**Proof: A True Crime Podcast**
**Season 1: Russian Roulette**
**Episode 10: The Narc's Tale**
**Monday, May 9, 2022**

**Susan Simpson:** In May of 1997, a police officer came by Glen Clark's house with a warrant for his son's arrest. Lee Clark was being charged with murder, and conspiracy to commit murder.

When Lee called home later that day, Glen told him what had happened, and they decided to go to the police station to figure out what was going on.

**Glen Clark:**
I said I'm going to take you in, I said, it ain't going to be nothing to this. I said, I don't know what they're doing, but you know.

**Jacinda Davis:** And you felt like you were doing the right thing.

**Glen:**
Amen, let me tell you something, and I'll tell everybody right here, right now, if my boy killed that boy, he needs to be where he is. You do it, you gotta pay the time, but he didn't do it.

**Jacinda:**
That car ride with Lee to the jail, what was that like? was he saying no, don't take me-

**Glen:**
No, no, he wasn't, he, he wasn't like that. You know, he was kind of like me, you know? He wanted to kind of go and find out what's this all about, because he didn't know, he wasn't upset or anything like that.

**Susan Simpson:** Glen was confused by the warrant for Lee's arrest, but not alarmed.

**Glen:**
I kind of figured that what they would do is take him in and talk to him and then eventually he'd come out. and then, and maybe say, hey, they're saying this and they're saying that but that didn't happen.

**Susan Simpson:** Glen dropped his son off at the police station and waited for him to come back out again.

But Lee didn't come back out again. And twenty-five years later, Glen is still waiting for him to come home.

> **Glen Clark:**
> When I went in there and they took him in, I mean, after that- hey. I never saw him outside these walls again.

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**Susan Simpson:** Hi, my name is Susan Simpson. I'm an attorney and podcaster and previously, I hosted the *Undisclosed* podcast.

**Jacinda Davis:** Hi, I'm Jacinda Davis, and I'm a true crime TV producer.

Last year Susan and I decided to team up and re-investigate the murder of Brian Bowling. Along with Kevin Fitzpatrick, president of Red Marble Media, we decided to launch – *Proof*.

You can listen to *Proof* like you would any podcast.

And you can follow us everywhere with the handle @proofcrimepod, and on our website, proofcrimepod.com.

Thanks for listening, and welcome to *Proof.*

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> **Jacinda Davis:**
> Let's talk about the trial for a moment. So, did Lee have a public defender?
>
> **Glen Clark:** I hired Rex.
>
> **Jacinda:** You hired Rex.
>
> **Glen:**
> Yeah. I don't know if y'all are familiar with Bobby Lee Cook.
>
> I went to him, talked with him. But I didn't have deep enough pockets for Bobby Lee Cook. He wanted about forty-grand or better back then, and I couldn't afford it.

**Jacinda Davis:** Bobby Lee Cook was probably the most famous defense attorney in Georgia. But he came with a price tag that Glen couldn't afford.

Instead, he hired another attorney that worked at Bobby Lee Cook's firm: Rex Abernathy.

**Glen:**
Rex worked for Bobby Lee Cook, so I figured - and I forget exactly what I paid Rex, I don't know was, three or five grand, whatever it was, and that's the reason I chose Rex. Because I could afford him.

But, and I'll be honest with you, during the trial I thought Rex was doing pretty good. And it would seem like when he did get on kind of a roll or something the judge would just shut him down, just shut him down.

**[03:50] Jacinda Davis:** During his trial, Lee had been impressed with Rex Abernathy too. He'd thought things were going pretty well despite the consistently unfavorable rulings from the judge, though Lee hadn't understood a lot of things that had happened in that courtroom.

**Darrell Lee Clark:**
Rex didn't really tell me much in the way of the trial and stuff.

All he kept telling me was, "Oh yeah, we're going to beat this case, right here. We're going to beat this case."

That's the only thing he kept repeating to me, is you're going to beat the case.

**Susan Simpson:** Did he say why?

**Lee:**
Yeah, I mean, he told me straight up, "I can see right here you're innocent," he said, "I know you didn't do this. We're going to beat this."

That's what he told me. But it didn't work out like that.

**[04:36] Jacinda Davis:** At the time, Lee had thought his attorney was doing a good job. But he's no longer so confident of that.

**Lee:** I don't think Abernathy did everything he could have did neither.

**Susan:**
Your dad liked him, or your dad thought that he did a good job and tried hard.

**Lee:**
Well, my dad, God bless my daddy's heart, Susan, but my daddy, he's a lot like me. He's an old country boy.

He ain't had to see what they're all about, what they're really like. And I've had a lot of time to think about it, more time than my daddy has because that's all I got is time on my hands. And I've sat back and I've looked at it and on the surface, just looking at it, you think, "Oh, yeah, Rex did a jam up job."

But when you really get thinking about, I mean, did he really do a jam up job?

**Susan Simpson:** At trial, Rex Abernathy called just three witnesses to testify in Lee's defense.

One of them was Dr. Harvey Howell, the medical examiner who testified that Brian had been killed by a contact shot.

The remaining two witnesses were both called in to testify about where Lee had been on the night the shooting happened.

**Darrell Lee Clark:**
I had a party in my apartment that night with ten people there. That know that I was there all night.

That's what really screws me up right there. How in the hell can you put me as being over there at Brian's house when I've got all these people that know I wasn't over there?

