

1 is absolutely necessary in the trial of the case. That  
2 won't be determined until the end. All of the jurors  
3 have equal status at this point and you all are equal  
4 participants as jurors in the case at this stage, so  
5 please don't concern yourself about that. That won't be  
6 determined until the end of the trial. Okay?

7 Call the State's first witness, please.

8 MS. COLSTON: We call Jay Barnett.

9 \*\*\*\*\*

10 **JAY BARNETT**

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

14 **DIRECT EXAMINATION**

15 **BY MS. COLSTON:**

16 Q Jay, if you will, please pull that microphone down  
17 and speak up so that the jury can hear you.

18 A Okay.

19 Q Tell us your name.

20 A It's Jay Barnett.

21 Q Where do you live at, Jay?

22 A I live on 4648 Floyd Springs Road in Armuchee.

23 Q I'm going to ask you to speak up just a hair  
24 because I'm having a hard time. That's why I like to stand  
25 back here. If I can't hear you, they can't hear you. Where

1 do you work at?

2 A Floyd County Police Department.

3 Q What do you do at the Floyd County Police  
4 Department?

5 A Patrolman.

6 Q You're a patrolman? How long have you been a  
7 patrolman?

8 A It's a year June 4th.

9 Q A year June 4th. So you went to work this past  
10 June of 2000 and June 4th, this past June, it had been a  
11 year?

12 A Yes, ma'am.

13 Q Now I'm not asking about anything that has to do  
14 with your employment with the Floyd County Police Department.  
15 What I'm asking you about today is were you also -- did you  
16 know a young man by the name of Isaac Dawkins?

17 A Yes, very well.

18 Q How well?

19 A He was my best friend.

20 Q He was your best friend?

21 A Yes, ma'am.

22 Q How long had y'all been best friends?

23 A We started being friends in the 8th grade when he  
24 moved there from Coosa and then we kind of grew apart through  
25 high school and then about our senior year about midway

1 through, we got to be really good friends from that. And  
2 then after that it was probably an everyday thing we saw each  
3 other.

4 Q So y'all spent time together almost every day from  
5 the time you graduated in the senior year. When was that?  
6 what year?

7 A It was '97.

8 Q In '97 up until he was killed in -- on January the  
9 11th, 2000?

10 A Yes, ma'am.

11 Q Now during the time that you were friends with  
12 Isaac Dawkins was there a time that he started dating a young  
13 lady named Brianne Scarbrough?

14 A Yes, ma'am.

15 Q Could you tell me about when that was?

16 A I believe that was probably around June or July.

17 Q About the time that you went on with the Floyd  
18 County Police Department?

19 A The time that he -- she --

20 Q Oh, I'm sorry. That was a year before you went on  
21 with the police department?

22 A Yes, ma'am.

23 Q So June of '99 you [sic] started dating Brianne  
24 Scarbrough?

25 A I believe that's correct, yes.

1 Q And do you know who Brianne Scarbrough's former  
2 boyfriend was?

3 A Joey Watkins.

4 Q Do you know Joey Watkins?

5 A Yes.

6 Q How do you know Joey?

7 A Growing up I had a friend that lived like right  
8 across the street from him and I knew of him from that.

9 Q Okay.

10 A And I've just known him ever since then, just  
11 seeing him.

12 Q Do you see him in the courtroom?

13 A Yes, ma'am.

14 Q Would you point him out for the jury?

15 A He's right there in the white shirt.

16 Q Right -- in the white shirt sitting at the defense  
17 table?

18 A Yes, ma'am.

19 Q Thank you, Mr. Barnett. Now back between June --  
20 how long did Isaac and Brianne date when they dated in what,  
21 in June of 1999?

22 A Just a few months, not really a long time at all.

23 Q Okay. During that time were you around Isaac a  
24 good bit still?

25 A Yes, ma'am.

1 Q Almost a daily thing?

2 A Yes, ma'am.

3 Q Now I'm going to take you back and ask you if you  
4 were with Isaac at anytime that he had a problem with Joey  
5 Watkins over Brianne Scarbrough?

6 A Okay.

7 Q Tell me the first time that you were with Isaac  
8 Dawkins when he had a problem with Joey Watkins?

9 A Well, there were a few times. I believe the first  
10 one was probably when we saw -- he was still dating Brianne.  
11 Isaac was still dating Brianne at the time and I was with  
12 Isaac and Brianne was in her car and we were all just kind of  
13 riding around Rome and we seen -- we met Brianne at, I  
14 believe it was Checkers and she told us that --

15 Q You can't go into what she told you but after  
16 result of the conversation -- that's all hearsay.

17 A Okay.

18 Q And Mr. Abernathy will be onto me pretty quick. So  
19 as a result of what Brianne Scarbrough told you when you  
20 pulled up, what did y'all do?

21 A We kept riding around town and we saw Joey and he  
22 pulled into a gas station and we pulled up beside him.

23 Q Okay. Now you can go into what the defendant said,  
24 what Mr. Watkins said or what anyone said in his presence.  
25 So can you tell us what Mr. Watkins -- what happened after

1 you and Isaac pulled up next to Joey Watkins. Was he with  
2 anyone?

