

UNDISCLOSED SEASON 2: THE STATE VS. JOEY WATKINS
EPISODE 3: HELEN OF ROME

POSTED 25 JULY 2016

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Rabia Chaudry:

We started the season by telling you what happened on the night of Jan 11th 2000 in Rome Georgia. Isaac Dawkins was driving home from classes at Floyd College on US Route 27 when he was fatally shot. His white truck was seen on the opposite side of the road having crashed into a thicket. Numerous witnesses saw his car and called 911. One of the folks who saw the crime scene as they drove in the opposite lane, was Joey Watkins, who was eventually charged with his murder.

From day one Joey has always given the same story. About the time of the murder he left his home in north-west Rome to go visit his current girlfriend who lived south of Rome. About 10 minutes later he passed the wreck site, and saw Isaac's car in the woods, with ambulances and cops all around it. And then he passed it again two hours later on his way home. His story has never changed. We can't really say that about the State's story though.

At Joey's trial for murdering Isaac, the state claimed that Joey himself shot Isaac. Or had one of his friends shoot Isaac. Or maybe he and one of his friends both shot at Isaac. They argued that maybe Joey had driven to Floyd College and was waiting for Isaac to leave, before following him and shooting him, as both of their vehicles were going over 55 miles an hour on the highway.

Or, maybe Joey was late getting to Floyd College where he was planning to ambush Isaac, but saw him driving in the opposite direction, did a U-turn and followed him. They argued that maybe they followed him after running into him at a gas station. They knew it would be pretty tough for a civilian to shoot the driver of a speeding vehicle, from another speeding vehicle, while talking on this cell phone, of all things.

So maybe Joey drove while his friend Mark Free shot Isaac. Mark after all had been in the national Guard. Maybe it was Joey's friend Tim, or Josh, or Paul, or David that did the shooting. Or maybe Joey got Isaac to pull over on US 27 before he or his friend or friends shot him, and then pushed his truck through a low-dipping median to the opposite side of the road.

Maybe it was a premeditated murder, plotted meticulously days in advance. Or maybe Joey had run into Isaac by chance, and fired a gun at him just to scare him, but the bullet accidentally hit Isaac instead. The State thought that maybe after Isaac was shot, that his truck continued to veer off to the left into the thicket next to the highway, or they thought maybe it veered off to the right. Or maybe Joey, or Joey and a friend, or friends, pushed Isaac's truck across the median and left it there, hoping that it would explode, and the fire would burn away all the evidence.

[3:19]

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Rabia Chaudry:

Hi and welcome to episode three of *Undisclosed, The State vs. Joey Watkins*. This week's episode is 'Helen of Rome.'

My name is Rabia Chaudry, I'm an attorney and senior fellow at the US Institute of Peace and I blog at splitthemoon.com.

Susan Simpson:

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

Colin Miller:

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

Rabia Chaudry:

Now you just heard some of the many ways the State eventually suggested the crime could have happened. All of this while, Joey's story has never changed. As we unravel the story of their investigation, the evidence the State claimed showed his guilt, and the evidence for Joey's innocence, over the next 17 episodes, we have to begin where the State started – by establishing the motive.

As the poet Carl Sand famously said, "If the facts are against you, argue the law. If the law is against you, argue the facts. If the law and the facts are both against you, pound the table and yell like hell." In this case the State had one thing they could yell like hell about, and that was this. Isaac had come between Joey and BriAnne, so Isaac had to die.

[4:46]

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Colin Miller:

In the article 'Helen of Rome?' Meredith Prince talks about the differing representations of Helen of Troy, the supposed cause of the Trojan War. Was she, as Christopher Marlow wrote in *Dr. Faustus*, the "face that launched 1000 ships"? Or as Kenneth Reckford has written, was she a passive victim of fate? Or was she actually a Yoko Ono-esque scapegoat with a Trojan War actually fought over tin?

Part of the problem in disaggregating all these competing conceptions is that there isn't one coherent version of Helen. A real person depicted in mythology as the daughter of the human Leda and the god Zeus. Indeed in the *Aenid* Virgil rarely offers his own judgements of Helen instead having several characters describe their differing, often inconsistent takes on her.

The point of Prince's article is to show the reader how each narrator's bias such as the reviews on things like gender and nationality, as well as narrative context, affects each representation of Helen. A Prince notes, her article is greatly influenced by Irene de Jong's study of 'folkalization' in *The Iliad*. Folkalization's a term coined by French narrative theorist Gérard Genette and refers the perspective through which a narrative is presented.

Imagine an eye witness to a shooting giving several statements. First to a beat cop on the scene, a second statement to a detective at the police station, a third to the defense private investigator at a food court, a fourth to the prosecutor in his office, and a fifth to the jury from the witness stand. Each of these statements might differ in significant ways, based upon the context, just as the speaker's version of events might differ depending upon whether he was a bully or bullied, rich or poor, black or white, gay or straight.

In the story we're telling, BriAnne is North West Georgia's own Helen of Rome. That's not us mythologizing. As we heard in the last episode, from day one of the investigation, BriAnne was believed to be the trigger that caused a war between Joey and Isaac. Rome's own Paris and Menelaus.

[6:42]

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Colin Miller:

At Joey's trial, district attorney Tami Colston couldn't have painted a clearer picture. Here's her discussing the motivation for the crime, now unfortunately, despite repeated attempts, we haven't gotten the trial audio but here I'm gonna read from Tami Colston's opening statement:

"First of all, we know beyond any doubt whatsoever that Joey Watkins hated, despised, Isaac Dawkins. We agree on that, no doubt about it. He hated him because he had taken his precious BriAnne.

Now the evidence is going to show that Joey Watkins hated Isaac Dawkins. I think the evidence is going to show that Joey Watkins is the only person that hated Isaac Dawkins. The evidence is going to show the reason that he hated Isaac Dawkins so badly is because Isaac had started dating Joey's long girlfriend BriAnne Scarber.

BriAnne, a cute little girl, had been dating Joey Watkins off and on for several years but she had broke up with Joey. And Isaac's sister Sam and boyfriend Paul had got BriAnne and Isaac

together. Isaac wanted to date BriAnne, he'd asked Samantha about it, "Hey, y'know, can you fix- I would like to date her."

Well Joey Watkins didn't like that. He didn't like it one bit, and he told numerous people and he told them over and over "I'm going to get him. I'm going to whip him, I'm going to kill him."

This went over a period of six months, even after Isaac and BriAnne had quit dating, he still was doing that."

[8:00]

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Susan Simpson:

Now, we're still attempting to get the audio from Joey's trial. I believe firmly based on the existing rules and the court guidance out there that these are public records that should be available to us. Unfortunately, the Floyd County Superior Court has taken the opposite position and decided that they are not records that we are entitled to have copies of.

Now you are gonna hear some trial audio, in this episode and later ones, because we do have access to trial audio from a different trial – one in 2002 – for Joey's co-defendant Mark Free. Mark Free was acquitted. He was alleged to be the shooter in this crime, but the jury found him not guilty. And because of that acquittal the audio was available to us. Many of the witnesses in Mark's trial and Joey's trial were the same, so we have them testifying at his trial but should be noted that this is not actually what they said at Joey's trial in the previous summer.

[8:59]

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Susan Simpson:

Now, this episode is not just about BriAnne, because the story is way bigger than that. But, because the State's case was entirely dependent upon it, it is necessary to examine the role she played in order to understand what happened at Joey's trial. And what ultimately led to his conviction.

Rabia Chaudry:

And the role she played is tied directly to her relationship with Joey. They began dating in 1997 and they were on and off 'til the final breakup on Oct 31st 1999. It clearly was not a healthy relationship.

Susan Simpson:

There were problems between Joey and BriAnne. It went both ways. And, no one here is seeking to defend Joey's behavior. If it wasn't clear from last episode, it's pretty much established fact that Joey was a giant jerk at times, and worse. And, other people saw the way he acted around BriAnne and commented on it like, BriAnne's friend Jessica:

[9:47]

Man:

Uh, the people he starts trouble with, usually who are they or wh- what causes that trouble?

Jessica:

You could look at Joey the wrong way and he'd start something with you.

Man:

Mm-hmm.

Jessica:

Everybody.

Man:

Does he ever frightened you or bothered you at all?

Jessica:

Just when him an BriAnne would get into fights.

Man:

What would he- would he say anything to you.. threaten you at all?

Jessica:

Not me.

Man:

What would he tell BriAnne?

Jessica:

He'd just like yell at her, call her a few names, hit her car, kick her car

[10:21]

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Susan Simpson:

We only know BriAnne from a limited number of sources, now, unlike Helen of Troy, BriAnne can speak for herself. She did give a statement to the police and she testified at Joey's trial. Unfortunately, she, not unreasonably, she did not want to talk to us, so we do not have her views now on what happened back then. Which means we're left looking at the record and trying to piece together motivations and relationships, and long ago teenage drama.

