

Police Officer Oates examined by Schroeder:

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1 (WHEREUPON, A SHORT RECESS WAS TAKEN, AFTER WHICH
2 THE FOLLOWING PROCEEDINGS WERE HAD:)

3 THE COURT: THE JURORS ARE PRESENT, COUNSEL ARE
4 PRESENT, THE DEFENDANT IS PRESENT.

5 YOU MAY PROCEED, SIR.

6 MR. SCHROEDER: THANK YOU, YOUR HONOR.

7 Q [REDACTED] ONNEL

8 ARCU [REDACTED] ADDED COMMENTARY [REDACTED] CATED

9 ON T [REDACTED] ADMISSION, ALBEIT WITH RELUCTANCE, THAT THESE

10 Q [REDACTED] TOWEL WAS NOT AT CRIME SCENE WHEN APHED

11 SHEL [REDACTED] OFFICER OATES ARRIVED

12 IT AND THEN CIRCLED IT WITH CHALK?

13 A IN THE GREEN AREA, YES.

14 Q IT'S TO SAY THAT THAT ROOM, DOWN IN THAT END OF THE
15 ROOM WAS PRETTY CROWDED WITH PEOPLE, ISN'T IT?

16
17 Q DO YOU REMEMBER SEEING THE WHITE RAG ON THE FLOOR?

18 PERHAPS IT WOULD BE JUST SO IT'S CLEAR FOR EVERYBODY HERE, THE

19 PHOTOGRAPH BEST REFLECTS IT. IN PEOPLE'S 9-2, THAT PARTICULAR

20 RAG JUST BY THE TELEPHONE, DO YOU REMEMBER SEEING THAT ON THE

21 FLOOR? A AT WHICH TIME, SIR?

22 Q THANK YOU. MORE SPECIFICALLY, WHEN YOU FIRST CAME IN THE

23 ROOM, DO YOU REMEMBER SEEING IT?

24 A NO. THAT PARTICULAR ITEM, I DON'T REMEMBER SEEING THAT

25 THE FIRST TIME I WENT INTO THE ROOM.

26 Q WHEN YOU TESTIFIED ON DIRECT, YOU INDICATED THAT YOU

27 DIDN'T KNOW WHERE IT CAME FROM. THEN LATER WITH FURTHER

28 QUESTIONING AROUND THAT PARTICULAR SUBJECT, YOU SAID THAT

CONTINUED

EXHIBIT

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7 PAGES

1 THOUGHT IT WAS THERE. I WOULD LIKE TO TRY TO CLARIFY THAT A
 2 LITTLE BIT. ARE YOU SAYING THAT YOU THINK IT WAS THERE OR DO
 3 YOU THINK THAT THE MEDICAL PERSONNEL MAY HAVE LEFT IT?

4 A WELL, TO MY BEST BELIEF, IT COULD HAVE BEEN THERE BUT THE
 5 PHONE WAS WHITE, THE CLOTH IS WHITE AND SEEING THE WHITE
 6 OBJECTS, IT COULD HAVE BEEN THERE.

7 Q BASICALLY GETTING BACK TO THIS, CIRCUMSTANCES OF THE
 8 CONTEXT OF YOUR FIRST COMING IN THERE, YOU WERE GETTING
 9 FLEETING IMPRESSIONS. YOU ARE A TRAINED OFFICER, YOU HAVE
 10 BEEN ON THE FORCE 21 YEARS, BUT YOU WERE FOCUSED ON
 11 MR. ALLRED, AND WHEN YOU MAKE REFERENCE TO THE WHITES, THE
 12 TELEPHONE BEING WHITE AND THE RAG BEING WHITE, YOU JUST KIND
 13 OF SENSED THERE WAS SOMETHING WHITE IN THAT PARTICULAR
 14 LOCATION; IS THAT FAIR TO SAY?

