

Proof: A True Crime Podcast
Season One; Russian Roulette
Episode 5: Don't do it, Bro
Monday, April 4, 2022

Susan Simpson: I'd first heard about the Brian Bowling case from Joey Watkins, who was also convicted of a murder in Floyd County, and whose case I'd previously investigated. Joey had been in prison with both Lee Clark and Cain Storey, and what he knew about the case came from his conversations with them. And one of the things he told me about was how Lee had once confronted Cain and demanded to know what had really happened that night Brian Bowling died.

Susan:

Yeah, so, Joey told me that you were playing Monopoly once and you lost it.

Darrell Lee Clark:

Yes, I threw the transcript book and hit him in the head with it. I said, "man, I am sick of this shit. You're going to come clean right now and tell me what happened in that damn room. I'm sick of it."

And he still told me the same thing, that him and Brian was in there playing around with the gun and Brian shot himself.

So, you know if you got a .38 revolver and you're looking at it and you're looking at that cylinder, you can tell where the bullet's at. He says that's what they were doing, looking at it, spinning it around, making sure the bullet wasn't there and then cocking it to their head and pulling the trigger.

He said they'd been smoking weed, they was doing this and laughing about it all like it's a joke like it was funny.

Susan Simpson: Lee and Cain have spent many of the years since their conviction at the same prisons together. They've had a lot of time to talk.

Lee told me that every time he's asked Cain about what happened to Brian, Cain has given him the same answer. But he said he still has his doubts.

[01:36] Lee:

I've been here for twenty-five years, and I don't know what the hell went on in that room. I want some closure for myself, too. I'm sitting here the only person that knows what happened in that room for sure is Cain Storey. Cain Storey and Brian Bowling, they're the only two people that know what happened in that room.

Susan Simpson:

And he's the one person in this case that I'm not sure we're gonna be able to talk to.

[Phone rings. "This is a prepaid collect call. To accept this call, press 1..."]

Joshua Cain Storey: Hello?

Susan Simpson: Hi, Cain?

Cain: Yes. This is me. Yes.

Susan: This is Susan.

Cain: Ok.

Susan: Thanks for giving me a call.

[02:20] Susan Simpson: Hi, my name is Susan Simpson. I'm an attorney and podcaster and previously I hosted the Undisclosed podcast.

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

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

You can listen to Proof like you would any podcast.

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

Thanks for listening and welcome to PROOF.

Susan Simpson: It had been more than a year since we'd begun investigating this case, and I still hadn't spoken to Cain Storey. He knew I was working on the case and wanted to talk to him— he had written letters, and his mother June had passed along my requests for him to give me a call. But still nothing.

I was starting to think that we might never hear from the person who was there in the room that night when Brian was shot and killed.

Then one day, out of the blue my phone rang. It was Cain Storey calling.

Cain:

I know you've probably heard it a thousand times all over the - I'm serious. It was a game of Russian Roulette. It really was. I mean, I wish, I wish to God that I never went back down there. That was just some stupid teenage shit, to be honest. I don't know any other way to put it.

Susan: We talked to Lee at length, but there's a lot he doesn't know.

Joshua Cain Storey:

Yeah, because he wasn't there. I mean, he doesn't know.

I was there, I know what happened, I saw it with my own two eyes. And he don't know.

I mean, nobody really knows but me. You know what I mean? He - Lee don't know. Nobody knows.

[04:21] Susan Simpson: I asked Cain to tell me what had happened that night. And he told me the same thing I'd already heard from Lee and his brother Jamie about how the evening had begun – the three of them had been hanging out, driving around together, until finally it was time for Cain to go home. Lee and Jamie had dropped him off at the Silver Creek Mini-Mart, and Cain had started walking back to his parents' trailer on the other side of the cemetery.

He still had his father's .38 revolver in his pocket – which is why, he says, when he passed by Brian's trailer, he decided to stop in.

Cain:

I'm gonna see what Brian's up to, 'cause he always said if I ever had the gun, he'd like to see it.

So I'm walking to Brian's house, and I swear that that little voice in my head said "Don't take that gun in the house."

And I looked up in the sky and said, "Oh, it'll be alright".

I walk in, and I said, "Where's Brian at?"

"He's, he's, he's in the back room."

I said, "Alright."

So, I went back around and knocked on the door, and he's like, "Who is it?"

I said, "It's me, man."

He said, "Oh, come on in, bro."

And - I mean, this might be stupid, but it just still gets to me now. And he said like, "You got a joint?"

And I said, "No. I'll tell you what I do got." And I pulled it out.

Susan Simpson: Brian asked if Cain had a joint, and Cain told him: "Nah, but I'll show you what I do got --" and pulled out the revolver.

Joshua Cain Storey:

That's when he goes to dry-firing it. You gotta shell, yeah I got one, I gave it to him and he put it in there.

