

Proof: A True Crime Podcast
Season 1: Russian Roulette
Episode 3: Fly High
Monday, March 21, 2022

Susan Simpson: Two weeks before Brian Bowling was shot and killed, his friends Lee Clark and Cain Storey stole a safe from Cain's father.

Neither Lee nor Cain were ever convicted in connection with the theft. The charges weren't pursued. And anyway, as juveniles without a prior record, it's unlikely that they would have faced serious criminal punishment.

But the consequences of Lee's decision to steal that safe turned out to be far greater than he could have known at the time.

In fact, he's still living with those consequences today.

Darrell Lee Clark:

I stole that safe and I owned up to that, that part. I mean, that's, that was my mistake and I got to live with that. I can't never make it up to James Storey. That's a regret I've lived with all these years in prison. He died, and here I am that stole all this man's money that he was saving up his whole life.

Can't pay a dead man back. Can't make stuff right with a dead man.

And I live with those regrets. And a lot of regrets I live with, too, is the fact that I think to myself sometimes that, had I never stole that safe, I don't think Cain would ever had that gun on him and I don't think Brian Bowling would be dead right now.

Susan Simpson: Hi, my name is Susan Simpson. I'm an attorney and a 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.

[02:03] Jacinda Davis: It was late on a cold evening in October when Floyd County Police Officer Mark Corbin got the call from dispatch. A 15-year-old boy had been shot at a trailer in Silver Creek.

Officer Corbin:

I remember being close by. It didn't take me too awful long to get there. I mean, it was a fatal wound, but he wasn't, he wasn't dead at the time.

Susan Simpson: Do you recall his bedroom or seeing him like where he was?

Corbin:

He was in the bedroom, and I remember it being a small bedroom in a trailer.

Jacinda Davis: Are you interested in seeing the photos?

Corbin: I'll look at them. I remember it though.

Susan: Oh, you do? Okay.

Corbin: Well, it's, it's just, it's been controversial.

Susan: What do you mean?

Corbin:

Well, they still want to say it's the Russian Roulette and I guess it's whatever side you want to believe.

[02:53] Jacinda Davis: Officer Corbin told us he's worked a lot of suicides over the years. But that night at the Bowling's trailer, something felt off to him.

Susan:

When's the first time you recall wondering, like wait, was this really a suicide?

Corbin: It's just a feeling you get. Just, it just didn't seem like a suicide.

Susan: So, you get there and just something's not adding up.

Corbin: It just don't add up.

Jacinda: As a patrol officer, Corbin's only job was to secure the scene. His name appears on a chain of custody form showing that he collected a .38 revolver from Brian's bedroom, and gave it to the case officer, Sgt. Dallas Battle, when he arrived at the trailer.

Officer Corbin:

It seems like I recall an empty shell in the cylinder in front of the firing pin at the time. It seems like because if you're going to make it look like Russian Roulette, it can't have, it can't have ammunition in all the cylinders.

Susan Simpson: Yeah, that would be a bad game to play.

Jacinda Davis: So, you do remember the empty shell in the?

Corbin:

It seems like I do. But I remember Dallas getting there, I remember Dallas was there before I left.

Susan: The casing went like missing. So, we're trying to figure out where that might have gone to.

[04:05] Susan Simpson: If there had only been an empty casing in the revolver when Officer Corbin recovered it, that would have been consistent with a game of Russian roulette gone wrong. If there had been live rounds still loaded in the revolver, then – well, either Brian and Cain had gotten the rules to Russian roulette very, very wrong, or it hadn't been Russian roulette at all.

Unfortunately, there are no records of any ammunition being recovered at the scene. As Brian's family told us, they never even found the bullet that Brian had been killed with.

Susan: Why wasn't the bullet found?

Amanda: We never understood that.

Kenneth: No.

Susan: Like...

Amanda: Never.

Susan: You'd think...

Amanda:

Why didn't you tear that mattress apart? Why didn't you pull that floor up? Why didn't you tear the rest of them walls down looking for it, you know? Why?

Susan:

It should have, it feels like it should have been able to be found. The room was messy, but like.

Amanda: Yeah.

Susan: Like, it's a small room, eventually you're going to find it.

Amanda: Exactly.

[05:00] Jacinda Davis: The .38 Smith & Wesson revolver was the only piece of evidence collected from the Bowlings' trailer that night.

There was one other piece of physical evidence that the police collected later that evening, though. Cain Storey had been taken into the police station in Rome for questioning, and while there, Sgt. Battle had swabbed Cain's hands to test for the presence of gunshot residue. Those swabs were sent off to the crime lab in Atlanta for testing.

A gunshot residue test, or GSR test, looks for the presence of microscopic particles left behind after a gun has been fired. It can be used to tell if someone has recently fired a weapon.

They didn't swab Brian Bowlings' hands, though. Sgt. Battle said they never got the chance. Brian been taken to the hospital before investigators ever arrived, and by the time they saw him in the hospital that night, he'd been cleaned up and taken to the ICU. And that's why, Battle said, no swabs were taken of Brian's hands.

There was no testing ever done to determine if Brian had fired a gun that night.

Susan Simpson: When Jacinda and I started working on this case, we began by requesting records from every agency in Floyd County that had been involved in some way in the investigation.

Susan: Yeah. We're still working on getting files. It's a slow going.

