



GEORGIA VS. EARL WATSON, JR.: My Forensic Epiphany

by Jay Jarvis

The journey began when I was in the seventh grade. I had really taken an interest in science, especially chemistry. I had constructed a small laboratory in the basement of my family's Long Island home. My interest reached a fever pitch as a junior in high school. My chemistry teacher knew someone who worked at the NYPD crime lab. I went with a group of students on a laboratory tour and I was hooked. It seemed to be the perfect way to parlay my interest in chemistry in a practical and interesting way.

Forensic television shows were in their infancy. Jack Klugman's portrayal of Quincy, M.E. intrigued the masses, but I was drawn to the lab rat, Sam, who operated outside of the limelight and conducted the scientific tests. While an undergraduate in college, I happened to see a notice on the bulletin board advertising a forensic chemistry program at the University of Pittsburgh. Acceptance was not a given, as there were only twelve students selected each year. I had to fly up for an interview, but fortunately my independent studies in forensics during my senior year in college impressed the program's administrators and I was selected for the class of 1979.

After completing an exciting and intense eleven months of study under the tutelage of expert practitioners from the Allegheny County Crime Laboratory, employed as adjunct professors at Pitt, I was able to land a job with the Georgia State Crime Laboratory. Located in the State Patrol Headquarters building on what was then Confederate Avenue, it was a far cry from the modern facilities that exist today. I was blessed to train with some of the finest scientists during my first two years in preparation for an assignment at the soon to be constructed Macon Regional Laboratory. One of the things that was drilled into my psyche during training was the necessity to conduct all testing with the utmost care and integrity. In homicide cases involving firearms, an expert's testimony that the defendant's gun was the murder weapon is potentially damning, resulting in a life or even a death sentence.

The satellite labs operated much differently back then, offering many of the services that are now only offered in one or two locations. My role as the sole criminalist for the Macon lab was to provide testing in firearms, trace evidence, fire

debris and explosives, latent print processing, and crime scene processing over a twenty-three-county region that encompassed parts of GBI Regions 2, 6, 12 and 13. In addition, the lab had an autopsy facility that was utilized on a regular basis by state and local pathologists.

As the resident firearms examiner, I was frequently asked to assist with post-mortems involving gunshot wounds. Investigators were often interested in knowing what caliber weapon was used, and if possible, a list of probable weapons that may have been used. During my sixteen years at the Macon lab between 1981 and 1997, I estimate that I have viewed at least 1500 autopsies and processed hundreds of crime scenes, many of which involved the use of firearms.

Over my thirty-two-year career with the crime lab, I strived to conduct myself with the utmost integrity. I believe I earned the respect of attorneys on both sides of the courtroom and numerous judges. I know of at least five individuals that were executed based in part on testimony that came from my lips.

Following my retirement in 2011, I took some time off before yielding to the

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many suggestions from colleagues to offer my services as a private consultant. In 2013, I hung out my shingle, and business was slow to come, but thanks to word of mouth and the internet, I soon found myself as busy as I wanted to be. I promised myself I would never put myself in a position where I took on more work than I could comfortably handle and would not compromise my standards of integrity that had served me so well for so long.

Surprisingly, many of my early cases came from outside the state of Georgia. Over time, that began to change; I'm not sure why, but it did. Which brings me to the case that has shook this 40-year veteran of the criminal justice system to the core—the State of Georgia vs. Earl Watson, Jr.

On June 10, 2019, I was contacted by the family of Earl Watson Jr., who was involved in a shooting incident that took place on July 30, 2018 in Wayne County, Georgia. On that date, Watson shot and killed Gary Floyd on a rural roadway located approximately 7.5 miles south-southeast of downtown Jesup. A series of bizarre

events prior to the shooting are worth noting to fully understand the context.

Numerous residents living in the area had previously reported to the Wayne County Sheriff's Office incidents of abnormal behavior by Gary Floyd in the months leading up to the shooting. Incidents of Floyd standing in the middle of a county road, holding and swinging a shovel, blocking vehicles from passing. Numerous residents reported that Floyd came uninvited onto their property and threatened them. Earl Watson, Sr., the defendant's father, told authorities that Floyd threatened him with a sling blade on his front porch. Other neighbors recounted how Floyd came onto their property and threatened to kill them or other members of their family. One resident reported that Floyd stopped him in the middle of the road one day and told him to do what he said or that he'd "die there that day." A retired sheriff's deputy and state trooper carried a gun when out in the neighborhood due to things he knew about Floyd. Many of the local residents


had also begun to arm themselves when traveling to and from the neighborhood.

