

Schroeder to judge in chambers with prosecutor present:

1 PREJUDICE SO THAT WE MAY GO FORWARD AND NOTIFY THE APPROPRIATE
2 PARTIES.

3 I DO BELIEVE THAT AS I
4 STATED OFF THE RECORD YESTERDAY, THE PROPERTY IN QUESTION IS
5 HIGHLY UNIQUE IN ITS CONFIGURATION. I HAVE LOOKED AT ALL THE
6 PHOTOGRAPHS. I UNDERSTAND THERE IS A VIDEOTAPE. I HAVEN'T
7 SEEN THAT, BUT I AM FAMILIAR WITH THE VIDEOTAPE PROCESS. IT'S
8 MY STRONG BELIEF IN THIS CASE THAT A VIDEOTAPE AND CERTAINLY
9 THE PHOTOGRAPHS, WHICH I HAVE ALREADY LOOKED AT INNUMERABLE
10 TIMES, ARE NOT ADEQUATE TO PROPERLY REFLECT THE APPEARANCE OF
11 THIS STRUCTURE. THE RANGES AND POSITIONS IN THIS CASE -- BY
12 "RANGES", I MEAN DISTANCES -- AS FAR AS WHERE MY CLIENT MAY
13 HAVE BEEN STANDING AND WHERE MR. ALLRED MAY HAVE BEEN STANDING
14 I THINK IS HIGHLY SIGNIFICANT IN THIS CASE. IF WE ARE PUT IN
15 A POSITION WHERE THE HOUSE WERE TO BE DESTROYED DUE TO
16 IMPROVEMENT OF THE PROPERTY, WE WOULD BE PREVENTED, I FEEL,
17 FROM AN IMPORTANT PIECE OF EVIDENCE BEING PRESENTED

ADDED COMMENTARY

*OUTSIDE THE JURY'S PRESENCE, SCHROEDER
ADMITS DESTRUCTION OF THE CRIME SCENE
WOULD RUIN THE DEFENSE CASE; KNOWING
IT WAS DESTROYED MONTHS EARLIER BY THE
PROSECUTOR*

19
20 PRO' AND
21 AUT' T THE
22 COUR F THE
23 SCEN 4 FOR
24 THE SONAL
25 PROPERTY TO BE SEIZED AND HELD BY THE POLICE: MONEY,
26 AUTOMOBILES, VARIOUS THINGS THAT ARE CONSIDERED TO BE
27 CONTRABAND THAT WOULD NOT INTRINSICALLY NECESSARI
28 CONTRABAND AND BE HELD UNTIL THE -- DURING THE PENDENCY

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EXHIBIT
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31 PAGES

Prosecutor to judge in chambers with Schroeder present:

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ADDED COMMENTARY
*PROSECUTOR LIES TO THE COURT ABOUT PRE-
CISE MEASUREMENTS, KNOWING THERE WERE
NONE; THAT ALL WERE FRAUDULENTLY KEPT
ELASTIC SO THEY COULD BE FLEXED TO FIT
HIS FABRICATIONS*

ADDED COMMENTARY
*THE "BEST POSSIBLE PICTURE" TO THE JURY --
SPEAKS FOR ITSELF, IN LIGHT OF ALL ELSE*

ONE, I CAN STATE THE PROPERTY IS STILL STANDING. I KNOW
OF NO INTENTION AT THIS TIME TO HAVE THE PROPERTY DESTROYED,

NUMEROUS PHOTOGRAPHS HAVE BEEN TAKEN OF THAT PROPERTY BY BOTH
COUNSEL AND BY THE PEOPLE. BESIDES THE PHOTOGRAPHS, DIAGRAMS
WITH PRECISE MEASUREMENTS HAVE BEEN TAKEN BY THE POLICE AND A
VIDEOTAPE HAS ALSO BEEN MADE OF THE PARTICULAR PROPERTY IN
QUESTION.

FURTHERMORE, COUNSEL AS WELL AS MYSELF HAVE VISITED THE
PROPERTY NUMEROUS TIMES. WE ARE BOTH AWARE OF THE DIMENSIONS
AND THE LAYOUT OF THE HOUSE FOR PURPOSES OF PRESENTING THE
BEST POSSIBLE PICTURE TO THE JURY. I THINK IN LIGHT OF THOSE
ARGUMENTS, YOUR HONOR, THE MOTION BY THE DEFENDANT SHOULD BE
DENIED.

MR. SCHROEDER?

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Schroeder to judge in chambers with prosecutor present:

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2 PREC
3 ADDR
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5 THERE
6 IS LINOL

ADDED COMMENTARY

SCHROEDER HELPS THE PROSECUTION BY REFUSING TO EXPOSE THAT ALL THEIR MEASUREMENTS WERE FABRICATED -- WHILE PRETENDING TO DEFEND LAZOR'S CASE

12

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ND

RE

7 THE ISSUE AND THE CONCERN THAT I HAVE IS THE
8 EXTREMELY CLOSE PROXIMITY OF THE ROOM IN QUESTION, WHICH WE
9 DESIGNATED YESTERDAY AS A PANTRY-OFFICE, IN RELATIONSHIP TO
10 THE KITCHEN. IT IS -- I THINK I CAN REPRESENT FOR MYSELF WHEN
11 I WENT THERE, I WAS EXTREMELY SURPRISED. HAVING LOOKED AT ALL
12 THE PHOTOGRAPHS, HAVING LOOKED AT ALL THE DIAGRAMS THAT
13 MR. HAMES ALLUDES TO THAT GIVE PRECISE MEASUREMENTS, I WAS
14 EXTREMELY SURPRISED WHEN I WAS THERE PERSONALLY AND I SAW IT.

15 FROM OUR POSITION, IT'S THE -- IT'S THAT PROXIMITY AND
16 THE CLOSENESS THAT IS AN IMPORTANT ISSUE IN THIS CASE. THE
17 POSITION OF FURNITURE, THAT TYPE OF THING, HAS NOTHING TO DO
18 WITH WHAT WE ARE ARGUING ABOUT. WE ARE SIMPLY ARGUING ABOUT
19 CLOSE PROXIMITY, AND I DON'T BELIEVE THAT THE PHOTOGRAPHS GIVE
20 A CLOSE REFLECTION OF THAT BECAUSE IT'S THE NATURE OF
21 PHOTOGRAPHY TO GIVE PERCEPTIONS AND DEPTHS OF FIELD THAT ARE
22 SOMETIMES DIFFERENT THAN YOU WOULD HAVE IN PERSON,

23 THE SAME
24 CONDITION THAT IT WAS AT THE TIME THAT THE INCIDENT OCCURRED.

25 MR. HAMES: YOUR HONOR, I WOULD AGREE WITH COUNSEL
26 TO THE EXTENT THAT THE HOUSE IS NOT IN THE SAME CONDITION. I
27 BELIEVE BOTH COUNSEL AND MYSELF WERE LAST AT THE HOUSE --
28 MR. SCHROEDER CAN CORRECT ME IF I AM WRONG -- ON THE 29TH OF

00-3

Prosecutor to judge in chambers with Schroeder present:

13

1 JULY, WHICH I BELIEVE WAS A FRIDAY AFTERNOON, AT APPROXIMATELY
2 4:00 IN THE AFTERNOON. AT THAT PARTICULAR TIME, WE DID
3 DISCOVER THAT THERE IS A FAMILY IN FACT LIVING IN THE HOUSE.

4 THE

5 THE

6 THE

7 REP

8 WIL

9 WIL

10 BEE

11 THEREIN. A CABINET DOOR, WHICH HAS BEEN SEIZED AND PLACED
12 INTO EVIDENCE AND PHOTOGRAPHED, IS NO LONGER THERE. THE DOOR
13 BETWEEN THE KITCHEN AND THE PANTRY HAS BEEN REMOVED, AND THERE
14 IS IN FACT NO DOOR BETWEEN THOSE TWO AREAS. THE SUBSTANTIAL
15 AMOUNT OF FURNITURE, DEBRIS, ODDS AND ENDS, WHAT HAVE YOU THAT
16 WAS LOCATED WITHIN THE PANTRY AREA HAS BEEN REMOVED. THE
17 VARIOUS LOCKS THAT WERE WITHIN THE PANTRY AREA, ITSELF, HAVE
18 BEEN REMOVED, AND A LOT OF VERY CRITICAL THINGS THAT HAVE IN
19 FACT BEEN PRESERVED BY THE POLICE ARE NO LONGER PRESENT AS OF
20 TODAY'S DATE.

