
UNDISCLOSED SEASON 2: THE STATE VS. JOEY WATKINS**ADDENDUM 19:
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Jon Cryer: Hello! And welcome to the *Undisclosed Addendum*. I am Jon Cryer, and you are listening to the podcast about all things *Undisclosed*.

In this latest episode of *Undisclosed* – Part 1 of ‘The Alabama Highway’ we looked into the one man who many to be the most likely suspect in this case – Heath Wilson – and just how strong the evidence was that caused the police to rule him out.

With us today is one of the hosts of *Undisclosed*, Susan Simpson. She’s an associate of the Volkov Law Group and blogs at *The View from LL2*.

Hey Susan! How you doing?

Susan Simpson: Hey! I’m good!

Jon Cryer: Thanks for being here. We also have Clare Gilbert of the Georgia Innocence Project. She’s an attorney, and the interim director. She blogs at *Georgia Innocence Project.org* and prior to the GIP she worked several years as a public defender and as a policy lawyer with the Government Accountability Project.

Hey Clare!

Clare Gilbert: Hello!

Jon Cryer: Thanks for being here. We also have with us Sarah Brewerton-Palmer. She’s an associate with the Caplan Cobb law firm focusing on complex commercial litigation and appellate matters. Before joining Caplan Cobb, Sarah served as a law clerk to the Honorable Jill Prior of the Eleventh Circuit Court of Appeals in Atlanta. Sarah has also volunteered her time as a law clerk to the Orleans Public Defender.

Now Sarah, welcome to the show.

Sarah Brewerton-Palmer: Thank you so much for having me.

Jon Cryer: Now, the reason we’re having you on, is that Caplan Cobb is the law firm that’s handling the suit that’s demanding the audio recordings of the Joey Watkins trial. Is that correct?

Sarah Brewerton-Palmer: That’s right.

Jon Cryer: So, as I’ve said in the past, to a layperson it seems like, “Well, a recording of a trial is a public record, and there’s no reason for them to, not turn over those recordings.” What are the specific grounds that you guys are approaching in this law suit?

- Sarah Brewerton-Palmer:** I think your interpretation as a layperson is what we would *want* to have happen in the suit, which is that *Undisclosed* should have free access to these tapes. Because they are part of the public record just like anything else.
- But, how we're approaching it, from our perspective, is that there's a lot of cases, and I know Colin has mentioned before the Nixon case is one that we're relying on specifically that talks about public right to access and copy court records. You know, it includes the words 'and copy', and so we should be able to copy the trial audio. So, we're using that case and a couple of other cases like it as a Common Law right.
- And there's also sort of a corollary First Amendment right. Essentially if the press can't copy records then they can't do their job properly and they can't keep a good eye on the court system to make sure it's functioning the way that it should. So that's how we're approaching the problem.
- Susan Simpson:** Yeah, and how far does it go?! Based on the trial court, and now the DA in Floyd County are saying... I mean, you could ban someone from going to a court, looking at a paper record and like, writing down what it says.
- Sarah Brewerton-Palmer:** One quick update: The Floyd County Prosecutor's Office recently filed a brief opposing our motion in the Georgia Supreme Court. And, kind of doubled-down on what the judge did, and have even gone a little further in that the judge said you didn't have a right to copy, but that you could go in and *listen* to the tapes, now. Which obviously doesn't do us much good, and wouldn't do much good in a paper record, that you couldn't, you know, take a Xerox of and take it away, but the Floyd County Prosecutor's office has also said that the judge didn't even have to let us *listen* to the tapes, because a transcript would be sufficient. So, they've sort of doubled-down and have gone even a little further.
- Jon Cryer:** Has the subject of transcription errors come up at all in the filing?
- Sarah Brewerton-Palmer:** It has not in the filing. I know that is something that we talked about with Susan and Susan's talked about on the podcast, and is definitely a big concern. I believe it's another issue in another case currently before the Georgia Supreme Court right now.
- So, I think they're hearing argument on that in January, so I think that will come up. You know, generally judges try to get around that by saying: "Go listen to it, if you hear an error, write me an affidavit. And then we can have a fight about whether the transcript is correct."
- Jon Cryer:** But so that would be you writing an affidavit saying, "I believe in the transcript it says *this* but what I heard here was something else"?
- Sarah Brewerton-Palmer:** "I listened to it at the courthouse and when I read the transcript it didn't seem to match up." And then okay, you might have more of a chance to copy something after *that*. But that's a *really* high burden. So...
- Jon Cryer:** Yes, and it also depends on you being able to sit in a room and physically write this stuff down, as well. I mean, it inevitably opens up-- You know, if you obviously are working from this same *record* as the judge, that you're actually sitting there with a recording of it, you would be in a much stronger position, I would imagine.
- Susan Simpson:** It's much more efficient, too.

- Sarah Brewerton-Palmer:** Yeah. And the potential for this to apply to paper records is really serious.
- Susan Simpson:** Yeah, that's the worst part. I was thinking, like, I mean, if we lose this case, then we have effectively taken away the right of everyone in Georgia to have copies of court records.
- Sarah Brewerton-Palmer:** [laughs] Well I hope that's not our legacy.
- Susan Simpson:** [laughs]
- Jon Cryer:** Yes, nice going, *Undisclosed*. [laughs]
- So actually, Sarah can I ask how you came to be involved in it?
- Sarah Brewerton-Palmer:** Yeah! So one of the partners at our law firm – Mike Caplan – got an email from a friend of his telling us about this case, and I have a background in journalism – my undergrad degree was in Journalism – so I have a soft spot for the First Amendment and the press--
- Jon Cryer:** [laughs] Well, a *lot* of American's have a soft spot for the, you know, the Constitution-- [laughs]
- Sarah Brewerton-Palmer:** That is correct, I *do* like the Constitution. So, I jumped at the chance to work with *Undisclosed* when the email was forwarded to me. So...
- Susan Simpson:** Yeah. And there was the podcast connection here, because Mike Caplan was the attorney for the case on *Breakdown* Season 1.
- [5:35] ≈
- Jon Cryer:** So, where does it stand right now? As you said, there was a motion opposing the brief?
- Sarah Brewerton-Palmer:** Yeah. So we filed a motion asking the court either to amend the order outright – in particular because the Floyd County Prosecutor's Office didn't actually respond to our motion in the trial court – so, you know, and obviously Joey joined it, so there wasn't any opposition.
- So, we asked the court, "Just go ahead and fix this." And in the alternative, asking them to let us fully brief it like a normal appeal up to the Supreme Court.
- So we filed that the first week of November. The Floyd County Prosecutor's Office got it two weeks ago, filed a response telling the court that they *shouldn't* do that. And we have not heard anything, so far, from the Supreme Court, but I'm hopeful that in the next couple of weeks we could get an answer. Either just amending, and giving *Undisclosed* access, or hopefully allowing us to brief the issue further.
- Susan Simpson:** Yeah. It's not common at *all* for a party to not even file a response of any sort for the trial court, and then suddenly pipe up on appeal.
- Sarah Brewerton-Palmer:** Yeah, it's very unusual. They also technically only had 10 days to respond, and they responded about three weeks later. So it's out of time, and typically the Georgia Attorney General's Office handles things like this – at least that's my understanding – so it's a little bit unusual for them

to not say anything in the first instance in the trial court, and then come back and do this in the Supreme Court. So...