Earl Watson Jr. was well aware of the threats that Floyd had made to others. His wife had been one of the people previously targeted by Floyd. Watson had taken out a good behavior warrant to keep Floyd, who was widely believed to be using methamphetamine, away from the Watson family members who lived near a road bearing the family's name that runs through the family property.

On that fateful day, Watson left his job as an IT Specialist for the county schools to go home to get medicine for an upset stomach that was bothering him that morning. As he rode past the home Floyd lived in and saw him in the yard, he thought it would be a good time to stop and introduce himself, as they had never met. Watson wanted to make sure that Floyd understood that his home, which actually faces the dirt county road but has a Watson Road address, was included in the list of homes that Floyd was to stay away from.

Watson stated that after he stopped his truck just south of the Floyd residence, he exited and walked to the driver's side rear corner of the truck. Words were exchanged between the two men. At trial, testimony related to Floyd's toxicology report showed his meth level was at the toxic to fatal level. This would explain why Floyd would not be calm but be extremely violent and uncontrollable. Floyd charged at full gallop toward Watson, in what Watson described as a football tackling position. Watson produced a 9mm pistol from his pants pocket, chambered a cartridge by pulling back and releasing the slide, and told the decedent to stop or he would shoot him. Watson even went so far to fire a warning shot into the air in an attempt to stop the Floyd's rapid advance. Watson was in fear for his life, knowing he could easily be overpowered by Floyd, or worse yet, Floyd taking the pistol from him and using it against him. When it became clear to Watson that he had no choice but to shoot, Watson fired the remaining six cartridges at Floyd, who ultimately fell face down near the rear of Watson's vehicle.

Watson was so traumatized by the events that unfolded he urinated in his



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pants. Now out of ammunition and unsure what action Floyd's approaching wife might take, Watson got back in his vehicle and drove the short 0.2-mile distance to his residence, where he left the pistol in his vehicle and immediately called authorities to report the shooting. Watson voluntarily surrendered to sheriff deputies without incident upon their arrival.

The decedent's wife Beth Floyd gave a distinctly different version of the events that took place. She stated that Watson was the aggressor and shot her husband for no apparent reason, even walking behind him after he went down and shooting him in the back.

As a forensic scientist, I was confident that the physical evidence would help to ferret out the truth as to what happened. I requested and was provided with copies of the investigative and forensic reports, as well as crime scene photographs and diagrams to review.

The decedent was not wearing a shirt, and all the gunshot wounds were located in the torso above the waist. The gunshot wounds facing the front in the chest all exhibited the characteristic dark areas of abrasion around the perimeter of the wound and were correctly characterized by the medical examiner as entry wounds. Only one bullet was recovered at autopsy and no bullets were recovered at the shooting scene.

The gunshot wound in question traverses an area between the top of the right shoulder and the middle of the back. The medical examiner's report identified the entry wound as being in the back with the exit in the top of the right shoulder. This opinion, while seemingly consistent with the statement made by the decedent's wife, was totally inconsistent with the appearance of the wound and the physical evidence at the scene. The limited abrasion in the shoulder wound is due to the presence of bone directly beneath the wound area, which limits the amount of skin elasticity and therefore abrasion. The hole in the back exhibits no such evidence of abrasion.

If Watson did leave his position at the rear of his vehicle and walked around to the back of the victim once he was lying face down on the roadway, it would have been necessary for him to crouch down and fire the shot at such a low angle to permit the bullet to exit the top of the right shoulder. More importantly, there would be a single cartridge case located on the west or opposite side of the roadway. The evidence clearly shows that all seven of the fired cartridge cases were located on the east side of the road, completely consistent with where Watson stated he was standing when the shots were fired.

his neighbor? In broad daylight? In front of a witness?

