Testifier Narrative (work product) as of PLEASE REPLACE AND DISCARD EARLIER VERSIONS.

★ RED=DEFENDANT/DEFENSE/HELPFUL ★
✔ BLUE=LAPD/PROSECUTION/HURTFUL ✔
YELLOW HIGHLIGHT = TODO

1. **District Attorney Guilt Phase Case in Chief**

   a. March 14, 1988. Codefendant murders Ellis Ray Warren? Apparently yes. March 2, 2012, the prosecution says may offer per Evidence Code § 1101(b) in case-in-chief

   b. March 15, 1988. Shooting of Andre Dennn WHAT'S THIS ALL ABOUT? March 2, 2012, the prosecution says may offer per Evidence Code § 1101(b) in case-in-chief. I guess a murder *codefendant* committed or ordered

   c. September 8, 1988, age 16, defendant received Norwalk California Youth Authority.

   d. September 17, 1988. Codefendant, 20, murders Marvin Christy, attempts to murder John Dailey and David Conley. I noted Jelks not involved

   e. June 29, 1991, age 18, defendant paroled apparently California Youth Authority. Oh-oh.

   f. Sunday August 4, 1991?

      i. Robin Woods aka Ra-Ra

(1) Position in narrative Sunday August 4, 1991?

(2) Witness is apparently decedent Beroit's baby's mother

(3) Tactics/motions?

(4) Introducer district attorney

(5) Subpoenaed not applicable

(6) Listed? District attorney lists June 24, 2013, with district attorney note "Payton Beroit's girlfriend." Reason for calling witness: codefendant's *motive* for *ordering* murder of decedent Payton Beroit. Anthony Spratley said on February 7, 2012, that in January or February 1992 **codefendant** explained to **Anthony Spratley** that August 5, 1991, he, codefendant, had defendant kill decedent Beroit because decedent Beroit had beat up witness apparently day before, August 4, 1991. So, was there *more* to it than, hey, there's two crips in a car around the corner? Also see, *infra*, May 19, 1994. Bryan Kuykendall aka Bye-Bye in Terminal Island. Eugene Tapia and Barling interview Bryan Kuykendall. I heard a rumor *I* was intended target of Donald Loggins and Payton Beroit shot and killed August 5, 1991, at 3:40 p.m. Hey. It seems there was more to it than, hey, there's two crips in a car around the corner! It was *Loggins'* white 1989 Toyota. Why did codefendant *care* about witness being beat up? Maybe he was fucking her August 5, 1991?

(7) Testimony. Sunday August 4, 1991. East Coast Crip decedent Payton Beroit aka B-Rite beat me up. My baby's father is dead.

(8) References

(a) Sunday August 4, 1991. East Coast Crip decedent Payton Beroit aka B-Rite beats up witness. See Anthony Spratley February 7, 2012, transcript page 4.

(b) July 10, 2013. Notes re conference with deputy district attorney Bob Rabbani. He has recent interview of witness WHERE IS IT? I GUESS IN DIGITAL DISCOVERY

g. Monday August 5, 1991

i. Charles Givan

(1) Position in narrative
(2) Witness is
(3) Tactics/motions?
(4) Introducer IS DISTRICT ATTORNEY CALLING WITNESS?
(5) Subpoenaed IS DISTRICT ATTORNEY CALLING WITNESS?
(6) Listed IS DISTRICT ATTORNEY CALLING WITNESS?
(7) References

(a) March 1, 2012

(i) 11:05 a.m. Long witness statement to detectives. In Trial Book. NEED TO READ. DEFENDANT FREQUENTLY MENTIONED. I RAISED DEFENDANT!!!!!!!!!

ii. Connie *Loggins* aka Witness #3 aka Connie Schiltz sob sob

(1) Position in narrative August 5, 1991?
(2) Witness is decedent Donald Loggins (twin) sister
(3) Tactics/motions?
(4) Introducer district attorney

(5) Subpoenaed not applicable
(6) Listed by the prosecution February 16, 2012. District attorney again lists June 24, 2013
(7) Testimony: My twin brother is dead, sob sob sob sob
(8) References. See witness statements in LAPD chronology

(a) June 17, 1959, witness date of birth

(b) November 12, 1991

(i) 1:10 p.m. Witness statement to LAPD in Trial Book READ

(c) May 10, 1994 READ

(d) July 25, 1995 READ

(e) February 12, 2012. Bob Royce reports witness is currently known as Connie Schiltz, date of birth June 17, 1959, address Bremerton, Washington

(f) February 20, 2012. Bob Royce reports he apparently finds witness in Washington state

(g) May 18, 2012. Bob Royce reports *Bremerton*, Washington.

iii. *Dwayne* Sprately, Jr. Different spelling than *Anthony* Spratley. Then I see district attorney spelling Dwayne's last name *Spratley!* (It's Anthony—not witness—that testifies codefendant explained defendant killed decedent Beroit.) Maybe *this* listed witness just testifies decedent Payton Beroit aka B-Rite, East Coast Crip, is dead?

(1) Position in narrative

(2) Witness is decedent Payton Beroit's *cousin*
(3) Tactics/motions?
(4) Introducer district attorney
(5) Subpoenaed not applicable
(6) Listed? District attorney lists June 24, 2013, with district attorney note "Payton Beroit's cousin."
(7) Testimony: Decedent Payton Beroit aka B-Rite, East Coast Crip, is dead CHECK DIGITAL DISCOVERY FOR WITNESS STATEMENTS
(8) References

iv. Johnnie Thomas aka Peanut ✔✔✔✔

(1) Here we go. Position in narrative August 5, 1991
(2) Witness is a criminal ★★
(3) Tactics/motions
(4) Introducer district attorney
(5) Subpoenaed not applicable
(6) Listed?
(7) Testimony. The bad part. A female named Renee came and told them 2 Crips in a car on Central. Codefendant got Uzi and told defendant to kill them. Defendant took Uzi, jogged to Central. I hear 6 shots. Defendant comes back with Uzi, gives back to codefendant The good part. I wasn't there on *89*th Street. I'm just a dude who would say anything just to get time off. Problem: codefendant lived on *88*th Street

(8) References

(a) 1972 witness date of birth

(b) August 5, 1991

(i) Witness is about 19

(ii) BANG BANG BANG BANG ...

(c) January 4, 1994. Gun in car? WHAT'S THIS ABOUT?

(d) July 29, 1994. Vehicle. WHAT'S THIS ABOUT?

(e) March 24, 1995, at 4:45 p.m. Happened at 1279 East 108th Street. Witness hits Frankie Lee Scott upside the head with a gun and tells Scott give me all your money. Scott's 1995 address in police reports SUBPOENA SCOTT?

(f) Witness is in jail for a couple robberies (PXRT 17)

(g) May 17, 1995

(i) 2:00 p.m. Start preliminary hearing of witness's robberies. Case TA033471. Reporter's transcript in Trial Book READ

(h) May 31, 1995. Robbery of Scott information filed Case TA033471 READ

(i) June 5, 1995. Witness's public defender investigation reports in robbery of Scott felony complaint filed Case TA033471. (That's the end of entries in my Trial Book regarding Case TA033471.)

(j) June 26, 1995 It's just short or 4 years after the Loggins-Beroit shooting District attorney Bob Rabbani stipulates at preliminary hearing on

October 1, 2014 this was date of *first* 1995 interview of witness. Witness's girlfriend has detectives visit him. Apparently detectives were Tapia and Richard Hoffman. Witness in is custody for robbery (PXRT 37) Awaiting trial. This is the first time I told anybody about the Loggins Beroit incident. (PXRT 65) Witness tells detectives Renee Bridges was there. Codefendant gave the gun to defendant and told him to go kill them ✔ ✔ ✔ ✔ But his statement was not disclosed to defense and not used at first trial. I may have checked back and verified this in 2014. The first trial district attorney's reason was witness's account was different from Jelks' account. This was a *Brady* violation!!! See Tapia testimony at preliminary hearing on October 1, 2014. First interview. Number of murders?, Transcript disclosed in July 2013.[1] I request district attorney Chris tell me where it is. *Chris gives it to me.* I HAVE TRANSCRIPT IN TRIAL BOOK. MARKED AND FLAGGED

(k) **July 29, 1995** District attorney Bob stipulates at preliminary hearing on October 1, 2014 this was date of *second* 1995 interview of witness. I believe it's the undated transcript I put in the Trial Book at July 29, 1995. Witness telling detectives Sanchez, Mathew, Barley how codefendant robbed him and beat his cousin with a ball bat. I can use this to show motive to frame codefendant (and

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1. District attorney Scott Marcus says transcript of this interview was disclosed July 12, 2012. Then September 26, 2014, district attorney Scott says he was mistaken.

defendant) but will Sanger be okay with it? Sanchez asks witness about Loggins-Beroit. Codefendant gave defendant the gun and said go over there and smoke them. I page through quickly except codefendant robbing witness and witness witnessing Loggins-Beroit, which I mark and flag

(l) September 25, 1995. Apparently case TA033471 witness convicted robbery September 22, 2014, district attorney provides list of witness moral turpitude entries CHECK

(m) September 26, 1995, case TA42046 witness convicted robbery attempted? robbery September 22, 2014, district attorney provides list of witness moral turpitude entries CHECK

(n) Re the above, witness testifies at preliminary hearing he pled guilty and went to prison (PXRT 113)

(o) [July 23, 1997. Jury selection begins first Loggins Beroit trial. Witness not disclosed, doesn't testify, blatant *Brady* violation.]

(p) January 14, 2001? Detectives interview witness (Johnnie Thomas aka Peanut) Witness is in custody charged with robbery WE NEED TRANSCRIPT. SCOTT SAYS HE DOESN'T THINK DISTRICT ATTORNEY *HAS* IT. GET FROM SANGER. SEPTEMBER 26, 2014, I REQUEST SANGER INVESTIGATOR CHRIS FILIPIAK TO SEND IT. WHERE IS IT? READ

(q) 2007. Witness indicted, convicted drugs Federal

court?

(r) December 2011. Witness read in newspaper defendant and codefendant getting new trial. He didn't want to contact police and right a wrong (PXRT 138)

(s) December 2013 Federal warrant (PXRT 40) Federal probation violation maybe?? The 2007 thing?

(t) Witness out on street (PXRT 137)

(u) May 2, 2013. Health & Safety Code § 11351.5. Is this a conviction? See district attorney disclosure at ... where? CHECK

(v) Witness does about 7 months (PXRT 137)

(w) Witness is out on the street (PXRT 136) Witness knows police want to talk to him about defendant and codefendant re Loggins-Beroit (PXRT 140) He fails to show (PXRT 140) Witness doesn't want to talk to detectives about August 1, 1991, Loggins-Beroit (PXRT 123)

(x) February 27, 2014. Witness arrested on drug charge. Now witness will talk about August 1, 1991, Loggins-Beroit (PXRT 123) Argue, sure, now he's in jail ★

(y) February 28, 2014

(i) 2:00 p.m. Detectives interviews witness. At state prison? (PXRT 45) No, 77th Station.

Detectives McCoy, Mathew. I have recording at April 11, 2014. District attorney disclosure has "644215 Johnnie Thomas 2-28-14 redacted." NOVEMBER 30, 2018, I FINALLY GET TRANSCRIPT[2] IN TRIAL BOOK MARKED AND FLAGGED I asked help on my drug sentence and to relocate my family ★ ✔✔ ✔Witness trashes codefendant and defendant again re Loggins-Beroit ✔✔✔ At preliminary hearing, Sanger showing inconsistencies with February 28, 2014, statement (PXRT 102 et seq)

(z) Witness's *jail cell* tapped. Recording looks like February 28, 2014, and March 1, 2014. See October 1, 2014. ROYCE NEEDS TO LISTEN, SEE IF ANY INDICATION WITNESS IS *MAKING UP* WITNESSING FRONT OF CODEFENDANT'S HOUSE AUGUST 5, 1991. I SEND ROYCE RECORDINGS VIA DROPBOX

(aa) March 1, 2014 WHAT'S THIS?

(bb) March 3, 2014. Witness apparently convicted 11352(a) ★★WHAT SENTENCE?

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2. NEED TO GET SANGER'S TRANSCRIPT. SCOTT SAYS HE DOESN'T THINK DISTRICT ATTORNEY HAS IT. GET FROM SANGER. SEPTEMBER 26, 2014, EMAIL I REQUEST CHRIS Filipiak SEND IT. CHRIS SAYS WE *DON'T* HAVE IT. I TELL CHRIS I'LL HAVE LYNDEN DO IT. OCTOBER 1, 2018, I CHECK, NO ENTRY IN TRIAL BOOK ON FEBRUARY 28, 2014. OCTOBER 4, 2018, I EMAIL SANGER, ASK FOR TRANSCRIPT

(cc) March 17, 2014. Letter to Detective McCoy in Trial Book. I made up the whole story about A & A triplet [unintelligible] killing a homeless man. He did not confess a murder to me and the night I said we were together was false ★★★ Then something about this thing with Evil, i.e., codefendant. My earlier notes said: Detectives McCoy, Mathew. In Trial Book. Disk at July 17, 2014. Witness testified he essentially said he was going to stick with what he said about codefendant (and presumably defendant) presumably Loggins-Beroit murder ✔✔✔ (PXRT 146)

(dd) April 11, 2014. See September 26, 2014, at 6:03 a.m. request of Sanger investigator Chris Filipiak for transcript Several discovery-from-district attorney disks including February 28, 2014, WMA recording of witness TRANSCRIPT? GET

(ee) May 7, 2014. Letter. In Trial Book. Witness testified he was in prison when he wrote this. (PXRT 58) I wasn't there on *89th* Street. (Codefendant's house was on 88th Street, and the shooting was on Central Avenue between 87th and 88th Streets.) I'm just a dude who would say anything just to get time off. Even to lie. I hate Evil; the rest of them I wasn't there. I just knew a lot of talk, cause I knew everybody over there. It'll be wrong to bare false witness. I wouldn't want nobody to do that to me ★★★ Disk at July 17, 2014. Problem: witness testifies he spoke to detectives about *another* crime on *89th* Street. Witness testified not the homeless man murder; that wasn't on 89th Street (PXRT 149)

(ff) *Sunday* September 21, 2014. Deputy district attorney Bob Rabbani interviews witness. (PXRT 30) I got nothing out of witness. See reporter's transcript 152.

(gg) Monday September 22, 2014:

(i) District attorney provides list of witness **moral turpitude entries**

(ii) Witness talks with deputy district attorney Bob Rabbani in lockup before testifying (PXRT 31)

(iii) Witness testifies preliminary hearing. He's in prison

1) Spenber takes witness's photograph (PXRT 34)

2) Witness trashes defendant and codefendant re Loggins-Beroit ✔✔✔✔ Freddie Jelks was not in the yard ★★★ (PXRT 74) I don't recall defendant's clothing ★★ (PXRT 83) Johnnie Thomas testified falsely snitching on defendant and codefendant June 26, 1995, was in no way "whatsoever" related to fact I was in jail facing robbery charges ★ I heard talk on the street right after about what happened [August 5, 1991] (PXRT 116 et seq) (In opening say that's how Thomas got his facts

Transcript marked and flagged

(hh) September 23, 2014. Witness continues to testify at preliminary hearing. Reading my notes witness testified a female named Renee came and told them 2 Crips in car on Central. Codefendant got Uzi and told defendant to kill them. Defendant took Uzi, jogged to Central. I hear 6 shots. Defendant comes back with Uzi, gives back to codefendant ✔✔✔✔ Question: if codefendant's motive for ordering decedent Payton Beroit killed was decedent beat up Robin Woods aka Ra-Ra, how did codefendant know Payton Beroit was one of the Crips in the car on Central? Witness testifies I'm facing a federal "probation" violation TRANSCRIPT MARKED AND FLAGGED FOR CROSS EXAMINATION AND OPENING STATEMENT? CHECK

(ii) January 8, 2019. Witness ordered on call through July 8, 2019

v. Freddie Earl Jelks aka FM aka Witness #13 aka Grand Jury Witness #3 maybe aka CW-3 aka Big Smiley

(1) Position in narrative August 5, 1991

(2) Witness is *dead*

(3) Tactics/motions? Evidence Code § 402 motion to exclude transcript. It's flagged. Plan: make it, Rappe will deny it. If he granted it, it could precipitate a severence, which I don't want! EDIT MOTION

(4) Introducer district attorney WARNING! District

attorney may offer only part of transcript that deals with Mosley murder, and Sanger may introduce part that deals with Loggins-Beroit murder because it's inconsistent with Johnnie Thomas account. Once my motion to exclude is denied, I don't believe I can keep it out! RIGHT?

(5) Subpoenaed? Not applicable

(6) Listed: Reporter's transcript by the prosecution listed February 16, 2012. District attorney again lists June 24, 2013

(7) Testimony: reporter's transcript of witness testimony first trial READ. I NEED TO GO THROUGH TRANSCRIPT AND FLAG OBJECTIONS!!

(8) References

(a) Monday March 23, 1965. Witness date of birth

(b) September 11, 1985. Witness is 20. Health and Safety Code § 1350(a), Penal Code § 12031(a). Case A769626. Disclosed by district attorney September 22, 2014. Apparently convictions

(c) April 11, 1991. Penal Code § 496.1. Case 90M13248. Disclosed by district attorney September 22, 2014. Apparently conviction

(d) August 5, 1991

(i) I got into the conversation ★ (FIRT 3559) I think I'll *argue* witness Jelks was a coconspirator with codefendant and the

shooter.

(ii) Jelks runs up to Jesse Friemon's car and asks what occurred at the car wash.

(e) September 14, 1991

(i) 12:05 a.m. Now charged in Information. Count 5. January 2, 2013: Few Police Reports in Trial Book. CHECK DISTRICT ATTORNEY DIGITAL DISCLOSURES What happened? Night. Five weeks after Loggins Beroit murder, the Mosley murder Leandre Hewitt aka Jelly Rock aka J-Rock is the driver. Codefendant in the back, witness Jelks in front passenger seat.[3] No indication defendant involved No indication defendant involved. 723 East 97th Street. BANG BANG BANG Jelks (and codefendant) murder Crip Tyrone Mosley, attempt to murder Kenneth Davis, Kim Rochelle Coleman. This is LAPD DR # 911826235. Murder Book on hard disk in directory "Murder Books & San Quentin & Other." See March 2, 2012, district attorney discovery disclosure. My mid-1990s note

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3. My mid-1990s note shows allegations indicate codefendant committed a murder in September 1991—for which he is "currently" being prosecuted *also* in Los Angeles Superior Court Case No. BA108967? Yes, per Richard Lasting. I had noted the prosecution was "currently" seeking the death penalty in Los Angeles Superior Court Case No. BA108967. Isn't Jelks *a* codefendant in the case—Los Angeles Superior Court Case No. BA108967? Yes.

shows allegations indicate codefendant committed a murder in September 1991—for which he is "currently" being prosecuted *also* in Los Angeles Superior Court Case No. BA108967? Yes, per Richard Lasting. Jelks was *with* codefendant. Isn't Jelks *a* codefendant in the case—Los Angeles Superior Court Case No. BA108967? Yes. In mid-1990s I had noted the prosecution was "currently" seeking the death penalty in Los Angeles Superior Court Case No. BA108967. So I had a question: if codefendant got life death in case BA108967 maybe district attorney not interested in retrial codefendant in our case in which event maybe I could work out a concurrent time settlement for defendant but December 23, 2011, deputy district attorney Jennifer answered question: *after* being sentenced to death in our case, codefendant was tried in Los Angeles Superior Court Case No. BA108967, he represented himself, jury hung 9-3 guilty and he wasn't retried. The reason codefendant not retried obviously was because he was already sentenced to death in current case, but now—October 12, 2018—he's not!

(f) February 9, 1992. Witness Jelks and codefendant go on a crime spree

(i) 7:20 p.m. Murder of **Meshack Evans** LAPD DR No. 92-18-05706. Not charged but district attorney says Evidence Code § 1101. About 7:20 p.m. at 724 East Caliburn Drive

witness Jelks and other armed male black Swan Blood gang members entered Avalon Gardens and opened fire on Meshack Evans, Barbara Hamlin, Shanelle Hamlin and Rodriguez DeLeon Moore. Evans died of his wounds the next day ★ LAPD reports also list codefendant as a suspect When codefendant was interviewed—see February 10, 1992—he identified Jelks as one of the assailants that entered Avalon Gardens TO WHOM? HOW CAN I GET IN EVIDENCE? Codefendant denied being present but on April 17, 1992, the Los Angeles district attorney noted "additional information indicates codefendant was one of the shooters." When detectives interviewed witness Jelks—see February 10, 1992, infra—they reported he was "noticeable deceptive and untruthful."[4]

(ii) 8:45 p.m. **Allen Earl Holloway** is murdered. Not charged but will district attorney try to get in under Evidence Code § 1101? ASK DEPUTY DISTRICT ATTORNEY JON At 122 East 82nd Street, Jelks was in the front seat of a four-door tan Toyota driven by codefendant when Alex Viera jumped out and shot Jequwan Lamar Johnson and Allen Earl Holloway. LAPD DR 92-12-06378. Jequwan Lamar Johnson survived his injuries; Allen Earl Holloway

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4. As noted *supra* the police and other reports referenced in this motion are voluminous but will be made available by the defense upon request.

was pronounced dead at Martin Luther King/Drew Medical Center.

(g) February 10, 1992

(i) 5:33 p.m. **Witness Freddie Jelks rap sheet**

(ii) 7:10 p.m. Alex Viera, 16, statement to detective in Trial Book. He doesn't mention codefendant. Viera charged with murder in juvenile court

(iii) 9:15 p.m.. Witness Freddie Earl Jelks statement to detectives in LAPD DR No. 92-18-05706, murder of Meshack Evans. When detectives interviewed Jelks they reported he was "noticeable deceptive and untruthful." Witness Freddie Earl Jelks gives information on codefendant? I don't think so, per report of statement witness talks about *Damone* (Demone) Johnson. I don't see witness Jelks admitting any crimes in this report. Nothing about defendant!

(iv) 11:30 p.m. Codefendant interviewed. LAPD reports also list codefendant as a suspect in the Avalon Gardens (Meshack Evans) shootings. When codefendant was interviewed, he denied being present but identified Jelks as one of the assailants TO WHOM? HOW CAN I GET IN EVIDENCE? April 17, 1992, the Los Angeles district attorney noted "additional information indicates codefendant Johnson was one of the shooters." I HAVE THE

VIDEO OF THIS INTERVIEW AT MAY 14, 2013, BUT I HAVEN'T WATCHED THE WHOLE THING. I NEED TO WATCH SEE WHERE CODEFENDANT IDENTIFIES JELKS AS A SHOOTER! HOW CAN I GET IN EVIDENCE?

(h) April 21, 1992. Apparently the Allen Earl Holloway murder is filed BA057359. Was codefendant a defendant? Was witness Jelks a defendant? NOT IN TRIAL BOOK . CHECK

(i) [March 9, 1993. During daylight hours defendant murders **Chester White**]

(j) [October 26, 1993. Defendant convicted of White's murder]

(k) [December 22, 1993. Defendant sentenced to a term of 30 years to life in state prison for White murder]

(l) July 14, 1994. Health and Safety Code § 11360(a). Case TA028857. Disclosed by district attorney September 22, 2014. Apparently conviction

(m) December 6, 1994. Interviews of witness Jelks:

(i) First interview, recorded, I have transcript, by apparently 2 FBI agents, maybe FBI special agents Vasley and Bernardino. READ AND MARKED LAPD Detective Rosemary Sanchez joins them. (This is interview witness Jelks gives that lawyer Steve Buckley told me nobody knows

exists. I have transcript. But see FTRT 3500. Everybody *did* know about it. Right?) Witness Jelks admits he was the *driver*—not passenger—in the Mosley murder. If court allows witness reporter's transcript try to get this statement to officers in as declaration against interest. I guess district attorney—who doesn't want Jelks impeached—can't keep it out under *Crawford* because district attorney has no right to confrontation. Correct? ★Although plenty of opportunities during first interview by FBI special agents Vasley and Bernardino, and LAPD Detective Rosemary Sanchez, witness Jelks never mentions his claim of knowledge of defendant allegedly murdering Donald Loggins and Payton Beroit Monday August 5, 1991 ★

(ii) 1:50 p.m. **Witness Jelks statement to McCartin and Tapia and Mathew** Per LAPD chronology the interview is at *1:00 p.m.* Tape 152187. I *have* transcript. I READ AND MARKED I ALSO HAVE VIDEO. DISK AT MAY 14, 2013!! REVIEW I'm thinking PLAY the video for the jury! Really? Here Jelks will mention defendant murdered Donald Loggins and Payton Beroit! Ouch.

