

1 Q. I'm sorry?
2 A. Another Eric.
3 Q. Okay. The other Eric. And this other Eric
4 that -- you have personal knowledge of him? You had
5 known him?
6 A. Somewhat.
7 Q. And this other Eric, at least to your
8 knowledge, was someone who would deal in drugs, sold
9 drugs?
10 A. Yes.
11 Q. Okay. And this other Eric was someone who
12 you knew had weapons, right?
13 A. Not that I know of.
14 Q. Okay. You didn't know. To your knowledge
15 I mean?
16 A. Yes.
17 Q. And this other Eric that was there, you
18 don't know his last name, do you?
19 A. No.
20 Q. Okay. And you got a pretty good look at
21 him?
22 A. Yes.
23 Q. And you had seen him before, right?
24 A. Yes.
25 Q. And this other Eric is kind of older, isn't
26 he?
27 A. Yes.
28 Q. He's maybe in his late 30s?

1 A. Yes.
2 Q. Or early 40s?
3 A. Yes.
4 Q. He's got a beard, right?
5 A. No.
6 Q. Excuse me?
7 A. No.
8 Q. When you saw him, he didn't have a beard?
9 A. Yes.
10 Q. And you have never seen him have a beard?
11 A. No.
12 Q. This other Eric has kind of hair that's
13 kind of greying a little bit?
14 A. Not that I know of.
15 Q. Is there a third Eric that you are familiar
16 with?
17 A. No.
18 Q. Mr. Paulson, in this third conversation
19 that you testified to, again the topic came up about
20 somebody having money; is that right?
21 A. Yes.
22 Q. And at that conversation, if you recall,
23 was there mention of someone -- how they knew or
24 someone being a friend of a nephew?
25 A. No.
26 Q. No, there was no mention?
27 A. There was no mention.
28 Q. Okay. And as far as you could hear, that

Just Eric

1 information about how anyone knew about someone
 2 having money and nephews and things of that nature
 3 never was spoken at that third meeting?
 4 A. Yes.
 5 Q. Yes, that never was said?
 6 A. Yes.
 7 Q. Okay.
 8 MR. MCALLISTER: Objection, Your Honor.
 9 MR. MANGARIN: I'll try and clean it up.
 10 MR. MCALLISTER: Thank you.
 11 THE COURT: Go ahead.
 12 BY MR. MANGARIN:
 13 Q. In that third conversation, the subject of
 14 how anyone knew that an individual had money or
 15 whether they were related by being a nephew didn't
 16 come up in that third conversation, the one that was
 17 outside the car?
 18 A. Yes.
 19 Q. Yes, it did not come up?
 20 A. Yes, it didn't come up.
 21 Q. It did not come up?
 22 A. Yes.
 23 Q. Okay. All right. You had met Eric
 24 Anderson before that date?
 25 A. No.
 26 Q. Okay. That was the first time you had met
 27 him?
 28 A. Yes.

1 Q. Okay. And you had not heard of Eric
 2 Anderson; is that correct?
 3 A. Yes.
 4 Q. And when Eric Anderson was introduced to
 5 you, how did that happen? Who introduced him to
 6 you?
 7 A. Apollo.
 8 Q. Apollo. Okay. And that was again at
 9 Randy's house?
 10 A. Yes.
 11 Q. Okay. And when he introduced Eric, he
 12 introduced him as -- as Eric, right?
 13 A. Yes.
 14 Q. He didn't say, "This is Stressed Eric"?
 15 A. No.
 16 Q. And you never even heard of that until
 17 Mr. McAllister asked you about that yesterday,
 18 right?
 19 A. Yes.
 20 Q. Okay. Had you ever been over to the house
 21 of the other Eric?
 22 A. Once.
 23 Q. Okay. And where was that generally?
 24 A. I'm not sure.
 25 Q. San Diego?
 26 A. Yeah, El Cajon.
 27 Q. El Cajon?
 28 A. El Cajon, Blossom Valley.

1 A. I didn't really like sit down and talk to
 2 him.
 3 Q. But you remember saying, "I didn't meet
 4 him, but he called my house one time"?
 5 A. Yeah, he did.
 6 Q. Okay. And you know he called your house
 7 because you returned what was showing on your cell
 8 phone, right, or your phone?
 9 A. What are you talking about?
 10 Q. well, how it was that you first came to
 11 know or meet Eric was your initial contact was
 12 through a phone call; is that right?
 13 A. Yeah.
 14 Q. Okay. And that was in April?
 15 A. I don't know.
 16 Q. You received a call, and you called it
 17 back; is that right?
 18 A. Not the first time he called, nobody was at
 19 my house. One of my parents answered the phone.
 20 Q. Can you explain to us how it was that you
 21 tied Eric in to this phone call to your house?
 22 A. He called my house and I called that number
 23 back.
 24 Q. Was it a hard line or a cell phone?
 25 A. A hard line.
 26 Q. Had you given your telephone number to Eric
 27 Anderson?
 28 A. No.

"
 Just Eric
 Conflicts with 648

→
 true
 B.S.
 →
 try to avoid
 talk about other
 Eric

1 Q. So you called it back and a male voice
 2 answered, right?
 3 A. Yes.
 4 Q. And he identified himself as Eric?
 5 A. Uh-huh.
 6 Q. Right?
 7 A. Yes.
 8 Q. And when you were talking to Detective
 9 Goldberg, you were referencing that phone call in
 10 relation to the Eric that you were talking about in
 11 that interview, right?
 12 A. Yeah.
 13 Q. Which was Eric Anderson?
 14 A. Uh-huh.
 15 Q. Right?
 16 A. (Nodding head.)
 17 Q. But you know another Eric, don't you?
 18 A. Not really.
 19 Q. But you know that Apollo and Brandon hang
 20 out with another guy named Eric?
 21 A. I wouldn't say hang out. They knew another
 22 Eric.
 23 Q. They transact drugs with him?
 24 A. Not all the time, it wasn't about that
 25 time.
 26 MR. MCALLISTER: Lacks foundation; calls for
 27 speculation, and irrelevant.
 28 THE COURT: Sustained. Stricken.

2 Eric - I. P. maybe a but only

Needed?

issue of Baker report, but a bit different.

361

362

1 THE COURT: And then are you going to ask
2 questions about the report?

3 MR. MCALLISTER: Yes, I am.

4 THE COURT: Ask some questions first and then
5 see if, because he said he's read it, right, he said
6 that. Let's have questions first, Mr. McAllister.

7 BY MR. MCALLISTER:

8 Q. When you read the report, did you agree
9 with the contents of the report?

10 A. To all of it except for the last of it
11 where it said that I had known that he -- or that he
12 had mentioned that someone had died, which I didn't
13 until after the fact, after the point when I
14 actually put two and two together when I actually
15 saw it in the newspaper, and I didn't at the time
16 state that because I was kind of nervous. I mean
17 you have to understand this is a point in my life
18 that I want to be --

19 Q. What I'm talking about now, sir, is your
20 opportunity to review the report, which was this
21 morning. You had an opportunity?

22 A. It was yesterday morning.

23 Q. Yesterday morning. You've had a chance to
24 review the report?

25 A. Yes, sir.

26 Q. Did you say anything to Mr. Baker at that
27 time about "I don't agree"?

28 A. No. At the moment I didn't because I

1 really wasn't thinking of that.

2 Q. So there was something in this report that
3 you thought --

4 A. At the end of it, yes.

5 Q. Let me finish my question, sir, and then
6 I'll let you answer.

7 There was something in this report that you
8 thought was not accurate?

9 A. Yeah. When I revised it in my head like at
10 the end of the day, I finally realized wait a
11 minute, something -- the end of the report wasn't
12 worded right, actually.

13 Q. But do you remember reading in that report
14 that William said --

15 MR. WILLIAMS: Objection. Greening him.

16 THE COURT: Sustained.

17 BY MR. MCALLISTER:

18 Q. In the original statement that you gave to
19 Mr. Baker, you told him that Brandon had told you
20 that something big had happened and it didn't go
21 right and someone got killed. Do you agree that you
22 said that to Mr. Baker?

23 A. See, but Brandon didn't exactly tell me
24 that someone got killed.

25 Q. I'm asking whether you agree you said that
26 to Mr. --

27 MR. WILLIAMS: I'm going to object now under
28 Green.

1 then he had called after that, and that's when we
 2 conversed.
 3 Q. And you talked on the telephone?
 4 A. Yes, sir.
 5 Q. How long did this telephone conversation
 6 last?
 7 A. Oh, I don't know, maybe half-hour, 45
 8 minutes.
 9 Q. Okay. who did most of the talking?
 10 A. I'd say he did.
 11 Q. Mr. Baker did most of the talking?
 12 A. Yes. Mr. Baker did most of the talking.
 13 Q. He basically told you what happened and you
 14 said yes?
 15 MR. McALLISTER: Objection. That question is
 16 argumentative.
 17 THE COURT: Sustained. Stricken.
 18 Next question.
 19 BY MR. WILLIAMS:
 20 Q. Did he tell you he knew all about this
 21 case?
 22 A. Well, yeah.
 23 Q. What did he tell you he knew?
 24 A. He didn't tell me anything that he knew.
 25 He said that he knew that -- he knew that he was --
 26 in Brandon's defense, he knew that Brandon wasn't
 27 the shooter, that he just wanted to hear -- he
 28 wanted to hear someone's testimony, or he wanted to

1 hear what I had to say if I knew anything.
 2 Q. Did he tell you did you want to help
 3 Brandon out by talking to him?
 4 A. Yeah. well, he asked me if -- okay. He
 5 asked me -- you've got me nervous here.
 6 Q. That's okay. Take your time.
 7 A. He asked me if I knew anything and that
 8 if -- I'm flustered. I'm usually not at a loss for
 9 words either.
 10 He asked me if I knew anything and if I had
 11 anything in Brandon's defense.
 12 Q. Oh, did you have anything in Brandon's
 13 defense?
 14 A. Or if I had anything that would help -- if
 15 I knew anything that would not incriminate any other
 16 person.
 17 Q. Oh, that would not incriminate who?
 18 A. That would not incriminate Brandon or
 19 any -- what -- God, I don't know exactly know what
 20 he told me. It's been a while.
 21 Q. Were you under the impression that he was
 22 helping Brandon out?
 23 A. That's the impression that I had, sir.
 24 Q. Because he told you that, didn't he?
 25 A. Yes.
 26 Q. Okay. I don't care what you told Steve
 27 Baker. I want to know what Brandon Handshoe told
 28 you. What did Brandon tell you?

Clearly the other link

1 Q. And she mentions Brandon by name, right?
2 A. Yes.
3 Q. And as to this other person, she uses a
4 first name; is that correct?
5 A. Yes.
6 Q. She uses the name Eric?
7 A. Yes.
8 Q. She doesn't give you a last name, right?
9 A. No.
10 Q. She doesn't give a nickname, right?
11 A. Yes.
12 Q. Does she describe the person to you?
13 A. Sort of.
14 Q. You say, "Sort of." Does she tell you --
15 does she ask you whether you know him or not?
16 A. No.
17 Q. Did it appear to you when she was talking
18 about Eric on that conversation, that it was someone
19 that you were familiar with or knew?
20 A. I knew of. I've heard of him. And that's
21 it.
22 Q. You've heard of an Eric?
23 A. Yes.
24 Q. That Brandon and Apollo have been known to
25 hang around or know?
26 A. Yes.
27 Q. Okay. And this is a person that provides
28 drugs?

