Proof: A True Crime Podcast
Season 1: Russian Roulette
Episode 4: The Witnesses?
Monday, March 28, 2022

Susan Simpson: In newspaper articles about the arrest of Lee Clark and Cain Storey and about their indictment and upcoming trial, the fact that Brian Bowling had been talking to someone on the phone when he was shot mostly isn't mentioned.

It only comes up one time. An article in the Rome News Tribune published a few days before trial notes that 'Police said Brian's girlfriend was on the phone with him at the time of the shooting, but she did not hear the gun go off.'

And based on that reporting, you might have guessed that Brian's girlfriend, 15-year-old Caprice Hiott, hadn't heard anything of interest to the murder investigation. Or you might have guessed that she hadn't been listening when the shot was fired.

That guess would be wrong, though.

> **Caprice Hiott:**
> And, you know, Brian got on the phone, and I know Cain was there, or Josh was there, whoever.
>
> I just remember him talking to me and telling me that his friend was there, you know, his best friend, and I just remember him telling me that I was playing Russian roulette and I was, I was like okay, because I, I didn't know what it was.
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> **Susan:** So you weren't alarmed at that point?
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> **Caprice:** No, because I didn't know what it was.

Susan Simpson: When we talked to Caprice, she told us that she hadn't realized anything was wrong that night until she suddenly heard screaming on the other end of the line, and then heard Brian's brother-in-law yelling over and over again for everyone to get out of the way. And then the line went dead.

> **[01:28] Caprice Hiott:**
> All I know was that I was talking and next thing I know, the phone got hung up. I

called back, and Kenneth's the one that answered the phone and he's hysterical and I was like, hey the phone got cut off what happened, and he said, Brian shot hisself, Brian shot hisself.

Susan Simpson: The newspaper article was right – according to Caprice, she didn't hear a gunshot when she was on the phone.

But Caprice says she heard something much more important. She heard Brian say that he had Josh's gun – and that he was playing some kind of game with it.

Caprice Hiott: That was definitely the last words he ever said to me.

Susan Simpson: That he was playing Russian roulette?

Caprice Hiott: Yes, ma'am. it still fucks me up, I'm telling you.

[02:10] 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.

Jacinda Davis: Brian's family had told Caprice that Brian had been shot, and she knew the situation was serious. But she didn't understand *how* serious until later that evening, when her mother got home, and Caprice was able to ask her a question.

Caprice Hiott:
My mama came home that day, she said she walked in there, and I was sitting on the couch. She said my face was white as a ghost. I was crying, and she asked me what was wrong.

I was like "Mama what's Russian roulette?" And she told me. I pretty much broke down and went to my knees. I was devastated. It was bad.

Jacinda Davis: It was Brian's friend, Tommy Hyde, who called Caprice to let her know that Brian was in the hospital. Her mom drove her there to see him.

> **Caprice:**
> I remember looking, and I guess he had got off the elevator, but it was Josh, and the only reason I knew it was Josh because I've never seen him before, somebody was like, oh, there's, there he is, you know, and, I looked over, and he looked straight at me, and he was so beside himself.
>
> I remember, we made eye contact and I seen his face and how upset he was.

[04:21] Jacinda Davis: Caprice had talked to Josh on the phone before, but she told us that the first time she ever saw him in person was that night at the hospital. He had seemed incredibly upset over what had happened to his friend. Caprice says it never occurred to her to wonder if Josh might've done something to Brian on purpose. And besides – once her mother had explained to her how Russian roulette was played, she assumed that's exactly how Brian had gotten injured.

> **Caprice Hiott:**
> I just thought that he had shot hisself, and that that's what they were playing because that's what my mama told me it was. Like that was my thought. Oh, God, you know, why would they do that? Why did he do that? You know, like, why did he play that game?

Jacinda Davis: At some point that night, the police talk to Caprice about what she'd heard on the phone with Brian. And as far as we can tell, she told them the same thing she would tell us 25 years later: that the last words Brian ever said to her was that he was playing Russian roulette.

Jacinda Davis: And that's probably why, in the beginning at least, investigators had been so quick to conclude that this was an open and shut case. Josh Storey had already told them that Brian had died playing Russian roulette, and then they had Caprice confirming his story.
We don't know which officer it was that Caprice actually spoke to that night, but it's possible it was patrol officer Mark Corbin.

> **Officer Corbin:**
> I remember somebody, I remember him talking to his girlfriend on the cell, on the, well, I don't know, it wasn't a cell phone.
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> **Susan Simpson:** Cordless.
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> **Jacinda Davis:** Yeah, I think it was one of those cordless…
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> **Corbin:** Cordless phone.
>
> **Susan:** Yeah.

Corbin: I- for some reason, I thought that I talked to a girl, but…

Susan: Someone talked to the girl, we don't know who.

Corbin:
But I don't remember it vividly, but I do remember, I mean, talking to somebody. But, and that's the reason I would have thought that it would have been in the report somewhere.

Jacinda Davis: Two days later, Caprice was brought in and interviewed again. This time, the interview *was* recorded. But that recording, like the recordings of almost every other interview in this case, has gone missing. And no one in Floyd County can agree on whose fault it is that it's been lost.