21 AND, AGAIN, I WOULD STRESS TO

22 PRECISE MEASUREMENTS

23 HAVE BEEN TAKEN BY THE HOMICIDE TECHNICAL EVIDENCE CREW FOR
24 THE LOS GATOS POLICE DEPARTMENT. THEY HAVE BEEN RECORDED,
25 THEY HAVE BEEN PRESENTED TO COUNSEL FOR HIS REVIEW.

26
27 TROUBLES THE COURT AND THE COURT, SITTING AS A CRIMINAL TRIAL
28 DEPARTMENT, DOES NOT HAVE UNFETTERED AND UNLIMITED

00-4

Police Officer Oates examined by Schroeder:

264

1 ROOM BUT IT WAS UP AGAINST THE EASTERLY SIDE OF THE ROOM -- I
2 SHOULD SAY AGAINST ARTICLES THAT WERE ON THE EASTERLY SIDE OF
3 THE ROOM; IS THAT CORRECT?

4 A I DON'T REMEMBER WHETHER OR NOT I COULD WALK ALL THE WAY
5 AROUND THEM, BUT THEY WERE ON MY LEFT SIDE AS I ENTERED.

6 Q OKAY. SO AS YOU ENTERED THE ROOM, THEY WERE ON YOUR LEFT
7 SIDE; IS THAT RIGHT? A THAT'S RIGHT.

8 Q SO YOU WENT AROUND THE RIGHT OF THE CHAIR, RIGHT?
9 CORRECT, I SHOULD SAY.

10 A BETWEEN THE ARTICLES AND THE WALL.

11 Q

12 BECAU

13 A

14 MANNE

15 (INDI

16 THAT WAY.

17 Q SO YOU WENT IN EFFECT TO YOUR RIGHT AS YOU WENT IN?

18
19 Q RIGHT. NOW, THERE IS A LINE ON THIS DRAWING WHICH WOULD
20 BE THE WESTERLY WALL, THIS LINE RIGHT HERE (INDICATING). THIS
21 DRAWING, OF COURSE YOU DIDN'T MAKE THIS DRAWING, OFFICER
22 CAMPOS DID, CORRECT? A THAT'S RIGHT.

23 Q BUT BASED UPON YOUR HAVING BEEN IN THAT ROOM, IT'S FAIR
24 TO SAY, IS IT NOT, THAT THIS LINE HERE REPRESENTING A WALL IS
25 HIGHLY OUT OF PROPORTION, THE WALL IS NOWHERE NEAR THAT LONG;
26 ISN'T THAT CORRECT? IT'S A FAIRLY SHORT WALL; IS IT NOT? I
27 AM NOT ASKING FOR THE SPECIFIC DIMENSIONS.

28 A YES, I MIGHT HAVE A TENDENCY TO AGREE WITH YOU ON THAT,

ADDED COMMENTARY
*A RELUCTANT BUT CERTAIN CONCESSION BY
A POLICE OFFICER, OF CRIME SCENE MEAS-
UREMENTS BEING GROSSLY WRONG*

CHAIR.
IN A
HERE
ROOM

Police Officer Oates examined by Schroeder:

269

1 13.

2 TO CLARIFY THIS, PERHAPS THIS CAN CLEAR UP THE POINT.
3 FOR THE RECORD, YOU HAVE HAD A CHANCE TO READ IT OVER,
4 CORRECT?

5 A UH-HUH, THAT'S CORRECT, I HAVE.

6 Q

7 PHONI

8 A

9 RECA

10 Q

11 RECE

12 A

13 Q

14

15 Q NOW, WHEN THE EMERGENCY PERSONNEL WERE IN THE ROOM, THERE
16 WERE ABOUT FIVE OR SIX PEOPLE IN THERE BESIDES YOURSELF AND
17 MR. ALLRED; WERE THERE NOT? A YES, THERE WERE.

18 Q AND THIS ROOM IS APPROXIMATELY SIX FEET WIDE; IS IT NOT?

19 A I AM NOT SURE WHAT THE DIMENSIONS ARE WITHOUT LOOKING AT
20 THE --

21 Q I REALIZE THAT OFFICER CAMPOS DID THE MEASUREMENTS, BUT
22 JUST FROM YOUR MEMORY THINKING ABOUT THE ROOM, WOULD IT BE
23 FAIR TO SAY THAT IT WAS MAYBE SIX TO SIX AND A HALF FEET WIDE
24 IF YOU KNOW? IF YOU DON'T, --

25 A SIX FEET WOULD BE A NARROW ROOM. I WOULD SAY MORE THAN
26 THAT.

27 Q I KNOW. ALL RIGHT. AND THE ROOM IS OBVIOUSLY LONGER
28 THAN IT IS WIDE, IT'S A RECTANGLE?

ADDED COMMENTARY
THIS POLICE OFFICER TRIED TO HONESTLY REFUTE THE LIE THAT THE ROOM THE ATTACKER WAS SHOT IN WAS ONLY 6 FEET WIDE; WHILE SCHROEDER CONTENDED WITH HIM AGAINST LAZOR'S INTERESTS, AND LEFT THE ISSUE UNRESOLVED. IT WAS QUITE WIDER THAN 6 FEET -- AN ISSUE CRITICAL TO THE VERDICT

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ED

Police Officer Campos examined by prosecutor:

349

1 HAD TO BE PICKED UP AND THEY ARE SMALL IN SIZE, THAT IS WHAT
2 WE USE THEM FOR.

3 MR. HAMES: YOUR HONOR, AT THIS TIME I HAVE A
4 DIAGRAM. I WOULD ASK THAT THIS BE MARKED AS PEOPLE'S 11 FOR
5 IDENTIFICATION.

ADDED COMMENTARY

6
7 THE FACT THAT NOTHING WAS TO SCALE,
8 ALLOWED DRAWINGS THAT WERE SO OUT OF PRO-
9 PORTION, THEY WERE TOTALLY "MANUFAC-
10 TURED" TO FIT THE STATE'S FABRICATED
11 MURDER CASE INTO

THAT

3.

ON.

12 (WHEREUPON, THE ABOVE-MENTIONED ITEM, A DIAGRAM, WAS
13 RECEIVED AND MARKED AS PEOPLE'S EXHIBIT NO. 11 FOR
14 IDENTIFICATION.)

15
16 MARKED FOR IDENTIFICATION, WAS RECEIVED AND MARKED AS PEOPLE'S
17 EXHIBIT NO. 10 IN EVIDENCE.)

18 Q (BY MR. HAMES) OFFICER CAMPOS, REFERRING TO PEOPLE'S
19 11, THE DIAGRAM THAT'S NOW ON THE BOARD, IS THAT A DIAGRAM
20 THAT YOU PREPARED? A YES, I DID.

21 Q AND FOR THE CLARIFICATION OF THE JURY, IS THAT DIAGRAM TO
22 SCALE? A NO, IT'S NOT.

23 Q REFERRING TO PEOPLE'S 1, WHICH IS TO THE LEFT OF PEOPLE'S
24 11, DID YOU LIKEWISE PREPARE THAT DIAGRAM?

25 A YES, I DID.

26 Q AND IS THAT DIAGRAM TO SCALE?

27 A NO, IT'S NOT.
28

00-7

Police Officer Campos examined by prosecutor:

1 GO BACK TO DIAGRAM NO. 1, AND WOULD YOU INDICATE TO THE JURY,
2 PLEASE, WHAT DIAGRAM NO. 1 REPRESENTS?

3 A THAT'S JUST AN OVERALL VIEW OF THE INTERIOR OF THE
4 RESIDENCE AS IF YOU WERE LOOKING FROM THE TOP OF THE RESIDENCE
5 LOOKING DOWN INSIDE.

6 Q AND IN THE CASE OF PEOPLE'S 11, THE SECOND DIAGRAM, IS IT
7 DRAWN TO SCALE?

8 A NO, IT'S NOT, BUT IT IS SIMILAR TO THE SAME SIZE AS THE
9 SKETCH OF NUMBER 1 SKETCH.

10
11 1, THE

12 PORTIO

13 RESIDE

14 Q A

15 A Y

16 Q N

17 FURNIT

18 A YES.

19 Q AND WHAT DOES THAT INDICATE, PLEASE?

20 A A BED.

21 Q UH-HUH. WAS THERE ANY OTHER FURNITURE IN THAT BEDROOM
22 OTHER THAN WHAT'S BEEN SHOWN ON THE DIAGRAM?

23 A NO, EXCEPT FOR JUST CLOTHING WHICH WAS SCATTERED INSIDE
24 THE BEDROOM.

25 Q ALL RIGHT. DID YOU SEE ANY NAMES ON THE WALLS WITHIN
26 THAT BEDROOM? A I DON'T RECALL ANY.

27 Q NOW, REFERRING TO THE LOWER PORTION OF THE DIAGRAM, THE
28 SOUTHEAST PORTION, YOU'VE INDICATED A SECOND BEDROOM OR A

AND

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OF

T?

