
UNDISCLOSED SEASON 2: THE STATE VS. JOEY WATKINS**ADDENDUM 23:
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Jon Cryer: Hello, and welcome to the *Undisclosed Addendum*. I am Jon Cryer, and this is the podcast about all things *Undisclosed*.

Now it's hard to listen to the two most recent episodes of *Undisclosed* – 'The Trial Tapes Litigation' and 'No Error Found' – and not emerge in a white hot rage. They detailed the maddening missteps in Joey Watkins' trial and appeals process, and inspired a million questions for our listeners.

And with us today is one of the hosts of *Undisclosed*, Colin Miller. He is an associate dean and professor of Law at the University of South Carolina School of Law and he blogs at *Evidence Prof Blog*.

How you doing Colin?

Colin Miller: Great, Jon. How about you?

Jon Cryer: Great as well, and you sound much better.

Colin Miller: Thanks!

Jon Cryer: Also today we have with us Scott Reeder and Seema Iyer. Scott Reeder is a nationally-recognized journalist. During his decades in the news business he has captured more than 20 National Journalism Awards, and many more state and local commendation. His weekly column runs in more than 60 Illinois newspapers, he's the founding editor for *two* news services which now serve hundreds of broadcast, print and online outlets, and with the NPR affiliate, WVIK, he now has launched the podcast *Suspect Convictions*, which is about a homicide he covered as a young reporter.

Welcome to the show, Scott!

Scott Reeder: Great to be here!

Jon Cryer: So, I listened to a bit of the podcast, and, can you tell us a little bit about the case of Jennifer Ann Lewis?

Scott Reeder: It is an absolutely fascinating case. 26 years ago I was the night cop reporter in Davenport, Iowa, for the newspaper there, and I got dispatched to a small fire at a school playground. And I arrived at the scene at the same time as the first police officer. The two of us walked over to what we thought was going to be a trash fire, and when we saw the smoke rising from the grass, we walked over and looked down and instead of a trash fire it was a nine-year old girl who had been doused with gasoline and set on fire.

And you can imagine the community was just in *terror*. I mean, you know, things like that just aren't supposed to happen in Iowa. And within a week the police had arrested an African-

American man named Stanley Liggins, who had just been released from prison on an armed robbery charge. And there was very little evidence against him.

And what we found is – what Iowa Appellate Court, I should say, has found, I should say – 75 police reports were not turned over during Discover. And they contained exculpatory evidence. We found that the star witness in the case was this woman who saw tail lights near the fire, and she came forward three days *after* the arrest, and she became like the star witness during the trial. The prosecutor rolled in the back half of the car, and she testified. Well, it turns out the woman had been a paid police informant for five years! About a year before the trial, in fact.

And this was never disclosed to the defense. And never came out in the trial, the jurors were never informed of this. And on the first jury – it's in 1990 – they put a white South African on the jury who has some interesting views on race – let's just put it that way – I interviewed him and if you want to know more, you can listen to the podcast. But they not only put *him* on the jury, they put his *wife* on the jury! Have you guys ever heard of spouses being on a jury together?

Seema Iyer: I actually have. Actually, yeah! [laughs]

Scott Reeder: Okay...!

Jon Cryer: Ladies and gentlemen, Seema Iyer!

Seema Iyer: Hi everyone... Yeah, I have heard of that. And I agree with you that it's *definitely* suspicious...? I had an issue when I did hear about it, but please, go on. I don't want to interrupt.

Scott Reeder: So we have *this*... As we've dug more and more he ended up-- Well, his first conviction was thrown out, he had a new trial, and part of the issue with the new trial was all of the extreme publicity in the community. And they had to go and do a change of venue. And the Iowa Supreme Court ordered it. So it goes back to the district judge, and he gets to decide where the change of venue is going to go. Guess where he picked? Dubuque, Iowa – a community where it had cross burnings for five years prior.

Seema Iyer: [exhales]

Scott Reeder: And it's one of the most ethnically-homogenous community in one of the most ethnically-homogenous states in the union. I mean, Dubuque's a wonderful town, don't get me wrong, but it's very... *White*. For want of a better word.

Jon Cryer: Well, it's also an odd choice, given the situation, but just out of curiosity, would there have been a *better* choice, in your mind?

Scott Reeder: Oh yes! I mean, there's a number of diverse communities in Iowa, actually – they could have gone to *Des Moines* – it's a fairly diverse community – they could have gone to *Waterloo*, which has a very high percentage of African-Americans. They could have gone to... Even Sioux City, which has a fair number of American Indians.

I mean, there's just a *lot* of different communities where they could have gone where they would have at least had a little bit more diversity in it. For that matter, even in the community where the crime happened is about 20% African-Americans. But at both trials, they ended up

with all-white juries. It was a very curious case. So I've been fascinated by this case for years, obviously, having been one of the people that found the body.

Flash forward 26 years: Having one of those middle life thoughts, you know, after having done all these different things in journalism. And my wife says, "What do you really want to do?" I said, "I want to write a book on this case." And she goes, "Do it!"

So I started writing a book, and I worked on it for seven or eight months and had 80 or so interviews recorded. And I am driving down the road with my wife listening to *Serial*. And I said, "You know, this is really interesting, but, you know, so is my case. I wonder if we could do a podcast on this?"

And I reached out to a friend at the NPR station, and within two days we had a deal to help produce a podcast. And we launched yesterday with our first five episodes. You can find it at suspectconvictions.com or on iTunes. It's already rising up rapidly in iTunes – we're excited about it – but again it's *Suspect Convictions*. And I'd invite anybody to listen to it. I'd love to get feedback from folks. Interesting thing about this case is, he has a trial coming up in May – this'll be the third trial...

Seema Iyer:

Wow.

Scott Reeder:

And we're going to have an ending to this case – more than likely. I mean we have something on the horizon to kind of anticipate it, where we'll be covering all the hearings coming up, and we're also going to be covering a lot of the other issues, and legal strategies, as trial approaches.

Jon Cryer:

Now, has Stanley Liggins been incarcerated this entire time?

Scott Reeder:

Yes. 26 years. Oh, and I should also add this is very *Undisclosed*-like: There was *another* witness that testified. And guess who this witness was? It was his cellmate in the county jail. And the guy's a career criminal – spent most of his life in and out of Iowa prisons – and he had testified against him saying that he admitted to the crime.

So I drove out to Sioux City, Iowa, and hunted for him. He'd just gotten released from prison, so it's like eight, nine hours from my home, and showed up at his mother's house. His brother said, "We don't know him." I said, "You look just like him on Facebook – you're his brother!" "Okay."