15 A YES, CERTAIN ITEMS WOULD STAND OUT TO ME MORE THAN
 16 OTHERS.

18 BY THE TELEPHONE, WHEN YOU INITIALLY SAW IT, YOU THOUGHT IT
 19 WAS SOME TYPE OF FIREARM; DID YOU NOT?

20 A YES, I

21 Q AND LATER AT CLOSER INSPECTION, YOU DETERMINED IT WAS

22 A E

23 Q

24 YOU

25 WHE

26 THI

27 A

28 HAD IT IN HIS HANDS. I HAD PHOTOGRAPHED IT AND I BELIEVE HE

ADDED COMMENTARY

**DEFENSE ATTORNEY (SCHROEDER) COAXES OFFICER
 OATES TO COVER UP EXONERATING FACT THAT THE
 TOWEL WAS BROUGHT TO SCENE BY STATE MEDICS
 -- AFTER LAZOR WAS TAKEN TO JAIL**

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Police Officer Yorks examined by Schroeder:

344

1 THAT YOU LEFT, OR WAS THAT PRESENT AT A LATER TIME WHILE YOU
2

3 A I DON'T KNOW WHERE THAT TOWEL CAME INTO, WHETHER IT CAME
4 IN THE AMBULANCE OR HOSPITAL. I AM NOT POSITIVE.

5 Q DO YOU RECALL SEEING SUCH A TOWEL AS YOU TRAVELED WITH
6 MR. ALLRED IN THE AMBULANCE TO GOOD SAMARITAN HOSPITAL?

7 A THERE WAS A LOT OF EVERYTHING IN THE AMBULANCE AND AT THE
8 HOSPITAL. I CAN'T RECALL WHERE THE TOWEL CAME FROM.

9 Q DO YOU RECALL SEEING THE TOWEL WITH MR. ALLRED AT THE
10 TIME THAT HE WAS TRANSPORTED FROM THE HOUSE TO THE AMBULANCE
11 BY GURNEY?

A I CAN'T RECALL.

12 MR. HAMES: I HAVE NOTHING FURTHER.

13 THE COURT: MR. SCHROEDER?

14 MR. SCHROEDER: ONE OTHER THING.

15 RE-CROSS-EXAMINATION:

16 Q (BY MR. SCHROEDER) DO YOU REMEMBER SEEING A TOWEL OR A
17 WHITE CLOTH ON THE FLOOR OF THE KITCHEN OF THE ROBERTS ROAD
18 RESIDENCE WHEN YOU CAME IN THERE OR ANYTIME WHILE YOU WERE
19 THERE?

A I DON'T RECALL.

21 MR. HAMES: I HAVE NOTHING FURTHER.

22 THE COURT: IS HE EXCUSED, GENTLEMEN?

23 MR. SCHROEDER: YES, YOUR HONOR.

24 ADDED COMMENTARY

25
26 ***CORROBORATING DOUBLE-WITNESS: POLICEMAN YORKS***
27 ***ALSO DID NOT RECALL THE TOWEL BEING AT THE***
28 ***SCENE***

Police Officer Campos examined by Schroeder:

507

1 DEFENSE A; IS THAT RIGHT? A. YES.

2 Q NOW. DO YOU KNOW WHETHER OR NOT THE PHOTOGRAPH IN
3 PEC [REDACTED] ING

4 THE [REDACTED] THE
5 Q [REDACTED] THE

6 NUM [REDACTED] IN

7 PEOPLE'S -- OR IN DEFENSE A? DID YOU TELL THEM TO PUT THAT
8 THERE?

9 A I DON'T RECALL THAT I DID, NO.

10 Q IS IT NORMAL PROCEDURE TO PLACE A CHALK NUMBER NEXT TO

11
12 A YES.

13 Q SO IT'S OUT OF THE ORDINARY, THE ORDINARY NORMAL WAY THAT
14 YOU DO THINGS TO ACTUALLY TAKE A PIECE OF PAPER AND LEAN IT UP
15 AGAINST A PIECE OF EVIDENCE; IS THAT CORRECT?