Miss Adkins

2 Exes

904

905

1 A. As far as I know, yes.
2 Q. Have you ever seen that Eric?
3 A. No.
4 Q. Okay. So when Miss Peretti was talking to
5 you about this other Eric -- or Eric as being the
6 third person, you had in your mind another Eric that
7 you had heard of in the past?
8 A. Yes.
9 Q. Okay. She doesn't mention to you anything
10 about how they got over to this place?
11 A. No.
12 Q. And does she mention to you anything about
13 a lot of money?
14 A. Yes.
15 Q. What does she say?
16 A. She told me that they got told by somebody
17 that he had a lot of money, and that's it.
18 Q. Did she give you an amount?
19 A. No.
20 Q. And she told you that they had been told
21 that person had a lot of money. Do you know whether
22 she had mentioned Apollo, Brandon -- who was she
23 referring to, if you know?
24 A. I got told later down the road that it was
25 by Randy.
26 Q. No, told who -- who had the information
27 that person had a lot of money, if you recall?
28 MR. McALLISTER: Objection, Your Honor. It

1 calls for speculation, and it's hearsay because it's
2 beyond the scope.
3 THE COURT: It's hearsay. Sustained.
4 BY MR. MANGARIN:
5 Q. She never told you in this first
6 conversation whose idea it was to go over and do
7 this, did she?
8 MR. McALLISTER: Objection, Your Honor. Calls
9 for hearsay.
10 THE COURT: Overruled. "She" being Valerie.
11 THE WITNESS: Not that I can recall.
12 BY MR. MANGARIN:
13 Q. Did she tell you whether they actually got
14 any money?
15 A. No.
16 MR. McALLISTER: Objection. Calls for hearsay.
17 THE COURT: Sustained.
18 BY MR. MANGARIN:
19 Q. You had another conversation which -- in
20 which Apollo was present; is that right?
21 A. Yes.
22 Q. Okay. And Apollo on this occasion appeared
23 emotional to you?
24 A. Yes.
25 Q. You don't know whether he was crying or
26 not, but you do recall him being emotional?
27 A. Yes.
28 Q. He looked afraid?

1 ALL -- I MEAN, THOSE PACKETS ARE GOING TO BE PART OF THIS
2 TRIAL RECORD, BUT INCLUDED IN THAT FORMAL RETURN, WHICH
3 I'VE GOT AS FEBRUARY 28TH, 2005, IS A COPY OF A JULY 26TH,
4 2004 SDT. AND KIND OF THE, I'LL CALL IT THE TYPICAL SDT,
5 THE ONE THAT'S ISSUED BY ATTORNEYS WITHOUT COMING TO COURT
6 AND SAYING, JUDGE, WE WANT YOU TO LOOK AT THIS.

7 FROM LOOKING AT THAT, AND THE ACTUAL SDT
8 2703(D) ORDER THAT WAS EXECUTED BY THIS COURT ON
9 SEPTEMBER 23RD, AND THEN RECALLING AND LOOKING AT THE
10 SUMMARY OF EVENTS AS OUTLINED BY MR. BRADLEY, IT APPEARS
11 TO ME THAT THE DISTRICT ATTORNEY SOUGHT, WHAT I'LL CALL
12 REGULAR OR TYPICAL PHONE RECORD INFORMATION, IN JULY
13 THROUGH A STANDARD SDT. AND THEN AT SOME -- AT SOME TIME
14 AFTER THAT SDT WAS ISSUED, THERE WAS SOME KIND OF
15 ROADBLOCK, POSSIBLY PHONE CALLS, AND CINGULAR MUST HAVE
16 SAID, NO, WE'RE NOT GIVING YOU CELL SITE INFORMATION.
17 OKAY.

18 WOULD THAT BE A FAIR ASSESSMENT OF WHAT
19 HAPPENED BEHIND THE SCENES?

20 MR. MC ALLISTER: MY RECOLLECTION, YOUR HONOR,
21 IS THAT INFORMATION WAS SOUGHT. CINGULAR WOULD NOT
22 PROVIDE IT BECAUSE, IN THEIR VIEW, IT DID NOT COMPLY WITH
23 THE REQUIREMENTS OF THE FEDERAL CODE USC. AND THAT
24 SOMEHOW, AND I DON'T REMEMBER EXACTLY HOW, BUT I THINK
25 THROUGH MY PARALEGAL, I WAS NOTIFIED THAT THERE WAS A
26 SEPARATE ORDER THAT WOULD BE REQUIRED UNDER 18 USC 2703.
27 AND IT WAS AT THAT POINT THAT THAT ORDER WAS DROPPED OFF
28 HERE WITH THE COURT OR -- AND THEN PICKED UP AT A LATER

1 TIME OR SENT AT A LATER TIME.

2 THE COURT: ALL RIGHT. NOW, IN TERMS OF THE
3 DISPUTED DECLARATION, WHICH IS -- AT THE TOP IT SAYS
4 "DECLARATION FOR SUBPOENA DUCES TECUM," AND THIS IS THE
5 DECLARATION THAT WAS SUBMITTED TO THE COURT, THIS COURT,
6 EITHER ON THE 22ND OR 23RD OF SEPTEMBER, ASIDE FROM THE
7 REPRESENTATIONS REGARDING WHY THIS IS NEEDED, THERE IS A
8 FINAL -- OR SECOND TO LAST PARAGRAPH, "DECLARANT HAS
9 ATTACHED AND PRAYS THE COURT WILL SIGN A FURTHER ORDER TO
10 COMPLY WITH THE REQUIREMENT OF THE RECORD HOLDER CINGULAR
11 WIRELESS." NOW, THAT'S WHAT TRIGGERED MY THOUGHT THAT
12 THERE MUST HAVE BEEN SOME RELUCTANCE OF CINGULAR JUST TO
13 TURN THEM OVER THE KITCHEN SINK.

14 MR. MC ALLISTER: THAT IS MY RECOLLECTION.

15 THE COURT: ALL RIGHT. AND I'M ASSUMING,
16 BECAUSE OF WHAT WAS PRESENTED IN A PREVIOUS HEARING, AND I
17 CAN'T REMEMBER WHETHER IT WAS THE 28TH OF FEBRUARY OR THE
18 11TH, THAT SOME DATA IN RESPONSE TO THE SDT/ORDER WAS
19 RECEIVED BY E-MAIL BEFORE FEBRUARY 25TH OF --
20 FEBRUARY 28TH, 2005.

21 MR. MC ALLISTER: YES, I -- I BELIEVE WHAT
22 HAPPENED, YOUR HONOR, AND IF YOU WOULD LOOK AT COUNSEL'S
23 ATTACHMENT TO HIS REPLY, I THINK IT IS -- LET ME CHECK
24 THAT TO MAKE SURE. YOU WILL SEE IN COUNSEL'S REPLY,
25 LISTED AS EXHIBIT "A", THERE APPEARS TO BE AN E-MAIL FROM
26 A MS. ROEHMHOLDT TO MR. BRADLEY THAT INCLUDES SOME
27 CONVERSATION BETWEEN -- I CAN NEVER READ THESE THINGS
28 BACKWARDS. SOMEONE, AND THERE APPARENTLY WAS A

1 MR. ROAKE: ALL RIGHT.

2 I HAVE NO FURTHER QUESTIONS.

3 THE COURT: MS. VANDENBOSCH?

4 MR. ROAKE: THANK YOU, MA'AM.

5 MS. VANDENBOSCH: THANK YOU.

6
7
8 CROSS-EXAMINATION

9 BY MS. VANDENBOSCH:

10 Q. GOOD AFTERNOON, MS. BARNES.

11 A. GOOD AFTERNOON.

12 Q. MS. BARNES, YOU DIDN'T SPEAK WITH ANYBODY
13 ABOUT THIS CASE IN 2003, DID YOU?

14 A. YES, I DID.

15 Q. WHO DID YOU SPEAK TO?

16 A. A FRIEND OF MINE WHO WORKED AT THE EL CAJON
17 SPEEDWAY.

18 Q. OKAY. I SHOULD REPHRASE THAT. YOU DIDN'T
19 SPEAK WITH ANYONE FROM LAW ENFORCEMENT ABOUT THIS
20 CASE DURING 2003; IS THAT RIGHT?

21 A. NO.

22 Q. NOR DID YOU DURING 2004?

23 A. RIGHT.

24 Q. IN FACT, THE FIRST TIME YOU WERE EVER
25 INTERVIEWED WITH RESPECT TO THIS CASE WAS ON
26 MARCH 17TH OF 2005; IS THAT RIGHT?

27 A. I CAN'T RECALL THE EXACT DATE, BUT YES.

28 Q. BUT IT WAS FAIRLY RECENTLY?

1 A. YES, MA'AM.

2 Q. WITHIN THE LAST COUPLE OF MONTHS?

3 A. YES, MA'AM.

4 Q. AND THE PERSON WHO INTERVIEWED YOU WAS
5 STEVE BAKER, WHO IS SEATED HERE IN THE COURTROOM; IS
6 THAT RIGHT?

7 A. YES, MA'AM.

8 Q. IN THE MIDDLE OF THE FRONT TABLE?

9 A. YES, MA'AM.

10 Q. AND WHEN STEVE BAKER CAME TO TALK TO YOU,
11 HE DIDN'T HAVE ANY PHOTOGRAPHS WITH HIM; IS THAT
12 RIGHT?

13 A. THAT'S CORRECT.

14 Q. OKAY. WHAT YOU TOLD HIM AT THAT TIME WAS
15 THAT YOU HAD SEEN SOME MEDIA, YOU HAD SEEN ARTICLES
16 IN THE PAPER?

17 A. ABSOLUTELY.

18 Q. AND YOU HAD SEEN PROGRAMS ON THE
19 TELEVISION?

20 A. YES, MA'AM.

21 Q. AND YOU HAD SPOKEN WITH YOUR FRIEND AT THE
22 SPEEDWAY?

23 A. YES, MA'AM.

24 Q. AND SO WHEN YOU TOLD MR. BAKER THAT YOU
25 RECOGNIZED AN OLDER PERSON WHO HAD COME TO BRANDON'S
26 HOUSE, BRANDON HANDSHOE'S HOUSE, YOU WERE BASING IT
27 ON PICTURES THAT YOU HAD SEEN IN THE NEWSPAPER; IS
28 THAT RIGHT?

1 THERE WITH ME.

2 Q. WAS ALSO PRESENT?

3 A. UH-HUH.

4 Q. IN FACT, IT WAS AT YOUR HOME; IS THAT
5 RIGHT?

6 A. YES. IT WAS VERY EARLY ON A SATURDAY
7 MORNING.

8 Q. I HOPE NOT TOO EARLY.

9 A. WELL, I WAS TRYING TO GET MY KIDS READY TO
10 GO OUT THE DOOR FOR BASEBALL.

11 Q. BUT YOU HAD AN OPPORTUNITY, WOULD IT BE
12 FAIR TO SAY, TO REVIEW THE PHOTOGRAPHS?

13 A. HURRIEDLY, YEAH.

14 Q. YES, OKAY. AND WOULD IT BE FAIR TO SAY
15 THAT THERE WERE PERSONS IN THAT PACKET OF
16 PHOTOGRAPHS THAT YOU RECOGNIZED AND PERSONS THAT YOU
17 DIDN'T?