So we get onto him on the phone, he goes, "I don't want to talk to any reporter." And I said, "Hey guy, you know, my wife is absolutely going to kill me if I've driven all the way out here and you don't even want to talk to me. You've *got* to give me a break, guy. I don't want to take that kind of heat when I get home." "Okay, I understand. I've been married." Why don't you come on down to the construction site I'm work--

Jon Cryer:

That *worked*?!

[laughter]

Scott Reeder:

That worked! It *worked*!

Jon Cryer:

That is amazing.

Scott Reeder:

And I went down and *interviewed* him. And I said, you know, “Tell me about this.” And he said, “They put us in the same cell together, and we were together for like, six weeks and didn’t speak to each other.” And he said then he said, then they were watching TV and Stanley Liggins’ case came up on the TV, and he’s going, “Hey! That’s you!” And allegedly Liggins said, “Yes, but they’ll never get me for it.”

Now, you can interpret that a lot of different ways, but this was the ‘grand confession’ that was brought forward in the trial. So, I’m interviewing the guy in Sioux City who’d been his cellmate, and I said, “Well, you know, what compelled you to come forward?” and he goes: “I didn’t *want* to testify. They had a speaker in the cell that they could listen in, and they heard him say it – the police – and he says they immediately brought him out of the cell, put him in an interrogation and said, “if you don’t testify against this guy, we’re going to charge you as accessory to murder” – this is what he’s alleging – and of course, we know that police officers and, under Supreme Court rule, like during interrogations – he says this is what compels him to testify against Liggins.

I said, “Well, I noticed that you didn’t go back to Fort Maddison Penitentiary”, which is, for those who aren’t familiar with the mid-west, that is like *Shawshank Redemption* prison times five. It is a *really* nasty place. Where rapes and stabbings were common at that time, and it’s just a very scary place. And I said, “You’ve had such a long record, they sent you to Rockwell City!” He goes, “Yeah. They said they’d look after me and get me to a nicer prison.” And Rockwell City’s a much nicer prison. It’s a more modern, safer place. But then he adds, “But you know, Fort Maddison, they’ve got cable TV. And Rockwell City doesn’t. So.” So I thought that was interesting.

Jon Cryer:

Well, it’s all about quality of life. Yes.

Scott Reeder:

It’s all about quality of life. But-- So these are the two witnesses that testified against the guy, and you know, it’s concerning. I mean, a lot of things that I’ve heard, you know, on *your* episodes, on other cases that are questionable... You know, there’s a trend here, you know? You have a cellmate testifying, you have some documents that apparently weren’t turned over – or at least, the appellate court has found they weren’t turned over – you have some things that are kind of a trend here, wouldn’t you guys say?

Jon Cryer:

Well, it doesn’t look good. But now, you also mentioned that there is real evidence against him.

Scott Reeder:

Well, the evidence is pretty scant.

Jon Cryer:

Pretty thin? Oh, okay!

Scott Reeder:

Yeah. It’s the parents of this little girl who died – her name is Jennifer Lewis – and one of the things that’s different about this podcast is we really focus in on the victim as well. We think it’s really important that she not get lost in the mix. She grew up in really tragic circumstances. Desperately poor family. Just because there are some racial issues here, the family was white, Stanley Liggins is African-American.

The mother of this girl testified that she got to know Stanley Liggins while her husband was in jail, and she needed to get bail money, so she says she began selling cocaine for Stanley, and he was supplying it and she was selling it, in the west-end of Brock Island, Illinois. So he had a connection to the family, he had a criminal history, he had some problems in his past, and quite naturally the police began to really look at him.

And one of the things... They brought him in for questioning and they put him through a polygraph, and they say that he didn't pass the polygraph. And at that point they say that he became the focus of the investigation. And they really bored in hard.

And I talked to the prosecutor who worked the case at the time. He said, "Hey, I asked everybody in my office, 'Do you think we should charge him now? Or we shouldn't?'" and he said, "Almost to a person they all said, 'Don't charge him, you don't have enough evidence'" and said, "But you know, I'm accountable to the voters of Scott County, Iowa. And I feel like it's my decision that counts here."

And this is all on the record. And he decided to charge him. And then three days later this witness comes forward that says she saw the tail lights, and then they kind of built from there. But, there's the amount of evidence, and he had a lot of proximity to the family, that's for certain. He has a long criminal record, and he's got a violent history – he's not a good man – or, at least it's safe to say at that *point* he certainly wasn't a good man.

And now, I haven't talked to him for 26 years, but it's a fascinating case, and it's really divided the community up quite a bit, and there's just a lot of twists and turns in here, and there's an alternate suspect out there that people have pointed to – the defense has pointed to. I think your listeners will find this to be a really interesting one to listen to, too. Again it's suspectconvictions.com or you can find *Suspect Convictions* on iTunes.

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Jon Cryer:

Okay. So, now I'd like to take a moment to introduce to you Seema Iyer. She's a former prosecutor and a criminal justice attorney, she's a TV legal analyst and the host of *The Bollywood Lawyer* podcast. Also you can find all of Seema's coverage of the Adnan Syed's case at thebollywoodlawyer.com.

Welcome to the show *again*, Seema!

Seema Iyer:

Oh my god, this is the biggest thrill of my life Jon Cryer! Thank you for having me!

[laughter]

Jon Cryer:

This is it, folks. You heard it! [laughs] It's being recorded for posterity. Thank you for being here, Seema, I appreciate it so much. I wanted to say also, the podcast lately, *The Bollywood Lawyer*, has been delving into the Tyra Patterson case, which is *fascinating* to me. Can you tell the listeners a little bit about that?

Seema Iyer:

Absolutely. And first I have to start off by giving the *Undisclosed* team credit for the reason I *am* involved in the Tyra Patterson case. It's one of the Adnan Syed supporters that connected me with Tyra Patterson's lawyer and they said, "Maybe you can help. Maybe you can do something." So, that's why we've done this Tyra Patterson series.

In essence, on September 20th 1994 Tyra was with a group of people, and *that* group of people – who she did *not* know very well at *all* – decided to rob another group of victims – which were five young ladies – and both groups of people, everybody was pretty young, I must say.

So, Tyra was in this location, it was the parking lot area of her apartment complex. And Tyra was with her best friend Becca, and that was really her only friend, and they did nothing, but they were in the vicinity of the robbery. The robbery, which of course requires violence, along with the theft escalated to a point where one of the young women who was involved in the robbery pulled out a gun and shot one of the girls in the car.

