

1           A     -- on a call, where the phone would be. But again  
2 you don't know exactly.

3           Q     All right. But back on January the 11th, 2000  
4 there's no way to go back and find out where the calls --

5           A     I tried to. I actually went internally because  
6 Bill asked, Rex asked, you've asked. I was not able to get  
7 that data to help at all. I was only able to get this data.

8           Q     Thank you so much.

9           A     Uh-huh.

10           THE COURT: Is that it? Thank you, sir. You're  
11 free to leave. Is that little disk yours or not? Right  
12 there, that little round --

13           THE WITNESS: Yeah.

14           THE COURT: Oh.

15           THE WITNESS: Thanks.

16           THE COURT: All right, Ms. Colston.

17           MS. COLSTON: Yes, sir, we call Winford Ellis,  
18 Winford Ellis. I think he's available. He's in lockup.

19           THE COURT: I think they finally realized that.

20           MS. COLSTON: Oh, okay. They've got a lot to keep  
21 up with.

22           DEPUTY: He's not down there.

23           MS. COLSTON: Huh?

24           DEPUTY: He wasn't on the list to come over.

25           MS. COLSTON: He wasn't?

\*\*\*\*\*

WINFORD ELLIS

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. Ellis, if you'll pull that microphone down, please and speak up so that the jury can hear you and tell us your name.

A Winford Reese Ellis.

Q And where do you live at, Mr. Ellis?

A 2526 Calhoun Highway.

Q And that's the Floyd County Jail; is it not?

A Yes, ma'am.

Q And how long is that going to be your permanent home?

A I hope I leave tonight.

Q To go where?

A Prison.

Q All right. Now, Mr. Ellis, you have met me once before; have you not?

A Yes, ma'am.

Q And that was at the Floyd County Jail when

1 I came to see you; correct?

2 A Yes, ma'am.

3 Q And you refused to talk to me; is that not  
4 correct?

5 A Yes, ma'am.

6 Q You have talked to the defense in this case  
7 though; have you not?

8 A Yes, ma'am.

9 Q And you have told them some things and  
10 given them a taped statement; is that correct?

11 A Yes, ma'am.

12 Q Now let me take you back in time, Mr.  
13 Ellis, to January the 23rd of this past year. Did  
14 you talk to -- was it this year or last year? It was  
15 this year. Did you talk to Officer Bill Shiflett,  
16 the assistant chief Bill Shiflett with the Floyd  
17 County Police Department regarding the case of Joey  
18 Watkins?

19 A Yes, ma'am.

20 Q And you requested that visit, did you not,  
21 Mr. Ellis?

22 A Yes, ma'am.

23 Q You asked Jeff Ploof that works for the  
24 sheriff's department if you could talk to an  
25 investigator about the Joey Watkins' case; didn't

1 you?

2 A Yes, ma'am.

3 Q And the investigators came to talk to you;  
4 didn't they?

5 A Yeah.

6 Q And you gave them a statement; didn't you?

7 A Yes, ma'am.

8 Q All right. Is there something amusing  
9 about this, Mr. Ellis?

10 A No, not at all.

11 Q Now what was the reason that you gave that  
12 you wanted to talk to investigators that day?

13 A I wanted to try and get a deal for myself.

14 Q What did you ask them to do for you?

15 A I didn't ask them to do nothing.

16 Q What did they promise to do for you?

17 A They didn't promise me nothing. They said  
18 they would see if they could help me.

19 Q And you gave them a taped statement  
20 regarding the case of Joey Watkins; didn't you?

21 A Yes, ma'am.

22 Q And you were in the cell right next door to  
23 Joey Watkins; weren't you?

24 A Yes, ma'am.

25 Q And y'all talked and you were talking back



1 and forth and were somewhat friends as you were in  
2 the jail; correct?

3 A Yes, ma'am.

4 Q So you decided to go to the police and tell  
5 them information on Joey Watkins in hoping that you  
6 could get a deal?

7 A Yes, ma'am.

8 Q And that's what you're telling us now; is  
9 that correct?

10 A Yes, ma'am.

11 Q All right. Now I want to ask you on page  
12 two of your statement back on January the 23rd, did  
13 you not tell Bill Shiflett, all right, in return  
14 we've promised you nothing; have we?

15 Nothing. Was that your answer?

16 A Yeah.

17 Q And on down in that statement you said that  
18 -- the same thing again; that you have not been  
19 promised anything in -- on the -- by Bill Shiflett.  
20 I want to reiterate. We haven't promised you,  
21 threatened you in any way for you to come forward to  
22 us; have we?

23 A No, ma'am.

24 Q And they didn't?

25 A No, ma'am.

1 Q So now you're telling us that you were  
2 hoping to get a deal?

3 A Yes, ma'am.

4 Q Did you tell them what deal you wanted?

5 A No, they just said they would see if they  
6 could help me.

7 Q See if they could help you? What did they  
8 say they were going to do for you, Mr. Ellis?

9 A See if they could help me get my charges  
10 dropped.

11 Q Get your charges dropped?

12 A Not exactly get them dropped but see if  
13 they could talk to you about getting something done  
14 for me that wouldn't be as bad as what I was going to  
15 get.

16 Q Did you ever ask to talk to me?

17 A Yes, I did.

18 Q You did?

19 A Yeah.

20 Q I never came out to see you; did I?

21 A No, I wrote you a letter and you wrote me  
22 one back or typed it.

23 Q Wrote you one back and told you that we  
24 didn't make deals; didn't I?

25 A No, you said you couldn't come talk to me

1 without my lawyer present.

2 Q That too but when I came to see you, Mr.  
3 Ellis, didn't I tell you that we didn't do that kind  
4 of thing?

5 A Yes, ma'am.

6 Q Didn't I tell you that you wouldn't want it  
7 done to you if you were in the same situation, us  
8 promising somebody to drop charges or reduce charges  
9 in exchange for their testimony against you? You  
10 wouldn't like it if somebody did it to you?

11 A No, ma'am.

12 Q Isn't that what I told you?

13 A I can't remember your exact words.

14 Q Is that close to what I told you?

15 A You told me you didn't make deals.

16 Q Did I tell you why?

17 A No, you just told me you didn't make deals.

18 Q Mr. Harkins was present; was he not?

19 A Yes, ma'am.

20 Q And he was sitting right there?

21 A Yes.

22 Q And you're saying that I didn't say that?

23 A I can't remember exactly what you said. I  
24 know for a fact you told me you didn't make deals.

25 Q And I told you why, didn't I, Mr. Ellis?

1           A     I can't remember.

2           Q     You can't remember that, huh? Well, can  
3 you remember what you said in your statement on  
4 January 23rd?

5           A     Yes, ma'am.

6           Q     And you told the officers, Bill Shiflett,  
7 that you -- and you gave Jeff Ploof a letter telling  
8 me that you had information about the Watkins/Free  
9 murder case and you wanted to talk to Stanley Sutton?

10          A     Yes, ma'am.

11          Q     All right. Bill Shiflett came and talked  
12 to you and you told him that Joey Watkins told you,  
13 and he was in the cell right next door; wasn't he?