Susan Simpson:

Yeah. I mean this is a serious policy issue. It should be given due attention and decided with the understanding of how serious it really is. What Leigh Patterson – the Floyd County DA – is saying here, is that she wants to take away the right of all Georgians to check out court records.

And like I said, it doesn't affect just us, it would affect everyone in Georgia going forward, so, yeah. It's concerning to see them take a position like this.

Sarah Brewerton-Palmer:

One thing that I was surprised by is that they're filing doesn't actually discuss any specific privacy interests that Joey might have, or that the State has in this particular recording. It's very broad, and just about you know: "This rule says this, and you don't have a right to copy anything." So...

Jon Cryer:

But what does the rule actually say?

Sarah Brewerton-Palmer:

So, the rule doesn't say the word 'copy'. It says, I believe, 'access' – is that right, Susan?

Susan Simpson:

Access and inspect.

Sarah Brewerton-Palmer:

'Inspect' is the word. So the rule says you have a right to inspect court records. It does not say 'copy'. So, a lot of the cases, like the Nixon case and a lot of the other cases that we have been citing kind of say that, you know, a right to inspect includes the right to copy, because the public can't really do what it needs to do with court records if it can only inspect them. And can't copy them – it's sort of a meaningless right if you don't get to copy something.

Jon Cryer:

So who are the people who have actually filed opposing briefs to this?

Sarah Brewerton-Palmer:

The Floyd County Prosecutor's Office.

Jon Cryer:

Got it. And their grounds were, it's just not in the rules.

Sarah Brewerton-Palmer:

Yeah.

Jon Cryer:

Got it.

[9:33]

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Jon Cryer:

And this episode of *Undisclosed*, actually, was all about records and record-keeping. My questions, actually, about this particular episode were mostly about the SALI records that were discussed. Is it that the SALI records no longer physically exist? Or that they can't be found? Or that we just don't have access to them?

Clare Gilbert:

So, the SALI records – I'll just kind of briefly explain what those are, and how they worked back in the timeframe: So, you've got the 911 kind of 'war room', basically, where all the operators

sit around and there's calls coming in from several different lines. And at the time there was not computer-aided dispatch; it was manual dispatch, which is why you've got all the hand-written radio traffic logs and all of the hand-written cards.

The only thing that was computerized – or one of the only records that was computerized, associated with 911 at the time – were these SALI records. And I believe SALI stands for 'Stand Alone Location Identifier' or System, or something like that.

And basically the way it was described to me by several of the witnesses with whom I spoke, was that there was this, like, *printer* in the back of the room, and one of those old fashioned things where the pages would come out folded with the little, you know, white tabs on the side that you would pull off...

Susan Simpson: With the holes?

Clare Gilbert: Yeah.

Jon Cryer: That you had to peel off every time... [groans]

Susan Simpson: Those were fun!

[laughter]

Clare Gilbert: And so that would just *constantly*-- There was just no human intervention there. It would just constantly spit out information as the calls came in.

And the information recorded was basically what Susan talked about in the podcast – all kinds of different information about the address of the call, the time it first hit the main system and then hit the local 911 system, and what station picked up the call, and all kinds of information like that.

Now, *that* information was boxed up and sent off somewhere, but we can't figure out *where*. We don't know if it was stored within 911, because no one seems to remember from back then. But what we believe is that it was not sent to central archives in Rome, which is where all the cards and the radio traffic records were sent, because I spoke with the man who runs the archives facility and he didn't have any records of that stuff ever being stored there.

But we do know from speaking with witnesses that police would routinely pull these SALI records to get the computer-generated documentation and information about the calls. And we also know that someone went and pulled the SALI records from this night, just in that timeframe that Susan talked about, that is really way past both of the shootings.

So, the question that we were asking is: Where is the rest of the records? First, what are the odds that no other SALI records were pulled that night, and I personally believe the odds are very low that no other SALI records were pulled that night. If they *were* pulled, where are they? And if they don't exist any more, is there any way we can retrieve that information again?

So, we don't know if they were pulled. And we don't know where they *are* if they were pulled.

We do know that we cannot find the old SALI records. If they *were* stored in Retention, which we don't think they were, they would have been destroyed seven years after being put in Retention unless they were pulled. I mean, they could be somewhere now, we just don't know where.

I even tried to track down the old computer that was kind of feeding the information into and out of the SALI system, because apparently the, kind of, raw data used to be stored on that, and that computer had long been destroyed, and that information just cannot be found anywhere.

So, long story short, we cannot find those records.

Jon Cryer: So, it actually doesn't exist as a computer record? It only exists as a printed record?

Clare Gilbert: I believe it did exist as a computer record back in the day. Though they might have only archived it in paper form. But we don't have the paper *or* the computer record at this point.

Jon Cryer: So, it sounds like this system isn't even in use anymore?

Susan Simpson: No.

Clare Gilbert: No.

[laughter]

Jon Cryer: Yeah. Well as much fun as it is to pull those perforated things off the edge, I can see where they might have gone away from it.

To me, obviously seven years, I understand there's an enormous amount of records generated, and you know you've got to put all that somewhere, physically, or store it in computers. But seven years seems kind of short to me. It seems like with the incredibly glacial pace of court proceedings that maybe people need to look at that policy. Has anybody talked about that?

Clare Gilbert: My understanding is that when records are pulled for murder cases and things like that, the stuff is retained for longer period of time. And that may well have been the case. But that's *after* stuff has been identified and pulled out from retention... As identified as associated with a criminal case.

If it's not extracted at the time, just like 911 tapes used to be recorded over, if you don't pull the information within anywhere from 30 to 60 to 90 days on 911 records, they're often lost for good. And same with the retention – like, if you don't identify this as something that is associated with a murder conviction or a criminal case, then it's just subject to the routine retention and destruction timeframe that they have.

Susan Simpson: Yeah. I think the theory is the records related to a murder would actually be in the 'murder' file.

Clare Gilbert: Which would be retained for longer.