Colin Miller:

But overall, most of what we know about BriAnne comes from decades-old statements by outside observers, and a lot of them are her ex-boyfriends so generally not gonna be unbiased sources.

In effect BriAnne was a MacGuffin used by the Prosecutor. The motivation for everything Joey did, even though she wasn't really in the picture at the time, didn't take any actions that prompted the state's theory of the crime, and really played no role whatsoever in Joey's motivations after Isaac's murder.

In effect she was like the Maltese Falcon in the movie of the same name – something put in there as a plot device to show certain motivations and to move the plot along when in fact, it really wasn't the motivation for anything.

Susan Simpson:

So here's the problem with the State's ultimate theory with this case. Yes, Isaac did date BriAnne, and yes, BriAnne was Joey's ex, and Joey had harassed her past boyfriends, that's something that happened on-going, there are more than one instances in which he would call up, harass, or try to fight people she'd been dating. But Isaac and BriAnne broke up in September of 1999, and Joey and BriAnne started dating again, for a month, before they broke up for the final time at the end of October.

Then, BriAnne started dating Chad, who is, I apologize in advance to our listeners, this is a very complicated list of witnesses, but BriAnne was dating Joey's sister's ex-boyfriend who broke up with Joey's sister and began to date Joey's ex, sometime in that fall. At the same time, Joey began dating a new girl, named Aislinn down in Cedartown.

And they were pretty serious. He was spending basically all his free time with her, and BriAnne wasn't part of the picture anymore. So, why in January of 2000 would Joey decide to, get revenge or something, by killing a previous boyfriend of his ex girlfriend, from six months before, whom he'd dated and broken up with again, when he now had a new girlfriend he was head over heels for?

[12:59]

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Susan Simpson:

One of the first things I noticed when I started going through the files in Joey's case was this odd section about, like, 15 pages where someone had taken a bunch of photos, year book pages, whatnot, and... and not literally drawn moustaches on them, but, basically there was a girl in the photo who has had lots of very juvenile, insulting things written about her. I eventually learned that this girl was Joey's sister Tandi, but I still didn't know what- why it was in the file, or what relevance it had.

[13:30]

Susan Simpson:

So what's the deal with that scrapbook?

Joey Watkins:

Which scrapbook are you talking about?

Susan Simpson:

The one with Tandi, and someone's defaced it, and written mean things all over it.

Joey Watkins:

That was BriAnne and Chad trying to get back at me and my sister.

Susan Simpson:

How was that getting back at you?

- Joey Watkins:** *Because I broke up with BriAnne, and my sister broke up with Chad, and, they got together in spite of me and my sister. See, that was my sister's ex, and she's my ex, so they got together to try to make us mad or jealous or whatever, and me and my sister kinda laughed it off. It was kinda funny. And um, they were mad because they didn't get a rise out of us, I guess.*
- Susan Simpson:** *How long did they date for?*
- Joey Watkins:** *Uh, BriAnne and Chad?*
- Susan Simpson:** *Yeah.*
- Joey Watkins:** *I think, shoot I dunno. They were together during my trial. They got together like, right, I think before, right before Isaac was shot and uh, they had this thing going on or whatever, and they actually stayed together for a while after I was locked up.*
- Susan Simpson:** *You know my first thought when I started going through the files was, "If Joey killed this guy out of something to do with BriAnne and anger and macho-ness, why didn't he kill Chad instead?"*
- Joey Watkins:** *Exactly.*
- [laughs]*
- It makes...*
- Susan Simpson:** *[cross talk]*
- I mean, he's the logical target.*
- Joey Watkins:** *It makes no sense to me.*
- [15:07] ≈
- Rabia Chaudry:** *So let's talk a little bit about Joey and BriAnne's relationship. BriAnne started liking Joey when she was 14 and he was 16. She started dating him the next year when she turned 15. And they dated on and off for about two and a half years, until they broke up in Oct of 1999. But every time they got together, there were troubles between them.*
- Her relationship with Isaac was brief, somewhere between June of 1999 through September. And after they broke up BriAnne actually got back together with Joey in the fall of 1999.*
- Susan Simpson:** *The whole idea of why Joey killed Isaac was because he was so outraged that Isaac had stolen his girl from him, even though they'd broken up and he had gotten back with this girl after.*
- But the whole, the whole theory that Isaac had stolen his girlfriend away, it's true in a certain sense but, it's also clear that Joey and BriAnne didn't actually break things off, not entirely, while Isaac was BriAnne's boyfriend. Here's one letter from Joey to BriAnne that was written some time in the summer of 1999 while she was dating Isaac:*
- "Hey baby girl.*
- I'm sitting here at work with you on my mind as always. I really think that you need to sit and think about what is going on. Today when that happened, you started crying, it was like you were disappointed in what happened. You never acted like that before. I'm sorry. You used to always have a big smile on your face.*
- I don't know where I'm gonna stay tonight so I probably won't be able to talk to you but BriAnne I love you with all of my heart, and nothing makes me happier than to see you happy like you are now. Isaac seems to make you happy.*

Please beautiful, think about this. It would hurt me worse to see you fight with your family about me, and be upset than for you to be with Isaac and be happy. We always turn out together in the end, just remember I love you and you will always be my beautiful baby girl.

Love Joey Watkins."

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[16:59]

Rabia Chaudry:

This is kinda interesting to me because it almost seems to imply that he's saying that you can be with Isaac and be happy but in the end we'll probably get back together again anyways. Is that what he's saying here?

Susan Simpson:

It is kinda true because they did break up and get back together again several times and, I mean that so far that had been the pattern of their relationship. And I mean you know I guess if you're the Prosecution it works both ways. You can show that "Oh look! He was obsessed with her and wanted to get with her again." But on the other hand there's...

[laughs]

There's no murderous hostility. This is when Isaac is actively dating BriAnne. BriAnne is Isaac's girlfriend and Joey writes a letter saying Isaac seems like he makes you happy, and that makes me happy. That somehow becomes murderous rage six months later when BriAnne and Isaac have long broken up.

Rabia Chaudry:

On the other hand, there are some of his emails to BriAnne that actually do show some abusive language and insults, um, telling her to stay the hell out of his life, but in much more colorful terms. Here are a couple of the worse examples of that. It's an email written to BriAnne on July 16, 1999, and it's written in response to an email from her, and here's what Joey says:

"Look bitch. Do not email this computer anymore. Drop dead whore."

Susan Simpson:

And Rabia didn't add it in but there are literally 40 plus exclamation points added in there for emphasis.

Rabia Chaudry:

Yeah.

Susan Simpson:

But I think it's also important to note, we don't have the original email. BriAnne only printed out the email from Joey, but her email to him had the subject 'Tandi,' now Tandi was Joey's sister and she had been at one point one of BriAnne's close friends but they'd had something of a falling out, which we'll get into later.

So whatever BriAnne was emailing Joey about, it was about his sister, who BriAnne no longer liked, although his email is obviously not appropriate, I suspect that BriAnne's wasn't any nicer.

Rabia Chaudry:

Well here's the thing. What's interesting to me about this email is that it doesn't show, like, he's obsessed with her. He's saying, "Don't email this computer anymore". He's saying "Leave us alone" or "Leave me alone," and doesn't seem necessarily threatening although it's rude. But there's another email about a month later that does seem like it could be a little bit of a threat.

So this is an email written August 30 of 1999, and Joey writes:

"Do not bother me please."

Lots and lots of exclamation marks.

"I'm fine without you and tell your boy not to bother my girlfriend, and the next time he pages her or calls her we just might have a repeat of the other night, except this time his drunk ass might not leave. I'm not playing games any more."

That seems a little more threatening.

Susan Simpson: And here's another complication. This is when BriAnne was still dating Isaac, and, when Joey writes "your boy," I'm pretty sure he's talking about Isaac. But at the same time this happened, Joey was dating a girl named Erica. Erica was also Isaac's ex-girlfriend.

Rabia Chaudry: Even after these emails, Joey and BriAnne got back together in September or October of 1999, after BriAnne and Isaac's brief relationship had fizzled out. But things didn't last between Joey and BriAnne either. And here is BriAnne giving her version of events about how their relationship ended for the final time.

[19:59]

Brianne Scarber: *Umm, I went back to him in September.*

Man: *Of what year?*

Brianne Scarber: *Of this year.*

Man: *Of '99?*

BriAnne Scarber: *Uh huh. Um, his sister was bringing me pictures of him, and was like, "This is when we went to Florida." Which I think was a whole scheme to get me back with him. So we started seeing each other. I would, y'know, tell my mom I was going to K-Mart, and meet him, and... One night we snuck out and it was- it was Halloween night I think, October 31st. We snuck out, and we dropped her off at her boyfriend's house and we rode around.*

Well, I wasn't talking to him for some reason. He had said something to me and I wouldn't talk to him. Well it made him really upset, and he was driving my car. And he got out...