18 A. YES, MA'AM.

19 Q. AND YOU SPECIFICALLY INDICATED TO
20 MS. ROEHMHOLDT WHICH WERE THE PEOPLE THAT YOU DID
21 RECOGNIZE?

22 A. MY SON WAS BETTER OFF IDENTIFYING THEM BY
23 NAME THAN I WAS.

24 Q. OKAY. NOT CONCENTRATING ON THE NAME, YOU
25 WERE SPECIFICALLY ASKED TO IDENTIFY THEM BY FACE, BY
26 PHYSICAL APPEARANCE?

27 A. BY PEOPLE I HAD SEEN NEXT DOOR, YES.

28 Q. OKAY. AND ONE OF THE -- I'M GOING TO SHOW

1 YOU WHAT'S BEEN MARKED AS DEFENSE EXHIBIT "G."
2 (EXH. DFT'S G WAS IDENTIFIED.)

3 MR. MCALLISTER: YOUR HONOR, THE PEOPLE HAVE NOT
4 BEEN SHOWN THESE PHOTOGRAPHS.

5 MS. VANDENBOSCH: OH, I'M SORRY.

6 MR. MCALLISTER: THANK YOU, COUNSEL.

7 BY MS. VANDENBOSCH:

8 Q. MS. BARNES, I'M NOW GOING TO SHOW YOU
9 WHAT'S BEEN MARKED DEFENSE EXHIBIT "D," AND I'M
10 GOING --

11 THE COURT: IS IT "D" OR "G"?

12 MS. VANDENBOSCH: I'M SORRY, "G."

13 BY MS. VANDENBOSCH:

14 Q. I'M GOING TO ASK YOU IF YOU RECOGNIZE THAT
15 PHOTOGRAPH.

16 A. I RECOGNIZE HIM AS BEING SOMEBODY AT THE
17 HANDSHOE HOME, YES.

18 Q. HE, THE INDIVIDUAL IN THIS PHOTOGRAPH, IS
19 SOMEONE WHO YOU WOULD FAIRLY REGULARLY SEE AT THE
20 HANDSHOE HOME?

21 A. YES.

22 Q. OKAY. NOW, DO YOU KNOW HIM BY NAME?

23 A. NO, I DO NOT.

24 Q. OKAY. THANK YOU. AND DURING THAT SAME
25 INTERVIEW, YOU WERE -- I'M GOING TO SHOW YOU WHAT'S
26 NOW BEEN MARKED DEFENSE EXHIBIT "J." YOU WERE ALSO
27 SHOWN THE PHOTOGRAPH THAT'S DEPICTED IN DEFENSE
28 EXHIBIT "J"; IS THAT RIGHT?

(EXH. DFT'S J WAS IDENTIFIED.)

THE WITNESS: YES, IT IS.

BY MS. VANDENBOSCH:

Q. AND YOU LOOKED AT THAT PHOTOGRAPH CAREFULLY AS WELL?

A. HURRIEDLY, YES.

Q. YES. AND YOU INDICATED THAT THAT WAS A PERSON THAT YOU DID NOT RECOGNIZE AS SOMEONE WHO YOU HAD SEEN AT THE HANDSHOE HOME?

A. I DON'T RECALL THAT STATEMENT.

Q. YOU DON'T RECALL THAT STATEMENT?

A. NO. I REMEMBER SEEING THE PHOTO AND IT LOOKING FAMILIAR.

Q. UH-HUH.

A. BUT I DON'T RECALL MAKING THE STATEMENT THAT HE WAS NEVER AT THE HANDSHOE HOME.

Q. OKAY. BUT YOU DO REMEMBER BEING SHOWN THIS?

A. ABSOLUTELY.

Q. OKAY. OKAY. AND THEN LASTLY, MS. BARNES, DO YOU REMEMBER BEING SHOWN A PICTURE OF SOME VEHICLES?

A. YES, I DO.

Q. OKAY. AND I'M GOING TO SHOW YOU WHAT'S BEEN MARKED DEFENSE EXHIBIT "H."

(EXH. DFT'S H WAS IDENTIFIED.)

THE WITNESS: UH-HUH.

BY MS. VANDENBOSCH:

Q. AND DEFENSE EXHIBIT "I," AND I'M GOING TO ASK YOU WHETHER YOU RECOGNIZE THOSE AS -- AS THE PHOTOGRAPHS THAT YOU WERE SHOWN OF VEHICLES. (EXH. DFT'S I WAS IDENTIFIED.)

THE WITNESS: YES, MA'AM.

BY MS. VANDENBOSCH:

Q. OKAY. AND DO YOU LIKEWISE -- DO YOU REMEMBER STATING THAT NEITHER OF THOSE VEHICLES WERE VEHICLES THAT YOU HAD SEEN AT THE HANDSHOE HOME?

A. ABSOLUTELY. TO MY BEST RECOLLECTION, YES.

MS. VANDENBOSCH: OKAY. OKAY. IF I COULD HAVE JUST A MOMENT, YOUR HONOR? JUST ONE MOMENT?

THE COURT: SURE.

MS. VANDENBOSCH: THANK YOU, MS. BARNES, I HAVE NO FURTHER QUESTIONS. THANK YOU.

THE COURT: MS. ROSENFELD?

MS. ROSENFELD: NO QUESTIONS. THANK YOU.

THE COURT: MR. MCALLISTER.

REDIRECT EXAMINATION

BY MR. MCALLISTER:

Q. MA'AM, JUST BY WAY OF CLARIFICATION, YOU'VE LOOKED AT MR. ANDERSON HERE IN THE COURTROOM. IS IT YOUR TESTIMONY THAT HIS APPEARANCE HAS CHANGED?

A. HE LOOKS A LITTLE BIT DIFFERENT TO ME NOW, YES.

Q. BUT THE PHOTOGRAPH THAT I SHOWED YOU ON, I

Baron 29in

3273

1 A. I ONLY LEARNED OF HIS NAME THROUGH THE NEWS
2 MEDIA.
3 Q. OKAY.
4 A. THE FACE I KNEW.
5 Q. THE FACE YOU KNEW. AND THE MAN SEATED
6 HERE, YOU'VE INDICATED, DOES NOT LOOK FAMILIAR TO
7 YOU?
8 A. TOTALLY DIFFERENT.
9 Q. OKAY. AND, IN FACT, YOU HAD AN OPPORTUNITY
10 TO SPEAK WITH AN INVESTIGATOR FROM MY OFFICE, A
11 WOMAN BY THE NAME OF SUE ROEHMHOLDT; IS THAT RIGHT?
12 A. YES, I DID.
13 Q. AND MS. ROEHMHOLDT ACTUALLY SHOWED YOU
14 CERTAIN PHOTOGRAPHS?
15 A. YES, SHE DID.
16 Q. BOTH OF PEOPLE, OF INDIVIDUAL PEOPLE, AND
17 ALSO OF VEHICLES; IS THAT RIGHT?
18 A. YES.
19 Q. AND SHE SPECIFICALLY ASKED YOU FOR A MORE
20 DETAILED DESCRIPTION OF THIS OLDER FELLOW THAT YOU
21 SAW AT BRANDON HANDSHOE'S HOUSE?
22 A. YES.
23 Q. NOW, WOULD IT BE FAIR TO SAY THAT IT WASN'T
24 JUST ONE OLDER FELLOW WHO HUNG OUT AT BRANDON
25 HANDSHOE'S HOUSE?
26 A. YES, MA'AM.
27 Q. IN FACT, ASIDE FROM THE YOUNGER GROUP
28 AROUND BRANDON HANDSHOE'S AGE, THERE WERE OTHER

3274

1 OLDER INDIVIDUALS WHO WOULD COME AND GO?
2 A. YES, MA'AM.
3 Q. AND THERE WERE PLENTY OF VEHICLES THAT
4 WOULD COME AND GO FROM THAT PARTICULAR HOME?
5 A. YES, MA'AM.
6 Q. AND MS. ROEHMHOLDT DID SPECIFICALLY ASK YOU
7 TO GIVE A MORE DETAILED DESCRIPTION OF THE FELLOW
8 WHO -- WHO MR. BAKER HAD BEEN FOCUSING ON; IS THAT
9 RIGHT?
10 A. YES, MA'AM.
11 Q. AND YOU DESCRIBED HIM AS BEING TALLER
12 BUILT; IS THAT RIGHT?
13 A. YES, MA'AM.
14 Q. ABOUT 6 FEET?
15 A. YES.
16 Q. AND YOU DESCRIBED THAT HIS HAIR WAS -- IT
17 WASN'T SHORT, AND MAYBE IT WAS ABOUT COLLAR LENGTH?
18 A. YES, MA'AM.
19 Q. AND YOU ALSO INDICATED THAT HE OFTEN LOOKED
20 LIKE HE HADN'T SHAVED IN A WEEK OR TWO?
21 A. YES, MA'AM.
22 Q. AND YOU -- YOU'VE INDICATED YOU DO RECALL
23 WHEN MS. ROEHMHOLDT CAME TO SEE YOU THAT SHE HAD
24 WITH HER A WHOLE SERIES OF PHOTOGRAPHS?
25 A. YES, I DID.
26 Q. AND THAT SHE ASKED YOU TO LOOK CAREFULLY AT
27 ALL THE PHOTOGRAPHS?
28 A. YES, SHE DID. AND MY 13-YEAR-OLD SON WAS

2 Eric

237

1 Q. I'm sorry?
2 A. Another Eric.
3 Q. Okay. The other Eric. And this other Eric
4 that -- you have personal knowledge of him? You had
5 known him?
6 A. Somewhat.
7 Q. And this other Eric, at least to your
8 knowledge, was someone who would deal in drugs, sold
9 drugs?
10 A. Yes.
11 Q. Okay. And this other Eric was someone who
12 you knew had weapons, right?
13 A. Not that I know of.
14 Q. Okay. You didn't know. To your knowledge
15 I mean?
16 A. Yes.
17 Q. And this other Eric that was there, you
18 don't know his last name, do you?
19 A. No.
20 Q. Okay. And you got a pretty good look at
21 him?
22 A. Yes.
23 Q. And you had seen him before, right?
24 A. Yes.
25 Q. And this other Eric is kind of older, isn't
26 he?
27 A. Yes.
28 Q. He's maybe in his late 30s?