16 A NORMALLY, THEY HAVE -- THERE IS CARDBOARD SECTIONS THAT
17 ARE NUMBERED THAT YOU CAN USE, BUT AT THAT TIME AT THE CRIME
18 SCENE, THERE WERE NONE TO BE USED SO THAT'S WHY THE CHALK WAS
19 USED.

20 Q EXCEPT IN THE CASE OF NUMBER 10?

21 A YES.

22 Q NOW, YOU NOTICE THAT THE RAG THAT IS SHOWN IN BOTH THOSE
23 PHOTOGRAPHS, THE WHITE RAG WITH THE RED SPOTS ON IT WHICH YOU
24 PRESUME TO BE BLOOD? A YES.

25 Q DID YOU IN ANY WAY MEASURE THAT RAG'S RELATIVE POSITION
26 IN THE MANNER THAT YOU DID ALL THE OTHER ITEMS THAT WERE
27 THERE? A NO, I DID NOT.

28 Q ANY PARTICULAR REASON YOU DID NOT MEASURE THE RAG, I MEAN

CONTINUED

K-4

...AND...

1 MEASURE ITS POSITION?

2 A AT THE TIME, IT WAS MY BELIEF THAT IT WAS USED IN PART TO
3 AID MR. ALLRED.

4 Q YOU DIDN'T KNOW, THAT WAS AN ASSUMPTION ON YOUR PART,
5 WASN'T IT? A YES.

6 Q WOULD IT BE FAIR TO SAY, THEN, IT WAS JUST AN OVERSIGHT
7 ON YOUR PART THAT YOU DIDN'T CONSIDER THAT POSSIBILITY AND,
8 THEREFORE, YOU DIDN'T MEASURE IT?

9 A I DIDN'T CONSIDER IT AN OVERSIGHT. WE KNEW IT WAS THERE
10 BUT AT THE TIME, I DIDN'T THINK IT WAS THAT IMPORTANT.

11 Q WELL, DID OFFICER OATES -- HE WAS THE FIRST ONE ON THE
12 SCENE AND HE MORE OR LESS TOLD YOU WHERE TO LOOK FOR VARIOUS
13 THINGS BECAUSE HE RECONNOITERED THE SCENE INITIALLY, DIDN'T
14 HE? A YES.

15 Q DID HE TELL YOU THAT THE RAG WAS THERE WHEN HE FIRST CAME
16 IN?

17 A I BELIEVE SO. I DON'T RECALL.

18 Q BUT BASED UPON -- YOU SAID YOU BELIEVED SO SO I HAVE TO
19 ASSUME THAT AT LEAST YOUR BEST RECOLLECTION IS THAT HE DID SAY
20 SOMETHING ABOUT THAT?

21 A WELL, IT WAS THERE, BUT I DON'T RECALL WHAT HE HAD SAID
22 IN REFERENCE TO THAT.

23 Q HE DIDN'T IN ANY WAY -- I WOULD ASSUME HE DIDN'T TELL YOU
24 WE SHOULD MEASURE THE RAG. OTHERWISE, YOU WOULD HAVE DONE IT,
25 FAIR?