**Susan Simpson:** Did they testify?

**Lee:**
Two of them did. Doug Bray and his momma Sherree (unintelligible) both testified.

**Susan:** Why didn't, why didn't the others testify?

**Lee:** Rex Abernathy said he didn't feel it was necessary.

**[06:03] Jacinda Davis:** Lee had plenty of alibi witnesses to choose from. But some of them – like his mother, his brother, and his girlfriend – wouldn't have done him much good at trial. They would have been too easy to impeach – the prosecution could just argue that were lying to help him out.

So in the end, Rex Abernathy chose to call just two Lee's alibi witnesses: Doug Bray, who had been at the party with his twin brother Don, and Doug and Don's mother, Sherree, who had dropped them both off at Lee's place that night.

**Kevin Fitzpatrick:** Did they, did they testify that he was at the party?

**Susan:** Yeah, but.

**Kevin:** So, there was testimony heard in the court that he was elsewhere?

**Susan:**
Yeah, there was. I mean, you wouldn't, you wouldn't want to call everyone at the party, that'd be - that's not a good strategy.

**Kevin:** No.

**Susan:**
I mean, choosing the mom is the best choice because it's better than the teenage boys that were at the party. So, the mom who dropped kids off and saw him there is a - probably the choice I'd made, too.

I mean, it's hard, too though because they're dumb teenage boys I mean, against a detective. They're not going to seem credible. The jury's going to dismiss them.

**[07:21] Jacinda Davis:** Doug Bray testified that he'd seen Lee at his apartment that night. But on cross, the prosecutor also got him to admit that he'd smoked about three, or four, or five joints that night. Which likely did nothing to bolster his credibility with the jury.
It probably didn't help either when the prosecutor suggested, without evidence, that Doug Bray was another member of the Free Bird gang.

But Doug's mom, Sheree, likely made for a more credible witness. She testified that when she'd dropped Doug and Don off at Lee's place that night, she'd seen Lee standing there out on the porch.

**Sheree:**
He was there that day, I do remember that. If I can't remember nothin' else, I remember he was there.

I know he was there when we - I took--

**Don Bray:**
When we got there to meet Jamie, Lee come out the front door, and so…

**Susan Simpson:** And best you recall, Lee was acting normal that night?

**Don:** Yeah, his normal self.

**[08:05] Jacinda Davis:** That's Sherree, and her son Don – it was Don's brother Doug who had testified at trial, but Don had been there, too.

Don told us that he's certain Lee was at the party, and he's certain it was the night Brian was shot. Because the next morning, they had gotten the awful news.

**Don:** We didn't hear about that until the next day.

**Susan:** What did you think when you found out?

**Don:**
I mean, it was a shock. Brian was a close friend of all of us, we all hung out together all the time. We were just at Brian's house not like, a day or so before, all of us hanging out like usual.

**Jacinda Davis:** That was the entirety of the case in chief put on by Lee Clark's attorney.

But even though Lee and Cain were tried at the same time, Cain had his own attorney, and when it was time to present his defense, he called three witnesses of his own.

For obvious reasons, Cain did not call any alibi witnesses. There's no dispute that he was there when the shooting happened.

Instead, Cain's defense focused on refuting the testimony of Angela Bruce. Angela was the prosecution witness who testified that, four months after the shooting, Cain's uncle had brought Cain and Lee to a party at her trailer, and while there, the two boys had confessed to killing Brian.

At trial, Cain's attorney called Cain's uncle, Phil Storey, to testify that this never happened.

> **[09:44] Susan Simpson:**
> So, Larry, Larry Barkley, Cain's attorney called you, and at the trial, he asked you about the party, and you said that you went over- it's very quick. It's, like, jeez, it's only two pages of direct.
>
> And it says you get there around midnight, you saw Angela Bruce. You say Smitty and my nephew Cain, you were there an hour or so, hour-and-a-half, at the party, and that you never heard Cain or Josh say anything about killing Brian Bowling.
>
> **Cain Joshua Storey:** No.
>
> **Susan Simpson:** And you did not see Lee Clark there.
>
> **Cain:** Hmm-mm [negative].

**[10:16] Susan Simpson:** To me, calling Phil Storey seems like an obvious mistake for the defense. If anything, Phil just corroborates the prosecution's case – he confirms that there really had been a party at Angela Bruce's trailer, and that Cain really had been there.

But Phil Storey was not the only attendee at this party. In fact, according to Angela there were 15 to 20 people there in all. And Angela Bruce actually *named* four people who were sitting right there at the kitchen table when Lee and Cain supposedly confessed to murder.

> **Susan Simpson:** Why didn't your attorneys try and talk to the other partygoers?
>
> **Cain Joshua Storey:**
> I never understood, I never understood that neither.
>
> I've always wondered that myself. I mean, I never understood why they didn't try to get somebody else at the party, you know, to come testify to the--

**Susan:**
Someone aside from Phil Storey, your uncle, who the jurys gonna assume would lie for you.

**Cain:**
Yeah. Yeah, I never understood that neither. I mean, Barkley did a piss-poor job.

**Jacinda Davis:** The second witness Cain's attorney called was Caprice.

She'd actually been called to testify as part of the prosecution's case, but Barkley brought her back to the witness stand again, to refute Angela Bruce's claim that, on the night of the party, she'd driven up to the trailer to pick up Lee and Cain.