As a professional courtesy, I decided it would be best to contact the medical examiner who performed the autopsy. Since I was not familiar with the medical examiner who performed the autopsy, who had only been working at the GBI since 2017, I first reached out to a former colleague who was one of the medical examiners at the Coastal Regional Crime Lab in Savannah. I assumed with his decades of experience and his colleague's relative lack of experience, he would be willing to take a look at this case. He stated he was unable



The state's decision to charge Watson with murder appears to be based solely on the medical examiner's opinion that Floyd was shot in the back. The state apparently also operated on the misguided theory that Watson had planned to kill Floyd all along. That theory is flawed for a number of reasons. First of all, the Watson family owns a wooded tract of land opposite the Floyd residence. If they wanted to kill their neighbor, a well-placed shot taken from a tree stand using a high-powered hunting rifle would have been a much better option. Second, Earl Watson's 9mm pistol was loaded with full metal jacketed target practice rounds, rather than the expanding bullets preferred for self-defense. He didn't even have a round in the chamber, which limited the total ammunition capacity by one. Does that sound like someone who wanted to kill

to "go behind another medical examiner." He did take my phone number and I soon received a return call from the doctor who performed the autopsy. We discussed my concerns at length, including the crime scene evidence and what I considered to be the total misinterpretation of the back wound. She promised to look into the matter, and I fully expected her to amend the original report. This did not happen.

On June 24, 2019, I left my wife and another couple at Orange Beach, Alabama and testified the following day on Earl Watson's behalf in an Immunity Hearing before Superior Court Judge Stephen Kelley. I expressed my opinion that one of the shots struck the decedent in the top of his right shoulder as he was either falling down or charging and exited out the back. After waiting over four months, Judge Kelley denied Watson's motion.

MY FORENSIC EPIPHANY *Continued*



While I was at GBI Headquarters in early November, conducting a court ordered re-analysis of evidence in another case, I asked an employee to call downstairs to see if the Chief Medical Examiner, Dr. Jonathan Eisenstat was in the office. I simply wanted to pass along the case number and ask him to look into the matter. He was in the office and all I needed was two minutes of his time. We then went back and forth with questions, who was I, what was this about, etc. I was told to make an appointment.

When I was a supervisor, if I ever received a call concerning a complaint and

possible quality issue involving an employee, I would never blow somebody off in that manner.

Two days later I penned a letter to the GBI Director, detailing the facts in this case and asking him to look into it. I even pointed out that the GBI case agent assigned to investigate this case at the request of the Wayne County Sheriff never even interviewed Watson. No interview with the shooter? The agency I used to work for was not known for this type of oversight and certainly not the seemingly indifference to investigating an allegation of an error in their work product. Crickets. No response. Nothing was ever done.

Watson's attorney, Tracy Alan Brown, realized that going forward, it would be necessary to seek out another forensic pathologist to conduct a review of the case. Despite my years of experience, I'm not a medical doctor nor have I played one on television. I suggested they contact Dr. Jamie Downs, who had left the GBI and started his own private consulting business in Savannah. Downs conducted an extensive review of the autopsy and concurred with my assessment of the gunshot wound in question. He also raised other issues related to how the autopsy was conducted and documented. Downs also requested DICOM images from the autopsy that mysteriously could not be located.

After a two-year-plus wait due to COVID-19 issues, Earl Watson finally got his day in court. The defense took the better part of two days to present its case. After just a few hours of deliberation, the

jury found Watson not guilty on all seven counts. He was finally a free man.

The case took its toll on the Watson family. When he was indicted, Watson was let go from his job by the Wayne County Board of Education. He was forced to move out of his home as a condition of his initial bond due to protests from the decedent's wife. That requirement was later rescinded. I can't even imagine the mental and financial impact it had on the family. That was one of the reasons I agreed to work pro bono on this case.

The biggest disappointment was the agency that employed me for over thirty-two years ignored my repeated attempts to right the ship. Local authorities brushed off multiple warnings concerning the bizarre behavior of Gary Floyd in the months leading up to the shooting. One can only wonder what might have happened if he had gotten the help he needed. Red flags should have gone up when I testified at the Immunity Hearing, red flags that should have been taken seriously by the district attorney and the judge. When anyone with forty years of forensic experience presents valid and well-reasoned evidence that a mistake has been made, you would think that would get someone's attention in the criminal justice system. It didn't. My view of the system has been forever altered as a result of what happened to Earl Watson. If it can happen to him, it can happen to anyone. Thankfully the jury listened and got it right.



Jay Jarvis is a native of St. James, New York. He has worked in forensic science for over 40 years, his first 32 with the Georgia State Crime Laboratory. Following his retirement, he has

worked in his own private forensic consulting business, Arma Forensics. He has an avid interest in forensic science history and has published the book "Georgia's Crime Doctor" about Dr. Herman Jones and the early history of the Georgia Crime Laboratory.



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