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**UNDISCLOSED SEASON 2: THE STATE VS. JOEY WATKINS****ADDENDUM 18:**           **WHEN IN COOSA**  
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**Jon Cryer:**           Hello! And welcome to the *Undisclosed Addendum*. I am Jon Cryer, and you are listening to the podcast about all things *Undisclosed*.

In the most recent episode – ‘Standby Counsel’ – the team finally started digging into the trial of Joey Watkins. By introducing us to the many, shall we say, ‘colorful’, characters that constituted his legal team, as well as some of the missteps and machinations that may have doomed the effort to defend him.

Now, with us today we have two of the hosts of *Undisclosed*: We have Susan Simpson – she’s an associate at the Volkov Law Group and she blogs at *The View From LL2*.

Hey there, Susan!

**Susan Simpson:**    Hey! It’s great to talk to you on Skype, again!

**Jon Cryer:**           I know! [laughs] It felt weird to talk to you in person during our live *Addendum* recording--

**Susan Simpson:**    [laughs]

**Jon Cryer:**           That was just weird, and you know, awkward.

**Susan Simpson:**    Totally unnatural.

**Jon Cryer:**           Yes, exactly. But the great thing was, our next guest, Colin Miller, was only there by Skype, so I could maintain the distance that I am comfortable with, with Colin.

[laughter]

**Jon Cryer:**           He just remained a floating head, you know, overlooking the many things we said in the live *Addendum*. Colin Miller is an associate dean and professor of Law at the University of South Carolina School of Law, he blogs at *Evidence Prof Blog*.

Welcome to the show once again, Colin Miller!

**Colin Miller:**        Hey Jon.

**Jon Cryer:**           But *also* with us today, is Shannon Murphy. She grew up in Rome, Georgia and Gaylesville, Alabama, she has a PhD in social psychology from the University of Alabama. In addition to her university education, Shannon completed a six-year enlistment in the Air National Guard. During this time she was activated for two years in Operation Enduring Freedom and Operation Iraqi Freedom. Shannon is currently employed as a research psychologist in the Army Research Institute.

Welcome to the show, Shannon!

**Shannon Murphy:** Thank you! It's wonderful to be here.

**Jon Cryer:** First of all, thank you for your service, and second of all, so you actually *grew up* in Rome. Do you actually *know* any of the folks that we've been talking about on the podcast?

**Shannon Murphy:** Yes. So Rome actually has-- It's divided into several school districts, which are kind of scattered throughout the perimeter of Floyd County. I went to Coosa High School, so I was in the same class as Adam Elrod. Heath Wilson, who has also been discussed in the podcast, was, I think, two grades below me, at Coosa, and Heath actually rode the same bus as I did when we were younger. And there are other people from Coosa who I know, who are kind of more peripheral. DJ Gammel, Jeremy Shuler, Joey Rhodes...

So, pretty much anybody you've mentioned from Coosa, I know and I was in the same cohort. Either they were in my grade, or were one or two classes above or below me.

The kids from Armuchee... I did *not* know Joey Watkins. I *did* know Tim Hughes. And there are some people who are related to the case that you guys haven't discussed yet that I also was friends with as well. But I was not aware of Joey Watkins. From what you guys have said and from the people I've talked to, his reputation preceded him, but it didn't make it over to me.

**Susan Simpson:** Yeah, Rome is kind of like three or four small cities shoved together into a slightly bigger small city. So you've got, like the Lindale kids, and you've got Armuchee and Coosa, and they don't really seem to interact that much.

**Shannon Murphy:** No... And that's something that, from looking through the Reddit threads, I don't know that people quite have a grasp on that...? So, Rome isn't a *small* town, but it's not huge. You know, like I was saying, there's a Rome City school district which houses all of the kids that were in the City of Rome *proper*, and it's actually a relatively large school – I think there's like 400 to 500 kids per class at Rome. Or at least there were in the late '90s when I was there.

Then, there are the county schools who serve kids that are in the county districts around the perimeter, and there's really not much overlap between those schools. And they're all kind of centered around a particular... I don't want to say an *industry*, but a workplace. So, the Coosa community where I was at, a lot of the families there worked Plant Hammond, or the Kraft Paper Mill.

And then in Armuchee, I think the families there worked at a lot of the mills in Summerville...? Whereas the Lindale kids, there were a lot of textile mills out there. So although all these communities – Armuchee – I could get to Armuchee from where I lived in probably a 10-15 minute drive, which isn't really that far, the communities were tight knit enough around these little school districts that there's really not that much overlap unless you just happened to make a friend and they introduce you to more people at that school, which is what I did.

And a lot of the action in the story – for lack of a better word – you may have noticed takes place at the Home Depot parking lot. And the reason for that would have been prior to social media, that was the only way we had to meet people from different school districts. It was known that we would all go to this parking lot and hang out, and that is how we would actually meet other people that we might not otherwise, in our little community of the school districts.

**Jon Cryer:** So was that like a ritual? Was there like a night that everybody went?

**Shannon Murphy:** Yeah, absolutely, yes. And it was kind of a coming-of-age type thing. Because whenever you would turn 16 you would get your license, and then *that* was what we would do. And so there was actually –

not to get into *too* much detail – but there is this *route* you could drive back and forth from, like the Riverbend Mall. You would go down this little stretch and then go in front of the Home Depot and Kmart. And then you would go down to this other end of the parking lot where Kroger was at and you would turn around and you would drive back and forth.

**Susan Simpson:** A little cruising circuit.

**Jon Cryer:** Yes! I was just about to say that! I mean, it's like *American Graffiti* – this is an incredibly common part of American life, it seems.

**Shannon Murphy:** It sounds so kind of silly now, being an adult, but you know, we would go out as a group of girls, and if we would see a car full of guys that were cute, or whatever, we would wave and honk. And then you would pull over to the Home Depot parking lot, or whatever, and that's where the actual conversations would take place. And so, that's why there's all this kind of local gossip happening at these parking lots. It's because it was kind of a social space that was outside of adult supervision.

And that was something that's noteworthy, too: A lot of kids who had parents who were kind of more directly involved in their lives – not that the kids that hung out at the Home Depot parking lot had *uninvolved* parents – but if you were a child who was very scheduled, say, if you had a lot of sports, if you had a lot of extra-curricular activities, a lot of church activities, you just wouldn't have as much free time outside of your parents' supervision to talk to one another.

