then drove a couple hundred meters down the road to a bridge that went across a small creek where he dumped the triple-bagged body of the dog into the ditch there.

Isaac's father then went to see his friend Houston Freeman, who was a captain with the Floyd County police department.

[39:46]

Lawyer:

Did you ask the county police to get involved?

Sammy Dawkins:

Yes. Yes sir, it was right the same day that I had gone and talked to Houston Freeman and told him about what I found at the cemetery. Told him that I felt like the City was in over their heads. And I wanted to get the County involved. And they did get involved. First thing he told was never tell a soul about the dog. He said don't tell anyone.

Colin Miller:

We don't know *why* Captain Freeman would've told Mr Dawkins to keep the grave dog a secret. No one ever asked and it's never explained. Mr Dawkins, though, *did* go and speak to the Floyd County Police the following Monday and asked them to take over the investigation, but he didn't tell them why.

He testified that before calling up Tami Colston to tell her about it on the eve of Joey's trial, there was only one other person he'd ever told about the dog:

[40:39]

Sammy Dawkins:

Stanley Sutton called me later and set up a meeting with me. And that was the first time I'd ever talked with him about the case. Stanley Sutton was the only other man I told about the dog besides Houston Freeman.

Colin Miller:

Stanley Sutton's notes don't mention anything about the grave dog, but nine months later while he and fellow Floyd County Police officers Tommy and Bill Shiflett were on their road trip to Virginia to interview Josh Flemister, Sutton made a call back to Rome.

[41:05]

Lawyer:

Did you go back and get it?

Sammy Dawkins: *Yes sir, at a later date.*

Attorney: *Why did you wait until later?*

Sammy Dawkins: *Stanley Sutton called me. He was out of town. And he told me, he said-- Asked me, if I had remembered what I did with the dog, and I told him, "Yeah." He said, do you think you can go you can go find it? And I said, if the creek hadn't gotten up and washed it away it might still be there.*

And he said we might find something. In that dog.

Rabia Chaudry: When Mr Dawkins first started to testify with the grave dog at Joey's trial, his defense counsel Rex Abernathy objected. The defense hadn't been told *anything* about this dog carcass. And anyway, it wasn't relevant to anything. It shouldn't be admitted.

But Tami Colston told the court: "This is like a signature, your honor. That anybody would put on that grave a dog that had been shot between the eyes is like saying the signature of who did the killing of Isaac Dawkins, and *that's* the relevance to it."

Abernathy argued that there was nothing to connect to Joey in *any* way. And even if it had any relevancy, the prejudice was extreme and outweighed any of that. In response, Colston promised the judge that there were two witnesses, both of them jailhouse informants who could link Joey to the grave dog.

And Judge Matthews deny the defense's motion, finding that Grave Dog was indeed relevant and outweighed any prejudice, concluding:

Colin Miller: *You're right. It doesn't necessarily tie it to your client, but what it does is that it tends to make this a personal, rather than an impersonal crime, rather than a random killing. It could tend to let the jury think there was some connection between the killing of his dog and this killing of this dog, and putting it on the grave.*

Letting the jury see, not that it's your client necessarily, but that it is somebody- - That there is a personal aspect to this killing, not a random personal fact, and I think the jury is entitled to this based on what the district attorney has told me. If they connect it up with the crime lab in all of it, I'll allow it in.

Susan Simpson: In other words, Grave Dog was relevant as evidence that Isaac's death had been a targeted murder, and not some random road rage shooting. Judge Matthews did agree with the defense that it didn't necessarily mean Joey was the killer. But he allowed it in under the theory that it did show or was relevant to show that whoever *did* kill Isaac had done so intentionally. But from the jury's point of view, this sort of 'crazy signature killing' meant there's only one person who could've done it.

Because only one person could've been capable of that kind of extreme action. And that was Joey.

[43:52]

Susan Simpson: *His story is that he just doesn't know anything about it.*

Rosemary: [laughs loudly] *Oh, well see? That right there. There's no way! There's no way. 'Cause he-- He was the only one who had a motive! He was the only one who hated the kid so much because he dared to-- To date his ex-girlfriend! That he was so jealous of. He had-- He's a*

very selfish, jealous person. He really is, one of the worst I've ever seen. But that's the motive. I mean, that motive was so strong.

Rabia Chaudry:

After Mr. Dawkins, another witness was brought on the stand to talk about Grave Dog. Jay Jarvis, the forensics expert from GBI. When Colston tried to introduce an x-ray of Grave Dog that had been taken by the GBI, the defense objected to the admission of further Grave Dog evidence, arguing that they were entitled to have gotten 10 days' notice on *any* scientific evidence, rather than being ambushed with it at trial like that prosecution was doing right now.

But Tami Colston justified the surprise evidence by telling the court that hey, it had been a surprise to her too. That she *couldn't* have told the defense about it sooner because she only learned about it herself on the Friday before the trial began.

Susan Simpson:

Colston: I didn't have a report of it either. I didn't even know they carried the dog to the crime lab until Mr Dawkins called me, which was Friday. I called Jay just as soon as I could get him and I found out that they did have an X-ray and I told him, I told him about this testimony. That everything was going to be done. I think I told you about the X-ray.

Abernathy: I don't remember anything about no X-ray.