14          A     Uh-huh.

15          Q     He told you if they wouldn't -- if they  
16 wouldn't have done it, they wouldn't have been -- be  
17 in all this mess. Didn't you tell them that?

18          A     Yeah.

19          Q     And didn't you tell them, Mr. Ellis, that  
20 that conversation occurred right during the time that  
21 the Court was deliberating on the bond for Joey  
22 Watkins?

23          A     I couldn't remember exactly when it  
24 happened or what I told them.

25          Q     Does that sound about right?



1 A Yeah.

2 Q How about to page three if your statement  
3 if you want to look at it? It was during the week or  
4 so they were waiting, deliberating on his bond?

5 A Uh-huh.

6 Q How did you know, Mr. Ellis, if you lied  
7 about all this, that the Court was deliberating on  
8 his bond for a week?

9 A Because I talked to Joey every day.

10 Q Okay. So you talked to him every day and  
11 he didn't tell you -- you're saying now he never told  
12 you that if they wouldn't have done it, they wouldn't  
13 be in this mess?

14 A No, ma'am, he didn't.

15 Q Never told you that?

16 A No, ma'am.

17 Q Well, let me ask you if he said anything to  
18 you about -- later on did you give a statement --  
19 well, did he tell you that Mark Free was with him?  
20 You told that in your January statement?

21 A All lies.

22 Q All lies?

23 A Yes, ma'am.

24 Q Every bit of it? And the statement that  
25 you gave in February the 6th of 2001; is that all

1 lies?

2 A Yes, ma'am.

3 Q And you told him about threats to Stanley  
4 Sutton and all that is lies too?

5 A Yes, ma'am.

6 Q Now let's go over your statement. Now tell  
7 me, how did you know to say all these things?

8 A I read the transcript that Joey had.

9 Q You read the transcript from the  
10 preliminary hearing is what you told them -- told the  
11 defense in your statement. Is that correct?

12 A Yes, that's what happened.

13 Q That's what happened? You read the  
14 transcript from the preliminary hearing?

15 A Uh-huh.

16 Q And where did you get it?

17 A Joey let me read it.

18 Q He let you read it? And did y'all have any  
19 discussion about it?

20 A No.

21 Q None whatsoever?

22 A Because he said he was innocent.

23 Q You didn't have any discussion other than  
24 him saying he's innocent?

25 A He just asked me what I thought about it?

1 Q Here. Do you want to read my transcript  
2 from the preliminary hearing? Is that what he said?

3 A You know, I can't remember exactly how it  
4 went but I read it.

5 Q And the preliminary hearing was -- who all  
6 testified in there?

7 A From what I remember, Mr. Sutton and let's  
8 see. It seems like there was one more guy. I can't  
9 remember any names. I read it from front to back.

10 Q You did?

11 A Yes, ma'am.

12 Q Anybody else that you can recall  
13 testifying?

14 A I can't remember the names of them.

15 Q Now what you remember in this -- now I know  
16 in February 6th, 2001 you gave a statement also  
17 talking -- you called the officers again; didn't you?

18 A No, I can't remember if I called them or  
19 they come to me. I talked with them --

20 Q Would it helped to refresh your memory?

21 A -- several times. I talked with them  
22 several times.

23 Q You talked with them several times? Did  
24 you not send a note again by Jeff Ploof?

25 A No, only the one by Jeff.

1 Q Only the one by Jeff? Do you remember  
2 telling -- them asking you again: there again I  
3 haven't promised you anything. This is February the  
4 6th, 2001. Now Chief Shiflett is asking you, I  
5 received a call from Jimmy Jacks saying you wanted to  
6 tell us some information. Is Jimmy Jacks a person at  
7 the jail?

8 A Yes, ma'am.

9 Q There again, I haven't promised you  
10 anything, threatened you or offered any kind of deal  
11 or anything like that; have I?

12 A No, ma'am, they never promised me anything.

13 Q And you said, no?

14 A Yeah, they never promised me anything.

15 Q Okay. So you wanted to give them some more  
16 information because they still hadn't done anything  
17 for you; right?

18 A I thought maybe they would.

19 Q Maybe they would? So you told them on  
20 February the 6th that Joey came in. Is this not  
21 true? He came to your room and he was happy. He was  
22 laughing because they were out diving in Swan Lake  
23 all day, you know, dragging the lake and his comment  
24 was, it's in a lake but it's not in that lake.

25 A Lies.



1 Q How did you know that?

2 A How did you know that?

3 Q Transcript from the preliminary hearing?

4 A No, because Joey told me they were out  
5 there diving the lake.

6 Q Okay. So he told you they were out there  
7 diving the lake, but you're saying he didn't say it's  
8 not in the lake -- it's in a lake but not that lake?

9 A He didn't say that, no.

10 Q You added that?

11 A Yes, ma'am.

12 Q You just came up with it on your own?

13 A Yeah, it sounded good.

14 Q Sounded good?

15 A Yeah.

16 Q Did this sound good too, the only thing  
17 that they found in the lake were scissors and a  
18 knife? Did that just sound good to you?

19 A Yeah.

20 Q You just made that up?

21 A No, that part I didn't make up.

22 Q You didn't make that up? So how did you  
23 come up with that? Did you read that in the  
24 preliminary hearing?

25 A Somebody said it was in the paper.

1 Q Somebody said it was in the paper?

2 A Yes, ma'am.

3 Q So all of these things -- let's go through  
4 everything that you said in there. And then you told  
5 the police officers that he had kind of a bleeding  
6 heart one day because his girlfriend had left him and  
7 he told you about this whole situation?

8 A All lies.

9 Q All lies? And you said that you told him  
10 that Isaac Dawkins, he and Mark said that they see  
11 him at the gas station and they turned around and  
12 chased him down. Did you tell them that?

13 A All lies.

14 Q Did you tell them that?

15 A Yes.

16 Q And did you tell them that when they were  
17 out of view of any cars, he said that they were  
18 coming around him and Mark just now?

19 A It sounds like what I said, yes, ma'am.

20 Q And then he said he saw the truck swerve  
21 and cross the median. Did you tell them that?

22 A Yes, ma'am.

23 Q Well, where did you hear all those facts?

24 A Preliminary hearing.

25 Q You got it in the transcript of the

1 preliminary hearing?

2 A Yes, ma'am.

3 Q Who testified to that in the preliminary  
4 hearing?

5 A The old man that was there that seen the  
6 cars flying by him.

7 Q And he testified at the preliminary  
8 hearing?

9 A I don't know. I remember reading about it  
10 in the preliminary hearing though.

11 Q Okay. About how often did you and Joey  
12 talk about this since you've changed your mind and  
13 gave the defense this recorded statement saying that  
14 it was all a lie?