Darrell Lee Clark:

Yeah, I don't imagine Floyd being too cooperative on their end, are they?

Susan: They've managed to lose just about everything, it sounds like.

Lee:

Yeah, that's Floyd County. They want to sweep all their dirt under a carpet and just leave it there.

Susan: The GBI has lost all files, too.

Lee:

Oh, that doesn't surprise me either. Imagine that. Now where does that leave us at?

Susan: We keep pushing for them.

Susan: When I told Lee that Floyd County had lost just about everything, I wasn't kidding. We couldn't even get the trial transcripts – we were told by the court that those had been lost too. Though, eventually, someone in the clerk's office did manage to find them. Well, most of them, anyway.

Pretty much the only agency that didn't respond to our records requests by telling us they'd lost everything was the Floyd County Police Department. They *were* able to find their case file, and they gave us access to it.

But that file is... thin. Very thin.

We showed it to Brian's sister Amanda.

Jacinda Davis: Yeah, the whole file is maybe...

Susan Simpson: That's generous. It was, like, an inch, like that.

Jacinda: Yeah, it's like an inch.

Susan:

This is, actually... actually... this is all of it! Come to think of it, this is actually the entire file right here.

Jacinda: Yeah, that's the whole photocopied file.

Amanda: Wow.

Susan:

So, this is, and not that you would have seen the whole file, but, but do you think the documents would have been more than this?

Amanda: Yeah, definitely.

[07:37] Jacinda Davis: In the Floyd County police file, there are only a handful of documents that date back to the first few weeks after Brian was shot, in October of 1996.

Most of the documents in the police file have to do with what investigators were looking into seven months after the shooting, in May of 1997, around the time when Cain and Lee were arrested. So, we know very little about what investigators were doing in the time before that.

But the records we do have show that, shortly after Brian's death, investigators had come to believe that he had been killed as a result of gang violence.

And as Brian's aunt Melody remembers, this was the theory the jury heard at Lee's and Cain's trial from prosecutor Steve Cox.

Aunt Melody:

I just know Steve, you know, painted the picture with them being in a little gang, brought up the safe theft and how Brian was supposed to testify and that they were just trying to shut him up and felt like that Lee was the ringleader.

Lee Clark's father, Glenn, believes that invoking the specter of gang violence is how the prosecutor was able to persuade the jury to convict his son.

Jacinda: What were you saying about Steve Cox?

Glenn Clark:

Well, he put that out there. He put that out there about that gang. You know, we want to send a message to Floyd County that we're not going to tolerate this kind of stuff.

You know? And I think he was putting that on the jury like that and letting the jury say, "Yeah, no, we're not. This is our town. We don't want to get gangs started."

Jacinda Davis: Glenn Clark is right – this was the prosecutor's trial strategy. The State's case was that Brian, Cain, and Lee had all been part of a gang called "The Free Birds." And the prosecutor was explicit in asking the jury to make their decision in this case a referendum on gang violence. He told them:

Kevin Fitzpatrick narrating:

I hope your verdict will send a message to this community that if you feel like the Free Bird philosophy is behind this homicide, that this community will not tolerate this blatant disregard for life.

Investigators in this case believed that Brian had been part of a gang with a strict code of conduct – that's the 'Free Bird philosophy' the prosecutor was talking about. As he explained to the jury.

Kevin Fitzpatrick narrating:

The Free Bird gang had some very clear rules: ... You don't narc out a buddy. In other words, you don't rat to the police on what a buddy has done.

These were very clear rules. Teenage boys, mind you, in Floyd County, but it was going on. And, if you did this, you died, pure and simple. Hard to believe, but that was the rule.

If the investigators are right, then this is why Lee Clark and Cain Storey killed someone who they had called a friend. Brian had broken the gang rules. And so, according to the Free Bird philosophy, he had to die.

[11:10] Susan Simpson: Sgt. Dallas Battle and Investigator David Stewart actually began investigating Lee and Cain two weeks before Brian was shot. It all started when James Storey,

Cain's father, reported that there'd been a burglary at his home. Someone had stolen a safe containing his life savings.

Darrell Lee Clark:

Me, Cain, Joseph Wilkins, and my buddy Pete Jordan, we all stole that safe.

Susan: Lee Clark does not deny that he and some of his friends were responsible for the safe theft. One morning, when Cain's parents had been away at work, they'd gone to his trailer, grabbed a safe from his parents' bedroom, and driven off with it.

Lee:

We all jumped off in the car and then went down Rockmart highway and I can't even remember what road it was. We ride down through there just looking for somewhere to get it out and bust it up and there's like, a creek running down through there, too.

Anyways, we took it down there, drove it out there and found this big old metal pipe out there. And we took turns with that metal pipe beating the hinges off of it until we got it open. And that's how we busted it open. That's how we got the money out.

Susan Simpson: There had been \$3,200 in cash inside James Storey's safe, and the four boys divvied the loot up between them, each taking \$800.

Cain and Lee and the other two teenagers involved in the safe theft did not get away with the crime for long, though. Within a week, all four had been arrested and charged with theft by taking.

[12:34] Jacinda Davis: And according to investigators, this is what led to Lee and Cain conspiring to kill Brian.