1) Detectives questioning witness Jelks about September 14, 1991, Mosley murder, saying essentially he, Jelks, will be charged (because he's admitting he was the driver) but if he

cooperates witness Jelks can go home. So far no questioning about instant charges. Detectives questioning witness about September 14, 1991, night murders of Crip Tyrone Mosley middle of 97th Street, attempted murder of Kenneth Davis, Kim Rochelle Coleman. Witness tells four stories, all lies

a) Story #1 Witness knows **nothing** of the Mosley murder

b) Story #2 Witness says he just **heard** about the Mosley murder. (RT 70)

c) Story #3 Jelks told the detectives that he and a girlfriend were going to meet that night. Jelks was at codefendant's house prior to going over to the girlfriend's house. Jelks said "*Little* Evil"—not codefendant, another Evil—and Leandre Hewitt aka Jelly Rock drove up and confirmed there was a party in the 97 East Coast Crips territory. Jelks said he then saw codefendant climb into the car and "they left. I didn't go. I got in my car. I went down to the girl house who lived on Colden. When I come back—

when I got ready to go up Avalon, I heard the—some shooting, you know, I went back to my mother house. By the time I got to my mother house, it was—they was—Evil and them was back."

d) Story #4 Then Jelks says okay, I went. I was the driver, codefendant front passenger seat, and J-Rock aka Jelly Rock in the back seat. (RT 74, 90) Codefendant and J-Rock were shooting. (RT 83)

2) Now, detectives start questioning witness about *the instant case, the August 5, 1991, murders of Donald Loggins and Payton Berott.* (RT 101) Defendant did it. Apparently I got the following from reading appellant's opening brief but it seems to conform with this recorded transcribed interview.

a) Witness (Freddie Earl Jelks) says *he* was in codefendant's yard (RT 103) with codefendant, defendant, K-Mike, Little Evil, Michael ✔ ✔ ✔✔ (RT 104)

b) Codefendant asked who would go "serve" the car's owner, or

in other words, do a "shooting." ✔✔✔✔

c) Defendant volunteered to do so ✔✔✔✔

Big Evil asks would go serve. Fat Rat *volunteers*.

d) Codefendant went into the rear yard of his house ✔✔✔✔

e) A couple minutes later, codefendant returned with an Uzi with a foot long clip that came out of the bottom of the weapon ✔✔✔✔

f) Jelks testified he then saw codefendant give the weapon to defendant ✔✔✔✔

g) Within a minute or two, they heard 10 to 12 rapid gunshots

BANG
BANG
BANG

coming from the direction of Central Avenue ✔✔✔✔

h) Jelks testified that after about two minutes he saw defendant return to the Johnson house. His face was sweating and he was breathing heavily. Defendant handed the gun to codefendant, and then took off his jacket and hat. Defendant stated I got him ✔ ✔ ✔✔

i) I'm pretty sure this is the statement by witness where Detective McCartin asked witness what defendant was wearing and witness said, "Shit, I don't know. Fat Rat wore khakis all the time." ★ ★

(iii) I also have transcript of tape 152188. READ AND MARKED Witness Jelks statement to McCartin and Tapia and Mathew and Rosemary Sanchez. This almost surely is a continuation of the 1:50 p.m. interview, i.e., Tape 152187. Witness Jelks seems to say he *saw* Alex Viera aka Smiley murder Allen Earl Holloway February 9, 1992, at 9:00 p.m. 100-block of east 82nd Street.[5] (RT 14)

(iv) Following notes from appellant's opening

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5. My notes show witness Jelks says codefendant drove in Holloway murder. I saw codefendant kill Holloway. Witness Jelks in front seat car driven by codefendant when Alex Viera jumps out and shoots and kills . LAPD DR 92-12-06378 WE HAVE MURDER BOOK DOCUMENTS

brief; potentially use in opening statement:

1) Jelks never spoke to the police about current case until they interrogated him on December 6, 1994 ★

2) On December 6, 1994, at 1:50 p.m. Jelks is *not yet* arrested for the September 14, 1991, murder of Crip Tyrone Mosley. I noted from reading appellant's opening brief they could arrest witness Jelks for Mosley murder but don't. They make inducements—freedom, etc. After statement nailing defendant in Loggins-Beroit case, police let witness go home ★

(n) December 16, 1994, grand Jury in Trial Book. Grand Jury Witness #3? YES Watch out. The way witness (Jelks) tells it ✔✔✔✔ August 5, 1991, I was in front of codefendant's house at 938 East 88th Street. Codefendant just wanted to steal the Crip's car, but defendant said he just got out of jail, he wanted to do something so why can't he go around the corner and smoke the Crip who owns the car, so codefendant goes back and gets the Uzi, hands it to defendant and says go to it. (RT 72). Defendant took Uzi and walked off. (RT 72) Codefendant told a Swan in a wheelchair in a car to take defendant to 87th. (RT 73) Swan drove defendant north in alley towards 87th Place. One minute later I heard shots. (RT 74) Defendant returned walking quickly southbound in the alley. He had on a black jacket. He gave the Uzi back

to codefendant. Defendant said I smoked the two crabs. (RT 78) Defendant detailed what he did. He said he came from 87th Place and walked south on Central on the sidewalk. He knelt down and started shooting. Witness pointed to his head and said as he was shooting "they was popping off." "Their flesh." Didn't hit the car at all. Defendant was talking to codefendant, me and the group. Thereafter defendant often spoke of it. (RT 83) ✔ ✔✔✔ READ. I NEED TO GO THROUGH TRANSCRIPT AND FLAG OBJECTIONS!!

Big Evil just wanted to steal the Crip's car. But Fat Rat said he just got out of jail, he wanted to do something, so why can't he go around the corner and smoke the Crip who owns the car.

(o) May 10, 1995? I DIDN'T KNOW ABOUT THIS?? MY GOD, A REPORT OF THE STATEMENT IS IN THE TRIAL BOOK!!! DECEMBER 1, 2018, I PRINT IT, READ IT AND FLAG IT. Witness statement to Lipsky and Tapia. Threats from codefendant. Defendant mentioned. Have transcript at trial. Objections flagged!! I need transcript in court when witness transcript offered.

(p) August 17, 1995

(i) Witness Jelks *indicted* with codefendant in Los Angeles Superior Court Case No. BA108967 for September 14, 1991, murder of **Crip Tyrone Mosley** (Count 5), and attempted murder of **Kenneth Davis** (not charged) and **Kim Rochelle Coleman** (Count 6)As noted *infra* witness Jelks admitted ★he was the driver★ in the **Mosley** murder in his first interview on December 6, 1994

(ii) Witness Jelks *arrested* Los Angeles Superior Court Case No. BA108967

(q) Larry Forbes represents witness (Jelks)

(r) March 27, 1996. Witness (Jelks) ★Witness (Jelks) has received $3,000 for relocation per deputy district attorney Jennifer Lentz-Snyder ★Copy of the letter in Trial Book. Maybe also in \\T ... Backup Supplemental Files\Allen\JohnsonDiscovery 13 September 2013.pdf

(s) August 6, 1997. Witness (Jelks) testifies at first trial *current case.* (FTRT 3512) READ AND MARKED—RE-READ. I NEED TO FLAG OBJECTIONS!!

(t) August 7, 1997. Witness (continuing) testifying at first trial *current case* READ AND MARKED—RE-READ. I NEED TO FLAG OBJECTIONS!!

(u) December 11, 1997. Witness Jelks pleads in in Los Angeles Superior Court Case No. BA108967. I have reporter's transcript. Maybe in \\T ... Backup Supplemental Files\Allen\JohnsonDiscovery 13 September 2013.pdf

(v) Apparently *before* May 11, 1998. Codefendant tried in Los Angeles Superior Court Case No. BA108967 for September 14, 1991, murders of Crip Tyrone **Mosley** middle of 97th Street, attempted murder of **Kenneth Davis, Kim Rochelle Coleman.** Jelks was the driver. Codefendant in car shooter. I wondered was Jelks *a* codefendant in the case—Los Angeles Superior Court Case No. BA108967? *Yes!* Deputy district attorney Jennifer Lentz-Snyder said he *was* a codefendant. (RT 3496) Caption of case is *People v. Johnson and Jelks.* Check this but I believe Judge Horan presided. The prosecution seeking death penalty. I was *sure* the prosecution was *not* against Jelks, but Jelks *was* a codefendant. I got this not sure because the prosecution all along was only interested in nailing codefendant Johnson.[6] But apparently Jelks already pled before trial

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6. I had a question if codefendant got life or death in case BA108967 maybe district attorney not interested in retrial codefendant in our case in which event maybe I could work out a concurrent time settlement for defendant. But December 23, 2011, deputy district attorney Jennifer Lentz-Snyder answered question. Jury *hung* 9-3 guilty in Los Angeles Superior Court Case No. BA108967, and codefendant wasn't retried. The reason codefendant not retried obviously was because he was already sentenced to death but now he's not!

started. Codefendant represented himself.

(w) May 1998? Did Jelks *testify* in Mosley murder trial? Yes GET THE TESTIMONY

(x) May 1998? Jury *hangs* 9-3 guilty in Los Angeles Superior Court Case No. BA108967, and codefendant is *not* retried. The reason codefendant not retried obviously was because he was already sentenced to death in the instant case but now that sentence has been reversed, now he's not! Can he still be retried if he "wins" the current case? Yes. In fact he is now charged with Mosley murder and Coleman attempted murder!

(y) May 11, 1998. In *People v. Johnson and Jelks*, BA108967, Judge Horan sentences witness Jelks to 3 or 4 years, credit for time served, witness Jelks is released. Interestingly reporter's transcript is *sealed* WE HAVE UNSEALED TRANSCRIPT. Also reporter's transcript. Maybe in \\T ... Backup Suplemental Files\Allen\JohnsonDiscovery 13 September 2013.pdf. Now I'm looking at September 22, 2014, disclosure by district attorney that says Penal Code § 192(a), apparently witness convicted of Penal Code § 192(a) on May 11, 1998

(z) Eight years pass. You wonder what Jelks was doing. Here's what ...

(aa) July 7, 2003. Penal Code § 415. Case 3CR07454. (September 22, 2014, disclosure by district attorney.)

(bb) July 18, 2005. Penal Code § "414(2)" Case 3WL10978 (September 22, 2014, disclosure by district attorney.)

(cc) July 10, 2006

(i) 10:30 a.m. Jelks sitting in vehicle at 8410 South Harvard Boulevard and is shot 11 times

(ii) 11:06 a.m. Freddie Earl Jelks pronounced dead at California Hospital ★[7]

(dd) July 13, 2006. Jelks autopsy. Maybe in \\T ... Backup Suuplemental Files\Allen\JohnsonDiscovery 13 September 2013.pdf

(ee) December 21, 2011. Brent Romney indicates to me witness Jelks lied about never doing a mission for codefendant; that witness *did* a mission for codefendant! Of course. Now I know what Brent was talking about. Witness Jelks was *drtver* for codefendant on September 14, 1991, when codefendant murdered Crip Tyrone Mosley middle of 97th Street, and attempted to murder Kenneth Davis, Kim Rochelle Coleman. Also February 9, 1992, at 9:00 p.m. 100-block of east 82nd Street witness Jelks in front seat car driven by

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7. I had noted: Where and how does witness Jelks die? Is he murdered? Apparently yes he was murdered. If so, by whom? I suspect—I believe—codefendanthad Jelks murdered. CHECK, I *THINK* WE HAVE REDACTED DISCOVERY

codefendant when Alex Viera jumps out and shoots and kills Allen Earl Holloway..

(ff) January 30, 2012. Defendant tells me he *heard* witness is dead. He's right.

(gg) February 9, 2012. Codefendant's new lawyer, Bob Sanger, informs me witness Jelks *is* dead. He's right

(hh) Deputy district attorney confirms witness Jelks *is* dead. He's right

(ii) November 14, 2014. Department of Justice letter in Trial Book from Paul F. Raimondi. Need to call him if district attorney doesn't stipulate. From July 10, 1995, to November 25, 1997, witness Jelks received from the FBI a whopping $10,500 ★★

vi. Carl Connor aka Kissy aka Witness #11 aka Grand Jury Witness #1 ✔✔✔✔

(1) Position in narrative August 5, 1991
(2) Witness Carl Connor was one the prosecution's secret witnesses. (FTRT 3433) Apparently witness *can't read*
(3) Tactics/motions?

(a) Bob Royce suggestion: We establish witness was at work, that police use him to "see" murders in return for letting him deal drugs. Basis: January 6, 2006, "Conner" (Connor) arrested 7600 South Broadway possession rock cocaine for sale. Officers Killman and Beckem see him and his store of drugs at 926 East 87th Place

(b) September 22, 2018, Sanger tells me FBI Lipsky material shows witness Connor was an informant. From April 24, 1997, to June 3, 1998, witness Connor received from FBI $1,150 TO DO CHECK THIS OUT. I DO. PARTIALLY. I PRINT SOME FBI REPORTS AND PUT IN TRIAL BOOK

(4) Introducer district attorney
(5) Subpoenaed not applicable
(6) Listed by the prosecution February 16, 2012. District attorney again lists June 24, 2013. Witness is available. Witness found by Bob Royce.
(7) Testimony. I saw defendant murder the decedents
(8) References

(a) November 7, 1961. Apparently witness's date of birth.

(b) August 5, 1991

(i) 7:00 a.m. Carl Connor starts work Don Kott Auto Center, 212 Avalon Boulevard, Carson ★★★

(ii) 1:30 p.m. Carl Connor goes to lunch Don Kott Auto Center, 212 Avalon Boulevard, Carson ★★★

(iii) 2:12 p.m. Carl Connor returns from lunch to Don Kott Auto Center, 212 Avalon Boulevard, Carson ★★★

(iv) 3:40 p.m. West side Central Avenue just north of 88th Street in Los Angeles. White

Toyota Celica. Donald Loggins sitting in driver's seat. Payton Beroit sitting in the right front passenger seat. Defendant opens fire:

BANG!
BANG!
BANG!

(v) 5:18 p.m. Carl Connor quits Don Kott Auto Center, 212 Avalon Boulevard, Carson ★ ★ ★

(c) Apparently 1992 Witness Connor leaves Don Knot as a result of being arrested on the lot. Maybe get this in during cross examination of Connor. How long did you work at Don Knot? Why did you leave? You left because after being arrested on the lot you were fired. Right? I believe witness Childers witnessed Connor being arrested ★ ★ ★

(d) [March 4, 1993. Charles Lafayette aka Bat Man murders Willie Bogan. Gloria Jean Lyons and Georgia Denise aka Niece Jones are witnesses.]

(e) [March 9, 1993. During daylight hours Chester White murdered. Defendant convicted of White's murder. December 22, 1993, defendant sentenced to a term of 30 years to life in state prison]

(f) October 12, 1993. Los Angeles reward procedure

(g) [June 8, 1994, codefendant by phone allegedly orders Rico aka Reco Wilson to kill Georgia Denise aka Niece Jones (aka James?). This is the

1994 allegation codefendant solicited a murder, and Jones was murdered because she was a witness in a murder trial.]

(h) June 13, 1994, at 11:30 a.m. Reco Wilson *allegedly* shoots Georgia Denise aka Niece Jones (aka James?) five times at Wadsworth and 87th Place. He emerges from alley that runs parallel to and between 87th Street on north and 87th Place on south. He walks south and shoots Jones on NW corner Wadsworth and 87th Place. This was LAPD DR 94-1818117.] Witness lies and claims to *see* Wilson shooting Jones. September 21, 2018, note: Bob Sanger tells me codefendant's defense is Reco Wilson didn't murder Georgia Denise aka Niece Jones. Sanger is contending Rico Wilson *didn't* kill Jones. Therefore he'll be attacking Connor. I like it. So it looks like I join Sanger in defending codefendant in Jones killing? No. No. I *don't care* if Wilson killed Jones. All I care about is witness lied about *seeing* Wilson shooting Jones in order to get the reward. Witness is lying about actually *seeing* Rico Wilson shooting Jones, which is what witness told Detective Mathew and better yet what he'll testify to at Reco Wilson's trial. He lies to get the reward. Witness Connor *will* get the reward after and for his testimony starting on January 6, 1997, that he actually witnessed, i.e., *saw* Reco Wilson shooting Georgia Denise aka Niece Jones (aka James?)

(i) June 14, 1994. A time line that starts at March 4, 1993, and goes to 2001 says June 14, 1994, police went to witness's house to ask if anyone saw anything related to the shooting. I *think* they mean

the shooting of Jones. Witness stated he wasn't home. This could be when witness really starts thing reward money. The time line is in Trial Book at March 4, 1993

(j) [July 21, 1994. Reco Wilson aka Little K-Mike arrested parole violation. LAPD report in Trial Book.]

(k) August 8, 1994 ★ Detective Rosemary Sanchez prepares letter to Los Angeles City Council to issue reward in Jones murder ★ *People v. Reco Wilson*, BA105800. See June 8, 2001, page 10. Witness Detective Rosemary Sanchez testifies. WE HAVE TRANSCRIPT. Sanchez letter marked as Petitioner's 2. See page 11

(l) August 11, 1994. Detective Rosemary Sanchez looking for witnesses ... to Jones murder? Sanchez: I was canvassing the neighborhood. Connor was outside his house. He said just drop your card. I dropped my business card on street for Connor. (PXRT 618, 624) ★ Witness Connor said drop a business card on ground. I want to argue Connor likely *knew* about the Rosemary Sanchez either prepared or delivered a letter to the Los Angeles City Council to issue a reward in the Jones murder. See June 8, 2001. Well, even if not delivered or published, the detectives could have *told* witness Connor about the *preparation* of a request for a reward to get him to talk ★

(m) August 12, 1994

(i) Connor calls Sanchez for appointment.

Surprise, surprise. See reporter's transcript June 8, 2001

(ii) Apparently motion for reward made by Councilman Mark Thomas. Suggested by a question. See June 8, 2001, page 17. See entry at August 12, 1994, in Trial Book. Date range June 13, 1994, to Council Approval of $25,000 reward on February 25, 1997. Victim Georgia Denise Jones and "Claimant Carl Connor" mentioned. No help to show witness knew of reward

(n) Sunday August 15, 1994, at 10:00 a.m. ★ Defense agument is Carl Connor is there to collect two—count them folks— two rewards—witnessing Wilson shoot Jones and defendant shoot Loggins and Beroit ★ Connor statement to **Detective Mathew and Detective Rosemary Sanchez** Is this first time Witness Connor will give a statement claiming to have witnessed the murder? Apparently yes, yes!

(i) Witness Connor telling about murder by Reco Wilson. Witness statement *report* in trial book.

(ii) Witness statement also recorded. Tape 151716. We have transcript. READ AND MARKED AND FLAGGED Witness tells detectives how on June 13, 1994, he saw Rico aka Reco Wilson shot Georgia Denise aka Niece Jones (aka James?) five times. Detective Rosemary Sanchez testifies at Wilson's trial witness told me Wilson was

the perpetrator of Jones' murder January 13, 1997, at reporter's transcript 2565

(iii) I had noted witness never told police he actually witnessed defendant shooting Loggins and Beroit until he spoke to Detective Sanchez. Sanchez asks, well, Carl, what prompted you to come forward and *then* tries to make him answer their begging. (RT 49) *Then* witness talks about defendant. See RT 56 et seq.

RE-READ, MARK, FLAG THE FOLLOWING ...

(iv) ★ ★ ★ I saw defendant walk by and look at the car. There were 3: Loggins, Beroit and Baa-Baa. I saw defendant walk to codefendant's house and get a Tech 9 ★ ★ ★ I saw defendant walk up to car now with 2 guys in it. Defendant was 5 feet from car and started shooting. ★ ★ I saw defendant walk back to codefendant's house and drop the gun ★ ★ (This is why Sanger has *extreme interest* in discrediting witness!)

Argue obviously made up. Defendant looked at Loggins and Beroit, then walked to codefendant's house and got the gun. Then walked up car and started shooting. Then walked back to codefendant's house and dropped off the gun.

(v) Witness (Connor) picks out photograph #5, i.e., defendant. Note our color copy of 6-

pack "A," defendant #5, looks a little unbalanced. Detective Matthew writes for witness "since you have a problem writing." Me, I really don't think witness saw it ★ So defense position will be witness is telling story about defendant to get a reward same as he's telling story about Wilson to get reward ★ Reco Wilson apparently not arrested yet. (RT 99)

(o) August 17, 1994—3 days after witness says he *saw* Wilson shoot Georgia Denise aka Niece Jones (aka James?), Los Angeles City Council adopts motion to offer $25,000 for witness to murder of Jones. Entered is what is apparently LAPD Jones murder chronology. Did Connor ever receive a reward in Loggins-Beroit case? Well, apparently, not formally but I think our position is he got the reward for Reco Wilson case *and* current case ★

(p) August 26, 1994. Los Angeles mayor approves Jones murder reward

(q) August 1994??? Rico aka Reco Wilson *arrested*

(r) September 6, 1994. LAPD distributes Jones murder reward in area. See August 17, 1994. See June 8, 2001, pages 15-16. Is this for more witnesses? Didn't Connor already tell detectives August 15, 1994, that he witnessed Wilson shooting Jones?

(s) September 15, 1994. Jones murder reward published

(t) October 12, 1994. Los Angeles publicly offers $25,000 murder of Jones CHECK

(u) October 13, 1994. The day after, witness testifies re murder of Jones before grand jury in *People v. Reco Wilson*. District attorney is Jennifer Snyder. Does witness lie about *seeing* Wilson shooting Jones? Maybe best to not use. I like using it when he testifies to it in second trial, 3 days after soliciting Battle to lie CHECK

(v) December 16, 1994, grand jury Loggins and Beroit Case # BA105846. Testimony starts reporter's transcript page 8. I was at the "car wash" looking at "my" car my friend had bought. Witness Connor identifies defendant's photograph. After the shooting, defendant ran. I could see codefendant's house from where I was. I saw defendant go back to codefendant's house. Freddie Jelks was there REVIEW TRANSCRIPT DURING TRIAL BEFORE WITNESS TESTIFIES

(w) February 1, 1996. Witness Connor statement to Detective Sanchez. Witness Connor identifies "Kevin" as Derrick Battle. See Timeline in Trial Book at March 4, 1993 CHECK

(x) [May 2, 1996. *People v. Reco Wilson*, BA105800 called for jury trial. The redacted district attorney file of this case is at July 12, 2013. Judge Ferns. Wilson is only defendant. Jim Bisnow is Wilson's

lawyer.[8] *False start*]

(y) [November 25, 1996. Detective Rosemary Sanchez testifies in *People v. Reco Wilson*, BA105800. What is this? Is this a 402 hearing? Check. Brent Romney indicated to me female detective (I guess he meant Detective Rosemary Sanchez) falsified evidence regarding the reward. Was Brent talking about reward for witness to murder of Georgia Denise aka Niece Jones (aka James?) or a reward in our *instant* case? Apparently it was murder of Georgia aka Niece Jones; no reward was offered in murder of Loggins-Beroit Detective Rosemary Sanchez will testify again January 6, 1996, and June 8, 2001. WE HAVE TRANSCRIPT]

(z) December 5, 1996. Second trial (apparently after false start) *People v. Reco Wilson*, BA105800 starts. Wilson's lawyer is Jim Bisnow. Deputy District Attorney none other than Jennifer Lentz-Snyder

(aa) January 3, 1997, Connor approaches Derrick Battle outside his wife's house and mentions the word "splif" and talks about "12 and 12." See Battle's testimony infra. Check second (apparently after false start) Wilson trial transcript pages 2497-2526. Also Time line at March 4, 1993, in Trial

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8. I had noted *Wilson* jury believed witness Connor. Did witness Connor testify in Rico aka Reco Wilson trial? Yes. Connor was sole eyewitness. Connor received a reward for Los Angeles City Council! It was $25,000. Judge Ferns. Wilson only defendant. Wilson convicted.

Book

(bb) January 6, 1997

(i) Detective Rosemary Sanchez testifies in *People v. Reco Wilson*, BA105800 WE HAVE TRANSCRIPT

(ii) ★★★ Witness Connor testifies in *People v. Reco Wilson*. Starts at RT 2068. Connor was sole eyewitness I HAVE TRANSCRIPT—READ, MARKED, FLAGGED Witness testifies I ran to front of house and on 87th Place to the Palm tree ★★★ and *saw* Reco Wilson shooting Ms. Jones ★★★ On cross examination witness admits he told Mr. Bisnow he never saw anybody get killed. Last time I saw Battle was a month ago. We didn't discus this case ★★★

Here we have witness lying under oath in a trial to collect a reward, which he gets. You can't see the intersection of Wadsworth and 87th Place from Battle's back yard. But 3 days after witness asked Battle to lie to support witness's perjury, and Battle refused, witness went ahead and testified after they first saw the man in the alley, witness ran in the driveway to the front of Battle's house, turned right and ran to the palm tree on 87th place and *watched* Wilson pump bullets into Ms. Jones. He never did that. Witness and Battle ducked and stayed in the yard. The shooter can running past

them running east ★★★★

(cc) January 7, 1997

(i) Witness Connor still on stand testifies in *People v. Reco Wilson.*. WE HAVE TRANSCRIPT—I'M SCANNING ENDLESS CROSS EXAMINATION BY BISNOW Bisnow trying to show Connor's individual of Reco Wilson is a lie; Sanger will be trying to do same thing at trial.

(dd) [January 11, 1997. Derrick Battle gives statement to Wilson's lawyer, Jim Bisnow]

(ee) [January 13, 1997. Derrick Battle testifies second trial *People v. Reco Wilson*, BA105800, says witness Connor approached him outside his wife's house and discussed reward. Maybe they go in living room ★ See Battle called as defense witness, infra. Check trial RT 2497. See Timeline at March 4, 1993]

(ff) [January 15, 1997. Wilson convicted in *People v. Reco Wilson.* This is BA105800]

(gg) January 16, 1997. Nine days later. Detective Sanchez drives to school where Conner works and has him sign application for the $25,000 See June 8, 2001, page 14

(hh) January 17, 1997. Ten days later. Chief Willie Williams *recommends* to Board of Police Commissionem *witness Connor* be paid $25,000

(ii) January 24, 1997. Board of Police Commissioners "recommends" *witness Connor* "information" was "valuable."

(jj) [February 25, 1997. Los Angeles City Council adopts Budget and Finance committee recommendation re reward re murder of Georgia Denise aka Niece Jones (aka James?)]

(kk) March 5, 1997. *Mayor* approves payment of the $25,000 reward re murder of Georgia Denise aka Niece Jones (aka James?)