238

1 A. Yes.
2 Q. Or early 40s?
3 A. Yes.
4 Q. He's got a beard, right?
5 A. No.
6 Q. Excuse me?
7 A. No.
8 Q. When you saw him, he didn't have a beard?
9 A. Yes.
10 Q. And you have never seen him have a beard?
11 A. No.
12 Q. This other Eric has kind of hair that's
13 kind of greying a little bit?
14 A. Not that I know of.
15 Q. Is there a third Eric that you are familiar
16 with?
17 A. No.
18 Q. Mr. Paulson, in this third conversation
19 that you testified to, again the topic came up about
20 somebody having money; is that right?
21 A. Yes.
22 Q. And at that conversation, if you recall,
23 was there mention of someone -- how they knew or
24 someone being a friend of a nephew?
25 A. No.
26 Q. No, there was no mention?
27 A. There was no mention.
28 Q. Okay. And as far as you could hear, that

*Barnes 2500
page 2500*

3267

1 A. YES, I DO.
2 Q. HOW DO YOU KNOW WHO BRANDON HANDSHOE IS?
3 A. HE WAS MY NEIGHBOR FOR ABOUT EIGHT YEARS.
4 Q. AND AT WHAT LOCATION WAS HE YOUR NEIGHBOR?
5 A. THE NEXT TRAILER NEXT TO MINE.
6 Q. AND WHAT'S THE ADDRESS?
7 A. OH, I'M SORRY, 14215 PECAN PARK LANE. HE
8 WAS IN SPACE 50 AND I'M IN 51.
9 Q. AND HOW ARE THOSE SPACES ALIGNED WITH EACH
10 OTHER? ARE THEY NEXT TO EACH OTHER OR ACROSS FROM
11 EACH OTHER OR --
12 A. NEXT DOOR TO EACH OTHER.
13 THE COURT: AND IT MIGHT BE A LITTLE DIFFICULT
14 HEARING YOU OVER HERE. SO IF YOU COULD LEAN IN OR
15 PULL THE MIKE UP A LITTLE BIT MORE OR LEAN INTO IT,
16 THANK YOU. WE HAVE BAD ACOUSTICS IN THE COURTROOM.
17 MR. MCALLISTER: WE NEED MORE MODERN TECHNOLOGY.
18 THE COURT: YES, WE SURE DO.
19 BY MR. MCALLISTER:
20 Q. MS. BARNES, DO YOU KNOW APOLLO HUHN?
21 A. YES, I DO.
22 Q. AND DO YOU SEE APOLLO HUHN IN THE
23 COURTROOM?
24 A. YES, I DO.
25 Q. COULD YOU INDICATE WHERE HE'S SEATED.
26 A. HE'S DIRECTLY BEHIND YOU.
27 THE COURT: SHE'S IDENTIFIED --
28 MR. MCALLISTER: MAY THE RECORD REFLECT --

3268

1 THE COURT: -- APOLLO HUHN.
2 BY MR. MCALLISTER:
3 Q. DO YOU KNOW RANDY LEE?
4 A. YES, I DO.
5 Q. DO YOU SEE RANDY LEE IN THE COURTROOM?
6 A. YES, I DO. HE'S AT THE OTHER TABLE, AT THE
7 END.
8 MR. MCALLISTER: MAY THE RECORD REFLECT THE
9 IDENTIFICATION?
10 THE COURT: YES. MS. BARNES HAS IDENTIFIED
11 RANDY LEE, THE DEFENDANT.
12 BY MR. MCALLISTER:
13 Q. NOW, THE GENTLEMAN SITTING AT THE TABLE IN
14 THE BACK IN THE BLUE SHIRT, HAVE YOU SEEN HIM
15 BEFORE?
16 A. NO, I -- HE DOES NOT LOOK FAMILIAR TO ME.
17 Q. HAVE YOU EVER SEEN AN OLDER MALE OVER AT
18 THE HANDSHOE TRAILER?
19 A. YES, WE DID.
20 Q. OKAY. AND WHEN YOU SAW THAT OLDER MALE
21 OVER AT THE HANDSHOE TRAILER, DID YOU COME TO SOME
22 LATER OPINION ABOUT WHO THAT WAS?
23 A. AFTER THE NEWS HAD BEEN BROADCASTED, YES.
24 Q. AND WHAT NEWS WAS THAT?
25 A. ABOUT THE SHOOTING OF MR. BRUCKER.
26 Q. AND DID YOU RECOGNIZE THE PERSON WHO YOU
27 HAD SEEN ON THE NEWS AS HAVING BEEN AT THE HANDSHOE
28 TRAILER?

1 2003 YOU TESTIFIED; IS THAT RIGHT?

2 A. THAT'S CORRECT.

3 Q. OKAY. AND IT WOULD HAVE BEEN YOUR TESTIMONY, AS
4 YOU SIT HERE TODAY, THAT ON THAT PARTICULAR INTERVIEW, SHE
5 IDENTIFIED THE ERIC SHE WAS TALKING ABOUT AS A FELLOW WHO
6 DID TATTOOS?

7 A. I BELIEVE SHE DID.

8 Q. DID YOU -- THAT INTERVIEW WAS NOT AUDIOTAPED; IS
9 THAT RIGHT?

10 A. NO, I DID NOT HAVE A RECORDER WITH ME ON THAT
11 PARTICULAR DATE.

12 Q. OKAY. BUT PRESUMABLY YOU TOOK NOTES?

13 A. I WOULD HAVE TAKEN NOTES.

14 Q. AND YOU WROTE UP A REPORT?

15 A. YES.

16 Q. OKAY. AND YOU HAD A CHANCE TO REVIEW YOUR
17 REPORT?

18 A. YES.

19 Q. AND WOULD YOU -- WOULD IT BE FAIR TO SAY YOU
20 ATTEMPT TO WRITE UP ACCURATE REPORTS?

21 A. YES.

22 Q. OKAY. WOULD IT BE FAIR TO SAY GOING TO THAT
23 PARTICULAR REPORT DATED JULY 2nd, 2003 THAT THE
24 PARAGRAPH WHEREIN YOU DEAL WITH ANY CONTACT THAT THIS
25 MS. COLGAN MAY HAVE HAD WITH A FELLOW NAMED ERIC IS
26 PARAGRAPH 3?

27 A. I'M SORRY, CAN YOU REPEAT THE QUESTION?

28 Q. THE -- WHERE YOU SUMMARIZE WHATEVER MS. COLGAN

1 MAY HAVE SAID ON JULY 2nd OF 2003 REGARDING THIS FELLOW

2 ERIC IS SUMMARIZED IN PARAGRAPH 3 OF YOUR REPORT OF THAT
3 INTERVIEW; IS THAT RIGHT?

4 A. THAT'S CORRECT.

5 Q. OKAY. IS THERE -- CAN YOU REVIEW THAT PARAGRAPH
6 FOR ME, PLEASE?

7 A. YES.

8 Q. OKAY. IS THERE ANYWHERE IN THAT PARAGRAPH WHERE
9 IT MAKES ANY REFERENCE TO THE ERIC THAT SHE WAS TALKING
10 ABOUT BEING A FELLOW WHO DOES TATTOOS?

11 A. I DON'T SEE -- I DON'T SEE A REFERENCE TO IT,
12 NO.

13 MS. VANDENBOSCH: THANK YOU. NO FURTHER
14 QUESTIONS.

15 THE COURT: THANK YOU.

16 AND, MS. ROSENFELD, ANY RECROSS IN THOSE
17 AREAS COVERED BY MR. MC ALLISTER IN HIS REDIRECT?

18

19 RECROSS-EXAMINATION

20 BY MS. ROSENFELD:

21 Q. MR. BAKER, DID YOU EARLY ON IN THIS CASE MAKE A
22 REQUEST THAT THE SOCIAL VISITS OF ALL THE DEFENDANTS BE
23 TAPE RECORDED?

24 MR. MC ALLISTER: OBJECTION, YOUR HONOR, THIS IS
25 WAY BEYOND THE SCOPE OF --

26 THE COURT: WELL, I'M ASSUMING IT HAS SOME
27 BEARING ON THIS ISSUE OF THREATS AND WHEN THEY MAY HAVE
28 COME UP.

1 Q. AND YOU SAW HER LAUGHING VARIOUS TIMES WHEN SHE
2 WAS TESTIFYING IN COURT?

3 MR. MC ALLISTER: OBJECTION, YOUR HONOR, THIS
4 EXCEEDS THE SCOPE OF --

5 THE COURT: OVERRULED.

6 THE WITNESS: I BELIEVE SHE DID, YES.

7 BY MS. VANDENBOSCH:

8 Q. OKAY. DO YOU RECALL WHETHER -- WAS SHE LAUGHING
9 MORE OR LESS THAN SHE WAS IN COURT DURING THESE VARIOUS
10 TIMES SHE MADE STATEMENTS TO YOU?

11 A. WELL, DEPENDS ON WHICH PARTICULAR STATEMENT
12 OR -- AND HOW MUCH SHE LAUGHED AT THAT POINT.

13 Q. BUT IT WAS -- IT WAS NOT UNCOMMON FOR HER DURING
14 THE COURSE OF MAKING A STATEMENT TO YOU TO LAUGH?

15 A. WELL, I MEAN, IF YOU'RE ASKING ME DID SHE LAUGH
16 EVERY 20 SECONDS OR SOMETHING LIKE THIS, I WOULD SAY NO.
17 THERE WERE TIMES WHEN SHE WOULD MAKE STATEMENTS AND SHE
18 WOULD LAUGH.

19 Q. OKAY. ALL RIGHT. NOW, YOU WERE SPECIFIC -- I'M
20 GOING TO FOCUS JUST ON THE STATEMENTS THAT YOU ACTUALLY
21 TOOK FROM VALERIE PERETTI AND FROM WHAT I'M UNDERSTANDING,
22 YOUR FIRST STATEMENT WAS JUNE 10th OF 2003?

23 A. I BELIEVE THAT'S CORRECT.

24 Q. SO FOCUSING, THEN, ON THE MIDDLE OF JUNE 2003,
25 WOULD IT BE FAIR TO SAY THAT VALERIE PERETTI AT THAT TIME
26 WAS NOT RELUCTANT TO TALK ABOUT THREATS THAT WERE BEING
27 MADE?

28 A. I DON'T KNOW WHY SHE WOULD BE RELUCTANT, YEAH, I

1 DON'T -- AS FAR AS I KNOW, SHE WASN'T -- SHE WOULD NOT
2 HAVE BEEN RELUCTANT.

3 Q. IN FACT, YOU HAD AN INTERVIEW WITH HER ON
4 JUNE 16th OF 2003 THAT SPECIFICALLY INVOLVED THREATS
5 THAT SHE HAD, ACCORDING TO HER, RECEIVED ON A BUS?

6 A. YES, BUT NOT FROM ANY OF THE DEFENDANTS.

7 Q. RIGHT.

8 A. OKAY.

9 Q. THAT WAS FROM A GROUP OF -- A GROUP OF PEOPLE,
10 IN FACT, A GROUP OF PEOPLE THAT KNEW BRANDON HANDSHOE; IS
11 THAT RIGHT?

12 MR. MC ALLISTER: OBJECTION, YOUR HONOR, CALLS
13 FOR SPECULATION, LACKS FOUNDATION.

14 THE COURT: SUSTAINED.

15 YOU CAN INQUIRE ABOUT THREATS IN GENERAL.

16 MS. VANDENBOSCH: OKAY.

17 BY MS. VANDENBOSCH:

18 Q. SHE DID TALK -- THE FOCUS OF THAT JUNE 16th
19 INTERVIEW WHICH YOU CONDUCTED WAS, IN FACT, THREATS THAT
20 VALERIE PERETTI HAD RECEIVED; IS THAT RIGHT?

21 A. YES.

22 Q. NOW, I WANT TO GO TO PATRICIA COLGAN JUST VERY
23 BRIEFLY. YOU SAID THAT -- YOU WERE ASKED BY

24 MR. MC ALLISTER WHETHER PATRICIA COLGAN IDENTIFIED THIS
25 FELLOW ERIC AS A FELLOW WHO DID TATTOOS; IS THAT RIGHT?

26 A. I BELIEVE SO, YES.

27 Q. OKAY. AND THE FIRST TIME YOU SPOKE TO

28 MS. COLGAN ABOUT THIS FELLOW NAMED ERIC WAS ON JULY 2ND OF

1 2003 YOU TESTIFIED; IS THAT RIGHT?