In opening statements at Lee and Cain's trial, Prosecutor Steve Cox explained:

Kevin Fitzpatrick narrating:

"[Brian Bowling] helped and participated in this large theft of money from Cain Storey[s] father, and the police were called in... The motive in this case is clear. These two defendants knew they were charged in a crime and knew that their partner in that crime was cooperating with the police."

Jacinda: But there's one small problem with the prosecutor's theory about why Brian was killed.

Amanda Bowling: Because, you know, Brian wasn't involved in that safe.

Susan Simpson: That's the other thing I was wondering.

Jacinda Davis: He didn't really know anything, right?

Amanda:

He didn't know about it until it was done, until afterwards, you know. So, I mean, he really didn't know nothing.

Jacinda: Everyone involved in this case agrees that Brian was not involved in stealing the safe. Everyone, that is, except for the prosecutor.

[13:35] Susan:

The prosecutor also said in his opening that Brian *was* involved in the safe theft. He tells the jury like, now, Brian made a mistake. He stole a safe from Josh's parents, but he didn't deserve to die for that.

Amanda: Wow. I did not know that.

[13:50] Jacinda Davis: At trial, Prosecutor Steve Cox told the jury that Brian Bowling had been prosecuted in connection with the safe theft, but he'd ended up cutting a deal by giving evidence against Lee and Cain:

Kevin Fitzpatrick narrating:

[Brian's] case was disposed of in Juvenile Court, and I think the evidence will indicate he was placed on probation. He was sentenced because Brian Bowling, as I said a moment ago, was not guiltless in this. He had participated and did wrong, along with these two defendants and others in stealing a large sum of money from Cain's father.

Now, Brian Bowling and his family, fortunately, wanted to do right and were cooperating with [Investigator] David Stewart and the police, and I anticipate the evidence will indicate these two defendants knew that.

[14:40] Susan Simpson: This did not happen. Brian Bowling was not charged, arrested, or sentenced in connection with the safe theft. And it's not clear why the prosecutor got this so wrong – he declined to speak with us on the record – but Lee Clark says that this means he and Cain had no motive to kill Brian.

Lee Clark:

They sit there and tried to say that we all killed Brian because he was gonna testify about this safe. That don't, that theory don't even make no sense at all.

Susan: Did Brian even know about it?

Lee: No. He didn't know a thing about it.

Susan: Lee is wrong about that, though. Brian did know *some* things about the safe theft. Because Cain-slash-Josh had told him.

Brian's brother-in-law, Kenneth, had been with Brian when they found out what happened.

Susan: How, how'd you find out about the safe stuff? Like, how'd that...

Kenneth: Josh told us.

Susan: So, did he come over or...

Kenneth:

Yeah, he was staying here because his daddy come over here, and I'm the one who saved him from his own daddy.

Yeah, his daddy had a gun on him at that time. I mean, his daddy wasn't playing.

Susan:

So, Josh comes over here. You talk to his dad, tell him to calm down, and then Josh, does he start talking about what happened?

Kenneth:

He told us that, you know, they needed money, needed some stuff, whatever, you know, and they had stole the safe from his mom and dad that had, I guess had a couple thousand dollars in it, had the gun in it, you know.

Susan: James Storey had ended up kicking his son out after finding out about the theft. So, Josh had moved in with the Bowlings, just for a few days until everything had blown over.

[16:17] Amanda Bowling:

You know, we didn't think nothing about it. We thought everything was okay because James and him got the safe back. I think the money was gone, but, you know, the gun was still there.

Susan Simpson: So, even though Brian Bowling had not been involved in stealing the safe from Josh's dad, he'd known a lot about it. He'd been getting regular updates from Josh about what was going on – and potentially he could have given that information to the officers investigating it.

Jacinda Davis:

Yeah, the whole idea that he - it was payback for narcing - was Brian - well we don't know because we don't have the files yet, but was Brian even questioned about the safe?

Susan:

One of the officers testifies that Brian did talk to the cops, but it's not clear, there's no written record. We don't know for - well, the cops claim that Brian says something that incriminates, I guess the other four guys.

Susan: There are no records that show Brian talked to the police about the safe theft. But that doesn't mean it didn't happen.

And Brian's uncle Mikel recalls that Brian had in fact talked to at least one police officer who questioned him about the safe theft.

Uncle Mikel:

And then another police come down to talk to Brian about being a witness, if he knew anything on it. You know, so.

Susan Simpson: Do you know -

Uncle Mikel:

Speculations that they thought that he was gonna testify against them is what caused the whole shooting.

Susan:

Do you know if Brian said anything to pol-, or what, what he told the police about any of this?

Uncle Mikel:

From what Debra had said, like I said, he didn't tell me, because ... too late now. But that he was not gonna testify. That he didn't know anything about it. He wasn't with them. Didn't know anything about it.

Susan: Kenneth, Brian's brother-in-law, agrees with Brian's uncle that Brian was not planning to testify against his friends. And Kenneth thinks that - what he believes was a plan to murder Brian - might have all have been because of a misunderstanding.

Kenneth:

I think the reason why they come up with the plan of killing Brian was because of at that time when Brian got in trouble there was a detective or probation officer, something coming over here all the time. And it wasn't because of that safe, but that's what Lee and Josh kept thinking, that Brian was snitching.

Susan Simpson:

So, he has the guy coming to check on him, doing whatever the probation guy does...

