ISSUES INVOLVING VALERIE PERETTI – BRIEF NARRATIVE

Valerie Peretti was the girlfriend of Apollo Huhn, who was one of the persons convicted of the Brucker Murder. Peretti and Huhn were part of a gang called the Peckerwoods mentioned in other sections: Anderson was an outsider, having known some of these people for only a very short time.

Valerie Peretti did not become State Witness out of wanting to do the right thing. Her ulterior motives were clear by her actions and her words. It was a month after the crime before she said anything to law enforcement, and her first interview happened May 12, 2003 (RT 2582). Moreover, she was, in fact caught being in stolen car, was then driven by an officer back to her parent's home and failed to mention anything about that she had information about the murder (RT2584-86). She later admitted that she had discussed with her father and boyfriend, Apollo Huhn, how to collect the reward before she approached the police with her story. Shortly after that discussion her dad contacted Crime Stoppers (RT 2592-93) but still did not come forward to the police. Once the reward was raised from $1,000.00 to $10,000 they contacted Crime Stoppers a second time and this led to Peretti's May interview. Over time she had seven or eight interviews, changing her story each time and eventually admitting that she had lied during the initial two interviews (Preliminary: RT 644, 704 and ALSO SEE: RT 2646). She talked about the planning of the robbery and how she would go shopping with the money from the robbery. RT 2516 provides evidence that Peretti was an accomplice not just a witness. Lying to protect her boyfriend made her an aider and abettor. This lead to her needing immunity before testifying at the Preliminary (Prelim RT 472). Beyond her false testimony there is a different kind of credibility issue with her inability to legitimately identify Anderson.

For example, Peretti claimed that Anderson had a "shaved head" (SEE: RT 2627, 2509 and 2627), a claim not corroborated by anyone else. Anderson's defense attorney presented four witnesses to refute that Anderson ever had a shaved head: Jeff Gardener (RT 4733), James Stevens (RT 4751) and Ingrid Nielsen (RT 4864 and Grandmother Theresa Coke). Further, Peretti claimed that Anderson had tattoos covering his stomach and back (Prelim RT 546, but defense stated for the record that Anderson did not have tattoos covering his stomach and back (RT 918).

The District Attorney investigator tried to obtain a false positive identification of Anderson by showing Peretti a photo lineup of four parole photographs of only Anderson, including parole information and CDC number printed on them (RT 4629-4630) without showing photographs of anyone else. Based on this, Peretti claimed to recognize Anderson by a pair of prison-issued eye glasses which he had not worn in years: This is also refuted by: Jeff Gardner (RT4734), James Stevens (RT 4752), Ingrid Nielsen (RT 4864-4865) and Theresa Coke (RT 4870-4871). A polygraph was taken with Peretti claimed, showing that she lied, as well as phone records and testimony proving this and yet when she said she met Anderson the day before the murder at Brandon Handshoe's trailer, her testimony was still used by the Prosecutor, with full knowledge that she had lied repeatedly. She still committed perjury and as well the many contradictory statements brought to light at trial, the two admitted lies were about leaving her boyfriend out of the story she claimed. In the next section I will cover these issues in greater detail. The legal challenge with Peretti falls under the rulings in Napue v. Illinois (1959) in which the Prosecutor used testimony he knew to be false. Some of the incidents

mentioned here will be covered again in a different section. In Anderson's case they allowed false testimony and even encouraged and rewarded it by giving Handshoe a plea deal based on statements in "Free Talk", and Peretti immunity and the reward when the Prosecutor was in possession of irrefutable exculpatory evidence of the fact that both Handshoe and Peretti was lying. (Please refer to the next section for greater detail regarding Peretti.)

VALERIE PERETTI LAYOUT OF ISSUES AND OFFER OF PROOF

In this section the intention is to separate and quickly explain and/or highlight the legal issues involving Valerie Peretti, with quotes from the transcript of what was said in trial, with RT page number where found, then likewise do similarly in my "Offer of Proof". However, some issues are complex, and might involve other sections. and may refer to other sections with supporting information, instead of repeating completely, and/or Offer of Proof will be within the trial statements, if Defense has her recall her past statements or testimony.

BRIEF OUTLINE: This issue regards her false testimony/Perjury of what Valerie Peretti said under oath, but also goes in part towards the issue of not being able to legitimately identify Anderson.

Valerie Peretti claimed to first time she saw Anderson/met Anderson, was the day before the murder happened. RT 2601.