2 A. THAT'S CORRECT.

3 Q. OKAY. AND IT WOULD HAVE BEEN YOUR TESTIMONY, AS
4 YOU SIT HERE TODAY, THAT ON THAT PARTICULAR INTERVIEW, SHE
5 IDENTIFIED THE ERIC SHE WAS TALKING ABOUT AS A FELLOW WHO
6 DID TATTOOS?

7 A. I BELIEVE SHE DID.

8 Q. DID YOU -- THAT INTERVIEW WAS NOT AUDIOTAPED; IS
9 THAT RIGHT?

10 A. NO, I DID NOT HAVE A RECORDER WITH ME ON THAT
11 PARTICULAR DATE.

12 Q. OKAY. BUT PRESUMABLY YOU TOOK NOTES?

13 A. I WOULD HAVE TAKEN NOTES.

14 Q. AND YOU WROTE UP A REPORT?

15 A. YES.

16 Q. OKAY. AND YOU HAD A CHANCE TO REVIEW YOUR
17 REPORT?

18 A. YES.

19 Q. AND WOULD YOU -- WOULD IT BE FAIR TO SAY YOU
20 ATTEMPT TO WRITE UP ACCURATE REPORTS?

21 A. YES.

22 Q. OKAY. WOULD IT BE FAIR TO SAY GOING TO THAT
23 PARTICULAR REPORT DATED JULY 2nd, 2003 THAT THE
24 PARAGRAPH WHEREIN YOU DEAL WITH ANY CONTACT THAT THIS
25 MS. COLGAN MAY HAVE HAD WITH A FELLOW NAMED ERIC IS
26 PARAGRAPH 3?

27 A. I'M SORRY, CAN YOU REPEAT THE QUESTION?

28 Q. THE -- WHERE YOU SUMMARIZE WHATEVER MS. COLGAN

1 MAY HAVE SAID ON JULY 2nd OF 2003 REGARDING THIS FELLOW
2 ERIC IS SUMMARIZED IN PARAGRAPH 3 OF YOUR REPORT OF THAT
3 INTERVIEW; IS THAT RIGHT?

4 A. THAT'S CORRECT.

5 Q. OKAY. IS THERE -- CAN YOU REVIEW THAT PARAGRAPH
6 FOR ME, PLEASE?

7 A. YES.

8 Q. OKAY. IS THERE ANYWHERE IN THAT PARAGRAPH WHERE
9 IT MAKES ANY REFERENCE TO THE ERIC THAT SHE WAS TALKING
10 ABOUT BEING A FELLOW WHO DOES TATTOOS?

11 A. I DON'T SEE -- I DON'T SEE A REFERENCE TO IT,
12 NO.

13 MS. VANDENBOSCH: THANK YOU. NO FURTHER
14 QUESTIONS.

15 THE COURT: THANK YOU.

16 AND, MS. ROSENFELD, ANY RECROSS IN THOSE
17 AREAS COVERED BY MR. MC ALLISTER IN HIS REDIRECT?

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19 RECROSS-EXAMINATION

20 BY MS. ROSENFELD:

21 Q. MR. BAKER, DID YOU EARLY ON IN THIS CASE MAKE A
22 REQUEST THAT THE SOCIAL VISITS OF ALL THE DEFENDANTS BE
23 TAPE RECORDED?

24 MR. MC ALLISTER: OBJECTION, YOUR HONOR, THIS IS
25 WAY BEYOND THE SCOPE OF --

26 THE COURT: WELL, I'M ASSUMING IT HAS SOME
27 BEARING ON THIS ISSUE OF THREATS AND WHEN THEY MAY HAVE
28 COME UP.

1 LAUGH ABOUT THINGS?

2 A. YES.

3 Q. IN FACT, DO YOU REMEMBER SPECIFICALLY ASKING HER
4 A QUESTION ABOUT WHETHER OR NOT THERE WAS ANY DISCUSSION
5 REGARDING WHAT THEY WOULD DO WITH THE MONEY AFTER THE
6 CRIME?

7 A. YES.

8 Q. AND WHAT WAS HER GENERAL RESPONSE TO THAT?

9 A. SHE -- SHE SAID THAT BRANDON SAID THAT HE WAS
10 GOING TO GO SHOPPING, THAT HE NEEDED SOME THINGS. AND
11 THEN I ASKED HER WELL, HOW ABOUT APOLLO, AND SHE SAID
12 WELL, YEAH, COME ON, WE WERE -- WE WERE ALL TALKING ABOUT
13 THAT AND THEN I -- I'M SORRY, GO AHEAD.

14 Q. MY QUESTION FOR YOU, ONCE SHE ANSWERED THAT
15 QUESTION, WAS SHE SERIOUS, WHAT WAS HER DEMEANOR?

16 A. SHE FOUND IT FUNNY. SHE FOUND -- SHE FOUND THE
17 QUESTION FUNNY BECAUSE THEY WERE TALKING ABOUT HOW THEY
18 WERE GOING TO SPEND THIS MONEY.

19 Q. SHE ACTUALLY LAUGHED?

20 A. SHE ACTUALLY LAUGHED, YES.

21 Q. NOW, DURING THAT INTERVIEW, DID YOU DISCUSS WITH
22 MS. PERETTI WHEN MR. ANDERSON AND -- AND MR. HANDSHOE AND
23 MR. HUNN LEFT IN THE BRONCO WHAT -- WHAT SHE DID, DID YOU
24 ASK HER THAT?

25 A. YES.

26 Q. WHAT DID SHE TELL YOU SHE DID?

27 A. SHE TOLD ME SHE WAS ANGRY AND THAT SHE WENT OUT
28 AND FLIPPED THEM THE FINGER OR FLIPPED APOLLO THE FINGER.

1 Q. GOING BACK TO QUESTIONS ASKED OF YOU REGARDING
2 MS. COLGAN.

3 WHEN MS. COLGAN TALKED TO YOU AND THERE WAS
4 A QUESTION ABOUT ERIC, DID SHE ALSO DESCRIBE THIS PERSON,
5 ERIC, AS THE TATTOO GUY?

6 A. YES.

7 Q. I'M GOING TO ASK YOU SOME QUESTIONS NOW
8 REGARDING MR. NORTHCUTT AGAIN.

9 IN GENERAL TERMS, AS AN INVESTIGATOR FOR
10 THE D.A.'S OFFICE, WHEN A WITNESS IN A CASE SAYS I'M NOT
11 GOING TO TESTIFY, DOES THAT MEAN YOU GIVE UP?

12 A. HARDLY.

13 Q. AND REGARDING THE -- THE PRESENCE OF
14 MR. NORTHCUTT AND MR. ANDERSON AND MR. STEVENS, WHEN A
15 NEWSCAST CAME ON THE T.V., DO YOU REMEMBER THAT -- THOSE
16 QUESTIONS?

17 A. I DO.

18 Q. AT THAT TIME, DO YOU KNOW PERSONALLY WHETHER
19 MR. NORTHCUTT WAS ACTUALLY LIVING THERE OR WHETHER HE WAS
20 JUST VISITING?

21 A. I DON'T KNOW. I MEAN, I -- I THINK I TOOK IT
22 FOR GRANTED THAT HE WAS LIVING THERE, BUT I'M NOT
23 ABSOLUTELY POSITIVE THAT HE WAS PHYSICALLY LIVING THERE
24 AT -- WHEN THOSE STATEMENTS WERE MADE.

25 Q. NOW, DID YOU, DURING YOUR CONVERSATION WITH
26 MR. NORTHCUTT, EXPLAIN TO HIM WHY IT WAS SO IMPORTANT
27 THAT -- THAT YOU WERE DOING YOUR JOB AND HE CAME TO COURT?

28 A. I DID.

1 LAUGH ABOUT THINGS?

2 A. YES.

3 Q. IN FACT, DO YOU REMEMBER SPECIFICALLY ASKING HER
4 A QUESTION ABOUT WHETHER OR NOT THERE WAS ANY DISCUSSION
5 REGARDING WHAT THEY WOULD DO WITH THE MONEY AFTER THE
6 CRIME?

7 A. YES.

8 Q. AND WHAT WAS HER GENERAL RESPONSE TO THAT?

9 A. SHE -- SHE SAID THAT BRANDON SAID THAT HE WAS
10 GOING TO GO SHOPPING, THAT HE NEEDED SOME THINGS. AND
11 THEN I ASKED HER WELL, HOW ABOUT APOLLO, AND SHE SAID
12 WELL, YEAH, COME ON, WE WERE -- WE WERE ALL TALKING ABOUT
13 THAT AND THEN I -- I'M SORRY, GO AHEAD.

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15 QUESTION, WAS SHE SERIOUS, WHAT WAS HER DEAMEANOR?

16 A. SHE FOUND IT FUNNY. SHE FOUND -- SHE FOUND THE
17 QUESTION FUNNY BECAUSE THEY WERE TALKING ABOUT HOW THEY
18 WERE GOING TO SPEND THIS MONEY.

19 Q. SHE ACTUALLY LAUGHED?

20 A. SHE ACTUALLY LAUGHED, YES.

21 Q. NOW, DURING THAT INTERVIEW, DID YOU DISCUSS WITH
22 MS. PERETTI WHEN MR. ANDERSON AND -- AND MR. HANDSHOE AND
23 MR. HUHN LEFT IN THE BRONCO WHAT -- WHAT SHE DID, DID YOU
24 ASK HER THAT?

25 A. YES.

26 Q. WHAT DID SHE TELL YOU SHE DID?

27 A. SHE TOLD ME SHE WAS ANGRY AND THAT SHE WENT OUT
28 AND FLIPPED THEM THE FINGER OR FLIPPED APOLLO THE FINGER.

1 Q. GOING BACK TO QUESTIONS ASKED OF YOU REGARDING

2 MS. COLGAN.

3 WHEN MS. COLGAN TALKED TO YOU AND THERE WAS
4 A QUESTION ABOUT ERIC, DID SHE ALSO DESCRIBE THIS PERSON,
5 ERIC, AS THE TATTOO GUY?

6 A. YES.

7 Q. I'M GOING TO ASK YOU SOME QUESTIONS NOW
8 REGARDING MR. NORTHCUTT AGAIN.

9 IN GENERAL TERMS, AS AN INVESTIGATOR FOR
10 THE D.A.'S OFFICE, WHEN A WITNESS IN A CASE SAYS I'M NOT
11 GOING TO TESTIFY, DOES THAT MEAN YOU GIVE UP?

12 A. HARDLY.

13 Q. AND REGARDING THE -- THE PRESENCE OF
14 MR. NORTHCUTT AND MR. ANDERSON AND MR. STEVENS, WHEN A
15 NEWSCAST CAME ON THE T.V., DO YOU REMEMBER THAT -- THOSE
16 QUESTIONS?

17 A. I DO.

18 Q. AT THAT TIME, DO YOU KNOW PERSONALLY WHETHER
19 MR. NORTHCUTT WAS ACTUALLY LIVING THERE OR WHETHER HE WAS
20 JUST VISITING?

21 A. I DON'T KNOW. I MEAN, I -- I THINK I TOOK IT
22 FOR GRANTED THAT HE WAS LIVING THERE, BUT I'M NOT
23 ABSOLUTELY POSITIVE THAT HE WAS PHYSICALLY LIVING THERE
24 AT -- WHEN THOSE STATEMENTS WERE MADE.