Jon Cryer: Now what are all the records being kept? Because you mention many, many different types, and sometimes I'm unsure, as a listener, which ones you're referring to. Because some of them have, sort of, overlap areas. Because there's the radio logs, there's the dispatch cards, there's the 911 *calls*, which I assume are audio, but then there's the SALI records of the 911 calls, and then there's also recordings of the radio *traffic*? Is my understanding. Or...?

Clare Gilbert:

So, you've pretty much covered all of them.

The calls come in. And there was an audio recording made of the call and the conversations taking place between the dispatcher and the 911 caller.

So, when a criminal case, or you know, when investigators wanted to look into a case, they would request that 911 audio recording. So that's one of them.

We have two calls on the 911 audio recording. And I'm sure they're going to talk about this in the next episode, and I'd be happy to talk about it now. But there's something very *off* about those two 911 recordings.

Then the second thing that goes on is there is an audio recording made of what's called the 'radio traffic'. And that is the communications between the dispatcher and the government entity or the police, law enforcement, EMS, whoever, with whom they are communicating. So, all of that 'code speak' with all the numbers and everything is being actively spoken out to the receiving end. And all of that's recorded. You can request that and listen to that as well. So those are two forms of it.

Then, the other thing that's happening back at the time – it's different now with the computer-aided dispatch – but back at the time, is the 911 dispatcher who's taking the 911 call and dispatching out who is supposed to respond to that call is taking notes by hand in two different forms: On *one* form they're recording the radio traffic. It's basically just like a spreadsheet with the time and the subject of the call, what dispatch was communicated and who responded, and who the dispatcher was. So that's all recorded in contemporaneous notes on this radio traffic log.

Then, there are cards. And on the dispatch cards they just document who the caller is, what the caller is saying, and who was dispatched, and who dispatched the responding agency.

Oh, and then there are the SALI records, which are the computer records. So we should, in any murder case, in any standard police investigation, my understanding in speaking with the witnesses is that it was routine for all of these things to be pulled.

Jon Cryer:

And they all had overlapping – if slightly different – information.

Clare Gilbert:

Right. And the question, in my opinion, is best evidence. I mean, what is the best evidence of the time that Wayne Benson called 911? Is it the hand-written *card*? No... It's the SALI record. So why was that not what's introduced at court? I'm not sure.

Jon Cryer:

And the SALI record *was* actually introduced at Heath's trial, correct?

Susan Simpson:

I don't know if it was *introduced*. I don't think it was actually at *trial*, but it was in his investigative file.

Jon Cryer:

Now, do we know if the police looked at the SALI records? Or just that they didn't put it into evidence?

Susan Simpson:

Supposedly they never pulled them.

Clare Gilbert:

Well, and I would take issue with that. Because the SALI record that we *do* have, in Heath Wilson's file... There's no record that they ever pulled *that*.

- Susan Simpson:** Mm-hmm.
- Clare Gilbert:** There's no written request for the SALI record – it's just *there* in the file.
- So, just because the SALI records are not in Joey's file, does not mean they weren't pulled.
- Susan Simpson:** And in terms of *tapes*, like did the actual audio recordings, there's two kinds. Like Clare said, there's the 911 *calls* and then there's the radio chatter between like, dispatch and the officers.
- We only have two 911 calls, and we have *none* of the radio traffic. Which they could have easily requested. So... And those *do* have forms that you use to request it, and we have one for another issue up in November. So there's no evidence they requested it here, but *come on* – they *had* to have, right?
- Clare Gilbert:** The other thing that's really weird – the 911 calls themselves are very odd. As a former public defender, I mean, I've listened to *hundreds and hundreds* of 911 calls. And in all of them, they're made the same way, and that was in Washington State, but my understanding in speaking with several people – 911 operators here – they were made the same way here.
- Which is that the record custodian is given a request – for example, "Pull all the 911 calls associated with the shooting of Isaac Dawkins that night." Or, "From X time to X time that evening." Or, you know, whatever the parameters.
- And so, then the records custodian – the 911 records custodian – goes, they identify those calls and they pull them all together and they put them on a tape. And they begin the tape saying, you know, "This is so-and-so, 911's custodian of records, this is a recording of all of the 911 calls from X night, this has been requested by X person. This is the time of the first call, this is the time of the last call." And then all the calls are put on the tape, and at the end of the tape, it says: "This has been a recording by so-and-so compiled by so-and-so, at the request of so-and-so, and this recording is now complete."
- And it's really standard, the way they do it. And it's sort of self-authenticating, and what we've got on this is *none* of that introductory stuff. Like, you listen to the tape and *boom!* The first thing you hear is what appears to be Wayne Benson, and then the second thing you hear is a woman who is obviously calling 911 for the *second time*, because she's kind of crying and hysterical and she's saying: "I just called a minute ago." And she's also talking about--
- Susan Simpson:** Wait, was she crying? Or was it a dog?
- Clare Gilbert:** Well-- [laughs]
- [laughter]
- Susan Simpson:** One of the 911 operators thought that the noise they were hearing could have been a dog in the car with her, so we're still not sure. [laughs]
- Clare Gilbert:** I think she was crying, but Cynthia thinks it was a dog. But what she's *saying* is important, which is, "I just called 911 a minute ago; I'm calling back" and she's also actively referencing other people who are on the phone with 911 at the time.
- So, those are at least two other calls that should be on that 911 tape that aren't. So, that tells me that, I don't know. I mean, the person that compiled them didn't compile them all, didn't

follow procedures in making the tape, or the tape that we have is not the actual tape that was created.

Jon Cryer: What was the situation that the woman was referencing?

Susan Simpson: Isaac's wreck.

Jon Cryer: Oh! It was Isaac's wreck. Okay. But obviously the reason they would put an identifier at the beginning of a tape and at the end of a tape would be so that you couldn't truncate the tape and act as though some of it wasn't there.

Clare Gilbert: Right! And also to document that all the 911 calls were searched and compiled there.

Susan Simpson: It's all a mess. And-- [laughs] that's kind of what it comes down to. And like it's just frustrating because it would give us so many easy answers here that we'll *never* get now. And it's hard to think of a good reason why they would have failed to do this.

Clare Gilbert: I don't believe they failed to do it.

[laughter]

Susan Simpson: Or that.

[laughter]

[23:10]

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Jon Cryer: So, *how* complete *are* the records? Because you have gotten *some* of the records of the police investigation, clearly, over the course of this season we've heard a lot of very specific references. Is there any way to figure out how complete the records of the investigation are that the police have handed over?