Man: *Mm-hmm.*

BriAnne Scarber: *He started walking across the road, and naturally I was beside him going, "Please don't do this. Please don't do this. Get in the car." Well he acted like he was calling his ex-girlfriend, the girl that he had went out with for like those five months that we were broken up.*

I was like, "Who are you callin'?" And I'm parked right there and I was like, "Please get in." And he was like, "Yeah. Hey Erica what are ya doin'?" You know? And I was like, "Gimme that phone." I said, "Don't talk to her." I said, "Gimme the phone."

And when I went to reach for it, like, I had it in my hand and he grabbed my hair, and he pulled me to the ground, like, he pulled me to the ground. And, I mean, I just got back up and I tried to grab the phone again.

Well I got the phone and he was like, "Here you can have the phone." I was just, crying. He was like, "fine you can have the phone." So I got the phone and I was like on his phone he's got Caller ID and, where you can tell who he called out to, so I was driving like this and I had the phone out the window because after he gave it to me and was like, "Oh no, maybe I shouldn't have let her have it."

So he was reachin' over and tryin' to get the phone, and I was going for Caller ID. And I was going about 60 right there near Rome, right, yeah I could see Rome in the distance. And um, he said, "Fine then if you won't give me the phone and he took the emergency break and lifted it up and then I spun out of control, I think I spun like three times and hit the guard rail and totaled my car.

Man: *You- you been- been treated in hospital?*

Brianne: *No. So then I crawled out of the window because I couldn't get out of the car, I took his cell phone and I just threw it on the ground because I was so mad at that time and...*

Man: *Where did the wreck happen then?*

Brianne *Okay, I could see Rome in the distance, I was comin' this way, and after that happened I got out of the car and I mean I'm hysterical at this time, I lay down on the ground, I was just- I didn't know what to do. And um, he was like "I'm sorry I'm so sorry" and he was hugging me and I think that's the point that I realized, "No I can't do this any more."*

[21:34]

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Susan Simpson: According to BriAnne, best I can tell, they have a fight of some sort, because Joey's ex, Erica, is paging or calling, and as she's driving along and is reading the phone out the window, I don't even know, Joey pulled up the emergency brake and caused the car to, like, spin in circles, and then it wrecked and she decided to end it.

Rabia Chaudry: Was this a- a matter of contention between who dumped who?

Susan Simpson: Well, who wrecked the car?

I mean the car wrecked, and they broke up because of it. Joey says that she wrecked her car, because she was driving, and BriAnne has this claim that Joey pulled up the emergency brake. BriAnne says she left Joey 'cause of this, and Joey says he left her 'cause of this.

Rabia Chaudry: And I'm guessing that the State believed BriAnne.

[laughs]

Susan Simpson: Well, that's the thing!

Because, there were police records. You can hear Sutton ask about them in the interview. And he does question her closely, "Where were you when this happened? Which agency responded? Who had the records from the response? What did you tell them? Are you sure you told them that?"

Like, at some point she starts going on about a deer, and she claimed that she told the police that a deer caused the accident. But really, she decided later to tell them it was Joey, when she decided to come clean. It's a mess of a story and we don't have the police reports so we don't even know what they wrote down at the time.

Either way, what's clear is that it wasn't just a matter of Joey being jealous of BriAnne. This fight was over another girl, Joey's ex and also Isaac's ex, who Joey had previously dated, this is Erica, and it was BriAnne's jealousy over Erica that led to this car crash and breakup one way or another.

Rabia Chaudry: I mean it just sounds like a very, kind of, 'high school' vibe going on right here.

[laughs]

And none of it to me here so rises to the motiva- y'know, to the level of being motivation to murder anybody.

Susan Simpson: But it also destroys any narrative, to me, that uh- like you heard Tami Colston as she was saying in her opening and closing statements...

Rabia Chaudry: Right. Yeah.

Susan Simpson: "He was mad at Isaac 'cause he took his precious BriAnne away." Well no, Isaac had broken up with BriAnne months before, 'cause he'd gotten tired of it. And Joey was dating her again. It was this incident that had nothing to do with Isaac, but had something to do with another girl that BriAnne was jealous of, that actually causes the end of the relationship. Like her first reaction after the car crash is to say, "I was still mad so I grabbed the phone back again."

Rabia Chaudry:

Right.

Susan Simpson:

And then Sutton stops her, and she's like, "Oh I was just hysterical, I was so upset." And like a second ago you were saying you were mad and still going for the phone after the wreck, so you couldn't have been like, too scared or hysterical if your first thought is still, "Let's get that phone and see who he's paging." I mean if you pulled the brake up, at 60 miles an hour, bad things are gonna happen, but her reaction is not to be upset or mad at Joey, it's, "Where's that phone, gimme that phone, lemme see who you're callin."

[27:15]

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Susan Simpson:

The State had to work with what it had. It had to shoe-horn some kind of theory together, and the only way to do that is to make BriAnne the face that launched a thousand ships.

Colin Miller:

The state's theory was that Joey was so filled with jealous rage over Isaac dating his ex girlfriend BriAnne that it led to him committing homicide. The problem with this though is that Joey had a very different reaction to someone else he knew dating BriAnne.

This is Delane from his interview with Clare from earlier this year. He was friends with Joey's sister and sometime in late 1998 or early 1999 when Joey and BriAnne were on a break, Joey's sister Tandi set Delane up on a date with BriAnne. Later Joey and BriAnne got back together again but the communications between BriAnne and Delane didn't exactly stop. So here's Delane talking about how he finally ended things with BriAnne and the interactions he had with Joey during this time.

[28:08]

Delane Roach:

I's sittin' with some friends I played football with. And uh, Joey pulled up in a red Mustang and had uh, BriAnne in the passenger side seat of the car. And I saw the Mustang go by at that time there were very few red Mustangs of that caliber. But uh, Mustang turned around y'know I wasn't paying attention to it after it passed, but obviously it turned around and come back by my house and pulled up at the top of my driveway. And uh, I'm with my friends so I gotta be tough, right? I gotta be tough. It's how I wanted to carry myself. I'm not that person, but I wanted to be everything in my friends' eyes.

So Joey is hollerin' all types of stuff. You're hollerin' at me, puttin' the pressure on me in front of my friends so I walk up the driveway and I actually reached in- y'know I uh, leaned on the uh, door of the car, BriAnne's sitting here and Joey's sittin' in the driver's seat and he's hollerin' something back and forth and I actually reached in and hit Joey. And when I come back when I reached back I hit BriAnne by accident.

And when they left, they left at that time, and the law showed up at my house, but we played football for Pepperell. And we're in Lindale. So if the law's called, you know at that time, an' now I'm not sayin' anything bad about Pepperell, but that's how it was... I played football for Pepperell.

Clare Gilbert:

What did that mean? I don't understand what you're saying.

Delane Roach:

Well it's like small town you know, you're the- the kinda police or you know... they said "You boys play football for Pepperell?" and we said "Yes sir." And they said "We had a call sayin' somebody got in an alter- you know, altercation." I said "Yeah, some guy came runnin' his mouth, I dunno what happened", and y'know, "You boys, you stay outta trouble."

Clare Gilbert:

Okay.

Delane Roach:

You know, so... no big deal. You know? Something happened, but it's no big deal.

The next weekend, during that week BriAnne had been callin' me. Paging me. Pagers were in at that time. Apparently Joey and BriAnne had a problem that weekend, and through pure luck, we see each other at the bowling alley, Floyd County Lanes.

And as I was walkin' in through the parking lot, which is real close to the road, I see Joey's truck slow down on the curb so I don't know if he saw me as he passed by or whatever. Joey pulled up, with one of his friends, I don't know who his friend was, and he was running his mouth and I pulled my knife out.

Funny thing is, you know I've gotta be tough you know, and I pulled my knife out, but when I pulled my knife out I actually dropped it and uh, here's where it all come to a head.

I said, "Joey. Man we keep arguing about this B I T C H. We keep arguin' about her. She's the problem. I'm not callin' her! Now I do, if she pages me like she does," and I showed him my pager, "Like she does" and I said, "That's not my fault." And y'know, we're goin' back and forth just, y'know, I'm pissed 'cause he's upset and I un'erstand how he feels, he's still hurt because he loves BriAnne, or whatever, but that night we settled it.

Y'know as- as hard as it may seem for some people to realize, we settled somethin' that was so big to Joey, that night. And we settled it in a immature way, but I was like, "Here," y'know, "I'll call BriAnne from inside the bowling alley and I'll talk to her and I'll let you hear what she says, and then you can talk to her, end of problem."

