

UNDISCLOSED SEASON 2: THE STATE VS. JOEY WATKINS
EPISODE 2: IN SITU

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[0:39]

Susan Simpson:

What'd you think of the Watkins'?

Rabia Chaudry:

Uh, honestly my heart broke for them. I could like feel the... I could just kinda fee— especially with the father, you could just feel like this exhaustion and weariness and, he-

Susan Simpson:

I don't wanna say 'broken', but that's kinda the word that comes to mind.

Rabia Chaudry:

[crosstalk]

Yeah, yeah. You're right. He seems broken to me. And it reminds me a little bit of Adnan's— although Adnan's dad is so broken that he just can't even engage to this extent. But, you can just— I could just sense like a desperation. And you know that scares me a little bit, because, it's scary to give somebody hope right?

Susan Simpson:

Yeah.

Rabia Chaudry:

Because the terror is like if it- if it doesn't work.

Susan Simpson:

Yup.

[1:26]

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Rabia Chaudry:

Earlier this summer Susan, Colin and I met up in Rome, Georgia. It's a far cry from the bustling, busy, gritty streets of Baltimore to the sleepy laid-back town of Rome. Susan, who'll be explaining her connections to the town a little bit later, had already been there a number of times during her investigation. But it was the first time Colin and I would be heading to the town where this case unfolded, 16 years ago.

Now, I'll admit, I was a bit nervous. I knew we'd be heading fairly far from Atlanta into an area where folks might not be used to someone who looks like me, and into an area where confederate flags are not an infrequent sight. Which is something that I'm not used to.

But the trip was necessary. We needed to see, not just where Isaac was killed, but to understand the community, the people, and most importantly to understand Joey. Who is over a decade into a life sentence for a crime he likely did not commit.

[3:54]

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Rabia Chaudry:

Hi and welcome to the second episode of the new season of *Undisclosed, The State vs Joey Watkins*. My name is Rabia Chaudry, I'm an attorney and fellow at the US Institute of Peace, and I'm joined with my colleagues, Colin and Susan, who'll introduce themselves.

Susan Simpson:

I'm Susan Simpson, I'm an attorney with the Volkov Law Group, and I blog at viewfromLL2.com.

Colin Miller:

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

Rabia Chaudry:

Now, throughout today's episode you're going to be hearing a lot of audio clips from our trip to Rome. You'll be hearing from the three of us of course, but also from Clare Gilbert, the attorney from the Georgia Innocence Project who brought us the case, also from Joey's parents, from Joey himself, and other folks we also met.

To begin with though, we want to tell you a little bit about how we connected with the case. Uh, and rather than us tell you the story we reached out to Clare from the Georgia Innocence Project, and talked to her about how she first got involved, and eventually made the decision to reach out to us. To investigate the case for *Undisclosed* second season.

Colin Miller:

Before we hear from Clare, a couple of notes about the history of the Georgia Innocence Project and their mission.

In 1992, after advances in DNA testing, Barry Shuck and Peter Newfeld started The Innocence Project in New York, which has the goal of righting wrongful convictions. A decade later two Georgia State law students approached the Georgia Association of Criminal Defense lawyers and asked, "Why can't we do this here?"

14 years later, the Georgia Innocence Project has much the same mission as it's New York counterpart, but with considerably fewer resources. According to the Atlanta magazine:

"This is a threadbare operation that relies on the idealism of unpaid law students, who take up residence at the mismatched desks that are clustered around the small table in front of the executive director's desk. One favors a private spot in the utility closet.

They pour over the tales of rapists and murderers, giving each claim of innocence a fair shot. Somewhere in these piles is another person sitting in a cold cell, breathing stale, cigarette-stained air, doing time for a crime he didn't commit. The interns long to find him. The innocent. The one they can exonerate."

Now here's Clare talking about Joey's case in her own words.

[6:06]

Clare Gilbert:

So, the first time Georgia Innocence Project got involved in Joey's case, was pretty much around 2012. And, I believe that Joey and his family had written to us before that but it was just one of m- many letters that c- come through, claiming innocence, and what stood out especially was that we were contacted by an attorney by the name of Bill O'Dell...

Bill O'Dell had been a f- family lawyer for Joey's family for many many years, and was, co-counsel essentially in Joey's trial and lead counsel in Mark Free's trial. And, following the acquittal of Mark, and conviction of Joey, Bill O'Dell fought for years and years and years to prove that Joey was innocent. And so this culminated in 2012 he reached out to the Georgia Innocence Project and convened a meeting with the Georgia Innocence Project, the GBI (the Georgia Bureau of Investigations), Bill O'Dell and Joey's second *habeas* attorney, Bud Siemen.

And at the meeting, Bill made a presentation about the many reasons why Joey was innocent, mainly focusing on the cell phone evidence and an alternate suspect. So, after the meeting, Bill pushed to have the GBI involved. The GBI said that they were not gonna get involved unless a government entity requested it. So, someone high up in the GBI, can't remember his name right now, met with the prosecutor's office, and that was Leigh Patterson at the time, and asked them to reopen this, and they declined, and then, it was dropped.