Rabia Chaudry:

Ultimately the court overruled the objection to Jarvis's testimony, finding the defense was only entitled to ten days' notice of any scientific evidence if the prosecutor had had ten days' notice themselves. In this case, because Tami Colston hadn't known about the grave dog until a few days before trial, she was entitled to spring it on the defense without any notice.

At Mark's trial, six months later, the defense once again objected to the admission of the grave dog. The court had no patience for the defense claim that it was *not* being given complete information about the grave dog though, and overruled the objection.

[46:14]

Defense Counsel:

Judge I will object – I have no crime lab report of any other item being received [inaudible]. Your honor, we had no report on this evidence or a summary of what Dr Jarvis would testify to [inaudible].

Judge:

What is-- What is-- What is your objection now? State your objection please.

Defense Counsel:

Well, I would object to not receiving any report of any, uh, notice. Any examination, uh-

Judge:

Well, truth is you've already heard him testify. Council has already heard Dr Jarvis, or Mr Jarvis, testify on this same point. I think counsel have all information about on what he's going to say in their possession. Go ahead.

Prosecutor:

Thank you, your honor.

Susan Simpson:

At Joey's trial, the court did agree that Jarvis was the wrong expert to bring in the x-ray. While Jarvis could say that he'd seen a bullet in the dog's head and an x-ray was taken, they couldn't actually introduce the x-ray as evidence through him.

During the bench discussion leading up to the court's ruling though, in response to Abernathy's questions about what the GBI expert had even *found*, Colston repeatedly reassured the court that all he'd done was look at a bullet hole in the dog's head. There was no further evidence. "I don't know what kind of bullet it is" she said, "I don't have any expert testimony on what kind of bullet it is".

Colston confirmed with the Judge that she had spoken with Jay Jarvis and he confirmed to her that *no one* had obtained a bullet from the dog.

The court asked Colston directly if a bullet had been found in Grave Dog:

[47:53]

Colin Miller:

"Was a bullet recovered?"

Susan Simpson:

"No sir. They just x-rayed the dog. They saw the hole between his eyes and they x-rayed the dog and saw the bullet in there. He's got the x-ray."

Colin Miller:

"Is there a bullet in--"

Susan Simpson:

"There's a bullet in the x-ray."

Colin Miller:

"They didn't remove it?"

Susan Simpson:

"No sir."

Colin Miller:

"Didn't examine it beyond that?"

Susan Simpson:

"No sir."

Colin Miller:

"Just saw an x-ray with a bullet?"

Susan Simpson:

"Correct."

Susan Simpson:

And Jay Jarvis, the GBI expert, backed up Colston's claims, and at both trials, he maintained: No ballistics evidence was ever recovered from Grave Dog:

[48:25]

Defense Counsel:

What was, uh, your own personal knowledge?

Jay Jarvis:

Well again it was initially brought in, I believe, to the medical examiner to look at and he uh, asked me to come back and assist him in the examination of this uh, dog carcass. Uh, and we were specifically looking for any type of firearms evidence that may be present.

Defense Counsel:

Did you find any?

Jay Jarvis:

Uh, what I recall seeing was what appeared to be a bullet hole in the uh, the dog's head.

Defense Counsel:

And you did not recover any bullet fragment or anything from this dog?

Jay Jarvis:

No. I did not personally, no.

[break in audio]

Defense Counsel:

Did the doctor do an x-ray of the dog's, uh, head?

Jay Jarvis: *Yes I believe he did.*

Defense Counsel: *Could you see and track, on that x-ray, the bullet hole?*

Jay Jarvis: *Uh, I don't recall ever really looking at it, and I don't know that uh, I-- I really don't recall what we- what he saw or what I saw. I just remember that there was what appeared to be a bullet hole in the head of the dog.*

[break in audio]

Defense Counsel: *And do you know how- what was the size of this hole?*

Jay Jarvis: *Uh, it was probably either small to medium caliber uh, type hole.*

Defense Counsel: *When you say small or medium caliber, what are you speaking of?*

Jay Jarvis: *Uh. You know, something was made either from like anything from a .22 up to, you know, a .38 or something, 9mm.*

Defense Counsel: *.22 to a .38 or 9mm, would that include also a 380?*

Jay Jarvis: *Yes it would.*

Defense Counsel: *.25?*

Jay Jarvis: *Yes.*

Defense Counsel: *So you don't know what kind of bullet made that hole, do you?*

Jay Jarvis: *No sir, I don't.*

Susan Simpson: According to Jarvis, Grave Dog had a bullet hole in its skull and the hole could have been caused by a 9mm, which is consistent with the dog being linked to Isaac's murder.

But what Clare from the GIP couldn't get over was the 'why'. *Why* didn't they pull the bullet from the skull? *Why* go to all the trouble of taking Grave Dog to the crime lab and x-raying it and seeing a bullet in the x-ray and then just saying, "Well good enough. Let's leave it there."

Clare first tried to learn more about the grave dog from the GBI and sent in an open records request for older files related to the examination of the dog. But the GBI wrote back to her and said "Sorry, no such records exist." They said, "The GBI crime lab has no records whatsoever that reference the dog carcass or any x-ray of the dog carcass." So Clare sent another request asking them to look again. She got the same response.

