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**UNDISCLOSED SEASON 2:**      **THE STATE VS. JOEY WATKINS**

**EPISODE 24:**                      **HOLDOUT**  
**POSTED:**                              **JANUARY 18, 2017**

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**Rabia Chaudry:**

It took 23 episodes to lay out the case of *The State of Georgia vs. Joey Watkins*. All this time as it became more and more clear that this young man is innocent of the crime he was charged with, with the premeditated murder of Isaac Dawkins, our listeners mostly wanted to know: What now? What can be done?

Last week you heard us tell you how all of Joey's appeals have failed. Even the one in which his attorneys attempted to show the court that the cell tower evidence actually proved his innocence. So if evidence proving his innocence wasn't enough, is there *any* hope left at *all* for him?

Well, when Susan Simpson is on a case you can bet your bottom dollar there's hope. And on the basis of that hope, the GIP filed a new *habeas* petition today with brand new evidence on behalf of Joey Watkins.

Hi, and welcome to Episode 24 of *Undisclosed: The State vs. Joey Watkins*. My name is Rabia Chaudry. I'm an attorney and a fellow at the US Institute of Peace and the author of *Adnan's Story*.

As always, I'm joined with my colleagues Susan Simpson and Colin Miller.

**Susan Simpson:**

I'm Susan Simpson. I'm an attorney with the Volkov Law Group and I blog at *View from LL2.com*.

**Colin Miller:**

I'm Colin Miller. I'm an Associate Dean and Professor at the University of South Carolina School of Law and I blog at *Evidence Prof Blog*.

[03:27]

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**Colin Miller:**

In Sidney Lumet's classic film, *Twelve Angry Men*, a teenage boy from a city slum is charged with murdering his father. The boy owned the same type of knife used that was used in the murder and claimed that he lost it through a hole in his pocket before the murder. At trial, the prosecutor tries to establish the distinctiveness of the knife by having the storekeeper of the store where the boy purchased the knife testify that he had never seen another knife like it.

During deliberations, 11 jurors want to convict, while one juror, Juror Number 8, has doubt. The jurors have the bailiff bring the knife back into the deliberations room, and one of the jurors dramatically stabs the knife into the table, asking Juror Number 8 to reconsider the distinctiveness of the knife.

Juror Number 8 ups the drama, pulling a similar knife out of his pocket and stabbing it into the table.

[audio recording from *Twelve Angry Men*]

*Juror:                      Where did you get it?*

*Juror 8: I went out walking for a couple of hours last night. I walked through the boy's neighborhood. I bought that at a little pawn shop just two blocks from the boy's house. It cost \$6.*

**Colin Miller:**

The experiment leads to the following exchange:

[audio recording from *Twelve Angry Men*]

*Juror: It's against the law to buy ourselves switchblade knives.*

*Juror 8: That's right, I broke the law.*

**Colin Miller:**

Both jurors are right. It's against the law for jurors to do their own fact-finding, to investigate the case by considering documents and items that haven't been filtered through the rules of evidence. But this misconduct is quickly swept under the rug in the movie, and Juror Number 8 eventually convinces all of the other jurors to switch their votes to 'not guilty'.

The take-home message from the movie is that Juror Number 8 is a hero and that this is the way that the system should work, with reasonable doubt preventing the jurors from returning a conviction. But what if opposite happened? What if Juror Number 8's doubts about the case were quelled by his experiment? And what if the defense learned about this experiment a decade-and-a-half after he was convicted of murder. Would Juror Number 8's experiment be grounds for a new trial?

If that's the case, then there's reason to believe that Joey Watkins may soon be a free man.

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**Susan Simpson:**

We started working on this case over a year ago now, back at the end of 2015. And from the beginning, we knew Joey's case was going to be an uphill battle. And that the odds that anything could be done to help him, to help his case, to overturn his conviction, were not particularly great. As it turned out, proving Joey's innocence was relatively *easy* – that had already been done years ago, with a cell phone evidence that could not be reconciled with any theory of guilt from the State.

But something as simple as mere innocence isn't enough. Even re-proving Joey's innocence now with some other kind of evidence, some other kind of *means*, that wouldn't be enough, unless Joey could also prove that it wasn't his fault that it had taken 16 years to re-prove his innocence.

And even then, at this point I can't imagine *any* kind of evidence that could possibly exist and would be sufficient to convince the State of Georgia that Joey isn't guilty. If a video emerged tomorrow showing someone else committing the killing, I can't help but think that they'd just decide that it meant Joey had hired someone else to do the murder for him.

[06:35]

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**Joey Watkins:**

*In the courtroom, it was just when all that went on, it was, it was crazy. And just sitting there, I can't even defend myself. I can't even say anything. It's like, you know?*

*Over half the people who took the stand, I didn't even know these people. These people talking about they seen me at parties, this that and the other. And it's just like the whole... I'm like who are you? You know? When did I say this?*

*It was unreal, it was like a... It was like, almost like a movie.*

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**Susan Simpson:**

Again and again, we see the same pattern in Joey's case: The presentation of evidence that can be summarized in a single sentence, in a way that makes Joey's guilt seem like a foregone conclusion.

Like how, before the murder, Joey had gotten his nose broken by Isaac in a fight, and Joey had announced to a co-worker that he was going to kill that 'son of bitch Isaac' if it's the last thing he did. And how, after the murder, Joey was overheard bragging at Home Depot about how he'd done it. How he and Mark had killed Isaac. Or how an eyewitness that saw the shooting actually saw Joey pull the trigger. Or how Joey kept changing his story, how he initially claimed that he'd seen Isaac's truck on his way to Cedartown, but later claimed he'd seen it on his way back *from* Cedartown. Or how Joey had claimed that he could identify Isaac's truck from its brush guard, even though the brush guard wouldn't actually have been visible to Joey, and he couldn't have used that to identify the truck.

And so on, and so on, with all kinds of evidence in this case that we've talked about. But if you prod at each of these pieces just a little bit, they all begin to unravel. Joey wasn't upset about a fight with Isaac – that had involved a different guy all together, someone who was not connected to Isaac in any way. The confession in the Home Depot parking lot? Well the person that heard that was actually the lead investigator's nephew, who openly acknowledges that he was seeking reward money in return for his story. And the eyewitness who saw Joey commit the murder? That was Barry Mullinax... "For whatever it's worth."

