

UNDISCLOSED SEASON 2: THE STATE VS. JOEY WATKINS  
EPISODE 5: THE DRIVE TO CEDARTOWN

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[0:26]

**Rabia Chaudry:**

For someone to have shot Isaac Dawkins as he was driving home after his first spring semester class at Floyd College in Rome, Georgia, on January 11<sup>th</sup> 2000, would've been no easy task.

You would have to be in position, ready to follow his car after he left class, be able to make a fatal shot from one moving vehicle into another – at night, no less – make sure no one else saw you, and if lucky, make sure you have an alibi.

For the most part, that's what the state argued that Joey did. Our job is to figure out if that was possible. We know Isaac's movements that night, but now it's time to figure out Joey's.

[3:10]

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**Rabia Chaudry:**

Hi, and welcome to Episode 5 of *Undisclosed: The State Versus Joey Watkins*. My name is Rabia Chaudry, I'm an attorney and senior fellow at the US Institute of Peace, and I'm joined with my colleagues, Susan Simpson and Colin Miller.

**Susan Simpson:**

I'm Susan Simpson, I'm an attorney with the Volkov Law Group, and I blog at [viewfromLL2.com](http://viewfromLL2.com).

**Colin Miller:**

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

[3:40]

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**Colin Miller:**

In the classic Alfred Hitchcock movie, *Dial M for Murder*, Tony Wendice creates a complicated plan for the murder of his wife, while at the same time creating the perfect alibi. He tells a man he's blackmailing where he's hiding a key to his flat. That man will then use that key to enter the flat and murder his wife at 11:00pm while she's on the phone and distracted.

Meanwhile, at the same time, Wendice will be a party at a hotel and noticeably use a public phone to place a call at exactly 11:00pm to his wife, distracting her and creating an alibi at the same time. Then, after the murder, the other male will make the murder look like it was committed by a burglar.

But somehow, despite timing being everything, Wendice is late in making the call. Why? Well, his watch stops, then someone else is using the public phone, so by the time Wendice makes the call, the timing is off, putting into motion a whole new set of plot twists.

Now, perfectly plotted alibis compromised by defendants who lose track of time are the kinds of things you usually only see in movies, including *A Perfect Murder*, the 1998 remake of *Dial M for Murder*, with a cell phone replacing the hotel phone. And yet, the prosecution at Joey's trial claimed that just such a scenario had happened in real life.

Let's now turn to Joey's timeline for January 11<sup>th</sup>, the day that Isaac was shot in his truck.

[5:03]

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**Susan Simpson:**

Joey was questioned about his whereabouts during the day before and after the murder, essentially immediately after it happened, the next day before noon the police had indicated that they wanted to speak to him. So, he has the benefit of having a relatively fixed memory.

He was thinking about these events as timelines, what happened when, less than 24 hours after this occurred.

So, in that respect, Joey does have the benefit, or what you'd hope would be a benefit, of actually noticing where he was.

Unfortunately, this was also used against him at trial, because he seemed to remember too well where he was at the time, and, much like *Dial M for Murder*, the prosecution presented it as a clever plot as opposed to a memory.

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**Rabia Chaudry:**

So we're actually able to trace Joey's day, starting from when he woke up that morning. It seems as if he began his day by calling his then-girlfriend, Aislinn.

**Susan Simpson:**

Yeah, every morning, or, a lot of mornings, Joey and Aislinn would talk on the phone, plan their day, decide when they're gonna meet up, talk about general stuff.

And we know that at 7:24 that morning, Aislinn called Joey, and they spoke for about ten minutes. They made plans, which involved Joey going to see Aislinn at her basketball game that evening.

At around 11:30 that day, Joey decided he wanted to go visit his uncle in Alabama, who lived in Gaylesville near Lake Weiss. And Joey had just bought this motorcycle – it was a Katana 600. And, as he's put it, he was hell-bent on riding it. Going to Alabama to see his uncle seemed like a good excuse.

On the way up, he stopped by and saw his friend, Clay. And he asked if Clay wanted to do something that night. Go to Cedartown... whatever. Clay was non-committal, and Joey drove on and headed up towards the Alabama line.

**Rabia Chaudry:**

So Joey makes it out to Gaylesville, which is about 26 miles from his home, and he meets up with his uncle, and uh, they're gonna go fishing, uh, right? And so he's actually making calls uh, from his cell phone while he's there in Alabama.

**Susan Simpson:**

He makes a couple calls. He calls his mom, he gets a call from someone, he didn't stay too long. At some point his uncle talks about a new fishing hole he found, and Joey says, "Hey, let's go fishing," so they go out to the creek.

At some point, Joey thinks it's closer towards dark, Joey decides to leave Uncle Toby's house and head back for Rome. But, before he does, Toby says, "Hey, I've got some spots on the lake I wanna go check out, want to come tomorrow?" And Joey says "Sure." So his uncle says, "Be there bright and early tomorrow." And Joey gets back on his bike and heads back for Rome.

[7:36]

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**Susan Simpson:**

This is from testimony at Mark Free's trial:

**Lawyer:**

*Do you recall what time he left?*

**Toby Watkins:**

*It was between 5:00 and 5:30 my time.*

**Lawyer:**

*So that would be... 6:00, 6:30 Georgia time?*

**Toby Watkins:**

*Yes, sir.*

**Lawyer:**

*Alright. Do you recall if he made any statements or comments to you when he left.*

**Toby Watkins:**

*Said he had to go home and take a shower and go to a ball game.*

**Colin Miller:**

And as far as we can tell from Joey's memory, he remembers arriving home around night time, around when it was getting dark, sunset in Rome on January 11<sup>th</sup> 2000 was about 5:50, and Joey arrives home.

When he gets there he sees his sister, Tandi, and Tandi's boyfriend, Tim Hughes, and then that starts a very important sequence of phone calls that are relevant to this case. And the first one of these is a 6:43pm call that Joey makes to his girlfriend Aislinn's pager, and then Aislinn returns that call, making a call to the Watkins household at 6:48pm.

[8:49]

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**Susan Simpson:**

So, we know for a fact that Joey got home by 6:44 that evening, because that's when he pages Aislinn, and no one else would've been paging Aislinn from that phone. About four minutes later, Aislinn calls back.

Everyone agrees that Tim, which is Joey's sister's boyfriend, actually answered the phone. Now, Joey has always said, and initial notes from others all agree that Joey is about to jump in the shower. So, Tim hands him the phone, he briefly talks to Aislinn, and then he runs up and gets in the shower, gets ready to go see her.

At this point, possibly during that phone call at 6:48, Aislinn mentions that she was still sick – she had been sick earlier – and, in fact, she was so sick that she couldn't make her second game. Her dad had to drive her home, 'cause after the JV game, she was unable to play anymore. So instead of the plans they'd originally had to meet at the basketball game, she says, "Come to my house, I'll be there." And Joey says, "Sure, I'll be down in a bit."

**Rabia Chaudry:**

Susan, do we have the home phone records? Did the state pull them, uh, to confirm the 6:43 call to her pager and then her return call?

**Susan Simpson:**

Yeah, they pulled them pretty early in the case, I don't know if necessarily anyone recalled the exact time that Joey had paged Aislinn, but they both remember talking to each other that evening.

And when they got the phone records, it showed that at 6:44, that's when Joey's home phone line paged Aislinn's pager, and at 6:48 is when Aislinn's home phone calls back on Joey's home line.

Now, for some reason I'm not actually entirely sure about- there is confusion over this at trial. Tami Colston, the prosecutor, repeatedly expresses confusion or skepticism or, for some reason she doesn't believe that the 6:48 call occurred, and I'm not entirely sure yet why that confusion happened, because it's in the phone records that the state had, so it's pretty black and white.