**[11:27] Caprice Hoitt:**
When I was in court, they was asking me about, you know, I supposedly went to somewhere with somebody and picked up Josh and something, I don't know.

**Susan Simpson:**
Do you know the name Angela Bruce? Do you know the McHenry Trailer Park?

**Caprice:**
Maybe that's the lady, maybe that's the lady that I'm talking about. She got long, wavy looking hair?

**Susan:** Angela Bruce was from McHenry Trailer Park so that's…

**Caprice:**
I don't know if that's where they tried to say I went. I had never seen that lady until that day.

**Jacinda Davis:** Caprice told us that until that day, she had never seen Lee Clark before either.

**Caprice:**
And I remember sitting there and them asking me questions, and me having to look at Josh and Lee. Lee just glared at me like, you know, like, malicious stuff, like he wanted to hurt me or something, you know? Just from what I was saying. He just stared at me.

Like, I was like, golly, you know? And Josh would look up at me and then look down and just cry. Like, he was the only one upset, and Lee sat there like it didn't bother him at all.

Really like nothing, he wasn't bothered by any of it. He had no remorse for it, no nothing.

**Jacinda Davis:** This is something we heard from some of the jurors we spoke to as well.

While Cain Storey had been a lanky, crying mess, Lee Clark had been the opposite. He hadn't seemed remorseful at all.

**Susan:** Now, a lot of people have mentioned Lee's eyes.

**Jacinda:** They all talk about, well, a lot, you're right, they all mention his, like-

**Susan:** Intense.

**Jacinda:** Intense.

**Susan:** I don't know what word you'd--

**Jacinda:** Like… just a stare.

**Dan:** Well, she said he was… yeah.

**Susan Simpson:** Beady. Some said "beady eyes."

**Jacinda Davis:**
But they all talk about how when they're testifying, you know, Cain is crying and--

**Dan:** She said he had a smirk or--

**Jacinda:** Oh, yeah. She said he has a smirk and--

**[13:13] Jacinda Davis:** Later, Susan and I talked to Lee about our interview with Caprice.

**Susan:**
She says the same thing that she said, I mean, she's never changed her story. But she did tell us that.

**Darrell Lee Clark:** [Unintelligible] the truth.

**Susan:**
But she remembers looking at you. And that she thought you were… What'd she say?

**Jacinda:**
She said you just had, like, a really hard, angry look on your face and was staring at her.

**Susan:** Almost threatening.

**Jacinda:** Like, a threatening…

**Darrell Lee Clark:**
Look, people get me confused with that stuff all the time. When you, when you meet me face-to-face, Susan, you're going to see it, because I've got that look. That look stays permanently on my face all the time. I don't, I don't do it intentionally. It's just there.

**Susan:** Resting bitch face.

**Jacinda:** I was going to say resting bitch face.

**Lee:**
I've got that look, I'm serious people walk up to me all the time like, man are you okay. I say I'm fine, dude. What's up? And he said man, you're over here looking crazy, man. I say, well, that's me for you, buddy. That's, and I tell the people all the time, that's probably what got me convicted.

**Susan:**
Well, apparently, it made an impression on Caprice because she, when she said that Josh was crying. and just looked distraught, whereas you just looked mean and just stared her down.

**Darrell Lee Clark:** Yeah, I probably had that look on my face, probably. I mean, I know I keep that look on my face, but I probably had an extra look on my face then because I was pretty pissed off about the whole situation.

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**[16:27] Jacinda Davis:** At trial, both Lee's and Cain's attorneys had been focused on trying to discredit the prosecution's theory of what the motive had been.

The prosecution argued that Brian Bowling had given evidence against Lee and Cain that implicated them in the theft of a safe from Cain's father. The day before the trial was scheduled to begin, the Rome News Tribune had run an article about the case. And quoted investigators. It read:

> *"Investigator David Stewart and Sgt. Dallas Battle said they believe Storey and Clark conspired to murder [Brian] because he was the only witness who could testify against the two in a burglary case."*

This is not what the prosecution was able to show at trial, though. Under oath, the investigators' claims that Brian's role as a witness had been much more modest.

One week before Brian's death, Investigator Stewart had been attempting to interview Lee Clark about the safe theft. He had stopped by the Bowling residence to search for Lee Clark but Lee hadn't been there.

On his way back out to his car, Stewart stopped and briefly spoke to Brian.

***Kevin Fitzpatrick, reading questions:***
*Did you, at any time, interview Mr. Brian Bowling?*

***Susan Simpson, reading answers:***

*Yes, Cain Storey was present when I talked with Brian Bowling about [ ] particularities involved with the theft of the safe.*

***Kevin:***
*Was Cain Storey [ ] just there on the premises, or actually a part of the conversation?*

***Susan:***
*I did not talk with Cain, and he was not a part of our conversation, but he was there where he heard the conversation.*

***Kevin:*** *How do you know he heard the conversation?*

***Susan:*** *Well, I saw him. He was standing next to Brian.*

***Kevin:*** *Did Brian Bowling cooperate with you, give you information?*

***Susan:*** *Yes, he did.*

***Kevin:*** *And did it lead to the arrest of anyone?*

***Susan Simpson:*** *It corroborated statements made by defendants involved with the case.*

**[18:27] Jacinda Davis:** There's no record in the police file about what Brian told Investigator Stewart – Stewart did not document this conversation. But nothing Brian said to Stewart could've led to any arrests, because by the time this conversation occurred, all four of the boys involved in the safe theft had *already* been charged and arrested.

