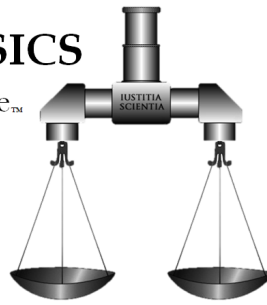


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April 14, 2022

RE: Jarvis response to ruling on habeas petition filed by Joseph Watkins

On April 11, 2022, Judge Don W. Thompson granted a writ of habeas corpus in the case of Joseph Watkins vs. Pamela Ballinger, Warden. In the order, Judge Thompson asserted that “the prosecution presented and also failed to correct false or misleading testimony.” Specifically, Judge Thompson cited that “It was Jarvis' testimony that laid out-in a highly misleading way-what investigation had been done to connect the dog remains to the Dawkins shooting. What Jarvis did not tell the jury was that the bullets used to kill Dawkins and found in the dog remains could not have even been fired from the same type of gun. Further, the details left out of Jarvis' testimony about the examination, photographs, removal, and classification of the bullet removed from the dog remains were not presented to the jury in any other manner.”

My testimony given at the 2001 trial and during any subsequent interviews or hearing has been based solely on what I personally had knowledge of. This is supported by the statement on page 14 of Judge Thompson’s decision which unequivocally states “The court ruled that Jarvis was not permitted to testify about the x-ray but only his personal observations. Jarvis then testified that he had observed a gunshot wound on top of the dog's head.”

Judge Thompson further opines on page 42 that “Notably, Jarvis failed to mention anything beyond the visual aspects of what was done with the dog remains. Jarvis failed to mention that (1) they were asked to make a comparison between any bullet found in the remains and the bullet removed from Isaac Dawkins. He did not mention that (2) a bullet was, in fact, removed from the remains. He made no mention that (3) there were photographs taken of the dog's skull and the bullet that was removed. And he failed to mention that (4) the bullet removed from the dog remains was identified as a .22 caliber bullet. Given all of Jarvis' omissions, the Court finds that his testimony was incomplete and evasive, highly misleading to the jury, and left the jury with a false impression that nothing more than a visual inspection and x-ray was completed on the dog remains.”

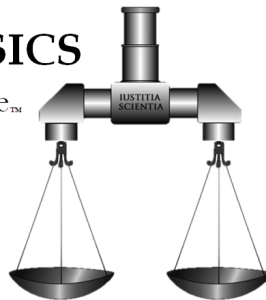
I will address points 1-4 noted above as follows:

- (1) “they” were asked to make a comparison between any bullet found in the remains and the bullet removed from Isaac Dawkins. Page 17 of the ruling notes that “A two-page Evidence Submission Form filled out by FCPD (Floyd County Police Department) and given to the GBI's Department of Forensic Sciences regarding case number 2000-1-1418 (the Dawkins/Watkins case). The form indicates that on November 14, 2000, FCPD submitted a "Dog Carcass with Possible Projectile" to the GBI with specific instructions: "If projectile present, compare to bullet recovered from victim.”” What the Judge failed to consider, or may be unaware of, is the GBI Division of Forensic Sciences (DOFS) is structured so the Medical Examiner’s Office (MEO) is a separate entity from the crime lab. When the dog carcass was submitted to the medical examiner, any

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request made to the MEO that involves the crime lab must be transmitted to the crime lab and a subsequent request entered into the DOFS Laboratory Management Information System (LIMS). When a request for analysis is entered into LIMS, it automatically generates a service request that is assigned to an analyst that possesses the necessary qualifications to perform the service(s) requested. A request to conduct a firearms examination was not presented to Mr. Jarvis, or anyone else, via LIMS. Any personal observation and/or opinion rendered by Mr. Jarvis about any projectile recovered from the dog carcass would have been required by DOFS policy to be documented in an official report and subjected to a technical review by a second qualified analyst. The fact that no report was issued supports Mr. Jarvis's contention that he was never presented with any projectile(s) recovered from the dog carcass.

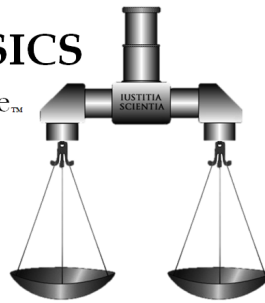
- (2) Jarvis "did not mention that a bullet was, in fact, removed from the remains." As outlined in (1) above, unless Mr. Jarvis was given the projectile(s) to examine, he would not have known such evidence existed. Mr. Jarvis has previously stated, and continues to assert, that he was not present when any projectiles were extracted from the dog carcass nor was he aware of the existence of any extracted projectiles. DOFS chain of custody and other records fully support Mr. Jarvis's contention.
- (3) Jarvis "made no mention that there were photographs taken of the dog's skull and the bullet that was removed." The examination of the dog carcass falls under the purview of the MEO. At the time this examination was conducted, Dr. Cameron F. Snider was the regional medical examiner. Dr. Snider supervised a staff of three, which included a medical examiner investigator (Stephen J. Sours), an autopsy assistant and a medical transcriptionist. If any photographs were taken of the dog carcass, they would have been created by Dr. Snider or one of his staff members. Mr. Jarvis would not have any knowledge of the existence of these photographs, due in part to the security access to these records that is established in the LIMS system. In addition, as noted in (2) above, Mr. Jarvis has stated and continues to maintain he was not present when any photographs were taken or any dissection took place on the dog remains.
- (4) Jarvis "failed to mention that the bullet removed from the dog remains was identified as a .22 caliber bullet." As noted in (1) and (2) above, Mr. Jarvis was never presented with any evidence from the dog carcass, was not asked to render an opinion on any such evidence and would have been required by DOFS policy to issue an official report had any such request been presented to him.