This is what Tami Colston said in closing arguments. In reference to that 6:48 call, she says,

*It is not on the cell phone records that I see at all. But look and see. If it's there, and if it says 6:48, that's fine. Say Aislinn called at 6:48. Aislinn told you positively and absolutely that Joey Watkins- that Tim Hughes answered the phone and Joey Watkins was on his way out the door. Tim called him back. She had no doubt about that. None whatsoever. He called back on the phone, he was already on his way, and if you take the defense's time of 6:48, he is already on his way to Cedartown then.*

But here's where the minor discrepancy comes up. According to the defense, when that 6:48 call from Aislinn came in, Tim answered, said, "Hold on, I'll grab Joey," Joey says that he said, "Oh, I'm jumping in the shower, I'll call you on my way down."

Aislinn sort of, kind of testifies, after giving different statements earlier, that, when this happened, Joey didn't say he was jumping in the shower, he said he was already on his way, as in he was actually, physically walking out the door at 6:48pm.

Here's why this matters: if Joey leaves at 6:48pm, that gives him 27 minutes extra than does his time line. Because Joey says that he walked out the door at 7:15, aka, the time he made a phone call to Aislinn on his cell phone.

**Rabia Chaudry:**

It could be that Aislinn is getting confused with the next call on the record, which is a 7:15pm call. Uh, and it also happens to be the call that Joey says, um, he was on the phone with her while he was walking out of the door.

So, she could've gotten those two calls confused.

**Susan Simpson:**

Yeah, and it's pretty clear that she doesn't have like, an iron-clad memory of like, each sequence of phone calls. She remembers that like, he called her and she called him, it turns out one of those calls was a page, but that's not, like, a weird mix-up to have.

So, given that Joey, from the very beginning was saying that he was jumping in the shower, and Tim was saying from the very beginning that he was jumping in the shower, I don't find this one to be materially in dispute. Besides, we know that around 7:00, Joey's parents came home. And, according to Joey's dad, he has a memory of walking in and being pissed at Joey 'cause Joey had parked his Katana – his motorcycle – in the spot where his parents parked.

[12:35]

**Joey Watkins:**

*Tandi and Tim were there. I parked my bike in the garage, and uh, when I came in, I can't remember if I got on the phone or not, I may- may have got on the home phone, but I came in, Tandi and Tim were there, and I had got in the shower, and I could hear my mom and dad when they came in, and uh, my dad was raising Cain about my bike being in the- under the car port.*

*And uh, I think Aislinn called, or something, while I was in the shower, something of that nature. And uh, momma told me to tall her when I was coming out, and my- my daddy said something about, I think it was, "Feed the dogs" or something and I went and got the dog food out of the car, or whatever, and I was wantin' to ride my bike and my dad was like, "You're not gonna ride your bike." So, he was like, "You're driving your truck." And I was like "Fine." And then my mom told me to call Aislinn, 'cause she had called, so I was calling her as I was walking out the door.*

*I remember that like it was yesterday, I was dialing her number when I was comin' out the door. And when I got in my truck, I think she may have picked up when I got in my truck. I can't remember exactly. But, I left there, and I drove my normal route.*

[13:52]

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**Rabia Chaudry:**

So, the next call on the phone record is a 7:15pm call, and this is kind of an important call to me because, um, this is the time, remember, when uh- Isaac would have been getting out of his class. We don't know for sure if he got out a little bit early, but 7:15 is when that class ended. And if we are to buy the State's argument, or at least one of them, um, that means at 7:15, when Joey is on the phone, um, he should have been in position, I guess, at the- at the college, um, to ambush Isaac or to follow him or something.

**Susan Simpson:**

They want to make that at one point, because... in order to make the State's semblance of a theory, it all work, this had to be a pre-planned murder.

There's no version of what the State argues that is remotely plausible, coherent or believable, unless it's based on the assumption that Joey intended to do this murder, plotted it out.

I mean, the State does throw out suggestions saying, "Oh, maybe he saw him and got mad." But if you look at the facts they're actually arguing, if you look at like, the various pieces of things they claim occurred, there is no question. This was a pre-planned murder.

Because Joey had to have switched out cars, to make sure he wasn't riding in the truck when he did it, had to meet up with Mark, had to put an alibi in place instantly – it couldn't have been an accident. Which means Joey, presumably, had a plan for meeting Isaac.

Now, Isaac's class was supposed to get out at 7:15. As we learned the last episode, it may have been a bit earlier, cause it's the first day. But, if Joey is committing this murder, things are getting into gear, at the very latest, at 7:15. So why is he calling his girlfriend?

**Rabia Chaudry:**

Right, so he's calling his girlfriend then, but, I mean, not only does he have to know what time the class ends, but he also would actually have to know that Isaac, uh, is like registered for the class. Like, how does he know?

**Susan Simpson:**

It's the first day of class. No one really knows Isaac's schedule. They later try and like, find ways that Joey could have had knowledge of it, like, they ask BriAnne, "Oh, did you ever ask Samantha about Isaac's schedule and then pass it on to Tandi who could've passed it on to Joey?" But there isn't a coherent way that Joey could have known that Isaac got out of class at 7:15.

**Colin Miller:**

Yeah, if- if we're breaking everything down, Joey's story is: I'm making the 7:15 call as I'm walking out of my house. Which, obviously, if he is trying to commit this murder, he is extremely late and it's... inconceivable that he would have gotten to Floyd College and Isaac's truck in time to shoot him.

The State's theory is, I suppose, is either he's on his way to Floyd College and is late – it's sort of the *Dial M for Murder* scenario where he had this plan but somehow is running really late – or the other scenario is, he's sitting there at Floyd College, waiting to follow Isaac, and decides, "I'm going to call my girlfriend and talk to her for about four minutes" while, I guess he's then seeing Isaac leave and then following him and shooting him during this phone call.

**Susan Simpson:**

Because that's the thing: This phone call lasts four minutes and 23 seconds. There is no way that I can see, for the murder to not have occurred during the span of that call. It had to have. Because, well, for a lot of reasons.

[17:10]

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**Susan Simpson:**

So, basically, giving the State every single benefit of the doubt in terms of the timeline, assuming that the- the smallest possible periods of time pass, assuming that everything works perfectly in their favor, the latest this murder could have possibly occurred is about 7:18:50... 7:19:00 – and that's being generous. That is the latest possible moment that Isaac could have been shot.

But that phone call from Joey lasted four minutes and 23 seconds. Now, we don't know what- the second the call was made on, because the phone records only give minutes. So, we only know from Joey's records that the phone call was initiated at 7:15pm.

However, we know from Aislinn's phone records that she didn't answer the phone until 7:16pm. Which means that, at some point during the 7:15:01 to 7:15:59, Joey started that call. Sometime after 7:16:01 is when Aislinn picked it up.

Assuming, not unreasonably, that it took no more than 30 seconds for Aislinn to answer the phone. That means that Joey was calling no earlier than 7:15:30. Which means, under any universe, he was talking to Aislinn at least until 7:19:53.

[18:34]

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**Rabia Chaudry:**

And, if we believe that, giving all the benefits to the State, that this is a time-span in which Isaac had to have been shot by- what we have to then believe is that Joey was not only on his

phone, and not only driving at the same time, but also was shooting as he's on the phone and driving.

**Susan Simpson:**

Or had an accomplice with him. Under any scenario, though, at the moment that gun was fired, that killed Isaac, Joey was talking to Aislinn. Aislinn heard nothing. Aislinn heard nothing abnormal, heard nothing out of the ordinary, had no indication that Joey was not alone, had no indication that Joey had fired a gun.

And, by the time it got to trial, Aislinn was not Joey's biggest fan, to put it mildly. She was not inclined to give Joey any benefits of the doubt, let alone lie in his favor. There's no suggestion that she's covering up something here, or that she's not telling the full truth when she says she heard nothing.

And of course, if you're the State, you just say, "Well, Aislinn was really sick. She was really sick, she might not have heard a gun shot cause she was just, you know, she was just sick as a dog."

[23:13]

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**Colin Miller:**

Let's now turn to the next sequence of calls on Joey's call log. The next one's at 7:21pm, so that's about one to three minutes after Isaac Dawkins has been shot, according to any reasonable timeline.

So, at 7:21, he makes a phone call to his house and he's asking for Uncle Toby's phone number. So, according to the State, Joey, or his accomplice, has just killed Isaac Dawkins and just a couple minutes later he's making this calm call to his home and asking for the number for Uncle Toby.