3 A He was with Erica Evans and Adam Elrod -- Adam  
4 Elrod and another person. I can't remember who they were.

5 Q So he was with Erica Evans and Adam Elrod?

6 A Yes.

7 Q And Erica -- whose car were they in?

8 A Erica Evan's car.

9 Q What kind of car was that?

10 A It was kind of a mocha colored older model Honda  
11 Accord, four door.

12 Q All right. And Erica -- who was driving that car?

13 A Joey.

14 Q So Erica wasn't driving her car?

15 A No.

16 Q Joey was driving. And what happened when y'all  
17 pulled up next to each other and you saw them? What  
18 happened?

19 A Well, I was driving Isaac's truck. He was in the  
20 passenger seat and Isaac looked over at him and said, why are  
21 you riding my girlfriend's butt? And Joey said, his words  
22 exactly were, you want your ass whipped; don't you?

23 And Isaac was like, well, sure.

24 And so Joey was like, well, follow me. So we followed  
25 Joey for what seemed like probably 15 to 20 minutes and he

1 kept pulling into gas station after gas station every time he  
2 saw one of his friends, trying to get them to go with him.

3 Q Did some of them go with him?

4 A Yeah.

5 Q Did they fall in behind y'all?

6 A Yes. And then we went -- started going down  
7 Kingston Road and I didn't know where Joey lived at the time.  
8 I didn't know he lived out there and we kept going up through  
9 there and then we pulled --

10 Q Did you ask Isaac where you were headed?

11 A No, he didn't know where he lived either.

12 Q Okay.

13 A And the next thing we know, they all pulled in this  
14 house and we keep driving and then we turn around and come  
15 back and Joey is, you know -- Isaac rolls down the window on  
16 the passenger side and him and Joey just keep arguing with  
17 each other and then Joey is telling him to get out to fight  
18 in his front yard. And Isaac is like, no, I'm not going to  
19 fight you in your front yard.

20 Q Who all was there at that point?

21 A It was me, Isaac, Joey, Adam Elrod and some people  
22 I don't know who they are.

23 Q Was Erica Evans still with you?

24 A Yes.

25 Q Okay. And they were still in her Honda?

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1           A     Yes.

2           Q     And some other people that had fallen in behind

3     you?

4           A     Yes.

5           Q     Anybody else?

6           A     After about a couple of minutes of being out there,

7     Joey's dad came out there.

8           Q     Mr. Watkins, Johnny Watkins?

9           A     Yes.

10          Q     Did you know him?

11          A     No, that's the first time I'd ever really ever seen

12     him.

13          Q     Anybody else come out of his house besides Mr.

14     Watkins?

15          A     I don't think so.

16          Q     Now when that happened, okay, did Isaac get out of

17     the car?

18          A     Oh, yes, for just a couple of minutes.

19          Q     For just a couple of minutes?

20          A     Yeah, they --

21          Q     What happened?

22          A     Well, Joey went to the back of the house and said,

23     we'll fight in the back yard so nobody can see. And he went

24     to the back yard. And then Joey's dad kept trying to get

25     Isaac to go back there.

1 Q He did? What was his dad saying? Was this in the  
2 presence of Joey?

3 A No, Joey, I think was in the back of the house or  
4 in the back yard.

5 Q Where is his dad at that point?

6 A He's talking to Isaac.

7 Q How close is he to Isaac?

8 A Three or four feet.

9 Q Three or four feet?

10 A Uh-huh.

11 Q Was he raising his voice?

12 A Yes.

13 Q Could you hear him all over?

14 A You could probably hear him for a good distance,  
15 yes.

16 Q So his dad is raising his voice and talking to  
17 Isaac trying to get him to what?

18 A Go to the back yard to fight Joey.

19 Q Okay. Where is all the reinforcement that Joey had  
20 picked up on the way?

21 A They were still kind of standing around there  
22 watching Joey's dad.

23 Q And so after -- what did Isaac do in response to  
24 Mr. Watkins trying to get him to go in the back yard and  
25 fight?

1           A     He just kept saying, no, I'm not going to fight  
2     Joey in his front yard because Isaac didn't want to get in  
3     trouble for that. So he kept saying, no, I'm not going to do  
4     it. I'm not going to do it. And then Joey's dad kept trying  
5     to taunt him, I guess you could say, to get him to and Isaac  
6     still wasn't going to do it. And then he said, well, let's  
7     get in the truck. So we got in the truck and then as we were  
8     about to pull off, Joey came running out there.

9           Q     Okay. Came running out to where you had parked in  
10    front of the house?

11          A     Yes.

12          Q     Did you ever go in the driveway?

13          A     No, we were always in the road.

14          Q     Always in --

15          A     Yes.

16          Q     Was this a house over on Parkwood Circle --

17          A     Yes.

18          Q     -- off the Kingston Road?

19          A     Yes.

20          Q     Okay. Before Joey came out there, did Mr. Watkins  
21    or before he ran to -- came out to the car, did you say Mr.  
22    Watkins was trying to taunt him?

