

1 INTERVIEW OF RICHARD MARKS BY DDA ERIKA JEREZ, DAI RANDY LITWIN,  
2 PAULA MITCHELL, ADAM GRANT, AND JACQUELYN REMBIS

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4  
5 Case No.: A760016  
6 Case Name: People v. Andrew Wilson  
7 Recording Date: December 13, 2016  
8 Recording Time: 10:09 AM  
9  
10 Long Beach Courthouse

11  
12 LEGEND:  
13 J- DDA Erika Jerez  
14 L – DAI Randy Litwin  
15 M – Richard Marks  
16 PM – Paula Mitchell  
17 G – Adam Grant  
18 R – Jacquelyn Rembis  
19 U – Unidentified Voice  
20 (\*\*\*) – Unintelligible

21 Transcribed By:  
22 Jacquelyn Rembis

23 January 2017

Interview on December 13, 2016

1  
2  
3 L: Today's date is December 13, 2016; it's approximately 10:09 AM in the morning. This  
4 is Senior Investigator Randy Litwin with the Los Angeles County District Attorney's  
5 Office. This will be reference case, Los Angeles Superior Court Case Number A760016,  
6 Andrew Wilson, and we're at the Long Beach Courthouse and we're going to be  
7 conducting an interview with retired LAPD Detective Richard Marks. And present in the  
8 room, we'll just start to my left and we'll go around and introduce ourselves.

9 M: Richard Marks, M-A-R-K-S.

10 J: Erika Jerez, Deputy District Attorney, spelled J-E-R-E-Z.

11 R: Jacquelyn Rembis with Loyola's Project for the Innocent.

12 PM: Paula Mitchell, M-I-T-C-H-E-L-L, Legal Director for Loyola Law School Project for the  
13 Innocent.

14 G: Adam Grant, also for Project for the Innocent.

15 PM: Can I just ask how long we have for the interview today and whether we'll have time to  
16 ask questions at the end.

17 J: I don't see why not.

18 PM: How long do we, how long is the-how long do you have today?

19 J: How long do you-

20 M: I'm retired, every day's a Saturday.

21 PM: Perfect, okay great. Thank you.

22 J: I didn't bring y'all out here for nothing.

23 PM: Well I didn't know when you said earlier that you were gonna ask- you had a lot of  
24 questions to ask and we can jump in, I didn't know if that meant, in addition to asking our  
25 own questions.

26 J: I just thought it would be less complicated than to have multiple voices going back and  
27 forth cause we're going to have to listen to this later and figure out who's saying what.  
28 You and I sound somewhat similar.

1 [1:40]

2 J: Alright, so we are here on the Andrew Leander Wilson case, A760016, it's here on a  
3 habeas petition and Mr. Marks did not provide a declaration to the petition, but we do  
4 have a lot of questions. So, Mr. Marks if you need to refer to anything at any time just let  
5 me know what you want to look at. Did you bring anything with you today to take a look  
6 at?

7 M: I brought a copy of the original murder book, which was provided to me by Detective  
8 Rick Gordon from South bureau.

9 J: And when did you get that murder book?

10 M: I think it was Thursday of last week.

11 J: And you've had it in your possession the entire time?

12 M: I have.

13 J: Did you add anything to the murder book since you've got it?

14 M: No.

15 J: Okay. Have you taken anything out of the murder book?

16 M: No.

17 J: Okay.

18 M: I took my own notes.

19 J: Okay, but when you say-

20 M: I mean not out of the book. I took notes.

21 J: Okay so you went through the book and took a look at it to refresh your memory?

22 M: Yes.

23 J: Did you also bring some CDs of a recording?

24 M: I did.

25 J: What are these for?

26 M: I believe you asked Rick Gordon for them and he brought them to me at the same time.

27 J: Okay. So you don't know what these are?

28

1 M: I do. They're Vincent Sanders.

2 J: Okay. So, it's the recorded conversation for Vincent Sanders on- but this is a DVD  
3 version?

4 M: I think it's probably just a CD.

5 J: Or CD. Okay so it's an audio CD taken from a tape. But, I mean it wasn't originally  
6 done on CD-

7 M: Correct.

8 J: -It was done on a cassette tape.

9 M: I don't want to say a reel-to-reel. Probably a cassette.

10 J: Okay. So, have you had a chance to look at the petition? I think I sent it to you by email.

11 M: Whatever you sent me, I read that.

12 J: Okay so the petition. I think there were some exhibits to the petition and if you need to  
13 look at anything, just let me know, I've got a copy. You're aware that one of the claims  
14 of the defense is that there were undisclosed fees paid to the witness Saladena Bishop.  
15 Do you know anything about those fees?

16 [3:37]

17 M: I do.

18 J: Okay, can you tell us what you do know?

19 M: What I remember is that, she came to us – I want to say it was post preliminary hearing –  
20 and she was having problems because several years earlier she had lived with a woman, I  
21 forgot what her relationship was with Andrew Wilson, but I think Andrew Wilson's  
22 children lived there, and any way they were being, I guess hostile for one of the better  
23 word, and she also brought up the fact that, which she had reported earlier, that Wilson  
24 had called her from, several times, from, while he was incarcerated in county jail.  
25 Initially he alleged that he was, or he represented himself as the prosecutor and then I  
26 think it was somebody else and at some point ultimately he had admitted to her who he  
27 was.

1 J: Okay were those the three phone calls that came up during the course of the trial? Where  
2 he threatened to- he threatened that she would be charged with perjury?  
3 M: Yes. Yeah, I bel-he suggested that, yes.  
4 J: Was there also some information that you had that she had been the victim of a recent  
5 house fire?  
6 M: I don't recall that.  
7 J: Okay. I just want to take a look at something here.  
8 [4:53]  
9 [Background conversation]  
10  
11 [5:36]  
12 J: You did file paperwork to get her witness relocation fees, correct?  
13 M: I did, in fact I think what you're referring to is in the last sentence of- I can't tell what  
14 page this is- but this is the application for witness protection assistance. Where it says,  
15 "since leaving the relatives home, fire at that location, damage the bedroom and  
16 possessions of the witness" and that would be Saladena Bishop.  
17 J: Okay, and so you're referring to something that's filed under tab 14 of the murder book?  
18 M: Correct.  
19 J: And it's the second page of the - confidential witness protection program request,  
20 correct?  
21 M: Yes.  
22 J: Okay. So, at some point in time you had been made aware that there had been a fire?  
23 M: If I wrote it in there I must've been aware of it, yes.  
24 J: Okay. Was that part of the basis for the relocation?  
25 M: I think it was. I mean that's what- a single sentence there's justification above that,  
26 which I already mentioned.  
27  
28

1 J: Okay. Now the-we located a receipt for payment of about a thousand dollars to you that  
2 you gave to somebody else for safe keeping. Was that money eventually given to  
3 Saladena Bishop?

4 M: I don't have any independent recollection, but I'm sure it was.

5 J: And, what would that have been for?

6 M: I believe according to the application it's for 6 months' rent- or "will cover 6 months"  
7 let's see, but I remember it had to do with rent - \*\*\* the forms anymore. Here it is, "first  
8 and last months' rent, utility hook-up, and incidental moving costs."

9 J: Okay. Now would she have given you receipts for those charges or how does that work?

10 M: From what I remember, I mean I don't have any independent recollection, but from what  
11 I remember was the practice. We did not give the money directly to a witness.

12 J: Okay.

13 [7:31]

14 M: On the off chance that we're responsible for it and we don't want them spending it for  
15 anything except what it's intended for. So chances are, I would expect we would've paid  
16 the money directly to wherever it was she chose to live for those, I mean for what it said.

17 J: And in order for you guys to get reimbursed through the witness protection program for  
18 those fees, would you have to provide the receipts to the, to the program? For LAPD to  
19 get reimbursed for the thousand dollars or no?

20 M: My recollection would be yeah. They were very particular with that.

21 J: Okay. Do you have any specific recollection in this case whether LAPD got reimbursed  
22 for the thousand dollars?

23 M: No.

24 J: Okay. Is there any way to verify where the money went aft-other than this particular  
25 application and the-

26 M: Well, I mean the way the process works, I don't know if you're familiar with it or not,  
27 but it goes through the District Attorney's Office. So, in other words there's a case  
28

1 number and everything, a reference, and then what happens is- and once that's approved,  
2 then we go to the Office of the Chief of Police, he writes us a check, that's what- because  
3 we basically pay everything first and then we get reimbursed by the State, through the  
4 DA's office.

5 J: Okay. And-

6 M: But I would imagine the DA's office has their own \*\*\*

7 J: Okay. But it's a particular branch- it's as opposed to the trial prosecutor or somebody  
8 like that it would be going through another part of our office, correct? Like you, Laura  
9 Aalto would not have been involved in approving funds or anything like that, would she  
10 have?

11 M: I don't know if- she's not the one that would've signed off and okayed the funds, but I  
12 presume she would've been aware of it.

13 J: Mmkay.

14 M: I mean I don't have a recollection of specifically talking to her about it, but I can't  
15 imagine that we would've done it without informing her.

16 J: Okay. Is there anybody else you would've informed other than maybe the trial  
17 prosecutor or the overseeing portion of the DA's Office that would've been aware of the  
18 fees?

19 M: Well the Office of Chief of Police were the ones that had to write the check.

20 J: Okay. Anybody else like on the defense side? Defense attorneys? Defense  
21 investigators?

22 M: I mean as far as approving it or paying?

23 J: No, just being advised as to the transfer of money or the- or the relocation of the witness?

24 M: I don't have any independent recollection. We certainly wouldn't have told them where  
25 she was going.

26 J: Of course.

27 [10:02]

1 M: But as far as the other, there was no secret. I mean with that so, I mean-I don't recall  
2 telling him, but it wouldn't have been a secret.

3 J: Do you remember him asking you at any point in time or trying to make arrangements to  
4 interview her before trial where you had to perhaps disclose that she had been relocated  
5 and you'd make her available but you wouldn't give up her address. Something along  
6 that line?

7 [10:21]

8 M: Without going back through it, and now, that doesn't jump out at me as - from what I had  
9 read. I know that he is completely different, but I know he came to the station and went  
10 through the evidence page by pa- He went through the murder book page by page and  
11 copied things that he didn't have and that's indicated in the chron.

12 J: Right and that's, that was Franklin Peters? Or was that an earlier attorney?

13 M: Peters doesn't strike me - I remember Franklin Peters maybe a brother or something. Let  
14 me see its -

15 L: Was it Barnes?

16 M: Barnes.

17 J: It was Barnes? Was that the person who handled it before trial?

18 L: Jim Barnes.

19 J: Okay.

20 M: Yeah, it was the original attorney.

21 J: Do you have anything you wanna-

22 PM: I just, I wanna get clarification but I don't know if you want me to wait until the end or if  
23 you want me to-

24 J: If-I think if it's on this topic it makes sense to --

25 PM: Okay, so I just want to make sure I'm clear because I haven't seen -- this is Paula for the  
26 recording -- I haven't seen the original murder book so I'm not sure what's in there and  
27 what's not. So is the process that you were describing that, you make, you do the  
28



1 application for the funds for the witness and then its either approved or not approved and  
2 then you receive the bill from the apartment or wherever the funds are going to be paid to  
3 and then the check comes in and it goes straight to that apartment?

4 M: Almost. It's approved – the county approves it or the DA's office approves it. We take  
5 that approval and go to the Chief's Police office. They write us a check. Then I, from  
6 what I remember, then we had to go across the street to I think it was Security Pacific and  
7 they would fingerprint us, I mean and fingerprint us and then give us the money cause  
8 we're asking for cash. And then we would, once she had selected a place or she had  
9 already selected then we would go there and talk to the manager or the owner or whoever  
10 it was and the money would go to them and we'd get a receipt.

11 PM: Okay. And then this note which I think I saw you looking at. Does this suggest that that  
12 payment was made?

13 M: Yes.

14 PM: Payment came in.

15 J: Let's just clarify what that is. Is that from one of the Bates stamped discovery or is that  
16 from –

17 PM: That's from – it was on-

18 J: The murder book?

19 PM: -the page that was opened just a moment ago in front of Det. Marks.

20 M: It was 14, right at the beginning of 14. Cause I've seen that before.

21 J: Okay. So counsel's referring to a handwritten note attached to the witness protection  
22 program request, which is dated July 9<sup>th</sup>, 1985 and it's under tab 14 of the murder book.  
23 It indicates, "Received check from-"

24 M: O Cop.

25 J: O Cop?

26 M: Office of the Chief of Police.

27 J: Okay. "For a thousand dollars made out to Rick Marks, gave to Captain –"

28

1 M: Captain Diamond, he was the, I think we had detective commanders at the time and he  
2 was the Captain.

3 J: So he would've held onto that until you showed that it was for some reimbursement –

4 M: Yeah, until we were ready to cash it.

5 [13:11]

6 J: Okay.

7 PM: Then I just have one other question. On this same topic. This is something that Mr.  
8 Wilson came across but I don't think it was part of the murder book it's a printout of  
9 payments that were made. Does that look to you to be the same payment that's  
10 referenced in the handwritten note and in the application for the payment?

11 M: Yeah that's got Bunch, Bunch was my partner. [13:33] And so that would

12 PM: And then if you look at the next page it's a

13 M: \*\*\*

14 PM: a continuation. It's one of these very wide spread sheets.

15 M: Okay. Here's the date. Okay. That would appear to be. I've never seen this before.

16 PM: Okay. I just wanted to see if that looks like the same, it's referencing the same.

17 M: I think it is.

18 J: The document counsel's referencing is, well it's a four page document, ones – one of the  
19 – two pages one page is double side, it's a spreadsheet from the witness protection  
20 program with date ranges December '85 through March of 84. That's kind of – the dates  
21 they're all- they're not chronological. And there's an entry from July 9<sup>th</sup>, 1985 for  
22 Detective Bunch showing that witness Saladena Bishop on a murder case received a  
23 thousand dollars. And it's got the Petitioner's name.

24 PM: And it's just a portion of a larger document that was an exhibit to the Petition.

25 M: In fact I can only speculate that \*\*\*

26 (Intercom in the office plays)

1 M: I did this form and I'm wondering if Bunch is returning the receipts and that's why his  
2 name is there. Cause I would've thought my name woulda been there.

3 J: It – to your knowledge, is that the only payment that was made to Saladena in this case?

4 M: Yes.

5 J: Were there any other witnesses who received witness protection program fees or any  
6 other kind of money?

7 M: No.

8 [15:05]

9 J: So she's the only one?

10 M: Yes.

11 PM: And then I just have one follow up question on the next topic, which was the production  
12 to Jim Barnes. And I noticed that some of the pages in the murder book that was  
13 produced to Mr. Wilson have a handwritten note at the top that say produced to Mr.  
14 Barnes or something along those lines. And my question is, were those the only pages  
15 that were produced to him or why would some pages have that annotations and others  
16 not?

17 M: Can you refer me to one or-

18 PM: I'll keep looking and let me know if you want to continue with the questioning and I'll  
19 find it.

20 J: Okay I'm just going to-

21 [16:02]

22 J: There was a note – some of this stuff I don't know if I sent you Laura Aalto's notes, I  
23 probably didn't. There was some, there was some notes.

24 M: I think you did.

25 J: Okay, maybe I did. I bates stamped the discovery and produced it to defense counsel.  
26 I'm referring to bates stamp 104. There's an entry by Laura Aalto in our file that the  
27 witness got evicted from the witness protection program.

1 [16:44]

2 M: I hadn't seen this before. I don't remember her getting evicted, but...

3 J: So it doesn't ring any bells?

4 M: No.

5 J: Would that – if Laura Aalto's writing about witness protection placement, that's the same  
6 program that you would've applied for funds from?

7 M: Yes.

8 J: There's not another program?

9 M: No.

10 J: Okay. If she had been evicted and then further relocated, would that have been disclosed  
11 to anybody? Other than Laura Aalto?

12 [17:19]

13 M: Speaking for myself, I don't know that I would've told anybody, cause I'm not going to  
14 tell him her address.

15 J: No, I understand. But, you know sometimes as we're getting ready for trial defense  
16 requests to have an interview or meet with somebody and we'll say "okay, we're going to  
17 make em available, we're not going to tell you where she is, but we'll bring her in or  
18 we';; set something up at the station or the DA's Office." Do you remember any of that  
19 happening?

20 M: No. But again, I'm just going from my own practice, that – I don't know that I would've  
21 told the defense if she had moved or changed address. I don't know that I ever would  
22 have said that.

23 J: Okay.

24 M: Cause he didn't have the address to begin with, I don't think. Well, I take that back  
25 because Andrew Wilson had her address. That's how he contacted her by telephone.

26 J: So question, so the phone number that she was contacted at, was that a phone number she  
27 had after relocation?

28

1 M: No, that was I think prior, in fact that was prior to the prelim. I think that was either the  
2 day of or the day after the line-up procedure. Because what had had happened was, as we  
3 learned and didn't understand at the time, but when we transported him and Terrell to the  
4 county jail in time for them to be placed in separate line-ups. Then what the Sheriff's  
5 want, they want a copy of the report - in this case it was an arrest report - to staple to the  
6 paper bag that they put his clothes. Because everybody in the line-up appears in the same  
7 clothes or that's my recollection. And then what happened was when the line-up was  
8 over, the deputies gave him the paper bag, with the arrest warrant attached, with her name,  
9 phone number, and address on it.

10 J: Unredacted?

11 M: Unredacted.

12 J: Lovely. Okay.

13 G: And how did you find that out?

14 M: We figured that out. We figured how else would he have gotten it? And it's established  
15 that, yeah they gave him the bag back.

16 G: Do you have any knowledge of these phone calls beyond her telling you that they  
17 occurred?

18 M: No.

19 PM: Did you ever hear the recorded version that apparently, at one time, there are references  
20 in the murder book to there being a recording of those phone calls.

21 M: I'm certainly not aware of that.

22 J: Yeah, let me see if I can find that for you here. "Tape recorded statement confessing"  
23 there was a reference; I think that might have come from your exhibit, exhibit 10. Where  
24 the Petitioner confessed that he had contacted Bishop? And it was a tape recorded  
25 conversation?

26 M: I don't remember there being any, keep in mind this was 30 years ago, if this was today,  
27 there would be a recording.

1 J: Right.

2 M: Cause they record everything from what my understanding is.

3 G: Do you know that they didn't back then or are you just guessing?

4 M: As I sit here right now, I can't tell you one way or the other. I'm just speculating.

5 J: If we don't have an actual recording, like for example you were able to produce the tape  
6 of Vincent Sanders today, can we safely assume that there wasn't one ever or-

7 M: Yeah, I think on the note that Rick attached to this, he says under that DR number there  
8 are no other tapes.

9 J: Okay.

10 M: That's what it says to verify "no other audio tapes archived under this DR number."

11 J: Now archived under meaning they don't exist currently. Is there any way to make the  
12 assumption that they never existed in the first place? Is that a proper assumption or not?

13 M: Yes.

14 J: That's a proper assumption.

15 PM: I would say that that's not a proper assumption based on the fact that it says, "Will  
16 provide cassette for copy of Freeze interview with Wilson re calls to victim" and then-

17 J: Which entry is that? Go to the page-

18 PM: I unfortunately, my pages aren't numbered.

19 G: Well the date-

20 PM: It's 12/17.

21 J: 12/17 of the chron?

22 G: Of his chron.

23 M: Okay, what date is it?

24 PM: December 17.

25 J: How come- I know there was another recording you guys' talked about.

26 [21:29]

27 M: So is this like on page 28, I'm guessing?

28

1 G: I don't know that we have-

2 PM: Our pages are not numbered.

3 G: Oh is that-

4 PM: Oh yeah \*\*\*

5 J: Page 28 of the first tab.

6 M: Yeah, I see it and that's my handwriting.

7 G: Yeah.

8 J: So this is "provide cassette for Freeze interview." So there was another tape at some

9 point in time.

10 M: Well from what it says here. I don't remember, I don't remember there being other tapes,

11 that doesn't say there were any other tapes. And I know in section 14, I don't think I

12 logged on the, on the witness list, that there were any other tapes.

13 J: Wanna take a look at 14?

14 M: That's where I'm going.

15 J: But, I mean, that entry had to come from somewhere.

16 M: Well, it came from somewhere cause I wrote it. On the witness list, the only tape number

17 that's recorded is the one from Vincent Sanders.

18 J: Do you think that the entry, it says "will produce" - is there, do you have any idea as to

19 whether or not that was actually produced? To the defense?

20 M: Is there a reference after that? That you've already-

21 PM: No, it says that you "contacted public defender, left message for Jim Barnes, have yet to

22 receive blank cassette tape. Based on my review, I didn't see any other mention of it

23 being produced or any other reference to it.

24 M: I can't answer that.

25 J: Okay, but it looks like you actually did contact someone and leave them a message

26 indicating you had it and your procedure was what? They had to bring in a tape and you

27 would copy it or what?