So Clare scheduled an appointment with the GBI so she could meet with them and talk to the officers about what she was looking for. She showed them a document the GIP had found in the Floyd County PD file which showed that Officer Perry Maynard had in fact taken a dog carcass to the crime lab in November of 2000. She also showed them testimony of Jay Jarvis at trial which says that yeah, there had to have been a dog carcass taken to the crime lab. The GBI promised they'd keep looking for anything they could find on the dog, the dog carcass, or the x-ray.

After some follow-up by Clare, the GBI finally responded again. No, nothing. No dog documents. No x-ray. Nothing at all with Joey Watkins or Isaac Dawkins or any of the GBI case numbers associated with the case that connected to a dog in any way. But they *did* put Clare in touch with Jay Jarvis, the forensics expert, who the GBI said could answer Clare's questions.

So when we went to talk to Jay Jarvis, there's one thing we were really hoping he might be able to help with: What was going on with Grave Dog? And why was that bullet never recovered?

[49:11]

Clare Gilbert: *What can you tell us about the whole dead dog thing? Presuming you read your transcript?*

Jay Jarvis: *Yeah. And you know that's-- I can remember all this. I don't remember a whole lot about the dead dog thing but uh, but... [pause] But you know we talk about it. I mean I'm I'm guessing from what I read that they actually brought this thing for the medical examiner to look at. Dr Snider, is that...? Does that sound...?*

Clare Gilbert: *We only know about it what you testified about I mean that's all we know.*

Susan Simpson: *Yeah, that's all we know.*

Jay Jarvis: *Okay and see I'm wondering if maybe, you know, 'cause Snider didn't-- He was the first medical examiner up there but you know he did leave at some point. And I don't remember when he left.*

Clare Gilbert: He didn't remember being present for the examination of the dog carcass. And couldn't give us any answers about why that bullet was never recovered:

[53:07]

Susan Simpson: *What surprised me was that they never tried to get the bullet out and look at the bullet. Because I figured that at that stage it probably wouldn't have been that hard to get the bullet out.*

Jay Jarvis: *No!*

Female Voice: *But you saw the x-ray right?*

Jay Jarvis: *Yeah! I'm sure I would have... Yeah.*

Clare Gilbert: *You wouldn't have brought the x-ray if there wasn't a bullet in the head, right?*

Jay Jarvis: *That's exactly what I thought when I was reading it.*

Clare Gilbert: *So why didn't they get the bullet out?*

Susan Simpson: But, even though Jarvis wasn't able to tell us anything about the grave dog, he did drop something crucial: The name of the medical examiner who had looked at Grave Dog

[53:41]

Clare Gilbert: *I'm just really surprised you can't remember.*

Jay Jarvis: *I'm really surprised that the, you know, if Perry Maynard was the one who brought it I'm surprised that somebody didn't take pictures.*

Clare Gilbert: *We should talk to Perry Maynard and we should also talk to Dr Snider. So he's in Pennsylvania?*
Susan Simpson: *He was.*

Clare Gilbert: *Or he was in 2000?*

Susan Simpson: *Do you remember a first name?*

Jay Jarvis: *Cameron. Cameron Snider. Uh, good luck finding him, and good luck getting him to remember this.*

Susan Simpson: As it turns out, after a thorough search across many states, Clare was eventually able to find Dr Snider. And he *did* remember the Grave Dog examination.

There'd only been a few dogs he'd looked at in his whole career and this was the only one he'd ever looked at while in Georgia. So he could recall some of the specifics about the case.

He had something better than his memories of the grave dog though. He had a copy of his autopsy logs from that time period with an entry listed on November 14th 2000 for: "dog remains".

And on Dr Snider's autopsy log there was a case number listed for the dog remains examination. A *new* case number. One we'd never seen before. One assigned for the Grave Dog examination alone. Different from any other case number that GBI had used in this case.

[55:00]

Clare Gilbert: *Do you remember ever being contacted and told that this was going to trial and asked to testify?*

Dr Snider: *No. And that's, you know, I was reading the testimony of Jay Jarvis and there seemed to be some argument whether he could even interpret an x-ray and I thought for myself well, this would have been a lot more simply resolved if someone would have just called me.*

Clare Gilbert: *Right.*

Dr Snider: *You know? I had come back from Pennsylvania to other counties in northwest Georgia to testify. In fact I even thought I came back to Floyd County once for some other case after I had left.*

Susan Simpson: Dr Snider was also confused though, about why he hadn't recovered any bullets from the dog carcass:

[55:45]

Dr Snider: *Um, I really wouldn't have had a reason to have done this case, unless it was to extract the ballistic evidence to give to Jay, really.*

Susan Simpson: And although he couldn't be completely sure now, his memory was that the dog carcass had been rather dry. Not the 'dog soup' we'd kind of imagined, based on being left in three plastic bags in a creek for an entire Georgia summer.

[56:06]

Dr Snider: *This is what I think I recall, but again, I'm about to tell you something that I'm trying to remember back to what this dog, what condition this dog was in... But remember I also told you that, I thought this was related to like, the trailer robbery, that was completely wrong.*

But I don't remember this animal being particularly slimy or putrid. I thought it was rather dry.