23          A     Uh-huh.

24          Q     What was he saying?

25          A     Well, he was saying the thing -- trying to get

1 Isaac to, you know, come back there and when Isaac was saying  
2 no, his dad kept saying, well, you know, you're such a smart  
3 aleck I'm a good mind to kick --

4 Q Is that the words he used?

5 A No.

6 Q I'm sorry, Ms. Barnett. I need you to use the  
7 words.

8 A Okay. He said, well, you're such a smart ass, I've  
9 a good mind to kick your ass myself.

10 Q His dad said that?

11 A Yes.

12 Q All right. So is that when Isaac got back in the  
13 car?

14 A Yes. It was probably just a couple of seconds  
15 after that Isaac got back in the car.

16 Q And what did y'all do when Isaac got back in the  
17 car?

18 A I cranked his truck up and was getting ready to  
19 leave and then Joey came running out there and Isaac still  
20 had his window down and Joey tried to hit Isaac while Isaac  
21 was inside the truck.

22 Q Was he able to hit Isaac through the window?

23 A I think he hit him on the side of the arm but I  
24 think he got more of the truck than he ever did of Isaac.

25 Q Okay. And what was all the reinforcements doing at

1 that time?

2 A They were just kind of standing around, just  
3 watching.

4 Q Was Mr. Watkins -- what was he doing at that time  
5 that Joey was leaning to the window?

6 A The same thing, just watching.

7 Q Just watching?

8 A Uh-huh.

9 Q Now what did you do?

10 A I left.

11 Q You drove off?

12 A Yes. We drove off and then as far as I know that  
13 night we never heard anything else out of it.

14 Q Now think back if you will. You said that that was  
15 while he was dating Brianne?

16 A Uh-huh.

17 Q He started dating Brianne approximately June and  
18 dated her for a few months. Can you recall about how long he  
19 had been dating Brianne when that occurred?

20 A It was probably a month, not very long.

21 Q So probably around July, just guessing?

22 A Yeah, uh-huh.

23 Q Okay. Around July of '99. Now the next time that  
24 something happened, Mr. Barnett, and you were present, what  
25 was the next event something happened between Isaac and Mr.

1       Watkins, Joey Watkins?

2               A       We were going down 27 right there in front of  
3       Wendy's, where all the fast food places are, right before you  
4       get to Floyd Medical Center.

5               Q       Uh-huh.

6               A       And Joey was in a red Firebird and we got up beside  
7       him. We were in Isaac's truck and Isaac was driving and I  
8       think Kevin Poole was with Joey that night and they were just  
9       kind of, you know, like staring at us. They wouldn't -- they  
10      wouldn't ever pass us. They kept getting in front of us or  
11      getting beside us or getting behind us but never would like  
12      just totally leave us alone.

13              Q       So you're going down the road for about how long of  
14      a distance while they're staying beside you, in front of you  
15      or behind you?

16              A       It was probably all the way till you can turn right  
17      to get on Shorter, right there where 27 hits Shorter because  
18      it started about -- it started right there at the top of the  
19      hill as you start going down the stretch of all the fast food  
20      places.

21              Q       It started down -- now I'm trying to figure out  
22      which stretch of hill.

23              A       There's -- the one right there at -- I'm trying to  
24      think of a landmark.

25              Q       Which fast food places are you talking about?

1           A     It's where that Scottish Inns is, the motel that's  
2 up there on the right. It started about right there and then  
3 kept going.

4           Q     On 27?

5           A     Uh-huh.

6           Q     All right.

7           A     And it kept going through to past the Western  
8 Sizzlin, Wendy's and all those places and then where you can  
9 turn right to get on Shorter.

10          Q     And it happened all the way down to there?

11          A     Yes.

12          Q     He was getting in front of you, behind you and  
13 beside you?

14          A     Yes.

15          Q     Wouldn't go on?

16          A     Correct.

17          Q     What were they doing while they were beside you,  
18 behind -- in front of you or behind you?

19          A     Just kept staring at us. You know, you could tell  
20 what they was wanting but they just kept on staring at us.  
21 They didn't really ever say anything to us. They just kind  
22 of every time they'd get up beside us, they were just  
23 breaking their neck to look at us. Then they turned off and  
24 we kept going straight. I can't remember exactly where we  
25 were going that night but they turned off. We kept going

1 straight and then about 30 minutes later we ran into them  
2 again and they were going the opposite way we were this time  
3 and they just shot us birds out of both windows.

4 Q Okay. Were y'all in Isaac's truck that time?

5 A Uh-huh.

6 Q Were you in Isaac's truck the time before?

7 A Yes.

8 Q And so they shot you birds and did they keep going  
9 in the opposite direction?

10 A Yes.

11 Q What happened next?

12 A Well, after they had shot us birds, Isaac turned  
13 around and then we started following him and then he kept --  
14 we followed him all the way down South Broad.

15 Q Why did y'all do that?

16 A Because Joey kept on waving his arm out of the  
17 window, trying to get him to follow him.

18 Q Was he driving or was he a passenger?

19 A No, he was driving.

20 Q He was driving?

21 A Yes.

22 Q He was waving you to come on?

23 A Yeah, waving -- not like to pass him, just waving  
24 at us to keep up with him, to go fall in behind him and  
25 follow him.