25 Q. NOW, DID YOU, DURING YOUR CONVERSATION WITH
26 MR. NORTHCUTT, EXPLAIN TO HIM WHY IT WAS SO IMPORTANT
27 THAT -- THAT YOU WERE DOING YOUR JOB AND HE COME TO COURT?

28 A. I DID.

1 THAT SHE HAD SEEN SOMEONE DRIVING THE BRONCO WHO HAD A
2 BASEBALL CAP ON, SUNGLASSES, AND A MUSTACHE?

3 A. YES, SHE DID.

4 Q. DURING THE COURSE OF YOUR INVESTIGATION, DID YOU
5 ALSO INTERVIEW PATRICIA COLGAN?

6 A. YES, I DID.

7 Q. NOW, WHEN YOU INTERVIEWED PATRICIA COLGAN, DID
8 SHE TELL YOU THAT WHEN SHE WENT OVER TO THE HANDSHOE
9 TRAILER, HANDSHOE MOBILE HOME ONE TIME WITH HER
10 THEN-BOYFRIEND BRETT HANDSHOE, THAT SHE SAW SOMEONE WHO
11 SHE KNEW AS STRESSED ERIC?

12 A. YES.

13 Q. NOW, I'D LIKE TO ASK YOU DURING THE COURSE OF
14 YOUR INVESTIGATION, DID YOU PARTICIPATE IN VARIOUS
15 INTERVIEWS OF VALERIE PERETTI?

16 A. YES, I DID.

17 Q. AND DURING THE INTERVIEW OF VALERIE PERETTI ON
18 JUNE THE 10th OF 2003, DO YOU REMEMBER THAT INTERVIEW?

19 A. YES, I DO.

20 Q. DID YOU HAVE A CHANCE TO REVIEW THAT INTERVIEW
21 PRIOR TO TESTIFYING TODAY IN COURT?

22 A. LAST NIGHT.

23 Q. AND WAS THERE ANY MENTION IN THAT INTERVIEW BY
24 MS. PERETTI THAT THERE HAD BEEN ANY THREATS TO HER OR TO
25 ANYONE ELSE PRIOR TO THE TIME THAT THE DEFENDANTS WENT TO
26 THE BRUCKER HOUSE?

27 A. I DID NOT FIND ANY THREATS MENTIONED BY HER AT
28 ALL PRIOR -- PRIOR TO THE INCIDENT.

1 Q. DID SHE MENTION THREATS MADE TO BRANDON HANDSHOE
2 AND APOLLO HUHN AFTER THE --

3 A. YES, SHE DID.

4 Q. MR. BAKER, I'D LIKE TO SHOW YOU WHAT HAS BEEN
5 MARKED AS PEOPLE'S EXHIBIT -- PEOPLE'S EXHIBIT 55 FOR
6 IDENTIFICATION. I'M GOING TO ASK YOU ABOUT A NUMBER OF
7 PHONE NUMBERS.

8 DO YOU SEE THE NUMBER LISTED ON PEOPLE'S 55
9 OF (760) 731-9654?

10 A. YES, I DO.

11 Q. AND DURING THE COURSE OF THE INVESTIGATION IN
12 THIS CASE, DID YOU MAKE EFFORTS TO DETERMINE WHOSE PHONE
13 NUMBER THAT WAS?

14 A. YES, I DID.

15 Q. AND WHAT DID YOU DO?

16 A. I TELEPHONED THE NUMBER AND THEN ACTUALLY AT ONE
17 POINT WENT UP TO THE RESIDENCE WHERE THIS PHONE NUMBER IS
18 CONNECTED WITH AND SPOKE WITH MR. AND MRS. FRANK, WHO WERE
19 VERY GOOD FRIENDS -- ARE PROBABLY STILL VERY GOOD
20 FRIENDS -- WITH MR. ERIC ANDERSON.

21 Q. AND MOVING TO ANOTHER TELEPHONE NUMBER ON HERE,
22 A NUMBER OF (619) 807-6181, DURING THE COURSE OF YOUR
23 INVESTIGATION, DID YOU DETERMINE WHO THAT TELEPHONE NUMBER
24 BELONGED TO?

25 A. YES. THAT WAS -- IT BELONGED TO A PERSON BY THE
26 NAME OF EPHRAIM DRAPER. HE'S SOMEHOW A RELATIVE OF THE
27 FRANKS AND HE'S ALSO A FRIEND OF MR. ERIC ANDERSON.

28 Q. AND FINALLY, WITH RESPECT TO THIS, THE NUMBER OF

1 WHAT MR. NORTHCUTT HAD TOLD ME REGARDING THE INFORMATION
2 WE HAD TALKED ABOUT.

3 Q. NOW, DURING THE TIME THAT YOU SPOKE TO
4 MR. NORTHCUTT, DID HE TELL YOU THAT ERIC ANDERSON HAD TOLD
5 HIM THAT HE WAS COMING ALONG AND --

6 MS. VANDENBOSCH: YOUR HONOR, I'M GOING TO
7 OBJECT AS LEADING.

8 MR. MC ALLISTER: IT'S IMPEACHMENT, YOUR HONOR.

9 THE COURT: THE -- I THINK THIS IS A QUESTION
10 THAT WAS ASKED OF MR. NORTHCUTT AND --

11 MS. VANDENBOSCH: OKAY.

12 THE COURT: -- AND MY RULING IS THAT THERE IS
13 THE FOUNDATION FOR PRIOR INCONSISTENT STATEMENT.

14 MR. MC ALLISTER: THANK YOU, YOUR HONOR.

15 BY MR. MC ALLISTER:

16 Q. DID MR. -- DID MR. NORTHCUTT TELL YOU THAT
17 ERIC ANDERSON HAD TOLD HIM THAT HE WAS COMING ALONG AND
18 THAT SOMETHING BIG WAS GOING TO HAPPEN, A BIG HIT THAT
19 INVOLVED A SAFE AND THAT HE ASKED TRAVIS NORTHCUTT IF HE
20 WANTED TO BE PART OF IT? DID HE TELL YOU THAT?

21 A. YES.

22 Q. AND DID HE ALSO TELL YOU THAT ON AN OCCASION
23 THAT HE, MEANING TRAVIS NORTHCUTT, JAMES STEVENS, AND
24 ERIC ANDERSON WERE ALL WATCHING TELEVISION WHEN A NEWSCAST
25 CAME ON REGARDING THE MURDER OF THE CAJON SPEEDWAY OWNER?

26 A. YES, HE DID.

27 Q. AND DID HE TELL YOU THAT ERIC ANDERSON TOLD HIM
28 TO, QUOTE, "KEEP HIS FUCKING MOUTH SHUT." THAT HE WAS

1 ONLY THE THIRD PERSON TO KNOW THAT HE, ERIC, WAS INVOLVED
2 AND THAT IF HE DIDN'T KEEP HIS MOUTH SHUT, HE WOULD BE
3 NEXT?

4 A. YES.

5 Q. DURING YOUR INTERVIEW OF MR. NORTHCUTT, DID HE
6 TELL YOU THAT HE HAD SEEN ERIC WEARING A GOOFY HAIRPIECE?

7 A. YES, HE DID.

8 Q. AND DURING YOUR INTERVIEW WITH MR. NORTHCUTT,
9 DID HE TELL YOU THAT DURING THE TIME THAT HE WAS ROOMMATES
10 WITH ERIC ANDERSON, THAT ERIC ANDERSON DROVE THE FORD
11 BRONCO MOST OF THE TIME?

12 A. YES, HE DID.

13 Q. I'M GOING TO MOVE ON TO -- WELL, LET ME TAKE
14 THIS A LITTLE BIT OUT OF ORDER. LET ME MOVE ON TO ANOTHER
15 ISSUE.

16 DURING THE COURSE OF THE INVESTIGATION IN
17 THIS CASE, DID YOU INTERVIEW A YOUNG GIRL NAMED
18 MEGAN GUISTI?

19 A. YES, I DID.

20 Q. ALL RIGHT. AND WAS THAT INTERVIEW RECORDED?

21 A. YES. IT WAS.

22 Q. AND DURING THE TIME THAT YOU INTERVIEWED
23 MS. GUISTI, DID SHE TELL YOU THAT SHE HAD SEEN A BROWN AND
24 TAN FORD BRONCO ON THE STREET THAT THE BRUCKERS LIVE ON
25 RIGHT BEFORE THE EMERGENCY VEHICLES ARRIVED?

26 A. YES. ALTHOUGH I THINK SHE -- SHE INDICATED IT
27 WAS A TAN BRONCO WITH BROWN TRIM.

28 Q. AND DID SHE ALSO TELL YOU DURING THAT INTERVIEW

1 A. YES.

2 Q. AFTER HAVING THIS PARTICULAR INTERVIEW WITH

3 TRAVIS NORTHCUTT ON SEPTEMBER 23rd OF 2004, DID YOU DO

4 ANY ADDITIONAL INVESTIGATION TO DETERMINE WHEN

5 TRAVIS NORTHCUTT ACTUALLY LIVED AT THE CONDO THERE ON

6 ROBINSON IN POWAY?

7 A. NO, I DON'T KNOW WHEN HE -- EXCEPT FOR WHAT, OF

8 COURSE, HE TOLD ME, BUT I'M NOT SURE WHEN HE MOVED OUT.

9 Q. OKAY. SO YOU DIDN'T CHECK ANY PHONE RECORDS TO

10 DETERMINE WHEN TRAVIS NORTHCUTT MAY HAVE MOVED OUT?

11 A. WELL, NO.

12 Q. OKAY. AND YOU DIDN'T CHECK TRAVIS NORTHCUTT'S

13 WORK RECORDS TO DETERMINE WHEN HE MAY HAVE LAST BEEN

14 EMPLOYED AT THAT BODY BEAUTIFUL CAR WASH?

15 A. NO.

16 Q. AND AT THE END OF THAT INTERVIEW ON

17 SEPTEMBER 23rd OF 2004 WITH MR. NORTHCUTT, YOU, IN FACT,

18 ASKED HIM WHETHER HE WOULD RECONSIDER BEING A WITNESS IN

19 THE CASE; IS THAT RIGHT?

20 A. YES.

21 Q. AND HE SAID IN NO UNCERTAIN TERMS THAT HE WOULD

22 NOT TESTIFY?

23 A. THAT'S WHAT HE TOLD ME.

24 Q. BUT YOU DIDN'T GIVE UP ON HIM; IS THAT RIGHT?

25 A. I DID NOT.

26 Q. IN FACT, BACK IN EARLY APRIL, YOU ATTEMPTED TO

27 RELOCATE HIM TO SERVE HIM WITH A SUBPOENA; IS THAT RIGHT?

28 A. YES. I DID.

1 THE COURT: AND THAT WOULD BE '05?

2 MS. VANDENBOSCH: YES.

3 THE COURT: OKAY.

4 BY MS. VANDENBOSCH:

5 Q. THAT SPECIFICALLY IS EARLY APRIL. SO THAT WOULD

6 BE APRIL 4th OF 2005?

7 A. THAT'S CORRECT.

8 Q. OKAY. SO JUST A COUPLE -- ABOUT TWO MONTHS AGO?

9 A. YES.

10 Q. AND IN ANTICIPATION OF SERVING THAT SUBPOENA,

11 YOU TRIED TO GET A PHONE NUMBER FOR HIM; IS THAT RIGHT?

12 A. WELL, AT SOME POINT I DID GET A CELLULAR

13 TELEPHONE NUMBER FOR HIM.

14 Q. AND YOU CALLED THAT NUMBER?

15 A. YES, I DID.

16 Q. AND YOU REMINDED MR. NORTHCUTT WHO YOU WERE?

17 A. YES.

18 Q. AND HE REMINDED YOU AGAIN THAT HE DID NOT WANT

19 TO BE INVOLVED IN THE CASE AND HE WAS NOT GOING TO

20 TESTIFY; IS THAT RIGHT?

21 A. THAT'S CORRECT.

22 Q. AND HE EVEN DENIED THAT HE LIVED AT THE CERTAIN

23 ADDRESS THAT YOU HAD LOCATED FOR HIM UP IN VISTA?

24 A. THAT'S CORRECT.

25 Q. AND THAT WAS AN ADDRESS OF 760 MELROSE -- EXCUSE

26 ME -- YES, 700 MELROSE PLACE UP IN VISTA?

27 A. YES.

28 Q. HE DENIED HE LIVED THERE?

1 Q. AND DO YOU RECALL IF YOU GAVE HER THE TRANSCRIPT
2 OR JUST THE TAPE OR BOTH?

3 A. YOU KNOW, IT SEEMS TO ME THAT WE LISTENED TO THE
4 TAPE RATHER THAN HAVE HER READ THE TRANSCRIPT, BUT I COULD
5 BE WRONG. SHE MAY HAVE JUST READ THE TRANSCRIPT.