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Susan Simpson:

Armed with a new mysterious case number from Snider's autopsy log, Clare sent in a new request to the GBI and this time, the GBI came back with a different answer. "Well," they said, "We don't have any x-ray of this dog, but we do have a few records of a dog carcass examination." They gave Clare a case narrative from the medical examiner's investigator, a chain of custody log, photographs of the dog's head, and photographs of the projectiles that had been recovered from Grave Dog. Projectiles that definitely were *not* from a 9mm. And according to the chain of custody log, someone had in fact examined those projectiles after they'd been taken out of the dog.

And they concluded, those projectiles consisted of a .22 lead bullet and a dozen or so shotgun pellets.

Clare sent these new records to Dr Snider and had a follow-up call with him. He told her, well someone identified that bullet as a .22, but it wouldn't have been him. That wasn't his job.

[57:35]

Dr Snider:

I think that one of the labels said that it was a .22 bullet and shotgun pellet and I wouldn't be the one to say that it's a .22 caliber bullet. I'm taught to describe things as small or medium or large caliber, and then leave that to a ballistics expert to say, well it's a .22 versus a .25 or a .32 or a 2235 bullet. That would have been named by Jay as a .22 caliber bullet. Not me.

Colin Miller:

Clare also sent the GBI records to Chris Robinson, the ballistics expert who'd also helped us with the other ballistics evidence in this case to see what *he* could make of the GBI's records. And although he couldn't be 100% certain without actually examining the bullet, just from the photos he was confident that the identification listed there was correct.

[58:25]

Chris Robinson:

It looks like a .22 long rifle to me, based on what overall bearing surface of the bullet I can see from this picture. Now again, if you want to go the nth here, I'd have to see the bullet, and know the weight I'd have to measure the lanes and grooves. Then I could tell you, you know, different things. But an expert opinion, just from this picture, yeah I'd say it's a .22 long rifle.

Colin Miller:

The other projectiles in the photos were pellets from a shotgun, but Robinson said the pellets probably hadn't been related to the dog's demise.

[58:56]

Chris Robinson:

I don't think that would have... No. I don't think it would have killed the dog. Not those little small pellets.

Clare Gilbert:

Even if it was--

Chris Robinson:

If wouldn't have done it any good, but it wouldn't have killed the dog. But you see, the pellets are going to expand and spread out very quickly once they leave the barrel of a shotgun, so somebody could have just shot this dog and... To scare it off, wound it, whatever.

Now if the doctor said he took these pellets from along the wound track... He didn't say that. I mean, I'm assuming he didn't say that. I think he just took them out of the dog when they did the autopsy and they just found these pellets in the dog's head. But the .22, yes, it's going about 1,000 to 1,100 feet per second. It would have killed the dog no matter what.

Colin Miller: Incidentally, when we did talk to Jay Jarvis about these photos he reached the same conclusion:

[59:51]

Jay Jarvis: *Based on the size of those those look like bird shot, like 7 ½ kind of sized shot.*

Clare Gilbert: *Wouldn't have killed the dog.*

Jay Jarvis: *No. Probably would have run him off though.*

Clare Gilbert: *Mm.*

Jay Jarvis: [laughs] *I mean, he would have known, you know?*

Clare Gilbert: *Would he have bled?*

Jay Jarvis: *Yeah! Probably a little, yeah. He would have just tucked his tail and got out of there, I imagine, which is probably why somebody shot him to start with.*

Colin Miller: The photos we have are only of the skull, but they don't show any injuries that seem attributable to the shotgun. But Clare was in luck. After a few more specifically-worded open records requests to the GBI, they finally came back again and said "Oh, we didn't search correctly before but it turns out we do have the x-ray from the grave dog. Here you go."

The x-ray appears to be taken of the dog while it was still bagged up. Most of the body is depicted and it shows that there were more pellets in the dog than had been recovered by Dr Snider. It seems like he collected the ones that he had seen in the head but there were dozens of other pellets scattered in the body of the the dog itself. Still, while like Robinson said the pellets wouldn't have done the dog any good, there were few enough that it seems like the shot had to have been at a distance. And the shotgun pellets wouldn't really be a kill shot in the way that the .22 definitely was. Which means, unless someone was shooting an already dead dog, the shotgun injury came prior to the .22 and probably much earlier from an encounter the dog had survived. Although it continued to carry the pellets under its skin.

The shotgun pellets *aren't* the real point of interest here though. It's that .22 bullet that matters, because a .22 is clearly *not* a 9mm.

At Joey's trial, Jay Jarvis testified that the dog *could* have been shot with a 9mm. His testimony left open the possibility that the same gun that killed Isaac also killed Grave Dog. But it's not true. The bullet was almost certainly from a .22 long rifle and definitely *not* a 9mm. That .22 bullet's existence undermines any inference of any connection between the two, which raises a question that sort of answers itself: If the bullet had been recovered and determined to not be the same type that killed Isaac, why did the Floyd County DA and the GBI forensic analyst assure the court and defense counsel that no bullet had been recovered?

One answer could be that they didn't know the bullets had been recovered, but the GBI file makes that explanation hard to swallow. Because the chain of custody log for Grave Dog shows that on June 26th 2001, just a few hours before Jarvis testified at Joey's trial, he checked the Grave Dog bullets out of evidence and delivered them to Tami Colston. After getting the new records from the GBI, Clare talked to Jay Jarvis again and he agreed to a follow-up interview to discuss the new evidence from the GBI.