15 A I haven't talked to Joey in five or six  
16 months.

17 Q Okay. When was the last time you talked to  
18 him?

19 A At least five months ago.

20 Q Five months ago?

21 A At least.

22 Q So five months ago, this being June, you  
23 didn't talk to him since January?

24 A No, ma'am.

25 Q Then how did he tell you, Mr. Ellis, on

1 February the 6th that they dove in Swan Lake instead  
2 of any other lake? How did he tell you that?

3 A I was still in the block with him at that  
4 time.

5 Q Well, I thought you just said you hadn't  
6 talked to him?

7 A I haven't in five months. I've been gone  
8 from that block with him five months. I've been  
9 locked up eight months. I left from down there after  
10 I'd been locked up for three months.

11 Q I'm confused. When is the last time you  
12 saw Joey Watkins and talked to him?

13 A When they moved me out of I block about  
14 five months ago.

15 Q So in January?

16 A No, P block. They moved me out of P block.

17 Q So in January?

18 A Five months ago, whatever that it.

19 Q When was it, before or after this comment?

20 A After that.

21 Q After that?

22 A Yeah, it's been at least five months  
23 though.

24 Q What else -- okay. Let's go through the  
25 rest of this. And then you told him that yesterday



1 evening he found out that he'd been indicted and he  
2 was upset about that. His girlfriend had left him  
3 and he found out he was indicted, you know. You knew  
4 about that?

5 A Yes, ma'am.

6 Q Okay. How did you know about that?

7 A I was with him when he got the letter. He  
8 got a certified letter that said --

9 Q How many times have you talked to -- he got  
10 a certified letter?

11 A It wasn't a certified letter saying he'd  
12 been indicted. It said that phone taps had been --  
13 issues, evidence upon his indictment.

14 Q How many times have you talked to the  
15 defense attorneys for Mr. Watkins in this case?

16 A One time.

17 Q Just one time?

18 A They came and talked to me and I refused to  
19 talk to them and then they came back with my lawyer  
20 and I talked to them.

21 Q So that's -- on the second time you talked  
22 to them?

23 A Yes, ma'am.

24 Q You ain't talked to them since?

25 A No, ma'am.

1           Q     Now here on page three of the transcript  
2     you said that you didn't tell Jeff Ploof in January  
3     just that one time. On page three of your transcript  
4     you wrote a letter to the same guy I wrote the letter  
5     last time and I sent it out. I asked the guard did  
6     he give it to him and he said, he wasn't there. So  
7     the first thing this morning, Detective Sutton was  
8     there to talk to me and I told him. Who did you  
9     write the letter to?

10           A     I believe I wrote it to --

11           Q     Jeff Ploof?

12           A     No, I think I wrote the second one to  
13     Jacks.

14           Q     Well, why did you say Jeff Ploof?

15           A     I can't remember.

16           Q     Did that just sound good to you?

17           A     No, ma'am.

18           Q     Now Saturday evening you knew that they did  
19     dive in Swan Lake the Saturday before all these  
20     statements and you're saying that somebody told you  
21     the comment that the scissors and the knife was in  
22     the paper?

23           A     Or is in the paper or that's what they told  
24     Joey. I can't remember exactly.

25           Q     Who told you?

1 A Told me what?

2 Q Who told you about that?

3 A I'm not sure. Me and Joey talked about it.

4 Q You and Joey talked about it? What did Joey  
5 say about it?

6 A Said that they had dived that lake all day.

7 Q That they dived the lake all day?

8 A Yes, ma'am.

9 Q And?

10 A I'm not sure if he's the one that told me  
11 about the scissors and the knife or not.

12 Q You don't know who told you that then?

13 A I'm not sure.

14 Q Somebody told you that?

15 A It seems like it, yes, ma'am.

16 Q And you told the investigators and now  
17 you're saying that the only thing you added to it was  
18 the statement that you said then that Joey made, it's  
19 in a lake but not that lake?

20 A Yes, ma'am.

21 Q Was he laughing? did he think it was funny?  
22 was that true?

23 A No.

24 Q No?

25 A He didn't say that but he wasn't laughing

1 about them digging in the lake all day, no.

2 Q Did he seem happy?

3 A No.

4 Q That's what you said in your statement.

5 A I lied.

6 Q You lied all the way through it?

7 A Yes, ma'am.

8 Q Picked out a piece or two here that was  
9 true?

10 A Told them what I thought they'd want to  
11 hear.

12 Q Okay. Told them what you thought they'd  
13 want to hear?

14 A Yes, ma'am.

15 Q And when was it after telling them what you  
16 thought they wanted to hear, Mr. Ellis, that you  
17 finally told them what you wanted in return?

18 A I never told them. They just told me that  
19 they would see what they could do.

20 Q You never told them what you wanted in  
21 return?

22 A I told them I wanted to see if I could get  
23 help on my charges, yeah.

24 Q Get help on your charges?

25 A Yes, ma'am.



1 Q Did you define help to them?

2 A I can't remember exactly what we talked  
3 about. It's been a while.

4 Q You never told them anything like that; did  
5 you?

6 A I can't remember like I told you.

7 Q You just was telling on your cell mate and  
8 now you're saying -- and maybe you were wanting help  
9 but that was never discussed and you never told them  
10 what you wanted; did you?

11 A They told me they would see what they could  
12 do for me.

13 Q All right. What has changed, Mr. Ellis,  
14 between the date, the February 6th, 2001 when you  
15 talked to Bill Shiflett and you told him all these  
16 things that Joey Watkins told you and today?

17 A I've been sentenced.

18 Q Oh, you've been sentenced?

19 A Yes, ma'am.

20 Q So, Mr. Ellis, I'm sure you know what it  
21 looks like. I'll hand you what's been marked for  
22 identification purposes as State's Exhibit 33 and ask  
23 if you are the same Winford Reese Ellis that was  
24 convicted of rape, aggravated stalking and burglary  
25 and found guilty by a jury on the 17th day of May,

1 2001?

2 A I was only found guilty of rape.

3 Q Found guilty of rape and theft by taking?

4 A Yes, ma'am.

5 Q All right. So you weren't only found  
6 guilty of rape, were you, Mr. Ellis?

7 A Theft by taking.

8 Q Theft by taking. This is you; correct?

9 A Yes, ma'am.

10 Q Is that what has changed, Mr. Ellis, since  
11 you gave your statement to the police?

12 A No.

13 Q No?

14 A Yeah, I mean, that's changed. I wrote you  
15 a letter before that ever happened though.

16 Q Writing me a letter asking me to come see  
17 you?

18 A Yeah.

19 Q I told you I couldn't without your lawyer  
20 present; correct?

21 A Yes, ma'am.

22 Q That's it; correct?

23 A Uh-huh.

24 Q And then you tried to get -- you talked to  
25 Stanley Sutton and you talked to Bill Shiflett and

1 you've given all this information about Joey Watkins,  
2 your cell mate. You told all the things that he said  
3 and now you're saying since you were sentenced on May  
4 17th, you give a statement two weeks later -- three  
5 weeks later -- two weeks later -- three weeks later  
6 to the defense saying, well, I lied?