Whereas, you know, we had the latitude to go to Home Depot and kind of be unsupervised teenagers and talk outside of adult supervision. So...

**Jon Cryer:** Now, it seems like a lot of teenagers in Rome – well, certainly the ones that we've talked about on the *show* – seem to have a *lot* of interactions with law enforcement. Was that typical of the teenage experience in Rome? Or was that unusual?

**Shannon Murphy:** It depends. Kind of, if you think of it on a continuum of delinquency, I suppose...? There was a group of kids, and I would place Heath Wilson on one end of the spectrum, who was a delinquent kid, but who also was committing *adult*-type crimes.

I don't want to say too much, because it would be speculation, but I mean those were kids who were involved with law enforcement in very serious matters. You discuss the time the cops went out there and he was shooting off guns into his backyard. Well, obviously he shot, you know, at Joey Rhodes--

**Susan Simpson:** No, at David McDaniel.

**Shannon Murphy:** David McDaniel – I'm sorry.

**Jon Cryer:** It's hard to keep track of who's shooting at who.

**Susan Simpson:** [laughs]

**Shannon Murphy:** Yeah.

**Jon Cryer:** Occasionally. In this case. [laughs]

- Susan Simpson:** But shootings are rare. Despite the fact that some of these kids *were* carrying guns. And by 'kids', I'm not talking about Joey and his group. But actual shootings were not a commonplace event.
- Jon Cryer:** Which is actually fascinating to me, because it's a culture that's very at home with guns. I imagine that there's still a fair amount of hunting, people are in areas where law enforcement isn't close by, often keep firearms at home for protection... Is that an assumption on my part? Or is that accurate for the area?
- Shannon Murphy:** Yeah, that's correct. And that's kind of why I said Heath would be like, *one* end of the spectrum, to where, even now... I mean I live in Old Town Alexandria, which is a very affluent, you know, dense, urban community. I still have a shotgun in my closet for home defense. Like--
- Jon Cryer:** Whoa! Okay. Shannon, that's... Good to know.
- Shannon Murphy:** Yeah.
- Susan Simpson:** So, I know that I mentioned in an earlier episode that there was a time when Joey-- Some guys wanted to fight him, he didn't want to fight them, so he shot a gun in the air. And it was a gun loaded with rock salt, to deal with like, wild animals. Which I forgot to mention on the show. So like, *yeah*. It sounds bad, when you're coming from a-- In the context of how it was, it was not the aggressive act it was being portrayed as.
- Shannon Murphy:** No. It's not at all. And like, during hunting season, any time I was in a car or a truck with a male, there was a deer rifle in the car. I mean, I don't want to say *everybody*, but almost all families who I knew, who I would spend time at their house, there was a shotgun somewhere in their house, sitting there for home protection. I mean, guns are just *around*. That doesn't necessarily mean that everybody was out shooting each other, but I mean there were some kids who *would* do things like that. But again, they're at one *extreme* end of the delinquency spectrum. And not the norm. So, whereas you have, like the Heath Wilsons who are getting into what I call *serious*, adult-type trouble, then there's kind of the... What I would have actually classified *myself*, is just general juvenile stupidity.
- Jon Cryer:** [laughs]
- Shannon Murphy:** It's things that, you know, most kids... I mean I grew out of it. It's just stupid stuff, and then the culture kind of promotes it. There's this whole culture of *honor*. To where if you were insulted, if somebody takes advantage of you, if somebody wrongs you in some way, you were expected to respond. I mean, turning the other cheek is the *ideal*, but it's just not how things work.
- And it's actually kind of what drew me to Joey's story and what made me willing to talk to you guys, because I did the *exact* same thing to at least two girls who messed with boyfriends I'd had. So you could just lift Joey's story about the chasing in the cars, and the, "Come to my house and I'll" quote: "beat your ass"... I as a female who grew into somebody with a PhD, I did that *exact* same thing. And it *was* relatively normal amongst this kind of-- So, I wouldn't even call this 'delinquents', because again it was kind of so, it was *common*; it was just what we did.
- Quite a lot of times, law enforcement would turn a blind eye to it, until it actually got to a truly problematic point. Which is why Joey-- At one instance you all were talking about how he had Issac follow him to his own house... And then that was kind of framed by Tami Colston as "Laying a trap for this unsuspecting lamb." Well, no. It was because if you were going to fight somebody, which, there was always a chance of getting into a fight with somebody, you do it on your own property because the cops are going to show up and say, "Alright, well you were at your house, and this person showed up looking for trouble, *blah blah blah*..." you know, "move on. Go about your business."

So, that's kind of a long-winded explanation. But then, I don't mean to make it out as though *all* of us teenagers running around in Rome were delinquents or close to it. I mean, there were plenty of very well-behaved kids, but *those* were the kids who, again, were very deeply involved in sports, or you know, school activities, or their parents kind of this whole idea that's the popular trend in parenting now, where they're 'hyper' parenting – scheduling every minute of every day once they get out of school. *Those* type of kids, you know, weren't as common back then, but they just wouldn't have had time to have been hanging out with us and engaging in the same kind of back-and-forth.

**Susan Simpson:**

Yeah, I get torn sometimes between not wanting to say, that I guess, like, *normalizing* this behavior and saying, "Oh, that's *totally* fine for kids to do this" – because no, it's not, it's not the ideal. But at the same time I think it's unfair to-- I think people might hear what's happening and sort of judge Joey based on what their *own* experiences were like as a kid growing up. And they don't really compare. Like, if Joey did that kind of stuff, in *some* communities; *some* areas, it *would* make him a delinquent. I think in the context where he was growing up, though, it didn't make him a stand-out in any way, among his peers. Although Joey was definitely known for being much more of a loudmouth. [laughs]

**Shannon Murphy:**

And this actually, I think two episodes ago, wherever you all were talking about the notion that Joey was running a *gang*...? That's just absurd, because that makes it sound as if it was an organized effort and that Joey was particularly 'badass', and that people were falling in line behind him. *No*, I mean, it wasn't like that at all.

And there's just this whole sense – and you get this, I've noticed this – over and *over* again as you all are talking to people who ended up testifying against Joey, due to Stanley Sutton's influence, they're very *regretful*, it sounds like. And they feel like they weren't-- This idea of *loyalty* comes up, over and over again. And it's because, if you were friends with somebody, you were expected to be there for them if, quote: "Shit hits the fan".