**Susan Simpson:**

This is from testimony at Mark Free's trial:

[23:46]

**Lawyer:**

*When your brother called you back, after he had left, what did he want to talk about?*

**Tandi Watkins:**

*The first time or the second time?*

**Lawyer:**

*Now, you said he left, 7:15?*

**Tandi Watkins:**

*Mm-hmm.*

**Lawyer:**

*Okay, made two calls. First time, what did he want to talk about?*

**Tandi Watkins:**

*He wanted to know my uncle's phone number.*

**Lawyer:**

*Do you know why?*

**Tandi Watkins:**

*I think because the next day he was gonna go fishing with him.*

*He and Tim had planned on going fishing.*

*I think he was gonna call and ask him if it was okay if Tim came, too. 'Cause I know he was planning on going fishing.*

**Lawyer:**

*And... you couldn't get that for him.*

**Tandi Watkins:**

*Well, I was upstairs.*

*At the time, the house that we lived in, there were three levels to our house.*

*And I was watching TV and I was just really, I guess, being lazy.*

*And I didn't know it off the top of my head, so I wasn't gonna go look for it. I just said, "I don't know."*

**Colin Miller:**

Then two minutes after that, at 7:23pm, he's making a call – another call on his call log – this one's to his grandmother, and again, he, according to Joey, is asking for Uncle Toby's phone number.

Then finally, he makes a third call, again at 7:23pm, and this is a call, seemingly having gotten Uncle Toby's phone number, the call is made to Uncle Toby, and this phone call, according to Joey, is him asking Uncle Toby is Tim Hughes – again, his sister's boyfriend – could come fishing with them the next day.

[24:56]

**Lawyer:**

*Alright, now, this is on the 11<sup>th</sup>, do you recall receiving any subsequent phone call from Joey, that day or that evening?*

**Uncle Toby:**

*That afternoon I did. Later, after he left.*

*He called to ask me if it'd be alright if Tim could come down fishing with us. The next morning.*

**Lawyer:**

*Okay now, when you say that afternoon he left your time around 5:00, or 5:30-*

**Uncle Toby:**

*It was later than that.*

**Lawyer:**

*Alright. So be- would you say this would be early evening?*

**Uncle Toby:**

*Yes, sir.*

**Lawyer:**

*If I would suggest to you that the time was around 7:23, Georgia time, would that- you dispute that?*

**Uncle Toby:**

*No, sir.*

**Lawyer:**

*That'd be 6:23, Alabama time.*

**Uncle Toby:**

*I don't know exactly what time.*

**Lawyer:**

*Okay.*

**Susan Simpson:**

And according to Joey, his uncle said he didn't care, but he didn't have another life vest, so if he's bringing Tim, bring another life vest, too.

Here's Joey describing what he remembers about that night and his drive down to Cedartown.

[25:47]

**Joey Watkins:**

*So, I called my grandmother, got the number, then I called Toby, and he told me it was okay.*

*And the whole time I'm doing this I'm- I was driving.*

*So, I go past the Ford store. I get by the little- where you can turn to go to town... or whatever. And then you can take- keep on left and go toward Cedartown, and um, I think that's when the ambulance went by me.*

*And I actually had to pull over. And then I got on down, and when I got on down, I remember there was a' officer. He was in the road already with a flashlight. He was- had traffic, you know, directing traffic.*

*And I actually had to stop and he was waving everybody by one at a time. The ambulance was there and the fire trucks were there and there were some cars off to the side of the road, I remember that.*

**Susan Simpson:** *What do you remember seeing when you drove by?*

**Joey Watkins:** *When I pulled up to where the truck was off the road, or whatever, like I said, the officer was flagging everybody- everybody had to stop.*

*He- he was stopping everybody and like, directing everybody around.*

*He was standing in the right hand lane and he was directing everybody around in the inside lane. And uh, you had to stop right where it was at.*

*And that's where I looked over, and I seen- it looked like his truck.*

**Susan Simpson:** That was from an interview earlier this year, in 2016. But back in 2000, about a month after Isaac's murder, he'd talked to the Rome Police Department and gave a statement, and they'd asked him about how he recognized Isaac's truck that night.

The quality isn't great, but here's his answer from his original interview.

[27:24]

**Detective:** *Are you familiar with Isaac's truck?*

**Joey Watkins:** *Somewhat.*

**Detective:** *What made you think it might be his? The markings and whatever on it?*

**Joey Watkins:** *The markings, and I seen kind of like a brush guard. 'Cause his headlights were still on, and I seen something like a brush guard in front of his truck. And I knew his truck had a brush guard, with five lights on it. But that's about all I knew.*

**Detective:** *Okay. A- at that point, what did you do? Once you passed the accident.*

**Joey Watkins:** *Right as I passed the accident I called my sister, and I told her it looked like- you know, it looked like Isaac's truck. And he may have wrecked, she might want to call his sister.*

[28:12]

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**Rabia Chaudry:** So, the next call on the call record is a 7:27 call that Joey makes to his sister, Tandi. And he calls her because he says that he thinks Isaac might've been in a wreck, and he says, "Hey, do you want to call Samantha and ask her if everything's okay or if she knows what's going on?"

Uh, Samantha, remember, is Samantha Dawkins and that's Isaac's sister. So, uh, Joey is telling his sister, "Hey, maybe you want to check in with Samantha."

**Colin Miller:** A- and this is, essentially, the State claiming that Joey is trying to be sort of 'too cute by half,' where, y'know, his claim is, "Look, I saw Isaac's truck by the side of the road, I was concerned, I called my sister, Tandi."

Whereas the State's claim is this is, you know, *braggadocio*. Where he's done this and- to sort of try to create this fake alibi. "Well, why would I call my sister and say I saw Isaac's truck if I shot him?"

And that's the State's claim, where he's this criminal mastermind wherein obviously the logical thing to do would be to keep your mouth shut and not say anything, but Joey, obviously, is calling his sister and saying, "Look, I think Isaac crashed and, maybe you want to call his sister."



- Rabia Chaudry:** So, this is kind of crazy to me, because for me, I mean, if, mastermind or not, I mean like, if you just- you know, like, if he's responsible for this crime, the last thing he'd want to do is to call people and place himself right at the scene of the crime.
- I would think, if anything, if he's trying to create an alibi he would- if he's gonna call, he's- he'd put himself as far away as possible and say, "Hey, I'm on the other side of town," uh, instead of saying that he's- happens to be right by the place this guy is shot.
- Susan Simpson:** I guess if you're the State, you say, "Well, Joey had told friends that morning that he'd be driving to Cedartown that afternoon, he told his girlfriend he's driving to Cedartown to see her, he's told his family he's leaving to go to Cedartown. So, everyone and their dog knows that Joey was driving to Cedartown sometime that evening." So, given that he couldn't avoid that fact, why not, I guess, make it even more explicit?
- [30:14] ≈
- Colin Miller:** And so the State's theory is that he would've driven south, gotten to Floyd College or made a U-turn before, gone north and shot Isaac and then done another U-turn to head back down south, is that right?
- Susan Simpson:** That's one eventual theory they come up with. That he drove south to the college, came back north, turned around again after – it depends on the story – but doing something, and then driving south again.
- Colin Miller:** Right, but for him to have killed Isaac, he would've had to been driving north at some point. He would've had to change directions.
- Susan Simpson:** Yes, there's no question that if Joey did this, he was driving north-bound at the time. He had to be doing a lot of driving. But, you know what, Joey's not the only one who recalls this.
- Here is Tandi, at Mark's trial, talking about what she remembers of when Joey called her, and what happened then.
- [30:56]
- Lawyer:** *When Joey left, right at 7:15, called you the first time, and then called you the second time, what was that about?*
- Tandi Watkins:** *The second time he called and asked me if I knew if Isaac's truck had a tool box.*
- Lawyer:** *Why would he call you about Isaac? If they were not on good terms, do you know why he would call you about Isaac?*
- Tandi Watkins:** *Because he seen his truck on the side of the road.*
- And he knew who he was. He thought he'd seen a truck that he thought was his.*
- And he called me to ask me if it had a toolbox, if I knew if it had a toolbox or not.*
- Lawyer:** *Asked you if it had a toolbox or not.*
- Tandi Watkins:** *Mm-hmm.*
- Lawyer:** *Joey told you that he saw a toolbox on the truck?*
- Tandi Watkins:** *No, he asked me, "Does Isaac's truck have a toolbox?" That's-*
- Lawyer:** *Okay, he asked you if Isaac's truck had a toolbox. So, did he say that he saw a toolbox on this truck?*
- Tandi Watkins:** *He didn't say. He just asked.*