And Joey *did* tell people that he'd seen Isaac's truck, both on the way to Cedartown and the way back from Cedartown, because Isaac's truck was at the wreck site for over four hours. Joey did, in fact, pass by it twice that night. He saw it both times. And that claim about Joey not being able to identify the brush guard? That's based on a photo in which the brush guard *would've* been visible, if the driver side door hadn't been left open and blocking it. We never did find the rest of those crime scene photos, by the way. Clyde Collier has given up on the search, and the police departments deny any other photos exist.

But here's something we *do* have - the table of contents for the Rome Police Department's case file? It has this entry for, "48 assorted 35mm photographs" – that's three dozen more photographs than the defense has ever seen, and three dozen *more* than are supposed to exist. I'm not sure we'll ever find the photos, but I can only imagine that, if we did, they'd give a new perspective of the crime scene and what Joey would have been able to see as he drove past that night.

[11:46]

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**Susan Simpson:**

So what exactly does the evidence against Joey consist of? Well the bulk of the State's case against Joey falls under the heading of 'prior acts'. Hours and hours of Joey's peers and friends and ex-friends and ex-girlfriends recounting things Joey had done that, the prosecution argued, showed he was only all too capable of committing this murder. That sort of evidence came in two forms: Similar transactions and the prior difficulties.

The 'similar transactions' were all the stories about how and why Joey was a bad person. We won't recap all that here because it's all so long and distorted and irrelevant to anything Joey was charged with. What the similar transaction evidence *did* do though, was to paint Joey as some good-for-nothing hooligan in the jury's eyes. And not just the jury either – this evidence

of similar transaction stuff that they put in? That affects people's perception of the case today, and when Joey's case goes in front of the court again someday, it'll affect *that* court's perception of the case as well.

I know it affected *me*. When we started this case, way back in December or November of last year, all I'd really read at that point was the transcripts and some of the case decisions. After that, I'd reached the decision that Joey *must* have made himself a target through his behavior, and the reputation he'd built up. Because all those people who testified about Joey being a 'hot-headed, violent punk'...? Well, even if the substance of their testimonies wasn't holding up, it just somehow seemed like that part of their story, at least, must have been true. So, I thought that, by being known for his fighting and his aggression, for being some sort of unique type of trouble to the neighborhood, Joey had made *himself* a target for the police.

I no longer think that's the case, though, or at least I don't in the way I did at the beginning. Joey did himself no favors, that's clear, and his past actions *did* create plenty of fodder for the prosecution to spin into damning stories at trial, that much is true. But the idea that Joey singled himself out as a target doesn't really fit the evidence. Over the past year of interviewing and talking to people in Rome, I've heard people who describe Joey as being 'hot-headed' or 'obnoxious', things like that, but just as many have told me that while Joey could be short-tempered, there was nothing really unique about that or about the way he acted. He was just another mouthy kid who didn't have enough sense to back down from a challenge.

And *no one* I've spoken to has described him as a thuggish or violent derelict like the State portrayed him at trial. Comparing Joey's record and background to the records of many of others in this case, or other people that are related somehow to the investigation, that makes all this even more clear, because on the whole, it's hard to see why Joey's record would have made him stand out. So, I no longer think it was Joey's *history* that made him a target – I think it was the fact he was the first person that was named as a possible suspect that night at the hospital. And once that happened, the investigator's tunnel vision did all the rest.

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**Colin Miller:**

In addition to similar transactions, there were also 'prior difficulties' – previous encounters that were between Joey and Isaac. There were only two that were consistently reported on and corroborated by multiple witnesses. The first was the time Isaac and Jay ran into Joey while he was out with his girlfriend at the time, Erica, and his friend Adam Elrod. The two mouthed off, and then Isaac, in response to Joey's challenge, followed Joey back to his house, where the two of them 'trash talked' about fighting one another but never actually did.

The second was the time Isaac and Jay followed Joey and his cousin Kevin out to Blacks Bluff Road, where they both pulled over. According to Jay, Joey and Kevin sped off when Isaac got out of his truck and walked towards them. According to Joey, they'd driven off because Isaac had grabbed a bat or something when he headed toward them, and they'd decided just to get out of there. Otherwise, both Jay and Joey tell basically identical stories about both these encounters.

The other prior difficulties are much more nebulous: Adam Elrod's testimony included stories about seeing Joey chasing Isaac along highways, but the people Adam claimed also witnessed these events, and can verify his story, all deny that anything like that ever happened.

There's also the death of Sally, Isaac's dog, although that was linked to Joey by nothing more than rumor, jailhouse informants, and Jay Barnett's un-objected-to hearsay testimony that Isaac had thought Joey had done it, but had no evidence to prove it.

And then there's Yvonne Agan: The surprise witness that testified about the alleged prior difficulty between Joey and Isaac a month before Isaac's death:

[16:18]

**Susan Simpson:** *When did you first learn that Yvonne Agan was now a thing in the trial?*

**Joey Watkins:** *Like two days before I went to trial.*

**Susan Simpson:** *Were you surprised, or...?*

**Joey Watkins:** *Yeah!*

**Clare Gilbert:** *Did you mention anything to...?*

**Joey Watkins:** *Rex? About putting my trial off 'til they found out what was going... On with her? Rex kind of laughed and said, Nobody's gonna believe her. She's got charges pending.*

*He said... Rex told me, I got this under control. You don't worry about this, I got this, and I'm like, "Dude, are you serious?!" And I honestly believe in my heart from watching the jury and during my trial, when she took the stand and started telling all this stuff, you could actually see the jury's face change.*

**Susan Simpson:** *Yvonne Agan's story can't be disproven, exactly, because there's not much to it to disprove in the first place. But to me, the biggest problem with Agan's testimony is the fact that she claims to have never told a soul about it before trial. Even though she was close to another major State witness, Jay Barnett, Isaac's best friend, they apparently never once talked about the subject.*

*There's no doubt Yvonne was close to Jay Barnett though, he even testified as a character witness on her behalf at her trial in 2002.*

[17:31]

**Lawyer:** *State your name to the jury, speak into mic, please.*

**John Barnett:** *John Barnett.*

**Lawyer:** *Do you know Yvonne Agan?*

**John Barnett:** *Yes.*

**Lawyer:** *Do you know the general reputation of Yvonne Agan in the community where she lives or works?*

**John Barnett:** *Yes.*

**Lawyer:** *Is that reputation good or bad?*

**John Barnett:** *It's good.*

**Lawyer 2:** *Mr Barnett, how long you known Yvonne Agan?*

**John Barnett:** *Approximately 14 years.*

**Lawyer 2:** *How do you know her?*

**John Barnett:** *Through her son Joe.*

**Lawyer 2:** *You friends with Joe?*

**John Barnett:** *Yes.*

**Lawyer 2:** *So you are very close with the Agan family?*

**John Barnett:** *Yes, sir.*

**Susan Simpson:** What I can't get past is the idea that Yvonne Agan and her son Joe were so close to both Isaac and Jay, and in the year and a half after the murder, up until Joey's trial, neither had ever spoken a word of it to Jay.

