

## ISSUES REGARDING THE TESTIMONY OF ZACH PAULSON – NARRATIVE

Zach Paulson's brief background: Paulson was a close friend with Apollo Huhn and Brandon Handshoe. By his own admission a member of the “Peckerwood Gang”. SEE: Gang evidence section, in the last section. He was a self described drug addict as well. He testified to having mental issues, in particular visual hallucinations and auditory hallucinations of hearing voices.

He claims to have seen Anderson once, a week before the murder, and says he heard Anderson making plans for a robbery....Although he was very vague as to the details (where,when,etc) the DA implies this was Anderson planning the robbery of Mr. Brucker's safe, that became the murder. Handshoe denies this and on it's face doesn't make sense due to the fact Handshoe's own testimony says he barely met Anderson a week before the murder. Anderson's cell phone records show the first call even made to Handshoe was on April 8<sup>th</sup>. Handshoe admitted first meeting Anderson was in regards to tattoos. Much of Zach Paulson's testimony is full of either contradictions and or him saying he forgets, due to a bad memory which is the excuse both Handshoe and also Peretti use during their testimonies. Given what Zach Paulson is testifying about in regards to Anderson is what he heard. This was only vague in details but admitted he was hearing voices especially when he was high. He admits to this as well. If that wasn't horrific enough, his mother is caught twice coaching him on what to say (to help him avoid incriminating himself). This was happening both a preliminary and at trial, where she was abmonished by the judge when it was brought up to his attention.

His testimony as a witness against Anderson is a unbelievable notion and of no value, since even if you believed he heard Anderson planning a robbery, there were no details as to when, who where, beyond claiming he heard a safe was part of it. This conflicts with what another state's witness (Handshoe) who testified Paulson's testimony wasn't what he believes happened and is incorrect. This person is only being covered so it doesn't get called into question why this state witness is not mentioned in this Wrongful Conviction Declaration.

Another highly suspicious move to consider or ponder is the fact Zach Paulson was placed inside a “High Power Jail Tank” inside Anderson's cell out of four jails in the county which held over 7,000 cells. There was no way, or reason he belonged in that tank. Keep in mind he was testifying against Anderson. What would be the motive to house him and Anderson together unless it was a deliberate move to see how Anderson would react towards him. Putting him inside that tank would clearly be putting his life in danger! Coincidence, it would be hard to believe. It seems more likely he was planted by the DA. There is no evidence as of yet that the DA purposely planted Paulson inside the tank with Anderson but the suspicion of this incident or the motive behind it is hard to ignore!!! The D.A's plan did not go exactly as planned...some could say Anderson ended up saving Zach Paulson's life...yet this is an argumentative point, which most have over looked.

## ISSUES REGARDING THE TESTIMONY OF ZACH PAULSON – OUTLINE AND OFFER OF PROOF:

In this section I will refer to transcript pages and not use quotes in general. Extra transcript pages with the examples of the issues of the quality of what he is testifying to are included, even if not listed. Therefore the main points of issue will be discussed.

To begin: Anderson has included parts of Zach Paulson's preliminary testimony, then the trial testimony you can see the DA uses only leading questions and "things are added" in comparison to what Paulson said at preliminary. RT: 228, he listened to audio tapes a week before his preliminary testimony "So I can remember" what he has said. Again another State witness who can not remember basic details to his own story.

RT: 229 Notice Paulson at first says he met Anderson in February, "Yes", then says April.

RT: 232 Here a series of questions he is asked and says "no" to remembering basic stuff asked: the day, the time, approximate time....but remembers what kind of drugs he was doing.

RT: 223 As you can read, most of his testimony is not about Eric Anderson. He is asked about these "meetings" about doing the crime. He admits first two meetings no mention of Eric RT: 233-234.

On RT: 234 again asked a series of questions to basic questions and his answers are, "probably, possible, to no he doesn't remember."

AT the bottom of RT: 279-280 is sort of another issue related to how detectives did their interviews but would answer "It may have happened or don't remember but kept asking to coax out an answer they were looking for. He at first denies this at RT: 280 then quickly, it might have been okay comes out, as if to prove a point about his testimony, does the very thing questioned about.