Our associate producer Amory Davis spent months communicating with the various agencies in Rome, trying to find the case file, with no luck.

[06:36] Jacinda Davis:
It feels like one of these things. So, we're being told by Floyd County Police Department, who, you know, who's been communicating with Amory and Amory says they've been lovely. But they are saying, we gave everything to the DAs office.

Susan Simpson: Yeah.

Jacinda:
The DAs office is saying we don't have it, and it's probably at the police department.

Susan: Subtext, "Go fuck yourself."

Jacinda:
Subtext, "It's here. No, it's there. No, it's, it's - It's back and forth, and back and forth." They keep sending us back and forth between the two departments.

Jacinda Davis: According to the Floyd County Police Department, all interview recordings, and most of the case file, was given to the District Attorney's office 24 years ago, and they never got those files back.

But every time we've asked Leigh Patterson, the current Floyd County DA, about what happened to that file, we've gotten the same response:

Jacinda:
"I've already responded to your request, and the case file is unable to be located."

Susan:
That's not an answer. She's, she's not denying that Floyd County Police Department gave it to her. She's not denying-

Jacinda: She's just saying, she's saying, “We can't find it.”

Jacinda Davis: To date, the DA’s file in this case has still not been located.

And that means we don’t have the recording of Caprice’s interview a few days after the shooting. Nor do we have any records about what Caprice said during another interview with investigators that took place sometime later on. In fact, we only know that this third interview happened because Caprice told us about it.

It was during this interview that Sgt. Dallas Battle told Caprice about the evidence they had that showed her boyfriend had been murdered.

Caprice Hiott:
Dallas is the one that told me about the pillow in the wall or and that Josh is the one that shot him, and that Lee was there.

Susan Simpson: Lee was there but Josh shot him.

Caprice Hiott: Right, Lee was outside at the window.

Susan:
You mentioned the pillow. What is your understanding of why that evidence is important?

Caprice:
Well, according to- I think it was Dallas that told me that Josh had put a pillow to Brian’s head and pulled the trigger. Yeah. Like, I guess to quiet it or something like that. I don't know.

Susan: Like a homemade silencer?

Caprice: Yeah, maybe.

Susan: Did he tell you that they found a pillow with a bullet hole in it?

Caprice:
No, just the pillow stuffed in the wall, and that's where the gun was. Something about there was a hole in the wall.

Susan Simpson: Caprice isn’t the only witness who told us about this pillow. It’s something we heard about over and over again, from just about everyone connected to this case that we spoke to.

Susan: Did you ever hear anything about a pillow?

Don: Yeah, I heard something about a pillow.

Susan: What'd you hear about that?

Don: I heard a pillow was used for a silencer or something.

-

Debbie Kelley:
…and I heard that there was no gun residue powder on Cain's hands. But in my book, he was an accomplice because he held the pillow over his head.

-

Woman: He put a pillow over his head and shot him.

Susan: You've heard about the pillow?

Woman: Yes.

Susan: What do you hear about that?

Woman: That's it.

[09:45] Susan Simpson: While we were down in Rome, Jacinda and I updated Kevin about our efforts to learn more about this pillow.

Kevin Fitzpatrick:
I don't understand what the pillow has to do with anything quite frankly.

Jacinda Davis: Well, we're getting a little more information if we believe it.

Kevin:
Now explain to me, because I don't, I don't know the details as well as you guys do.

Susan Simpson:
Well, it's hard to give you an answer about the pillow, because, like, the pillow story, we don't know the story. We're still-

Jacinda:
The pillow story is basically that a few days after the murder, they were in there cleaning up the house and someone found the pillow stuffed in the wall.

And this pillow allegedly has a bullet hole through it, and everyone believes that this pillow was used to muffle the sound of the gun going off.

Susan:
Okay, but side note, we don't know who found the pillow, we don't have pictures of the pillow that were taken- intentionally- of the pillow.

[10:42] Susan Simpson: There is very little that we know for sure about the pillow.

We know that it was blue. We know that there was blood on it. We know it was actually more like a couch cushion, and not the kind of pillow that you'd typically use to sleep on.

And, according to the only document about the pillow that we have from the Floyd County Police Department, we know that it was collected from the Bowlings' trailer by Captain Tommy Shiflett at 6pm on October 18, 1996.

Only – we know that didn't happen. Because that would be impossible.

> **Susan Simpson:**
> So, here's the other weird thing, the pillow, the only record we have of it is an evidence inventory sheet. And yet this evidence inventory sheet says they found the pillow at like 6 PM on the 18th of October, so 3 hours before Brian died.
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> **Kevin Fitzpatrick:** Wow.
>
> **Susan:**
> So, that's obviously… I'm gonna go ahead and say it, that was like, backdated.
> I'm not gonna say 'falsified,' but someone incorrectly logged-
>
> **Jacinda Davis:** Someone got the day and time wrong.
>
> **Susan Simpson:**
> Someone wrote the wrong… someone claimed the pillow was found the day of the murder when it was not.
>
> **Kevin Fitzpatrick:** Yeah and found it before the murder.

