

## ISSUES REGARDING PROSECUTOR AND D. A.'s INVESTIGATORS-NARRATIVE

In this section there are numerous segments to follow along for the purpose of showing a pattern of bad acts. These actions are violations more than just "Rules of Court violations", or unethical conduct but trapple state and federal laws as well. Actions were so blatantly done , It is easy to see and prove by trial transcripts themselves. Defendant Anderson knows this claim of corruption was done systematically and intentional. This may appear hard to believe on just the word of the defendant Anderson which is why the defendant is including a copy of trial transcript. There are quotes and references which will which will leave no doubt in your mind. I hope you will take this Declaration of wrongful conviction/actual innocence seriously in your review.

Lantz Lewis the presiding Judge in this case was highly bias in ruling on motions and objections. He also turned a blind eye to knowingly letting false evidence be allowed. This evidence was not corrected before the jury, except for one case where the D.A first lied to the defense and Judge about evidence that doesn't exist. This was being quoted in one case from a report but three (3) reports were not ever turned over that were exculpatory in nature. One was for sure the judge told the prosecutor he should turn it over but never turned it over to the defense. Quickly I will cover somethings that are a bit different in this section. Defendant is going to show a pattern of bad acts by the prosecutor and investigator Baker using numerous segments. Many of the State's own witnesses point out that Baker's report had a small but significant changes. These witnesses were repeatedly pressed to accept Baker's report as being their statement given. This conduct was nearly repeated with all their witnesses. Even though in a few places (with state witnesses) the statement in the reports could not be true because of other evidence proving otherwise. Yet the State tried to press their witnesses into making perjured statements.

One key example of what Baker was falsifying in his reports in the term "Stressed Eric", a nickname rarely used by Anderson, except for his tattoo business. Nearly all witnesses remarked that it wasn't their words. It was Baker who brought up that nickname, and refers to the media/newspaper articles. There were many, maybe 20 or more involving reports on the murder of Mr. Brucker. The union tribune of San Diego acted like a tool of prosecutor and reported the D.A's theory as if fact. They repeatedly used the name "Stressed Eric" addressing Mr. Anderson. What is significant about this fact is in this section you will see there are two Eric's. The other Eric is not only much better known to this neighborhood gang but was their drug connection. Erik Swanson a.k.a Erik the drug dealer. Furthermore, this Erik also better fits more so the description of the "shooter". That the victim gave the description of the shooter before he died at the hospital. What else is repeatedly seen done with each person Baker interviews shows not only intentional but but a purposely planned out strategy to confuse witnesses into making statements, thinking this is the only one Eric they know of. "Stressed Eric" is put into report to shift blame onto Mr. Anderson. Even after they saw Mr. Anderson in court they had to admit they indeed made a mistake and they didn't know there were two Eric's. Even after this admission is made under oath at Preliminary in the example of Patricia Colgan. The State brings her on the stand at trial and tries to use Baker's report to get her to change her story and say Mr. Anderson is the person she saw. claiming what Baker wrote in his report is absolutely Mr. Anderson. Due to the use of "Stressed Eric" as quoted as her words, in Baker's report in which this is repeatedly is a reoccurring

issue.

It is truly bewildering for Mr. Anderson to fully realize or grasp this level of judicial corruption done in this case. This is much more than just about Mr. Anderson's wrongful conviction as blatant as it is. It is also about the amount of false testimony misleading the jury and fabrications done by the prosecutor in closing arguments and investigator Baker level of perjury. In one example testifying to evidence that they said existed in order to lead jury to believe there was a police report of a similar burglary that would have collaborate one of Handshoe's perjurious stories. Later, only because they lied before in front of a Judge himself on this subject. This was "corrected" in the weakest possible way, with stipulation that there wasn't a similar report to collaborate what Handshoe testified to. It doesn't stop there at all. Prosecution then closing arguments lies to the jury that Handshoe's plea deal was set in stone and he could say "martians did it" and he would have still gotten the plea deal. This is a flat out lie! The deal not only locked him into "free talk" statement as truth, that it says he must tell the truth. Any deviation could cause him to lose his benefit of the deal and charges of perjury. Defendant Anderson will show that the prosecutor knew in advance that Handshoe was lying, with multiple sources of evidence in his possession. He likewise knew by then or prior to then that Peretti was lying at multiple times, beyond even a polygraph test she had failed. Even changing her story halfway through it. Furthermore, these witnesses who prosecution in no possible terms could say they weren't aware of their testimony being false. Mr. McAllister instead encouraged and then rewarded their false testimony.

Valerie Peretti's family received \$10,000.00 and immunity. Handshoe received a lesser sentence and immunity of any other crimes admitted during testimony. After defense objects to the prosecutors lie three (3) times to the jury, to set up a false narrative by saying, "If Handshoe could have said "martians did it", then he had no reason to lie." Afterward he the vouches for Handshoe's testimony with the words of "I believe with all my heart".

San Diego Union Tribune then prints about "Stressed Eric" is the maniac with the gun, before Anderson's jury came back with the verdict. There is more that is why this section is much longer than the others.

PLEASE READ BOTH WRITTEN PARTS AND TRANSCRIPTS DILIGENTLY.

YOUR TIME REVIEWING THIS IS MUCH APPRECIATED.

## ISSUES REGRADING PROSECUTOR AND D.A INVESTIGATOR-OUTLINE/OFFER OF PROOF

There are a couple of issues that are systematic and part of patterns. You are being asked to be aware of in advance. It will likely be no more than a few sentences in many of the issues that cover a topic that is more easily to be directly outlined and to show proof. It will show how Prosecutor's team tries to have witnesses say "Stressed Eric" is what Anderson referred to himself and what others call Anderson. (**NOTE:** "Stressed Eric" was a jokingly nickname given in prison and then he decided to call his tattoo business "Stressed Eric's Tattoos since learning about tattooing in prison.) This was not a nickname he referred to himself, nor was called beyond his business. However in numerous places it will be pointed out that their own witnesses refuted that they used "Stressed Eric" and defense solicits testimony from these witnesses that "Stressed Eric is what the investigator added to his reports. In a sense wanted them to say Anderson use not just "Eric".

This is important for the other part to watch for is a subject of a different "Erik" they know. Some did not know in fact that there were two Erics, and thought they were telling about the other Eric and not Eric Anderson.

Also notice anything regarding Prosecution's team being "misleading" and "misstated" and contradicting themselves. This was causing a false impression by their statements made. This is a significant legal matter in which in a legal section highlights case law explaining so.

**BRIEF OUTLINE OF ISSUE:** This person is a prime example of much of what is printed above. Patricia Colgan is a friend of Handshoe and others and lives in the area. The state used her as a witness at both preliminary and at trial. **EVEN THOUGH AT PRELIMINARY SHE TESTIFIED ANDERSON IS THE WRONG ERIC.** She had thought they were talking about the other Erik. (The other Erik is referred to as Erik the drug dealer-last name Swanson). At trial the D.A continued to try to get her to say Anderson is the correct Eric. The D.A could care less that it would be perjurious to do so. D.A continually referred her to the report of her statement made in the investigator's report.

**OFFER OF PROOF:** Patricia Colgan's testimony at Preliminary see RT433-34

Q: Miss Colgan, you were asked by Mr. Mangarin (Defense) if have you seen the person in green before? (Referring to Eric Anderson.)

A: "Right"

Q: Eric Anderson, Did you ever see him at the trailer, at Brandon's trailer?

A: "When Mr. Baker (Investigator) interviewed me, I was thinking about the wrong Eric, when I saw him (Anderson) for the first time yesterday. I noticed I was mistaken. I don't believe I have ever seen him before".

SEE: RT434

Q: "So you have seen another Erik in the past, that you thought that was the Eric that had been arrested in this case, right"?

A: "Yes"

**NOTE:** Colgan clearly states she was mistaken and thought they were referring to a different Erik and had never seen Anderson until coming to court.

GO TO; RT 3142- By this point Colgan has been asked in different ways about seeing the defendant before and Prosecutor tells her about the report Baker wrote from her interview. He is still trying to get her to change her testimony based on the investigator's report, even though at preliminary she already testified she was mistaken and has never seen Anderson before.

Q: "Do you remember giving Baker a statement? "Would it refresh your recollection if I showed you part of this report....?"

RT 3143

A: "Yeah, but that was back when I thought it was the same Erik". "I did not know there were two".

**NOTE:** Prosecutor still presses her to perjure herself and completely ignoring her reasonable explanation especially since there is some circumstantial evidence to suggest/show this was a deliberate in the investigators actions/intentions to purposely mislead witnesses who were thinking of Erik the drug dealer. They had them use the name "Stressed Eric". They never asked if they could be thinking of a different Eric??? or aware there were 2 Erics.

RT 3143- D.A continue to hound Colgan about Baker's report and that she had a chance to review it. No changes were made and now pins her in Baker's report that she stated, "That it was Stressed Eric that came over".

A: Right, but when I look at him now, I do not remember seeing him there".

RT 3144- Again D.A berates her to get her to agree with what is Baker's report.

Q: "But when you talked to Mr. Baker, you specifically indicated Stressed Eric ?".

A: "Yes". (This is after being berated into saying and agreeing this.)