ADDED COMMENTARY

ALL DIAGRAMS WERE MANUFACTURED OUT OF PROPORTION, WITH NO NEXUS TO THE FACTUAL CRIME SCENE LAYOUT. ONLY A CONCOCTED PICTURE WAS POSSIBLE FOR THE JURY TO CONCEPTUALIZE

Police Officer Campos examined by prosecutor:

359

1 GOLD IN COLOR.

2 Q OKAY. AND DOES IT SHOW ITS APPROXIMATE LOCATION OR HAD
3 THE CHAIR BEEN MOVED?

4 A NO, THE CHAIR HAD NOT BEEN MOVED.

5 Q AND SHOWING YOU PHOTOGRAPH 2-C, WHICH IS THE NORTHEAST
6 CORNER OF THE PANTRY, DOES THAT SHOW ANOTHER VIEW OF THE SAME
7 CHAIR?

A YES, IT DOES.

8 Q AND DO YOU SEE WITHIN EITHER THE FIVE PHOTOGRAPHS BEFORE
9 YOU, 12-A THROUGH -D AND PEOPLE'S 9-7, THE LAUNDRY BASKET WITH
10 THE ITEMS AS DESCRIBED WITHIN?

11 A NO. THE LAUNDRY BASKET WAS LOW SO IF YOU WERE TAKING THE
12 OVERALL PICTURE OF THE PANTRY, YOU WOULDN'T SHOW IT.

13 THE COURT: MR. HAMES, I NOTE THE HOUR IS 10:30. IS
14 THIS

ADDED COMMENTARY

*THE JURY WERE ONLY TOLD THAT SELECTED
DIAGRAMMED AREAS WERE "NOT TO SCALE" --
NEVER REALIZING THE IMPORTANCE THAT IT
PERMITTED FABRICATION OF A WHOLE FALSE
MURDER STORY OF SUPPOSED TRUE "FACTS"*

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17 MORNING
18 HEED

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ICH

19
20 THE FOLLOWING PROCEEDINGS WERE HAD:)

21 THE COURT: THE TRIAL RECORD WILL SHOW THAT ALL
22 JURORS ARE PRESENT, COUNSEL ARE PRESENT, THE DEFENDANT IS
23 PRESENT, THE COURT HAS RESUMED THE STAND.

24 PLEASE PROCEED.

25
26 Q (BY MR. HAMES) OFFICER CAMPOS, I WOULD LIKE TO REFER YOU
27 NOW TO A DIAGRAM NO. 11 WHICH HAS BEEN MARKED FOR
28 IDENTIFICATION. YOU PREVIOUSLY INDICATED THAT YOU PERSONALLY

CONTINUED

00-9

Police Officer Campos examined by prosecutor:

1 PREPARED THAT DIAGRAM AND THAT DIAGRAM WAS NOT PREPARED TO
2 SCALE; IS THAT CORRECT? A YES.

3 Q AND THAT PARTICULAR DIAGRAM ONLY SHOWS THE KITCHEN AND
4 PANTRY AREA OF THE RESIDENCE KNOWN AS 16935 ROBERTS ROAD; IS
5 THAT CORRECT? A YES.

6 Q NOW, YOU HAVE INDICATED ON THE DIAGRAM CERTAIN
7 MEASUREMENTS AS RELATES TO THOSE TWO AREAS, THE KITCHEN AND
8 THE PANTRY; IS THAT CORRECT? A YES.

9 Q I WOULD LIKE TO REVIEW THOSE WITH YOU AT THIS TIME.

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ADDED COMMENTARY

THE KITCHEN AND SO-CALLED "PANTRY" (MR. LAZOR'S BEDROOM) WERE THE WHOLE CRIME SCENE

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GOING

Q AND WHAT WAS THAT MEASUREMENT?

A 6 FEET.

Q AND THAT'S FROM WALL TO WALL; IS THAT CORRECT?

A YES.

Q AND DID YOU PERSONALLY TAKE THE WIDTH OF THIS PANTRY AREA
GOING -- EXCUSE ME -- THE LENGTH GOING FROM NORTH TO SOUTH AND
AGAIN FROM WALL TO WALL? A YES.

Q AND THAT LENGTH MEASUREMENT?

A IT WOULD BE 8 FEET 10 INCHES.

Q NOW, REFERRING TO THE DOORWAY THAT LEADS FROM THE PANTRY
TO THE OUTSIDE OF THE HOUSE, DID YOU TAKE A MEASUREMENT OF
THAT PARTICULAR DOORWAY ENTRANCE? A YES, I DID.

CONTINUATION

Police Officer Campos examined by prosecutor:

364

1 A YES, IT IS.

2 Q AND MORE SPECIFICALLY, THE DIAGRAM IS PAYING PARTICULAR
3 ATTENTION TO THE KITCHEN AND PANTRY AREA; IS THAT CORRECT?

4 A YES.

5 Q NOW, REFERRING TO PEOPLE'S 13, I OBSERVE TWO ADDITIONAL
6 MEASUREMENTS WITHIN THE KITCHEN AREA, ONE AGAIN SHOWING THE
7 WIDTH OF THE KITCHEN AND ANOTHER SHOWING THE LENGTH OF THE
8 KITCHEN; IS THAT CORRECT? A YES.

9 Q AND THE TWO MEASUREMENTS, THE LENGTH AND THE WIDTH, ARE
10 DIFFERENT THAN THE LENGTH AND THE WIDTH AS SHOWN ON PEOPLE'S
11 11; IS THAT CORRECT? A YES, THEY ARE.

12 Q NOW, YOU HAD INDICATED 8 FEET 9 INCHES FOR THE WIDTH OF
13 THE KITCHEN AND 16 FEET 8 INCHES FOR THE LENGTH OF THE KITCHEN
14 GOING FROM WALL-TO-WALL IN EACH CASE ON DIAGRAM 11; IS THAT
15 CORRECT? A YES.

16 Q NOW, RETURNING TO DIAGRAM NO. 13, YOU HAVE SMALLER OR
17 SHORTER MEASUREMENTS; IS THAT CORRECT?

18 A YES, I DO.

19 Q REFERRING NOW TO THE DIAGRAM MARKED PEOPLE'S 13, YOU HAVE
20 LISTED AS THE LENGTH OF THE KITCHEN A CERTAIN FIGURE; IS THAT
21 CORRECT? A YES.

22 Q AND DID YOU PERSONALLY MEASURE THAT FIGURE?

23 A YES.

24 Q AND WHAT IS THAT MEASUREMENT, PLEASE?

25 A 14 FEET 10 INCHES.

26 Q AND WOULD YOU INDICATE WHAT IS BEING MEASURED AS IT
27 RELATES TO THE KITCHEN TO ARRIVE AT THAT 14 FEET 10 INCH
28 FIGURE?

CONTINUED

00-12

1 A THAT WOULD BE -- STARTING AT THE NORTH -- NORTHERN
 2 FURTHER CORNER. THAT WOULD BE AT A LINE WITH THE KITCHEN SINK
 3 CABINET AREA OF THE WALL, THEN GOING SOUTH ALL THE WAY DOWN TO
 4 THE SOUTH WALL.

5 Q OKAY. SO WHAT YOU HAVE NOT TAKEN INTO ACCOUNT, THEN, IS
 6 THE COUNTER AREA BACK TO THE NORTHERN WALL?

7 A THAT'S CORRECT.

8 Q OKAY. NOW, AS IT RELATES TO THE WIDTH OF THE KITCHEN,
 9 YOU HAVE INDICATED A DIFFERENT MEASUREMENT AS IT RELATES TO
 10 THIS DIAGRAM; IS THAT CORRECT? A YES.