1 Q Okay.

2 A And we followed him.

3 Q But still why did y'all do it? just because he  
4 waved for you to come on?

5 A Just because probably -- I wanted to get it done  
6 just as much as Isaac did, just so that it would be through  
7 and we wouldn't have to worry about it anymore.

8 Q So you thought if they went ahead and fought, it  
9 would all be over?

10 A Right.

11 Q Now I take it by you saying that there were just  
12 lots of little feuds in between all this --

13 A Yes.

14 Q -- other stuff that you're talking about?

15 A Yes.

16 Q So you followed him. Then what happened?

17 A We pulled -- we go down South Broad and then we  
18 start going down Blacks Bluff Road and right past the CI camp  
19 Isaac gets tired of following him. So Isaac pulls off the  
20 side of the road and gets out of his truck and then Joey  
21 stops in front of us about probably 25 yards in front of us.  
22 He stopped and as Isaac gets out, Joey takes off and then  
23 that's the last we saw of him that night.

24 Q All right. Could you tell whether or not Joey had  
25 anybody in the car with him that night?

1 A Yes.

2 Q And did he?

3 A Yes, Kevin Poole.

4 Q How many?

5 A Just one and it was Kevin Poole with him.

6 Q One person, that was Kevin. I'm sorry. You  
7 already told me. Kevin Poole was with Joey that night?

8 A Uh-huh.

9 Q So Isaac pulled over and then he got out of the  
10 car. Joey pulled over but when Isaac got out of the car,  
11 Joey took off?

12 A Right.

13 Q Did y'all pursue him?

14 A No, we turned around and started heading back  
15 towards Armuchee after that.

16 Q Why not?

17 A There wasn't no reason to if he wasn't going to  
18 stop and just keep going.

19 Q He was going to leave you alone? you felt like it?  
20 Is that right?

21 A Right. Well, we thought it was just, you know,  
22 either he was trying to drive around so he could get more  
23 friends or he was just going to try to lead us around the  
24 whole night. So we just got tired of waiting on it, so we  
25 just turned around and left after that.

1 Q Now the next incident that you were with Isaac when  
2 something happened with Joey Watkins?

3 A Okay. We were going down 27 North right there  
4 about where -- right before you get to 140 and Joey was in  
5 his Firebird that time also. And Isaac was driving his truck  
6 and I was with him and Joey came up beside us and I guess  
7 just to let us know it was him or whatever. And then he got  
8 behind us and started getting real close to Isaac's bumper  
9 and then he sped around and got in front and kept slamming on  
10 his brakes, trying to get Isaac to hit him and then he would  
11 get up beside us again and he'd get behind us again and then  
12 after he got behind us, Isaac would tap his brakes, trying to  
13 get him off his bumper because Isaac's truck was very, very  
14 slow.

15 Q What kind of truck was it?

16 A It was a Toyota with like a four cylinder in it and  
17 it didn't go very fast at all. And, of course, Joey had a  
18 fast car, so he could get around Isaac's truck easily. And  
19 so he just kept getting in front of him, slamming the brakes.  
20 And finally we turned off on 156 and I guess Joey kept going.  
21 I'm not real sure where he went after that but it was all  
22 from about 140 all the way down to 156. He was just slamming  
23 his brakes in front of us and he was getting up beside us.

24 Q And was anybody with Joey that time?

25 A Yes, but his windows were so dark, I can't tell who

1 it was.

2 Q You could just see a form?

3 A Right.

4 Q Now the time period here. The first incident  
5 happened around July. The second incident where you stopped  
6 on Blacks Bluff Road, about how long was it before that  
7 incident occurred?

8 A Probably three weeks to four weeks. I'm not real  
9 sure. It was probably somewhere around that time frame  
10 though. It wasn't very long.

11 Q So it could have been the end of July to the middle  
12 of August, somewhere around that? And then the third  
13 incident on 27 North, how long after that did it occur -- did  
14 that one occur?

15 A It was probably two months.

16 Q Two months later?

17 A Maybe a little less than two months but not very  
18 much less.

19 Q So we're talking maybe September or possibly  
20 October?

21 A Yes.

22 Q Could you tell us whether or not he was still  
23 dating Brianne Scarbrough when the second incident occurred  
24 when you stopped on Blacks Bluff Road?

25 A He may have been talking to her but I don't think

1 he had been actively dating her at that time.

2 Q How about the one after that, the one that happened  
3 in September or October?

4 A No, no.

5 Q No, he wasn't dating Brianne at all?

6 A No.

7 Q So the problems were continuing even after he quit  
8 dating Brianne?

9 A Right.

10 Q What's the next problem -- that you have that you  
11 were present when Joey Watkins and Isaac Dawkins had  
12 problems?

13 A I believe that's all.

14 Q All right. During that period of time, the time  
15 period of time, you were -- I think that y'all went together  
16 to the mall sometime; did you not?

17 A Yes, that's where Brianne worked.

18 Q Where did she work at?

19 A She worked at B Moss.

20 Q B Moss in the mall?

21 A In the mall.

22 Q Is that at Mount Berry Square?

23 A Yes, ma'am.

24 Q And what was the reason you were going to the mall  
25 with Isaac to -- was it just to see Brianne or what?

1           A     No, he always wanted me to go up there with him so  
2     Joey wouldn't try and mess with Brianne as she was getting  
3     off work because she was really afraid that he was going to  
4     try and do something to her as she was getting off work, so  
5     Isaac --

6           Q     What did y'all do?

7           A     We just sat in the parking lot and Isaac would talk  
8     to Brianne for just a couple of minutes and he would leave  
9     and we would go back to Isaac's house or go back to my house.