This happens repeatedly when often the D.A is being allowed to berate, hound, and repeatedly press witness into agreeing whatever is written in investigators reports. They are asked until they finally relent and agree. Defensive objections based on "asked and answered questions" already is given up. Judge allows this and much more that was done.

RT 1345: Defense on recross of Colgan. Defense brings up first conversation with Baker on July 2, 2003.

Q: "Okay, and that conversation was not audio taped, is that right ?".

A: "right"

Q "But he did that on subsequent conversations that he had with you".

RT 3146 : A: "Yes"

Q: "And, in fact it was Mr. Baker who brought up the term "Stressed Eric", was it not?"

A: "I don't remember , but it could have been the newspaper too".-skip down-

Q: "And Mr. Baker comes to talk to you and he doesn't show you any photographs at that time, is that right?"

A: "Right" (Statement had to be reaffirmed-asked again)

RT 3147 Q: "And in fact he doesn't show you a photograph and say, Oh is this the Eric you are talking about?".

Defense ask Colgan about her preliminary testimony and how she explained under oath that she was mistaken, and thought they were talking about the other Eric. Anderson she had never seen before until the day she saw him in court.

**NOTE:** D.A fully knew what Colgan testified to before and why she was wrong about what she told Baker, yet pressed Colgan until D.A was able to get her to weakly agree that the report was right. Then she is allowed to get off the stand. The circumstantial part I mentioned can be understood when you realize these investigators and D.A knew early on there were in fact two Erics. They never asked which Eric they were referring to, but then gets witnesses to later state and or Baker add in himself apparently more times than not that is was "Stressed Eric" and not just "Erik". This is how many witnesses admitted hearing about "Eric". Investigators are the ones to bring up and suggest this in the name they should say it is, then if taped at all is done only after witnesses know what to say.

SEE RT 439- Preliminary ( side bar discussion ), that highlights that this issue was raised and clear to defense even early on before preliminary is half over. Quoted from Defense: "I had objected and thought repeatedly, in fact, I kind of gave up at one point. Witnesses are saying that, no, they didn't say

(3)

something and Mr. McCallister D.A then asks them, "Would it refresh your memory", after they simply say, "No, I didn't say that". Now that is a foundational objection that he voiced against Mr. Williams (minor witness) situation I thought. (Skip down a few lines). Therefore the only relevance would be for impeachment of his own witness. Basically when D.A puts up one of his witnesses that his investigator prepped/groomed and if they don't agree with alterations of their statement's written reports. They are made to look like liars or idiots. They are hounded until they relent to the set of facts they (D.A) wants from them, even when clearly would be false or perjurious to do so.

**BRIEF OUTLINE OF ISSUE:** This issue is part of an over all issue of outrageous government conduct. This is a wide spread problem involving blatant Prosecutorial misconduct (Due Process issues) and even flat out perjury done by investigator Baker. Again, even after defense evidence comes in, that isn't subjectable: like phone records, work records and testimony of multiple people, the State pushes their false evidence in by often impeaching their own witnesses in order to get in disputed statements of each witness in Baker's report. The same witness in each case denies using the words that Baker wrote in his report. Meanwhile, Judge plays ignorant of these issues. Someone who is the "Officer of the Court" would easily notice, when maybe a lay person of the law would not.

This next State witness is baffling that he was first used at all as a witness and makes clear that Baker is not only falsifying in creating evidence (Statement through his reports of what he comes in to testify is what witness said.) However, in this case not only was there evidence to strongly refute , all of what Baker wrote down is being what Northcutt claimed to have told him. When defense asks why didn't he investigate or know basic facts about Northcutt, like when he lost his job therefore had to move out of condo. Baker had no idea about where or what he is doing. He admitted he never searched, asked for nor investigated any of these facts. There is a simple reason why Baker didn't do any investigation because he knew he was falsifying his report! He already knew he didn't need to investigate something he already created. There is more....See following section for complete details and offer proof.

**BACKGROUND INFORMATION:** Note, Travis Northcutt was a room mate of Anderson and James Steven for a few months. Northcutt was laid off in early March of 2003 and couldn't pay rent. He moved out at the end of March, Northcutt's toll calls from the house phone, which only he used, (since he didn't have a cell phone) also stopped before April. This is significant because both through others testimony and Anderson's cell phone records. The first call ever made to Brandon Handshoe's place/phone was on April 8<sup>th</sup>. This was about a week before the murder happened. Baker's report implies he thought Northcutt was still living with Anderson and James Steven when a highly inflammatory statement is claimed to be said from Anderson. Then when the news about the Brucker murders report came on that Anderson threatened Northcutt to not say a word. Yet defense points out the actual media reports. Back then the police were looking for two females in a Four Runner that was the color Gray. Which makes this a false inflammatory statement even more impossible and ridiculous, yet Northcutt was impeached and his strongly denial of statements written were repeated in open court. The only good part about how lazy this D.A investigator was investigating is that he leaves a trail of crumbs of what he did for us to see.

**OFFER OF PROOF (RT 3506)**

D.A asked Northcutt if Anderson asked him about doing a crime involving a safe? (Paraphrased)

A: "No"

D.A in typical fashion begins referring to Baker's unsigned, not recorded report. This was similar to nearly all the state witnesses who denied parts of their reported statements. Then the D. A asked Northcutt about a statement made about seeing a television news report at the condo regarding the

Brucker murder (El Cajon Speedway), and then Anderson told Northcutt to shut up or he will be next. (RT 3507).

SEE: RT 3507

A: "No" (He was harassed and asked multiple times and the answer remained) "No". (RT3508)

ALSO SEE: RT 3513 Northcutt didn't see any notes being written by Baker and is absolutely sure he never signed any report to confirm or review statement in written report.

RT 3513 Northcutt is asked about telling Baker everything he said before it was a lie.

A: "More or Less?"

RT 3514 Northcutt admits getting laid off in early February or March and therefore could not pay the rent money needed. RT3515 which he then moves back into his father's house in March 2003.

RT 3515 Northcutt admits to there being some friction between him and Anderson, and he really didn't like him, especially the first time he talked to Baker...(review back to RT3513-where he lied about most of what he told him.) He was upset with Anderson and called him an asshole. See RT4182-83

RT 3516

Q: "But you remember moving out around March 2003?"

A: "towards the end, yeah"

Q: "towards the end of March 2003, is that right?"

A: "Yes, Yes, that is correct."

RT 3519 Northcutt explains in part why he doesn't remember and doesn't recall much of anything told to Baker because he was high on marijuana and drinking a lot.

RT 3521 Asked about some stuff before of something big involving a safe.

RT3521 Anderson inquiring of him if he wanted to be involved?

(Northcutt) A: "That would have never happened!"

Asked about what he did tell Baker and how he may have thought it up? (Out of spite, revenge or anger)

A: "Yes it never happened."

Q: "It never happened?"

A: "No, it couldn't possibly, no, no." This is actually corroborated by evidence of phone records/toll calls ending when he left and by employment records showing he was laid off. Also by James Steven's (the other room mate) testimony that Northcutt moved out at the end of March. Therefore what the D.A/Investigator Baker are pressing him to say of what is in report as being true, is impossible to have had happened.

RT 3522

Q: "Would it fair to say that you after you moved out in March 2003 you didn't see Eric Anderson again?"

A; "No I never saw him again until this day."

RT3523 D.A again is trying to get Northcutt to change his statement of when he moved out, suggesting somehow it could have been April, right.?" Three (3) times in a row, same question, just asked in various ways.

OFFER OF PROOF IN PARTICULAR: When Northcutt was laid off See RT4910-11 which is a stipulation of the fact that Northcutt was fired on March 10<sup>th</sup> from Body Beautiful. Note: layman's terms a stipulation is a legal agreement among all parties involved. That which is stipulated is then considered irrefutable fact by both sides, or all parties involved.

Also see: RT 4182-85 Some of the testimony from Baker, whom is impeaching Northcutt in order to get in refuted and even proven false statements from Baker's report of what Northcutt is said to have told him, but is denied by Northcutt. It is ridiculous that Baker is so sloppy about even being aware of

facts being offered for impeachment. It doesn't fit with what is known and established evidence already set in trial. It is generally accepted that Anderson only know Handshoe and others starting in April, then the time line roughly given by supposedly Northcutt of what he referred there being something big, involving a safe and he heard this comment between the middle of December 2002 and April 2003. He is basically saying before Anderson met Handshoe and his buddies. Plus the story lacks sense, Northcutt stated there was "tension between them", he didn't care or like Anderson. He also referred to Anderson as an "asshole". Yet they try to recruit Northcutt who is a young stupid kid with no criminal record or experience, furthermore that Anderson didn't ask Mr. Stevens to join given there was a much longer friendship history and past criminal experience, and had done prison time, yet would choose Northcutt over Stevens lacks even basic sense. Stevens would have known far more than Northcutt or others accusing Anderson. This theory or story the D.A is pushing is not only false but on the surface lacks common sense.

RT 4184-85 There is the inflammatory and false statement in Baker's report of what Northcutt said; How back at the condo, some time after the murder James Stevens, Anderson and himself watched a news report on the television about the Brucker murder, and out of the blue Anderson tells Northcutt "that he is the only third person to know and to keep his mouth shut, or he is next". And even after defense presents clear evidence that this could not have happened with evidence and testimony to refute this.i.e: Phone records at condo for long distance calls stop in February of 2003. See RT4797-99: Steven's testimony Travis Northcutt only person to use the house phone, since both Stevens and Anderson had cell phones. House only had for internet service.