And that victim, her name was Michelle Lai. She was 15 years old, and she was killed. And Tyra had actually, with her best friend Becca, had been walking *away* from the scene much *before* the actual shooting occurred. Tyra's fatal mistake was that she picked up something off the ground which was a necklace. That necklace had been thrown to the ground away from the scene by another one of the robbery participants.

So, Tyra though, she immediately went to her home and called 911. And I know, everybody here is a fan of these legal issues, and that was the first major mistake in the case. The defense attorney never played the 911 call that Tyra made to bring help to the victims. That was never played to the jury.

So Tyra gets picked up with her friend Becca. She says that she had nothing to do with it, she claims that she's innocent, and time passes, and now she asserts that it was in essence a false conviction, that the detective – the lead detective – had threatened her to confess. And she falsely confessed. And she *did* tell her trial lawyers at the time – that wasn't brought out.

So, she's been in jail for 22 years – in prison, rather. She's always claimed that she is innocent, and as we sit here today, Michelle Lai's sister who was in the car, who was another victim, *has* come forward finally, and corroborated Tyra's innocence. Additionally, all the other co-defendants, and there are five in total, all of them including Tyra – everybody's passed polygraphs, everybody says that Tyra didn't do anything, she wasn't involved with the robbery and she certainly wasn't involved with the murder.

Jon Cryer:

Well, it brought up some interesting issues, because originally she was convicted because she was *grouped* with the attackers. And it brings up an interesting issue, you know, what is an inherent about them that makes them part of a group? She didn't know those people, she was *barely* acquainted with them. She had been in a car with a couple of them earlier.

And as Colin and I have discussed on the show, there are a lot of laws where people are held culpable for crimes committed by a group, even if they didn't actually participate in the crime.

Seema Iyer:

That's true, but in this case there *was* testimony at trial, which is now being held in question, of the extent of Tyra's participation. Because at trial there *were* victims who testified that Tyra said things that initiated the robbery, participated in the robbery, and there was also even an accusation that she may have even told the shooter to shoot the victim. So, *those* facts, I can see are reasonable that a jury would come up with a guilty verdict. But now that the case has been further investigated, and has been uncovered that that didn't happen.

But, here's the deal: The truth is, there *were* witnesses who could have corroborated Tyra's story that she *wasn't* at the location, she didn't say the words that corroborated the robbery, that she didn't participate in the violence, that she wasn't at the scene. But that person was never called by the defense to testify. *And*, what makes this worse, is – and that was Becca, her best friend – Becca was in front of the courtroom during the trial, and to this day we have no idea why she wasn't called as a witness.

Jon Cryer:

She attended the entirety of the trial?

Seema Iyer:

Not the entirety, but she was there for at least a day.

Jon Cryer:

So she was present, just not called. So what is the status? Has she appealed? Are there appeals pending?

Seema Iyer:

There are no appeals pending. She's exhausted all her appeal options. The status now is that either they are trying to get her pardoned by the governor, *or* they are trying to get her to go

back to court with the victim's recantation – the Michelle Lai's sister, Holly Lai – who's also she was on one episode of the podcast, but the *The Guardian* – for the listeners, *The Guardian* has done an entire series on Tyra Patterson that goes really in-depth as well.

Jon Cryer: And I also want to compliment you on the access you've gotten, that you actually got an interview with the prosecutor, which I thought was just remarkable. And it provided some real depth in the case. I'm really glad he came forward.

Seema Iyer: Yes, yes. He was very-- I almost stroked out when I did that interview, because we were yelling and screaming bloody murder at each other, *but* he was very generous with his time and he really-- I don't understand why he's just sticking to his guns so firmly. I simply don't understand. Because he really is quite a reasonable man. But he just doesn't see the facts before him. And he doesn't see the change in testimony and circumstances that have occurred over the last 22 years.

Jon Cryer: Do you think prosecutors have come to grips with the amount of false confessions that happen?

Seema Iyer: I don't think that they believe that all false confessions are truly false confessions.

Jon Cryer: You think that they think that there's some sort of grain of truth that they're trying to hide or obfuscate, that they actually did have *something* to do with it?

Seema Iyer: Yes! And on one hand, *listen*. It's reasonable, that prosecutors think that. Because if you are like me – I was a prosecutor, I was a defense attorney – if you are in this *every* single day of your life, all everybody does is lie. I don't believe that there are that many wrongfully incarcerated people, by the way.

I think that a lot of people, maybe most people, who are in prison belong there. Maybe not for as long as they *are* there, but they belong there. I think Tyra's rare, I think Joey Watkins is rare. And I think Scott's case is probably another rarity.

But, you have to understand, everybody and their mother comes and says, "Oh, it was a false confession – the cops beat me up." It's like, *really?! Are you just doing this now because everyone's talking about it, because it's the new 'It girl' in town?*

Jon Cryer: [laughs] Well, I think it *is* valuable for people to understand that they *do happen*. I think there was an ironclad, I think-- Even, I have to say, myself, back in the '70s or in the early '80s when the Central Park Five case was happening in New York City, I absolutely believed their first confessions. And in retrospect, they were *completely* wrong. I had that bedrock, thinking if you've confessed, you're up to something. And that's why I brought up the prosecutor thing.

Because, these are prosecutors who *do* deal with people who lie every day. They deal with criminals who, you know, generally if you've made a career of being a criminal, you're not about honesty. [laughs] You know? So I have to figure that affects their world view. But also seeing what happens in interrogations, and seeing what the Reid Technique has, sort of, you know, *twisted* how interrogations happen, it sort of feels like perhaps that hasn't really *culturally* infected the world of prosecutors. And I ask you that because you're a former prosecutor yourself.

Seema Iyer: I agree. I agree. And I will say this: I was not completely on board until her lawyer had affidavits from suspects the detectives had investigated and similarly threatened. So, when I

had all that corroboration in front of me, I said, “Okay!” I *do* believe her, beyond a reasonable doubt, where I didn’t before, necessarily.

It’s very hard, I think, as a former prosecutor, to see a police officer, that they would do that. That they would put their life, their career, their pension on the line by threatening witnesses and suspects. And especially *Tyra*. I mean, *Tyra* was a *child*. She was 19 years old. So, it’s very hard to completely believe that.

And by the way, I practiced in Manhattan, I had a case with the Central Park Five DA, and people *still* think that they did it. Or they did something.