Clare and I met with him over the summer to go over the records:

[1:02:40]

Clare Gilbert: *Evidence Number 2 is the sealed plastic bag containing a container labeled "dog remains" with the .22 and lead pellets.*

- Jay Jarvis:** *Okay. I'm in the chain of custody, returning it to the court so I think that-- That would tell me that I never did an examination on it. That they just gave me that to take to court.*
- Clare Gilbert:** *So you did take it to court with you?*
- Jay Jarvis:** *That's-- According to this I did yeah. It shows that it comes out of the evidence room on 6/26/01 and its transferred to me, and then at 6/26/01, that it goes to the... District Attorney.*
- Colin Miller:** *When he saw the chain of custody logs, Jarvis told us that Tami had to have known what the evidence was. It would have been labeled as evidence from the dog remains right on the bag.*
- [1:03:34]
- Colin Miller:** *When Tami Colston gets this item from you on June 26th, she knows what it is? She knows this description here?*
- Jay Jarvis:** *Yeah. 'Cause it's usually printed on the-- I don't know those pictures you had? There's usually a label on there that'll have part of the description printed on it.*
- Colin Miller:** *Still, Jarvis said, there was nothing sinister going on here. Except for some weirdness in why it took the evidence a month to make its way back to the crime lab, it just a normal chain of custody report.*
- Susan Simpson:** *That explanation seems a bit out of sorts though. Sure, it looks like a normal chain of custody report – a normal chain of custody report for a secret GBI case number that was used to admit evidence that was not supposed to exist.*
- Jay Jarvis argued though that a chain of custody log wasn't proof that he'd actually done any ballistics testing. It was just proof that, you know, he'd taken the ballistics to court.*
- [1:04:27]
- Jay Jarvis:** *Unless you've-- Unless you can show me a report where I did some sort of testing on it, I obviously, I don't think I ever tested it.*
- Clare Gilbert:** *Well, someone concluded it was a .22.*
- Jay Jarvis:** *[sighs] [pause] And you know, sometimes that's just kind of an easy... You know, thing to determine.*
- Clare Gilbert:** *Do you think Dr Snider would have determined that?*
- Jay Jarvis:** *I mean, the medical examiners were usually pretty good at being able to determine if it was a small, medium, large caliber, or something like that. He may-- And it could have been one of those things were he may have said, "What does it look like to you" or something.*
- Clare Gilbert:** *To you?*
- Jay Jarvis:** *He may have. You know, I'm not saying that he did--*
- Clare Gilbert:** *Because you don't remember?*
- Jay Jarvis:** *But, that may be how the .22 got in there.*
- Clare Gilbert:** *So you might have looked at it and said...*

Jay Jarvis: *I may have. You know?*

Clare Gilbert: *Because I, I believe that I did ask Dr Snider like, would you have made the determination on what type of bullet it was, if anything was extracted, and he said, "No, I have not training in that. I would not have made that determination." So...*

Jay Jarvis: *[clears throat] So it was clear--*

Clare Gilbert: *Given that you were there...*

Jay Jarvis: *It was clearly not a 9mm.*

Colin Miller: *Okay.*

Clare Gilbert: *You can tell that, by looking?*

Colin Miller: *Just from your inspection of it you can tell it wasn't a 9mm?*

Jay Jarvis: *Yeah I'm guessing that, if it had been a 9mm I think they would have been real excited about that because I would have thought that they-- You know? That would have kind of tied together the,*

Colin Miller: *Right.*

Jay Jarvis: *The other shooting.*

Clare Gilbert: *Well, did they mention anything about it not being a 9mm?*

Jay Jarvis: *No! I'm just-- I'm saying that maybe the fact that it was a .22, there wasn't any real interest on the part of the law enforcement people to... "This is not going to help us" because you know, we were hoping that you know, it had been shot with a 9mm and then we could try to make a connection.*

Susan Simpson: *On the one hand, if Jarvis did remember that he had looked at the grave dog bullet and that he then testified that no bullet had ever been recovered? It is really hard to think of why he agreed to talk to us in the first place and why he went out of his way to help us out in puzzling through the GBI records.*

On the other hand? His speculations about what would have likely happened here, what the FPD's reaction to this would have been? Make a whole lot of sense. And that would imply that yeah, Jarvis had seen the Grave Dog bullet. But no, the police weren't pleased by that cause it was contrary to their case. And yes, Jarvis did testify seven months later that no bullet had been recovered. Even though it had been.

[1:07:10]

Jay Jarvis: *You know I'm trying to put together why bringing this dog in was such a big deal to the County Police, and my thought is, is I think they were hoping that that was a 9mm in the dog because then that might link together the two shootings.*

Clare Gilbert: *Being inculpatory.*

Jay Jarvis: *Yeah.*

Clare Gilbert: *But the fact that--*

Jay Jarvis: *The fact that it wasn't makes me think, you know, this was just like a lead that they chased and it didn't turn out and that's why it...*

Clare Gilbert: *Yeah but...*

Jay Jarvis: *Maybe she didn't know about it. I-- You know, I don't--*

Clare Gilbert: *But she's presenting--*

Jay Jarvis: *I'm speculating.*

Clare Gilbert: *Evidence of the dog as if Joey had shot the dog knowing that the dog was shot with the .22 and pellets, but telling the court that it wasn't. Or that, at least, that evidence had not be extracted from the dog.*