RT4798 Stevens arrangement on Northcutt required to pay each month's phone bill.

RT4799 After Northcutt moves out all long calls end, showing of Northcutt having no money from being fired from his job and then moving out and couldn't pay rent. Phone bill documentation is listed as Defense Exhibit "FF". Moreover this next part will show the claim of threatening Northcutt after watching a television news report about the Brucker homicide. This is lacking in any sense or reason to do so at all given if he was still living there, but was not. See RT 4581-85 Investigator Goldberg is on the stand. Defense shows him Exhibit X and asks him if his name is referenced in the article?

A: "Sadly, yes" Then asked what is the date of the article?

A: "April 24, 2003" then he is asked about the article on the Brucker murder and if it "specifically references the appearance of certain suspects who are being sought after....around that time, April 24, in connection with the Brucker homicide?"

A: "Sure".

(after side bar discussion) go to RT4583 for full answer on "Suspect Description" who were sought after at that time.

RT4583

Q: "And what is the general description that is given in that particular article?"

A: "two women between the ages of 17 and 25".

Defense asks about the suspect's vehicle description.

A: "It was a Toyota Four Runner or a Prerunner type of truck"...."Color is gray".

Go to: RT 4584 Defense shows Goldberg Defense Exhibit X which is another news article from the Union Tribune dated May 10, 2003 and Goldberg is again referenced in this article and defense asked Goldberg, "What are you specifically seeking from the public, you are quoted in the article?"

A: "We had cleared the two females of the murder and was asking more information".

Further on the article is quoted as case being "wide open". Now based on this information that is all that is seen or read from the time just after the murder April 14, and past when the condo was raided. The media is focused on two girls, then later have no one and the case is wide open. What possible

reason could there be for a response such is claimed against Anderson, from seeing they are looking for a couple of girls, let alone out of the blue, blurt out such an incriminating and highly inflammatory statement at all, especially since it lacks any common sense at all. It was only falsely put in the report for it's highly incriminating and inflammatory nature, yet then above all is shown in court, that it's a lie Northcutt testified to. The D.A is still impeaching his own witness and having Goldberg testifying to this statement as being what he heard Northcutt tell him. So then this false evidence is yet repeated by D.A in his closing arguments and misleads the jury to think the statement must be true, if Goldberg is on the witness stand saying it's in his report and is true!?!

Over and over you will see the D.A and investigators relentlessly pushing, encouraging and rewarding false testimony that suits their stack of lies. This is based on Peretti's shifting set of lies.

Peretti's lies were likewise known in multiple ways in advance. They are outlined in the section on Peretti and likewise rewarded with immunity even before the preliminary.

By now some of those reading this will wonder how is it that they are so fearless of the law, to blatantly disregard ethical conduct, court rules and the law. This is because all Officers of the Court ie. D.A, Judges, Investigators and lawyers are immune from both Criminal and Civil litigation for any work, actions done under the color of the law. ie: In the process of doing their job and what happens in court. This less known fact of the law is at the root of all corruption that is seen in our legal system. This emboldens many to win at all cost and too often public defenders aren't willing to fully and properly challenge these actions that they know and see happen way too often.

**BRIEF OUTLINE OF ISSUE:** This next issue involves a person named Robert Forchette, a state witness who is also friends with Huhn, Handshoe and Randy Lee. Forchette was interviewed twice, once early on which needed to be re qualified since it lacked substance and merit. The second interview is what this issue is focused on. It starts off by Mr. Forchette being read this Miranda Rights, but then D.A and Investigator Baker starts questioning him about the Brucker murder, not about what his Rights are being read to him for. **SIDE NOTE:** Forchette is being charged for another burglary involving a safe, which Randy Lee was directly involved in. (seen in side bar discussion) as well as in others testimonies. This is noteworthy because it shows Randy Lee, Huhn and others were involved in previous crimes much like the Brucker murder, to rob a safe before Anderson was ever mentioned or known to this group. This separate burglary is referred to as the "Rio Canyon Burglary" or the "Apostoli theft". Back to the main issue here, which is the coercion of Forchette's statement and more so how it should have been so obvious he didn't know Anderson or see him. He said he saw Anderson once at Handshoes's a week before Valentine's day which no one else corroborated and conflicts with their testimony of what other state witnesses testified also well. These were through cell phone records showing Anderson hadn't had contact with Handshoe before April. Prosecution still puts Forchetti on the stand knowing what was said in interview. This knowing what was said in interview is not only false but conflicts with evidence and testimony. In order to just find anyone to say they saw Anderson at Handshoes's and try to corroborate that Anderson was there beyond it's vagueness , the time line is way off. Yet prosecution still used him and on direct, his testimony is only three pages long.

**OFFER OF PROOF:** RT3728 Here D.A on direct asks him about seeing Anderson in February.

Q: Sir, taking you back to approximately Valentine's day, sometime in February 2003, did you have, were you over at Handshoe's mobile home?"

A: "Yes"

Q: "And who was there with you?"

A: "Apollo and Eric"



Q: When you say "Eric" do you mean "Eric Anderson"?

A: "Yes"

Next segment is defense on cross with Forchetti. SEE: RT 3731. Defense points out about him knowing about the case, and who is being accused by talk in the area and publicity in the newspaper. RT 3732 Lays out facts about first interview and brings to open up questions about his statement to show coercion.

RT 3733 Still lay out questions but at the bottom of RT3733 is the first mention of the Rio Canyon/Apostli theft of a safe.

Q: "And during that first interview, going back to June of 2003, Mr. Baker asked you about a certain theft of a safe that happened near Rio Canyon mobile home park, is that right?"

A: "Yes"

RT3734

Q: "And it was your understanding that somebody was trying to blame you for having participated in that?"

A: "Yes"

RT3734

Q: "And in fact, when Mr. Baker came back to you almost 2 years later on April 6, 2005, to talk to you again, he began by reading you your Rights?"

A: "Yes"

Side bar is called in part because the other defense lawyers and D. A don't want this information to come in about the "Apostoli" burglary. SEE: RT 3735. Defense lays out the reason for questioning because of coercion involved quote from RT 3736

"It is only during the second statement after Mr. Baker starts by admonishing him, telling him he has the right to remain silent. In other words, he is suspect in another criminal offense. It is only then that Mr. Forchette says, "Well, yeah maybe I do remember seeing Mr. Anderson at Brandon's house back a week before Valentine's day". The first time he says "No". Two years later when its beginning, he starts by being admonished.

RT 3739 question begins. RT 3740 Defense goes over his Miranda Rights being read to him again, for a different charge. Then....

RT 3740

Q: "And then right after he reads you those rights, he told you that he wanted to talk to you about the Steven Brucker murder, is that right?"

RT 3741

A: "Yes"

Q: "And its then that he began asking you about Eric Anderson, is that right?"

A: "Yes"

Q: "And when he began asking you about Eric Anderson, you first said you did not know him at all, is this right?"

A: "Yes"

Q: And then you said, Oh maybe I met him once at Brandon's house?"

A: "Yes"

Q: "Now, when he was asking you about Anderson the first time, he did not show you a photograph, is that right?"

A: "No"

RT3742

Q: " Okay and in fact what you are basing your identification of this person (referring to Anderson),

who you saw a week before Valentine's day at Brandon's house on, is on the pictures you saw in the newspaper after the fact, right?"

A: "Yes"

**BRIEF OUTLINE OF ISSUE:** This next issue is related to Handshoe, but separate from his own testimony. Here I will only briefly outline, ask to please review it, since this involves a major issue. This involves **WITHHOLDING EXCULPATORY EVIDENCE**, namely police interview reports of Handshoe's statements while taking D.A investigators around to point out two places where he accused Anderson of breaking into, and one being where he accuses the .45 handgun/murder weapon was stolen from. Later both proven false claims, again SEE Handshoes's section. D.A was questioned by the Judge on side bar about these reports, which becomes clear he lies about to the court. Later on the D.A and Investigator Baker perjures himself and lied about a report that was not turned over and to help falsely corroborate Handshoe's testimony by saying "Yes, they did find a similar burglary in Dictionary Hill area. (Where the accused murder weapon was claimed to be stolen from.)

Even without still not ever receiving these reports it is proven a false statement by a stipulation made about the subject of the false claims of the two burglaries. However, even the attempt to fix this false statement by Baker with a much later read stipulation, was a poor fix. This should be noted that leaving any idea of a possibility of a similar burglary or saying so, is directly and intentionally misleading since it is impossible for there to be a "similar burglary" in the area. Due to the fact, the claim of the murder weapon being stolen from this area. That it was a .45 auto handgun. This means either there was a gun matching this description or there was not! No such room for using "similar". Either there is or is not a .45 auto handgun stolen from this area. Defense believes Handshoe points out an address in police reports plus other information that would have made it easier to point out his perjury. This is why D.A is hiding evidence, and to this day evidence hasn't been turned over, which is a Brady Violation.