7 A Uh-huh.

8 Q You're just angry, aren't you, Mr. Ellis,  
9 because we didn't make a deal with you; aren't you?

10 A No, ma'am.

11 Q You're not angry because we didn't make a  
12 deal with you?

13 A No, ma'am.

14 Q It doesn't bother you a bit?

15 A No, ma'am.

16 Q You're happy to serve that 10 years; aren't  
17 you?

18 A No, I'm not happy about it but it don't --  
19 it ain't bothering me none.

20 Q Ain't bothering you a bit?

21 A No.

22 Q Is that the only thing? What else has  
23 changed besides you being found guilty and sentenced  
24 and being tried by my office?

25 A Nothing's changed.

1 Q Nothing else has changed?

2 A Not that I can think of.

3 Q Except for that sentence and your story?

4 A Yes, ma'am.

5 Q That's the only two things?

6 A Yes, ma'am.

7 Q And you're saying one has nothing to do  
8 with the other?

9 A Has nothing to do with it.

10 Q Has nothing to do with it. So you're not  
11 denying that you made all these statements?

12 A No, ma'am.

13 Q You're not denying that you even told them  
14 that Mark's dad had called his dad and he called his  
15 dad to talk and his dad was telling him that they'd  
16 been out there all day diving, going through the  
17 lake. And as soon as he came by my room, he knew  
18 that I was -- that that wasn't where the gun was  
19 because if the gun would have been anywhere there, he  
20 would have pulled every bit of his hair out but he  
21 had a smile and he was laughing. He said, it's in a  
22 lake but it's not in that lake. You made up all  
23 that?

24 A Yes, ma'am.

25 Q About the dad calling one dad and it not in



1 a lake but that lake?

2 A No.

3 Q And pulling his hair out?

4 A I think that's exactly how I found out  
5 about them digging in the lake but then it's lies  
6 about what I told them about it being in a lake.

7 Q What about the lie, if it had been in that  
8 lake, I'd pulled every bit of my hair out?

9 A That was all lies.

10 Q You just made that up?

11 A Yes, ma'am.

12 Q Did you not tell the officers down here  
13 that he tends to do that kind of thing or pull at his  
14 hair or looks back when he gets off the phone?

15 A Yeah, I told them that.

16 Q Okay. Is that true or is it not true?

17 A Yeah, he messes with his hair when he gets  
18 off the phone.

19 Q Okay. So this statement though, if the gun  
20 -- he said if the gun had been anywhere near there,  
21 he'd pull every bit of his hair out?

22 A That was lies.

23 Q That was a lie? Okay. Now you also  
24 mentioned in here that he told another guy in the  
25 cell, Kevin Moye, that he'd been fishing; correct?

1           A     I guess I told them that but he never told  
2 me that.

3           Q     Who never told me that?

4           A     I think Joey had told me he had been  
5 fishing with his uncle that day.

6           Q     He did tell you?

7           A     When all this was supposed to be happening,  
8 he was fishing with his uncle.

9           Q     When all this happened, he was fishing with  
10 his uncle?

11          A     Yes, ma'am.

12          Q     Even when the shooting occurred, he was  
13 fishing with his uncle?

14          A     I don't know about all that.

15          Q     You just said when all this happened.

16          A     He said -- he said he was with his uncle  
17 fishing when this happened.

18          Q     When this happened? He told you that?

19          A     Uh-huh.

20          Q     All right. Now did he tell you that his  
21 mother called and told him he needed to come home  
22 from the lake the next day too?

23          A     Something about the police were at his  
24 house or something.

25          Q     Is that all a lie?

1 A No, he did tell me that.

2 Q He did tell you that?

3 A Yeah.

4 Q That his mother called him and told him the  
5 police wanted to talk to him?

6 A Yeah.

7 Q Now tell me which inmate you found this  
8 information from or how you got the information that  
9 scissors and a knife were found in Swan Lake?

10 A I can't remember if Joey told me or someone  
11 else told me.

12 Q Somebody or Joey? Somebody told you that?

13 A I can't remember who.

14 Q So you said in your statement that Joey  
15 told you that they didn't find nothing, but I think  
16 he said, scissors and a knife out there and they  
17 dragged all day?

18 A Yes, ma'am.

19 Q Now you also told Bill Shiflett that Joey  
20 told you that this other boy, Josh, wasn't with them.  
21 Did he tell you that?

22 A I can't remember exactly what he told me.

23 Q Can't remember that part? You can't  
24 remember whether he said Josh was with him or not?

25 A Like I said, I told so many lies, I don't

1 remember which he told me and what I lied and made  
2 up.

3 Q Well, if you read the preliminary  
4 transcript from the preliminary hearing, can you tell  
5 me what you learned in there about Josh?

6 A I believe it said that he was passed out in  
7 the truck when this supposedly happened.

8 Q The preliminary hearing said that?

9 A I believe so. I'm not sure.

10 Q Passed out in the truck when it happened?

11 A That's what they was trying to say.

12 Q Josh? Who was trying to say?

13 A At the preliminary hearing.

14 Q The preliminary hearing? You're certain  
15 about that?

16 A No, I said I'm not certain.

17 Q Well, what else do you know about Josh from  
18 the preliminary hearing?

19 A That's about all I know, I guess.

20 Q That's all you know?

21 A Yes.

22 Q So if that's all you know, where did you  
23 get this statement: they're saying that this other  
24 boy wasn't with him, this Josh guy? Where did you  
25 get that statement, Mr. Ellis?



1           A     I guess I got it from the preliminary  
2 hearing.

3           Q     If the evidence turned out that Josh wasn't  
4 with him, you wouldn't concede that you got it from  
5 Joey Watkins?

6           A     Do what now?

7           Q     If the evidence turns out that Josh wasn't  
8 with him, you wouldn't concede you might have got  
9 that from Joey Watkins?

10          A     I don't understand what you're asking.

11          Q     I'm asking you, Mr. Ellis, that if it turns  
12 out that that's true, that Josh was not with him, the  
13 only way you would have known that is by talking to  
14 Joey Watkins; isn't it?

15          A     I could have made it up.

16          Q     You could have made it up?

17          A     Yes, ma'am.

18          Q     But you didn't; did you?

19          A     I'm not sure.

20          Q     You're not sure but you don't deny saying  
21 it; that they're saying that this other boy wasn't  
22 with him, this Josh guy?

23          A     Joey told me -- Joey never told me anybody  
24 was with him or anything. He only claimed his  
25 innocence; said he never was with any of those guys

1 the day it happened.

2 Q You just made this up and just got lucky on  
3 something?

4 A I guess.

5 Q You just made up several things in here and  
6 just got lucky on it; right?

7 A Well, by reading the preliminary hearing,  
8 yes.

9 Q That wasn't in the preliminary hearing, was  
10 it, Mr. Ellis? I'll be glad to give it to you and  
11 let you look and see where you can find it, anything  
12 that says that Josh was not with him.

13 MR. O'DELL: Your Honor, if it will help  
14 speed up things, we'll -- the defense will admit  
15 that it's not in the preliminary hearing.

16 MS. COLSTON: All right.

17 A I knowed if I said it the only reason is  
18 because Joey told me that neither him or anybody was  
19 with him that day.