28

1 M: Yeah, we were kinda cheap. "Yet to receive a blank tape," so we're waiting for a tape,  
2 and then I vaguely recall I read something that he \*\*\* them in or he makes reference to it.  
3 I didn't see anything else on the \*\*\* that there's a tape.  
4 J: You said, there was a tape, we told them we have a tape, bring in your blank cassette and  
5 then we have no further information of as to whether or not they actually picked it up or  
6 what?  
7 M: Not that I can deduce from that.  
8 J: Alright.  
9 [23:57]  
10 PM: While we're on the topic of December 17<sup>th</sup> and discovery. I did find an example of what  
11 I wanted to ask you about. So there are some pages in the murder book and here's one  
12 where you're, you made a note on the top that this was produced to Jim Barnes on  
13 J: Can you describe this document?  
14 PM: on December 17<sup>th</sup>. It's-  
15 J: Where'd you get it from?  
16 PM: -in the materials that were produced to Andrew Wilson produced as having been  
17 produced to him pursuant to his 1054.9 motion  
18 M: \*\*\*  
19 J: My goodness.  
20 M: Who's this? That's Wilson okay.  
21 L: Hm.  
22 J: It's a good thing you know your murder book.  
23 L: Yeah.  
24 [24:33] (pages flipping)  
25 J: So what tab are you under there? 12?  
26 M: I'm in 12.  
27 J: Okay. Tab 12. Document related to Andrew Wilson. It's got a handwritten note on it.  
28



1 M: Yeah I don't see that in 12.  
2 PM: It looks like it might be a RAP sheet ...  
3 M: It is. Wait a second it's a - There's a RAP sheet in here but it's not that one. This there's  
4 a CI RAP sheet in here.  
5 J: Do you see this exact document in there but perhaps maybe, this was a copy that got  
6 handwritten on? That's not in the murder book – the original murder book. Like would  
7 you normally write stuff on entries in the murder book as you went along or you would  
8 have-?  
9 M: Mmhm.  
10 J: -one clean copy and then you'd mark other things?  
11 M: No. That wouldn't be uncommon. I mean it looks like it's marked on here as opposed to  
12 a post-it note sitting up there cause other places in here I think there are post-it notes or  
13 things attached. Wait a minute – is this it?  
14 J: Oh there you go. Mmhm.  
15 M: Okay.  
16 J: Okay, so what tab is it?  
17 M: Still on 12, just–  
18 J: So 12 towards the ....  
19 M: -on the back  
20 J: back and the entry item is ...  
21 M: What do you mean the entry item?  
22 J: I'm just trying to give a description of the document it is Andrew Wilson's RAP sheet?  
23 M: Yeah it's a trailer applicant, history information. This was back in the time we still used  
24 LA numbers.  
25 J: And the handwritten note is at the top right hand corner.  
26 PM: So my question is: can you deduce based on your practice in that the documents that were  
27 produced would've had this annotation? And nothing else except what was annotated  
28

1 would've been produced? I'm just trying to figure out if there is any way to recreate  
2 what Mr. Barnes asked for.

3 M: No there's a second page and I'm presuming that it's both of them were provided cause  
4 there is, this is like half-

5 PM: Right. Right.

6 M: Okay and there's this second page.

7 PM: But it's not referring to the entire section, to the entire tab or-

8 M: No.

9 PM: -of the murder book.

10 M: No.

11 PM: Okay.

12 M: In fact I would figure at least these two pages.

13 PM: Okay.

14 M: Or maybe anything behind it. Okay there's also a 6 photo line behind it. But that's a  
15 guess.

16 J: So you didn't have a custom and habit of marking in your book which items you released  
17 in some way that you could later retrace your steps and find out which things had actually  
18 been released to the defense attorney?

19 [27:16]

20 M: No. Because what we said was we copied the murder book that would've been in total.

21 J: Why don't you just repeat that cause I don't think ...

22 M: I think in the Chrono it indicates we copied the murder book in and it doesn't say but that  
23 would've been in total.

24 PM: Oh where is – can you show-

25 M: I think it's in there ... let me get passed... the arrest is-

26 L: I think it happened like on December 17<sup>th</sup>

1 PM: My notes says "ID'd items for discovery were photo copied and provided, as opposed to  
2 "copied entire murder book."

3 L: Check this –

4 M: Well, let's see here. Well on let's see the 17<sup>th</sup>. Okay on the 17<sup>th</sup> he comes to the station,  
5 Barnes comes to the station. He identifies items for discovery that's not us and I think,  
6 let me look cause I may be confusing it with something else. No, oops there's a missing  
7 page here. No maybe I confused it with something else. Let me look through here. On  
8 February the 14<sup>th</sup>, it says Barnes contacts us and he requested any supplemental reports  
9 since the previous discovery and Wilson's booking photos that were in the mug books.

10 PM: Right and the next entry says "additional discovery mailed" and I think I recall seeing the  
11 same handwritten note on some other items dated February 15<sup>th</sup> ...

12 M: Okay.

13 [29:28]

14 PM: So it, it appears that he came, he looked at the murder book, he asked for certain items,  
15 you copied those items, you made a note that those were the items being produced, and I  
16 was just asking you if that sounds like a practice that you would've had or that was what  
17 happened in this case?

18 M: In fact, what my memory is that he came to the book and he went through his copy, of  
19 discovery, page-by-page with the murder book. That's what my recollection is. Okay  
20 and then what he didn't have, he asked for or I have this memory that he had some  
21 miniature little, sit on the desk copy machine, and he copied it himself. Okay that's my  
22 recollection I mean I–

23 J: This was Barnes or this was –

24 M: It would've been Barnes.

25 J: Okay.

26 [30:17]

1 M: But for him to come to the station and ignore everything else that was in the book and to  
2 only ask for what you just said-

3 PM: Well that's the way it reads to me. And that's why I'm asking the question.

4 M: -that's just, that's incredible.

5 \*\*\*

6 J: Well, let me ask you this. What was your custom and habit? Did you normally produce  
7 one copy of the murder book to each party once it was finished?

8 M: I've been both ways on that. Typically what would happen is before the prelim we would  
9 copy the entire murder book and my preference was the entire murder book. Now there  
10 were times that where we would give both copies to the DA and then there were other  
11 times that I'd give a copy to the defense.

12 J: It looks like at least in this case though it was made available and you produced some  
13 discovery that was requested.

14 M: Yes.

15 J: That's accurate?

16 PM: And the DA in this case would've been, was it Rosalie Morton at that point?

17 M: Befo- through the prelim it was Rosalie Morton.

18 PM: Okay, so it's possible both copies of the murder book were given to Rosalie Morton?

19 M: Yes.

20 J: Okay. Let's go on to-

21 PM: I just want to add one more thing, before we go on to another topic. I didn't see anything  
22 in the murder book suggesting that anything was produced after February 14<sup>th</sup>. Do you  
23 have any recollection of anything subsequently being produced?

24 M: I don't see it in the Chrono.

25 PM: Okay.

1 M: And it may have been different later this was I think this was the second murder that I  
2 had ever handled so I wound up putting a lot more things in the Chrono later just through  
3 experience.

4 [32:21]

5 J: Okay so I came across something in Laura Aalto's notes which have been provided to the  
6 defense on bates stamp 175. And the notes reflect that there was a, sometime between  
7 the prelim and the trial there was an alleged rape of Saladena Bishop that was not filed on.  
8 Did that ever come to your attention?

9 M: I don't remember back then I think I've read something about that just in the stuff I've  
10 read that you may have sent me or what I went through here.

11 J: Okay.

12 M: Vaguely.

13 J: So to your knowledge, you weren't involved in investigating that crime or-

14 M: No.

15 J: Okay. Do you know if your agency was involved in investigating that crime?

16 M: If she was living in the city of Los Angeles, it would have.

17 J: Okay. Well you were assigned to what unit at that time?

18 M: Homicide.

19 J: Okay.

20 M: Southwest Homicide.

21 J: So it wouldn't have been your division, right? It would've been another part of-

22 M: Well it could've been, at that time, the divisions handled sex crimes as well so it wasn't  
23 centralized.

24 J: So southwest homicide could've handled the-

25 M: No, Southwest sex. Maybe.

26 J: Southwest sex, got it.

27 [33:28]

28

1 G: What was the name of that officer who didn't file on that?  
2 PM: Purington.  
3 G: Purington or Pearlington. Do you remember him?  
4 M: Puring - I remember Purington. Tom Purington.  
5 G: Was he at southwest?  
6 M: I believe he was.  
7 J: Sex?  
8 M: You know I wanna say yes so I mean because that's where were going with here-  
9 G: Right.  
10 M: So I -  
11 G: Well I think he was the one who made the decision to drop the case.  
12 J: Right. Do you do you remember his first name?  
13 M: Tom.  
14 J: Tom.  
15 M: I think he's dead.  
16 J: That's unfortunate. Had he been with the agency a long time?  
17 [34:02]  
18 M: Longer than I had.  
19 J: Okay.  
20 PM: So you don't have an independent recollection of the alleged rape that you recall right  
21 now? You think it might be something that you came across recently as you were  
22 reviewing these documents?  
23 M: Yeah, that I didn't remember and it certainly didn't involve either Wilson or Terrell that I  
24 remember. I woulda remembered that.  
25 J: Do you remember whether Laura Aalto ever discussed it with you?  
26 M: I don't recall that.  
27 J: Okay.

28

1 [34:33]

2 J: Alright, so I want to look at –any questions on that? With him?

3 PM: Not at this moment.

4 J: So the defense produced a copy of the arrest warrant affidavit for Wilson, put in the  
5 Exhibit 2 and it's marked page 7. So I wanna ask you is: this particular page of the  
6 affidavit, do you know if that was actually included in the murder book?

7 M: I think that's the one that we just looked at back here. Back in 21 if you turn the page to  
8 it.

9 J: The typed written page number on the affidavit is page 3.

10 M: Okay, this page right here?

11 J: Okay. Okay yeah it looks the same. Wanna take a look? It's tab 21, the page mark  
12 number 3. It looks, comparing a few of the words in the sentences; it looks like it's the  
13 same page that was produced in Exhibit 2.

14 G: I'm sorry can I just see the preceding page?

15 M: Sure, the first page?

16 G: No, just- can I just see for a moment, the-

17 \*\*\*

18 J: Yeah I notice that the Exhibit that you guys attached to the Petition has some redacted  
19 portions. Is that the way your copy was or did you redact it prior to producing it in the  
20 habeas proceedings?

21 PM: That's how it was given to us.

22 J: Okay.

23 G: Okay, thanks.

24 J: Does it look like it's the same page.

25 G: Yeah.

26 [37:28]

27

28

1 J: Now I wanna talk about the photo line-ups because I've never encountered a 16  
2 photograph line up in my, since I've been here. Is that something, and I just perused the  
3 murder book and the line-ups with the actual photographs are in here, correct?  
4 M: Yes.  
5 J: Do you wanna explain the way in which you assembled your line-ups in this case and  
6 then let us know if there's any differences to how you generally did it or how you did it  
7 afterwards?  
8 M: Should be a 16 photo line-up, that's what I'm looking for.  
9 PM: I believe there's a 14.  
10 J: -or there might be a 14.  
11 PM: And 16 too.  
12 M: Right, it's the 16 that I'm looking for.  
13 [38:04]  
14 M: Was that introduced into evidence?  
15 U: It may have been, yeah.  
16 PM: It looks like this.  
17 M: That's the 14.  
18 J: The 14 yeah.  
19 PM: Oh, sorry.  
20 M: -the 15 and 16 will be all on one page  
21 PM" -there's A, B, and C.  
22 M: I don't see it in here.  
23 J: Cause that's the one that was shown to Saladena Bishop, correct the 16-.  
24 \*\*\*  
25 PM: I think B and C were shown \*\*\*  
26 M: I don't see the 16 photo line, but I know that they were both in a 16 photo line. Maybe  
27 it's somewhere else in here.  
28



1 J: You don't have any page number on there?  
2 PM: One, oh, no not on this one. It should be --  
3 G: What was that one-?  
4 PM: It should be B.  
5 G: -with all the little pictures you just passed back here.  
6 M: Let's see. That's crime scene photos that's --  
7 G: Maybe I-  
8 M: That's what I expected to see. That's evidence photos I think -- the wrong photos.  
9 G: Maybe I went too far, maybe it's just short of those. I saw something with a bunch of  
10 little pictures.  
11 M: I'll have to page through it cause it should've been in section 13. \*\*\* If you got copies of  
12 it then there should be a copy of it in here.  
13 PM: I believe there's a copy in here as one of our exhibits.  
14 J: Do you know which tab?  
15 PM: I think it's the thick one, the police report.  
16 \*\*\*  
17 PM: It's probably around page 107 or so.  
18 J: There it is.  
19 \*\*\*  
20 J: It's cause it's so hard to see. That's what my copy looks like.  
21 PM: That's all we have.  
22 J: That's what you have too?  
23 PM: That's all we have.  
24 J: You see this picture I'm looking at 107 under Exhibit 11. It looks like they've had all  
25 their eyes removed from the first two rows and it's not --  
26  
27  
28

1 M: Yeah. I'm trying cause I think I've seen that, but I thought I had seen the 16 photo line  
2 too. If it's in here, I'll have to just go through it page-by-page cause it's not where it  
3 ought to be.

4 J: Was there any –

5 L: I have the date 11/29 16 photo. I don't know if that goes by dates.

6 M: No.

7 L: Okay.

8 M: It goes by section.

9 J: So, in this case you had a 14 photo line-up, you had a 16 photo line-up, did you create  
10 both of those line ups?

11 M: No, I think John Bunch created the 14. I probably created the 16.

12 J: Okay. Was there any reason why you guys chose 14 or 16 photographs as opposed to the  
13 traditional 6 pack?

14 M: I can't speak for John's. Without going through and looking at everybody who was on  
15 there I don't know if he's pulling every name that's come up that she had gone through.  
16 Cause keep in mind that on the night of the murder she went through two of the large area  
17 mug books I think for burglary and robbery and so each of those probably has 500 plus  
18 photographs and from what I remember reading in here I don't remember, except for that,  
19 she picked an individual out, 4 of his photos from the mug book.

20 [40:55]

21 J: And that was the same person? That was Mr. McKinney?

22 M: Yeah, I guess it was McKinney. Turns out he was in jail, so was his brother. And I  
23 remember again from reading in here that we drove her around any number of times,  
24 around through the neighborhood to see if by chance she might see the individual. She  
25 pointed out somebody; he was transported to the station. Ultimately he was eliminated  
26 and released.

27 J: Right, that was –

28

1 PM: Walter Gibson.

2 G: That was Gibson, yeah.

3 [41:24]

4 M: And so she saw a number of people and I mean and the guy that she pointed out, she yeah  
5 that was basically an identification. I mean that she thought that was the suspect. And,  
6 the other one -

7 J: You mean McKinney?

8 M: McKinney. The first one. So I remember those and then John has the 14 photo line and  
9 I'm speculating but I imagine that some of the others the names that came up because we  
10 were checking with Wilshire and Southwest robbery and so forth. And so we were  
11 pulling some of those photographs. And then we were talking earlier, as far as a 16 photo  
12 line and I suspect I created that. And the question why 16 as opposed to two 6 photo  
13 lines? I don't really have a really good answer for that cause it would've been easier to  
14 create two 16 photo lines only involves 12, okay as opposed to 16. I'm thinking that, I  
15 had worked robbery. I only worked homicide for a couple of months and in robbery I  
16 was used to doing 16 photo lines with no filler. In other words, if there was gang-  
17 involved robberies, pull people from that gang, put them all in a mug book. They don't  
18 all necessarily look alike, but it's a - it was a line up in that, and I was used to doing that.

19 J: Was that how robbery-homicide was doing photo identifications at that time in 1984?

20 M: Robbery-homicide?

21 J: Well, you said you had come from robbery.

22 M: Well I came from robbery.

23 J: Okay, robbery.

24 M: And so in that case what I was doing, rather tha, I mean there might be 50 people in a  
25 gang, I mean that's a small number. And so, we'd try to pull the most active ones, then  
26 we'd and put them all in a line-up because otherwise and on a 16 photo line, you're gonna  
27 have some more variety then you would have if you were dealing with a 6 photo line. A 6

1 photo line, I've only got one suspect in it. Everybody else in that line-up oughta look the  
2 same. Similar.

3 J: So your practice though. So when you started off in robbery, you were putting people in  
4 the line-up who didn't even necessarily match the suspect descriptions? Or you were -

5 [43:26]

6 M: Well, we were putting in there was people, some of them may not have matched the  
7 suspect description. But I'm speaking off the top of my head here but basically, and if  
8 we had a certain gang that was creating crimes in the neighborhood.

9 J: Mmhm.

10 M: K then we might take a bunch of them that are active and on the street that we know are,  
11 have the opportunity. In other words you wouldn't take people that are already in jail,  
12 okay and put them in a line up.

13 J: Okay. What's the down side of doing it like that then? Did you ever have people being  
14 connected to crimes that, where they didn't match the descriptions and the only thing  
15 linking them was the identification? Would that ever happen?

16 M: Well, anytime there's an eyewitness only case and you need corroboration, of course.

17 J: Okay.

18 G: So did you bring that over to homicide as something that had worked for you in the past  
19 and you wanted to do it like that or did you have? It seems they did it differently in  
20 homicide, but you were doing this from robbery. Did you consciously do that for a  
21 reason?

22 [44:27]

23 M: I may have, I'm guessing. I don't have an independent recollection of it right now, but  
24 I'm just trying to - like why would I do that? Cause the easier thing would've been,  
25 would've been two 6 packs.

26 G: Right.

27 PM: Right.

28

1 G: How long were you in robbery?  
2 M: 6 months.  
3 G: What'd you do before that?  
4 M: About 18 months in burglary.  
5 G: Okay.  
6 PM: So we can safely assume that the photos in the 16 photo line-up weren't selected because  
7 they matched the physical description given to you by Bishop, necessarily?  
8 M: Well the, on the 16 photo line, you woulda had both Terrell and Wilson. And so the  
9 other photos would've matched one or the other. But then. Or would have been similar  
10 to one or the other. Cause Terrell was the one who had the big hair.  
11 G: Mmhm  
12 [45:12]  
13 G: But you were saying that some of them might have just been in there because they were  
14 either picked before or they were picked by some police officers in the area who might fit  
15 this or something like that?  
16 M: I'm thinking that's maybe what John did.  
17 G: Okay.  
18 M: Okay, with the 14. Now, on the 16, now cause I haven't looked at the names on who else  
19 appeared in the line-up –  
20 PM: Well, this is Marshaunt Jackson.  
21 M: He was there, I mean he was-that's another Freddy.  
22 PM: Right and I think Vincent Sanders and Clarence Pace were also on this one, correct?  
23 G: Right.  
24 M: Oh, okay.  
25 G: That's Right.  
26 PM: So these are all possible suspects.  
27 G: I think Candy might be in there too.  
28

1 M: There's actually witnesses in there then.  
2 [45:48]  
3 PM: Yeah.  
4 G: Yeah.  
5 J: So I mean when you're showing this to somebody and you've got witnesses and suspects  
6 all on the same page, what is the instruction you're giving to the witness who's doing the  
7 identification? Are you saying, "Look for any faces that are familiar" or are you  
8 specifically honing in on suspects?  
9 M: Well, no, there's an instruction on the back that you read. I mean you read literally to  
10 them. I mean you read it verbatim.  
11 J: Okay. But for example, let's say somebody who was there – I'm just giving you a  
12 hypothetical – somebody's there, they see a crime occur, there are other people in the  
13 area, who are not the perpetrators that they may or may not have seen, let's say she saw  
14 Clarence Pace running around the neighborhood, and there's also the suspects, they're all  
15 on the same page so if the instruction is "pick out- you know, is – please identify  
16 someone you believe may have been a perpetrator of the crime" that's the, you know,  
17 giving the gist of the instruction. And "if there's nobody, don't identify anybody," then  
18 you're gonna basically be telling that witness, "And ignore all the people who may have  
19 just been running around the neighborhood, as well" or were you hoping to get  
20 information on all of the potential people in the, you know what I'm saying?  
21 M: Right, well, that I'd have to guess because Pace, I mean we know who Pace was, we  
22 know who Marshaunt Jackson was, knew who Sanders was, so I know all those people  
23 already. And I think by that time, we'd already, I don't think we were considering  
24 Marshaunt Jackson a suspect anymore.  
25 J: Mmhm  
26 M: It started out to be that way cause they were knocking on the door ten minutes prior.  
27 J: Right. We're definitely going to get into that later.  
28

1 M: But the instructions' very clear. Is do you – the instruction says “do you recognize the  
2 person who committed the crime?” So not somebody that you necessarily recognize.  
3 J: So if she had recognized - hypothetically Clarence Pace – she would not have, based on  
4 the instructions you gave her, her goal was not to identify people connected to the crime  
5 or in the area. Just strictly the suspects?  
6 M: Yes.  
7 J: Okay. Would it not have been helpful to you to see if she could identify anybody other  
8 than the suspects? Since you put them on the page. Like, I'm just thinking, it's an odd  
9 arrangement of photographs.  
10 M: Yeah, I really can't explain that but I mean, I don't need her to identify the others if I  
11 already knew who they are.  
12 J: Okay.  
13 M: I mean so I just don't see that as a – I don't see that as an explanation.  
14 G: When you said you already knew Marshaunt Jackson and some of those guys, do you  
15 mean just from this case or because you were working that area? You knew them before?  
16 M: No, from this case.  
17 G: Okay.  
18 M: Okay, because the Peter, I can't remember his last name, lived there I think at 2218  
19 Hobart and mentions a Freddy.  
20 PM: Byron.  
21 G: Byron Berwick.  
22 M: Byron okay. Mentions a Freddy knocked on his door 10 minutes prior.  
23 U: Right.  
24 M: Turns out that Freddy's Marshaunt.  
25 U: Right.  
26  
27  
28

1 M: Okay, so imagine - Now I'm just thinking off from reading it down, I don't remember  
2 back then, but I imagine that we would've considered Marshaunt until such time as -  
3 cause he wound up being interviewed.

4 J: Correct. I do want to get to him later. Alright well let's go to the affidavit then.

5 [49:03]

6 J: Back to the affidavit.

7 M: 21.

8 J: Cause there's a statement in here that has become a subject of discussion in the petition.

9 U: Right here.

10 J: Let's see.

11 M: Right there.

12 J: Yeah. Okay, so she, so right in the middle of page line 13, it says "she" referring to  
13 Saladena Bishop then and this is page 3 of item 20, or under tab 20 of the murder book,  
14 "she then eliminated several of the photos, following which your affiant directed her  
15 attention to Wilson's photo, which she then identified with 80 percent confidence." So,  
16 the question is what do you mean when you say "directed" her to that photograph?

17 [49:51]

18 M: Just exactly what it says.

19 J: Okay, well explain. What's the process? So you're showing her the 16 page-

20 M: I showed her the photographs, she's made the 40 percent on Terrell, she's eliminated  
21 some people, and I can't say from in here and I don't remember if she eliminated Pace or  
22 those others or what, but she eliminated some people as opposed to nonidentifications.  
23 So, but I can't tell, I don't recall who those were. And she's done with that. Okay, I'm  
24 looking for feedback. Okay, and so and as I write in here, I mean I make it very clear up  
25 front, I'm not withholding the fact is I direct her attention, in other words "what about  
26 him?"