10          Q     Okay. So y'all would sit in the parking lot.  
11     Brianne would come out.

12          A     Uh-huh.

13          Q     Would Isaac walk her to her car?

14          A     Uh-huh.

15          Q     Would y'all wait until you saw that she was good  
16     and gone?

17          A     Yeah. Most of the time we followed. She lived on  
18     Old Dalton Road so most of the time we would follow her to  
19     Old Dalton -- she'd turn off of Old Dalton and then we'd keep  
20     going after that.

21          Q     How many times about did y'all do that?

22          A     It was pretty much every night she worked late,  
23     every night she worked till closing anyway.

24          Q     So the problems were ongoing but these were the  
25     only three incidents you were present yourself when Isaac

1 Dawkins had a problem with Joey Watkins; correct?

2 A Right.

3 Q Now do you know -- do you remember a time during  
4 the time that he dated Brianne -- did Isaac have a dog?

5 A Yes.

6 Q What kind of dog was it?

7 A It was a black and tan coon hound.

8 Q Black and tan coon hound? Do you remember the  
9 dog's name?

10 A Sally.

11 Q Sally? Do you remember a time that something  
12 happened to that dog?

13 A Yes.

14 Q And when did that happen?

15 A It was probably around -- let's see, he got it -- I  
16 want to say around November.

17 Q Okay. Around November --

18 A Yes.

19 Q -- of '99?

20 A Yes, ma'am.

21 Q And what happened to the dog?

22 A Isaac and I had been riding four wheelers and I'd  
23 brought him home and he just went on. We didn't think  
24 anything was wrong or anything like that. I dropped him off  
25 at his house and I turned around and went home and then he

1 paged me while I was on my way home.

2 Q Was he upset?

3 A Well, he paged me and I didn't get to talk to him  
4 until I got to my house because it was such a -- you can't  
5 get a signal on your cell phone out there. And so as soon as  
6 I got to my house, I called him and he told me that he walked  
7 -- he thought it was funny because his dog never barked at my  
8 truck and which she usually always does every time I pull up  
9 and she was always real whiny. Whenever she'd hear somebody  
10 come up, she'd always bark real loud. And so he went back  
11 there to check on her and he said that she was laying there  
12 in her pen chained up with a bullet hole right between her  
13 eyes.

14 Q And this was around November of 1999?

15 A I believe so.

16 Q Okay. And so she was chained up in her pen at his  
17 home?

18 A Right.

19 Q Where did Isaac live?

20 A He lived on New -- I believe it's New Rosedale  
21 Road. It's either New Rosedale Road or Rosedale Road.

22 Q And that's in the Armuchee area?

23 A Approximately -- it's about five or six minutes  
24 away from my house.

25 Q Who did he live there with?

1 A His parents.

2 Q His parents?

3 A Uh-huh.

4 Q And that's Sammy and Francine Dawkins here?

5 A Yes, ma'am.

6 Q Do you know his parents well?

7 A Yes, ma'am.

8 Q Jay, you've been friends with Isaac Dawkins since -  
9 - close, close friends since '97 and known him since the 8th  
10 grade?

11 A Uh-huh.

12 Q I'm going to ask you to think real carefully. Can  
13 you think of any person other than Joey Watkins that he had  
14 -- that he had an enemy of any kind?

15 A No.

16 Q Is that the only one you know of?

17 A Yes, it's the only one I know of.

18 Q Isaac, was he a -- what kind of fellow was he?  
19 What was he like?

20 A He was just kind of -- he was probably about five,  
21 six, probably about a hundred and -- I think he said he  
22 weighed about 160 pounds. He was kind of short and real  
23 stocky and always smiling every time you see him, real  
24 outgoing, real friendly. He was the type of person like if I  
25 wasn't at my house, he would come over to my house and just

1 sit and talk with my mom until I got there or sit there and  
2 play with my niece or he'd stop by another friend's of ours  
3 house and he would sit with his mom for hours at end.

4 Q Who was that?

5 A That was Yvonne Agan.

6 Q Yvonne Agan?

7 A Yes.

8 Q Of the people that Isaac -- of those two family  
9 members, his mom and his dad, who did he look more like?

10 A His dad.

11 Q His dad? Now did you know of any person that had  
12 ever caused him any problems like this ever?

13 A No, ma'am.

14 Q Do you know of any person that he talked about that  
15 he gave you -- I'm going to get that person or I'm going to  
16 do this, that or the other to that person?

17 A He'd never say something like I'm going to get that  
18 person.

19 Q Did he ever pick a fight?

20 A No, he wouldn't take anything off of anybody if  
21 anybody -- because he always got picked on in high school  
22 because he was so little and he was just the type of person  
23 that didn't really take anything from anybody but he wasn't  
24 -- you know, jump to start something with somebody.