Q: " In fact, you had only met Eric Anderson one time; is that right?"
A: "Yeah."
Q: "When was that?"
A: "The day before."
Q: "So if this happened on April 14th (referring to the murder), you first met Eric Anderson on April 13th?"
A: "Yep"
Q: "And where was that?"
A: "At Brandon's house."
Q: "And what time of day was that?"
A: "No, it was afternoon."

NOTE: Her statement directly states date, roughly time of day, and where which makes this clearly a material statement in the legal sense.

OFFER OF PROOF:
(Regarding false testimony/Perjury)

Defense questions person from Cingular Wireless (cell phone service) with documentation of calls coming and going for the day of April 13, eighteen references in all, which also names the location of cell tower sites which proves Anderson's location of cell tower sites which proves Anderson's location within a three mile reach or less. SEE: RT 3304, also listed as People's Exhibit #54. These calls show Anderson was never remotely near Handshoe's home in the afternoon, and furthermore, many

calls were to Handshoe, showing Anderson was not at or near the areas claimed or with Brandon Handshoe, but trying to reach him instead.

ALSO SEE: RT 5214-15 (Quotes are from Defense lawyer in Closing Arguments, starting on line 27 on RT 5214)

"You also heard Valerie Peretti say that she only met Eric Anderson once before. And when did she say she met him? Again, she said she met him on April 13th, the day before, in the afternoon, at Brandon Handshoe's house. He's nowhere near Brandon's Handshoe's house on April 13th. He is in the area of town (refers to map in court). Again, not only do these call site locations disprove Brandon's testimony about being in the area of Medill Ave on the 13th, they likewise disprove Valerie Peretti's testimony about her meeting Eric Anderson the day before, the afternoon before, in this area (refers to map), these cell site records disprove both of their testimonies."

- Legally this issue on appeal would be challenged as: Due Process violation, and Prosecution's knowing use of fake Evidence/Testimony-which is sometimes referred to as a "Napue issue"-First Major Case law for this type of challenge. NOTE: D.A knew Peretti's testimony was false in a number of ways, that will become clearer. However, since D.A is then considered to have known in the strongest sense of the levels discussed in Penn. State Law Review Journal, titled "Conviction Based on Lies: Defining Due Process Protection" which discussed in depth this type of Legal issue.

BRIEF OUTLINE: This next issue does not directly involve Anderson, but is still false testimony/perjury of a complex lie with many details, and has no factual basis.

This involves what she told interviews and then later testified to of what she did after she said Anderson, Handshoe and Huhn left to do the robbery of the Brucker home.

Peretti claimed to have called her close friend at the time, named Patricia Ritterbush. Peretti claimed to have this elaborate discussion of how Ritterbush had been pregnant and was starting to bleed and how she should go to the hospital, but Ritterbush did not have insurance and later Ritterbush had a miscarriage, then moved to Texas (which was he excuse why she did not know her contact information when the investigator asked for it). SEE: RT 2648-52. Peretti's story was told under oath and she repeatedly asked, are you sure this is true?

OFFER OF PROOF: See Ritterbush testimony at RT 4553-4557. In her testimony she testified no miscarriage but had a son born in October 2003, never was bleeding or telling she was, never had this conversation with Peretti and did not move back to Texas. On RT 4557 Ritterbush went further to say "She's a liar" (referring to Peretti) and describes how Valerie Peretti would paint bruises on herself to get people to feel sorry for her (SIDE NOTES) There is another issue of her lying about watching

the Eminem Show on MTV before the call. That show was not on during that time, but cannot find the Offer of Proof. (Once it is found it will be added.)

(Legal Note) This falls under Due Process and Napue also. D.A Investigator Baker also interviewed Ritterbush and was unaware Peretti was lying.

BRIEF OUTLINE: This is another issue regarding false testimony and credibility, Peretti here cannot keep something simple and straight, that is as basic as the hair color of the wig she claims Anderson wore. It is a more obvious she changes her statements to law enforcement/interviews in order to match details, that she had wrong, like the color description, etc., that Mr. Brucker told police before he died. This description was quotes/told at trial, by the officer who Brucker told, before dying at the hospital. SEE: RT 2833-36. (Here only key parts are quoted giving the shooter's description.)
RT 2834
"being in his late 30's"
"Baseball cap, bright white in front, black in the back"
"salt and pepper beard"
RT 2835 "Hair color also salt and pepper"
"There was no mention of glasses."