So, we didn't have much more involvement after that because, we're very very tight budget, lots and lots of cases, very limited resources and, we didn't really look at Joey's case again until 2014, when a volunteer lawyer came along. His name is Rick Latta and he spent probably between six and eight months looking at the case, just Joey's case. And he did a great job making timelines and, gathering documents and, trying to figure out what was going on. But he had to eat, and he was working for free, and Georgia Innocence Project did not have the budget to pay him, so he moved to Belgium.

Then, I came on in the summer of 2015 and I was just volunteering for the summer, before I looked for full time work in the fall... and I started on an Alabama case and then moved to Joey's case probably mid-July. And was actually kind of put off by the case at first. It doesn't fit the pattern of many of our other cases, he was a wealthy client, at the time the crime

occurred, I mean he was hiring the best private attorneys in the area, if not considered one of the best in the state – Bobby Lee Cook’s firm. He drove fast cars, and was kind of a punk, and, there was just an awful lot of drama and cell phone records that I didn’t understand and, I was like “I don’t wanna work on this case!”

Yeah I worked on it probably for about 40 hours and then, I was only working part time and then, my time was coming to an end, when I was ready to go back to being a public defender, and I told Georgia Innocence Project that I was leaving, and they said “You know, we’d really like you to stay and work on this case some more as well as some of our other cases. We’ve found a bit of money and we can pay you to stay if you will.”

So, I did, and from that point forward I got more involved in Joey’s case and started taking a closer look, and just got more and more and more, intrigued and fascinated and horrified and, hooked every lead I’ve followed, every direction the case took me, showed that what was the initial impression turned out not to be accurate.

[10:44]

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Clare Gilbert:

Then it came to the end of the year of, 2015, and, it became clear that, we kinda had a real problem legally in Joey’s case, he’s exhausted all of his appeals, he had a state and federal *habeas*, in which his attorney argued actual innocence and ineffective assistance of his trial counsel and, he lost that, he doesn’t have really any more legal options in Georgia, short of uncovering new evidence.

And when you’re looking at what amounts to essentially a drive-by shooting from, y’know, 16 years ago, when you’ve only got one part time attorney working on the case and the family is outta money and the project doesn’t have money, I was paying for the open records request myself, I was paying my own gas to get to Rome and back every week and...

So we talked with Joey and his family and said “Look, we don’t know where this is gonna go, because to get a law firm invested in this and doing their own investigation on this level of case, the number of witnesses and the complexity is gonna be extremely difficult, if not impossible, and we want to tell you about this podcast that we’ve been listening to. We want to reach out to them, their calling for submissions for their season two and we... we think that yours might be a good case.”

So, the first time we talked about it, we decided not to do the podcast, but after I’d probably investigated it about a month and a half more after that and that’s when I really started seeing that these things weren’t panning out. And so at that point we’re like “You know what? It’s worth it.” Because this is what he needs. He needs to get his story out there, he needs people listening who can call in tips, call in things that they remember, just fill in the blanks of what happened”. So that’s when we talked to Joey about it – we went to the prison and talked to him, we talked to his family, and nobody had any idea what a podcast was, but now they do, and they’re excited about it.

And um, we talked with them in depth about the legal implications of involving the podcast, which are many, in that, if we turn over thousands and thousands of pages of documents in the case, and open Joey up to being investigated and interviewed where we can’t control the content of what goes out, that- that’s potentially dangerous to our client so we fully explained that and we also told him you’re gonna lose your attorney-client privilege, these documents aren’t confidential any more, any time you bring in an outside person like a reporter, there’s no attorney-client privilege in the conversations, but he was not afraid for a second.

He was like “Let’s do it. I have nothing to hide”. So we did! And we made the pitch to Undisclosed Podcast and heard back the next day with questions and questions and questions that... Susan had a lot of questions! It took a long time to answer, but when we were done with that – was probably only 48 hours and Susan said that you were taking our case.

[14:29]

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Rabia Chaudry:

I wanted to ask you a quick question guys you were talkin' about, I mean right there at the end you were talkin' about y'know, kinda the risks of doing this especially what if your client isn't innocent, and as somebody who has been on this case, I wanna ask you about Joey.

Clare Gilbert:

As a person? Or his case?

Rabia Chaudry:

Both.

Clare Gilbert:

As a person I am amazed by him all the time. As I am all of our exonerees, and- and- and clients who are still imprisoned. It pretty much seems to a tee that they do not have the anger and rage and frustration when they talk that I would think I would have. It's kind of this understanding, I understand from all of them that they go through this at the beginning, that, you know, it's a- it's a process, and they go through many stages. But by the time we get to them years later, either when we're fighting to prove their innocence or after they've been exonerated, they all, including Joey an- and I was really struck that it also included Joey because, he really was kind of a punk, back at the time, and seemed not to have much insight into what was happening at the time.

And now he really gets it, like he- he understands that because he was such a fighter, because he was kind of a show-off and a hothead, he- he was easy to target. And easy for people to dislike. And, rally around him and- and isolate him as someone who could have committed this crime. I suppose it's true of anyone's criminal record it- it reflects their character, but I think especially for Joey.

