

## ISSUE REGARDING HANDSHOE'S TESTIMONY – NARRATIVE

In the first section regarding issues with Prosecution/State, etc you will have read a little already about Handshoe's related issues, those were more focused on the corruption by the state involving witnesses in which included Handshoe. Then there are issues regarding Handshoe in the last section that covers other aspects/issues beyond what he testified to at trial.

This section will focus mainly on issues with what he said under oath, and covers his perjured stories with proof using evidence that is irrefutable. Then cover a wide spectrum of examples of what is legally classified as “contradiction” which shows the abundance of lies told while on the stand at trial.

First some background information on Handshoe and how he fits into this case. Handshoe by his own admission barely knew Anderson for a week, which Anderson's cell phone records show this as well. Also admitted Handshoe and a friend named Apollo who is another person are affiliated with a gang called “The Peckerwoods”, along with others who were either codefendants and witnesses. They all knew each other and grew up in the same neighborhood. They all participated in crimes together as well did drugs together. Handshoe's drug connection and fence for stolen items was also named Erik....Erik Swanson a.k.a. Erik the drug dealer for Handshoe on RT 3813. As seen in the first section many believed this was the Erik who the detectives were asking about and intentionally mislead the people the question to confuse the two of them. They did not even show photos or inquire if they are aware there are two Erics. Yet illegally added altered reports and wrote Stressed Eric in the reports to shift the focus onto Eric Anderson who is a total outsider. The reason for becoming acquainted was due to Mr. Anderson's tattoo business which is a nickname not used by Anderson or his friends or family beyond the business name.

There were lots of calls made to Handshoe's place from Anderson's phone, yet by Handshoe's own admission had only seen Anderson 4-5 times. Yet Handshoe became involved in the Brucker murder by his own testimony. He was facing a sentence of life without the possibility of parole. Others Handshoe knew and were a part of the Peckerwood gang were arrested as well. Then Anderson was arrested and was accused of becoming the ring leader as well had Handshoe do crimes with him. Then also testified he was afraid of Anderson. He felt afraid, forced and intimidated to go along in doing the intended crime of robbing the safe from the Brucker's residence which lead to the death of Brucker from a gun shot. Handshoe claimed Anderson as being the shooter. His many stories or variations fall apart under defense questioning and furthermore there was evidence to prove he was lying before he signed a plea deal agreement, to become a state's witness. Not only did the prosecutor already have material evidence that Handshoe's “free talk” statement was used to try and get a deal, it was a complete lie beforehand. The D.A still gives him a 17 year plea deal. His testimony is full of fabricated, detailed stories of other crimes he accused Anderson of doing as well but are proven false. So in order to cause doubt in the jury's mind. Not only did the DA investigator lie on the stand about evidence that did not exist, to try and corroborate at least one story of his. On top of this the Prosecutor then flat out lied about Handshoe's Plea Deal and said Handshoe was free to say “Martians did it” and he would still have gotten his agreed upon amount of time of 17 years. Then adds, “So why would Handshoe lie?” Then to reinforce his testimony vouched for the credibility of his testimony, when the DA used words “I believe with all my heart”, in support of his testimony as being truthful. He also agrees during jailhouse discussions that he would make Apollo look good and Randy Lee had offered money to help him win his case which his testimony shows what he testified to did directly help Lee defense and wasn't found guilty due to his help in shifting blame onto Anderson.

Randy Lee's role as a mastermind and person who knew the details of what Mr. Brucker had in the house (a safe, which he believed had up to two million dollars inside it) knowing the family and most important knew where Mr. Brucker lived. Long before any of these people knew Eric Anderson, Handshoe and Valerie testified about planning/meetings about doing this crime as far back as the