Next set of quotes are from Valerie at Preliminary and trial. Here I do need to point out an Offer of Proof, because during questioning she is exposed for having conflicting statements. This is not a clear case of Perjury, since Defense allows her to "refresh her memory, " but it still is a Due Process issue. Napue, but only in the lesser degree, yet this is a clear example of how even basic parts of her story change, even testifies to stuff, like Anderson did not have a beard, and his mustache was his natural one, and same color now (brown), then would change her story later if she did not know the first time. SEE RT2621 Peretti's testimony at trial.

PRELIMINARY WIG ISSUE – MULTIPLE VERSIONS

RT 568
Q: "Okay to be clear on this: When you first saw him, you noticed he had a wig on?"
A: "Yes"
RT 569
She waffles a bit about description,nails it down on next page
RT 570
Q: "Do you recall...at any rate, you saw a wig? Can you describe for us what that wig looked like?"
A: "It was , like, white....like salt and pepper, not like...it was, like two-different colors, like kind of it wasn't a full wig; it was just like a hairpiece."
RT 657
Q: "Do you remember in that first interview..."
A: "Yes"
Q: "Okay, you described the color of the wig as being brown?"

A: "It could have been."
Q: "Could have been brown?"
A: (nodding)
Q: "Are you saying it could have been a brown wig?"
A: No, I don't remember exactly."
Q: "You don't remember exactly what color the wig was?"
A: "I know what color the wig was. I'm talking about the hat."
Q: "Oh, no. I'm talking about the wig, ma'am."
A: "It wasn't a brown wig. It wasn't. I already told you today it was salt and pepper."
Q: "What I am asking you, Valerie Peretti, whether you told Detective Goldberg that it was brown and not salt and pepper.
RT 658
A: "Oh I don't know why I said that. I know what color it is, what it was, but I could have said that."
RT 693
Q: "Now I asked you whether you had described that hair or wig as being kind of nasty, shiny brown and you said that was true. That you described it that way, anyway. Is that true?"
A: "Yeah."
Q: "And you got a good look at it prior to describing it as nasty, shiny brown to detective Goldberg, right?"
A: "Yes."
Q: "You got a pretty good look, you say, of Eric Anderson on April 14th when he was at Brandon Handshoe's place, is that right?"
A: "I got a great look."
Q: "A great look. You notice that he didn't have a beard or didn't you?"
RT 696
A: "Oh, no he didn't have no beard. He had a mustache."
Q: "So when you described whether the brown hair or wig, or salt and pepper, you're referring to the hair on his head, is that right?"
A: "I'm referring to salt and pepper, but the one on his regular head, the wig I was talking about."
RT697
Q: "And was the mustache also a certain color that you noticed?"
A: "It was the same color he has today (meaning Anderson's naturally brown)."
Q: "Okay, so that mustache was not salt and pepper?"
A: "No."

NOTE: This completely contradicts Mr. Brucker's dying declaration of the description he gave.

RT 2621
Q: "And you said it was a dirty-looking color?"
A: "Yes."
Q: "On another occasion you described the color of the hair piece as salt and pepper. Do you remember that?"
A: "Yes"

RT 2622
Q: "Salt and pepper. Were those your words, or words you got from somewhere else?"
A: "They were just a description."
(Defense goes on to her first interview where Peretti described it as being "nasty-looking, shiny brown color." "Like a Halloween costume thing." SEE: RT 2623 for above quote. ALSO RT 2623 Peretti's description of the hat she claims Anderson was wearing, "a dark color...blue/black.")

RT 2624
Q: "Just one color?"
A: "I'm pretty sure."

NOTE: Defense asked Peretti earlier about if the words/description of salt and pepper were her words...this is because not only was there a flier looking for who murdered Mr. Brucker, which had a description of a Bronco seen, and the description of the shooter, which was the description of salt and pepper.
SEE RT: 2581 Also, in Preliminary testimony at Preliminary she admitted discussions with her dad and Apollo Huhn about how to collect the reward, that was raised to $10,000.00. SEE: RT 636 Then at trial she tried to deny looking up information on the internet. RT 645-46, and discussions with her dad and Apollo how to collect the reward.

(**LEGAL NOTE:** Peretti was often allowed and/or cornered into correcting her testimony. Most of this stuff falls under the category of Contradictory Testimony, i.e. credibility issues.)

It is beyond my comprehension how anyone from the jury accepted her testimony given how blatantly full of contradictions, false stories and even her own admission of many big lies she's told, only to claim, now she is being truthful, which Defense showed she still is lying. To not be able to get even a simple details and facts right, and/or change her statements/descriptions on nearly every major aspect of her story is beyond ridiculous but more so is an issue of it being allowed at all.