Susan Simpson: The pillow is a confusing part of this case. And at times, I've been tempted to throw up my hands and just forget about it – because, like Kevin said, I don't understand what the pillow has to do with anything, quite frankly.

But, as I had explained to Lee Clark, without this pillow, Lee and his co-defendant Cain might not be in prison right now.

> **[12:07] Susan:** Well, we also talked to a juror finally.
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> **Darrell Lee Clark:** Oh, you did, okay.
>
> **Susan:**
> But the only reason he could remember being certain of your guilt was the pillow.

Lee: The pillow really?

Susan: Yeah, real…

Lee: The pillow?

Susan:
The pillow. I know. And I asked him to try to explain the pillow like why that was evidence of guilt, and he was just like it was used to like smother the shot or something.

Susan Simpson: I can't say with 100% certainty how the pillow first became part of this case – we heard multiple conflicting accounts from the people we spoke to.

But I think, most likely, it was Brian's brother-in-law Kenneth who found the pillow. That's what both Kenneth and Amanda remember happening, anyway.

And out of everyone that we spoke to, Kenneth and Amanda seem to have the clearest memories about the pillow's origins. That's probably because, for them, finding the pillow was the dividing line between when they stopped believing Brian's death had been an accident, and started believing it had been a murder.

[13:08] Amanda Bowling:
That's exactly what I thought it was, you know, an accident.

Jacinda Davis: When did that start to change?

Amanda: When Kenneth found the pillow in the wall.

Jacinda Davis: Tell me about that.

Amanda Bowling:
He had- it was a couple of days after Brian - Brian was still at the crime lab.

Kenneth, he was just looking, you know, and he seen a blue pillow which went with Mama's living room suit, which Brian, he kept it in there. You know, he'd sleep on it in there or something.

Kenneth Floyd:
The whole time something didn't just, just sit, didn't, one, one didn't add up to two to me here on this shooting. It just didn't play out, the Russian Roulette, so I just kept snooping around in his bedroom, looking, and that's when I come upon the pillow.

It was stuffed in the wall, and I was like, something ain't right here. Why is this pillow hid? You know, why? So, I got it out, and I seen that it had brain matter on it, blood, you know.

[14:25] Jacinda Davis: If you're wondering how a pillow can be hidden in a wall – well, Kenneth explained that there were lots of holes in Brian's bedroom walls, and a sort of empty space behind those walls. It made for a good place to hide things.

> **Kenneth:**
> You see, when I first met them, her and her brother was buck wild. I mean, they, there was holes all in the walls. So, that's why they was just able to stuff the pillow down in the wall. It wasn't like they busted a hole in the wall. There was holes all in that wall, I mean.

Jacinda Davis: Most people who know about the pillow think it was used as a silencer. Amanda recalled seeing a gunshot hole through the pillow and thinks either Lee or Cain shot Brian through the pillow, using it to muffle the sound of the shot.

And her husband Kenneth agrees that the pillow was used as a silencer. But he has a very different theory about how this was accomplished.

> **Susan Simpson:**
> Is there a hole in it?
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> **Kenneth:** A hole in –
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> **Susan:** The pillow.
>
> **Kenneth:**
> No. No. No, it was like, it wasn't like they shot through the pillow. They muffled the gun with, with the pillow. They used it like this, like they wrapped the pillow around the gun.

Jacinda Davis: Rather than holding the pillow in front of the muzzle and firing the gun into the pillow, Kenneth thinks the pillow was wrapped *around* the gun – kind of like a hot dog bun around a hot dog.

> **[15:49] Kenneth Floyd:**
> But if you grab that pillow right now this day and wrap it around, if you put a gun in your hand, wrapped it around, you could perfectly see how the matter and blood was, that it was perfect. So, that was –
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> **Susan Simpson:** So, the blood stains outline the gun?
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> **Kenneth:**
> Yep, yep, outlined the pillow, you know, how the pillow would've been creased.
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> **Jacinda Davis:** Folded?
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> **Kenneth:** Yeah, folded.

Jacinda Davis: You may think whether or not there was a hole through this pillow would be an easy question to answer. But it's not.

Because the police lost the pillow. Pretty much immediately, in fact. A few days after Brian was shot, two officers went out to the Bowlings' trailer to pick the pillow up, but it never made it back to the police station. It just kind of… disappeared.

[16:40] Susan Simpson: The pillow did not stay lost forever. Months later, it did turn up again. And the police were able to send it off to the crime lab in Atlanta for testing.

But while the pillow was missing, the investigation into Brian's death stalled out. No witnesses were interviewed, no forensic tests were performed, there was just nothing being done at all. The case went ice cold.

> **Susan:** It stands out to me from the file, the little file that we have, that -
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> **Amanda Bowling:** Yeah, I see that.
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> **Susan:** They do nothing for about six months.
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> **Amanda:** Yeah.
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> **Susan:**
> Like, they exhumed the body. They did do that. Do you remember that period of time when they…
>
> **Amanda:** I do.
>
> **Susan:**
> Okay. Was there anything going on, or were they just twiddling their thumbs?
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> **Amanda:**
> Twiddling their thumbs, I guess, because we was all sitting around, and we have no answers, you know?