He's got things in there like drag racing, speeding, he'd speed so fast he'd get on probation and then, speed again then get threatened with getting thrown in jail. I know he'd shot a paintball gun at someone when he was a lot younger and there might've been something related to that, but I can't even remember it's all so insignificant.

Susan Simpson:

Uh, it wasn't his criminal reputation that was the real issue, it was the fact that uh, he was enough of a hothead loudmouth to give various people reason to dislike him, and even if they didn't dislike him much or even were friends with him before the murder, after the murder they just focused on these incidences of him being a hothead and, that's all they'd talk about.

Clare Gilbert:

And he takes full responsibility for that and doesn't actually blame anybody for it. I mean he blames Stanley Sutton and I do too...

[laughs]

But he's like "I- I understand why they looked at me. They made a mistake, they made a grave mistake, and I just want people to now give me a chance to show the mistake that was made."

There's a really interesting, great interview with his friend Delane Roach, which I just found the most endearing of all the interviews that we've had and he- he talked about how Joey always wore his heart on his sleeve. And you can see that now too, an- and he doesn't really have any filters.

Susan Simpson:

Those were the words I was gonna use, no filter. I remember one incident when we were talking to him, and, uh, we were not alone. There was someone listening and we were like 'Joey! Let's chill out for a bit, let's not talk about stuff about your case!' That lasted like 20 seconds and then he's like back to like loudly talking about stuff again and like, "Joey! Quiet." He's not scared to talk. I can see why he was not afraid of the podcast when you talked to him about it, because when he says he has nothing to hide, he doesn't.

[18:25]

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Clare Gilbert:

And the other half of your question of, how I feel about his case...

Rabia Chaudry:

Yeah.

Clare Gilbert:

One of the things that first struck me, th- there were a few things, that made me sort of push aside all the, like crime novel, drama associated with his case, uh, yeah I was a public defender for years, so I've- I've seen lots and lots of cases, and- and one of the things that struck me is Joey knew for a long time, that they were investigating him for murder and- and that this might come down. But that I think he was so confident that he didn't do it, and that the truth would come out it that didn't actually every really worry him. I mean it did a little bit, I- I think it was unsettling to have the police focus on you and all the rumors and things like that but I- I don't think he ever actually thought he would be arrested for it. And when he was arrested, to read the police report about what happened, i- is really, astounding.

[19:20]

Joey Watkins:

I thought I was like "Okay" it's a traffic stop. I wasn't thinking about this whole murder thing. And then, when he pulled me over, he stepped up to my- up to my car and he put a gun in my face and he was like "Don't move! Don't move!"

Clare Gilbert:

He kept repeating "What?! What?! You're arresting me for what?!" When someone tells you something and it's just so foreign to anything that you can imagine, and you have to have them repeat it over and over again, that is what happened when Joey was arrested and then he started vomiting.

Joey Watkins:

They put me in the back of the cop car and I was- I was upset I was nervous, you know, I was like, it freaked me out really. And uh, while I was in the cop car I was like "Wha- what's going on?" he was like "Don't play stupid you know what's going on." And I got real nervous, you know, when I get nervous I throw up. I used to throw up before, uh football games. Before I got into a fight, I would throw up. You know, I got real nervous and I threw up in the back o' the cop car.

Rabia Chaudry:

So all this time as he was being interviewed, every time and under for- interview, like he never had the sense that he was a sus- the main suspect?

Susan Simpson:

Oh he knew, he knew.

Clare Gilbert:

[crosstalk]

Oh he knew.

Rabia Chaudry:

Okay.

Clare Gilbert:

I-I think he very much knew. But I think he believed in the system. Like he knew they were looking at him but I don't think he knew where he could end up. He didn't understand the significance of having Stanley Sutton on your tail trying to prove that you committed this murder.

[20:44]

Joey Watkins:

When I got downtown, the officer, he was like "You're at your new home...!" or "One of your new homes...!" or something, and then they took me in the downtown station. I went up the elevator, they took me in this room, I guess it was a interrogation room or, whatever. And uh, Stanley Sutton an' Bill Shiflett were there, and uh, Stanley Sutton was like "Have a seat!"

He was being like, like real smart-alecky like, "Have a seat...!" and I was like "Yeah." I sit down. He was like, "You wanna help yourself? Or you- or you wanna ruin the rest of your life?" and I told- I said "I don't have anything to say to you, I want my attorney." He's like "Oh you're gonna play that game." I was like, "What d'ya mean that game?" I was like, "You know I didn't do this" He was like, "I don't care if you did it. I don't care if you did it. You don't need to be on the street."

[21:35]

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Clare Gilbert: The other thing was his comment at sentencing. The passion that he had in his voice, pleading with the judge to- to understand that, until the day he dies, he will keep proclaiming that he is innocent, and he did not commit this crime, and that justice has not been done for the family of the victim, by imprisoning Joey Watkins for a crime he did not commit. That was another thing to me that I was like... "hmmm."