**SIDE NOTE:** Layman's terms for a few legal phrases used here. A "Stipulation is a set of facts that all parties agree to as being true and are unrefuted. "Exculpatory Evidence", is evidence that is favorable to the defense, that is also evidence legally required for the State to turn over 30 days before trial/court rules. Now even though defense still has not received to this day these reports, therefore normally would lack proof of them being Exculpatory in nature. It is however known via through Stipulation and other sources that what is being a tested to by the State is false-therefore has an Exculpatory in nature to it. More over just the fact the D.A refuses to do so, suggests it is damming in nature. This would under mind his case. Plus at this point in time a Stipulation had not been agreed to. If it was turned over then and there. Defense could of directly accused Baker of perjury instead of indirectly only seen with the Stipulation and generalized admission on side bar. Meanwhile the jury is left believing there is a burglary that was in a report and corroborates Handshoe's testimony. This alone is cause for automatic reversal of conviction by law.

**BRIEF OUTLINE OF ISSUE:** This is also involves Handshoe's testimony. It is how during his interview (Free Talk) Investigator Baker coerced and guided Handshoe statements in his free talk, which he later was locked into testifying to being truthful as well Baker would state a set of facts in the form of a question and Handshoe would just reply something along the lines as "yeah".

**OFFER OF PROOF :** SEE RT3904-06 which I will be quoting from minus a few extra lines. This first part of the quotes involves a common pattern of how the D.A uses Baker's reports to "refresh your memory", which on it's own wouldn't be an issue, except for there being an issue with Baker's reports. This is the other part of the pattern of corruption again being Outlined/Highlighted here:

Q: (by a different defense lawyer on cross) "And you told us originally RT3904 you don't remember?"

A: "Yes"

Q: "And then counsel brought a piece of paper and had you look at it and asked if it refreshed your memory right?"

A: "Yes"

Q: "Do you remember that particular piece? Actually Mr. Baker was doing the talking, and said "Yeah, right" in that particular question?"

A: "Yeah, I think so."

**NOTE:** This next question shows this is commonly seen in the interview of Handshoe, but goes further because originally would say "I don't know."

Q: "In fact a lot of these discussions you told us when you talked to the police, often said "I don't know."

A: "to you guys."

RT 3905

Q: "And what Mr. Baker would do often was to say, "Well what about this, this and this?" and he'd throw some facts at you, right?"

A: "Not that I recall, like what kind of facts are you talking about?"

**NOTE:** For the next few lines another defense counsel refers to documents, in particular page 51, lines 17 to 19 (of what, I'm not sure...either free talk which is in the CT records, which I don't have a copy of yet, possibly)

Q: "Okay, so Mr. Baker put facts into questions and you said "Yeah, right?" "Yes?"

A: "Um"

Defense then reads it out loud "Question, Baker, line 17: "Did Randy ever say RT3906 to you guys "Look I can drive you over, I can show you his house?" and your answer was "Yeah."

A: "Yes"

Q: "And that is what occurred?"

A: "Yes"

**NOTE:** This issue is meant to be seen as a whole of other examples and offers of proof of this pattern of conduct, and not simply on it's own.

**BRIEF OUTLINE OF ISSUE:** James Thomas was another inmate, in a Oregon prison with Anderson. This issue is to further show a corrupt pattern of conduct by the state. Here there is no direct proof, but is more so evident by common sense. Then with the previous pattern of the D.A soliciting and or encouraging false testimony. Here, James Thomas is asked a direct question, gives a very clear and actually true answer. Then the D.A reminds him of some completely contradicting response to his previous testimony, just a minute beforehand.

**OFFER OF PROOF SEE:** RT 4035 for following quotes on direct by the prosecution.

Q: "Did you ever ask Mr. Anderson why he didn't shoot it out with the cops?"

A: "Yes"

Q: "What was his response?"

A: "I asked him why he didn't shoot it out with the cops, and he said because why would I shoot it out with the cops, if he's not guilty?"

**NOTE:** This point question is asked and answered with no hesitation, yet D.A goes on to remind him of a false statement. Clearly on a common sense level, has been prearranged to him to make instead Defense also failed to object, as to asked and answered.

Q: "Okay, You've never said that anytime until you got to court here today, did you?"

A: "Huh?"

**NOTE:** Here James Thomas is surprised by D.A's response to his response, so the D.A asks more slowly to help remind him of another previously arranged answer and knowing he likely has forgotten tells him what he was suppose to say.

Q: "You've never said that to anybody until you got to court today, did you?"

A: "No"

Q: "Do you remember telling the detectives during an interview up there in Oregon, on July 8, 2003 that Eric Anderson said he didn't think the .22 would do much damage and didn't want to be killed by cops shooting him?"

A: "Yes"

Q: "Do you remember that?"

A: "Yeah"

**SIDE NOTE:** When Anderson was pulled over for speeding in Oregon, there was only one officer, Anderson when arrested also had a shot gun. More over Mr. James Thomas first response he clearly recalled and was truthful. He was under oath, yet the D.A regardless of having contradictory testimony from him solicits this false testimony by giving him a false statement for him to simply agree too.

**BRIEF OUTLINE OF ISSUE:** This involves prosecutor's closing arguments. It's Anderson's understanding of the law that the D.A misquotes/interrupts the law and directly misleads the jury on how to decide circumstantial evidence. This is verbatim quote from the prosecutor at closing.  
RT 5122

"Circumstantial evidence talks about, well, if there's two reasonable interpretations. One which points to guilt and one which points to innocence, you have to rule out the one that points to innocence."

**LEGAL NOTE:** This flies in the face of conviction must be beyond a reasonable doubt. Even under "Practice and Procedure Codes" and "Evidence Codes" and the evidence code more importantly. What the D.A told the jury is misleading and is based on a small but vital word change he uses from, "You have to rule out", to "You can rule out." They can rule out is based on case law, versus just must lean towards innocence. If there are two equal interpretations.

**SIDE NOTE:** There are also issue on the defense for failure to object and challenge false evidence coming in. Along with not directly and properly challenging D.A's bad acts...but this isn't the focus of concern for the defendant, but a legitimate one.

**BRIEF OUTLINE OF ISSUE:** This is a major issue, which will show absolutely that prosecutor McAllister made a significant material lie to the jury. He did so both intentional and repeatedly in clearly full knowledge of what he told the jury was absolutely false. This is during closing arguments regarding Handshoe plea deal. Prosecutor tells the jury Handshoe could have said "Martians did it, and he would have gotten his deal." SEE: Copy of Plea Deal pulled from Anderson's AOB. Even after defense objects, the court (Judge Lantz Lewis) claims this is an argument on his viewpoint of the evidence. Clearly this is completely bogus in every possible way. Furthermore because in the plea deal which McAllister wrote himself, it clearly states numerous times he must tell the truth and failure to do so he shall loose his benefits and be subjected to perjury. This is beyond fact that this deal locks him into his "Free Talk" statements as being the truth when this prosecutor had already Exculpatory Evidence in numerous ways proved that the "Free Talk" from Hanshoe was full of lies. Also SEE: Cellphone records and testimony. Plus Alarm Company testimony and records, 4495 to 4498. More so

and blatant is the fact before this there was already a stipulation about there being no reports of either burglary being true, SEE: 4910-4911. Proof of the facts he was lying numerous times. Furthermore prosecution makes this insidiously false claim to further claim that this gives Handshoe no reason to lie, if he is even free to say "Martians did it".

OFFER OF PROOF: First will quote what Handshoe testified at trial, quickly in regards to the two burglaries he accuses Anderson of doing and attempting on the other.

RT3827 (Bottom of Page)

Q: "Would it be your testimony that you went with Eric Anderson to another location on Medill Avenue before April 14<sup>th</sup>?" RT 3828.

A: "Yes, I did"

Q: "That was within a day or a couple of days before?" (SEE D.A Investigator quote of Handshoe's interview in which clarifies he said "the day before". The other burglary is said to be a couple days before. SEE: RT 4491-4492.)

A: "Yes"

Q; "And you told them that in fact you guys had gone and attempted to burglarize this house and Eric Anderson had rammed the door and the alarm had gone off."

A: "Yes"

RT3829

Q: So your testimony as you sit here today, that not only did you and Eric Anderson go to a house in the area of Mr. Brucker's (later exact address is given) house a day or two before, and activated the alarm, but you also participated in another burglary?"

A: "That is right."

Q: "And after Free Talk , you took detective Goldberg and the rest of the group RT3830 to the area where you remembered the burglary taking place?"

A: That is right."

Handshoe specifies the area called Dictionary Hill and states this is where a .45 had been taken, which later claims is the murder weapon as well/ SEE: RT 4492 where the exact address is given of the place Handshoe points out next to the Brucker's house....8122 Medill Avenue.

Next, owner of the Alarm company testifies about there being no activated alarms and he keeps records which show no activation at all for the whole month! SEE RT: 4495-4500

Q: "Do you keep records of all the locations in which you have installed and are maintaining alarm systems?"

A: "Yes" (PROOF OF RECORDS)

RT 4497 Defense goes over details of what are the records, the address, how long has he provided service, etc.

RT4498

Q: "Did the records of Safe and Sound Alarm Company show any records of any alarms being triggered at 8122 Medill Avenue during the month of April?"

RT4499

A: "No ma'am, there was no alarm activated at all during that month."

**NOTE:** This is indisputable evidence that Handshoe perjured himself, not just a contradictory statement, nor just a lie but "Perjury"!!!