**Lawyer:** *He asked if it had a toolbox. Did he ask you anything else, about Isaac?*

**Tandi Watkins:** *No he didn't.*

**Lawyer:** *About the truck?*

**Tandi Watkins:** *No, sir.*

**Lawyer:** *Did he indicate to you how he knew that this might be Isaac's truck?*

**Tandi Watkins:** *He just- he didn't say.*

*He just said, "Does Isaac's truck have a toolbox?"*

*And I said, "I don't know."*

*He- he said, "You don't know?" And I said, well, I'll ask Tim. Tim was right beside me.*

*And I asked Tim and Tim said, "I think so, I don't really remember."*

*And he said, "Well, I think he had a wreck."*

*And I said, "What?"*

*And he said, "I seen him on the side of the road,"*

*And I said, "Well, did you stop?" I mean, I knew they weren't friends, but you see somebody and - and I said, did you stop to see if he needed any help?*

*And he said, "No, the ambulance and everything was already there."*

**Colin Miller:** *Yeah, so again, that is Tandi testifying at Mark Free's trial.*

*And again, the State's theory – although it's not really concrete – was that Joey was driving while Mark Free, his accomplice, shot Isaac Dawkins, and that's relevant because the next call on Joey's call log is a 7:35pm call – he says that's a call to Aislinn to see if she needs anything, because he stopped in in Cedartown to buy a Gatorade for her, and at that point, he saw an individual by the name of Ryan Lovelace.*

*And what we do know is that Ryan was interviewed by the defense in this case, and the notes from that interview indicate that Ryan Lovelace, Cedartown, 7:30 to 7:40pm, by himself, so clearly Ryan is telling the defense that Joey was by himself when he saw him between 7:30 and 7:40pm.*

**Susan Simpson:** *Here's Aislinn testifying at Mark Free's trial about the cell phone call she received from Joey that night, and about him arriving at her place that evening:*

[33:33]

**Lawyer:** *Was this a call made to that phone number by Joey Watkins?*

**Aislinn Hogue:** *Yes.*

**Lawyer:** *And do you recall the time it was made?*

**Aislinn Hogue:** *Around 7:00, 7:15.*

**Lawyer:** *'Kay. And... did he subsequently... make another phone call within the next...*

**Aislinn Hogue:** *Fifteen minutes.*

- Lawyer:** *Alright. And uh... what was the purpose of that call?*
- Aislinn Hogue:** *See if I wanted Gatorade.*
- Lawyer:** *'Scuse me?*
- Aislinn Hogue:** *To see if I needed Gatorade.*
- Lawyer:** *'Kay, so he called you. And did he bring you some?*
- Aislinn Hogue:** *Yes.*
- Lawyer:** *Alright. And do you recall what time he arrived in Cedartown?*
- Aislinn Hogue:** *Around 8:00, 8:30. I think it's closer to 8:00.*
- Lawyer:** *Okay. And do you remember what vehicle he arrived in?*
- Aislinn Hogue:** *White truck.*
- Susan Simpson:** So, Joey gets the Gatorade, keeps heading down, and eventually drives up to Aislinn's house. And Aislinn's father sees him arrive in his white truck. And Aislinn's in her bed, 'cause she's sick, but she heard Joey arrive, and she knew for a fact that that was Joey's truck that he pulled up in.
- So, both Aislinn and her father knew that Joey had arrived a little after 8:00, 8:00-ish, in the white truck that his sister, his sister's boyfriend and his parents saw him leave in.
- Now, a white truck is a pretty different car from a little four-door Honda... that's blue.
- Rabia Chaudry:** Right, and remember, um, the eye-witness to the incident that we think lead to Isaac's death actually saw a little blue Honda, uh, weaving in and out um, you know, in the lanes with Isaac's truck and apparently there was some aggressive driving between the two.
- Susan Simpson:** An' unless you think that Benson confused interaction between two white little pick-ups for an interaction between a white pick-up and a... little blue sedan, Joey wasn't driving that truck when the shooting happened if he's the killer.
- [35:29] ≈
- Susan Simpson:** In the first days after the shooting – first month or so – the cops try and talk to Aislinn and her parents repeatedly. Aislinn's parents don't want her talking to the cops, they don't want that happening. They give limited statements to the police.
- And they always say the same thing – Joey came down, he acted normal, there's nothing weird, and then he went home. He didn't stay too long, 'til maybe 10:00, but it's very clear from those initial interviews that nothing was out of place or nothing was odd. They had nothing of concern to say about what Joey did that night, what he said that night - he was just normal.
- [36:14] ≈
- Susan Simpson:** Sometime around 9:40-ish, he heads back home to Rome. And, once again, he passes by the truck. This time he's headed north-bound, but he remembers looking over and seeing Isaac's truck still in the woods, with some cones out around it and- but things died down by that point and there was no longer all the police and ambulances that were there when he first went down.
- But, he sees it again and then he continues home.

So, no later than 10:24, he's home, and he calls Aislinn to let her know that he got home safely.

And his memory of that night is that he turned on MTV and watched the music video for 'Kryptonite' by Three Doors Down.

[36:49]

**[sound recording: intro to the track 'Kryptonite' by 3 Doors Down (2000)]**

**Colin Miller:**

Alright, let's now turn to the next, January 12<sup>th</sup> 2000. Looking at Joey's call log we have some calls at about 6:00am, one of these is to Tim Hughes – again, the boyfriend of his sister – and it's planning the fishing trip that day, and thereafter, Joey, according to his story, takes a trip out to Alabama and he, in fact, is out on a boat and fishing when his parents call him and tell him about Isaac's death.

[37:35]

≈

**Susan Simpson:**

So, Joey left about 6:30, calls Tim Hughes, picks him up, and they head up to Lake Weiss, get there pretty early, um, he remembers stopping to buy a fishing license at a stop up there, and everything's fine, they're all out on the lake... when around 11:30-ish, he gets a text from his mom, says "911," like, "Emergency, call me."

So he calls and she says, "Isaac's been shot, the police want to talk to you."

**Rabia Chaudry:**

So once, uh, Joey gets these calls and he realizes it's a serious situation, he decides to go back to Rome and he leaves, but he has to pick up his sister, Tandi, from school first.

So he swings by the high school, um, and when he gets there he runs into some people and he has a conversation with a few folks- uh, of course, there's Tandi, but there's also a teacher named Mr Miller and there's a young lady named Jessica, who happens to be a good friend of BriAnne's, um, and we think this happened around 1:15pm.

**Susan Simpson:**

When Joey walks into the school, they are all talking about Isaac's death.

They- it's in Mr Miller's class, and when they stop in to pick Tandi up, they join the conversation.

And so Tandi's talking, and Tandi tells Jessica at some point, and says, "Yeah, Joey called me when he was going down to Cedartown that night, and saw that his truck had run off the road, but didn't stop."

And later on this gets conveyed to BriAnne by Jessica and through BriAnne to the police.