So, you know, if I'm going to get in a fight, my friend Jennifer, whomever, I need to know that she is going to be there to fight with me. It's not that we're a gang, it's just that that's how you show your friendship, is *being* there for somebody and backing them up. If and when it's needed.

But to say there's an organized element to it, *no*. It's just, again, it's just a culture of honor and a sense that you defend your honor and you help your friends defend theirs, and that's what a friend *does*.

**Jon Cryer:**

Yeah. It's interesting coming from another perspective because I grew up in the north-east, in an *urban* area, and a lot of that didn't come into play. I mean, to me, things that I pick up on in the culture down there always seemed like, "Oh, well that's different!" Obviously the fact that guns were an everyday part of their life, you know, where I grew up there wasn't that. We also didn't have that many interactions with police. I can't recall anybody who had *actually* got arrested. I mean, yeah, I was a theatre kid, so I didn't go around with the toughest crowd--

**Susan Simpson:**

Really! I'm shocked.

[laughter]

**Jon Cryer:**

Yes, I know, I know, it's shocking. But, I think to listeners of the podcast, it is fascinating. Now Shannon, do you have any idea where that culture of honor grew out of?

**Shannon Murphy:**

Yeah. So, the idea is, and there's discussion about this kind of in the social sciences and historians, that the Appalachian Mountains were primarily settled by Scots-Irish people, and there's this idea of... Going back to the 1500s, a herding-based community versus an agricultural one. And the difference being that Scots-Irish people were herding-based cultures. They herded sheep and, I'm not sure what else, but there was a herding culture there. The idea is that, you know, your sheep, or your livestock *can* actually be stolen, and that's a huge problem.

And so, it behooved the Scots-Irish people to develop a reputation for fearlessness, for a willingness to retaliate against an insult or a threat to their livestock. And whenever they moved over to the United States, they emigrated, they settled into these mountains, the Appalachian Mountains. And because, still to this day, the communities are fairly isolated unto themselves, they retained a lot of that culture.

And if you look there's two social psychologists – Cohen and Nisbett – who have done work in this area. They have a seminal paper and then they also have a book on the topic. And in the paper, you can actually see there are physiological-level responses.

So, long story short, they ran a study where they had a confederate – who's somebody who's in on the experiment, but the subjects don't know they're in on it – bump into the subjects in a college campus hallway, and then the confederate said something under his breath, insulting, like, "Who the F---?", you know, "*blah blah blah...*" So, he bumped into them and then to add insult to injury, muttered something offensive.

And so, *then* they brought the people who were there for the study into the lab, and their cortisol levels – I think it was cortisol – it's a marker of stress and aggression – the Southerners actually had higher cortisol levels than people from outside the south. So they were actually physiologically more upset by this 'bump and slight' insult than were other people.

And you actually see it in other ways too. For instance, the military is disproportionately filled by kids from the south-eastern United States. Gun ownership – the gun culture. And it's all kind of left over from this idea that in order to be successful and protect your home and family, you need to be ready to fight for it.

And then, in a rural area too, like you were alluding to earlier, the cops aren't nearby. So, if something happens, you can call 911, but I mean it may take them 15, 20, 30 minutes to get out there. That's not uncommon if you live out there in the middle of nowhere. So again, you need to have a reputation for somebody who's not going to accept insults or threats after any kind of *breaking* of the social code, lightly.

**Susan Simpson:**

You can kind of hear Sutton referencing this, in a much, you know, less well-read way, when he talks about how he thinks this had to be Joey, essentially, because they only do 'personal' crimes there in Rome.

**Shannon Murphy:**

Yeah... And actually with that, I keep mentioning Heath Wilson specifically, just as an example, because he's somebody that y'all have discussed on the podcast. But again, I don't mean to say that random crimes, or road rage-type crimes don't happen – they *do*, but they're kind of on one end of the tail, they're not that normal. But *too*, actually, let me back that up by saying the idea of a road rage incident is still within this culture of honor. So, if I'm driving down the road minding my own business, and somebody cuts me off, and has the audacity to flip me off about it, well, *I* wasn't doing anything wrong; *you* cut *me* off, and then you're going to flip me off and cuss at me? Well, that's grounds for escalation of violence right there.

So, the insult doesn't have to be like a personal insult, by any means. It could be something as innocuous as cutting somebody off in traffic, or taking the wrong tone. And it's often said that southerners are exceedingly *polite* because we have to be that way or else we would all run around killing each other.

[laughter]

So... I think Stanley-- I *get* what he was saying. But I think that it doesn't necessarily exclude a road rage-type incident, or something like that.

**Jon Cryer:** Now, in an earlier *Addendum*, we got kind of deep into the casual use of the ‘N-word’ among this group of teens, because there was a wire tap where they were throwing it around with aplomb, actually. But is that indicative of actual *racism* in this kind of group? Or is that just how they speak to each other?

**Shannon Murphy:** I think that might be an artefact of that specific era. During the late ‘90s, the southern rap scene was a big deal – Southern rappers were actually-- They were what was trending, so there was this-- In Atlanta you had Outkast, Goodie Mob, Ludacris, in New Orleans you had the Cash Money group of artists, the No Limit group of artists.

So, in the late ‘90s there was this big embrace of this rap music that kind of spoke to being *Southern*, and there was a kind of pride in, you know, the southern rappers. And actually I listened to way more rap music than I did before or after.

And no, to answer the question, I mean, were some of those kids racist? *Perhaps*. But I think that the way that they were talking was less to do about racism and more to do, kind of as a very misguided homage or emulation of what they were hearing in the rap music at the time.

**Susan Simpson:** Yeah. They wouldn’t have understood *why* it was racist, and would have thought they were *not* being racist.

**Shannon Murphy:** Yeah. They were just, you know, it was cool. It was just the way rappers spoke to each other. So they kind of appropriated that without understanding the implications of *what* those words actually meant.

**Jon Cryer:** Well also, to some degree, they felt like they were probably enjoying black culture and urban culture and felt like, you know, that’s the *opposite* of racist, to them, I would imagine.

**Shannon Murphy:** Yeah. Exactly. So...

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**Susan Simpson:** Well, I was going to say, actually: I started speaking to Shannon was because of something that happened irrelevant to *this* episode, which I thought was pretty interesting. So, what was your first comment that you made about the show? Before you knew where it was going.