27 J: Okay, so you literally pointed at - do you guys have a picture of the, 6 page one,  
28



1 G: Of which?  
2 PM: of the 16 one or the?  
3 J: the 16 one.  
4 \*\*\*  
5 J: He's item number what?  
6 G: 7, I think.  
7 J: Number 7, not that you can see it on here. So item number 7, so you're literally saying  
8 take a look at number 7 and it didn't have his name on it, correct?  
9 [50:51]  
10 M: No, it didn't have his name or anything on it.  
11 J: Okay, so she's just looking at a photograph it's in the second row and you say take a look  
12 at number 7 and what do you tell her?  
13 M: That's what I tell her.  
14 J: You say –  
15 M: I say "How bout this" I don't remember the exact words, but it would have been  
16 something like "how bout this?" It wasn't "this is the guy that did it, take a look at him."  
17 It was, more or less, but I'm directing her attention, I am *directing* her attention.  
18 J: So, you're prompting her because until then she hasn't paid any attention to it – is that  
19 basically the –  
20 M: She has made no identification.  
21 J: Got it. Okay.  
22 [51:18]  
23 M: Of him.  
24 J: What do you take from that?  
25 M: What do I take from that?  
26 J: Yeah, if she responds to your question "what about this one?" and she says something,  
27 what is, what does that become at that point to you?  
28

1 [51:27]

2 M: It becomes an item to be litigated, that's what it is. I mean that's why it's written up here,  
3 up front. Attention is directed to him, because it had been my experience that I never  
4 ceased to be amazed at-in showing photo line-ups to people where later they would say  
5 "you know what, I actually thought it was so and so, I actually thought it was that guy,  
6 but his mustache was different" so they just ignored what you'd read in the admonition.  
7 And so what I'm looking for is feedback because at this point, we've got a 40 percent  
8 identification. That's not an identification.

9 J: So 40 percent identification is not an identification.

10 M: And that's on Terrell.

11 J: And then, right, and then she gives you an 80 percent on Wilson after you direct her to it-

12 M: Imagine that.

13 J: so, what does that tell you?

14 [52:15]

15 M: Well, from a nothing to an 80 percent, it's just, draw your own inferences from that.

16 J: But, did she-

17 M: As it will later turn out, don't know that this day, I think it's not until after the live line-  
18 up, I think I read that some place in here, where she says "you know what, I've seen him  
19 before."

20 J: Right.

21 M: It turns out, this other stuff comes up that she used to live with a woman and his kids or  
22 something like that.

23 J: That did not come out until after the live line-up, right?

24 M: That's what my recollection is, but I think I read it somewhere in here. But that's when  
25 she brings it up and then it just comes - I think it's after the line-up. You know? And then  
26 she comes to the realization "I've seen him before."

1 J: Is there a possibility that she picked him out of that line-up because she had that  
2 realization before she disclosed it to you?  
3 M: I couldn't answer that.  
4 J: So she didn't, did she give you any kind of – the 80 percent was based on what?  
5 M: You'd have to ask her on that –  
6 J: Okay.  
7 M: But-  
8 J: Did you record it or memorialize it in any way?  
9 M: But I -  
10 J: So that you felt that this was an 80 percent identification as opposed to an 80 percent  
11 comparison or similar features, like he has the same nose, he has the same-  
12 M: Well, I do remember that we had a composite. And the composite looked pretty good to  
13 me. I mean, it was similar. Her physical description of a Wilson. There's nothing that  
14 eliminate-She's not describing a dwarf and this guy's 6 foot 2.  
15 J: Right.  
16 [53:38]  
17 M: You know so there's not the out and out, bright line, this is not consistent with what her  
18 initial description.  
19 J: The composite came before this line-up, correct?  
20 M: I'm sorry?  
21 J: The composite?  
22 M: Oh yes.  
23 J: Way before this one, okay? Did-  
24 M: I'm-  
25 J: -you guys may know the answer to this. Was there a statement that came with this  
26 identification? That we have?  
27 PM: I'm trying to think.

1 G: I'm not sure.

2 J: I can't remember.

3 G: But there, you mean like a card? That's written down what she said?

4 U: Not a card.

5 M: A POD? A photo identification –

6 L: Did she write anything about?

7 M: Let's see if she did.

8 J: I can't remember.

9 PM: I only had, I think I've only seen the one that came after the live line-up.

10 G: I remember the 80 percent but I think that's in the affidavit.

11 J: That's what I'm saying I think, the 80 percent statement, was that just something that you

12 summarized in a police report or did she say "I am 80 percent sure of blank?"

13 M: I would've asked her for a confidence level and she would've given me that. She also \*\*\*,

14 and I think I write it in here too, but she also – I don't want to say prefaced, what's the

15 other word? She qualifies, says "I want to see him in a live line-up and I want to hear his

16 voice."

17 J: Right. Right. Did she-

18 G: So there are – what I'm understanding is that you took notes that, of these conversations

19 that are not in the murder book, right? Like when you're writing the affidavit and it says

20 that she had 80 percent confidence, there's nothing else in the murder book that says she

21 had 80 percent confidence.

22 M: Well-

23 G: Is that correct?

24 M: What I'm looking for right now, and I haven't found, is I haven't found that 16 photo

25 line-up, and I haven't seen the photo ID form, which typically is what-

26 G: Yeah.

27 M: -we'd write out what the ID is.

28

1 G: So you're not keeping a little notebook and writing things down in it while you're doing  
2 these interviews or any of these things?  
3 M: No, I would've put it in the Chrono.  
4 G: Okay.  
5 M: Okay and I would've put it in the Chrono. I know that – so-  
6 L: But the admonition he's talking about is not in there right? The photo admonition.  
7 PM: I've never seen it.  
8 J: Well I mean there's clearly stuff that you guys didn't have that's in there. So, I haven't  
9 gone through it-  
10 M: Cause on the back of that form if you had the original form like you could take one of the  
11 other ones in here, like on the back.  
12 G: Right.  
13 M: This is the admonition.  
14 L: Ohhhhh.  
15 M: Okay, it's on every card.  
16 G: But you don't write things on that. That's what you read to them, right?  
17 M: Right. You read them on this and then typically what would happened is there'd be a  
18 Xerox copy of this, they circle it, they write on the thing, this is – you know?  
19 U: Okay.  
20 M: Ideally, in their own words.  
21 PM: Right.  
22 M: You know? And they-  
23 J: Do you have any recollection if that was actually done with the 16 pack where she made  
24 the 80 percent ID?  
25 M: I don't have a recollection. I presume it was done, that's why I'm looking for it.  
26 [56:16]  
27  
28

1 J: Well, we'll comb through it, I don't wanna take up your time looking through the- I can  
2 look through it with the defense attorneys as well.

3 G: I have a question though, it, what caused you to point out his photo to her?  
4 [56:26]

5 M: At that point, I'm looking for some, I'm looking for feedback. And again I'm  
6 reconstructing this in my mind, but-

7 G: Right.

8 M: -she hasn't given an ID, we've got this other information, and so I'm looking for, can she  
9 eliminate this guy? Cause that's the other option in here to. Just like she eliminated  
10 some other people.

11 G: What do you, so you're referring to what when you say "we've got this other  
12 information?"

13 M: What'd I just say? I forgot.

14 G: You said that she hadn't dealt with his picture at all, but you had this other information.

15 J: Is that from Pace?

16 M: Oh, oh yes.

17 L: Regarding Wilson, did you have some other information?

18 M: That's how we got AD's name.

19 G: So based on that, you showed her, you said what about this guy because you had spoken  
20 to Pace already and he had said he thought he saw AD or whatev-

21 M: AD. In fact, he points out AD in the photographs and that's another one. AD's  
22 photographs are in those mug books that she saw. Several times.

23 G: Mmhm.

24 M: And she doesn't identify him that night.

25 G: Mmhm.

26 [57:26]

1 M: Okay, Freddy Terrell is not. So and I generally know that from reading in here now, I  
2 mean from reading some of this that his name was in there. I would expect it to be in  
3 there because I remember I dealt with him when I worked burglary.

4 J: Did you ever think to go back to the original mug books and say well “this is the same  
5 guy that was in here and you didn’t” say you know what, just to, have her explain why  
6 she didn’t identify him and then she did identify him and then. Did you ever do that or  
7 think to do it or?

8 M: I didn’t do it. I think that’s what’s happened in court.

9 J: Mmhm.

10 G: So when you said you remember dealing with him when you worked burglary, you’re  
11 talking about Terrell or both Wilson and Terrell?

12 M: AD. I may have dealt with Terrell too, but AD is the one that I remember.

13 G: Okay.

14 M: And I can’t remember which particular case, I just remember that I remember.

15 J: I think you mentioned to me before we started this conversation when we were arranging  
16 the meeting that you work now with some Projects on old cases involving eyewitness  
17 identifications, do you feel that you’re standpoint or viewpoint has changed on the best  
18 ways to go about eyewitness identification?

19 [58:50]

20 M: Well I, how best to answer that. I know I’ve read the literature. Whatever they talk  
21 about. They talk about the difference tween sequential and simultaneous and so forth and  
22 the whole idea behind the blind administrator. My only reluctance in that is that, that’s  
23 all great and I understand the research on eyewitness identification, its spot on, its all true,  
24 there is cross-racial, there is you know unexpected sudden activity, there is stress, there is  
25 – all that stuff is true. But what those experts can’t tell you is that under those  
26 circumstances, no eyewitness can ever make an identification. So it’s something that’s  
27 gotta be corroborated and so forth, but getting back to what I was talking about, I would  
28

1 want some feedback, I mean this idea that we just take somebody blind and show them  
2 the photo and it's just like nobody identifies or comments or anything, people sometimes  
3 look at these photographs I mean, from my own experience, and they see people and they  
4 don't make a recognition. And unless you're in the room and you happen to be looking  
5 at em and notice their eyes is locking on em, something, you ask them about that. Maybe  
6 not pointing at the pictures, you seem to be paying attention to somebody more than this,  
7 can you talk about that? It's amazing what people say, if you ask them.

8 L: So like, on this case, you correct me if I'm wrong. You get information about Wilson,  
9 and you put him in this line up, and she's looking at it, and she doesn't identify or  
10 anybody. But because you have this information on Wilson you go, well I better ask her  
11 just to maybe eliminate him cause I'm getting, I have information, so that's kinda why  
12 you direct her because she's not making a comment about him and you know info-

13 M: Yeah, in so many words, but it's a little bit more than that because, like we said, she's  
14 looked at other people. Okay so, the information from Pace, on its face sounds pretty  
15 good. Suspects are running from that direction and so forth and you know when you look  
16 at AD Wilson, you look at the composite, it sure looks good. But she doesn't identify  
17 Terrell. 40 percent, I wouldn't consider that an identification. Okay, that by itself  
18 wouldn't get me a cup of coffee. Okay, so, but, do I eliminate? She's been wrong before.  
19 K. Do I eliminate him? And, or try to eliminate him. And that's the kind of feedback  
20 that I'm looking for. You don't get that with a blind administrator. I understand the  
21 logic and the everything behind it, but you lose something there too because then they  
22 don't know.

23 J: What about the 80 percent, what does that do for you?

24 M: That tells me she's pretty confident. The idea that people are 100 percent confident, I'd  
25 be dubious of that. And the other thing, as the research has shown, you can be 100  
26 percent confident and be wrong.

27 J: Right.



1 M: Just ask that girl that got raped by Ronald Cotton. Okay and he spent how long in  
2 prison? That's an innocent project thing. Okay and I mean she was absolutely convinced,  
3 in fact at the time it was happening, she was telling herself, "I am going to remember this  
4 man."  
5 J: But do you think –  
6 M: And she got it wrong.  
7 J: But do you think she remembered this man because she had seen him before? That was  
8 definitely the argument they made at trial. Is that-?  
9 M: I don't know. That's definitely a cross-racial thing.  
10 J: Is it cross-racial?  
11 M: He was black, she was white.  
12 J: Saladena Bishop is white?  
13 M: No, no, no. Saladena's black. I was talking about the-  
14 J: Oh, okay.  
15 M: -the Ronald Cotton thing.  
16 J: Okay, no I'm going back to our case.  
17 M: No cross-racial, there was no. She was black.  
18 J: Okay, so there was no cross-racial ID in our case, in Wilson's case.  
19 M: No.  
20 J: She's black, he's black. But she's seen him before, so the argument at trial, by the  
21 defense, was well she's seen him before, this is what's driving the identification of him,  
22 80 percent, because she's seen him before and then obviously at the line-up it becomes  
23 more certain but, is that a possibility?  
24 M: Is it a possibility? Yeah.  
25 J: Mmkay. Were you concerned about that?  
26 [1:02:34]

1 M: I recognize there's a possibility with all the, with the other factors – the composite and so  
2 forth. I wouldn't say that I was concerned.

3 J: Okay.

4 M: I thought that she was credible and I thought she was reliable. And she just wasn't  
5 grasping at straws.

6 J: What about the – cause you've mentioned a couple times, in your mind, corroboration  
7 corroboration. So in this particular case, with Saladena Bishop being your eyewitness to  
8 the crime and the actual perpetrators, what was the corroboration in your mind?

9 M: Clarence Pace, Vincent Sanders, Joe Collier. Terrell's history- his criminal history.

10 J: But Terrell didn't – what do you mean by Terrell?

11 M: I'm sorry I didn't mean Terrell, I meant Wilson.

12 J: Okay. Wilson.

13 M: But they were running brothers. They were both freaks at the time, they were base heads.

14 J: You say "base heads" people that were smoking crack?

15 M: Yes.

16 J: Okay.

17 PM: And, did the weaker identification of Terrell, given that he was Andrew's "running"  
18 buddy, give you any pause as to whether it might not have been Andrew? Given that  
19 they were always together and if she was saying she wasn't too sure about Terrell?

20 M: Again, like I think I've already said, yeah it did. That's why I'm directing her attention  
21 to it cause I want the feedback, I mean, cause if this isn't the direction to go then we'll  
22 just go, I mean, we'll go on another direction.

23 J: Do, do –

24 PM: So, Erika just asked you about, sort of a hypothetical, is it possible that she picked him  
25 because she knew him before. So I'd like to ask you another similar "is it possible"  
26 question. So, given that you had spent four plus weeks with Bishop, trying to drive her  
27 around, help her locate possible suspects, and given that everybody on this 16 photo line-

28

1 up was either a suspect, or a witness, or possibly somehow involved, which, was  
2 probably apparent to her at some point, is it possible that just given the rapport that you  
3 had established with her, and your suggestion that she take a closer look at a certain  
4 individual, that she may have picked up on that as a queue that this is maybe somebody  
5 that you think did it?

6 M: I don't think so. In fact, Saladena for 17 years old was, well for one thing she was street  
7 wise, I mean she was very street wise. I mean she's got her head on her shoulders, she's  
8 not a snowflake out there, she was a street girl. So, did I influence her? I mean did she  
9 think she was, from what I understand what you said, did she think she was pleasing me  
10 with that? I don't think so. Because if she hadn't done it, we'd be out there doing the  
11 same thing.

12 PM: I wasn't trying to ask so much whether she was trying to please you, but whether she had,  
13 at that point developed some sort of trust or confidence or rapport with you that she might  
14 have maybe deferred to you a little bit, as opposed to trying to please you.

15 M: No. I mean I can't say absolutely "no that could not have happened." I can't say that.  
16 But no I didn't get that sense.

17 J: Have you ever had that sense in another case?

18 [1:06]

19 M: Well the one that I can remember dealt with a 4 year old and the realization that I had,  
20 depending on how I framed the question or whatever, he will identify his mother's  
21 boyfriend as a suspect. Because he had left the house and he comes back and he  
22 discovers her. This is probably around the time Rick Martin, I don't know if it was still  
23 going on at that time but, and I had that sense that, you could get this child to say  
24 whatever you want it to say, I mean by how you frame the question. We didn't do that,  
25 turns out it was the next door neighbor. They came in when they saw the boyfriend leave,  
26 came in stabbed her about 19 times in the face to get her to open up a safe. So there were  
27  
28

1 some other factors, but there was that recognition that depending on how you word  
2 certain things, yeah you can. I mean if you wanna work at it that hard. Yeah you could.

3 J: When did that case take place in relation to Wilson's case?

4 M: Afterwards.

5 J: Afterwards. How long afterwards?

6 M: Probably a couple years. It was in the 80s, it was in the late 80s but it was I had several  
7 more murders under my belt by then.

8 J: Mmkay, so now I want to go to the line-up identification, unless you guys' have any  
9 more?

10 PM: Sure.

11 J: Okay, so then Saladena goes to a line-up and-

12 PM: Actually, I do have a question. Did you draw any of the other witnesses attention to any  
13 particular photos when you were talking about identifications in Andrew's case?

14 M: No, I'm trying to think. There were no other eyewitnesses. She was it. Clarence Pace is  
15 a witness but he's the one telling us names.

16 PM: Right. But one of the things we saw in Laura Aalto's notes were, just find it here, she  
17 made a couple of notes. One appears to say "how did Pace pick- something" and I can't  
18 read that, murder- mug book. And it says "maybe point to it, question mark." And then  
19 the same thing with Ricky Wilson she wrote, "pictures appear in photo line-up,  
20 interviewed him, pointed him to witness, but she did not ID. Never arrested." So seeing  
21 these references to pointing to witnesses is what is giving rise to the question.

22 J: The second one was regarding who?

23 G: Ricky Wilson.

24 PM: It-

25 J: Oh Ricky Wilson.

26 PM: Yeah.

27 M: You know-

28

1 PM: It looks like she is maybe reading through the murder book and writing these notes down.  
2 I don't know.

3 M: I know I had a question myself when it came back to this. How do we eliminate Ricky  
4 Thompson? Okay because Sanders-

5 J: Ricky Thompson's the same as Ricky Wilson.

6 G: Right.

7 [1:08:48]

8 M: Yeah, same person that's because Collier mentions Ricky, I think Sanders mentions \*\*\*.  
9 And I was wondering, it's obvious in here I mean we say, we even say it's an associate of  
10 the two of them and I wonder myself was it, is this a moniker that goes along with Terrell  
11 because from looking at it we're convinced its Terrell. And, I didn't see anything in here  
12 that we had shown a picture of Terr- of Ricky Thompson to wait a minute there's a line-  
13 up in here where he's in it.

14 PM: Yeah, there's a 6 pack-

15 M: There's a line-up there's a 6 photo, but I didn't, I don't recall reading anything that  
16 maybe it's in there and I skimmed over it cause I'm looking for something else.

17 PM: Yeah she was shown Ricky Wilson's photo and she said, "That's not him."

18 M: Okay.

19 PM: Bishop was.

20 M: So that's elimination not a non-ID.

21 PM: Right?

22 M: Okay cause I distinguish between the two.

23 PM: It was an elimination.

24 G: So is that how you go? If it's a non-ID he might still be in the running but if it's an  
25 elimination you stop.

26 M: If it's an elimination, its elimination.

27 G: Okay.

1 M: For that witness.

2 PM: So, I guess the question is, when you showed her the 6 pack, did you point to Ricky's

3 photo and say "is this the guy?"

4 M: I wouldn't have done that.

5 PM: Okay, or drew her atten-

6 M: I would've just ask her, I

7 PM: Attention to it. What about this guy?

8 M: I wouldn't have been that specific. But-

9 PM: What about this guy? That sort of a thing?

10 M: And, I don't remember that. But I was trying to ask myself, what was it that we

11 dismissed that because it's clear from what I read in here that we're not, we're not

12 looking at him as a suspect. But his name has come up. Now, and I'm just trying to

13 explain it to myself, but I know there's the comments that I believe its Sanders makes or

14 Collier also makes it, they come in and Andrew makes something, says "well you know

15 what we just did, and we gotta leave." Well some people may infer that to mean well

16 they just done the stabbing, so you just described that you burglarized some houses-

17 PM: Right.

18 M: Okay so, I mean which one is it? I mean, I can't tell. The other thing I thought was

19 interesting, I think I mentioned it to you when I came in, we were looking at Thomas's

20 picture. Because I know I read some of the things, I think either one of the things that

21 came up during the habeas or whatever it is cause they were talking about how Terrell did

22 not have a mustache or a goatee as was on the composite. \*\*\* the picture of Thomas, he

23 certainly isn't mustache-less and goatee, he's more pronounced then the other one, so I

24 don't know I mean does that why he was eliminate, I honestly don't know.

25 G: Mmhm.

26 M: But they were some reason because just, looking in the face of it, it goes "why not him?"

27 PM: Right.

28

1 G: Was he known to you from previous work? Either in one of the divisions? Do you  
2 remember?

3 [1:11:28]

4 M: No, I can't remember. He looks familiar in a photograph, but I can't recall.

5 J: And so as you're sitting at, looking at it now, Ricky Wilson matches up with the  
6 description of Terrell, correct? Like it, like the passenger side guy.

7 M: Well if you took this off and you took this off, of course you can't say-

8 J: The mustache and goatee.

9 M: -you can't do that with Terrell and then say the same thing about Thomas cause he's even  
10 more pronounced. So it's, he has the bigger mustache and the bigger chin hair than  
11 Terrell did. Cause I know I saw a note in there where Laura Aalto didn't think that the  
12 composite of Terrell was looked anything like Terrell. I guess, that's a matter of- I  
13 thought it looked pretty good. So, I mean it looked a lot better for AD. Okay, but I  
14 didn't think it was- I was actually thought the, who was it, Ponce. Ponce did a good job  
15 on the, he was the composite artist at the time.

16 PM: Mmhm. Are you going to get to Pace later, cause I can wait on this other question?

17 J: No, I think, we're getting there. Slowly.

18 PM: Okay. Can I just have that page back so I can stick it back in my binder?

19 L: Oh this, right here?

20 G: Yeah.

21 L: Okay, yeah.

22 [1:12:39]

23 J: So the petition talks about the line-up a little bit and there were some, where did I get this  
24 from? And I don't know where you guys got this from but the petition alleges that at the  
25 line-up you again coached Bishop as to which suspect to identify. Can you explain the  
26 process of the line-up and answer what role, if any, you took during the line-up?