But whatever Brian said to the investigator, Cain heard it too.

**Cain Joshua Storey:**
But the thing about it is, I was standing right beside him. The only thing David Stewart asked him is, did he know where Lee Clark lived. That was it.

He asked me and Brian questions about, you know, where he stayed at. And I mean, we told him.

**Susan:** But you didn't hear Brian say anything about Lee?

**Cain:**
No, no. None of that. That's why I'm saying this whole conversation about it, that's, that's a lie. That never happened.

**Susan:**
Well, it was during that conversation he was supposed to have been given the info that made the case against y'all for the safe.

**Cain:**
I know. Exactly and the whole time I'm sitting thinking that oh, you didn't even ask him these questions. I was standing there right beside him when you asked him.

**Susan Simpson:** The prosecution used David Stewart to prove that Brian had spoken to the police, and also that Cain and Lee had known about it, because Cain had been standing right there when it happened.

But the prosecution also needed to show that this would've been enough to motivate Lee and Cain to kill Brian.

And that's where Debra Kelley came in. You've heard from her before – she testified that, while cleaning the Storeys' trailer, she'd come across a notebook that belonged to Cain.

**[19:46] Debra Kelley:**
It was a list of rules. The dos and don'ts. And who had been initiated into the gang and all this stuff. I don't remember all the rules, but what stood out to me the most is, if a brother is caught narcing on another brother, the punishment is death.

**Susan Simpson:** Debra Kelley testified that this notebook had identified the members of the Free Bird gang – including Brian, Cain, and Lee.

And she believes that Brian was killed because he'd broken the gang's most important rule.

**[20:21] Susan Simpson:**
In your testimony, you mentioned a time that Brian came over, does that ring a bell at all?

**Debra Kelley:**
He's the one that told me that he knew something about the safe. And I told him to contact the police.

**Susan:** But you don't know if he did or not?

**Debra:** I'm sure he did, he's dead. [Laughs] I mean, you know? I'm pretty sure.

**Susan Simpson:** Even before Brian's death, Debbie Kelley had a low opinion of Lee and Cain and the other teenage boys that Brian had hung out with. She didn't like the way they acted, and she didn't like the language that she'd heard them use around one another.

**Debra:**
And they said - it was about the time the fair was in Rome, and they said, hey, homie, y'all going to the fair? And that made me so upset. And I looked at those boys. I said these two ain't going nowhere but probably to the graveyard or jail.

Brian had been different from the other boys, though, Debbie Kelley told us. He'd had a conscience.

**Debra:**
Even though he was in that gang, Free Birds, I don't think he was happy. I think he wanted out. And so, he went and I'm pretty sure he told the police about the safe and everything. In my opinion, that's what got him killed.

**Susan Simpson:** Debbie Kelley had known a lot about the safe theft. In fact, she'd been something of an unofficial, unappointed assistant to the investigation.

**Debra:**
David Stewart taught me pretty well. He said I ought to have went into being an investigator.

**Susan Simpson:** David Stewart told you that you ought to be an investigator.

**Debra:** Yeah. That's what he said (laughs).

**Susan:** When did he say that?

**Debra:** That was when all this began (laughs). You know.

**[22:15] Susan Simpson:** Debbie Kelley told us that after Brian's death, she'd continued her investigation, and questioned Cain about his role in it.

**Susan Simpson:**
You said, "I talked to Josh a lot, asking him questions, and he don't ever have any straight answers."

**Debra Kelley:**
Yeah, yeah. I said, "Cain, don't go down for somebody else's doings. You told Debra you didn't do it, but there was some scuffling in that bedroom. Where did the scuffling come from?"

That's what I asked. And I said, "If Lee done it, that explains why Lee ran."

**Jacinda Davis:** Did you ask him if you didn't do it who did or?

**Debra:** Yeah, and he would never, he called it, 'narc on a homie.'

**Susan Simpson:** David Stewart had also tried to get Cain to narc on his homies, when he had interviewed Cain about the safe theft.

**Debra:**
And I'll tell you what he told Cain, and this was David's words. He said, "Because

where you're going is to a big man jail," and said, "They're gonna call you Sweet Thing when you walk in the door."

David was trying to scare him into telling the truth.

**Susan:** How did Cain react to that?

**Debra:** His words was, "I don't give a f---."

**Susan Simpson:** David Stewart's interview with Cain was recorded. And Cain's attorney introduced it into evidence at trial – which is why this tape recording still exists.

In this interview though, Cain does not display the defiant attitude that Debra Kelley remembers.

**[23:53]** ***David Stewart:***
*Okay. When you say y'all got the safe, who was all involved? Just name the names.*

***Joshua Cain Storey:***
*Me, Lee Clark, Pete Jordan, and Joseph Wilkins.*

*We got the safe. We left and went and destroyed the safe and got the money out.*

-

***Stewart:***
*I can't think of anything else at this time. I'll note that I think Josh is trying to get all this behind him. He's, he's, at least as far as I'm concerned, he has been cooperatable with me. And we'll end it at that.*

**Jacinda Davis:** Debra Kelley had been present at this interview as well. She helped Investigator Stewart question Cain.

**David Stewart:**
Also, with me, I've mentioned for the record is Debra Kelley who is a neighbor witness to this incident. Ok, Ms. Kelley you can go ahead.