**SIDE NOTE:** Also prosecution knew about this alarm information because the owner of the alarm company spoke to someone from the District Attorney's Office and told them no alarm was triggered. Yet this is only seen on record by way of defense on side bar. He was telling the judge that they never

got this report but he had told defense that previously already talked to the D. A. This is also Offer of Proof of and "Withholding Exculpatory Evidence". This proves the D.A in the full sense of the meaning that Handshoe's "Free Talk" statements were full of lies, yet prosecution chooses to lock Handshoe into testifying to what he said in his "Free Talk" as being truthful and must testify too that at trial. SEE: RT 4646. **SIDE NOTE:** By rule and definition, it doesn't matter who on the Prosecution's/States team or office receives Exculpatory Evidence, it is as same as if it was handed to Mr. McAllister himself. This is to prevent there being a denial of personally knowing and "playing stupid". Once given to anyone on the D.A's team or office, he is automatically considered to be a responsible of knowing about it. Playing ignorant was being tried and over looked but by law it doesn't matter. It should have been the judge to do far more, at the very least a mistrial and demand for him to turn over these documents of "Exculpatory nature." as the judge himself referred to them as being.

Even more outrageous is D.A Investigator lies on the stand about there being a "similar burglary" report in the Dictionary Hill area. This is where Handshoe claims there was a .45 auto hand gun that was stolen. This wasn't a mistake or error because both D.A Investigators sat by the D.A the whole trial and had just listened to the questioning of Handshoe. Then the defense questioning on side bar about any investigation regarding the two burglaries and if police reports corroborate Handshoe.

OFFER OF PROOF: This is defense on side bar questioning why they (Defense) has not gotten any reports on what Handshoe told them after his "Free Talk", and shows them places he's referring to. SEE: RT 3778. "Yes, your honor during April 11<sup>th</sup> "Free Talk", Mr. Handshoe mentions two incidents which the Sheriff's department and the D.A's office then follows up on. He mentions an alleged attempted burglary in the area of Brucker's residence, the day before (SEE: RT4491) Mr. Brucker was killed and then also mentions a burglary of a house on Dictionary Hill, in the Spring Valley area. This is where supposedly a .45 was stolen. **NOTE:** He also points out the area and gives the date of the alleged burglary in Spring Valley. RT 3779. We have received absolutely no discovery of any follow up investigations concerning either of these two incidents. I would like to ask, on the record, whether any follow up investigations has been done and what the results are?"

**NOTE:** McAllister now is being coy and playing dumb, as well as setting up Defense with his false generalized statement. This allowing defense to believe that they would testify in saying there isn't any evidence to corroborate these two burglaries. Which there is not, but Goldberg lies on the stand and says otherwise.

SEE: RT 3779 Prosecutor discussion/side bar. This is verbatim with the pauses in his reply. "She's free to ask Mr. Goldberg or Mr. Baker that on the stand. I'm not aware of...was there anything other than.... I think there was a general attempt to see whether these things happened and there was no....No follow up beyond that. There is no...WHAT I AM SAYING IS NO REPORTS THAT DOCUMENT THESE CRIMES, if that is what counsel is asking." **NOTE:** Clearly he had to pause a lot, to consider if he could get around the set-up lie.

NOW GO TO: RT 4623 Defense is questioning D.A Investigator Goldberg on the stand (under oath) on RT 4623 she covers previous statements of Handshoe about finding a .45 at a burglary on Dictionary Hill, jewelry also stolen, etc. Then gets to key question.

Q: "And would it be fair to say that after hearing that from Mr. Handshoe back on April 11, 2005 you checked police records to see whether there was any independent report concerning such a burglary?"

A: "I did"

Q: "Did you find anything?"

A: "We found a burglary that was similar in that area" (This is his perjurious statement-which he

compounds when talking about the criminal Analyst.)

**NOTE:** Not only did they not hand over any of these reports still, but D.A set up a lie, so the jury would hear a lie to defense and Judge at side bar saying "There are no reports that document crimes" When defense asks him about the report he says while on the stand that he gave them to Baker for a follow up. SEE: RT 4625. He further goes and says when crime analysis finished giving him the information on the 12<sup>th</sup> is when this happened. Now it is a lame attempt to either play hot potato with these reports or play dumb. However as you will see, this not only shows either he is lying now, or the D.A lied to the Judge at side bar-Yet in this offer of proof will see this is evidence that doesn't exist at all.

RT 4646 Defense on side bar being quoted. "Yes, your honor. As the court will recall, probably about a week ago I wanted to ask that question on the record. I specifically asked Mr. McAllister if there had been any follow up investigation regarding the alleged attempted burglary at 8122 Medill and likewise. Whether there had been any follow up investigation done but nothing of consequences, nothing of consequences had resulted." (skip down)

"Even though Jack Stevens (alarm company owner) indicated he had spoken with somebody from the D.A's office and told them there was no alarm triggered." (Also this is evidence of a report not handed over, that is Exculpatory-Brady Violation.)

(skip down) "We have received no report of that." "In any event now I ask Mr. Goldberg on the stand what I assume is a safe question." Discussion continues ...Court admits the reports seem to be Exculpatory. The D.A tries to make the excuse that because they didn't have a plea deal signed yet until day of the trial. RT 4648. He felt the weren't entitled to use that information. This is flat out ridiculous because by ethical and court rules the prosecutor is required to investigate and check to see if their witness could be lying before ever getting on the stand. Failure on him to do so is considered Malfeasance/Malpractice. This is not only standard to verify all their witnesses statements before testifying but required to do so as a matter of law!

Then later on RT 4648 then goes back to saying " I MADE A GENERAL INQUIRY THROUGH COMPUTERS REPORTS AND THING LIKE THAT: IF THERE IS ANY SPECIFIC EVIDENCE OF REPORTS WHICH SUBSTANTIATE THESE PARTICULAR CLAIMS? AND THE ANSWER IS "NO".

**NOTE:** This shows Goldberg just lied on the stand from what the prosecutor is saying here!

This is basically an "OFFER OF PROOF" that Investigator Goldberg lied under oath. He perjured himself when he told the jury they did find a similar burglary in the area. In doing so lied about evidence that doesn't exist by saying the opposite. Beyond the similar part being altogether misleading since either there was a .45 stolen, or there wasn't in one of these reports

SEE: RT 4649 Now the discussion begins about how to fix the fact that the jury is mislead into believing there is some corroborating evidence of Handshoe and how to get around the issue of Mr. Goldberg's perjury. The defense failed to put Goldberg on the stand at point out he has been lying to them (the jury). She instead accepts the weakest possible solution, by accepting a stipulation which a week later is read to the jury. It likely seemed insignificant as to it's importance showing Mr. Goldberg had lied as well as Handshoe stories are completely fabricated lies. He perjured himself as well. To really top this off, after all of this, then the D.A lies to the jury and claims Handshoe could say "martians did it". Handshoe still gets his plea deal and vouched for his testimony as trustworthy during his closing arguments..SEE NEXT SEGMENT

**BRIEF OUTLINE OF ISSUE:** This also involves what prosecutor did during his closing arguments, that further amplifies the previous issue above. This issue is due to the prosecutor first lying about

Handshoe's plea deal and that he had no reason to lie, due to his plea deal being locked in. Even if he claims martians did the murder. Here he furthers this by "Vouching" for Handshoe's testimony and credibility. **NOTE:** Layman's explanation of what vouching is as a legal term and why it is significant enough. Cases in the past had to be reversed and new trial necessary. Vouching is when the State puts their belief and opinion behind or in support of one of their witness's testimony. Basically not only is this in a sense the State/D. A admitting in his crossed and check testimony by saying something like: "I believe beyond a doubt, that with all my heart the state's witness told you the truth....etc" This all more commonly argued in case law. In a sense, by the State doing this, the prosecutor is saying he knows, or is aware because of some undisclosed evidence, and or giving the State's credibility, and putting it onto his witness. People and more so, juries tend to believe and respect the opinions of state/government representatives and the weight and seal approval in a sense.

**OFFER OF PROOF:** SEE RT 5330 "I told you when I started this argument that but for these defendants (refers to Anderson and Randy Lee) in this room, Steven Brucker would be alive today. "I believe with all my heart that I have provided you with the evidence to prove that, that is true."

**NOTE:** These exact use of words "I believe with all my heart"...has been the very words in other case law. This have been the cause for a reversal of conviction remanded often for a new trial.

**LEGAL NOTE:** Before I move onto from issues of what the prosecutor said and did in his closing arguments. I want to quickly explain in layman's terms some of the legal words and their significance of a few issues raised regarding D. A actions, what he told jury.

**MISREPRESENTING EVIDENCE:** This is self explanatory, but it is more significant than it may sound and many cases have been over turned based on the State misrepresenting facts or evidence. This leads the jury to reach a possible different and wrong conclusion, however it has to be "material" (meaning, not just a minor thing or an opinionated interjection) Case law quotes examples: The court has signed that falsity requirement is not as demanding as some lower courts have suggested. That false or even just misleading testimony may corrupt the truth. It is finding process and render a trial unfair. SEE case law Napue VS Illinois 360US264,265 (1959).