20 Q Did you not go on to say -- to tell the  
21 officers that he was saying it was just him and Mark?

22 A I might have told them that but Joey never  
23 told me anything except that he was with neither one  
24 of them, at least not with Mark that day and he  
25 didn't have nothing to do with it is all he ever told

1 me.

2 Q Follow me now, Mr. Ellis, if you will. At  
3 that point in time you tried to implicate Joey;  
4 correct?

5 A Yes, ma'am.

6 Q At that point in time, if we take your word  
7 that you got all your information that implicated  
8 Joey from the preliminary hearing and if that's where  
9 you got your information and that's what you're  
10 saying; correct?

11 A The information that I made up plus reading  
12 the preliminary hearing.

13 Q Okay. You used that to implicate Joey?

14 A Yes, ma'am.

15 Q To make Joey look guilty. All right. So  
16 if that's the case and Josh Flemister is not  
17 mentioned as not being with him in the preliminary  
18 hearing but is in the preliminary hearing that he  
19 was, why didn't you make it up, Mr. Ellis, that would  
20 be consistent with what the police thought at the  
21 time, --

22 A I don't know.

23 Q -- which was that it was Josh, Mark and  
24 Joey? Wouldn't that have been a much more believable  
25 story to propound to the police, is to tell them what



1 they thought they already knew? You're doing this  
2 [motioning]. What does that mean?

3 A Why would I tell them that he wasn't with  
4 them then if was so believable that he was with him?

5 Q That's my question. Unless it was true,  
6 why would you tell them that?

7 A I don't know. Maybe I slipped.

8 Q Maybe you have slipped.

9 A Maybe.

10 Q In the preliminary hearing transcript, did  
11 it not say how many shots were fired?

12 A I can't remember exactly everything the  
13 preliminary hearing said. Like I said, it's been  
14 five months ago at least.

15 Q But it hadn't been five months ago when you  
16 gave your statement to the police; had it?

17 A Not much longer than that.

18 Q Not much longer than that? You read it  
19 pretty quick and then gave your statement to the  
20 police; right?

21 A Yes, ma'am.

22 Q All right. So would you have remembered  
23 then how many shots were fired?

24 A I would remember what it said in the  
25 preliminary hearing, yes.



1 Q Okay. If you would have remembered what  
2 was in the preliminary hearing and there was  
3 testimony that a woman heard two shots fired, would  
4 you not have -- would that not have been an important  
5 fact to tell the officers?

6 A What now?

7 Q If you knew from the preliminary hearing  
8 that a woman had testified that there was two shots  
9 fired, would that not be an important --

10 MR. O'DELL: Your Honor, I hate to  
11 interrupt. Would counsel please let us know  
12 what page she's on?

13 MS. COLSTON: I am getting to the statement  
14 on page 7 of the February transcript. I'm not  
15 talking about the preliminary hearing. I'm  
16 talking -- I am talking about the preliminary  
17 hearing. I am talking about in generalities on  
18 the preliminary hearing. Stanley Sutton  
19 testified about what other people had told him;  
20 right?

21 A Yes, ma'am.

22 Q All right. Do you remember how many shots  
23 were fired?

24 A No, ma'am.

25 Q You don't? And you told the police that he

1 never did say how many shots were fired; correct?

2 A I can't remember what exactly what I told  
3 them.

4 Q But you -- you don't remember what you told  
5 them?

6 A No, it seems like I told them two shots.

7 Q Okay. So now you're saying that you did  
8 tell them two shots?

9 A It seems like that.

10 Q All right. Because you remember that from  
11 the transcript?

12 A It seems like I remember it saying that  
13 they thought one bullet went through the window and  
14 one bullet struck him.

15 Q Mr. Ellis, I know you haven't been promised  
16 anything by the State. Has Joey Watkins promised you  
17 anything in exchange for you getting up here today?

18 A No, ma'am.

19 Q No?

20 A I haven't talked to him, like I said.

21 Q They haven't promised you or threatened or  
22 anything? Are you hoping for something?

23 A No, ma'am, I got my sentence. I'm ready to  
24 go and do it.

25 Q Are you just mad?

1 A No, ma'am.

2 MS. COLSTON: I have no further questions.

3 THE COURT: Mr. O'Dell.

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

5 \*\*\*\*\*

6 CROSS-EXAMINATION

7 BY MR. O'DELL:

8 Q Mr. Ellis, I came to interview you on June  
9 the 7th of this year; however, several days before  
10 that and I think you said I came out there twice, I  
11 came out and asked to interview you and did see you  
12 for a moment; did I not?

13 A Yes, ma'am -- yes, sir.

14 Q And I asked -- I wanted to discuss your  
15 statement and what did you tell me when I asked if I  
16 could talk to you about what you had allegedly told  
17 the police?

18 A I told you I couldn't talk to you without  
19 my lawyer present.

20 Q So you refused to talk to me; didn't you?

21 A Yes, sir.

22 Q I didn't come out there with any type of  
23 deal or any type of promise or anything?

24 A Yes, sir.

25 Q You absolutely just wouldn't promise me. I

1 asked you, well, can I ask who your attorney was and  
2 you told me who your attorney was?

3 A Yes, sir.

4 Q And so on the 7th I returned and was your  
5 attorney present when I talked to you?

6 A Yes, sir.

7 Q All right. And when he was present, you  
8 agreed to be interviewed?

9 A Yes, sir.

10 Q And we did interview you?

11 A Yes, sir.

12 Q Were any promises made at all by me?

13 A No, sir.

14 Q Or by your attorney?

15 A None.

16 Q Okay. Now you gave two separate interviews  
17 to Bill Shiflett and Stanley Sutton, one on January  
18 23rd and one on February the 6th. Now before those  
19 interviews were given by you and it was taped, did  
20 either of these detectives speak to you about what  
21 you were going to say in that interview or did they  
22 just turn the tape recorder on?

23 A They just turned the tape recorder on.

24 Q Okay. So you didn't have a preliminary  
25 interview about what you were going to say?



1           A     They asked me what I was going to tell  
2     them. I told them and then they said would I say it  
3     on tape.

4           Q     Okay. So they talked to you first about  
5     what are you going to tell us and you went through  
6     this thing and then they said, okay; now we'll tape  
7     it.

8           A     Uh-huh.

9           Q     All right. Now when all of this was going  
10    on right there, there's a lot of people in a cell  
11    block; isn't there?

12          A     Yeah, there's quite a few.

13          Q     And it's very common for all of you to be  
14    in that cell block and be talking about charges  
15    against people and how wrong it is and things of that  
16    nature?

17          A     Yes.

18          Q     Or some people may even confess but I think  
19    very few of them do in there. But, you know, most  
20    people -- there's a lot of talk about it. I'm not  
21    talking necessarily you to a guy that's charged with  
22    it but you may talk to someone else about a guy's  
23    case; right?

24          A     Yes, sir.

25          Q     Y'all are in there and there's not a whole

1 lot to do in there; is there?