Susan: Who had the idea to play first?

Cain: It was his idea.

Susan Simpson: Cain told me that Brian had just been dry-firing the unloaded gun at first. But then asked Cain for a round. And Cain had handed him a shell.

That's when Brian began to play Russian roulette. Only, Cain says, he was cheating at the game.

Cain:

He starts making - at first, making sure it's nowhere around the cylinder. He, he's, he's putting it to his head and pulling the trigger.

Susan: So were you playing for real or did you know that...

Cain:

No, the first two times, we knew the bullet wasn't nowhere around.

Susan: So, you could see the bullet?

Cain:

Yeah, we made sure it was nowhere near the chamber.

And I - the whole time, he's on the phone with his girlfriend when he is doing this. I'm like, "Brian, please man. Like don't be doing that crazy shit."

He, he does it again, and he's telling her what he's doing.

Jacinda Davis: Cain told Susan he was upset with Brian for playing with the gun like that.

But he must not have been *too* upset about it. Or at least, he hadn't been so upset that he wasn't willing to try playing for himself.

Susan: You played Russian Roulette, as well?

Cain:

Yes, I did. I played it one time.

He gives me the gun. Instead of me being a smart individual like I should've been and taken the damn bullet out, I, too, play the game. I sit down on the bed, and he's standing up that whole time looking down at me. And, and I put it to my head, and I pull the trigger.

Now I, I'm - granted, I didn't spin the cylinder. None of that stuff.

[07:24] Jacinda Davis: If you're playing Russian Roulette for real, you're supposed to spin the cylinder so that the single bullet ends up at an unknown position in the revolver. You're not supposed to look and see where it is before you pull the trigger. Because if you know there's no bullet in the chamber next in line to be fired, then you already know what the result is going to be.

And Cain told Susan that's how they played the game for the first three rounds – Brian two times, and Cain once.

But Cain says that when he handed the gun back to Brian after his turn, that's when Brian decided he was going to play Russian roulette for real.

Joshua Cain Storey:

He tells his girlfriend, "hold on a minute baby." Puts the phone in his lap and grabs the gun from me.

"This is how it's done, bro." Spins it, pops it in there, puts it to his head, looked at me.

I said, "Bro, don't do it bro, I think it's the one."

He said, "You think so?" and that's when he pulled the trigger.

Jacinda Davis: "Don't do it bro, I think it's the one," Cain says he told Brian. And Brian had told him: "You think so?"

According to Cain, those were Brian's last words.

Susan Simpson: Were you watching, when the shot was fired?

Cain: Yeah, I saw him. His eyes went blank and everything.

[Phone Recording: "Thank you for using SecureUs." Phone disconnects.]

[10:16] Jacinda Davis: Lee Clark has heard Cain tell this story many times before, but he says he hasn't always believed it. There have been times when he has wondered if this story is a lie, and if Cain actually did kill Brian.

Darrell Lee Clark:

I've had my doubts about Cain, but over the years, I've come to really believe Cain from what he told me. And then, and I'm gonna tell you what makes me believe Cain, what makes me really just believe what he says. And it ain't nothing that Cain told me himself.

That ain't what makes me believe Cain. What makes me believe Cain is that boy's girlfriend that was talking to him on the phone. And he told her he was playing Russian Roulette.

She ain't got no reason to lie. Cain, he would have a reason to lie, but she don't.

Jacinda Davis: Caprice Hiott was Brian's 15-year-old girlfriend. And, according to the investigators, she conspired with Cain and Lee to murder Brian.

But Lee says the only time in his life that he ever saw Caprice was when she was on the witness stand at his and Cain's trial.

[11:10] Darrell Lee Clark:

In that trial, though, even when she was up there crying, I know, when listening to this girl and after hearing all the testimony I heard, I said, "Well, they're definitely telling lies on this girl."

Because one being, she ain't, she don't know me. And second being, I ain't conspired with her to do shit and this girl ain't up there faking these damn tears, she's really crying because she misses her boyfriend. And y'all up here trying to slander this girl's name with this bullshit.

So, it kind of set, it set in with me hard then, but I was still wondering with Cain. But as I thought about that stuff, as years went by and I started getting older and getting older, I was sitting there, man. That girl was not lying, man. That girl was telling the truth. That boy killed himself in that room.

And I finally went to Cain one day and I told him, I said, "Look, man, I'm sorry about all this shit I've been throwing in your face all these years, drilling you about this shit with Brian." I said, "I'm going to let you know right now, man, I'm done with all that shit, man. You never got to worry about me throwing this shit in your face anymore, you never got to worry about me drilling you on this shit. Look, I believe you, man. I love you like a brother, man, and I'm sorry."