Even the use of testimony that is merely misleading may violate Due Process. (It is depending on the weight and or significance of the view or change of the evidence in the jury's minds. A best objective standard like most of the law. **BASICALLY IF IT LEAD EVEN ONE JUROR TO BELIEVE SOMETHING SUCH AS IN ANDERSON'S CASE INVOLVES INTENTIONALLY LYING ABOUT EVIDENCE THAT DOESN'T EXIST AND THEN ELABORATES ON IT WHEN QUESTIONED (MR GOLDBERG ON RT 4624).**

Now it is important to know when and if false testimony comes in (jury knowledge of it) the prosecutor has a duty to correct it. This can be further review ready case law on Alcorta VS Texas, 355 US28 (1957). Any claim of Mr. McAllister claiming not to be aware of any false or misleading evidence. This does not matter as a matter of law as seen in case law Giglio VS US, 405 US 150 (1972).

Anderson would demand not a reversal but a full dismissal based on similar cases, which only have an issue with one witness or one of these major issues seen in Anderson's case. Once the court recognized the witness testimony is false and therefore must be thrown out. There isn't any significantly evidence left. **ANDERSON'S CASE**-no physical evidence that links him to the murder, plus no corroborating evidence. SEE: Defense Closing RT 5189-5261. SEE: Defense Closing Arguments. If the courts followed the meaning and intent of the law this case should have been dismissed at trial, or even before.



In caselaw US Vs. Agurs ,427 US 97 (1976) i.d. at 31 The court granted relief/appeal because a witness merely conveyed a false impression. Despite the fact the testimony was not clearly false doesn't necessary need to be perjury or even a lie. It is just a significant change to testimony. It is to mislead a jury to believe something wrong. That is material to the case.

The Penn State Law Review is where defendant studied/researched this general issue. It is also where case law quotes can be found. However, different courts over places and time has made very contrary decisions on cases with similar clear issues. All of the files and files of case law defendant has reviewed. The defendant has not seen a case anywhere with so much blatantly corrupt and insidious intent to build their case on known false witness story. Also later rewarding one with money and immunity agreement and the other witness with a much lesser sentence. In addition immunity from any other crimes he ends up disclosing to them. Even after multiple times of objecting to or pointing out that the states witnesses are liars and have committed perjury. No correction made but instead Prosecutor Vouches for them as "believing them with all his heart". The really disturbing part defendant had taken years to see and accept is this couldn't be possible without all four being okay with it. The investigators created the false changes to people's statements. This was seen by every witness. They had complained or denied/doubted those words were not theirs. Then the D.A pressing witnesses if they agree to a report/statement, even if they do, they would be in direct conflict with previous evidence already made known. Both investigator and and prosecution resorted to flat out lying about evidence.....why not? The judge was highly bias and was allowing what he clearly should have been aware is falsely corrupt. It was vile what was allowed under Judge Lantz Lewis supervision and rulings. While defense only weakly challenged this stuff in motions for a mistrial, if at all, and not openly for the jury to be aware, but at side bar discussions only.

What is even worse is that the defense not doing many much stronger actions even if knowing the Judge was allowing the D.A to do as he pleased. There are options such as "Filing a Emergency Federal Stay", and declare that a full on set of criminal acts are being done on record in order to obtain a conviction. There was a high amount of publicity and pressure to find and convict someone. After the case was becoming wide open and cold, they decided to find whatever they could and use it even if was false information. They needed a lot of doctoring up to get the case solved and a conviction. They just saw Anderson as a convict and his life and his Rights were meaningless to them, compared to their conviction rate. Also job promotions from winning a Highly Publicized (in San Diego county) case. Even if they know Anderson would win on appeals, they know by that time they would be retired. They no doubt would be pleased at what they got away with. They don't follow the law in their minds. They are the law! Laws and court rules are for others. THIS CASE ISN'T JUST ABOUT MR. ANDERSON, IT IS WHAT IS GOING ON IN COURTROOMS AROUND THE COUNTRY EVERY DAY.

The United States has a total of 5% of the world's population, but the United States has 25% of the world's population of prisoners. The United States has more prisoners than any other country per capita, larger than China. Why is this so...this is a much more in depth discussion of unions and businesses by making money from having more and more people in prison. Support has grown for excessive tough on crime bills that have been posted and added on and on. It Capitalism that has run a muck!

One study estimated that up to 10,000 people may be WRONGFULLY CONVICTED of serious crimes each year. A 2014 study estimated that 4.1% of inmates awaiting execution on death row in the United States are innocent and that at least 340 innocent people may have been executed since 1973. (Miscarriage of Justice- Wikipedia)

The United States which leads the world in incarceration of its citizens, has approximately 2 million people behind bars. That means a wrongful conviction rate of 1 percent would translate to 20,000 people punished for crimes they did not commit. Yet clearly by common sense is higher. On death row, 1 in 25 are likely innocent, according to a recent study on February 3, 2016. (m.huffpost.com)

**BRIEF OUTLINE:** This segment outlined will put most but not all of the people that refute what Baker wrote in his reports of what he claims nearly all of the state's witnesses said. This is to show a clear pattern of Baker creating false evidence. By changing small, but often key words or comments that each witness testifies to "not their words" or "they first heard it from Baker". It is not what they think they said. Sometimes witnesses like Patricia Colgan was first misled by Baker, that there was only one Eric. She did not know or never have seen Eric Anderson until she came to court at Preliminary. She realized then she had been mistaken. Even after this fact, D.A puts her on the stand at trial, after testifying at Preliminary that she was thinking of the other Erik and was mistaken. She has never seen this Eric before she came to court. The D.A at trial was still trying to get her to agree to a false statement in Baker's report. Basically, the D.A cared less that she had a good explanation why the report was wrong. This was due to Baker misleading her about which Eric and is trying to insist she commits perjury. Then after all these state witnesses did not accept what Baker wrote in his report as being their words they told him, they were impeached. This allowed Baker to submit and testify that even though all these witnesses say he changed their words, that they were the ones who either forgot or are the ones lying now. Again it is in the record and is far beyond just a matter of a couple errors or issue of just being misleading This is clearly intentional, material, criminal, and likely not just done in Anderson's case but has been done before as a matter of common practices.

Anderson does not believe these people (officers of the court) had conspired to railroad a case against just Anderson but rather this had been done before to others. This explains (in part) how the prosecution's team felt they could get away with doing this and not care that what they were doing would be clear to appeal lawyer's and should have been obvious to the defense trial lawyer. They all failed to fully and properly challenge what in fact was going on....

**OFFER OF PROOF:** There are numerous people/witnesses to quote from. So I will list their names and pages found, but only quote key parts. Then move to the next person. Please read for yourself transcript pages where quotes are found if you need clarification.

Patricia Colgan under oath at Preliminary- RT 425

Q: "Okay, so it's possible that the words that are used in the report aren't actually the words that you used?"

A: "Yeah, yes".

SEE RT 433

Q: "Eric Anderson. Did you ever see him at the trailer at Brandon's trailer?"

A: "When Mr. Baker interviewed me, I was thinking of the wrong Erik and when I saw him for the first time yesterday I noticed I was mistaken. I don't believe I've seen him before."

RT434

She did see a different Eric at Brandon's before-Yes lines 1-4

RT 434

Q: "So you have seen another Eric in the past that you thought that was the Erik that had been arrested

in this case?"

A: "Yes"

**NOTE:** Yet even after this prosecutor brings her to trial and tries to get her to accept Baker's false statement in his report.

The prosecutor later has Baker get on the stand as he can impeach her and others. To see this go to RT 4171.

Also be sure to note that you will see basically all these states witnesses say at first, either they have not seen me, like with Mr. Forchette in a different segment. Starting on : RT 3142 D.A has brought up the "statement" in Baker's report and setting up grounds to impeach her later. When asked again about it, RT 3143, she replies:

A: "Yeah, but that was back when I thought it was the same Eric. I didn't know there were two. At this point the D.A brings up the use of the name "Stressed Eric". Then the defense on re cross starting on: RT 3145

Q: " Okay, that first conversation that you had with him, was not audio taped, is that right?"

A: " I believe so".

RT 3146

Q: " And in fact, it was Mr. Baker who brought up the term "Stressed Eric", was it not?"

A: "I don't remember, it could have been the newspaper to."

**NOTE:** The San Diego Union Tribune was highly bias and printed the D.A's theory as fact. They did this by using the name "Stressed Eric" in nearly every article repeatedly. They wrote misleading facts. The key example was the Tribune brought up the fact that Mr. Brucker had given a description of the shooter to the police. They instead of quoting that, there was a one space shift on the next line to barely indicate a new paragraph. This then starts talking about Anderson and the name "Stressed Eric". The press in this case caused great harm to defendant's case and a fair trial by acting as an outside tool to influence and guide the public opinion. This happened long before and through out the trial. Over 20 known articles were written involving this case or defendant Mr. Anderson.

RT3146

Q: "And in fact, the whole issue about Brucker's homicide and who the suspects were had been published in the paper, is that right?"

A: " Yes"

Q: "Mr. baker, when he came to see you that first time on July 2, 2003, and interviewed you, he didn't show you any photographs, did he?"

A: "No"

Q: "He didn't ask to see if this is the Eric you were talking about? "No"

Q: "No that's not the Eric I was talking about, you already said at Preliminary.?"

A: "Right"

Q: " You said I thought Mr. Baker was talking about the other Erik, the drug dealer Erik?"

A: " I believe so".

RT 3148

Further clarification that the other Erik was seen at Brandon Handshoe's trailer. On re direct D.A brings up Eric the guy who does tattoos. (False statement of evidence that doesn't exist in report, see later for Offer of Proof)

RT 3149

Her reply is "Well, I'm not sure what Eric does tattoos.