Jon Cryer: Well, our *president* still believes that they did *something*. [laughs] That was his last statement on it. And not our current president, but the president *elect*, at this point.

Seema Iyer: Oh, right.

Jon Cryer: So yeah. And, to my knowledge, there is no evidence that they were participating in *any* act of criminality that night. And even if so, it still doesn’t justify arresting them for a rape that they did not participate in.

Now, have you been listening to *Undisclosed* of late? Have you heard the last couple of episodes?

Seema Iyer: I have!

Jon Cryer: So I’d love to hear from you and from Scott. Because, you know, I’m *sure* the type of things that Joey Watkins was dealing with in his trial, and in the appeals process are, you know, maddeningly typical in the justice system, and this reaction was shared with a *lot* of people who listen to the podcast, of just futile *rage*. At the process. At how the little things compounded to make it impossible for Joey to get any real recourse, legally, in this case.

Seema Iyer: Oh, yes, yes! Absolutely. Okay. So, my two glaring deficiencies were the whole *Grave Dog* thing. That’s just *one* topic. And the other issue – and this is, I’m actually stealing Susan’s words – was that it was scientifically impossible, according to the cell phone evidence, that Joey Watkins could have committed this act.

And just taking it further, in the last episode the lawyer said it was part of his strategy, so I’m still waiting for the answer of what the strategy was. And also, couching all of this in the fact that I absolutely hate more than life itself having to throw another lawyer under the bus. But I’m still waiting for the answer on what the hell the strategy was.

Jon Cryer: Well, I actually had a question, and this is also for Colin: Rex Abernathy – his attorney – in some respects really torpedoed Joey Watkins’ appeal, because he claimed that not introducing the cell evidence, or at least, highlighting it in the manner that made it *clear* that it was impossible for Joey to participate in the crime. Or at least for the State’s case to be correct.

I’m trying to understand why an attorney would do that. I mean, I understand there’s pride and perhaps it *was* part of a strategy. But as you said, it’s not part of a strategy that makes sense, or worked, clearly! But are there repercussions for him? Like, let’s say he *did* say, “You know what? I blew it. It was a strategy that I was nervous about and it didn’t quite work...” if he had said *that* under questioning, would that have necessarily hurt him, as an attorney?

- Colin Miller:** He wouldn't be sanctioned. The question would be whether other potential clients would be deterred, but I don't *think* so, because if you see a lawyer openly and honestly admitting to mistakes, that's something I think a lot of people would *like* in a prospective attorney.
- It's *my* opinion that it's also sort of wounded pride – that he doesn't want to admit that he made a mistake, because, as Seema was saying, if you look at this record in this case, you look at the testimony that was done with the cell towers, this was an ironclad defense, and there's not a logical reason why this was not pursued and vigorously advanced at trial.
- Seema Iyer:** And the way Susan made it – I actually think it's what she said in the last episode – it's *one* sentence. That's all they had to say to the jury: It is *scientifically impossible* for *this* person to have committed *that* crime. Let's go home, call it a day, good night.
- Colin Miller:** Right! And Rex Abernathy's point is to say "It was too *close*, and we didn't want to focus on it too much because if we did so, the prosecution could oppose it", but you're exactly right, Seema, this would have been very easy to say, "Here's the map. Here's the last point at which he could have pinged this tower, and scientifically there is *no way* he could have driven from Point A to the murder scene in time to be able to commit this crime. He didn't do it."
- Scott Reeder:** Do you think the defense attorney didn't *understand* that? I mean, is that *why* he didn't field that defense? Or... I was just trying to wrap my head around it while I was listening to it. Why that wasn't brought forward. Is it just that he lacked the understanding of it? What do you think happened here?
- Colin Miller:** That is what Bill O'Dell seems to say. That this was a lack of understanding, and I'm sympathetic to that position, because when I looked at this evidence, when all of us have looked at this evidence, and broken down what the State's narrative and timeline is, you look at the cell tower pings, you look at the locations.
- If you understand this, you're *absolutely* presenting that to the jury – this is the strongest possible argument you could have. So, I think that you're right. That it *has* to be a case where he didn't fully comprehend this cell tower ping evidence, and *that's* the real reason he didn't present it.
- Seema Iyer:** But wait, Colin! Didn't they have their own expert?
- Colin Miller:** They did.
- Seema Iyer:** So, how did he not understand it? Did the expert explain it to him? Like, "Hey, yo. Couldn't have done it. Walk it out."
- Colin Miller:** I mean, the expert testifies at the *habeus* proceeding that after Tami Colston – the prosecutor – showed him the evidence, in the room with her and defense counsel – said, "You have real problems, because the timing here with the cell tower pings doesn't make sense."
- So, it's tough to me, imagining how he couldn't have figured this out, but that was his testimony at *habeus* was, in front of the prosecutor and defense attorneys, "I explained why your case doesn't work."
- Seema Iyer:** Okay.

- Jon Cryer:** Yeah. I think a lot of us felt that way, yes. It's very frustrating. Now, I noticed also that the appeals court mis-stated some of Steffes' evidence. Well, they didn't mis-state it, he said: "Yes, it was physically possible for the ping to have occurred..." But they were taking away the wrong thing. He said yes it was physically possible, *if* helicopters held a piece of tinfoil at exactly the right angle, and you know.
- When somebody says something like *that*, something's physically possible but *incredibly* unlikely, and a court says, "Oh, well he said it was physically possible" and writes off a very *real* point of contention, saying something like that, is there any redress for that? Because that was later affirmed at the federal level, am I correct?
- Colin Miller:** It was! And it's one of those things where unfortunately the Georgia courts-- There was this recent case -- the Foster case -- which involved an alleged Batson violation. This was the case where we had Bill Rankin on before where he was describing literally the prosecutor put the letter 'B' next to the names of the African-American jurors, and the Georgia court found this was not a Batson violation, meaning this was not a racially-discriminatory use of jury challenges--
- Seema Iyer:** [laughs]
- Colin Miller:** And it's tough. It's tough on appeal, and I mean Georgia- the Supreme Court *did* reverse that one but, in a *habeus* it's really tough to get the federal *habeus* court to review the factual findings by the state court.
- And my guess is that the federal court in this case just sort of looked at the state record and said, "This is how they characterized the expert's testimony. We're not going to dig into it too deeply and we're just going to sort of give a rubber stamp on appeal."
- If there's a *legal* issue, we might review *that*, but factually we're not going to review the record that specifically.
- Scott Reeder:** What *happened* at the appellate court? I mean, I better give you a little background on myself -- I've been covering the Illinois State House for more than 17 years, I covered the Illinois Supreme Court -- in a lot of those things, did they just not *read* the trial transcripts closely? Or, were they willfully ignorant?
- Or... What was going *on* here? I mean, is there some underlying -- and I don't want to use the word *political* motivation, but motivation that we aren't seeing? What's going *on* here? Because it seems to me, almost being totally blind to what was said in the original trial.
- Colin Miller:** Yeah. I think it's tough when you have a case where a person is convicted of murder and there was a lot of 'bad character' evidence that came in. It's tough for the appellate court, to reverse that -- unless there's really something glaring. I mean, I don't know, obviously, what the thought process of what the individual justices but, I can imagine them sitting down, or their clerk sitting down and looking at this and saying: "Maybe there's some plausible grounds for an appeal here, but there's all this character evidence -- it's a murder trial -- we're not going to reverse in this case."
- Jon Cryer:** But also the state of Georgia has *changed the laws* about character evidence! All that stuff *nowadays* would not be admitted. Am I correct?
- Colin Miller:** No, unfortunately not, no...