Kenneth:

Right, and they thought Brian was talking, but Brian wasn't talking. Brian didn't say a word about none of that.

Jacinda Davis: Cain Storey had been one of Brian's closest friends, and he was close with Brian's family as well, so it's not surprising that he was asked to serve as a pallbearer at Brian's funeral.

But two days before Brian was buried, Cain was arrested and charged with involuntary manslaughter in connection with Brian's death. And, for obvious reasons, he was no longer welcome to attend.

And Cain wasn't the only one who missed the funeral. Lee Clark wasn't there either.

Lee Clark:

I didn't go to Brian's funeral because I'd already been hearing little rumors. People saying shit. That the Bowlings were pissed off and shit. Had already heard rumors that I was hid out in the cemetery when all this junk happened, thist and that.

I didn't want to go up there because I didn't feel like it was gonna be a good idea. I mean I wanted to pay my respects to Brian, but at the same time I didn't want to go up to no funeral, I didn't want to cause no scene at no funeral, especially not Brian's funeral, so I just stayed away from all of it.

[21:50] Susan Simpson: There's nothing about it in the police file, but it's clear investigators must have heard some of the same rumors that Lee was hearing. One week after Brian's death, an article ran in Rome's local paper that quoted an investigator talking about those rumors.

Kevin Fitzpatrick narrating:

[Floyd County Police Captain Tommy] Shiflett said police are looking into rumors that the shooting may be connected with a recent theft involving [Cain] Storey. The rumors are stirring up the [] community []. "Most of them are outlandish," Shiflett said. "The investigation is not closed and will not be closed until all these rumors are answered completely, because of the way it has affected the community."

Although Lee stayed away from Brian's funeral, his brother Jamie, and Jamie's friends Doug and Don Bray, decided to go. Don told us that that's what Brian would have wanted.

Don Bray:

You know how y'all sit around and you talk and, "If I die, do this for me," or whatever. And Brian had made the comment one time about, "Well, if I die, smoke one for me and play Free Bird to my funeral," and so, that's what we did.

But we couldn't play Free Bird at the funeral because they were, they were, everybody was there. But we did smoke one and all the way there. And played it and then put one in the casket with him.

Susan Simpson: Don Bray says that, before the funeral, he and his brother would have had no reason to think they wouldn't be welcome.

Don Bray:

Brian was our homeboy, we were going regardless if they had a problem or not. I can't remember. But if somebody would have said they didn't want us there, we probably would have went anyway.

Susan: But you don't remember being told not to go?

Don:

No. We definitely were not told not to go, because when we got there, we were thinking everything was okay, there were no issues or nothing. But the moment Jamie walked in with us, there was one or two people started going, whispering.

Brian's aunt Melody told us what she remembers happening in the church yard that day:

Aunt Melody:

There was a fight at the funeral. There's kids, young people. And so, there was a lot of, you know, my sister's friends and Brian's friends and, I mean, the place was packed. And, matter of fact, there was a set of twins, the Bray brothers, I don't know their first names.

Susan Simpson: Doug and Don I believe.

Aunt Melody:

Okay. And so, my sister-in-law at the time, Kim, after the service, walked by and there, the Bray brothers were in the parking lot. And, she said that one of them said, "The little son of a bitch deserved what he got."

And she stopped and said, "What did you say?" And supposedly he said it again and that led into her going into the window, my brother going into the window. I kind of got in the window. I didn't hit anybody but I, you know, because they started driving off. Typical redneck stuff.

[24:52] Jacinda Davis: It's still not clear to us what exactly happened at Brian's funeral. 25 years later, the people involved all remember things slightly different, and accounts vary about who shouted what, and who heard it, and how this all began.

But Don Bray and Jamie Clark both say that no one in their group had done anything to provoke the fight.

Susan Simpson:

So, a lot of people have heard the story, or told us that the reason the fight started is one of y'all said the SOB got what he deserved?

Don Bray: No, that's a lie.

Susan: So, we talked to a friend of Brian's.

Jamie Clark: Yeah.

Jacinda Davis: He said that you said that he got what he deserved.

Susan: That you said about Brian that he got what he deserved.

Jamie: I didn't ever say nothin' about Brian.

Jacinda Davis: The funeral fight did not come up at Lee and Cain's trial. It wasn't evidence used against them.

But this story about one of Brian's supposed friends yelling, "the son-of-a-bitch got what he deserved," at the funeral fueled speculation that Brian's death had been some kind of revenge killing, and that the Free Birds had killed Brian because it's what he had deserved for narcing.

[26:11] Susan Simpson: To prove that Brian had been killed because he'd broken gang rules, the State had needed to prove that Cain, Lee, and Brian had all been in a gang together. And in opening statements, prosecutor Steve Cox promised the jury that he'd be able to do just that.

Kevin Fitzpatrick narrating:

Now, you'll hear also some testimony about this gang. This gang is not a figment of the prosecutor's imagination or just coming up with some good idea for a motive. There was a gang called the "Free Birds."

You're probably thinking, this is Rome, Georgia, not Los Angeles or some other big city. ...

Yes, the evidence will indicate there is at least one gang in Rome, Georgia. It's a small, probably loosely-organized group of boys called the "Free Birds." They had some favorite type of music. Probably you and I wouldn't recognize it, but they had some music, and they had an emblem. Maybe they wore colors to school. That, I can't say, but they had some of the elements that go along with gangs.

