

No. 21-_____

IN THE SUPREME COURT OF THE UNITED STATES

FRANK JARVIS ATWOOD, Petitioner

vs.

STATE OF ARIZONA, Respondent

ON PETITION FOR WRIT OF CERTIORARI

APPENDIX TO PETITION FOR CERTIORARI

**CAPITAL CASE – EXECUTION SCHEDULED FOR
JUNE 8, 2022 AT 10:00 AM MST**

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SUPREME COURT OF ARIZONA

STATE OF ARIZONA,) Arizona Supreme Court
) No. CR-22-0144-PR
Appellee,)
) Pima County
v.) Superior Court
) No. CR014065
FRANK JARVIS ATWOOD,) CR015397
)
Appellant.)
)
) **FILED 06/07/2022**

DECISION ORDER

Per Curiam

On June 2, 2022, Appellant, Frank Jarvis Atwood, filed a Petition for Post-Conviction relief with the Pima County Superior Court. This petition is Appellant's fifth post-conviction relief proceeding. Appellant presented a single claim, contending it is not precluded under three different provisions of Ariz. R. Crim. P. 32.1

The superior court found that Appellant's claims raised in the petition for post-conviction relief are precluded and/or untimely, and do not present a material issue of fact or law that would entitle Appellant to relief under Ariz. R. Crim. P. 32. Consequently, the court summarily dismissed the petition. Appellant contends on review that the superior court abused its discretion by summarily dismissing his petition without addressing the merits and finding that Appellant's claims are precluded and/or untimely.

Appellant contends that the State failed to disclose a memorandum dated September 19, 1984—two days after the victim,

V.L.H., disappeared—memorializing an anonymous tip that the caller saw V.L.H. in a vehicle. The caller "stated that she saw [the] victim in a vehicle bearing Arizona license 3AM618." PCR Exh. 67. A report attached to the memorandum showed that the vehicle was registered to a person who lived next door to property owned by Annette Fries. PCR Exh. 67 at 2. Appellant contends that this memorandum is evidence that he did not kidnap and kill V.L.H., and that Annette Fries is the true killer. Appellant speculates that Annette Fries (or her son Todd) placed the anonymous call attempting to take suspicion off Ms. Fries, who was another suspect initially investigated (and ruled out) by the investigation. Appellant states that he became aware of this undisclosed memorandum during the summer of 2021, after his attorneys reviewed the State's evidence files.

Appellant asserts that his claims under Ariz. R. Crim. P. 32.1(a), (e), and (h) are not precluded. However, whether considered a single claim or three distinct claims, Appellant has failed to demonstrate that his claims are not precluded under Ariz. R. Crim. P. 32.2.

The State and Crime Victim filed responses to the petition for review and motion for stay of execution, arguing that Appellant is not entitled to relief or a stay.

Standard of Review

This Court reviews the superior court's denial of post-

conviction relief for an abuse of discretion. *State v. Gutierrez*, 229 Ariz. 573, 577 ¶ 19 (2012). To find an abuse of discretion, a reviewing court must find that the lower court's action was "clearly untenable, legally incorrect, or amount[s] to a denial of justice." *Bogard v. Cannon & Wendt Elec. Co., Inc.*, 221 Ariz. 325, 335-36 ¶ 39 (App. 2009) (internal quotation marks omitted). "Misapplication of law or legal principles constitutes an abuse of discretion." *Tobin v. Rea*, 231 Ariz. 189, 194 ¶ 14 (2013). However, this Court reviews alleged constitutional violations *de novo*. *State v. McGill*, 213 Ariz. 147, 159 ¶ 53 (2006).

Appellant's Rule 32.1(a) Claim

Preclusion

Appellant contends that his Rule 32.1(a) claim pursuant to *Brady v. Maryland*, 373 U.S. 83 (2002), is not precluded. However, Ariz. R. Crim. P. 32.2(a)(3) precludes claims that were "waived at trial or on appeal, or in any previous post-conviction proceeding, except when the claim raises a violation of a constitutional right that can only be waived knowingly, voluntarily, and personally by the defendant." Claims raised under Rule 32.1(a) are not excepted from preclusion under Ariz. R. Crim. P. 32.2(b).

As the superior court noted, Appellant could not have raised the issue at trial or on appeal if he only discovered it in the summer of 2021. But he certainly could have raised the claim in his fourth

notice and petition for post-conviction relief initiated in the superior court on November 19, 2021. Moreover, Appellant did not present the claim at any other earlier time, even though he filed a motion in the Ninth Circuit Court of Appeals on May 4, 2022, attempting to present this *same* claim in a successive habeas corpus petition.

Even were the Court to accept Appellant's argument that the claim could not have been included in his fourth petition, Ariz. R. Crim. P. 32.4(b)(3)(D) requires a defendant filing an untimely notice of post-conviction relief to "adequately explain[] why the failure to timely file a notice was not the defendant's fault." As the superior court noted, Appellant did not attempt and failed to explain why he waited until one week before the scheduled execution to present the claim in state court, especially if he believes the evidence proves his innocence.

This Court is not persuaded by Appellant's arguments that investigation was necessary to demonstrate the prerequisites to bringing a *Brady* claim — that the information it contained was exculpatory and material. Petition for Review at 12. Although Appellant contends that investigation was not complete until well after the November 2021 fourth petition for post-conviction relief had been filed and dismissed, it apparently was completed at least prior to May 4, 2022.

Appellant having had the opportunity to raise the claim either in a previous post-conviction proceeding and, at a minimum, at an earlier date than June 2, 2022, and having failed to do so, the claim is waived and therefore precluded under Rule 32.2(a)(3). Moreover, even if we ignore that the claim is precluded under Rule 32.2(a)(3), it nevertheless is untimely because Appellant failed to "adequately explain[] why the failure to timely file [the] notice was not the defendant's fault." Ariz. R. Crim. P. 32.4(b)(3)(D).

Further, due process does not require this Court to allow Appellant to wait until days before his scheduled execution to raise a claim that has been known and fully investigated, at least since May 4, 2022. Appellant contends that finding this claim precluded violates his due process rights because the alternatives for presenting his claim—Rules 32.1(e) and (h)—impose a "more exacting standard of review than do *Brady* and its progeny." Petition for Review at 15. He then asserts that "restricting [him] to other, more demanding provisions of Rule 32.1 confines [him] to a lesser remedy, in violation of due process." *Id.*

As the State points out, this argument might have more force if Appellant had diligently presented the claim in state court. Instead, he did not include it in his petition for post-conviction relief filed in November 2021, or at any other time that would have permitted the superior court to consider the claim without requiring

a stay of execution from this Court—even though Appellant did file a motion in the Ninth Circuit Court of Appeals on May 4, 2022, attempting to present the *same* claim in a successive habeas corpus petition.