Susan Simpson: I wish so much that we could play that clip, but uh, the Floyd County Superior Court has decided that trial audio is not a public record and they have no obligation to make it available.

Clare Gilbert: Despite giving us the trial audio to begin with. And giving us all the trial audio on Mark Free's case.

Rabia Chaudry: Again that was Clare Gilbert from the Georgia Innocence Project. And hers is a voice you'll be hearing quite a bit of in this season.

[22:54]

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Rabia Chaudry: So Susan, you're the only one actually of the three of us who have not just spoken to Joey but you actually got a chance to meet him. Right? So can you tell us a little bit of your impressions of him?

Susan Simpson: My conversations with Joey aren't really conversations so much as friendly depositions. Because we only have limited time to talk so, most of the time I'm just kind of peppering him with questions over and over. And you can actually tell sometimes at the end of the time we talk he just sounds tired by the end, after spending a couple hours answering long series of questions from me, like Clare mentioned, one of the things I've been struck by is just his openness and his total lack of fear about anything in his case.

The only times... he thinks he knows something or remembers something he's happy to talk. He'll go on and tell everything he knows about it. The only times I've ever seen any kind of hesitation with him, is when I start trying to get him to talk about something he doesn't recall.

And it kinda reminds me of a line from *Serial*, about Adnan, and him not wanting to speculate if he didn't know. And Joey has a similar, approach sometimes. If he thinks he remembers, he's happy, he's off to the races, but if I start pushing him on a question he doesn't have a firm memory of, that's the only time he's not happy to talk, and he's just very careful to make sure he knows what I'm trying to ask about.

Rabia Chaudry: So as somebody who's like maintained his innocence from the beginning, has he ever offered you like any alternate theories? Or suspects?

Susan Simpson: At times over the years he's had various theories. Things have changed in the case, things have changed with what he's known, so he has had theories over the years. So a lot of it- what happened though is that there's so much more information now, than there ever has been in this case. He's never seen, most stuff we have now, it's all news to him. So a lot of the time, he's learning of things for the first time, important things, big things with his case, for me and Clare, when we talk the day of, so...

Rabia Chaudry: How come you haven't had it, I mean I thought uh, I- he's- he's had other attorneys and he's had federal *habea*, and he's had so many things uh, going through court like how come none of these files were- or is it- w- was it just they had it and they just didn't discover certain discrepancies?

Susan Simpson: Well, for some reason, the notes in this case, the police notes, never made it to the defense attorneys' hands. They asked for them, they wanted them, but... they were never given over. Only very late in 2015, did Clare get them for the first time, and, they're pretty eye-

opening. Um, a lot of what the police did back then, uh, I'll just say it would've... I think it would've changed the outcome of the case. Had his attorneys been able to use that, or know of it in the first place.

Rabia Chaudry: Does he seem angry to you, like he blames people?

Susan Simpson: He seems shocked. He just- whenever he learns of new stuff...

So the other night after the first episode of *Undisclosed* aired, he was talking to his mom.

[laughs]

His mom... well, I was interviewing his parents and his mom like stepped aside for a phone call. And uh, just kept talking and then at the very end she's like "Oh that was Joey", I'm like...

[laughs]

"Oh you could've mentioned that!" And uh, I didn't talk to him, he just briefly mentioned that he- he like, wanted me to know, "You know I've never heard that before, right? I've never heard that audio. I had no idea they were saying those things."

I think he felt a need to reassure me, or just to explain to me that that was all news to him. I was like, "I know Joey, you never got this before."

I- uhh, I just can't imaging having spent 16 years in prison and suddenly a decade and a half later, for the first time you're hearing about big things in your case, like huge things that were there all along, and just no-one ever mentioned it to you because no one ever gave your attorneys any information, or your attorneys never picked up on it.

And at this point, there's a lot of subjects that, Joey just can't help with. Because he was never involved in anything invol- like- here is an investigation an' he just has no connection to, that are still relevant to his case, and uh, we're kinda on our own there, 'cause he can't help. It's not something he ha- has ever had knowledge of in the first place.

[29:04]

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[scratchy gramophone recording of "Grave In The Pines" (trad.) performed by Clayton McMichen (c. 1920s)]

*My true love lies in a narrow grave
In the pines where the sun never shines
The snow lies deep on my true lover's grave
In the pines, in the pines, in the pines*

In the pines... in the pines... in the pines...

[29:34]

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Rabia Chaudry: Now, let's talk about our trip to Rome, Georgia.

Susan Simpson: Dar...

Rabia Chaudry: Dar... what?

Susan Simpson: Dar...

Rabia Chaudry: Oh, deer, okay.

[laughter]

Rabia Chaudry: I'm like, "What?!"

[laughter]

Susan Simpson: Gone shoot me a dar... um...

Female Sat Nav Voice: Turn left onto Georgia 101 South Rockmart Highway South East!

[indicator ticking]

Rabia Chaudry: [crosstalk]

There are bears...

Susan Simpson: There was... there are, like I-

Rabia Chaudry: Like small black bears...