**Debra Kelley:** I think Josh forgot about saying how they split the money up.

**Joshua Cain Storey:** Oh, yeah.

**Debra:** That was kind of--

**Cain:** Eight hundred dollars apiece.

**[24:55] Jacinda Davis:** After Brian had been shot and killed, Debbie Kelley had switched from investigating the safe theft to investigating Brian's death.

That's when she remembered the notebook she'd found in the Storey's trailer. The one with the disturbing imagery on it.

**Debra:** And there was cross bone and skulls. I'll never forget that.

**Susan:** On the cover?

**Debra:** On the front of it.

**Cain:**
It was a book of songs, of songs and poetry that I had wrote over the years and everything. That's all it was.

**Jacinda Davis:** Cain told Susan there *had* been a notebook with a skull and crossbones on the cover. The notebook was real.

**Susan:** The skull and crossbones is what?

**Cain:**
That was going, that was actually going to be the symbol of it, it was, we was going to have on our bass drum. That was actually going to be the symbol of the band.

**Susan:** What kind of songs would you have in there?

**Cain:**
The songs that we were writing for the band and everything. Like, one of them was called "Blood Moon." One of them was called "Destiny's Doorway."

**Susan:** Were they like…

**Cain:** Love songs.

**Susan:** Were they violent lyrics?

**Cain:**
No, no. Hell, no. I didn't even really even get into violent lyrics. I mean, you know how the '90s were.

So, you know what I mean? I mean, it was the whole, you know, the whole Nirvana, you know, Pearl Jam, Smashing Pumpkins era of all that.

**[26:17] Jacinda Davis:** Debra Kelley had known that Cain often wrote song lyrics.

**Susan Simpson:**
You mentioned in your trial testimony that when you found the gang notebook, at first you thought it was like rock and roll songs or--

**Debra Kelley:** Yeah, to start with. Yeah. Yeah.

**Susan:** So you'd seen him like, write lyrics and songs and whatnot?

**Debra:** Yeah, I mean he would. He would write songs.

**Jacinda Davis:** But Debbie Kelley insisted that this notebook had not been full of song lyrics. Instead, it had contained the by-laws of a violent gang.

And the gang's leader, Debra Kelley said, was listed as Cain Storey.

**Kevin Fitzpatrick:**
Does it strike you as he would be the leader of that gang? Would he be the one who would really be the leader?

**Debra:**
I think it was a title, to be honest. The main thing is, they all stuck together. That's the way I figured it out. They all stuck together and they weren't gonna narc on the other one.

**Susan Simpson:** Of all the witnesses we've spoken to in this case, the interview with Debbie Kelley might've been the most difficult interview of them all.

**[27:30] Susan:**
The problem I was having is what she told us was so different from her other statements that I didn't know where to take the questions.

**Jacinda:** She changed her story even -

**Kevin:** While we were sitting there.

**Jacinda:** While we were sitting there talking.

**Susan:** Every time I had a question she would adapt to it.

**Jacinda:** Yeah.

**Susan Simpson:**
So I was like, if I ask her a question she's just going to say that's part of the story now.

**Kevin Fitzpatrick:**
There is no way in, in reality where if, if Dave Stuart said to Cain, "You tell me or you're going to jail and you're going to be somebody's sweetheart." There is no way, if everything I know about that kid and her [having] spoken to him, there is no way that he wouldn't have cracked right away.

**Susan Simpson:** He did crack right away.

**[28:07] Susan Simpson:** Debbie Kelley's memory of a defiant Cain Storey who refused to narc on his homies was at odds with the actual case record. On many points it's clear Debra Kelley's memories have very much changed with time.

But as Dan pointed out, Debbie Kelley never actually gave a contemporaneous interview about the notebook. The first time she had spoken to police about it had been nearly a year after she said it was found.

**Dan:**
I'm just saying that it makes it even more possible that she's just like, kind of, imagining what she glanced over for a second.

**Jacinda Davis:**
She seems like a witness who'd be easy to lead. As we saw with our own questioning, right?

**Dan:** Yeah, exactly. That's what I'm saying.

**Jacinda:**
You could almost imagine what the conversation - so let's say Dave Stuart is like, comes to her and is like, you know these boys who are in a gang? Oh, my gosh, really? Yeah, did you ever see anything gang related? Well, there was this notebook with a skull and crossbones.

**Kevin:**
But skull and crossbones, I mean, Keith Richards has a skull ring. I mean, he--

**Jacinda:** Yeah, but she would have jumped on that. Oh, that sounds horrible.

**Kevin:** Yeah, well, right.

**Jacinda:** What else, wa-, was there writing in there? Was there?

**Susan Simpson:** Since the skull and crossbones notebook was never found, there's no way now to know, for sure, what was written inside.

But Debbie told investigators that there was someone else who had seen the notebook too.

**Susan Simpson:**
Was there anyone else that knew about the notebook at that time? Was anyone with you when you found the notebook?

**Debra Kelley:**

There was a girl helping me clean, her name was Nancy. And I don't know what ever happened to her. But she was, she was very nervous.

**[29:37] Jacinda Davis:** Susan and I found Nancy Williams at her apartment in Rome. We spoke to her while her grandkids were running around playing nearby, and she confirmed that she had once helped Debbie Kelley clean the Storey's trailer.

**Nancy Williams:**
She cleaned houses, and she cleaned their house. I was with her at one time and she found a notebook, I don't know if that notebook was ever found, I wasn't called a witness. She probably was.