1 M: The live line-up, by the county jail, would probably be the closer thing to a, I don't want  
2 to use the word "blind," but where the IO is removed cause what basically happens is we  
3 take the people we want in the line-up to the county jail. The Sheriff's make the selection  
4 of who's going to stand in line with them. And they do a pretty good job of getting  
5 people that. And then what happens is it's like an auditorium and the witnesses take a  
6 seat in the auditorium and the detectives is usually either in the back or on the sides.

7 J: And where were you?

8 M: I don't remember.

9 J: Would you be sitting next to her?

10 M: No.

11 J: Okay.

12 M: And then they bring out the lines one at a time, she's getting \*\*\* and as I remember there  
13 was something written on – she wanted to hear them speak. And so, if there's something  
14 to be said, then what the Sheriffs do is they will call up each person standing in the line,  
15 call them up to the front and center, they will speak the words, step back, bring up the  
16 next one. So, each speak the line, I mean speak the words. And then she writes on a  
17 form, I think it's in here, and then that form is given to the RHD detective, who is  
18 actually running the line for the department. So, it's actually he and the Sheriffs were  
19 working, they're standing, because we transport them, we probably transported, I'm sure  
20 we did, we transported her to the line-up. And, then she makes a note on it, he shows us  
21 what it is that she says. Then they brought out the second line and I think the first line  
22 was Terrell, not Terrell, it's Wilson. The second line is Terrell. She points out Terrell.  
23 And then she asks, and this actually conducted through the RHD detective, is she asks for  
24 the first line-up card back. She gets that line-up and she writes on that that one of the  
25 guy's from that line looks like the guy in the other line. So essentially there's two, she  
26 picks out Terrell and the guy from the first line that she asks for back. So there's two  
27 guys for Terrell.



1 J: Two guys for the passenger side suspect, one in each line-up. Is that what you're saying?  
2 M: Right. That's why she asked for it back because it's the other line-up. She's not picking  
3 two guys out of the same line-up. She goes back to the other one.  
4 J: Did you say anything to her during, from the time you get her to the line-up to the time  
5 that you leave – did you say anything to her about how to do the identification or what  
6 she should be looking for or anything like that?  
7 M: No.  
8 J: Did you explain to her the process?  
9 M: I probably did that.  
10 J: Okay. Did you talk to her at any time during the line-up or-  
11 M: No.  
12 J: No. How about directing her attention to anybody? Did you pick anybody out and say  
13 what about this guy?  
14 M: No. At the live line-up?  
15 J: Yes.  
16 M: No.  
17 J: Okay.  
18 L: And you don't know what, you don't direct what number Wilson is in the line-up?  
19 M: Correct.  
20 L: You have no control of that?  
21 M: No control of that. When he comes out that's the first time I know-  
22 L: That's the first time you know where he's at.  
23 [1:16:17]  
24 G: What is RHD?  
25 M: Robbery Homicide Division.  
26 G: Oh okay.

28

1 J: Were any of the guys in this line-up, the live line-up, connected to the case in the same  
2 way that the people in the 16 pack were?

3 M: Not that I was aware of or not that she said or-

4 J: So you didn't recognize anybody in there as like "oh, that's, you know, Marshaunt  
5 Jackson, or that's you know"-

6 M: No. I hope that didn't happen. I didn't see anybody that I recognized.

7 J: Okay so it's your understanding that they were completely unrelated to the case? Except  
8 for Wilson and Terrell?

9 M: Right- and since you asked that question I don't actually know how the Sheriff's  
10 determine that, I mean, I kinda wonder has that ever happened? You know, where  
11 somebody shows up in a line and says "oh" - I don't know. I know that's happened in  
12 photo lines. I've had that happen where they pick two, "this is so-and-so and this is so-  
13 and-so" and they were a filler, one of them was a filler.

14 J: Did you have any specific reference that caused you to put that statement in the petition?

15 PM: I believe it's from something that we were told by Andrew. When was the first time  
16 Saladena told you that the suspect on the driver's side had a gold tooth, or a tooth, a  
17 missing tooth or something about his teeth?

18 M: You know, I was reading, you sent me the preliminary hearing, and because I don't  
19 believe the gold tooth was ever part of her description. Okay, not at the composite or  
20 anything else. And I saw some reference to there was some missing tooth or something  
21 during the preliminary hearing testimony, but that doesn't appear on the composite  
22 description, doesn't appear in the crime report with the description, that doesn't appear  
23 any place else.

24 PM: And you never asked her about it?

25 M: I didn't know about it.

26 J: So basically it comes up at prelim and you were like, "What?"  
27  
28

1 M: Well that may be one of those things maybe she's remembering something else, but it  
2 wasn't information that we were provided initially.

3 J: So, it wasn't a factor when you guys were pulling suspects for these line-ups? You  
4 weren't looking for somebody with a missing tooth or a gold tooth or something funky  
5 with the tooth?

6 M: No, so they all look kinda similar. You only got one guy grinning with a star on his front  
7 tooth – no.

8 J: Right. Or you're not like putting a black bar across the mouth to make them all look  
9 similar or-

10 M: No, in fact, if she had mentioned during the initial interviews that he had a gold tooth,  
11 that's a unique identifier.

12 PM: Yeah.

13 M: Okay, that height and weight and stuff-

14 PM: Absolutely.

15 M: -that height and weight, that can change- people can be way off on that.

16 PM: Right.

17 M: And in fact, she even mentions at one point that when she's talking, I think it's Terrell,  
18 she says "he may have been on the curb," which is going to make him taller.

19 PM: Right and she said that person on the passenger side had a scar on their left cheek.

20 M: Right and as it turns out Terrell, he doesn't have a scar, but I guess when he makes a  
21 certain, not a grimace-

22 J: Grimace, yeah.

23 M: -but he makes some kind of expression or whatever, it would appear. Even Laura Aalto  
24 commented about that, I remember she wrote that. And I think in the preliminary, they  
25 bring that out cause she goes over and take a close look at him and say, it's there.

26 PM: But she never mentioned the tooth?

27 M: No.

28

1 J: And was Sanders ever-

2 M: I don't want to say never because obviously I read about it in the prelim, but when she's

3 giving us a description, she does not mention a tooth.

4 J: So you don't remember it coming out at some time before the prelim to you?

5 M: No. I don't remember that.

6 J: Okay.

7 PM: Well, did she say anything about it to Bunch?

8 M: I mean maybe she did. I mean if I knew Andrew, I probably knew that he's got a gold

9 tooth. Okay, I'm presuming cause he talks about it, you know that "I got a gold tooth and

10 they didn't talk about a gold tooth, so it can't be me." So, but I don't remember that.

11 [1:20:00]

12 J: Okay, I'll go to about Vincent Sanders. So we got the tape, do you know what portions

13 of the tape, if any, were redacted? First of all, let me ask you this. Did you sit through

14 the trial?

15 M: I haven't seen the trial transcript, but I know I was at the preliminary hearing cause I

16 testified at one.

17 J: I tried diligently to send it to you multiple times yesterday and it's stuck in cyber space

18 somewhere through the copy machine. So it's-

19 M: Okay, the trial. Cause I did read the prelim, you sent me that.

20 J: Correct. It was just too big, I don't know I think that, I tried emailing it, I tried you

21 know- emailing it through my county email.

22 M: I wouldn't have read it last night anyway.

23 J: Okay, yeah I know, I tried drop boxing it. It just was not going to happen.

24 PM: You did testify at the trial, as well.

25 M: I did? I'd probably presume I did.

26 J: But did you sit as- do you, does it say in there that he sat as the investing-

27 M: I probably did.

28

1 PM: My impression is that he did-

2 M: Yeah.

3 PM: -based on his testimony.

4 M: I was the junior partner so I mean I would've been the one.

5 J: Okay.

6 G: So speaking of that, so Bunch was the senior partner and you were the junior partner is

7 that-

8 M: Yes, I was a D1, he was a D3.

9 J: Is there any reason why Bunch, I mean I know at some point its, Laura Aalto's made the

10 statement that you told her that Bunch didn't believe in Saladena Bishop's identification

11 or something to that effect.

12 M: I don't remember that.

13 J: You don't remember saying that? Is there any reason why Bunch wasn't at trial?

14 M: I mean, for some reason like that? I certainly don't remember that.

15 J: You don't remember that?

16 M: No.

17 J: If he had said something like that to you, would you have disclosed that to anyone other

18 than Laura Aalto?

19 [1:21:27]

20 M: Where's it? It have to be memorialized somewhere, I mean if he's got some kind of

21 doubt in it because if he had a serious doubt in it, he's the senior partner.

22 J: Right.

23 M: Mmkay. I mean I wouldn't have been doing things without his approval or okay. I mean

24 I was, this was the second murder I think that I had handled.

25 J: Did he opt out of the investigation at any point in time or he's just like "you just take it I

26 don't want to deal with it anymore, I don't want to run it or it's your case?"

27

28

1 M: No, no, he was just the senior partner. I mean that's why you've got junior partners for,  
2 right?

3 J: So if Laura Aalto had asked you at the end of trial where Bunch was, you don't  
4 remember giving her an answer to that question? Or being asked that question?

5 M: No, I don't know why she would have even asked me that question. I mean if she wanted  
6 him there, were both not going to sit at the table.

7 [1:22:21]

8 J: Right.

9 M: So.

10 J: If the, if you had any impression that Bunch did not believe in this case or did not believe  
11 in Saladena Bishop, would you have told that to Laura Aalto?

12 M: I don't know, that never came up.

13 J: Okay. So you have no recollection of that?

14 M: No.

15 J: Would you have reported it to somebody other than, like if Bunch had said that to you,  
16 would you have gone up your chain of command?

17 M: If Bunch had said that he was convinced that she was an unreliable witness, then I don't  
18 think it would have gone where it did. Now, might he have been less, I don't want to use  
19 the word enamored, but enamored of her as a witness or as a credible witness than maybe  
20 I was? That could be.

21 J: Mmkay.

22 G: Now, essentially what she told us, what she remembered was that, she had not had a  
23 single conversation with Bunch about this case and she was-wondered why he had not  
24 had any involvement at all, had not been at the trial, had not talked to her about the case  
25 at all. And when she asked you after the trial, you said "well Bunch doesn't believe in  
26 this case, he doesn't believe in Saladena the witness." What if that- does that sound -  
27 would he normally have had some involvement with the DA even if it was-

1 M: I'll take out the business about Saladena? I mean we, I'm guessing we probably both  
2 presented it, but after that, I mean he's – I think I know he's working with another partner  
3 of mine I think for some of this cause Santiago's name comes up. But no, his name  
4 comes up because I think they bring him to testify to something at the prelim. He was  
5 my old robbery partner.

6 G: Okay.

7 M: And so, no. It would've been – it sounds like this is the only case that we've got. I  
8 mean and so, there's no need for two of you to be sitting around in court and I don't  
9 know. I don't remember.

10 G: What about pretrial though, would it be unusual if you were as junior as you were in  
11 homicide, would it be unusual that he never talked to her about the case, pretrial?

12 M: No, not if I was gonna be the one that was gonna to testify cause the- and back then, I  
13 know there's areas now where if the two of us are partners, and it's your case or it's my  
14 case, well back then it wasn't like that, it was our case.

15 G: Okay.

16 [1:25:00]

17 M: Okay, so it wasn't one of those where it is now, I mean, that can be an argument for  
18 something now, but it was both of our cases. And I wasn't like I was on a leash, but I  
19 was still kinda thrilled with the whole, I mean, I didn't have any objection doing that. I  
20 was happy to do it, it was a education for me. So, I mean, he was the crusty, old, D3. Is  
21 what he was.

22 G: Mmhm.

23 M: And, I was the new guy. And I didn't have a problem with that.

24 G: Do you know if he kept his own notes?

25 M: If they were, they were in here; I see his writing in here.

26 G: Okay. He wouldn't have another file of his own or something like that?  
27  
28

1 M: No, no. He wrote with a felt-tip pen, and so I mean you can pick out if there is a fine-tip  
2 pen writing-

3 G: Right.

4 M: -it's Bunch's writing.

5 G: And what about Freeze, what was his status? Cause I see he's sporadically in the case.

6 M: Gil had been Bunch's partner before I became his partner and then he promoted to D2.  
7 They took him out of homicide and made him work the desk. A detective desk. And  
8 then after, and he later became my partner. He was still senior to me. But at that time, I  
9 think the interview that Gil does with Saladena that night's because he's the night watch  
10 detective.

11 G: Okay. Is that an unusual? Why would they put-make him the night watch detective? Is  
12 that a demotion or a promotion or a-

13 M: It's kinda both. The commanding officer at that time, his idea was that if you promote,  
14 you have to come out of homicide. And, like for myself, I was a D1 for like 7 years  
15 because I wouldn't leave homicide just to make promotion, I'd-

16 G: Uh huh.

17 M: -lose money. I mean so, but Gil wanted the promotion and he ultimately, I think, within  
18 a year came back.

19 G: So even though he was technically, so the desk person would do interviews when  
20 somebody, when a witness was first brought in, or the night desk person, is that?

21 M: Right, and he \*\*\*, so he knows what's going on with the - We're still at the scene. Okay  
22 and so, he interviewed her. That wouldn't be at all uncommon.

23 G: So, did you not see her that night at the station or did you, or, like who showed her those  
24 15-hundred photos?

25 M: I'm not sure if it was Gil or if he started or what cause it takes a while to go through those  
26 books. And so it might have started under him or whatever but, I remember seeing her  
27  
28



1 that night, so when I, in fact I think Bunch's interview, I'm trying to remember, I'm not  
2 sure what time that is, it's the next day. And I think it's still early that morning.

3 G: Okay.

4 J: Alright, we good? – yeah?

5 G: Thanks.

6 [1:27:45]

7 J: Okay, so I want to go to Vincent Sanders. You were in trial and I know there's a  
8 transcript in the murder book. Did you look at the transcript at all?

9 M: I did as a matter of fact.

10 J: Okay. Do you know what portions of the tape, were redacted from being played? Cause  
11 I know the jury did not hear the tape end-to-end.

12 M: I do not.

13 J: Do not? Okay. If, my understanding from reading the transcript is that they tried to take  
14 out references to other kinds of crimes that were not connected to this. Is that- does that  
15 jog your memory at all?

16 M: No, what I remember and from reading the prelim is that he wouldn't say anything.

17 J: Right. Mmkay. Was he ever considered to be a suspect?

18 M: No.

19 J: Why not?

20 M: I think by that time we already had suspects.

21 J: Okay.

22 M: Okay. In fact, suspects were already in custody. In fact, his cousin had just been taken  
23 out of custody.

24 J: And then his, yeah right. Almost immediately before he contacts you, correct?

25 M: Yes.

26 J: K. Did that concern you at all about the validity or reliability of his statement?

27 M: Concern me? No, it was context that's for sure.

28

1 G: Meaning what?

2 M: Means it's his cousin. So, and from looking at his thing, it says he'll-he mentions AD

3 and he mentions Ricky Wilson. K and he, I mean he doesn't mention his cousin who's in

4 custody for the crime. Okay? He's alluding to the fact that it could be Ricky Wilson, not

5 that he ever says because there's that business about the comments that AD makes. Well,

6 I take that back. He does, but that comment is made in the middle of the day. So, it's not

7 like that night they came back, you know? Where he has them coming back is from these

8 burglaries where they get a rifle or shotgun and some televisions and I think boom box or

9 some-

10 J: Okay. There's two different, there's two different –

11 M: two different kinds of- \*\*\*

12 J: -sets of information that we get, we get the him going back and forth with Ricky Wilson,

13 boom boxes, shotgun, television, coming to this location where he's there with Sanders

14 and there's a couple other people, and he describes the statement, "you know what we

15 just did, you know, hurry up, let's get out of here" that kind of thing. Then there's a

16 whole other statement where he actually says AD essentially cops out to the robbery-

17 murder of a kid who's asleep in his car. And he had to stick him. So that's- I saw those

18 as two separate events-

19 M: They are.

20 J: -was the entire conversation that you had with Sanders recorded?

21 M: From what I read in the transcript, it appears it was.

22 J: So do you, and I haven't seen the transcript, so I'll be interested to see it. But- the

23 recording starts off with the stamp on it? Or was it surreptitiously recorded and it just

24 started-

25 M: Oh, it surreptitiously recorded. He didn't know he was being recorded.

26 J: Okay.

27 M: So it's not out on the table or anything.

28

1 J: Okay.

2 M: And it starts with you know ask him his name and background information and I mean  
3 what it comes down to we didn't find him, he found us. I mean, he called and said you  
4 want to come, he wanted us to pick you up and I think from reading it, I went and picked  
5 him up. Brought him back to the station and then he offers this information. Then he's  
6 directing it towards AD and somebody who's not his cousin.

7 J: And was that, I mean, did you think that he was doing that because he wanted you to  
8 release the cousin or did he bring that up? Like "I'm hoping I can exonerate my cousin"  
9 or-

10 M: No.

11 J: -"I want to curry favor on my parole violations?"

12 M: Well, it was very clear, that that he's on parole. In fact he says, on tape, according to the  
13 transcript, that he's willing to testify. And of course, we think that's great so we're not  
14 going to argue, I mean as I think about this, I'm not going to argue with him about his  
15 cousin. I mean because, he'll do AD. So, that's good.

16 J: Did you ever offer to go to his parole officer and help him out or-

17 M: I think because it's on the transcript and it says we would notify the PO of the fact that he  
18 had come forward with information and had given us this information.

19 J: Was that pretty standard?

20 M: Yeah. We're not promising anything. We'll tell your PO and there's not guarantee what  
21 he's gonna do.

22 J: But, I mean on other cases where people have come forward with information, and their  
23 either on probation or parole, is that generally like "hey, we'll put in a good word for  
24 your" -

25 M: It's not-

26 J: PO or-

27

28

1 M: Not that it's probably. I don't know that I'd say it's a "good word." Just say that we  
2 would make them aware that you cooperated. That you, and in this case, his cooperation  
3 is pretty significant because he's gonna be a corroborating witness.

4 J: Did he actually, did he have a violation pending or was he just on parole?

5 M: I think later he had a violation because I, if he had a violation pending, we would've  
6 booked him. And later I know that, I think it's in the Chrono, it says something, I think  
7 it's after the prelim, and we see him or I see him on the street and talk to him, okay, and  
8 just warn him about – you know if you don't go to court, I mean, we can, you can be  
9 made to go to court. No one can make you testify. Okay, but you can be made to go to  
10 court. And that there are consequences if the court finds you in contempt.

11 J: Okay. Other than that time when you were looking for him when he was basically  
12 skipping court and – \*\*\*

13 M: No, I think the prelim was over by that time so there wasn't anything hanging over his  
14 head. He had, he had done his, what he did at the prelim that already happened I think.  
15 So, it was somewhere between the prelim and the trial and so it was just letting him know  
16 that it's, it's not over.

17 [1:33:41]

18 J: Did you make any other statements to him implying that he would have his parole  
19 revoked or he would go to custody or his family members would go to custody, anything  
20 like that for failing to cooperate?

21 M: No.

22 J: Okay. Did he ever get compensated for coming forward as the witness?

23 M: No.

24 J: As you know how the victim's dad, Arthur Hanson, was offering reward money. Do you  
25 know did anybody actually collect that reward?

26 M: I'm not aware of that.

27 J: Did LAPD offer a reward for information?

28

1 M: I don't believe we did. That would require city counsel to approve of something, you  
2 know it happens but I didn't see anything that that happened in this.

3 J: Okay. Do you know if Clarence Pace ever got any kind of money from the victim's  
4 family?

5 M: From the victim's family? I don't know about that.

6 J: So did Arthur Hanson ever say, "Hey I'm gonna help this person out for being such a  
7 great witness or coming in" or-

8 M: I never heard anything to that effect.

9 PM: Were you aware that Mr. Hanson was offering a reward or some organization he was  
10 affiliated with was offering a reward for information?

11 M: I don't remember, I don't remember that specifically. I mean, he may well have. So. I  
12 mean he got more involved than many families do.

13 J: I'm just confirming too, Sanders was never relocated, correct?

14 M: No. Correct, which would be a yes.

15 J: Sorry. By my bad question. Okay. If he had gotten any kind of a benefit would you  
16 have communicated that to the defense attorney?

17 M: Yes.

18 J: Why?

19 M: It's discoverable. Plus, it's a Brady- I imagine it's a Brady issue, too.

20 J: And, in 1984 was your understanding of Brady disclosures the same as it is now or do  
21 you think that those evolved?

22 M: No, I think it's pretty much the same. I didn't really make all that distinction. The way I  
23 looked at it, the murder book was the murder book and they got the whole thing.

24 [1:35:38]

25 J: K, so-

26 M: What I remember the arguments being DA's about what they didn't want to release.

27

28

1 J: Mmhm. Okay, so, \*\*\* Joe Collier came up, like you said he was one of the people you  
2 listed as corroboration. Do you know why he was not called as a witness at trial?

3 M: No, I don't.

4 J: So you don't know if he was in custody or something came up with him?

5 M: No, I don't recall.

6 J: K.

7 PM: Um, do you recall what it is he said, specifically, that you thought was corroborating?

8 M: You're talking about Vincent Sanders?

9 PM: What Joe Collier said that, you listed him as one of the people that you thought was  
10 corroborating-

11 M: He mentions Ricky, Ricky not Freddy Terrell, and AD coming and he talks about the,  
12 you know the property, but what he also mentions that was more significant was, he said  
13 he loaned a pair of gloves that AD, AD's wearing them, there's blood on them. And he  
14 asks him where it is and AD replies something to the effect, "somebody cut them self."  
15 And he asks for the gloves back, and AD wouldn't give em back, basically tells him "you  
16 don't need em right now."

17 J: Do you remember actively going out and trying to serve him with a subpoena or trying to  
18 get him for Terrell?

19 M: Do I remember? No. But I imagine he was on a witness list.

20 J: You don't actually produce the witness list yourself, do you? That was from the DA's  
21 office? Like, we usually generate the witness list.