Finally, Appellant contends that the *Brady* claim “raises a violation of a constitutional right that can only be waived knowingly, voluntarily, and personally by the defendant,” and therefore it is not precluded under Rule 32.2(a)(3). “[W]hether an asserted ground is of ‘sufficient constitutional magnitude’ to require a knowing, voluntary and intelligent waiver for purposes of Rule 32.2(a)(3). . . depends merely upon the particular right alleged to have been violated.” *Stewart v. Smith*, 202 Ariz. 446, 450 ¶ 10 (2002). This Court has recognized the fundamental rights to counsel, to a jury trial, and to a twelve-person jury as rights that require a defendant’s personal waiver. *Id.* at 449 ¶ 9. The constitutional right Appellant asserts here—his “due process right to disclosure”—is not of the same magnitude as those rights. In fact, “[a]n alleged violation of the general due process right of every defendant to a fair trial, without more, does not save that belated claim from preclusion.” *State v. Swoopes*, 216 Ariz. 390, 399 ¶ 28 (App. 2007).

Brady Claim Not Colorable under Rule 32.1(a)

To present a colorable *Brady* claim, Appellant must establish “[1] The evidence at issue [is] favorable to the accused, either

because it is exculpatory, or because it is impeaching; [2] that evidence [was] suppressed by the State, either willfully or inadvertently; and [3] prejudice ... ensued." *Strickler v. Greene*, 527 U.S. 263, 281-82 (1999); *see Brady*, 373 U.S. at 87.

To establish prejudice, Appellant must demonstrate that "there is a reasonable probability that the result of the trial would have been different if the suppressed [evidence] had been disclosed to the defense." *Strickler*, 527 U.S. at 289 (internal quotation marks omitted). "A 'reasonable probability' is a probability sufficient to undermine confidence in the outcome." *Woods v. Sinclair*, 764 F.3d 1109, 1127 (9th Cir. 2014) *cert. denied sub nom. Holbrook v. Woods*, No. 14-931, 2015 WL 435819 (U.S. May 18, 2015), quoting *United States v. Bagley*, 473 U.S. 667, 682 (1985).

Finally, as the United States Supreme Court made clear in *Kyles v. Whitley*, 514 U.S. 419 (1995), the materiality inquiry is not just a matter of determining whether, after discounting the inculpatory evidence in light of the undisclosed evidence, the remaining evidence is sufficient to support the jury's conclusions. *Id.*, at 434-435.

Rather, the question is whether "the favorable evidence could reasonably be taken to put the whole case in such a different light as to undermine confidence in the verdict." *Id.*, at 435.

...As the District Court recognized, however, petitioner's burden is to establish a reasonable probability of a different result. *Kyles*, 514 U.S. at 434.

Strickler v. Greene, 527 U.S. at 290-91 (1999) (parallel citations omitted).

Appellant has not demonstrated that there is a reasonable probability that the result of the trial would have been different if the anonymous tip memorandum had been disclosed to the defense. Appellant contends that it is likely that Annette Fries or someone connected to her called in the tip about the vehicle identified in the memorandum. Such supposition and conjecture is insufficient to establish the showing required in light of the quantum of evidence presented at trial. Moreover, based on all the information Appellant presented concerning Ms. Fries at the time of his trial, the Court finds it unlikely that the disclosure of the anonymous phone call memorandum would have probably changed the jury verdict.

During the proceedings before the Ninth Circuit Court of Appeals on Appellant's application to file a second or successive petition for habeas corpus, the State alleged, and Appellant did not deny, that at the time of trial Appellant had information that:

(1) witnesses reported seeing V.L.H. at a local mall in the company of a woman matching Fries's description; (2) Fries "gave shifting information about her whereabouts at the time of the disappearance"; (3) Fries had been charged with crimes related to her attempt to burn down her trailer, but was found incompetent to stand trial; (4) a woman matching Fries's description was seen "in the days surrounding the disappearance driving a car very similar to Mr. Atwood's"; (5) witnesses described seeing a woman matching Fries's description attempt "to kidnap other children in the days surrounding the disappearance"; and (6) a defense witness

"had experienced intimidation and harassment ... as potential revenge for her testimony on Mr. Atwood's behalf."

Atwood v. Shinn, --- F.4th ----, 2022 WL 1714349, *3 (9th Cir., May 27, 2022). This Court agrees with the Ninth Circuit that if "all of this evidence did not sway the jury, it is unlikely that the anonymous phone call would have made a difference, even after it was determined that the reported license plate belonged to Fries's neighbor." *Id.* at 4.

Finally, when considering whether this new "favorable evidence could reasonably be taken to put the whole case in such a different light as to undermine confidence in the verdict," the Court cannot conclude that the disclosure of the memorandum would have had any effect on Appellant's trial and conviction. In fact, in 1992, this Court noted:

Although we cannot know from the facts presented at trial exactly what happened to the victim when she was taken to the desert, we do know that (1) defendant, a convicted pedophile, was seen within yards of the girl literally seconds before she vanished; (2) witnesses identified defendant as the man they saw driving with a young child in his car; (3) defendant was seen later that afternoon with blood on his hands and clothing; and (4) defendant was also seen with cactus needles in his arms and legs.

State v. Atwood, 171 Ariz. 576, 599 (1992).

Appellant's Rule 32.1(e) and (h) Claims

In addition to his *Brady* claim under Rule 32.1(a), Appellant sought post-conviction relief on essentially the same facts under

Rules 32.1(e) and (h). Ariz. R. Crim. P. 32.1(e) allows a defendant to file a claim that "newly discovered material facts probably exist, and those facts probably would have changed the judgment or sentence." Ariz. R. Crim. P. 32.1(h) provides for relief for a defendant who "demonstrates by clear and convincing evidence that the facts underlying the claim would be sufficient to establish that no reasonable fact-finder would find the defendant guilty of the offense beyond a reasonable doubt." See *State v. Pineda-Navarro*, 2017 WL 4927692, at *2 (Ariz. App. Oct. 31, 2017) (mem.) ("[A]ctual innocence means factual innocence, not mere legal insufficiency.") (quotations omitted).

Preclusion

Claims raised under this provision are not subject to preclusion under Rule 32.2(a)(3). Ariz. R. Crim. P. 32.2(b). However, the superior court held that these claims are untimely, finding that Appellant had failed to give sufficient reasons to overcome the untimeliness. The superior court properly dismissed the claims on that basis.

Appellant contends that the superior court's determination was unreasonable, an abuse of discretion, and violated the Supremacy Clause and Appellant's rights to due process and freedom from cruel and unusual punishment. Petition for Review at 22-23 (citing U.S. Const. Art. VI cl. 2; *id.* amend. V, XIV). Appellant further contends

that his notice requesting post-conviction relief presented sufficient reasons for the untimeliness. Appellant also contends that because the superior court "accepted" the notice, the court could no longer dismiss any claims, or the petition, as untimely.

However, in his notice requesting post-conviction relief, Appellant stated that "[a] fuller explanation of why these claims are neither precluded[,] nor untimely is included in [the] contemporaneously filed Petition for Post-Conviction Relief." Appellant cannot now fault the superior court for relying on his statements in his notice. A defendant filing an untimely petition for post-conviction relief must "adequately explain[]" the reasons for the untimely filing. The superior court was not required to find that Appellant's proffered reasons were adequate.

Thus, Appellant has not established that the superior court abused its discretion in finding the claims untimely. Finally, Appellant's argument "submitting this claim for habeas review first was a more expeditious means of having it adjudicated," ignores the fact that for a claim to be presented in a federal habeas corpus petition, it must first be fully exhausted in the state courts. See 28 U.S.C. § 2254(b)(1)(A).