**Shannon Murphy:** I’m notorious for reading *about* things that I want to watch or listen to, before I actually do it, so... I forget about how this even came to my attention but I found out about the podcast, and I listened to maybe 15 minutes of the first episode, and stopped. And immediately went to Reddit, because that’s what I do. To see what other people were saying about the podcast, and to, you know, read media articles about it.

And at *some* point, I forget how the thread was going, but somebody mentioned that Joey was being represented by Cook & Connelly. And obviously I knew the outcome, that he had lost the case. But I was *shocked* that somebody represented by Bobby Lee Cook or Branch Connelly in Rome, Georgia would lose *that* sort of case. Because Bobby Lee Cook does *not* lose cases. I mean he’s *that* good, as you guys discussed in the latest podcast. And he’s a very powerful, very influential, very respected man. And he’s *good* at what he does. And this would have been the *perfect*-- I mean this is a vintage Bobby Lee Cook case.

**Susan Simpson:** I think you actually said... You were making a comment about the case and how it was bizarre, like: “If Bobby Lee Cook had done this, there’s no about Joey would have lost.”

- Shannon Murphy:** Exactly. That's what I said, like Bobby Lee Cook does not-- This is just *not* a case he would lose.
- And so, that actually was so just *not in line* with everything I've ever known about Bobby Lee Cook and the way the people in that area respond to Bobby Lee, that I just could not fathom how this had went so *wrong* for Joey that he had ended up convicted.
- And so, then Susan came in and said, "Well, no, actually, he was represented by Abernathy." And then there, was: "Oh", kind of, "a-ha, I see" moment. But I can say this with confidence – I do feel that if Bobby Lee or even Branch had gotten this case the outcome *probably* would have been different.
- And I think Joey's parents... If *I'd* gotten in that trouble, because like I said, I did that same sort of stupid stuff that Joey did, I was terrorizing these girls, you know we'd follow them around, chase them down, threaten to beat them up, I mean it got as bad – and I'm going to make myself sound like a horrible person here... Yeah.
- Jon Cryer:** [laughs] I know, I was going to say that – you may want to be a little circumspect about your comments here!
- Shannon Murphy:** Yeah.
- Jon Cryer:** Go ahead.
- Shannon Murphy:** But yeah. I mean no, again, my reputation preceded me. This one girl actually quit school and told the principal it was because my sister and I were *terrorizing* her. But the point being was that this case that was made against Joey – if this girl had ever showed up dead – they could have made the *exact* same case that they made against Joey, against *me*.
- And, had that happened, the *first* person that I would have called would have been Bobby Lee Cook. And I would have paid him *any* amount of money to have gotten him to represent me. And with utmost confidence that, you know, he would have gotten me off. So yeah, that's what prompted me to speak to Susan directly. Because, again, I just couldn't believe that Bobby Lee Cook would lose that case.
- Susan Simpson:** I've had a few people – a few witnesses – tell me, we're talking about the case, and they're going: "Well, he *has* to be guilty. Bobby Lee Cook defended him and he was convicted."
- Shannon Murphy:** Yeah! And actually I kind of came to the same-- That was my *initial*... "Well, Bobby Lee Cook doesn't lose cases, so if Bobby Lee Cook had defended him and Joey had somehow or other been found guilty, well then the evidence must have been *overwhelming* that Joey did it." Like, that's the conclusion I came to, whenever I went to speak with Susan for the first time.
- Jon Cryer:** And the stories about him that you told in the episode were just so fascinating and impressive. But I had a question: Where do most of those stories come from? Because, like, the sheriff story, where the sheriff actually took a pot-shot at him, and then threw a Coke bottle at him while he was testifying.
- First of all, I want to know the court that allows you to drink a Coke while you're testifying. [laughs] I mean, maybe that's a Southern thing? I know it's very, very popular in the south. But who actually told you that story?
- Susan Simpson:** I will say these are also Bobby Lee Cook's stories. Well, some of them come from the news, and like, reports of cases, *but*, at the same time, I would say that Bobby Lee Cook would not hesitate for a little self-promotion. For instance, I have a theory that the whole, 'Matlock is Bobby Lee Cook' story, actually *comes* from Bobby Lee Cook. [laughs]

- Jon Cryer:** Got it. I wouldn't be surprised.
- Shannon Murphy:** Yeah, and I actually-- So, he's known, and I would say even int, not only Floyd County but Chattooga County, which is the county directly north of Floyd, and over into Alabama and into Cherokee County. He's known because, again, you've seen that from the stories you describe in the podcast, he's one of *us*. So, he's the kind of person to where if, you know, faced with an injustice of some sort, a *perceived* injustice, he reacts immediately and with... 'Violence' is a little bit too strong a word to use, but he reacts. He doesn't take it. He doesn't take things lying down.
- And people *admire* that about him. And they admire the fact that the quote you all gave in this previous episode about if you can railroad a bad man you can railroad a *good* man, and you need to approach cases like that...? There always needs to be somebody looking out for people...? People respond to that. But again, he's one of us, and he will defend us, and he's not-- Even though he's got more money than God, as far as people around there are concerned, he's not an elitist.
- Susan Simpson:** He's not a *lawyer's* lawyer.
- Shannon Murphy:** No, he's not. Not at all. I mean, he's a 'man of the people' and he's *legendary* for those reasons. I mean, for not being 'stuck up' in his office, not-getting-out-and-talking-to-people kind of lawyer. He's approachable.
- Colin Miller:** Yeah. I think that in some ways he's similar to Christina Gutierrez from our first season case. I mean, obviously by the time she represented Adnan she had declined, but a lot of the stories about *her* performance in the court room and the way she could relate to the jurors... It reminded me a lot about what we're seeing with the stories of Bobby Lee Cook.
- Shannon Murphy:** Yes. Which is why, again, I just couldn't imagine him going into the courtroom to talk to a jury of his own people and not convincing them of Joey's innocence. And especially, once I actually started listening to the podcast, knowing the *facts* of the case, I really feel like it would have been easy work for Bobby Lee. I truly do.
- And so, it is completely unfortunate that whatever the chain of events was that prevented him or Branch from representing him, it's sad that that went that way.
- Colin Miller:** And going back to an earlier episode, he would have called Stanley Sutton to the witness stand and he would have raked him over the coals in the witness stand. And made a show of that for the jury.
- Shannon Murphy:** Definitely. And actually that's one thing: I *have* spoken with some people back home, and that was something that came up a couple of times – was *why* wasn't Stanley called to testify. That's very strange. And again, I think that Bobby Lee Cook could have very easily made the case that based on that quote of his, that just because Joey was a punk kid, doesn't make him a murderer. I think that that could have been hammered home a lot more than it was.
- Susan Simpson:** And if you read our motion to the Supreme Court of Georgia, trying to appeal the denial over access to the trial tapes, that's one of the things we talk about – is Stanley Sutton and his testimony at the preliminary hearing. Where he at one point plead the Fifth Amendment. From the defense notes, it seems that as if what the defense was told was that he'd just been *joking* – or *just kidding* – when he said that, so it wasn't really him pleading the Fifth. But on cross-examination he could have been very much examined on that. And without the trial tapes, we can't tell if there's anything to back up this claim of: "He was just joking."

