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given because we may need you back.

THE COURT: Do not talk to anybody about your testimony, Mr. Allen. Call the State's next witness.

MS. COLSTON: Clay Burkhalter..

CLAY BURKHALTER

was called as a witness by and on behalf of the State, and after being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. COLSTON:

Q Mr. Burkhalter, if you will, please speak up and pull that microphone close to you.

A Okay.

Q Speak up so the jury can hear you.

A My name is Clay Burkhalter.

Q Okay. That's great. Where do you live at?

A 1085 Old Rockmart Road.

Q Old Rockmart Road?

A Yes, ma'am.

Q Who do you live there with?

A With my mom and step-dad.

Q And were you living there back around August of 2000 when Isaac Dawkins was shot?

A Yes, ma'am.

1 Q Did you know Isaac Dawkins?

2 A I didn't know Isaac Dawkins personally.

3 Q Okay. Do you know Joey Watkins?

4 A Yes, ma'am.

5 Q And how did you know Joey?

6 A I dated his sister and then me and Joey became
7 acquaintances.

8 Q All right. His sister's name is what?

9 A Tandi Watkins.

10 Q Tandi Watkins? And when did you date Tandi, from
11 when to when?

12 A Probably July of '99 to around the first of the
13 year of 2000, around Christmas.

14 Q Till Christmas or --

15 A Yeah, around Christmas.

16 Q '99? And would you consider yourself friends with
17 Joey?

18 A Me and Joey and some other friends went off quite
19 often and rode around and just cut up and had fun.

20 Q All right. So how often would y'all go out and
21 have fun?

22 A About every couple of weekends or so.

23 Q So about every other weekend?

24 A Yes, ma'am.

25 Q Just a guess? Were you with Joey's at Shay

1 Highfield's house one time when Paul Allen and Isaac Dawkins
2 came by in a truck?

3 A Well, they was in a Camero.

4 Q Oh, I'm sorry. Were you there?

5 A Yes, ma'am.

6 Q Can you tell me what happened?

7 A We was cooking out that night and Joey and Shay
8 was riding the four-wheeler and they was out and then
9 everybody come back in and said that Paul Allen had drove by
10 and threw rocks.

11 Q And thrown a rock?

12 A Yeah.

13 Q Do you remember who said that?

14 A I don't recall who said that. They come in, so we
15 all got in my truck and as soon as we got -- she lives just
16 right off of 140. As soon as we hit 140 and went down the
17 road a piece, we got pulled over.

18 Q You didn't see anybody throw anything; did you?

19 A No, ma'am.

20 Q And when you jumped in your truck, who was
21 driving?

22 A I was.

23 Q You were driving? And where was Paul Allen and
24 Isaac at that time?

25 A Probably about a quarter of a mile ahead of us.

1 Q Okay. What speed were y'all going?

2 A We was probably doing about 60 to 70 miles an
3 hour.

4 Q Were you chasing them?

5 A Trying to catch up with them, yes, ma'am.

6 Q What were y'all going to do if you caught up with
7 them?

8 A I reckon try to fight.

9 Q Okay. All right. Had Joey told you on any
10 occasions that during the time that Isaac Dawkins was dating
11 Brianne Scarbrough that he wanted to catch Isaac?

12 A He just said he wanted to fight Isaac and he was
13 looking for him.

14 Q He was looking for him?

15 A Yes, ma'am.

16 Q And how many times did he tell you that he was
17 looking for him to fight?

18 A Just on a few occasions.

19 Q And would that have been during the time you were
20 dating Tandi or about that time?

21 A Right around that time and then after we had
22 dated.

23 Q And even after you had dated?

24 A Yes, ma'am.

25 Q So after you broke up with Tandi, he was still

1 saying he wanted to catch Isaac?