summer beforehand. There were at least 3 meetings in Lee's car, which included Lee, Zach Paulson, Brandon Handshoe and Apollo Huhn. Yet Handshoe, Paulson and Apollo's girlfriend Peretti who is an admitted associate of the Peckerwoods all testified to some aspect that Anderson miraculously knew all the details to go do this crime, that only Lee knew. Yet Anderson is the accused ringleader of a gang he has no association with. Then later they claim it's due to the fear of Anderson, and felt threatened into obeying what Anderson told them, (an outsider not associated with their gang) and even attempts to say Handshoe and Huhn were afraid of Anderson and felt pressured, forced or even threatened into obeying what Anderson told them... Yet, even more circumstantial evidence to show the ridiculousness of these claims is Handshoe also claimed Anderson gave him a gun... Who gives someone a gun, let alone a gang (multiple people) and then threatens him and his friends while also them being members of a gang?!?! Of course in other sections (last in particular) you will see how much of this evidence to support Anderson's defense was never allowed to be heard by the jury.

Please notice the amount of contradictions in Handshoe's testimony, which the average person knows, if you can't keep your facts straight to your own story, it is a clear sign it is because it is a lie. Lies are harder to keep straight and also seen by getting tripped up over details, even basic details he waffles on answering.

Compare these state witnesses who all have lied and it shows. compared to Anderson's witnesses who do not have contradictions and provide one clear answer to the questions. Furthermore there is corroborating evidence to support Anderson's witnesses testimony, but absolutely no corroborating evidence, or physical evidence linked to Anderson in the murder of Mr. Brucker!

## ISSUES INVOLVING HANDSHOE'S TESTIMONY – BRIEF OUTLINE AND OFFER OF PROOF

**BRIEF OUTLINE:** First a brief legal explanation of “Perjury”. Perjury is not anytime someone lies in court, like many think. There are a set of factors for a lie to be actual Perjury. 1. The statement has to be under oath. 2. Then what is stated falsely, must be material in nature, meaning it can't be opinionated or something that could be mistaken. 3. Then you must have proof of a statement being perjured-That is the proof must be material, not just another person's testimony (alone), but material such as reports, video, records, something that can't be disputed away. Even if someone tells the police and they make a report, then testifies differently then the report later on. This is legal termed a “contradiction”, if the state does it, it is often referred as “Misleading or “Misstating the evidence” or giving a “false impression.” These are variable terms that have more legal meaning than they sound....it is basically the legally polite way to call the state a liar when those terms are seen or used.

In the first section it covers a few aspects related to the Handshoe's testimony and in the last there is more. In this section the main focus will be on his perjured testimony where and what. In which the two false stories of crimes/burglaries he accuses Anderson of doing has been mentioned and pointed out already, but will be covered in more detail here, so will only briefly detail before moving on to other perjured statements with offer of proof. Then will detail a few key “contradictions” and issues with what he actually has said either in reports or on the stand (under oath).

The first fabricated story Handshoe claims Anderson of an attempted break in a house located at 8122 Medill Avenue, which happens to be next door to the Brucker residence, this is where the murder victim lived. SEE RT: 4492 and 3829. **NOTE:** This crime Handshoe is falsely accusing Anderson of, it is to intentionally link Anderson to knowing where the Brucker residence was. HANDSHOE IN

PARTICULAR CLAIMED ANDERSON HAD KICKED IN THE DOOR. (elsewhere rammed in the door) AND THE ALARM WENT OFF. SEE RT 4491, 3827-28. **NOTE:** Defense Counsel Ms. Vandebosch on RT 3827 and elsewhere confuses facts of Handshoe's free talks statement as far as timing of the 2 burglaries. One day and or a couple of days. The couple day part is a quote from the free talk as to how many days before the attempt at Medill did the Dictionary Hill burglary happen. This is clarified on what Handshoe said by when Goldberg was on the stand. On RT: 4491 Q: "And did he (Handshoe) indicate to you when in relation to the Brucker homicide, this attempted burglary had supposedly occurred?" A: (Goldberg) "Day before". (Which is April 13<sup>th</sup> the day before the murder happened.)

OFFER OF PROOF: There are two clear ways to prove the whole story by Handshoe is a fabricated lie and more importantly perjury. This is seen by phone records discussed by defense SEE RT 5213-5218. Also these phone records are testified to and part of the record. They are also included with this legal declaration at the end. ALSO SEE: Defense closing arguments and how these records prove these points. These phone records prove the calls made were no where near the places Handshoe claims Anderson was, such as this burglary at 8122 Medill Ave.