**Jacinda Davis:** Nancy actually *did* testify at the trial though, and she'd forgotten that she had.

She still remembered the notebook, though.

**Nancy:**
We just went in there and dusted, and straightened up. And I was in his room, and I remember finding a notebook, but--

**Susan Simpson:** What did it, what did it look like?

**Nancy:**
It was like a plain old composition notebook. I couldn't tell you what color, just a spiral notebook. And it was disturbing. And I don't remember specifically what it says now, I couldn't tell you.

**Jacinda Davis:** At the time, Nancy had lived just down the road from the Storeys, so she knew Cain but they had never interacted.

**[30:38] Susan:** Oh, so, you never actually met Josh, or Cain?

**Nancy:**
Well, see, the reason that that stuck out with Cain is because the, especially my mother-in-law at the time, would always remark how unusual it was to have a boy named Cain, and 'it's no wonder he turned out evil.'

You know? But it's crazy. Southern people.

**Jacinda Davis:** Nancy was never interviewed by the police. But she was interviewed by the District Attorney's office. She told the DA's investigator about finding a notebook at the Storeys' trailer but said that it hadn't contained a list of gang members or anything like that.

At trial, though, Nancy's story changed. Yes, she said, there had been a list of gang members in the notebook. Though, she didn't remember any names.

All she remembered seeing in the notebook were two rules that gang members had been required to follow. The first rule was: if a brother speaks to pigs – meaning the police – then punishment is death.

The second rule was: 'should any other brother be aware that another brother has spoken to the pigs, then it is that brother's duty to kill him – and if that brother fails to do so, then he is to be put to death as well.'

We asked Nancy what it had been like to find this notebook.

> **[31:56] Nancy Williams:** Very uneventful. Oh, Debra, look, this is weird, creepy.
>
> **Susan Simpson:** So, you were looking through it.
>
> **Nancy:**
> We just glanced through it, we didn't pay, (Talk over) we didn't spend very much time on it. I just showed it to her, and we went about business, and that was done.
>
> **Susan:**
> So, when you say creepy, do you mean, like, like, drug-related, or, like, violence, or? They didn't find the notebook, so we don't know.
>
> **Nancy:** Oh, really? Was there never a notebook?
>
> **Susan:** No one ever saw the notebook, so, except -
>
> **Nancy:** Really?
>
> **Susan:** Except for you and Debra.
>
> **Nancy:** Wow. I didn't know that.

**Jacinda Davis:** We spoke to Nancy's daughter as well. She had been too young to remember the Bowling case but growing up she'd heard people talk about it. And she was surprised to learn that her mom had testified at the trial.

> **Nancy's daughter:** Even Mama testified, my mom.
>
> **Nancy:** I can't believe I did that. I Must have been made to [unintelligible].
>
> **Nancy's daughter:** I know.
>
> **Nancy:**
> They, yeah, evidently I, evidently I was in the court. I mean, you'd think that'd be something you'd remember, wouldn't you?
>
> **Jacinda:** Being in court?

**Nancy:** Yeah, it was--

**Jacinda:** You testified then.

**Nancy:** I … I guess I did.

**Jacinda:** And you don't remember that at all?

**Nancy Williams:** Not at all.

**Jacinda Davis:** Today, Nancy does not remember the contents of the notebook. But she also doesn't remember thinking that the notebook was a big deal. She told us that it hadn't seemed ominous to her – just strange.

**[33:13] Nancy:**
I hate that that notebook, (unintelligible) probably half convicted them, and I don't even have it. The notebook was never even entered into evidence.

**Susan Simpson:** They never found it.

**Nancy:** That's crazy.

-

**Nancy:**
If ever you wanted to find a case in a town that was dirty and done wrong, look right here.

If you all wanted to, I'm telling you, you all, it wouldn't take much to look in, in this county at other cases that sent people away for life, and you might just find yourself something bigger than you know.

**Susan:** Well, Dallas Battle has apparently quite a history in this town.

**Nancy:** Yeah. Yeah.

**Susan:** But--

**Nancy:**
Fortunately, I never had to deal with him, you know? But I do know. I've dealt with enough policemen that were dirty and partied and had fun, and did what they wanted to do.

**Jacinda:** The good old boys.

**Nancy:** They damn sure did.

**[34:19] Susan Simpson:** The skull and crossbones notebook was never found. Which is why it shouldn't have mattered in this case at all.

When Cain and Lee appealed their conviction, they argued in part that the trial court should not have allowed the notebook to be used as evidence.

And the Supreme Court of Georgia agreed with them.

> ***Kevin Fitzpatrick, reading:***
> *[T]he testimony of the women [ ] was hearsay, and it was admitted without a determination that it fell within an exception to the rule prohibiting the use of hearsay.*
>
> *The erroneous admission of the women's testimony concerning the contents of the composition book is, however, made harmless by the testimony of the party hostess concerning gang membership and rules.*

**Susan Simpson:** The Court concluded that neither Debbie Kelley nor Nancy Williams should have been allowed to testify. And that letting the jury hear about the alleged gang rulebook had been a mistake.

But the Court also concluded that this mistake hadn't caused any harm to Lee's and Cain's defense. Because Angela Bruce had testified that Cain and Lee had confessed to being in a gang – which means the evidence about the gang rulebook didn't actually matter. The Court found that even if the jury had never heard about the rulebook, they still would have believed Angela Bruce, and so they would have convicted Lee and Cain anyway.