Clare Gilbert:

Hmm!

Delane Roach:

That ended it. That ended the future communication between BriAnne and myself, and uh, I think that really- I'd a put the icing on the cake for him because it wasn't long after that, I mean it was a short time after that, Joey and I became really close. And uh, we started hanging out. I never heard much about BriAnne from him. He was datin' some girl in Cedartown.

Clare Gilbert:

Aislinn Hogue?

Delane Roach:

Uh, I think some blonde-headed girl. She was cute.

Susan Simpson:

So Joey and Delane fought over BriAnne, to the point where Joey called the cops on Delane. I mean he was a football star so nothing happened, but, he had reason to be mad at Delane and he was. Delane even pulled a knife on him. Although Isaac and Joey also had their own interactions – their own run-ins. The incidents with Delane seem more intense. And you can like compare which one was worse, who did Joey dislike more, but there's no basis for thinking that Isaac was more of a threat or pissed off Joey more than Delane had, and yet, Joey and Delane became great friends after Delane ended it with BriAnne.

I also think that hearing from Delane places Joey's actions back then, somewhat in context. It shows that this whole, getting mad over a girl, and punching someone in a car thing, it wasn't something that did never happen here. This was, to some extent, a regular part of this group's lives. They didn't fight all the time, but they threatened to fight all the time. And as Joey's father told me the other day, usually, one of the two people in the fight or proposed fight, one will get scared and the other would be glad of it.

Rabia Chaudry:

A lot of smack talk.

Susan Simpson:

A lot of smack talk.

I love all of the incidences in the files where someone tells the cops, "Oh yeah, he called me on the phone and said meet me in the parking lot behind like, the Walmart and it'll go down!" And the cops are like, "What happened next?" "No one showed up."

[33:49]

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Susan Simpson:

So, in addition to the very clear messed-up relationship between the two, by the time BriAnne got to her police statement on March 13th, 2000, she began alleging claims of physical abuse. As we discussed last week, she had previously gone around and told people

that Joey had shot at her, but, aside from that, she didn't make claims, about Joey being physically abusive, to other people, until this police interview.

Rabia Chaudry:

So this is where the complication gets. You know, as someone who has worked with and represented women and victims of domestic violence over the years, this is why we have to be very careful with these statements.

But sometimes, absence of evidence is not absence of abuse in these situations. And I think all three of us as attorneys understand that. That when you're dealing with victims of domestic violence, inconsistent statements or not even reporting things, I mean, this is fairly common in this situations. I mean, that's why the abuse exists.

So, you know, we- we- we can't completely dismiss it, but at the same time, we have to also be able to have some level of veracity for the allegations if we're gonna examine this being the sole, kind of, motivator for this murder.

Colin Miller:

You know, I think the best we can do as podcasters, to give a fair shake to everyone involved, is simply to go through and look at what people said then, look what they said now, and you, as an audience, can listen to that and asses it.

Maybe we can weigh in a little bit as to what we think, but the fairest thing seems to be to say, "Look, here is a story that was told by BriAnne, here is some evidence that might tend to contradict it or call it into question," and as Rabia said, no, absence of evidence is not absence of domestic violence, inconsistencies don't necessarily prove that something is false...

Rabia Chaudry:

And also, this is not just about allegations of domestic violence that we are trying to figure out really hold up or not. This happens across lots of different statements, right? I mean, it's- we- we wanna be able to make sure, like Colin said, everybody gets a fair shake. That if we're finding inconsistencies and complete, like, y'know, flip-flopping on- on other statements that have been made then we also have to revisit these, too.

[36:05]

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Susan Simpson:

This is one area where we can let BriAnne speak for herself, 'cause we do have the audio from her police interview. And here is BriAnne's statements concerning statements of abuse that there were no other witnesses to:

BriAnne Scarber:

And with another incident like that, I was getting ready and I was in the shower and their shower door didn't lock. Because I mean, I spent most of my time over there. Because he just- I was supposed to be with him all the time. And uh, I was taking a shower and he- he got mad at me for something, I don't remember what it was. And you know that cleaning ammonia that you clean with? He poured it all over me when I was in the shower. And it got in my eyes and, I couldn't see for like an hour straight.

Male Police Officer:

He threw cleaning ammonia on you? What'd he get mad about?

BriAnne Scarber:

I don't even remember. I can't even remember. There's just so many things I don't remember. And that- but, I mean, every time he would do it. Like, he- that time he just grabbed me up and was like, "I'm so sorry, I'm so sorry." That is exactly what he did every single time he would ever do anything to me. "I'm so sorry, I didn't mean to, I'm so sorry."

Male Police Officer:

And you'd forgive him?

BriAnne Scarber:

Yeah, every single time. My mom didn't know about half the stuff that ever went on, because I never told her. And with the bruises and stuff, that I could just play it off for cheerleading.

Male Police Officer:

Where were these bruises you had? Where did he bruise you?

- BriAnne Scarber:** *All over my arms, all over my legs, everywhere. But I could always play 'em off. But he never did it on my face, though.*
- Male Police Officer:** *Did he hit you with his fist, any?*
- BriAnne Scarber:** *No, basically he would just, like, throw me around. Throw me down.*
- Um, one time, like I said, earlier, he would hurt me physically and then I would go out with a guy just because, I knew he wouldn't break up with me because he was just obsessive. And um, he would- we had went to Calhoun, me and this girl had went to Calhoun to find some guys. Just because he- he had been running his mouth and doing what he usually did. And so-*
- Male Police Officer:** *What did he usually do? What uh- explain what you mean by what he usually did?*
- BriAnne Scarber:** *He would just cuss at me. And hit- I mean, just, you know, slap me. And-*
- Male Police Officer:** *How many times has he ever slapped you, physically slapped you with his hands?*
- BriAnne Scarber:** *Um, I don't even remember.*
- Male Police Officer:** *A lot?*
- BriAnne Scarber:** *Not too much. But when he would get mad enough, yeah, he would.*
- Rabia Chaudry:** *So all of these statements that have come from BriAnne about the abuse emerged after Isaac's death. And it's important to note that she was very close friends with Samantha, Isaac's sister, and she was in the hospital the day he was shot. And so, from the very beginning, she was speaking to the police. Even before Isaac had passed away.*
- Susan Simpson:** *The day following Isaac's death, BriAnne went and filed a warrant against Joey, seeking to have his arrest for assault, based on an incident that had occurred a few weeks previously on Christmas Eve when they were at the mall.*
- [38:44]
- Male Police Officer:** *Would you say he lied a lot?*
- BriAnne Scarber:** *Um, I don't think he can utter a sentence without lying. Honestly. I mean, I- I'm not joking. Honestly. Um, and then, me and this guy were at, uh, the mall. Right in front of Express, and we were talking to two other guys. And then we were just sitting there talking, and it was Christmas Eve, so-*
- Male Police Officer:** *You're with who?*
- BriAnne Scarber:** *Me and this guy.*
- Male Police Officer:** *[crosstalk]*
- What-*
- BriAnne Scarber:** *That I was seeing.*
- Male Police Officer:** *[crosstalk]*
- When was this, Christmas?*
- BriAnne Scarber:** *Mm-hmm. It was Christmas Eve.*
- Male Police Officer:** *[crosstalk]*

It was Christmas Eve.

BriAnne Scarber: *So the mall was packed. An' uh...*

Male Police Officer: *[crosstalk]*

Of '99?

BriAnne Scarber: *Yeah. The mall was packed and we were sittin' there and then, I saw somebody, like, from this side of my peripheral vision, come up, like, come up shouting and was like, "Yeah, you think I need to grow some, da-da-da" and he started just- and it was Joey- he just started mouthing off, yelling at him, screaming at him, saying, "You want to fight? You want to fight?" I guess cause he was with me.*

Male Police Officer: *Yelling at who?*

BriAnne Scarber: *Chad, the guy I was with. And yelling at him and screaming at him and I looked at the other two guys we were talking to and I was like, "Are y'all not gonna do anything?" I said, "Do something, he's about to hit him," cause he had his fist balled up like this.*

And um, they wouldn't do anything, so I took, like, right here of Joey's back and I kind of pulled him back to get him away from them. That's when he turned around and he punched me in the ribs.

Male Police Officer: *Punched you with his first?*

BriAnne Scarber: *Mm-hmm. And then he ran off. And that's what we just went to court about.*

Male Police Officer: *You took out a warrant out on him?*

BriAnne Scarber: *Mm-hmm.*

Police: *Yeah, a simple battery, or...? Some kind of a family violence or something?*

BriAnne Scarber: *I don't know. But he didn't go to jail for it.*

Colin Miller: *Now, we have several different versions of this story, from BriAnne, from Chad and from Joey's friend, Josh. But we also have a statement from an unbiased observer. Someone who knew of, but didn't really know Joey personally.*

Rabia Chaudry: *Here's what Steven Walker had to say,*

"Well, me and Graham were sitting there talking and I turned around and looked and I saw Joey walking. Well, I kind of knew Joey a little bit. Not real much. And he come over there and just started talking to us, asking how we were doing, and so on.