BRIEF OUTLINE: Here it will quickly show a variety of key statements and details of her story that change, as well as quotes from she admits to lying, yet still failed a polygraph test, which in court is not allowed as evidence, so the Jury only heard about "the May 19th interview with Mr. Redden." (A copy of the polygraph report is included with trial transcripts.) This is to further show how obviously she was lying and how corrupt it was for the judge to have not dismissed her testimony and for the D.A most of all building his case on known lies, as well as Defense doing next to nothing to properly and forcefully challenge these and other corrupt actions by the D.A (NOTE: Sometimes I will only quote key lines, and /or just list page numbers to prevent excessive length in this section.)

RT (Prelim.) 651-653 Here there are a number of statements that Valerie Peretti finally did admit to lying about.
RT 651-52
A: "Like I said, I wasn't telling the truth at that time, so I don't know what I said."
A: "That was a lie."
Q: "Do you remember telling detective Goldberg that the map was burned on the first occasion?"
RT 653
A: "Yeah, bit I also said I didn't know exactly what happened to it."
RT 654
Q: "You don't remember whether that was told to you, whether Apollo had called Eric about tattoo?"
A: "I don't remember it happening."
Q: "Okay, so it;s possible that is another lie that was made?"

ALSO SEE: Prelim RT 633-Regarding known to be a liar.

Q: "Had you lied to your dad in the past?"
A: "Yeah."
Q: "And your mom, too, right?"
A: "Yeah."
Q: "You lied to others?"
A: "Not that many people. My parents mostly."

ALSO SEE: Prelim RT 656-Admits to guessing throughout an interview, but this is commom reply when she is cornered on a lie; she will often say she was guessing.

Q: "You were guessing throughout this interview?"
A: "It says "I guess, " right there, right?" (skip down)
Q: "This wasn't a lie; it was a guess?"
A: "Yes."

ALSO SEE: RT 657-58 This regards to Peretti's description of the wig again, at Prelim, where she goes from definite to "I guess," and then "I don't know." However, in previous section about this particular topic, at trial Peretti repeats her lie about salt and pepper, in contradiction of her first interview. Pages 657-58.

ALSO SEE: Prelim RT 577-78. These two pages are where Peretti testified at Prelim about how many bags Anderson had (4). Then she looked at what was in it. (Disguises). However, at trial she talked about only one bag left behind still, yet claims to know this is more of her guessing and creating a false story she cannot keep straight. Then it will be shown how her first interview about one gun she saw, a .38, later becomes a .45 in order to fit the actual facts, as she hears about them and looked up on the internet, and asked her dad to look for information too. SEE: RT 644-46.

SEE: RT 2508 about what she saw regarding guns and how many. "They were semi-automatics." "Some big and small." "Eight guns."
SEE: RT 2634 Defense questions her about disguises. More guessing. RT 2635 Defense asks her about the guns.
Q: "And if I remember your testimony this morning, you described it as a bag with at least eight guns and they were all black, you remember that?"
A: "Yeah."
Then Peretti is asked about previous statements made, starting with May 12th.
RT 2636 is mostly Peretti trying to avoid answering. "One gun."
RT 2637 Defense asks her about May 15th interview and sees she is caught in a lie and blurts out "I'm done."
RT 2638 Fourth interview on June 10th it becomes "four, maybe more." And now she says eight guns.
RT 4668 Officers who first interviewed Peretti states what Peretti told her about "Only saw one gun, thought it was a .38.

BRIEF OUTLINE: This issue will show Valerie Peretti's lack of ability to properly identify Anderson and how D.A Investigators never asked her what Anderson looked like, yet then showed her four photos, all of Anderson, labeled "Parole Photos' with Anderson's information on them, as well. Then asked Peretti if that is Anderson. Then, of all things, she claims to recognize Anderson by his prison issued glasses which were replaced over two years beforehand. Anderson's witnesses corroborated this along with other facts presented by the Defense.

Then if you go back to the section of when Valerie Peretti first claimed to have seen Anderson on April 13th RT 2601, then defense proved this was a lie by using cellphone records RT 3304-3308. ALSO SEE: 5214-15. This calls into question if Peretti ever saw Anderson. Other examples will be pointed out as well. First is the issue of the D.A Investigators using photos only of Anderson for a "photo line up," which is how they "confirmed" Peretti's identification of Anderson.