The other way this story is proven to be perjury is by the testimony and records of the alarm company owner himself, named John Stevens. **NOTE:** (this person is not James Stevens which is Anderson's roommate, nor neither of these Stevens are related.)

On RT: 4496 Mr. Stevens testifies that he keeps all the records of the alarm system he installs and that 8122 Medill Avenue is one of these places. Also SEE: RT 4497 that part of the record is keeping records of any time an alarm is triggered. On RT 4498 it was the defense that requested a review of these records. Then asked if the records show if the alarm at 8122 Medill was ever set off ?? On RT4499 the answer is there is no record of the alarm being set off for the whole month of April 2003.

THIS IN FACT PROVES PERJURY. At this point defense should have made a challenge in front of the jury as to this and not only ask for a Mistrial in front of the jury. This one issue alone should have canceled Handshoe's Plea Deal agreement. **NOTE:** Defense did a number of times file a mistrial but this was outside of the knowledge to the jury and more importantly why...Also **NOTE:** Another example of avoiding putting the State/Prosecutor's team in the legal cross hairs is seen by the defense not asking Mr. Stevens about giving this same information before trial. This also goes into a clear Brady Violation issue, of never (even to this day) handing over the report about receiving this information. This is discussed on a said bar and can be read at RT 4646-4690 (This goes into multiple issues and the other accused burglary of Dictionary Hill). In particular the State doesn't deny it happened, PLUS IT SHOWS MOST IMPORTANTLY OF ALL THAT THE PROSECUTOR KNEW HANDSHOE WAS LYING BEFORE HE GAVE HIM HIS PLEA DEAL. Furthermore, the judge himself is now aware and by law has multiple duties to in act, which he only sort of does on one point when instead of demanding, suggests the Prosecutor turn over these reports that are clearly exculpatory in nature, yet the Prosecutor never does.

This shows all sides played a role. The DA and their investigators, the Judge and even the defense. However the defense's case it is believed their failure of duty wasn't nefariously done, but to avoid making waves with the DA's office who can make the jobs of the Public Defender's office much harder.

BRIEF OUTLINE: The next issue of perjury by Handshoe involves another fabricated story of a burglary that he claims he and Anderson did in the Dictionary Hill area. This is where Handshoe claims is where the .45 that was used in the Brucker murder was stolen from and that it was stolen a couple

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days before the Brucker murder SEE RT 3829-30 for above details. Also note on RT 3829 Handshoe claims he is the actual one to have found the .45 before giving it to Anderson. (This information is to undermine Handshoe later claim of being afraid of Anderson...if so, why would you give someone a gun, that you were afraid of. More importantly, it is fact that this is completely a fabricated story and perjury on Handshoe.)

OFFER OF PROOF: SIDE NOTE: This involves the State not turning over any reports and or statements made by Handshoe after "Free Talks" of when Handshoe physically pointed out the area where this claim is made of burglary and theft of a .45 auto hand gun in the Dictionary Hill area. The defense puts Goldberg on the stand to question him about the subject matter of there being no corroborating evidence or any police reports to support Handshoe's claim, in which the DA on side bar claimed there was nothing to corroborate. Yet when Goldberg gets on the stand he perjured himself and lied about evidence that does not exist and said there was a similar burglary to corroborate Handshoe's story. SEE: RT 3778-3779, then 4624-25 where Goldberg lies. **NOTE:** He adds details to this lie by saying he got it after the criminal analysis was finished with it. Again, this is evidence that doesn't exist and even if it did wasn't turned over to the defense. Again on RT 4646-4650 we see the side bar discussion about this subject matter. PLEASE READ THESE PAGES LISTED. **NOTE:** Also that the States use of the word "similar" that there was a similar burglary reported and is intentionally meant to at the very least mislead the jury into believing there is something to corroborate Handshoe's story. It can not be similar. Either there was a report of a .45 stolen in that area in roughly that period of time or there was not! FURTHERMORE THE ACTUAL OFFER OF PROOF IS AT RT 4910-11. THIS IS WHERE THE STIPULATION OF FACTS IS READ TO THE JURY, AS THE WEAKEST POSSIBLE SOLUTION TO CORRECT GOLDBERG'S PERJURED TESTIMONY. THIS STIPULATION PROVES THERE WASN'T A REPORT THAT CORROBORATES HANDSHOE'S STORY AND LIKEWISE PROVES GOLDBERG INTENTIONALLY LIED ABOUT EVIDENCE THAT DID NOT EXIST. This mind you was under oath and is also proof of perjury against him as well. This stipulation was read over a week later after the fact and by all likely hood seemed insignificant since most don't fully understand that a stipulation is an agreed set of facts, that no party to the action deposes but is accepted as fact!