And so we started talking and I look back and I saw BriAnne coming. I met them both at the same time, so I didn't really know BriAnne or Joey that well.

She just - BriAnne was asking us to get Joey away. We didn't know what was going on, so then Joey and BriAnne, they started talking and BriAnne was telling him to leave. That she didn't want to see any problems.

He said that he wasn't coming up there for any problems. She started basically pushing him away and telling him to go away and he was kind of defending himself. That was it, there's nothing else from then on out that we saw."

Susan Simpson: *Now, the prosecutor at trial presents this as if it was a biased statement, but, I mean, this guy wasn't friends with BriAnne or Joey. He had no reason to lie for either of them.*

[41:31]

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Rabia Chaudry: So you have the prosecution in this case alleging that Joey went after every boy that BriAnne dated. But the problem is that the reverse is true, too.

Susan Simpson: Essentially, every girl that Joey dated, has a story to tell about BriAnne trying to cause problems, trying to start fights...

Colin Miller: One of those girlfriend was Erica, who dated Joey in 1999. Here's Erica testifying at trial and she's first giving an answer:

"We were shopping through the mall, me and a good friend of mine, I remember, her" (meaning BriAnne) "standing in the window, I guess holding these shoes at work as I walk by. We continued shopping that night and we come back to a store that was kind of down the hallway of the mall from the one that she worked at.

When I walked back outside to go back toward the food court, she come up behind us. But I don't remember what was said between us. But that was over and done with and I went to leave that area and went to the other end of the mall to another store, and after I left that store, we left the mall because it was closing. There was a letter on my car."

Then she's asked, "Do you know who this letter was from?" She responds, "It was from her." Question, "And was this a friendly letter, threatening letter, or how would you describe it?" Her answer, "It was, I wouldn't say threatening. That is a little more than what it was, but it was..." Question, "Did it upset you?" Answer, "Yes, sir."

Susan Simpson: And we'll get into this more later, but with other girlfriends, later girlfriends, she did insert herself long after Isaac's death, into Joey's relationships.

[43:01]

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Rabia Chaudry: And then we get to what we are calling 'The Checkers Incident,' which seems like the real, major encounter between Joey and Isaac during the summer of 1999 that the prosecution used to show Joey's hatred of Isaac and of his violent nature.

And we should note that The Checkers Incident is only The Checkers Incident if you actually go by BriAnne's version. Something did happen that night, and we have statements from four people about it. One from Isaac's best friend, two from people in Joey's car at the time it happened, Adam and Erica, and one from BriAnne. But BriAnne's version is the only version of the story that actually involves her. Here's what BriAnne said:

[43:36]

Male Police Officer: *At the time you were dating Isaac, did... Joey ever come around and confront Isaac and you together?*

BriAnne Scarber: *Um, one night me and Sam were together, and it was just a girl's night and-*

Male Police Officer: *Sam...?*

BriAnne Scarber: *Dawkins.*

Male Police Officer: *Yeah.*

BriAnne Scarber: *And Isaac, and Jay, his best friend, were together. Well, they had went to Applebee's and, got drunk. And um, they were sittin' at Checkers. No, they weren't sitting at Checkers at the time. Okay, you know in town, in East Rome, the Checkers right there?*

Male Police Officer: *Right.*

BriAnne Scarber: *And you can turn and go to Broad Street right there?*

- Male Police Officer:** Right.
- BriAnne Scarber:** Okay, they were sitting at the red light right there. And me and Sam were driving and we noticed somebody on my bumper, and it was Joey. He was like, this far from my bumper in his girlfriend's car. And he pulled up beside me and he was like, "You effing bitch, da-da-da-da-da-da-da-da-da", and he just was mouthing off and I said, "Go away." Then he got behind me again, he got this close to my car.
- Male Police Officer:** What kind of vehicle was he in then?
- BriAnne Scarber:** It was like a '90 Honda Accord.
- Male Police Officer:** [crosstalk]
- So he was running his mouth and cussing, but Isaac wasn't in the car at this time?
- BriAnne Scarber:** Yeah, he saw us from the other side.
- Male Police Officer:** But Isaac wasn't in the car with you?
- BriAnne Scarber:** No, no, no. And he saw it and he knew it was Joey, well, that pissed him off. It pissed off- you know, Isaac off. So Isaac pulls into Checkers, we pull into Checkers and I was like, "Isaac, don't worry about it, he's crazy. Don't worry about it."
- Male Police Officer:** Where did Joey go?
- BriAnne Scarber:** Um-
- Male Police Officer:** He drive off?
- BriAnne Scarber:** I don't know where he went. But um, I had found out that Isaac had been drinking and it upset me a lot. Because I don't like that, and I was like, "You know, you don't need to do that if you're upset about anything."
- Well then, he got mad and he went looking for Joey.
- Well, he found Joey somewhere, I don't know where, Jay could probably tell you that because he was with him.
- Male Police Officer:** Right.
- BriAnne Scarber:** Joey was like, yeah, come to my house, come to my house. And so, Isaac followed him to house. And um, then, Adam can tell you this, too, Adam Elrod. Um, Joey got out and went to Isaac's truck in the middle of the road and just started hitting. Through the car.
- Male Police Officer:** Hitting Isaac?
- BriAnne Scarber:** Just started hitting him through the car.
- Susan Simpson:** At trial, her story changes a bit, again. This time, she says that she was driving around with her friend Samantha and they were having a girl's night, when suddenly Joey starts trying to run her off the road or follow her, and Isaac sees this and becomes upset.
- So, when BriAnne pulls off into a Checkers parking lot, both Joey and Isaac pull up after her, and she says, "Well, Joey just kept circling and I pleaded..." And she's asked, "Who kept circling?" And she says, "Joey. I pleaded with Isaac, I was like, "Please, don't go. Please, don't go." I even went as far as to tell him I would break up with him if he went. Because I knew. Then he left and me and Sam left.

Now, here's Adam's version of the same event. Adam had been, at the time, a friend of Joey's. He was out with Joey that night. In fact, Joey was on a date with Erica. Erica and Joey and Adam had gone out to get some food. And here's what Adam remembers:

[46:25]

Adam Elrod: *There's one other episode where Jay Barnett and Isaac come past Joey, by the YMCA. This is when Joey was dating uh, Erica Evans. Well, me Joey and Erica Evans was in her Honda. She had a '92 model Honda. Isaac pulls up beside Joey, and Jay holds his head out the window. And asks Joey why he's been saying all this stuff about Isaac.*

Male Police Officer: *And uh, who said that?*

Adam Elrod: *Jay Barnett asked Joey, he said, "Why you got a problem with Isaac?"*

Male Police Officer: *Uh-huh.*

Adam Elrod: *And right then, Joey went to poppin' off and tellin' him, you know, well, I'll whip both of y'all, I'll whip both of y'all.*

Male Police Officer: *Was that at the YMCA?*

Adam Elrod: *No, this was at the store before you get to the YMCA. They had - we had done turned around and come back down to the store.*

Male Police Officer: *Oh, so that when they went up to his house.*

Adam Elrod: *Yeah, that's when they went up to his house.*

Male Police Officer: *Okay.*

Susan Simpson: At trial, he does give much the same story. Now, Isaac had been drinking that night, so Jay is driving, and here's what Jay remembers:

[47:24]

Jay Barnett: *The first time I take over, I was actually with Isaac when we met up with Joey, was one night in town, we kept seeing Joey, it seemed like he was following us. So we pulled in at a gas station, he pulled in beside us, and uh, Joey had said something about, "I heard you're looking for me," and Isaac was like, "Well what are you talking about?" and Joey was like, "What do you want your ass whipped?" And then Isaac was like, "Yeah, sure, get out and whip it." And then Joey was like, "Well, not here. W- just follow me."*

So we ended up following Joey for what seemed like an hour. And, through town, seemed like he was rounding up all of his friends... before he went to wherever to fight. So, we went to- we didn't know it was Joey's house, but, we pulled up to Joey's house and Joey had gotten out of the vehicle, and his dad was out front and, I think, five or six others were out there. And uh, just kind of taunting Isaac from the road.