Rule 32.1(e) Claim is Not Colorable

Ariz. R. Crim. P. 32.1(e) states that "newly discovered," facts must be "discovered after the trial or sentencing," the defendant

must have "exercised due diligence in discovering [the] facts," and the facts must be "material and not merely cumulative." This Court has further explained the requirements for a colorable claim of newly discovered evidence:

- (1) the evidence must appear on its face to have existed at the time of trial but be discovered after trial;
- (2) the motion must allege facts from which the court could conclude the defendant was diligent in discovering the facts and bringing them to the court's attention;
- (3) the evidence must not simply be cumulative or impeaching;
- (4) the evidence must be relevant to the case;
- (5) the evidence must be such that it would likely have altered the verdict, finding, or sentence if known at the time of trial.

State v. Amaral, 239 Ariz. 217, 219 ¶ 9 (2016) (citing *State v. Bilke*, 162 Ariz. 51, 52-53 (1989)).

Appellant was not diligent in discovering the facts and bringing them to the state court's attention. Appellant does attempt to explain why he waited a month after filing this claim in his May 4, 2022 application in the Ninth Circuit to file the claim in state court; as noted, this Court finds that Appellant's explanation fails to show diligence.

Additionally, the anonymous tip in the memorandum would not "likely have altered the verdict, finding, or sentence if known at the time of trial." *Amaral*, 239 Ariz. at 219 ¶ 9. The memorandum does nothing to dispute the evidence presented at trial showing that

Appellant kidnapped and killed V.L.H. Further, as noted, it adds little to the evidence available and already presented by Appellant that pointed to Ms. Fries as the person who kidnapped and murdered V.L.H. Accordingly, Appellant is not entitled to relief under Rule 32.1(e).

Rule 32.1(h) Claim is Not Colorable

Appellant claims that the *Brady* material is new evidence showing that Appellant is not guilty of the kidnapping and murder of V.L.H. However, the memorandum about the anonymous phone call does not demonstrate, by "clear and convincing evidence," that Appellant is not guilty.

The comment to Rule 32.1(h) states that a claim under that rule "is independent of a claim under Rule 32.1(e)," and that "[a] defendant who establishes a claim of newly discovered evidence does not need to comply with the requirements of Rule 32.1(h)."

State v. Miles, 243 Ariz. 511, 519 ¶ 35 (2018) (Pelander, J., concurring). Such an application of Rule 32.1(h) would be "at odds with interests of finality and victim rights." *Id.* (citing Ariz. Const. art. 2, § 2.1(A)(10) ("To preserve and protect victims' rights to justice and due process, a victim of crime has a right" to a "prompt and final conclusion of the case after the conviction and sentence"); and A.R.S. § 13-4401(19) (defining "victim" to include a murder victim's relatives "or any other lawful representative of the person")).

Appellant has not made the necessary showing in support of his freestanding actual innocence claim. Appellant has not established even a reasonable probability that the verdict would have been different had the memorandum been presented at trial. Moreover, the memorandum definitely does not provide clear and convincing evidence that "no reasonable fact-finder would find [him] guilty of the offense beyond a reasonable doubt." Rule 32.1(h).

First, the phone call is not evidence that Appellant did not commit the murder. Second the phone call is not evidence that someone else committed the murder. Appellant simply supposes that the phone call was made by Ms. Fries or her son with the intent of leading the investigators away from Ms. Fries.

At best, the memorandum would have allowed Appellant to argue to the jury that Ms. Fries called in the tip and was the true killer. Further, even if Appellant's suppositions and conjecture were true and Appellant could prove it, the memorandum would still not be clear and convincing evidence that Appellant is innocent, and certainly does not clearly and convincingly rebut the evidence showing that Appellant kidnapped and killed V.L.H.

Atwood is not entitled to relief under Rule 32.1(h).

Based on the foregoing,

IT IS ORDERED granting review and denying relief.

IT IS FURTHER ORDERED that Appellant's motion for stay of execution is denied.

DATED this 7th day of June, 2022.

For the Court:

/s/
ROBERT BRUTINEL
Chief Justice

Justice Lopez and Justice Beene did not participate in the determination of this matter.

TO:

Laura P Chiasson
Jeffrey L Sparks
Sam Kooistra
David Lane
Colleen Clase
Frank Jarvis Atwood, ADOC 062887, Arizona State Prison, Florence -
Eyman Complex-Browning Unit (SMU II)
Josh Spears
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Alicia Moffatt
Alberto Rodriguez
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GARY L. HARRISON
CLERK, SUPERIOR COURT
6/6/2022 4:40:58 PM

ARIZONA SUPERIOR COURT, PIMA COUNTY

HON. CATHERINE M WOODS

CASE NO. CR014065
CR015397

DATE: June 06, 2022

STATE OF ARIZONA
Plaintiff,

vs.

FRANK JARVIS ATWOOD
Defendant/Petitioner.

R U L I N G

IN CHAMBERS RE: DEFENDANT'S PETITION FOR POST CONVICTION RELIEF

The Court has received and reviewed Defendant's Petition for Post-Conviction Relief, filed June 2, 2022. The Court has carefully reviewed the Petition and finds that a Response would not aid the Court in determining the matters presented. For reasons stated below, the Court finds that all claims raised in the Petition are precluded and/or untimely. There are no claims that present a material issue of fact or law that would entitle Petitioner to relief under Rule 32, Ariz. R. Crim. P. The Petition shall be summarily dismissed.

Petitioner raises a claim under Rule 32.1(a), concerning an alleged *Brady* violation arising out of the State's failure to disclose a memorandum summarizing an anonymous report that the victim, V.L.H., was seen in a vehicle bearing a specific license plate number. He claims that he became aware of this undisclosed memorandum around the summer of 2021, after his attorneys reviewed the State's evidence files. The Court finds that this claim is precluded under Rule 32.2 (a)(3). Petitioner waived this claim because he did not raise it at trial, on appeal, or in any previous post-conviction proceeding. Although Petitioner could not have raised the issue at trial or on appeal if he only discovered it in the summer of 2021, he certainly could have raised it in his Fourth Petition for Post-Conviction Relief filed on November 19, 2021. Having had the opportunity to raise the issue in a previous Petition, and having failed to do so, Petitioner's claim is waived and therefore precluded under Rule 32.2(a)(3).

Petitioner raises claims for relief under Rule 32.1 (e) and (h) arising out of his discovery in the summer of 2021 that the State failed to disclose the memorandum summarizing an anonymous report that V.L.H. was seen in a vehicle bearing a specific license plate number. The Court finds that these claims under Rule 32.1(e) and (h) are untimely and therefore precluded. The Court finds that Petitioner did not present sufficient reasons

Maria Mendoza
Judicial Administrative Assistant

R U L I N G

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why he failed to raise the claim before June 2, 2021. As noted above, if Petitioner did discover the allegedly undisclosed memorandum in the summer of 2021, he had the opportunity to raise it in his November 19, 2021 Petition. He fails to explain why he did not raise the claims in his November 2021 Petition. He fails to explain why he waited to raise the claims until after the Arizona Supreme Court issued its warrant for execution. He fails to explain why he did not present the claim to this Court at least a month earlier when he raised the same claim in his federal court proceedings. Given the procedural posture of this case, including Petitioner being scheduled for execution on June 8, 2022, it appears likely that Petitioner intentionally refrained from raising the issue sooner in hopes that raising a new claim at this late stage might persuade the Arizona Supreme Court to issue a stay of execution.