Susan: It's hard not to notice that the prosecutor seems a little defensive here about the case he was presenting. "No, really, I promise this isn't just a figment of my imagination" isn't something you usually hear from the prosecution in opening statements.

But from talking to people around Rome, you can see why Steve Cox might have had concerns that this whole gang murder theory could be a tough sell.

Officer Corbin:

I do remember them having a little gang thing, but it wasn't a legitimate gang I don't think.

Susan Simpson: Officer Mark Corbin told us that he'd heard there was a gang element to this case – but he scoffed at the idea they were a true gang.

Corbin:

And they was part of this little, supposedly a gang type thing, back then, we didn't have much gang issues around here. We still don't have like they do in most places, but we have some.

Susan: Yeah, I don't think Silver Creek is a gang hotspot.

Corbin: It's not a, it's, it's wannabe stuff.

Susan: Brian's uncle Mikel had a similar impression of the Free Birds.

Susan: Do you think Brian was in a gang?

Mikel Baker: I'm sure he probably was. Yeah.

Susan: I feel like the word gang carries a lot of implications that...

Mikel:

Right, yeah, yeah nobody in this area had heard of gangs or I mean really had gangs in the area. It was all kind of an Atlanta thing when all this happened. I think it was only four or five of the kids in it, you know?

Susan: The first time I spoke to Lee Clark, pretty much the only thing I'd known about this case was that it involved two teenage gang members who supposedly murdered another gang member. So, it was one of the first things I asked him about.

Susan: Is there a gang called the Free Birds?

Lee Clark: No ma'am.

Susan: Were you in a gang at all?

Lee: No ma'am. No, I've never been in any gang.

Susan: So not, not even like an unofficial like kids being kids kind of thing?

Lee: No ma'am. Never been in any gang in my entire life.

Susan: I hadn't realized before speaking to Lee that there was any dispute about whether the Free Birds even existed.

Jamie Clark, Lee's brother, also told us that there had never been any kind of gang.

Jacinda Davis: What were the Free Birds?

Jamie Clark:

That was just a little song Cain liked to sing, it would be more like a band or something in that nature. Cain was trying to get together and that's all that was. I mean Cain had a little book, he'd write songs and stuff in.

Jacinda Davis: Were the Free Birds a gang?

Jamie:

No. There was no gang I mean at all, I mean it was a group of kids just hanging out here and there.

Jacinda Davis: Both Lee and Jamie say that they were not Free Birds. But according to Brian's sister, though, Brian *had* claimed membership in the Free Birds. Whatever the Free Birds were, he was one of them.

Susan Simpson: So, Brian told you about the Free Birds?

Amanda Bowling:

He just, you know, said that, you know, it's just all, we're just buddies, you know, just hanging out. So, I asked him, I said, are you all a gang? No, we just country boys. You know, ain't no gang, we just friends.

Jacinda Davis: So where did the name "Free Birds" come from? Well, if you guessed it might have been inspired by the classic southern rock song, you're probably right.

Jacinda: Why'd you settle on the name Free Birds?

Don Bray:

I don't know why they did. I don't think any, I think somebody just said it.

Sherrri: Probably from the song.

Don: Yeah, because we used to listen to it all the time.

Jacinda: According to Don Bray, the Free Birds were a band. Well, kind of, anyway.

Don:

I mean, it was just something like over the course of weeks and months that names were getting thrown around and what, what to call, what we want to call the band and all that and it's, it really never even, a band never even come to fruition. I think it was one or two of them had guitars, but...

Susan: I know Cain played.

Don: Yeah. Brian was supposed to be the drummer.

Susan: Brian's the drummer?

Don:

He didn't have no drums. And it was just, it was same thing with a couple more of them. We all just sit around, just ideas and dreams we would come up with and just hanging out, having fun. It never was no harm or anything in any of that.

Jacinda Davis: The investigators in this case had a different take, though. They concluded that the Free Birds were something much more sinister than a wannabe garage band.

In their handwritten notes from the police file, you can see that Sgt. Dallas Battle and David Stewart had been trying to determine who all had been a member of the Free Birds – and what their gang names had been.

We asked Lee about what the investigators had written in their file.

Susan Simpson: So, when, when you, did you ever have a gang name?

Darrell Lee Clark: No. There never was a gang.

Susan: Well, did y'all ever, like, pretend to have gang names?

Lee: No, ma'am.

Susan:

So, the, there's a couple of notes in the police file. It's, like, possible names for Free Bird gang members. And it's got Cain Storey as "Devil Man, or Devil Eye?"

Lee: (Laughs) That's comical.

Susan: Is that, yeah, did he ever get called that?

Lee: No, ma'am.

Susan: Brian Bowling. "Joker."

Lee: No.

Susan: Pete Hubbard, "Italian."

Lee:

Ah, nah, that's the little thing we had, we'd call Pete an Italian sometimes because he looked Italian.

Susan: So, that one's real. You remember that one?

Lee: Yeah.

Susan: "Double-Deuce?"

Lee: Nobody's ever called that.

[32:36] Jacinda Davis: In the police file, the Bray brothers, Don and Doug, are not listed anywhere as suspected gang members. Actually, they're not mentioned in the files at all. Even though they'd also been friends with Brian and Lee and Cain.