26 A (WITNESS NODS HEAD UP AND DOWN.)

27 Q YOU DID, HOWEVER, COLLECT THE RAG, DIDN'T YOU, AS A PIECE
28 OF EVIDENCE? A I DON'T BELIEVE SO, NO.

1 Q SO AS FAR AS YOU KNOW, IT WAS JUST LEFT THERE?

2 A YES.

4 NO. 6 UP THERE FROM THAT EAST COMMON WALL?

5 A THE PANTRY?

6 Q DID YOU MEASURE THE DISTANCE OF IT FROM THE WALL,
7 ITSELF? A NO.

8 Q

9 TH

10 BA

11 TH

12 A

13 Q

14 IT LED INTO THE ROOM OF THE PANTRY-OFFICE?

15 A YES.

16 Q IN FACT, IT LED INTO THE -- THAT DESK OR DRESSER-TYPE
17 AREA IN THE PANTRY-OFFICE, DIDN'T IT?

18 A IT WAS A CABINET, I GUESS, AREA IT LED INTO, YES.

19 Q THAT WAS THE AREA WHERE THERE WAS SOME TELEPHONE BOOKS
20 STACKED AND A FEW THINGS LIKE THAT?

21 A YES.

22 Q AND IN FACT, THERE WAS A DOOR, LIKE A CABINET DOOR WHERE
23 THE CORD ACTUALLY COULD BE FOLLOWED; IS THAT CORRECT?

24 A YES.

25 Q AND THAT DOOR WAS OPEN; DO YOU RECALL THAT?

26 A THAT, I DON'T RECALL.

27 MR. SCHROEDER: MAY I HAVE JUST A MOMENT, YOUR
28 HONOR?

ADDED COMMENTARY

*...AND THE TOWEL WAS NOT CONSIDERED TO BE
"EVIDENCE." WHY ELSE WOULD THIS BE, EXCEPT
THAT ALL POLICE KNEW IT WAS BROUGHT BY THE
MEDICS AFTER LAZOR WAS TAKEN TO JAIL*

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Police Officer Campos examined by Schroeder:

513

1 IN THOSE PHOTOGRAPHS, DO YOU NOTICE THAT THERE IS A DIFFERENCE
2 IN THE CONFIGURATION OF THE RAG AS IT LAYS THERE ON THE FLOOR?

3 A EXCEPT FOR THE DIFFERENT ANGLES OF THE PHOTOGRAPH, I
4

5 Q SPECIFICALLY DIRECTING YOUR ATTENTION TO THIS PHOTOGRAPH
6 9-3, PEOPLE'S 9-3, SPECIFICALLY DIRECTING YOUR ATTENTION TO
7 TWO SLOTTCHES OF BLOOD ON THE LOWER EDGE OF THE -- OR TWO RED
8 SLOTTCHES APPEARING TO BE BLOOD ON THE LOWER EDGE OF THAT RAG,
9 DO YOU NOTE THAT THERE IS NOT IN FACT THE SAME TWO SLOTTCHES
10 IN THE UPPER PHOTOGRAPH, WHICH IS PEOPLE'S 9-1?

11 A AGAIN, BECAUSE OF THE ANGLE --

12 Q THE QUESTION I HAVE IS DO YOU NOTICE THAT THERE IS A
13 DIFFERENT -- THAT THE TWO SLOTTCHES DON'T EXIST IN 9-1 -- THEY
14 ARE NOT IN THAT POSITION, I SHOULD SAY, IN 9-1 BUT THEY ARE IN
15 9-3? A YES.

16 Q I WANT TO CLARIFY. DID YOU, YOURSELF, EVER PICK UP THAT
17 RAG OR MOVE IT AROUND DURING THE TIME THAT THE PHOTOGRAPHS
18 WERE BEING TAKEN? A NO.

19 Q DID YOU EVER SEE OFFICER JATES DO THAT?

20 A I DON'T RECALL.
21

22 YOU DON'T REALLY REMEMBER WHETHER OR NOT THAT DOOR, THE
23 CABINET DOOR IN THE PANTRY AREA -- IT WOULD BE THIS AREA HERE
24

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ADDED COMMENTARY

**MORE EVIDENCE OF POLICE TAMPERING, REPOSITION-
ING OR PLANTING THE TOWEL TO PHOTOGRAPH AT SCENE.
(A CONCEALED FACT UNTIL LAZOR FORCED THE PROBING,
BUT WAS THEREAFTER AGAIN DENIED AND COVERED UP)**

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