NEXT PERSON SAME ISSUE BRIEF: This next person is a young girl who was out riding her bike in the neighborhood by the Brucker house. She saw a vehicle like a Bronco but again another person with a different description than Mr. Anderson's Bronco. SEE: near the end a quick section to clarify this topic. The D.A keeps bringing up a "statement" from Baker's report, however this young girl Megan Guisti makes it clear what is in the report is wrong and only remembers then claiming some tan bronco only, not anything else beyond that.

RT 3259

A: "When we were riding our bikes, I saw a tan bronco."

D.A tries to "refresh her memory and has her read the report. Then shows her a photo.

RT 3260

Q: "Does that look like the vehicle that you saw that day?"

A: "No" (Asking about it again)

A: "It's a lot darker" when shown Anderson's bronco. She is pressed about it again and responds "No, that is darker, the other one was way lighter."

RT 3262 Mr. McAllister is bring up Baker's report again and insists she reads the lines of her statement again. This was done in a intimidating, berating way before defense objects but judge allows. She stuck to her answer as it being tan. A little girl with more backbone than most men.

NEXT PERSON SAME ISSUE OF PROOF This comes from Zach Paulson testimony at Preliminary, about "other Erik", who he knows and that the other Eric sells drugs is how he knows him.

RT 237

Q: "This other Erik, at least to your knowledge was someone who would deal drugs, sold drugs?"

A: "Yes"

Q: "And this other Erik is kind of older, isn't he?"

A: "Yes"

Q: "He's maybe in his later 30's?"

RT 238 A: "Yes"

RT238

Q: "or early 40's?"

A: "Yes"

**NOTE:** This becomes very significant because now it's established that not only did this group ie.that is Apollo Huhn, Brandon Handshoe, Zach Paulson, Patricia Colgan either knew of or directly interacted with another Erik who is the same age as the victim Brucker gave of the shooter. (Mr. Anderson was only 29 at the time) but the other Erik is supplying them drugs and is someone who is far better known to them than Mr. Anderson. The D.A never once showed photos of each of the two Erics or even asked about there being two Erics and which one people they interviewed were talking about. Upon a close read of their interviews it strongly appears that the D.A investigators intentionally confused the two different Erics with people, like with Patricia Colgan. So that witnesses are being mislead into false statements with a clear intention to direct it on Mr. Anderson. This is why Baker's reports the name keeps being added to what people told Baker. The name of Mr. Anderson's tattoo business name "Stressed Eric's Tattoos" even though states witnesses will say in court they don't remember that they said "Stressed Eric" themselves.

SEE: Zach Paulson's testimony on RT 240

Q: "Okay, and when he (referring to Apollo Huhn) introduced Eric, he introduced him as Eric, right?"

A: "Yes"

Q: "He didn't say "this is Stressed Eric?"

A: "No"

Q: " And you never heard of that until Mr. McAllister asked you that yesterday, right?"

A: "Yes"

**NOTE:** In the Zach Paulson section, it shows it's doubtful Zach Paulson actually met Anderson.

**NEXT PERSON SAME ISSUE BRIEF** This point out quickly that even the State's main witness Valerie Peretti admits that Anderson had only introduced himself as "Eric" on the phone under oath at preliminary.

RT 650

Q: "And he identified himself as Eric?"

A: "Yes" (skip down)

Q: "But you know another Erik, Don't you?"

A: "Not really"

Q: " But you know Apollo and Brandon hung out with another guy named Erik?"

A: " I wouldn't say hung out. They knew another Eric."

Q: " They got drugs from him?"

A: " Not all the time"

**NOTE:** It's odd Valerie Peretti is being deflective when the other Erik, who is much better known to them than Mr. Anderson, is brought up and asked about.

**NEXT PERSON SAME BRIEF:** This person was mentioned before in a different section but here Mr. Forchetti is being grilled about Baker's report and the use of the name "Stressed Eric". SEE: preliminary testimony at RT 405

Q: "The term "Stressed Eric" first came on that day of your conversation with Mr. Baker. It was first uttered or spoken of by Mr. Baker, isn't that correct?"

A: "Yeah"

**NEXT PERSON SAME ISSUE BRIEF:** This involves a friend of Handshoe. There is no direct mention of Mr. Anderson but Mr. Gloniak (state witness) realizes there is something in the report that was different than what he actually said. He later admits that actually Mr. Baker did most of the talking while Mr. Gloniak mostly just agreed to things said. (preliminary testimony) SEE: RT 362.

Q: " Yeah, when I revised it in my head like at the end of the day I finally realized, wait a minute, something at the end of the report wasn't worded right, actually."

NOW SEE ALSO: RT 371

Q: "Okay, who did most of the talking?"

A: I'd say he did."

Q: "Mr. Baker did most of the talking?"

A: "Yes, Mr. Baker did most of the talking." (Objection made and sustained-asked differently and said)

A: "Well yeah."

**NOTE:** In the Zach Paulson section, regarding his interviews, this same thing of investigators would

tell him something and he would just say, Yeah.

**NEXT PERSON SAME ISSUE** This is the preliminary testimony of Miss. Adkins, who is a friend of Valerie Peretti. Likewise known to Huhn and Handshoe. Miss Adkins is asked about a telephone conversation with Peretti. From her testimony there are a few things to reinforce issues being outlined. 1. When she first heard about the third person involved in the murder. The only name used was Eric and clarified not a nickname.

2. That is Erik she knows of the Erik she is referring too.

3. Likewise this Erik is a person that Brandon and Apollo have been known to hang around and know.

4. This is also the same Erik that provides drugs, but she has never seen him.

5. This is another example of confusing this witness of the two Eric's and directed her to make statements against Mr. Anderson. When all along was thinking of a different Erik.

**ALSO NOTE:** Miss Adkins wasn't heard from at trial. Likely, the State realized she would damage their case...Defense likely didn't because they weren't trying to go after or prove corrupt practices involving the state, such as being here done by the defendant. Furthermore, it's seen there would be issues of contradicts made, since she often did go along with what McAllister solicited from her, while also admitting to defense how and what she actually knew.

SEE: Preliminary testimony of Miss. Adkins at RT 903. (She is referring to Peretti on a phone conversation)

Q: "She uses the name Eric?"

A: "Yes"

Q: "She doesn't give you a last name (skip down the line) or nickname, right?"

A: "Yes"

RT 903

Q: "Did it appear to you when she was talking about Eric on the conversation that it was someone that you were familiar with or knew?"

A: "I knew of. I've heard of him and that's it."

Q: "You've heard of Erik?"

A: "Yes"

Q: "That Brandon and Apollo have been known to hang around or know?"

A: "Yes"

Q: "Okay and this person that provides drugs?"

RT 904

A: "As far as I know, yes."

Q: "Have you ever seen that Eric?"

A: "No"

Q: "Okay so when Miss Peretti was talking to you about this other Erik or Eric being the third person, you had in your mind another Erik that you had heard of in the past?"

A: "Yes"

**NOTE:** Prosecutor brings up report, and statements and she ends up adding some contradictions. So defense had to reaffirm what she said seen on...

RT 903-904

Which she does reaffirm her testimony made under cross of defense. READ: RT 912 to see for yourself.

NEXT PERSON SAME ISSUE BRIEF OUTLINE: This is the next person that lived right next door to Handshoe's trailer named Karen Barnes. This person wasn't questioned or asked about the case until March 17, 2005. This is nearly two years later and only a few months before trial. SEE: RT 3271. When investigator Baker finally did question Handshoe's closest neighbor, it had been by her own admission (most of her knowledge came from seeing the news) and multiple sources of media. Plus she admitted her friend use to work at the El Cajon Speedway. SEE: RT 3272. Baker still didn't show her any photos, nor asked about another Eric or other older people there. (No photos, SEE: RT 3272). Beyond that it was not needed to say Karen Barnes was bias from her demeanor and friendship of a employee who worked at the speedway. She makes some statements that again points to her having seen "Erik Swanson" a.k.a "Erik the drug dealer" instead, including when defense investigator asked her to look at photos of numerous people who she and her son who was there at the interview saw at Brandon Handshoe's trailer. She then points out the other Erik and not Eric Anderson who is also in this line up!

SEE: RT 3275-77 Then she is asked if she had seen either Anderson's Bronco or James Steven's white Ford 150 truck Anderson was known to drive (showed her photos) and Karen Barnes said she hadn't seen either vehicle at Handshoe's trailer before. SEE: RT 3278 The timing of when and how often she claimed to see Anderson made it clear it wasn't Anderson but likely the other Erik, "Erik drug dealer" She is quoted as saying "It had been quite frequently after, since the New Year." When asked how often she seen the person she is referring to. Yet, it is clear from others testimony, excluding Handshoe's and from cell phone records Anderson didn't have contact with Handshoe until April 8<sup>th</sup> (by phone is known for sure)

Someone who came often starting back as early as January, definitely couldn't have been the defendant Anderson. A person who is coming over often sounds like what would fit a drug dealer as well.