[39:01]

≈

**Man:**

*Uh, Jessica, I would like to take you back to January the 12<sup>th</sup>. You were at Coosa Valley Tech, in school, is that correct?*

**Jessica:**

*Yes, sir.*

**Man:**

*Okay. And uh, when you're at school, uh, some people showed up. Uh, at the school.*

*And uh, just in your own words, just tell me the whole story about who showed up and what happened from there.*

**Jessica:**

*Joey Watkins and Tim came into class, while we were all sitting around talking about the death of Isaac, and uh, Joey had made a statement that they didn't like each other but he didn't do it.*

*And then he told me that the night it had happened, he was coming home from Cedartown, saw a truck off in the woods, called Tandi to see what Isaac's truck had looked like, and she*

*described it to him, and he said, "Well, I saw it in the woods but I didn't stop to help him because we don't get along."*

**Man:** *Did he say anything else about the truck being in the woods? Like a- an accident or anything like that?*

**Jessica:** *No, that's all he said.*

**Man:** *That's all he said. And, when he told that to you, um, were y'all like, in the hallway, in a classroom?*

**Jessica:** *Mm.*

**Man:** *What was the setting?*

**Jessica:** *We were in the classroom.*

**Susan Simpson:** *As we discussed previously, Joey was a suspect pretty quickly. Actually, before Isaac was dead, he was a suspect.*

*That night, Isaac's friend and family began saying, "Oh, Joey. Joey's the one who probably did this. Joey's the one with the motive."*

*So, the cops zero in on him basically instantly.*

*And, the next day, on the 12<sup>th</sup>, Detective Moser from the Rome police department is already going to the Watkins' house.*

*He was out there late in the afternoon – Joey's not home yet – Tandi had just gotten back from the hospital where she went with some classmates to see Isaac. And Moser starts asking her questions. She's the only one home.*

*And when Moser gets there, he sees that there's a white truck, Joey's truck, and a little teal-ish Pontiac Sunfire.*

[40:48]

**Lawyer:** *How were you so sure that Joey was at home from 6:43 to 7:15pm on January 11<sup>th</sup> of 2000.*

**Tandi Watkins:** *Because I was at home when he got there and I was at home when he left.*

**Lawyer:** *But when did that become a critical issue for you to know that? How long after the Isaac Dawkins case did you become aware that you were gonna have to know those particular times?*

**Tandi Watkins:** *The very next day.*

**Lawyer:** *Why?*

**Tandi Watkins:** *Because Jim Moser came to my house and was asking me questions like, "Is your brother home?" and... you know want- saying he needed to speak with him.*

**Susan Simpson:** *And so, Moser starts asking Tandi, "Who drives that car? Is it your car? Does Joey ever drive it? Who drives it?"*

*And Tandi says, "No, it's my car, I don't let him drive it, he's not on the insurance, he doesn't drive it."*

- Rabia Chaudry:** So, before this happens, Joey had gone to pick his sister up from school, and apparently he doesn't pick Tandi up? She instead ends up going to the hospital and he ends up going somewhere else?
- Susan Simpson:** They change plans, 'cause he was gonna get Tandi, Tandi said, "I want to go to the hospital and see Isaac."
- Rabia Chaudry:** So, at this point, Moser, um, is at the house talking to Tandi but Joey is not yet home?
- Susan Simpson:** No, he's not home there. No one's home but Tandi.
- But Moser asks Tandi to have Joey call him and... the next day, that morning or that afternoon, Joey calls back and they set up an interview for early the morning on the 13<sup>th</sup>.
- Now, I think the way Joey put it was, his dad was being a dad, and he was upset about what happened with Moser. He thought it was, I guess from his perspective, he had this detective come up and start questioning his teenage daughter about whether her car could've been used in a murder plot, and he gets offended that it was Detective Moser and not a detective or police officer that he knew, or was on more familiar terms with, that actually reached out to him.
- So, he says, because of the way that Moser was questioning Tandi, he's not gonna let Joey speak to the officers until Joey has his attorney present. So the interview gets cancelled.
- But here are Moser's notes when he has his phone call with Johnny. It says:
- Due to me going to his home, questioning Tandi about her car, not having Mike or Marshall Smith call him, Johnny said that Bill O'Dell needs to be present during this interview.*
- And, and the end of Moser's notes, it says that Johnny apparently said to him, "Joey could not have done that to Isaac because Joey was at home with him." And then in Moser's handwriting it says, 'ALIBI!!' (with two exclamation points, in big letters).
- And, "Alibi puts three others that Joey was at home on 1/11/00."
- Now, at trial, this is gonna be used against Joey as evidence that he'd been lying about an alibi, or got his dad to lie about an alibi, because, "Oh, we all know that Joey was driving down to Cedartown, so clearly he asked his dad to lie for him, say he wasn't going down to Cedartown."
- Johnny denies that he said this to Moser, but it's in the notes.
- What I think likely happened is that they actually believed Joey was at home at the time of the murder.
- Because, they knew that of course Joey was going down to Cedartown. He- there was never any attempt at a secret, he was telling everybody about it.
- So, my guess is that Johnny was literally answering the question of, "Where was Joey at the time of the murder?" As opposed to where Joey was that night, in general.
- Rabia Chaudry:** And I mean- I- yeah, I can- I can imagine- I mean, look. We're talking about a very short time-span, right? Like, 10-15, 20 minutes at the most, and I can imagine that for Johnny, I mean, his father, he doesn't know exactly when Isaac's been shot, y'know, in his head he's probably just estimating around the time and he's thinking, "Oh, yeah, Joey was home around that time." And even the police wouldn't have known at that point.
- You know, so I don't think it was something that he was doing on purpose of contriving, I think he just figured that he- his son probably WAS home around that time, 'cause he had seen him in the evening.

But what I find interesting about this is, you know, whether it's the phone calls that Joey makes, or his father... I mean, these are alibis basically for him and instead of the alibis being helpful, it's almost like the State is turning these alibis against him. I mean, they are turning it against him.

So it's like, if he didn't have an alibi, he'd be screwed, but... he has an alibi, and that's nefarious, too.

**Susan Simpson:** That's why you don't talk to the cops.

**Rabia Chaudry:** [laughs]

**Susan Simpson:** Uh, but that's exactly what happened! That's exactly what happened.

Because, a month later, not even a month later, in early February, Joey does have an interview with the police, and his attorney's present, and he talks to them on the record, that's what the tape interview was earlier, you heard, from his interview with Mike Kee.

[45:05]

**Joey Watkins:** *I remember I- one thing I do remember, is when I did the interview with Mike Kee and Bill O'Dell, during that interview, Mike Kee was cutting the recorder on and off, and telling me, "Don't say this, that and the other, 'cause they'll turn it around and use it against you," and Mike Kee was telling me, "I've seen your phone records, I've seen this, I know you didn't do this."*

*And he was telling me "Don't say specific things, 'cause they'll turn it around on you."*

**Susan Simpson:** Wait, Mike Kee was trying to help you, or-?

**Joey Watkins:** Yes! He was trying to help me.

**Susan Simpson:** So, he was stopping the thing, being like, "Don't say that, you're gonna regret that" Or...?

**Joey Watkins:** Yeah.

*No, he was like- he was like- "Just tell me, you know, exactly what you've seen and all but don't say times and, don't say, like, 'Oh, this hub cap was turned to the right,' you know. You know, just don't say specific things."*

*He was turning it on and off and he was telling me that they were after me, for this.*

**Susan Simpson:** Did you know Mike Kee? Why would he be doing this?

**Joey Watkins:** *I think my dad and Mike Kee were kind of- I- I- I knew him, you know, from my dad. He had been to the lot a couple of times to see my dad. When they were doing like, drug busts or stuff like- like that in South Rome, he would come and, he would like, get a car from my dad, ride down here and bring the car back.*

**Susan Simpson:** What he says in that interview is used against him, it's played in full at trial... they use it to try and like, destroy him.

From his perspective, he's just going in and giving an account of where he was, what he did- it doesn't matter what he said. Anything he said would've been ammo for the prosecution.

**Colin Miller:** Yeah, we can see that with the call to his sister, because the State's argument at trial is, "Look, it's well-known that Joey hated Isaac," and therefore, when Joey says, "I called my sister because I thought I saw him by the side of the road in a wreck." That had to be a lie. Because everyone knows Joey hated Isaac so much, so why would he have acted out of concern for Isaac by calling his sister and telling her she might want to call Isaac's sister?