Don Bray:

Somebody had said something, rumors started flying and next thing you know, people are accusing Cain and Lee of plotting against him. And the police, when they pulled me in and questioned me-

Susan Simpson: They questioned you?

Don: Yeah.

Susan: When?

Don: I guess not too long after all of it, they questioned me and my brother.

Susan: There's no record of them ever talking to you.

Jacinda: Don Bray told us that Sgt. Dallas Battle *had* questioned him in connection with Brian's death. But records of that interview either never existed, or if they did exist, have now been lost.

Don:

I know he kept bombarding me with questions, trying to trip me up, telling us Free Birds was our gang, we were all gang, we all had something to do with it. And we had killed Brian because Brian was going to snitch on all of us for stealing a safe and I was like, "You're so full of shit."

And I mean, never once would I ever, still don't ever think Brian would have -even if that were the case- Brian would never snitch on anybody. Especially not one of us, and which, that whole bogus story that he give me was such crap. I was like, "You're just making this crap up as you go."

Susan:

Before Brian's death, did you ever hear anything about him going to the police about it?

Don: No.

Susan: Do you think it's possible he did go to the police about it?

Don: No. I don't. What would he gain from it?

Susan:

He was on house arrest. What if he wanted to get his charges taken care of?

Don: No, I don't believe that for one second.

Susan: Do you think he would have taken a deal like that had it been offered?

Don:

No, I don't. You just had to know Brian and all of us back then. I don't think any of us would have ever took a deal like that.

Susan: If Brian had taken a deal, would y'all have been mad?

Don: Yeah, probably, who wouldn't have been mad.

[34:52] Susan Simpson: Brian's brother-in-law told us that he didn't think he'd heard anything about the Free Birds until after Brian's death. But it was rumors of some kind of gang activity that led to the first major investigative effort in the case.

Susan:

So, you don't really know when you learned about the Free Birds or when they were?

Kenneth:

Not me, I don't remember. I, I'm going to say it was probably after they had dug him back up about the little stuff they had found in the casket and everything. That may be whenever I learned about it. Because I don't remember Brian ever saying anything about it.

Susan: About the Free Birds?

Kenneth: Yeah.

Susan: So, how did this come up with the exhumation, do you remember?

Kenneth:

Somebody had said something was put in the casket. I can't remember who was it. Somebody had said something was put in there. And that it needed to be got, you know. We needed to see if we could get it.

Susan Simpson: At some point after Brian's funeral, investigators came to believe that proof that Brian had been murdered had been buried alongside him.

In November of 1996, Brian's parents signed a letter requesting that their son's casket be disinterred.

The letter reads: "I, Debra Bowling, the mother of Brian, did see a document inside my son's casket which indicated that my son was affiliated with a gang, and that one of the by-laws of the gang was that any person who 'ratted' on another gang member was subject to penalty of the death."

According to the letter, Brian had in fact cooperated with the Police regarding the safe theft, and it was because of Brian's assistance that four teenagers had been arrested. Including Brian's friend Cain Storey, who was, quote, "believed to be a member of this gang known as the Free Birds."

Jacinda Davis: Brian's mother has since passed away, and although she testified at Lee's and Cain's trial, she was never asked about the document she saw in Brian's casket. So we don't know anything more about what this document looked like, or what all was written on it, or why she decided to put it back in the casket after she finished reading it.

And because so many of the records in this case have now been lost, the only way to learn more about why exactly investigators wanted to exhume Brian's body is to hear from the investigators themselves.

We had really hoped to speak to the lead investigator on the case, Sgt. Dallas Battle. But in March of 2021, just a few days before our first trip to Rome, he passed away from cancer. We never got a chance to speak to him.

There was another officer, though, who had worked closely with Sgt. Battle on dozens of cases, including this one: Investigator David Stewart.

Susan Simpson: Alright.

Jacinda: So we just met David Stewart.

Susan: Nice. Nice gentleman.

Jacinda: Yeah. He was very friendly. Very chatty.

Susan: Even though we woke him up, by accident.

[37:50] Investigator Stewart told us he remembered the Bowling case, and that he'd be happy to talk to us about it. But he'd need to get approval from Floyd County first. So we made plans to meet up later that week.

During our brief discussion on his doorstep, though, Stewart brought up the exhumation – he said this case was the only time in his career he'd had to do that.

Jacinda:

He said we had to exhume the body because we were looking for lyrics that could be incriminating.

Susan:

And I asked him if it was *Bone Thugs-N-Harmony* and “Crossroads,” and he thought that was it.

Susan Simpson: When we spoke to Officer Corbin, he recalled pretty much the same thing that Investigator David Stewart had told us.

Officer Corbin:

I remember they put a letter in the casket of a song.

Now, David would know more about that; David got some information about something being put in his casket and that’s why the body was exhumed.

Susan:

He mentioned, so we met with him, talked for a bit and we made plans to do a longer interview on Wednesday.

Corbin:

Okay, but I remember they found... it was a song title. And it had something to do with, it was a, it was a piece of the puzzle.

Susan: Okay.

Corbin: Somebody had dumped it in the casket.

Susan: Was it like song lyrics?

Corbin: Song lyrics.

Susan: Okay.

Corbin: And it had some meaning to do with what happened.