22 M: Right.

23 J: Did you have a separate witness list that you maintained?

24 M: Well they woulda sent me the subpoenas.

25 [1:37:10]

26 J: Okay. You don't have a specific recollection of like, you know when you were hunting  
27 down Vincent Sanders, you were also looking for Joe Collier.

1 M: I imagine, I wouldn't be surprised if they woulda been, we woulda been lookin for them  
2 in the same place.

3 [1:37:25]

4 J: Does the name Earl Martin ring any bells with you?

5 M: No.

6 J: Okay. So I turned over a copy of Laura Aalto's notes and she talks about a guy named  
7 Earl Martin coming forward on bates 147, 148. You did not have the information that  
8 Earl Martin provided to Laura Aalto?

9 \*\*\*

10 J: He was a friend of the victim.

11 PM: His best friend. Did you interview any of Chris Hanson's friends to-about possible  
12 enemies or anybody he ran with?

13 M: No, I don't recall that. I don't know that it would necessarily, under the circumstances as  
14 we understood them as a street robbery and a murder and it wasn't one of those things  
15 where you're looking at family members to eliminate, so I mean it did not develop as it  
16 developed, I mean, it may have ultimately gotten to that. But I don't remember.

17 J: Going back to that for a second. When Vincent Sanders says, puts AD at that house and  
18 has the incriminating statements, did you have any background on Sanders's relationship  
19 with Wilson? Anything that may have caused him to be more willing to come forward  
20 against Wilson or –

21 M: Just the fact that Wilson wasn't his cousin, but Freddy Terrell was. I wasn't aware of any  
22 dispute or- in fact, he doesn't mention anything about a dispute that night that they were  
23 there other than you know, they come in and do whatever they do in the bathroom and  
24 then leave and-

25 J: K. So you weren't –

26 PM: On the subject of Vincent Sanders, forgive me but I can't recall exactly where I read this,  
27 but I thought I read somewhere that Vincent indicated at some point, that he was on his  
28

1 porch and it was while you were trying to serve the warrant on Terrell, and you came  
2 over and spoke to him on the porch, waiting for Terrell to come home or something like  
3 that. Do you remember that?

4 [1:39:22]

5 M: I don't.

6 J: I remember it but I don't know where I saw it.

7 PM: Does any of that sound familiar, did you speak to him before Terrell was arrested?

8 M: No, cause I thought Terrell was in the house when we went to the house.

9 G: Which was the one who lived in the apart- in the building that they were kind of  
10 renovating?

11 M: That's Joe.

12 J: Joe Collier.

13 PM: Right, so it's in the chron. It says on December 2nd 6:45 AM "attempted to serve Ramey  
14 warrant on Wilson, not home" then at 7:05, executed Ramey and search warrant on  
15 suspect Terrell, arrested." Sorry, let's see, presented affi- oh no that's-

16 M: Cause that's my writing, so I mean-

17 PM: Yeah.

18 M: -but I don't remember the name.

19 PM: I just wondered if you remembered having that conversation with Sanders the morning  
20 Terrell was arrested, the one that I'm recalling but I can't remember where.

21 M: Oh Sanders? It was that day. The day that Terrell was arrested, Sanders called after that.  
22 It was that same day.

23 J: Is that the first? Okay, so Sanders calls you. Is that the first contact you have with  
24 Sanders?

25 M: Yes.



1 J: So you don't remember anything coming in before that where he says "give me a call" or  
2 you give him a card or you saw him at the house, you said it would be in your best  
3 interest to come forward or something? I'm just asking cause he's-  
4 M: No, he calls us.  
5 J: Okay. That's-  
6 M: That's why-  
7 J: I think that came from Terrell's testimony at one of the hearings, probably prelim or  
8 might have been trial.  
9 PM: Terrell's testimony?  
10 J: I'm sorry Sanders. Sanders.  
11 PM: Okay that's what I think-  
12 J: Sorry.  
13 G: Well, that's, yeah-  
14 J: Too many players, too many players in the game.  
15 G: It probably has to be the trial cause he didn't rally speak at the prelim, right?  
16 M: Yeah, he did not.  
17 J: Well, he-  
18 M: He didn't say anything.  
19 \*\*\*  
20 G: Cause that's the only way they can bring it in anyway right?  
21 J: Right.  
22 \*\*\*  
23 [1:41:02]  
24 J: Okay, so Cool Breeze, Carlton Alfred. Did you ever investigate Cool Breeze?  
25 M: He's probably in those pictures, I guess. Cause I remember the nickname. I forgot the  
26 \*\*\* but I know it's in the Chrono.  
27  
28

1 J: They referred to him in Exhibit 11; let's see what I can find in here. Did you ever  
2 consider him to be a suspect?

3 M: My recollection is they were circumstances I mean, that he could be. In fact this is  
4 before; in fact I think his name comes up before Clarence Pace.

5 J: Yeah, I think, well I thought Pace put him in the neighborhood if I remember correctly, I  
6 could be wrong.

7 M: Was he the one that's down at the liquor store?

8 J: Yeee-

9 M: There was somebody -

10 G: Cool Breeze was I think sweeping up outside the liquor store-

11 M: Okay, so, \*\*\* I remember some-

12 G: Or yeah the supermarket-

13 M: Yeah.

14 J: So there's no reason off the top of your head why he was-

15 M: His name came up for some other reason and then it got belated back to that's where he  
16 hangs out. And I think his picture is probably in one of those line-ups.

17 G: Wasn't he the guy that was supposed to be Marshaunt Jackson's buddy?

18 J: Right. I think that's-

19 G: That's how it came up-

20 J: This may have come up from Berwick it looks, I've seen Freddy, let's see.

21 M: And that's my writing.

22 J: Yeah, this is your writing. I'm just trying to see I cannot remember which person  
23 brought up Cool Breeze, but I know there's an identification of him. And then I don't  
24 really see much more about him. So, I was just wondering if there was some reason why  
25 he got dropped out of play or like you know, like he was in custody or he was not  
26 matching the description or-

27 M: I'm surprised he's not in here. Cause I know the name came up.

28

1 J: I don't think there's ever an explanation as to why he's in there and then he's not. That's  
2 what I was looking for.

3 G: That's right.

4 M: And, when he comes up, is that before or after Clarence Pace?

5 PM: Before.

6 G: I think it's before cause it's from Berwick basically-

7 PM: Yeah.

8 G: -from the first couple of days.

9 M: Mmkay.

10 [1:43:10]

11 J: You have no idea?

12 M: No, I'm trying to think was there something about did Saladena see a picture of him or  
13 what.

14 J: No, I don't think it had anything to do with Saladena. If I remember correctly it was a  
15 witness putting him with Marshaunt Jackson.

16 G: Hm.

17 J: And I wanna say its Berwick. Maybe from the first discussion with Berwick.

18 M: What page were you, looking at the stuff on- is that 12?

19 J: I think if we can find Berwick's-

20 M: I'm looking at the page 12, let's see. But he doesn't- Cool Breeze is not mentioned there.

21 J: Oh yeah, Alfred Carl- yeah so he's on page 13 of the Chrono.

22 M: Cool Breeze is?

23 J: Based on, yeah, possible co-suspect Johnny, description given by wit Berwick who had  
24 seen individual on street earlier this morning, it's all kinda written in-

25 PM: \*\*\*

26 G&J: Alfred Carlton

27 G: Alfred.

28

1 M: Is that Cool Breeze?  
2 G: Yeah.  
3 M: Pacinger. You know who Pacinger is right? I think he just retired; he was with the  
4 assistant chief.  
5 J: Wel-  
6 G: Where is he here?  
7 M: He's a D3 plus 1 that brought Cool Breeze to the station.  
8 G: Oh.  
9 M: If I remember, there was a list I'd seen somewhere, we had a list of names and they had  
10 in the remarks column, what their significance was.  
11 [1:45:38]  
12 M: I remember seeing that, but I don't \*\*\* Yeah, Cool Bree- yeah prints were run, with a no  
13 make, and then it says here he resembled the clothing description of possible co-suspect  
14 seen by witness 2.  
15 G: Which is Pace right?  
16 M: Oh, this is Carlton Alfred.  
17 G: Witness 2 is Berwick?  
18 M: Yeah, witness 2 would be Pace. And I thought there was something else that came up  
19 with him. Maybe it's some of these other names or whatever that came up with that.  
20 J: If for whatever reason your memory comes back to you, and we finish the interview, will  
21 you let us know?  
22 M: Mmhm.  
23 J: Is that a yes?  
24 M: Yeah, I'm sorry.  
25 J: Okay. Alright, Marshaunt Jackson, you did not record the interview?  
26  
27  
28

1 M: From looking in here, I don't see there's any interviews recorded except for Vincent  
2 Sanders, but one thing that they we were doing back then is we were taking signed  
3 statements.

4 J: You were taking what?

5 M: Signed statements.

6 J: Okay, but I don't think there was a signed statement for Jackson-

7 M: Cause there were signed statements for-

8 J: I-

9 M: -others.

10 J: I believe he was in custody when you talked to him.

11 M: He may have been.

12 G: Mmhm.

13 J: Correct me if I'm wrong.

14 G: Yeah, he was in jail. At wayside or something.

15 [1:47:22]

16 G: What, how did you make the determination to tape some and not tape others? Like why  
17 Sanders and not somebody else?

18 M: Well, you know it's different, this was 30 years ago. And we didn't tape as much.

19 G: Mmhm

20 M: As we do. And then I might bring up the other thing, that – and this is neither here nor  
21 there, but this whole business about taping- the FBI, to my knowledge, still doesn't tape  
22 to this day. So, we did not tape everybody back then. We taped; at times did we have the  
23 capability? Yeah, not the same capability as we did, that we do now, where everybody's  
24 got –

25 L: \*\*\*

26 M: \*\*\* recorder or something like that. But, we just didn't.

27

28

1 G: But like, would it be with Sanders like, “we better tape this guy cause who knows?” or  
2 and not somebody else?  
3 L: Well Sanders came to the station right?  
4 M: \*\*\* We went and picked him up. Like I went and picked him up.  
5 L: But you interviewed him at the station, right?  
6 M: Interviewed him at the station. So, maybe with Saladena, and I know in my writing, John  
7 may not have had him sign, that’s what I was just looking for. I think on some of my  
8 statements, I’m having him sign statements.  
9 G: Mmhm.  
10 [1:48:37]  
11 M: Not all of them, but, I mean is it a good practice? Yeah.  
12 G: I’m just curious, if it was done because you had a feeling about somebody and not that  
13 feeling about somebody else, or, anything like that.  
14 M: I suspect that being the case, I mean I wonder was Pace, I think he was a signed statement.  
15 Well let me look and see if he was a signed statement because Pace would’ve been. Of  
16 course when we interviewed Pace, we don't know if we’re gonna get a name out of him. I  
17 mean he just be some guy who sees two black guys running passed him.  
18 G: Mmhm.  
19 M: Marshaunt Janson signs his statement, that’s a signed statement.  
20 J: Well, wait, do you have, what page is that that you’re referring to?  
21 M: It’s this, and it’s signed right there.  
22 J: Okay, and it’s on this second page, this is under-  
23 M: Page 2.  
24 J: Tab-  
25 M: This is 14-6.  
26 J: -14. Looks like though the most of the statement is in your writing then he signs it at the  
27 bottom and says something like “I verify-

1 M: Correct. Clarence Pace is a signed statement. I write the statement and he signs it and  
2 initials the pages. I think, was it in the transcripts, they were saying, it must've been in  
3 the transcript cause I think, on Vincent Sanders I think I wind up reading back his  
4 statement, on the tape.

5 J: I don't, but, Marshaunt Jackson had a little bit of that crazy hair, he kinda almost fit the  
6 description of the passenger side person.

7 M: He did.

8 J: Is there some reason why – cause I mean, he tells you during the interview, “I wasn't  
9 there that day, I wasn't at the location that day.” But we know from Berwick, unless  
10 Berwick's completely wrong, that he was almost exactly at the location ten minutes  
11 before the crime occurred. So did that bother you at all that he's basically saying “I  
12 didn't have anything to do with it” and then we know he was there?

13 M: At some point we were probably looking at him. I mean, was Berwick credible, yes he  
14 was. Okay, Marshaunt, I don't remember off the top of my head, but I remember a lot of  
15 these players had a lot of dope. I mean so, the fact that he doesn't, I don't think he so  
16 much denied being there, I think he said he didn't remember.

17 J: Mm. I'm pretty sure his statement was something along the lines of like, let me see,  
18 Reporter's Transcript.

19 G: What's in the little envelopes?

20 M: That's probably photos.

21 PM: He says, “I have been” he's talking about Teen Challenge-

22 M: \*\*\* was shot- \*\*\*

23 J: Right, that's the location. That's basically, \*\*\* location of the crime scene, he denies  
24 going to Teen Challenge.

25 PM: As for ringing the bell at Teen Challenge and asking for some eggs. I have done that, but  
26 I don't remember doing it that night the boy was killed.

27 J: Okay.

28

1 PM: But do you know in this, in his statement, he says "I looked at the picture you showed me  
2 of that girl." Would that have been Bishop?

3 M: Yea we have a picture of her in here.

4 PM: "I've never seen her before, I never talked to her at Chabalitas." Do you know what  
5 Chabalitas is?

6 M: I don't remember now. I don't know if that was. I don't remember a restaurant by that  
7 name.

8 PM: And then he says, "I never offered her the use of the bathroom at my house." Do you  
9 know what that's referring to?

10 M: No.

11 PM: "I can't remember ever seeing the yellow pickup truck in the pictures parked across from  
12 the Teen Challenge." So, it sounds like you just basically took him at his words and then  
13 dropped him as a suspect. Cause he didn't remem-

14 M: Yeah, ultimately we did.

15 G: So, again, you wouldn't have taken notes of all those things when you were interviewing  
16 him? You would just listen to him and then write up a statement?

17 M: I don't see any rough notes to go along with this.

18 [1:52:37]

19 \*\*\*

20 [Background conversations]

21 [1:52:55]

22 J: Okay, alright so we don't believe there's any kind of tapes of the Petitioner's statement to  
23 Bishop on the phone right? We don't think that, we don't know what happened to the  
24 Freeze interview? That was the other tape we were talking about right? Okay, so I just  
25 want to talk about Laura Aalto's declaration. You doing okay? \*\*\* Almost done, I  
26 swear. Well how are you going to rehash a 30 year old case? Gotta go through  
27 everything. Alright, Laura Aalto says that she, at some point in time; she got information  
28



1 from you that you structured the interview of Clarence Pace so Terrell would not be  
2 eliminated. Do you have any recollection of what she's talking about?

3 M: No, in fact I've looked at that because as I look at the sentence, can I see that? I know  
4 there's a copy in here, but let me see that-

5 J: Well I can find it for you.

6 M: Oh this is not it?

7 J: This is just my notes. I can find the declaration.

8 L: Yeah, I don't have it.

9 M: Cause I think it's, is it up front here?

10 J: Oh, yeah. I'm like where am I? Where did my giant petition go? How did I lose that?

11 M: I thought I, I've seen it. Maybe it's something that you've sent me cause I know it some  
12 w here- oh wait a minute, I made a copy of it.

13 J: There you go.

14 M: Oh, there we go. Yeah, juror 172 or whatever it is that it looks like. Because I was, I  
15 read that and I says, I don't know what she's talking about, but then I read the very next  
16 sentence, which means that we must not have been successful. I mean, if she was, if that  
17 was accurate in the first sentence, then the second sentence says that it didn't work. Okay,  
18 I don't remember because the second sentence says, let's see, "would not eliminate  
19 Terrell. When asked, the witness unequivocally and adamantly says the second person  
20 was not Terrell." And "why does Detective Marks have it in for Terrell?" Well, I can't  
21 think of another time she would have interviewed him. I mean, so-

22 G: She interviewed him-

23 PM: Pace.

24 G: -she interviewed Pace, after the prelim, right? On her own. Yeah, she decided to  
25 interview him to find out you know, some of these issues.

26 PM: It would've been around the time of the date on that disposition memo when they decided  
27 to not charge Terrell.

1 M: 6/23, so it's after that because I don't remember that, I was wondering from reading this,  
2 is she confusing him with Sanders because I don't challenge Sanders on your cousin  
3 being there. I mean we've already discussed that. I don't ask him about that. He doesn't  
4 tell me. I don't ask him.

5 J: Okay, let me put it this way. Let's say that the names are different, is there ever a time  
6 that you've actually structured an interview to have someone eliminate or not eliminate  
7 somebody else?

8 M: Well, I guess it's a matter of how you interpret what they said, cause what I just explained  
9 for like on Sanders, I don't ask him the specific question I mean, and again I'm  
10 restructuring, but I get the sense that he's trying to do something for his cousin. So, since  
11 he is gonna be, and since he's cooperating and he's talking about AD in his statements, I  
12 don't ask him and you call that structuring or whatever. I don't challenge him because I  
13 get what I wasn't expecting to get. I wasn't expecting to get him to tell me that he  
14 overheard AD say anything. Now having given me that, I'm not going to get in his face  
15 for his cousin, okay? The way I looked at it, I'll take a bird in the hand is better than two  
16 in a bush.

17 J: You're going – you're talking. You believe that this comment was actually made  
18 concerning the interview you had with Clarence Pace, no not Clarence Pa-

19 L: Sanders.

20 M: Vincent Sanders.

21 J: Sanders about his cousin Terrell. You don't remember having any kind of a scenario  
22 where you were interviewing Pace and you were insisting that Terrell's the second  
23 suspect or-

24 M: No because he never identifies Terrell. I mean he's very up front about the other guy.  
25 The other guy, there's even a map, I think, not a map, but a diagram where he shows one  
26 runs further than the other or whatever away from him. And so, why would I \*\*\* he's  
27 the one that told US about Terrell. We had no idea who Terrell was until he gives us the  
28

1 name. Okay. He mentions AD and he says he hangs out with Freddy and in fact Terrell,  
2 I think he knows him by full name and by moniker. AD just knew him by photo, he  
3 points out AD from the mug books. Terrell's not in there, but he gave us his full name.

4 L: Oh so prior to this you didn't know about Terrell-

5 M: What? I mean if I know him, I didn't know him in relation to this. So he gives me the  
6 name, Pace.

7 J: Did you have any kind of personal issue with Terrell?

8 M: Not really other than he was a thug.

9 J: Wilson?

10 M: I'm sorry I was talking about Wilson.

11 J: Both of them, either of them?

12 M: No.

13 J: I mean did you have something where like, I know you just had it with them, they were  
14 running around, cause I know at least for Wilson, he'd been picked up on a lot of cases,  
15 he'd gotten off, nothing got filed.

16 [1:58:11]

17 M: I read Wilson's statement where it talks about the time that I stop him on the street, I  
18 presume I was working burglary at the time. I don't remember stopping him on the street,  
19 I could very well have, and then I snatch this chain and throw it on the ground. It's like,  
20 if I had found him with property that I had believed to be stolen, I would've seized it.  
21 Okay - not thrown it on the ground so he could pick it up, you know and wonder off? I  
22 would've taken it. So.

23 J: Yeah. Don't know that you handle evidence that way, but okay.

24 M: I mean I would've booked it; I wouldn't of it and booked-

25 L: \*\*\*

1 J: Do you remember having these personal confrontations or even verbal confrontations  
2 with him on the street or something that gave him the idea that you were out to get him or  
3 you had some reason to-

4 M: I don't have the, he's one of those names that I remember that I knew him, I don't  
5 remember all the specifics, but if I had seen him on the street, could I have stopped and  
6 talked to him? Sure, of course I'd do that with anybody. I mean, as a consensual type  
7 thing. I mean, that happened all the time. I got to know some of those folks up there.  
8 But, I didn't, that wouldn't, I mean what he's describing- I also noticed that on that same  
9 page, he's really got it in for me cause he writes my name on everything and then  
10 somebody's gotta go and redact it on the one's where, apparently, it wasn't me. Cause I  
11 know when they redacted it, I said it sure looks like the top of an "M" that might be my  
12 name. So it was like everything that he's talking about that Marks did, somebody  
13 must've figured it out it wasn't Marks.

14 PM: Wait, I didn't redact anything. I'm not sure which redactions you're referring to, but we  
15 didn't -

16 M: He's basically talking about me and I've done all these things to him and that I arrested  
17 him for this and I did that and so forth and so on and some of the names are redacted I  
18 mean that they're-

19 L: What document is that? Is that-?

20 J: His declaration?

21 M: Yeah, I think in one of his declarations.

22 J: Do you know if you ever did actually arrest him before this case?

23 [2:00:02]

24 M: I believe I did, but I'm not - I wouldn't bet on it but I mean if I knew him that well, I  
25 presume I did. And I- let me put it this way, I may not have arrested him. I may have  
26 handled a burglary he did get arrested on.

27 J: Do you-

28

1 PM: So when you describe him as a “thug” what’s that based on?

2 M: Well in his case, \*\*\*

3 PM: Yeah, you described Andrew Wilson as a “thug.” So, I’m just asking what’s that  
4 assessment based on.

5 M: That would’ve been based on my personal experience with his history as a cocaine-  
6 abusing, somebody with no legitimate income, that has to commit crimes or burglar- He  
7 was a burglar and a street robber. In order to support his habit. And that would make  
8 him, a thug.

9 J: The redactions that you’re talking about, are these on page 3 of his declaration?  
10 Petitioner’s declaration, Exhibit 10?

11 M: Yeah, cause I think right there, I think that’s my name.

12 J: It says Marks and it’s crossed- looks like it’s crossed off. And it says “police.”

13 M: And then over here it’s my name, crossed out again.

14 PM: Oh, I see-

15 G: Yeah, we crossed those out. It’s because we had misinterpreted what he said and he  
16 corrected it not to be you.