(ll) March 6, 1997. Distribution of the $25,000 reward re murder of Jones approved by city clerk Los Angeles

(mm) March 11, 1997. Witness meets with FBI offering to help in other cases. Report in Trial Book. Maybe argue Connor was seeking more rewards

(nn) [March 13, 1997. Approved reward re murder of Jones. See ... *\Allen\13 September 2013 Jelks and More JohnsonDiscovery.pdf*]

(oo) March 16, 1997. *Distribution* of the $25,000 reward re murder of Georgia Denise aka Niece Jones (aka James?) approved by city clerk Los Angeles ("corrected letter") So apparently witness Connor *recetved* the $25,000 reward in *People v. Rico Wilson* re murder of Jones *before* he testified in instant case. I wish it was *after*

(pp) April 24, 1997.Witness meets with FBI offering to help in other cases. Report in Trial Book. Maybe

argue Connor was seeking more rewards

(qq) May 1, 1997. Witness meets with FBI offering to help in other cases. Report in Trial Book. Maybe argue Connor was seeking more rewards

(rr) August 5, 1997. Witness Connor testifies at first trial instant case. (FIRT 3334) I'M MARKING AND FLAGGING In 1991 I lived in Gardena. August 5, 1991, I was at the repair shop talking to my friend, Robert, who owned the repair shop. 20 people were at Robert's. Decedent Beroit's car was black. (It was a 1965 black Chevrolet with tan convertible top.) Decedent Beroit was sitting in a white Supra or something. I seen a chubby guy on 88th Street walking by the motel, eastward, toward Central. It was defendant. He "turned around" where the motel driveway is. I seen him "about a few minutes later" shooting at the car. He was 10 feet away from the car. By the red van—shown in Peoples' Exhibit 3C. (The red/gray Dodge van was parked at least 20 feet, maybe 30 feet in front of white Toyota Supra.) ★★★ Was defendant standing on the sidewalk? In the street. I think it was the driver side of the white Toyota Supra. Like he was shooting at the driver. I don't remember telling police defendant was on the sidewalk ★★★ The gun was like an Uzi. I don't know how defendant was dressed because I didn't pay no attention to him until after the shots He had short hair Then defendant walked "down" the street. Like by the motel. Eastward toward Wadsworth. I seen a bunch of people in that direction. A bunch of people standing out at 'these people's house." Second house from the alley. I

wouldn't know if Freddie Jelks was there. I don't know where defendant went I can read'

(ss) August 6, 1997. Witness Connor continues testifying at first trial—second day. MARKED AND FLAGGED My notes from appellant's opening brief: On re-direct examination deputy district attorney asks witness Connor once again about the location of defendant when he fired into the white Toyota. Connor's testimony then differed somewhat from his previous day's testimony. Argue that after a night of reflection—likely coached—Connor testified that defendant was facing the white Toyota and was "near the gutter" when he fired the shots; that defendant had walked closer to the white Toyota on the passenger side; and that defendant was closer to the sidewalk than to the middle of the street. Connor did not budge from his previous testimony, however, that defendant was standing next to the back of the van when he began firing the shots

(tt) August 25, 1997. During deliberations jury asks is there any reward money in any way associated with this case? If necessary, use this in argument to Judge Rappe to admit every scrap of evidence

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9. My notes from appellant's opening brief: I observed defendant walking east toward Central Avenue (presumably on 88th Street), then when defendant had walked a little past the van parked in front of the white Toyota, ✔✔✔✔defendant began shooting ✔✔✔✔at the white Toyota, about 10 feet away from the Toyota. ★★★ Defendant was standing *in the street* and was pointing the gun at the *driver's side* of the white Toyota ★★★

of reward to witness Connor in Jones murder

(uu) October 7, 1997. Witness meets with FBI offering to help in other cases. Report in Trial Book Maybe argue Connor was seeking more rewards

(vv) December 4, 1997. Witness meets with FBI offering to help in other cases. Report in Trial Book Maybe argue Connor was seeking more rewards

(ww) February 17, 1998. Witness meets with FBI offering to help in another case. Report in Trial Book Maybe argue Connor was seeking more rewards

(xx) March 2, 1998. Witness meets with FBI offering to help in another case. Report in Trial Book Maybe argue Connor was seeking more rewards

(yy) May 5, 1998.Witness meets with FBI offering to help in another case. Report in Trial Book Maybe argue Connor was seeking more rewards

(zz) May 15, 1998.Witness meets with FBI offering to help in another case. Report in Trial Book Maybe argue Connor was seeking more rewards

(aaa) May 24, 2000. Penal Code § 243(e). Case 0CR26181. Penal Code § 243(e)(1) says when a battery is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had,

a dating or engagement relationship, the battery is punishable by a fine not exceeding two thousand dollars ($2,000), or by imprisonment in a county jail for a period of not more than one year, or by both that fine and imprisonment. Maybe a conviction. See September 22, 2014. Apparently yes. District attorney memo says disclosure of witnesses' *convictions*

(bbb) [June 8, 2001. *People v. Reco Wilson.* This is BA105800. I guess this is a Reco Wilson petition for a writ. Detective Rosemary Sanchez testifies] WE HAVE TRANSCRIPT

(ccc) January 6, 2006. Connor arrested and booked ★ (See May 31, 2012, Bob Royce report.)

(ddd) January 25, 2006, ★"Conner" arrested 7600 South Broadway possession rock cocaine for sale ★ Officers Killman and Beckers see him and his store of cocaine at 926 East 87th Place. NEED TO INTERVIEW, ON-CALL SUBPOENA OFFICERS KILLMAN AND BECKERS. Conner booked LAPD. NEED TO GET COURT FILE ASSUMING CHARGES WERE FILED. CHECK WITH BOB ROYCE. APRIL 8, 2013, I NOTED THE INVESTIGATION REQUEST. SEE APRIL 8, 2013, IN TRIAL BOOK

(eee) April 20, 2006. Health and Safety Code § 11351.5. Case BA297037. Health and Safety Code § 11351.5 provides eExcept as otherwise provided in this division, every person who possesses for sale or purchases for purposes of sale cocaine base, which is specified in paragraph (1) of

subdivision (f) of Section 11054, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of two, three, or four years. Maybe a conviction. See September 22, 2014. Apparently yes. District attorney memo says disclosure of witnesses' *convictions*

(fff) June 30, 2010. Connor arrested, booked Los Angeles sheriff ★ (See May 31, 2012, Bob Royce report.)

(ggg) July 2, 2010. Penal Code § 273.5(a). Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a felony. Case 9CA05460. Maybe a conviction. See September 22, 2014. Apparently yes. District attorney memo says disclosure of witnesses' *convictions*

(hhh) October 8, 2010. Connor has case ... maybe BY08972607... with Los Angeles county department of child support services (See May 31, 2012, Bob Royce report.)

(iii) February 11, 2012, Bob Royce reports I went the 930 W. 37th Street, Los Angeles. This address has been used by witness Conner in the past. When I arrived, I was met on the porch by a black female and black male both in their early 20's. After I introduced myself, they identified themselves as witness Conner's children. They told me Conner doesn't live at the location, but they see him several times a month. I gave them a business card and asked them to forward it to Conner and ask

him to call me. See October 17, 2018.

(jjj) February 12, 2012. Bob Royce reports he found an address for Carl Connor in Arkansas. Bob Royce says I have also located his relatives in the Los Angeles county area (see supra). Bob Royce says what is odd is that he still owns the house on 87th Street. He also has a federal tax lien against him—this is probably because of the reward money he received. I should have an exact location for him by the end of the week

(kkk) February 16, 2012

(i) 4:00 p.m. Interview of witness Carl Connor. Two (I guess) detectives. One is a female, not Rosemary Sanchez. November 27, 2013, I listen to entire recording. Audio recording of interview at May 14, 2013. I request transcript from Lynden. See inappropriate comments by officers ★Seems like never once do they have witness tell what he remembers August 5, 1991. Just buttering him up. Telling him it wasn't him that got defendants a new trial. It was a juror. Well it was him; the juror didn't believe him. That's why jury hung. Much other inappropriate banter ★ I need to order Lynden transcript. I don't think district attorney will. I'll share transcript with Bob/Vic. I *get* transcript. I'm reading, marking, flagging. See above. Bryant aka Baba, 35, got out of the car, Detective says we want codefendant to stay in jail TRANSCRIPT MARKED AND FLAGGED

(lll) March 17, 2012. Bob Royce reports Connor's brother may be in prison

(mmm) March 22, 2012. Bob Royce has found Derrick Battle in Antioch, California

(nnn) May 18, 2012. Bob Royce reports still haven't located witness Connor. Neither has Sanger investigator

(ooo) May 29, 2012. Bob Royce memo witness has case child protective services; still looking for witness

(ppp) May 31, 2012. I request Bob Royce subpoena

(i) Witness Connor's child support problem re October 8, 2010
(ii) Los Angeles Sheriff re witness's arrest June 30, 2010
(iii) LAPD records re January 6, 2006
(iv) Don Kott Ford employee records

(qqq) July 25, 2012. Child Support Department responds, says records cannot be released. See October 8, 2010, entry

(rrr) July 27, 2012. I believe this is the return cover letter for January 25, 2006, arrest of Carl "Conner," date of birth November 7, 1961

(sss) August 20, 2012. Date of subpoena to sheriff. Bob Royce requesting booking photos of witness (Connor)

(ttt) August 23, 2012. Bob Royce indicates LAPD have sent information (see July 27, 2012) on Carl "Conner," date of birth November 7, 1961. This apparently is January 25, 2006, arrest of Carl "Conner," date of birth November 7, 1961

(uuu) September 4, 2012. **Sheriff replies no records.** My note is this is in reference to August 20, 2012, subpoena to sheriff Bob Royce requesting booking photos of witness

(vvv) [October 31, 2012. Sheriff returns custody records of *codefendant*]

(www) November 8, 2012. I *think* Bob Royce removed LAPD return from court file.

(xxx) December 26, 2012

(i) Bob Royce sends me January 25, 2006, arrest of Carl "Conner," date of birth November 7, 1961

(ii) I request Bob Royce interview, on-call subpoena Officers Killman and Beckers.

(yyy) December 30, 2012. Memo to Bob Royce. Make sure district attorney doesn't have Connor coworker witness "Jose," and make sure district attorney can't prove witness and Connor not fired for clocking each other. In Trial Book

(zzz) November 27, 2013. I check WAV files Carl Connor by Sanchez A.wav, and Carl Connor by Sanchez B.wav. Carl Connor by Sanchez A.wav

sounds like witness's 1990s statement; Carl Connor by Sanchez B.wav has no sound. Files are copied to ... \Allen\. See notes at July 12, 2013, and November 27, 2013

(aaaa) September 19, 2014. Deputy district attorney Scott Marcus intends to 115 witness (Connor) at preliminary hearing. Why?

(bbbb) November 14, 2014. Department of Justice letter in Trial Book from Paul F. Raimondi. Need to call him if district attorney doesn't stipulate. From April 24, 1997, to June 3, 1998, witness Connor received from FBI $1,150 ★★

(cccc) October 17, 2018 ✔✔✔Bob Royce says oh yes the prosecution knows where witness (Connor) he is ✔✔✔

(dddd) November 7, 2018, witness turns 57

(eeee) January 8, 2019. Witness ordered on call through July 8, 2019

vii. Charles Jordan, Sr.

(1) Position in narrative August 5, 1991
(2) WITNESS IS DEAD, RIGHT?
(3) Tactics/motions? Witness not called, testimony never preserved, at first trial
(4) Introducer
(5) Subpoenaed
(6) Listed

(7) References

(a) May 26, 1994 at 8 a.m. witness statement to McCartin, Tapia. I saw defendant running with no shirt, some sort of rifle ✔✔✔✔

(b) September 13, 1994 person running looked like defendant

(c) November 1, 2018. Bob Royce confirms witness is dead ★

viii. Willie Clark aka Witness #5 Transcript—witness he be dead ✔✔★

(1) Position in narrative August 5, 1991
(2) Witness he be dead[10] His statement potentially impeaches Johnnie Thomas a little?
(3) Tactics/motions?[11] Try to get *Johnnie Thomas* to say he doesn't remember defendant with gold earring or real short hair— as per witness (Willie Clark) statement
(4) Introducer district attorney
(5) Subpoenaed not applicable
(6) Listed reporter's transcript of witness testimony, by the prosecution February 16, 2012. District attorney again lists June 24, 2013
(7) Testimony

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10. I had noted: Witness testifies at first trial, is possibly available, possibly found by Bob Royce. No, no. Witness he be dead!

11. I *had* noted: Bob Royce: Could we get statement from witness that defendant was *not* the guy you saw? But now I know witness he dead!

(a) August 5, 1991

(i) 3:40 p.m.

BANG!
BANG!
BANG!

(ii) Defendant photograph looks like the guy I saw do the shooting but when he sees defendant in courtroom witness doesn't identify him as shooter

(8) References

(a) August 5, 1991. At first trial witness testifies I told police I was lying down and didn't see nothing See August 5, 1997, infra.

(b) August 7, 1991. Witness statement to police. In Trial Book.[12]

(c) November 18, 1991

(i) 3:00 p.m. At the 77th Street police station. First August 5, 1991, witness Willie Clark (now dead) referenced in LAPD chronology. Witness statement report in Trial Book

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12. Apparently witness statement to police? I don't see it referenced in LAPD chronology. See (FTRT 3268, 3291) I talked to more than one policeman. I saw policeman writing. (FTRT 3302) NOT CLEAR IF REPORT. THERE SHOULD BE ONE. TRY TO FIND. I FIND IT

(ii) 3:05 p.m. Statement to LAPD Masuyama and Kallestad. In statement witness says he saw standing passenger side of white Toyota:

1) Male
2) Race black
3) Age unknown
4) Short— maybe 5 feet 7 or 8 inches
5) Heavy set—200 pounds
6) Very short hair but not shaved
7) Wide forehead
8) Gold ring attached to left ear
9) Black windbreaker with hood

(iii) 3:30 p.m. Police show witness Willie Clark a photograph line-up. In Trial Book. ★ ★ Defendant is # 5, only choice wearing black. Also only choice with real short hair ★ ★

(iv) ✔✔ Witness Clark refers to the photograph of defendant ✔✔ (People's Exhibit #10, photo #5) and states to the police, "Photograph number 5 on card line A looks like the guy I saw do the shooting"; that "his face and complexion was the same, but he had a "gold ring attached to his left ear"; and that "his hair was real short but not shaved"

(d) August 5, 1997. Witness testifies at first trial (FTRT 3256) MARKED AND FLAGGED

(i) Witness testified re the individual

1) Male
2) Race unknown
3) Short
4) Built big
5) I didn't see the hair because he wore a hood
6) Wearing a short blue windbreaker
7) Walking north

(ii) Then DA gets in witness's entire November 18, 1991, statement ✔✔

(iii) On Orr cross examination witness says on August 5, 1991, I told police I was lying down and didn't see nothing. I put my head under the Chevrolet remained there for a while, got up when shots stopped to see who it was and they were gone. I was laying down for about 20 minutes. I laid down an hour or so and couldn't see nothing

(iv) ★★★ Deputy district attorney asks witness Willie Clark if he could see anyone in the courtroom who looked like the person he had seen leaving the car wash area. In response Clark stated, "Nobody" ★★★

(e) February 12, 2012. Bob Royce reports witness possible address on 92nd Street in Los Angeles, date of birth: February 9, 1965. Forget it because witness he dead

(f) February 16, 2012. District attorney reports witness he *dead*!

ix. Eulas Wright aka Judge akaWitness #6 ★ ★

(1) Position in narrative August 5, 1991

(2) Witness testifies at first trial, is apparently available, found by Bob Royce. It was his car wash, called "Judge's." There was a sign

(3) Tactics/motions? Bob Royce: Could we get statement from witness that defendant was *not* the guy he saw? I don't think so, see May 30, 2013

(4) Introducer? If not district attorney, defense needs to call him? Well, maybe not. Detective Barling infra will shoot down the Raiders jacket thing pretty bad. Plus there's the booking photograph of defendant in a black leather jacket

(5) Subpoena not applicable

(6) Listed by the prosecution February 16, 2012. District attorney again lists June 24, 2013

(7) Testimony

(a) August 5, 1991, at 3:40 p.m.

BANG!
BANG!
BANG!

(b) Black guy *running* short, chunky, black Raiders jacket ★ ★ ★ shorts, hood over his head, I couldn't see his face

(8) References

(a) March 25, 1951, witness date of birth

(b) August 5, 1991. Apparently witness talks to

police. (See August 7, 1997, reporter's transcript 3879) Witness testifies at first trial people I talked to first were in suits. Apparently uniformed officer Hart reports in a field identification card. FI card NOT offered in evidence first trial. Apparently no other report of it

(c) November 21, 1991, at 11:00 a.m.

(i) Witness signed statement to B. Josephson in Trial Book. Black guy running north, about 5 feet 10 inches, husky, long black Raiders jacket ★that came down to his knees ★

(ii) ★No report that witness was shown any six-packs with defendant November 21, 1991.But first trial witness testified police showed him pictures (FTRT 3882). This likely means witness was shown defendant and failed to identify ★

(d) May 6, 1994, at 10:30 a.m. Witness (Eulas Wright) statement apparently to detectives McCartin and Tapia. The only report of this statement is in the LAPD Chronological Record. Witness verifies his November 21, 1991, statement. Apparently witness says ★he can't identify black man running ★ Somewhere I got witness views Photo Cards A-C but I don't know where I got it.

(e) May 9, 1994, at 8:30 a.m. Witness takes **polygraph** conducted by E. Youngblood. Witness deceptive about being *unable* to identify shooter. The only report of this statement is in the LAPD

Chronological Record. I don't think the prosecution has the cheek to try to offer polygraph

(f) August 7, 1997. Witness testifies at first trial. TRANSCRIPT MARKED AND FLAGGED Black guy running short, chunky, black Raiders jacket, jacket hood over his head, must have been shorts because you could see his (bare) legs. He was wearing a Raider coat. You could see the calf part of his legs. I couldn't see his face. I didn't see a gun. I didn't see his hair. His ears were covered. ★ ★ After the shooting, I didn't see any people in front of my place (so where was Connor?) ★ ★ I was shown pictures in November 1991 and recognized *codefendant*. Witness Wright *doesn't* identify defendant ★

(g) February 12, 2012. Bob Royce reports witness address is in Kentwood, Louisiana. Date of birth March 25, 1951

(h) February 15, 2012. Witness statement to Detective Onyshko. In Trial Book:

(i) Black male
(ii) Shorter chubby
(iii) Black jacket or black Raiders jacket
(iv) Possible shorts
(v) Ran northbound on Central Avenue west sidewalk
(vi) Witness doesn't identify defendant ★ Bob Royce : Did Detective Onyshko show witness 6-pack and *fail* to report same?

(i) February 20, 2012. Bob Royce reports cost of

going to Louisiana.

(j) May 18, 2012. Bob Royce seems to be awaiting my request to go to Kentwood, Louisiana.

(k) December 28, 2012. Bob Royce will give me declaration for trip and go to Louisiana. Bob Royce : Could we get statement from witness that defendant was *not* the guy you saw?

(l) May 30, 2013. Conference with Bob Royce. He agrees don't go to Louisiana interview witness because witness testified he did *not* see face of black man running north after shots. Moreover witness's description hurts us. Witness has shooter wearing black jacket but now I'm wondering how much that helps the defense

(m) September 24, 2018, I email Bob Royce and Bob Sanger to get witness to come to Los Angeles and testify

(n) October 18, 2018, I email Bob Royce hold off getting witness

x. Angela aka Angie Williams

(1) Position in narrative August 5, 1991
(2) Tactics/motions? ★Be sure and alert as friend of court that district attorney aims to question witness about accessory to murder; she needs a lawyer appointed★
(3) Introducer district attorney
(4) Subpoenaed not applicable
(5) Listed? District attorney lists June 24, 2013
(6) Testimony. District attorney will call witness Angela aka

Angie Williams

Q. August 5, 1991, immediately after shooting, did defendant shirtless, sweating, run up to your car and say get me out of here?
A. I don't remember.
Q. Did *you* tell your brother that?
A. I don't remember.

Then district attorney can call her brother Keith Williams aka K-Rock and he will testify witness told him as recently as 2011 that immediately after shooting defendant shirtless, sweating ran up to her car and said get me out of here! District attorney will have asked Angie if this didn't happen, and when she says she doesn't remember, district attorney can call her brother Keith Williams aka K-Rock to impeach her. Keith Williams aka K-Rock *may* say he doesn't remember her telling him back in 1991 although don't count on it. I expect Keith Williams aka K-Rock to be coopemative; actually he *was* cooperative in 1994. He will testify Angie said it then confirmed it in 2011! If he suddenly becomes uncooperative, which he won't, district attorney could impeach him with his statement 1) to Detectives McCartin and/or Tapia tape during 1994 interview, and 2) statement to detective Forman in 2012. There wouldn't be any *Crawford* objection because the declarant of the out-of-court declaration (my sister told me, etc.) is in court and available for cross examination so there's no denial of confrontation. **District attorney will wind up establishing Angela aka Angie Williams gave defendant, shirtless, sweating, a ride.**

(7) References

(a) August 5, 1991. Apparently witness Angela aka Angie Williams gives defendant, shirtless, sweating, a ride.

(b) July 21, 1994, at 9:00 a.m. per LAPD chronology Tape 152315. Detectives McCartin and/or Tapia interview *witness's brother* Keith Williams aka K-Rock aka Witness #15: I was couple blocks away. My sister Angela aka Angie Williams said defendant did it. My sister Angie told me she gave defendant, shirtless, sweating, a ride.[13]
TRANSCRIPT MARKED

(c) I don't think witness ever gave statement to police and I don't believe witness testified at first trial

(d) December 12, 2001, witness goes to federal prison for 7 years for "transporting." 565 pounds of marijuana apparently arrested in Arkansas.

(e) February 3, 2012. Witness apparently calls Detective White and says she doesn't remember defendant entering her car. See August 13, 2014

(f) March 6, 2012, at 8:45 a.m. Witness gives statement to a black Detective White and Detective Forman. I don't remember picking up defendant ★ I was probably high that day ✔November 27, 2013, I listen to entire recording

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13. I had made a note: July 21, 1994—is this an RT of witness Marcellus James? He says I didn't see defendant do it. (RT 25) This is my notes from appellant's opening brief. Looking at LAPD chronology it looks like this was Keith Williams.

and request transcript from Lynden; I *get* it TRANSCRIPT MARKED AND FLAGGED See inappropriate comments by officers. Witness doesn't confirm remembering anything.

(g) May 18, 2012. Bob Royce reports witness is not talking to him. I can understand why: she was accessory after the fact to murder. November 27, 2013, Bob Royce tells me he tried twice to interview witness. No statement

(h) July 10, 2013. Notes conference with deputy district attorney Bob Rabbani. He *has* recent interview of witness Angela aka Angie Williams. I found it. See March 6, 2012, supra

(i) November 27, 2013, conference with Bob Royce. I tell him about this problem

(j) December 4, 2013. Bob Royce tries unsuccessfully to speak with witness

(k) January 8, 2019. Body attachment issued, held until March 8, 2019

xi. Keith aka LaKeith Williams aka K-Rock aka Witness #15 ✔✔✔

(1) Position in narrative
(2) Witness does *not* testify first trial; found by Bob Royce Adelanto, California (near Victorville)
(3) Tactics/motions? The prosecution will use witness to show codefendant was a *shooter* in Mosley murder
(4) Introducer not defense. And more importantly to impeach Angela Williams. It will go like this

(a) District attorney calls Angela Williams.
  (i) Did you drive defendant to Hacienda Village?
  (ii) No
  (iii) Did you tell brother Keith Williams you drove defendant to Hacienda Village?
  (iv) No

(b) District attorney calls Keith Williams
  (i) Did Angela tell you she drove defendant to Hacienda Village?
  (ii) No

(c) District attorney calls Detective Tapia (or Detective McCartin—which district attorney won't do)
  (i) Did Keith Williams tell you his sister Angela Williams told him she drove defendant to Hacienda Village?
  (ii) Yes

(5) Subpoenaed not applicable
(6) *Listed* by the prosecution February 16, 2012. District attorney again lists June 24, 2013
(7) Testimony
(8) References

(a) July 21, 1994

  (i) 7:20 a.m. Witness arrested Health and Safety Code § 11350(a). LAPD report in Trial Book
  (ii) 9:00 a.m. per LAPD chronology Tape 152315. Detectives McCartin and/or Tapia tape interview witness (Keith Williams aka K-Rock aka Witness #15) TRANSCRIPT

MARKED AND FLAGGED

(iii) ✔ Witness says if codefendant puts the word out you have to do it or face the consequences—probably die✔ ✔

(iv) Mosley murder (September 14, 1991)
Bobbie Sanger's problem:

1) Witness says I was there that night (September 14, 1991) before they went off to shoot Mosley et all. Car was a dark gray or black little Nissan. Codefendant was driving it earlier

2) Next morning (September 15, 1991)— WATCH OUT BOB SANGER— codefendant said "Yeah, we shot these niggers up last night." Like he (victim walked up to the car. He said he shot somebody. 97 East Coast. Codefendant said the fool walked up towards the car. Codefendant talking about the Mosley murder (September 14, 1991) next morning (September 15, 1991) Codefendant is a devil womshiper.

(v) Loggins-Beroit murder (August 5, 1991). Witness says I was couple blocks away. I heard the shots They say defendant did it ✔ ✔ ✔ My *sister* Angie said defendant did it. My sister Angie told me she saw defendant alone running south in alley, no gun, between 88th Street and 89th Street. He said

drop me off someplace. She gave defendant, sweating, a ride.[14] I think she dropped him off at Hacienda Village ✔✔✔ Witness *never* says *defendant* said anything to him. So no mention of an admission by defendant

(vi) Re September 14, 1991. Statement report in Trial Book at July 21, 1994, at 9:00 a.m. **Problem for Bob Sanger.** Codefendant told me details about (what deputy district attorney Bob Rabbani says was) the Mosley murder. It is the Mosley murder. Details. Just "we" rolled up. No mention in this report of Jelks.

(b) August 3, 1994, at 4:15 p.m. Detective interviews witness (Keith Williams) at county jail. Call your sister. OCTOBER 21, 2018 I DON'T SEE THIS IN TRIAL BOOK!

(c) August 18, 1994. Health and Safety Code § 11350(a). Case TA022878. Likely conviction. Disclosed by district attorney September 22, 2014

(d) August 14, 1995, at 8:45 a.m. Keith Williams uncooperative with detective November 26, 2013, I presently don't see this in Trial Book. Oh, now I see. Witness testified before a grand jury where

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14. I checked transcript carefully. Keith never says Angela said defendant was "shirtless."I had made a note: July 21, 1994—is this an RT of witness Marcellus James? He says I didn't see defendant do it. (RT 25) This is my notes from appellant's opening brief. Looking at LAPD chronology it looks like this was Keith Williams.

codefendant (instant case), and Jelks are codefendants. Los Angeles Superior Court Case No. BA108967 for September 14, 1991, murder of Tyrone Mosley. *Maybe* witness testified codefendant admitted murdering Crip Tyrone Mosley middle of 97th Street. I GUESS I DON'T HAVE THE GRAND JURY REPORTER'S TRANSCRIPT

(e) September 15, 1997. First trial *penalty* phase. FTRT 6310. Witness doesn't want to testify. He does. Witness questioned about telling LAPD codefendant admitted murdering Crip Tyrone Mosley middle of 97th Street. I don't see any testimony about what Angela told him. Deputy district attorney says *this is the first time we've been able to pick him up* which explains why the prosecution didn't use the Angela-Keith combination at first trial guilt phase.

(f) October 14, 2003. Penal Code §§ 460(b), 484F(a), 484F(b). Case 03HM07446 (maybe Orange County) Likely conviction. Disclosed by district attorney September 22, 2014.

(g) February 12, 2012. Bob Royce reports Keith Williams a.k.a. Lakeith. Date of birth January 23, 1974. Address in Adelanto, California (near Victorville)

(h) March 6, 2012, at 9:45 a.m. Witness gives statement to a Black Detective White and Detective Forman. November 27, 2013, I listen to entire recording, make notes. ★★ ★Now witness is not cooperative. I don't remember car

wash (Loggins-Beroit) murder. I found out Angela did not drive defendant away from scene of Loggins-Beroit murder. It was just street talk. When she got out of prison she told me—apparently she did not drive defendant away from scene of Loggins-Beroit murder ★★★ November 27, 2013, I listen to entire recording and request transcript from Lynden; I get it TRANSCRIPT MARKED AND FLAGGED[15]

(i) April 24, 2012. Witness arrested San Bernardino sheriff disorderly conduct See police report CHECK TRIAL BOOK

(j) May 18, 2012. Bob Royce reports still unsuccessful in interviewing witness

(k) March 18, 2013. Theft of utility services. See police report in Trial Book READ

(l) June 24, 2013. Deputy district attorney Bob Rabbani says *codefendant* admitted Mosley murder to Keith Williams. This supports my evidence that Jelks and codefendant murdered Mosley.