Susan Simpson: [sighs] Well, we've got Rick Latta, the fellow working on the case, who's up there, trying to make sure they hand over everything. And it's hard to say, because there are so many references to other things, and documents we think should exist, but we don't really see any evidence *of*. We have more than we did a year ago. That's for sure.

Clare Gilbert: Well, then the other thing is kind of how things were organized and stored. When everything was mainly on paper and still hasn't been scanned in, from what we know. Things get misplaced. Like even in *Joey's* file, you pulled *Joey's* file, and there's some death penalty case in there in an orange folder. Which is not at all related to *Joey's* case. Like, *nothing* seems to be connected to *Joey's* case – it's just been misfiled.

And so, documents get lost, they get misplaced, they end up on someone's desk and stuck in a drawer, and so Rick has recently been going and sort of requesting *huge chunks* of documents just to kind of see everything that was, like, for example, all evidence inventory sheets for a one year timespan. And in reviewing *those*, he's been finding additional information.

- Susan Simpson:** Yeah. It's paying off. I mean, it's the hard way of doing it – he's just going there and saying, "Hey, Floyd County, give me your whole damn year of documents and I'll go through it and find the ones that matter." And they're *there*. It's just they've either not been able to find them, or haven't looked.
- Jon Cryer:** I have to say: I'm worried about that death penalty case that you found in there! I'm hoping that isn't incredibly important information to-- The person on death row perhaps might have needed it.
- Clare Gilbert:** He's not on death row anymore. So...
- Jon Cryer:** So, when you *do* find stuff that's misfiled, is there any way for you to get it filed properly?
- Clare Gilbert:** I'm sure that we could report it. Identify it to the people and just let them know that it needs to be filed properly.
- Jon Cryer:** Well, that would work! [laughs] Now, I have to say, listening to the process by which the 911 operators work, it gave me an enormous amount of respect for 911 operators. I always assumed it was just their job to take down the basic information, dispatch the police, and that was it. I did not realize that there was so much record-keeping involved.
- Clare Gilbert:** I've come to the same conclusion in this. And I have just the most tremendous, like, respect and *awe* of 911 operators – especially back then, when everything was hand-written, and they got all these calls coming in at the same time, and you know, just... It's just *fascinating* the way it all works. And then you can look at their notes, and you can see that they were sitting right there for like a three hour stretch, with information just *pouring* in. And they're writing things down, and dispatching things out and not getting up for a bathroom break and it's a hard job.
- Jon Cryer:** And it sounded like Virginia was talking about that she *overheard* most of that information, so it sounds like you're also taking in information that's coming in over *other* people's radios.
- Susan Simpson:** Yeah. She was a supervisor. So, it was her job to like, sort of, in addition to doing her own dispatching and record-keeping, to keep track of others.
- Jon Cryer:** And the operator who took the particular record of Joey Rhodes' call – Cindy Cullom – it's alluded to in the show that she didn't last particularly long as a 911 operator?
- Clare Gilbert:** We're not sure if she was asked to leave or just left on her own. All we know is that she was not there for very long.
- Jon Cryer:** I have to imagine, as a job it would be kind of wearing, and, or terrifying to hear people in, you know, states of real dismay. And, you know, having incredibly important information to have to be relayed through you. I can't imagine it's a job for everybody.
- Susan Simpson:** I would be the worst dispatcher ever.

Jon Cryer: [laughs] Well, you *talk* so fast!

Susan Simpson: [laughs] Well, I got *that* part down!

Jon Cryer: [crosstalk] Exactly!

Clare Gilbert: And if you had any kind of dyslexia or anything you'd be in real trouble.

Jon Cryer: God forbid your '0s' and your '2s' look too similar.

Susan Simpson: Oh... God.

Jon Cryer: [laughs]

Susan Simpson: So, Clare, I will say that most of the internet so far is agreeing with me that that was a zero. Although, I'm not sure it's a zero anymore. [laughs]

Jon Cryer: [laughs] Well, yes. I only have the information of that one card that you tweeted out. And it looks like a zero to me, because the ends are so close to meeting.

Susan Simpson: And also, twos don't look like that. [laughs]

Jon Cryer: And... Yes. Twos don't look like that. And the other twos-- Although her twos are all over the place!

Susan Simpson: Actually, so there are three different handwritings on that card. And her two are pretty consistent. Other than that time she does that crazy 'zero' two... she just does the backwards 'Z'.

[28:14] ≈

Jon Cryer: Now, Joey Rhodes. At one point you talk about how difficult he is to talk to. I'm assuming that *that* was the one who didn't show up at the coffee shop, and also won't get back to you, Susan?

Susan Simpson: Yeah. Well, Clare and I were at the coffee shop that day, because Clare had talked to him, and he had agreed to talk-- Or to meet with her, but then that never happened. And now he is very not interested in talking to us.

So, we can't really figure out what else might have been-- So, we have the audio from his trial testimony, which didn't get into a lot of questions it'd be helpful to know about.

Jon Cryer: Well I was curious so it was Joey who ended up stopping at, was it a gas station? Where the bobtail driver was almost involved in the altercation?

Susan Simpson: Joey Rhodes was not *there*, but yeah, that was where--

Jon Cryer: Oh, that was not Joey? That was Joey? Or it was--

Susan Simpson: [crosstalk] That was Scott Reinhardt.

Jon Cryer: Scott Reinhardt.

Susan Simpson: [crosstalk] There are a lot of names.

Jon Cryer: Okay. Got it. And first of all, what *is* a bobtail?

Susan Simpson: [laughs] It's like the part of the semi-truck that doesn't have the back part.

Jon Cryer: Wait, *what!*?

Susan Simpson: It's the part... If you have the little truck that you drive and you attach your cargo to the back, it's without the cargo. I have no idea what the right words are. [laughs]

Jon Cryer: Oh. Okay. [laughs] Thank you. Thank you. Again, we need some sort of glossary for all of these things. Because I'm lost. [laughs] So has there been any attempt made to find who the driver of the bobtail was?

Susan Simpson: Yeah... We've gotten nowhere there. No one wrote the name down, no one remembers the name.

Jon Cryer: Because it sounded like it got pretty serious!

Susan Simpson: Yeah. But all we know is that a few days later, Ashley's dad, who was also a trucker, heard talk over the CB radio about this event. So, we don't know who he overheard, but it was just some guy talking on the radio about it.

Jon Cryer: So it could have been anybody.

Susan Simpson: Yeah. Any trucker in Rome.

Jon Cryer: Yes. The other *huge* mystery to me are why were there two 911 calls from Heath's at 7:51 and 8:03? I mean, it would seem very strange to go *home* at the end of all this shooting out on the highway – and we know, to some degree, he was shooting on the highway, even if he wasn't necessarily part of the Isaac Dawkins murder – to get home and then suddenly call 911 *twice*, indicates *something* is going on.