On pages 25-26, Judge Thompson also asserts that "Jarvis concluded that the dog had been shot, but was silent as to any ballistics evidence recovered from the dog. He also testified that no medical examiner report was prepared regarding the dog examination. When asked directly what type of bullet was recovered from the dog remains, the prosecutor repeatedly represented to defense counsel and the trial court that no bullet was extracted from the dog remains and that the State did not know what type of bullet was used to shoot it.

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As stated previously, the trial court limited Jarvis's testimony to what he personally observed when he saw the dog carcass, nothing more. Mr. Jarvis's involvement with the dog carcass was made at the request of Dr. Snider, who asked Jarvis to consult with him on the case.

At the time of the trial, Dr. Cameron Snider was no longer employed by the DOFS and was living in another state. From the records reviewed by Mr. Jarvis, it appears that the prosecutor may have learned about the existence of the dog carcass in the days immediately prior to the trial. Based on Dr. Snider's current location and the approaching trial date, it would be reasonable to assume the prosecutor reached out to Mr. Jarvis, who presumably was already going to be called as a witness due to his documented examination of firearms evidence from the shooting of Isaac Dawkins. It is likely that the prosecutor learned from Floyd County Police Officer Perry Maynard that Mr. Jarvis had been present, at least for a part of the time, when the dog carcass was submitted to the MEO, and called to ask him what he remembered about the examination of the dog carcass. It is without question that Mr. Jarvis's recollection of the events surrounding his involvement with the dog carcass would have been much clearer in 2001 than it was in 2022, but given the unusual nature of the request, Jarvis continues to recall much of the facts regarding the dog carcass. It is also likely that the prosecutor asked Mr. Jarvis to bring any items of evidence related to the case with him to court on the day of his testimony, a common practice at the time.

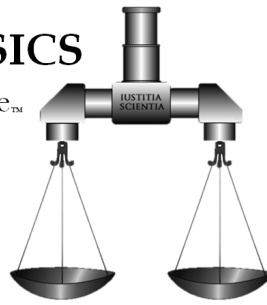
In order to procure the necessary evidence, Mr. Jarvis would have sought the assistance of Michelle Stephens, who was employed by DOFS as a crime laboratory technician. It would have been Stephens's responsibility to gather the necessary items, scan the barcodes placed on the individual items, and transfer them to Mr. Jarvis. This transfer was accomplished by scanning the individual items into a mobile bin. This allowed multiple items to be encapsulated in a larger container such as a large paper bag or cardboard box so only the container barcode was scanned, rather than the individual items, that were already recognized by the LIMS as being placed in the transporting container. Mr. Jarvis may not have been aware of each and every item he was transporting to the court. It is obvious from the trial transcript that he was aware of the existence of the x-ray film. Mr. Jarvis continues to maintain that he was never aware of any bullet extracted from the dog carcass.

As to Judge Thompson's assertion that Mr. Jarvis's testimony that "no medical examiner report was prepared regarding the dog examination" was false or misleading, Mr. Jarvis contends that Dr. Snider did not issue a report concerning his dissection of the grave dog. What the petitioner has presented as Dr. Snider's report was, in fact, prepared and issued by MEI Stephen Sours. This Record of the Medical Examiner (ROME) form does not constitute a medical examiner's report, which would have been authored and signed by Dr. Snider and would have included detailed information concerning the dissection, location of injury and recovery of evidence. The ROME report only states that "The dog is to be x-rayed at the Summerville DOFS" and includes no mention of any projectile(s) recovered.

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So, Judge Thompson's ruling that the "defense could have undermined the credibility of Jarvis-who testified at trial only that a visual examination and x-ray were performed on the dog remains and that no report regarding the GBI's examination of the dog was prepared by the medical examiner, testimony proven false by the newly discovered reports" on page 32 was, in itself, false and misleading as Jarvis was simply stating facts that are supported by DOFS and MEO records.

On page 17 of the ruling, evidence was presented that the Floyd County Police Department (FCPD) submitted a two-page Evidence Submission Form filled out by FCPD and given to the GBI's Department(sic) of Forensic Sciences. On that form, which was submitted to the MEO, there was clear indication that the evidence (dog carcass) was part of evidence on a previous DOFS case number 2000-1-1418 (the Dawkins/Watkins case). For some unknown reason, either the MEI Sours or the medical examiner Snider chose to create a new DOFS case number 2000-7-6087 and failed to cross-reference the newly created case number with the previous DOFS case number created for the death of Isaac Dawkins. This ill-fated decision also accounts for the failure of the GBI to locate records when requested during the subsequent investigation. This could indicate that it was obvious to Dr. Snider, or a member of his staff who created the new case number, that there was no connection between the projectile(s) recovered and the 9mm used to kill Dawkins. The footnote on page 16 of the ruling gives credence to this theory as Dr. Snider testified in the habeas hearing that "based on his training and experience, the bullet appeared to be a small caliber bullet consistent with a .22 caliber and was confident that it was not a 9mm."

This conclusion is also supported by Jarvis's own testimony at the 2022 habeas hearing, at which he explained that it is "obvious" that the extraction of a .22 bullet from the grave dog would not have been helpful to the State's case since the victim was killed with a 9mm as cited by Judge Thompson on page 31.

The only portion of my testimony that I would label as misleading was the statement that "we took an x-ray of the remains." The statement implies that I was present and/or involved in the procedure, which was not true. I meant it as a general term meaning that an x-ray was taken by DOFS personnel. I have never been present during the production of an x-ray film due to the risk of exposure to harmful radiation emitted during the procedure.

Jay Jarvis