11 Q AND WHAT IS THE WIDTH OF THE KITCHEN THAT YOU HAVE
 12 LISTED?

13 A 6 1/2 FEET.

14 Q AND WOULD YOU INDICATE HOW YOU ARRIVED AT THAT
 15 MEASUREMENT?

16 A ON THE DOTTED LINE, IF YOU CAN IMAGINE A PROLONGATION
 17 LINE, IMAGINARY LINE STRAIGHT FROM THE CABINET AREA FROM THE
 18 WEST WALL, MEASURED FROM THAT POINT TO THE EAST WALL, IT WOULD
 19 BE THAT: 6 1/2 FEET.

21 SOME

22 FROM

23 THAT

24

25 Q

26 PHOTC

27 FIRS

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TWO

13.

OND

PHOTOGRAPH WILL BE PEOPLE'S 9-11 INTO EVIDENCE. SHOWING YOU

ADDED COMMENTARY

*THIS CONTRADICTS OTHER POLICE TESTIMONY
 OF MEASUREMENTS; SO THE WHOLE CRIME
 SCENE FOUNDATION WAS CONSTRUCTED OF GIB-
 BERISH AND CONFUSION, FLEXIBLY MOLDABLE
 TO THE MANUFACTURED MURDER STORY*

Police Officer Campos examined by prosecutor:

405

1 Q SO YOU MEASURED NO. 7 GOING SOUTH TO THE REAR KITCHEN
2 WALL? A YES.

3 Q AND DID YOU TAKE A MEASUREMENT AS TO HOW FAR THOSE TWO
4 CARTRIDGES WERE TO THE EAST PANTRY WALL?

5 A YES.

6 Q AND THAT MEASUREMENT?

7
8 Q GOING TO NO. 8 ON THE DIAGRAM, THE METAL CABINET DOOR
9 WITH THE APPARENT BULLET HOLE WITHIN, DID YOU MEASURE THE
10 ENTRANCE OF WHAT APPEARS TO BE A BULLET HOLE TO THE EAST WALL
11 OR THE EAST PANTRY WALL? IN OTHER WORDS, FROM NO. 8 ON THE
12 DIAGRAM TO THE EAST PANTRY WALL?

13 A YES, I DID.

14 Q AND THAT DISTANCE, PLEASE?

15 A IT WOULD BE 6 FEET.

16 Q 6 FEET EXACT?

A YES.

18 DISCI

19 MEAS

20 NORTH

21 Q

22 A

23 Q

24 PANTR

25 Q

26

27 Q NOW, AS IT RELATES TO THE TELEPHONE, NO. 10, AND THE BB

28 GUN, NO. 4, YOU HAVE THE BB GUN IN FRONT OF THE TELEPHONE ON

ADDED COMMENTARY
*THIS "6 FEET" WAS AN EASILY-PROVABLE
FABRICATION THAT ALLOWED THE MANUFACTURE
OUT OF THIN AIR, OF A FALSE POSITION OF
THE ATTACKER, THE SHOOTER, THE FIRED
BULLETS, SPENT SHELLS, GUN POSITIONS,
AND OTHER EVIDENCE DURING AND AFTER
THE SHOOTING*

CONTINUED

00-14

1 THE DIAGRAM, ISN'T THAT CORRECT, OR FURTHER FROM THE NORTH
2 KITCHEN WALL; IS THAT CORRECT? A YES.

3 Q NOW, THE PHOTOGRAPH OF THE ITEMS SHOW DIFFERENTLY; ISN'T
4 THAT CORRECT? A YES, IT IS.

5 Q BECAUSE THERE HAS BEEN SOME SORT OF MISTAKE AS TO YOUR
6 MEASUREMENTS AS IT RELATES TO ITEM 10, TELEPHONE, AND TO
7 ITEM 4, THE BB GUN? A YES.

8 Q AND WOULD YOU EXPLAIN WHAT MISTAKE WAS MADE?
9 A ON THE ORIGINAL CRIME SCENE SKETCH, I INADVERTENTLY
10 SWITCHED OR HAD PUT DOWN THE WRONG DISTANCES WHICH ARE FROM
11 THE SOUTH KITCHEN WALL ALL THE WAY UP TO NO. 10 AND ALL THE
12 WAY UP TO NO. 4. I HAD SWITCHED THE MEASUREMENTS ON THAT.

13 Q SO WHAT SHOULD THE CORRECT MEASUREMENTS BE; FIRST OF ALL,
14 BEGINNING WITH THE ITEM NO. 4, THE BB GUN?

15 A ITEM NO. 4, THE BB GUN MEASUREMENTS SHOULD BE JUST
16 OPPOSITE OF THAT OF NO. 10, WHICH WOULD BE 14 FEET 6 INCHES
17 FOR ITEM NO. 4.

18 Q OKAY. SO THAT WOULD MEAN 4 INCHES, THEN, FROM THE NORTH
19 SINK WALL? A YES, FOR NO. 4.

20 Q WOULD YOU CORRECT THAT, PLEASE, ON THE DIAGRAM?

21 A (WITNESS INDICATING.)

23 EAST v
24 A
25 MEASU

ADDED COMMENTARY
THE PROSECUTOR DEVISES A SCHEME OF
"TRANSPPOSITION" TO COVER UP WHAT WAS
OTHERWISE OBVIOUS EVIDENCE FABRICATIONS

THE
OULD

26
27 Q NOW, RETURNING TO NO. 10, HAVE YOU RECALCULATED BECAUSE
28 OF THE TRANSPPOSITIONAL ERROR THE DISTANCE OF THE TELEPHONE

Police Officer Campos examined by prosecutor:

488

1 AS FOLLOWS:

2 THE COURT: GOOD MORNING, LADIES AND GENTLEMEN. THE
3 RECORD WILL SHOW THAT ALL JURORS ARE PRESENT, COUNSEL ARE
4 PRESENT, THE DEFENDANT IS PRESENT, THE WITNESS HAS RESUMED THE
5 STAND.

6 THE DELAY, LADIES AND GENTLEMEN, WAS OCCASIONED BY VIRTUE
7 OF CERTAIN LEGAL MATTERS WHICH THE COURT WAS REQUIRED TO TAKE
8 UP.

9 YOU MAY CROSS-EXAMINE.

10 MR. SCHROEDER: THANK YOU, YOUR HONOR.

11 I BELIEVE MR. HAMES AND I HAVE DISCUSSED ONE MINOR
12 DETAIL TION

13 TO TH,

ADDED COMMENTARY

14 *MANUFACTURING EVIDENCE IN FRONT OF THE*
15 *JURY UNDER CLOAK OF LEGITIMACY, AS A*
16 *MERE "ERROR"*

YOU,

COUNS

17 DIRECT EXAMINATION (CONTINUED):

18 Q (BY MR. HAMES) OFFICER CAMPOS, I WOULD LIKE TO GO TO THE
19 BOARD AND REF

20 REFERRING TO THAT DIAGRAM, YOU HAD INDICATED
21 ON YESTERDAY'S DATE THAT THE DISTANCE OF THE BB GUN-PELLET GUN
22 FROM THE NORTH KITCHEN WALL WAS 4 INCHES, AND YOU HAVE SO
23 PLACED THAT ON THE DIAGRAM; IS THAT CORRECT?

24 A YES, I DID.

25 Q AND AS TO ITEM NO. 10, YOU HAD INDICATED THAT YOU HAD
26 MADE A TRANSPOSITIONAL ERROR IN YOUR NOTES AS TO THAT DISTANCE
27 AND THAT SHOULD BE 8 INCHES; IS THAT CORRECT?

28 A YES.

CONTINUED

00-16

CONTINUATION

Police Officer Campos examined by both prosecutor and Schroeder:

489

1 Q AND WOULD YOU CORRECT THAT ON THE DIAGRAM, PLEASE?

2 A (WITNESS INDICATING.)

3
4 NOTHING FURTHER.

5 CROSS-EXAMINATION:

6 Q (BY MR. SCHROEDER) OFFICER CAMPOS, DIRECTING YOUR
7 ATTENTION TO THE PANTRY-OFFICE AREA, DID YOU MEASURE THE WALL
8 IN THAT PANTRY OFFICE, THAT EAST WALL?

9 A

ADDED COMMENTARY

**CRITICAL MEASUREMENTS WERE NEVER MADE,
SO AS TO PERMIT INVENTION OF DIMENSIONS
AS THE CONCOCTED MURDER CASE UNFOLDED**

10 Q

11 Q

12 MEAS!

13 (IND

14 Q WOULD YOU INDICATE, PERHAPS ENTER ON THE DIAGRAM THOSE
15 MEASUREMENTS? IT'S ON A SEPARATE DIAGRAM?

16
17 NOW, I AM INTERESTED, THOUGH, IN THIS DIAGRAM. CAN YOU
18 SEE THIS ALRIGHT? A YES.