Susan Simpson: There was a bear once in Atlanta. Um...

Rabia Chaudry: Oh, really? In the city?!

Susan Simpson: It got- it got- it got lost I think, it didn't make it too far. It didn't make it across the perimeter, 'cause that's where I saw it, dead.

Rabia Chaudry: Yeah... uh, there you go.

[indicator clicks off]

Susan Simpson: So we saw an armadillo, when we were here.

Female Sat Nav Voice: Continue on Georgia 101 South for three miles!

Rabia Chaudry: I thought they only existed in like, a desert.

Susan Simpson: Nahhh. We also have coyotes now.

Rabia Chaudry: It's kinda beautiful out here.

Susan Simpson: Coyotes have made it, like, way past here. Only, they're like the- uh coywolf. Like... murder coyotes 'cause they're... they came from, like, Canada or wherever.

Rabia Chaudry: Did you say murder coyotes?

Susan Simpson: Yeah.

I mean they're- they're- they're... they're mostly coyote but part wolf. And they're a little more, uh, murderly than the uh...

Rabia Chaudry: [crosstalk]

They're murderly?!

[laughter]

Rabia Chaudry: Murderous!

Susan Simpson: They're a little more murderly than your typical coyote.

- Rabia Chaudry:** *[crosstalk]*
- What- what do they murder?*
- Susan Simpson:** *People. And cats.*
- Rabia Chaudry:** *Huh?*
- Susan Simpson:** *Yeah people have died from them!*
- Rabia Chaudry:** *They kill people?!*
- Susan Simpson:** *Ye-ah!!*
- Not the ones here... but the coywolf, hybrids.*
- [30:48] ≈
- Susan Simpson:** *Pecans, peanuts, peaches.*
- Rabia Chaudry:** *Ohhh! I should try the Georgia peaches before I leave.*
- Susan Simpson:** *[crosstalk]*
- Yeah you should! There's lots of uh, usually on the roadsides there's lots of like peanuts and peaches.*
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- Susan Simpson:** I'm not from Rome, I grew up in Atlanta. But my mother and her family are from Rome originally. But, most of my time in Rome was as a child. I actually hadn't been back there since my grandmother passed away in 2011.
- So, for me it's been... this has been interesting to go back to Rome and see it now from a very, very different point of view. But growing up, Rome for me was just hanging out with my grandparents and my cousins. And my parents would uh, ditch me up there for a couple of weeks during the summer but not... I'd go to summer camp up there...
- Rabia Chaudry:** Do you remember this case? How old were you when this happened?
- Susan Simpson:** I would have been like, what, 15? But I don't recall it. And my aunt and uncle, my relatives don't recall it either. I'm sure that at the time they would have heard of it, there's not that many murders in Rome. But Rome is- it's not a tiny town. It's big-ish, relatively, for, y'know, for a small Georgia town.
- Rabia Chaudry:** It's all relative.
- [laughs]*
- Susan Simpson:** I just remember the main street, it's- and to me it was really the only sort of like main street I spent much time on, or was familiar with and I thought it seemed very quaint.
- I remember my grandmother used to take me to the bank, and they would always have the little vacuum tubes and shoot out like, you know, her money and documents and then it had a- had a sucker to it.. I thought it was so cool.
- [laughs]*
- [32:21] ≈
- Susan Simpson:** So, I don't really know Rome as an adult, although I'm learning it... pretty well now.

- Rabia Chaudry:** I thought it was interesting when we were there with you, and you've been, like, reaching out to a lot of potential witnesses who were involved in the case, including jurors and stuff. There were times when, I remember you reached the wrong person, but they'd be like "Oh but I know who you're talking about." I mean, so it seems like, even though it's not, uh, a small, small town, uh, people tend to kind of know each other a little bit.
- Susan Simpson:** I have gotten stuck on the phone a few times now, where I'm trying to reach a witness and I'd get a wrong number. And uh, the person on the other end would be like "Well I'mma be able to help you, can you tell me a bit more about them" and I'm trying to politely get off the phone, as they try and help me uh, track down this person they've never heard of.
- Susan Simpson:** *Um I am an attorney that's looking into a case that she came up um, on a list of people that had some information about it, and I was hoping to talk to her.*
- Yes! So the case I'm looking into is a case from 2001... I believe so, and I want to ask her if, if I have the right person, I wanted to talk to her about that. Alright, thank you so much!*
- Susan Simpson:** Or, once I had a conversation with someone who, like, kept asking questions as if they knew them, and they got to the end and said "Nope! Never heard of them, but I'll keep an eye out for ya."
- Rabia Chaudry:** [laughs]
- Yep, that sounds like a small town to me.
- [laughs]
- Susan Simpson:** Yeah.
- Rabia Chaudry:** You know city folk are like, "I don't got time for this now, thank you, 'bye'". Click.
- Susan Simpson:** And once I mentioned I have family out there, of course that's like the f- everyone wants to figure out like, who they are, like, if they've got the connection there, so...
- Rabia Chaudry:** Yeah, like I said it's all relative. To me those are all like the hallmarks of, kinda, small town America, and I grew up in small town America and I- I... I- y'know, I- I love it.
- [34:00] ≈
- Colin Miller:** Yeah so we travelled to Rome, Georgia. This was in June of this year and it was a good opportunity to meet with people involved in the case obviously we met with Clare, Joey's attorney, we met with various witnesses, jurors on the case.
- We had uh... an especially interesting conversation, Clare and myself, with a former employee of the Georgia Bureau of Investigation that you'll hear about more later, but... I- I think it was a really good experience to see in person all the different sites mentioned in these trial transcripts and the documents and get a sense of what we were dealing here with in this case.
- Rabia Chaudry:** Susan how many trips have you made to investigate the case now to Rome?
- Susan Simpson:** I don't even remember now, um, a- the benefit for me is that my parents are in Atlanta still, so, I've been able to come down here, and I was quite a few days now, I have uh, worked until four or five and then gone up to Rome in the evenings to knock on doors and try and find people.
- Rabia Chaudry:** I wonder if people now, like the- the talk has started spreading in the town of, "Hey did the tall blonde girl come visit you?"