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**[35:40] Susan Simpson:** Brian's uncle Mikel believes, though, that neither Cain nor Lee would have been convicted, if it hadn't been for the third witness that was called to testify in Cain's defense.

That witness was Cain Joshua Storey himself.

> **Jacinda Davis:**
> What do you think was the most compelling evidence against them?
>
> **Mikel Baker:** Josh's testimony.
>
> **Jacinda:** Josh's testimony.
>
> **Mikel:** Yeah. I think that's the only way that the trial ended the way it did.
>
> **Jacinda:** You think if he hadn't taken the stand…
>
> **Mikel:** I think they would have got off the hook. Yeah.

**Jacinda:**
As you're watching the trial, are you worried it's not gonna end in a conviction?

**Mikel:**
Yes. Yeah. I was thinking you know that there's probably about a seventy percent chance that we would not get a conviction until he testified.

**Susan Simpson:** After Cain testified, Mikel had felt pretty certain that the jury would find him guilty. But he hadn't expected that they'd find Lee guilty as well.

**Susan Simpson:**
But you remember having the thought that Josh could be convicted, but Lee might not be?

**Mikel Baker:** Yes. I was surprised at the verdict that he was convicted, period.

**Susan Simpson:** Glen Clark also remembers that Cain's testimony had been a bit of a mess.

**Glen Clark:**
Yeah, that was sad - hey, that boy got up there. They should never put that boy on the stand. He cried - I mean, Cain/Josh just breaks down crying on the stand, you know? But they should - they should never put him on the stand. if you could have been there and saw it you'll know what I was talking about.

**[37:15] Susan Simpson:** In the transcript, the court reporter noted twelve different times that Cain was crying as he spoke in court. And twice there's simply a notation of: "The witness sobs loudly."

No one who saw Cain's testimony has suggested to us that he was somehow faking this. Everyone believed he was genuinely distraught.

But many of them interpreted Cain's tears as a sign of remorse. They thought he was crying because he felt bad about killing Brian.

It wasn't just Cain's demeanor, though, that made his testimony a disaster for Lee Clark.

Because Cain testified to something that the prosecution could never have proven on its own: that on the evening that Brian had been shot, Lee and Cain *were* hanging out together.

**Darrell Lee Clark:**
Cain had been with me earlier that day and I think that's where it all stems from right there. Me dropping him off at that store. I dropped him off down at Silver Screen Mini Market on Rockmart Highway, turned around and went back to my house in Lyndale.

**Susan Simpson:** This is probably why Lee became a suspect in this case in the first place. And why investigators decided it was Lee, and not any of the other alleged Free Birds, who had been Cain's co-conspirator. Because they knew Lee and Cain had been hanging out that evening before Brian was shot.

Though for some reason, the investigators ignored the fact that there had been a third boy with Lee and Cain as well: Lee's little brother Jamie.

> **Jamie Clark:**
> We took and dropped Cain off and that was the last we seen of him. My brother was driving and then we went over there where my brother was living and we partied that night, drinking, stuff like that.

Lee and Jamie have never denied that they were driving around with Cain that night. But the police never interviewed them. They only ever talked to Cain – he was their only source for this information.

But under the Sixth Amendment, nothing Cain said about Lee could be used as evidence against him – unless and until Cain agreed to testify. Which he did.

So the jury did get to hear that Cain and Lee were together that night. And they also heard *why* Cain and Lee had been hanging out that night.

> **Darell Lee Clark:**
> We stole that safe on October the 3rd. I picked Cain up on October the 18th. When I picked him up on October the 18th, everybody had already been arrested and charged with this safe theft. I was trying to find out which one of them said something, whether it was Cain or his little buddy Joseph. I know one of them had done said something to the police.

**[39:38] Susan Simpson:** All four of the boys involved in the safe theft had been arrested and charged with the theft. But only Cain and Joseph were arrested the very same day that the safe had been stolen. And it was that evening that someone had told the police where the boys had left the busted-up safe, off a dirt road in Polk County.

So Lee knew *someone* involved in the safe theft had talked to the police. And there were only two possibilities about who it could be.

> **Lee:**
> I know that was either Cain or Joseph. It had to be one of them two. That's the only plausible explanation. And I was right, it turned out it was Cain that said it.

**Susan Simpson:** When Cain testified at trial, he confirmed that that night Lee had asked him straight up if he had been the one to talk to the police. Cain said Lee hadn't seemed angry or upset -- he'd just wanted to know who had done it. Cain told him he didn't know so they'd smoked a joint and drove around some more.

Cain of course *had* known who'd done it: it was him. But Lee wouldn't find that out until much later on – when the tape recording of Cain's statement to David Stewart was played in court.

> **Lee:**
> I turned around and looked at him when they was playing that tape. I said, "Really." I said, "Really man?" And he's just holding his head down. Oh, yeah, I mean, I, it is what it is.

**Susan Simpson:** Cain's testimony about hanging out with Lee and Jamie that night had not looked good for Lee.

And from what Brian's uncle had seen at the trial, it was because of Cain's testimony that the jury came back with guilty verdicts for both defendants.

> **[41:08] Lee:**
> When them people come in there and they found me guilty of this stuff Susan, I felt something at that point right that I ain't never felt in my life and I'll probably never feel again the rest of my life unless maybe on the day I die. I might feel it then. I don't know.