Police: *Who was?*

Jay Barnett: *Joey. Tellin' Isaac to step out, y'know calling him a pussy, 'n' you know, saying, just kept on just saying stuff to him trying to get him to come out of the truck.*

Rabia Chaudry: So in Jay's first statement, BriAnne isn't even there. There's no BriAnne at all. So here's what Jay says at trial. He's asked, "Okay, somewhere along the line, Joey sees BriAnne, right?" And he answers, "I think we were pretty behind him the whole time. I don't think he ever saw her." He's asked, "So you're saying that you never met up BriAnne?" And Jay says, "After we began following Joey, no." Then he's asked, "Okay, did you meet up BriAnne in the parking lot of the Checkers?" And Jay responds, "That was before we saw him." 'Him' meaning Joey.

And then he's asked, "And you ended up at a second service station, up there at five points?" And he says, "Yup." And then he's asked, "And she didn't get upset about his condition, you're saying that- did Isaac get mad when he talked to BriAnne?" And Jay responds, "He got a little frustrated when she told him that Joey had been riding her bumper, and she got upset when he- she found out he had something to drink at Applebees."

Susan Simpson:

At trial, Erica also testifies about the incident. She says she was with Joey that night and Adam was also in the car, and she says they were driving around and she has no memory of seeing BriAnne that night. Joey wasn't riding BriAnne's bumper, that she knew, and she was in the front seat, in that car, her car actually, that Joey was driving.

All she remembers is that they were at a gas station and Isaac was there too all of a sudden and they start exchanging words and yelling, and, then they drove back to Joey's house where they got in a scuffle of some sort. Joey tried to punch at Isaac, everyone agrees with that, although it seems like he may have gotten less of Isaac and more of the truck. Not actually hit him, but the fight doesn't happen, Isaac ends up driving away, and that's it!

[50:08]

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Susan Simpson:

So I was going through all the reports we have about the sort of semi-fight you had with Isaac?

Joey Watkins:

Mm-hmm.

Susan Simpson:

And... you were on a date with Erica Evans that night, right?

Joey Watkins:

Mm-hmm.

Susan Simpson:

Did you all of you even see BriAnne?

Joey Watkins:

Yeah.

Susan Simpson:

You did? Okay.

Joey Watkins:

In the same spot I was just tellin' you about, in K-Mart parking lot. You know how you used to cruise from K-Mart to Taco Bell an' back and forth?

Susan Simpson:

Mm-hmm.

Joey Watkins:

We seen her, while we were ridin' around.

Susan Simpson:

What happened when you saw her?

Joey Watkins:

She was, typical BriAnne, flipping us off and stuff.

Susan Simpson:

Was that it?

Joey Watkins:

Yeah, trying to start stuff wi' Erica.

Susan Simpson:

She's the only story, though, that has her in it. The rest of them are like, "Uh, BriAnne wasn't involved in this." And BriAnne's like, "Yeah, he was circling around me in a parking lot."

Joey Watkins:

Circling around her in a parking lot?! That's- okay. Whatever. She's saying I was circling around her in a parking lot that night, and in the meantime, I'm driving Erica's car. Do you really think Erica would go for that?!

Susan Simpson:

Yeah, well, even Jay agrees that they saw her at some point. I mean, seems like sh- they met up somewhere and she told them that you'd been harassing her, so they went looking for you.

Joey Watkins: *Ttt.... Wow. So, does- does Erica, is she saying that I was harassing BriAnne that night?*

Susan Simpson: *No, she doesn't recall seeing BriAnne.*

Joey Watkins: *Oh.*

Susan Simpson: *She says, like, that y'all went out for like, food or something and she didn't remember seeing BriAnne. Did you know that Isaac was- had already talked to BriAnne, or did you know that they'd been communicating or anything? When you saw Isaac that night?*

Joey Watkins: *What, you mean, as far as them, like, dating or...?*

Susan Simpson: *No, like that night was like, well, when you ran in to-*

Joey Watkins: *Oh, no. I didn't- I didn't even know Isaac was in town, that night.*

Susan Simpson: *So you just happened to run into him from your perspective?*

Joey Watkins: *He followed us! Or, he pulled in behind us when we went to the- uh, when I pulled into the little Texaco to get ci- cigarettes, he pulled up.*

Susan Simpson: *Do you recall what y'all said to each other?*

Joey Watkins: *Yeah, he-*

[sighs]

Pulled in, and... it was like, when I was comin' out, I got back into the car and er- they came in and it was like, window to window, and he says something like, uh, err... "You messing with BriAnne?" or, "You been calling BriAnne?" or this, that and the other an'.... we exchanged words and I told him, you know, "I don't - you know, I don't care about her, or whatever. Whatever was said." And he went to talkin' trash. And um, and- I may've said something. I don't remember. Erica was trying to tell me to calm down, "Just calm down", and I can't remember what all was said, exactly.

Susan Simpson: *What was he upset about?*

Joey Watkins: *I have no clue.*

Susan Simpson: *Did he think that you and BriAnne were still hooking up, or?*

Joey Watkins: *I think he did. I think he was scared that I was gonna take her back.*

Susan Simpson: *Were y'all still hooking up?*

Joey Watkins: *Not at that time, no.*

Susan Simpson: *Okay.*

Joey Watkins: *No, no, no.*

Feels like Erica was a part of that, too. You know, cause wa- he dated Erica, also.

[53:02]

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Colin Miller: So, in short, if you put all five of these stories together, we can have a few takeaways.

First, no one saw Joey following BriAnne and two people in the car with Joey specifically say they don't remember it. Second, Jay says that BriAnne told them at Checkers that Joey had been riding her bumper, although this initial statement to police doesn't include any mention

of BriAnne at all. Third, Isaac and Jay then went searching for Joey, according to BriAnne only, or just started driving around, according to Jay, and then found and/or ran into him.

Susan Simpson:

So, here's what we have. According to Adam, who would give some of the most damaging testimony against Joey at trial, and certainly was not lying in his favor in any fashion, BriAnne had nothing to do with the incident. And according to Erica, who, likewise, had no reason to be doing any favors for Joey, she has no memory of BriAnne being involved in the incident.

And, according to Jay, in his first statement, he and Isaac followed Joey back to his place, and according to him at trial, may have seen BriAnne earlier in the night, because she was annoyed about Isaac being drunk. But as far as he knows, Joey never saw BriAnne. And in fact, he doesn't think Joey saw BriAnne at all. And then we have BriAnne. And according to her trial testimony, she was literally the center of the story, with Joey circling around her, challenging Isaac for her.

Colin Miller:

Yeah, I mean, Susan, as you know, it's really complicated. There's a- a rule of evidence, the Collateral Evidence rule, that says generally we don't want to get into these matters that don't relate to the central issue at trial.

There is a rule that allows an evidence to prove *modus operandi*, or method of operations, sort of a common planner's scheme. You can introduce prior acts under some circumstances to prove motive. But I think, and uh, really the big takeaway here is, this was a pretty terrible relationship between Joey and BriAnne.

It might've been, at a minimum, emotionally abusive. There might be physical abusiveness, other things, *et cetera*. But, what's so tough is, all we can really look at are these reports, and this testimony, these statements and, you know, the trial is about, as we'll get to later, whether Joey killed Isaac, and we're looking at all these instances when one person was dating someone else and circumstances had changed and, y' know, it's it's- so tough to penetrate this and to figure out what exactly was the motivation of any of these acts, whether they actually occurred, and if they did, whether they were as portrayed. And it's just this whole morass where, y'know I mean, what is the takeaway here?

Susan Simpson:

The takeaway is that, they were desperate for evidence. And the- the state's case was thin. It didn't- I mean, it's theory of motive is probably the thinnest part because it is so convoluted. And the only way they can make it make sense, the only way they can tie it all together, is if they can make BriAnne the focus.

If- if Joey's fixation, and hatred was so pathological, that even when, by any standard measure, or any standard narrative, that there's no longer a motive for Joey to hurt Isaac, he would've done it anyway, 'cause he had that much hatred and evilness in him.

And they do that in part by showing, in addition to the Checkers incident, a bunch of other incidences that happen, some involving BriAnne, some that didn't, some that never occurred in the first place, to show the central figure of Joey's life for the six months before Isaac's death, was his hatred of Isaac for having dated BriAnne.

[56:38]

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Susan Simpson:

And it's probably no secret, I'm am very skeptical of BriAnne's stories. After talking to a lot of people in Rome um, and the investigation and looking at all the records. Again, I will not spend a moment defending Joey's behavior, because he was a terrible jerk, he was for sure emotionally abusive, but BriAnne's stories don't add up, and, again and again, we have her spinning narratives that involve boys fighting over her.

This is not just one person saying, that this is a very consistent pattern where BriAnne told false stories about Joey harassing her, or causing her problems, and then, this leading to Joey having trouble with the authorities.

[57:38]

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Susan Simpson:

A while back now, during one of Joey's first meetings with the GIP attorneys, he told them a story about something that happened back in 2006 that didn't seem to make a whole lot of sense. In fact, the story seemed bizarre enough that no one followed up on it.