25 Q All right. Do you know why Isaac broke up with

1 Brianne?

2 A Yes.

3 Q Why?

4 A Because of Joey.

5 Q All this mess?

6 A He was just tired of the whole situation and he was  
7 kind of sick of it and he didn't want to deal with it  
8 anymore.

9 Q Did y'all go to the fair together?

10 A No.

11 Q Did you see Isaac at the fair?

12 A No.

13 Q No, you didn't? But all these problems kept  
14 occurring after he broke up with Brianne?

15 A Yes.

16 Q It still happened? Thank you, Mr. Barnett. The  
17 defense will have some questions for you.

18 THE COURT: Mr. Abernathy.

19 MR. ABERNATHY: Mr. O'Dell, Judge.

20 THE COURT: All right.

21 \*\*\*\*\*

22 CROSS-EXAMINATION

23 BY MR. O'DELL:

24 Q Now, Mr. Barnett, you were very close friends with  
25 Isaac; is that correct?

1 A Yes, sir.

2 Q In fact, on each of these incidences other than the  
3 one you said going up 27, it was you and Isaac who followed  
4 Joey around and were chasing him; isn't that correct?

5 A No, it's not.

6 Q Well, let's look at them. The incident that ended  
7 up at Joey's house where you and Isaac went out to his house,  
8 that incident actually originated by the Citgo station over  
9 there at the railroad tracks on 2nd Avenue; isn't that  
10 correct?

11 A Yes, that's the gas station he pulled into.

12 Q And Joey was in there buying some cigarettes or  
13 something and you pulled in and, in fact, you said to Joey,  
14 are you looking for Isaac or do you have some issues with  
15 Isaac?

16 A No.

17 Q You didn't say any of that?

18 A Joey never got out of the car.

19 Q I'm not saying got out of the car, but you didn't  
20 say to Joey, quote, why you got a problem with Isaac?

21 A No.

22 Q You didn't say that?

23 A No.

24 Q All right. In fact, you had claimed that Joey was  
25 kind of following you around town that evening; isn't that

1 correct?

2 A Yes, sir.

3 Q Now Joey was on a date with Erica Evans; was he  
4 not?

5 MS. COLSTON: I'm going to have to object. That  
6 would call for speculation, Your Honor --

7 MR. O'DELL: Well --

8 MS. COLSTON: As to what they were doing together.

9 Q [By Mr. O'Dell] Were you aware that Joey was on a  
10 date with Erica Evans that evening?

11 A No, not until we saw them that night.

12 Q And then you became aware of it?

13 A Yes.

14 Q Now Isaac used to date Erica; didn't he?

15 A Yes.

16 Q And Joey used to date Brianne?

17 A Correct.

18 Q And then at this period of time Joey was dating  
19 Erica and Isaac was dating Brianne?

20 A Correct.

21 Q When this incident occurred, and the incident  
22 initiated there and Joey went on; didn't he? Nothing really  
23 happened at that Citgo; did it?

24 A Joey told us to follow him.

25 Q Oh, he did?

1           A     Yes.

2           Q     Now somewhere along the line Joey sees Brianne;  
3     isn't that correct?

4           A     I think we were behind him pretty much the whole  
5     time. I don't think he ever saw her.

6           Q     So you're saying that you never met up with  
7     Brianne?

8           A     After we began following Joey, no.

9           Q     All right. Did you meet up with Brianne in the  
10    parking lot of the Checkers?

11          A     That was before we saw him.

12          Q     And did you end up at a second service station up  
13    there at Five Points?

14          A     Correct.

15          Q     So there were two service stations?

16          A     Right. He pulled in there because some of his  
17    friends had been sitting there. He pulled up to talk to  
18    them.

19          Q     Now, in fact, earlier that evening you and Joey --  
20    or you and Isaac had been at Applebee's?

21          A     Correct.

22          Q     And Isaac got intoxicated; didn't he?

23          A     He had just a little bit. No, he wasn't  
24    intoxicated.

25          Q     And so if Brianne was to say he was intoxicated or

1 Erica was to say he was drunk, that's not correct?

2 A No, that's not correct.

3 Q All right. Why were you driving his vehicle?

4 A Because he had had something to drink but he still  
5 -- he didn't want to take any chances of getting into any  
6 kind of trouble. It wasn't unusual for me to drive his truck  
7 anyway.

8 Q And, in fact, when you met up with Brianne and  
9 Brianne saw that Isaac was drunk, she told you and Isaac not  
10 to do anything; not to follow Joey, to stay away from him  
11 because of his condition; didn't she?

12 A She said not to follow him around or she said not  
13 to do anything but she didn't say anything about him being  
14 intoxicated or being drunk.

15 Q Okay. And she didn't get upset about his condition  
16 and you're saying that -- did Isaac get mad when he talked to  
17 Brianne?

18 A He got a little frustrated when she told him that  
19 Joey had been riding her bumper and she got upset when she  
20 had found out he had had something to drink at Applebee's.

21 Q Did he say then that he was going to go looking for  
22 Joey?

23 A No.

24 Q Oh, he didn't say that?

25 A No.

1 Q He didn't say that to Brianne?

2 A No, he got mad, got in his truck and said, let's  
3 go. So we got in the truck and the he was like, well, let's  
4 go ride around. So that's what we did.