Jacinda Davis: Lee says that Caprice Hiott is the reason he finally decided that Cain did not kill Brian. He doesn't know whether he believes Cain – but he does believe Caprice.

But Brian's family believes that Caprice has a very compelling reason to lie about what she heard on the phone that night.

Susan Simpson: Do you think Caprice is guilty, too?

Amanda Bowling: I do.

Kenneth:

If it happened that way, yeah. She's just as much as guilty as they are.

Susan: Do you know how, why or how she would have been...?

Kenneth:

I believe she was there to keep him on the phone and distract him.

Amanda: Distract him.

Susan: But why would she have done that?

Kenneth:

I don't know. But I mean, why was she on the phone and kept calling back like she did? You know, I mean, I don't know. You know, it just was weird.

Jacinda Davis: Brian had spent that day out working with family friends Wayne and Charlie Childers. He didn't get home until that evening. And while he was out of the house, Caprice had called three or four times looking for Brian – something that, in hindsight, Brian's family finds to be very suspicious.

[13:22] **Amanda Bowling:** Yes, Yes. She had called, like 4 or 5 times.

Susan Simpson: And she talked to Kenneth once, you remember that?

Amanda: Yeah.

Susan: Do you remember what he said?

Amanda:

I do. I think he said, "He's not here and I don't know when he's gonna be home." You know, I think that's all he said to her.

Susan:

I think he testified that he was teasing her about Brian being with another girl.

Amanda: Oh, he probably did.

Susan:

There was - I don't know who she was, some girl. I think Kenneth said like there was a girl lived up the street, so he was - when Caprice called, he was like, "Oh, Brian's out with so-and-so."

[14:04] Jacinda Davis: At the trial, both Kenneth and Amanda testified that it hadn't been unusual for Caprice to call that often. They also testified that, the first time Caprice had called that evening, it had been Kenneth who answered the phone. And Kenneth had told her, 'Oh, Brian's not home, he's out at the movies with that girl down the street right now.'

Kenneth said that when she had called back a couple times more, he'd kept teasing her that Brian was on a date with someone else.

When Brian finally did get home, Kenneth told him what he'd said to Caprice. Brian had immediately grabbed the phone and called Caprice back, telling her not to listen to Kenneth, that he was lying, and he had been working all day, not on a date with another girl.

Susan:

And I think he said that Brian got home and I - because he talked to Caprice in the living room, and he's like, "Don't listen to what Kenneth said."

Amanda:

Yeah, he's - yes. I do remember that now. He said, "don't listen to what Kenneth said. He's always got something to say. He's always gonna mess with you."

Susan Simpson: By the time of the funeral, Brian's family had become suspicious of Caprice, and why she'd called the house multiple times that night. But when Caprice had tried to talk to Brian's family afterwards, Amanda told us that her mother hadn't wanted to hear from her at all.

[15:10] Susan: Why didn't she want to speak to Caprice?

Amanda:

She just told her, she said, I just don't believe nothing. I don't want to hear nothing you have to say. You know, because Mama had, you know, she started thinking, you know, she was in it. She could have been part of it. I thought so, too.

Susan: Why'd do you think that?

Amanda Bowling: Because she was on the phone with him.

Susan: Do you know what your they said your role -

Caprice Hiott:

Just that I was made to keep him on the phone.

Like they were accusing me of being a part of the - like, 'Hey, you got to keep him on the phone so that you can do this,' and that and like I was part of their little plan, and I had no clue.

I was an innocent 15-year-old that ain't ever even had a boyfriend before. You know like, not no serious boyfriend and he wasn't even a serious boyfriend yet, you know. He might have been.

Susan Simpson: Caprice told us that she knows that Brian's friends and family suspect that she was somehow involved in plotting Brian's death.

She's been dealing with the dirty looks for most of her life now.

Caprice:

I mean, I got harassed in school from his relatives, people who knew him, even after years and years I was already an adult, and I'm on Facebook and they're messaging me talking about, "Do you ever even - do you know what today is? Do you ever even think about him anymore?" Like still at me about it, you know?

And that hurt - I mean it hurt me, like he was my sweetheart, you know what I'm saying, like, and I, so that just tells me that they still, to this day, if I see her in public, she gives me that look.

Susan Simpson: After we talked to Caprice, I told Lee about what she'd said, and how she knew people still blamed her for Brian's death.

Darrell Lee Clark:

Yeah, I've wondered about that all these years. I don't know the girl. I mean, I, first time I seen her was in that courtroom, but I've wondered how her life has been all these years. I've always wanted somebody to talk to her and get her side of it and see, see, what it's been like for her.

I can't imagine what she's been going through. She's probably been living with pure hell, people looking at her, thinking that shit about her. That pisses me off just thinking about that.

Susan Simpson:

She said the same thing you've always said, she didn't even know you. She talked to Cain on the phone but she never, I'm not even sure she knew your name.