[laughs]

Susan Simpson: Last night I was, uh, went to someone's house to talk to them and uh, he was sayin' like, "You know, no-one has ever been asked about this case 'till couple weeks ago, when an officer went up to uh, Calhoun, and asked my ex wife about it" and I was like, 'I'm pretty sure that was me, and I'm not a police officer.'" So, that's gettin' around that someone's askin' about the case.

Rabia Chaudry: Well I will say that, y'know, a number of times, and a- Susan was more nervous about me being there than I was. And the only reason I was... there was any, y'know, sense of nerves was because I'm y'know, very visibly Muslim and it's a small town, and maybe people don't, y'know? They might be a little uncomfortable but honestly it was, uh, people were- were really friendly and, um, I, for me it was really impactful to meet his- his parents especially and that is when it all became very real to me.

And until now yeah it was an interesting case and, I- we've been hearing about it through Susan but it wasn't until like we hung out with is mom and dad that I was like, this is like very, very important stuff.

Colin Miller: Yeah I mean Rabia I think that you've commented and, I noticed the same thing, is just that his parents have fought so hard and spent so much time and money on the case. And, it really seemed to have worn on them, having fought this for so many years and just you could hear it in their voice, you could see it in their mannerisms.

[36:24]

Colin Miller: *So it sort of came out of the blue when he was arrested? It was just a com-..*

Joey's Mom: *I couldn't believe this whole thing when it was going on I was like...*

Colin Miller: *Right.*

Joey's Mom: *In another world... I could not believe that they actually charged my son. With hearsay! Still don't understand how they got away with it... to this day I don't understand.*

Joey's Dad: *I appreciate everythin' you all are doin'. You don't know how much... I'm about, a million, a million and a half in, so far.*

Female Voice: *Wow.*

[36:56]

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Susan Simpson: Yeah and uh, so I've met his parents a few times now, and um, the other night on Monday when uh episode one was released, we had a listening party down at Emory. Joey's family was there and some people with Georgia Innocence Project and people who knew about the case, and I was feeling a bit nervous before, I mean, it's a new season, new episode and, I was probably a little bit jittery, and at one point his mom but her hand on my shoulders like, "It's gonna be great, I'm sure, don't worry" and I was like, "Why are you comforting me?"

[laughs]

Like, "You should be the nervous one right now." And she was just very sweet and very... trying to reassure me when I should probably shouldn't have been...

Rabia Chaudry: That is very sweet- and she was also to me, my impression was that uh, she's seemed just more kinda calm. The- the- the father I got just a much greater sense of his agitation and... you know just being upset in general.

Our listeners – we have a YouTube channel and we hope you subscribe to it and we're gonna have videos from our trip an- and other things we're gonna put up there and one of those videos is actually us as we meet the parents so you can check it out there.

[38:02]

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Rabia Chaudry:

So it was really important for me to meet Joey's parents, Colin and I both wanted to meet Joey... we weren't able to and I hope we can in the future. But of course the real purpose of this is to actually lend a hand in the investigation that really Susan's been taking a lead on, and determine, not just if Joey's innocent but how do we prove his innocence then. So, Susan's taken a lot of trips to interview witnesses and on this trip Colin and I got to meet some too.

[38:27]

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Man:

Hey, hey, how ya' doin'?

Clare Gilbert:

Good! How are you??

Man:

Good!

Clare Gilbert:

Nice to see you! This is the... full Undisclosed team.

Man:

Okay.

Clare Gilbert:

You remember Susan, and Colin Miller...

Colin Miller:

[crosstalk]

Hi, Colin Miller

Clare Gilbert:

Rabia Chaudry

Rabia Chaudry:

[crosstalk]

Rabia, nice to meet you.

Clare Gilbert:

And Zoe...

Zoe:

Hi!

Clare Gilbert:

This is Rabia and Colin's first time here, and Zoe's and uh.. so yeah they're gonna drive the route, and we're talking with witnesses and... y'know stuff like that.