5 Q Okay. So you're saying Brianne never said, don't  
6 go looking for him and any of that?

7 A I don't remember if she did.

8 Q All right. So you went looking for him?

9 A No, we went riding around.

10 Q You weren't looking for him?

11 A No.

12 Q But you find them?

13 A Right.

14 Q You find them at the Citgo?

15 A Right.

16 Q He's already there?

17 A No, we passed him. He was coming over the railroad  
18 tracks as we were going. He was going, I guess you could  
19 say, north across the railroad tracks right there before you  
20 get to turn to Riverbend Mall and we were going south over  
21 the railroad tracks and then he flashed his lights at us. We  
22 turned around and then we had both pulled into the gas  
23 station probably around the same time. And then Joey turned  
24 around so that his driver's side was right beside Isaac on  
25 the passenger's side.

1 Q So he leaves and you follow and this goes to a  
2 second gas station?

3 A Correct.

4 Q And you follow him into that one?

5 A Right.

6 Q So y'all are following him?

7 A Right.

8 Q And isn't it at this point where Erica Evans tells  
9 Isaac and you, go on, leave us alone?

10 A I really don't remember if she said that. She  
11 could have though.

12 Q She told you to go on; that they were on a date,  
13 just go on and leave them alone?

14 A No, she didn't say nothing about them being on a  
15 date because they had two other people with them in the back.

16 Q And then did you hear Erica tell Joey just to take  
17 her back to his house then?

18 A I don't think so.

19 Q There was a lot of yelling and cussing and all  
20 going --

21 A Yes.

22 Q -- back between you and Joey and Isaac; wasn't  
23 there?

24 A Yes.

25 Q Now Adam Elrod was in there. Was he pretty much

1 just staying out of it?

2 A Yeah.

3 Q So Joey goes home. Now are you telling me that you  
4 didn't know where Joey lived?

5 A No, not at that time.

6 Q And, in fact, when he left Five Points, he went  
7 straight to his house. He didn't drive around town anywhere.  
8 He went straight up Kingston Road; didn't he?

9 A Well, after he left the first gas station, he  
10 didn't go immediately --

11 Q I'm talking from the second gas station at Five  
12 Points, he went straight on home; didn't he?

13 A I believe so.

14 Q And you followed him?

15 A Correct. That's what he asked us to do.

16 Q You followed him knowing that there may be trouble;  
17 didn't you?

18 A Yes.

19 Q And you got to his home and isn't it correct that  
20 when y'all got there and there was all this cussing going on  
21 -- there was a lot of cussing going on in the front yard;  
22 wasn't there?

23 A There was a good bit of yelling, yeah.

24 Q In fact, Mr. Watkins got upset and told the boys,  
25 if you guys are going to fight, take it the back?

1 A Right.

2 Q That's what he told them. Isaac didn't want to go  
3 back there and then what happened at that point, Mr. Barnett?  
4 Isn't it correct that Isaac was by his truck and Joey -- they  
5 were having some words and Isaac spit on Joey --

6 A No.

7 Q -- and that's why Joey swung and tried to hit him?

8 A No.

9 Q And just before that happened, before there was any  
10 swinging of punches and all, isn't it correct that Mr.  
11 Watkins was telling you and Isaac, get out of here before I  
12 call the police?

13 A No, he never said that.

14 Q He never said that?

15 A No.

16 Q And then y'all left after y'all followed them over  
17 there? Okay. Now let's go to the second incident, the one  
18 going out the Blacks Bluff Road. Now Joey was with Kevin  
19 Poole on that evening; wasn't he?

20 A Correct.

21 Q You have some issues with Kevin; don't you?

22 A I've never spoke to him.

23 Q Oh, really?

24 A Yeah, other than I know he's friends with Joey but  
25 I've never had any kind of -- I have never known him until I

1 saw him with Joey.

2 Q On that evening too, it was a situation where you  
3 saw them at a gas station and the truth is you followed them  
4 all the way through town, all the way down -- all the way to  
5 Blacks Bluff Road?

6 A No.

7 Q You were behind them going to Blacks Bluff Road;  
8 weren't you?

9 A That's correct.

10 Q And at that point Joey pulls over to the side and  
11 stops and you pull in behind him? Isaac gets out of the  
12 truck and isn't it correct Isaac goes back to the back and  
13 gets a baseball bat?

14 A No.

15 Q And that's why Joey pulls off?

16 A No, Isaac never had a baseball bat inside his  
17 truck.

18 Q Did he go back to get anything else? tire jack?

19 A No.

20 Q So you're saying he just got out of the truck?

21 A Exactly.

22 Q Did he go walking to Joey's car?

23 A He walked to the front of his truck.

24 Q Joey never got out of his truck at that time; did  
25 he?

1 A No.

2 Q Never said a word to you; did he?

3 A No.

4 Q Just drove off leaving Isaac standing in the middle  
5 of the road?

6 A On the side of the road.

7 Q Side of the road? Avoided any trouble or  
8 confrontation; didn't he? He was gone. Did you try to chase  
9 him?

10 A No.

11 Q So nothing happened but you followed him over  
12 there. Now you talked about this third incident that  
13 occurred going up Highway 27 where he followed behind or  
14 something. Nothing happened at that incident, I take it?