Darrell Lee Clark:

No, we never met. I didn't even know her name until they brought it up in court.

[17:32] Susan Simpson: Cain *had* talked to Caprice a couple of times, when she'd called while he was over there at Brian's. But Cain says he too had never met her in person before Brian's death.

Joshua Cain Storey:

And all this about his girlfriend being this, this - the first time I ever saw her in my life was when she took the stand and testified that day. See, they lived across town. Now remember, she lives across town in the Coosa area. And Brian was at alternative school. He couldn't go to Pepperell. So, he had to go to school across town at the alternative school. That's where he met her at.

Like I said, when she took the stand, I was like, damn. Okay. Brian did pretty good for himself, you know?

[18:14] Susan Simpson: Caprice had gone to school at Coosa, on the west side of Rome. Brian was from Silver Creek, about 10 miles south of Rome. It was only because Brian had been sent to the A school, over near Coosa that the two of them had even met.

So even though Brian and Caprice had talked on the phone just about every day, they'd only met in person a handful of times. She'd never gone to Brian's house, and he had never gone to hers.

Caprice Hiott:

I think the only other time I actually seen him in person was when he got his mom to bring me to my work at GMC Food mart before they redone it. It was very small. And then he would - we met at the Coke machines right there at the lunchroom, like, and just sat there and drank our Cokes and talked, you know, it was, it was a sweet thing.

Susan Simpson: Shortly before Cain and Lee's trial, Caprice had been brought in and questioned by Sgt. Dallas Battle, and District Attorney Tami Colston. They made it clear to her that they believed she'd been part of the murder conspiracy.

Jacinda Davis:

How did during the questioning with Dallas Battle how was he treating you?

Caprice:

Very poorly. Like I, like I held the gun myself and killed him. You know just treating me like I - like I was a criminal, like I had actually done - was red-handed. You know what I'm saying? Like, that's how he treated me and like I'll never forget that, though. That was a horrible-

Jacinda: Did you feel pressured to like –

Susan Simpson: Change your story?

Jacinda Davis: Change your story at all or?

Caprice Hiott:

I feel like that's what they - I did, I felt like they wanted me to lie to them Like they didn't want to hear my story. They didn't want to believe what I said. They wanted me to be guilty. They wanted me to be doing what they thought I was doing. I remember, like, bawling, breaking down, like, I was, it was, it was terrifying for one.

Susan Simpson: Although Caprice was on the phone when Brian was shot, she says she never heard the gunshot go off. Caprice told us that the DA was convinced that she was lying about this – she was certain Caprice must have heard the gunshot, and she warned Caprice that if she testified in court that Brian had told her he was playing Russian Roulette, she'd face prosecution herself.

Susan:

Did they tell you you were in trouble or say that like, did they threaten criminal consequences?

Caprice:

They said you know you can go to jail for, for lying in court you know. They didn't use the word perjury but you know that's pretty much how they put it.

Susan: And that you could go to jail for lying - for telling a story?

Caprice: Yeah, for telling, yes.

Jacinda: And if this is what you say in court...

Caprice: ...you'll go to jail.

Jacinda: you'll go to jail because you'll be lying.

Caprice:

Yes, that sort of thing, yeah, like, "No, you're lying, you know you can go to jail for that if you testify in court and you get caught lying because you're sworn in, blah, blah, blah," that sort of thing.

Susan: But you didn't change your story?

Caprice Hiott: No, I didn't.

Susan Simpson: Did you consider changing your story?

Caprice: No.

Susan Simpson: In the end, Caprice was not prosecuted. Either for the alleged murder conspiracy, or for the threatened perjury charges.

But as Brian's aunt Melody told us, Brian's family believes that Caprice was allowed to get away with murder.

Aunt Melody:

But I mean, I do know that, you know, he felt like that it was pre-planned, that, you know, Caprice was calling Brian, getting him home, you know. Then that way they'd know when he got home because Josh came in after Brian got home.

Susan Simpson: So, why didn't they charge Caprice?

Melody:

Yeah, we, not that, no, not that it was anything explained to me that was, that I understood. I mean, I never understood why she was not on trial, too.

[21:39] Jacinda Davis: According to Josh-slash-Cain, Sgt. Battle had *wanted* to put Caprice on trial. In fact, he'd asked for Cain's help in making that happen.

Cain had been visiting family in Tennessee when the warrant was issued for his arrest, and Battle had driven there to pick him up and take him back to Rome. That's when Battle proposed a deal.

Joshua Cain Storey:

You know how he is -- You ever heard him talk -- he was like Cain, we got a rock solid hard case against you Cain, we need you to roll on two people.

Jacinda Davis: Cain says Dallas Battle told him: we need you to roll on two people. And at first, Cain says, he hadn't understood who Battle was referring to.