Susan Simpson: Amanda felt that during this period of time, investigators had simply given up on looking into her brother's death. But her aunt Melody, was in regular contact with Dallas Battle and David Stewart throughout the investigation, and she has a different take about what was happening.

> **[17:40] Susan Simpson:**
> So, you didn't get the sense that they were just ignoring it. It was part of a strategy.
>
> **Aunt Melody:**
> No, no, not after I plainly let them know that Russian Roulette, you're not shot in the head like that.

Susan: Were they just waiting around?

Melody:
I think they were just, yeah, and I think that they were just wanting, and I, I think that they've ev-, even said to me, sit back and listen. Kids are gonna talk. Somebody's gonna talk.

Jacinda Davis: Just give it time.

Melody: Sit back and listen.

[18:12] Susan Simpson: Eventually, somebody did talk. Three somebodies, in fact.

In the seven months after Brian's death, investigators found no evidence that implicated Lee Clark in any sort of murder conspiracy. The only evidence police had was Cain's confession that he'd accidentally shot Brian, and the Weed Eagle note from the casket with "no narcs" sign written on it.

And then investigators learned that they had a big problem with Cain's confession.

Jacinda Davis:
So, my guess was that they were - once the results came back negative for gunpowder residue, once they found out that Cain isn't the shooter, they need a second person in the room. So, they start building this other case.

Susan Simpson:
The very, very next event is May 16th, 97. When Angela Bruce is interviewed, and gives her story about the party, and picks out Lee from a lineup. So, out of nowhere - out of the cold, dark nothing, this case goes from zero to Angela Bruce.

Susan Simpson: Late one evening in May of '97, David Stewart and Dallas Battle went out to a trailer park in south Rome. There they interviewed a woman named Angela Bruce. We don't know how they learned about Angela, or why they wanted to talk to her. But Angela turns out to be the big break in the case that investigators had been looking for.

It is her statement that leads to the arrest of Lee Clark and Cain Storey for the murder of Brian Bowling.

[21:24] Jacinda Davis: In her interview that night with Sgt. Battle and Inv. Stewart, Angela Bruce tells the investigators about how, three months earlier, she'd thrown a house party. There'd been about 15 to 20 people there in all, including a guy named Phil Storey. Phil Storey had brought along his friend Smitty, his nephew Cain Storey, and another boy about Cain's age, but Angela couldn't remember his name.

Angela tells investigators that she and four of her friends had been sitting around her kitchen table, playing cards, when Phil Storey's group arrived. Cain and the other boy had joined them

in the kitchen – and then they had started bragging about how they had murdered Brian Bowling.

“I shot him, and I don’t care who doesn’t like it,” Cain told them. “I went into his bedroom, I put a pillow over his head, and shot him execution style, because he knew too much.”

The other boy, the one Angela didn’t know, had been bragging too – he hadn’t shot Brian, he said, but he’d been in the room when it happened.

And all of them were laughing about it – Cain’s uncle included, who had patted Cain on the back and said, "I've got a nephew here who will blow anyone's brains out.”

Cain and the other boy told the group sitting around the kitchen table about how they were members of the Free Bird gang, and how they didn't let no one out of the gang alive. And, how their gang had a very important rule: if you talk to the pigs, you will die.

At that point, Angela told investigators, she’d had just about enough of the murder talk. So she’d drawn a knife on the two boys, and made them leave her trailer.

[23:00] Susan Simpson: When Angela Bruce finished telling this story, Dallas Battle and David Stewart showed her a photo lineup. “Do you recognize the boy who was with Cain at your trailer that night,” they ask her?

Yes, she tells them, and points to Photo #2 in the lineup.

It is a photo of Darrell Lee Clark.

Jacinda Davis: Angela Bruce is the reason that the pillow is so important to this case.
To investigators, the pillow is corroboration for Angela Bruce’s story. Because, how else could she have known about the pillow, unless she heard Lee and Cain confess to using it in the murder?

When Dan Whitrock, who we like to call Dan the cameraman, joined us in Rome to film some of our interviews, he had a lot of questions for us about the significance of the pillow, and what it means for Angela’s story.

> **Dan Whitrock:**
> You mean because she says, that's an interesting point. Because Angela talks about using this pillow.
>
> **Jacinda Davis:** Yeah, so th-
>
> **Dan:** That's an interesting point.
>
> **Susan:**
> In her whole story, she implicates both Lee and Cain. She says Lee

confessed to using a pillow over Brian's head. So if no pillow was used, then this confession is not accurate and most likely, slash definitely has been given to her by the cops.

Dan: That's an interesting point. Yeah. Did she go to court and testify?

Susan: She did.

Jacinda: But no one else from the party.

Dan: Did she testify in court specifically about the pillow?

Susan: Yep. Over the head.

Susan Simpson: Angela Bruce was the very first witness investigators found who was able to provide evidence that linked Lee Clark to Brian's death.

And according to Angela, there were at least a dozen people at her party that night who could corroborate her story.

And yet, Sergeant Dallas Battle and Investigator David Stewart don't speak to any of them.

Susan:
The only investigation is from, like, May and June really. That's only 3, 4, 5 months after this party that had 20 people there and they couldn't find one more person to corroborate Lee being there? They couldn't find one more person to say that there was a confession about anyone, that they did it?