Likewise, it doesn't seem plausible to me that Jay Barnett, who was even a police officer before Joey's trial, never thought to ask Joe Agan, who was also Isaac's close friend, about whether he knew of anything that might be connected to Isaac's murder.

At any rate, I guess it's possible that Yvonne Agan is the sole resident of Rome that doesn't like to gossip...? And I guess that's what the jury believed, because it seems like a lot of them – or most of them even – accepted her testimony at face value.

At Joey's trial, the most damning evidence against him was Yvonne's testimony and also the dead dogs. And I don't think it's a coincidence that Yvonne and Grave Dog were the two last-minute surprises in this case. The things that were sprung on the defense last minute, just before trial, without any time to prepare or research or investigate for themselves. Which, I think it's possible, could have been the whole point in the way the State did in the first place.

[19:20]

**Joey Watkins:** *And I looked over at Bill O'Dell, and I told Bill, I said, "Do you see what's going on?" And he was like, "I see it, I see it." He was like, "Keep a straight face."*

*And I was like, "Man they're believing this." And Rex was like, "No I got this, I got this." And then when Rex tried to get up and do the arguments, cross examination... It was kind of like if you read that part in the trial, the judge was kind of protecting her to an extent, like, "You can't ask her that, you can't ask her this."*

*I believe they really believed everything that lady said.*

**Susan Simpson:** *Without her they had no link to you and a gun, and shooting at Isaac.*

**Joey Watkins:** *Yeah. And the whole dog incident, I think, when Sammy Dawkins took the stand and started crying, that was kind of... You know, it was like the whole mood changed in the courtroom.*

[20:34]

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**Colin Miller:** So, that's the evidence the State used to show that Joey was the type of person who was capable of being guilty of this murder, that he was, as Georgia case law would describe it, 'bent of mind' towards the type of crime he was accused of committing.

But as far as the evidence directly linking Joey to the Highway 27 shooting, well, there really isn't any. Joey was driving a white truck when he left his house, talking to his girlfriend on his cell phone at the time of the shooting, and showed up at his girlfriend's house in a white truck. He had no access to *any* kind of Honda, although the investigators tried their best to imply that Joey could've taken one from his dad's car lot, or borrowed the car of his ex-girlfriend Erica Evans, who drove an Accord.

But inventory records show the car lot had nothing that could match the car Wayne Benson described, and despite the State implying he'd borrowed Erica's car that night, her car was accounted for, and definitely not with Joey. And although the murder was believed to have been done with a 9mm, no firearm was ever recovered. The only evidence linking Joey to any

handgun was the testimony of Adam Elrod. But although Adam's stories sound damning, he never tells just *one* version story, instead telling it three or four different ways instead. He was so hopeless as a witness that, at trial, he literally had transcripts of his prior statements up with him on the witness stand, so he could review them as he was testifying.

**Susan Simpson:**

The bad news for Joey is that the State's 'Gish Gallop' of a case is hard to unpack, hard to untangle, and hard to break down to understandable parts. And that's likely why, in part, all of the previous courts that Joey has gone before have turned his claims down on appeal and in post-conviction proceedings.

But the good news is, Joey *will* be going before the courts again. And soon.

Earlier today, Wednesday, January the 18<sup>th</sup>, Joey's attorneys, Clare Gilbert from the GIP, and Ben Goldberg, an appellate attorney in Marietta, Georgia who has taken on Joey's case *pro bono*, filed an application for writ of *habeas corpus* in Walker County, based on new evidence that has been uncovered during the course of this investigation, including the previously undisclosed evidence about Grave Dog, and undisclosed drive tests that were performed based on Joey's cell phone records – both by the Floyd County Police Department and also, it turns out, by one of the jurors at Joey's trial.

[24:49]

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**Rabia Chaudry:**

Way back in 1785, there was an English case, *Vaise vs. Delaval*, in which the jury was deadlocked during deliberations. And, according to post-trial juror affidavits, the jurors had 'tossed up', or flipped a coin, to resolve that deadlock. These affidavits were presented to English Chief Justice Lord Mansfield, who cited a Latin maxim that translates to: "a witness shall not be heard to allege his own turpitude".

In other words, a jurors who claims he engaged in misconduct is unreliable, and therefore his proffered affidavit or testimony is inadmissible to impeach, or invalidate his verdict. Eventually, this ban on jurors testifying to impeach their verdicts, known as Mansfield's Rule, carried over to the United States.

Later, in 1851, the Supreme Court heard the case, *United States vs. Reid*, in which two men were charged with murder on the high seas. After the jury returned guilty verdicts, it was revealed that two jurors read a newspaper article about the case during deliberations. According to one juror, however, he had already made up his mind up about the case before reading the article. And, according to the other juror, he thought the article was inaccurate and said it played no role in his judgment.

The Court applied Mansfield's Rule to prevent jury affidavits about the newspaper, but cautioned that, quote: "Cases might arise in which it would be impossible to refuse them without violating the plainest principles of justice."

**Colin Miller:**

Later, in passing the Federal Rules of Evidence in the 1970s, the Supreme Court laid out the dichotomy that currently applies with regard to jury impeachment. Federal Rule of Evidence 606(b)(1) states that anything internal to the jury deliberation process cannot form the basis for jury testimony calling into question the validity of the verdict.

For instance, assume that Dan is charged with first-degree murder which requires proof of premeditation. If the jury finds Dan guilty, and all of the jurors later e-mail defense counsel to tell him that they forget to discuss premeditation, Dan would be out of luck. And the same would apply if six jurors thought Dan was guilty of murder and six jurors thought that Dan was innocent, with the jurors meeting in the middle and finding Dan guilty of the lesser included offense of involuntary manslaughter.

This is called a 'compromised verdict', and it's not a proper predicate for jury testimony. Why? It's internal to the jury deliberation process. It's the jurors *themselves* engaging in misconduct or making a mistake while considering the law and the evidence presented to them in the courtroom. No one external threatened or bribed them, and no juror looked into evidence beyond what was admitted at trial.