Cain:

He needs me to roll on two people. That's exactly what he said. I'm sitting there going, 'what in the world?', I was thinking -- because he went on to say that Lee knows Caprice. I said really, how is this possible?

Susan: He said Lee knew Caprice?

Cain:

Yeah, yeah. He said that was their whole theory -- that it was all a conspiracy between me, Lee, and Caprice to have Brian killed because he knew too much about a safe.

Jacinda Davis: Cain says he was told that, if he helped Sergeant Battle make a case against Lee and Caprice, they'd go easy on him for his sentence.

Cain:

20 and do 10. He said, "You'll come out smelling like a rose, Cain." I remember him saying that - We'll give you a 20, do 10.

Jacinda Davis: Cain did not take the deal.

Cain:

I told Dallas Battle plain and simple, “Go back to your station, go play with yourself. I don’t give a damn what you do, bro. I told you what the hell happened and you didn’t believe it then. So fuck you.”

Jacinda Davis: If Cain had rolled, like Battle had requested, then it’s likely Caprice would have been charged as well. Cain didn’t do it.

But even if Caprice couldn’t be prosecuted, investigators still had to explain her away, in order to prosecute Cain and Lee. They had to explain why she claimed to hear Brian say he was playing Russian Roulette.

And while one of their theories had been that Brian had been killed for narcing on his fellow gang members about the safe theft, they had a second theory too. They told a number of people that the real motive wasn’t a revenge gang killing -- it was a lover’s triangle.

Exactly who they thought was part of the triangle is unclear. But according to this second theory, either Lee or Cain had secretly been dating Caprice. And they needed Brian out of the picture.

[26:04] Joshua Cain Storey:

Nobody’s even got a motive behind this. I mean, I remember what the rumors were that I heard, that her and Lee were supposed to be dating. And I’m like – ok.

Susan Simpson: Oh you heard rumors about that?

Cain: Yeah, I heard rumors about that.

Susan: I heard rumors that you and Caprice were dating, so.

Cain: Really? Wow.

Jacinda Davis: We talked to Pete Jordan – that’s the fourth boy who was involved in the safe theft, along with Cain and Lee and Joseph Wilkins. He’s also an alleged member of the Free Bird gang.

But Pete told us that he hadn’t been aware that the safe theft was supposed to have been the motive for Brian’s death.

Susan:

What Pete Jordan thought the motive was - or what the, what, what Dallas Battle's questioning left him with the impression of, is that the murder was over a girl and that there was a girl Brian was seeing who was seeing someone else and, I don't know, some kind of triangle.

Jacinda Davis: He said Cain. There was like jealousy.

Susan Simpson: Yeah, Cain-

Jacinda: Between Cain and Brian, over a girl.

Susan Simpson:

Like, as if when Battle questioned him, he made Pete Jordan believe that Cain and Caprice had a thing going on, so therefore they conspired to kill Brian.

Jacinda Davis: There were a number of people interviewed by Sgt. Battle and investigator Stewart who walked away from the interview thinking the same thing Pete Jordan had – that investigators believed Brian had been murdered because of some kind of lover's quarrel.

[27:28] Susan:

Oh, Dave Stuart asks, did Caprice have anything going on with any other boys in that group? That was their theory.

Caprice Hiott: What? That I was messing around with somebody else?

Susan:

We talked to a jailhouse informant who was, he admitted that police came and said if you help us, we'll help you. And he thought that the story was that Brian was killed because of a love triangle between you and one of the boys.

Jacinda Davis: After Cain and Lee were arrested and taken to the Floyd County Jail, investigators spoke to a number of inmates who said that either Cain or Lee or both had confessed to them.

Almost all of these interviews have been lost. But when we went to the Floyd County Police Department to look at the file ourselves, we found one cassette tape that was still there.

[28:19] Jacinda:

What we saw at the police department just now was like, a one-inch file for a murder case that contained one cassette tape from an interview that never even made it into the trial documents. Or, it wasn't in-

Susan:

There's no transcript. It's a jailhouse informant, who, it was not until '98, so much later on, just before trial. That's the only tape there. And-

Jacinda: It was a little bizarre to hear Dallas Battle's voice.

Susan:

That may be the only record we get of it, given how much of the case file that Floyd County managed to lose.

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Dallas Battle:

I'm Sgt. Dallas Battle, Floyd County Police Department. With me here at the Floyd County Jail is Investigator Danny Logan. We're going to be interviewing Ron. It is January 9, 1998, at 7:35pm.

[29:21] Jacinda Davis: Ron was not asked to testify at trial. That may be because he showed up too late to be of any use – it was right before the trial when Dallas Battle interviewed him.