2 A No, sir.

3 Q Except talk and people speculate about  
4 everybody's case; don't they? There's a lot of  
5 people in there for murder, rape, robbery and all  
6 these things. It's a way to pass time; isn't it?

7 A Uh-huh.

8 Q Okay. Did a lot of people in there talk  
9 about this case?

10 A Yes, sir.

11 Q All right. You gave this statement on the  
12 23rd to Stanley Sutton and Bill Shiflett concerning  
13 the fact that you said that Joey Watkins had  
14 basically told you, he said that, and I'll read from  
15 it, if they wouldn't have done it, they wouldn't be  
16 in this mess.

17 Now did you say that? Did he -- did Joey  
18 Watkins say that to you?

19 A No, sir.

20 Q He didn't say that; did he?

21 A Never.

22 Q And on February 6th, you gave an additional  
23 statement, talking about the gun. It's in a lake but  
24 it's not in the lake. Did Joey Watkins ever make  
25 this statement to you?

1 A Never.

2 Q These statements you gave, they're not  
3 true; are they?

4 A No, sir.

5 Q Now you stated you got these statements  
6 basically from a transcript. Do you remember how  
7 long that preliminary transcript was?

8 A It seems like it was anywhere between 55  
9 and 75 pages long.

10 Q All right. If I tell you it's 74 pages,  
11 you wouldn't disagree with that?

12 A No, sir.

13 Q It was a long transcript; wasn't it? a lot  
14 of stuff in it? Okay. The district attorney -- you  
15 stated that you had sent a letter to the district  
16 attorney?

17 A Yes, sir.

18 Q That was before I ever came out to speak to  
19 you or anything; didn't I?

20 A Yes, sir.

21 Q Why did you want to speak to the district  
22 attorney?

23 A Just to see -- you know, one last chance to  
24 see if they would give me any guarantees and if they  
25 wouldn't, to tell her that I'd lied about it.

1 Q So you were going to come clean with her if  
2 you didn't get a break?

3 A Yes, sir.

4 Q Now going from the first transcript or the  
5 first statement when you talked to Detective Sutton  
6 and Bill Shiflett, did you say anything in that about  
7 what happened with the gun?

8 A The first time I talked to them?

9 Q Right.

10 A No, sir.

11 Q All right. So they didn't know what  
12 happened with the murder weapon. So did Sgt. Sutton  
13 say that it would be nice if you could find out what  
14 happened to the murder weapon?

15 A Yes, sir.

16 Q All right. Is that why you called them  
17 back a second time?

18 A I reckon so.

19 Q Did you figure, okay; well, if I come up  
20 with that, I might, you know, might get even more  
21 Brownie points?

22 A Yes, sir.

23 Q Joey didn't say he threw it in the lake;  
24 did he?

25 A Never.



1 Q Let me ask you something. Before you were  
2 interviewed, you know, they didn't make you any  
3 direct promises; did they?

4 A No, sir.

5 Q But you anticipated that if you were  
6 cooperative and really gave some good stuff and all  
7 that you would get a break?

8 A Yes, sir.

9 Q Now before they interviewed you or before  
10 they took this statement, did you get any kind of  
11 special treatment from them?

12 A Not before I got the -- not during the  
13 first statement or the second one. It was later, I  
14 guess you could call it special treatment.

15 Q I mean, what did they do?

16 A You mean later?

17 Q What kind of -- well, when they came out to  
18 talk to you, did you just go straight into a room or  
19 something or did they take you anywhere? Did they  
20 take you some place?

21 A Twice I got took to the courthouse. Once  
22 it seems like -- once or twice he came up there to  
23 talk to me and then once Mr. Sutton came and we went  
24 for a ride.

25 Q He came and got you; you went for a ride.

1 Where did y'all go to?

2 A We went riding around and then we went to  
3 Wendy's.

4 Q So he took you to Wendy's? Were you  
5 handcuffed during this little tour?

6 A No, sir.

7 Q Did he give you anything? You went to  
8 Wendy's. Did you get to smoke cigarettes, things  
9 like that?

10 A Yes, sir.

11 Q Do you get to smoke cigarettes in jail?

12 A No, sir.

13 Q So you got this day out on the town?

14 A A couple of hours.

15 Q Was it -- was it your idea to contact the  
16 police with this story?

17 A No, sir.

18 Q Did you come up with that idea?

19 A Not actually.

20 Q Well, not actually. So actually someone  
21 else put you up to this?

22 A Well, they put the idea in my head, yes.

23 Q Who is this?

24 A Paul Cooley.

25 Q Paul Cooley put this idea in your head?

1 A Yes, sir.

2 Q And how did he do this? What did he tell  
3 you? Well, let --

4 MS. COLSTON: I'm going to object to  
5 hearsay at this point, Your Honor.

6 MR. O'DELL: Okay.

7 Q So he put you up to it?

8 A I won't say he put me up to it. He put the  
9 idea in my head.

10 Q Okay. Was he aware that you -- did he know  
11 that you had access to the transcript?

12 A Me and Joey, we really didn't -- we didn't  
13 hang around much anybody else. It was me and him and  
14 we talked and everybody knew that if somebody knew  
15 something that I would. I kept telling them I didn't  
16 know anything and then they kind of give me the idea  
17 that if I could come up with something that --

18 MS. COLSTON: I'm going to object to  
19 hearsay, Your Honor.

20 THE COURT: Well, he's -- I think he's  
21 using this to explain his conduct.

22 MR. O'DELL: Right.

23 THE COURT: He's not saying what anyone has  
24 specifically told him. So he can say this.

25 Q [By Mr. O'Dell] So the reason you did this

1 is because someone else came up with the idea and put  
2 in your head and that someone else is Paul Cooley?

3 A Yes, sir.

4 Q Was the idea for the two of you to kind of  
5 do it in a coordinated fashion?

6 A Yes, sir.

7 Q And what was the idea? Were you going to  
8 speak first or --

9 A Yes, sir.

10 Q -- or Paul would speak first?

11 A Well, that I would speak to them and then I  
12 would tell them what, you know, what I told them. I  
13 would tell Paul Cooley that and then later he would  
14 go back and tell them that he overheard Joey telling  
15 me that.

16 Q So this whole idea wasn't yours?

17 A No, sir. I won't say --

18 Q Not to begin with? It wasn't entirely  
19 yours?

20 A No, sir.

21 Q You were a party to it though?

22 A Yes, sir.

23 Q And you knew exactly what was going on.

24 Let me ask you this. You ended up getting convicted  
25 and the district attorney wants -- wants it to appear



1 that, I got convicted; doggone it, I'm not going to  
2 help them in anything. Is that the truth?

3 A No, sir.

4 Q Are you telling the truth here today under  
5 oath?

6 A Yes, sir.

7 Q You weren't under oath when you talked to  
8 Sgt. Sutton; were you?

9 A I can't remember if they put me under any  
10 to ask me or not.

11 Q Let me ask you this question: why are you  
12 coming forth -- why did you come forth and change and  
13 correct what you said on that date?