17 PM: Yeah.

18 M: \*\*\* Good for him.

19 J: Okay.

20 [2:01:45]

21 J: Were you part of the decision to dismiss the charges on Terrell?

22 M: No. In fact, I was tryin’ to reconfigure that cause what I think happened, at the time of  
23 filing, Terrell was rejected. So that’s one of the DA’s – filing DA – Rosalie Morton gets  
24 the case, and apparently and there’s no new information because I don’t see anything to  
25 indicate there’s another follow-up with new information, so same information, she  
26 believes, contrary to what the filing deputy believes, that there’s sufficient - she wants to  
27 go with him, she files, so she files the cases are joined. And then after the prelim, Laura  
28

1 Aalto becomes the DA for trial, she doesn't - in fact what she comments on why, but and  
2 the weaker case was on Terrell and she wanted to I think dismiss it because she didn't  
3 want him being able to testify as a witness, something to that effect and then, so she  
4 dismisses it.

5 J: Did you believe there was enough evidence to proceed on Terrell?

6 M: It was-

7 J: I mean not reasonable suspicion-

8 M: It was, yeah I mean, did I have any grief over her decision? No.

9 J: Okay, so you got informed after-the-fact? "We're not going forward on Terrell."

10 [2:03:00]

11 M: I don't know if it was after-the-fact or not. I think she probably would've talked to me  
12 about it.

13 J: Okay.

14 M: I mean, it didn't matter if she did or not.

15 J: You wouldn't of-

16 M: I didn't have, I understood. I understood where she was coming from.

17 J: Okay.

18 M: We had accepted the reject. I mean to begin cause it's a - there's gonna be an issue there.

19 J: When he- Wilson starts calling you and saying "I'm not a murderer, I'm a burglarer" did  
20 any of that cause any concern for you about whether or not we had the right person?

21 M: No.

22 J: Any particular reason why? I'm sure you've probably heard that a thousand times but-

23 M: Well the fact that he's just a burglarer I mean who breaks into homes and might discover  
24 somebody that was there or whatever and that he wouldn't do it. I didn't think that was a  
25 real reliable judge of what he was.

1 J: Were there any other cases that he had, where he had committed burglaries or robberies,  
2 street robberies as you said, where he used a weapon? A knife or an ice pick or anything  
3 of that nature?

4 M: You know if there had been I would expect to find it in here so I'm assuming we didn't  
5 find that.

6 G: Did you ever have another suspect call you up and say something like this, "You know  
7 I'm a burglar, I don't do this kind of thing?"

8 M: I think I've heard that before, as like "it couldn't be me." You know, for that very reason  
9 which is not much of an explanation. Have I had people told me things and I really kinda  
10 wondered about it? Yeah, I mean I don't remember specifically but-

11 J: Did he ever explain to you where he was, at the time? Did he ever offer any kind of an  
12 alibi fo-

13 M: No, he really didn't have an explanation. Of course, I don't remember that I talked to him  
14 about it just from what Saladena told me about him calling, but that didn't exactly, let's  
15 see, go very far as convincing me of, if you're innocent then these aren't the types of  
16 stunts that you'd be doing and AD is street smart. He knows better than that. So I mean  
17 he's not like some- he's not naïve. I mean that would be, in my mind, the worst thing  
18 that you can do. Pass yourself off as somebody else, threaten the witness, contacting  
19 them, or- why didn't he just call his family? You know-

20 J: I mean, you've got him on the phone. He's like Marks- is this a recorded message on  
21 your phone or are you talking to him live on the phone and he's saying, Marks you know  
22 me?

23 M: Oh that conversation doesn't happen. I thought I made that clear. I mean I don't have  
24 that conversation with him.

25 J: No, no, no—oh you never had the conversation with him?

26 M: No. It's from Saladena. I don't know that I had a conversation with him and ask him  
27 about that-

1 J: Where did I get that from?

2 M: Maybe I did and don't-

3 G: No. Laura said that you told her that he told you, that he contacted you and said, "you  
4 know I'm a burglar, but I'm not a murderer. This isn't me."

5 M: No. I remember that. I don't remember how it is. I don't know if it was at the time of  
6 booking or-

7 G: Okay.

8 M: -when that but I mean I know I've read that. When it got said, if it was said, I mean, I  
9 don't doubt it.

10 J: When-wouldn't the natural question from that be, "well then where were you?" I mean,  
11 or you just would've just "whatever" and not talked to him?

12 M: That would've been when we booked him and I don't remember from what I read in here  
13 that he indicates where he is or like I don't remember if he denies it right off the top of  
14 my head right now. I mean does he deny it when he's interviewed that day? I know we  
15 interviewed him that day.

16 J: Well that's what, I think that we

17 G: I don't think we have any-

18 J: I think it says something like he's interviewed and my understanding was he denied it but  
19 there was no further explanation of where he was or like he doesn't offer up "I was at my  
20 cousin Billy's house" or "I was, you know, at the restaurant down the street" or I don't  
21 remember anything like that but my understanding was that he was-

22 G: Is there even any real memorialization of that conversation. I don't remember there being.

23 PM: I don't know.

24 M: Let's see cause I think there's-

25 J: I mean you would think you would've put something in there right, if you had had a  
26 conversation with him where he hadn't invoked.

27 PM: Can I just see that one more time-

28



1 M: Yeah, cause he doesn't invoke. So, what day is this? The place where I'd think to get it.  
2 I mean I'm presuming he didn't say anything. Yeah, but it would either be in the Chrono  
3 or in the arrest report.

4 G: I think it's gotta be early November-

5 M: It's December the 3rd.

6 G: Oh December 5th, 3rd?

7 M: Third.

8 J: Third.

9 [2:07:27]

10 M: The Chrono, it doesn't say, so let's go to the arrest report. Just says, "He denied any  
11 knowledge of the murder." So it's so brief, I don't remember. If he had given his  
12 whereabouts or given an alibi we would've investigated.

13 J: You would've put that in the report, would you not have?

14 M: I would expect that I would've put in the report.

15 J: Okay. And that was not recorded? Whatever that statement was it was not recorded.

16 M: Yeah, there's no indication that was recorded.

17 J: The-

18 M: He signed the waiver.

19 J: Okay. And there's nothing written on the waiver? Like, I don't know nothin'.

20 M: It's just a waiver.

21 J: It's just a waiver.

22 PM: I was wondering if you could help or explain what this is. It looks to me, it's called a  
23 certificate of release, and I think it was in there. It's called 163 on here. The way I read  
24 it, and I might be reading it wrong, it looks like Terrell was released the same day that the  
25 phone calls were, that Bishop says the phone calls were made- 12/5. And maybe the  
26 copy in the murder book is better because I know you can't really read the date on that.

1 M: Right. What I think this is it. When we get a reject, then we come back and then we 849-  
2 849(b)(1) him out.

3 G: And that's the form 841(b)(9).

4 M: That's what that is, I think that's his copy of that. I suspect that's what that is.

5 G: So, the-

6 M: Because he would've stayed in custody until presented to the DA. We wouldn't have let  
7 him out.

8 G: And the person himself, who's being released, gets a copy of that.

9 M: Right.

10 G: In case he has to prove that he's out.

11 M: Right.

12 L: Legitimately.

13 G: Legitimately.

14 PM: Got it. Okay, thank you.

15 J: I think we kinda covered this, but, I just want to back track for a second, the Clarence  
16 Pace's interview. Did you ever try to put any pressure on Pace to come forward or give a  
17 statement?

18 [2:09:33]

19 M: No, I know we went looking for him for a while because, how was it? His girlfriend goes  
20 to Chris Hanson's father, says her boyfriend may have been a witness. And then I think  
21 there's a phone number for the girlfriend, we contact her and talk to her sister and she  
22 gives us the name of Clarence Pace. And I think we made several efforts to get a hold of  
23 him and we talked to him on the phone once before we actually interviewed him. So-

24 J: And he ultimately comes and writes a declaration and says, something like- you know he  
25 basically, put the pressure on me that things could be, you know, hard on me if I don't,  
26 cough up what I know. So, does that-

27 M: We don't know what he knows, at first. He's the one that tells us.

28

1 J: Mmkay.

2 M: That it's AD. It's not like if you don't tell us it's AD- he's the one that told us it was AD.

3 We hadn't focused on AD until that time.

4 PM: Well, okay. So the notes that in Laura Aalto's file, "how did Pace pick out photo in mug

5 book, maybe point to it, question mark." So you didn't give him a photo of Andrew and

6 ask him-

7 M: No, he found Andrew in the mug book and pointed him out to us. Because he only knew

8 him as AD. And that's the time, he goes through there, he finds the picture, says this is

9 "AD." Then he can't find Terrell. But, he tells Terrell's full name.

10 J: Mmkay.

11 G: And he tells you about Terrell as what?

12 M: As an associate of AD.

13 G: -of AD, okay.

14 M: He doesn't say Terrell was the second person he saw, he never said that.

15 G: Okay.

16 M: He says the two of em associate, he says where they, at the pool hall I think at 28th and or

17 Adams, or something-

18 J: Okay so these are more-

19 M: Now, depending on when her note is, I mean are we talking about, I mean maybe she's

20 referring to we're trying to serve subpoenas. And, I mean I'm only guessing, now but,

21 we would be trying to serve subpoenas and we want personal service subpoenas. So, I

22 mean and if he finds that, and again I'm surely speculating here now-

23 G: So, you're saying that conversation could've occurred when you were serving him a

24 subpoena about there would be consequences or leaning on him or whatever?

25 M: Well, it wouldn't have been leaning cause we're not tryna-but-it was just, you can't

26 ignore this.

27 G: Uh-huh.

28

1 M: Okay. I mean you get subpoenaed, because we would've offered him a ride to court. I  
2 mean, "You need a ride to court" we would've given him a ride to court. But and what  
3 we would've-what we would tell him is "you gotta go to court." I mean, you get served  
4 and if I find you in person and serve you, you've gotta go to court. Can't make you say  
5 anything in court and I think the judge pointed out, I mean you do have to answer  
6 questions unless it's self-incriminating. I mean, which it wouldn't be in his case, so I  
7 mean, cause the judge specifically tells Vincent Sanders, he says, "you can't refuse to  
8 answer questions – you can't." Okay, so I didn't even realize that, I mean I just always  
9 figured I can get em to court, I don't know what they're going to say, you know by that  
10 point, but I-and, maybe it was that. I don't know, because the way that it's written there,  
11 he tells us, I don't tell him who it is. So, but we would've definitely, I mean, he would be  
12 a big part of the case, that's the cooperation. Okay, so, would there have been sustained  
13 efforts to find him if he was avoiding us? Oh yes, there would've been.

14 [2:13:03]

15 J: The defense – I'm just changing topics. The defense attached a copy of the LAPD  
16 manual from 1996 to 1997. Do you know if the manual changed between the time of the  
17 crime in Mr. Wilson's case and the time of the document produced by defense counsel?

18 M: What part of the manual are they talking about? Is this for photo line-ups or whatever?

19 J: Yeah. Identification procedures, let's see.

20 M: Not a whole lot, I don't think. I don't things changed.

21 J: I mean if this manual reflects that it's produced in 96/97, is it something that gets  
22 revamped every year? Or-

23 M: Not necessarily every year, just as things come up.

24 J: Mmkay. Do you believe-

25 M: And in fact, is that the department manual there?

26 J: Correct.

1 M: Because, the Detective Operations Manual would be a better reference. I mean that's  
2 what I would look at. Detective Operations Manual. And it won't be different from that  
3 or it shouldn't be.

4 PM: It's the same.

5 M: Okay, so.

6 J: Were you- and I'm talking about stuff that happened off the record so you might not have  
7 any personal knowledge or not, but sometimes if we argue 402s on admissibility of  
8 evidence or what we can and cannot discuss or question witnesses about, sometimes that  
9 comes out either in chambers or before you go on and testify. Were you ever given any  
10 instructions by the judge or the DA about things you could or could not testify to?

11 M: I don't remember that.

12 J: Okay. You know sometimes for example lets says it's a gang case and there's no gang  
13 allegation and the gang allegation has been taken out of the case, sometimes we tell our  
14 detectives, "hey you can't bring up the fact that he's," you know-

15 M: No, I know what you're talking about-

16 J -Nothing.

17 M: Cause I don't know what it would've been.

18 J: Okay.

19 M: And if I had brought it up, I'm sure that'd be an issue, I mean, I haven't read it any place,  
20 so.

21 J: No, I'm just thinking like maybe there were discussions off the record that we don't have  
22 that might shed light on other issues, like for example something was discussed and it  
23 was determined this was not admissible. So it just never came up with the witnesses, that  
24 kind of thing.

25 [2:15:15]

1 M: No. I mean, I'm sure that his past criminal history, unless they asked me about it, I  
2 wouldn't be just offering it, the fact that my opinion of Andrew, Andrew Wilson, they  
3 wouldn't have asked me and I wouldn't have tried to sneak it in any place. So-

4 J: Do you, defense has kinda alleged that you were pressured to identify somebody, because  
5 there were, you know, LA Times articles and Arthur Hanson was breathing down your  
6 neck, and LAPD felt pressured to identify somebody. Do you feel that that was a factor  
7 in your investigation in the case?

8 [2:15:58]

9 M: Absolutely not. I mean, we were delighted to have the media cover it. Typically they  
10 don't. I mean if it's a murder in the South end, it doesn't get reported in the LA Time-now  
11 it does, through your online blog. Okay, but it doesn't get coverage. And, what I  
12 remember about this case is that Joe Rico, gosh I haven't thought about that guy in  
13 forever, he was a TV newscaster, and he did a tear jerker of a story on this. I mean it  
14 would've brought a tear to your eye and I don't remember it generating anything. And  
15 this guy, the LA Times article, if I remember looking through it and I think that actually  
16 comes in after we've already talked to Pace, I think. Cause there's two articles, one of  
17 them was after the arrest and one is, I think it was after we had already talked to Pace.

18 PM: I think it was after you talked to Pace but before-

19 J: Before Sanders-

20 PM: -you directed Bishop's attention to Andrew's photo, so it was right in- it's like, it's just  
21 kind of coincidental that after weeks of, you know of dead ends-

22 M: Yeah, I read-

23 PM: -then it's Pace, then it's LA Times, then its "here Bishop, how bout this guy?" then its  
24 Andrew's arrested and then-

25 M: And I-

26 PM: -it's just kind of an interesting sequence of events.  
27  
28

1 M: And I have to think that it pro-I don't know if Arthur Hanson had talked to em because  
2 we issue a press release on every murder, there's a press release which basically doesn't  
3 say much of anything, and typically I would have no other contact with the press unless  
4 we were trying to get them to put something out to get leads to come in. And so I suspect  
5 Hanson or somebody because it wasn't us. We didn't go to the press.

6 J: Right.

7 PM: Right, it was the father. You mentioned he was very involved.

8 M: He was. He was.

9 [2:17:40]

10 J: Were you concerned about- Hypothetically, let's say you never talked to Clarence Pace  
11 and Saladena had never been presented with the 6 pack, I mean the fact that this was  
12 pending out there as a homicide, you had Arthur Hanson breathing down your neck, did  
13 that concern you that there wasn't a suspect from the beginning?

14 M: I wouldn't characterize anything that Arthur Hanson did as breathing down our neck.

15 J: MMkay.

16 M: He wasn't an impediment, he was assistive with that and so I respected him for that. And  
17 there was no pressure-

18 J: So he wasn't on your case like Marks-

19 M: No.

20 J: -why aren't you, you know?

21 M: No. In fact, all things considered, this got resolved relatively quickly and, I mean  
22 because there's no statute in murder-

23 L: Right.

24 M: -so this whole business from television, that if it aint solved in the first 48 hours, that's  
25 nonsense. Okay, it makes for good TV, but it doesn't the ones that I was experienced with,  
26 I mean that was real easy, it would've been a what a smokin' gun if you had somebody in  
27  
28

1 custody. I mean it takes time for it to develop. But there was absolutely no pressure  
2 from the LA Times. We were thankful that they even showed an interest.

3 [2:18:52]

4 **J: Do you still have confidence in the outcome of the case?**

5 **M: I do.**

6 [2:18:58]

7 **J: Okay. And, do you think that you did anything that was procedurally unusual or**  
8 **that you would do differently now?**

9 [2:19:04]

10 **M: Procedurally unusual, of course. I mean that whole business- I'm not saying I**  
11 **would do it differently though. I mean there was a reason the what I did it. And, I**  
12 **divulged it. I mean immediately cause I knew it was gonna be an issue.**

13 [2:19:18]

14 **J: Which was gonna be the issue? The pointi-**

15 **M: The issue that I direct her attention.**

16 [2:19:22]

17 **PM: So that's a procedure you would still use today?**

18 **M: Maybe not on every case. But there may be cases and it would be, I mean this**  
19 **wasn't the first time that I had ever done something like that but it had always been**  
20 **disclosed, up front like that. There is no identifi- now, I write it a little bit**  
21 **differently because I'd since get a \*\*\* that there was no identification, okay?**  
22 **Following the no identification, I direct her attention to such and such. So, I might**  
23 **write it a little bit differently but it would still be up front that their attention's**  
24 **being directed, being *directed* to this particular person, for comment.**

25 [2:19:58]

26 **J: You've been gesturing at the murder book. You're referring to your affidavit that's**  
27 **in the murder book?**

28



1 M: Yes.

2 J: Okay. Would you have disclosed it anywhere else?

3 [2:20:05]

4 M: You know I looked in there and if I was doing it after this, I would've put it in the  
5 arrest report too but I didn't write the arrest report I wrote the affidavit, my  
6 partner did that and I was thinking about it when this occurred, our reports were  
7 handwritten and given to a secretary and typed. So it's not like you don't make the  
8 changes like you do now where it's a real eas- thing- when they retype it, they  
9 retyped the whole thing. I mean if you had significant errors. So, if it was different  
10 I would've put it in the arrest report as well. And I think in the arrest report, what  
11 it says, what he wrote's in there, which is still true, it's just- he kinda omits  
12 something. He says its "tentative" okay and I might've worded it a little bit  
13 differently. Put in the fact that I had resolved it, but the book is the whole  
14 investigation. So it's not just what we give to the DA for filing purposes on that first  
15 day, you know they get the whole thing. And like I say, it was there, I mean it was  
16 spelled out.

17 PM: So, if Laura Aalto says she never saw the affidavit then she would just be mistaken?

18 [2:21:18]

19 M: She would be mistaken. Because we would've provided it to her and, apparently I  
20 was wrong when I said we gave the two copies, it must be something else that I read.  
21 We gave two copies to the DA with the understanding the DA would give a copy to  
22 the defense. But-

23 [2:21:34]

24 J: But it looks like he at least went through the book, at the station?

25 M: He did.

26 J: And it was in the book at that time?

27 [2:21:42]

28

1 M: And – Yes. [2:21:47] **But we still don't, as far as I know because we really- we really**  
2 **don't track what exact documents go to the DA**, I mean they have a list. I mean if you  
3 know it tells you, 4 copies of this, 4 copies of that. Usually it's just a follow-up and  
4 crime report and death report. You may or may not have the protocol by that time or not.  
5 But, that's not what they go to court on, they go to court on this. I mean it's everything  
6 that's in there. So, getting back to what you said, I would've written it in the arrest report  
7 as well.

8 J: You have a pretty good recall of this considering how old it is. Is that because you  
9 refreshed your memory or you've-?

10 M: Because I'm trying to distinguish fro- I mean I don't actually remember but I do read in  
11 this and I can see my handwriting and I recall certain things.

12 J: Do you have any health issues or medications you take that might have impaired your  
13 memory or ability to recall?

14 M: Back then?

15 [2:22:40]

16 J: No. Well, back then and now?

17 M: No.

18 J: Nothing in either case?

19 J: That's good.

20 M: I find myself putting things in cabinets that are belong in the refrigerator –

21 J: Oh, I do that already, so-

22 L: I'm right with you.

23 PM: Um, so I do have some follow up questions, but I would love like a two minute coffee  
24 break-

25 J: Yeah.

26 M: Good. Me too.

27 \*\*\*

28

1 L: Okay, its 10:31, 12:31 I'm sorry and I'll pause the tape.

2 [2:23:08]

3 [2:23:10]

4 L: Okay the time is 12:36 and we are back on tape from the break.

5 PM: So I want to sincerely thank you Detective Marks for taking the time today. It's really  
6 helpful. And, for our office that's been working on this case for a while, these are  
7 questions that we've actually, really really been dying to ask. So thank you. One of the  
8 things I wanted to ask you is, so on page 2 of the chron, it says, there's an entry October  
9 25, and it says that you picked up Bishop, this looks like your handwriting, transferred  
10 her, went to the Southwest station and she pointed out a booking photo of Marshaunt  
11 Jackson, who had argued with the victim 4 days prior to his death. And saw him two  
12 days later and I'm just wondering if you know, it was almost a month between the time  
13 she pointed out Marshaunt as somebody who had argued with Chris and the time you  
14 interviewed him. Is there any reason that there was that delay? And anything- if you-

15 [2:24:27]

16 M: No I don't- I don't particularly recall. I'm- without going back through this. I don't. Not  
17 Peter, it was Berwick right? Berwick is the one that mentions 'cause he calls him  
18 Freddy-

19 G: Byron Berwick, yeah.

20 M: -'cause he calls him Freddy and then at some point we made the connection that  
21 Marshaunt Jackson is indeed Freddy and whatever. So, but as she's pointing this out,  
22 she's not saying he's a suspect either. She's saying they had an argument but she's not  
23 saying he's one of the two men at the car.

24 PM: Okay. So-

25 J: Do you thi- one question -

26 PM: Go.

1 J: Do you think that they-that she or you asked her is there anybody who maybe had a  
2 reason to do this crime, is that how that came up or why would she just volunteer that  
3 information?

4 M: She's pointing at the photo-

5 J: Right. Well-

6 M: -Okay so I don't know if this, am I reading this thing here? I don't know that we're  
7 showing her a single photo. And is it- I can't tell from this, is she looking at another one  
8 of these mug books or whatever, that I'm not sure. Do we know, again unless I went  
9 back here and found out that we already talked to Berwick, do we already know who  
10 Marshaunt Jackson is and do we have a photograph of him or does that happen later. I'm  
11 not sure what the sequence is-What's the date on this-

12 G: 10/25

13 PM: I think she testified that she looked at the mugs books the next day, she came back and  
14 looked at more mug books.