Now what is more significant is through defense investigator interview there were more than one older male coming over. There were plenty of vehicles that none were associated with Anderson. SEE RT 3273 and RT 3274. On RT 3274 Investigator for defense asked her for a more detailed description of the person she was referring to and it not only fits closely to Erik Swanson, but compare it with the victim's description of the shooter. What Valerie Peretti mentions about hair length of so called disguise and it seems she was trying to fit the description of Erik the drug dealer. With it possibly being the reason is, she knew he was involved not Eric Anderson then figured this was the description she should of used. Later we see she changed it to fit what the victim is quoted saying was the shooter's description to an officer before dying. SEE: RT 3274 (For Mrs. Barnes description, which further shows it's not Anderson, but matches closely to Erik the drug deal.)

Q: "And you described him as being taller built, is that right?"

A: "Yes Ma'am"

Q: "About 6 feet?" (Mr. Anderson is 5'8")

A: "Yes"

When asked about hair length, "about collar length" (which is what Valerie Peretti said of disguise, but Anderson had a shaved head, which was also proven false). Then it is stated that the person Ms. Barnes had seen after looked like he hadn't shaved in a couple of weeks. This could be why Mr. Brucker said the person had a full beard, due to coverage area, more than length! Plus there's testimony of a few others who say: Erik the drug dealer is in his late 30's, early 40's. SEE: RT 237-238 and Handshoe and Zach Paulson.

**SIDE NOTE:** Please read transcripts listed (RT 3268-3278) to see the actual testimony, since many

quotes are used. Even though the state is aware of all this, they instead intentionally mislead people they interview to use as witnesses about any sort of description, who is the Eric they know. Never ask about or bring up that there are two Erics. Instead use the media and the name "Stressed Eric" and have people refer to this name. Whether or not they ever themselves used the name, prosecution pushed each witness into statements. When they didn't agree with what was in Baker's report, they were impeached. So the statement could still be used even when it is clearly false. Why the state would misdirect/mislead evidence and witnesses into false statements especially now it is seen this other Eric is actually more logical . He fits the actual description of the shooter. . It is difficult to understand beyond simply afraid to admit they paid someone \$10,000.00 for information that locked Anderson in jail. It would weaken their case to admit by that time they realized their key witness was still lying...or the possibility exist, and has been done on cases where police are willing to shift blame away from a person because they are a "valued informant". Mr. Anderson is just another convict who never has he lied the police. He even has issues against the police. This is however only speculations..IT IS NOT THE DEFENDANT'S JOB OR REQUIREMENT TO PROVE WHO THE ACTUAL 3RD PERSON/SHOOTER IS. This obviously points to a different person, other than Anderson, whether it is or isn't this other Erik. That isn't for the defense to say or prove. Before doing so, the last person in this on going segment needs to be included. Detective Baker himself!

NEXT PERSON "INVESTIGATOR BAKER" BRIEF OUTLINE: Towards the end of the trial Baker is put on the stand for the prosecution's purpose of impeaching most of the States own witnesses (Goldberg elsewhere does this as well). This is highly unusual and should have been pointed out better by the defense. Some of these impeachments involved and show it's report that can't be correct. This is because of other evidence defense had brought out, but again doesn't truly challenges this corruption issue aspect. Northcutt is an example of this. If you review Northcutt segment there are three (evidence) offer of proofs that are given to show Northcutt had long moved out long before the television news article incident. Further 4<sup>th</sup> way via circumstantial evidence that might this scenario of Eric Anderson saying anything to Northcutt was beyond ridiculous.. During that period of time the media/news only mentions looking for a couple of suspects who are female in a Toyota. Also, when quoted by defense on the stand admits never tried to find out when Northcutt moved out. Nor when he was fired from his job. No investigations into seeing if these supposed statements of Northcutt were true or not. Baker already knew he was falsifying the report, which is a legal document. This is a criminal act. SO WHY INVESTIGATE SOMETHING HE ALREADY KNOWS IS FALSE.

Baker also admits he was turning off the tape recorder, he further admits he wasn't sure what she might say between times. Apparently once Colgan is being taped she says "This Erik"....he writes in his report "Stressed Eric."

One of the clear cut offer of proof that not only MCALLISTER REFERENCED TO NON EXISTING/FALSE EVIDENCE HE USES IN A QUESTION TO PATRICIA COLGAN ABOUT COLGAN MENTIONING "ERIC WITH TATTOOS". THIS IS NOT IN BAKER'S REPORT, yet Baker says Colgan was talking about SEE: 4227. Further on this interview was also not taped, but he wrote down her statement. ON 4228 DEFENSE HAS HIM REVIEW IT AND FORCED TO ADMIT NO REFERENCE WAS MADE BY HER ABOUT "ERIC WHO DOES TATTOOS". This was added in falsely to make it appear Colgan must have been referring to Anderson since she knows about him doing tattoos.....which planted the thought in jurors minds to consider which Eric? It could be considered as perjury on Baker since this is what he is caught testifying to, but would be argued as a mistake. Given the pattern of conduct and many of their own witnesses refuting stuff accused of saying



that was put into Baker's report. It shows this is not just one time or random incident/accident. Rather shows he couldn't remember every lie and forgotten about this one. It wasn't ever written, yet is falsely referred by McAllister being in his report. He went along and got caught testifying it is in his report before defense proves it is not all. However again defense does a great job of bringing out evidence of lies and perjury issues. Defense fails to say anything more at all on this point and again is an example of failing to fully and properly challenge what is proven. No mistrial or any mention of it's significant legally or to the jury. This ends her questioning right after that and just lets it hang in the air as if almost a meaningless issue altogether.

OFFER OF PROOF Here defendant is going to refer you to transcript pages you can read for yourself that is included with this legal documentation being presented for you and others. Defendant already listed the key issue on the following: RT 4226-4228 and also 4222.

Now following are the people (State witnesses) that were impeached and where found:

1. Northcutt 4169-70 ALSO SEE: RT 4222
2. Megan Guisti 4170-71
3. Patricia Colgan 4171 ALSO SEE: RT 4222
4. Valerie Peretti 4171-72

Next are some related issues to Baker's corrupted practices.

RT 4185 Baker admits to never investigating to see when Northcutt lived at the condo or if RT 4185 he was still there on April 26. No investigation to see work/job records and RT 4185 when he left/fired and had to admit he didn't know Northcutt moved out or when RT 4216 there is another example of Baker turning on and off the tape recorder in an interview with Peretti. He had to admit she was talking during the times it was turned off. Now he is unsure what she said or if she used the word scared or not.

**NOTE:** This section is not every issue found, since many other were more ambiguous or minor. In other sections there are other aspects related to issues of bad acts and corruption/illegal acts by the State in support of this topic for you to notice but wasn't added due to the already over abundant amount already in this section. Defendant has been bewildered that even in the first appeal and pushed off on to the Habeas appeal, which is normal because normally this type of information in offers of proofs needs to be investigated and only seen with evidence outside the record....normally.

The typical standard of what is in a Direct Appeal (A.O.B.) Vs. Habeas Corpus Appeal is as follows: Anything that is inside the record now (said in court, or part of court record ) evidence already is done in a Direct Appeal. Anything that has to be investigated and it's information not seen in court records or was testified to already yet needs to be used to prove an issue is what Habeas is for. I.A.C. is often done under Habeas, so defense has only brought up I.A.C. As a cause to the foremost and biggest issue of state corruption. Illegal acts done under the color of the law, which they get away with due to lack of properly and fully challenging what defense was aware of what was going on. Defense pointed out most of the evidence during trial. Again this is not only an injustice done on Mr. Anderson nor a rare occurrence, except the blatant and abundant amount that is seen done in this case. This is a problem thousands of poor Americans, of all races including whites face, when having to rely on a system of Public Defenders that are too cozy and need to be on friendly terms to get a plea deal and get cases off the books quickly. If Public Defenders called out corruption, this would hurt Prosecutors future advancements and or make their jobs harder. Public Defenders know that "shit rolls down hill" and will make their already over burden work loads even more difficult. The inter linked coziness is

part of the problem with Public Defender Officers. A private lawyer does not have this problem and is given leeway at times. Example is Mr. Randy Lee has his private counsel and even though it was clearly established that Lee was behind the planning and did it before (burglarizing a residence to steal a safe) he was found not guilty and many decisions the judge favored Lee. Even though these decisions were lies and harmful to Anderson's case in favor of private counsels motions and requests.

Even outrageous was when before trial was finished Judge declared to grant Lee's motion to dismiss the only charge he was clearly guilty of "conspiracy" since there was an abundance evidence about Lee being the one who knew Brucker and about the safe. It was discussed this with the others but not Anderson multiple times, testified by multiple people. This decision to have conspiracy charges dropped before jury could decide also majorly affected and harmed Anderson's defense. Since the jury didn't have to consider if the real mastermind and person who was leading them was Randy Lee or not. Now it was all on Mr. Anderson. All the while Lee's private counsel was allowed to act as a second prosecutor against Anderson at every step which is another major legal issue. Lee's lawyer told the judge in advance he would act as second prosecutor. There should be a severance of our cases which was denied. So even how judges responds to motions and objections by public defenders appears to be shown that there is another major difference also. Hence it is why the rich get off easy so often and the prison system is packed with the poor. Race isn't the main factor, but economics class, that has to rely on public defenders, a factor as claimed by the media and other sources claims the problem of why so many African Americans get convicted. Along with all races including poor whites, who can't afford to retain a decent lawyer of their own.

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

END OF THIS ISSUE