Jon Cryer: [laughs] Oh, I'm sorry!

Colin Miller: No, unfortunately Georgia-- They didn't used to have codified rules of evidence based off the federal rules. A few years ago they *did* codify those rules, but all this character evidence that came in against Joey – that same evidence at a trial of someone with the same type of evidentiary record would likely get in.

They still allow the prosecutor to proffer: "Here's the character evidence", they still allow evidence of prior difficulties to come in, they still have an expansive definition of 'similar transactions' that allows almost all types of so much similar evidence to come in. So, right? Georgia is notorious for allowing character evidence in and it really hasn't changed since this trial back in 2001.

[33:22]

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Jon Cryer: I had another small point about what the appeals court mentioned, which was that the Yvonne Agan testimony was characterized as 'cumulative' but *also* it was characterized as some of the most important character evidence. Well, can *that* difference of the way they characterize it be exploited on appeal?

Colin Miller: Yeah, well, Seema – I'm interested from your perspective, I mean, this was the Yvonne Agan testimony--

Seema Iyer: Yeah.

Colin Miller: Came in under Georgia's 'necessity exception'. Have you ever used it as a prosecutor? Or seen as defense counsel the admission of statements under the federal or the state catch-all of residual hearsay exception?

Seema Iyer: Of *necessity*?

Colin Miller: No, the hearsay exception that exists at the fed--

Seema Iyer: The catch-all?

Colin Miller: Right. The sort of, the catch-all.

Seema Iyer: No.

Colin Miller: It's very rare that evidence comes in, and I don't know if you've even been involved in a case where this came in.

Seema Iyer: No. And I haven't. I've tried about 150-plus and I watch – I'm a huge as you know, Colin, I like to watch court proceedings. So... No! I've never heard of it, and I have the decision in front of me. I read it, I re-read it, I listened to the episode. I really wasn't even *clear* on why it was being admitted.

- Colin Miller:** Yeah. And Jon, to your point, we had the rule against hearsay, and as you heard on the episode you have these specified hearsay exceptions, and it's this 'Hail Mary' – it's this catch-all or 'necessity' or 'residual exception', and that's supposed to be reserved for the *most reliable evidence* that is more significant and more relevant and probative than *any other evidence*.
- And so to your point, yeah. When the court says that this is 'cumulative', and they know that Agan had charges against her--
- Seema Iyer:** Right.
- Colin Miller:** And didn't come forward until the weekend before the trial, there's *no way* this should have come in under the necessity exception – this should have been excluded without even a consideration! To--
- Seema Iyer:** It still has to be *weighed* against the prejudice.
- Colin Miller:** Right.
- Seema Iyer:** So, even before we get into this catch-all exception, they should have weighed it against the potential prejudice, and for that reason, I don't see why it was allowed in.
- Colin Miller:** Yeah. I *wish* that the appeals were a little bit more specific, because Jon, you're exactly right. Once they saw there was language at the lower court saying this was cumulative, they should have really focused on that and said there's no way this should have come in under the necessity exception, and it was argued in an okay manner; I wish it could have been pressed more vigorously. But I don't know that it would have made a difference with the court in Georgia.
- Jon Cryer:** And it would appear that Tami Colston might have committed a Brady violation in the course of this by repeatedly claiming that no bullet was recovered from the 'grave dog'. Would that be possibly appealable, either as a Brady violation or would that be her even conceivably committing *perjury*?
- Colin Miller:** That would be definitely a potential Brady violation. And Brady doesn't *require* bad faith, but it doesn't hurt, and so certainly if we believe that she was intentionally lying under oath about the recovery of this bullet, that would be something that would be very helpful in arguing a Brady violation.
- Seema Iyer:** But isn't it – and Colin, let me ask you – isn't it true that she's almost immune from a perjury accusation because of her prosecutorial immunity? Because as long as she's acting within the duties of her job, she's not going to be accused of perjury.
- Colin Miller:** Oh right. In terms of a *civil* action against her--
- Seema Iyer:** Right.
- Colin Miller:** Or even a criminal action, she would have prosecutorial immunity. But just in terms of, if Joey's attacking his conviction on appeal--

- Seema Iyer:** Yeah, definitely--
- Colin Miller:** He could claim that. Right. To support that. Right.
- Seema Iyer:** Yeah, yeah.
- Jon Cryer:** It wouldn't be considered *perjury*. I guess is the wrong word.
- Colin Miller:** Well, she's not testifying under oath. But it would be...
- Seema Iyer:** Right, but no, actually Jon, I'm glad you brought that up, because I think it's a really interesting issue about what prosecutors *can* get away with and *not* get away with, and people don't talk about it enough, so it's just interesting that you did.
- Jon Cryer:** And by the way, one thing that struck me as *odd* about that moment in the trial transcript, is that the judge *repeatedly* questions her about it. As though even *he* finds it a little odd that the bullet was not extracted. Am I the only one who came away feeling that way?
- Seema Iyer:** I agree.
- Colin Miller:** I agree and I think--
- Scott Reeder:** I agree.
- Colin Miller:** We mentioned the notice of similar transactions, that it *does* mention the bullet that was recovered. So maybe the judge himself was looking at this and saying, "Well wait a second, was a bullet recovered or not?" Because there were certain proffers in this case that seemed to indicate that a bullet *was* recovered.
- Jon Cryer:** Yeah. And actually, we've got a terrific social media question about that from 'Mary Greeson Heredia' who asks: "How can they get around providing 10-day notice, when it's clear that someone was aware of the information prior to trial in order to recover the animal and request testing and receive returned evidence. It takes a lot more than 10 days."
- Colin Miller:** Yeah. It's a great point. This looks to me like a clear Brady violation. I don't see any two ways about it, or anyway around the Discovery laws. This had to be turned over.
- Seema Iyer:** But didn't Tami say something like she didn't *have* the notice to give?
- Jon Cryer:** Well, that's what we're saying. I mean, obviously it was submitted scientific testing with *some* lead time. I mean, by the way, it's not clear to *me* how much lead time they actually *had*, and perhaps that's actually in the podcast, but I don't know if you remember, Colin?
- Colin Miller:** I'm not sure, exactly.