Susan Simpson:

This has been a, uh- It's been a non-linear investigation. Um, a lot of starts and stops, and a lot of unexpected detours down leads that at first seemed like nothing, and you start looking at and you're like "Well, that's gonna be a whole new section of us lookin' in to." But there really has been a recurring pattern, of who will talk to us and who will not.

And a lot of people have been, very happy to talk to us. Most don't remember much or anything, or try to remember a lot. It's pretty important, but, there definitely has been a pattern of people who are not willing to say a word to us. People that testified at trial or were investigating or had some role in the case that was critical. And unfortunately we've hit a wall with a lot of 'em.

[39:44]

Rabia Chaudry:

Should we wait like another like, five minutes? It's only 1:05... I feel like we maybe we've broken it too soon.

Clare Gilbert:

I mean she would answer, wouldn't she?

Zoe:

I would think so, we could text...? She seemed to respond to texts.

Rabia Chaudry:

Yeah.

- Colin Miller:** *[crosstalk]*
- Maybe one last text.*
- Susan Simpson:** *Yeah, just tell her, "Hey look..."*
- Rabia Chaudry:** *I mean she hasn't responded to the last four texts.*
- Zoe:** *I know, but, I mean...*
- Rabia Chaudry:** *Let's just- just slowly make our way out to the car then... when we get to the car we'll say "You know what-"*
- Colin Miller:** *[crosstalk]*
- Saunter...*
- Rabia Chaudry:** *I'll just say, "Let us know when you wanna talk. If and when you wanna talk."*
- Zoe:** *Yeah...*
- Susan Simpson:** *There's one witness we tried to go to a- a couple of times... and, Clare and I had gone together, no one had answered the door. And then one evening, while we were all in town, were were talking to a witness, Clare was like "I'm gonna give it one more go, just to go see." We left a note before, on the car windshield, but hadn't heard back. So she went over and realized that this time someone had at least been at the house. Here's what happened when she finally talked to him:*
- [40:31]
- Susan Simpson:** *So Clare has returned from her mission. And what happened?*
- Clare Gilbert:** *Uhhh...*
- Susan Simpson:** *When you saw the truck was moved...*
- Clare Gilbert:** *So... I went to knock on the door, and TV was on loud and so I knocked, no answer, I rang the doorbell, no answer, I knocked again, then I kept smelling like someone was grilling, so I thought maybe he's out back grilling so I walked around back. And he's not out there, so I went back, rang the doorbell, no answer, so I went across the street, just to ask a different neighbor to make sure we had the right house and, um... again d- didn't speak English and... but then I started asking her in Spanish, if- if he lives there and she started talking to me in fluent English!*
- [laughter]*
- Clare Gilbert:** *And then, um, I went back, and I was gonna drive away and I was like you know I'm gonna try one more time, so I went and rang the doorbell and this time the doorbell wouldn't ring so I knocked on the door really loud and then he opened it!*
- And he said, "Gilbert!" and I said, "Yes?"*
- [laughter]*
- And he's standing there and he has on a white t-shirt with a, eagle on it and an American flag and it says 'Proud to be an American' and he's like, "I ain't gonna talk to you I got nothin' to say to you, this is your official cease and desist!" And then he slammed the door and uh-*

Susan Simpson: There are definitely good days and bad days. I've had days up there where I've driven, I don't even know how many miles, and uh, had no-one home no one answer the phone, came home nothing done, and some days it seems like everything aligns and you feel super efficient and you go to five doors and get five witnesses on the record.

[42:26]

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Susan Simpson: So Colin and Rabia had to head off on Sunday afternoon but Clare and I stayed a few hours extra to try and wrangle some extra witnesses and one of them was a police officer that actually worked in a connected case, um, back in 2000. He had a lot of things to say and gave some very helpful advice, unfortunately, I think a lot of it was lost on us.

Susan Simpson: *I feel like I just had a conversation in code. Were he thinks I'm speaking the code, and I'm acting like I'm speaking the code, but I'm not speaking the code.*

Clare Gilbert: *That is... oh my gosh there's no better way to describe exactly how I feel after that conversation. I feel like he was giving us lots of sage advice...*

[laughter]

Clare Gilbert: *But we really totally didn't understand.*

Susan Simpson: *And we're nodding and nodding...*

[laughter]

Clare Gilbert: *I asked one question and he was like, "Well, what'd we just talk about? Remember that!"*

Clare Gilbert: *And, uh, that's what I was thinking, like I hope Susan knows what we just talked about because I have no clue.*

Susan Simpson: *He just told us something very important!*

[42:27]

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Rabia Chaudry: And one thing that happened a couple of times was there were certain names of people or yeah that would come up and all of a sudden th- the folks you, y- y- the folks were talking to would be like, "Ohh, wait a minute," like, maybe "You don't wanna..." uh, "I don't wanna mess with that," or "You should be careful," so it seemed like, y'know there might be some potentially dangerous characters um, that we might have to investigate or interview, and, so we ended up getting a little bit paranoid, uh, once in a while.