2 A Just saying he wanted to fight.

3 Q Wanted to fight? Now do you remember when Isaac
4 Dawkins was shot?

5 A It was in January of 2000, I believe, because it
6 was right around the time my uncle passed.

7 Q And do you remember how you found out about it?

8 A By hearing it on the news and in the paper.

9 Q Did you see Joey Watkins around that time?

10 A I spoke with him shortly afterwards.

11 Q When you say shortly afterwards, how much
12 afterwards?

13 A A couple of days to a week afterwards.

14 Q Do you remember giving the statements to the
15 police officers when you gave it to them, gave them the
16 statement?

17 A Yes, ma'am.

18 Q Do you remember you thought it might have been a
19 day or two afterwards?

20 A Yes, ma'am.

21 Q Is that about right or have you decided it was
22 longer?

23 A It was right after it came out. I knew I read
24 about it in the paper before I spoke with him.

25 Q Okay. So it was within a day or two after looking

1 in the paper?

2 A Yes, ma'am.

3 Q Now when you saw Joey, where were you at?

4 A Well, I was at Jeremy Shuler's house and he called
5 to talk to me and a friend that was over there.

6 Q You were over at Jeremy's house?

7 A Yes, ma'am.

8 Q And where does Jeremy live?

9 A He lives on Calhoun Avenue on 53.

10 Q And who else was over at Jeremy's house that
11 night?

12 A It was me, Delane Roach, Jeremy Shuler and Beth
13 Ann Roach.

14 Q All right. Y'all were just sitting around?

15 A Yes, ma'am.

16 Q Talking? Were you talking about this, about
17 Isaac's shooting?

18 A No, ma'am.

19 Q Did anybody else come over?

20 A No, ma'am.

21 Q When -- when did you talk to Joey then?

22 A He called to talk to Delane and talked to him for
23 a minute and then I spoke with him.

24 Q So you got on the phone with Joey that night?

25 A Yes, ma'am.

1 Q How was he? how was he acting?

2 A He thought that he was going to be accused for it
3 and just kind of nervous about the situation.

4 Q What do you mean nervous? How was he acting that
5 made you feel like he was nervous?

6 A Just he kept saying they were going to accuse him.

7 Q And could you tell anything in his voice that made
8 you feel like he was nervous?

9 A He was just -- just by the way he was acting. He
10 kept saying that.

11 Q He kept saying it? How many times would you say
12 that he said, they're going to accuse me of it?

13 A He said it about two or three times during the
14 conversation.

15 Q Did he tell you where he was that night?

16 A He told me he was on his way to Cedartown to talk
17 to his girlfriend and then another time he said he was on
18 his way back.

19 Q He was on his way back to Cedartown the next time?

20 A Yes, ma'am.

21 Q Was that within the same conversation?

22 A No, that was a month or so apart.

23 Q Okay. So that night he said he was on his way to
24 his girlfriend's house in Cedartown?

25 A Yes, ma'am.

1 Q And then you talked to him again after that?

2 A Yes, a month, couple of months afterwards.

3 Q About a month or so afterwards? What did you talk
4 about then, that time?

5 A Really nothing much but just carrying on a
6 conversation and when something was brought up about it, he
7 said he was on his way back.

8 Q He was on his way back from Cedartown when he saw
9 the wreck?

10 A Yes, ma'am.

11 Q Saw the wreck on the side of the road. Did he
12 tell you whether or not he recognized the vehicle on the
13 side of the road?

14 A He said he saw Isaac's truck and he tried to call
15 his sister, Tandi, and tell her to call Samantha, you know,
16 that he'd run off the road or something or might have had a
17 flat tire.

18 Q So he wanted his sister to call Samantha, Isaac's
19 sister?

20 A Yeah.

21 Q And tell her he'd either run off the road or had a
22 flat tire?

23 A Yes, ma'am.

24 Q Okay. Did he tell you why he wanted to do that?

25 A No, ma'am.

1 Q Did he tell you how he recognized Isaac's truck;
2 that it was Isaac's truck?

3 A No, ma'am. He just said it was Isaac's vehicle.

4 Q Now he told you right after the shooting that he
5 was on his way to Cedartown. You say he told you about a
6 month or so later that he's on his way back. Are you
7 certain about that?