This then takes us to the two main exceptions to the anti-jury impeachment rule: The two circumstances in which after the jury has rendered a verdict, either the prosecution or defense can call those jurors into the courtroom for an evidentiary hearing and those jurors would be allowed to testify in support of a motion for either a new trial or a retrial.

That would be what we call a 'jury testimony' and there are two circumstances where it's allowed:

**Rabia Chaudry:**

The first is when there is evidence of an improper outside influence. Imagine a case in which the jury finds Dan the defendant not guilty of murder, and it later turns out that Dan's brother threatened or bribed one or more of the jurors. This would be an external force operating upon the jury that would call into question the integrity of the deliberations and the verdict. In such a case, the jurors would be allowed to testify about that threat or bribe.

The second exception applies when extraneous prejudicial information reaches the jury. Imagine that the newspaper article in the Reid case mentioned that the defendant failed a polygraph test or had prior convictions that were deemed inadmissible under the character evidence rules. If this information played a role in the jury finding the defendant guilty, the jury could testify about this outside information in support of a motion for a new trial.

The same applies when a juror makes an unauthorized visit to the crime scene, or, as in the case of *Twelve Angry Men*, does some other type of field research. Of course, with the internet, such research becomes easier. You can imagine the modern version of Juror Number 8 now going on eBay or checking out the defendant's route on Google Maps.

When such an experiment is discovered during a trial, it leads to what has been dubbed the 'Google Mistrial'. When it's discovered after a trial, it can lead to the verdict being thrown out.

And, in this case, Susan made just such a discovery:

**Susan Simpson:**

Over the past year, Clare and I have tracked down as many witnesses from this case as we could possibly find, and then some. And, although I expected it to be less useful to the investigation, I'd also wanted to speak to as many jurors as possible, to get a sense of what exactly happened at Joey's trial – what they'd seen, what it was like... We didn't and still don't have any audio from Joey's case, and there's only so much the transcripts can tell you about what really went on. About the witness's delivery, and about how the attorneys performed.

Of the jurors I spoke to in this case, when I asked them what they recalled from it, the answers seemed to come back like clockwork: The cell phone evidence proved Joey did it, they said, and Joey was a 'sicko' who liked to kill dogs. Or maybe it was hogs. Well, at any rate, he killed animals and put the bodies on the graves of his victim. So by the time I got to the juror that, as a nod to *Twelve Angry Men*, that we'll be referring to as 'Juror Number 8', I'd already come to expect what I'd hear – about the cell phone pings and the psychopathic animal murders, and just how monstrous Joey was.

Juror Number 8 surprised me, though. She remembered the case well enough, and while some details were fuzzy, the basic series of events that happened, she was still clear on. She couldn't recall *all* of the witnesses at this point, like for instance, she couldn't recall Barry Mullinax. But she did recall Yvonne Agan, or as she put it, the woman the court almost didn't allow to talk.

But Juror 8 dismissed her testimony, almost with a laugh. Other jurors seemed to have believed her, she said, but based on how long it had taken Agan to come forward, she didn't particularly buy the story. And she *did* recall the grave dog, but I had to prompt her to tell me about it – it just didn't seem that important to her.

There is one thing, though, she did remember very well – the cell phone evidence. That evening after I met with Juror Number 8, I recorded myself as I read through the notes I'd taken in a hurry while talking to her, in order to interpret them back to English while I still recalled what had been said in our meeting.

[31:12]

**Susan Simpson:**

*Next line is a "Rex - impossible for him to be there." That was her saying she overheard Rex Abernathy arguing that cell phone evidence proved it was impossible for him to be at the murder site.*

*And she picked up on that and it was important to her. Then I have, "Other jurors all in the middle of a crime novel." She had a very, like, sad and frustrated sort of tone, thinking back on it. Like, this was a big deal to her, it was very upsetting to her. It was a big choice in her life.*

*And it weighed heavily on her and she felt her other jurors were living in this 'crime novel world' where they just were like, "Oh... But of course he did it. Just look at all this dramatic evidence!". And she was like, "But look at all the cell phone stuff!"*

**Susan Simpson:**

That the other jurors didn't figure out the cell phone issue isn't surprising – if anything, it's more surprising that Juror Number 8 was able to do so at *all*. Somehow, amid all the confusing, non-linear testimony she'd heard during the week of Joey's trial, Juror Number 8 picked up on a crucial point that all but one other juror had missed: That the defense had presented evidence that showed, based on cell phone records, it was *impossible* for Joey to have committed this crime.

She remembered that the prosecutor, Tami Colston had done a good job at trial – that she'd had a strong narrative, but that she hadn't gotten *too* overly theatrical in how she presented it. Or at least, she hadn't gotten overly theatrical in comparison with the defense attorneys, whom Juror Number 8 recalled as engaging in a lot of unimpressive antics. Although she found the cell phone evidence to be compelling, the rest of their case left her underwhelmed.

[33:00]

**Susan Simpson:**

*Oh yeah. We also talked about how, she thought that, like, Rex and Bill were playing this constant game of 'Gotcha'. They seemed totally unprepared though, so it kept backfiring. 'Cause they'd try to play Gotcha with the witnesses but they weren't prepared enough to do that so then they'd look ridiculous.*

**Susan Simpson:**

I do disagree with Juror 8's impression that the cell phone evidence was the *one* thing Joey's attorneys had done right. Because if they *had* done it well, there wouldn't have been only two jurors that realized it. But Juror 8 did catch on to the cell phone problem, and she realized that the State's expert and the defense expert were in agreement: Joey was many miles away from the crime scene at 7:15 pm, and the murder had happened only a few minutes later.

But if that's the case, why did she ultimately switch her verdict to guilty?

When the jury first began their deliberations, on the Saturday after a five-day trial, they took a poll right off the bat, to see where everyone was at. The result was 10-2 in favor of guilty. She and one other juror had understood the importance of the cell phone evidence, and they thought that it outweighed all the random drama that the rest of the case had presented. Try

as she might though, she felt like she couldn't get the rest of the jury to hear her out... To pay attention to this.

And from the start, Juror Number 8 felt singled out; pressured by the others. She was penned up in a room full of people convinced she was being needlessly difficult and irrational in not immediately realizing the obviousness of Joey's guilt. It was an immensely frustrating, and an immensely lonely experience.

She tried to direct the other jurors' attention to the cell phone stuff, but she struggled to get them to even talk about it or consider it. Every time she tried, she was met with resistance, with other jurors telling her, quote: "Well you know he did it."