- Shannon Murphy:** Interesting.
- Susan Simpson:** And *why* would you joke about that? [laughs]
- Shannon Murphy:** I actually, to be-- [sighs] I'm still really ambivalent.
- Well, the episode that you all did on Stanley about *his* reputation amongst the town... I don't think even-- I mean, y'all spend an entire episode on it and I *still* don't think that really got across how *large* Stanley loomed over the community.
- And the weird things like him eating grasshoppers and calling the women he met "Hon" and, you know, "Darling" or whatever it was... And then the quote of his where he was, you know, reprimanded by his supervisor for being too informal or whatever, he said: "Well, that's just the way I am. I'm going to joke and cut up with people." I mean, he really *was*. I mean the whole idea of the 'loose cannon' cop, that was him to a tee. You really never knew what was going to come out of his mouth.
- I actually, I think I told Susan this, I worked with him. My first job was at a grocery store in Rome, and Stanley worked on the weekends there as an off-duty security guard. And he's definitely as colorful, and *then* some, as you all made him out to be. He's just a... *Quite* a character. So yeah it wouldn't surprise me at all if he got up there and you know, joked about pleading the Fifth, and everybody just kind of [affects voice] "Ha, ha, ha, that's Stanley!" Yeah.
- Susan Simpson:** Yeah, I know, I've heard that before just like, some people found it really annoying, some were more tolerant of it but that's just who he was. And he wouldn't, you know, tone it down for anyone.
- Shannon Murphy:** And very high strung. You just never knew what to expect out of him. And I guess people kind of became accustomed to not knowing what to expect out of him. And so, whenever he would do something *bizarre*, like, you know, plead the Fifth, they just laughed and shrugged it off, because, "That's Stanley, being Stanley." So...
- Jon Cryer:** Did you ever have any actual interaction with him?
- Shannon Murphy:** Yeah! Yeah, we worked together. Probably the better part of, say six months to a year. He gave me a ride to and from work a couple of times, whenever the roads iced over, because he had a four-wheel drive truck.
- I always found him, again, he was very weird, very intense, very high strung. But *I* didn't mind him. He was always perfectly fine with me. And actually, even going through the podcast, some of the things he done that you guys have described, I can see how it would be easy to *cringe* at it – especially the interview he went and did with Kelli and her parents – but in the local culture, even *that* wasn't all that strange. I mean, people have no compunction about getting themselves involved in everybody else's business. So, him going over to Kelli's house and giving her this really – on the surface – this creepy, inappropriate, father-daughter type talk about dating Joey... That really isn't *that* out of the ordinary, around there.
- But the whole: Him calling Joey and his friends a '*gang*', that might actually be my tipping point with my opinion of Stanley. I can't justify that in any way.
- But personally back then, he was perfectly fine. He was a friend of *everybody*. And I think that was something that made Stanley unique in the area among the local cops, was you know, if you're a family from the wrong side of the tracks, with borderline delinquent kids, or delinquent kids, you probably don't have a lot of positive contact with police officers, or law enforcement in general. However, Stanley, I mean, he made himself available to *everybody*.

I mean, you *definitely* didn't want to get on the bad side of him, as a lot of the kids in this situation found out, *but* he wouldn't necessarily make a nuisance of himself. And I think, you know, now that in retrospect and I'm a little bit older, I think that he was probably smart enough to figure out that it would behoove him to become friends with people who were, you know, on the edge if illegal or criminal activity. Because those people could prove valuable if and when he ever needed informants or witnesses, or whatever.

And that *sounds* like an obvious thing for a law enforcement officer to *do*, but he was the only one I knew of that was actually doing that sort of thing in the community. Because *everybody* knew Stanley Sutton. Like, *everybody* knew Stanley.

And as you all mentioned in a previous podcast, you had a strong opinion on Stanley, because he was the type of person that elicited strong opinions. It would be very hard to be neutral about Stanley.

[35:28]

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**Jon Cryer:** I had a question about the culture of everybody getting in each other's business. Is that something specific to that community?

**Shannon Murphy:** No. I don't think so. And I actually spent time in Valdosta, which is a town in south Georgia – about the same size as Rome – and I talked to people there, and they said the same thing, no. It's the same thing there. And I think that's actually-- Because you always hear these stories about how great it is to grow up in small towns with tight-knit communities, and how everybody is always there to look out for each other, and how they'll give you the shirt off their back. *All* those things are absolutely true, and they're wonderful, and they are fantastic features of these small towns, *but--*

**Susan Simpson:** It comes at a cost. [laughs]

**Shannon Murphy:** *Exactly.* Like, you know, they're going to help you, *but* they're going to bring over their help with a little bit of opinion and advice on how you should go about not getting into this situation in the first place.

And it's just... The assumption is that you don't *mind* this advice, that you don't *mind* everybody knowing your business because we're all friends, we're all family. Personally, it can get tiresome, which is why I don't live in a small town now. But, no. Not at all abnormal. That's completely accepted, wanted, appreciated. It's viewed as a wonderful feature of small towns.

**Jon Cryer:** I had a question about Branch Connelly, and about his leaving the case. So, my understanding from the podcast was that he met with Joey Watkins' father, and then decided, "Well, now's the time to go to France for a vacation". Does Joey's father have any comment on that, in particular?

**Susan Simpson:** Well, we don't know... So there's a lot, obviously as we tried to-- As we probably talked about in the episode, that we don't know here. Because a lot of it wasn't documented. We're relying on the stories we're getting from Joey's attorneys back then, Joey and his family... So, I mean, that's one story we've heard – that Clare was talking about, I believe – is just that there was a vacation planned so, Branch Connelly went on this vacation and couldn't make the trial. But there's a lot we just don't know.