15 M: Okay and looked at more mug books. Okay. Cause that's how I take this to read and  
16 then the business and as she points him out, it's over an argument, he's not one of the two  
17 guys at the car, so which, for all indications it's gonna be a street robbery, its target of  
18 opportunity on the street, and at some point had other information not developed going to  
19 a particular suspect, I mean might we have ever gotten back and then asked her a about  
20 this guy that he had an argument with four days before, maybe. Okay, but it was one of  
21 those things that-I mean he didn't leap to the front right then because she hadn't identified  
22 him. She's- I mean she has identified him as a-

23 PM: Somebody she recognized.

24 M: -someone she recognized and had had an argument with the victim prior.

25 PM: But she didn't do the same with respect to Andrew. So his photos were also in the mug  
26 books, but she didn't point him out as somebody she recognized.

27 M: That's correct.

28

1 PM: Okay, let's see. So Andrew-I mean, what's your name Adam, feel free to-

2 G: Okay.

3 PM: -jump in if you have any questions or if I'm looking- or if I'm missing anything. In  
4 Laura Aalto's memorandum about her account of her investigation into Clarence Pace's  
5 identification of Terrell, that's in the special circumstances disposition report dated June  
6 23, she said she had a number of people from her office compare the photos and they  
7 concluded that they, the people Saladena picked out as possible suspects for the driver's  
8 side- sorry, the passenger side assailant, looked nothing like each other or like Terrell.  
9 Did you have a different view on that?

10 M: I do, I imagine it's all personal, I imagine you get \*\*\* I know he's a, I mean an associate,  
11 might I see things that I wanna see? Sure. I thought it was interesting too, she ment- I  
12 think there was something in there she mentions about the look at a line-up and it took 7  
13 times for somebody to pick him out.

14 PM: Mmhm.

15 M: I thought, well that's supposed to be a good line-up, because the idea, what I've read I  
16 mean I can't say I'm not saying I did this with every line-up I created, but I read the  
17 business about if you create a line-up and then you pass it around, people have no  
18 information other than here's the description of the suspect, have no other background  
19 information or context, how frequently would you expect them to be able to identify the  
20 suspect and if too many of them identify the suspect, okay, the question becomes, is it  
21 suggestive? So if it took 7 people before somebody hit on it, I kinda look at it in that line,  
22 I says not all 7 of them hit on it and said it was him. It took 7 times before somebody  
23 said, "well maybe that's him." So we're kinda beating around the bush.

24 PM: I thought they were comparing the composite sketch to the photo?

25 G: That's what I thought too.

26 PM: Yeah. It was that - let's see.

1 J: That, no – I agree. It's that they were looking at the composite and trying to pick him out  
2 of the line-up.

3 PM: And it was just nobody seemed to think that they looked-that the photo of Terrell looked  
4 anything like the composite, I think is what they were comparing.

5 M: Mmkay.

6 [2:29:09]

7 PM: She compared- she prepared a composite of both suspects, "composite Wilson is good the  
8 other composite looks nothing like Terrell. In a blind test comparing the composite with  
9 the 16 photo spread, staff Robin Wetmore selected Terrell after 7 attempts." So, they  
10 were just saying, I think what Laura Aalto was saying is that they didn't look- he didn't  
11 look anything like the person Saladena described.

12 L: Terrell, the-the passenger.

13 U: Yeah.

14 PM: Yeah. She also says in this memo that she describes the case against Wilson as "shakey."  
15 Would you agree with that assessment that it was a weak case?

16 M: Well, considering this was 30 years ago and so, are eyewitness cases shakier than  
17 evidence cases? Yeah, they are. 35 years ago, there wasn't AFIS, the fingerprint thing  
18 that automatically does it. Back then, if you had suspects, you had to give a name for  
19 them to compare it, there was no automatic. Same thing, no cell phone, no DNA, back  
20 then it was ABO and all that, so eyewitness identification back then, I mean strictly  
21 eyewitness identification and corroboration was more than we have today cause that's  
22 basically what we had. So, but is eyewitness identification inherently, you use the word  
23 "risky" I don't know I'd use the word risky-

24 PM: shakey.

25 M: -it's just a fact of life. You know it's – that's just the way it is. And, you know now  
26 there's a lot more of the studies or whatever, I mean as far as cognitive and see what you  
27  
28

1           wanna see, what you don't see, that's all true. So, eyewitness cases and opposed to  
2           physical evidence cases, if I had my choice – physical evidence.

3 PM:    And is it your recollection that all of the physical evidence in this case was tested and that  
4           all of the suspects were eliminated? That was something that was in Laura Aalto's notes.  
5           The fingernails, the hair, the fingerprint.

6 M:     I think, from what I remember they had scrapings and cuttings, on one of them there's no  
7           blood, which comes from both hands they do it to both on both hands. And then the other  
8           one there is, comes back positive for blood but it's insufficient for typing. Okay, now. I  
9           don't know if Rick looked or if you looked if they even still have-

10 J:     Yeah, it doesn-

11 M:     -but DNA was an unknown, that was still in the future. Okay, that-

12 PM:    There was no physical evidence tying Andrew Wilson to-

13 M:     -oh absolutely not. No there was not.

14 PM:    And were you bothered at all by the difference in the clothing descriptions given by  
15           Bishop and Pace with respect to what the person Pace said he felt looked like AD was  
16           wearing?

17 M:     Right I think he puts him with a hat on and some-

18 PM:    and a black leather jacket and she has him like a plaid burgundy shirt and a grey t-shirt.

19 M:     No, I mean I was aware of it but, I mean the physical description and the composite and  
20           whatever so I mean I expected to this day it's the same. If you had us sitting around a  
21           table and we witnessed an incident, that physical description would probably be a range  
22           over 6 inches and 40 or 50 pounds. I expect that, I mean I would expect that. So would I  
23           have dismissed it on the basis of clothing alone? Knowing how the composite appeared  
24           and his height and weight compared to what she said, the clothing alone wouldn't have  
25           dismissed it for me. You know it's just, alright.

26 [2:32:38]

1 PM: There are some notes in Laura Aalto's file that appear to be taken when she was  
2 interviewing Saladena Bishop and they seem to indicate that at one point there was a  
3 fight, one, the night Bishop went to the police station. She wanted to use the restroom  
4 and she was told not to flush the toilet. And that she, and that they put handcuffs on her.  
5 Do you remember anything like that?

6 M: As a matter of fact I do. I don't remember what it was over, but I remember a female  
7 police officer, when I got to the station, or something, were they loud, were their voices  
8 raised or whatever? And at some point she was handcuffed. I remember that.

9 J: Do you have, like- was that from my bates stamped notes?

10 PM: Yes, I'm looking.

11 J: I don't remember that.

12 G: Oh yeah.

13 J: The bates page would be good.

14 PM: Yes, mam, I'm coming, hold on.

15 G: You don't remember why she was cuffed?

16 M: No I don't remember that. I just remember- I remember cause the officer was Charlene  
17 Long and she was killed in a traffic accident.

18 L: Oh man.

19 M: I don't know a couple years after that.

20 PM: Did Saladena Bishop appear to be under the influence of any substances?

21 M: I don't recall that. I mean, I don't believe she was I don't recall. I don't have that sense  
22 that she was under the influence.

23 PM: And did she have a history of any substance use or abuse?

24 M: I don't recall that.

25 G: Would you guys have looked up her sheet or anything like that?

26 M: Mmhm. Yes. Now let me see here. Let's look, oh wait a minute, she's back here, 14.

27 [Background conversation]

28



1 M: I don't see a RAP sheet with her statement.

2 [Background conversation]

3 M: That looks like, this is gonna be juvenile, and it looks like a theft.

4 [Background conversation]

5 G: So there's a juvenile theft defense?

6 M: Yeah cause she was 17 at the time.

7 [Background conversation]

8 [2:35:03]

9 PM: Did you ever learn what happened to Chris Hanson's knee or why it was in a knee brace  
10 or why he was on crutches?

11 M: Only what I remember reading, I guess he had an accident at work or was he working at  
12 Home Depot? Or someplace or and hurt it and he was off from work or whatever and  
13 wore a brace.

14 PM: One of the reasons we were ask-or Erika and I too were asking about Earl Martin is  
15 because there are some notes in Laura Aalto's file that appear to have been taken during a  
16 conversation with Earl Martin or with someone who had spoken to Earl Martin, who is  
17 the best friend, says best friend of the victim. And he apparently reported to Laura Aalto  
18 that Dena had been living with Chris in various places and at one point with Earl Martin  
19 and his girlfriend and he also reported that she had at one point when she was maybe on  
20 PCP it looks like, stabbed him with a knife. It's hard to say what this means but it says  
21 lacerations 40 at one time alone and that Earl Martin also said, told Chris from the  
22 beginning "what do you do if she attacks you with a knife again. Is that what it will take  
23 for you to leave her?" Did you ever talk to Saladena Bishop about her relationship with  
24 Chris or whether there was any violence?

25 M: No, not about any violence. I know they had been sleeping in the car for a while.

26 PM: Okay and then it also says that they got into another fight-

27 M: If I can elaborate on that I mean ill go over it a little bit further.

1 PM: Yeah, sure. Please, please.

2 M: I wouldn't have had any reason to either. I mean under the circumstances here, we  
3 weren't dealing with a domestic violence incident. So there was nothing to suggest that  
4 she did it, I mean that she had anything to do with it. I wouldn't of- I don't know that I'd  
5 been particularly interested in it.

6 [2:37:06]

7 J: Did you see anything in her RAPs, like dismissed cases or, or-

8 M: No.

9 J: -anything that would've suggested-

10 M: No. The only thing I see in her juvenile RAP is a 484, which is a theft, so.

11 G: And you don't- none of this information rings a bell to you? Or his name?

12 M: No, in fact I wasn't privy, I mean I didn't have copies of those notes in \*\*\* book.

13 G: Right.

14 M: Now the interview, if she's interviewing Saladena I remember that I think I had gotten all  
15 the way home one night and she, Laura Aalto calls and she wants Saladena picked up.  
16 And I think I had a uniformed unit go out and get her. And then I drove back in and so I  
17 was present at the interview, I presume that it's that interview. So \*\*\*

18 J: You were present at this interview?

19 M: I was present at a interview that she conducted with Saladena.

20 J: I don't think that's the same int-

21 PM: No, I don't -

22 J: Cause this says per Earl Martin, I-

23 PM: It's not dated, we don't know who Laura Aalto was speaking to-

24 G: But you don't remember her asking about any of this in that interview that you were  
25 present in or do you?

26 M: No, I don't.

1 J: My understanding from talking to Laura Aalto is that those are her notes from a  
2 conversation she had with Earl Martin.

3 PM: Okay.

4 J: And she's got a phone number written next to that-

5 G: Yeah.

6 J: -so there's probably some way of double checking that. But my understanding is that this  
7 is somebody that came forward to her.

8 PM: Yeah.

9 J: Not-

10 PM: And then he also said that- she also wrote down that Earl Martin reported that after the  
11 earlier attack with the knife, there was another time where Chris has injured his knee, and  
12 Dena lunged at him and I guess dislocated his knee, and drove him to the hospital. That  
13 was one and a half weeks before his death. And that his parents were still wondering  
14 what happened to his knee I guess at the time he died. So, did his parents ever say  
15 anything to you about his knee injury or anything like that?

16 M: I don't know if they said something about the knee injury. I know the father, and in fact  
17 backing up a bit, I believe there's an independent witness that hears an exclamation after  
18 the screams and whatever, and she be "everything in my life is gone" and somebody  
19 saying "well you're the cause of it." Well that was the father. Okay, so. He got to the  
20 scene pretty quickly. I knew that there were some, well he put Chris out of the house  
21 apparently, cause he wouldn't do what he was told when he was still living in the house  
22 or something and I always thought that he felt kinda responsible in a sense. If he hadn't  
23 put him out of the house, he woulda been in a bedroom he wouldn't have been asleep in a  
24 car, you know and so forth. And it's one of those, was he doing the tough love thing or  
25 whatever, and I just thought that was sad cause I imagine that's probably one reason he  
26 got as involved as he did. Cause he thinks he owed him something. But, that information,  
27 I mean to be honest with you, under the circumstances we were investigating the crime, I  
28

1 wouldn't have been particularly interested in that. I mean it would've been, "alright,  
2 that's interesting" but it's there was nothing to suggest that I mean, until its suggested  
3 that she had anything to do with calling these guys for it, it looked like it was a crime of  
4 opportunity. You know when they happen upon these people that were asleep in the car.

5 [2:40:22]

6 **PM:** So you would not have been interested in this information?

7 **M:** I really wouldn't have.

8 **J:** Well, let me ask you something. If, cause you've talked about Brady before. Do you  
9 believe that that information, had it been presented to you, would possibly have  
10 been Brady information that should've at least been turned over, even if it didn't go  
11 anywhere?

12 [2:40:36]

13 **M:** Would I consider that Brady information?

14 **J:** Mmhm?

15 [2:40:38]

16 **M:** Honestly, I wouldn't.

17 **J:** Why not?

18 **M:** I wouldn't have. I mean, I may be wrong but I wouldn't have considered that Brady  
19 information.

20 **J:** An-

21 **M:** I mean when I think of Brady information, I think of "exculpatory." I don't think, that's  
22 how I think-

23 **PM:** But, weren't his- Right. And so. But, I thought his injuries were not necessarily life-  
24 threatening, it was only because of the, what was it Von Willebrand disease or something  
25 that he died? So given that she's allegedly attacked him with a knife in the past in a  
26 nonlethal way and this was also potentially a nonlethal knife attack, you wouldn't find  
27 this information-

28

1 [2:41:17]

2 M: The coroner, I mean the protocols in here, I don't think the coroner says anything about  
3 prior existing injury contributed to his death.

4 J: No, no, it's a bleeding disorder, right?

5 PM: It's like-

6 M: It's a bleeding disorder, someone else may have survived it.

7 PM: Exactly. So-

8 G: So what we're saying is it didn't have to be such a vicious attack to cause it so would it-  
9 so isn't possible that it could've been, it sounds very much like the previous attack, if  
10 that's to be believed, and would that not have caused you alarm to think maybe she is  
11 responsible?

12 M: Honestly, it wouldn't have. I mean as we're sitting here talking about it now, I still don't.  
13 Even with what you're telling me, because he didn't die from that prior incident. I hadn't  
14 in fact, I'm not even sure I'm aware of that prior incident \*\*\*

15 L: Is it document that prior incident? Did that happen and then it-besides her -

16 PM: \*\*\*

17 G: Well so far all we've got-

18 PM: -I just got this on Thursday.

19 L: Oh, okay.

20 PM: So, I mean, apparently there was a prior trip. I mean we haven't spoken to Earl Martin.

21 G: I don't even know if Orthopedic Hospital still exists, does it?

22 M: Yeah. But I mean had I don't remember being aware of that. But had I, I mean that's  
23 what I'm talking about, hypothetically, I don't know that I would've drawn the same  
24 conclusions that you do from it.

25 [2:42:34]

26 J: That's okay, it is what it is. I was just curious to know if that triggered anything for him  
27 or what he would've done with it.

1 PM: So you wouldn't have questioned-

2 M: If I-

3 PM: -about her prior, about this reported incident, attacking him with a knife?

4 M: If I had known about it, I might have asked about it, but I wouldn't have given it a lot of  
5 credence or whatever to-

6 L: So you didn't even know about it?

7 M: I don't remember even knowing about it.

8 PM: And I think Erika also mentioned earlier the reported rape, Bishop reported being raped  
9 and you said that that may have come through your division and that you remembered  
10 Tom Purington, but you didn't have any involvement in deciding whether the allegation  
11 had any merit or anything like that.

12 [2:43:30]

13 M: Right. If, and I don't have a copy of the report in here.

14 PM: Right, it just never- even though the trial didn't happen yet it didn't, it never hit your radar  
15 or your desk? This incident with Saladena-

16 M: No, I don't know if I knew about it back then or if I've read something in this other  
17 business up here. Cause the only reason I would've found out about it is either Purington  
18 came over and told us because somehow he knew she was a witness in a murder-

19 PM: Mmhm.

20 M: -or she told us. And if she told us that, and again I'm just trying to think ahead. If she  
21 had told me that, would I have put that in the witness protection thing? Cause that would  
22 just be another, I mean as I'm thinking about it now, that would've been another thing to  
23 put in there.

24 PM: Yep.

25 J: There would've been some kind of record though don't you think, in your chron or  
26 something- that somebody had disclosed that to you? That would've been significant  
27 enough to-

1 M: Maybe. I mean it'd be nice to sit here and say "yeah." But, I mean I don't know what I  
2 don't know what significance I would've placed on it. Would I ask for a report or put it  
3 in there or what?

4 PM: Yeah. Were you still in touch with Arthur Hanson at the point? This would've been like  
5 summer of 86 so before the trial – after the preliminary but before the trial.

6 M: You know I don't remember, I mean there was the call from him obviously where he told  
7 us about the girl that ultimately led us to Clarence Pace. But it wasn't like I dealt with  
8 him every day. I mean years later I think I- somebody hollered at us from a car and it  
9 was Arthur Hanson, I mean I hadn't seen him in years.

10 PM: Mmhm.

11 M: I mean and whatever so. But it wasn't like I stayed in touch daily, you know like this  
12 cause of the LA Times or anything like that, so, I probably had more contact with him  
13 then maybe on others. I mean he may have contacted us but it wasn't and I don't see it in  
14 here.

15 [2:45:26]

16 PM: **Right. And so, one of the things that Laura wrote down about this incident was that**  
17 **"Purington says she's a liar." And then she wrote, "I believe he's write in his**  
18 **judgment regarding this case." Did Saladena Bishop come across to you as a**  
19 **credible witness?**

20 [2:45:48]

21 M: **As a credible witness? I mean for that night? Yeah. She did. I don't remember the**  
22 **circumstances, but it was years later, I ran across her in 77th division some place,**  
23 **and it was just a con- we just had a conversation on the street, and I wanna say she**  
24 **was a witness or some peripheral witness to something else, but I don't even**  
25 **remember what year that was or where it was, or anything, but Saladena was from**  
26 **the street. So, she survived. That's all I can say about her. I found her credible. I**  
27 **found her sympathetic. I know from what you're telling me about Bunch, I don't**

1 remember it myself- I just kinda, am I remembering because what you said about it?  
2 I mean, Bunch could be very harsh in his criticisms and Charlene, from that night,  
3 didn't like her. Okay?

4 **J:** Who's Charlene?

5 **M:** Charlene

6 **U:** Long.

7 **G:** The cop at the station.

8 **M:** -that handcuffed her.

9 [2:46:51]

10 **J:** Okay, clearly they probably didn't get along so well. If that information had come  
11 to you from another part of your agency and somebody's opinion had been given to  
12 you that they believed she was a liar, would that had been something that bothered  
13 you or resonated with you or would you have done something about it?

14 [2:47:10]

15 **M:** That would've changed things. I mean if somebody else thought that. I mean-

16 **J:** What would you've done with it?

17 [2:47:14]

18 **M:** I'd have to disclose it.

19 [2:47:17]

20 **J:** So you believe that's Brady?

21 **M:** Yeah, I do.

22 **G:** It sounded like you had a different reaction to her when you saw her years later that you  
23 didn't really express. What did- what was she like years later that-?

24 **M:** She was a street prostitute.

25 **G:** Oh, that's what you mean by "from the street."



1 M: Well, she was from the street before I mean she wasn't living with her family. Not her  
2 parents or whatever, she was living essentially on the street where she could find a place  
3 to put her head down.

4 PM: I'm not going to make you go through this whole binder.

5 [Background conversations]

6 [2:48:32]

7 G: Yeah, so this is again from Laura Aalto's notes, and it says, so apparently some people  
8 called Pace, Paso. Do you remember that? Arthur Hanson seemed to have referred to  
9 him as Paso. And she has these – sorry I didn't really let you- Do you remember anything  
10 like that, him having a nickname?

11 M: You know I didn't until you mentioned the Paso and I don't know if I've read it some  
12 place before or whatever, it would've been in here cause I don't think I've ever seen that.

13 G: Okay. And, I guess this information is from Arthur Hanson too, Laura Aalto, it's a little  
14 hard to quite determine it, but it says "he thinks Paso fearful of jail, he's hiding  
15 something." Did you have any-do you have any recollection of having a feeling that Pace  
16 knew more than he was saying or that he was hiding something or that he was only  
17 talking because he didn't want to go to jail?

18 M: That he's only talking 'cause he didn't want to go to jail? No.

19 G: It says "he thinks Paso fearful of jail."

20 M: I mean that mak- because I think, who was it, that, who was it that described him, so  
21 basically he was a high end car thief.

22 G: Right.

23 M: The two people that he was with, that night, okay, Donald Brimm and Orval Gulley,  
24 Gulley I'm not so sure about. Brimm, was, there was a reference to it in there I don't  
25 remember the circumstances but the Brimm family was really well known by the Brimm,  
26 Donald Brimm was arrested for a triple murder, over there. So, these are the, I mean if  
27 you noticed the whole cast over there is all involving that.

1 G: Mmhm.

2 M: So, it could very well he's talking about that too cause the Brimm's were some characters,  
3 and they don't make any identifications either.

4 G: So did you think of Pace as being, I mean obviously he's not totally on the up and up.  
5 Did you determine-did you feel like he was completely credible on this or did you feel  
6 like, who knows, or-?

7 M: No, I thought he was credible.

8 G: Okay.

9 [2:50:54]

10 M: No I thought he was credible. He was, gosh he was a high end car thief.

11 G: Yeah, that's what-

12 J: That adds credibility right there.

13 L: Not going for the cheap ones.

14 J: He has good taste in cars.

15 [2:51:06]

16 PM: On the subject of Pace, I know there was some testimony at the trial, and that Laura Aalto  
17 went with Pace to kinda walk through where he was that night.