To any one knowledgeable of the law, this into this far section, you should be baffled and beyond any comprehension how the trial was allowed to continue at all. Defendant Anderson shouldn't have to point out even one more thing to get a full dismissal. Yet more will be shown in order to remove the slightest doubt to the most harden naysayer.

BRIEF OUTLINE: In these next segments there will be a few issues that perjury might be argumentative but at the very best show contradictions. Some of it labeled as contradiction, both in his own words and verses what others testified as well. Part of the point is to show the level of and amount of this kind of testimony...Which further goes to show Handshoe is lying in general and is seen just by not having a clear story. His story being full of contradictions beyond the areas of perjury.

This next issues involves Handshoe's friend and fellow gang member having discussions in jail after they were arrested on this case. SEE: RT 3963-3964. This is where Handshoe first denies under oath if "her had contact with Apollo Huhn?". He answers "No". RT 3963, then asked if he is sure about that? He answers "Yes". RT 3963. Defense points out transcripts of his Free Talk and asked to review, then is forced to admit he did. SEE: RT 3964. Notice on RT 3965 the conversation is about Handshoe saying he will make him look good. Here on the bottom of 3965 he tries to deny it. Then on 3965

denies that this is what he told Baker. Then saying he forgets. Then reminded he just read the transcripts and asked if he still forgets in which he answers "Yes" and is basically allowed not to answer after being cornered into showing he is lying yet again! Normally either the judge would tell a witness he must answer or the defense request the judge to order him...neither action happened.

Starting on RT 3966 Handshoe denies having contact and or talking to Randy Lee then on RT 3966 defense points out evidence of a third party letter to say "what is up", through a person named M. Washington. This is to establish a route of communication. Then starting on RT 3967, 3968 that Handshoe was able to discuss this case with Randy Lee and that 3969 a person named Sandy Garcia was another go between. **NOTE:** This is important to show collaboration/discussions on how Handshoe helped Randy Lee's case. Hence why by saying Anderson tried to break into the house next to Brucker residence was to help Lee's defense to falsely show Anderson knew about the Brucker home by this means. Otherwise through court evidence it is well established that only Lee personally knew the son Eric Brucker and had been in the house and had seen the safe in question.

On RT 3936-37 you will see what they discussed, Randy Lee and Handshoe where Lee offering him money and looking out for his family, "if he keeps him out of it".

Also on the subjects of threats made by Anderson which in one place is seen on the top of RT 3791, also SEE: RT 3792 to show what he says about threats that contradict Valerie Peretti's claim. However on RT 3793-3794 Handshoe not only has a gun himself but claims Anderson gives him this gun. This is to show the lack of common sense his story makes...after all, who gives someone a gun, then later threatens them?!

Next example of an issue with his testimony and or Valerie Peretti's which is actually a legal issue, that the state's witnesses either "Disagree" or don't believe is being truthful. This is what Handshoe's says about Valerie Peretti's statements/testimony. SEEN AT: RT 3839-3840.

Then on 3908-3909 you can read where Handshoe heard what Zach Paulson testified to at the preliminary and "Didn't agree with what he said occurred" in particular on 3908 when it comes to "meetings". This is another example of the prosecutor presenting conflicting witness testimony and that these state witnesses undermine each others credibility.

This next example of Handshoe's testimony is to show how he is inconsistent and waffles on simple questions and in particular showing he is trying to cover for Lee again. For this example SEE: RT 3938-3941. Within these pages it is also to establish further that Lee was not only the planner of this crime but knew where the victim Mr. Brucker lived. Handshoe tried to first avoid saying anything about Lee knowing the name or using the name of the victim Mr. Brucker, SEE: RT 3938. His answer goes from "I'm not sure, but he probably did", to RT 3939 where after refreshing his memory with transcripts it becomes "Yes"...This is "waffling" or avoiding part but instilling doubt or trying to for Lee's benefit. This by itself is minor but the second purpose is to establish Randy Lee's role and knowledge of the crime compared to Anderson, who has no link to the victim. Then on RT 3940-41 the DA ask about if Lee had agreed to driving Handshoe by the house? Handshoe at first answers "No". Then after repeating the question by the same prosecutor who wrote his plea deal he said, the answer becomes "I think so", then after first answering no, then waffling, then on RT 3941 and reviews his previous statements "Free Talk" has to answer "Yes". This is a contradiction in Handshoe's testimony. The only reason it is not perjury is because it is argumentative of if he could have forgotten on a yes or no question.

The next example is another example of perjury. This involves a statement of Handshoe that can be

proven to be false, in which he was under oath. This is seen on RT 3976-3977. Starting on the bottom of RT 3976 Handshoe is asked about bags, that were left behind, then later he claims Anderson picked them up, at first the same night, then on 3977 the next night.

OFFER OF PROOF: On the issue of a perjured statement regarding the supposed bags left behind, then picked up the following night. SEE RT: 5217-5221. These transcript pages being referred to are in the closing arguments for the defense, which counsel coherently explains the cell phone records and how the prove Handshoe is lying about Anderson picking up the bags, he claimed were left behind. Please Read.

**NOTE:** The complete record of the defense closing argument is included within this declaration and labeled with in the transcript section. The purpose is to show the general arguments that the defendant is making are the same and that there is no issue of hiding or weaving around evidence SINCE DEFENSE COUNSEL IS ALSO SAYING THERE IS NO CORROBORATING OR PHYSICAL EVIDENCE THAT LINKS ANDERSON TO THIS MURDER.

The next example is multiple statements that are seen closely together and that shows everything from waffling/contradicting his own statements , to having contradictory testimony with someone else, in one part with Valerie Peretti and a old friend of Handshoe named Rory Fay that it will mostly involves. I will list the examples in order so you can also read the transcripts and follow along. Then under offer of proof shows what Rory Fay testified to and where. **NOTE:** these are both state witnesses.

Starting on RT 3859 Handshoe waffles on his own description on the claim of Anderson having used a wig as part of a disguise. Handshoe calls it everything from brownish in Free Talk, to match with Valerie Peretti originally said, and likewise like her realizes the victim described it as salt and pepper, so changes his description to brownish-gray., grayish-silverish, then on RT 3859 lines 15-17 says "It was brownish and like...kind of like all different colors, but it was like...I don't know how to explain the colors". Really???

Then starting on RT 3859 to 3860 is the description of the baseball cap. This is much like Valerie Peretti, he calls it black, but as seen in the Valerie Peretti section, the victim before he died described it as black and white. Keep in mind the part of his testimony was to try and reinforce Valerie Peretti's lies. Also: A legal explanation for those not familiar with the law is that one accomplice can not corroborate another accomplice, yet this is what if the DA is trying to do in the view of the jury. This is also what would have greatly helped Anderson's defense if all these codefendants and state witnesses were linked by gang affiliations, and if the jury knew this.

Then when asked about a beard being part of the disguise, Handshoe says "I don't know.". This shows even the very basis of this whole fabrication story of Anderson's involvement is false. They can not remember even basic details and or keep even their own story straight, even after it has been shown and proven they discussed this case after they were arrested. Then on RT 3861-62 he waffles on who, if anyone called Erik Swanson. Keep in mind key witnesses in this case have all waffled or avoided anything to do with Erik Swanson's possible involvement. **NOTE:** This is seen and possibly even in Rory Fay's testimony, when he changes his statement to police about two males and a female at Handshoe's place when he drove him back on the day of the murder. Then he tries to say Handshoe was the second male seen, which lacks any sense. SEE: RT 3706-3709 and on RT 3709 had described one as "being a bit taller like him."

On RT 3862-3865 there is a discussion about a Walkie-Talkie that he claimed Anderson had given him to use and that he later gave it to Rory Fay. SEE: RT 3865. However on RT 3864 Handshoe's

finally says about the description on the Walkie-Talkies on line 6 and 7, "that he thought it was black and orange, but who knows?" What the hell does he mean "but who knows"?!?! He is suppose to know at least his own story...but clearly it is just a story by not having any clue when questioned on details, much like Valerie Peretti did!

Also note on RT 3866 again he says "But who knows" again, when questioned about Valerie Peretti, if she was mistaken or not.

If this is the kind of testimony that can convict someone and be sentenced to death, all Americans who can not afford a good private lawyer should be afraid, very afraid because there is not a balanced justice system as the blindfolded Lady of Liberty symbol is used by all Courts to use to express fairness, which does not exist as the system stands in most cases involving all races who are without means to hire a private counsel!

On RT 3869-70 there are multiple issues of conflict with what Rory Fay testified too. First about the amount of time at Rory Fays that he was at Rory's for 1-2 hours. Then about giving Rory Fay the gun and told him to hold onto it for him and also that he gave Rory Fay the Walkie-Talkie in question.

On RT 3871 that he originally said when he got back to the trailer, Apollo Huhn came back 15-20 minutes later. On 3872 is the testimony about the bags he claimed Anderson left behind.

OFFER OF PROOF: Rory Fay's testimony will be included and which is the main subject of the conflicting testimony.

Here the offer of proof will go in order of the transcripts to make it easier to follow along on each subject matter/example listed above. It is a bit unclear why Prosecution put Rory Fay on the stand when he could more easily be seen as a defense witness. One can only assume things not in evidence such as the Prosecutor was expecting him to testify differently and lie to help the prosecution's case, which has been seen elsewhere.

SEE RT3704 in regards to how long he was at Rory Fay's house. The first time he showed up, the day of the murder. "About 15 minutes" on RT 3706-3708 about being questioned regarding two males and a female were at Handshoe's trailer when he drove him back, on the day of the murder and on 3709 is asked to read his statement to law enforcement about a second male and how one was being taller and the other being thin, which doesn't fit Anderson's description, but does with the other Erik.

Also starting on RT 3709-10 Mr. Fay refutes Handshoe's claim of being given the gun and told to hold onto it for him. Also SEE: RT 3711-13 on the subject matter. Then on RT 3714 Mr. Fay refutes the claim by Handshoe that he also gave him a Walkie-Talkie, that in fact he never did so.

Before ending this section, I will point out how Handshoe knew what the prosecution wanted him to say, by listening to the preliminary and his "Free Talks" are to people who are not familiar with criminal trials, is a term for a type of an agreement, where someone who the D.A might be willing to give a defendant a deal, is allowed to tell the D.A. What he is willing to testify too, and then that defendant's lawyer is allowed to bargain a Plea Deal based on what the D.A heard....so naturally the more damming the better...In Anderson's case, it didn't matter if the D.A all ready had evidence (Phone records-Alarm Company and no corroborating police reports) that this defendant was lying through his teeth! The D.A still wanted to use it and give him a Plea Deal! (If D.A were to turn it down-then "Free Talk" statements can't be used against him.) SEE pages RT 3800-3806. Handshoe admits to his willingness to lie in order to win his case. SEE: RT 3821 line 25 to RT 3822 line 7.

There is one last point to ponder....Anderson's defense witnesses all had one clear cut story, no

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contradictions, such as the State had, plus had corroborating evidence in support of what the testified to.....yet seemed to be dismissed, simply because these were the people who actually knew Mr. Anderson and assumed to be not only bias in favor of Anderson but would have had to flat out ignore the testimony of Mr. James Stevens and others as bias, yet the only proven lies were all by the State!

ALSO SEE: Brandon Handshoe's Plea Agreement CT 09156-09162.