[47:07]

**Joey Watkins:** *And... I remember seeing the brush guard. I know in my trial she said the brush guard was over here, over there. I don't think it was.*

*I remember seeing that brush guard near the front of that truck.*

*That's when I called my sister and told her I- I thought it was probably Isaac's truck and she might want to call Samantha, and uh -*

**Susan Simpson:** *So, why- why would you call you sister?*

**Joey Watkins:** *I mean, just to let her know, that it looked like his truck.*

**Susan Simpson:** *But was she friends with Isaac, or...?*

**Joey Watkins:** *No, she was friends with Samantha.*

*Tandi, my sister, Samantha and BriAnne have been friends since like, third grade.*

*So...*

**Susan Simpson:** *So, you wouldn't have called Samantha, so you- you wanted Tandi to do it for you or something?*

**Joey Watkins:** *Yeah!*

*Because, I mean, me and Isaac weren't on good terms or whatever. I mean, it- it- It wasn't like, "Oh, you know, you need to call," blah blah blah. I didn't- it- it wasn't like that, I just kind of called her and I was like, "Hey man, you know, Isaac had a wreck, I think it's his truck."*

**Susan Simpson:** The evidence they used to show that Joey had this pathological hatred of Isaac is messed up on its own, but then to say that it's proof that he's lying 'cause he hated Isaac so much he wouldn't ever even have taken the time to say, "Hey, Tandi, let's Isaac's family know he might've had a wreck or gone off the road,"

I mean, he knew Isaac. They'd grown up together. I think Tami Colston really did see the case that way. Maybe.

**Rabia Chaudry:** I mean, it's a ridiculous argument. I mean, we're talking about, first of all, high school kids, but even if not, it's a small town and, if you think you saw something, y'know, something happened to somebody you knew, I mean, the first kind of impulse is to, "Oh, gosh, who do we reach out to and tell?"

Nowadays kids'll immediately you know, or people, just, forget kids, we all just want to share information, be the first one to know something, and tell somebody else something, and they'll text each other, call each other.

I don't know... I don't think there's anything weird about that at all. And I don't think it matters, like, what kind of relationship you have with that person.

**Susan Simpson:** But, like, even this gets used against him!

Because in the notes from the police, at one point they start like, writing their list of reasons why Joey's guilty, and they're like, "Why didn't Joey call anyone else? Wouldn't he have called someone else if there'd been a wreck and he had a cell phone?"

So, it doesn't matter what he says. Either way, it's getting used against him.



[49:29]

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**Susan Simpson:**

Here's the other way:

I think, in many respects, the crux of the State's case is the 7:21 and 7:27 phone calls.

Both of those phone calls are to Joey's own home.

The first one he was calling to find his Uncle Toby's number, and Tandi said, "I don't know it, I don't want to go find it, call your grandma, she'll tell you."

And in the second one, he's calling about the wreck.

So, there are two phone calls to his home phone number, and then when Joey goes in to talk to Mike Kee, and he tells the story about how he passed the wreck site and called Tandi, the cops zero in on the fact that there's a 7:21 call.

And, they ignore the 7:27 call and say

*In his statement to Mike Kee, Joey told Mike he didn't leave his house until 7:20. If he left his house at 7:20, the time of incident, how and why was he on the cell phone, calling his dad at 7:21?*

And, they also go on to say, at 7:21, there were no police on the scene, there was no ambulance on the scene, there was none of the stuff Joey describes on the scene.

Therefore he's lying.

**Rabia Chaudry:**

So, they're confusing the 7:28 call with the 7:21pm call.

**Susan Simpson:**

Yeah! And it's a really simple answer. Like, he- the 7:21 call is not the call he's talking about.

So, that turns into evidence against him, which- the thing is, it's remarkable how accurate Joey's description of what he saw at the 7:27 call is with the timeline of the police.

Because, what Joey describes at 7:27 – which is the time he passed Isaac's wreck – what he sees at the side of the road, when he sees the police, the ambulance, the firetrucks – that was all there. We know from the radio logs, we know from the police reports that at that moment when he says he passes Isaac's wreck, all the things he describes were present.

In fact, he even describes as he's pulling onto 27, he's cut off by an ambulance, heading down to the wreck site.

Now, I don't see any viable possibility that this didn't happen the way Joey says. Sure, the State can argue he looped back around and was driving back south again, but I don't see any scenario under which Joey could have known the movements of the ambulance well enough to predict where the ambulance would be at 7:25pm.

We know when the ambulance left the Floyd Medical Center, and we know when it arrived at the wreck site. And, Joey's story about where he encountered it matches perfectly.

**Colin Miller:**

Right, and we know from the radio logs that the cops had arrived at the scene and shut down the outside lane by the wreck site at 7:25pm, which would've have been right before, again, Joey made this 7:27 call, so...

Yeah, I mean, what he says, timing-wise, syncs pretty well with him arriving at the wreck site at about 7:27pm, seeing the cops having closed down the lane, then thereafter, a little bit afterwards, seeing the ambulance on the way.

Whereas, if Joey was involved in the killing, and then, turned around and is driving south again, he wouldn't have seen the cops showing up, he would've been past the point where

the ambulance would have gotten in the area, so, it's kind of confusing to see how the State's theory could hold any water because the timing of this wouldn't work.

[52:42]

**Susan Simpson:**

Joey says he left his house at 7:15 and called his girlfriend as he's leaving. And that he passed the wreck at 7:27, and he called his sister again to say, "Hey, I just saw Isaac's truck."

Now, there were many, many test drives done in this case. But, one of the very first test drives Moser did, was to drive from Joey's house to the wreck site, and it fit perfectly.

As in, if Joey was leaving his house at 7:15 when he called Aislinn, he would have passed the wreck at 7:27 when he made that call to his sister.

**Colin Miller:**

And the State's theory pretty much has to be, right? That Joey was involved in the shooting and then stuck around for maybe eight, nine minutes more... waited for the police to arrive so he could describe it.

Unless he's just sort of in his mind coming up with, "Well, the cops will arrive eventually and there'd be an ambulance."

But I mean, their theory kinda has to have him, to make any sense, just, committing the shooting and then just hanging around and waiting for everything to arrive before then...

**Susan Simpson:**

I think their theory would involve him either dropping off his accomplice, whoever the favorite accomplice at the moment was, or changing out his cars or something.

So, I guess he could have driven somewhere and then driven back down south again...

**Rabia Chaudry:**

Would he have had time to double-back to his house, drop off his sister's car and then... get his truck?

**Susan Simpson:**

Oh, no.

**Colin Miller:**

That would be about 12 minutes, right, it's a 24-minute round trip-

**Susan Simpson:**

Oh, no, no, no. It's minutes.

**Colin Miller:**

According to what you just said, yeah.

**Susan Simpson:**

Yeah. So they'll let her try and argue that- or not even argue, 'cause that doesn't make that much sense, but they- they make references to the fact that, "Oh, he could have gone to one of his father's car lots and traded out the car there and come back down..."

**Rabia Chaudry:**

Is the car lot closer? His parents' car lot?

**Susan Simpson:**

Oh, yeah yeah yeah, that's closer. But still, the timing. Well, we'll get into this later.

But, uh, let's just say that particular argument doesn't really concern me much.

Here is from the police notes, when they're explaining all the reasons why they think Joey is lying, and it says:

*In a statement to Mike Kee, Joey told Mike that he called his sister to tell her that he saw Isaac wrecked on the side of the road. He told Mike Kee that he was stopped in the traffic and a police officer was working traffic and only one lane was open.*

*The two calls that Joey made to his house was at 7:21 and 7:27. Joey also said that the ambulance passed him going to the scene. The ambulance didn't arrive on the scene 'til 7:26, and the police were on the scene at 7:22.*

*The first call to his house to tell his sister that Isaac was in a wreck could not have happened, because the police had not arrived at the scene yet.*

*The second call, at 7:27, could've been the one where he told his sister, but the ambulance was just getting there on the scene and the police had been there less than five minutes.*

*Could they have shut down the lane in that length of time, or did Joey make two trips down that road? The timing is just too tight.*

Well, no, it's not. Because we have the logs and we know for a fact that that lane was shut down at 7:25pm.