**Jon Cryer:** And did Joey's father ever have any interaction with Bobby Lee Cook? The lawyer he *thought* he was hiring?

**Susan Simpson:** Yeah. After Joey's conviction, Bobby Lee Cook *did* get involved with the appellate process. So he was involved there. And Johnny – Joey's father – *did* meet with Bobby Lee Cook at one point, but he just wasn't doing the trial. Because he had his, you know, his little associate doing it.

[38:18]

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**Jon Cryer:** I actually have a Rome question from social media, and this actually refers to something mentioned in an earlier episode, but this is from 'Cathy McGilton'. She says: "Not the most pressing question, but what, pray tell is this 'Rock Store' that Joey mentioned?"

**Shannon Murphy:** Oh, I have *no* idea. I have wondered about that.

[laughter]

**Susan Simpson:** I kind of didn't want to ask, because I assumed everyone else knew.

**Jon Cryer:** Oh, great! So we have no idea.

**Susan Simpson:** I think it's like--

**Jon Cryer:** I have a theory--

**Shannon Murphy:** The only thing I can think of, is – I have no idea why he would have been doing it – there *are* stores – because my granddaddy was a landscaper – there *are* stores where you can go and buy large rocks that are used for landscaping purposes. But again, I have no idea why Joey would be visiting anything like that. That's the best guess I have.

**Susan Simpson:** Well, it wasn't *Joey* at it – it was Adam Cagle. Is it possible it's like a convenience store? Maybe? I don't know. Any way, it's a store and he was out there, and they have lots of weird stores out there.

**Jon Cryer:** [laughs]

**Susan Simpson:** I didn't know if it was going to be like, actually a rock and mineral store, but I thought it was probably going to be like, a convenience store.

**Jon Cryer:** Yeah, I assumed it was probably some sort of-- Like, maybe where you buy stuff that people bought stuff that was used in construction or landscaping, like Shannon had said. That was my theory.

**Susan Simpson:** Wait... Shannon, what was the story *you* were telling me about? That I thought was really hilarious? The one with the sun tanning?

**Shannon Murphy:** Oh, Ashley's Herbs and Tanning.

**Susan Simpson:** [laughs]

- Shannon Murphy:** Yes. You can go and buy-- It may just be Ashley's Tanning now. I can't remember. Yeah. She sold herbal supplements – again, this was in the late '90s when vitamins and you know, this whole 'natural' movement just started – so you could by herbs and vitamins *and* go get in the tanning bed. All at the same time.
- Jon Cryer:** [laughs] So you could take the vitamins to prevent the skin cancer you were acquiring from the tanning bed.
- Shannon Murphy:** Absolutely.
- Jon Cryer:** It's a one-stop shop. I mean that's what's great about it. [laughs]
- Now I actually had a question for Colin: So, in terms of Rex Abernathy joining the case at such a late time, he claims now that he asked for a continuance, but that it was not granted. But it sounds like nobody's certain of this. Wouldn't there be a record of this?
- Colin Miller:** If he just orally asked for a continuance, in that case it's possible that whenever that occurred there wasn't any type of documentation. But yeah, I mean, if there were literally a filing with the court – I'm filing a motion for a continuance – there *should* be some type of record of that.
- Susan Simpson:** And also, it seems like – or we've been *told* – that Abernathy came in very late in the game, but he was kind of involved from the *start*. So I don't know how to reconcile that, either.
- Jon Cryer:** Now, this was appealed on the basis of ineffective assistance of counsel. Am I right?
- Susan Simpson:** No. Not initially.
- Jon Cryer:** Oh! Okay. So there--
- Susan Simpson:** Because they *were* the counsel that did the appeal.
- Colin Miller:** But then *later* there was an 'ineffective assistance' claim.
- Jon Cryer:** Ah!
- Colin Miller:** With the cell-tower pings. Right.
- Jon Cryer:** So this was done on the basis of something that we haven't heard about yet?
- Colin Miller:** Right. We're going to have a whole episode on the cell tower pings and how they relate to the trial, but, right, that *eventually* was a claim of ineffective assistance based upon failure to put on a cell tower expert.
- Jon Cryer:** And what was the *first* appeal based on?

- Susan Simpson:** It was some bogus stuff. It was like, the Mullinax thing...
- Colin Miller:** Character evidence...
- Susan Simpson:** Oh yeah! It was Yvonne Agan again, which we'll get to later. But it wasn't really--
- Colin Miller:** Well it was the preacher.
- Susan Simpson:** Joey Boyd. That's right.
- Colin Miller:** Right. The preacher. Right. The Brady violation by not turning over the alleged confession by Joey Boyd.
- Susan Simpson:** Which was legit, and should have gotten more traction, *but*...
- Jon Cryer:** Well yeah. Because it appears that the judge in this case made several rulings that made it nearly impossible for any attorney to defend their client. I mean, you know, if you've got three weeks' notice to start a *murder* trial, and you ask for a continuance and they say *no*, can *that* be grounds for an appeal? As abuse of discretion?
- Colin Miller:** Yeah. Two of the cases that I stated on the episode were both cases where there was a substitution of counsel two weeks before trial, and the court in Georgia rejected both of those, in large part because it was the *defendant* who was unhappy and decided, "I'm going to switch out my attorneys".
- So, certainly that's something that *can* be raised, and there are a few cases in Georgia where really it was an attorney coming on to the case just a few *days* before trial and the court denied a continuance that they found that was grounds for a new trial.
- So, yeah, it is abuse of discretion, but here, where as Susan says, it seems that at a *minimum*, Abernathy was working on the case in some capacity for a decent amount of time, that wasn't really any grounds for an appeal.
- [42:35] ≈
- Jon Cryer:** And I've got a question from social media from 'Abby Workman' who says, "Wait. Did you just basically say that Wayne Williams may not have been guilty of the Atlanta child murders?"
- Colin Miller:** The interesting thing on *that* is, there were those questions raised about this alternate suspect in the KKK. And then in 2010 there was evidence that was released that a hair found on one of the victims was essentially a match for Wayne Williams. And *that* was reported in the press as: This is the huge evidence that shows that he's definitely guilty. Now, since then, we've had a lot of questions about the validity of forensic hair testing, which I think calls that into question more.
- Overall though, I have no idea. I researched this minimally for the podcast, and did some background. I know there's some strong evidence of his guilt. There's lot of questions out there, but I don't know exactly how valid those questions are. It *seems* overall it's a pretty strong case but maybe there's something there. Certainly it appears that the State was not as forthcoming with the evidence as they could have been.