18 M: I was there.

19 PM: Oh you were there. Okay. So as I was going back over the file, it seemed to me that the  
20 time frame doesn't really match up that closely at least not as closely as it was presented  
21 at trial because Byron Berwick, at first he says that he heard the screaming around 9.  
22 That's the very first thing he says. Then later he says between 9 and 9:30 but he  
23 eventually lands about at 9:15. And the ambulance came at 9:46 or so, I think, that's  
24 what, it's actually in the report, 9:40-

25 J: I think they had somebody from the ambulance come and testify at trial, didn't they?

26 PM: Yeah, so about a half an hour later is my point. And so, I wondered how- I mean that  
27 would suggest that the two people did it at 9:15, if it happens the way Bishops says, and  
28

1 then if the ambulance didn't get there until half an hour later then how does- it just didn't  
2 seem to line up. Were you comfortable with the way the timeline was established?

3 M: Yeah 'cause I don't necessarily put a lot of stalk in what people's estimates of times are I  
4 mean 'cause that's a wild card, unless they got a watch. And I think, what was important  
5 for me, was Pace makes his observations and then they continue to walk and by the time  
6 he gets around there, 'cause I think that's the 23rd and is it LaSalle?

7 [2:52:58]

8 U: Mmhm.

9 M: 23rd and LaSalle. So he's gonna get up to 22nd, go over to Hobart and then sees the  
10 EMS or whatever and the ambulance over there, and I didn't have a problem with that. I  
11 thought that made sense to me I mean the time it's going to take him to walk, if  
12 somebody then, but that means somebody would've called promptly because the response  
13 times over there are usually pretty good. I mean it's not like in the Valley or whatever-

14 PM: Right.

15 M: -it's usually good.

16 [2:53:27]

17 PM: But, I mean, so when he re-walked it with you it was 5 minutes and 45 seconds including  
18 a stop off at a house, where he was looking for somebody. And, that would suggest that  
19 Andrew and Terrell, if as it was alleged at trial, did the stabbing, moved in a fast pace to  
20 the corner where he was, it would have to be well under 5 minutes given that they didn't  
21 stop at a building and they were moving quickly and then in that, the next 5 minutes and  
22 45 seconds, is how long it took Pace to get back to where the ambulance was; Arthur  
23 Hanson was already there-

24 M: Yes, he was.

25 PM: -it wasn't, that, more than 10 minutes would have transpired in that time. Based on my  
26 estimate it would've been significantly more, but you didn't have any?

27 M: No. Like I say, it is what it is.

28

1 PM: Right. Okay. I think, I just want to read you, this is what Vincent-what we were  
2 referring to earlier, Vincent Sanders testified at trial and this is the transcript page 1110,  
3 and the question is, "Do you know something about this guy, defendant Wilson here in  
4 court and the crime that Detective Marks was investigating?" Answer, "No, I don't know  
5 nothin' about the crime." Question, "Did you know nothing about a murder that  
6 Detective was investigating? Detective Marks?" Answer, "I don't know nothin' about it."  
7 And then it says-

8 M: Is this the prelim or the trial?

9 PM: This is the trial.

10 J: \*\*\*

11 PM: "Did you, did you know something about it two years ago when you gave a statement to  
12 the detective?" Answer, "Only thing I knew about it is what he tried to make me say  
13 about it." Question, "He tried to make you say something?" Answer, "Everything I had  
14 said he made me say it." Question, "How did he make you say it?" Answer, "For one,  
15 he used to call me a piece of shit-" more like that "-he used to tell me what he was gonna  
16 do to me if I don't say that, if he don't say what is gonna happen to me, to my brothers, to  
17 put me in jail, something like that. So he used to see me walking down the street, he used  
18 to threaten me, that's what I know about it." "Where did you make this statement?"  
19 "Well, one day I was sitting on my porch, he sees Frederick Terrell, is my cousin."  
20 "Who is Frederick Terrell?" "When he come to get Terrell I was still on the porch, so he  
21 comes across the street to my mother and stuff. So then I go down and stay by my cousin.  
22 When I go down there to see about my cousin, he start telling me, you know, he started  
23 telling me what was going on." You don't have, that doesn't raise any memories for  
24 you?

25 J: Now hold on a second, is it that you don't remember it going down like that or it didn't  
26 go down like that?

1 M: Well, I'm sure it didn't go down like that. I don't remember that. Okay, I don't  
2 remember anything approximating that.

3 PM: Okay. So a couple more questions, unless you wanna review this and make sure we  
4 haven't missed anything.

5 [2:56:17]

6 PM: One of the things in Laura Aalto's notes, about Sanders, "lied at the preliminary, on drugs,  
7 lied here, defendant told him that he did it," okay this is the part, at the end of her notes  
8 about Vincent Sanders' testimony at the preliminary hearing and in his statement to you  
9 and I guess it wouldn't have been at the trial yet, the question she asks herself is, "would  
10 you use Sanders at all?" Did you find Sanders to be a credible witness, given the way  
11 your investigation into his statement went?

12 M: Was he credible when he gave us the statement? Yeah-

13 PM: Just was he credible? Yeah if you felt comfortable with-

14 M: Oh, well he was a parolee and, but he had called us. And so he was, in fact I think having  
15 read the transcript in here, I'm basically thanking him I mean for, you know, in fact he's  
16 offering to go to court on the transcript. He's the one that's offering, I hadn't said are  
17 you willing to go to court? He's offering to go to court-

18 PM: But you suspect that might've been because he was trying to help his cousin.

19 M: I kinda wonder about that because it was also brought out in there that, "is Wilson your  
20 cousin - No, Is Terrell your cousin - Yes."

21 PM: Right. And he was also hoping to get some help with his parole officer in some way,  
22 shape, or form.

23 M: And we told him that you know we'll tell the parole officer that you cooperated with us.  
24 I mean, that's all we can do. And, but as far as being credible - Yeah, he was credible  
25 when he gave that statement.

26 PM: So even though somebody might have motives to lie, you still find them credible?  
27  
28

1 M: Yeah, unless I can disprove it. Okay, so I mean, this wasn't, how's a diplomatic way of  
2 saying this? Chances are the witnesses of what we're gonna have are gonna have records.  
3 I mean chanc- that's just the way, the way that it was. I mean, so-

4 J: When a crime happens in hell, you don't have angels for witnesses is that basically-

5 M: Exactly. And the same bottom line comes down, you can be a street prostitute and still  
6 get raped. Okay, so, you didn't lose all credibility.

7 PM: Would you in your experience as a detective, would you have expected Laura Aalto to  
8 contact you when she got the information from Earl Martin about the violence in-between  
9 Bishop and Hanson? Is that something you would expect a district attorney to call you  
10 about when the trial is coming up?

11 M: No, I can't say that I would think that. I mean I would expect that she would call me if  
12 she needed something done further with it. But just to document it, say so and so done  
13 such and such, I wouldn't expect her to call me just to, I mean, what would I have done  
14 with it?

15 PM: Well, I mean, for example, in her taped interview she indicated that Bishop, in her view  
16 and based on her recollection, Bishop had no credibility whatsoever. And I just wonder  
17 if that's the sort of thi-, did she ever pick up the phone and call you and say "how do you  
18 feel about this identification?" Are you, is this-

19 [2:59:44]

20 M: **I know, from what I remember, and in on that time when I mentioned that she**  
21 **wanted Saladena picked up, I know that she had some issues with her credibility. I**  
22 **know she did. I mean she was going to be the one that was going to be presenting**  
23 **her, you know at trial. So, I understood that she did-**

24 PM: **Do you know what those issues were?**

25 M: **Just credibility issues I think.**

26 [3:00:07]

27 PM: Like, that she wasn't telling the truth or-

28

1 M: Not so much telling the truth, because I think that I've enough respect for Laura Aalto  
2 that if she thought she wasn't telling the truth, this case would've been dismissed. Okay,  
3 but it was just, there was basically, I don't really know how to articulate it, it's just that  
4 she's a handful. I'm talking about Saladena. She can be a handful-

5 [Background conversation]

6 M: -okay as far as getting her to court and then \*\*\* I actually thought when I was reading the  
7 transcripts of the prelim, I thought she testified pretty good. But she was a handful. I  
8 mean, no question about it.

9 PM: Have you ever had other cases where witnesses identify someone that they have known  
10 you know for years, five weeks after the crime? They suddenly remember five weeks  
11 after the crime, "oh that's right, I know who did it, this person I used to babysit for."  
12 Have you had other similar cases where the memory has worked like that?

13 M: No, not exactly like that and just thinking back on that because I actually didn't remember  
14 any of that until I was reading in here, but you know as you read between the lines in  
15 what other people are saying, you know she's 14 years old, she's in a room, whatever  
16 room they've got, so it's not like she has a lot of interaction when he comes to show up  
17 wherever his kids are and visit 'em is over there cause I think she says she's only seen  
18 him a couple of times-

19 PM: Did you ever interview his daughter? Katrina?

20 M: No.

21 J: She was still little wasn't she? 7?

22 PM: She was, I mean she was old enough to know if Bishop was her babysitter.

23 G: Who babysat for her, yeah.

24 J: But like school age, elementary school?

25 PM: I think by this time she was 10 or 11?

26 G: Yeah.

1 M: Yeah I don't think she was an infant. She was older than that. And, I mean -just from  
2 reading that. So it wasn't like it- she spoke to her every day. If we were to leave here  
3 now and three weeks from now or two weeks from now, I don't know that I'd recognize  
4 any one-anyone of you. I mean and we spent a lot of time in here. I don't know, I'm just  
5 trying to play the devil's advocate because, so how much time did she spend with him? I  
6 mean the whole thing with eyewitnesses, it's not how much time, it's how much attention  
7 you give to somebody and-

8 PM: Right and one of the things Katrina remembered was that Bishop ran away from home  
9 and came to stay with Andrew and Joyce and Katrina for a couple of days because she  
10 didn't want to go home and they finally persuaded her, they let her stay for a couple of  
11 days and finally persuaded her to go back. So that was why I was asking you if you  
12 interviewed Katrina because it seems like there was significant exposure to Andrew prior  
13 to this incident that-

14 M: Yeah from reading that it sounds like it's more than from what I think somewhere else I  
15 read with her cause I've seen that disparity. You know it was, more than 3 times or  
16 whatever it was -

17 PM: Mmhm.

18 M: But- whichever it was, it wasn't like he was her father, there every day, you know? All  
19 day. You know it was limited, infrequent. And she's 14 years old -need I say more.

20 G: When you said somethi- when we were asking about Bishop, are you, first of all are you  
21 saying you felt like she was gener- when you said she was a handful, like she was  
22 generally sort of untrustworthy?

23 M: No. I don't mean to say untrustworthy, I mean she was born what a handful, I mean  
24 there's some witnesses you can ask certain things you know, be at a certain place at a  
25 certain time, and there's where I'm getting at. I means it, gotta stay on top of it.



1 G: Okay. And when you said, you know if you're a street prostitute and you may get raped,  
2 or so forth, the rape happened right around the time of trial, are you saying that you  
3 suspected she was a prostitute back then?

4 M: No.

5 G: Okay.

6 [3:04:25]

7 M: No. I was just saying- that when you were-I think the question had to do with credibility.

8 G: Okay.

9 M: A street prostitute can have credibility-

10 G: Oh, I see what you're saying.

11 M: If she was raped, she still has credibility.

12 G: Okay, you can get raped, anyway. And did you guys have CI's back then?

13 M: Oh, I'm sure we did. I didn't but-

14 G: You didn't? Do you know whether any of these people affiliated with this case were  
15 Bunch's CI's, if you didn't have any?

16 M: I tend to doubt that. I would've been aware of it, I mean he would've told me if any of  
17 these people had been CI's, and by CI's I think we're talking about, are we talking about  
18 somebody we're gonna pay?

19 G: I mean whatever you define it as. Do you have people you, did you have people, paid or  
20 not, that you went back to for information? That you would sort of protect if it came to  
21 that?

22 M: Well there were people that you may have had contact on the street that you could just go  
23 and talk to. And I could say- I wouldn't consider them a- necessarily a CI, they're just a  
24 source of information.

25 G: But as far as people that you would pay or whatever, you didn't have those?

26 M: No, in fact I think in my entire career, I think we- I know I made out informant sheets on  
27 some peop- I take that back, there was one guy. There was one guy that we did pay and -  
28

1 G: Uh huh.  
2 M: - that was much later. I mean we had others where there was rewards, I think I only paid  
3 one reward.  
4 G: Uh huh.  
5 M: But, no I mean I didn't have- I hadn't worked dope. Typically if guys were working dope  
6 that's where they would start. But I never worked dope.  
7 G: Uh huh. Do you know if Bunch had?  
8 M: No he was an auto guy for years. I mean that was his- he had- he was an auto detective, I  
9 mean he knew cars.  
10 G: So do you think he was aware of Pace as somebody who had been an auto detective.  
11 M: You know I honestly don't know. Now he was an auto detective in 77th division,  
12 division to the South.  
13 G: You can't just start out as a high end car thief. You have to work your way up to that.  
14 M: You've gotta start some place.  
15 G: Yeah.  
16 M: And he might have been doing in in South \*\*\*  
17 [3:06:31]  
18 G: As a burglary guy you weren't aware of Pace or-?  
19 M: I don't remember being aware of Pace or Vincent Sanders. AD's the one I remember-  
20 G: Uh huh.  
21 M: -for some reason. And I presume it had to do with my time working burglary as opposed  
22 to robbery-  
23 G: Right.  
24 M: -though AD was both.  
25 G: Mmhm.  
26 [3:06:50]  
27  
28

1 PM: So, I just want to make sure I understand your view on photo identifications and  
2 eyewitness identifications. So you said that when you sign your reference in  
3 affidavit to directing her attention to Andrew's photo, when you saw that you  
4 considered that would be an item to be litigated, because it's; why would that be an  
5 item to be litigated?

6 [3:07:19]

7 M: Oh because it's going to be they only identified him because you point out the  
8 picture. That's going to be the argument.

9 [3:07:22]

10 PM: But yet you still said you still use that same procedure today.

11 M: I have used that- I have used that for and it's to be litigated, I mean bring it forward  
12 and its-

13 PM: So if people are convicted based on eyewitness identification procedures like that,  
14 then it really just comes down to 30 years later in a habeas proceeding, challenging  
15 that sort of practice, I guess, is what we're down to here.

16 [3:07:53]

17 M: No, because that information was disclosed up front, I mean, it's written up front so,  
18 that means it's got an opportunity to come out-

19 PM: Well, we don't-

20 M: -at trial and then the jury makes the determination "is her identification still  
21 credible or not."

22 PM: Laura Aalto doesn't have a recollection of seeing the affidavit and there's no  
23 indication that the murder book or that section of the murder book was produced to  
24 the defense-

25 J: But Laura Aalto also didn't remember a lot of other things that she clearly had it in her  
26 notes so I don't know that we can rely on Laura Aalto's recollection for what was  
27 produced or not.

1 PM: Well, I also think that Franklin Peters was a pretty good attorney and given that the  
2 eyewitness identification was the main issue at the trial, if that had come to the attention  
3 of the defense counsel, it certainly would've been something that they would've tried to  
4 impeach Detective Marks with.

5 J: Well look, I think you and I could have this conversation off the record, we don't need to  
6 involve Marks in this conversation but - alright, in your mind, when you say it's an item  
7 to be litigated, do you believe that there's anything about doing that procedure that  
8 potentially could cause further suggestive identifica- further identifications and make  
9 them unreliable? Once you've drawn somebody's attention to someone and they  
10 continually go down that path of identifying that person, do you believe that there's  
11 anything about pointing someone to somebody's photo that can taint later identifications?

12 M: Oh, I understand that there's the potential risk for that. I mean, I understand-

13 PM: It's also not in the police manual. I mean that's not how you were trained, right? To-  
14 [3:09:20]

15 PM: -draw people's attention to -

16 M: Well-

17 PM: -suspects.

18 M: Well, right. That's correct. I mean, you're not told, you're not trained that if you don't  
19 get an identification, do this. Okay. And you're certainly not trained that if you do that,  
20 don't write about it. Okay because, I disclosed it. I mean I knew what I had done. Okay,  
21 I knew it. It was a deliberate choice – that I made. And I documented it as such.

22 [3:09:47]

23 PM: And it's your, that was your long-standing and ongoing practice?

24 M: Well I don't want to say that I did it every time but there were times like in, I think as I  
25 explained here, because I'm looking at "is there an elimination here?" Because there's a  
26 40 percent, she's not picking out Andrew. Kay? She says oh no that's not him. You  
27  
28

1 know cause, well lets go back to what we're talking about. Does she know this guy  
2 before, what if she say- \*\*\*

3 [3:10:10]

4 L: But she requested after that, didn't she say "but I'd like to do a live line-up and I'd like to  
5 see it--"

6 M: Oh she did and no she -

7 L: So, so she wanted, push it forward

8 PM: So what's the difference of having, of you like pointing somebody out to her in a photo  
9 spread and you pointing somebody out to her in a live line-up? There the same thing.

10 M: No they're not.

11 [3:10:27]

12 PM: Why?

13 M: Well they are two different things but the live line-up, I don't direct them.

14 PM: But if you-

15 M: I can't. I physically cannot do that.

16 PM: Mmhm. You wouldn't see any problem with directing her attention to-

17 M: To a live line up?

18 L: Oh yeah.

19 M: Oh yeah I would.

20 PM: I don't understand the difference.

21 M: Cau-I'm not conduc-I'm not conducting that.

22 PM: Yeah but if you were conducting it. I mean, what's the difference-

23 M: If I were, I was conducting it?

24 PM: Yeah.

25 M: I still wouldn't be doing it in the live line-up. I mean I just consider live line-up  
26 completely different for some reason. I mean I just don't consider them to be the same.  
27 But I would not be pointing her out in there.

1 PM: I guess I don't understand the difference. Like why it would be okay to do that in a photo  
2 line-up, but why, if you had the opportunity, you wouldn't do that in a live line-up?

3 L: Because I, I think in the photo you're still in the investigation, looking for a suspect,  
4 you're still trying to you know, find- locate a suspect. When you're doing the live line-  
5 up, this is after, you think you've got the right guy but you wanna make sure that, you  
6 know the witness picks out the right person. So he's not involved in the live line-up you  
7 know the Sheriff's set it up, they're the ones that put the people together, they pick the  
8 other people that are with the suspect, now they're just putting the witness or the victim  
9 to see, do you see that-per- I mean, he doesn't even communicate, he doesn't even talk-  
10 "hey do you see which one" she just goes in there, I think that's, is that how-

11 M: Right, and I can't do it and if I had the opportunity to do it, you're asking me, "Why  
12 wouldn't I do it there?" Well, that's a good question, but I don't have an answer for it. I  
13 just wouldn't.

14 G: Okay.

15 M: I just wouldn't do it there. But that's not mine to conduct.

16 L: Right. Mmhm.

17 M: And granted its, usually on a live line-up you're a little bit further beyond than on  
18 screening, cause and again keep in mind that she's already identified one guy, picked his  
19 picture out four times, so I mean, this isn't the first time she's seen photos. She's seen  
20 hundreds of photos. Okay so, I mean would I do this if it was the very first time that I've  
21 thrown him down and I didn't have this other contextual information available to me,  
22 would I have done it then? I'm not saying that at all. Okay, under these particular  
23 circumstances, knowing what I knew at that time, okay and I'm looking for, if it's an  
24 identification there's going to be an issue, if it's an elimination we move on and continue  
25 with something else. As opposed to, let me just leave the room and you know like if we  
26 had a blind - I don't get any feedback, like I explained I'm looking for feedback-

27 J: So you want her to say, "too big, too small, wrong skin color-

1 M: Exactly.

2 J: “-mustache, no mustache. Gold tooth, no gold tooth.”

3 M: Yeah, “that’s not him, I’ve seen him before.”

4 L: Or even eliminate, yeah.

5 M: That’s what I’m saying. If there’s an elimination then we move on to something else.

6 This wasn’t like this was the first time she’s been shown a photograph or seen a  
7 photograph. And she’s made misidentifications before, okay? She’s said “this looks like  
8 the guy” and of course, would I argue differently? She just said you look like him. Okay,  
9 she becomes confident in this other identification, okay. 80 percent, that's not 100  
10 percent, you know like I explained. 40 percent, I got problems with that. Okay. That’s  
11 not an identification. And-

12 PM: Did you have any view on her testimony at trial about Terrell, when she was asked you  
13 know how’d you get from 40 percent to then 80 percent at the line-up, where, the live  
14 line-up, where she picked up maybe him, maybe this other guy. Then she said at trial  
15 something to the effect of, well now I’m sure because I went home and I thought really,  
16 really hard about it. Is that, in your experience, the way eyewitnesses typically recall  
17 who they saw?

18 M: It can be. I read something about the where, I mean you may have judges tell you that  
19 they don't trust in-court identifications. I understand that. That’s not the first time they  
20 saw him, they’ve already seen him however many times they've seen him. So an in-court  
21 identification, like would I be up here and somebody identifies somebody in court is it-  
22 would I take that? Not necessarily. Because they have seen that person before. In fact,  
23 that’s probably the only person in that courtroom, aside from me, that they’ve seen more  
24 than once. Okay, so. You could use that same argument to say there’s no such thing as  
25 in-court identification, because it’s already tainted. And you know what? They’re right.  
26 It is. So does that mean it’s unreliable? Just means you need to be aware of it. It’s one  
27 of those things where, hash it out cause I understand that and I thought I made clear that  
28

1 all that stuff they talk about on eyewitness identifications, that's true. That is true. But it  
2 doesn't mean that an eyewitness cannot, under those same circumstances, not make an  
3 identification. Doesn't mean that. And I don't think you'll find an expert that'll tell you  
4 that. He'll point all those things out and says those are all factors to consider, but he's  
5 not saying under those circumstances, nobody can make an identification of a stranger.  
6 Cause that's really what we're talking about. We're talking about a stranger  
7 identification, only it turns out- it aint a stranger.

8 PM: Right.

9 M: That's bizarre about this whole thing. It aint a stranger.

10 PM: Mmhm.

11 [Background conversation]

12 Interview Ended.