Jay Jarvis: *She clear-- Either, well-- I mean obviously there's two options: Either one, she's lying and number two, she didn't know that anything had been taken out of the dog.*

Clare Gilbert: *But you-- You would have told her, right?*

Jay Jarvis: *Why would I have told her? Because I didn't know.*

Clare Gilbert: *You- You brought the evidence to the court.*

Jay Jarvis: *I brought-- I brought a whole bunch of evidence to the court.*

Clare Gilbert: *Mm-hmm.*

Jay Jarvis: *I mean I-- I never saw the thing. I mean I was never asked to look at it. It was never sent to me and said can you examine this and tell me what size the pellets are and what caliber the bullet is. I was never asked to do that.*

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Susan Simpson: At the time of this interview with Jarvis, though we didn't have all the records that we do now, well, also we still don't have a *complete* set of the records that we know existed back then somewhere, but we have a few more now than we did when we spoke to Jarvis. Last month, a GIP Fellow Rick Latta was able to go to the Floyd County Police Department and request to look through *all* of their custody forms for 2000. Like, all of them. Like a needle in a haystack-style search.

And Rick found the needle. A GBI evidence admission form filled out by Stanley Sutton requesting GBI analysis. It has a GBI dropbox time stamp on it of November 14th at 9:30 am, the same time Perry Maynard delivered Grave Dog to the GBI. And it was submitted on the original department of forensic science case number that all the rest of the ballistics evidence in this case has also been submitted under.

The evidence submission form lists the evidence as a dog carcass with a possible projectile in states: "If a projectile is present, compare to bullet recovered from victim." In other words, Stanly Sutton made an official request for Jay Jarvis to recover *any bullet* from the grave dog's head and compare it to the ballistics recovered from Isaac and the Highway 29 crime scene. And that form was stamped with a Northwest Labs Dropbox stamps, meaning we know that form was taken to the GBI lab and that a half hour after the time shown, Dr Snider examined the carcass and recovered the bullet.

Which makes what Jarvis told us very hard to understand, since we know now that an official request was made.

[1:10:24]

Clare Gilbert: *So you were-- You were up there*

Jay Jarvis: *But I don't know. I don't really remember. I-- I-- I really can't over emphasize that. I'm just kind of trying to figure out, based on all this information you're telling me, what possibly could have gone down.*

Clare Gilbert: *So, I guess what I'm--*

Jay Jarvis: *But I do know if there had been an official request – “We want to know what caliber this is and we want to know what size those pellets are.” – Then a specific service would have been entered into the computer and then there would have been a report generated.*

Susan Simpson: It is possible that no report was ultimately written in this matter, but, given Sutton's specific request that ballistics testing be done, the lack of any report means that someone had to make a call to *not* do a report. Which is most possibly explained by the fact that someone learned that the bullet was not the kind that could help the case.

But that still means that someone *did* have to determine that the bullet from Grave Dog was a .22, not a 9mm.

And Jarvis testified that he *had* been brought back to assist with recovery of the bullets. So, in light of all this, Clare and Colin asked Jarvis about the discrepancy to see if maybe there was some alternative explanation – something else to explain what's going on here.

Clare Gilbert: *Ms Colston: There's a bullet in the x-ray.*

The Court: They didn't remove it?

Ms Colston: No sir.

They didn't examine it beyond that point - the court asked that.

Ms Colston says: No sir.

The court says: They just saw it and x-rayed it with the bullet?

Ms Colston: Correct.

Jay Jarvis: *But I never examined the bullet. And I don't, you know, I certainly wasn't present when he took it out.*

Karen: *Well how do you know if you don't remember?*

Jay Jarvis: *'Cause I wasn't there.*

I mean I went back there and I remember looking at this head and thinking, “Yeah it looks like a gunshot hole.” But I didn't stay there for the whatever he did. Whatever medical intervention thing that he did.

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Susan Simpson: I do believe, at least for myself, that Jarvis was being truthful when he told us that he had no memory of looking at the Grave Dog bullet. I don't think that when we first spoke to him that he did have any clear recollection or any recollection of looking at a bullet or later testifying at a trial where the prosecutor said to the court that no bullet had ever been found. And I do believe that Jarvis only spoke to us at all out of an actual interest in helping us to understand the records. And his help was invaluable there.

But it's also hard to understand how it could have been anyone other than Jarvis that made the determination that bullet from Grave Dog wasn't a 9mm... It was a .22. And it's harder still to believe that Tami Colston didn't know that a bullet had been recovered from Grave Dog and that the bullet didn't fit the State's case. I just can't think of anything that can explain the paperwork we've now obtained that *doesn't* involve the GBI and the prosecutor knowing that Grave Dog was killed with a bullet that was recovered that was a .22.

What is beyond any question though, is that there was no ballistics evidence whatsoever that could link Joey to the grave dog... Just the opposite in fact. The ballistics evidence that was recovered is contrary to the state's theories of Joey's guilt.

Which brings us back to the *New Tribune* article. The one that claimed that both Grave Dog and Sally were, like Isaac, shot with a 9mm. How did Chris Venture, the journalist who wrote that story, report on such an incorrect and brutally prejudicial set of facts? Nothing like that was testified to at trial. Instead the testimony said that *no* bullets had been recovered from either dog. So, how did Venture write an article that claimed evidence the cops had hoped to find, had in fact been *found*, when in reality the trial testimony was explicit that *no*, none of that evidence was recovered.