- Jon Cryer:** And in this case, Bobby Lee Cook was actually part of a group of attorneys that were trying to get people to look back into the case? Is that correct?
- Colin Miller:** Right. Alan Dershowitz, Bobby Lee Cook – this was *after* the conviction they came in. And that’s when it was this evidence about Sanders, the member of the KKK, and sort of the evidence the State had against *him*, and the dog evidence, *et cetera*. They tried to use that to get a new trial, but that was unsuccessful.
- Jon Cryer:** Now, Colin. By the way, I’m sorry to bring this up, but you and I, we’ve talked about your use of references in the past, right? And you know, I’m generally a big fan. But I think you crossed a line, Colin.
- Susan Simpson:** [laughs]
- Jon Cryer:** When you start making references to *unaired pilots*.
- Colin Miller:** [laughs]
- Jon Cryer:** That’s not okay, Colin. It has to be a reference that people can have *some* access to.
- Susan Simpson:** [laughs]
- Jon Cryer:** And actually, you think this is a recording of the *Addendum* – it’s actually an intervention. You need *help*, Colin.
- [laughter]
- You can’t make references to things people haven’t seen, or have access to-
- Susan Simpson:** See, no, no. It’s an allegory for the lack of access to the justice system. And the trial tapes.
- Jon Cryer:** [laughs] *Nice save*, Susan Simpson! Actually, which leads to a social media question from Michelle Erica, who asks, “If anyone else is thinking: ‘Who is Rex? Why do I know this voice?’ It’s David Tennant, and I really want to watch this show. Colin, how did you find it and where do you get it?”
- Susan Simpson:** [laughs]
- Colin Miller:** It’s-- I don’t have access to the whole show, it’s just the one clip of the show that was on YouTube--
- Jon Cryer:** This is what I’m saying!
- Colin Miller:** [laughs]
- Jon Cryer:** Don’t do this, Colin! Don’t do this to people! Okay, so there’s only a clip. There’s just a vague clip floating around the internet.

- Colin Miller:** Yep, it's just David Tennant, approximating an American accent. He's, as most people who might know him, *Doctor Who* for a number of seasons. But yeah, he was trying to come to America and do a pilot, and it wasn't picked up, but they have this one clip on YouTube and the script for the pilot's available online, so that's where I got the--
- Susan Simpson:** I'd totally watch the show, just mostly for David Tennant. [laughs] It sounded like a *terrible*, good show.
- Colin Miller:** It sounded like a good show! But he did *Broadchurch* instead, so I guess everyone sort of came out--
- Susan Simpson:** *Urgh*. Well, until Season 2 happened.
- Colin Miller:** [laughs]
- Jon Cryer:** Oh wait, this is real controversy – I don't want to set you guys off against each other. I know that you guys have been working very closely to this point. [laughs] And I don't want to ruin that.
- Susan Simpson:** I mean I will defer to Colin on anything TV and movie-related, but Season 2 of *Broadchurch*, uh-uhh.
- Jon Cryer:** [laughs] That's where she draws the line, Colin.
- Colin Miller:** I actually haven't seen Season 2, so...  
[laughter]
- Susan Simpson:** Well, you're better off not.  
[laughter]
- Jon Cryer:** I've got another social media question. This is from 'Near Here' who asks: "Are Cook & Connelly using influence to keep tapes from *Undisclosed*? Why is police planting false witnesses *not* a crime, like police planting false evidence?"
- Susan Simpson:** *No*. There's nothing-- The court tapes... That's purely to do with the court's decision. So, it's nothing to do with the defense team. They didn't have the tapes, they never had them.  
  
As for the false witnesses, well... You have to *prove* they're false, and that's a pretty... I was going to say *high bar*, but let's say *impossible*. Because, if a prosecutor can call *Mullinax*, when she is so embarrassed she's doing it, she has to say "For what it's worth", there's not really a *lie* in there.
- Jon Cryer:** Really it's in the hands of juries. At that point--
- Susan Simpson:** Yeah.
- Jon Cryer:** And defense attorneys.

**Colin Miller:** And in terms of the police having these people, say, go to Mark Free's house, there's a doctrine that's called either the 'False Friend Doctrine' or the 'Misplaced Trust Doctrine'. Comes from a line of cases including the prosecution of Jimmy Hoffa where essentially they say there's no problem with the police having-- I mean, this is the sort of confidential informant where we have someone who's wearing a wire, and they're going, and we have them come to your house and pretend to be your friend. And there's not a Fourth Amendment concern there because if you place your trust in that person, then you are the one assuming that risk and they can use that against you.

[46:50]

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**Jon Cryer:** I've got a question from somebody about the Adnan Syed case. This is from 'Sam Moody' who says: "Hello! Has anyone gained access to the Jada Lambert autopsy? I believe we know that Hae was knocked unconscious before she was strangled, and I'm wondering if Jada Lambert had any contusions on her head in her autopsy or was it just manual strangulation?"

**Susan Simpson:** She *did*, actually. And I'm not saying they are connected – that's not what it means, but there are a number of striking details between the two cases in how they presented and how they were found. Just the set up of the crime scene and the nature of the wounds and how they were found. Other than the parks – which were different parks – they were eerily close.

**Colin Miller:** We don't have the actual autopsy, but yeah. You might remember that was, was it Roy Davis? Was the name of the man who had killed her, and yeah, the reports say that she did have these injuries to the head, but we don't actually have the autopsy report to see exactly what was the nature of those injuries.

**Jon Cryer:** But it's very telling that the police didn't choose to pursue that with any vigor.

**Susan Simpson:** Well, also, that case was not solved until '04...? Long after Adnan was convicted. And that was not done until the DNA match came through.

**Jon Cryer:** Was the actual murder contemporary? With Hae's murder?

**Susan Simpson:** She was one year before.

[48:00]

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**Jon Cryer:** Shannon, did you have any questions that you wanted to ask Susan and Colin?

**Shannon Murphy:** Actually, yeah. And this may be something that's discussed in the next podcast, but I'm interested to know why Heath wasn't investigated more thoroughly as a potential suspect.