Susan Simpson: We'll have more on the next episode, but... *Spoiler* – we still don't know. [laughs]

Clare Gilbert: Heath was the actual shooter on Highway 20 that night.

- Jon Cryer:** Oh! Oh, so there was still some confusion? So, he wasn't convicted of that?
- Susan Simpson:** Well, he was acquitted.
- Jon Cryer:** He was acquitted of that?!
- Susan Simpson:** He was acquitted.
- Jon Cryer:** Okay. I'm trying to see if there were any other questions. I think I might go to--
- Susan Simpson:** Yeah, Sarah! Do you have any question about the episode?
- Jon Cryer:** Oh yes! Yes! [laughs]
- Sarah Brewerton-Palmer:** This episode just sort of blew my mind. [laughs] I'm kind of with Clare that they must have pulled it and then just didn't put it in the file somewhere, because it seems crazy to me that you would *not* pull those records.
- Susan Simpson:** And just given how much time they spend just obsessing over the timeline. Like, if they believed in their case and they believed it was what it *was*, then they should have been like, "Oh hell yeah. We need those 911 records. They're going to prove Joey's guilt." So...
- Sarah Brewerton-Palmer:** It goes back to the 'best evidence' thing that Clare mentioned. You know, I mean that *is* the best evidence – not these handwritten things that you don't really have any ability to prove when anything actually happened.
- Susan Simpson:** Yeah. And they just spent so much time-- It *was* a hole in their case, sort of. I mean, they use it to their advantage, but there *is* uncertainty about the time and the defense *did* try and be like, "Hey *guys*, look at all this mess here." Why *wouldn't* they want to clean that up? When it would be so easy to do so?
- Sarah Brewerton-Palmer:** I can't imagine why you wouldn't want to be like, "Oh, it's another blue Honda that shot at someone--"
- Susan Simpson:** Yeah.
- Sarah Brewerton-Palmer:** "Maybe we should triple-check that time line, because it seems--"
- Susan Simpson:** [laughs]
- Clare Gilbert:** Right! And like--
- Sarah Brewerton-Palmer:** [inaudible] the case.

- Clare Gilbert:** Or even that you would go to the effort of locating and pulling the SALI records but then being like, “Nah, don’t- don’t give us the records for the timeframe of the two shootings, just *after* that when Heath was calling 911.”
- Susan Simpson:** [laughs]
- Sarah Brewerton-Palmer:** Right. Specifically that.
- Susan Simpson:** They had to actually request Joey’s-- Yeah.
- Sarah Brewerton-Palmer:** It doesn’t make any sense.
- Susan Simpson:** And then there’s the fact that we know in September – so, like many months... What, six months after the shooting? – for some reason, Sutton went in to talk to Jennifer Conway, and requested a 911 recording of – *just* a 911 recording – from like 10:30 that night. That they thought might be connected to Joey. Which is a whole long story on its own and it’s not connected to Joey. But there was *another* blue car that had a speeding report, and they were going to accuse, like, Joey’s *dad* of being involved in the murder, and use that as evidence of that. [laughs] It’s a long story.
- So, but that aside, so in September he’s able to go in and pull *that* 911 tape of *that* specific call. Which, okay, clearly six months later you could still go get these tapes, why not get the *rest* of them?
- Jon Cryer:** Given the level of depth of the investigation up to that *point*, you can accuse the cops of many things – certainly Sutton, of many things – but *not* trying hard is not one of them. [laughs]
- You know? They clearly were making tremendous efforts in *a* lot of areas, and it seems like a huge hole in what they were trying to do.
- Clare Gilbert:** Yep.
- Sarah Brewerton-Palmer:** Mm-hmm.
- [35:12] ≈
- Jon Cryer:** I got a question from ‘Aruna’ on Twitter, who says: “Are you worried about evidence tampering with the 911 logs? The lack of documentation is infuriating.”
- Susan Simpson:** Not *tampering* so much as-- The records we have, the handwritten ones, they weren’t like re-done, or something. By *all* appearances they are the legit paper that was written down that night at the time.
- But, we can also see from cards that people *did* add to stuff. Like, other dispatchers would make updates to the cards, so there’s no way to say, like, for certain what was written down, *when*, necessarily.
- But I don’t think that they were tampered with. Other than possibly the fact that we lost them, in many cases.

- Jon Cryer:** But what would an *update* to the card be? I mean, why would you need to annotate it long *after* the fact?
- Susan Simpson:** So, in one case, like the dispatch card for the Joey Rhodes call, we know that a *different* dispatcher wrote down 'inbound.'
- Jon Cryer:** Which, by the way, I don't know what that means.
- Susan Simpson:** Oh, like, heading into the city. So like this was, like, on the Alabama Highway, heading from the west to the east. So they were going *into* the city when this happened.
- Clare Gilbert:** And Susan, are you going to go more into that in the next episode?
- Susan Simpson:** What part?
- Clare Gilbert:** Okay, so basically, my understanding of what happened – and they talked about this a bit in the episode – was that a call came into 911, like Susan and Colin explained, basically saying that there was an incident at the Kawasaki shop on 27 North. And there's no Kawasaki shop on 27 North. So they had to go back and reconstruct and figure out: "Well, was this person really by the Kawasaki shop? Or was this person really on 27 North?"
- And my understanding in speaking with Virginia and Tony and Sharika was that Virginia Thurman had to go *back* and talk to Cindy Cullom – this is when she pulled Cindy Cullom in her office and they kind of dealt with this issue of trying to figure out what did this caller actually say, and *where* was he, and what direction was he heading? Like, if you're going to call out a 'BOLO' for reckless driving, you need to know which direction the driver is going – is the driver heading westbound or eastbound?
- And so, that's the information that came back and was supplemented and added to the card. And so, that's why, if they're adding information after the fact, without the SALI record it's impossible to know, did they write down that time the second that call came in? Or is this something else that was added to the card like, half an hour later, or, you know, the next *day*, or whatever, when they are trying to figure out what actually happened.
- So, that's what makes that card so unreliable. And yet, it is the *key* reason why the State and Detective Moser say that Heath Wilson couldn't have done the shooting.
- Jon Cryer:** I have a question from 'Catina Carter', who said: "Did that lady Cindy still work at E-911 when she testified? If so, maybe she lied to save her job. She had to make it look like her records were accurate."
- Susan Simpson:** Yeah! So, we do know though, that she was not working at 911 at the time of her testimony, so that would *not* have influenced it.
- Jon Cryer:** Plus, her testimony contradicted the records she made. I mean, saying that he was being fired *at* and being chased... By the way, it sounded like he was on *foot*, to me, from her testimony. It sounded very *exciting*, don't get me wrong! [laughs] You know, I don't want to say that it didn't sound like *fun*-- [laughs] But it sounded--
- Susan Simpson:** It makes no sense!