IT IS HEREBY ORDERED DENYING relief on all grounds raised in the June 2, 2022 Petition under Rule 32.2 and 32.11, on the grounds that the claims are precluded and/or untimely. The Petition is summarily dismissed.


HON. CATHERINE WOODS
(ID: 9e1fc760-0191-4272-a2f3-e3e02bb9d04f)

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Maria Mendoza
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PIMA COUNTY SHERIFF'S DEPARTMENT

P.O. BOX 910, TUCSON, ARIZONA 85702

Report Number	Incident Location	Class	Dist.	Beat	Page
240917040	1920 West Hadley	26.04	C	20	1 of 8
Connect-Up Report Number	Reporting Officer	Badge	Date	Time	Reviewed By
	Barkman, W.J.	175	20 Sept. 1984		
Typed By	I.D.	Date Typed	Time	Storage Code	
Rodriguez, Adella	1503	9/20/84			
Type: Item: Qty: Disp:	Serial Number:	Description of Property:			Value:

SYNOPSIS: This report deals with an interview of KONNIE D. KOGER on 17 and 18 September 1984.

DETAILS: On Monday, 17 September 1984, at approximately 2320 hours, I had occasion to interview, in the parking lot of the shopping center located on the north east quadrant of Mission and Ajo, an individual who identified herself to me as;

KOGER, Konnie Dee;
White Female; 20 years;
28 July 1964;
7100 West Bopp Road;
883-3647 (Fathers telephone number)
Employed: Cartoon Junction;
4500 North Oracle #618;
887-9306 (employed 1800 through 2100 hours)

Present during the course of the interview, was Sergeant Paul A. Pedersen as well as the witness' husband who periodically was within earshot of the interview, the husband identifying himself to me as;

Koger, Dennis Lee;
White Male; 20 years;
10 June 1964;
7100 West Bopp Road;
883-3647 (Father-in-laws phone)
Employed: Sears Roebuck
4500 North Oracle;
629-2041 (Receiving Department)

24 SEP 1984
P.C.S.D.
12 40

The interview of Koger took place subsequent to her (Koger) placing a telephone call to the "Command Post" established at Homer Davis Elementary School adjacent to the scene of this incident. Generally, Koger informed investigators she had seen the photograph of Vicki Hoskinson during the course of a newscast, Koger recognizing the child as having been at her place of employment earlier in the evening. Investigators at the Command Post informed Pedersen of the telephone call, Pedersen arranging to meet and interview Koger at the shopping center.

Upon arrival at the shopping center, Pedersen and I introduced ourselves both verbally and by showing Koger our credentials. During the course of the interview (which lasted until approximately 0155 hours) I noted Koger to be a caucasian female appearing her stated age of twenty years. Well oriented to time and place, Koger's answers were responsive and appropriate, there was no evidence of any drug or alcohol intoxication, Koger's demeanor being that of sincerity and concern. During the course of the interview, Koger's statements and descriptions were noted to remain consistent, Koger (and her husband) seeming to be sincerely interested in the

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P.O. BOX 910, TUCSON, ARIZONA 85702

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Report Number 40917040	Incident Location 1920 West Hadley	Class 26.04	Dist. C	Beat 20	Page 2 of 8
Connect-Up Report Number	Reporting Officer Barkman, W. J.	Badge 175	Date 9/20/84	Time	Reviewed By
Typed By Rodriguez, Adella	I.D. 1503	Date Typed 9/20/84	Time	Storage Code	
Type	Item	Qty.	Disp.	Serial Number	Description of Property

welfare of the missing child.

At the outset of the interview, Pedersen furnished Koger a color 8 x 10 photograph depicting a smiling Vicki Lynn Hoskinson. Prior to the witness being given the photograph, she was told that we wished her to view a photograph, Pedersen saying words similar to "Is this the child you saw tonight?" or words very similar to that. Upon taking the photograph, Koger looked at the photograph for perhaps five to ten seconds at which time she said "Oh cheesh," then saying "That looks like her". (At the conclusion of the interview, the photograph was marked as evidence by myself and Koger).

Asked to describe the events in a "narrative form" and then being asked specific issue questions, Koger described generally that she was on duty at the "Cartoon Junction" store in the Tucson Mall at "about 7:00 or 7:10 tonight" when she noted a child enter the store in the company of a woman. Koger, who was on duty alone in the store, noted that the child was crying and her first impression was "Its a mother whose gonna buy a toy for her kid to shut her up" or words very similar to that. As she noted the movements of the pair, Koger informed me she heard the child say "I want to go home". The woman responding, "We'll go home" or words very similar to that.

Generally, Koger described how the pair first approached the display of "Cabbage Patch" figurines, later the pair approaching various other areas in the store, Koger noting that the woman "had the little girl by the hand and wouldn't let her go" or words very similar to that. Koger recalls that as she approached the pair, the little girl "hung on" to her (Koger's) leg, the girl continually saying "I want to go home, take me home" or words similar to that. When asked to describe the frequency of these words, Koger stated "she said it over and over".

Recalling the child said "Your not going to take me home" (speaking the words to the woman) Koger recalled the woman said "We'll go home" or words similar to that.

Koger informed me that ultimately the pair purchased a "Garfield doll", paying for the doll with a "twenty dollar bill". Koger recalled that the woman "looked at T-shirts for the girl" the T-shirts being on display near the doorway of the store.

In response to a narrative/specific interview, Koger informed me that she placed the time of the incident at "about 7:00 or 7:10" by relating the incident with a sale she had just made. Koger informed me that "just before" the pair entered the store, she had sold a "Mickey Mouse clock". This clock, on display, had been purchased for "\$39.95", Koger saying "Mickey hadn't struck yet" at the time of the sale. Koger explained that the clock, which was "plugged in" "sings songs ever hour". In this regard, Koger informed me, "Mickey

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Report Number 240917040	Incident Location 1920 West Hadley	Class 26.04	Dist. C	Beat 20	Page 3 of 8	
Connect-Up Report Number	Reporting Officer Barkman, W. J.	Badge 175	Date 9/20/84	Time	Reviewed By	
Typed By Rodriguez	I.D. 1503	Date Typed 9/20/84	Time	Storage Code		
Type	Item	Qty	Disp.	Serial Number	Description of Property	Value

says its time to brush your teeth, or something like that", and Koger recalled that as she was removing the clock from the wall for sale she noted it was "just before 7:00 and Mickey hadn't struck yet", or words very similar to that.

Recalling there may have been "three other people in the store", Koger informed me that she was the only employee in the store. In this regard, Koger stated a fellow employee had left the store momentarily and was not present during the course of the woman and child being in the store.

When asked to describe the woman, Koger described the woman as;

"White or Spanish" (explaining that the woman was "dark" as if she were "Spanish or White but had "laid in the sun alot"); "Thirty to thirty-five years old"; "5'5 or 5'6" (Koger gesturing as she described the woman's height); "Not thin and not real fat but sturdy"; Hair "black to white or white to darker" (Koger explaining the woman's hair had "Obviously been colored, and the roots were starting to show"); The woman's hair was described by Koger as "permmed and growing out", the hair not being "real wavy but not straight" or words very similiar to that; Eyes, no recollection.