19 Q THE WEST WALL IN THAT ROOM; IN OTHER WORDS, IT WOULD BE
20 THIS WALL HERE UP TO THE DOORWAY, DID YOU MEASURE THAT?

21 A I AM SORRY. FROM WHAT POINT TO WHAT POINT?

22 Q WELL, FROM THE SOUTHERLY END, SOUTHERN END OF THAT WALL
23 UP TO THE DOORWAY, DID YOU MEASURE THAT WALL?

24 A I DON'T BELIEVE SO.

25 Q IS THERE ANY PARTICULAR REASON YOU DIDN'T MEASURE IT?

26 A SINCE I HAD THE OVERALL DISTANCE OF THE ROOM, I DIDN'T
27 THINK OF IT AT THE TIME.

28 Q WELL, THAT WAS THE AREA IN WHICH YOU SAID YOU SAW THE

CONTINUED

00-17

Police Officer Campos examined by Schroeder:

1 .45, WASN'T IT?

A YES.

2 Q AND DID YOU DETERMINE WHETHER OR NOT THAT WAS AN AREA
3 WITHIN WHICH SOMEBODY COULD STAND AND BE COMPLETELY COVERED BY
4 THE WALL?

A YES.

5 Q DID YOU CONSIDER THAT A FACTOR THAT YOU SHOULD TAKE A
6 LOOK AT WHEN YOU WERE TRYING TO MAKE A DETERMINATION OF WHAT
7 THE MEASUREMENTS WERE IN THE ROOM?

8 A THE MEASUREMENT WAS DONE FROM THE POINT OF THE DOORJAMB,
9 WHERE NO. 9 IS, TO WHERE NO. 6 IS, WHERE THE GUN WAS LOCATED.

10 Q AND YOU SAID THAT WAS 1 FOOT?

11 A APPROXIMATELY.

12 Q REALIZING THAT DIAGRAM ISN'T TO SCALE, WOULD IT BE FAIR
13 TO SAY, THEN, THAT THAT WALL IS WAY OUT OF PROPORTION TO ITS
14 ACTUAL DISTANCE -- ITS ACTUAL LENGTH, I SHOULD SAY?

15 A YES, SINCE IT'S NOT TO SCALE.

16 Q CAN YOU ESTIMATE ABOUT HOW LONG YOU THINK THAT WALL IS?
17 AND AGAIN, I AM TALKING JUST UP TO THE DOORWAY, I AM NOT
18 TALKING THE OTHER SIDE AT THIS POINT.

19 A ESTIMATING, MAYBE ABOUT 5-6 FEET.

20 Q THAT'S A GUESS, THEN? A YES.

21 Q NOW, DIRECTING YOUR ATTENTION TO THE AREA ABOVE THAT; IN
22 OTHER WORDS, THE SAME WALL JUST ABOVE THAT ON THE OTHER SIDE
23 OF THE DOOR, DID YOU MEASURE THAT?

24 A NO.

26 REFERR
27 DRESSE:
28 Q C

ADDED COMMENTARY
"GUESSES" BY STATE AGENTS WERE APPROVED
OF IN PLACE OF EVIDENCE, WITHOUT OBJECTION

Police Officer Campos examined by Schroeder:

491

1 DRESSER AREA?

A NO, I DID NOT.

2 Q NOW, WHEN YOU GOT TO THE SCENE, I THINK YOU SAID THAT
3 WAS, WHAT, ABOUT A QUARTER AFTER 2:00, TEN AFTER 2:00, OR, NO,

4 I T

IT

5 TEN

ADDED COMMENTARY

6 Q

IG

7 THE

8 Q

AL

9 LOC/

10 A

11 Q DID YOU EVER MEASURE THE ALCOVE THAT MR. HAMES HAS
12 REFERRED TO AS A CUBBY AREA WHERE THE ALCOVE MIGHT SIT? DID
13 YOU EVER MEASURE THE DIMENSIONS OF THAT

14 A YES, I BELIEVE I DID.

15 Q DO YOU HAVE THOSE MEASUREMENTS?

16 I DIRECT YOUR ATTENTION TO PAGE -- WHAT I HAVE NUMBERED
17 AS PAGE 48 OF THE POLICE REPORT. I DON'T KNOW IF YOU HAVE
18 THOSE NUMBERS OR NOT.

19 A YEAH, I HAVE PAGE 48.

20 Q LET ME JUST TAKE A LOOK AT WHAT YOU HAVE GOT THERE, MAKE

21
22 WELL, JUST FOR YOUR INFORMATION, THAT PAGE AND THE
23 FOLLOWING PAGE IS WHAT I WOULD ASK YOU TO REFER TO. DO YOU
24 HAVE ANY KIND OF MEASUREMENT FOR THE OVERALL DIMENSIONS OF
25 THAT ALCOVE? A NO.

26 Q IS THERE ANY PARTICULAR REASON YOU DIDN'T MEASURE THAT?

27 A I JUST HAD THE OVERALL VIEW OF THAT MEASUREMENT AND --

28 Q I AM SORRY. GO AHEAD.

CONTINUED

00-19

1 A -- AND THE HEIGHT OF THAT, THE HEIGHT OF THE CABINET
2 AREA, BUT NOT IN BETWEEN THAT SPACE, NO.

3 Q NOW, THAT WAS THE AREA IN FACT THAT YOU HAD BEEN ADVISED
4 THAT MR. ALLRED WAS IN WHEN DETECTIVE OR, I AM SORRY, OFFICER
5 GATES FIRST CAME IN THE ROOM, WASN'T IT?

6 A YES.

7 MR. HAMES: EXCUSE ME, YOUR HONOR. THAT IS NOT A
8 CORRECT STATEMENT.

9 THE COURT: WHAT'S YOUR OBJECTION?

10 MR. HAMES: THE OBJECTION, YOUR HONOR, IS IT STATES
11 A FACT NOT IN EVIDENCE. THE FACTS WERE THAT MR. ALLRED WAS ON
12 ALL 4'S IN THE AREA OF THE TRUNK, WHICH IS IMMEDIATELY TO THE
13 LEFT OR SOUTH --

14 THE COURT: JUST A MINUTE. THE QUESTION IS WHETHER
15 OFFICER OATES ADVISED HIM, NOT WHERE HE WAS. THE QUESTION IS
16 WHETHER OFFICER OATES ADVISED HIM. OBJECTION IS OVERRULED.

17 MR. HAMES: THANK YOU, YOUR HONOR. MY ERROR.

18 THE COURT: PROCEED.

19 Q (BY MR. SCHROEDER) I WILL REPHRASE THE QUESTION.

20 THE TRUNK IN WHICH THE CHALK MARK I HAD BEEN PLACED WAS
21 DIRECTLY ADJACENT TO THAT ALCOVE AREA; WAS IT NOT?

22 A YES.

23 Q AND THE AREA IN WHICH MR. ALLRED WAS -- YOU UNDERSTOOD BY
24 THE CHALK MARK MR. ALLRED WAS INITIALLY FOUND DIRECTLY IN
25 FRONT OF THAT ALCOVE AREA, WASN'T HE?

26 A YES.

27 Q AND IN THIS TRAINING THAT YOU WENT THROUGH IN SANTA ROSA
28 WITH THE DEPARTMENT OF JUSTICE FOR TWO WEEKS, 80 HOURS, I

1 ASSUME THAT ONE OF THE THINGS THAT THEY INSTRUCTED YOU ON WAS
2 TO TAKE THOROUGH MEASUREMENTS OF THE WHOLE CRIME SCENE?

3 A YES.

4 Q IS THERE ANY PARTICULAR REASON THAT YOU CAN THINK OF,
5 LOOKING BACK ON THIS, THAT YOU DIDN'T TAKE MEASUREMENTS OF
6 THAT PARTICULAR SPOT IN WHICH MR. ALLRED WAS FOUND RIGHT IN
7 FRONT OF?

8 A WELL, ON NO. 1 ON ITEM NO. 13, WE HAD THE DISTANCE
9 MEASURED FROM THE NORTH WALL TO THE SOUTH WALL AND THE EAST
10 WALL, SO THERE WAS NO REAL NEED AT THE TIME TO EVEN HAVE JUST
11 THAT SECTION MEASURED.