- Jon Cryer:** Yeah. It sounded nothing like what she recorded at the time. And obviously, you know, nobody's memory is perfect. And people make errors on the stand, and I imagine there's a lot of pressure, but it didn't sound like-- If she was trying to save her job, or trying to at least save, you know, people's impression of how she *did* her job – she wasn't doing a good job on the stand anyway.
- I have another question, this one from '@Healing Dives' on Twitter – I think she goes by Diane – she says: "Why can't they pull the cell phone records of the person who made the 911 call to verify the exact time it was made?"
- Clare Gilbert:** We're working on that.
- Jon Cryer:** But those would be Joey Rhodes' cell phone... Wouldn't the police have to have the authority to do that?
- Clare Gilbert:** Well you could potentially get it with a subpoena, but we are not sure if the records exist, or if that's going to be possible. So we're looking into that.
- Jon Cryer:** Because this was 16 years ago and depends on the record retention policies of his cell provider?
- Clare Gilbert:** Right.
- Jon Cryer:** This one is from 'Candace Marbra': "Since Joey's attorney failed to request the 911 tapes, couldn't that be considered ineffective assistance? This could have established need reasonable doubt, no?"
- Susan Simpson:** Well, it theoretically *could* have, but without being able to show that it *would* have, that's not going to go anywhere.
- Clare Gilbert:** And *did* they request the 911 tapes? I mean, it might well be in their standard 'Discovery' request. In fact, I bet it is. And when Rex Abernathy went and tried to locate the cards, and when he attempted to pull the handwritten cards associated-- Well, basically for the whole *day*, he was told that the entire *box* was missing.
- [40:17] ≈
- Jon Cryer:** We've got another question, from 'J L Whittaker'. "Remember the white truck and the Honda? Remember the bit about the 'pulled off to the side of the road' by the guy on the highway in the earlier episode? Is this possibly what the missing call is? That sounded like a road rage report too."
- Clare Gilbert:** I *think* that the person who asked that question might be mixing up the car that was pulled off to the side of the road.
- Everything that I've come across – and Susan, you can correct me if I'm wrong – but that car that was pulled off to the side of the road was the small, older model blue *Honda* that was doing the 'road raging' stuff with the white truck.

So, what had happened, was that Isaac hit his brakes to try and lose the blue car, and instead of allowing himself to be lost, the driver of the blue car pulled off to the side of the road and waited for Isaac to start up and move forward again. And when Isaac *did*, the blue car pulled *back* onto the road.

So *that* reference to the car on the side of the road is, in my opinion – or my thought – probably not the person who called 911. That’s probably the person about whom somebody *else* called 911. If that call actually took place.

Jon Cryer: And one thing that we actually talked about at some length, is, Heath’s car wasn’t actually *blue*. It was grey – am I correct?

Susan Simpson: Oh, god. [laughs]

Jon Cryer: [laughs] Oh no! Sorry! I’ve opened up a can of worms here.

Clare Gilbert: You really did!

Jon Cryer: Oh, sorry.

Clare Gilbert: That car--

Susan Simpson: Man!

Clare Gilbert: Depends what *light* you’re in. I mean, that car could be any-- It could be blue, it could be grey-

Susan Simpson: *Beige...*!

Clare Gilbert: People were describing it--

Susan Simpson: I’ve heard grey, beige, tan, goldish, brown. It’s every color, like... And that’s *and* blue.

Sarah Brewerton-Palmer: Isn’t it *also* described as blue in the 911 calls with the Alabama Highway shooting?

Clare Gilbert: It is.

Susan Simpson: [sighs] See that’s one thing-- Okay, the only people I’ve heard it blue are Benson and Rhodes’ 911 dispatch card.

Which *to me*-- I wonder if there’s a connection there, because no one else calls it blue.

Now, when Benson saw it, it was very dark – there aren’t like, good lights there – so it makes more sense that he would call it blue... But everyone involved in the Alabama Highway incident *we’ve* heard from actually calls it, like, sort of like, *greyish*, *tannish* – like an in-between color. Kind of, it’s not quite-- It’s like a grey with like a tan under tone, or something.

- Jon Cryer:** Yeah. Car colors are often combinations of colors. They're often-- They look very different in the light because of the way the clear coat is and the way they actually *make* car paints. That's why they're so difficult to match when, you know, you've had damage to your car and try to get it fixed. I know this from personal experience. [laughs]
- And certainly a lot of auto makers use paint colors that are prismatic and change in different light. Could *that* explain the discrepancy?
- Susan Simpson:** *Maybe.* Well, there's also like a weird-- So we didn't have the color copies of the photo of the car for a long time. And Tracy Dunn, in *her* interview, says that the car got repainted at some point, so--
- Sarah Brewerton-Palmer:** Susan, which version of the photo-- You say you had a black and white and a color -- which photo did you show Wayne?
- Susan Simpson:** So, that was the day that Clare and I worked with Larry Davis -- the PI -- and Clare made an appointment to pick up the colored photo from the Floyd County Police Department. It was some kind of holiday, though, I don't know which one it was. So, they weren't open, and we couldn't get in, and we were there for a while. We really wanted to have the right photo for the Wayne Benson interview, because the Rome Police Department is so-- I mean, we were out of options, so she ended up calling 911 in order to get us into the building.
- Jon Cryer:** [laughs] That was a low-priority 911 call!
- Susan Simpson:** Yeah! But it was high-priority for us because had an appointment to get the photos and we really wanted to show Benson, you know, good quality photos of it. So, we had the color ones. He *did* see those.
- Jon Cryer:** Obviously it made a difference, because, he seemed to recognize it.
- I've got another Twitter question, this one from 'Alison Sneag', and it says, "As a former journalism student, hearing about the role of Richard Raugust's tireless investigator made me wonder, are there many partnerships between journalism and law students and innocence projects? Benefit both sides? Thanks."
- This would be a question, I guess, for both Sarah and for Clare.
- Clare Gilbert:** There's at least *one* innocence project that doesn't even have any attorneys -- it's basically just a journalism project. But they just take innocence project related questions. And then I think beyond that there's the whole spectrum of relationships with journalists.
- I think, routinely, innocence projects have relationships with journalists and journalism students. And therefore many interns involved, law students involved in the project and helping carry out the mission of the project can also be connected in that way.
- Jon Cryer:** So this is something that's happening in a *lot* of places?
- Clare Gilbert:** I think so, yeah.