(m) July 10, 2013. Notes conference with deputy district attorney Bob Rabbani. He has recent interview of witness Keith Williams aka K-Rock. That's the March 6, 2012, interview, supra,

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15. I had a note that in 2011 ✔✔✔ my sister told me immediately after shooting defendant no shirt ran up to her car and said get me out of here ✔✔✔

transcript marked and flagged

(n) December 4, 2013. Bob Royce tries unsuccessfully to locate witness

(o) January 12, 2014. Bob Royce memo. He wants witness rap sheets and San Bernardino arrest reports

(p) January 22, 2014

(i) See Bob Royce notes.

(ii) Scott, would you please supply moral turpitude rap sheet entries (arrests and convictions) of Keith Williams to our investigator, Robert Royce. Bob will call you. Thanks.

(q) September 19, 2014. Deputy district attorney Scott intends to 115 witness at preliminary hearing

xii. Donnie Ray Adams ✔✔✔

(1) Position in narrative August 5, 1991
(2) Witness is Michael Woodmore's brother. Witness testifies at first trial, is apparently available, found by Bob Royce
(3) Tactics/motions?

(a) Witness says on August 5, 1991, after the shooting *codefendant* told me he gave defendant the gun Codefendant's statement *not* inadmissible under *Crawford* because codefendant didn't make the statement in the police station. It's *admissible*

under *Greenberger* whether it's a joint trial or a separate trial. (Of course it's inadmissible as an admission under *Aranda*.)

(b) But if witness denies codefendant made the statement, which I expect will be the case, *witness* statement to detectives that codefendant made the statement to witness is *admissible* as a prior inconsistent statement. (There's no *Crawford* objection because witness is available for cross examination.)

(c) Apparently witness never told anyone *defendant* said he was involved in August 5, 1991, Loggins Beroit murders.

(4) Introducer district attorney
(5) Subpoenaed not applicable
(6) Listed by the prosecution February 16, 2012. District attorney again lists June 24, 2013, and looks like district attorney will have him! If district attorney *calls witness to stand*, I think forget about winning a *Crawford* objection:

(a) Did you tell officers codefendant said he gave *defendant* a gun and sent defendant on a mission?
(b) Objection. *Crawford*. In-custody witness statement to officers
(c) DA: No denial of confrontation because witness available for cross examination.

I think I lose

(7) Testimony *codefendant* said I gave defendant a gun and *sent* defendant on a mission. That's two more Crabs gone

(8) References

(a) August 6, 1966. Witness date of birth

(b) July 22, 1986. Health & Safety Code § 11350(a)

(c) January 1996. Witness arrested. (FTRT 4420) Notes from appellant's opening brief: January 1996 witness arrested in Inglewood, California. When witness interviewed at the time of his arrest in 1996 he didn't say anything about codefendant's alleged admissions ★ [FTRT 4424]

(d) February 21, 1996. 14-count indictment. Filed. See ... *\Allen\13 September 2013 Jelks and More JohnsonDiscovery.pdf*

(e) Witness transported to Shreveport, Louisiana, on a federal warrant. A federal grand jury in Louisiana had previously indicted Adams

(f) July 12, 1996. United States District Court plea agreement. See ... *\Allen\13 September 2013 Jelks and More JohnsonDiscovery.pdf*

(g) ???? Witness Adams pleads guilty in federal case in Louisiana to "knowingly and intentionally engaging in a continuing criminal enterprise." (FTRT 4421)

(h) August 6, 1996 and August 7, 1996. Witness testifies (rats) in United States District Court in United States v. Frank Hughes. Reporter's transcript of witness Adams testimony. See ... *\Allen\13 September 2013 Jelks and More*

JohnsonDiscovery.pdf it starts at Adobe page 182, long.

(i) February 6, 1997 (I had noted *apparently* the interview January 30, 1997, but FBI Special Agent Lee Ann Bernardino testified September 30, 2004, at preliminary hearing it was February 6, 1997) Report is in Trial Book at January 30, 1997. ***First time*** witness talks about August 5, 1991, murders, what *codefendant* told him (FTRT 4418) This was *after* witness pled guilty (FTRT 4425)

(i) My notes from appellant's opening brief: witness Adams acknowledged that he never said anything about his knowledge of August 5, 1991, murders until after he had been arrested. It was only after Adams pled guilty and was facing a life sentence in federal prison that he "decided" to provide this information to law enforcement. Witness's potential minimum sentence was 20 years in federal prison and the maximum sentence was life. He confirms that he is doing so in his effort to try to lessen his punishment in his pending case.

(ii) Statement to FBI special agents Vasley and Lee Ann Bernardino. WE HAVE FBI REPORT OF WITNESS STATEMENT IN TRIAL BOOK I have pages 1 through 7 but I need what comes after page 7 CHECK I don't see any note that interview was taped but it's very detailed, single-space paragraphs. *Maybe* it wasn't taped. Louisiana United States Attorney's Office

file at July 12, 2013. I saw police crime scene tape and detoured to codefendant's house. I asked *codefendant* what happened. Codefendant said I gave *defendant* a gun and *sent* defendant on a mission. That's two more Crabs gone ✔ ✔ ✔ It appears *codefendant* told witness this August 5, 1991 READ AND MARKED AND FLAGGED

(j) May 7, 1997. Witness May 7, 1997, statement to Louisiana state police investigator Tim Hollis. I received it March 2, 2012. This was not available to Joe Orr at first trial. ★VERY GOOD IMPEACHMENT ★ No mention of instant case but STILL NEED TO MARK FOR IMPEACHMENT!

(k) August 12, 1997. Witness testifies at first trial. (Starts at FTRT 4406.) READ AND MARKED AND FLAGGED:

(i) ✔ ✔Codefendant told me the killing (Loggins-Beroit) involved a mission. Codefendant provided a gun and ski mask. Codefendant told me that's 2 crabs gone ✔ ✔ ★ Witness does not testify it was defendant who went on the mission ★[16]

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16. I had noted that appellant's opening brief said *codefendant* told witness Adams ARANDA ISSUE BUT I FEAR GREENBERGER that he had sent *defendant* down to do a mission, that he had given *defendant* the gun for the mission, and that the victims of the mission for which defendant had been sent were two 89 East Coast Crips. Adams did not testify codefendant said

(ii) Witness's potential minimum sentence is 20 years in federal prison and the maximum sentence was life. Witness has not yet been sentenced. [FTRT 4422] Adams is 31 years old at the time. [FTRT 4418, 4420-4422] Witness Adams is "attempting to work some kind of deal to lessen [his] sentence"; and he is "hoping that by this testimony [he was] giving here in this court that [he] can somehow reduce the punishment that [he] personally face[s]." [FTRT 4422-4423]

(l) March 5, 1998. Witness sentenced in Louisiana federal case. Filed March 10, 1998. See ... *\Allen\13 September 2013 Jelks and More JohnsonDiscovery.pdf*

(m) March 19, 2003. Penal Code § 273A(a)

(n) February 12, 2012, at 9:06 a.m. Bob Royce reports Donnie Adams, date of birth August 6, 1966, has a current address in Apple Valley, California

(o) MAKE SURE SCOTT PROVIDES CHRONO ENTRY OF WITNESS TELLING DETECTIVES IN EFFECT IF I'M FORCED TO COME TO COURT I'LL SAY CODEFENDANT DIDN'T SAY IT

(p) May 18, 2012. Bob Royce reports still looking for witness

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he gave defendant the gun

(q) July 13, 2013. Witness statement to *codefendant* investigator Filipiak ★Codefendant never told me he had any involvement in decedents' murders ★ Witness also said *defendant* never said he was involved in August 5, 1991, Loggins Beroit murders. Well, witness never told anyone defendant *said* he was involved?

(r) SCOTT IS SAYING THE DISTRICT ATTORNEY HAS PRODUCED DOWNWARD DEPARTURE FOR WITNESS

(s) January 8, 2019. Witness in court. Vic Salerno says we want witness to testify. Witness ordered back March 8, 2019.

xiii. Robert Brown aka #8 and aka Grand Jury #2 Dead ★

(1) Position in narrative August 5, 1991
(2) Witness does *not* testify first trial; witness apparently dead; therefore forget about him!!!! BUT CONFIRM DEATH WITH DISTRICT ATTORNEY
(3) Tactics/motions?
(4) Introducer
(5) Subpoenaed
(6) *Listed* by the prosecution February 16, 2012. How come Robert Brown is listed, if Robert Brown is dead and didn't testify in first trial?
(7) Testimony
(8) References

(a) August 5, 1991, at 3:40 p.m.

BANG!

BANG!
BANG!

(b) May 5, 1994. Witness statement. This must be "Witness #8" in LAPD chronology. It says witness saw shooter running, witness knows defendant and witness can't be sure shooter was defendant. Hair in braids. Shooter had blue jeans and white tennis shoes. I saw defendant earlier in morning and defendant had on blue jeans and white tennis shoes. I can't be sure shooter was defendant. WE HAVE WITNESS STATEMENT REPORT

(c) December 16, 1994 grand jury. Witness testifies grand jury. Shooter *similar* to defendant I DON'T READ IT BECAUSE WITNESS IS DEAD AND GRAND JURY TRANSCRIPT INADMISSIBLE

(d) Maybe about February 1995. Witness statement. Transcript at T\C:_LAW PRACTICE\Open Cases\Backup Supplemental Files\Allen\[17] District attorney witness (Brown) interview. Detective Barling says, "You came to court I think a couple months ago." I DON'T READ IT BECAUSE WITNESS IS DEAD

(e) August 1997 witness doesn't testify first trial

(f) February 12, 2012 Bob Royce reports witness dead

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17. Original location in Trial Book is July 12, 2013 It's a reference to the PDF file of the transcript.

xiv. Marcellus James aka Na-Na aka Witness #10 ✔✔✔✔★

(1) Position in narrative 1991 or 1992 or May 1992

(2) Witness testifies at first trial, is apparently available, is found by Bob Royce. Witness testified defendant told me when he shot one, his eyes popped out of his head

(3) Tactics/motions?

(a) If witness is to testify *codefendant* said defendant killed the decedents, *codefendant's* statement *not* inadmissible under *Crawford* because codefendant didn't make the statement to witness in a police station. It's admissible under *Greenberger* whether it's a joint trial or a separate trial. (Of course it's inadmissible as an admission under *Aranda*.)

(b) If at trial witness *denies* codefendant made the statement to witness, which may be the case, *witness* statement to detectives that codefendant made the statement to witness is *admissible* as prior inconsistent statement. Why isn't there a Crawford objection? There's no *Crawford* objection because *witness is available for cross examination!* But I'll still object under Crawford on ground witness's statement was made to detectives in the police station

(c) Need Evidence Code § 402 hearing because I'll be objecting to his testimony that witness heard defendant shot Loggins-Beroit *from defendant* on ground of hearsay because witness testified on August 11, 1997, yes, he heard that defendant shot Loggins-Beroit, but *he didn't actually hear it from defendant!* Also, on July 12, 1994, he told detectives same thing. ✔✔ Well, he said and

testified that but then he went on to say he heard it from defendant OUCH ✔✔

(4) Introducer district attorney
(5) Subpoenaed not applicable
(6) Listed by the prosecution February 16, 2012. District attorney again lists June 24, 2013
(7) Testimony ✔✔✔✔defendant admitted to me that he, defendant, killed decedents; defendant told me when he shot one, his eyes popped out of his head ✔✔✔✔

(8) References

(a) October 21, 1969. Witness's date of birth

(b) March 2, 1991. Penal Code § 273.5(a). Case 92R04925. I think a conviction. See September 22, 2014

(c) August 5, 1991. BANG BANG

(d) September 14, 1991. Codefendant murders Crip Tyrone Mosley middle of 97th Street, attempts to murder Kenneth Davis, Kim Rochelle Coleman. This is LAPD DR # 911826235.[18]

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18. I think I got the following from appellate brief. Best get material from my motion to exclude testimony of Freddie Jelks. No, get from statement and testimony transcripts. You have witness Marcellus James aka Na-Na aka standing with others in front of Johnson's house between 9:00 p.m. and 11:00 p.m. the evening of the Mosley murder. (CT Supp IVA 1:125-128, 132, 136) He observes codefendant, Jelks and Leandre Hewitt aka Jelly Rock get into a black, four-door Mazda Protégé. (CT Supp IVA 1:129, 131) Leandre Hewitt aka Jelly Rock was the driver, ★★ Jelks sat in the right

(e) February 27, 1992. Apparently witness arrested. Apparently witness talks to police. (FTRT 4051) about September 14, 1991, murder of Crip Tyrone Mosley That's interesting. I don't see anything in Trial Book. CHECK DIGITAL DISCOVERY But apparently witness doesn't

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front seat ★ ★ and codefendant sat in the rear seat. (1:130-131) Johnson had a .45 caliber handgun and ★ ★ Jelks had a .38 caliber revolver ★ ★ James said the three were leaving to "[k]ill somebody" from the "Nine-Seven East Coast Crips" gang because "one of their friends got shot." *They* told witness James it was a "perfect opportunity" because the "nine-sevens" were having a block party. (CT Supp IVA 1:133-134) "And then they went and did what they had to do and came back," witness James told the detectives. (CT Supp IV A, 1: 136) witness James told the detectives he heard no gun shots because he was standing on 88th Street and the "nine-sevens" party was "way down there on 97th where they was." (CT Supp IVA, 1:136) witness James explained that when they returned about ten minutes later ★ ★ they were in the same positions in the Mazda as when they left, i.e., Leandre Hewitt aka Jelly Rock was still driving, Jelks was still seated in the right front passenger seat ★ ★ and codefendant was in the rear seat on the driver's side. (CT Supp IVA 1:137, 139-140) Witness James told the detectives that both codefendant and Jelks talked about what happened after they returned. The driver, Leandre Hewitt aka Jelly Rock, "didn't say too much." (CT Supp IVA 1:137-139) Referring to the shooting, James told the detectives, "When they got there they flicked the light[s] on and off to let them know they—they was perpetrated like they was their homies. And then when they got up on them, they shot them." (CT Supp IVA 1:136-137) According to witness James they said that three people got shot. (CT Supp lVA 1:13 8) The transcript is ambiguous as to who shot at the victims but Detective McCartin's response to witness James's "(Untranslatable)" answer suggests that both Johnson and Jelks admitting shooting at the victims. (CT Supp IVA 1:138)

mention anything about defendant telling him about murder of decedents

(f) July 25, 1992. Witness Marcellus James inflicts corpoal injury ★ See September 24, 1992, probation report. Witness says he knifed his girlfriend.

(g) September 24, 1992, probation report of July 25, 1992, witness Marcellus James inflicts corporal injury ★ Filed.

(h) November 24, 1992. Penal Code § 245(a)(1). Case TA019851. I think a conviction assault with a deadly weapon. See September 22, 2014.[19]

(i) May 1992 or 1993? *When* does witness claim defendant told him on 88th Place that he, defendant, walked up and shot the two guys? (FTRT 4083) In witness's July 12, 1994, statement to detectives it seems like May 1995. Then, I noted from my first reading of reporter's transcript of first trial seems like witness testifying defendant confessed murders to him on 88th Place in May 1992 At first trial witness seems to change it from 1991 to 1992, then May 1992. See *infra*. Also at first trial at one point witness confirms witness told police witness didn't hear it from defendant

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19. I had cited reporter's transcript 37. I had noted I think here witness Marcellus James commits an assault with a deadly weapon ★ *When? Where?* WE NEED DISCOVERY OF THIS! Apparently got it.

(j) **July 12, 1994, at 8:09 p.m. Detectives McCartin and/or Tapia interview Marcellus James aka Na-Na aka Witness #10 age 24, at South Bureau Homicide Tape 150976 per LAPD chronology** TRANSCRIPT MARKED AND FLAGGED **Witness is in jail apparently arrested for spousal abuse**

(i) **Witness talks about Mosley murder. Witness tells the detectives that on September 13, 1991, he was standing with others in front of codefendant's house at 939 East 88th Street late in the evening. (The Mosley shooting was at 12:05 a.m. September 14, 1991** ★★ **Freddie Jelks aka FM got in front seat passenger black 4-door Mazda Protégé armed with .38 revolver. Leandre Hewitt aka Jelly Rock driver. They were going to kill somebody because Mad Man had been shot (not dead) by the Avalon Guards. When they came back to codefendant's house at 939 East 88th Street they were in the same positions in the black 4-door Mazda Protégé** ★★ ✔ **Codefendant was on driver side.(Apparently Mosley shot from driver side of car—not good because it indicates codefendant not Jelks murdered him.** ✔) **They told us they shot them. Codefendant and Jelks did the talking** ★★ **(I can get in what Jelks said as declarations against interest by Jelks to impeach him. I can get in what codefendant said as admissions.) Re Loggins-Beroit shooting defendant killed the decedents but I didn't actually hear it from him. I never**

heard defendant say he did it. It was either defendant or Matt, I can't remember. I asked Earl Ray Johnson aka Silent and he said I don't know. McCartin says detectives need help. Witness says I'm trying to think. ✔✔✔✔ Then, yeah, defendant said I had a Tech 9, shot and one of them his eyes popped out of his head ✔✔✔✔ Defendant told me this, it seems witness is saying in May 1993. Defendant was arrested May 18, 1993, for murder of Chester White. It was just me, defendant and Earl Ray Johnson aka Silent when defendant told me this. They kept their guns in a chicken coup in the back[20] Defendant told me Earl Ray Johnson was present when defendant allegedly made admissions to witness. See September 24, 2014. I think Royce interviewed Earl Ray Johnson aka Silent in Department 108? Royce's report at November 10, 2014

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20. Then (on July 12, 1994), Detectives McCartin and Tapia actually get witness (Marcellus James aka Na-Na) to say defendant admitted to me that he, defendant, killed decedents (RT 47) Notes from appellant's opening brief: I think I'm reading witness says defendant told him he, defendant, shot the two guys. (RT 46-47) I expect district attorney will oppose Sanger motion for severance arguing defendant's admission he killed decedents will not be offered as an admission by defendant, but as a declaration against interest by defendant under Greenberger. District attorney will argue should witness deny making the statement to detectives, district attorney will offer it as a prior inconsistent statement. There's no Crawford objection because witness is available for cross examination!

(ii) I see a note that witness told police on Tape 150976 defendant made admissions to him in *May* 1993! Yes! (RT 48) I HAVE TRANSCRIPT READ AND MARKED We also have the video at \Marcellus James July 1994 Interview VIDEO_TS\ The video says July 12, 1994, but I think it is this interview. So when is witness saying defendant made admission? May 1992? May 1993? Some other time?

(k) September 21, 1994. Reports in Trial Book. It looks like Detectives McCartin and Tapia have assault with a deadly weapon warrant for witness Marcellus James. My notes from appellant's opening brief: Witness is in custody charged with assault with a deadly weapon. (FTRT 4954) September 30, 2014, district attorneys Bob/Scott will provide transcript. November 30, 2018, I GET TRANSCRIPT. IT'S IN TRIAL BOOK. MUST READ AND FLAG IT!

(i) 12:50 p.m. per LAPD chronology. Also Statement Form. Witness says ✔✔✔ *defendant* told me he killed decedents. Witness *signs* statement *defendant* told me he, defendant, shot the two guys ✔✔✔

(ii) 1:15 p.m. Witness identifies, signs defendant's photograph in—looks like—gang book

(iii) 3:00 p.m. Detectives McCartin and Tapia arrest witness on *warrants*, apparently on assault with a deadly weapon warrants.

Argue so they get his cooperation first ★
CHECK OUT. MAYBE ASSAULT WITH A DEADLY WEAPON NEVER FILED! MAYBE

(l) December 16, 1994 grand jury. Did witness testify? *No.*

(m) August 11, 1997. Witness (Marcellus James aka Na-Na) testifies at first trial. (FTRT 4039) Detective McCartin is at counsel table with deputy district attorney Lentz I asked defendant who shot them and he said he did. He told me when he shot one, his eyes popped out of his head ✔✔✔ Then on cross by Joe Orr witness confirms that ★ witness told police he didn't hear it from defendant ★ (FTRT 4069) Somebody said defendant or "Matt" did it. (Could I sneak this in and do I want to?) I "got" defendant's statement in 1991.[21] (Joe Orr never asks witness about

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21. Witness observed codefendant, Jelks and Leandre Hewitt aka Jelly Rock get into a black, four-door Mazda Protégé. (CT Supp IVA 1:129, 131) Leandre Hewitt aka Jelly Rock was the driver, Jelks sat in the right front seat. Jelks had a .38 caliber revolver. Witness said the three were leaving to "[k]ill somebody" from the "Nine-Seven East Coast Crips" gang because "one of their friends got shot." They told witness (James) it was a "perfect opportunity" because the "nine-sevens" were having a block party. "And then they went and did what they had to do and came back," witness (James) told the detectives. Witness (James) told the detectives he heard no gun shots because he was standing on 88th Street and the "nine-sevens" party was "way down there on 97th where they was." Witness explained that when they returned about ten minutes later they were in the same positions in the Mazda as when they left, i.e., Leandre Hewitt aka Jelly Rock was still

standing with others in front of Johnson's house between 9:00 p.m. and 11:00 p.m. the evening of September 14, 1991—the Mosley murder.)

(n) ★ April 1, 2008. Penal Code § "273A(b)." Case MSB801514. I think a conviction. See September 22, 2014 ★

(o) February 12, 2012. Bob Royce reports witness's address is in San Bernardino California. Date of birth October 21, 1969

(p) February 16, 2012. Apparently detectives, male and female, go to witness's house to interview him. AUDIO RECORDING AT MAY 14, 2013. November 27, 2013, I listen to entire recording and request transcript from Lynden; I get it TRANSCRIPT MARKED AND FLAGGED Detective shows witness his signed September 21, 1994 papers, and serves him with an on-call subpoena for March 8, 2012 ★ See inappropriate comments by officers. Coercion Witness uncooperative. Witness doesn't confirm remembering anything ★

(q) February 25, 2012. Bob Royce *interviews* witness. Report in Trial Book Lack of memory due to concussion. I smoked a lot of marijuana and drank beer before being interviewed by LAPD in 1994. I lied to San Bernardino Police 5 years ago ★

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driving, Jelks was still seated in the right front passenger seat.) TRANSCRIPT MARKED AND FLAGGEDI had noted (FTRT 4958)

(r) May 31, 2012. I request Bob Royce subpoena witness's hospital records

(s) July 18, 2012. Community Hospital of San Bernardino served

(t) July 23, 2012. Community Hospital of San Bernardino return. *No record* of witness being treated in this hospital.

(u) September 21, 2012. I *see* Community Hospital of San Bernardino medical return in court file. See July 23, 2012

(v) November 8, 2012. Bob Royce removed return from court file. See July 23, 2012

(w) September 19, 2014. Deputy district attorney Scott intends to 115 witness (Marcellus James aka Na-Na) at preliminary hearing

(x) October 11, 2014. Bob Royce reports witness (Marcellus James aka Na-Na) relocated but Bob found him at new address, talked to witness's daughter

(y) January 8, 2019. Body attachment issued, held until March 8, 2019

xv. Bryan Kuykendall aka Bye-Bye Hearsay Rumors

(1) Position in narrative
(2) Witness heard rumors
(3) Tactics/motions? Evidence (Connie Loggins November

12, 1991, statement) witness hung out with Beroit. Evidence defendant, okay, "shooter," thought he killed *witness* instead of Loggins

(4) Introducer district attorney
(5) Subpoenaed not applicable
(6) *Listed* by district attorney February 16, 2012. District attorney again lists June 24, 2013, with the notation "intended target."
(7) Testimony I heard rumors codefendant ordered defendant to commit the murder
(8) References

(a) May 19, 1994. Witness in Terminal Island. Tapia and Barling interview witness (Bryan Kuykendall). I heard a rumor *I* was intended target of Donald Loggins and Payton Beroit shot and killed August 5, 1991, at 3:40 p.m. Loggins and I look very much alike. I have ties with 89 East Coast Crips. No mention of defendant or codefendant *involved*

(b) February 6, 2012. Witness statement. Just heaasay rumors codefendant 1) Johnson ordered defendant to murder Loggins and Beroit, and 2) Johnson and crew murdered Meshack Evans, DR 92-1805706.

h. Monday August 5, 1991, Officers

i. Duane Hayakawa ★

(1) Position in narrative August 5, 1991
(2) Witness was now LAPD captain, impeaches Connor
(3) Tactics/motions?
(4) Introducer
(5) Subpoenaed

(6) Listed
(7) Testimony
(8) References

(a) August 11, 1997. Witness testifies first trial. Large crowd. Crowd control. Young black on a bicycle right next to the white Toyota. He got in dispute with one of the people. Altercation between a couple of male blacks. Headed southbound then westbound on East 88th Street REVIEW TRANSCRIPT DURING TRIAL BEFORE WITNESS TESTIFIES

(b) September 25, 2014. Witness testifies preliminary hearing. There were bullet casings. I don't remember any in front of the white car. The bulk were on the right side of the car ★ TRANSCRIPT MARKED AND FLAGGED

THE MOSLEY MURDER

i. September 14, 1991, Mosley Murder

i. Why codefendant wasn't retried for Crip Mosley murder after hanging the jury in 1998: Now codefendant is charged with Mosley murder in Count 5 in May 9, 2015, information. Mosley Murder Book on hard disk in directory *Murder Books & San Quentin & Other*. See March 2, 2012, district attorney discovery disclosure. Facts. Night. Codefendant ★and Jelks★ murder Crip Tyrone Mosley middle of 97th Street, attempt to murder Kenneth Davis, Kim Rochelle Coleman. My mid-1990s note shows allegations indicate codefendant committed a murder in September 1991—for which he is "currently" being

prosecuted *also* in Los Angeles Superior Court Case No. BA108967? Yes, per Richard Lasting. Apparently Jelks was *with* codefendant. Isn't Jelks *a* codefendant in the case—Los Angeles Superior Court Case No. BA108967? YES YES Codefendant Johnson was in car at Mosley murder. Defendant was not involved. In mid-1990s I had noted the prosecution was "currently" seeking the death penalty in Los Angeles Superior Court Case No. BA108967. So I had a question: if codefendant got life or death in case BA108967 maybe district attorney not interested in a retrial codefendant Johnson in our case in which event maybe I could work out a concurrent time settlement for defendant. But defendant would never get out with 3 dead bodies to his credit. But December 23, 2011, deputy district attorney Jennifer Lentz-Snyder answered question: after being sentenced to death in our case on December 12, 1997, in May or so in 1998 codefendant was tried in Los Angeles Superior Court Case No. BA108967 apparently before Horan, he represented himself, jury hung 9-3 guilty and he wasn't retried. (Jelks was given slap on the wrist sentence May 11, 1998, in Trial Book. Judge Horan sentences witness Jelks to 3 or 4 years, credit for time served, witness Jelks is released.) The reason codefendant not retried in Los Angeles Superior Court Case No. BA108967 obviously was because he was *already* sentenced to death in Loggins-Beroit murder. But now he's not sentenced to death, and he's charged with the Mosley murder in current case in Count 5!

ii. Tarone Burnaught

(1) Position in narrative September 14, 1991
(2) Witness is ... witness to shooting of Mosley September 14, 1991, but apparently no identification DARN IT
(3) Tactics/motions? At preliminary hearing I tried without success to get witness to identify Jelks shooting Mosley September 14, 1991

(4) Introducer district attorney
(5) Subpoenaed not applicabtestify
(6) Listed
(7) Testimony
(8) References

(a) October 9, 2013? Detectives interview witness

(b) September 22, 2014. District attorney lists several moral turpitude entries of witness. I can use if I need at trial

(c) September 30, 2014. Witness testifies at preliminary hearing. I try without success to get witness to identify Jelks shooting Mosley September 14, 1991. Witness preliminary hearing testimony: I was on south side of 97th Street looking north sitting in back seat driver side of a car. I heard 4 or 5 shots from passing black car going east. I can't tell you who or how many in passing car TRANSCRIPT READ AND MARKED

(d) January 8, 2019. Witness in court. Witness says I'm not saying (testifying) nothing. Witness ordered on call through July 8, 2019

iii. Kenneth Davis

(1) Position in narrative September 14, 1991
(2) Witness is victim
(3) Tactics/motions?
(4) Introducer
(5) Subpoenaed
(6) Listed

(7) References

iv. Kim Rochelle Coleman

(1) Position in narrative September 14, 1991
(2) Witness is victim
(3) Tactics/motions?
(4) Introducer
(5) Subpoenaed
(6) Listed
(7) References

(a) January 8, 2019. Witness ordered on call through July 8, 2019.

j. Makeya Ross

i. Position in narrative
ii. Witness is
iii. Tactics/motions?
iv. Introducer district attorney
v. Subpoenaed
vi. Listed
vii. References

(1) January 8, 2019. Witness ordered on call until July 8, 2019

(2) January 9, 2019. I ask Vic and Jon who is witness

(3) January 15, 2019. Per deputy district attorney Jon: witness was present with Kim Coleman during the Mosley shooting and saw the fight between the girls happen

k. January or February 1992

i. Anthony Spratley ✔✔✔

(1) Position in narrative January or February 1992
(2) ★ Witness is another convict ★
(3) Tactics/motions?