This is not, like, a huge case. They didn't have, like, that many witnesses to talk to. And they just, like, never bothered to talk to someone else at this important party?

Jacinda:
I don't think it was a matter of not bothering. They were selective in picking the witnesses.

Susan: Yeah.

Jacinda: That could tell, that could help with the narrative.

Susan:
Or they talked to another partygoer and got a bad story and they're like, let's not talk to any more partygoers.

Susan Simpson: Angela Bruce no longer lives in Georgia, so we weren't able to speak to her on our initial trips to Rome. To find her, we would need to make a separate trip. But there was at least one person who had been at Angela's party that night that wasn't hard to find.

[25:50] Jacinda Davis:
We talked to Phil Storey, who is Cain's uncle. He's got like a long white beard and long hair. He looks kind of Willie Nelson-ish, esque-

Susan Simpson: He looks the part.

Jacinda Davis: And he's got this great Southern accent.

Kevin Fitzpatrick:
What does he think about the whole thing? I mean, he doesn't think Cain did it?

Susan: No. He's never thought Cain did it.

Phil Storey:
It was a sad day for Brian's family, but I just don't think nothing happened the way they say it happened, from the get-go. Because like I say, I know Dallas Battles and Stewart. I know them both, and Dallas is as crooked as them handlebars right there. Always was.

Susan Simpson: Phil Storey does not think his nephew killed Brian Bowling. But he did confirm to us that, yes, there had been a party at Angela Bruce's that night. And yes, Cain had been there, too.

Susan: Did you know Angela Bruce? Who was Angela Bruce?

Phil Storey:
I knew of her. She was a girl that lived down here in the trailer park. She had about 2 or 3 kids. And I was walking down through there one day with my buddy Smitty, he lived in the trailer park, too, up above her. And so, we was walking down through the park, she had her screen door wide open, you know, and music was on.

And like I say, I knew her. So, we walked on over, she says, "Come on in."

You know? And Cain was with us, too, matter of fact. And, because when we walked in the house, Smitty, you just had to know him. But he said, "I got the killer with me," you know, just being stupid, comical, you know. He thought he was.

But Angela Bruce is not one to be believed. Period.

Susan Simpson: Phil Storey told us that Lee Clark had *not* been at the party. And while Cain had been there, he'd never confessed to anything. In fact, according to Phil, the only person who mentioned anything about Brian's death that night had been his friend Smitty.

Susan: Well, what did Smitty look like?

Phil: Right now, probably bones, because he's dead.

[28:18] Susan: Well, back then in 1997.

Phil Storey:
He was a, he – maybe an inch taller than me. Short hair, kind of balding. He's the one who said, "I got the killer with me."

Susan: "I got the killer with me."

Phil: That's how he said it.

Susan: So he's just joking around and says-

Phil: Yeah. "I got the killer with me."

Jacinda Davis: Five days after interviewing Angela Bruce, investigators David Stewart and Dallas Battle got another huge break in the case. They found a second witness who was able to implicate Lee Clark in Brian's death.

Susan:
And that was, someone pointed out where you were, but it was sort of like up on, behind Pleasant Hope Church?

Debbie Kelley: Right, yeah. It was right behind the cemetery.

Susan: So you would've been-

Debbie: Right beside Joshua Cain Storey's trailer.

Susan: So you were right next to the Storeys.

Debbie: Yeah.

[29:15] Jacinda Davis: In 1996, Debbie Kelley was the Storeys' next-door neighbor. Actually, she was related to Cain's father – they were cousins of some sort.

Susan: You're related to them or related to his daddy?

Debbie: Yeah, his daddy. I'm related to him too.

Susan: And did you know Josh at all or?

Debbie: Yeah, he would stay to himself and play his guitar. Loud music.

Susan: What kind of music?

Debbie:
Rock and roll and hard rock. In fact, it was disturbing, you know, when my husband had to get up and go to work, you know.

Susan: And you knew the Bowling family as well?

[30:00] Debbie Kelley:
My mother was best friends with Brian's grandmother. And so, Brian would come down to my house. And he would sit on the porch, and he would, he loved me to tell the stories that my mom told me about his dad when he was little. Brian was a sweet, humble guy.

Jacinda Davis: Debbie Kelley cleaned houses for a living. And, on at least one occasion, June Storey, Cain's mom, hired her to clean their trailer.

Which is how she became a witness in this case.

Debbie:
And so, I was cleaning the house. Wasn't looking for anything because I don't prowl when I used to clean houses. I just don't. I don't touch people's stuff. So, on the bar there was the gang rule book. It had crossbones and skull. I can still remember that to this day. And it was open. And it had rules. And it said if a brother is caught narcing on another brother the punishment is death.

Well, I turned it over. I said, "What is this?" You know? And it said, "Freebirds."
And I said, "Freebirds? You know, this don't make no sense." I said, "This has gotta be some kind of gang or something."

And there was crossbones and skulls. I'll never forget that.

Susan: On the cover?

Debbie: On the front of it.

Susan:
So it says like "Freebirds" up top or something and then there's a skull bone whatever that is design?