Of the ten jurors who immediately voted 'guilty', only *one* seemed to even listen, and when that juror finally understood the problem of the cell phone evidence, she told Juror 8 that she hadn't understood what that meant, and as a result, she switched her vote, at least temporarily, to 'acquittal'. Although, eventually, after no further progress was made, that juror switched back again, to 'guilty'.

When I spoke to Juror Number 8, it was clear that, even today, she's still frustrated and bothered by the other jurors' unwillingness to focus on anything aside from the lurid details of the case. Progress during deliberations was slow, and at one point, Juror 8 told me they sent a message to the judge, asking him, "What happens if we can't decide?" Juror 8 didn't remember the exact wording the judge had used in his response, but she felt that his meaning had been clear: "Then I'll bring you back until you do." So they deliberated throughout all of Saturday, and then when they couldn't reach a conclusion, they broke for the weekend, or well, for at least Sunday, with instructions to return on Monday to resume deliberations.

On the day I'd scheduled to meet with Juror 8 in Rome, I'd convinced a friend of mine to come with me. And after the interview, when we were back in my car talking about what we'd learned, I let her know that one of Juror 8's casual comments had actually been something kind of huge: That she'd changed her verdict from not guilty to guilty after going out and conducting a drive test of her own, and timing how long it took her to get from the location where Kingston Tower could have reached, to the crime scene, or somewhere around the crime scene.

And Juror Number 8 had decided, well, maybe that drive would have been possible after all.

[36:54]

**Susan Simpson:**

[Sighs] *So she did drop a bombshell.*

**Laura:**

*The notes?*

**Susan Simpson:**

*She went and investigated evidence on her own.*

**Laura:**

*Oh, that's right when she did the drive through.*

**Susan Simpson:**

*It's a huge deal.*

**Laura:**

*Oh yeah! And you asked her twice.*

**Susan Simpson:**

*I was like, I need to make sure I heard this right.*

**Laura:**

*Yeah. I thought you just thought she was being like diligent. I didn't realize...*

**Susan Simpson:**

*Nuh-uh. I had alarm flags flying up. And I'm like-- I don't want to bring her in on anything. She was a nice woman who cared a lot and like, the last thing I want is... For what I thought would have been a casual, informational interview to result in, like--*

**Laura:**

*Her getting in big trouble!*

- Susan Simpson:** *Not big trouble, she's a juror, it's not like that. But... I was not prepared for that kind of curveball. I don't know if it has any legal use at this point, but that would have been a mistrial.*
- Laura:** *Wow.*
- Susan Simpson:** *That would have been a mistrial if it'd been found out earlier. And she had no-- She clearly had no conception. Like...*
- Laura:** *No idea. None.*
- Susan Simpson:** *She was just like, "Yeah, it was a Monday, and also, I went out and independently investigated this case, and it resulted in a guilty verdict because of it."*
- Susan Simpson:** In doing the drive test, Juror 8 had wanted to see if the claims about it being impossible actually held up. And after doing the test, her confidence and her belief that the drive would have been impossible was shaken, at least some, because although she thought that it would have been really difficult, she thought it *might* have been able to be pulled off.
- That Monday, when the jurors returned to the courthouse, she spoke to the other holdout juror about what she'd found and what she learned over the weekend, and how she no longer remained convinced of the complete impossibility of Joey's guilt.
- Two hours later, the jury returned a guilty verdict.
- Laura and I had to head off to the next witness interview I'd scheduled, but on the way there I gave Clare a call to update her on what I'd learned from Juror Number 8:
- [38:41]
- Clare Gilbert:** *Hey what's up?*
- Susan Simpson:** *Hey, so I spoke to [bleep] And she was very thoughtful, very diligent, remembered a lot, and she kind of casually threw out a bit of a hurdle.*
- Apparently that weekend, before they came back on Monday and convicted, she went out and did a drive test of her own. Yeah, and it convinced her--*
- Clare Gilbert:** *What?!*
- Susan Simpson:** *That the State's theory was plausible. And yeah... Yeah.*
- Clare Gilbert:** *And so after she did the drive test, she thought...*
- Susan Simpson:** *Her words were, "I thought the only thing that the clowns did right was the cell phone evidence." Because she understood clearly that there was a huge problem with the cell phone stuff.*
- So, on the one hand she thought they were clear about it, on the other no one else in the jury, other than one or two others, understood it and, "I couldn't get them to talk about it".*
- And she seemed very frustrated about how the cell phone stuff seemed like a huge deal to her and the other jurors, as she put it, were stuck in a crime novel.*
- Clare Gilbert:** *Wow.*
- Susan Simpson:** *But that weekend, she went-- She remembered, she knew it was the Kingston Tower. There was a call made around the time of the murder, but it was on the Kingston Tower, but it was out far, but there was one little spot closer in, like one little spot you could connect. "And that weekend I went and tested it to see, and thought it was possible to get there."*

*And she couldn't remember exactly where she'd driven, or what route she tested, but she remembered a spot somewhere out there between Kingston and Cedartown.*

**Susan Simpson:**

And that's why jurors aren't allowed to do what Juror 8 did. Because we don't know what Juror 8 actually tested, what she was evaluating, or what factors she took into account to reach the conclusion she did. And we can't know if she actually tested the right scenario. Because there is good reason to think that Juror 8's drive test wouldn't have been based on the actual locations involved here. Because yes, Juror 8 did figure out that both the prosecution and the defense had cell experts who agreed that the State's case was impossible, but trying to figure out where exactly on the map these spots were or should have been, that would've been even harder still.

[40:48]

**Susan Simpson:**

*I mean she obviously had no idea. She was trying to make sure-- I fully believe she was doing the best job she possibly could, and did not realize in the slightest she was not allowed to do that.*

**Laura:**

*I mean, do you think it speaks to the fact that the attorneys weren't explaining things clearly enough? Or were they were not coming across as trustworthy? Or I guess it doesn't matter, you can't do it.*

**Susan Simpson:**

*That's the judge's job, really.*

**Susan Simpson:**

I think Laura was right about what had motivated Juror 8 to conduct the drive test. She had told us about how her experience on the jury had left her frustrated not just by her fellow jurors, but also with the attorneys and the court.