15 A Are you talking about verbal or --

16 Q Whatever?

17 A They didn't make any kind of verbal remarks to each  
18 other, no.

19 Q Did you see them do anything?

20 A No, that's what I told the defense attorney.

21 Q Well --

22 A I mean, the prosecuting attorney.

23 Q You said his windows were dark and you couldn't  
24 tell who was in there and things of that nature?

25 A Correct, but you could see there was somebody in

1 the passenger seat.

2 Q All right. Now you were interviewed by Sgt. Sutton  
3 on April the 11th of this year; correct?

4 A Correct.

5 Q And Sgt. Sutton asked you about all these following  
6 incidences and things of this nature. Now you told him about  
7 this incident too, going up 27?

8 A I'm not sure whether I did or not.

9 Q In fact, you never mentioned it to him in that.  
10 Did you not think it was that important? He asked you about  
11 incidences of following.

12 A If I didn't mention it, it's because I didn't  
13 remember it at the time.

14 Q The Blacks Bluff Road incident, who was driving  
15 then?

16 A That was Isaac driving.

17 Q Okay. Had y'all been drinking that evening?

18 A No.

19 Q Have you ever seen Mark Free with Isaac -- with  
20 Joey?

21 A No, I have no idea who he is.

22 MR. O'DELL: Thank you, Mr. Barnett. I think  
23 that's all I have.

24 THE COURT: Anything further, Ms. Colston?

25 MS. COLSTON: Just a question or two, Your Honor.

1 A She wasn't.

2 Q Okay. Where was she? When I say home for  
3 Christmas, I mean back home with her parents?

4 A She was, correct.

5 Q Okay. Where was she at Christmas time?

6 A With me.

7 Q She was?

8 A Yeah, she was with me.

9 Q All right. When she moved back home with her mom  
10 and dad, was there any problem with that with Isaac or  
11 anything?

12 A No, ma'am.

13 Q Did Isaac come and get her out of there or did she  
14 just go home?

15 A She just decided to go home.

16 Q She just decided to go home?

17 A Uh-huh.

18 Q You're sure? Nobody came over there and just  
19 pulled her out of there?

20 A Isaac never knew where we lived.

21 Q Oh, he didn't?

22 A Uh-uh.

23 Q Why not?

24 A We just never told him.

25 Q You never told him? Did he know where Samantha

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REDIRECT EXAMINATION

BY MS. COLSTON:

Q Mr. Barnett, the following of Joey on those first two occasions -- I know the third one, that's okay -- but when you did follow him on those two occasions, was it for the purpose of you harassing and intimidating him? Were you trying to harass and intimidate Joey Watkins?

A No, we was just trying to get the whole thing done with so that it would be over.

Q Whose idea was it for you to follow him?

A Joey's.

MS. COLSTON: It was Joey's idea? All right.  
Nothing further.

\*\*\*\*\*

REXCROSS-EXAMINATION

BY MR. O'DELL:

Q When you say, we wanted to get the whole thing done with, what do you -- let them fight it out and be done?

A Right. Just because Isaac was tired of dealing with it and I was tired of Isaac, you know, dealing with it. And I mean it was everywhere -- every time you went anywhere and Joey happened to be there, and we happened to see Joey, it was just a lot of tension and Isaac felt the same way. If they went ahead and fought it out and either Joey won or

1 Isaac lost or Isaac won and Joey lost, it would just be over  
2 with at that point. There wouldn't be anymore tension  
3 between the two.

4 Q Going into November, December, early January, you  
5 hung out a lot with Isaac?

6 A Yes.

7 Q You never saw Joey at all during that period of  
8 time; did you?

9 A From when?

10 Q November, December, January, just prior to Isaac's  
11 death?

12 A I think I saw him once in early November and then  
13 after -- I never saw him in December or January though, no.

14 Q There were no incidences or incidents when you were  
15 around Isaac, and you hung around him a lot, with Joey at  
16 all; were there?

17 A Correct.

18 MR. O'DELL: Thank you.

19 \*\*\*\*\*

20 REDIRECT EXAMINATION

21 BY MS. COLSTON:

22 Q Were you aware of incidents happening during that  
23 time?

24 A As --

25 MR. O'DELL: Your Honor, I'm going to object to

1 that, the form of --

2 MS. COLSTON: Nothing further.

3 THE COURT: All right. Step down, please. Call  
4 the State's next witness.

5 MS. COLSTON: Thank you. Tiffany Sledge.

6 \*\*\*\*\*

7 **TIFFANY SLEDGE**

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

11 **DIRECT EXAMINATION**

12 **BY COLSTON:**

13 Q Tiffany, if you will, speak into that microphone  
14 and speak up so that the jury can hear you.

15 A Okay.

16 Q Tell us your name.

17 A Tiffany Sledge.

18 Q Where do you live at?

19 A 100 Bowman Road.

20 Q And how long have you lived there?

21 A I've lived there for three years.

22 Q And do you know the defendant in this case, Joey  
23 Watkins?

24 A Yes, ma'am.

25 Q How long have you known him?