12 Q BUT YOU DON'T KNOW WHAT THE DIMENSIONS OF THAT SECTION
13 ARE EVEN TODAY, DO YOU? A NO, I DON'T.

15 PANTRY-OFFICE AREA OR ANY OF THAT, OR WAS THAT ALL DONE BY
16 OFFICER OATES?

17 A THE MAJORITY OF IT WAS DONE BY OFFICER OATES ON THE 10TH.
18 THERE WERE OTHER PHOTOGRAPHS THAT I HAD DONE AT LATER TIMES.

19 Q

20 PLAC

ADDED COMMENTARY

**THE VAGUE, ERRONEOUS MEASUREMENTS OF
OTHER AREAS TAKEN, HAD NO BEARING ON THE
ALCOVE WHERE THE ATTACKER RETREATED
AFTER BEING WOUNDED. THE JURY NEVER KNEW
THIS**

21 A

22 BULL

23 Q

24 IND:

25 EXCU

26 NOT OPEN ALL THE WAY, CORRECT?

27 A THAT'S CORRECT.

28 Q FROM LOOKING AT THE LOCATION OF THE CARTRIDGES THAT YOU

1 Q TO WHERE DID YOU MEASURE THE TELEPHONE TO GET THAT 5 FEET
2 11 INCH DISTANCE?

3 A IT WOULD BE APPROXIMATELY THE CENTER OF THE TELEPHONE.

4 Q ANY REASON YOU WENT TO THE CENTER OF THE TELEPHONE?

5 A MOST BULKIEST PART.

6 Q BUT IS THERE ANY PARTICULAR TRAINING OR STANDARD TO WHICH
7 YOU ARE SUPPOSED TO MEASURE, FOR EXAMPLE, THE TELEPHONE, OR IS
8 IT JUST YOUR PERSONAL CHOICE? A PERSONAL CHOICE.

9 Q NOW, WHEN YOU SAY "THE CENTER OF THE TELEPHONE", WHAT
10 AREA OF THE TELEPHONE ARE YOU REFERRING TO?

11 A OKAY. WELL, IN THE PHOTOGRAPH,
12 EXTENSION OF THE TELEPHONE.

13 Q BY "EXTENSION", YOU MEAN THE HAN
14 PHONE?

15 A YES, AND THE PART THAT WAS MEASURED NATURALLY WAS THE --

16 Q THE BASE? A THE BASE OF THE PHONE.

17 Q WHAT I AM GETTING AT, THOUGH, IS WHAT PART OF THE BASE
18 DID YOU ACTUALLY MEASURE TO?

19 A PROBABLY RIGHT ABOUT WHERE YOU HANG UP THE PHONE.

20 Q YOU ARE SAYING "PROBABLY", WHICH MEANS AT LEAST TO ME
21 THAT YOU ARE NOT SURE EXACTLY WHERE YOU MEASURED TO.

22 A WELL, THE CENTER OF THE PHONE.

23 Q BUT WHAT I AM TRYING TO UNDERSTAND IS WHEN YOU SAY THE
24 CENTER OF THE PHONE, WHAT DOES THAT -- WHERE DOES THAT MEAN?
25 DOES IT MEAN TO ONE OF THE LITTLE BUTTONS THAT DEPRESSES WHEN
26 YOU HANG UP THE PHONE, DOES IT MEAN JUST ABOVE THE TOUCH-TONE
27 AREA? WHERE ARE YOU REFERRING TO?

28 A ABOVE THE TOUCH-TONE AREA; SAY THE CENTER

ADDED COMMENTARY

"SPEAKS FOR ITSELF"

Police Officer Campos examined by Schroeder:

504

1 Q SO ARE YOU SAYING, THEN, THAT THE 9-INCH DIFFERENCE
2 BETWEEN 5 FEET 11 INCHES AND 5 FEET 2 INCHES IS ACCOUNTED FOR
3 BY THE RELATIVE POINTS TO WHICH YOU MEASURED THESE ITEMS?

4 A CONSIDERING THE BARREL AND DISTANCE FROM INNER PART OF
5 THE PHONE, YES, THAT WOULD BE AN ACCURATE --

6 Q SO YOU ARE SAYING, THEN, IT WAS 9 INCHES FROM THE TRIGGER
7 HOUSING THAT YOU POINTED TO TO THE CENTER OF THE TELEPHONE?

8 A YES. I DIDN'T REALLY MEASURE THOSE TWO POINTS, BUT I
9 SUBMIT THAT WOULD BE CORRECT.

10 Q OKAY. NOW, AS I UNDERSTAND IT, YOU ARE SAYING THAT THERE
11 WAS ABSOLUTELY NO MOVEMENT OF ANY OF THE ITEMS OF EVIDENCE; IS
12 THAT RIGHT? A WELL, --

13 Q AS FAR AS YOU KNOW?

14 A THAT, I REALLY DON'T KNOW.

15
16 WHICH I WILL HAVE MARKED AS DEFENSE --

ADDED COMMENTARY

A SIX-INCH PHONE AND 12-INCH GUN, GAVE THE POLICE 1½ FEET OF PLAY, TO FABRICATE PLACEMENT OF THESE CRITICAL EVIDENCE ITEMS -- PER THEIR UNIQUE WAY OF MEASURING TO ANY WHIMSICAL POINT OF MASS. AND SO IT WAS WITH ALL MEASURED IN THE CASE

17
18
19 WAS REC

20 IDENTIFI

21 Q (BY

22 AND ALSO

23 9-2. YE

24 I NOTE THAT IN THAT PHOTOGRAPH MARKED DEFENSE A, THERE IS A
25 PIECE OF PAPER WITH THE NUMBER 10 LEANING UP AGAINST THE
26 TELEPHONE? A YES.

27 Q DID YOU PUT THAT PIECE OF PAPER THERE?

28 A NO.

00-23

State "Criminalistics expert witness" Gadd, examined by prosecutor:

ADDED COMMENTARY

1042

1 THIS PERTAINS TO POLICE LIE ABOUT THE
2 ALLEGED 6-FOOT WIDTH OF THE ROOM

3 COUPLE OF AREAS

4 JUST A COUPLE

5 OF POINTS FOR CLARIFICATION SINCE I AM NOT A MATHEMATICIAN.

6 YOU INDICATED THAT AS IT RELATES TO THE SURFACE OF THE
7 DOOR AT AN ANGLE OF 9 TO 11 DEGREES, THAT THE DISTANCE OF THE
8 GUN FROM THE DOOR OF THE CABINET WOULD BE IN THE RANGE OF .9
9 FEET TO 1.2 FEET OR APPROXIMATELY A LITTLE LESS THAN A FOOT TO
10 ABOUT 14 INCHES; IS THAT CORRECT?

11 A THAT'S CORRECT.

12 Q NOW, IF ONE WERE TO MOVE CLOSER; IN OTHER WORDS, THIS
13 DISTANCE OF 6 FEET WERE TO BECOME, SAY, 5 FEET OR 5 1/2 FEET
14 OR ANY DISTANCE LESS THAN 6 FEET, DOES THE DISTANCE THAT THE
15 GUN WOULD HAVE TO BE TO THE CABINET DOOR DECREASE OR INCREASE?

16 A OKAY. GIVEN THE ANGLE AS NOT CHANGING, IT WOULD DECREASE
17 AS ONE GETS CLOSER TO THE POINT.

18 Q SO, FOR EXAMPLE, IF ONE WERE TO TAKE A STEP OR TWO INTO
19 THIS KITCHEN AREA, THEREBY DECREASING THAT 6 FOOT MEASUREMENT,
20 HE WOULD NECESSARILY HAVE TO BE CLOSER TO THE CABINET DOOR AS
21 FAR AS THAT LINE OF 6 FEET IS CONCERNED; IS THAT CORRECT?

22 A THAT'S CORRECT.

23 Q NOW, AS IT RELATES TO THE LOWER DIAGRAM, IF ONE AGAIN
24 WERE TO BE CLOSER THAN 6 FEET TO THE ENTRY OF THAT BULLET HOLE
25 INTO THE CABINET, WOULD THE ELEVATION OF THAT GUN ABOVE THE
26 GROUND NECESSARILY BECOME SMALLER IN DISTANCE OR GREATER IN
27 DISTANCE?