The decision was so *immense*, with such serious consequences for the defendant. But she felt she had been left unequipped with the information she needed to actually evaluate the case. And when it came to the cell phone evidence, Juror 8 was completely right about that. Although the jury had been given Verizon's coverage maps to consider, the jury wasn't in a position to evaluate them to any serious degree, because the maps had no legend, no explanations of what the colors meant... And the various locations relevant to the case weren't marked out. All of that had to be filled out by the jurors from memory.

And I can see exactly why the impulse to find answers to these critical questions would have been very strong. And also how the pressure would have been immense from the other jurors who were dismissing the cell phone evidence as a mere distraction and encouraging Juror Number 8 to change her mind.

Because Juror Number 8 couldn't switch her vote, not then, she remained convinced that as a matter of physics, Joey couldn't be guilty. And she stood strong despite the fact that being a holdout in the jury is a very, very hard experience.

But on their day off, on Sunday, she decided to see for herself. And in figuring out what exactly she needed to test, the last information Juror Number 8 would have had, that she would have heard about where the Kingston Tower could have reached, came from Tami Colston's closing arguments on Saturday morning, just before deliberations began:

"Let's go through the scenario," Colston told the jury. "If Joey had made the call right here at the Chulio Road area and he travelled four minutes, and he got down around-- Somewhere around Floyd College and he saw Isaac Dawkins and turned around like, he is not on the phone at that time."

Or later, when Colston doubled down *again* on this reference to Chulio Road, when she said in closing, "Now where is the next place you can pick up on 411, the Kingston tower? Take a

right on 411 and here it is right here. This big red area right here, it goes right through it. You will see the map when you get back there, and it is little-- It will be easier to see where Chulio is from there when you look at it yourself, but you will all be able to see the Chulio Road when you get back there."

Problem is, Chulio Road isn't the right spot. Chulio Road is just short of a mile closer to the crime scene than anywhere that the Kingston Tower could actually pick up on. And if a drive test was done from Chulio, like Tammy Colston suggested would have been the place to start, the State's case gets a little more plausible. Especially if you're just timing how long it takes to get to from Chulio Road to the place where the wreck happened, and ignoring the fact that Joey had to have passed the wreck site, and later turned around farther south and done a U-turn in order to commit the murder while heading northbound.

So that Sunday, when the juror did her drive test, we don't know exactly where she was. But it seems very possible that she was doing it somewhere around the Chulio Road area, not around the actual 'Last Chance Kingston Tower' spot.

But not only do we not know where her test started or where it ended, we also don't know what time frame she was comparing it against – that is, whether she was using the State's unsupported 7:20 pm timeline, or if she was using the 7:18 pm timeline that is supported by the actual records from 911 and EMS.

Whatever factors she used and whatever variables she was testing out, her conclusion was that: "Well, the drive would have been difficult but maybe it would have been possible after all."

And because of that, with her faith in the total impossibility of Joey's guilt shaken, she switched her verdict. The other holdout juror switched as well. And two hours after jury deliberations resumed on Monday morning, July 2<sup>nd</sup>, a unanimous guilty verdict was reached.

[46:52]

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**Colin Miller:**

So that leaves us with a question: Is this the type of experiment that constitutes extraneous prejudicial information and allows for jury testimony and a new trial? Well amazingly enough, there is actually a Georgia case directly on point. It's name: *Watkins vs. State*.

We have to go back all the way to August 25, 1975, when a deputy approached a car he'd stopped because it didn't have a license plate. The passenger responded by pointing a pistol at the deputy, and the driver then handcuffed the deputy's hands behind his back. The two men then led the deputy into a wooded area where the driver beat and kicked the deputy until he lost consciousness. Earnest Watkins was thereafter arrested in connection with the incident a day or two later, confessed to the crimes, and led police to the scene.

So, it seems like a pretty open-and-shut case, but the defendant testified at trial that on the day in question he was working on his car in Fairburn, Georgia. And this alibi testimony was corroborated by seven other defense witnesses, each of whom had been with the defendant at various times from early morning to the afternoon of August 25<sup>th</sup>, 1975.

In his explanation of confession, the defendant testified that the sheriff was asking so many questions of him that he merely began answering "Yes" to all of them. Furthermore, he testified that he did not lead the police to the scene of the crime, but, rather, was taken there by the police and asked if that were the place.

**Rabia Chaudry:**

Watkins, however, was eventually convicted. But after he was convicted, he appealed, presenting evidence that during the course of the trial two jurors made an unauthorized visit to the scene of the crime and gauged the time it took to drive from there to the defendant's

house. Their findings, which were reported to the full jury, explained a critical time lapse in the sequence of events surrounding the alleged crime.

The trial court, however, denied Watkins's motion for a new trial, applying the, quote: "familiar rule that jurors cannot impeach their own verdict." Watkins thereafter appealed to the Supreme Court of Georgia, which noted the reasons for the anti-jury impeachment rule, such as promoting the finality of verdicts, preserving the sanctity of deliberations, and preventing jurors from harassment.

But the court *then* acknowledged that the right to a fair trial must trump those interests in certain cases, such as the case before it.

According to the court:

*The two jurors in the present case who made an unauthorized visit to the scene of the crime and then presented their findings to the other members of the jury in the jury room became, in a real sense, unsworn witnesses against the appellant in violation of the Sixth Amendment.*

*The introduction into the jury room of extra judicial evidence by a juror has also been condemned by other courts considering this problem. Under the circumstances of the present case, the rule prohibiting jurors from impeaching their own verdict cannot be applied without emasculating the constitutional right to a fair trial.*

*Therefore, we hold the rule is inapplicable. The rule has a valid and salutary application in disallowing jurors to impeach their verdicts on the basis of statements made to one another in the jury room and the effect of those statements on the minds of the individual jurors.*

*However, the intentional gathering of extra judicial evidence, highly prejudicial to the accused, by members of the jury and the communication of that information to the other jurors in the closed jury room is inimical to our present jury trial system. This misconduct cannot be ignored and requires a reversal of the judgment based on the jury's verdict in the case.*

**Colin Miller:**

Yeah. So, t's pretty hard to imagine a better case for Joey. In this older Watkins case, we have jurors doing *exactly* what the juror did in Joey's case, with the only difference being that the evidence against Joey is much weaker. The defendant in the earlier Watkins case actually confessed and according to the prosecution led the police to the crime scene.

By way of contrast, in *this* case Joey has always maintained his innocence, and, apart from character evidence, there's very little tying him to the actual murder of Isaac Dawkins. And the cell tower evidence, when correctly considered, actually destroys the State's case, which again underscores the problems with jurors conducting their own experiments.