Susan Simpson: *A guy, like stares at us. Not even meanly probably, he's just staring at us... an' I'm like "Drive! Drive! Colin! Drive!"*

[laughs]

Colin Miller: *Yeah he was scary.*

Rabia Chaudry: *He was just kinda like, what's goin' on?*

Colin Miller: *He was staring.*

Susan Simpson: *[crosstalk]*

He was...

Zoe: *[crosstalk]*

He was staring as if there was somebody just weirdly idling in front of your house.

Rabia Chaudry: *Yeah we'd be staring too.*

Susan Simpson: *Yeah. He was staring pretty intently.*

Colin Miller: *Yeah. I'd say now, it's...*

Susan Simpson: *I was not getting a great vibe from that stare,*

Colin Miller: *Yeah, yeah.*

Susan Simpson: *And given we're not certain it's the right place, uh...*

Colin Miller: *Yeah, yeah.*

[44:20]

Susan Simpson: In our defense, first, Colin and I were the only ones who really saw that stare, I'm just sayin'.

[laughs]

And second, we would not be the first people investigating this case to get shot at. A previous investigator, a few years back, did go to someone's house and a gun was fired. It's not clear who it was aimed at but, given that background, our paranoia is at least a little bit justified.

Rabia Chaudry: Susan, can I just tell you this is the first I'm hearing about that so thanks for the head's up.

[laughs]

Susan Simpson: Oh what, I forgot to tell you that?

Rabia Chaudry: [laughs]

Yeah and I personally thought that the stare was because I was pretty sure we were blocking his driveway but I could be totally wrong.

[45:18]

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Colin Miller: So a lot of people have already started asking us, what can happen in Joey's case now, after all the Georgia Innocence Project gave us the case because they had exhausted all the legal options. Well essentially what we're doing is looking for one of two things:

One is newly discovered evidence. Not necessarily evidence the state had, but new evidence. Uh- a new suspect, new physical evidence, forensic evidence *et cetera*. If new evidence can be found, that can re-open the case.

The other thing is the class that we mentioned in season one, and that's a Brady violation. If the state was in possession of evidence that was both material and exculpatory, that Brady evidence could be the basis for a new trial. And, what we can say at this point is, we've been working on a few possible leads and we feel better than ever about the possibility of reopening this case and getting Joey a new trial.

[46:14]

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Susan Simpson: The witness list in this case was over 100 names long. And there were many more than that who were interviewed, talked to, or, we have notes about, but never testified at trial. In other words, in a town like Rome, this is a case a lot of people know about and have information about. If you have anything that you'd like to share with us, you can email us at undisclosedpodcast@gmail.com or call the Georgia Innocence Project at 404 373 4433.

[46:57]

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Rabia Chaudry:

While it's been hard for us during our investigation to nail down any evidence that Joey was ever a violent or dangerous guy, the state was able to convince a jury of that. Primarily because of stories surrounding one particular witness.

[47:12]

Susan Simpson:

If it hadn't been for BriAnne, I bet we'd still be hanging out now.

Clare Gilbert:

Right.

Rabia Chaudry:

According to the State's theory, the tie that binds Joey to many of his alleged transgressions is one woman – BriAnne. Next time, on *Undisclosed*.

[47:34]

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Dennis Robinson:

And... episode two is in the books, let's thank the folks who helped put it together. Georgia Innocence Project, brought *Undisclosed* Joey's case. By the way, thanks to everyone on the social medias, using the hashtag Justice For Joey. Read about GIP at www.georgiainnocenceproject.org

Our sponsors for the week, thank you! To stamps.com and the Great Courses Plus. We appreciate you. Listeners please, go check out our great sponsors and make sure you tell them that *Undisclosed* sent ya.

Ramiro Marquez and Patrick Cortes did the theme music... I've been getting down on Patrick's band Animal Weapon lately, I hope you will too. Balookey on our logo, Nina Musser and Christie Williams... that website is at www.undisclosed-podcast.com. There, we've got people maps designed by Heidi Phelps. We've also got episode transcripts if you'd like to use those to follow along on the show.

Rebecca Lavoie of Partners In Crime Media and the podcast *Crime Writers On* makes this show sound great... she gets help from Hannah McCarthy and the show's newest producer, Brooke Giddings. Brooke also hosts the podcast, *Actual Innocence*, and if you haven't checked out *Actual Innocence* yet, you're missing some great stories about exoneration.

Mital Telhan does so many things for the show behind the scenes that if I listed them here, Rebecca would probably yell at me for making the credits longer than they should be, so I'll just say, Thanks Mital.

To our listeners, thank you and thanks for promoting the show on social media. You found us on Twitter or Facebook and Instagram at our handle, UndisclosedPod you spurred the conversation using the hashtag, Undisclosed. Don't forget if you've got questions for Jon over at the *Undisclosed* Addendum, send them over to us. Use the hashtag #UDAddendum but, try to get them in before Tuesday morning because that's when we record.

Undisclosed's executive producer is Dennis Robinson. I hope to see you next week, for episode three. Until then...

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