- Sarah Brewerton-Palmer:** I think it's a natural partnership. When I was in journalism school we weren't officially partnered with any innocence project, but we did cover this case that was... Ryan Ferguson--
- Clare Gilbert:** Oh!
- Sarah Brewerton-Palmer:** In Columbia, Missouri – my college town. We covered that case extensively before he was exonerated. I think Kathleen Zellner was his attorney.
- Susan Simpson:** Yeah. She definitely works the media.
- Jon Cryer:** Which, as we've said, the *context* in which these cases are viewed is very important. If a prosecutor feels that they are going up against public opinion, they're going to fight much harder – I think they're going to dig their heels in a lot more.
- But if they go in a situation where the public might *accept* that somebody didn't actually commit a crime, I think you find a very different attitude. I think that certainly happened in Richard Raugust's case.
- Susan Simpson:** Yeah. But I think he's right too, that they *could* back away – if the DA had the power, and sort of felt they had the cover to do so. Because it's not necessarily that they felt stronger in his innocence, but because no one was paying attention.
- Jon Cryer:** Well yes, then unfortunately we're doing Joey a terrible disservice by doing this entire podcast about him.
- Susan Simpson:** Yeah. Because they have dug their heels in now.
- Clare Gilbert:** Their heels were dug in *before* the podcast. I don't think it's any different.
- Sarah Brewerton-Palmer:** Sure.
- Susan Simpson:** Now they're just more sensitive about it.
- Clare Gilbert:** Right. And charging us more money to access information.
- [laughter]
- Susan Simpson:** Yeah. I mean I get that they are annoyed that we're up there trying to get documents all the time, but if you just gave us the documents this would end it.
- Like, the fact that we keep having to go back to you, then going again and again and finding new stuff means that we *have* to do this.
- Jon Cryer:** But are they changing the fees that they charge?!
- Susan Simpson:** Oh yeah.

Clare Gilbert:

Yeah. That's one area they have some flexibility.

So, for example, if we can go pore through boxes of information to find what we need, that's time that they don't have to do that. And prosecutor's offices, the GBI, various different entities have what appears to be the discretion to charge or not charge for the time spent locating and then copying documents. In addition to the copy fees.

So, we have recently been told, just like the podcast was told, you have to pay \$220 a day to listen to the trial tapes, we've been told-- *To date*, actually, I don't believe that Floyd County PD or the DA's Office *or* Rome have charged us for location time or staff time, which has been very generous of them. But recently they've started saying they're going to start doing that.

Jon Cryer:

Do you think that is recently because of some ill will? Or do you feel like it's just that they are now realizing what a big undertaking this is?

Clare Gilbert:

Well, I don't know that it's ill will. What's communicated to Rick was that we really can't just have you digging through boxes of information. We're supposed to redact things that you're not allowed to see. And if we're going to be doing that and you're going to do these expansive requests, we're going to have to put a lot of time into the upfront end.

So, oftentimes you can call, you can talk to them about that, you can negotiate, you can try and work out some kind of request for them to waive their fees since we're a non-profit and doing free legal representation. But that was the latest communication coming from them. Because of what they're saying, would have to be time to redact and pull out irrelevant documents.

Jon Cryer:

So, it sounds like they technically do have a real reason that this might cost them money, but it's up to their discretion to decide *when*. Which, of course, that's ripe for abuse, I imagine.

Susan Simpson:

Yeah I think more the issue is they're annoyed that we keep coming back, but again, Clare and Rick have to keep going back because they keep getting stuff they didn't get before.

Jon Cryer:

Well, actually, on a related note, we got a question from Twitter from 'Kate Rice', who asks: "How can people who can't donate money to GIP and are not in Georgia help with Joey's case and other cases like this at the GIP?"

Clare Gilbert:

Did you say part of that was, are *not* in Georgia?

Jon Cryer:

Yes. That's part of it. This question came to me from somebody who also, I believe, was enquiring for somebody who's still in high school. For somebody who is very young, who is obviously is moved to try and help in some way. So, I was wondering, are there any volunteering things? Both in Georgia and outside of Georgia?

Clare Gilbert:

There's a few different levels to that. One, depending on the state you're in, you may have some kind of innocence project or some kind of related organization where you can contact them and see if you can donate your time and energy.

And another key way to get involved is just to educate people about these issues, talk about the podcast, start discussions with people about the broader, bigger, underlying false conviction issues and why these occur.

As far as specifically volunteering with the Georgia Innocence Project, we *do* have-- If you go to our website, we do have a volunteer page. I think it's under 'Get Involved'. And you click on that. It'll give you this form that's really detailed with a *ton* of questions on there. And what's happening when you fill that out is all of that feeds into a database and then when we need a particular service, like someone to help us with our social media, or someone to... One thing that's coming to mind is like a transcript summary if we need a transcript summarized, we'd have to get kind of a confidentiality agreement and do a little mini training program, but volunteers could potentially do transcript summaries for us from afar.

But our preference would be somebody here in Georgia. But there are some opportunities, it's just that the way that we identify those is that we go through in our database and we do a search for the particular volunteer service that we need, and then everyone who's volunteered in that area sort of pops up.

Jon Cryer: So, people without any experience or particular legal knowledge *can* actually just show up as a volunteer and help in some way?

Clare Gilbert: Not necessarily *show up*. Then can--

Jon Cryer: [laughs] Just show up! Any hour of the day or night. Just ring your doorbell and just...

Clare Gilbert: [laughs] I--

Sarah Brewerton-Palmer: Drop in.

Jon Cryer: Yes! [laughs] Exactly.

Clare Gilbert: They can fill it out on the volunteer page of our website and there are certain areas... For example, if someone wants to help us with fundraising work. If someone wants to help us with, you know, we could email someone a list of 200 names and ask them to put that in a spreadsheet and enter some basic data processing kind of information. Stuff like that. We often reach out to volunteers. We reach out to volunteers to help us give exonerees rides places if they don't have a ride.

Most of the stuff is Georgia-based, but sometimes you get people helping from across the country, like graphic design issues, or whatever the case may be. That said, we currently have, like, maybe 2,500 people in our volunteer database. And when you do sign up through our volunteer webpage, it'll just send you an email that says: "Thank you for applying, we don't have a need for volunteers right now. We will reach out to you if we do." And we do. We reach out to people who sign up on our volunteer website.

But for the majority of people, that just doesn't happen. Because we are a small organization, we have very limited resources, and we put a lot of effort into legal and law-related volunteers. Volunteer attorneys... People to help us with the casework. We're kind of building that volunteer program more as we move forward.