(a) Looks like district attorney *has* witness and will call him. District attorney will argue codefendant's statement is declaration against interest CHECK STATEMENT Try to argue codefendant's statement doesn't qualify as a declaration against interest

(b) Codefendant's statement *not* inadmissible under *Crawford* because codefendant didn't make the statement in a police station. It's admissible under *Greenberger* whether it's a joint trial or a separate trial. (Of counse it's inadmissible as an admission under *Aranda*.)

(c) Looks like district attorney won't even *need* witness's February 7, 2012, statement to detectives to impeach him. Witness will just testify that's what codefendant said.

(d) If witness is on stand and *does* deny what codefendant said to him, *witness's* statement comes in as a prior inconsistent statement. (There's no *Crawford* objection because witness is available for cross examination—right? I guess still object, arguing denial of confrontation)

(4) Introducer district attorney; subpoena not applicable

(5) Listed by the prosecution February 16, 2012. District attorney also lists June 24, 2013. It looks like district attorney has witness and will call him

(6) Witness testimony: Codefendant was running his mouth incriminating defendant in January or February 1992. Sunday August 4, 1991: East Coast Crip decedent Payton Beroit aka B-Rite beats up Robin Woods aka Ra-Ra. See Anthony Spratley February 7, 2012, transcript page 4. Witness says February 7, 2012, that in January or February 1992 *codefendant* explained to witness that he, codefendant, *had defendant* kill decedent Beroit OUCH The conversation witness has with codefendant at transcript page 13. It looks like witness will testify codefendant had defendant kill decedent Beroit because decedent Beroit had beat up Robin Woods aka Ra-Ra—witness says beat-up night before. Apparently witness said to codefendant but Robin Woods aka Ra-Ra was decedent Beroit's baby's mother. In other words why did *you* get involved?

(7) References

(a) 1991. Witness back in "like 1991" provided Los Angeles Sheriff Department Sergeant Miley information regarding Loggins-Beroit murder. IS THERE A STATEMENT IN DISCOVERY?

(b) Apparently witness never testifies anywhere?

(c) February 7, 2012. Report of witness statement. In Trial Book . He's in Avenal State Prison Witness statement to Detectives Forman, White, Onyshko Why are they there? Apparently witness never

testified, nor is mentioned in police reports. Is the true? Apparently witness back in "like 1991" provided Los Angeles Sheriff Department Sergeant Miley information regarding Loggins-Beroit murder. Payton Beroit was witness's cousin Witness (Anthony Spratley) says February 7, 2012, that in January or February 1992 *codefendant* explained to witness (Anthony Spratley) that he, codefendant, *had defendant* kill decedent Beroit ✔ ✔ The conversation witness has with codefendant at transcript page 13. It looks like witness *will testify* codefendant had defendant kill decedent Beroit because decedent Beroit had beat up Robin Woods aka Ra-Ra—witness says night before. Apparently witness said to codefendant but Robin Woods aka Ra-Ra was decedent Beroit's baby's mother ✔ Lord above, Cleamon Demone! **TRANSCRIPT READ, MARKED AND FLAGGED** I also have recording. See July 12, 2013.

(d) October 22, 2018. I do a digital search and find nothing new

l. February 9, 1992—Evans and Holloway Shootings

i. 7:20 p.m. murder of **Meshuck Evans**. *Not* charged but March 2, 2012, prosecution says may offer evidence of Evans murder per Evidence Code § 1101(b) in its case-in-chief

(1) Jose Cruz Aguirre

(a) Position in narrative February 9, 1992?
(b) Witness is who? Reason district attorney lists this witness is his February 12, 1992, statement re

murder of Meshack Evans.[22]

(c) Tactics/motions?

(d) Introducer district attorney

(e) Subpoenaed not applicable

(f) Listed. Did district attorney list? YES! Listed February 16, 2012! But witness did *not* testify first trial!

(g) Testimony

(h) References

(i) February 9, 1992, at 7:20 p.m. at 724 East Caliburn Drive, Jelks and other armed male black Swan Blood gang members enter Avalon Gardens and open fire on Meshack Evans, Barbara Hamlin, Shanelle Hamlin and Rodriguez DeLeon Moore. Meshack Evans died of his wounds the next day. Is this what witness (Jose Cruz Aguirre) is talking about February 12, 1992?? I think so. CHECK OUT TO BE SURE

(ii) February 12, 1992. Witness Jose Cruz Aguirre gives statement to LAPD that he heard "Evil" had been arrested in a stolen car after they did a shooting at 84th and Avalon. They threw out an AR-15. Is this the Meshack Evans murder? Not 84th Street and Avalon

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22. I was worried who witness was! My notes: Connor coworker? Who is Jose Aguirre? Does this witness *support* Connor? *Impeach* him? I was worried this was the "Jose" Connor claims allegedly punched Connor in and out for work at the Don Kott Auto Center, 212 Avalon Boulevard, Carson, Monday August 5, 1991. *Not him.* District attorney didn't call that Jose in first trial.

(iii) May 18, 2012. See Bob Royce report. Defendant told me first name Jose maybe last name Aguirre. District attorney *lists* Jose Aguirre as witness February 16, 2012! Who is Jose Aguirre?

(iv) December 30, 2012. Memo to Bob Royce. Make sure district attorney doesn't have Connor coworker witness "Jose," and make sure district attorney can't prove witness and Connor not fired for clocking each other in.

(v) January 1, 2013. Memo faxed to Bob Royce

ii. 9:00 p.m. **Allen Earl Holloway** is murdered. At 122 East 82nd Street, Jelks was in the front seat of a four-door tan Toyota driven by codefendant Johnson when Alex Viera jumped out and shot Jequwan Lamar Johnson and Allen Earl Holloway.[23] WHERE DID I GET *THAT* FROM? Jequwan Lamar Johnson survived his injuries; Allen Earl Holloway was pronounced dead at Martin Luther King/Drew Medical Center. LAPD DR 92-12-06378

THE SUTTON MELEE

m. September 12, 1992: The Sutton Melee

i. Notes:

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23. LAPD DR 92-12-06378

(1) 3:10 p.m. LAPD reports in Trial Book. Albert Elroy Sutton parks just east of 938 East 88th Street (codefendant's house). Codefendant, Timothy Johnson aka Sinister, and Louis Thomas confront him. Thomas asks him for money. Physical altercation. Codefendant, others run to codefendant's house. Sutton hears 15 shots. Codefendant runs to the back alley of the "mechanic's shop" (apparently on northwest corner of East 88th Street and Central Avenue—8775 South Central Avenue) and fires 6 times at Jaymore (?) Webb (Jaymel Webb?)

(2) Officer Miller who is nearby hears shots, shows up and talks to Sutton in driveway of 8775 South Central Avenue. Roche shoots at them. Officer Miller captures Roche

(3) 3:30 p.m. Sutton tries to run Louis Thomas down crossing 88th Street at 910 East 88th Street—9 houses west of codefendant's house.

(4) Sutton and Louis Thomas have verbal argument. Sutton leaves.

(5) Sutton returns and gets in fist fight with Louis Thomas.

(6) Sutton leaves again and returns again and shoots at anyone present. Louis Thomas flees. Sutton leaves

(7) The prosecution theory: *codefendant*, Ricky Roche and Timothy Johnson aka Sinister shot at Albert Elroy Sutton at 938 East 88th Street (codefendant's house). Codefendant allegedly attempted to murder Albert Elroy Sutton, Danny Foster Glass and Jaymel Webb. Louis Thomas was a witness. Georgia Denise aka Niece Jones was witness.

(8) When codefendant and his brother, Timothy Johnson aka Sinister, are being arrested for attempting to murder Albert Elroy Sutton, Danny Foster Glass and Jaymel Webb, they allegedly told Sutton they would kill him. (I thought this day—September 12, 1992—codefendant had his last sniff of freedom until the present. NO NO NO On December 8, 1994, codefendant will be released on parole. He will have eight days to sniff freedom. On December 16, 1994, he will be indicted with defendant on two counts of murder for the August 5, 1991 shooting deaths of Loggins and Beroit.)

(9) Codefendant (allegedly) calls Sutton from jail.

ii. Ricky Roche aka Bat-Mite

(1) Position in narrative September 12, 1992
(2) Witness is witness in September 12, 1992, melee
(3) Tactics/motions?
(4) Introducer district attorney
(5) Subpoenaed not applicable
(6) Listed?
(7) Testimony: I saw codefendant and Albert Sutton aka Al Dog have a shootout. Witness doesn't mention defendant
(8) References

(a) The prosecution theory: September 12, 1992, codefendant allegedly attempted to murder:

(i) Albert Elroy Sutton aka Al Dog
(ii) Danny Foster Glass
(iii) Jaymel Webb

(b) When codefendant and his brother were being

arrested they allegedly told Sutton they would kill him

(c) Codefendant allegedly calls Sutton from Los Angeles County Jail.

(d) September 14, 1992. Witness (Ricky Roche aka Bat-Mite) statement to police

(e) September 16, 1992, Sutton murdered

(f) May 13, 2014. Witness statement to detectives. First 10 pages of long transcript printed, in Trial Book. See November 30, 2018, to see the rest.

(g) September 22, 2014. District attorney discloses witness (Ricky Roche aka Bat-Mite)'s moral turpitude entries.

(h) September 23, 2014. Witness testifies preliminary hearing TRANSCRIPT NOT MARKED

(i) September 24, 2014. Witness resumes testimony preliminary hearing TRANSCRIPT NOT MARKED

iii. Jaymel Webb

(1) Position in narrative September 12, 1992
(2) Witness is victim
(3) Focus of testimony
(4) Tactics/motions?
(5) Introducer
(6) Subpoenaed
(7) Listed

(8) References

(a) September 12, 1992, codefendant allegedly attempted to murder Albert Elroy Sutton, Danny Foster Glass and witness (Jaymel Webb)

(b) February 26, 2014

(i) 11:10 a.m.? Witness statement to detectives.

(c) September 22, 2014, district attorney discloses witness's moral turpitude entries

iv. Danny Foster Glass

(1) Position in narrative September 12, 1992
(2) Witness is victim
(3) Focus of testimony
(4) Tactics/motions?
(5) Introducer
(6) Subpoenaed
(7) Listed
(8) References

(a) September 12, 1992, codefendant allegedly attempted to murder Albert Elroy Sutton, witness Danny Foster Glass and Jaymel Webb

THE SUTTON MURDER

n. **September 16, 1992 Murder of Albert Sutton aka Al Dog. Charged Count 1 amended felony complaint.** September 21, 2018, note: Bob Sanger tells me codefendant's defense is Testimony of a Criminal

Raises a Reasonable Doubt. September 12-16, 1992, LAPD reports in Trial Book. Also see Defense Chronology

i. Anita Terrell

(1) Position in narrative
(2) Witness is sister of Albert Sutton
(3) Tactics/motions?
(4) Introducer district attorney
(5) Subpoenaed not applicable
(6) Listed?
(7) Testimony
(8) References

(a) September 15, 1992

(b) September 16, 1992. Albert Sutton killed

(c) 1992. Witness statement to detective

(d) November 14, 2013. Witness statement to detective. First 13 pages in Trial Book. See November 30, 2018, for the rest.

(e) September 22, 2014. District attorney discloses no moral turpitude entries

(f) September 24, 2014. Witness testifies preliminary hearing TRANSCRIPT NOT MARKED

(g) January 8, 2019. Witness ordered on call through July 8, 2019

ii. Leon Johnson, Jr., aka Toughy

(1) Position in narrative February 12, 1992
(2) Witness apparently is a criminal acquaintance of *codefendant* Is he codefendant's cousin? YES
(3) Tactics/motions? This is *Sutton* evidence **I murdered Sutton and now I'm out on parole!!**
(4) Introducer district attorney
(5) Subpoenaed not applicable
(6) Listed? Yes, deputy district attorney Bob Rabbani lists Leon Johnson June 24, 2013
(7) Testimony: **September 16, 1992, I murdered Sutton. Now I'm out on parole.**
(8) References

(a) September 16, 1992

(i) *Codefendant* told me to murder Albert Sutton

(ii) I murder Sutton. (Murder of **Albert Sutton.** Sutton Murder Book on hard disk in directory Murder Books & San Quentin & Other)

(b) Apparently there was a hung jury in witness's trial after which he pled guilty to 2nd degree murder. Sanger said this. How could there have been a hung jury? Who was witness's lawyer?

(c) See December 10, 2014, disk contents. A large number of PDF files pertaining to witness. I don't believe I have to read them. Sanger has to. I read them

(d) July 12, 1994, Marcellus James tells Detectives McCartin and Tapia they say witness murdered

Sutton

(e) September 5, 1995

(i) 7:00 p.m. Witness arrested. Report in Trial Book

(ii) Witness interviewed by detectives. Witness tells detectives codefendant told him to kill Sutton. Transcript in Trial Book

(f) February 29, 2012. Witness statement to Detectives McCartin and Antenucci. Transcript in Trial Book. I READ, MARK AND FLAG

(g) April 19, 2012. Witness statement to Detective White. Transcript in Trial Book. I READ AND MARKED

(h) May 14, 2013. District attorney Bob's memo shows February and April interviews of witness

(i) July 10, 2013. Conference with deputy district attorney Bob. He tells me yes, this witness will testify codefendant told him to murder Albert Sutton

(j) July 12, 2013. District attorney's Leon Johnson Trial Binder listed

(k) September 23, 2014. Witness testifies preliminary hearing. My cousin, codefendant, told me to murder Albert Sutton. I murdered Sutton and now I'm out on parole TRANSCRIPT NOT MARKED

(l) January 8, 2019. Witness ordered on call through July 8, 2019

iii. Leon Johnson, Sr.

(1) Position in narrative
(2) Witness is codefendant's uncle. Is he Leon Johnson, Jr.'s father?? YES
(3) Focus of testimony; I care nothing about this witness's testimony. Relates to the Sutton murder
(4) Tactics/motions?
(5) Introducer codefendant. Sanger calls witness at preliminary hearing
(6) Subpoenaed
(7) Listed
(8) References

(a) September 22, 2014. District attorney discloses witness's priors

(b) January 7, 2015. Witness testifies at preliminary hearing TRANSCRIPT EYE SCANNED

(c) January 8, 2019. Witness in court. Apparently NOT ordered on call through July 8, 2019

iv. Sharon Netherly

(1) Position in narrative
(2) Witness
(3) Tactics/motions?
(4) Introducer district attorney
(5) Subpoenaed
(6) Listed
(7) References

(a) January 8, 2019. Witness ordered on call until July 8, 2019

(b) January 9, 2019. I ask Vic and Jon who is witness

(c) January 15, 2019. Per deputy district attorney Jon: witness can testify to the actual murder of Al Sutton

v. Taquanna Dunn

(1) Position in narrative
(2) Witness is
(3) Tactics/motions?
(4) Introducer district attorney
(5) Subpoenaed
(6) Listed
(7) References

(a) January 8, 2019. Witness ordered on call until July 8, 2019

(b) January 9, 2019. I ask Vic and Jon who is witness

(c) January 15, 2019. Per deputy district attorney Jon: witness will testify to the actual murder of Al Sutton

o. March 4, 1993. Charles Lafayette aka Bat Man murders Willie Bogan. Gloria Jean Lyons and Georgia Denise aka Niece Jones are witnesses. Lyons will be murdered *before* she testifies against Lafayette and Jones *after* she testifies against Lafayette. But apparently Lafayette got a hung jury and Jones was murdered when he was awaiting retrial. DETAILED TIMELINE OF PEOPLE VS. RECO WILSON HERE IN TRIAL BOOK Codefendant is in prison

as a result of the September 12, 1992, Sutton Melee.

p. March 9, 1993. Caution ✔ Just before 2 p.m. 8850 South Avalon 729½ East 90th Street. During daylight hours Roderick Lacy and Chester White walked to the C&D Market on 89th Street and Avalon to purchase a couple of items. As they walked north on Avalon, Lacy heard numerous gunshots coming from behind them. Lacy stated that he was shot in the leg as he and White both began to run. Attempted murder on Roderick Lacy. The bullet penetrated the rear of Lacy's lower right leg and exited through the front of his leg. Defendant, 20, stood over Chester White and shot him 4 or 5 times using an Uzi ✔ (At the time *codefendant* was incarcerated as a result of the September 12, 1992, Sutton Melee.) When Lacy came to a safe place, he turned and saw White on the ground bleeding. Lacy saw 3 or 4 individuals in the area. Two of them were heavy set. He observed one of the heavy set individuals stand over White, shot him, then run off. I noted the weapon used by that individual appeared to be a hand gun. But then the LAPD instant case indicates it was an Uzi. What was it? LAPD DR #93-18-07590. Defendant is 20. The Murder Book on hard disk in directory Murder Books & San Quentin & Other. See March 2, 2012, district attorney discovery disclosure.[24] See March 21, 2014.

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24. I *had* noted a 1997 note says prosecution guilt-phase case in chief: will district attorney be showing other murders by codefendant or defendant in her case in chief? Attorney Richard Lasting says district attorney Jennifer Lentz-Snyder said no. Defendant convicted of White's murder. December 22, 1993. Defendant sentenced to a term of 30 years to life in state prison. Crucial that jury finds this out ★★★ Tactics/motions? December 16, 1994, indictment alleges *murders of Loggins and Berott* constitute a violation of Penal Code § 190.2(a)(3) which says the penalty for a defendant who is found guilty of murder in the first degree is death or imprisonment in the state prison for life without the possibility of parole if the defendant, *in this proceeding*, has been convicted of more than one offense of murder in the first or second degree. Also, argue district attorney can only show

Scott Marcus says he won't call White murder witnesses in case in chief. If necessary, argue res judicata. October 27, 1995, in Loggins and Beroit Case # BA105846, court granted defendant's motion [CT, 2:338-43] to sever the "prior murder" special circumstance from the remainder of the counts and allegations contained in the indictment.. This special circumstance was to be resolved if, and after, appellant was found guilty of first degree murder. [CT, 2:377, 383] But watch out. Defendant's use of Uzi in White murder could get it in under Evidence Code § 1101(b) ✔

i. Mark Mason Ashen

(1) Position in narrative
(2) Witness is Los Angeles deputy district attorney
(3) Tactics/motions?
(4) Introducer
(5) Subpoenaed
(6) NOT listed by the prosecution February 16, 2012
(7) Testimony
(8) References
(a) December 16, 1994, grand jury instant case. I prosecuted defendant in fall of 1993. Jury found defendant guilty of murder NOT YET READ AND MARKED

q. April 3, 1994. Gloria Lyons body is found in the alley across the street from codefendant's house. Murder Book on hard disk in directory Murder Books & San Quentin & Other. See March 2, 2012,

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conviction of White murder. Penal Code § 190.2(a)(2) which says the penalty for a defendant who is found guilty of murder in the first degree is death or imprisonment in the state prison for life without the possibility of parole if the defendant was *convicted* previously of murder in the first or second degree.

district attorney discovery disclosure. I guess this is a murder where codefendant was a suspect? Not charged. District attorney says the prosecution *will offer evidence* of the Lyons murder per Evidence Code § 1101(b)

i. Gloria Lyons murder witness

(1) Position in narrative
(2) Witness is Gloria Lyons murder witness
(3) Tactics/motions? Gloria Jean Lyons witnessed Charles Lafayette aka Bat Man murder Willie Bogan on March 4, 1993. Lyons will be murdered *before* she testifies against Lafayette. March 29, 1994, she was served with subpoena to testify at trial of Charles Lafayette aka Bat Man, and April 3, 1994, her body is found in the alley across the street from codefendant's house
(4) Introducer district attorney
(5) Subpoenaed not applicable
(6) Listed
(7) References

r. June 13, 1994, at 11:30 a.m. This is Count 2 in Information. Allegedly it is Reco Wilson who shoots Georgia Denise aka Niece Jones (aka James?) five times on northwest corner of Wadsworth and 87th Place. He emerged from alley that runs parallel to and between 87th Street on north and 87th place on south, crossed Wadsworth, walked south on Wadsworth, and shot Jones. This was LAPD DR 94-1818117.

Witness Connor claims to witness the murder But get this. Derrick Battle claims to be a witness too. Apparently Derrick Battle identifies Reco Wilson as guy Derrick Battle sees running down alley? I don't think so. This may be why January 3, 1997, in morning witness Connor approached Derrick Battle and mentioned the word "split" and talked about "12 and 12." Check 2nd Wilson trial transcript pages

2497-2526. Also Timeline at March 4, 1993, in Trial Book

i. **Codefendant Defense:** September 21, 2018, note: Bob Sanger tells me codefendant's defense is Reco Wilson didn't murder Georgia Denise aka Niece Jones]

ii. We have the Georgia Denise aka Niece Jones (aka James?) Murder Book on hard disk in directory Murder Books & San Quentin & Other. See March 2, 2012, district attorney discovery disclosure.

iii. June 8, 1994. Codefendant is in Ironwood State Prison as a result of the September 12, 1992, Sutton Melee. Codefendant by phone orders Rico aka Reco Wilson to kill Georgia Denise aka Niece Jones (aka James?). Allegedly according to Sanger. This is the 1994 allegation codefendant solicited a murder, and the witness was in fact murdered because she was a witness in a murder trial.

iv. June 13, 1994, Reco Wilson shoots Georgia Denise aka Niece Jones (aka James?) five times Wadsworth and alley that runs parallel to and between 87th Street on north and 87th place on south. Was this LAPD DR 94-1818117?

v. Jose Ortega

(1) Position in narrative June 8, 1994
(2) Witness is California Department of Corrections
(3) Tactics/motions?
(4) Introducer
(5) Subpoenaed
(6) Listed
(7) Testimony: June 1994 I worked for California Department of Corrections at Ironwood. Recorded phone calls

(8) References

(a) September 25, 2014. Witness testifies preliminary hearing TRANSCRIPT NOT MARKED Witness lays foundation for FBI Lipsky

vi. Other district attorney witnesses re Jones Murder?

(1) Clarissa Weathered

(a) Position in narrative June 13, 1994
(b) Witness is witness to Jones murder
(c) Tactics/motions?
(d) Introducer
(e) Subpoenaed
(f) Listed
(g) References

(i) June 6, 1994? Witness statement to detectives. Pages 1-9 in Trial Book. Rest see November 30, 2018

(h) January 8, 2019. Body attachment issued, held until March 8, 2019

vii. Gary Aspinall

(1) Position in narrative
(2) Witness is LAPD
(3) Tactics/motions? Evidence Code § 402 motion. Codefendant told witness **he personally committed 9 or 10 murders and basically witnesses going to testify will be murdered I can keep this out under *Crawford v. Washington***
(4) Introducer

(5) Subpoenaed
(6) Listed
(7) Testimony
(8) References

(a) March 4, 1993, **Charles Lafayette murders Willie Bogan.** Gloria Lyons and Georgia Denise aka Niece Jones are witnesses. You two were at the wrong place at the wrong time, Ms. Lyons and Ms. Jones!!!!

(b) April 3, 1994. Gloria Lyons body is found in the alley across the street from codefendant's house. Murder Book on hard disk in directory Murder Books & San Quentin & Other. See March 2, 2012, district attorney discovery disclosure

(c) June 8, 1994

(i) Detectives interview codefendant at Ironwood Prison. Notice this is 5 days before Georgia Denise aka Niece Jones (aka James?) is murdered

(ii) Codefendant in Ironwood State Prison by phone allegedly orders Rico aka Reco Wilson to kill Georgia Jones (aka James?). This is the 1994 allegation codefendant solicited a murder, and the witness was in fact murdered because she was a witness in a murder trial PHONE CALL TRANSCRIPT IN TRIAL BOOK I'M READING AND MARKING AND FLAGGING IT. Codefendant says "the homicide police *just left.*" Them three

smoker out there, put a leech around their ass by any means necessary. TRANSCRIPT READ, MARKED, FLAGGED.

(d) June 13, 1994, at 11:30 a.m. This is Count 2 in the Information. Reco Wilson allegedly shoots Georgia Denise aka Niece Jones (aka James?) five times Wadsworth and alley that runs parallel to and between 87th Street on north and 87th place on south. This was LAPD DR 94-1818117

(e) June 30, 1994. Codefendant in Ironwood State Prison. I HAVE TRANSCRIPT, IN TRIAL BOOK My note said codefendant told witness (Detective Aspinall) **he personally committed 9 or 10 murders and basically witnesses going to testify will be murdered** (I likely got this from appellate briefs) I can keep this out under *Crawford v, Washington* READ THE TRANSCRIPT

(f) May 14, 2014. Far Bar. Detective Brian McCartin told Peter Arian he knows the difference between a nigger and a black person. Rabbani says Brian McCartin said I was out there with those niggers.