Maybe even more importantly though, the jurors at Joey's trial were specifically warned that they needed to rely upon the evidence presented in the courtroom regarding the cell tower pings and *not* do their own testing.

Specially, Judge Matthews advised the jurors in Joey's case, quote:

*Listen, don't go measuring distances or stopping by the scene and investigating on your own. Don't go out there and start measuring things off your odometer. You have to base your decision in any trial like this on what you hear in the courtroom from the witness stand and you can't go investigating anything on your own. So please don't do that.*

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**Rabia Chaudry:**

Another GIP claim to *habeas* is tangentially related to this first claim because it also deals with the cell tower evidence, but from a different angle. You might recall from our 'Time and Distance' episode that the State did a drive test in this case, but there's not a trace of this drive test in the State's files.

Or, at least there wasn't a trace until last year, when Clare requested documents relating to the GBI's involvement in the case. In a memo by a GBI agent that was produced in response to Clare's request, there's a clear indication that the agent was told by the lead investigator in the case that the State had conducted its own drive test.

Now, we don't know the results of that test, but, given what we've reported regarding the cell tower pings, and given that the results of the drive test were missing from the State's files and the State's case, you can imagine that they didn't support their case.

So, where does that leave Joey? There was a reciprocal discovery agreement in this case, meaning that the State had to turn over to the defense the results of *any* testing and vice versa. Clearly, the State violated that agreement by failing to turn over the results of this drive test.

The GIP in its *habeas* filing makes two related claims connected to the bullet extracted from the grave dog: One, that Tami Colston improperly told the court, and GBI agent Jay Jarvis improperly testified that a bullet had *not* been extracted from Grave Dog.

And two, that the failure to disclose that the bullet extracted was a .22 caliber bullet and *not* a 9mm bullet. As we noted, the chain of custody log in this case clearly shows that Jay Jarvis checked out the .22 caliber bullet that had been extracted and delivered it to Colston before he testified. And yet, despite this delivery, both Colston and Jarvis stated in court that no bullet had been extracted.

So, why is this relevant? As we noted, at the start of trial, Tami Colston promised that she would present evidence that tied Joey to Grave Dog. As a result, Judge Matthews allowed for a 'subject to admission' under the conditional relevance rules. And here's the way that works: The evidence was the evidence of the dog placed on, or at least somewhat close to Isaac's grave. The *relevance* of this evidence, if it could be tied to Joey, is that it would show Joey's animosity toward Isaac.

But that's a big 'if', and that's where conditional relevance comes into play. Colston had to make good on her promise. She needed to present 'connecting up' evidence that would connect Joey to grave dog. Quite simply, she didn't. The only evidence presented was Joey Samples saying that, on one of over a dozen cases in which Mark Free told him about Isaac's dog, he said "*dogs*" instead of "*dog*."

**Susan Simpson:**

And don't forget: Joey Samples referring to "*dogs*", plural, can't be evidence linking Mark to grave dog, because Joey Samples says that Mark confessed to him on January 12<sup>th</sup>. At that time, Isaac hadn't even been *buried*, so Mark couldn't have possibly confessed to Joey Samples about anything involving Grave Dog.

**Colin Miller:**

Now as we noted, we know that both the defense and the judge were curious about the caliber of the bullet used to shoot Grave Dog because they both asked about it at trial, and the reason is obvious: Tami Colston made clear that she was trying to connect Isaac's shooting with the shooting of Grave Dog. If the bullets in both shootings were the same caliber, that would "connect up" the evidence. If *no* bullet were extracted from Grave Dog, then the lack of similarity plus Samples' testimony might be enough to survive the conditional relevance test. But if the bullets were of *different* calibers, it would have been really tough to convince Judge

Matthews that a reasonable juror could find by a preponderance of the evidence that the same person shot both Isaac and Grave Dog, which is the conditional relevance test.

Therefore, if Jarvis had testified *accurately*, and if Colston had been forthcoming, and moreover, if the evidence were turned over to the defense, it's almost certain that the jury never would have heard about Grave Dog. And if somehow they *had* heard about Grave Dog, the judge likely would have needed to grant a mistrial after it was clear that the State lacked 'connecting-up' evidence and that the bullet calibers didn't match.

[55:29]

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**Susan Simpson:**

There's reason to think that Joey's claims in his new *habeas* petition are stronger than usual for claims of this sort in some respects. For instance, in many post-conviction proceedings, proving that a claim was based on *new* evidence, evidence that is truly new and could not have been discovered sooner, is often an insurmountable hurdle.

Here, however, Joey won't have a difficult time arguing that his failure to find the evidence sooner was due to his own delay and negligence. Because trial counsel certainly never had a shot at finding it. The Grave Dog evidence was only sprung on them at the very last minute, and they didn't hear the details about it until trial. And the prosecutor herself repeatedly assured the court that no further evidence existed, that the bullets hadn't been discovered and hadn't been available. Although Clare was, in 2016, finally able to uncover the evidence, it was only through dozens of hours of dogged pursuit of this case that allowed that to happen. And also a huge stroke of luck that the medical examiner's log had been found, which still recorded the secret GBI case number that had been used to record the dog evidence.

So, the State can still argue that it doesn't *matter* that Tami Colston didn't produce the Grave Dog evidence. After all, just because Joey didn't kill the grave dog has nothing to do really with whether he killed Isaac. Or, they could argue, it doesn't matter what kind of bullet Grave Dog was killed with. If the .22 that they extracted from Grave Dog *had* been introduced at trial, Colston could have just argued instead that, actually, that's just more proof Joey killed the grave dog. It's just that he'd just used a .22 instead of a 9mm to do it.

Except, the evidence that links Joey to a .22 is just as bizarrely tenuous as the evidence that links Joey to a 9mm. I've checked into all the firearms that Joey might have had access to in January of 2000, and a .22 wasn't among them. Years before Isaac's murder, the Watkins household *did* have a .22, but they'd traded it in, and they hadn't had it since '96 or '97. As of 2000, Joey *did* have a rifle – a 30.06 – but that's at least one caliber that's never been implicated in any way in this case.

That didn't stop the police from trying to link Joey to a .22, though. Originally, Tami Colston claimed that Isaac's dog, Sally, had been killed with a .22, even though Sally's body hadn't been found.

The police even got a witness to claim Joey had shot *Isaac* with a .22 – and presumably missed. That was Josh Flemister, who falsely confessed to being with Mark and Joey when they committed the murder. But Josh's claim that Joey had a .22 and that's what *he* used to shoot Isaac with, isn't supported by any other witnesses, and Josh has said multiple times in statements and testimony since then that there'd been a rumor going around that Isaac had been killed with a .22. So that's where he'd learned that detail from. He'd never seen *Joey* with a 22.