Susan Simpson: There is no police report about the exhumation, and no official record of what was found inside the coffin. But in the case file, there is a stray sheet of paper with a handwritten list of a dozen or so items. This page is not labeled or dated but based on the contents it seems to be a description of what was found in Brian's casket – it has things like a feather made of wood, a dream catcher, a stuffed bear and a stuffed dog. A photo of a car. A hat. A red rose and a note from Caprice, Brian's girlfriend at the time.

And if it was song lyrics that investigators were hoping to find in Brian’s casket, then their search was successful. At the very end of that list there’s an entry written: ‘Song – Crossroads.’ And in the police file, Jacinda and I found four yellowed sheets of lined paper, like the kind you’d find in a school notebook and written in pencil are the lyrics to “Tha Crossroads” by *Bone Thugs-N-Harmony*.

Brian's Aunt Melody recalls that these lyrics were very much an item of interest to investigators.

Aunt Melody:

I gave consent to exhume him because supposedly there was supposed to be some kind of evidence and they never really told me what they were looking for. I do know that there was a song and it's "Meet Me At The Crossroads, the Crossroads" by [sic] Bones Thug and Harmony. I even had to dig up the words to the song for the investigators, you know, print them out and all this mess.

Susan: Did you fax them over?

Aunt Melody:

Yeah. The song just talks about, you know, being shot in the back of the head or I'm gonna meet you at the crossroads.

It was enough that the investigators did want to know more about the song. You know, if it meant something, you know, because it was talking about being shot execution style or something.

Susan Simpson: The lyrics to "The Crossroads" were not the only thing found in Brian's casket that was of interest to investigators though. According to Amanda, Brian's family hadn't been told what it was. All they knew is that *something* had been found.

Susan: What did they tell you after the exhumation happened?

Amanda Bowling:

All I remember is they said that it may or may not help, is all I know.

Susan: What they found?

Amanda: Yeah. It may or may not help the case.

Jacinda Davis: Lee's father, Glenn Clark, remembers that it wasn't until his son's trial that they'd learned what was found when they dug up Brian's grave.

Jacinda: So, they end up exhuming Brian's body.

Glen Clark: Yeah.

Jacinda: What did they find?

Glen:

Well, that picture of that eagle was inside that casket. And they said that's where that was, that, that drawing.

Jacinda: Inside of Brian's casket, investigators found a piece of paper, with an eagle drawn on it in pencil. Below the eagle is a brief note. It says:

"Brian - we're gonna miss ya. Fly high! With sweet love, the Free Birds. P.S. See you at the crossroads."

We showed the note to Brian's sister Amanda.

Susan:

This was the other thing they found in the casket. ... Have you seen that before?

Amanda: I have now. Yeah, I remember.

Susan: And apparently this is -

Amanda: The eagle.

Susan: Carrying a bag of weed.

Amanda: Yeah. Okay.

Susan: Apparently what it's supposed to be, anyway.

Amanda: Yeah.

Susan: And smoking.

Amanda: Yeah, yeah. And smoking.

[42:37] Jacinda Davis: The eagle that's drawn on the note from Brian's casket is flying high, in more ways than one. It's clutching a little baggie of marijuana in its talons and has a joint in its beak. And behind the eagle is a flag with the words, "FREE BIRDS" written in bold blocky letters.

This note became the key piece of evidence in the prosecution's case against Lee and Cain. It was the proof, the prosecutor said, that Brian had been murdered for violating the rules of the Free Birds gang.

Because 'Free Birds' wasn't the only thing displayed on the weed eagle's flag. There's another word there too, written in tiny, all-caps script.

We showed the drawing to Brian's uncle Mikel.

Mikel Baker: Yes, that was in the casket.

Susan Simpson: Do you remember seeing this flag? ... What's in the corner?

Mikel: Yeah.

Susan: What's that say there?

Mikel: No narcs.

Susan: Yeah.

Mikel: Yeah.

Jacinda: Tucked in the bottom right hand corner of the weed eagle's flag is the word "narcs." It has been circled, and crossed through, like you might see on a no smoking sign.

The meaning of it seems fairly clear -- "no narcs." At Lee and Cain's trial, the prosecution argued that the note had been placed in Brian's casket by his killers, to send the message that Brian had been murdered for narcing on the other members of the Free Birds.

Glenn Clark has his own theories, though, about the true significance of the 'No Narcs' symbol.

Jacinda: And there's, in the corner, the flag. It says narcs and it's crossed out.

Glen Clark:

Yep. And look at that narc. Look at that narc. You can tell that narc wasn't wrote the same time that eagle and that, and had that -- It's put over here. Look at -- It -- Hey, look here. It don't take no rocket scientists to look at that and tell that wrote in two different pencil, or pen. Somebody else put that narc on there.

Jacinda: Who do you think did it?

Glen Clark: I don't know.

Jacinda Davis: When we showed the note to Amanda, she too thought that the "no narcs" symbol didn't match the handwriting in the farewell message below the weed eagle, which was written in an almost flowery cursive handwriting.

Susan Simpson:

I mean, the handwriting, to me, doesn't quite look like the handwriting down here.

Amanda Bowling:

Hmm-mm. No. It, it's different handwritings. ...To me, that looks like a girl's handwriting.