- Jon Cryer:** Yeah. But again, and you know, these labs are not known for being super fast.
- Seema Iyer:** *Right, right, right, right, right.* Especially back then!
- Jon Cryer:** Yes. Exactly. So we've got *another* social media question, and we actually got a *lot* of these, which was: "Was the cell tower evidence properly explained to that vehement juror that was interviewed in the episode a couple of weeks ago? What did she say when *that* penny dropped?"
- And another person asked: "That juror blew my mind. She was so sure she was right. Is there any legal remedy when jurors misunderstand facts?" And I was curious, Colin – I don't know if you know if Susan has actually talked to Rosemary – the juror in question?
- Colin Miller:** Yeah, so a couple of points on that: My understanding is that Susan has not, and our approach has been *not* to disclose to the jurors what we've discovered – just to get their impressions. And therefore we had the record of that in case it's needed for appeal.
- Now, in terms of whether a juror incorrectly understanding the facts can lead to appeal, the answer is no. We have a rule of evidence – Rule 606-B – and it says if jurors misunderstood facts, jury instructions, *et cetera*, they can't, quote-unquote: "impeach their verdict" based on incorrect understanding.
- And that's to prevent jury harassment, to have finality of verdicts, *et cetera*. There are exceptions for outside influences, or jurors doing research on their own, so there *are* some important exceptions...
- Seema, interestingly enough I know you had a whole episode on *The Bollywood Lawyer* about the Tyra Patterson case, and *you* talked to the jurors--
- Seema Iyer:** Yes.
- Colin Miller:** And so what was the approach you took with them?
- Seema Iyer:** Well, it was different for *me* because the attorney – Tyra's attorney, David Singleton of the Ohio Justice Policy Centre – he had already told every juror what was revealed, which was a) the 911 call – so that was the first question for the jurors – if you knew about the 911 call during the trial would that have changed your verdict? – and this is *already* something that he explored with these jurors.
- And then the other issue about the false confession.
- Colin Miller:** Right.
- Seema Iyer:** So I was very lucky, because I can see that's a scary place to be. You don't know if you're supposed to reveal new evidence, or the investigation, if it hurt Joey's case. So it's a little different. But I didn't have to do that.
- Colin Miller:** Yeah. And I listened to *that*, and I had a very similar reaction to what you had about the lawyers not more powerfully presenting the cell tower evidence, because when actually you hear this 911 call by Tyra Patterson about the incident that wasn't played for the jury, I mean

it completely changed the way I viewed the case. I mean, I don't know if you had the same reaction.

Seema Iyer: Oh! Of course! Right! Because it was *so* contemporaneous right?

Colin Miller: Mm-hmm.

Seema Iyer: She went *straight* to her house and I've been to the area, so it's a very tiny little apartment complex, and just a few yards away she goes and she calls. *And* she flushed the necklace down the toilet – by the way, for whatever that means, she *did* do that – but she called right away, and the jurors thought that would have been very compelling.

Oh! *Another* issue – I'm sorry, I just want to throw this out there – is that she wanted to testify.

Colin Miller: Right.

Seema Iyer: And her lawyers told her she shouldn't.

Colin Miller: And my understanding – I can't remember if it was in the podcast, or if I read it – but that they found her 'too *hood*' ...? Was that...?

Seema Iyer: Yeah.

Colin Miller: Right.

Seema Iyer: Yeah.

Colin Miller: But she had no criminal record, and--

Seema Iyer: None.

Colin Miller: And from hearing her talk, I mean, she comes off very well to me, and I think you noted in the podcast that you thought the jurors would have found her sympathetic.

Jon Cryer: Well also, she comes from a very difficult background. By the way, that interview with her mother was one of the most heart-rending episodes of a podcast I've ever heard.

Seema Iyer: Thank you. I was something I was... Yeah.

Jon Cryer: But-

Colin Miller: Well it was very honest. She did not pull any punches *either way*. When she was discussing Tyra and the case, I thought.

Seema Iyer: No. The mother *is* very honest right now, and off the record she started off quite defensive because she was nervous that I was being accusatory, which, I'm very judgmental, so I can see that she *would* be like that, but she was completely honest and forthcoming, and my opinion is that by watching the "confession video", quote-unquote.

I think Tyra would have come across very endearing to the jury. Despite the way she spoke. Maybe she didn't speak perfect English, but, who does? She was a young girl. She would have come across well.

Jon Cryer: I have another social media question. This is from 'Amy Hassler' who says: "Okay, crazy theory. As a mom of teenagers, Yvonne Agan's testimony set off red flags. I guess if this story came out the day after Isaac was shot, maybe it would be more believable, but the sudden urgency to get it on the record before the trial is suspect. But it struck me that Yvonne's story wasn't really about explaining how scared Isaac was of Joey, it was more about explaining why Isaac just happened to spend the night at her house while her son and husband were out. Does Yvonne's husband or son have a history of violence? It's no crazier than thinking Joey did it over Brienne."

Colin Miller: I'm not aware of any such history of violence, but many people have noted that her testimony – the timing and the substance – are very odd, and I think people can sort of judge that for themselves, based upon what she describes in the case.

[43:24]

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Jon Cryer: Another question we've got is from 'Savannah Elizabeth Albanese' who says: "Is it possible that in the statement "the dog is taken care of" that it could actually be 'dawg' (d-a-w-g), as in, 'my dawg is in the clear'? Also, is it at all possible that the dog on the grave was actually Isaac's dog, being returned?"

Seema Iyer: [exhales]

Jon Cryer: I know. It's a grisly idea. But, you know, they're just spit-balling here. Savannah's taking a shot!

No, I think the amount of time in-between-- I don't know if the breeds were the same... I don't know... It seems the amount of time would have precluded the possibility, because wasn't the dog shot in August? And the dog was found at the graveyard, I think, in *February*...? I believe? I'm not 100% certain of that. But it seems like an awful long time.