Even in the recording of Josh's confession, Officer Tommy Shiflett tells Josh that they had decided, together apparently, that the weapon Joey has used was a .22, and although Josh, sounding small and scared, doesn't object, he doesn't affirm it either.

[58:54]

**Tommy Shiflett:** *And on uh, one of the two tapes, we did decide you were definitely in the truck sitting in the middle. Mark Free was on the right passenger side, Joey was driving, you're in Joey's white truck, Joey fired a couple of times with what you thought was a .22 and Mark Free fired... How many times?*

**Josh Flemister:** *Couple a times.*

**Tommy Shiflett:** *Couple a times with what you described, maybe, as a 9mm, is that correct?*

**Josh Flemister:** *Yeah.*

**Susan Simpson:** At Joey's trial, Josh said on cross examination that neither the detail about the 9mm nor about the .22 Joey supposedly had had come from Joey. He'd simply picked it up from rumors and from the interrogation itself, and then parroted it back to the police.

**Colin Miller:**

*Question: So, you were told that-- They told you that it was a 9mm?*

*Answer: Yeah. They slipped up and Tommy was talking to Stanley and said something about it. And that's where I got that from.*

*Question: Did you even know what kind of gun it was before they told you?*

*Answer: I was never certain on any gun.*

*Question: What?*

*Answer: I was never certain on any gun, except what I had heard from... A .22-- About a .22.*

**Susan Simpson:** And at Mark's trial, Josh was clear in stating that *no*, he'd *never* seen Joey with a .22

[1:00:16]

**Lawyer:** *Did you know Joey to have a gun?*

**Josh Flemister:** *A rifle. As like a hunting gun.*

**Lawyer:** *Did you ever see him with a handgun?*

**Josh Flemister:** *No, not a handgun. Aside from paintball gun.*

**Lawyer:** *Did you ever see him with a .22?*

**Josh Flemister:** *No.*

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**Colin Miller:** Paul Cooley never testified at Joey's trial, although Tami Colston got the Grave Dog evidence admitted based on her proffer to the court that Cooley would be able to link the grave dog to

Joey. In February 2001, Cooley claimed that, while in jail with Joey, Joey had confessed to him. at the end of his interview, the tape was turned off, and when the tape was turned back on again, Cooley was suddenly able to answer a few key questions that the Floyd County Police somehow forgot to ask in their first run through, before the tape was turned off the first time.

[1:01:01]

**Police Officer:**

*Okay, alright, uh, Paul I-- I appreciate you talking to me um... I'mma turn the tape recorder off now. The time is about 1:45 pm*

[break in audio tape]

*Okay. The tape recorder's back on-- It's about 1:46. Um, Paul if you will, tell me uh, about, has he ever made any statements about any dogs?*

**Paul Cooley:**

*Um. Yeah. He said that, uh, his dog was shot, but he said the dog was shot with a .22, and the uh-- Well, at first he told me the dog was shot with a shotgun, then he said the dog was shot with a .22 and they shot Isaac with a 9mm.*

**Police Officer:**

*When did he tell you that the dog was shot?*

**Paul Cooley:**

*Uh, same time he was telling me all the other.*

**Police Officer:**

*Okay.*

**Susan Simpson:**

Cooley's statement is fascinating, because it's harder to imagine stronger proof that the Floyd County Police had been feeding information to their jailhouse snitches. Cooley's details about the ballistics match the GBI chain of custody report exactly: A shotgun and a 22. Except Joey couldn't have confessed to killing a dog this way. It's not clear which dog Cooley is even talking about. I mean it sounds like Sally, since Cooley says "his dog" as in Isaac's dog, not a random dog, but it doesn't fit either way. Neither Sally nor Grave Dog were killed with a shotgun.

Cooley gave the police a story that sounds exactly like what you'd expect from someone who was making up a confession after reading the GBI report that stated that a .22 and shotgun pellets had been removed from a dog's body, but who hadn't been aware that the shotgun pellets had been fired at a distance and hadn't killed the dog. And that only the .22 gave evidence of being a killing shot.

Cooley's story couldn't have come from a confession made by someone guilty of the dog's murder, because no one who had actually killed that dog would've known about the bird shot that was recovered. Instead, Cooley's story had to have come from someone who had access to the results of the GBI's examination of Grave Dog. Someone who had seen that the GBI's records identified the projectiles recovered as a .22 and pellets. And the only 'someone's' that match that description are the Floyd County Police officers who were interviewing Cooley.

And maybe Tami Colston figured that out. Maybe that's why she told the court and the defense council that no bullets had been recovered from the grave dog, and why she changed her mind last minute and didn't call Cooley to the stand, like she'd told the court she would do. Maybe she finally realized that those bullets didn't prove Joey killed the grave dog – they just proved that the police had been providing witnesses with information that they needed to construct the stories they were telling.

[1:04:26]

**Rabia Chaudry:**

The GIP filed its *habeas* petition today. The arguments presented... All of them are solid. This may be Joey's last chance at getting a new trial, which he deserves at a minimum.

So, while we're wrapped up the season, we aren't walking away from Joey. In this week's *Addendum*, Clare will join the *Undisclosed* team, Susan, Colin, and I, to discuss what will happen from here. And we are going to continue to follow the case, just like we did with Adnan, and update you every step of the way.

I want to end this season by giving credit where credit is due. We would never have heard Joey's story without the tireless work of the Georgia Innocence Project. We could not have brought you this case without our sponsors. And we couldn't have created 24 episodes of this season without our incredible production team. We wouldn't have had a lively, inquisitive, timely conversation every single week, through two dozen *addenda* episodes, without Jon Cryer, taking time out of an incredibly busy schedule. We wouldn't have understood the legal issues and failings of the case without the many dozens of hours put in by Colin.

And we would never have learned what really happened, and Joey would not have a new chance at trial and at life without Susan's dogged investigations, her dozens of trips to Rome, and her incredible relentless pursuit for the truth.

I must thank Joey and his family for trusting us to tell his story, for their 16 years of patience and hope and for never giving up.

Finally, we are ever grateful to our incredible audience for taking this journey with us. None of it is possible without you.

Now, the season may be over, but there is much more to come in 2017. Many more stories to tell.

Next time, on *Undisclosed*.

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