Susan:

It kind of does, actually. They used this at trial but neither Cain, Josh nor Lee were at the funeral, so obviously, they didn't put it in the casket.

Amanda:

Yeah. Yeah, no, they didn't, no.

Susan: So, I'd just be curious to know what he added that for and what that.

Jacinda: Is there anyone who would have thought of Brian as a narc?

Amanda:

I don't know who would have thought that. Not unless that come from Lee. You know?

[45:22] Susan Simpson: Neither Lee nor Josh-slash-Cain attended any of the services for Brian, neither of them could have placed the weed eagle note in Brian's casket. And the note is not signed – there's nothing on the weed eagle that identifies who drew it.

But at Lee's and Cain's trial, Brian's mother Debra Bowling testified that a boy named Joseph Wilkins had come up to her at the funeral and shown her the weed eagle drawing. He'd asked her if it was okay for him to give it to Brian.

Brian's mother said she'd told Joseph, "That's pretty," and given him permission to place it in the casket.

Brian's sister did not see this exchange between Joseph and her mother. But she told us it would've been possible for Joseph Wilkins to have been the one to place the note that investigators had found.

Amanda: Yeah. I remember seeing Joseph at the funeral.

Susan: So, you remember seeing him there?

Amanda:

Yeah. He come out to my papa's house whenever they brought Brian's body out there, he also come out there, too.

Susan Simpson: Joseph Wilkins was one of the four boys involved in the theft of the safe from Cain's father.

Based on the State's theory about what happened in this case, Joseph Wilkins would also have had a reason to be upset with Brian, if in fact Brian had given information to the police about the theft. So, if Cain and Lee had a motive to kill Brian, then Joseph did too.

Jacinda Davis:

Joseph Wilkins is the guy who drew the Free Bird drawing with the eagle and the, well, we don't think he did the narcs thing. But no, no one ever questioned him.

Kevin Fitzpatrick: No one ever questioned the kid who did the drawing?

Susan:

Yeah. The drawing that's like the proof that this was a conspiracy to kill a, kill a narcer.

Kevin:

Well the, Dallas Battle's theory I assume would have been that either Lee or Cain added the narc part onto it, right?

Susan:

No, they weren't at the funeral so they couldn't have done it. Everyone knows that Lee and Cain didn't put that note in the casket because they weren't there.

Kevin:

So, so then would they have assumed that Joseph, that Joseph Wilkins knew about the murder and, and why it was done? But they never, they never questioned him about the case?

Susan: Nope.

Kevin:

That's sort of extraordinary that they're, they're assuming that this, this is a gang and-

Jacinda: They don't...

Kevin: They don't question...

Jacinda: Yeah. It's a, it's a gang, but they don't interview the gang members.

Jacinda Davis: In fact, following the exhumation of Brian's body, and the discovery of the weed eagle note, the investigators did not attempt to interview anyone for half a year.

Then in February of 1997, Sgt. Battle and Investigator Stewart got the results of the gunshot residue test back from the crime lab down in Atlanta.

Susan:

So, they tested Josh's hands that night and the test was negative. I've wondered if that negative test result was part of what they, and if the cops would have had that and been like, "Well, it must not have been..."

Amanda Bowling: ...must not have been Josh, yeah.

Susan Simpson: Would Lee have needed to be there to...?

Amanda:

He had to physically be there. Yeah. That's the way I see it. That's the way I feel about it, you know. I mean, and if Josh didn't, you know, pull that trigger and had no gunshot residue, and it had to have been Lee, you know.

[48:45] Susan Simpson: The negative gunshot residue test indicated that Cain did not fire a gun on the night that Brian was shot and killed. And to investigators, if Cain didn't fire the shot that killed Brian, then that could only mean one thing. Cain must have had an accomplice.

Kevin Fitzpatrick: But everybody keeps insisting he was there.

Susan: Because of the gunshot residue test.

Jacinda Davis:

Which showed that Josh hadn't pulled the trigger. And that's why they needed someone else. In case that became – because gun – the test is admissible, right?

Susan: Yeah.

Jacinda: It's not like a lie detector test that you don't use. They-

Kevin: That's why they had to say that he shot him through the window.

Next week, on *Proof*.

“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, on the front of that rulebook is crossbone and skull. That ain't nothing but the devil.”

*

“We're gonna go look for Wayne and Charlie and we'll check in with you later.”

*

“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, I just didn't know what happened,’ and he said, ‘Brian shot hisself, Brian shot hisself.’ “

*

“He put a pillow over his head and shot him.”

“You've heard about the pillow?”

*

“I think that they've even said to me, sit back and listen. Kids are gonna talk. Somebody's gonna talk.”

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

We'll be back next Monday for episode 4. Don't forget to send us your questions and comments at proofcrimepod@gmail.com. We'll respond during our bonus episodes – *PROOF: SIDEBAR* – starting soon on Thursdays.

Kevin Fitzpatrick is our Executive Producer; our logo was designed by Drew Husosky and our theme music is by Ramiro Marquez. Audio production for this episode is by Michael Ulatowski. Our Social Media Manager is Skylar Park.

Thank you to our sponsors for making it possible for us to come back week after week. Follow us everywhere with the handle [@proofcrimepod](https://twitter.com/proofcrimepod), and on our website, proofcrimepod.com.

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

Transcribed by Skylar Park