28 A IT WOULD BECOME SMALLER.

CONTINUED

00-24

CONTINUATION

State "Criminalistics expert witness" Gadd, examined by prosecutor:

1043

1 Q SO AS A PERSON WOULD BE APPROACHING THE AREA OF THE
2 BULLET INTO THE CABINET DOOR OR DECREASING THAT DISTANCE OF 6
3 FEET, THE GUN NECESSARILY WOULD HAVE TO LOWER IN RELATIONSHIP
4 TO THE FLOOR; IS THAT CORRECT?

5 A THAT'S CORRECT.

7 RECEIVE MR. ALLRED'S SHOES IN PARTICULAR FROM DETECTIVE
8 MC CARTY? WE HAVE ALREADY DISCUSSED HOW WE GOT THEM.

9 A YES, I HAVE.

10 Q YOU RECEIVED THESE SHOES FROM DETECTIVE MC CARTY?

11 RECEIVED THEM FROM DETECTIVE MC CARTY?

12 A

13 Q

14 LIKE

15 A GENERALLY SPEAKING, YES.

16 Q OKAY. AND DID YOU ALSO RECEIVE FROM THE LOS GATOS POLICE
17 DEPARTMENT SOME LIFTED PRINTS FROM A DOOR?

18 A YES.

19 Q AND HOW WERE THOSE LIFTED PRINTS FROM THE DOOR GIVEN TO
20 YOU?

21 A THEY WERE PRESENTED TO ME AS TAPE LIFTS OF THE SHOE
22 PRINTS THAT HAD INITIALLY BEEN PROCESSED WITH FINGERPRINT
23 DUSTING POWDER TO BRING THEM UP BETTER, AND THEN THEY WERE
24 LIFTED ON WITH FINGERPRINT TAPE AND APPLIED TO WHITE CARDS.

25 Q AND DID YOU HAVE AN OPPORTUNITY TO COMPARE MR. ALLRED'S
26 SHOES; THAT IS, THE BOTTOM OF THOSE SHOES WITH THE PRINT
27 IMPRESSION TAKEN FROM THAT DOOR?

28 A YES, I DID.

ADDED COMMENTARY
REVEALS THE IMPORTANCE OF THE TRUE WIDTH
OF THE ROOM THE ATTACKER WAS IN, AND OF
THE LIE THAT IT WAS ONLY 6 FEET WIDE

00-25

Lazor testifying under examination of Schroeder (all coerced):

1359

1 A YES.

2 Q WAS THE DOOR FULLY OPEN? IN OTHER WORDS, WAS IT AT 90
3 DEGREES TO THE WALL?

4 A I DON'T THINK IT COULD COME QUITE 90 DEGREES, BUT JUST
5 ABOUT BECAUSE THERE WAS A CHAIR THERE THAT DID STOP IT WHEN IT
6 GOT ALMOST IN A 90 DEGREE POINT.

7 Q NOW, --

8 A

9 Q
10 DOOR

11 Q
12 BE OI

13 A

14 Q WOULD YOU HAVE BEEN ABLE -- IF IT HAD BEEN A NORMAL
15 SITUATION, WOULD YOU HAVE BEEN ABLE TO JUST WALK THROUGH THE
16 DOOR STRAIGHT BODY THROUGH AS OPPOSED TO A SIDE WALK?

17
18 Q NOW, YOU SAID THAT YOU SAW MR. ALLRED STANDING THERE WITH
19 A GUN? A YES.

20 Q CAN YOU GIVE US AN IDEA, REFERRING TO PEOPLE'S 1, THE
21 LARGE DRAWING, ABOUT WHERE YOU BELIEVE HE WAS STANDING WHEN
22 YOU FIRST SAW HIM? AND IF YOU COULD TAKE A MARKER. LET'S
23 SEE, LET'S USE GREEN. TAKE A MARKER AND PUT A "JA-1" WITH A
24 SMALL 1 DOWN NEXT TO THE A AS TO WHERE YOU FIRST SAW HIM.
25 MAKE IT LARGE ENOUGH THAT YOU CAN SEE IT.

26 A (WITNESS INDICATING.) IS THAT ALL RIGHT?

27 Q THAT'S FINE.

28 A THIS THING IS VERY OUT OF PROPORTION, BUT AS BEST AS --

ADDED COMMENTARY
MR. LAZOR TRYING TO TESTIFY WHILE BEING FORCED TO STICK TO THE FALSE MEASUREMENTS, DIMENSIONS AND FABRICATED DIAGRAMS -- FINDING IT IMPOSSIBLE

THAT

OULD

CONTINUED

00-26

CONTINUATION

Lazor testifying under examination of Schroeder (all coerced):

1360

1 Q WELL, IN TERMS OF THE PHYSICAL STRUCTURE IN THE ROOM,
2 THAT IS WHAT I AM CONCERNED ABOUT AT THIS POINT.

3 A THAT IS WHAT I MEAN. EVERYTHING IS OFF IN THE PHYSICAL
4 STRUCTURE. IT'S THE BEST I CAN GET IN THE PROPORTION OF WHAT
5 IS THERE.

7 BASICALLY TO THE NORTH END OF THAT ALCOVE OR CUBBY WHERE A
8 STOVE WOULD NORMALLY GO?

9 A THE BEST I CAN RECALL, YES.

10 Q DO YOU HAVE A CLEAR RECOLLECTION OF WHERE HE WAS STANDING
11 AT TH

12 A
13 SOMEW

14 Q

15 A

16 Q

17 A

18 Q YOU MAY RESUME THE STAND.

19 A IT WAS IN THE OPEN DRAWER OF THAT CABINET THAT WAS THERE,
20 AND I OPENED IT AND PULLED IT OUT.

21 Q OKAY. DID YOU MOVE YOUR BODY AWAY FROM THE DOORWAY?

22 A I AM -- I PROBABLY DID OR MAY HAVE BY JUST REACTION TO
23 BE OUT OF THE WAY AT THAT POINT. YES, I PROBABLY DID.

24 Q DO YOU HAVE ANY SPECIFIC RECOLLECTION OF DOING THAT?

25 A IT'S HARD TO TELL. I AM -- I THINK I DID, BUT I AM NOT
26 SURE.

27 Q YOU SAY YOU GRABBED FOR YOUR GUN. WHERE SPECIFICALLY WAS
28 THE GUN IN RELATION TO WHERE YOU WERE AT THAT TIME?

ADDED COMMENTARY

SCHROEDER FURTHER PRESSES LAZOR INTO FEELING HE HAD NO OPTION BUT TO GO ALONG WITH THE STATE'S MANUFACTURED MURDER STORY PARAMETERS. ALL OF LAZOR'S TESTIMONY WAS COERCED BY THIS AND OTHER METHODS. THE JURY HAD NO IDEA

BLE,

1?

00-27

Lazor testifying under examination of prosecutor (all tainted):

ADDED COMMENTARY

1388

1 FA
2 I
3 AC
4 LE

THE PROSECUTOR BADGERS LAZOR TO "GO ALONG" WITH HIS FALSE MEASUREMENTS, WHICH HE KNEW SCHROEDER HAD SPENT MONTHS OVERCOMING LAZOR'S WILL TO RESIST, BY MULTIPLE METHODS OF COERCION

WHEN
INTO
GET A

5
6 Q OKAY. WOULD IT BE FAIR TO SAY, MR. LAZOR, BASED UPON
7 YOUR MEMORY OF THAT PARTICULAR DINING ROOM, THAT THE DINING
8 ROOM IS APPROXIMATELY 10 FEET WIDE; THAT IS, GOING FROM EAST
9 TO WEST, AND WHEN RETURNING NORTH TO SOUTH, IT'S APPROXIMATELY
10 12 FEET LONG, A ROOM OF APPROXIMATELY 120 SQUARE FEET?

11 A I WOULD SAY IT'S PROBABLY LESS THAN 10 FEET WIDE, BUT I
12 COULD BE MISTAKEN. I AM -- I COULD BE MISTAKEN.

13 Q AND HOW ABOUT THE LENGTH OF APPROXIMATELY 12 FEET?

14 A THAT SOUNDS LIKE A SOMEWHAT REASONABLE AREA AS TO THE
15 LENGTH. I AM UNSURE AGAIN, BUT IT COULD BE AROUND THAT.

16 Q BASED UPON YOUR MEMORY OF THAT DINING ROOM AREA, WOULD IT
17 BE FAIR TO SAY THAT AN AREA SIZE OF 120 SQUARE FEET WOULD BE A
18 REASONABLE ESTIMATE, ABOUT THE SIZE OF A SMALL BEDROOM?