**Jacinda Davis:** Lee had not been expecting the verdict. He thought the trial had gone well for him. And he felt confident that, after sitting in the county jail for nearly a year, he was finally going to walk free.

> **Darrell Lee Clark:**
> I'm sitting there thinking I'm going to go home because this, this is a bunch of lies right here. When they did that right there, my God, I couldn't even believe it.
>
> My mind's just running a thousand different directions. I'm about to choke to death. I feel like I'm about to fall over dead because I don't feel like I can breathe. God, I just… you can't explain that feeling to anybody. You, no matter how much detail you go into about it, you cannot get somebody to feel that feeling because that's stuff you have to experience for yourself to be able to feel it.
>
> I mean, it's a feeling you just lost all hope. It's like seeing your life flash before your eyes. And that's a, that's a hell of a feeling to be sitting there feeling at the age of eighteen years old.
>
> And then it didn't make it no worse when they put us on that bus, and I pulled up down there at Jackson State Prison. I'm sitting there looking over at this prison, scared to death because I don't know what's waiting on me inside. I turn around and I looked at Cain and I told Cain, I said, "We ain't going to make it."
>
> And Cain, he's over there bawling his eyeballs out. I told him, I said, "Man, you might as well stop all that right there." I said, "That ain't going to look good, you keep doing that. Some of these guys see that right there, man."
>
> **Susan Simpson:** Did he quit?

**Lee:**
He eventually got himself under control once we got going through there. And we get in there and they go to shaving our heads, and me and him are sitting over there looking like two skinned rats. God Almighty.

**Jacinda Davis:** When Lee arrived at the prison that day, he'd been certain he wasn't going to make it. That he didn't have what it takes to survive behind prison walls.

But he did survive. And he says that, more than anything else, it's the support he's gotten from his father that helped him make it through.

**[43:20] Lee:**
I know all kids think the world of their dad. But my dad has got to be one of the best men I've ever met in my life. He's just a naturally good guy. And I've told him before one hundred over, If I can be half the man you are, I'll be doing fine.

**Jacinda Davis:** Glen Clark has never given up on his son. But he doesn't know how he can help Lee challenge his conviction. He's tried, over the years, but every time he's turned somewhere for help, he's been turned down, and he's out of ideas of what to do.

**Jacinda Davis:** Has that pain ever gone away, do you still carry it with you?

**Glen Clark:**
There ain't a day that goes by that I don't think about Lee, I mean here it is I'm getting older and I'm hoping and praying that he'll be able to get out while I'm still here, so I can help him get on his feet.

Let me tell you something, ever since Lee's been locked up. I've been trying to run up on somebody that can help me.

**Jacinda Davis:** One decade passed, and then another. And still Lee is no closer to going home.

Glen says at times, thinking about his son behind bars for a crime he does not believe Lee committed, was too much for him to bear.

**[44:46] Glen Clark:**
I had a bad, I won't say it's called a breakdown, got a real bad depressive stage and I don't know how to tell you this happened, but I stuck a gun to my head more than once. Never pulled the hammer back. But look, I'm looking for h-, I'm looking for a way out. I'm looking for help.

You, you, you just, you can't realize how bad it is, somebody that ain't never been there ain't got a clue. So I told Sherry, I said, "You're gonna need to take me to hospital or somewhere." And I said "Don't- I'm gonna hurt myself."

You don't want to tell nobody that.

But they took me to kind of like a mental hospital, and [stutters] not just mental, but they got psychiatrists that come in. The night they took me over there, they put me in a room, And I had a room by myself. And I went in that room… [crying emotionally] I've shared this with the church, too. But when you get that low--

He's calling now [answers phone].

When you get that low, and I asked the lord, I said, "God [talk over], I don't know whether you are there or not…

[Prison recording starts over the phone.]

I said, "But if you are, I need you to come into my life. Take it over."

And, uh… I put all my faith in him. And, and it's been - Hey, Lee. Hold on just a minute, son.

**[46:46] Darrell Lee Clark:** Alright.

**Glen Clark:** And since I'd done that, but--

**Lee:** Do what, now?

**Glen:** You just hold on a minute.

**Lee:** You alright?

**[47:05] Glen Clark:**
[Crying emotionally] Yeah. He changed my life. He made a man out of me. It took a while. It's a work in process. I told him, I said, "If you'll do it for me, come into my life, I'll do it for you for the rest of my life." And I do.

Lee, you there?

**Darrell Lee Clark:** Hey. Yeah. What's going on, but?

**Glen:** I am, I got Jacinda here and talking to me. I'm being a movie star, son.

**Lee:** [Laughs.]

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Next week, on *Proof:*

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*"He's the first person I've spoken to who actually has like, affirmatively said, "Yes. I have had knowledge of the Free Birds. It was a thing." No one else has like, had any actual knowledge of the Free Birds."*

*"Jesus Christ."*

*

*"So, the story according to Archer is that he said, "Don't go to Brian's house. Promise me you won't go to Brian's house." And then that's the night Brian was shot."*

*

*"At trial, they say that you wrote this note and that you wrote the 'narcs' thing."*

*"They never asked me anything about anything."*

***

**Jacinda Davis:** You've been listening to *Proof*, a podcast by Red Marble Media.

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That's all for this week... thanks for listening.

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*Transcribed by Skylar Park*