8 A Yes, ma'am.

9 Q Okay. Why? Why are you so certain?

10 A Because I spoke with him when he said he was on
11 his way there and then he told me he was on his way back,
12 that kind of -- I kind of picked that up real quick.

13 Q You noticed the discrepancy?

14 MS. COLSTON: Thank you, Mr. Burkhalter. I
15 appreciate it.

16 THE COURT: Mr. O'Dell.

17 MR. O'DELL: Thank you, Your Honor.

18 *****

19 CROSS-EXAMINATION

20 BY MR. O'DELL:

21 Q Mr. Burkhalter, just on this issue of he saw the
22 vehicle on the way down, he initially told you it was on the
23 way down and then later he told you that he saw it on the
24 way back?

25 A Yes, ma'am -- sir.

1 Q In fact, he could have seen it on the way down and
2 back both; is that correct?

3 A He never did say he saw it on the way down.

4 Q Oh, he never did told you that?

5 A He said he was on his way to Cedartown at that
6 time.

7 Q So he told you he was on his way to Cedartown at
8 the time it happened?

9 A Yeah.

10 Q Sometime around that time. Now let's go to the
11 incident over there at Shay Highfield's. You were over
12 there at some kind of a party; is that correct?

13 A Yes, sir.

14 Q And where was your vehicle parked?

15 A It was just in Shay's driveway.

16 Q Now do you remember what Shay and Joey Watkins
17 were doing at the time everyone started the commotion about
18 Paul Allen's Camero?

19 A They were riding the four-wheeler.

20 Q Were y'all down there by them or were they down by
21 themselves?

22 A They were up towards the road.

23 Q All right. So they were pretty much away from the
24 rest of y'all; weren't they?

25 A Yes, sir, we were inside the house.

1 Q Was there a huge group of people down there around
2 them at that time?

3 A No, sir.

4 Q Just those two alone; wasn't it?

5 A Yes, sir.

6 Q Did Shay come running up at the house telling
7 everybody that Paul Allen was throwing stuff at them?

8 A I don't remember who come running in the house. I
9 just knew that somebody come in the house, that Paul had
10 drove by and threw rocks.

11 Q Nobody mentioned Isaac's name at all; did they?

12 A I didn't hear Isaac's name mentioned.

13 Q Joey was still down there; wasn't he?

14 A I believe Joey was --

15 Q Someone up at the house said, they're throwing
16 rocks or something, I think he said, at Joey and Shay; that
17 Paul was.

18 Now are you familiar with Paul's car?

19 A At that time I knew he had a black Camero.

20 Q Could you see into it through his tint?

21 A No, sir.

22 Q It's a pretty dark tint?

23 A Yes, sir, we wasn't --

24 Q You couldn't see in his car; could you?

25 A No, sir.

1 Q So you didn't know who was in the car; you just
2 assumed it was Paul?

3 A No, sir.

4 Q At this particular time do you remember if your
5 brother and Paul's brother had an issue where they were
6 fighting and you had an issue yourself with Paul?

7 A I knew that my brother and his brother had an
8 issue.

9 Q Did that create a problem with you and Paul?

10 A Me and Paul spoke, you know, about the situation
11 before that.

12 Q Now when someone was up at the house and saying
13 they were throwing it, that person wasn't Joey; was it?

14 A No, sir, Joey was outside still on the four-
15 wheeler, I believe.

16 Q He was on the four-wheeler? Okay. Hadn't gone
17 anywhere; had he? He was still driving the four-wheeler
18 around. Someone in the house said, let's go get him; didn't
19 they?

20 A Yes, sir.

21 Q It wasn't Joey; was it?

22 A Joey was outside.

23 Q It wasn't Joey; was it?

24 A No, sir.

25 Q So they got into your truck. Why your truck?

1 A Because it was the easiest to get out.

2 Q Also you were -- well -- So you were there. Yours
3 was the easiest to get out. You started driving down. Joey
4 wasn't in the vehicle at that time; was he?