Maybe he just got it wrong. But an error of that magnitude makes me wonder if the problem *wasn't* just that he hadn't understood what was said in court, that he'd misinterpreted the testimony at trial, but that he'd been getting information from a different source. And a source that turned out to be incorrect. As unlikely as that sounds, I struggle to think of other ways to explain what happened here. And a journalist's closeness with the local police department doesn't seem that implausible, especially given that not long after Joey's and Mark's trials, Venture left journalism and became, himself, an officer with the Floyd County Police Department.

[1:15:28]

Rabia Chaudry:

Without the ballistics evidence, the State's evidence linking Joey to Grave Dog was laughably thin. Here's what it was in its entirety:

Joey Samples, one of the jailhouse witnesses, claiming that Mark told him that the police were looking into the death of Isaac's dog. While talking to police, he said over a dozen times that Mark had told him about the dog, but on exactly one occasion, Sample said the word '*dogs*' instead of '*dog*':

[1:15:57]

Joey Samples:

It was Joey's girlfriend, but he said it was Isaac took him that made him upset. And so they said something about killing some dogs.

Rabia Chaudry:

That's it. Joey Sample's use of the plural *dogs* is the sole evidence linking either Joey or Mark to Grave Dog. There was nothing else whatsoever in trial that could suggest even in the most tenuous fashion that Joey or Mark had anything to do with the appearance of that dog's body at the cemetery.

And Joey himself was pretty fuzzy on where this plural dogs things came from.

[1:16:29]

Lawyer:

Excuse me, Mr Samples, did you talk about killing some dogs?

Joey Samples:

He was talking about the uh, let's see it's been so long. He was talking about the-- The dog had got killed and the police had found some kind of, I don't know if it was shell casings or something and they was trying to link him to the... Uh, to the dogs, that... Had uh, to the dog that had been killed.

Susan Simpson:

In her closing argument, Colston emphasized how important Joey Samples saying dogs was. Samples could not have possibly known saying dogs *plural*, she said, unless Mark had confessed to him, because only Mark knew that the case involved a second dog. Here's what Tami Colston said in closing:

Susan Simpson:

Joey Samples, he didn't care about the reward. He hadn't asked for the reward, and what did Mark Free tell him? He told me about shooting Isaac's dogs. That was the interesting thing about that. I hope some of you all picked up on that because I was shocked when I heard it. He said dogs. I said plural? He said yeah. He mentioned something about killing some dogs.

There ain't nobody, well until this court room opened up and Sammy Dawkins took the stand, except for I told him to warn his wife just beforehand, that knew about those dogs. Other than a couple of County Police officers, Mr Dawkins who called and told me, and the crime lab at Summerville. Joey Samples had no way of knowing because this defendant right here Mark Free didn't even know that the police knew about that, not even a clue.

Rabia Chaudry:

Of course, Colston's emphasis on Joey Samples not being able to know about the dogs from the cops is completely misplaced, because he was interviewed by Stanley Sutton, the police officer on the case who unquestionably did know about Grave Dog. And even aside from Joey Samples waffling on whether his story involves a dog *singular* or dogs *plural*, when Joey Samples first spoke to Detective Moser in March after the reward fliers were posted in the jail, he never mentioned any kind of canine at all.

It wasn't until his October interview with the Floyd County Police that the dogs came up. But what Joey Samples is talking about couldn't have come from Mark. Because Mark couldn't have known about Grave Dog either. Grave Dog was found on February 26th. But Mark was arrested on a probation violation ten days before that on February 16th. According to Mr Dawkins, the body had begun to decompose when he found it on the 26th but was still relatively fresh which would not have been the case if the dog had been placed there when Mark was actually out of jail and able to do so.

Colin Miller:

And there's an even bigger problem, one that was recorded in Moser's private notes, but as far as we can tell, never turned over to the defense: When Detective Moser talked to Joey Samples in March, Samples claimed that Mark had confessed to him on January 11th or 12th, six weeks *before* Grave Dog was found and even before Isaac had been buried, which means that Joey Samples couldn't have had any genuine knowledge of Grave Dog.

[1:19:23]

Bud Siemon:

Being the devil's advocate though, that doesn't mean that Joey didn't shoot the dog.

Colin Miller:

Well, frankly, it probably wouldn't have been admissible. It's a matter of conditional relevance. If you don't know what the caliber is you can connect everything up and say maybe he shot it, but if it's a caliber and we don't have any evidence that he had that type of gun that's probably enough to have it excluded. You know? Especially when their connecting up witness didn't later testify at trial.

Clare Gilbert:

Right. Right.

Colin Miller:

There's a witness who, at trial, Tami Colston proffered to the judge, who would testify later that Joey admitted to shooting the dog, but then he never showed up at trial to testify.

Colin Miller: That witness was Paul Cooley, one of the jailhouse informants in jail with Joey after his arrest for murder. According to Cooley, Joey had confessed to killing Isaac's dog, but the story he tells police talks about *his* dog. In other words, *Isaac's* dog. Despite Tami telling the court he'd be testifying to link Joey to Grave Dog, he never actually appeared at trial.