I know that from the 7<sup>th</sup>, or whichever, episode, there was an issue of the 911 log and whether or not he would have physically had time to get from where the 'David Williams' incident happened to where Isaac was shot. But it seems like that should have been looked into a little bit further than it was.

**Susan Simpson:** We do not have a good answer to that. We *will* be getting more into the details of what we have, but as for the question of *why* – that one is still elusive. Because, at least *document* a reason that you disregard a suspect, right?

- Shannon Murphy:** Yeah. And it just-- If I were a juror, just the possibility raised by Heath would have been enough for me to have reasonable doubt. And it seems like Heath was kind of just-- I don't even know if he was even brought up at trial...?
- Susan Simpson:** He was brought up at Joey's trial, and the prosecutor did a masterful job of using that actually to spin it *against* Joey, saying, "Look how desperate he is to point the finger at some random place. Don't be fooled by his, like, impossible allegations about this other guy. It's *all* a giant side show. He's just trying to distract you from his obvious guilt." Only *she* did it better. But it was effective, the way that she spun it out.
- Colin Miller:** The question is: If Bobby Lee Cook were on the case, would he have somehow gotten the picture of Heath Wilson's vehicle and then after Wayne Benson testified, you could imagine sort of similar courtroom theatrics to the other ones we mentioned in his past, where he goes through all this and he says, "They showed you these hundreds or however many cars, and none of them look like the vehicle." And you could just sort of see Bobby Lee Cook whipping out this and Wayne Benson on the stand, much like when Clare and Susan showed him the image of this vehicle, and the effect that could have had on the jury.
- Susan Simpson:** If that had happened on the stand, that would have have been like right out of *Matlock*. His reaction.
- Colin Miller:** Right. Yeah.
- Shannon Murphy:** Absolutely. I think it would have been effective because, I mean, here's the social psychologist in me talking: But the best predictor of *future* behavior is *past* behavior. And if you have somebody who's literally, you know, over here in Coosa, shooting at people from a car into a car... My money is on that same guy driving across town to do it again. Or at *least*, you know, it *should* have been considered or presented as, you know, something to raise reasonable doubt. Or *something*.
- I think, as far as the way the trial went itself, that's the thing that has kept me befuddled the entire time.
- Jon Cryer:** You can see why Bobby Lee Cook would admire Tami Colston as an attorney, and in fact, he was suggesting her for a judgeship. Because she makes some of the same sort of *leaps* of logic sound plausible, that, you know, in normal, day-to-day understanding would make no sense. So she did some incredible *jiu-jitsu* up there, and I'd admire it if it wasn't in the service of an innocent man going to jail.
- Susan Simpson:** Yeah. She was good at what she was doing.
- Shannon Murphy:** But like you said, I mean, on the one hand, she does have a job to do. She was doing it very well, but...
- Susan Simpson:** Yeah, it's a hard. Well, part of me is just not willing to-- From everything I know about Tami Colston, I just can't *buy* that she would actually believe some of the claims she was making. She seems too intelligent and too aware to have actually bought in to it.
- Maybe she did. I can't say what she did or not believe. But, it's hard for me to understand how she could have missed some of the issues here.
- Shannon Murphy:** Yeah, and now that I know the whole story of how Rex was, you know, kind of put on the spot with hardly any time to prepare, now I have a better understanding--

**Susan Simpson:** Allegedly. [laughs]

**Shannon Murphy:** Yeah. Of how all Joey's defense was kind of, not up to par. So...

[51:44]

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**Susan Simpson:** Thanks so much for coming on, Shannon, this was really helpful. And I mean, it's brave of you to come on! This is your life, and home town, and your involvement. And being able to talk about it from your perspective now, and your knowledge now as a psychologist, I think, is invaluable.

**Shannon Murphy:** Yeah, and it's really... I mean there's been a lot of ink spilled here, recently. Not to get overly political, but, you know, and how Trump got elected on this rural white vote, and there's a book out now that's *Hillbilly Elegy*...

**Susan Simpson:** [laughs]

**Shannon Murphy:** The Appalachian culture is misunderstood, but then they kind of do it to themselves by being so insular and so antagonistic to outsiders. And so, I do appreciate the opportunity to almost to speak on their behalf and say, yes, everybody having a gun tucked behind the door and going out and you know, riding around in parking lots and brawling.

I understand that, you know, to upper middle class people who live in suburbs or in urban areas it sounds *bizarre* and delinquent and just, "What the hell are you all doing?" But I mean, this is the way they live their life. And I'm not saying it's a *good* thing for everybody to have a gun tucked behind the door, or to be out fighting and getting in trouble, and-- Because it's *not*. But again, it's kind of the way things are. So...

**Jon Cryer:** Well also, it's still a rural community that is adapting to modernity. You know? I think in social systems – and certainly in rural social systems – both agricultural and herding-based systems – the young people had *jobs*. They had jobs they had to do to be part of their family, but now because modernity has sort of put them in the 'school' mode, it robs them of the daily things that they had to do – the purpose that they had to have on a daily basis. And so now these *other* things have to come in and take their place. At least, that's *my* understanding of it.

**Shannon Murphy:** I mean, it's a larger-- Now we're kind getting into the societal-level problems, but you know, you graduate high school, and like I mentioned in the start of the podcast, the little school districts were all built around these little *industries* – these little mills – so you know, Coosa, you graduated high school, you went and got a job at Georgia Power, Plant Hammond, or Kraft Paper Mill. You graduated from Armuchee, you went up to Summerville and got a job in one of the textile plants.

But those jobs are no longer there. And so it creates kind of a little bit of – I don't want to say *existential angst* – but there is-- You start getting to age 18, 19 and there's a sense of impending: "*What* am I going to do?" And it's this whole idea of a youth drift without a sense of purpose, and that makes it easy for them to get involved in things they shouldn't be doing. I mean, it's a lack of anything else to do. And again, I don't mean to excuse it or to try to justify it, but that's how it is. It's a problem. And hopefully a solution's out there to be found. So...

**Jon Cryer:** Well, thank you once again, Shannon.

**Shannon Murphy:** No, thank you all! I really appreciate it. This has been great.

**Jon Cryer:** And thank *you*, Colin and Susan.

**Colin Miller:** Thanks Jon!

**Susan Simpson:** Alright!

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