And that may be why this one tape exists, when everything else is now gone – it may be that investigators didn't even bother to turn this cassette tape over to the DA's office, so it remained in the police file all these years.

Dallas Battle: Okay, will you tell me what you know about it?

Ron Finley:

Okay Lee Clark had told me about the murder. He said that he was the trigger man, shot the boy in the head in the right temple. The reason why he shot is because the boy knew something about a burglary, they had burglarized. And the girl the boy was going with, Bowling, she set everything up. They told her to stay on the phone with him until they got there. And when they got there they shot him in the head with a .38 revolver.

Battle: Did he say the girl's name?

Ron: No, sir. He didn't.

Battle: But it was her job to keep him on the phone?

Ron: Yes sir, that's correct.

Susan Simpson: Sgt. Dallas Battle had wanted to use statements from inmates at the Floyd County Jail to prove that Caprice had been part of a conspiracy to murder Brian.

It wasn't just the prosecution though who had wanted to hear from witnesses who'd been at the jail at the same time as Lee and Cain. There was an inmate that the defense had wanted to call at trial as well.

[30:50] Joshua Cain Storey:

You know what made it so bad? The one who was going to testify on our defense – he's dead now.

But James Mullens... He was coming to testify that they were actually paying people. He says that Dallas Battle tried to pay him to get his time cut and everything if he'd testify.

Jacinda Davis: James Mullens did not end up testifying. In fact, in the end, the only witness from the Floyd County Jail that the jury heard from was a guy named Danny.

Danny testified that, while at the Floyd County Jail with Cain, he and some other inmates held a mock trial with Cain about his case. Danny said they 'played judge and jury', and during his mock testimony, Cain had initially claimed that Brian had killed himself. But then, Danny said, Cain changed his story.

Cain told the inmates who were pretending to be a jury panel that, quote, 'it might have been a, you know, a conspiracy.' And then he said that Lee Clark also had a hand in it.

Last year, Susan and I went to speak to Danny. He did not want to be recorded but he was willing to sit down and chat with us for a bit– he seemed concerned about people knowing he had been a jailhouse informant – but he did remember the case. "It was a really screwed up thing," he told us, "It really was."

In May of 1997, Danny had been in the Floyd County Jail when Sgt. Battle had come to him and asked him to give a statement about Cain Storey.

"All of this," Danny told us, "was built on the premise of 'you help us, we'll help you.'"

We asked Danny what he meant by that. And he said: "That meant helping me with my criminal situation. Which they did."

[32:30] Susan Simpson:

So, Dallas Battle is super dirty. Which we already knew.

Jacinda Davis: And the facts are coming from somebody else.

Susan: But Dallas Battle tells him, the family is pressuring me.

Jacinda: Right.

Susan: They want these two boys arrested.

Jacinda: They have to be in the same place at the same time.

Susan:

It has to be intentional. He was pretty clear. He didn't say I lied about what I heard because I was offered a deal-- but he said all but that.

Jacinda: Yup, he said reduced time, reduced sentence.

Susan: You help me, I'll help you.

[32:21] Jacinda Davis: Danny told us that it hadn't been Dallas Battle who had told him or the other jailhouse informants about what investigators believed had happened to Brian -- like about how he'd been shot through a trailer window, or how Cain had first claimed that Brian

had died while playing Russian roulette. All that information had been provided to them by another inmate, an inmate who'd been chummy with both Sgt. Battle and the sheriff. 'He was the one who brought all this to us,' Danny said.

So Dallas Battle hadn't needed to tell Danny any facts about the case. But what Sgt. Battle *did* tell Danny was that his statement needed to contain some specific elements – like how he needed to place Lee and Cain together at the same time, and how he needed to specify that Brian's killing had been intentional.

[34:05] Susan Simpson: Both Lee and Cain told me they had never confessed to anyone. In fact, they don't remember even meeting any of these informants while at the jail.

Joshua Cain Storey:

I don't know who he was. I was never in a dormitory with this guy.

-

Darrell Lee Clark:

Yeah, I didn't know about none of them jail informants. I didn't know, I mean, hell, I don't, I don't even really think any of them guys is getting the same cell block with me. I think they said them guys were in E Block and hell, I was in H Block.

[36:30] Jacinda Davis: Danny told us that, in the story he'd been told about Brian's death, there was supposedly a girl that had a key part in the conspiracy. And from what Danny had heard, it was bitterness over the girl that had motivated Brian's murder.

But at trial, Danny had not been allowed to testify to anything about a girl being involved. The jury got to hear him say that Cain had confessed to the murder while in jail, and that he and Lee had been part of a conspiracy together. But then the judge decided that, under the confrontation clause of the U.S. constitution, that was all the jury would be allowed to hear from Danny – so he was dismissed. Though, this also meant that the defense never got a chance to cross-examine Danny.