RT: 281-282 shows many people talking about the murder case in his neighborhood and much of what he knows is from gossip-Third Party Hearsay, that later seems to become his personal knowledge.

RT: 290 some information on Zach Paulson drug use and medications...more further on.....

RT: 303 Zach Paulson is given a leading question about Anderson's role and possibly pistol whipping the victim if needed. These are not his words but just yes or no, when at first he sounded unsure about anyone's role in a robbery he heard about.

On RT: 304 Notice the first and second meetings Paulson says the El Cajon Speedway by name was mentioned but at the third where he claims Anderson had been at. He says "No" to any mention of the name. **ALSO NOTE:** As you go through these RT transcript pages on Paulson how often he says, " he doesn't remember or maybe/possibly/not sure/etc..."

RT: 319 Paulson is one to state clearly Randy Lee wanted 15%....Handshoe avoided saying he knew of anything he wanted because he was wanting to help him and get the promise of money set to him while in prison.

RT 320 Paulson is asked about things, both Peretti and Handshoe claimed Anderson had for being prepared to do the robbery that was planned but in a series of questions said "No" to seeing the following items: A map "No", A wig "No", any disguises, mustaches, beards? "No"....Then asked if he could give an approximate date when this conversation took place, "No". Then when asked "Was it April?" "Yes".

Onto trial testimony. Notice again nearly all his questions to him are leading, which the judge was basically allowing. Due to his poor memory and to move things along with only objections for some of these questions.

RT: 2873 Notice when asked if he wanted to be a part of it, he says he thought about it but decided "No"....if so why is he still going to these meetings/planning of the robbery?

Notice on RT: 2876 when asked about how long did this meeting take place before the murder happened. Line 17 "Like a month", which it's already been established Anderson first met Handshoe about a week before the murder---which phone records show as well!

Then the DA tells him "don't you remember saying in earlier testimony that it was the first week of April?". Which he then answers "Yes". However the first week of April is before Handshoe met Anderson and or maybe the first time meeting Anderson, which Peretti and Handshoe both said tattoos

were the reason for the first meeting Handshoe and Apollo Huhn.

On RT 2876-79 Erik Swanson is asked about which later Mr. Swanson comes in to briefly testify on 2-3 points. One of which is claiming to see me at Handshoe's, which then the DA in closing tries to say is corroboration, yet never said anything about seeing Zach Paulson nor any talk of planning a robbery, so there is no corroboration in any sense, even if it did happen.

RT: 2878 Zach Paulson mentions Anderson coming over because he is someone who does tattoo work.

RT 2905 Brings up Anderson pressuring others into doing the crime-nonsense.

RT 2906-07 Is where he admits he has hallucinations and hears voices...yet what he is testifying about...is what he claims he heard Anderson say...which is very vague, even if believed.

RT: 2919 Is where there are court discussion about Zach Paulson's mother coaching him how to answer, by shaking her head "yes" and "no", which others around her noticed and told the Bailiff.

**Note:** Paulson's mother did the same at preliminary...(RT page is currently missing, but will include if found regarding the preliminary part).

RT 2946 Here Paulson admits to not having a good memory of the discussions that took place. "Yes".

There is tons of minor issues, but given his testimony just at what was offered from it lacks any real significance and it clearly is unreliable. This made tainted by massive use of leading questions. He was allowed to just answer "yes" or "no" to facts and details told to him. Just because he is stupid, doesn't mean the DA should be allowed to spoon feed him answers and allowed to remind him of different answers when he says something that is not what the DA wants to hear from him.

What Paulson does establish is that Randy Lee was having meetings/discussions about the crime and knew the where, who, what of the plan and that he wanted a 15% cut for being the mastermind.

This witness lacks credibility and is tainted testimony since DA was allowed to use leading questions. Then his mother was in the audience coaching him to say "yes" or "no" to questions asked of him, all awhile he was under oath!

Beyond that are the contradictions and he couldn't remember even basic aspects to his overall story...It is shameful for a courtroom judge to allow this and for the DA to rely on this horrible level of quality of testimony he would offer in open court!