19 A THAT LAST STATEMENT ABOUT THE SIZE OF A SMALL BEDROOM IS
20 A FAIR STATEMENT, I THINK.

21 Q AND HOW ABOUT AS FAR AS THE SQUARE FOOTAGE OF
22 APPROXIMATELY 120 SQUARE FEET?

23 MR. SCHROEDER: YOUR HONOR, IT'S BEEN ASKED AND
24 ANSWERED. THE WITNESS HAS INDICATED HE CAN'T AGREE TO THE
25 120.

26 THE COURT: SUSTAINED.

27
28 Q (BY MR. HAMES) NOW, MR. LAZOR, WHAT IS YOUR HEIGHT?

00-28

Prosecutor arguing to jury against Lazor:

1606

1 THAN
2 THE E
3 BETWE
4 ANOMA
5 REAR
6 BACK.
7 MR. A

ADDED COMMENTARY

THESE VICIOUS LIES TO THE JURY, WHICH WERE NEVER DEFENDED AGAINST (NO ATTEMPT EVEN, WAS ALLOWED), WERE PERMITTED DUE TO THERE HAVING BEEN NO PRECISE MEASUREMENTS TAKEN NOR PRESENTED TO THE JURY

TH
INE
HE
HE
HE
RS
UP

9 WHAT'S OF PARTICULAR INTEREST IS THE LEFT LOWER BACK
10 SHOT. THE REASON WHY THAT'S OF PARTICULAR INTEREST OUT OF ALL
11 OF THE SHOTS IS THAT'S THE SHOT THAT WENT STRAIGHT THROUGH
12 MR. ALLRED AND CAME OUT. THERE WAS NO ANGLE TO THE SHOT. THE
13 PARTICULAR SHOT OR THE WOUND TRACK, AS WE CALLED IT, WAS
14 HORIZONTAL TO THE GROUND. IT DIDN'T GO UP, IT DIDN'T GO DOWN.
15 IT WAS HORIZONTAL TO THE GROUND AND IT WENT STRAIGHT THROUGH
16 HIM. DR. OZOA TESTIFIED WITHOUT CONTRADICTION THERE IS ONLY
17 ONE WAY A SHOT LIKE THAT CAN TAKE PLACE. MR. ALLRED HAD TO
18 HAVE HAD HIS BACK TO THE DEFENDANT IN ORDER FOR THAT SHOT TO
19 TAKE PLACE.

20 TO BE STANDING WITH HIS BACK IN SUCH A MANNER THAT
21 THE BULLET WOULD BE ABLE TO PASS THROUGH SO IT WOULD STAY
22 HORIZONTAL WITH THE GROUND SINCE THERE WAS NO ANGLE UP OR
23 DOWN. WE ALSO KNOW THAT IF MR. ALLRED WERE LYING DOWN ON THE
24 GROUND, SINCE THERE IS NO ANGLE, HE WOULD HAVE TO BE LYING
25 DOWN ON HIS FACE AND ON HIS STOMACH AND THE GUN WOULD HAVE TO
26 BE POSITIONED OVER THE BACK IN ORDER TO ACHIEVE THAT ANGLE
27 GOING STRAIGHT THROUGH THE BODY, NO ANGLE, STAYING HORIZONTAL
28 TO THE GROUND.

00-29

Prosecutor arguing to jury against Lazor:

ADDED COMMENTARY

BASED ON FALSIFIED AND HIDDEN TRUE MEASUREMENTS, THE JURY WAS NEVER PRESENTED A GENUINE ALTERNATIVE TO THESE DELIBERATE, HORRID FABRICATIONS. SEE THE ALTERNATIVE TRUTH IN EXHIBIT S, OF WHICH THEY NEVER HAD A CLUE. SCHROEDER WOULD NOT LET LAZOR TELL THEM

1607

1 WERE

2 SHD1

3 PHOT

4 LITTI

5 1/2

.AR

HE

A

IND

7 BASED UPON THE REST OF THE EVIDENCE, IS THAT MR. ALLRED
8 WAS NOT STANDING WITH HIS BACK TO THE DEFENDANT. AND YOU SAY
9 WHY? WELL, THERE WERE ONLY TWO SHOTS, LADIES AND GENTLEMEN,
10 THAT ACTUALLY PIERCED THROUGH MR. ALLRED'S BODY: THE LOWER
11 BACK SHOT THAT I HAVE BEEN REFERRING TO AND THE ONE THAT WENT
12 THROUGH THE WEB OF THE RIGHT HAND. OF THOSE TWO SHOTS, WE
13 RECOVERED BOTH: ONE IN THE AREA OF THE CUBBY WHERE THE STOVE
14 SHOULD BE AND SECOND IN THE METAL CABINET DOOR. MR. BOB GADD
15 TESTIFIED TO THAT.

16 WHAT'S PARTICULARLY INTERESTING IS THE HEIGHT OF THAT
17 BULLET OR BULLETS ABOVE THE FLOOR. IN THE CASE OF THE CUBBY,
18 THE BULLET WAS 8 INCHES ABOVE THE DOOR. REMEMBER OFFICER
19 CAMPOS TESTIFYING TO THAT MEASUREMENT. IN THE CASE OF THE
20 CABINET DOOR, THAT BULLET WAS 12 INCHES OR 1 FOOT ABOVE THE
21 FLOOR. WHAT DOES THAT INDICATE AS IT RELATES TO THAT THIRD
22 SHOT IN THE BACK? IN ORDER TO HAVE A BULLET, LADIES AND
23 GENTLEMEN, EITHER 8 INCHES OR 12 INCHES OFF THE FLOOR,
24 MR. ALLRED HAD TO BE AT LEAST ON HIS KNEES WITH HIS BACK TO
25 THE DEFENDANT.

27 THAT WAS SLIGHTLY ABOVE BY 4 OR 5 INCHES THE LOWER LEFT BACK
28 ONE, CAME OVER THE SHOULDER AT A 45 DEGREE ANGLE OVER THE LEFT

00-30

Prosecutor arguing to jury against Lazor:

1614

1 NO EMOTION. HE WAS CALM WITH OFFICER MILLER AND DETECTIVE
2 MC CARTY IMMEDIATELY FOLLOWING HIS ARREST. WHY? BECAUSE
3 THERE

4 **ADDED COMMENTARY**

5 HIS L
6 AN AT
7 DEFEN
8 IT WA
9 THEN

*THE FALSIFIED DIMENSIONS AND MEASURE-
MENTS, EVEN SWITCHING THEM IN THE TRIAL
AS THE UNFOLDING FABRICATIONS REQUIRED
(RT 406, THIS EXHIBIT), ALLOWED FOR
THIS TYPE OF UNCONTESTED MANUFACTURING
OF A MURDER CASE AND TRAGIC VERDICT*

10 THAT

11 THE

12 DEF?

13 ONY

14 EGAL

15 AND

16 THEN IMMEDIATELY FOLLOWING THE CALLING THE ATTORNEY FOR LEGAL
17 ADVICE, THEN THE DEFENDANT CALLS FOR THE AMBULANCE AND POLICE,
18 THE CONVERSATION THATS RECORDED AND TRANSCRIBED THAT WAS HELD

19 FOR SOME OTHER REASONS, WE KNOW THAT MR. ALLRED DID NOT
20 HAVE THAT BB GUN. LOOK AT THE PHOTOGRAPH 9-2, ONE OF THE
21 ENLARGED PHOTOGRAPHS. IT'S A PHOTOGRAPH OF THE BB GUN, AND I
22 WANT YOU TO PAY PARTICULAR ATTENTION TO IT'S LOCATION ON THE
23 FLOOR IN THE AREA OF THE KITCHEN RIGHT NEXT TO THE NORTH
24 KITCHEN WALL. IF YOU RECALL THE DIMENSIONS, THE GUN WAS 5
25 FEET 2 INCHES FROM THE PANTRY OR EAST WALL OF THE KITCHEN,
26 THAT COMMON WALL OR, IN THE ALTERNATIVE, 1 FOOT 4 INCHES FROM
27 THE WEST KITCHEN WALL, BUT IT WAS 4 INCHES FROM THE NORTH
28 KITCHEN WALL. IT WAS VERY CLOSE TO THAT KITCHEN WALL,

BUT

MORE IMPORTANTLY THAN THE DIMENSIONS WHICH ARE CRITICAL

00-31