Starting at RT 2627 last line, then RT 2628
Q: "Do you recall whether prior to being shown any photographs you gave any type of physical description of Eric Anderson?"
A: "I don't remember."
Q: "Were you asked how tall he is? How much he weighed? Hair color?
A: (responding to each question) "I don't remember."
NOTE: Ms. Peretti was then asked about her testimony about glasses by which she claimed to recognize Anderson.

RT 2629 Then lied about seeing a photo line up with five or six different people and picking out Anderson which even the D.A Investigator admitted to not doing, instead only showing her photos of Anderson.

OFFER OF PROOF:

RT 4630 Defense questioned here on this false claim and showed to Peretti Defense Exhibit B which is what she was actually shown.
Q: "You look at that piece of paper with four different photographs. They appear to be photographs all of the same person."
A: "Uh-huh."

Peretti admitted to recognizing this series of four photos of only Anderson, then admitted to saying she recognized Anderson from the photos because of the glasses (referring to prison-issued glasses.) This subject of the photo of only Anderson and the glasses comes up again when defense questions D.A Investigator Goldberg.
Starting on RT 4628-4632
Q: "You in fact showed her a series of photos when you interviewed her on May 12th, is that right?" (referring again to defense Exhibit B)
A: "Yes, ma'am."
Q: "Prior to your showing her any photos at all did you ask her to describe what Eric Anderson looked like?"
A: "I don't believe I did so."
RT 4629 Defense asked Goldberg "Did you ask about Anderson's weight, height, hair, color, and facial hair and did not ask if he wore glasses?" For each of these questions Goldberg answered "No".
Q: "And you didn't show her a photo line up, did you?" (Offer of Proof)
A: " I did not."

This question was asked again in more detail, with the same answer. RT 4630 Goldberg admitted all four photos shown to her were of Anderson. Defense questioned Goldberg about print on the photos and had to show his photocopy of his own report.
Q: "What does that appear to be?"
RT 4631
A: "Mr. Anderson." Defense Exhibit AA
Q: Referring then to Defense Exhibit AA, could you tell us what is the heading that appears on the top page, on top of the four Photographs depicting Mr. Anderson?"
A: "It says, Mug Shot Photograph and it has the same CDC J74546."
Q: "And what is the other heading that appears on the photographs you showed Ms. Peretti on May 12th?"
A: "It says Parolee's Photo Gallery, and has the same CDC J74546."
RT 4632 When asked what was it that Peretti in particular recognized, Goldberg stated the glasses.

OFFER OF PROOF:

The problem with her claiming to recognize Anderson by the glasses in the Parole Photos is that these glasses were replaced by Anderson shortly after his release from prison, which was more than two years prior. Anderson had a number of witnesses to the fact that these were not the glasses Anderson wore. See following transcripts listed which refute Peretti's claim and which corroborate Anderson's

defense. Jeff Gardner RT 4734, James Stevens RT 4752, Ingrid Nielsen RT 4864 and Theresa Coke RT 4870-71.

BRIEF OUTLINE:

There are three things to point out which show Peretti failing to identify Anderson correctly. During Prelim., Peretti said Anderson did not have a shirt on, which allowed her to see his tattoos. RT 546
Q: "Where was the tattoo?"
A: "He had them all over the place, on his back, on his stomach?"
Q: "Okay so you remember seeing tattoos on his stomach?"
A: "I guess, yeah."
Q: "And tattoos on his back?"
A: "Yes"
NOTE: Anderson has no tattoos on his stomach and nearly no tattoos on his back. These are two areas where Anderson does not have tattoos, while tattoos do cover whole areas in other places.

BRIEF OUTLINE:

At trial Peretti was asked about Anderson's actual hair. SEE: RT 2627
Q: "And what did you notice about his hair on that day?"
A: "That he had a shaved head."
This is a lie and shows evidence that she had never Anderson before seeing photos or in court.

OFFER OF PROOF:

The following people testified they had never seen Anderson with a shaved head and that he appeared like he normally did on or around April 14th; Jeff Gardner RT 4733; James Stevens RT 4751; Ingrid Nielson RT 4864; and Theresa Coke RT 4869-4870.
NOTE: Nobody corroborated Peretti's description of Anderson having a shaved head. Last of all, on RT 541-42 Peretti was overheard telling her mom that she did not recognize Anderson, but when questioned about it, she denied that she said that.

In conclusion on this Valerie Peretti section, it should be noted, there were countless other issues with her testimony....but are in general minor in comparison to the bigger issues pointed out and didn't want to dilute the important, bigger issues by adding a ton of minor issues!