6 Q. AND THEN YOU ASKED HER, "IS THERE ANYTHING ELSE
7 THAT YOU REMEMBER?"

8 A. I DON'T KNOW WHEN THE -- WHEN THE STATEMENT
9 ABOUT THE THREATS CAME OUT, I DON'T KNOW IF SHE BROUGHT
10 THOSE UP OR IF I, AT THE VERY END, SAID DO YOU REMEMBER
11 ANYTHING ELSE AND THEN SHE BROUGHT THAT UP.

12 Q. WELL, ON NOVEMBER 26th, WASN'T IT -- THAT TIME
13 WHEN YOU INTERVIEWED VALERIE PERETTI, WASN'T IT THEN THAT
14 SHE TOLD YOU FOR THE VERY FIRST TIME THAT IN THE SUMMER OF
15 2002 THERE WAS SOME KIND OF DISCUSSION ABOUT THIS SUPPOSED
16 THEFT OF MONEY FROM THE BRUCKER HOUSE?

17 MR. ROAKE: OBJECTION, YOUR HONOR, BEYOND THE
18 SCOPE.

19 THE COURT: ALL RIGHT. NOW, I'M ASSUMING THE
20 PURPOSE OF THIS IS TO ESTABLISH THINGS MAY HAVE BEEN
21 REMEMBERED AT DIFFERENT TIMES?

22 MS. ROSENFELD: YES. YOUR HONOR, THIS IS --

23 THE COURT: AGAIN, I'M GOING TO ALLOW SOME
24 LATITUDE. IT IS NOT OFFERED FOR THE TRUTH OF ANY MATTER,
25 IT IS SIMPLY PUT SOME FRAMEWORK ON THIS ISSUE OF WHEN
26 THINGS WERE REMEMBERED. SO THE OBJECTION IS OVERRULED.

27 THE WITNESS: I BELIEVE THAT WAS IN THE SAME
28 GENERAL TIME FRAME, SAME INTERVIEW.

1 BY MS. ROSENFELD:

2 Q. AND THAT WAS THE FIRST TIME THAT HAD COME UP; IS
3 THAT TRUE?

4 A. THAT'S TRUE.

5 Q. AND IT WAS BECAUSE THAT CAME UP THAT YOU TURNED
6 ON THE TAPE RECORDER AND HAD A MORE FORMAL INTERVIEW;
7 ISN'T THAT TRUE?

8 A. I BELIEVE THAT'S TRUE.

9 Q. AND THEN SHE TALKED ABOUT THAT AND THEN YOU
10 ~~TURNED THE TAPE RECORDER OFF~~; IS THAT RIGHT? DOES THAT
11 SOUND FAMILIAR?

12 A. I'M NOT SURE. I'M NOT SURE. WHATEVER SHE HAD
13 TO SAY, WE -- WE TAPED.

14 Q. DO YOU REMEMBER TURNING THE TAPE RECORDER OFF
15 AND THEN TURNING IT BACK ON BECAUSE SHE HAD MORE SPECIFIC
16 INFORMATION ABOUT THE THREATS?

17 A. THAT'S VERY POSSIBLE.

18 Q. AND SHE TOLD YOU THE REASON SHE HADN'T -- YOU
19 ASKED HER WHY SHE HADN'T TOLD YOU BEFORE AND SHE SAID
20 SOMETHING ABOUT HOW SCARED SHE WAS?

21 A. SHE MAY HAVE.

22 Q. THAT WAS BEFORE YOU TURNED ON -- TURNED THE TAPE
23 RECORDER BACK ON; ISN'T THAT TRUE?

24 A. YOU KNOW, I'M NOT SURE. I'M NOT SURE EXACTLY
25 WHAT WAS SAID DURING THAT POINT IN TIME AS FAR AS HER
26 SAYING SHE WAS -- SHE WAS FRIGHTENED OR SCARED TO SAY THIS
27 BEFORE OR -- I DON'T -- I JUST DON'T RECALL THAT.

28 Q. AND IN ALL OF THE INTERVIEWS THAT SHE HAD, SHE

**SUPREME COURT
of the STATE OF CALIFORNIA**

(California Rules of Court, Rules 8.144, 8.610)

COPY

PEOPLE OF THE STATE OF CALIFORNIA,

PLAINTIFF AND RESPONDENT

vs.

ERIC STEVE ANDERSON

DEFENDANT AND APPELLANT

FROM SAN DIEGO COUNTY

HON. LANTZ LEWIS

JUDGE

NO. D0138474

CLERK'S TRANSCRIPT

Supplemental Volume *45* of

EDMUND G. BROWN, JR., ATTY. GENERAL
STATE OF CALIFORNIA
110 WEST "A" STREET
SAN DIEGO, CA 92101
BY: , DEPUTY

JOANNA MCKIM
ATTORNEY AT LAW
P.O. BOX 19493
SAN DIEGO CA 92159-0493

ATTORNEY FOR PLAINTIFF &
RESPONDENT

ATTORNEY FOR DEFENDANT &
APPELLANT

TO: CALIF. APPELLATE PROJECT
101 2ND ST STE 600
SAN FRANCISCO CA 94105

09156

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO	
PEOPLE vs <u>BRANDON HANDSHOE</u>	Defendant
PLEA OF GUILTY/NO CONTEST -- FELONY	

00034

F 1 2 E 0

Clerk of the Court Use Only
Superior Court

MAY 11 2005

By: M. BODTKE, Deputy

Court Number: SCF 230405

DA Number: MAH 630

I, the defendant in the above-entitled case, in support of my plea of Guilty/No Contest, personally declare as follows:

1. Of those charges now filed against me in this case, I plead GUILTY to the following offenses and admit the enhancements, allegations and prior convictions as follows: ☒ BH

COUNT	CHARGE	ENHANCEMENT/ALLEGATION
<u>1</u>	<u>PC 192(a) Voluntary Manslaughter</u>	<u>PC 12022.5(b)(1)</u>
<u>1</u>	<u>PC 664/1211/1212/1213</u>	<u>PC 12022.5(b)(1)</u>
PRIORS: (LIST ALLEGATION SECTION, CONVICTION DATE, COUNTY, CASE NUMBER, AND CHARGE)		

2. I have not been induced to enter this plea by any promise or representation of any kind, except: (State any agreement with the District Attorney.)

STIPULATED 17 YEARS STATE PRISON AT \$500.
I WILL TESTIFY AND TELL THE TRUTH IN THIS
CASE. SEE ADDENDUM

3. I am entering my plea freely and voluntarily, without fear or threat to me or anyone closely related to me. ☒ BH
4. I understand that a plea of No Contest is the same as a plea of Guilty for all purposes. ☒ BH
5. I am sober and my judgment is not impaired. I have not consumed any drug, alcohol or narcotic within the past 24 hours. ☒ BH

CONSTITUTIONAL RIGHTS

- 6a. I understand that I have the right to be represented by a lawyer at all stages of the proceedings. I can hire my own lawyer or the Court will appoint a lawyer for me if I cannot afford one. ☒ BH

I understand that as to all charges, allegations and prior convictions filed against me I also have the following constitutional rights, which I now give up to enter my plea of guilty/no contest:

6b. I have the right to a speedy and public trial by jury. I now give up this right. ☒ BH

6c. I have the right to confront and cross-examine all the witnesses against me. I now give up this right. ☒ BH

6d. I have the right to remain silent (unless I choose to testify on my own behalf). I now give up this right. ☒ BH

6e. I have the right to present evidence in my behalf and to have the court subpoena my witnesses at no cost to me. I now give up this right. ☒ BH

Defendant:

BRANDON HANDSHOE

CASE NUMBER:

SCC 230405

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

- 7a. I understand that I may receive this maximum punishment as a result of my plea: 22 years in State Prison, \$20,000 fine and 4 years parole (4, 7, 14, life) with return to prison for every parole violation. If I am not sentenced to prison I may receive probation for a period up to 5 years or the maximum prison term, whichever is greater. As conditions of probation I may be given up to a year in jail custody, plus the fine, and any other conditions deemed reasonable by the Court. I understand that if I violate any condition of probation I can be sent to State Prison for the maximum term as stated above. BH
- 7b. I understand that I must pay a restitution fine (\$200 - \$10,000), that I will also be subject to a suspended fine in the same amount, and that I must pay full restitution to all victims. BH
- 7c. I understand that my conviction in this case will be a serious/violent felony ("strike") resulting in mandatory denial of probation and substantially increased penalties in any future felony case. BH
- 7d. I understand that if I am not a U.S. citizen, this plea of Guilty/No Contest may result in my removal/deportation, exclusion from admission to the U.S. and denial of naturalization. Additionally, if this plea is to an "Aggravated Felony" listed on the back of this form, then I **will** be deported, excluded from admission to the U.S., and denied naturalization. BH
- 7e. I understand that my plea of Guilty or No Contest in this case could result in revocation of my probation or parole in other cases, and consecutive sentences. BH
- 7f. My attorney has explained to me that other possible consequences of this plea may be:
(Circle applicable consequences.) BH

- | | | |
|---|--|---|
| (1) Consecutive sentences | (7) Priorable (increased punishment for future offenses) | (13) Reduced conduct credits |
| (2) Loss of driving privileges | (8) Prison prior | (a) Violent Felony (No credit or max. 15%) |
| (3) Commitment to Youth Authority | (9) Mandatory prison | (b) Prior Strike(s) (No credit to max. 20%) |
| (4) Registration as an arson / sex / narcotic / gang offender | (10) Presumptive prison | (c) Murder on/after 6/3/98 (No credit) |
| (5) Cannot possess firearms or ammunition | (11) Sexually Violent Predator Law | (14) Loss of public assistance |
| (6) Blood test and saliva sample | (12) Possible/Mandatory hormone suppression treatment | (15) AIDS education program |
| | | (16) Other: _____ |

OTHER WAIVERS

8. **(Appeal Rights)** I give up my right to appeal the following: 1) denial of my 1538.5 motion, 2) issues related to strikes priors (under PC sections 667(b)-(i) and 1170.12), and 3) any sentence stipulated herein. BH
9. **(Harvey Waiver)** The sentencing judge may consider my prior criminal history and the entire factual background of the case, including any unfiled, dismissed or stricken charges or allegations or cases when granting probation, ordering restitution or imposing sentence. BH
10. **(Arbuckle Waiver)** I give up my right to be sentenced by the judge who accepts this plea. ☒
11. **(Probation Report)** I give up my right to a full probation report before sentencing. ☒

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Defendant: <u>BRANDON HANDSHOE</u>	CASE NUMBER: <u>SCC 230405</u>
------------------------------------	--------------------------------

PLEA

12. I now plead Guilty/No Contest and admit the charges, convictions and allegations described in paragraph #1, above. I admit that on the dates charged, I: (Describe facts as to each charge and allegation)

People v. West, At Port J. N.C.
To Audio Loop. Transmittal of Free Talk And
Preliminary Hearing. Stipulated To

BH

13. I declare under penalty of perjury that I have read, understood, and initialed each item above and any attached addendum, and everything on the form and any attached addendum is true and correct.