It wasn't clear what Joey was taking about, and it just didn't seem like a line of investigation worth prioritizing. But then, a couple of weeks ago, Clare and I were talking late one night, and she came across some file notes from this early meeting with Joey, and she read them again for the first time in awhile.

At this point, after seeing again and again how even Joey's odder stories somehow turn out to be true, we were like, "Um, that needs to be checked out, *pronto*." So the next time I talked to Joey, I asked him about it.

[58:21]

Susan Simpson:

What's this about a trip you took to Troup County?

Joey Watkins:

Oh, you're talking about in... 2006? Or '7?

Susan Simpson:

Somewhere around there.

Joey Watkins:

I was at Hancock State Prison. An' uh, Lieutenant, we called him 'Crime Dog.' He came, they called me to the security office one night and uh, he was like, "What's going on?" And just kind of talking to him, I'm like, "What's up, Lieutenant?" An' he's like, uh, "You got a phone, do ya?" I said, "A phone?!", I said, "What're you talking about?" He said, "You been on the phone tonight?" I said, "Yeah, I just talked- just got off the phone with my mom."

So he pulls up the little records or whatever, and he sees that I've been on the phone with my mom and he's like, "She do three-way calls for you?" And I was like, "If it's an emergency or something, y'know?" And he's like, "Have you called this girl, BriAnne?" And I went, "Called who?" I- I- I'm like, "BriAnne?" And he's like "Yeah." And I was like, "No, I ain't called no- I ain't called BriAnne."

Long story short, I ended up getting PI'd for this, I get locked in the hole, they come get me on transfer and I, an- and they're like, he's transferring and I was like, "Ohh, sh- great, where am I going now?" And uh, transfer Sergeant told me he said uh, "You're goin' to Jackson. You're goin' to Troup County. You gotta go to court." I was like, "Troup County?!" He was like, "Yeah." So...

I ended up going to Jackson that night. And, when I get to Jackson, the Troup Country explorer, this older guy, he's like a Sheriff's deputy, he was uh, an explorer, so he comes and gets me off of the uh, Hancock bus. He asked me, he's like, "Do you know a- a BriAnne?" I told him, I said, "Yeah, I know a BriAnne." And uh, he was like, something about a McDonalds, I supposedly seen her at McDonald's a while back, or something, threatening her, or, this that and the other.

So he ends up- he tells me, that I need to leave her alone, that her husband, he knows her husband, and says, they're- they're related or something. I can't remember, and he- he gets all up in my face and I get on the- on the van, he calls uh, the DA's office or whatever, and he explains what's going on and the DA tells him, "Put him back on the van, send him back to Hancock, this guy's been locked up for so many years." And he was kind of shocked to hear that. So, he- he didn't know I'd been locked up for like, six, seven years at the time.

So long story short, I ended up gettin' took back to Jackson and uh, an' they send me back to Hancock. But that was all about me supposedly, harassin' phone calls and somethin' about me being at a McDonalds in Troup County, and I threatened her and her family.

Susan Simpson:

So were you being taken to a court hearing? Or something?

Joey Watkins:

Yeah, I was actually, I think they were actually gonna to take me and, charge me with this, and when they found out I was locked up as long as I had been, the DA was like, "Put his ass back on a bus and get him outta here."

[1:01:23]

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Susan Simpson:

We needed to figure out what this was all about. Small spoiler, I still have no idea what the part of Joey's story involving McDonalds was all about. But for everything else, well, that the GIP was recently able to obtain.

Colin Miller:

Clare and the Georgia Innocence Project interns started off by sending requests to the Georgia Department of Corrections and the Superior Court in LeGrange, Georgia. In response, the LeGrange court clerk came back and said that there was nothing in the files, case didn't exist. But, the Department of Corrections said, "Well, wait a second, let me take a closer look."

And when they did, they found paperwork confirming that Joey had been transferred to Jackson State Prison back in 2006 for arraignment in LeGrange, and a warrant number associated with that production order was also produced. A big shout out to Jason Mitchell of the GDC's Office of Legal Services for tracking down those documents.

So it was back to court for two of the Georgia Innocence Project's summer interns, Tara and Carson, who trekked out to Troup County where they found a file. And what that file showed was that BriAnne had filed charges against Joey in 2006 for "terroristic threats."

And the file in fact had taped interviews with BriAnne, and it recorded a couple of the voicemails that she had identified.

[1:02:32]

BriAnne Scarber:

It was May 14th, about 10:14, 10:30, on my home phone. And somebody called.

Susan Simpson:

This is the police interview in 2006 with BriAnne, who was now married and living in Troup County with her husband. And she's describing a series of harassing and threatening phone calls she'd received one night in May of 2006.

BriAnne Scarber:

And stated that they, uh, all I could hear was something about a escort, court, escort or something like that, and I can remember sayin', "Huh, what?" And um, they said, "Are you an escort?" And...

Male Police Officer:

[crosstalk]

Brianne Scarber:

I was like, "What are you talking about?" Yeah. And uh....

Male Police Officer:

[crosstalk]

Somethin' like that?

Brianne Scarber:

Then the person on the other end said, uh, "I'm gonna rip your fucking guts out." Or something like that. And it scared me, so I screamed and called my husband and, he picked up the phone, and talked to the person on the other end.

And with everything going on, I was hysterical. He uh, just scared me. And um, going through what I had gone through in the past, things like that don't sit well with me.

So, he got on the phone, was trying to figure out what was going on. And they were trying to say that I was cheating on him, or, that whoever was on the other line was saying that um, that they were in the military and that they had gone, and I was with them, and just a bunch of stuff that didn't make sense, and that they were from Rome and then that- that street from Rome which is Booger Hollow, and just all this stuff that just didn't make sense. And,

and then, um, my husband hung up the phone, and that's when we started letting it pick up on the answering machine.

Susan Simpson: BriAnne's husband hung the phone up and called 911. Ten more calls were received before the police got there, and voicemails were left on both BriAnne's home phone and her cell phone. The messages were aggressive and frightening, and also sometimes weepy and hysterical.

Here's the very first one:

[1:04:02]

Answering Machine: *First saved message, sent Sunday, May 14 at 10:08pm.*

Male Caller: *[angry tone]*

BriAnne, you fuck ass motherfucking bitch. I know you's goddamn cheating on me. When I catch you I'm gonna goddamn cut your throat, yeah— slut— you tell that fuck ass motherfucker you're with, I even see his motherfucking bitch ass- fuck you, bitch, I'm going to kill you.

Answering Machine: *End of message.*

Susan Simpson: And here's the second call that was received a few minutes later. Although, it's a little hard to understand, because the caller is so weepy:

[1:05:13]

Male Caller: *[pleading tone]*

Wait a minute- I don't- I don't know why you treat me like that. I ain't never done nothing wrong to you, I take care of you. You never told me about him. [You fucking----] You don't know what you've done to me, I hate you. [----]

Colin Miller: Now, the other calls are much worse quality, so we'll only play a few parts here, but you can hear them in full on our website.

Male Caller: *[pleading tone]*

BriAnne, baby please answer the phone, I can't do it like this. Baby please, please baby. Don't leave me like this. [----]

[angry tone]

You remember when we went to the fucking BBQ in that park? And we were sittin' around talking, and you told me that you loved me, and you wanted to have my kids?

Bitch, don't you dare go to sleep at night. 'Cause I will, I will, I promise you. Just wait [----] that motherfucker. And if I catch Darrien any fucking where in my sight...

If he's in my goddamn sight, I'll blow his goddamn brains out. You fuck ass motherfucking whore. You lied to me for a year fucking straight.

[1:06:42]

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Susan Simpson: BriAnne told the deputy who responded to the 911 call that she could not identify the voice or voices on the messages left for her. But, she did think that it was someone from Floyd County. Because all of her past boyfriends were from there, and, she hadn't dated anyone in

the Troup County area, where she'd moved with her husband, so she assumed that whoever it was was back in Rome.

One of the other clues to the caller's identity, or possible clue, was that during the first call, when the caller had informed BriAnne's husband that BriAnne had been cheating on him, he told the caller, "Well, if this is the truth, I'll meet you somewhere and you can tell me all about it." And the caller told him that he lived up on Booger Hollow in Rome.

So with BriAnne unable to give any further information on the caller, the police left, and they told her to talk to investigators in the morning.

Later that night, though, at around 2:55am, someone started banging on BriAnne's door. She and her husband called the police again, and while the police were there, BriAnne checked her cell phone, and discovered another message on her phone. This time saying, "I can see you."

Answering Machine: *Next message sent today at 1:53am.*

Male Caller: *[whispered]*

I can see you.

Answering Machine: *End of message. To delete this message-*

[beep]

Re-saved.