But without the testimony of Danny or any other jailhouse informant, the only evidence the prosecution had to suggest that Caprice had any part in a conspiracy came from Angela Bruce. It was Angela who told police that Lee and Cain had attended a party while at her trailer, and, while sitting around her kitchen table, had confessed to murder. Angela also said that, while the two boys were making this confession, Caprice had shown up at her doorstep, asking for Lee and Cain.

We showed Caprice what Angela had said about her at trial.

Susan Simpson:

And Angela Bruce says, that's right, and that the signal was to go ahead with the plan to kill Brian. she came with me and this is Angela, she came up to my door and that's how I, you know, recognized her. She has blonde hair.

Caprice Hiott:

(Laughing) I never had blonde hair in a day of my life. Girl, my, my hair is dark. Look, this is the color of my hair.

Susan: But it could have been blonde back then.

Caprice: It's your color.

Susan: But it was not blonde?

Caprice:

Nope. And I mean, and anybody who'd seen me at the - ask Brian's mama what color my hair is.

Susan:

And she came to my door and asked for Josh and Lee, and that's how I, you know, recognized her. She had blonde hair.

Caprice:

That's why they didn't charge me, because I never had blonde hair, never.

Jacinda Davis: This was far from the only problem with Angela's statements about Caprice.

In fact, in Angela Bruce's first interview, she didn't even seem to know that Caprice existed. She mentioned nothing about Cain and Lee leaving the party with a blonde girl. In fact, Angela first told investigators Cain had stayed at the party for 4 or 5 hours and left when the party ended.

Then, a few minutes later, she changed her story, and told investigators that, after Cain and Lee had confessed to murder, she had chased them out of her trailer with a knife.

It was one week later, when she was interviewed for the second time, that Angela Bruce first mentions Caprice. She changes her story once again, this time telling Sergeant Battle and Investigator Stewart that Caprice had *also* been at the party that night. And that she'd brought another girl with her. Both girls were blonde, Angela said, and Caprice had driven up in a little blue or black car.

She'd come to the door to ask for Lee and Cain, and then the two boys had driven off with her and the other girl.

Caprice Hiott:

And then, that, they were talking about, you know, me going supposedly and picking Josh up or something. I was like blue, I don't even know anybody that owns a blue car. I mean, I'm 15. I don't even drive yet, you know.

Jacinda: I was gonna say, you don't have your license.

Caprice: Right.

Susan Simpson: In February of 1997, Caprice was 15 years old. She didn't have a license, let alone a car.

And then there's Angela Bruce's testimony about how Caprice was actually supposed to be of assistance to the murder plot. Angela said that Lee and Cain told her that Caprice's job was to get Brian on the phone, and then to send a special beeper message to let them know that Brian was there.

Susan: I have to ask, did you have a beeper ever?

Joshua Cain Storey: No, I never had one.

Susan: You never got a beep from Caprice?

Cain: No, never had a beeper in my life. I've never even had a cell phone.

-

Susan: You had no cellphone, no beeper.

Darrell Lee Clark:

No none of that stuff, what would I need with a cell phone and beeper? I was 17 years old, if I needed to call someone I'd go to a payphone.

[40:35] Susan Simpson: No one I spoke to had any knowledge of either Cain or Lee having a beeper. And there's no indication that investigators made any attempt to show that these beepers actually existed. They never tried to get phone records or find the beepers themselves.

Not to mention – it's hard to see why Lee and Cain would have needed Caprice for this in the first place. Brian was on house arrest, after all. He was almost always home. Lee and Cain had no reason to anticipate that they'd have any problems finding him.

But there's a larger problem here with Angela Bruce's story.

[41:02] Caprice Hiott:

I didn't even know about this whole little Free Bird thing, and I know nothing of Lee Clark. Nothing of him.

Susan Simpson: Have you ever heard his name before?

Caprice: No.

Susan: Have you ever heard of Freebird?

Caprice: No. None of that until after the fact.

[41:23] Susan Simpson: It's hard to prove a negative. And it's even harder to prove that, 25 years ago, two teenagers from the same town absolutely positively did not know one another. But what I can say, after talking to lots of people who knew Lee and Cain and Caprice back then, is that there's no reason to think that Lee and Caprice had been aware of each other's existence. Or that Cain and Caprice had any contact beyond Brian passing the phone to him a couple of times while talking to her.

The prosecution had one other piece of evidence, though, that would suggest Caprice was lying about what she heard on the phone that night.

Because if Caprice is telling the truth, then Brian had been playing Russian Roulette before he died. And the wound to his head should have been a contact wound – the bullet should've been fired while the revolver was in contact, or nearly in contact, with his head.

But according to the prosecution, that's not what the forensic evidence showed. The prosecution presented evidence that the gunshot wound to the right side of Brian's head had been fired by a gun that was at least a couple feet away when it was fired.