When asked to describe how the woman could be "picked out of a crowd", Koger informed me the woman had a prominent nose, describing the nose as "large and it had a hump in it", the term "Roman nose" being offered, Koger agreeing with the description. Further, Koger stated the woman "looked like she needed a bath", stating the woman was not "filthy but she wasn't clean" or words very similar to that.

When asked to describe the woman's clothing, Koger informed me she could not recall any clothing worn by the woman with the exception of the following items:

1. A large brown leather clasp top type purse. This purse was noted to have a shoulder strap attached thereto, the shoulder strap having on it a device used to pad the wearer's shoulder from the strap. Koger recalls the woman carried the purse using the shoulder strap, the pad or "patch" situated on the woman's shoulder. Koger recalls that the purse, measuring by gesture approximately 18" x 12" x 8", had built into it, on it's exterior, two cigarette pouches. Koger recalls that the pouches contained cigarettes, Koger unable to recall if it was one or both of the pouches having cigarettes therein.
2. A brown hat. This hat described as "ugly" and "weird

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Connect-Up Report Number	Reporting Officer Barkman, W.J.	Badge 175	Date 9/20/84	Time	Reviewed By
Typed By Rodriguez, Adella	I.D. 1503	Date Typed 9/20/84	Time	Storage Code	
Type Item	Qly	Disp.	Serial Number	Description of Property	

"looking" was described by Koger as having a round brim, a round crown, and was constructed out of "not straw but a woven type material". Koger recalls a dark hat band to be in place, the band measuring approximately one inch by gesture. Koger recalls the woman to be wearing the hat when she entered the store, Koger noticing the previously described hair when the woman removed the hat upon entering the store.

Koger informed me the woman was not wearing a wedding band. Koger, by habit, looks to see if people are married, Koger having a specific recollection that the woman was not wearing a wedding band. Koger recalled that the woman was wearing earrings, describing them as "like turquoise earrings". Originally unable to recall if the earrings were being worn by the woman or the child, Koger recalled that the woman was wearing earrings saying "I think it was the woman. Yeah, "It was the woman", Koger recalling she mentioned something to the woman regarding how pretty the earrings were. She described the earrings as "dangling on a chain or something", Koger having no recollection of any other items of jewelry being worn by the woman.

When questioned, Koger described the woman's voice as "kind of deep", further describing it as "scruffy". Koger recalled the woman's statements were short and curt, Koger unable to detect any accent or speech impediments.

Koger recalled the woman was carrying a "bag from Mervyns". Koger recalled the Mervyns bag was "kind of brown", further recalling the bag was larger than the bag given the woman at "Cartoon Junction". Koger originally stated she (Koger) thought the Mervyns bag contained a "comforter or towels", explaining she has no recollection of seeing the content. Koger informed me she based her opinion on the touch and feel of the bag's contents, Koger describing the bag's contents as being "soft and bulky, like a bunch of towels or a comforter".

When questioned, Koger informed me that she had no specific recollection of how the woman was dressed, explaining she was "paying more attention to the little girl than to the woman". When asked if she would recognize the woman should she see her again, Koger said "I think so. I think I would", nodding her head in an affirmative fashion.

When asked to describe the child in the company of the woman, Koger described the child as:

"A white female"; "Between five and nine years old"; approximately "3'10" tall (this height was arrived by Koger estimating the height with her hand, the level of her hand

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being leveled with the inferior aspect of my sternum, a distance of 3'10" from the ground); described as "thin"; hair "darker in the picture" (a reference to the previously described 8 x 10 photograph), "still short", being described as "like layered in the back then straight across" (Koger gesturing toward the midline of the neck), Koger, when viewing the photograph described her recollection of the hair as being "a little darker" describing to Pedersen how the hair, in the back, had "just a little curl" as if it "had grown out".

After viewing the photograph, Koger stated "I remember her teeth. Like in the picture. There were no teeth on the sides", or words very similar to that, Koger pointing to the photograph saying "There were spaces on the sides where the teeth hadn't come in", Koger further recalling the child had a soft voice, also recalling the child's ears were pierced and had "rings in them", Koger unable to recall the size, shape, or style of earring.

It should be noted at the outset of the interview immediately after Koger had been given a photograph of Vicki Hoskinson, I asked her "How was the kid dressed?", or words very similar to that. At that time, Koger, after reflecting for perhaps three or four seconds, said "She was dressed patriotic", simultaneously making "up and down gestures" as if she were describing vertical stripes. When asked the specific issue question "What do you recall about her dress", Koger said "There were stripes that went up and down on her", or words very similar to that. At that time, I supplied Koger with a pen and paper, requesting Koger to draw, as best she could, the dress she recalled the child to have been wearing. The drawing was submitted and made part of this case file. Notes made on the side of the drawing by Koger include "had full collar", as well as "elastic waistline", along with "short sleeved", Koger noting "tie shoes"; relatively new, but "worn". In this regard, Koger informed me she has a recollection that one of the child's shoes was untied. Koger informed me the length of the dress was "like to the knee", Koger again mentioning her impression of "the dress was patriotic". When questioned, Koger claims no recollection of evidence of injury or abuse on the child.

Koger informed me she recalls the child was "crying". Stating she could see "tears", Koger stated it was her impression the child had "been crying for awhile", Koger explaining how the child was "whimpering" or "trying to stop from crying". Originally having the impression that "this was a kid that was mad at her mother", Koger informed me she now feels that the woman was holding unto the child because "She was afraid the child would run away". In this regard, Koger informed me that the woman "held on to the little girl all the time" Koger recalling the woman grasped the child by the wrist.

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As mentioned, Koger recalls the pair originally approached a display of "Cabbage Patch" figurines, at which time the woman said to the child, "Do you want this", the child saying "No". At that time, Koger recalls the woman "pulled her around the counter", and the pair began walking toward the display of "stuffed animals". Koger recalls that at this time she approached the couple, greeted the woman, the woman not acknowledging nor responding to Koger's greeting even though she (the woman) saw Koger put her (Koger's) arm around the child.

Recalling that it was at this point and time that the "little girl sort of put her arm around my leg", Koger recalled that the woman "kept holding on to the little girl". Koger recalled that the child shyed away from the woman's touch, the child continuing to "hang on" as the trio examined the stuffed animal display.

Leaving the stuff animal display, the group walked to the display of "Garfields". At that time, a "halloween Garfield" was purchased, this toy being a figure of the cartoon character cat "Garfield" clad in a "red cape and carrying a pitchfork".

Walking toward the checkout counter, Koger watched as the woman opened the previously described purse. Koger recalled the woman produced a "white bank envelope" from where she produced a twenty dollar bill. Koger recalls there were other bills in the envelope, Koger unable to recall the quantity or denomination of the remaining bills.

Koger recalled that the Garfield was placed into a blue paper sack along with a receipt, at which time the woman "pulled the little girl out of the store". Duplicate "Garfields", blue sacks and "Cartoon Junction" receipts are available.

As mentioned, the child "over and over" said "I want to go home", as well as "take me home", and similar statements. It was during this time that the woman looked at Koger and said, "I have visitation tonight", or words very similar to that, the woman telling the child "We'll go home".

Koger recalled that while standing at the Garfield display she heard the child's "stomach growl". At that time, Koger asked the child if she had had supper, the child saying "No".

After the woman and child left the store, Koger recalls she waited on two more customers. The final customers having left the store, Koger walked out of the store to the balcony. At that time Koger noted the woman and child to have exited an elevator in the mall, Koger watching the pair. Koger recalls the pair then went to the "bench by the water thing" (apparently a reference to a fountain) at which time she noted a conversation to take place between the woman

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and a male.

Estimating the distance by fixed objects in the parking lot, Koger described the distance as being approximately 175 yards. Describing her vision as "nearsighted", Koger described the male seated on the bench as:

"White male"; "Had a beard, brown hair" and was "wearing blue jeans".

When questioned specifically as to the race or age, Koger was unable to state an age, saying "I think he was white".

Koger recalled that the woman and child approached the man, the child still being held by the woman. Koger recalled the female stood directly in front of the man, and apparently "said something". She noted the man "nodded" at which time the woman "left".

Obviously unable to over hear the conversation, Koger stated her impression was that the man and woman knew each other, recalling that the woman continued walking with the child in tow after concluding the conversation.

Koger stated that upon returning to her residence, she was watching the "back half" of the Channel 13 television news. Koger recalled that she saw a "picture flashed on the screen", Koger thinking to herself, "My God, I've seen that kid". Stating she had to "Stop and think", Koger stated she thought to herself "I know I've seen that face, where did I see it?" After approximately "five minutes", Koger states she approached her husband and said "This is weird, I've known I've seen that kid somewhere", at which time it "dawned on me", Koger making the previously described telephone call to investigators.

At 0020 hours, I asked the specific issue question "Do you think that the little girl in this photograph is the same little girl you saw in the store tonight", to which Koger replied, "Yes, I do."

At approximately 0140 hours, Deputy Lee Ann Dobbertin, #598, arrived at the scene. At that time, Dobbertin had in her possession a dress that is property of Vicki Hoskinson. This dress is purportedly identical to the dress Hoskinson was wearing at the time of her disappearance with the exception of a color variation. This dress can be described as:

Red, white, and purple, striped "King Koli" size 14 dress. This dress has a red waist sash, and was marked by myself and Dobbertin.

Giving the dress to Pedersen, Pedersen explained to the witness that

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the dress we were going to show her was similiar except the colors were different on the collar and lower border. Upon being shown the dress, Koger said "Oh, God, that's 'creepy". Koger asked that the child's 8 x 10 photograph be placed into the neck opening of the dress, at which time, after viewing the dress for 10 seconds or so, Koger said "That sure looks like it, but the colors are different. This is red and this is red", pointing to the collar and lower border. Koger then said, "Yeah, it sure looks like it".

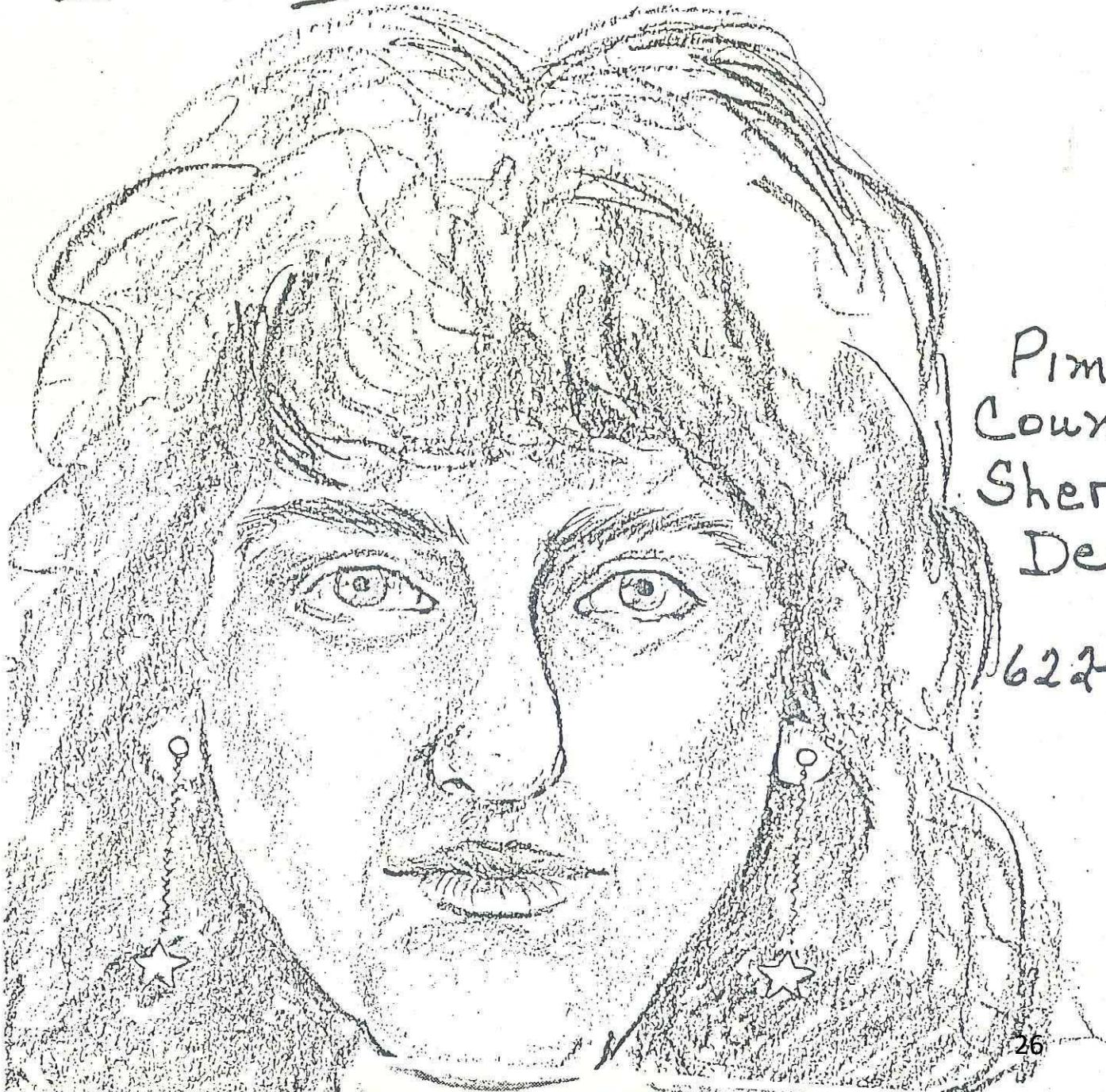
At 0155 hours on Tuesday, 18 September 1984, I asked Koger if there was anything important that I hadn't mentioned, or if there was anything she wanted to add, Koger replying in the negative. At that time, Koger agreed to occupying Identification Officer Bright in order to obtain an artist rendering of the woman seen with the child.

It should be noted that between the times of the interviews beginning (2320 hours) and its termination at (0155), several interruptions occurred involving telephone calls received and made by investigators, radio traffic and other matters.

No further information at this time.

W. James Barkman, #175
Deputy Sheriff
Intelligence Unit

Looking for this woman!



Pima
County
Sheriff's
Dept.

622-3366



Disclosures Made JUL 5 1985

TUCSON ARIZONA

PIMA COUNTY SHERIFF'S DEPARTMENT

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On 9-18-84 this officer and Dep. M. Lepird #276, along with several other Sheriff's Deputies and F.B.I. agents, were assigned to go to the Tucson Mall, at 4500 N. Oracle Rd., and interview merchants. We showed pictures of Vicki Hoskinson and suspect drawing.

At approx. 1550 hrs. we went to the store of; and contacted the following:

Peck & Peck

Kelly Kempton = At store till 1800 hrs.. Did not see or 2302 E. Ft. Lowell recognize.
Tucson, Arizona
Phone: 881-6465

Kim Ziegler = At work from 1000 till 1800 hrs.. Did not see. Drawing of woman " Looks like the manager of the Wherehouse records store ".
4971 N. Kain Tucson, Az.
phone: 888-7234

Janet English = Didn't works 9-17-84. Do not 3737 N. Country Club#302 recognize
south
Tucson, Az.

Marco

Tricia Martinjack = Worked in store till 1800 hrs. then 2460 E. Mitchell shopped in Mall till 1845 hrs.. Don't Tucson, Az. recognize.
Phone: 881-3907

Debbie Ault = Did not work 9-17-84
715 W. Burton Tucson, Az.
Phone: 297-5154

Scanda Down

Louane Schaefer = Store Mgr.. Did not work 9-17-84. Do 4225 N. 1st. Ave.#2208 not recognize.
Tucson, Az.
Phone: 888-7505

Seville Jewelers

Daniel Esposito = Worked 1330 to 2100 hrs.. Do not 1901 N. Wilmot recognize.
Tucson, Az.
Phone: 296-7420

Gustavo Rodriguez = Worked 1200 till 1800 hrs.. Do not 4507 S. 15th Ave recognize.
Tucson, Az.
Phone: 294-9027

(Continued)

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Seville Jewelers -continued

Diana Lytle = Worked 9-17-84 from 0900 till 1430
 7645 E. Hampton Pl. hrs.. Do not recognize.
 Tucson, Az.
 Phone: 298-8732

First Federal Savings David Kanto = Worked till 1800 hrs.. Don't recall
 613 W. Limberlost seeing. Subject in drawing looks
 Tucson, Az. failure, possibly from downtown Br.
 Phone: 887-7536

Shirley Danner = Worked till 1830 hrs.. Do not
 5000 N. La Cholla #27 recognize.
 Tucson, Az.
 Phone: 293-5451

Jeff Makiri = Worked till 1830 hrs.. Do not
 P.O. Box 42073 recognize.
 Tucson, Az.

Tania Hoyt = Did not work 9-17-84. Do not
 424 E. Suffolk Dr. recognize.
 Tucson, Az.
 Phone: 297-3622

Brighton Station Heather Searle = Worked from 1700 till 2400 hrs..
 2401 E. Glenn apt.#59 Do not recognize. Was a slow day
 Tucson, Az. would have noticed kids.
 Phone: 325-0713

Today's Kids Lisa Duffy = Worked. Do not recognize.
 4225 E. Frankfort
 Tucson, Az.
 Phone: 574-0443

Merry Kay Milam = Subject (drawing) looks
 3985 N. Stone Ave. apt.#1876 failure. Thinks she saw
 Tucson, Az her in the " Picnic " area
 Phone: 888-1978 in the Mall at approx. 1330
 to 1430 hrs. 9-17-84.

Burger Express Kimberly Ann Hilbert W/F 1-4-69 (15 yrs.)
 3868 E. Glenn
 Tucson, Arizona Works part time. Student Catalina H.S.
 Phone: 881-4281

Ms. Hilbert advised that she had seen and heard the report on television that Vicki Hoskinson had been seen in the Mall on Monday, 9-17-84.. She further advised that

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she was sure that she had seen the same lady with the Missing girl. I showed Ms. Hilbert a photograph of Vicki Lynn Hoskinson and the composit drawing of the female subject that was reportedly seen with Vicki at the Mall. Ms. Hilbert stated that she was sure that she had seen both subjects going past the " Burger Express " on Monday (9-17-84) at approx. 1645 to 1700 hrs.. She described the female subject as follows:

Female/ (Possibly a light complected Mexican) approx. 32 yrs. old
 5-7 or 5-8, " Medium build "
 Shoulder length " Dark brown " hair with " Gray in front "

wearing: Straight leg " Levis " with a " White Polo T-shirt "
 " Sunglasses on top of her head "
 Only jewelry noted was a " Necklace " as a " Gold chain "

Carrying: a " Large brown leather purse "

Ms. Hilbert advised that she was sure that it was the same little girl as she was wearing the same striped dress that she had seen on television.

She did not hear any conversation between the lady and child. She advised that they were going past (West to East) and that the lady was kind of " Pulling the girl along ", or words to that effect. The woman was not " Dragging the girl along " but Ms. Hilbert said that now that she has heard about the missing girl she was sure that the girl was putting up a resistance.

Ms. Hilbert advised that she was sure that she would be able to recognize the girl and the lady if she saw either again.

Another employee at the Burger Express that was identified as working on the evening of Monday 9-17-84 is

Jeannie Martinez
 146 E. Kelso apt.F
 Tucson, Arizona
 Parents Phone: 889-0700

Later I contacted Ms. Martinez on 9-19-84. She advised that she was " Working the Front " and didn't recall seeing either the girl or the lady. She advised that she worked from 1600 to 2130 hrs..

After I spoke to Ms. Hilbert, I was directed to another subject who works in the " Picnic " area that was advising that she too had possibly seen the missing girl and the female subject. The subject works at and identified herself as follows

Hot Dog on a Stick Teri Pongratz

Ms. Pongratz advised, after looking at the photo of Vicki and the drawing of the female subject, that she had seen the two in the Mall on Monday evening. She advised

Measures Made JUL 5 1985 1

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that she could recall the two because they had stopped at the " Hot Dog on a Stick " and that the child was complaining and the woman was being real strange. She went on to say that she recalled that the woman " Ordered only one hot dog " and " Two lemonades " or " Two hot dogs and one lemonade ". She advised that she (Pongratz) felt that the woman was being very harsh with the girl. I ask about some more details and Pongratz referred me to a subject who works with her. She identified herself as

Sylvia Graham
1800 W. Linden
Tucson, Arizona
Phone: 882-8356

Ms. Graham advised that she could recall the same couple. She advised that she had just gotten off work, so advised that the time was approx. 1830 hrs.. She advised that she too felt that the woman was acting harshly to the girl. After I had shown both Ms. Pongratz and Ms. Graham the picture of Vicki and the drawing of the female they both said they felt that it was the same lady. They both advised that they felt that they have seen the female subject in the Mall on other occasions. The woman was described as

White/ Female early 30's with " Light complexion " with " Curly brown " hair

It should be noted that the " Hot Dog on a Stick " is located in a very close proximity to the " Burger Express " food stand.

After completing the above interviews I continued contacting other merchants in the Mall. Those contacted were as follows

Kit's Cameras

Doris Robinson
6865 N. Pomona
Tucson, Az.
Phone: 742-4326

= Advised that she didn't work on 9-17-84. Does not recognize girl or the woman.

Jerry Robinson
same as above

= Contacted on 9-19-84. Advised that he felt that he has seen the woman before.. Does not remember seeing the girl.

Wild West T-shirts

Carol Barleycorn
345 N. Park
Tucson, Arizona
Phone: 884-5142

= Contacted on a follow up visit to the Mall 9-19-84. Worked on 9-17-84. Thinks she has seen woman in the drawing around the laundromat near her residence / on 6th street.

Valet Parking
service

Jeff Barr
&
Nicholas Godbold

= Both shown the picture of Vicki and the drawing of the woman. Do not recall seeing either.

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Tucson Mall merchants continued

Cutlery World	Zach Mesel 3985 N. Stone #122 Tucson, Arizona Phone: 888-9240	= Worked from 1500 to 2100 hrs. on 9-17-84. Do not recall seeing the girl. Womans face is familiar.
Foot Locker	Robert Barton	= Worked 9-17-84. Don't recognize either.
Zarfass	Veronica Reyna 6141 E. 27th Tucson, Arizona Phone: 747-7051	= Worked from 1000 to 1800 hrs. don't recognize either
	Kathy Johnson 1701 S. Burning Tree Tucson, Arizona Phone: 298-7724	= Contacted 9-19-84. Worked 9-17-84. Do not remember seeing either. The woman in the drawing looks familiar.
	Michelle Johnson same as above	= contacted 9-19-84. Worked 9-17-84. Don't recognize.
Learners	Justine Jurek 2656 W. Milton #9 Tucson, Arizona Phone: 883-0676	= Didn't work 9-17-84. Do not recognize either.
	Judy Mullen 340 E. Cambridge Tucson, Arizona Phone: 297-5612	= Did not work 9-17-84. Woman in the drawing looks familiar.
Kay Bee Toy Store	Tim Derrig 3730 N. Oracle RD. Tucson, Arizona	= Worked till 1800 hrs.. Knows he did not see the girl. Possibly has seen the woman before.
	Judi Mc Cormick Lot # 71 Oracle Junction, Az.	= Worked till 2130 hrs.. Does not recognize either.
	Karen Marble Phone: 745-5884	= Worked & would have made a sale if anything was purchased. Don't recognize.
	Manuel Amado Phone: 293-8249	= Worked 9-17-84. Can't remember either subject.

No further contacts made at the Tucson Mall.

Exhibits Made JUL 5 1985 1

88 CRIME

CALLER STATES THAT PICTURE
IS ANNETTE PRIES. 5-5 120
BLK-BRN. APPREHENDS ARE
5722 N. TRISHA
3152 N. SHAWNEE 293-4370

Call: Jeanita Morens
2518 N. Jordan Drive
882-0293

Worked with woman at
Ski Center -
Grant Rd. 1869 W. Grant Rd.
*Annette Fries - 293-4370
age 43 - 5'3" - #130
Olive Skin - 3100 N. Shawnee
got very upset with the people around
her.

Nancy

742-5456

She works at K-Mart on
Miracle Mile + sees this woman
all the time. She is very
weird, every security keeps
an eye on her. She is 5'6,
stocky, + grubbily dressed.
Olive complexion.

9/24/84
4:50

Steve Lou
motor vehicle Dept
628-1331 - Ext 19

710

Ann Fries, answers description of
lady in complaint, used to sell
newspaper subscriptions to people
getting licenses. Very strange acting,
lives in Sunset & La Cholla area.

LINDA UREN 9125184
882-2820 8 tape

Woman @ motor vehicle
matching composite

Annie Fries
lives in Sunset Road area
on Lucia Lane

Ed Foote heard it!

DECLARATION OF NATASHA HERNANDEZ

I, Natasha Hernandez, declare under penalty of perjury, the following to be true to the best of my information and belief:

1. I am the ex-wife of Joshua Jay Slagle. We have been divorced since 2018.
2. I know Josh Slagle's grandmother, Annette Fries, and his father, Todd Fries.
3. In 2005 when I was a pupil at a beauty college near Wetmore and Oracle in Tucson, Annette Fries would come in to have her hair done. Josh Slagle and I were in a relationship at the time, but not yet married. I didn't know Annette well but knew she was Josh's grandmother, so I wanted to help her out. I did her hair two or three times.
4. One day after Annette had been in, a fellow student pulled me aside and said I shouldn't do Annette's hair. When I asked her why, she said Annette had molested her and a sibling when they were small children. If she told me what form this molestation took, I do not recall it. The student said Annette was "a horrible person. Don't you know who she is? Stay away from her!"
5. I do not recall name of the student who told me this. I do recall that she was white and seemed middle class. She wasn't among my circle of friends at

the school, and I don't think I ever spoke to her again about what she had told me, or anything else.

6. I went home and told Josh what my fellow student had told me. He said he wasn't surprised because he thought Annette was a weirdo.

7. I never told anyone other than Josh about the molestation allegation. I was embarrassed that somebody would say such a thing about my boyfriend's grandmother, so I kept it to myself.

8. I asked that Annette no longer be booked to have her hair done by me. I tried to avoid her in general.

9. I never spent much time around Todd or Annette Fries. My impression was that Annette, Todd, and Josh all hated one another.

10. Even before I was told of the molestation, neither Josh nor I trusted Annette around our children. We were especially on guard afterward. We did not want the children around Annette or Todd Fries at all.

11. Todd Fries was an extremely vulgar man. He would make unbelievable comments about me to Josh in my presence. He said I had "nice tits," and once told Josh, in front of me, and referring to me, "Imagine all the ways you could fuck that." I was appalled.

I have read the foregoing declaration consisting of three pages and 11 paragraphs. I declare under penalty of perjury under the laws of the State of Arizona and the

United States of America that it is true and correct. Signed this 21 day of April, 2022, at Pima County, Arizona.

A handwritten signature in black ink, appearing to read "Natasha Hernandez".

Natasha Hernandez

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Memorandum

TO : SAC, PHOENIX (7-1196) (P) **DATE:** 9/19/84

FROM : SA DAVID LINCOLN SMALL

SUBJECT: UNSUB;
VICKI LYNN HOSKINSON - VICTIM
KIDNAPING
OO: PX

At 10:27 a.m., 9/19/84, PXPD advised via their Chase Channel they had received an anonymous phone call from a female who stated that she saw captioned victim in a vehicle bearing Arizona license 3AM618.

Vehicle registration is set out on attached printout.

At 10:45 a.m., SA Michael C. Roof advised SRA Dick Rogers of these facts.

② - Phoenix

DLS:jlm
(2) jlm



7-1196-3
Bagley
Route 1
a/19/84
to Rogers
Rogers
1984
Rogers

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

MVD.18-01 RR.FBIPX010.AZ0000000.TXT LIC/3AM618.

(LIC:3AM618-73 TAB:107U43 EXPIRE: 02/85 CURRENT:031784 00
VIN:RN42080421 VYR:80 VMA:TOYOT VMO: VST:TK
NAM:RICHARD,L,RHOADS JR ADR:5742 N TRISHA LANE
① CTY:TUCSON ST:AZ ZIP:85704 GVW:008000
TTL:F045696 ST:AZ DTE:060680
1ST LIEN:FIRST NAT'L BANK OF AZ AMT: 5641.56 DATE:030380
② ADDR:555 N WILMOT CTY:TUCSON ST:AZ

10:27 AM

See Dick Rogers advised
10:48 AM
9/19/84

rod