Debbie:
Yeah. And the head of the Freebirds, it showed what title they was - Joshua Cain Storey was the head of it. And he's my own cousin. I'm sorry. I'm not gonna lie.

[31:57] Jacinda Davis: The timeline of all this is somewhat hazy. It's not clear whether Debbie Kelley found the notebook before or after Brian's death.

But at some point, Debbie Kelley tells Cain that she found the notebook, and questions him about it.

Debbie:
Yeah, he asked me about it, asked me what I saw. I said, “Cain,” I said, “That's the devilish-something I ever seen in my life,” I said, “I'm a Christian, I - Cain, on the front of that rulebook is crossbones and skull. That ain't nothing but the devil.”

Jacinda Davis: In May of 1997, Sergeant Battle and Investigator Stewart talk to Debbie Kelley about what had been written inside that skull and crossbones notebook. It was a gang rulebook, she tells them.

Susan: What do you remember reading in the notebook?

Debbie:
Yeah, it was a list of rules. The dos and the don'ts. And who been initiated into the gang and all this stuff.

Jacinda Davis: The first page of the notebook had been titled "Members.” And at trial, Debbie Kelley said she’d seen four names listed there below: Cain Storey, Lee Clark, Joseph Wilkins, and Brian Bowling.

And written beside each boy’s name had been his gang name.

Brian had been "Joker,” Debbie Kelley said. Joseph Wilkins had been "Slick." Lee Clark was "Ace." And Cain had a gang name too, though by the time of trial, Debbie Kelley could no longer recall it.

And on the second page of the notebook was a list of the by-laws of the Freebirds gang.

Debbie Kelley:
I don't remember all the rules, but what stood out to me the most is if a brother's caught narcing on another brother the punishment's death.

That's the one that stood out to me the most. Because Brian was already dead. And I know, my gut feeling told me, that Brian had to be the one to tell the police about the safe.

Jacinda Davis: In 1998, when she testified at Lee’s and Cain’s trial, Debbie Kelley had only been able to recall four of the rules that had been listed in the gang rulebook.

One. If a brother is caught narcing on another brother, the punishment is death.
Two. Never talk to pigs. Three. Always stick up for your brother. And, four - never do drugs.

[34:25] Susan:
Do you recall any other, anything else in the rule book you read? Any rules about drugs?

Debbie:
No, but I found out they had pot. So that's got to be in there somewhere. But, you know.

Susan:
In your testimony, you said that one of the rules was "always stick up for your brother."

Debbie: Yes, yes.

Susan: And "a brother shall not do drugs."

Debbie: Yeah, mm-hmm.

Susan: Which I don't think they necessarily followed.

Debbie: They didn't follow that rule.

[34:56] Jacinda Davis: After Brian's death, Debbie Kelley decided to tell the Bowling family what she'd seen in the Storey's trailer.

Susan Simpson: Did you tell anyone else about the notebook?

Debbie Kelley: I talked to Deborah.

Susan Simpson: Do you remember when you did that or how that came about?

Debbie:
Well, when she come to my house. Deborah come to my house, and she was all distraught about Brian. And she said, "Debbie, what, what possessed Cain to do this?"

She knew I was his cousin. I said, "sit down Deborah."

I said, "you know I clean June's house."

I said, "there was a gang rule book on the bar."

Now, I didn't dream I was gonna have to go to court. I would've thought about it though. But, like I said, if it was my boy, mm-hmm, I'd want somebody to come forth.

Jacinda Davis: Debbie Kelley did end up having to go to court, where she testified about what she'd read in the gang rulebook.

But she doesn't know what happened to the gang rulebook itself. She never saw it again.

Debbie:
I don't have a clue. All I know is the last time I saw the gang rulebook was on that bar, open.

Jacinda: Was that the one and only time you saw it?

Debbie: That's the one and only time.

Susan: You never saw it again?

Debbie: No, I don't even think David Stewart got it.

Susan Simpson: Based on the statements from Debbie Kelley and Angela Bruce, investigators charged Lee Clark and Cain Storey with the murder of Brian Bowling. They were arrested on May 23, 1996.

It was three days after that, that Sergeant Dallas Battle found the third and final witness who was able to implicate Lee Clark in Brian's murder.

And according to Brian's aunt Melody, this witness was the most important witness of them all.

Jacinda Davis:
The smoking gun, or the - what did she call - the linchpin? What stood out to her as the evidence that convicted them.

Susan Simpson: Lee. What convicted Lee.

Jacinda Davis: Was Charlie's testimony.

Dan Whitrock: Really?

Jacinda: Yeah.

Susan:
Charlie identified Lee in court. And that's what put him away, because she kind of acknowledged there was not that much evidence against Lee otherwise.

[37:17] Susan Simpson: Charlie Childers and his brother Wayne had been with the Bowling family in their living room the night that Brian was shot.

When the gun had gone off in Brian's bedroom, everyone else had rushed over to see what had happened. But Charlie Childers had stayed put.

Amanda Bowling:
Charlie and Wayne, they were still in the living room. They didn't know what was going on.

And Charlie's deaf, so when everybody else run to the back of the house, Charlie stayed in the living room, you know, and the front porch light was on, and it shined out there, and you could see the front yard real good, and I guess that's where he seen Lee run across.