Here's Hank Jackson describing when and how the lane was shut down:

[55:27]

**Clare Gilbert:** *One lane blocked.*

**Hank Jackson:** *[crosstalk]*

*One lane blocked, yup.*

**Clare Gilbert:** *So, what did- that's you saying-*

**Hank Jackson:** *The firetruck - uh, one of us said, "Uh, one lane's blocked, south-bound." That lets dispatch know, 'cause we had to block uh, State Route like that, we had to notify DOT.*

**Clare Gilbert:** *[crosstalk]*

*I see.*

**Hank Jackson:** *So, we're lettin' them know that there is one lane that's still available.*

**Clare Gilbert:** *So, and the lane was blocked... why?*

**Hank Jackson:** *Because, for safety issues, for emergency personnel, um, you don't want somebody running 60, 65, taking your pockets. You know what I mean?*

**Clare Gilbert:** *[laughs]*

*Yeah... so, 19:20 - 19:26,*

**Hank Jackson:** *Mm-hmm.*

**Clare Gilbert:** *You call out "One lane blocked," does that mean the lane is blocked at 19:26? Or does that mean that's when you...?*

**Hank Jackson:** *Okay, we get the call at 19:20, at 19:22, we're on the scene, so that takes us two minutes there.*

*At- at 7:26, one of us advises that we have one lane blocked and then, um-*

**Clare Gilbert:** *Does that mean that you blocked off the lane at 19:26? Or does that mean that at 19:26, someone just happened to call and say the lane was blocked off?*

**Hank Jackson:** *[crosstalk]*

*See, policing is a multi-faceted thing.*

*Sometimes you have to... prioritize the stuff you do, and you don't remember... you know, like, when I pulled up, I don't say, "I got one lane blocked," not normally.*

*Because I'm thinking, "Hey, let me help this person, what we got?"*

*And then when I get a second, a breather, I say, "Hey, we got one lane blocked."*

**Clare Gilbert:**

*Okay.*

**Hank Jackson:**

*Because dispatch needs to know that.*

**Susan Simpson:**

Now, the other big piece of evidence they use against Joey is that they claim Joey could not have recognized Isaac's truck when he passed it.

Now, you heard Joey talking earlier, describing what he saw and how he recognized the truck, and according to him, he was going pretty slow when he passed it. They had one lane shut down, they had the cars going, like, single-file, slow by- he had a good look at this truck. And he thought he recognized it.

From Tandi we know that, well, she remembers anyway, that Joey called her and asked if Isaac's truck had a toolbox, indicating that he'd seen a toolbox and was trying to see if maybe that matched what Isaac's truck had.

But, when Joey talks to Mike Kee, one of the things he talks about is that brush guard.

He says he knew Isaac's truck had a brush guard like that, and he could see one- or he could see the lights, the headlights on... saw something as he passed, and... at trial this is Tami's huge argument for why Joey is a liar – "He could not have recognized that truck," she says. "There is no possibility that he could've known it was Isaac's truck that had gone off the road."

Here's Marshall Smith at Mark's trial describing how the truck was positioned, and why Joey could never have seen that brush guard.

[58:00]

**Lawyer:**

*Uh, excuse me, your honor, this is state's exhibit number four.*

**Marshall Smith:**

*That's the white Toyota pick-up truck sitting up in the pine trees, uh, off the interstate there, and... what you're looking at there is the passenger side of the truck, along with the- the top and the fender there, and part of the bed.*

**Lawyer:**

*Alright, now in so far as the front of that truck, where- where is it? Where is it pointed and where is it lodged?*

**Marshall Smith:**

*It's uh, going up- it's headed up into the woods.*

*In other words, the back end of the truck, where the tailgate would normally be, would be closest to the highway.*

*The front end of the truck is up in the- up in the wood line.*

**Lawyer:**

*Alright, and which- which way, north or south, would it have been facing?*

**Marshall Smith:**

*Uh...*

**Lawyer:**

*Or could you say?*

*Saying the highway runs due north and due south, which I know it doesn't, but that's what-*

- Marshall Smith:** *If the highway- if like, fluid tides would be going south, then the truck would be going, uh, west and east.*
- Lawyer:** *Okay. So more or less perpendicular to the -*
- Marshall Smith:** *[crosstalk]*  
*Right. That's correct.*
- Susan Simpson:** But Marshall Smith's the only one who describes the truck like this. I mean, other officers at the scene remember it going south-bound.
- In fact, everyone who got there after the wreck initially assumed the car had been heading south, because that's the direction the truck was pointing. It wasn't heading off to the west, it wasn't heading perpendicular to the road, it was at an angle south by southwest-ish – as if Isaac had been driving south and then had veered off slowly to the right.
- [59:35]
- Susan Simpson:** For instance, Hank Jackson has a very clear memory, that would point to the truck being pointed more southwards than towards the west, perpendicular from the road, because when he got to the truck, and tried to get to Isaac, he remembers going to the passenger side and not the driver's side, out of concern that Isaac might potentially fall out of the car, because there was an incline there on the ditch.
- Um, and because the car was positioned south by southwest, the passenger side was higher than the driver's side. Something that would not have happened if Marshall's memory about the truck being perpendicular, were true.
- [1:00:06]
- Hank Jackson:** *The truck was- the guard rail's here, and it kind of goes down into like a little culvert, and then it goes back up to a bank, and the truck's kind of on the bank, where the driver's side would kind of be down hill just a little bit.*
- And, I went to the passenger side, cause I could see him closer to the passenger side.*
- Clare Gilbert:** *[crosstalk]*  
*'Cause it was a bit higher.*
- Hank Jackson:** *So I went up there. Yeah, yeah, yeah. And I could see him over that side, so I just wanted to go over there to see, you know.*
- Rabia Chaudry:** So, I mean- I have a couple of thoughts about this.
- I mean, whether or not the truck was facing slightly south, or even if it was like, perpendicular to the road...
- I mean, if you're driving down a road and there's a truck, you know, or car perpendicular to it and... it's facing the other way, when you're coming at it at an angle, you still might be able to see like, a brush guard – a brush guard, y'know, it kind of a big thing, it kind of comes over the edges of the front of the vehicle, and... at an angle you still should be able to see it.
- It's not like you're directly- you'd be directly behind the truck, if you were- uh, the entire time. Right? I mean, like, You could still, at a difference, maybe see it. And I don't think it would preclude Joey from seeing it either.
- Susan Simpson:** Here's the thing. This is like- this is the cornerstone of the state's case. They are so reliant on this moment, this is their "Gotcha!" moment, their big reveal, "And he couldn't have even know it was Isaac's truck when he made that call!"

[1:01:20]

**Lawyer:**

*What you're looking right there at is a shot of this... going north. Traffic going south would have seen the back of that truck.*

*The front of that truck is in the trees. This is pointing south.*

*Traffic would have been coming this way.*

*That truck was turned around in such a fashion, it would've been very difficult, if not impossible, for someone to have seen a brush guard. Which is what Joey told Mike Kee. He knew it was Isaac's truck, 'cause he saw a brush guard on there.*

*Why'd he say that?*

*He was trying to make an excuse. He was trying to come up for a reason of why they knew they'd have it. He was trying to skip himself an effective alibi: "Oh yeah, I was there, I didn't see it happen, but I knew it was Isaac's truck."*

*Well, that little, small detail, though, that he knew it was, by the... brush guard, tends to make his story fall apart.*

*And again, the reason being, you cannot see that brush guard from the road.*

*Not in the direction that it is traveling.*

**Susan Simpson:**

But their proof for that? They have exactly two photos. Two photos they took of Isaac's truck from the road way.

And one of the photos, it's taken from, I don't know, probably ten, twenty yards to the south, looking upwards, so... you can't see much of anything. You see like, the very back of truck stickin' out past a pine tree.

I mean, you can see the weird blue striping thingies it's got on it. But, it's a really bad image. It's a tiny, blurry, white box.

The second photo that they have of Isaac's truck in the woods- it's a little bit closer, it's got the car at least in frame and it's looking south-bound, but it almost makes me laugh every time I look at this, because this is- this is their photo. This is their giant proof that Joey couldn't have seen a brush guard.

And they're like, "Look at this photo, look at this truck, there's no brush guard visible!"