Colin Miller: Yeah, and I think all of these questions are asking-- It gets to the fundamental point *again* where there was not conditional relevance here.

And I mentioned this last time Seema was on that we would talk about this later and, in this case, Tami Colston essentially said: "We're going to present evidence throughout trial which will substantiate our claim that this dog was placed on the grave after being shot by Joey or Mark Free." And that evidence just never materialized.

I mean, we have all these question marks, and I don't know. I don't know the answer to these questions, and the jurors didn't either, which is why this prejudicial evidence – as we see from the jurors' statements – never should have reached the jury.

- Jon Cryer:** Well, obviously Rosemary-- By the way who *sounded* like she was actually taking the responsibility *very* seriously, she's not a dumb lady, and she came at, you know, like the jailhouse testimony with a skeptical attitude, but all that, as you said, all that information just *seeped in*, somehow.
- And it's the job of a defense attorney to blow that stuff out of the water. Like, the whole Grave Dog thing. Even if you let that *in*, my mind is always boggled that they didn't emphasize that the dog was not actually found on top of the grave. Does that seem like a huge oversight to you guys?
- Seema Iyer:** Okay. So, I just think, let's take away all the *law*. It's really simple. The rule is, if it doesn't *directly* connect the defendant to the crime it shouldn't be allowed in!
- Colin Miller:** Mm.
- Seema Iyer:** I'm just dumbing it down for myself-- [laughs] Okay?
- Jon Cryer:** And for me. Thank you!
- Seema Iyer:** And that's the problem with the grave dog. *That is why* it should not-- Just because it could have been connected, that's not good enough!
- Scott Reeder:** So, is there restriction or rules on what lawyers can say in opening arguments? I mean could that be grounds for a mistrial? If they say: "Hey, we're going to show you *this*" and then they never show it to you?
- Colin Miller:** Yes.
- Seema Iyer:** Yeah.
- Colin Miller:** Yeah, so this is 'conditional relevance', Rule 104-B. And what it says is that oftentimes you'll have evidence and you'll have relevance, but there's an intermediate step, which is conditional relevance. So, in this case it would be: "We have this, quote-unquote, 'Grave Dog' and our relevance this shows that if Joey or Mark killed the dog and placed it there, obviously there was animosity toward Isaac in this case."
- And this is what was done in this case is known as a 'subject to admission' – meaning that we had a promise in the opening statement by Tami Colston and she had to fill in that blank – the conditional relevance – throughout trial. And when she *didn't* do the evidence later in the trial, defense could *absolutely* have moved for a mistrial, and said: "Look, there was a promise here, that promise was unfulfilled, this evidence is extremely prejudicial, you need to declare a mistrial so that we can start over, and the jury never hears about this evidence."
- Jon Cryer:** But the defense never actually took that tack?
- Colin Miller:** They did not.

- Scott Reeder:** So, has anybody asked the defense attorney, you know... We've asked about what their legal strategy was. Questions like that, "Why wasn't this done?" That sort of thing?
- Colin Miller:** Yeah, a lot of what-- We mostly talked to Bill O'Dell. And not so much to Rex Abernathy. He's sort of tough to get a hold of.
- But their common theme was, again going back to our Bobby Lee Cook episode, that this was a case that was supposed to be Bobby Lee Cook at first, then Branch Connelly, and then a few weeks before trial Branch Connelly asked off the case, maybe took a trip to Europe, and dropped it in the lap of Abernathy, who got help from O'Dell, and they sort of felt they were behind the eight-ball the whole time, they said the asked for a continuance, it was denied, and they felt they were playing a game of catch-up the whole time.
- Jon Cryer:** But also, I wonder if, when defense attorneys are in that situation, they worry that they risk reminding the jurors of evidence that *looks* bad, if they fight it too much? Do you feel like that comes up in trials?
- Seema Iyer:** I think that's a *great* point. I think sometimes you don't want to highlight something, but this is a *major* issue that affects your client's appeal. So sometimes you *have* to. And you can do certain things, like a mistrial motion outside the presence of the jury, as well.
- Colin Miller:** Yeah. The timing here would be once the prosecution rests its case, defense can then ask for the jury to be excused, or when it's the end of the day or the next day and ask the judge, "Your Honor, we had these promises during opening statement – or these claims of conditional relevance" and outside the presence of the jury say: "Your Honor there was never any evidence to tie this 'grave dog' to my client and therefore I'm asking for either: a) you're to explain to the jury they're not to consider it" – which then, *that*, you know, is the whole ironic process theory whereby drawing the attention to the jury, but the could certainly ask for a mistrial on those grounds, and that wasn't done here.
- Jon Cryer:** Is that still an option for them?
- Colin Miller:** It is *not* an option for them to say that defense counsel should have asked for a mistrial on Grave Dog. The *Brady* violation regarding Grave Dog – that's potentially a viable issue.
- Brady violations, if they weren't known until after the latest appeal – assuming they're brought in a timely fashion – that's a potential ground for appeal.
- Jon Cryer:** And I have to say, just as a listener, I'm very much looking forward to the *next* episode of *Undisclosed*, which will go through what *are* the possibilities for Joey, as well as how we can help.
- Colin Miller:** Right, exactly. Hopefully we've uncovered some things throughout the course of this investigation and podcast that will allow for a fairly prompt appeal.
- Scott Reeder:** Yeah. Has anybody at this point talked about seeking a pardon or a commutation from the Governor of Georgia?
- Colin Miller:** They in Georgia- my understanding is that it's not the governor, it's actually a board that they have, and that he would seek that... So my thinking on it-- I know Clare will be on the

Addendum next week, but my thinking is from this current investigation there can be an appeal, and we'll see about that, and if *that* fails, maybe at *that* point you go for the pardon.

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Jon Cryer: We have one more social media question. This is from 'It's All Just Beachy' who asks: "Is there any way we can know if Joey Boyd had a red car that Isaac has mentioned, and written down the license plate number?"

Colin Miller: We probably could go through old records! Yeah, and that's something where I think the Georgia Innocence Project looks at Heath Wilson as the more viable suspect, and hasn't really considered Joey Boyd, so I'm not sure how much they've investigated or not, and I'm not sure how viable he actually *is*, but I imagine we could find the car records to see what kind of car he was driving back in 2001, and that *might* bear fruit.