(g) September 25, 2014. Witness testifies preliminary hearing. District attorney is careful not to call Detective McCartin TRANSCRIPT NOT MARKED

(h) September 29, 2014. Witness continues testimony preliminary hearing TRANSCRIPT NOT MARKED

s. December 8, 1994. Codefendant released (I guess from Ironwood) on parole I believe from sentence resulting from September 12, 1992, Sutton Melee. He has eight days to sniff freedom.

t. December 16, 1994. Codefendant and defendant indicted on two counts of murder for the August 5, 1991 shooting deaths of Loggins and Beroit. BA105846. Defendant moved from state prison (Centinela State Prison in Imperial County? He was there 6 months earlier on June 23, 1994.)

u. 1995 to 1998

i. Patrick Johnson ✔✔✔

(1) Position in narrative between 1995 and 1998.
(2) **Witness is 6 foot 8 inches tall.** Did witness live in Crip territory? He was in Blood Module of Los Angeles County Jail. Yes, "I'm born and raised a Blood."
(3) Tactics/motions? ★Witness made his February 27, 2012, statement to Detectives White and Forman in Avalon state prison hoping to be paroled. FIVE WEEKS LATER, on April 2, 2013, witness IS released on parole. Although he's now out, do jail house informant rules kick it? ★
(4) Introducer district attorney
(5) Subpoenaed not applicable
(6) Listed? Yes, June 24, 2013
(7) Testimony
(8) References

(a) October 11, 1971. Witness's date of birth per Bob Royce. See February 10, 2014

(b) After indicted current case on December 16, 1994,

defendant moved from state prison (Centinela State Prison in Imperial County?) to Los Angeles County Jail.

(c) Between 1995 and 1998. Defendant allegedly makes the admission to witness in the Blood Module of the Los Angeles County Jail

(d) February 27, 2012, at 1:00 p.m. Witness (Patrick Johnson) statement to Detectives White and Forman at Avenal State Prison.[25] I'm born and raised a Blood. I go home April 2, 2013. Beroit was my best friend. Defendant and I were in Paso Robles together. Before this murder shit (and) he, i.e., defendant, was just on a mission to prove himself. I went home from YA in January 1993. Conversation with defendant between 1995 and 1998 in Los Angeles County Jail Blood Module. This was roughly when defendant was in Los Angeles County Jail awaiting first trial current case (Loggins-Beroit murder). Defendant and witness (Patrick Johnson) were in the Blood module. Defendant told me out of his mouth in the Blood Module he was in for the car wash incident (Loggins-Beroit murder) Defendant kind of told me he did it. Detective asks witness (Patrick

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25. I expected district attorney will oppose Sanger motion for severance arguing defendant's admission he killed decedents will not be offered as an admission by defendant, but as a declaration against interest by defendant under *Greenberger*. District attorney will argue should witness deny making the statement to detectives, district attorney will offer it as a prior inconsistent statement. There's would be no *Crawford* objection because witness is available for cross examination.

Johnson) why would defendant murder Loggins-Beroit? Witness says I can't speak on it. Defendant might have thought he was fitting to get some stripes. Interview was recorded. The LAPD report gives *no "tape" number.* December 4, 2013, I listen to entire recording, several pages of notes, and I upload recording to Lynden for transcript; I get it TRANSCRIPT MARKED AND FLAGGED [26]

(e) April 2, 2013. Witness's Avenal state prison chrono from January 11, 2010. It is in Trial Book. Witness discharged to Los Angeles County. See the document. Is this a favor for February 27, 2012, at 1:00 p.m. witness statement to Detectives White and Forman at Avenal state prison?

(f) July 10, 2013. Conference with deputy district attorney Bob Rabbani. I believe Bob Rabbani said defendant admitted to witness killing decedents. Witness's "recent" statement, per deputy district attorney Bob Rabbani on July 10, 2013

(g) August 20, 2013

(i) Bob Royce looking for witness

(ii) I fax Bob Royce witness statement, ask to

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26. August 20, 2013, I had noted my guess *was* there's a recording on the February 27, 2012, statement to Detectives White and Forman. But now November 28, 2013, I don't know. Check! Find recording if it exists! November 28, 2013, there doesn't *seem* to be one when I look at list of contents of flash drive at July 12, 2013

find, interview, etc. Also find recording

(h) August 21, 2013. Bob Royce finds witness (Patrick Johnson) in San Pedro who gives statement to Bob. Report of statement in Trial Book. Bob shows witness report, not transcript, of witness's February 27, 2012, statement to Detectives White and Forman. Witness says he was in Avenal state prison. Witness says he would never provide law enforcement with any kind of statement against anybody. BUT WITNESS'S STATEMENT TO WHITE AND FORMAN WAS RECORDED! AND WITNESS DOESN'T ANSWER THE QUESTION WHETHER DEFENDANT MADE THE ADMISSION! Bob Royce needs to re-interview witness to clarify. Bob Royce needs to show witness *transcript* of his statement, not *report* of his statement. Also find, Bob, out district attorney self-imposed rules regarding jail-house informants.

(i) August 24, 2013. I send Bob Royce report to Victor Mitchel Salerno and Bob Sanger

(j) December 20, 2013. Bob Royce report of interview of defendant. Defendant says last time defendant remembers witness when defendant was 13

(k) February 10, 2014. Bob Royce report. Bob Royce investigating if witness paroled early in exchange for this testimony. Bob Royce subpoenas California Department of Corrections

(l) February 11, 2014

(i) Bob Royce subpoenas Los Angeles sheriff

(ii) Bob Royce subpoenas San Bernardino sheriff

(m) February 25, 2014. Avenal state prison responds, complies

(n) October 25, 2018. Written investigation request to Bob Royce to re-interview witness WAITING FOR REPORT

v. LAPD, FBI, Prosecution Experts

i. James M. Tiampo

(1) Position in narrative August 5, 1991
(2) Witness is LAPD Detective
(3) Tactics/motions?
(4) Introducer defense if not district attorney
(5) Subpoenaed? October 30, 2018, I request Bob Royce serve
(6) Listed
(7) Testimony witness describes where each casing was found
(8) References

(a) August 6, 1991. Witness (J. M. Tiampo) casings report in Trial Book

(b) October 3, 1991. 13-page report of witness (Detective Tiampo) and Detective Santiago in Trial Book. Codefendant had previously "beaten" two murder cases! WOW! WOW! Codefendant's brother Timothy Johnson had previously "beaten"

one murder case WOW!

(c) December 16, 1994. Witness testifies grand jury. August 5, 1991, I was assigned in Loggins-Beroit investigation. November 1991 case reassigned

(d) August 7, 1997. Witness testifies first trial. Witness describes the crime scene and where each casing was found I only worked on case until October 1991. Afterward Detective Masuyama was one of my successors REVIEW TRANSCRIPT DURING TRIAL BEFORE WITNESS TESTIFIES

ii. Diana Salcido

(1) Position in narrative August 5, 1991
(2) Witness is LAPD officer; her partner Duane Hayakawa (apparently before Hayakawa promoted to sergeant then captain)
(3) Tactics/motions?
(4) Introducer
(5) Subpoenaed
(6) Listed by the prosecution February 16, 2012
(7) Testimony
(8) References

(a) August 7, 1997. Witness testifies at first trial. A man similar complexion and pretty similar build of *codefendant* on bike seemed to be in front of white Toyota Supra TRANSCRIPT MARKED AND FLAGGED

iii. Robert Royal Hawkins

(1) Position in narrative
(2) Witness is
(3) Tactics/motions?
(4) Introducer
(5) Subpoenaed
(6) Listed by the prosecution February 16, 2012
(7) Testimony: I'm an independent firearm examiner. Uzi used. Position, etc.

(8) Cross examination. Try establish shooter was standing on the sidewalk pointing the gun at the driver's side of the white Toyota. (Connor claimed (before break) defendant was standing in the street and was pointing the gun at the driver's side when he shot.)

(9) References

(a) District attorney will use to corroborate details of Jelk's claimed observations (and defendant's confession to Jelks claims?). Uzi used. Position, etc.

(b) December 16, 1994 grand jury. I'm an independent firearm examiner under contract with LAPD NOT YET READ AND MARKED

(c) DID WITNESS TESTIFY AT FIRST TRIAL?

iv. Dr. Sara Reddy

(1) Position in narrative
(2) Witness is pathologist Los Angeles deputy medical examiner
(3) Tactics/motions?
(4) Introducer district attorney

(5) Subpoenaed not applicable
(6) Listed by the prosecution February 16, 2012
(7) Testimony

(8) Cross examination. Try establish shooter was standing on the sidewalk pointing the gun at the driver's side of the white Toyota. (Connor claimed (before break) defendant was standing in the street and was pointing the gun at the driver's side when he shot.)

(9) References

(a) Maybe witness performed Loggins autopsy and supervised Schenin do Beroit autopsy. CHECK IT!!

(b) December 16, 1994 grand jury *NOT* YET READ AND MARKED!!

(c) DID WITNESS TESTIFY AT FIRST TRIAL?

v. Dr. Christopher Rogers ✔✔★★

(1) Position in narrative
(2) Witness is an expert witness in forensic pathology
(3) Tactics/motions?
(4) Introducer district attorney
(5) Subpoenaed not applicable
(6) Listed by the prosecution February 16, 2012
(7) Cross examination: Establish shooter was standing on the sidewalk pointing the gun at the driver's side of the white Toyota. (Connor first claimed defendant was standing in the street and was pointing the gun at the driver's side when he shot.)
(8) References

(a) August 11, 1997. Witness testifies at first trial. I conduct autopsies. Dr. Sara Reddy conducted the autopsy of decedent Loggins. She and Dr. Lisa Scheinin decedent Beroit. Witness describes entry wounds and exit wounds. Entry wounds are a little smaller and rounder than exit wounds. ✔✔ Bullet entered his right cheek caused decedent Beroit's eye to dislodge ✔✔ ★★ From Loggins and Beroit's wounds the shooter would have been on the passenger side of the car on the sidewalk ★★

(b) October 30, 2018. I request Bob Royce to subpoena witness

vi. Kelly McInery

(1) Position in narrative
(2) Witness is female FBI agent
(3) Tactics/motions?
(4) Introducer
(5) Subpoenaed
(6) Listed by the prosecution February 16, 2012
(7) Testimony
(8) References

(a) August 13, 1997. Witness testifies first trial. April 1995 I was investigating 89 Family Bloods for a series of murders—like 30 or 40 or 50 murders TRY KEEP THIS OUT Wire interception Los Angeles county jail phone. Codefendant's calls REVIEW TRANSCRIPT DURING TRIAL BEFORE WITNESS TESTIFIES Nothing pertains to defendant

vii. Jon. S. Lipsky

(1) Position in narrative
(2) Witness is FBI agent
(3) Tactics/motions?
(4) Introducer district attorney
(5) Subpoenaed not applicable
(6) Listed by the prosecution February 16, 2012
(7) Testimony: witness testifies between August 9, 1995, and December 3, 1995, I heard *codefendant* make these statements. The prosecution will be offering in guilt-phase and penalty phase
(8) References

(a) March 26, 1996. Long declaration of Jon. S. Lipsky with multitudinous attached reports showing *codefendant* phone call threats

(b) August 13, 1997. Witness testifies first trial. In August 1995 I got court permission to intercept phone calls of codefendant in Men's Central Jail REVIEW TRANSCRIPT DURING TRIAL BEFORE WITNESS TESTIFIES

(c) April 1, 2015. Witness testifies preliminary hearing. Witness testifies about calls by codefendant REVIEWING PRELIMINARY HEARING TRANSCRIPT Bob Sanger questioning witness about witness accounts of who was in the car at the Mosley shooting. Leandre Hewitt interviewed.

(d) NOT MARKED. TO DO: READ AND FIND SANGER QUESTIONING WITNESS ABOUT

CONNOR WORKING FOR FBI

viii. Stipulation. Codefendant's Calls ✔✔

(1) Position in narrative August 10, 1995 (through September 12, 1995)
(2) Witness is stipulation
(3) Tactics/motions? Object, hearsay, Aranda, etc.
(4) Introducer district attorney
(5) Subpoenaed? In by stipulation at first trial; district attorney played recordings of codefendant's calls listed below
(6) Listed?
(7) References

(a) August 10, 1995, recording, phone call. Codefendant the primary speaker. Tape 38. Transcript for jury. (FTRT 4778)

(b) August 30, 1995

(i) 8:39 p.m. Recording, phone call. Codefendant the primary speaker. Tape 39-A. Transcript for jury. (FTRT 4780) I think codefendant saying Bill's brother, Carl "got Reco [Wilson] in jail," and says he was up at the car wash when defendant had done whatever they said he did ✔✔ (RT 45) I NEED TO CHECK THIS OUT!

(c) September 2, 1995. Call 157. Codefendant calling his mother regarding Jelks. Apparently transcript. First Trial Exhibit People's 45

(d) September 5, 1995

(i) 8:20 p.m. Codefendant calls his mother. She says they put Leon in jail and charged him with murder

(ii) Call 176. Codefendant calling his mother Allene regarding Jelks. Apparently transcript. First Trial Exhibit People's 46

(e) September 8, 1995, at 8:04 p.m. Call 218. Codefendant calling his mother Allene regarding Jelks. Apparently transcript.

(f) September 12, 1995.

(i) I had noted recording, phone call. Codefendant the primary speaker. Tape 40-A. Transcript for jury. (FTRT 4783)

(ii) 8:00 p.m. Codefendant calls Bessie. Transcript in Trial Book

(iii) 8:24 p.m. Codefendant calls Billy Connor. ★ ★It looks like Billy is saying Carl Connor said he didn't know anything about the Loggins-Beroit murder ★ ★ Transcript in Trial Book

(g) November 19, 2018. District attorney Jon Chung emails me and Sanger about 100 transcripts of calls I check. The

fucker's calling witnesses and calling about witnesses! Any by defendant?

ix. Starr Sachs

(1) Position in narrative August 5, 1991
(2) Witness is LAPD firearms expert
(3) Tactics/motions?
(4) Introducer
(5) Subpoenaed
(6) *Listed* by the prosecution February 16, 2012
(7) Testimony
(8) References

(a) WHERE'S WITNESS REPORT?

(b) August 7, 1997. Witness testifies at first trial, All August 5, 1991, bullets fired from same firearm ✔ ✔ which could have been an Uzi ✔✔ REVIEW TRANSCRIPT DURING TRIAL BEFORE WITNESS TESTIFIES

x. Kim Hunter

(1) Position in narrative August 5, 1991
(2) Witness is custodian of records or radio communications
(3) Tactics/motions?
(4) Introducer
(5) Subpoenaed
(6) Listed by the prosecution February 16, 2012
(7) References
(8) Testimony

(a) August 11, 1997. Witness testifies first trial

REVIEW TRANSCRIPT DURING TRIAL
BEFORE WITNESS TESTIFIES

xi. Christopher Barling ✔✔✔

(1) Position in narrative
(2) Witness is gang expert, a detective
(3) Tactics/motions?
(4) Introducer district attorney
(5) Subpoenaed not applicable
(6) Listed by the prosecution February 16, 2012
(7) Testimony

(a) Direct examination by the prosecution. Defendant apparently 89 Family Swan gang member

(b) Cross examination defendant *was* a member

(8) References

(a) July 21, 1994. Witness's report in Trial Book. History, boundaries, description of 89 Street Family Bloods and codefendant, Nothing about garb or defendant

(b) December 16, 1994

(i) Witness testifies before grand jury. Gang officer. Defendant is "associated" with 89 Family. (Apparently deputy district attorney Lentz forgot to ask witness if defendant was a member.)

(ii) WATCH OUT FOR THIS BUT I THINK DEPUTY DISTRICT ATTORNEY

CHUNG WON'T OFFER IT

1) Codefendant is out and arrested. Codefendant apparently was only out a week and a day

2) 5:45 p.m. codefendant booked

3) 8:30 p.m. Codefendant writes out a statement re August 5, 1991. Statement in Trial Book. "I and several others heard shots and that's it." (FIRT 5017) (August 19, 1997, at first trial, Lasting and Joe Orr never had heard of it. District attorney claimed in was in the arrest report and on video. Horan kept it out of first trial on ground of discovery violation. IT WAS MADE IN POLICE STATION SO I THINK I CAN KEEP IT OUT UNDER *CRAWFORD* IN SECOND TRIAL

(c) November 29, 1996. Witness (Christopher Barling) testifies in *People v. Malean Huff* NOT YET READ AND MARKED. CHECK IT

(d) August 12, 1997. Witness testifies first trial. 89th Family Bloods. Commit a mission. In 1991 defendant was a member of 89 Family Bloods. Defendant rejoined the gang in late-June sounds correct. You could access backyard on west and east side of codefendant's house at 938 East 88th Street. ✔✔ Guns were kept in the backyard in the pigeon coup area ✔✔ There was also a boat and

abandoned vehicles. REVIEW TRANSCRIPT DURING TRIAL BEFORE WITNESS TESTIFIES

(e) August 14, 1997

(i) Witness testifies again first trial. Witness identifies photographs.[27]

(ii) [The prosecution rests case in chief first trial]

(f) August 19, 1997. Witness testifies again first trial as district attorney rebuttal witness

(i) Three photographs of 89 Family Bloods in black wind breakers. See FTRT 5019, 5035.

1) First Trial Exhibit P47. Color photograph 16-pack. P47 is *codefendant* in a black Raiders-like jacket (in Allen Desk Book)

2) First Trial Exhibit P48 (in Allen Desk Book)

3) First Trial Exhibit P49 (in Allen Desk Book)

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27. WHAT'S THIS? 112061AVZQT182266687112061AVZQT112061AVZQT112061AVZQT112061AVZQT

(ii) Witness testifies black is a neutral color. Crips and Bloods wear black. Both wear black Raiders jackets. P34 shows Raider-style jackets ✔ ✔ ✔

(iii) Harm lessened a little by cross of Lasting

(g) October 1, 2014. Witness testifies preliminary hearing TRANSCRIPT NOT MARKED

xii. Tiampo

(1) Position in narrative
(2) Witness apparently is district attorney investigating officer
(3) Tactics/motions?
(4) Introducer
(5) Subpoenaed
(6) Listed by the prosecution February 16, 2012
(7) Testimony
(8) References

(a) December 16, 1994 grand jury. NOT YET READ AND MARKED. CHECK IT

(b) August 7, 1997. Witness testifies first trial NOT YET READ AND MARKED. CHECK IT

xiii. Rosemary Sanchez

(1) Position in narrative
(2) Witness is LAPD detective
(3) Tactics/motions?
(4) Introducer
(5) Subpoenaed

(6) Listed by the prosecution February 16, 2012
(7) Testimony
(8) References

(a) September 14, 1991. Witness testifies she went to crime scene, identified Tyrone Mosley killed

(b) March 9, 1993. Witness testifies this date she interviewed Jones and she told me she saw codefendant [on September 12, 1992] have shootout with Sutton, and when getting arrested codefendant and his brother threatened to kill Sutton. District attorney tries to get this heamay in

(c) July 1994. Witness and othem decide to seek a reward. Preliminary hearing RT 626

(d) At preliminary hearing witness will testify procedure to get a reward is "packet" to Police Commission and they submit to Los Angeles City Council (PXRT 607 flagged)

(e) August 8, 1994. Witness prepares letter to Los Angeles City Council to issue reward in Jones murder ★ Witness: "It had to be around August 8, 1994" (PXRT 618)

(f) August 11, 1994. Sanchez: I was canvassing the neighborhood. Connor was outside his house. He said just drop your card. I dropped my business card on street for Connor. (PXRT 618, 624))

(g) August 12, 1994. Connor called me (witness) ★ ★

(h) Sunday August 15, 1994, at 10:00 a.m. Connor

statement to Detective Mathew and witness. See Mathew infra.

(i) December 6, 1994

(i) First Jelks interview, recorded, I have transcript, by apparently 2 FBI agents, maybe FBI special agents Vasley and Bernardino. READ AND MARKED Witness joins them. This is interview Jelks gives that lawyer Steve Buckley says nobody knows exists. I have transcript. But see FTRT 3500. Everybody *did* know about it. Right? Jelks admitted he was the driver in the Mosley murder ★ ★ ★ Although plenty of opportunities, Jelks never mentions Loggins-Beroit charges.

(ii) I also have third transcript. Tape 152188. READ AND MARKED Jelks statement to McCartin and Tapia and Mathew and witness. This almost surely is a continuation of the 1:50 p.m. interview. Jelks? seems to say he saw Alex Viera aka Smiley murder Allen Earl Holloway February 9, 1992, at 9:00 p.m. 100-block of east 82nd Street.[28] (RT 14)

(j) November 25, 1996. Witness (Rosemary Sanchez)

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28. My notes show witness Jelks says codefendant drove in Holloway murder. I saw codefendant kill Holloway. Witness Jelks in front seat car driven by codefendantwhen Alex Viera jumps out and shoots and kills . LAPD DR 92-12-06378 WE HAVE MURDER BOOK DOCUMENTS

testifies in *People v. Reco Wilson*, BA105800. I think pretrial motion. Brent Romney indicated to me female detective (I guess this is witness) falsified evidence regarding the reward. Was Brent talking about reward for a witness to murder of Georgia Denise aka Niece Jones (aka James?) or a reward in the *current* case? Apparently murder of Georgia aka Nece Jones (aka James?) Witness will testify again January 6, 1997. June 8, 2001. WE HAVE TRANSCRIPT

(k) January 6, 1997. Witness (Rosemary Sanchez) testifies in *People v. Reco Wilson*, BA105800 WE HAVE TRANSCRIPT

(l) August 11, 1997. Witness (Rosemary Sanchez) testifies at first trial this case REVIEW TRANSCRIPT DURING TRIAL BEFORE WITNESS TESTIFIES

(m) September 27, 2000. Witness (Rosemary Sanchez) testifies in *Reco Wilson* habeas corpus

(n) June 8, 2001. *People v. Reco Wilson*. This is BA105800. I guess this is a Reco Wilson petition for a writ. Witness (Detective Rosemary Sanchez) testifies WE HAVE TRANSCRIPT

(o) December 21, 2011. Bob Royce: Brent Romney indicates to me female detective falsified evidence regarding the reward. But would that have been a reward in the *current* case or in the *People v. Reco Wilson* case? I don't believe a reward was ever offered by the Los Angeles City Council in this case

(p) September 26, 2014. Witness (Rosemary Sanchez) testifies preliminary hearing TRANSCRIPT MARKED AND FLAGGED

xiv. Paul Masuyama (or Detective Kallestad)

(1) Position in narrative
(2) Witness is LAPD detective. Detective Kallestad (or Callestad) was with witness
(3) Tactics/motions?
(4) Introducer
(5) Subpoenaed
(6) Listed by the prosecution February 16, 2012
(7) Testimony: Witness testifies re deceased Willie Clark's statements
(8) References

(a) August 5, 1997.Witness testifies at first trial. (FTRT 3314) Witness testifies re deceased Willie Clark's statement that defendant's photograph (#5) looks like the shooter MARKED AND FLAGGED

Nigger

xv. Brian McCartin ★★

(1) Position in narrative
(2) Witness is LAPD detective
(3) Tactics/motions? Jelks admission is a reason to subpoena and call witness on direct examination, and then let

Sanger cross examine him on saying nigger

(4) Introducer defense
(5) Subpoenaed
(6) Listed by the prosecution February 16, 2012
(7) Testimony
(8) References

(a) Tapia and I "inherited" the Loggins-Beroit investigation

(b) December 6, 1994 Jelks eventually said he was the driver in the Mosley murder ★★★

(c) April 18, 1994. Loggins-Beroit case assigned to witness and Tapia

(d) In June 1994 (I believe June 8, 1994, at Ironwood Prison) witness (McCartin), Tapia, Matthew speak to codefendant about *Sutton*. See below

(e) September 21, 1994, witness (McCartin) speaks to James. See below

(f) December 1994 witness (McCartin) speaks to Jelks

(g) December 16, 1994. Loggins-Beroit grand jury.

(h) August 11, 1997. Witness (McCartin) testifies first trial REVIEW TRANSCRIPT DURING TRIAL BEFORE WITNESS TESTIFIES, Witness (McCartin) testified:

(i) September 21, 1994, James identified defendant committed the killing.

(ii) In June 1994 witness (McCartin), Tapia, Matthew spoke to codefendant about Sutton. Codefendant said Sutton shouldn't have brought any Crips in the neighborhood, including his brother, and he had to be disciplined. (Sutton was "disciplined" September 16, 1992

(iii) December 1994 Jelks I spoke with Jelks. Jelks

(i) August 12, 1997. Witness continues testimony first trial

(j) May 14, 2014. Witness told Peter Arian he knows the difference between a nigger and a black person. Rabbani says witness said I was out there with those niggers

(k) October 26, 2018, I request Bob Royce subpoena witness

xvi. Tom Mathew ★★

(1) Position in narrative
(2) Witness is LAPD detective. I think he impeaches Connor.
(3) Tactics/motions?
(4) Introducer? Maybe it will be defendant
(5) Subpoenaed?
(6) Listed by the prosecution February 16, 2012
(7) Testimony 1994 was the heyday of rewards ★★
(8) References

(a) Testimony *in penalty phase* (I guess I meant first

trial) May 18, 1993 defendant ran in house, was arrested

(b) December 6, 1994 Jelks admitted he was the driver in the Mosley murder ★★★

(c) September 26, 2014. Witness testifies at preliminary hearing. 1994 was the heyday of rewards ★★ TRANSCRIPT MARKED AND FLAGGED

(i) August 15, 1994, Connor told me 1) defendant sees three people in vehicle, 2) walks back to codefendant's house, 3) comes back with weapon, 4) kills two, 5) cooly walks back to house. This seems different from Connor's testimony

xvii. Lee Ann Bernardino

(1) Position in narrative February 6, 1997
(2) Witness is female FBI agent
(3) Tactics/motions?
(4) Introducer
(5) Subpoenaed
(6) Listed
(7) Testimony: district attorney will use witness to impeach Adams using Adams statement to witness February 6, 1997
(8) References

(a) December 6, 1994 Jelks eventually said he was the driver in the Mosley murder ★★★

(b) September 30, 2014. Witness testifies at

preliminary hearing TRANSCRIPT NOT MARKED

xviii. Vasley

(1) Position in narrative
(2) Witness is FBI special agent
(3) Tactics/motions?
(4) Introducer
(5) Subpoenaed
(6) Listed
(7) References

(a) December 6, 1994 Jelks admitted he was the driver in the Mosley murder ★★★

xix. Eugene Tapia

(1) Position in narrative April 18, 1994
(2) Witness is LAPD detective
(3) Tactics/motions?
(4) Introducer district attorney
(5) Subpoenaed? Yes. November 9, 2018, witness signs on-call agreement
(6) Listed by the prosecution February 16, 2012
(7) Testimony impeachment of Marcellus James and Keith Williams
(8) References

(a) April 18, 1994. Case assigned to detectives McCartin and witness

(b) May 6, 1994, at 10:30 a.m. Eulas Wright statement apparently to detectives McCartin and witness. The only report of this statement is in the LAPD Chronological Record. Eulas Wright verifies his

November 21, 1991. Apparently Eulas Wright says ★he can't identify black man running ★ (Somewhere I got Eulas Wright views Photo Cards A-C but I don't know where I got it.) I MADE A NOTE THAT I DON'T HAVE A TRANSCRIPT

(c) May 19, 1994. Bryan Kuykendall in Terminal Island. Witness (Detective Eugene Tapia) and Barling interview Bryan Kuykendall. I heard a rumor I was intended target of Donald Loggins and Payton Beroit shot and killed August 5, 1991, at 3:40 p.m. No mention defendant or codefendant *involved*. Note: It seems there was *more to* the murder of Donald Loggins and Payton Beroit than, hey, there's two crips in a car around the corner!