Well, the freaking driver's side door is open. And it's looking from the back left corner of the truck, looking up, and the truck's kind of on a little rise, and that door is open, so it covers the entire front of the truck. Like, exactly where the brush guard would have been, exactly where it would've been visible, exactly where you'd expect to see it, there's a door open and in the way.

**Rabia Chaudry:**

Well, it's a very convenient picture for the prosecution to use. I mean, it's like, "Oh, let us show you the one picture that would absolutely would not allow you to be able to see the brush guard."

**Susan Simpson:**

Yeah! Or the one you could have, so open the door so you can't see it. Like, if you- like, just look at the photo.

I swear to God, if you look at that photo, you imagine that door being shut, you'd expect to see the headlight and the brush guard.

And we also know from later photos taken in the Rome garage that the brush guard was falling off to the left side. In the wreck it got smashed up. It was leaning out to the left, it was visible. Farther left than it normally would have been.

So it would have been more visible than you'd typically expect.

And, I have a hard time thinking this is not deliberate. Because, everyone on earth says over and over again that Clyde Collier takes so many photos. He takes so many photos, it's like a movie, they've said. And he only took two photos of the truck from the road? Both of them conveniently positioned so that it's impossible to see the front?

That doesn't seem believable to me.

**Colin Miller:**

Well, and it's- I don't even really understand it that much anyway. I mean, the brush guard is big bars on the front of the truck. And you don't just have one vantage point if you're driving on the highway.

You would see it as you're approaching it, and then once you pass it, you sort of see it from the side and then you can look in your rear-view mirror, so, there's several different ways you could be looking at it, and, uh, you know, a brush guard is not something inconspicuous, it usually is bars sticking out prominently from the grill at the front of the truck, so...

It would really have to be extremely oddly positioned for someone from all the different vantage points not having a view of it at all from the road.

**Susan Simpson:**

Now, if the truck had really been perpendicular to the road, like Marshall Smith testified, with it's nose hidden in the pine trees, then sure, it might have been harder for- like, I could - you know, I'd see a way an argument could be made.

But Marshall Smith is either- his testimony is based on the fact that he was never there before the truck was moved, or he's just lying, because it's very, very apparent that that truck was not perpendicular. It was going south by southwest.

**Colin Miller:**

I mean, how could it be perpendicular? Uh- its- because it's going north-bound and then it veers off into the southbound lane... unless somehow his- his arm is turning the steering wheel after he's been shot, like, it's gonna be at an angle, it's not gonna be exactly perpendicular to the road.

**Susan Simpson:**

Everyone who was there, like, from the ambulance to the cops, they all thought the truck was going south-bound when they saw it.

That indicates that they thought it was pointed south.

I don't know, it's- to me, it's such an obvious issue that... I st- I almost want to laugh at how much mileage Tami Colston got out of it.

Because it's a ridiculous argument and she milked it for all it's worth. Based on two terrible photos. I don't know.

I think everyone should go check out the one with the door opened, 'cause it really is hilarious to me - that's the evidence that he couldn't see the brush guard.

**Rabia Chaudry:**

But this should be a sign that, you know, the reason that they're focusing on this argument so much is because this is the best they've got.

It should tell you about the case.

**Susan Simpson:**

It's the only physical evidence they have. It's the only evidence from the crime scene that they've got that can remotely support Joey's guilt.

**Colin Miller:**

Uh- and again, it's the State trying to claim that Joey's trying to be 'too cute by half' by asking his sister, "Does the vehicle have a toolbox?" And, mentioning the brush guard, and it's sort of getting caught up in his own lie, because there's no need for him to mention that but he- he tripped up, is the State's claim. He mentioned the brush guard, despite the fact that according to his scenario of what happened that night he couldn't have seen the brush guard.

So, it's uh- it's trying to use Joey's potential compassion in calling his sister to relay the call to Isaac's sister against him saying, "Well, no, this was actually a deviously plotted crime and you slipped up."

**Rabia Chaudry:**

I mean, there's like- there's some interesting things going on here. I mean, you know, first of all, the State is, like, presenting so many things that... I can just imagine that you know, there's so much confusion but the overall impression to a jury might be that, "Oh, wow, this guy's statements have changed so many times."

Without maybe even the State being able to back up that, you know, assertion, with any actual evidence. That, "Oh, look, his statements change over and over," or, the defense not being able to counter it effectively?

But you know, in- in the end, sometimes, it's just about, what is the impression you leave? We mentioned this earlier and we're gonna talk about it in the future, but like, uh, even raising the prospect of Joey confessing to so many different people, in so many different ways, that that was done deliberately to create confusion in the case. I mean, what a- a very odd argument and what a- what a very odd strategy for any defendant to actually do.

**Susan Simpson:**

And here's from the police notes. It says, "Didn't Joey tell someone that he made two trips past the accident? If so, who did he tell that to? This is important."

Well, that's the precursor to what's going to be argued at trial, which is that, "Oh, we know Joey lied because he told some people he passed the wreck on his way down to Cedartown and he told other friends he passed the wreck on his way down to Cedartown."

Well, Isaac's truck was in the woods nearly four hours. I mean, he passed it going there and coming back. That's not some slip-up or some scheme, it's just a fact – there's no way he could not have passed it twice. And yet, they argue at trial, "Oh, look, he told this friend he passed it one time, and he told a different friend he this time. He's lying."

[1:08:51]

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**Colin Miller:**

So, we can see how the State's case and theory of what happened here was very much like what you might see in a movie like *Dial M for Murder*.

It was a case where the State claimed that Joey had elaborately plotted out this murder scheme for killing Isaac Dawkins, and yet, inexplicably he was late, these phone calls he had meticulously set up to provide an alibi, in fact, only proved his guilt, and... not only that, but somehow he was able to swap out a truck for a sedan, wind up at a store buying a Gatorade when an accomplice who was supposed to be with him wasn't there, and then ended up a few minutes later at his girlfriend's house back in his truck.

That is what the State had to sell to the jury, because it's the only theory of the case in which Joey could have committed this crime.

[1:10:04]

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**Rabia Chaudry:**

So, what do you think? Does this seem likely, or even possible, that Joey could have murdered Isaac? Possible that it was pre-meditated, even?

If your answer is "No," guess what? Not far into the investigation, the police didn't think so either. Next time, on *Undisclosed*.



[1:10:28]

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**Dennis Robinson:**

Episode 5 up and Episode 5 down. One month in, and you are all still around. Well done, folks. And thanks for your continued listenership. And of course, thanks to the Georgia Innocence Project at [www.georgiainnocenceproject.org](http://www.georgiainnocenceproject.org).

Much love to our sponsors this week was stamps.com and Great Courses, and new sponsor, Audible. We love those products. I tear through Audible books like it was my job. And we want you to love those products, too, so check 'em out, and when you do, use promo code: *Undisclosed*. You'll get a sweet discount, and our sponsors will know that you heard about them from our program. They then say kind things to Audioboom, who say kind things to us, and in the end, we feel all warm and fuzzy.

Ramiro Marquez and Patrick Cortes with the theme music. Ballooney with the logo, Nina Musser and Christie Williams with the website. That website is [www.undisclosed-podcast.com](http://www.undisclosed-podcast.com). Go to the website, get the transcripts and the people maps, and then go ask Susan questions about what you're hearing and seeing. She's @theviewfromLL2 on Twitter, and as always, happy to talk about the case.

Rebecca Lavoie of Partners in Crime Media and the podcast *Crime Writers On* is our producer, Hannah McCarthy and Brooke Giddings associate produce the audio, and Mital Telhan produces pretty much everything else.

So, who's been hitting up the *Undisclosed* Instagram account? I have. I'll be putting pictures of my dog up there soon. And maybe some of me in my Mack Weldon gear. Maybe. You can hit up *Undisclosed* on Instagram at @UndisclosedPod as well as Twitter and Facebook using that handle.

Help us drive the discussion using #Undisclosed, and don't forget to send your question to Jon. He's over at the Addendum, and you can Tweet him using hashtag #UDAddendum. *Undisclosed* executive producer is Dennis Robinson, and he looks forward to you company next week. Until then...

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