That would mean that Brian had *not* died while playing Russian Roulette. It would mean that someone else had pulled the trigger.

And Brian's family remembers that the forensic evidence against Lee and Cain had been compelling. Based on the autopsy findings, Brian Bowling had not shot himself.

Susan: What stands out to you now?

Mikel Baker: The autopsy photos.

-

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

Amanda Bowling:

Yeah. They took his body to the crime lab. I guess for the autopsy and everything. That's what I was, that's what I was told. You know, because after they pronounced him dead and they harvested his organs, they sent his body to the crime lab.

Susan Simpson: That's what they told you?

Amanda: That's what- yeah.

-

Susan: They'd actually, they didn't do an autopsy on Brian.

Mikel Baker:

They said they sent him to the GBI crime lab, and they had photos from an autopsy.

Susan: I think they changed their minds. They never actually carried it out.

Mikel: Really?

Jacinda: You've seen the photos with the-

Mikel: Like the rods and stuff going through their head. Yeah.

Susan: That was from Craig Burns, the coroner.

Mikel:

But they told us that they had sent him to the crime lab.

I, I'm almost positive they sent him to the crime lab. I know they sent him, or they told us they did, you know.

Jacinda Davis: Right.

Susan Simpson: That's what Amanda thought too.

Susan Simpson: Brian's family remembers an autopsy being performed, and that the results of that autopsy proved that Brian had been shot by someone else.

But there was no autopsy on Brian Bowling's body. There were no autopsy findings in this case, and the State never asked a medical examiner or other forensic expert to give an opinion on the cause and manner of Brian's death.

And in case you're wondering – no, this is not just the way things are done down in Floyd County. As former Floyd County Police Officer Mark Corbin explained to us, this was very much not normal procedure for them.

Susan: So, in this case, they never, there was no autopsy done.

Mark Corbin: There was no autopsy done?

Susan Simpson: Yeah, you seem surprised? Is that usually how, like?

Mark: I, that would be unheard of to me.

Susan: To...

Mark:

And from when I was in investigations, I would never, I would think he was sent to the crime lab.

Susan:

No, there was no autopsy done. They had the coroner look at him at the funeral home.

Mark: Then, I, there's no explanation for that.

Susan:

So, that's not, to you, that's not like how normally cases would have been done.

Mark: If I was the lead investigator, I would have a problem with that.

Susan Simpson: If an autopsy had been done, we would know whether the revolver had been held against Brian's head when it was fired. We would know if the shot that killed him was consistent with a shot fired during a game of Russian roulette.

If an autopsy had been done, Lee and Cain might not have been charged with murdering Brian.

But there was no autopsy. So instead of hearing from a medical examiner, the jury heard from Craig Burnes. He was a funeral director who in 1996 was elected the coroner of Floyd County. It was Craig Burnes who decided that Brian Bowling should not be autopsied. And it was Craig Burnes who testified that Brian must have been shot by someone else.

Susan Simpson:

Yeah. Well, since there was no autopsy, there was no medical expert obviously.

Mark Corbin: Right.

Susan:

And they used his assessment that this was not a close up shot and that it was fired at a distance.

Mark: That was his assessment?

Susan: Uh huh.

Mark: That don't surprise me.

Susan: I think you have to request the crime lab, right? They don't.

Mark: The coroner calls the crime lab in, in our county.

Susan: Okay. This was Craig Burns.

Mark:

We don't have a medical examiner. But he's a, that's a whole different story.

Susan: We haven't talked to him yet.

Mark:

I, I'm sure he'd be willing to talk. He was, Craig could mess up a crime scene as good as anybody. He was famous for going into crime scenes and and messing them up.

Susan: Oh, no.

Mark: That's why he went to prison.

Susan Simpson: Next week, on *Proof*.

So you're saying he- you basically think he got up and lied to the court.

Straight up lied.

*

Tried to make it seem like it wasn't no contact wound, to rule out killing himself. You know what I'm saying. Throw it all in there to try to prove no way he killed himself because it's not a contact wound. Playing cards so hard, don't want it to come out there were powder burns.

*

That right there, that's the gunshot wound right there and it's contained to that one small area.

Yeah.

So that means it was pressed, in my opinion, I ain't a forensic.

Yeah.

It was pressed against the head.

*

Only thing I can figure is they were using the pillow to wipe up blood. I don't know because I know I left the room screaming, and me and Kenneth Floyd met in the door frame.

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

We'll be back next Monday for Episode 6. Send us your questions and comments at proofcrimepod@gmail.com. We'll respond during our bonus episodes – *Proof: Sidebar* – 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 George Panos and Michael Ulatowski. Our Social Media Manager is Skylar Park.

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

Transcribed by Skylar Park