(d) July 12, 1994, at 8:04 a.m. Detectives McCartin and/or witness (Eugene Tapia) interview Marcellus James aka Na-Na aka Witness #10 at South Bureau Homicide Tape 150976 per LAPD chronology. At preliminary hearing witness (Eugene Tapia) says "about" July 11, 1994, Marcellus James told me he saw Jelks, codefendant, Leandre Hewitt aka Jelly Rock leave in the Mazda, etc. I believe this is the July 12, 1994, interview.) I HAVE TRANSCRIPT READ AND MARKED Defendant killed the decedents ★ but I didn't actually hear it from him ★ (RT 37) July 12, 1994, Detective McCartin and witness (Tapia) get Marcellus James aka Na-Na to say *defendant* admitted to me that he, defendant, killed decedents ✔✔✔ (RT 47) Notes from appellant's opening brief: I think I'm reading witness says defendant told Marcellus James aka Na-Na he, defendant, shot the two guys. (RT 46-47)

(e) July 21, 1994, at 9:00 a.m. per LAPD chronology Tape 152315. Detectives McCartin and/or witness Tapia interview Keith Williams aka K-Rock aka Witness #15: I was couple blocks away. My sister Angela aka Angie Williams said defendant did it. My sister Angie told me she gave defendant, shirtless, sweating, a ride.[29] I HAVE TRANSCRIPT. READ AND MARKED

(f) [August 15, 1994, at 10:00 a.m. Connor statement to Detective Mathew and witness Rosemary Sanchez]

(g) September 21, 1994. It looks like Detectives McCartin and witness Tapia have assault with a deadly weapon warrant for Marcellus James. OCTOBER 1, 2014 DEPUTY DISTRICT ATTORNEY BOB HAS TRANSCRIPT AND WILL SEND ME A COPY My notes from appellant's opening brief: Marcellus James is in custody charged with assault with a deadly weapon. (FTRT 4954)

(i) 12:50 p.m. per LAPD chronology. Also Statement Form. Marcellus James says defendant told me he killed decedents. Witness signs statement defendant told me he, defendant, shot the two guys ✔✔✔

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29. I had made a note: July 21, 1994—is this an RT of witness Marcellus James? He says I didn't see defendant do it. (RT 25) This is my notes from appellant's opening brief. Looking at LAPD chronology it looks like this was Keith Williams.

(ii) 1:15 p.m. Marcellus James identifies, signs defendant's photograph in looks like gang book

(iii) 3:00 p.m. Detectives McCartin and witness (Tapia) arrest Marcellus James apparently on assault with a deadly weapon warrants. So they get his cooperation first ★ CHECK OUT. MAYBE ASSAULT WITH A DEADLY WEAPON NEVER FILED! MAYBE

(h) December 6, 1994. Witness interviews Jelks. Tape 152187. I *HAVE* TRANSCRIPT. I also have transcript of tape 152188.[30] See Jelks supa.

(i) February 16, 2012. Apparently detectives interview Marcellus James. Was witness one of the detectives? I DON'T HAVE THIS. WHERE IS IT IN DISCLOSURES. I NEED TO GET IT

(j) September 29, 2014. Witness testifies preliminary hearing TRANSCRIPT NOT FLAGGED

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30. Following notes from appellant's opening brief; potentially use in opening statement: Apparently Jelks never spoke to police about current case until they interrogated him on December 6, 1994. Jelks admitted he was the driver in the September 14, 1991, murder of Crip Tyrone Mosley murder ★ ★ ★ Jelks is *not yet* arrested for the murder of Mosley. I noted from reading appellant's opening brief they could arrest witness Jelks for Mosley murder but don't. Witness makes inducements—freedom, etc. After statement nailing defendant in instant case police let witness go home

(k) September 30, 2014. Witness continues testifying preliminary hearing? YES TRANSCRIPT NOT MARKED

(l) October 1, 2014. Witness continues testifying hearing? YES. TRANSCRIPT READ AND MARKED, NOT FLAGGED

xx. Detective White or Forman

(1) Position in narrative February 27, 2012
(2) Witness is LAPD detective
(3) Tactics/motions?
(4) Introducer district attorney
(5) Subpoenaed not applicable
(6) Listed
(7) Testimony maybe attempt by district attorney to have witness impeach **Patrick Johnson** claiming defendant never made the admission
(8) References

(a) February 27, 2012. Patrick Johnson statement to witness (White or Forman) Patrick Johnson said what defendant said between 1995 and 1998 when defendant was in county jail awaiting first trial. (See Patrick Johnson supra.)

xxi. Jennifer Lentz-Snyder

(1) Position in narrative
(2) Witness is
(3) Tactics/motions?
(4) Introducer
(5) Subpoenaed
(6) Listed NOT by the prosecution February 16, 2012

(7) Testimony
(8) Cross examination. Why didn't you disclose recordings of Johnnie Thomas interviews to defense?
(9) References

(a) September 27, 2000. Witness testifies in *Reco Wilson* habeas corpus

2. Who Are These?

a. Randall Allen

i. Position in narrative
ii. Witness is
iii. Tactics/motions?
iv. Introducer
v. Subpoenaed
vi. Listed NOT by the prosecution February 16, 2012
vii. Testimony 729½ East 90th Street. Defendant sweating, scared, said somebody shooting at him.
viii. References

b. Lynn Botello

i. Position in narrative
ii. Witness is LAPD
iii. Tactics/motions?
iv. Introducer
v. Subpoenaed
vi. Listed NOT by the prosecution February 16, 2012
vii. Focus of testimony I found the machine gun to the east side of the apartment building at 729½ East 90th Street.
viii. References

3. Defense/Codefendant Witnesses Guilt Phase

a. Percipient/August 5, 1991Witnesses:

i. George Louis Thomas aka Louie ★★★★

(1) Position in narrative August 5, 1991
(2) Witness apparently is not the Louis Thomas who Sutton shoots at on September 12, 1992? Gee, I think he *is*.
(3) Focus of testimony: **after "somebody got shot," defendant was there in front of codefendant's house**
(4) Tactics/motions?
(5) Introducer *codefendant*
(6) Subpoenaed. October 26, 2018, Bob Royce to ascertain witness subpoenaed and signed on-call card
(7) Listed
(8) References

(a) August 5, 1991, I arrived codefendant's house. People there including defendant. (See witness's preliminary hearing testimony infra.)

(b) September 12, 1992. The following assumes witness is the Louis Thomas who Sutton shoots at on September 12, 1992. At 3:10 p.m. LAPD reports in Trial Book. Albert Elroy Sutton parks just east of 938 East 88th Street (codefendant's house). Codefendant, Timothy Johnson aka Sinister, and witness (Louis Thomas) confront him. Witness asks him for money. Physical altercation. Codefendant, others run to codefendant's house. Sutton hears 15 shots. Codefendant runs to the back alley of the "mechanic's shop" (apparently on northwest corner of East 88th Street and Central Avenue—8775 South Central Avenue) and fires 6 times at Jaymore(?) Webb (Jaymel Webb?).

Officer Miller who is nearby hears shots, shows up and talks to Sutton in driveway of 8775 South Central Avenue. Roche shoots at them. Officer Miller captures Roche. 3:30 p.m. Sutton tries to run witness (Louis Thomas) down crossing 88th Street at 910 East 88th Street—9 houses west of codefendant's house. Sutton and witness (Louis Thomas) have verbal argument. Sutton leaves. Sutton returns and gets in fist fight with witness (Louis Thomas). Sutton leaves again and returns again and shoots at anyone present. Witness (Louis Thomas) flees.

(c) May 6, 2012. Ten years later. Witness (George Louis Thomas aka Louie) statement to LAPD detectives. See preliminary hearing reporter's transcript 1031, 1037. Apparently witness stated he didn't remember anyone who was at the house ✔✔ GET THIS REPORT OR TRANSCRIPT!! MAYBE IN DIGITAL DISCOVERY? I GET IT! THE TRANSCRIPT FILE IS George Louis Thomas 6 May 2012

(d) Apparently Filipiak got two or three statements from witness GET ALL STATEMENTS OF THIS WITNESS

(e) January 6, 2015. Witness testifies at preliminary hearing: August 5, 1991, I arrived codefendant's house. People there including defendant. Not sweating, normal. Shorty thereafter somebody arrived and said there was shooting. Nobody had heard the shots. Everybody was excited. Jelks was not there. I don't believe Johnnie Thomas aka Peanut was there, I don't remember if Renae

Bridges was there. I'm not a gang member ★★★
★ TRANSCRIPT MARKED AND FLAGGED

ii. Bessie Lee Dunn ★

(1) Position in narrative August 5, 1991
(2) Witness is percipient witness
(3) Tactics/motions? Are we saying defendant was in front of codefendant's house August 5, 1991, or wasn't? I think in closing argument we'll say he *was*, but don't commit in opening statement
(4) Introducer likely defense
(5) Subpoenaed? November 29, 2013. I fax Bob Royce find, interview, subpoena. October 26, 2018, Bob Royce to ascertain witness subpoenaed and signed on-call card
(6) Listed? November 29, 2013, deputy district attorney Scott advised *maybe* defense will call
(7) Testimony see infra
(8) References

(a) February 10, 1995. Witness statement to codefendant's investigator. Report. I know defendant but *can't say* if he was in front of codefendant's house before the shots were fired. District attorney has this statement

(b) September 12, 1995. Codefendant calls witness. Transcript in Trial Book

(c) January 6, 2014. Witness statement to Bob Royce in Trial Book I *don't recall* seeing defendant that day.

iii. Jeffery Jay Stillman (spelling?) ★★★?

(1) Position in narrative August 5, 1991
(2) Witness is percipient witness
(3) Tactics/motions?
(4) Introducer maybe defense although district attorney looking for him
(5) Subpoenaed? October 26, 2018, Bob Royce to ascertain witness subpoenaed and signed on-call card
(6) Listed? September 25, 2014. District attorney Scott tells me district attorney *doesn't have* witness but is *still looking* for him
(7) Testimony
(8) References

(a) 1991 witness statement. Scott Marcus said right after shooting. **Witness sees shooting or shooter but doesn't identify defendant as shooter ★ ★ ★?** I NEED TO FIND THIS STATEMENT!

(b) September 19, 1991.Witness statement to Detectives Tiampo and Santiago See October 3, 1991, page 9. Report says **witness recalled nothing about the day.** Hey! That's *not* what deputy district attorney Scott Marcus said. Detectives report witness "refuses to cooperate." IS THERE MORE IN THE DIGITAL DISCOVERY? SANGER GOT ANYTHING? INVESTIGATORS MAY NEED TO FIND, GET STATEMENT FROM, SUBPOENA WITNESS

(c) November 15, 1991. I'm guessing. Maybe this is witness statement. I was working on my truck, heard shots and immediately dropped to the ground

(d) August 18, 1987

(i) Lasting tells court he's on the fence about calling witness. See (FTRT 4909 re potential problems—prior testimony, wiretap interceptions—re this witness?

(e) August 20, 1997, first trial jury deliberations began—witness wasn't called

(f) January 18, 2005. Penal Code § 415. I guess conviction.

(g) September 22, 2014. District attorney discloses witness's single moral turpitude entry—January 18, 2005. Penal Code § 415.

(h) September 25, 2014. Scott Marcus says district attorney doesn't have witness *but is still looking for him*

(i) November 29, 2013. I fax Bob Royce find, interview, subpoena

iv. Kimberly Davis

(1) Position in narrative August 5, 1991
(2) Witness is percipient witness
(3) Tactics/motions?
(4) Introducer likely defense
(5) Subpoenaed? November 29, 2013. I fax Bob Royce find, interview, subpoena. October 26, 2018, Bob Royce to ascertain witness subpoenaed and signed on-call card
(6) Listed? November 29, 2013, deputy district attorney Scott advised *maybe* defense will cal
(7) Testimony

(8) References

(a) March 21, 1995. Witness statement to *codefendant's* investigator. Codefendant was represented by public defender. Report. Defendant was in front of codefendant's house before the shots were fired ★★★ but nobody left ★★★ Jelks was not at codefendant's house District attorney has this statement. It's flagged in my Trial Book.

(b) August 18, 1987. Codefendant and defendant rest first trial penalty phase—witness not called

(c) November 29, 2013. I fax Bob Royce find, interview, subpoena

(d) March 10, 2014. Bob Royce says his opinion witness does not want to cooperate

v. Allene Johnson

(1) Position in narrative
(2) Witness is
(3) Tactics/motions?
(4) Introducer
(5) Subpoenaed? October 26, 2018, Bob Royce to ascertain witness subpoenaed and signed on-call card
(6) Listed
(7) References

(a) August 5, 1991.

(b) August 18, 1997. Witness called by Lasting testifies at first trial. (FTRT 4960)

(i) Defendant was a friend of codefendant and used to come to the house

(ii) [August 5, 1991] I got there [after the shooting] but before the police arrived. There was a group outside my house. They didn't know what was going on. Denise Johnson, [codefendant's] wife was there. I can't say for sure whether defendant was in the group or not. I knew Freddie Jelks and he wasn't there ★★

vi. Denise Johnson

(1) Position in narrative August 5, 1991
(2) Witness is percipient witness and apparently was/is codefendant's wife
(3) Tactics/motions?
(4) Introducer likely defense
(5) Subpoenaed? November 29, 2013. I fax Bob Royce find, interview, subpoena. October 26, 2018, Bob Royce to ascertain witness subpoenaed and signed on-call card
(6) Listed? November 29, 2013, deputy district attorney District attorney Scott advised *maybe* defense will call.
(7) Testimony
(8) References

(a) August 5, 1991. Witness's mother in law, Allene Johnson, puts witness in front of the house when Allene arrived right after the shooting

(b) March 29, 1995. Witness statement to *codefendant's* investigator. Report. Defendant was in front of codefendant's house before the shots

were fired ★ ★ ★ but nobody left ★ ★ ★ .
District attorney has her statement ARE WE SAYING DEFENDANT WAS THERE OR WASN'T THERE? BY SAYING DEFENDANT WAS THERE JURY ISN'T WANTING AN ALIBI

(c) August 18, 1987. Codefendant and defendant rest first trial penalty phase—witness not called

(d) March 10, 2014. Bob Royce says witness not interested in cooperating

vii. Earl Ray Johnson aka Ray Johnson aka Earl Johnson aka Silent

(1) Position in narrative
(2) Witness was present per Marcellus James when defendant said when he shot one, his eyes popped out of his head. I'M HOPING WITNESS WILL TESTIFY DEFENDANT NEVER SAID THAT

(3) Tactics/motions?

(a) Earl Ray Johnson. First trial note. *Ray* Johnson. I think this is *Earl* Ray Johnson. August 18, 1987: codefendant and defendant rest first trial penalty phase—witness not called Why was Joe Orr going to call Ray Johnson, codefendant's brother. See first trial reporter's transcript 4862 IS SANGER GOING TO CALL RAY JOHNSON?

(b) Defendant tells me Earl Ray Johnson aka Silent was present when defendant allegedly made admissions to witness. See September 24, 2014. I think Royce interviewed Earl Ray Johnson aka

Silent in Department 108? Royce's report at November 10, 2014. Can I use witness to Impeach Marcellus James aka Na-Na?

(4) Introducer defense
(5) Subpoenaed? October 26, 2018, Bob Royce to ascertain witness subpoenaed and signed on-call card
(6) Listed
(7) References

(a) Witness date of birth?

(b) November 10, 2014. Witness statement to Royce. Fifteen to 20 seconds after hearing shots witness was in front yard. Witness didn't see Jelks or Johnnie Thomas aka Peanut.[31] BUT WHAT ABOUT NEVER HEARING DEFENDANT SAY WHEN HE SHOT ONE, HIS EYES POPPED OUT OF HIS HEAD. TO DO: TELL BOB ROYCE

viii. James Galipeau now he be *dead* ★★★

(1) Position in narrative Monday August 5, 1991 (circumstantial evidence)
(2) Witness is probation officer, gang unit
(3) Tactics/motions?
(4) Introducer *codefendant* at first trial!!!!!
(5) Subpoenaed
(6) Listed
(7) Testimony

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31. October 12, 2018, Royce corrected his report. By "Mr. Thompson" Royce was misnomer referring to Johnnie Thomas.

(8) References

(a) August 15, 1997

(i) Witness testifies at first trial (FTRT 4868)

(ii) Witness uses first trial Exhibit P7

(iii) Crips kill each other

(iv) In August 5, 1991, shooting of decedent Donald Loggins and decedent Payton Beroit by a Blood, a yelling like "94 Family here, Crip killers" should have been heard ★★

(v) Deputy district attorney Lentz cross examination is no help. For example witness testifies a younger person is likely to follow the lead of a shot caller ✔ I THINK IN BALANCE, READ WITNESS TRANSCRIPT TO JURY? YES, TO SHOW BLACK JACKET TESTIMONY AND MORE. BUT OPPS, I DON'T LIKE THE BLACK JACKET ARGUMENT NOW

(b) August 18, 1997. Witness recalled, testifies at first trial (FTRT 4943) If a person was observed wearing a black Raiders jacket in a gang area in 1991, he would most likely have been a Crip (not a Blood) On east side of Central Avenue around 88th Street are Kitchen Crips. On Central Avenue a Kitchen Crip would be just as likely to kill and East Coast Crip as a Family Blood (FTRT 4959 ★★★

(c) Bob Royce: Need to find, re-interview, subpoena witness.

(d) Bob Royce reports witness is *dead*

ix. Probation Officer Galopo

(1) Notes. [August 18, 1987. Codefendant and defendant rest first trial penalty phase—witness not called]
(2) Rap sheets—see
(3) Statements.
(4) Direct examination by other defense lawyer. Cental Avenue not Crips, not Bloods. When Crip killed could be another Crip
(5) Cross examination
(a) By the prosecution.
(b) By defendant

b. Witness That Impeach Johnny Thomas re August 5, 1991

i. Renae Bridges aka Nay-Nay-B ★★

(1) Position in narrative August 5, 1991
(2) Witness impeaches Johnnie Thomas
(3) Tactics/motions: Johnnie Thomas testified witness showed up in front of codefendant's house August 5, 1991, and told codefendant two Crips on Central
(4) Introducer codefendant. I think defense witness to impeach Johnnie Thomas? Yes!
(5) Subpoenaed? October 26, 2018, Bob Royce to ascertain witness subpoenaed and signed on-call card
(6) Listed? I DON'T THINK SO BUT CHECK. *Codefendant* calls at preliminary hearing.
(7) Testimony

(8) References

(a) February 7, 2012. District attorney investigator records witness's statement where she says pound sand. Recorded at May 14, 2013. NEED TO AT LEAST PLAY IT Defendant says witness gave statement to district attorney in 2012

(b) September 26, 2014. Defendant says witness gave statement to district attorney in 2012. She said she wasn't there August 5, 1991; she was at work. FIND IT. HAVE ROYCE GET STATEMENT

(c) October 13, 2014

(i) 10:15 a.m. Witness statement to Detectives McCoy and Byers in Trial Book. Read and marked. Loggins and Benoit were murdered when I was at work. Apparently district attorney had transcript of this interview at preliminary hearing when witness was testifying (PXRT 994) Apparently witness told McCoy on August 5, 1991, she stopped at codefendant's house to buy drugs ✔✔ (PXRT 1005)

(d) November 8, 2014 (I believe). Witness gives statement to Sanger investigator Filipiak. (January 6, 2015, Sanger investigator supposed to email it to me.)

(e) January 6, 2015. *Codefendant* calls witness at preliminary hearing. Witness testifies at preliminary hearing. Reporter's transcript in Trial Book. I'M MARKING AND FLAGGING

REPORTER'S TRANSCRIPT ... I don't remember seeing Johnnie Thomas August 5, 1991 in front of codefendant's house ★ ★ It's true, on August 5, 1991, I stopped at codefendant's house to buy drugs ✔ ✔ (PXRT 1005) REPORTER'S TRANSCRIPT MARKED AND FLAGGED

c. Witnesses That Impeach Jelks

i. Michael Whitmore aka Woodmore aka K-Mike aka Big K-Mike aka K-Whack ★ ★

(1) Position in narrative August 5, 1991
(2) Witness is Donnie Ray Adams' half brother and impeaches Freddie Jelks
(3) Tactics/motions?
(4) Introducer
(5) Subpoenaed? October 26, 2018, Bob Royce to ascertain witness subpoenaed and signed on-call card
(6) Listed
(7) Testimony: Witness impeaches Jelks
(8) References

(a) [Jelks testifies at December 16, 1994, grand jury when he first arrived August 5, 1991, he was smoking marijuana with witness Michael Whitmore aka Woodmore aka K-Mike. WATCH OUT I see Joe Orr noted "1991 K-Mike in Jail."(GJRT 62)]

(b) [Jelks testifies at first trial that he was *with* witness Michael Whitmore aka Woodmore aka K-Mike August 5, 1991]

(c) [August 18, 1987: codefendant and defendant rest

first trial penalty phase—witness not called by Lasting or Orr]

(d) February 27, 2012. LAPD interviews witness. I wasn't at the car wash [August 5, 1991]. I was incarcerated ★ ★

(e) July 12, 2013. District attorney discloses recording of February 27, 2012, interview

(f) In 2013 defendant reminds me Jelks lied about being with a witness. My guess is defendant got this from codefendant and was talking about Michael Whitmore aka Woodmore. aka K-Mike

(g) December 19, 2013. Bob Royce reports he spoke with defendant. Witness is Michael Whitmore. Witness presently incarcerated in state prison

(h) January 10, 2014. See my notes re witness

(i) January 29, 2014. District attorney response to discovery of whether witness was incarcerated August 5, 1991? District attorney says only record is witness arrested April 25, 1991, and sentenced to 300 days July 19, 1991. District attorney refers to witness as "Michael Woodmore."

(j) September 5, 2014. *Codefendant* requests witness at preliminary hearing

(k) January 6, 2015. Witness testifies at preliminary hearing TO DO GET THIS TESTIMONY AND READ!! I START READING AND MARKING AND FLAGGING ... I'm in prison at Avenal. On

August 5, 1991, I'm not sure if I was in jail or on the street. But I wasn't out there when murders occurred. My brother is Donnie Adams (Donnie Ray Adams days *codefendant* told him he gave defendant the gun.) I was an 89 Family Swan. I wasn't at codefendant's house when Loggins and Beroit were killed. I had no conversation with anybody about carjacking or anything else. I know Freddie Jelks. I'm sure I didn't smoke marijuana with Freddie Jelks the day of the shooting ★★★

ii. Elijah Berry, Jr., aka Madman

(1) Position in narrative August 5, 1991
(2) Witness impeaches Freddie Jelks
(3) Tactics/motions?
(4) Introducer
(5) Subpoenaed? October 26, 2018, Bob Royce to ascertain witness subpoenaed and signed on-call card
(6) Listed
(7) Notes
(8) Rap sheets—see
(9) Statements.
(10) Direct examination by other defense lawyer. I was in car with Jelks smoking dope when shooting Loggins-Beroit happened. Jelks was not at codefendant's house.
(11) Cross examination
  (a) By the prosecution.
  (b) By defendant

(12) August 18, 1987: codefendant and defendant rest first trial penalty phase—witness not called by Lasting or Orr

(13) August 18, 1987: codefendant and defendant rest first trial penalty phase—witness not called by Lasting or Orr

iii. Jesse Frierson aka Ya-Ya

(1) Position in narrative Monday August 5, 1991
(2) Witness impeaches Freddie Jelks
(3) Tactics/motions? Issue: Do you have to disclose impeachment witness you *know* you intend to call?
(4) Introducer defense
(5) Subpoenaed? Bob Royce will have to subpoena. October 26, 2018, Bob Royce to ascertain witness subpoenaed and signed on-call card
(6) Listed? Do you have to disclose impeachment witness you *know* you intend to call? Do I need to disclose Jesse Frierson? CHECK
(7) Testimony witness impeaches Freddie Jelks
(8) References

(a) Monday August 5, 1991

(b) August 18, 1987: codefendant and defendant rest first trial penalty phase—witness not called by Lasting or Orr

(c) November 2012. LAPD detectives interview witness. WHERE IS REPORT? See December 29, 2012.

(d) December 29, 2012. Witness tells Bob Royce on Monday August 5, 1991, Jelks ran up to witness (Jesse Frierson)'s car and Jelks asked *what occurred at the car wash.* I want to say *so what.* To do: give Bob Royce's report to Vic and Bob Sanger

iv. Kim Rochelle Coleman (female)

(1) Position in narrative September 14, 1991
(2) Witness is Jelks victim, helps impeach Jelks Conflict with Sanger

(3) Tactics/motions? Sanger trying to show *codefendant* was *not* in shooters' car. I couldn't care less. I'm trying to show *Jelks* was *in* shooters' car *and* was a shooter. Actually Sanger wants to impeach Jelks too.

(4) Introducer? *If* not called by district attorney defense potentially would call to show Jelks was a participant in the Mosley murder. Sanger calls witness at preliminary hearing. I don't think he'll want her for trial. But I do because she supports my theory there were 3 or 4 people in shooters' car in Mosley murder District attorney and I are one with witness

(5) Subpoenaed? Bob Royce needs to subpoena in case district attorney doesn't ? October 26, 2018, Bob Royce to ascertain witness subpoenaed and signed on-call card

(6) Listed? District attorney again lists witness June 24, 2013, with the notation "attempt murder victim."