But evidence actually linking Joey to Grave Dog wasn't really necessary for the State's purposes. The prosecution just needed to get it in somehow, and the jurors would do the rest. All that was required was for Tami Colston to show the jurors something emotionally revolting and ask them to assume that it must have been Joey because only *he* was that bad a guy, and from there it's a tiny step toward including that Joey had killed Isaac.

[1:20:49]

Rosemary: *The main thing I think was the fact that the cell phone was-- Put him on that road. The pings to the tower. That was the main thing.*

The other thing was all the little things they did too... They decimated his grave.

Susan Simpson: *What do you mean by that?*

Rosemary: *They killed a dog and put it on his grave. What kind of people do that?*

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Colin Miller: It was a confusing case, almost overwhelmingly so. But when you present evidence that the jury interprets to mean *one*: That the defendant had a level of chaotic evil, and *two*: There exists ironclad proof that he was at the scene of the crime then the jury's verdict becomes an understandable decision.

[1:21:37]

Clare Gilbert: *Was there much talk in the jury room about Grave Dog and the defacing the grave...?*

Rosemary: *It was too sickening to talk about.*

Clare Gilbert: *Did people believe that Joey had done that? And Isaac had done that?*

Rosemary: *Oh yeah. Yeah. He showed his colors. I mean he was that kind of a spiteful person. Even though there was no reason to be jealous of this kid! Because he had even-- He'd broken up with her and he wasn't even dating her! But yet Joey was after him! And that didn't make any sense. Except that Joey's crazy.*

[break in audio]

Yeah it was hard. It was very hard. Um, you don't want to convict someone of something they didn't do. But at the same time, when you're faced with all this evil, you know something needs to be done.

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Susan Simpson: On January 2nd 2001 after a few hard days of deliberation, the jury returned a verdict.

[1:22:44]

Susan Simpson: *Can you tell me about when the jury came back at your trial? What happened?*

Joey Watkins:

Yeah. [long sigh] That was... I don't know. That was a bad day. That crushed me. I seen my mom, my dad... I can't... I don't know. I knew-- I knew-- I knew my life was over.

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Susan Simpson:

The sentence to be imposed was mandatory – a foregone conclusion. But Joey chose to give us an innocence statement anyway.

I wish so much that we had the trial tapes here to let you hear Joey in his own words, but for now the transcript will have to do:

Rabia Chaudry:

I want to say this until the day I die. I had nothing to do with that man being shot on 27. I have been through mortal hell for the past year and a half of my life and I prayed to god that I could come in this afternoon and get a justified verdict. I have had nothing to do with this. I am not a murderer. I had two confrontations with Isaac Dawkins in my life that they were bad.

I grew up with him. I knew him from the time I was nine, ten years old. I played baseball with him. I had no reason whatsoever to harm him in that way. I did not... This has come out of rumors, I mean it was nothing but rumors, Your Honor. I mean nothing but rumors. I lived with my head hung down. I did not go to town. I did not do anything anymore because people looked at me as if I killed this man. I had nothing to do with it. Nothing. And I will say it 'til the day I die. They can do this.

I am sorry for the Dawkins family, I really am, deep down I am sorry, but I had nothing to do with this. This is not justice. I did not do this. My family has been through hell. I mean hell. And I prayed and I prayed and I prayed every night and every day that I-- The truth would come out. People got up here and lied. Adam Elrod, he-- I had this obscene story about me buying a gun?!

I have never carried a gun. The only guns I ever carried in my life were deer rifles. I never had-- The only reason I did not get up there in front of these people and this jury and testify because I know Ms Colston and I have listened to the way she talked about me and have listened to these things and listened to that things and if I would have slipped up she would have, you know? And if I would have slipped up and possibly said the wrong thing to make it come across wrong to her, she would have turned this around on me. "Oh you did this, oh you did that. Oh you are not as big as a peanut, this that and the other." I may not be Judge, but I am not a murderer. I had nothing to do with this – nothing.

And his dog? I did not even know Isaac Dawkins had a dog. I had no reason to do this. None. And I will say it 'til the day I die. And I'll be back in court because I'm not guilty of this. They can send me to prison, but I just want the family to know that justice has not been done.

Susan Simpson:

The court then returned its sentence: Life in prison for murder and five years, to be conserved consecutively, to a life sentence for the possession of a firearm during the commission of a felony.

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[1:26:16]

Rabia Chaudry:

Many of you may have heard that Adnan Syed's bail motion was denied last week.

In his opinion, Judge Welsh noted an argument that the State of Maryland had made in their brief to him. The State characterized the evidence against Adnan, and I quote: "Stronger than what is routinely presented against criminal defendants who are tried and rightly convicted, and whose convictions are affirmed all the time."

So, think about that for a minute. Think about the evidence in Adnan's case, and then think about the evidence in *Joey's* case. If you've been following closely enough, you should be thinking, "*What* evidence?" And yet, the State of Maryland is arguing that the evidence against Adnan is stronger than in most convictions. Which should terrify us all.

But, also maybe explains how Joey got convicted. Studies actually show that at the end of the day it's not facts that convince people. Facts don't change minds and facts don't even help people make them up. It's stories. Narratives. That's what people rely on.

And in the courtroom whoever tells the better story, whoever creates the best overall impression of what may have happened, wins. Even if the facts contradict that narrative.

And once there's a conviction the battle gets harder. Because the chances of winning an appeal are often slim to none.

Next time, on *Undisclosed*.

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