[1:07:57]

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Susan Simpson: The next day, BriAnne and her husband met with investigators. This time BriAnne informed them that her ex-boyfriend, Joey Watkins, was behind all the phone calls. He was, BriAnne said, retaliating against her for testifying against him at his murder trial. BriAnne was adamant. The caller was Joey, she said, she could identify it beyond a shadow of a doubt.

[1:08:16]

Investigator: *Okay, you mentioned something about uh, him trying to disguise his voice.*

BriAnne Scarber: *Just, trying to talk lower, trying to talk like he was black. And uh, like I said, once he said that, I knew. And there was also, a, um, he called my cell phone first, before he ever started calling the home phone. We found that out later. And about the third call into my cell phone record my uh, cell phone voice mail, the second call to my cell phone, he was talking- tryin' to talk different, and then that third call he messed up and it sounds just like it. I mean, it's him. With- uh, without a shadow of a doubt.*

Investigator: *Are you familiar with Booger Hollow Road?*

BriAnne Scarber: *Yeah, I mean, I know where it's at, but I don't- the only connection that I can make is his girlfriend, lived on that road at one time. But that's the only connection that I can make.*

Investigator: *Just to clarify, you say, "His girlfriend." Who- who is he?*

BriAnne Scarber: *Joey Watkins.*

Susan Simpson: I just don't believe BriAnne could've thought this was true, though. Because those voice mails, that is not Joey's voice. I've talked to him enough now, where, it- didn't even cross my mind it could've been him when I listened. And Clare had the same reaction.

Colin Miller: But even if you can't tell just from the voice alone that it wasn't Joey, you can tell it's not him from the content of the messages, and BriAnne's statements about them all show that.

Based on the report by the investigator with the Troup County DA's office, it's clear he doesn't believe BriAnne either, because in his report, he highlights a number of inconsistencies in her story, stressing in bold text that he asked BriAnne why she didn't know who the caller was at the time the police were there, but then later claims to have instantly and immediately known it was Joey.

And after claiming that the officer might've made a mistake, BriAnne in fact confirmed that she did tell the officer, initially, that she did not know the caller. And even aside from that, the claim that the calls were from Joey just really doesn't make any sense.

Probably the most significant fact here is the calls all seem to be connected to the person who banged on the door at 2:55am, after leaving the creepy message, "I see you," while Joey, as we all know, was in prison since 2001, uh, Hancock State Prison, so there's no way he could've been the one banging on the door.

Also, if you recall from listening earlier, in one of the calls, the caller clearly makes a reference to being at a barbecue with BriAnne, and when BriAnne was asked about it, BriAnne claims the barbecue reference was either a mistake, possibly due to the fact that Joey's ex, Aislinn, had a father who owned a barbecue establishment, so, I don't know, you try to add that up and see what makes sense, it seems pretty clear that someone recently was at a barbecue with BriAnne, and, yet that obviously that wouldn't be Joey, who'd been incarcerated for five years.

Susan Simpson:

Also, Aislinn's dad didn't own a barbecue establishment. So, there's that. And, then there's this call:

[1:11:02]

Male Caller:

You've been lying to me for a year fuckin' straight. The whole time I was over in goddamned Korea, until I came back home. I can't goddamn believe you.

Susan Simpson:

"You've been lying to me for a year fucking straight, the whole time I was over in goddamn Korea." Why would Joey claim something like that?

I mean, he was in prison, not Korea, but even aside from that, why would Joey be calling from prison to say, "You were lying to me for a year straight"?

Anyway, BriAnne told investigators that this was just Joey trying to make her husband jealous. Yeah, no, I'm not buying that.

[1:11:42]

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Colin Miller:

So, probably due to the investigator not believing BriAnne, the criminal charge of terroristic threats against Joey was dropped. But that news, apparently, was not communicated to the Sheriff's office, who then mistakenly transported Joey from Hancock prison following the earlier paperwork.

Now, remember how earlier, when Joey described how the deputy spoke to the DA and the DA told the deputy to take Joey back? Well, my guess is that it had nothing with the deputy learning that Joey had been imprisoned, it was because the charges against him had been dropped.

Colin Miller:

But even though the charges against Joey in LeGrange were dropped, they remained on Joey's record. And BriAnne thereafter filed them with the parole board, and by BriAnne re-filing these charges with the parole board, in Joey's record, when he's being considered for parole, there is this allegation that he made these horrifying and threatening phone calls against her, and in fact, it was just sort of fortuitous that Clare was able to find this out, and the GIP interns, because in Georgia, submissions made to an inmate's parole file are considered state secrets, they're classified.

And again, Joey was under the impression that the charges against him were dropped for entirely separate reasons, not even knowing about the BriAnne allegations.

And what that means is, but for this investigation into the weeds of all this taking place, in perpetuity, on Joey's record, any time he was up for parole, there would be these allegations that BriAnne made, that Joey said, "I can see you," and made these threatening phone calls despite the fact it's clear from both those circumstances and the content of those messages that there's really no way that Joey could have made these phone calls.

[1:13:23]

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Susan Simpson:

Basically, if there hadn't been a mistake somewhere along the line, if there hadn't been a production order from Hancock to Jackson, where he was being transported for the hearing that was no longer going to happen, Joey never would have known about it, and he couldn't have told us about it, and we would never have been able to figure out what had happened here.

And, like Colin said, this would have remained on his file for the parole board to consider.

So, now he would've had secret, unchallenged, apparently inaccurate and highly inflammatory and accusatory information in his file, at BriAnne's request, and would be used against him forever more at an attempt to keep him locked up even longer.

[1:14:02]

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Susan Simpson:

Clare told Joey about what they'd found last week. I apologize for this terrible sound quality, but I wanted to share Joey's reaction with you anyway. Here's what he said after learning what BriAnne had done with his parole file and with the charges in Troup County:

Joey Watkins:

You know, I'm not gonna lie, see, it's hard not to get pissed off about stuff like that. I mean, uh, I'm already here for something that I didn't do, and she knows this. You know, and she probably knows I can't stand her. Oh, man. Jesus. I just wanna know when it's gonna stop.

Clare Gilbert:

We've got some other news in your case...

Joey Watkins:

Before you tell me this, I- I- I want to promise you something now. I- I- I'm telling you the truth, and you can, like I said, you can do anything you want to, give it to Susan, give it to whoever, I don't care.

I have not contacted that girl. I hate the ground that she walks on. I- I don't want anything to do with her, I- I pray to God I never see her face again. I'm- I'm sorry that's how I feel. I just can't believe she's doing this. Are you serious?! Contacting the parole board?! Telling them that I'm calling you?! Are you serious?! Just leave me alone. I just want to be left alone! That is crazy.

[1:15:31]

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Rabia Chaudry:

So, we began where the police did. By looking at Joey's alleged motive. And you can probably tell how we feel about it from our discussion and analysis. But this relationship became the launching point of the investigation, and the state remained bound to this theory, doubling down all the way through trial. And you know what? It worked. They won their conviction.

If you can't figure out how the State was able to get a first degree murder conviction, when they couldn't even settle on a theory for the crime, or when Joey's co-defendant, Mark Free, who they said did the actual shooting, was acquitted, we'll show you how. Over the course of this whole season. Going forward, we'll start diving deep into every part of the investigation and every person connected to it. And we'll show you where things went wrong. Next time, on *Undisclosed*.

[1:16:31]

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Delane Roach:

I guess, just to wrap it up, and you know, if I don't see you again, just, you know, in the whole conclusion of everything, I think Joey's a great person.

You know, this is coming from somebody who once hated him. Whenever, whatever, we can fight. But Joey and I turned out to be a really good pair, we had a great friendship. I guess I relate to him a lot then, and you know, now, because I've been where he's at. Not for near as long, but um, I would stand on his behalf any day to say, you know, that I don't believe you did it. If I did, I wouldn't have met with you.

Do I think they'll ever find who really did it? I don't know. Do I hope one day that Joey will get the opportunity to come home. I do. I think he deserves it, and I hope, you know, I hope that day comes soon.

[1:17:41]

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Dennis Robinson:

And you can scratch, "listen to *Undisclosed* episode three," off of your podcast listen list. Thanks, as always, to the Georgia Innocence Project, you can check them out at www.georgiainnocenceproject.org.

Our sponsor this week was stamps.com, they've supported us for more than a year now. Anyway, we're incredibly grateful to stamps.com. We'd be even more grateful if you went and signed up for their services using promo code 'Undisclosed' - you'll be glad you did because you'll save time and money on postage.

Ramiro Marquez and Patrick Cortes did the theme music. Ballookey expertly crafted the logo, and Nina Musser and Christie Williams run our website at www.undisclosed-podcast.com.

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Undisclosed's executive producer is Dennis Robinson, and he looks forward to your company next week for episode four. Until then...

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