(7) Testimony there were 3 or 4 people in the shooter's car ★★

(8) References

(a) September 14, 1991 Night. Codefendant and Jelks murder Crip Tyrone Mosley middle of 97th Street, attempt to murder Kenneth Davis and witness Kim Rochelle Coleman

(b) Apparently 1995 witness testified previously. Was it grand jury Mosley murder trial? Yes. August 14, 1995? Week of August 28, 1995? Apparently a grand jury. August 14, 1995 maybe Jelks testified against codefendant in grand jury?? Codefendant and Jelks are defendants. Los Angeles Superior Court Case No. BA108967 for September 14, 1991, murder of Tyrone Mosley. Apparently witness testified at Mosley grand jury MUST TO DO: GET WITNESS'S GRAND JURY TESTIMONY. CHECK TRIAL BOOKS there were 3 or 4 blacks in the shooter's car, shooting out of both sides ★★ Sanger doesn't want this tidbit. I do. District attorney and I are one with witness

(c) September 19, 2014. Deputy district attorney Scott intends to 115 witness at preliminary hearing

(d) September 22, 2014. District attorney discloses witness moral turpitude entries

(e) January 7, 2015. Witness testifies at preliminary hearing I'M READING TRANSCRIPT ... Apparently Sanger calls her just to establish—lock her in—she can't identify shooter(s)

v. How will Sanger show codefendant's pigeon coupe wasn't built August 5, 1991?

d. Evidence That Impeaches Connor: August 5, 1991

i. James Miller ★★★★

(1) Position in narrative

(2) Witness is Don Kott Auto Center custodian of records, **impeaches Carl Connor**
(3) Tactics/motions?
(4) Introducer
(5) Subpoenaed? October 26, 2018, Bob Royce to ascertain witness subpoenaed and signed on-call card
(6) Listed
(7) Testimony witness impeaches Carl Connor
(8) References

(a) August 5, 1991. Connor's time card

(i) 7:00 a.m. Start work Don Kott Auto Center, 212 Avalon Boulevard, Carson

(ii) 1:30 p.m. Lunch

(iii) 2:12 p.m. Return

(iv) 3:40 p.m. 8755 South Central Avenue

BANG!
BANG!
BANG!

(v) 5:18 p.m. Quit

(b) March 18, 1996. Witness's declaration authenticating "Conner's" August 5, 1991, time card ★★★★

(c) August 15, 1997 Connor Time Card Stipulation ★★★ See first trial reporter's transcript 4850-4852. Also, better reporter's transcript **4859-4860**:

maybe show to deputy district attorney Jon. Defense E is Connor's time card that shows Connor was at work at Don Knot August 5, 1991,

(d) 2:12 p.m. to 5:18 p.m. ★★★ If no stipulation, Lasting said he had witness Jim Miller who could authenticate Don Knot records. See first trial reporter's transcript 4862-63. Also 4900!

(e) August 18, 1987

(i) Codefendant and defendant rest first trial penalty phase—witness not called

(ii) Connor's Don Kott Auto Center time card marked Defense Exhibit E Connor's time card received in evidence (FTRT 4985-86)

ii. Jeffrey M. Childers ★★★

(1) Position in narrative Monday August 5, 1991
(2) Witness testifies at first trial, **impeaches** Carl Connor
(3) Tactics/motions?
(4) Introduce *codefendant* at first trial! TO DO! Think about giving Bob Royce's June 10, 2013, report to deputy district attorney.
(5) Subpoenaed? October 26, 2018, Bob Royce to ascertain witness subpoenaed and signed on-call card
(6) Listed March 21, 2012 ★★★
(7) Testimony. Have witness's August 15, 1997, testimony open in front of you
(8) References

(a) Monday August 5, 1991

(b) August 15, 1997

(i) **Witness testifies at first trial** (FTRT 4854) Connor was fired ★ as a result of a Department of Motor Vehicles investigation

(ii) HAVE ROYCE CHECK I believe witness Childers witnessed Connor being arrested ★★★

(iii) In maybe 1992 Connor left Don Knot as a result of being arrested on the lot. Maybe get this in during cross examination of Connor. How long did you work at Don Knot? Why did you leave? You left because after being arrested on the lot you were fired. Right? I believe witness Childers witnessed Connor being arrested ★★★

(iv) Connor's Don Kott Auto Center time card marked Defense Exhibit E. Connor's time card

(v) 7:00 a.m. Start work Don Kott Auto Center, 212 Avalon Boulevard, Camon

(vi) 1:30 p.m. Lunch

(vii) 2:12 p.m. Return

(viii) 3:40 p.m. 8755 South Central Avenue

BANG!
BANG!
BANG!

(ix) 5:18 p.m. Quit

(x) It is received August 18, 1997

(xi) Stipulation time card accurate record

(xii) Connor's Don Kott Auto Center, 212 Avalon Boulevard, Carson, telephone 310-816-2692, time card indicates Connor was at work at the Don Kott Auto Center in Carson Monday August 5, 1991, the entire day when the Loggins/Benoit murders occurred.

(c) Bob Royce: Need to find, re-interview, subpoena witness

(d) May 18, 2012. See Bob Royce report

(e) May 31, 2012. Bob Royce has found witness, will try interview witness next week

(f) December 28, 2012. Bob Royce had bad address, still looking for witness

(g) June 10, 2013 (See Bob Royce June 12, 2013 email memo) Bob Royce interviews witness (Jeffrey M. Childers) in Anaheim. Memo is IN Trial Book. So ★ ★ ★we can subpoena witness Jeffrey M. Childers for trial ★ ★ ★ Witness gives Bob Royce a lot of followup work Robinson, Ross, McCall. Witness Childers had the opinion it would have been impossible for a car porter to be scheduled for work, not show up for work and have another employee clock that person in and

out. Witness Childers says the Portens were very busy and if they were shorthanded it would've been noticeable and Mr. Robinson would have noticed it immediately and told him See June 12, 2013 memo in Trial Book : Witness also says Louis Robinson was in charge of porters (see next entry). Sonic Automotive purchased Don Kott. Employment records werre transferred to Sonic. TO DO! Think about giving Bob Royce's report of June 10, 2013, to deputy district attorney.

(h) June 25, 2013. Bob Royce report of interview of Louis Robinson in Trial Book Louis Robinson no no help whatsoever. I had no contact with portens and no memory of Connor.

(i) December 20, 2013. Bob Royce report. He's on the trail of Don Kott dealership records

iii. Billy Connor

(1) Position in narrative
(2) Witness is Carl Connor's brother
(3) Tactics/motions? Be careful. District attorney will argue codefendant called to threaten Carl Connor to keep his trap shut.
(4) Introducer
(5) Subpoenaed NOVEMBER 22, 2018, I NEED TO GET BOB ROYCE TO SUBPOENA WITNESS
(6) Listed
(7) References

(a) September 12, 1995, at 8:24 p.m. cdefendant calls witness (Billy Connor) ★ ★It looks like witness is saying Carl Connor said he didn't know

anything about the Loggins-Beroit murder ★★
Transcript in Trial Book

iv. Derrick aka Derek Floyd Battle aka Kevin ★★★ ★

(1) Position in narrative January 3, 1997
(2) Witness impeaches Connor
(3) Tactics/motions?
(4) Introducer defense
(5) Subpoenaed? October 26, 2018, Bob Royce to ascertain witness subpoenaed and signed on-call card
(6) Listed? I don't think I have to disclose witness name or statement
(7) Testimony witness **impeaches** Carl Connor
(8) References

(a) June 13, 1994, at 11:30 a.m. Rico aka Reco Wilson allegedly shoots Georgia Denise aka Niece Jones (aka James?) five times northwest corner of Wadsworth and 87th Street. This was LAPD DR 94-1818117. Witness Connor will claim to ... witness the murder? Witness (Derrick Battle) claims to be a witness *too*. Apparently Derrick Battle identifies Reco Wilson as guy Derrick Battle sees running in alley? DOES DA HAVE STATEMENT FROM BATTLE THAT HE SAW RECO WILSON RUNNING IN ALLEY? APPARENTLY NO This maybe why January 3, 1997, in morning Connor approached Derrick Battle and mentioned the word "split" and talked about "12 and 12." Check 2nd Reco Wilson trial transcript pages 2497-2526. Also Timeline at March 4, 1993, in Trial Book

(b) [July 21, 1994. Reco Wilson aka Little K-Mike

arrested parole violation. LAPD report in Trial Book.]

(c) [February 1, 1996. *Connor* statement to Detective Sanchez. Connor identifies "Kevin" as witness (Derrick Battle). See Timeline at March 4, 1993]

(d) February 1996. *Witness* statement to Sanchez. Apparently witness tells her he was alone in his living room when he heard the shots ✔ ✔ ✔ I LOOK IN TRIAL BOOK, NO REPORT, TRANSCRIPT—NOTHING THERE. GET IT.

(e) January 3, 1997

(i) In morning Connor approaches witness (Derrick Battle) outside his wife's house at the gate. Connor says we ought to turn this guy (Wilson) in. Connor mentions the word "split" and talks about "12 and 12. 12 thousand." See Check 2nd Wilson trial transcript pages 2497-2526 in Trial Book. Specifically page 2499 et seq. Also Timeline at March 4, 1993, in Trial Book. At preliminary hearing witness says Connor asked witness to say *they saw the murder.*

(ii) Witness Derrick Battle identifies Rico aka Reco Wilson as guy witness Derrick Battle sees running down alley? NO NO

(f) [January 6, 1997 Connor testifies in *People v. Reco Wilson*. (RT 2079) Connor was sole eyewitness WE HAVE TRANSCRIPT]

(g) January 11, 1997. Witness Derrick Battle gives statement to Wilson's lawyer Jim Bisnow I CAN'T FIND IT IN TRIAL BOOK

(h) January 13, 1997. Witness Derrick Battle testifies *People v. Reco Wilson*, BA105800. Jim Bisnow calls witness at reporter's transcript 2482. Transcript in Trial Book. Witness testifies ★★★ Connor was standing next to me in my backyard 7 feet west of the pigeon cage when we heard the shots. Then we saw the person running easterly through the alley. Connor was standing next to me. I can't identify the person. Reco Wilson (in court) is not the person. Connor and I walked along west side of my house to 87th Place. You could see the body (Jones) I went in my house via back door to get my camcorder and Connor walked toward Jones dead. In morning of January 3, 1997, Connor approaches me outside my wife's house at the gate. Connor says we ought to turn this guy (Wislon) in. Connor mentions the word "split" and talks about "12 and 12. 12 thousand." ★★★ I lied to Sanchez because I didn't want to get involved TRANSCRIPT MARKED AND FLAGGED. See Timeline at March 4, 1993

(i) August 18, 1987. Codefendant and defendant rest first trial penalty phase—witness not called by Lasting or Orr. Unlike Sanger, Lasting doesn't care about Connor. Sanger in second trial will care because Connor identifies Wilson as shooter of Jones which helps the prosecution proved codefendant guilty of the Jones murder. District attorney of course had no interest in calling witness who contradicts Connor. But Joe Orr

should have called witness!!!!!!

(j) March 22, 2012. Bob Royce has found witness (Derrick Battle) in Antioch, California

(k) May 18, 2012. Bob Royce has order, will try interview witness

(l) December 28, 2012. Bob Royce will go up and interview in a couple weeks

(m) May 11, 2013. Witness statement to Bob Royce in witness's home in Antioch, California ★★★ ★Sometime after the murder occurred, Mr. Conner approached Mr. Battle and suggested they go to the police together *and create a story that they actually witnessed the shooting, so they could split the reward money.* Mr. Battle recalls Mr. Conner, stating "we can get 10 & 10, if we tell the same story." Mr. Battle told Mr. Conner he was not interested in telling any story to anybody regarding the murder ★★★ See May 11, 2013, Bob Royce report in Trial Book

(n) July 12, 2013. I email May 11, 2013, Bob Royce report to Bob/Vic. I say I won't disclose report to the prosecution because witness is a rebuttal witness

(o) ???? July 25, 2013, is date of *recording*. Detective Sanchez and a male officer interviewing witness. They only question him about what he saw June 13, 1994, when Jones was murdered. He says he heard the shots, came out and *saw no one.* Nothing in interview about Connor. At end Sanchez says

thanks for coming in. I don't think Battle came down from Antioch, California, northeast of Oakland IS THERE A TRANSCRIPT? DID WITNESS LIE?

(p) January 22, 2014. Witness (Derrick aka Derek Floyd Battle aka Kevin) statement to Detectives Antenucci (female) and McCartin FIND IT. DA HAS TAPE AND TRANSCRIPT MUST GET WHOLE RT. I GET PARTIAL 1/7/15. TRANSCRIPT IN TRIAL BOOK. MARKED AND FLAGGED Witness saying *before* the shooting, a tall gentleman, red rag around his face, "rolled by." Connor knew him and said a name. He didn't say Reco Wilson. 15 to 30 seconds later ★ ★ ★ we *heard* the shooting. We hit the ground ★ ★ ★ We ran to the front. Then the guy ran back again. I saw the guy's face. I saw the gun. Reco Wilson wasn't the guy who ran through the alley

(q) January 7, 2015. Witness testifies at preliminary hearing—ultimately that on [January 3, 1997] the effect of what Conner said was: he wanted me to verify what he said so he could collect the reward I START READING, MARKING, FLAGGING TRANSCRIPT ... Connor and I in my backyard. I heard shots. We got in prone position. Ducked. We didn't hit the dirt. Got up Male runs back through the alley, black gun in his hand. Later, Connor said there's a $30,000 reward, we just say we saw him do it to get the reward. I said you're crazy ★ ★ ★ ★ This was at the gate of house on 87th Place. (I guess it was 919 East 87th Place.) Referring to Wilson, Connor said lets just say he did it. He wanted us to say we saw the shooting

★ ★ ★ ★ This was apparently January 3, 1997.(I read Jones murder police reports and find witness statements that confirm shooter's trajectory per witness: emerged from alley on Wadsworth north of 87th place, crossed street, came south on Wadsworth to northwest corner, shot Jones, ran north on Wadsworth back to alley, then east in alley.)

v. Reco Wilson aka Little K-Mike

(1) Position in narrative
(2) Witness impeaches Connor
(3) Tactics/motions?

(a) June 13, 1994. Reco Wilson *allegedly* shoots Georgia Denise aka Niece Jones (aka James?) five times Wadsworth and 87th Street. Was this LAPD DR 94-1818117?

(b) Opening Statement. Don't embrace witness's testimony in opening statement. My only objective is to show Connor didn't see the shooting of Ms. Jones no matter *who* shot her.

(4) Introducer not district attorney, codefendant. Sanger wants witness to testify codefendant didn't tell him to shoot Jones, and witness obliges at preliminary hearing. I'm okay without witness. Don't ask Royce to be sure he's brought down for trial. (In any case, Sanger will.)

(5) Subpoenaed? *Codefendant* requests witness from state prison at preliminary hearing
(6) Listed
(7) Testimony

(8) References

(a) 2012? Am I lacking disclosure of statement by witness? Witness's gun went off. Chase. Officers fired at witness. Statement to LAPD. There's a transcript of witness's statement. See PXRT 1168

(b) December 1992. Witness convicted of Penal Code § 245(c). Case TA18694

(c) July 21, 1994. Witness (Reco Wilson aka Little K-Mike) arrested parole violation. LAPD report in Trial Book

(d) 1994. LAPD interviews witness about murder of Jones

(e) September 5, 2014. Codefendant requests witness from state prison at preliminary hearing

(f) January 8, 2015. Witness testifies at preliminary hearing that he didn't shoot Jones and codefendant didn't tell him to shoot Jones. READING PRELIMINARY HEARING TRANSCRIPT I'm familiar with the June 8, 1994, telephone call from codefendant. It had to do with mellowing down the neighborhood. On cross the "K" stands for "Killer." I smiled and nodded at defendant when I came in because he's a member of the 89 Family ✔✔ Extensive cross examination by district attorney Rabbani, re-direct by Sanger. It goes on and on. Not of interest to me.

e. William Alexander

i. Position in narrative
ii. Witness impeaches Reco Wilson
iii. Tactics/motions?
iv. Introducer district attorney
v. Subpoenaed
vi. Listed
vii. References

(1) January 8, 2019. Body attachment held March 8, 2019

(2) January 9, 2019. I ask Vic and Jon who is witness

(3) January 15, 2019. Per deputy district attorney Jon: Reco Wilson told witness that he killed Georgia Jones. Don't think that statement will come in.

THE FOLLOWING MUST BE MY NOTES FOR FIRST TRIAL! CHECK THIS OUT! CHECK FIRST TRIAL REPORTER'S TRANSCRIPT!

viii. Witness Connor's mother

(1) Notes [August 18, 1987: codefendant and defendant rest first trial penalty phase—witness not called by Lasting or Orr]
(2) Rap sheets—see
(3) Statements. Connor was not a witness to murder; Connor was at work.
(4) Direct examination by other defense lawyer.
(5) Cross examination
(a) By the prosecution.
(b) By defendant.

September 22, 2018: I'M NOT GOING TO CALL MITCH EISEN

ix. Eyewitness Identification Expert

(1) Position in narrative
(2) Witness is eyewitness identification expert. Mitch Eisen? No. I don't think I want to call an eyewitness identification expert

(a) Eyewitness identification expert will testify about identification of Willie Clark aka Witness #5 Now Deceased

(b) Connor claims he knew defendant. Can we use eyewitness identification expert to deal with Connor?

(3) Tactics/motions?
(4) Introducer defense
(5) Subpoenaed not applicable
(6) Listed
(7) Testimony witness impeaches (hopefully) Carl Connor and (transcript of) Willie Clark.[32]
(8) References

(a) August 18, 1987: codefendant and defendant rest first trial penalty phase—no eyewitness identification witness called by Lasting or Orr

PENALTY PHASE

4. District Attorney Witnesses Defendant (Allen) Penalty Phase

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32. What about Jelks? Jelks knew defendant and is dead.

a. August 5, 1991

i. Decedents' Families

(1) Notes. Deceased family. Donald Loggins apparently had pager in his glove compartment. Loggins dealt 1 kilo of cocaine a week. Payton Beroit apparently wore pager, 2 marijuana cigarettes. Beroit subject of intensive narcotics investigation.
(2) Rap sheets—see
(3) Statements.
(4) Direct examination by the prosecution.
(5) Cross examination
(a) By codefendant.
(b) By defendant.

b. March 9, 1993

i. Earl Woods

(1) Position in narrative March 9, 1993
(2) Witness is "eyewitness to Chester White murder"
(3) Tactics/motions?[33]

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33. OBJECT IN CASE IN CHIEF! December 16, 1994, indictment alleges *murders of Loggins and Berott* constitute a violation of Penal Code § 190.2(a)(3) which says the penalty for a defendant who is found guilty of murder in the first degree is death or imprisonment in the state prison for life without the possibility of parole if the defendant, *in this proceeding*, has been convicted of more than one offense of murder in the first or second degree. Also, argue district attorney can only show conviction of White murder. Penal Code § 190.2(a)(2) which says the penalty for a defendant who is found guilty of murder in the first degree is death or imprisonment in

(4) Introducer district attorney
(5) Subpoenaed not applicable
(6) Listed by the prosecution February 16, 2012. District attorney also lists June 24, 2013, with district attorney note "eyewitness to Chester White murder."
(7) Testimony: At just before 2 p.m. on March 9, 1993, at 89th and Avalon. Defendant stood over Chester White and shot him 4 or 5 times using an Uzi.
(8) References

(a) June 24, 1993, at 11:54 a.m. Witness statement looks like in police interview room. Video recording at April 3, 2013

(b) May 14, 2013. Disk containing witness interview

(c) July 10, 2013. Notes conference with deputy district attorney Bob. Does district attorney have recent interview of witness? Apparently yes, see above.

(d) February 24, 2014. Bob Royce says I'm going to interview witness tomorrow. He recanted his statement about defendant's involvement in Chester White murder ★ ★

(e) February 26, 2014. Witness statement to Bob Royce in Trial Book. Marked. I heard White being shot. I did not see defendant in area. I removed gun from White. I told police story they wanted because they threatened to take my son ★ ★

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the state prison for life without the possibility of parole if the defendant was *convicted* previously of murder in the first or second degree.

ii. Roderick Lacy aka Lacey

(a) Position in narrative March 9, 1993?
(b) Witness is "eyewitness to Chester White murder."
(c) Tactics/motions?
(d) Introducer district attorney
(e) Subpoenaed not applicable
(f) Listed by the prosecution February 16, 2012. District attorney also lists June 24, 2013, with district attorney note "eyewitness to Chester White murder."
(g) Focus of testimony:. October 4, 1993, I guess witness statement to Zaldivar. Defendant was shooter. Witness testified at trial. Defendant's 1993 murder trial? Cannot identify defendant.
(h) References
(i) July 10, 2013. Notes conference with deputy district attorney Bob. Does district attorney have recent interview of witness? My guess is yes.

iii. Tizano

(1) Position in narrative
(2) Witness is
(3) Tactics/motions?
(4) Introducer district attorney
(5) Subpoenaed
(6) Listed
(7) References

(a) September 16, 1997. District attorney calls witness in penalty phase first trial

c. Batiste

i. Position in narrative December 26, 1994
ii. Witness is
iii. Tactics/motions? Can district attorney prove this without Batiste?
iv. Introducer
v. Subpoenaed
vi. Listed
vii. References

(1) December 26, 1994. Defendant assaults inmate Batiste

(2) July 19, 2013. In penalty phase district attorney will offer evidence defendant assaulted inmate Batiste

(3) October 28, 2013. Memo from Bob Royce. Batiste is housed in Tutwiler, Mississippi.

d. October 1, 1998. Defendant assaults and inmate apparently on death row.

5. (Allen) Defense Witnesses Penalty Phase

HANDLED BY THOSE TWO VAUDEVILLE GREATS LARRY SPERBER AND HOLLY JACKSON

a. Natasha Khazanov

i. Position in narrative
ii. Witness is
iii. Tactics/motions?
iv. Introducer
v. Subpoenaed

vi. Listed
vii. References

(1) November 8, 2013

(2) November 15, 2013

(3) November 16, 2018

b. Rebecca aka Rabicca Allen

i. Position in narrative
ii. Witness is defendant's mother
iii. Tactics/motions?
iv. Introducer
v. Subpoenaed
vi. Listed
vii. References
(1) Witness testifies at first trial she is defendant's mother

c. Robert Douglas

i. Position in narrative
ii. Witness is expert witness concerning gangs, gang psychology, and why defendant did what he had done
iii. Tactics/motions?
iv. Introducer
v. Subpoenaed
vi. Listed
vii. References
(1) Witness testifies at first trial however Douglas had a difficult time qualifying as an expert witness in any areas

d. Witness Llewellyn Woods

i. Notes.
ii. Rap sheets—see
iii. Statements.
(1) I saw the shootem. Defendant was not one of them.
iv. Direct examination by the defense.
v. Cross examination
(1) By the prosecution.
(2) By codefendant.

e. Witness Alexis Marshall

i. Notes.
ii. Rap sheets—see
iii. Statements.
iv. Direct examination by the defense. I saw the shootem and I believe I would have recognized defendant if he was one of them.
v. Cross examination
(1) By the prosecution.
(2) By codefendant.

f. Witness Derek King

i. Notes.
ii. Rap sheets—see
iii. Statements.
(1) I am defendant's younger brother. I saw two black men running. Neither was defendant
iv. Direct examination by the defense.
v. Cross examination
(1) By the prosecution.
(2) By codefendant.

g. Witness James Johnson

i. Notes.
ii. Rap sheets—see
iii. Statements.
iv. Direct examination by the defense.
v. Cross examination
(1) By the prosecution.
(2) By codefendant.

h. Witness

i. Notes. A real psychologist
ii. Statements.
iii. Direct examination by the defense.
iv. Cross examination
(1) By the prosecution.
(2) By codefendant.

i. Witness defendant's Aunt Cindy.

i. Notes.
ii. Rap sheets—see
iii. Statements.
iv. Direct examination by the defense.
v. Cross examination
(1) By the prosecution.
(2) By other defendants.

j. Witness defendant?

(1) Notes.
(2) Rap sheets—see
(3) Statements.
(4) Direct examination by the defense.
(5) Cross examination
(a) By the prosecution.

(b) By other defendants.

6. District Attorney Witnesses *Codefendant* Penalty Phase

a. Shina Parker

i. Position in narrative 1987? 1991?
ii. Witness is
iii. Tactics/motions?
iv. Introducer district attorney
v. Subpoenaed not applicable
vi. Listed? District attorney lists June 24, 2013
vii. References

(1) 1987 or 1991? Witness raped by codefendant. Witness is 8 or 9

b. Emerald Starr Parker

i. Position in narrative June 1991? (Not 1992?)
ii. Witness is not applicable
iii. Tactics/motions?
iv. Introducer district attorney
v. Subpoenaed not applicable
vi. Listed. District attorney lists June 24, 2013
vii. References

(1) June 1991? (Not 1992?) Codefendant allegedly threatened to beat witness (Emerald Starr Parker), age 11, with an extension cord if she would not suck his penis; Witness then orally copulated codefendant. (I also noted this happened "around August 1, 1992")

c. Rachel Bailey

i. Position in narrative 1991 and 1992
ii. Witness is Shina and Emerald Parker's mother
iii. Tactics/motions?
iv. Introducer district attorney
v. Subpoenaed not applicable
vi. Listed? District attorney lists June 24, 2013
vii. References

d. Tashanna Sowell

i. Position in narrative 1992
ii. Witness is
iii. Tactics/motions?
iv. Introducer district attorney
v. Subpoenaed not applicable
vi. Listed? District attorney lists June 24, 2013
vii. Testimony
viii. References

(1) 1992. The prosecution has provided the defense with discovery indicating also in 1992 codefendant raped witness (Tashanna Sowell), age 14. Or is it 13?

e. Denise Darby

i. Position in narrative
ii. Witness is codefendant's wife
iii. Tactics/motions?
iv. Introducer district attorney
v. Subpoenaed
vi. Listed? District attorney lists June 24, 2013
vii. References

f. Witness

i. Notes. Codefendant apparently has "beaten" double murder case # 10827 and murder case # 17913.
ii. Rap sheets—see
iii. Statements.
iv. Direct examination by the prosecution.
v. Cross examination
(1) By codefendant.
(2) By defendant.

g. Witness

i. Notes. What is the ECC murder?
ii. Rap sheets—see
iii. Statements.
iv. Direct examination by the prosecution.
v. Cross examination
(1) By codefendant.
(2) By defendant.

h. Witness Alex Viera aka Tiny

i. References

(1) December 13, 1994 witness says codefendant drove in Holloway murder. I saw codefendant kill Holloway. Codefendant raped and murdered Maria Morales in her house at 914 East 88th Street. She lived next door to Jesse Frierson aka Ya Ya. Codefendant was in car re Mosley murder

i. Evidence codefendant murdered James Stewart, Jr., aka Runt March 31, 1992. See July 19, 2013. In penalty phase district attorney will offer evidence codefendant murdered James Stewart, Jr., aka Runt March 31, 1992.

7. *Codefendant* Witnesses Penalty Phase

DO I CARE? GET LIST FROM VIC/BOB. I'M SURE IT WILL BE HUMONGOUS! AT DECEMBER 23, 2011, SEE FIRST TRIAL DEFENSE CHRONO AND TESTIFIER NARRATIVE.wpd

8. District Attorney Penalty Phase Rebuttal Witnesses