Jon Cryer: We also got this from 'Janessa Thomas', who asks about Heath's ex-girlfriend: "She was adamant that it wasn't him, and they were no where near. But she asked if she needed an attorney, and whatnot. If she essentially said anything other than the fact that 'He didn't do it' that night, couldn't she make herself an accessory to the murder?" And I guess she's suggesting that she's being untruthful at this point, because she'd be considered an accessory...?"

Colin Miller: Yeah so there's two types of 'accessory': One is 'accessory *before* the fact', that person would have had to have assisted in the crime or advised the person to commit the crime and have the intent the crime be committed. So, likely she's off on that. Then there's what Jay Wilds was convicted of in the Adnan Syed case, which is 'accessory *after* the fact'. And given what we said about them going to Heath Wilson's house and sort of having the cover-up of the 9mm gun, that is somewhat of an issue there, if she were to come forward now and say he actually *did* this shooting and I helped conceal the fact that he was involved – there was a potential liability for accessory after the fact there.

Jon Cryer: Got it. But she wouldn't have been considered an accessory, had she come forward *then*?

Colin Miller: Correct.

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Jon Cryer: So, Scott and Seema, having listened to the podcast, do you guys have any questions for Colin?

Scott Reeder: One of the things that I wondered about was: Having covered a lot of trials, and a lot of appeals, what was the background of the trial judge? Was he a former prosecutor? Was he somebody who came from a political background? A former state legislator? What was his background? How did he come to be a judge?

I mean, we all bring our own world views in to whatever we do, so that's why I'm just kind of wondering. 'Cause he didn't seem particularly open-minded, perhaps, towards the defense, or maybe that was in the proper *voir dire*s, but... You know what I'm saying?

Jon Cryer: He did seem very lenient about the evidence – the character evidence, and the prior bad acts evidence.

- Colin Miller:** He was in the navy and served in Vietnam. He then went to law school at Mercer – I think Mercer for law school and undergrad – and then he worked at a private law firm in Rome, Georgia for however many years before he became a judge. But I think he was a private attorney. I'm not sure exactly what his practice involved; what types of cases.
- Scott Reeder:** More than likely it was probably primarily civil cases as opposed to criminal.
- Colin Miller:** Probably. I'm guessing. But yeah, I'm not 100% sure.
- Scott Reeder:** Sure.
- Jon Cryer:** But that would be an interesting segue to go from civil cases to criminal court.
- Scott Reeder:** Yes. And that's not uncommon, unfortunately. That you have that happen. I'm just curious what his background was, because there were some things that happened in that courtroom that I just found very curious.
- Seema Iyer:** I agree. When you mentioned, Scott, earlier, that was there a political connection, motivation... Actually, when we say that word 'political' in that respect, I felt the same way. Because we don't know the backgrounds of all these people and how they're connected, and how they know each other!
- Colin Miller:** Yeah, so looking at this, he was appointed in 1988 by the governor. He was filling an unexpired term of a retiring judge. But again, I'm not sure of what his practice experience exactly was before he joined the bench.
- Jon Cryer:** But if he'd been, say, a *prosecutor*, you might have said, "Oh, okay. I can see why he's allowing all that extra evidence in. He understands that there's a lot of police work going involved... Who knows. I mean--
- Seema Iyer:** Also, you don't know who their *friends* are. You don't know who they have drinks with, who they socialize with – you don't know anything that's going on in the background.
- Jon Cryer:** I always wondered about that, because I understand lawyers and judges are going to know each other. They're going to socialize, they're going to... You know? They're in the same business! Have you guys become masters of small talk? Because you can't talk about anything that has actually happened during the *day*... What do you people talk about?!
- Seema Iyer:** You mean with lawyers and judges?
- Jon Cryer:** Yeah!
- Seema Iyer:** Uh...
- Jon Cryer:** The *weather*?!

- Seema Iyer:** People talk about sports, they talk about their kids, which is very boring and annoying...
- Scott Reeder:** [laughs]
- Seema Iyer:** And people talk about other lawyers, and other judges...
- Jon Cryer:** Oh, that's a big one. [laughs]
- Seema Iyer:** And – I don't know – Colin, you know this, Jon I don't know if you know this, Scott you probably know this, every courthouse in the world has the courthouse bar.
- Scott Reeder:** Oh, yeah.
- Seema Iyer:** So there's a *bar* behind the courthouse where everybody hangs out. And inevitably, you will just *all* be hanging out together, and you'll *all* be drinking a little too much. And then you'll all start talking too much. And then *somebody* makes out with somebody!
[laughter]
- Jon Cryer:** And obviously, we're talking about wrongful convictions, so we're talking about where the process goes *awry*, and obviously on a daily basis, this system doesn't necessarily cause corruption on a huge scale. These are human beings and we're all professionals, and everybody's trying to do their *best*.
- But at some point you do have to look and say, "Okay, *why* is this happening?" Although it sounds to me like the lawyers in Georgia are already so predisposed- it didn't sound like he was doing anything completely *inappropriate*, in terms of how he proceeded with the case.
- Scott Reeder:** No, I wasn't saying he was doing something *inappropriate*. It just seemed like, when he was- the close calls coming in, the close calls all seemed to be going towards the prosecution rather than to the defense. That's just what my impression was from listening. I mean I may not be correct but that just was the impression I had.
- Colin Miller:** Yeah, I agree, and the question I have is: Whether this is just how it works in Georgia, because I just saw that Justin Ross Harris – this is the *Breakdown* podcast, the child in the hot car case...?
- Seema Iyer:** Yeah.
- Colin Miller:** Following that, it was the same. I would think a lot of evidentiary rulings that under other jurisdictions would have gone in favor of the defense, went to the prosecution, and he's appealing some of those evidentiary rulings, so, I'd be interested to see that – that is a judge in that case who *was* a former prosecutor, whether on appeal those are successful, because if *not*, that just tends to tell me in Georgia, that's pretty much how it works.

Jon Cryer: Well, I just wanted to say thank you so much Seema, and thank you so much, Scott. Scott, again, it is *Suspect Convictions* – that is the podcast that’s just coming out now?

Scott Reeder: *Suspect Convictions*. Yeah, it’s available on iTunes and as well at suspectconvictions.com.

Jon Cryer: And Seema, obviously, *The Bollywood Lawyer*, I have enjoyed it greatly. Your work on the Tyra Patterson case is fantastic, and thank you so much for being on the show once again!

Colin Miller: Thanks Jon!

Jon Cryer: Thanks Colin! Have a great week and I will talk to you next week. Looking forward!

Colin Miller: Take care. I look forward to some big news next week.

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