14 A Well, Joey never did anything but plead his  
15 innocence with me and everybody else and, you know,  
16 there ain't no use in lying about it to get him --  
17 he's looking at a lot more time than I am. I'm not  
18 going to lie about it. You know, I ain't proud of  
19 what I did but he never did anything but plead his  
20 innocence with me and everybody else in there.

21 Q Your conscience bothered you about that?

22 A Yes, sir.

23 Q Is that why you've come forth because your  
24 conscience bothered you?

25 A Me and Joey were pretty close up there,

1 yes.

2 Q But you haven't seen him in five months?

3 A Yes, sir.

4 Q And I just spoke to you a couple of weeks  
5 ago?

6 MS. COLSTON: Is that a question?

7 Q And I spoke to you a couple of weekends --  
8 or weeks ago; is that not correct?

9 A It seems like a couple of weeks ago, yes.

10 MR. O'DELL: I think that's all I have.

11 THE COURT: All right. Any other  
12 questions, Ms. Colston?

13 MS. COLSTON: Yes, sir, I do.

14 \*\*\*\*\*

15 REDIRECT EXAMINATION

16 BY MS. COLSTON:

17 Q Mr. Ellis, you can't remember whether you  
18 were under oath when the officers talked to you?

19 A No, ma'am.

20 Q Is that because the oath just doesn't mean  
21 anything to you?

22 A No, I can't remember whether I was or not.

23 Q Okay. It wouldn't have mattered to you one  
24 way or the other, would it, Mr. Ellis? You were  
25 going to tell them whatever you were going to tell

1       them; right?

2           A     No.

3           Q     Is that an answer?

4           A     What are you asking me?  Would I have told  
5       them that if they would have put me under oath?

6           Q     Exactly.

7           A     I'm not sure.  I probably would have, yes,  
8       ma'am.

9           Q     Okay.  So the oath doesn't mean anything to  
10      you; correct?

11          A     It does today.

12          Q     Oh, it does today?

13          A     Yes, ma'am.

14          Q     What made it -- makes it mean something to  
15      you today, Mr. Ellis?

16          A     I figure if I'm up here on the stand and I  
17      get under the oath and tell lies, I'd be convicted of  
18      perjury and if I'm under oath talking to the police  
19      officers, what are you going to do to me, give me a  
20      false statement charge or what?

21          Q     You asked to be moved out of the cell with  
22      Joey Watkins; didn't you?

23          A     Yes, sir.  Yes, ma'am.

24          Q     Why was that?

25          A     Because I wanted to go to a different

1 block.

2 Q You wanted to go to a different block?

3 A Yes, ma'am.

4 Q Is that because he was harassing you?

5 A Who?

6 Q Joey?

7 A No, he never harassed me.

8 Q He never said anything to you about being a  
9 snitch or were you afraid that he was going to?

10 A No. Like I said, when I moved out of  
11 there, it just seems like it was the first day that I  
12 talked to the detectives and I got moved out of  
13 there. I think that's what I told them to get moved  
14 out of there.

15 Q This time you're going out on the town,  
16 talking about snitches and Mr. O'Dell phrased it,  
17 going out on the town with Stanley Sutton. If you're  
18 going to inform on a cell mate, do you want to do it  
19 right there at the jail?

20 A No.

21 Q Have you ever done this before, Mr. Ellis?

22 A No, ma'am.

23 Q All right. So you don't have any  
24 experience with knowing how to go about -- how it's  
25 supposed to be done, but were you grateful that they



1 took you away from the jail to talk to you?

2 A It really didn't matter. They came and  
3 talked to me at the jail too.

4 Q They came and talked to you at the jail but  
5 they took you off three times, you said?

6 A It seems like twice they took me to the  
7 courthouse and then the next two times Stanley Sutton  
8 came to the jail and talked to me. When he came back  
9 to the jail, he didn't come back to talk to me about  
10 it. He had told me he'd come back to smoke -- give  
11 me some cigarettes and go get something to eat.

12 Q So he just took you to do that?

13 A Yes, ma'am.

14 Q And y'all didn't talk about it at all?

15 A It seems like we did talk about it, yeah.

16 Q I'm sure that Mr. Sutton just didn't come  
17 to get you just to give you a day -- a couple of  
18 hours off; did he?

19 A I reckon not.

20 Q I reckon not? So you're saying Paul Cooley  
21 put this idea in your head?

22 A Yes, ma'am.

23 Q And he told you what to say?

24 A He didn't tell me what to say. He said if  
25 I could come up with something and then me tell him.

1 Q Okay. So tell us every -- did you tell  
2 Paul Cooley what you told us today?

3 A What exactly do you mean, what I told him?

4 Q Well, what you had in your statements in  
5 January and February?

6 A Yeah, I told him the part about -- I know I  
7 told him the part about them riding up beside him and  
8 shooting him.

9 Q Uh-huh.

10 A I'm not sure what else I told him about.

11 Q Where did you get that? riding up beside  
12 him and shooting him?

13 A I came up with it.

14 Q You just came up with that? Now that  
15 wasn't what was in the transcript from the  
16 preliminary hearing; was it?

17 A Not exactly but it went along with it, yes.

18 Q It went along with it?

19 A Yes.

20 Q Do you remember what it was that -- what  
21 the officers had information from a prior inmate?

22 A Do what now?

23 Q Do you remember what it was, what the story  
24 was in the preliminary hearing?

25 A It seems like the old man that was driving

1 said the two vehicles came by him very fast, one of  
2 them being the Dawkins' vehicle and that they got out  
3 of his sight and when they got -- when he got back in  
4 the sight that he seen the truck wrecking or  
5 something like that.

6 Q Okay. Do you remember any -- Stanley  
7 Sutton talking about another inmate that was in Floyd  
8 County Jail testifying -- I mean, telling him  
9 something about the case?

10 A Yeah.

11 Q Can you remember what that story was?

12 A It seems like they got a guy out of jail  
13 and sent him to Mark's house and Mark wouldn't say  
14 nothing to him because he knew he was wearing a wire  
15 or something.

16 Q Okay. Anything else you remember about  
17 that?

18 A I can't remember exactly, no.

19 Q You don't remember that?

20 A No.

21 Q So you just made it up about where the  
22 vehicles were placed?

23 A Well, it come from what the old man said in  
24 the preliminary hearings.

25 Q Came from what the old man said? Do you



1 remember anything in the preliminary hearing about  
2 like pushing a truck?

3 A It seems like I heard it from either the  
4 detectives or from the preliminary hearing that that  
5 was one of their stories they were trying to figure  
6 out.

7 Q Okay. And do you remember that that was  
8 the testimony in the preliminary hearing?

9 A I can't remember if it was that or one of  
10 the detectives told me about it. I can't remember.

11 Q That they didn't know what had happened but  
12 that was one of the possibilities?

13 A Yes, ma'am.

14 Q How come you didn't pick that out?

15 A Well, because it didn't sound as good as  
16 the one about them driving up beside them.

17 Q Didn't sound as good?

18 A Yeah.

19 Q All right. Did you tell James Paul Cooley  
20 anymore details other than what you told the officers  
21 in your statement from what you said today?