Susan Simpson: Because Charlie is deaf, Sergeant Battle had not been able to interview him directly. At trial, Battle testified that he'd spoken to Charlie through his brother Wayne, who acted as translator. And, Battle said, through Wayne, Charlie told him about how he'd been looking out through the window after Brian had been shot, and how he'd seen a boy run through the Bowling's front yard.

Battle said that when he showed Charlie the same lineup that he'd shown to Angela Bruce, Charlie had immediately circled Photo #2 – the photo of Darrell Lee Clark.

Susan Simpson:
I know that Dallas Battle first talked to Charlie like, probably six or seven months after Brian was killed. Do you know why it took so long for them to connect?

Aunt Melody:
I really don't. I think, you know, with Charlie having the language barrier. Wayne could sign with Charlie just fine. And then, of course, in trial they brought in another interpreter that was totally neutral. But he picked him out in trial.

[38:59] Susan Simpson: Lee's father Glenn says that although Charlie and Wayne Childers knew Cain Storey, they hadn't known Lee at all.

Glen Clark:
Cain knows both of these brothers. But as far as I know Lee had never been up there. But they knew Cain pretty well.

Kevin Fitzpatrick:
And is there any reason to believe that Charlie's brother had anything against Cain or Lee or anyone?

Glen:
Cain never done nothing to them, you know? They liked him. You know what I mean? They liked to come around. And, and there wasn't no, there was no reason there for them to have any bad feelings toward him.

Susan Simpson: Brian's aunt Melody was right about Charlie Childers: if he did see Lee Clark running outside the Bowling's trailer that night, that is the smoking gun in this case. We needed to find out how certain Charlie was that the boy he'd seen running through the Bowling's front yard really had been Lee Clark. And to do that, we needed to find Charlie.

Mikel Baker:
Now, Silver Creek Mini Mart, that store? Charlie's always worked there. And honestly, they may be able to give you information on where to find him.

-

Officer Corbin:
Charlie - if, if you went around Silver Creek area, that, that minimart and that Creighton Road, you're going to see Charlie.

Susan Simpson:
All right. Well, should we head over to the Silver Creek Mini-Mart?

Jacinda Davis: Let's go find Charlie.

Susan Simpson: In the past, Charlie and Wayne Childers would not have been hard to find.

That turned out to no longer be the case, though.

Susan: Have you seen them around lately?

Amanda Bowling:
Let's see, I think it was probably… six months ago, I seen Charlie. He was working back up here at the store, but he's not now, and I'm not sure where they're living.

Phil Storey: Did y'all ever meet the Childers man?

Jacinda: We can't find him.

Susan Simpson: No one knew where to find Charlie, but Jacinda and I weren't going to give up that easily. Charlie is too important to this case.

Jacinda Davis: Given all the missing records, the only way to answer a lot of the questions we have about this case would be to hear from the investigators themselves.

Kevin Fitzpatrick:
So, wow. So, you guys spent basically two weeks down in Rome. What's your takeaway? What do you think happened now?

[41:22] Susan Simpson:
I still think we… the piece that we need to understand how this investigation went down we need to get from the investigators themselves. Ideally, David Stewart, I think there are pieces of this case that only they can answer. But in terms of most of the witnesses how they ended up involved in this case, I feel like we have a much better idea of that aside from Angela Bruce. How she got involved, how Dallas Battle found her, is still a black box.

Jacinda Davis: Which is why Susan and I had been looking forward to the interview we'd set up with Investigator David Stewart. Then, on the day we were scheduled to meet, I got a message from him.

Jacinda: I just got a text from Mr. Stewart.

Susan: Oh, what did he say?

Jacinda: "Unfortunately-"

Susan: Oh, no!

Jacinda Davis: Investigator David Stewart had to cancel on us. We were really disappointed because we think he may have answers to these questions, and I think he really wanted to talk to us.

We called Kevin to let him know what was going on.

[42:18] Jacinda:
So, the reason we're not having drinks and chatting is because I got an email. Would you like to hear it?

Kevin: Yes.

Jacinda:
Alright. So, he says, "Dear Ms. Davis, I regret to inform you that I will not be able to meet and give you an interview or talk with your company about the Brian Bowling murder we discussed briefly last week when you showed up at my apartment."

I'm laughing because we literally did just knock on his door. And he pointed that out.

"I'm sorry for this decision but it is above my head and out of my control."

He's restricted to "disclosing or communicating with the public and or media regarding active cases or anything concerning my agency or former agency, including current or past cases and incidents I have been involved in without the full permission of my sheriff and the District Attorney."

So, I don't know if that means he asked and they told him no, or if he needs to ask.

Susan Simpson: It means they told him no.

Kevin Fitzpatrick:
Yeah, I, I would interpret it that it means, it means that they told him no. And I would also interpret it that he didn't write that email.

Susan: I read that as, Floyd County PD has a rule book that says no narcing.

[43:33] Susan Simpson: There's another question too, though, that you might be wondering about right now. And that's why did investigators believe that Brian Bowling had been murdered, when moments before he was shot and killed, he had told his girlfriend that he was playing Russian Roulette.

But that question we do have the answer to.