5 A No, sir, he jumped in the vehicle.

6 Q You stopped and picked him up; didn't you?

7 A He jumped in the vehicle right as we pulled out of
8 the driveway.

9 Q So he was way down there and jumped in. So he
10 wasn't even in the vehicle when it got started and y'all
11 were chasing them. Did you -- when you pulled on that road,
12 you said they were about a quarter of a mile or so. When
13 you got on that road, did you see Paul Allen's car?

14 A I could see his taillight.

15 Q And how long was it before you lost sight of them?

16 A Well, we just got just a short piece down the road
17 and we got pulled over.

18 Q Okay. Well, when you saw his taillights, I mean,
19 how far down the road was he?

20 A He was -- I mean, it's not a very long
21 straightaway but he was at the other end of it. He was
22 about an eighth of a mile, quarter mile.

23 Q Were you ever able to catch up and get right on
24 his tail?

25 A No, sir.

1 Q Did you ever get anywhere close to him?

2 A No, sir.

3 Q Did you lose sight of them right after you got out
4 on the road?

5 A I lost sight of them when we got pulled over.

6 Q And how far down was that?

7 A Just maybe a half mile down the road.

8 Q At the most. So you hadn't gone very far at all
9 when you got pulled over?

10 A No, sir.

11 Q You never got anywhere near Paul; did you?

12 A No, sir.

13 Q You never even knew Isaac was in the car; did you?

14 A I didn't know that.

15 Q Were people screaming let's get Isaac or let's get
16 Paul?

17 A All they said was -- they really didn't say a
18 name. They just said, let's go. They said Paul had threw
19 rocks or something, so we got in the truck and left.

20 Q So this incident wasn't anything to do with Isaac;
21 was it?

22 A I didn't know Isaac was in the vehicle.

23 Q It wasn't anything to do with Joey other than he
24 just jumped in the truck with everybody as they went down
25 there; didn't he?

1 A Yes, sir.

2 MR. O'DELL: Thank you. That's all I have.

3 *****

4 REDIRECT-EXAMINATION

5 BY MS. COLSTON:

6 Q You told me a minute ago that and I just forgot to
7 ask you that. You said that Joey had made comments that he
8 was going to get Isaac and he was going to whip him and he
9 said that several times.

10 A Yes, sir. I mean, yes, ma'am.

11 Q Why did he want to whip Isaac? Did he tell you
12 that?

13 A Because Isaac was dating Brianne Scarbrough.

14 MS. COLSTON: Thank you. That's all I have, Clay.

15 *****

16 RECROSS-EXAMINATION

17 BY MR. O'DELL:

18 Q And these comments that he made was back at the
19 time they were dating?

20 A Yes, sir.

21 Q You didn't hear anything down in November,
22 December, January about any threats or anything; did you?

23 A If they were still talking any Joey still had
24 conflicts with Isaac.

25 Q But you didn't have or you didn't hear anything

1 during that period of time yourself though; did you?

2 A I just knew Joey was wanting to fight Isaac.

3 *****

4 REDIRECT EXAMINATION

5 BY MS. COLSTON:

6 Q And that was continuing up past the time that they
7 had broken up?

8 A Yes, ma'am.

9 MS. COLSTON: Thank you very much, Clay.

10 THE COURT: All right. Mr. Hightower -- Mr.
11 Burkhalter, you can't talk to anybody about your
12 testimony.

13 THE WITNESS: Yes, sir.

14 THE COURT: All right. Step down, please. He's
15 free to leave unless you need him to stay.

16 MS. COLSTON: We can call him. I think we can
17 find him if we need him. So, Mr. Burkhalter, you can
18 go and we'll call you if we need you.

19 THE COURT: Call the State's next witness.

20 MS. COLSTON: Thank you. Brad Nolan.

21 *****

22 BRAD NOLAN

23 was called as a witness by and on behalf of the State, and
24 after being first duly sworn, was examined and testified as
25 follows: