

MISC. ISSUES AND INFORMATION SECTION- (OFFER OF PROOF INCLUDED)

BRIEF OUTLINE/LEGAL ISSUE OF SEVERANCE OF CODEFENDANT:

In this section I will list the RT trial transcript pages and other documentation that is provided. As the briefly moves along, so will the Offer of Proof be included within each section, in order to streamline this section.

Not long after Preliminary was over it became clear that "Severances of codefendant" were going to be needed, this is a motion filed when there will be legal issues that only one person may have said incriminating things. This would harm the other person's Due Process Rights, since it was not the other person's error. This would cause a negative impact to a fair jury decision. The most clear reason a severance commonly is granted is when any of the codefendants have an antagonistic defense. This involves a defense attorney that acts like a prosecutor. This is obviously unfair and causes bias and becomes a Due Process issue.

This motion and issue was raised a few times. During pre trial motions Mr. Roake (Randy Lee's attorney) made this issue clear and absolutely required to avoid a Due Process violation for Anderson. SEE: RT 671. This is where Roake tells the judge , "He will be acting as a second prosecutor against Anderson." This lays out the kind of inflammatory statements. Using a whole alternative as well as false theory of what he wants the jury to believe had happened. This would deflect from from actual evidence of Mr. Lee being the one who conspired to have his neighborhood gang do the crime and he would get a 15% cut. See RT: 2341 on 15% of the cut, to show testimony that Lee had meetings with them and discussed robbing Mr. Brucker's safe. Then at trial during opening arguments, Mr. Roake did just what he was told, told the judge he would by referring to Anderson as the "Pied Piper" who had "dark connections", SEE RT: 2338 for both terms in quotes. That Anderson had their needs in mind because they were drug addicts SEE RT: RT 2338 but that "Anderson had a different need". ALSO SEE: RT 2338. This quote is vague but implies Anderson had other nefarious purpose in mind for them. Also Roake accuses Anderson of crimes he is not charged with, nor evidence (testimony) SEE: RT 2341 that Lee did want 15% and it was both Brandon Handshoe and Zach Paulson who Lee discussed his cut of 15% with them.

Intentionally the jury was lead to believe there is a statement that is false to support Lee's defense theory that "Only robbers, the people that go get a cut of the money." SEE RT 2341. His opening argument he accuses Anderson of "targeting homes in the area of Brucker's". Again there is no proof or corroborating evidence of this. This is largely based on what Handshoe accused Anderson of trying to break into a house next to Mr. Brucker's house, this was proven to be a lie. This was told for the simple purpose of helping Lee out. Handshoe told Lee he would . Mr. Roake used this fabricated story of ramming the door down next to the Brucker's house and the alarm going off (discuss elsewhere) and that the alarm company has records of this not happening. Testimony proves this was a perjured statement. This story was critical for Roake to try and show that anyone else and in particular Anderson had a way of knowing where this place was, the Brucker's. Roake repeats this false evidence of knowing where Brucker lives, due to a failed burglary the day before. This was a house next to where the Brucker's house was in which Roake referred to nine times. SEE RT 2336-2341.

Roake who is not bound by normal prosecution limits and guidelines claims that Anderson not only threatened Huhn, Peretti and Handshoe to do as he planned but threatened Peretti's unborn baby! SEE

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RT 2340 and 2341 regarding threats. At this point Roake has made Anderson out to be not only a murderer but a mentally ill psychopathic baby killer right from the start of the trial. Also SEE: Page 9 of Anderson's lawyer's CT records/notes, where it is summarized what a jailhouse informant wants to testify to, that basically Anderson was some type of hit man for the Hell Angels. What is more bizzar is this jailhouse snitch never got this information based on anything he heard from Anderson said but what Randy Lee told him. Lee and Julio Navarette who both were in protective custody, in other words Randy Lee knew Navarette would run and tell the D. A this juicy story in hopes to get additional time off. Even though the D.A did not want to use this information it became part of the record for Roake to use. So basically Lee had someone tell his story, that really was to help him and try to make it the reason Brucker was shot was due to a Hell's Angels hit. SEE: What is marked Lawyer's notes on CT Records Page # 9 (Bottom of Page). SIDE NOTE: So far Anderson has not gotten the CT records, a copy for himself as of yet. There may be an addendum to this declaration later on and more evidence may come to light. On RT 2470-71 (Side bar discussion) Again points out what is already grounds for a mistrial and Due Process issue for Anderson, yet the judge is not phased by this and moves the trial forward.

This is not all that was done by Roake. At times Huhn's lawyer that either targeted or undermined Anderson's defense. This one example is the most obvious. Huhn's lawyer undermined Anderson's defense by siding with the prosecution in blocking Anderson's defense from bringing in "gang" evidence to show both prosecution and other lawyers theory of their case is ridiculous since codefendants and at least one witness were part of a gang. It was ridiculous to believe that Anderson and outside somehow became a ring leader of a gang Anderson was not a part of. The ridiculousness of them being afraid of Anderson and that defendant threatened their lives of multiple gang members.....Keep in mind Valerie testified and as well as Handshoe, that Anderson gave him a gun.....I may ask who gives someone a gun then threatens them?!? Much of what was told lacks common sense, but yet the defense often failed to attack this factual aspect. SEE: Segment on "Gang evidence" blocked from coming in by Judge.

BRIEF OUTLINE/LEGAL ISSUE INVOLVING: Handshoe becoming state's witness:

- 30 Day Notice of Evidence Rule-
- No Mistrial, No Continuance-
- On top of Evidence dumping-

At the start of trial during Voir Dire (Jury Selection) Handshoe became a state's witness. SEE RT 2223 and jury members saw and where aware Handshoe was originally a codefendant. SEE RT 2218 and 2223. There are a few issues involving this. First of all, it violates legal Statue on evidence requiring the prosecutor to give 30 days notice before trial starts of all evidence including witnesses list. SEE RT 2178-79. Defense counsel asked for a mistrial which was denied. Then asked for a 30 day continuance to allow for legally required notice of time to be fulfilled. This was denied also based on the judge's conclusion that since Handshoe will be one of the last witnesses there will likely be 30 days before he is put on the stand. SEE RT 2227-2228. This reasoning which still doesn't follow the law correctly and doesn't at all consider that the defense counsel is busy in a trial this does not allow considered time for defense to do there own investigation and how to challenge and question new evidence/witnesses.

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It is understood by those who deal with pre trial evidence and courtroom tactics that the prosecution intentionally didn't have Handshoe sign a Plea Deal until so late in order to hopefully have defense unable to uncover evidence that the prosecutor already knew was out there, that would prove he was lying. This is also seen by "Evidence Dumping" right on the 30 day deadline. See RT 2252 also over 400 hours of tapes that were transcribed SEE 2194. This was meant to further cause excessive work, and an attempt to keep defense from finding out numerous lies and perjury to his Plea deal agreement story, that he was locked into as it being the truth and must testify truthfully. SEE: RT Plea agreement copy from out of AOB. ALSO SEE: RT 2180 for discussion about improper plea agreement, which locks Handshoe into Free Talk statements being the truth and therefore must testify to.

NOTE: In this section regarding gang evidence, included is not only natural bias, but evidence they had discussed beforehand Handshoe told Apollo Huhn he would make him look good. Handshoe's false story about ramming the door of the house, next to Brucker's house the day before was a clear intent to help Randy Lee. This was a way his defense could say Anderson knew of Brucker or where the Brucker's house was located. Because of the attempted burglary next to the victim's house the day before. It was admitted/testified to that Randy Lee offered Handshoe or Huhn money to keep him out of it or say he was not involved. SEE RT: 3787, 3788, 3789 and 3936, 3937.

See section on Handshoe for offer of proof that shows he lied under oath in at least three (3) key material aspects of his stories plus the numerous simple lies and contradictions shown. Even after evidence was presented by the defense of perjury by Handshoe the judge allowed it to stay on the record and allowed without any type of inquiry, or call for the D.A to have testimony at least "corrected". This is also another type of Due Process violation and an example of corruptive pattern set by Judge Lantz Lewis.

BRIEF OUTLINE/LEGAL ISSUES OF DEFENSE DENIAL USING GANG EVIDENCE:

This segment will first show evidence by name of some of these people involved in this case to be known to be from presenting neighborhood gang called "Peckerwoods." Then that in fact Anderson's defense was denied by the judge to use any evidence of gang involvement of others who are accusing him. Then the significance of this evidence and how it would have been helpful (exculpatory in nature) showing those accusing Anderson with their stories and how it makes their theories and stories lacking sense. Their stories are ridiculous in nature, but more so if the jury would have been allowed to know this.

In a side bar discussion on the topic of gang evidence, SEE: RT 2196-RT 2199 for reference to the Peckerwood gang and names who become either directly saying they are a members to reference their affiliation at least:

Zach Paulson SEE RT: 2196, 2199

Randy Lee RT: 2196

Handshoe RT 2196.

Apollo Huhn RT: 2196, 2197, 2199 SEE 2198 Huhn over the phone refers to himself, then SEE: RT 4568-4565 where Valerie Peretti uses a threat of getting the Peckerwood gang to go after Ritterbush and her boyfriend because she testified in rebuttal of Peretti. This shows clear affiliation/association.

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Also see her associated with Apollo recorded phone calls as to both his and her affiliation at RT 2198. It should be noted what Valerie Peretti did was a serious crime of witness intimidation/witness tampering while being an immuned witness for the State herself.

The argument of bias is made within those pages RT 2196-99. If Anderson was allowed to bring up the fact all these people either as codefendants or witnesses, and admitted members of the Peckerwood gang, this would of shown that it is beyond belief. After discussing and planning the robbery of Brucker's safe, since the summer of 2002, that somebody they have barely known for a week can come in and be their ring leader. When they are all part, in some way related to this gang, except Anderson!?!? Furthermore, they were threatened and afraid of Anderson, even after they testified Anderson gave them a gun....SEE RT 3791 about the threat claimed, SEE and the gun RT 3794. The judge at first appeared that he might allow Anderson's defense to use the gang evidence but was blocked and denied from allowing use of it.

See in other sections or transcripts where Zach Paulson believes he is testifying to help his "friends".

Also where Brandon Handshoe told Lee and Apollo Huhn "he will make them look good", meaning he plans to testify in a way that will help them while saving his own skin as much as possible SEE RT 3964-66 and 3968-3970.

Then Randy Lee was trying to convince and make promises of money for them to testify that he was not involved. SEE RT: 3787, 3788, 3789, 3936-37.

Refer back to Valerie Peretti's section where she intentionally tries to leave out her boyfriend Apollo Huhn's involvement. Then she comes up with a new story of Anderson threatening them. They were afraid and felt forced to do as Anderson said. This was even after she said Anderson gave Handshoe a gun.

Also note Handshoe testifies only knowing Anderson a few days before RT 3797 and maybe had seen Anderson a total of 5 or 6 times. RT 3798.

In addition, it should be noted, although Randy Lee's counsel Mr. Roake wanted to use Naverette's statement against Anderson and try to claim Anderson murdered Brucker due to doing a hit for the Hells Angels, never came in due to the prosecutor's objection. That the story lacked any evidence or corroboration of it being remotely true. I think the statement came in only as a "In camera" review testimony. This could later be used in Lee's defense theory/foundation for his claim made.

By the judge not allowing Anderson's defense to expose that these people were all related to one gang called the "Peckerwoods", which the only person not associated with this gang is the defendant Anderson, prevented Anderson from presenting a defense. This would have shown this case in a completely different light if the jury was allowed to be aware of this gang evidence!

BRIEF OUTLINE?LEGAL ISSUE: of Judge acquittal of conspiracy charge against Randy Lee. SEE RT 4596-4598. The judge makes his legal basis for acquitting Mr. Lee before the trial was over.

Conspiracy was basically the only crime Mr. Lee was guilty of....Handshoe clearly helped as he said he would after Mr. Lee offered money to keep him out of it. It should not be surprising that as long as no one said there was an agreement of Randy Lee's plans to rob the safe at the Brucker's house. He would not be found guilty by strictly going with what the law says, even though it should have been obvious that no witness who was reported to be involved in these meetings and who did not have immunity would want to admit to something that could link themselves to close to the crime and get charged! Only Handshoe was at these meetings where the robbing the safe was discussed and had immunity. He was the only who could have sunk his defense... However, between what is in the record in the going evidence segments on top of Randy Lee promising to put money on his books if he leaves him out. This was clearly an unsaid agreement.

The real issue for Anderson's defense is it puts all the burden of guilt on Anderson since the Judge had two choices of who they believed was the ring leader or mastermind and responsible for putting events into action. The judge removed even the possibility of the Jury finding Mr. Lee guilty then there is only one choice still standing. Since someone had to plan it and the jury was given only two options: Mr. Lee who knew the Bruckers and had at least 5 or 6 meetings with his friends about doing the crime or Anderson who both defense lawyers and prosecution made Anderson out to be a "Madman with a gun", who threatened them into going along or else Anderson would even go after Huhn and Peretti's unborn baby.... What would have been easier to believe?

There was no corroborating evidence to any of this. However, the jury was sure to remember all the highly sinister and inflammatory stories of what Anderson had been accused of doing or saying. This stuck in the minds of the jury and the truth was there to see. Yet, it was lost within all the lies allowed in and not challenged in a way that would make it clear to the jury whenever Valerie or Handshoe had committed perjury is under oath, (not just a simple lie or conflicting statement) for a report or interview. Perjury is under oath, material in nature and can be proven in an irrefutable way. Such as cell phone records, the alarm company's records and the testimony that the house next to the Brucker's where Handshoe accused Anderson of trying to break in and the alarm going off. This never happened even after both the D.A and the judge heard this evidence, like the Alarm Company proving that there was never a triggered alarm next to the Bruckers the D.A, the judge and the defense just allowed the trial to move forward without any type of verbal recognition of a major legal and ethical event just took place.

Defense did request again another Mistrial based on the basic argument/problem with how the acquittal of Lee absolutely undermined Anderson's defense and Due Process Rights....it was denied!