BH

Dated: 5-11-05 Defendant's Signature Brandon Handshoe

Defendant's Address: SAN DIEGO COUNTY JAIL
 Street

Telephone Number: () City State Zip

Defendant's Right Thumb Print

ATTORNEY'S STATEMENT

I, the attorney for the defendant in the above-entitled case, personally read and explained to the defendant the entire contents of this plea form and any addendum thereto. I discussed all charges and possible defenses with the defendant, and the consequences of this plea, including any immigration consequences. I personally observed the defendant fill in and initial each item, or read and initial each item to acknowledge his/her understanding and waivers. I observed the defendant date and sign this form and any addendum. I concur in the defendant's plea and waiver of constitutional rights.

Dated: 5-11-05 W. Allen
 (Print Name) Attorney for Defendant (Signature)
 (Circle one: PD / APD / PCC / RETAINED)

INTERPRETER'S STATEMENT (If Applicable)

I, the sworn language interpreter in this proceeding, truly translated for the defendant the entire contents of this form and any attached addendum. The defendant indicated understanding of the contents of this form and any addendum and then initialed and signed the form and any addendum.

Dated: 5/11/05 GLENN McALLISTER
 (Print Name) Court Interpreter (Signature)

PROSECUTOR'S STATEMENT

The People of the State of California, plaintiff, by its attorney, the District Attorney for the County of San Diego, concurs with the defendant's plea of Guilty/No Contest as set forth above.

Dated: 5/11/05 GLENN McALLISTER
 (Print Name) Deputy District Attorney (Signature)

COURT'S FINDING AND ORDER

The Court, having questioned the defendant and defendant's attorney concerning the defendant's plea of Guilty/No Contest and admissions of the prior convictions and allegations, if any, finds that: The defendant understands and voluntarily and intelligently waives his/her constitutional rights; the defendant's plea and admissions are freely and voluntarily made; the defendant understands the nature of the charges and the consequences of the plea and admissions; and there is a factual basis for same. The Court accepts the defendant's plea and admissions, and the defendant is convicted thereby.

Dated: 5/11/05 Conk Lewis
 Judge of the Superior Court

AGGRAVATED FELONIES

ANY CONVICTION OF A NON-CITIZEN FOR AN "AGGRAVATED FELONY" AS DEFINED UNDER 8 U.S.C. 1101(a)(43), WILL RESULT IN REMOVAL/DEPORTATION, EXCLUSION, AND DENIAL OF NATURALIZATION.

"AGGRAVATED FELONIES" include, but are not limited to, the following crimes and any attempt or conspiracy to commit such crimes, even if the conviction is a misdemeanor under state law: [The only exception to the applicability of state misdemeanors is where the offense (as listed below) specifically requires a felony conviction.]

1. ANY CRIME OF VIOLENCE*

(Includes any offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or any felony offense that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense. (18 U.S.C. §16).)

2. BURGLARY (Except vehicle or vessel unless used as a residence.) *

3. CHILD PORNOGRAPHY OFFENSES

4. CONTROLLED SUBSTANCES:

- a) FELONY POSSESSION OF ANY CONTROLLED SUBSTANCE.
- b) MISDEMEANOR POSSESSION OF ANY CONTROLLED SUBSTANCE when the defendant has previously been convicted of any drug related offense.
- c) POSSESSION FOR SALE OF ANY CONTROLLED SUBSTANCE
- d) SALE OF ANY CONTROLLED SUBSTANCE
- e) TRANSPORTATION OF ANY CONTROLLED SUBSTANCE
- f) MANUFACTURE/DISTRIBUTION OF ANY CONTROLLED SUBSTANCE AND CULTIVATION OF MARIJUANA

5. FELONY D.U.I. (Any type.)*

6. FAILURE TO APPEAR ON A FELONY CASE

7. FORGERY *

8. FRAUD (Where loss to victim or victims exceeds \$10,000.)

9. MONEY LAUNDERING (If amount over \$10,000.)

10. MURDER

11. PERJURY/SUBORNATION of Perjury or Bribery of a Witness*

12. PIMPING/PANDERING/OPERATING A PROSTITUTION BUSINESS

13. RAPE

14. RECEIVING STOLEN PROPERTY *

15. ROBBERY *

16. SEXUAL ABUSE OF A MINOR (Touching is not required, e.g.: Indecent Exposure.)

17. THEFT (Any type or amount)*

18. TRAFFICKING IN FIREARMS AND EXPLOSIVES.

19. TRAFFICKING IN VEHICLES WITH ALTERED VINS*

20. DEMAND FOR OR RECEIPT OF RANSOM

* Where the term imposed is at least one year, whether or not any or all of that term is stayed or suspended at the time of sentencing.

OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF SAN DIEGO

El Cajon
250 E. Main
El Cajon, CA 92020
(619) 441-4588

<http://www.sandiegoda.com>

BONNIE M. DUMANIS
DISTRICT ATTORNEY

MAY 11 2005

By: M. BODTKE, Deputy

Pursuant to the agreement set forth in this letter, it is the understanding of the District Attorney of San Diego County, the defendant BRANDON HANDSHOE, and the defendant's attorney W. ALLAN WILLIAMS, that the defendant will plead guilty to the crime of Voluntary Manslaughter (PC 192(a)) Attempted Residential Robbery (PC664/211/212.5) with the use of a firearm (PC 12022.53(b)) in the death of STEPHEN BRUCKER on April 14, 2003. The plea is an agreed upon set of lesser offenses to the crimes charged in Counts One and Two of the Amended Information.

The defendant also agrees to waive all appellate rights. The defendant also agrees that his recorded statement of April 11, 2005, will provide the factual basis for his stipulated plea.

The sentence will be set as follows:

PC 192(a) Voluntary Manslaughter Mid Term	6 years
PC 664.211/212.5 Attempted Residential Robbery	1 year (1/3 mid term)
PC 12022.53(b)	10 years
TOTAL TERM AT 85%	17 years

Defendant agrees that he will cooperate by providing information to law enforcement officers and by testifying in any and all proceeding relating to ERIC ANDERSON, APOLLO HUHNN and RANDY LEE, including but not limited to the April 14, 2003 murder of STEPHEN BRUCKER and any other criminal matter filed against the above-listed defendants.

On April 11, 2005 defendant gave a taped statement to investigators regarding his knowledge of the circumstances surrounding the attempted robbery/burglary and murder of STEPHEN BRUCKER. Defendant confirms that his statement is true and accurate as to his observations, his actions, and the actions of ERIC ANDERSON, APOLLO HUHNN and RANDY LEE. Defendant agrees to submit to subsequent interviews if deemed necessary.



↑

X Overriding all else, it is understood that this agreement extracts from BRANDON HANDSHOE an obligation to do nothing more other than to plead guilty to the listed crimes and to tell the truth. At all times the defendant shall tell the truth, and nothing other than the truth, both during the investigation and on the witness stand. Defendant shall tell the truth no matter who asks the questions - investigators, prosecutors, judges or defense attorneys. It is further understood that defendant shall lose the benefits of this agreement for any intentional deviation from the truth, and if a false statement occurs while he is on the witness stand, he shall be subjected to prosecution for perjury.

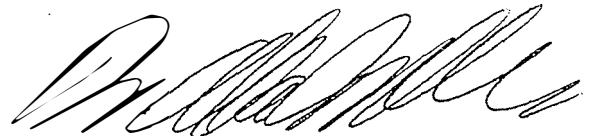
This agreement is automatically voided if BRANDON HANDSHOE violates his obligation to tell the truth or refuses to testify in any grand jury or court proceeding. However, everything defendant has told law enforcement officers after the commencement of this agreement can be used against him.

I, BRANDON HANDSHOE, have read this agreement and discussed it with my attorney. I understand the terms of the agreement and I voluntarily accept them. I will plead guilty to PC 192(a), PC 66/4/211/212.5 and admit a violation of PC 12022.53(b) and waive all appellate rights. I agree to testify at all grand jury and court proceedings in exchange for the benefit which I am going to receive pursuant to this agreement.

DATED: May 11, 2005



BRANDON HANDSHOE,
Defendant



W. ALLAN WILLIAMS,
Counsel for Mr. HANDSHOE



GLENN McALLISTER,
Deputy District Attorney

AGREEMENT REGARDING THE INITIAL
MEETING BETWEEN POTENTIAL COOPERATING
INDIVIDUAL (PCI) AND PROSECUTION

000037
FILED
Clerk of the Superior Court
MAY 11 2005
By: M. BODTKE, Deputy

The purpose of the initial meeting between the Potential Cooperating Individual, BRANDON HANDSHOE, and the prosecution is to allow HANDSHOE to present information regarding his actions and the actions of others involved in crimes committed in 2003 including, but not limited to conspiracies to commit crimes and information regarding his association with his co-defendants.

The only promise made by the prosecution regarding the initial meeting is that statements made at this initial meeting by HANDSHOE will not be used against him in the prosecution's case in chief in any case prosecuted against HANDSHOE including the present charges pending in case number SCE230405/MAH630. However, HANDSHOE'S statements may be used as impeachment (and for its substantive value) should he testify inconsistently at any later hearing whether he is the defendant or another is the defendant. Further, any exculpatory statements regarding other charged defendants made by HANDSHOE must be turned over to the court and counsel.

In the event the prosecution chooses to have HANDSHOE begin cooperation, a second meeting will take place at which the final agreement between HANDSHOE and the prosecution will be signed. That agreement will specifically define the expectations and commitments of both sides. Since the purpose of the initial meeting is to evaluate the potential for cooperation, neither the prosecution nor HANDSHOE is obligated to agree to a cooperation contract at the end of the initial meeting.

There is no agreement or promise of any kind between the prosecution and HANDSHOE which is not set forth in this document. HANDSHOE is not entitled to any benefit or plea bargain, until and unless a second meeting and an Agreement to Cooperate is entered into by both parties.

4/11/05
DATE

Brandon Handshoe

BRANDON HANDSHOE, DEFENDANT

4/11/05
DATE

W. Allan Williams

ATTORNEY FOR MR. HANDSHOE
W. ALLAN WILLIAMS, ESQ

4/11/05
DATE

GR McAllister

DEPUTY DISTRICT ATTORNEY
GLENN McALLISTER