> **Susan:** Did you know that you are what's called an unindicted co-conspirator?
>
> **Caprice Hiott:** I don't know what that means, but you could tell me.
>
> **Susan:**
> You were - so sometimes they'll describe criminal acts that others were involved in, but they're not criminally charge them, so you were named in the charging documents as a conspirator to the murder.
>
> **Caprice:** Oh, wow.
>
> **Susan:** But one who was not being criminally charged.
>
> **Caprice:** Wow, what does that even make sense about?

Susan Simpson: Caprice Hiott was not herself charged with conspiracy to commit murder. But Lee Clark and Cain Storey were charged with conspiring with her to murder Brian.

> **Caprice:** If you're a co-conspirator, why wouldn't you be charged?
>
> **Susan:** The police believe that you're a murderer.
>
> **Caprice:** Right.
>
> **Susan:**
> You were guilty of conspiracy to commit murder. So why wouldn't they charge you?
>
> **Caprice:** Right. That don't make sense to me.

Susan Simpson: It's because of Angela Bruce that Caprice Hiott was named the co-conspirator.

One week after Battle and Stewart first interviewed her, they went back to her trailer, to talk to her again. And this time, Angela Bruce told them something that she'd forgotten to mention when they'd talked to her before.

Jacinda Davis: When Lee and Cain had been in her kitchen, Angela said, confessing to everyone there that they had conspired to murder Brian Bowling, they also explained that there had been a third member of this conspiracy.

Caprice Hiott. Brian's girlfriend.

Lee Clark had told everyone in Angela's kitchen that Caprice's role in this conspiracy had been to call Brian and find out if he was home. Then, when she finally did get him on the phone, she'd sent a message to Lee's beeper to let him know that Brian was there, and that they could go ahead with the plan.

Then, while Lee and Cain were busy confessing to all of this, Caprice herself had shown up on Angela's doorstep. She had blonde hair, Angela said, and she'd driven up to the trailer in a little black or blue car. There was another teenage girl with Caprice as well, but Angela didn't know who she was.

Caprice had come up to Angela's door and asked for Lee and Cain. The two boys had then left the party with Caprice, hopping into the little blue or black car with her and the other girl, all four of them driving off together.

[46:00] Susan Simpson: Caprice had known that there were some in Silver Creek who had suspected that she'd been part of a plot to kill Brian. But she told us that what she never understood is why anyone would think that she had a reason to want Brian dead.

> **Susan Simpson:** Why would you kill even - like, why would you -
>
> **Caprice Hiott:** What would be my point? I mean, what would be my motive?
>
> **Susan:** Did they ever tell you or suggest what the motive would be for you?
>
> **Caprice:** Nope.
>
> **Susan:**
> So what they say is that you were part of a gang and that the gang had a rule that said anyone who talks to the police must be killed. And because Brian talked to the police, you agreed with the other gang members that he had to be killed.
>
> **Caprice:** Oh, wow.
>
> **Susan:** You didn't know that?
>
> **Caprice:** No, I didn't. Wow.

Susan Simpson: Of course, if Lee Clark and Cain Storey *are* guilty of conspiracy to commit murder, then Caprice Hiott must have been guilty of murder as well. Even if, for some unknown reason, the prosecutor had decided to let her get away with it.

> **[46:59] Susan Simpson:**
> Well, for their theory to - you kind of have to be involved, because you're saying that Brian told you on the phone that he's playing Russian Roulette.

Caprice Hiott: Right.

Susan: So if there was no Russian Roulette, then why would you say that?

Caprice: Right.

Susan: So if you're telling the truth about the Russian Roulette, then -

Caprice: Right.

Susan: Then there wasn't a murder.

Caprice: Right.

Susan: So you have to be lying in order for there to be a murder.

Caprice: Right.

Susan Simpson: According to Angela Bruce, Caprice Hiott had part of the conspiracy to murder Brian. At trial, it was her testimony alone that linked Caprice to the crime.

But according to Angela Bruce, this murder conspiracy had also involved shooting Brian through a pillow placed over his head.

And that should have been a big problem for investigators. Because the pillow was sent to the crime lab for testing – and the results came back negative for the presence of gunshot residue.

[47:50] Next week… on *Proof.*

***

"And I think you mentioned that your brother was at the crime lab?"

"Yeah. They took his body to the crime lab. I guess for the autopsy and everything. That's what I was told"

*

"You were with Lee."

"Yeah, I mean, we was partying that night. We dropped Cain off. We went back and partied."

*

"…All these old lies that were spreading around I think is what led to me getting arrested and I, this is just my personal opinion right here, Susan. I can't prove it one way or another, but I think all of these stem back to Dallas Battles and Deborah Bowling concocting this shit up and putting it in these young teenager's minds."

*

"…he certainly wasn't proud of whatever went down."

"And he changed his story too. At the very end.
I don't know if it was a slip, or intentionally said."

*

"I got all these people testifying about all these phone calls, about Caprice Hiott supposed to be beeping me on the beeper but where- why has nobody subpoenaed these phones' records?"

"Wait, wait, wait! She beeped you??"

***

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That's all for this week. Thanks so much for listening.

Transcribed by Skylar Park