Jon Cryer: But also, there are innocence projects all over America. And indeed, even in other countries. So you can volunteer locally. You could also volunteer to help people who are currently incarcerated or people who are exonerated recently. There's many organizations. And I've actually been able to highlight some of them on the podcast. So I think that there are certainly local opportunities, even if you can't help the GIP from afar.

- Clare Gilbert:** That's right. And then there's also, like, starting a monthly movie group, and you screen a documentary related to these issues, and gather more and more people to kind of just get together and talk about these. And there's ways to get community involvement at the *local* level as well as reaching out to the organizations close to you and in Georgia.
- Jon Cryer:** Well thank you Clare, Sarah I was just curious. Do you have any last questions for Susan and Clare?
- Sarah Brewerton-Palmer:** How many more episodes are you guys planning?
- Susan Simpson:** [laughs] I think there's going to be four. So we're kind of getting close to the end.
- And I'm kind of trying to reorganize things in the hopes that by the time we get to the trial itself we'll have the audio. But that's in the Supreme Court's hands right now. [laughs]
- And you know what? Like even if we get- I mean, it'd be *great* to have it now, but I think it'll be important whenever we get it. Because there was some stuff that was said at trial that I think is really enlightening.
- So, a few weeks ago on the show, before the election, I mentioned there was an Amendment III coming up on the ballot in Georgia, which would sort of neutralize the Judicial Qualifications Commission. Unfortunately that *passed*. Sarah, I wonder if you've been following that at all?
- Sarah Brewerton-Palmer:** Yeah. Mostly to inform myself as a voter, but it's a very important organization here in Georgia and I think most of the legal community was tuned into it. It was strange to have the entire state sort of weigh in on this thing that's very particular to the legal community, but I was very sad to see that it passed.
- Susan Simpson:** Yeah... Georgia's-- [sighs] The reason why they took it down was because it was so effective in having judges step down. And obviously there's a need for that kind of oversight. And it's no longer going to be happening the way it did before.
- Sarah Brewerton-Palmer:** Even I couldn't really understand the ballot question.
- Jon Cryer:** Yes, could you fill me in a little bit on it? I'm curious... I don't remember this.
- Sarah Brewerton-Palmer:** Yeah, the JQC – the Judicial Qualifications Commission – is a sort of a-- Well *used* to be an independent organization that monitored ethical compliance, I guess, on the parts of courts and judges. And they were a very effective force in making sure that, you know, things functioned the way that they were supposed to, and judges did the right thing and followed the rules and things like that, and so this amendment – I'm not sure of the technical way that it happened – but it essentially gives the legislature more power over the JQC.
- Susan Simpson:** The people in the legislature choose the people who get to sit in the commission, basically.
- Sarah Brewerton-Palmer:** Yeah.
- Jon Cryer:** How were they chosen before?

- Susan Simpson:** Independent bodies got to choose them. Like, the Bar Association got a pick. But they weren't basically handpicked by the government itself.
- Jon Cryer:** It sounds like an oddly arcane amendment to pass. I mean, most of the time voters go in, you know, and they care about the big braces and the big marquee: "Oh, Governor for President!"
- But that seems like an odd, very obscure thing. And generally those sorts of things don't pass, because people when they don't understand what things *are* they usually vote 'No' – at least here in California – unless it involves pot. And then they're all for it.
- [laughter]
- Susan Simpson:** Well, the Georgia constitution has a requirement for an independent agency to oversee judges, which is why it had to go on the ballot. And the way the ballot was written, I honestly think the people voting *for* it, I mean, they read it and said, "*Oh*, this will bring *some* public oversight to this division." And they must have thought – I mean *I* would have thought – that there was no public oversight before, so let's do that. As opposed to it being like a *downgrade* in public oversight – or public involvement.
- Sarah Brewerton-Palmer:** The way you frame these things has such an effect. It's like the slavery ballot measure in Colorado, and the way that it was worded made it sound like if you vote 'Yes' there's more slavery happening, and it was the *opposite*. It was taking-- If you vote 'Yes' you take slavery out of the Colorado constitution. And it didn't pass, because it seemed like the way it was worded people thought: "Oh god, I have to vote 'No'."
- Susan Simpson:** [laughs] Yeah, like, "Let's not do that."
- And the reason why the independence matters is there *is* like overlap. Basically now the legislature can have political involvement in these decisions, when they shouldn't be political. Whether a judge steps down or not should *not* be a political question – it should be whether or not they've committed an ethical violations.
- And I think it's really telling that one of the *sponsors* of the bill was himself an ex-judge who got in trouble for some, like, *Santa*-related text to a female attorney and got kicked off the bench, and then became a state legislator and now he's sponsoring this bill to neutralize the body that took him off the bench.
- Jon Cryer:** Wait, a '*Santa*-related' text?
- Susan Simpson:** Like, 'ho, ho, ho'. Yeah. That kind of Santa. [laughs]
- Jon Cryer:** Oh- oh, okay.
- Susan Simpson:** I can't remember the exact language he used, but use your imagination. [laughs]
- Jon Cryer:** Uh-huh. Oh, *okay*. Got it. Because I was thinking, wow, the war on Christmas really *has* got out of hand!
- Susan Simpson:** [laughs]

- Jon Cryer:** If you even *mention* Santa in a text and you lose your gig as a judge.
- Well, I'm sorry to hear that. But again, these propositions come up. Like, in California we've had *opposing* propositions, you know, on the same ballot! We had two death penalty propositions on the same ballot this year – that, one said, "Let's speed them up" and the other said, "Let's not have them at all." It confuses people. You know? We had probably 15 or 16 propositions we had to vote on, and I didn't know *anybody* who felt well-versed on all of them.
- Is there any chance that they may be able to reverse this? In a proposition, maybe, you know, in four years?
- Sarah Brewerton-Palmer:** I suppose it's always *possible*. It doesn't seem likely.
- Jon Cryer:** Yes. You may make the mistake of actually wording it clearly-- [laughs] Which might throw people off.
- Well, thank you so much, Sarah, for being here it's such a pleasure. Clare, as always, great to have you. Susan, wonderful to talk to you as well.
- Thank you all for spending time on this week's *Addendum*.
- Susan Simpson:** Yeah and Sarah, thanks so much to you and Mike for helping us out for this. Because you guys have done-- We have the briefs put on our website, so you guys can check them out, but hopefully we'll hear from Georgia soon and they'll do the right thing. But this is an important issue that goes *well* beyond just *Undisclosed*, and just Joey's case. But the basic right to access for Georgia citizens in general.
- Clare Gilbert:** Yeah, it's really important.
- Sarah Brewerton-Palmer:** It definitely is. It's good to be able to work on it, and I hope we hear something back soon.
- Jon Cryer:** Well thank you guys, I think we got it!

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