22 A I can't remember exactly what I told him.  
23 Like I said, it's been a long time.

24 Q You don't remember what? Did you tell the  
25 officers as much as you knew from the preliminary



1 hearing transcript and what you read?

2 A You've got the transcript right there. You  
3 know exactly what I told them.

4 Q Transcript? I do know exactly what you  
5 told them. Did you tell the officers everything you  
6 knew? I don't know what you knew, Mr. Ellis?

7 A The only thing I knew is what I read from  
8 the preliminaries and what I made up.

9 Q What you read from the preliminaries and  
10 what you made up? Did you tell James Paul Cooley  
11 both what you made up and what you read in the  
12 preliminaries?

13 A How many times do I got to tell you that I  
14 don't remember exactly what I told him but I remember  
15 telling him a good bit.

16 Q You told him a good bit?

17 A Enough to make it look like he overheard,  
18 yes.

19 Q Did you tell them that they shot twice?

20 A Like I done told you, I can't remember  
21 details.

22 MR. O'DELL: Your Honor, that's been asked  
23 and answered already.

24 MS. COLSTON: I asked -- this question is  
25 did you ask James Paul Cooley -- tell James Paul

1 Cooley they had shot twice?

2 A I told you I can't remember the details of  
3 what I told him.

4 Q You don't remember the details of what you  
5 told him? You don't like James Paul Cooley; do you?

6 A Oh, he was all right.

7 Q He was all right. Did you tell him about a  
8 dog?

9 A Yes, ma'am.

10 Q What did you tell him about the dog?

11 A I'm not sure if I told him about the dog or  
12 not but I remember reading about the dog in the  
13 preliminary hearing.

14 Q Okay. Well, do you know whether you told  
15 James Paul Cooley or not?

16 A I've done told you, I don't remember the  
17 details or exactly what I told him.

18 Q You don't know what you told him? You know  
19 that he is scheduled to testify in this trial too.  
20 Are you trying to sabotage his testimony?

21 A No, ma'am, I'm just telling you what really  
22 happened.

23 Q What really happened?

24 A Yes, ma'am.

25 Q And you didn't tell anybody until after you

1 were convicted of rape and aggravated stalking in  
2 May?

3 A I wasn't convicted of aggravated stalking  
4 and what do you mean -- what are you asking me did I  
5 tell after that? Did I tell Paul Cooley after I was  
6 convicted?

7 Q Did you tell anybody about your lies prior  
8 to this conviction?

9 A It don't seem like it. It don't seem like  
10 I talked to anybody else about it.

11 Q When you wrote me the letter, didn't you  
12 have a lawyer named Jamie Wyatt at the time?

13 A Yes, ma'am.

14 Q And didn't you know that you could go  
15 through Jamie Wyatt to talk to me at any time when I  
16 wrote you back that I can't talk to you without your  
17 lawyer present?

18 A I've told him that several times but he  
19 didn't seem to want to act on it.

20 Q Your lawyer didn't want to act on it?

21 A Yeah, he's not much of a lawyer.

22 Q Did --

23 MS. COLSTON: I have no further questions.

24 THE COURT: Mr. O'Dell.

25 \*\*\*\*\*



RE CROSS-EXAMINATION

BY MR. O'DELL:

Q There were all kinds of different stories floating around that cell block; wasn't there?

A Yeah, there was all kind of different stories.

Q Now let me understand this. You didn't get moved because you were afraid of him; are you?

A No.

Q You're several times his size.

A Yes, me and Joey are pretty good friends.

Q Now the detectives themselves when they came, they told you a lot of different information; didn't they? They asked you, I think you mentioned a minute ago when Ms. Colston asked you about this Beckstine and a car being pushed. They asked you about that; is that correct?

A Yeah, I'm not sure of the guy's name but they asked me about it.

Q And they were trying to see if you could confirm this story. All right. So that was one of these theories floating around that they had heard. That came from another inmate in there; didn't it?

A I'm not sure if it came from the preliminary hearings or that. I think it came from



1 the preliminary hearings or one of the detectives.

2 Q All right. And in that -- that statement  
3 was about -- do you recall what that statement was as  
4 they went through it?

5 A What do you mean, the one in the  
6 preliminary hearing?

7 Q Yeah, where it concerns Joey Watkins  
8 flagging Isaac down and pulling him off to the side  
9 to talk to him?

10 A It seems like they flagged him down and  
11 then Mark supposedly walked up behind him and shot  
12 him in the head, then they put the body back in the  
13 truck and pushed the truck off the side of the road.

14 Q And then they pushed the truck down the  
15 street and it went careening off and all that kind of  
16 stuff and that's why you're saying you didn't buy any  
17 of that story because it didn't make good sense?

18 A No, because the old man said he seen the  
19 truck wrecking.

20 Q Right. It didn't fit into a scenario?

21 A No.

22 Q So you didn't buy that one. That was one  
23 of the things floating around?

24 A Uh-huh.

25 Q So everybody was talking about this thing.

1 Now while you were out there too, were there posters  
2 on there about rewards?

3 A I didn't see the posters about the rewards.  
4 I'd been told about them.

5 Q Okay. So you knew about them while you  
6 were out there?

7 A Yes.

8 Q They didn't have any in your cell block?

9 A No, sir.

10 Q Just one more question, then I'll go ahead  
11 and sit down. It was common for people to talk about  
12 snitching on others out there; isn't it?

13 A Yes, sir.

14 Q People trying to get information so they  
15 can go and try and snitch on someone else? Why do  
16 people want to do this?

17 A So they can get deals for themselves.

18 Q Do you have any personal knowledge of Paul  
19 Cooley snitching on anybody else, not just --

20 MS. COLSTON: I'm going to object, Your  
21 Honor.

22 MR. O'DELL: I'm asking if he --

23 MS. COLSTON: I don't know how he could  
24 have personal knowledge without it being  
25 hearsay.

1 THE COURT: I don't understand the  
2 question. Where is this coming from? If he has  
3 information from Cooley himself saying --

4 MR. O'DELL: That's it when I'm asking  
5 personal knowledge.

6 Q [By Mr. O'Dell] Did you have knowledge from  
7 Cooley himself -- well, we'll wait for Mr. Cooley.

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

9 MS. COLSTON: Nothing further.

10 THE COURT: All right. Go on back with the  
11 sheriff. We've had so much fun today, I don't  
12 know whether it's time to recess or not. I  
13 understand you've got Mr. Cooley.

14 MS. COLSTON: I was going to go ahead now  
15 and call Bill Shiflett who took this man's  
16 statement.

17 THE COURT: Mr. Shiflett?

18 MS. COLSTON: Yeah. Mr. Cooley is going to  
19 be long.

20 THE COURT: Well, Mr. Shiflett won't be  
21 short.

22 MS. COLSTON: Well, nobody has been short.

23 THE COURT: You know, I'm willing to take  
24 -- to ask the jury whether they're willing to  
25 stay a little while longer, a few more minutes